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189

Vol.42—No.189  
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BOOK 1:  
PAGES  
51557-51978

BOOK 2:  
PAGES  
51979-52362

BOOK 1 OF 2 BOOKS

THURSDAY, SEPTEMBER 29, 1977



## highlights

### IMPORTANT NOTICE TO FEDERAL AGENCIES

For information on new billing codes required on all documents submitted for publication in the Federal Register after October 1, 1977, see back cover of this issue.

### SUNSHINE ACT MEETINGS

51726

### NATIONAL EMPLOY THE HANDICAPPED WEEK

Presidential proclamation 51557

### INCOME TAXES

Treasury/IRS proposes regulations relating to Federal collection and administration of qualified State individual income taxes; comments by 12-14-77 (Part IV of this issue) 51790

### NATIONAL FLOOD INSURANCE PROGRAM

HUD/FIA publishes rules pertaining to communities eligible for sale of insurance; changes in special hazard areas; and appeals for final flood elevation determinations (26 documents) (Part III of this issue) 51776-51788

### WATERWAY SAFETY

DOD/CG/Engineers Corps transfer of jurisdiction and waterways navigation regulations (2 documents); effective 9-29-77 (Part II of this issue) 51758, 51773

### HAZARDOUS WASTE

EPA publishes supplemental advanced notice of proposed rulemaking; comments by 11-9-77 51625

### BUMPER STANDARDS

DOT/NHTSA proposes to permit a limited amount of damage to filler panels and store shields on vehicles manufactured on or after 9-1-79; comments by 11-31-77 51631

### STATE AND LOCAL ECONOMIC DEVELOPMENT

Commerce/EDA revises grant regulations; effective 9-29-77; comments by 10-31-77 51559

### FINANCIAL ASSISTANCE, LOCAL GOVERNMENTS

Interior/BLM adopts procedures for payments in lieu of taxes to qualified local units; effective 9-30-77 51580

CONTINUED INSIDE

189  
Federal Register

V 42-189

SEP 29 77

UMI

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/ADAMHA			HEW/ADAMHA
	HEW/CDC			HEW/CDC
	HEW/FDA			HEW/FDA
	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

\*Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

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FEDERAL REGISTER, VOL. 42, NO. 189—THURSDAY, SEPTEMBER 29, 1977

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Subscription problems (GPO)	202-275-3050
"Dial-A-Regulation" (recorded summary of highlighted documents appearing in next day's issue).	202-523-5022
Scheduling of documents for publication.	523-5220
Copies of documents appearing in the Federal Register.	523-5240
Corrections.	523-5286
Public Inspection Desk.	523-5215
Finding Aids.	523-5227
Public Briefings: "How To Use the Federal Register."	523-5282
Code of Federal Regulations (CFR).	523-5266
Finding Aids.	523-5227

PRESIDENTIAL PAPERS:

Executive Orders and Proclamations.	523-5233
Weekly Compilation of Presidential Documents.	523-5235
Public Papers of the Presidents	523-5235
Index	523-5235

PUBLIC LAWS:

Public Law dates and numbers	523-5237
Slip Laws	523-5237
U.S. Statutes at Large	523-5237
Index	523-5237

U.S. Government Manual

523-5230

Automation

523-5240

Special Projects

523-4534

HIGHLIGHTS—Continued

URANIUM

ERDA sets forth policy for supplying natural and enriched uranium; effective 11-28-77; and announces separate work and base charges for uranium hexafluoride; effective 3-28-77 (3 documents) 51635, 51636

AVIATION

DOT/FAA publishes advisory circular checklist and notes status of Federal Aviation Regulations (Part V of this issue) 51810

FEDERAL ELECTIONS

FEC publishes Advisory Opinion Requests; comment by 10-3-77 51839

PRIVACY ACT

HUD/Secy amends routine uses; comments by 10-27-77 51669

ANNUAL PUBLICATION

HEW publishes systems of records and rules (Part X of this issue) 51922

MEETINGS—

Commerce/Census: American Marketing Association Advisory Committee, 10-28-77	51635
NOAA: Caribbean Fishery Management Council, Scientific and Statistical Committee and Advisory Panel, 10-18 thru 10-20-77	51635
DOT/CG: Coast Guard Academy Advisory Committee, 10-18 and 10-19-77	51688
Research Advisory Committee, 11-16-77	51688
OHMO and EPA: Development of regulations for the Transportation of Hazardous Waste, 11-9-77	51625
FEA: Anthracite Coal Conference, 10-13-77	51653
GSA: Regional Public Advisory Panel on Architectural and Engineering Services, 10-12 and 10-13-77	51667
Interior/BPA: Alumax Draft Environmental Statement, 11-22-77	51671
Draft Environmental Statement, various dates in October and November, 1977	51671

NASA: Historical Advisory Committee, 11-4-77	51673
Space Program Advisory Council (SPAC), Life Sciences Committee, 11-1 and 11-2-77	51673
Space Science Steering Committee Out of Eclipse (OOE) Mission ad hoc Advisory Subcommittee, 10-18 thru 10-21-77	51674
National Advisory Council on Economic Opportunity: Rural and Urban Coordination Committee, 10-19 and 10-20-77	51673
National Advisory Council on Extension and Continuing Education, 10-17-77	51673
NSF: Advisory Council Task Group No. 1, 10-17-77	51674
International Decade of Ocean Exploration: Proposal Review Panel, Various Subpanels, 10-17 thru 10-21-77	51674
Office of Telecommunications Policy: U.S. INMARSAT Preparatory Committee Working Group, 11-1, 11-22, 12-13-77, 1-5 and 1-31-78	51681
International Joint Commission: Poplar River Water Quality, 11-2 and 11-3-77	51672

SEPARATE PARTS OF THIS ISSUE

Part II, DOT/CG	51758
Part III, HUD/FIA	51776
Part IV, Treasury/IRS	51790
Part V, DOT/FAA	51810
Part VI, FEC	51839
Part VII, Interior/FWS	51842
Part VIII, State/Secy	51856
Part IX, OMB	51876
Part X, HEW/Secy	51922

FEDERAL REGISTER, VOL. 42, NO. 189—THURSDAY, SEPTEMBER 29, 1977

V 4 2 1 8 9

SEP 29 77

UMI



# contents

## THE PRESIDENT

Proclamations  
Handicapped, National Employ-  
the, Week..... 51557

## EXECUTIVE AGENCIES

**AGRICULTURAL MARKETING SERVICE**  
Rules  
Avocados grown in So. Florida..... 51605  
Oranges (Valencia) grown in Ariz.  
and Calif..... 51603  
Potatoes (Irish) grown in Colo..... 51604

**AGRICULTURE DEPARTMENT**  
See also Agricultural Marketing  
Service; Commodity Credit Cor-  
poration; Farmers Home Ad-  
ministration; Forest Service.

**Notices**  
Organization, functions, and au-  
thority delegations:  
Forest Service personnel em-  
ployed as criminal investiga-  
tors; authority to administer  
oaths..... 51634

**ARMY DEPARTMENT**  
See Engineers Corps.

**BONNEVILLE POWER ADMINISTRATION**  
**Notices**

Environmental statements; avail-  
ability, etc.:  
Pacific northwest power supply  
system..... 51671  
Meetings:  
Alumax draft environmental  
statement..... 51671

**CANADA AND UNITED STATES-  
INTERNATIONAL JOINT COMMISSION**

**Notices**  
Poplar River water quality: hear-  
ings..... 51672

**CENSUS BUREAU**

**Notices**  
Meetings:  
American Marketing Associa-  
tion Census Advisory Com-  
mittee..... 51635  
Surveys, determinations, etc.:  
Canned foods; distributors'  
stocks..... 51635

**COAST GUARD**

**Rules**  
Cargo, oceanographic, and unin-  
spected vessels:  
Vessel control and miscellaneous  
systems and equipment; colli-  
sions at sea prevention; cor-  
rection..... 51607  
Ports and waterways safety:  
Vessel traffic systems and in-  
land waterways navigation;  
transfer of regulations from  
Engineers Corps..... 51758  
Tank vessels:  
Stability requirements..... 51607

## Notices

Meetings:  
Coast Guard Academy Advisory  
Committee..... 51688  
Research Advisory Committee..... 51688

## COMMERCE DEPARTMENT

See Census Bureau; Economic De-  
velopment Administration; Na-  
tional Oceanic and Atmospheric  
Administration.

## COMMODITY CREDIT CORPORATION

**Proposed Rules**  
CCC Non-Commercial Risk As-  
surance Program, notice of in-  
tent to publish..... 51609

## DEFENSE DEPARTMENT

See Engineers Corps.

## DRUG ENFORCEMENT ADMINISTRATION

**Notices**  
Schedules of controlled sub-  
stances; production quotas:  
Thebaine..... 51672

## ECONOMIC DEVELOPMENT ADMINISTRATION

**Rules**  
Technical assistance, research and  
information:  
State and local economic devel-  
opment planning grants..... 51559

## ECONOMIC OPPORTUNITY, NATIONAL ADVISORY COUNCIL

**Notices**  
Meetings..... 51673

## ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

**Notices**  
Uranium hexafluoride; charges,  
enriching services, specifica-  
tions, and packaging (2 docu-  
ments)..... 51635, 51636  
Uranium supply policy..... 51636

## ENGINEERS CORPS

**Rules**  
Navigation regulations:  
Anacostia River restricted area..... 51574  
Inland waterways, certain;  
transfer to Coast Guard..... 51773

## Proposed Rules

Navigation regulations:  
Lake Washington Ship Canal,  
Wash..... 51618

## ENVIRONMENTAL PROTECTION AGENCY

**Rules**  
Air pollutants, hazardous; Na-  
tional emission standards:  
Units and abbreviations..... 51574  
Pesticide programs:  
Aldicarb; residue tolerance on  
bananas..... 51580  
Water pollution control:  
Aquifers, sole source projects re-  
view; Edwards Underground  
Reservoir, Tex..... 51574

## Proposed Rules

Air pollution control, new motor  
vehicles and engines:  
Emission control system per-  
formance warranty; short test  
establishment; extension of  
time..... 51620  
Air quality implementation plans:  
Gas turbine installations; pre-  
construction review..... 51620  
Solid waste; management, treat-  
ment, etc.:  
Hazardous waste, transportation  
and disposal; development of  
regulations with DOT; meet-  
ing..... 51625  
Water pollution control:  
Aquifer areas, sole or principal  
source..... 51620

## Notices

Environmental programs, air and  
water pollution, pesticides, etc.:  
public participation in regula-  
tory process; subject list..... 51641  
Pesticide applicator certification  
and interim certification;  
State plans:  
Montana..... 51650  
Pesticide registration:  
Applications..... 51639  
Heptachlor/chlordane; can-  
celled..... 51637  
N-Nitroso contaminants; data  
requirements..... 51640  
Pesticides; specific exemptions  
and experimental use per-  
mits:  
Chevron Chemical Co..... 51637  
Louisiana..... 51649  
Washington State Department  
of Agriculture..... 51650

## EXTENSION AND CONTINUING EDUCATION, NATIONAL ADVISORY COUNCIL

**Notices**  
Meetings..... 51673

## FARMERS HOME ADMINISTRATION

**Rules**  
Emergency livestock line of credit  
guarantees:  
Guaranteed loans; editorial  
changes..... 51606

## FEDERAL AVIATION ADMINISTRATION

**Rules**  
Aircraft products and parts, certi-  
fication:  
Air taxi operators of large air-  
craft; special flight permits  
issued with continuing au-  
thorization..... 51561  
Airworthiness directives:  
Enstrom (2 documents)..... 51562, 51563  
McCauley..... 51563  
Rolls Royce Dart..... 51564  
Sikorsky..... 51565  
Control zones..... 51567  
Standard instrument approach  
procedures..... 51567  
Transition areas (3 documents)..... 51566

## Notices

Advisory circular checklist and  
status of FAA regulations..... 51810

## FEDERAL COMMUNICATIONS COMMISSION

### Rules

Maritime services:  
Emergency position indicating  
radiobeacons on certain fre-  
quencies; correction..... 51584

### Proposed Rules

FM broadcast stations; table of  
assignments:  
California..... 51629  
Utah..... 51630

### Telephone companies:

Impact of customer provision of  
terminal equipment on juris-  
dictional separations..... 51628

Integration of rates and services  
between U.S. and Hawaii  
Alaska, Puerto Rico, and Vir-  
gin Islands..... 51628

### Notices

Hearings, etc.:  
American Telephone & Tele-  
graph Co..... 51651  
Deer Lodge Broadcasting, Inc..... 51652  
Schwartz, William J..... 51653

## FEDERAL ELECTION COMMISSION

### Notices

Advisory opinion requests..... 51839

## FEDERAL ENERGY ADMINISTRATION

### Notices

Appeals and applications for ex-  
ception, etc.; cases filed with  
Exceptions and Appeals Of-  
fice:  
List of applicants, etc..... 51654

Environmental statements; avail-  
ability, etc.:  
Strategic petroleum reserves..... 51657

Meetings:  
Anthracite Coal Conference..... 51653

## FEDERAL INSURANCE ADMINISTRATION

### Rules

Flood Insurance Program, Na-  
tional:  
Communities eligible for sale of  
insurance (2 documents)..... 51776  
Flood elevation determinations,  
etc. (24 documents)..... 51777-51788

## FEDERAL MARITIME COMMISSION

### Notices

Agreements filed, etc.:  
Java/New York Rate Agreement  
et al..... 51657  
Lykes Bros. Steamship Co., Inc.,  
et al. (2 documents)..... 51658

## FEDERAL POWER COMMISSION

### Proposed Rules

Electric utilities:  
Statements and reports (sched-  
ules); electric plant fuel cost  
and quality reports; form 423..... 51609

### Notices

Hearings, etc.:  
Brecht, Warren F..... 51667  
Brown, Maurice L., Co..... 51660  
Central Hudson Gas & Electric  
Corp..... 51658  
Colorado Interstate Gas Co..... 51659  
Commercial Pipeline Co., Inc..... 51659  
Georgia Power Co..... 51660

## CONTENTS

Gulf States Utilities Co..... 51660  
Holyoke Water Power Co. et al..... 51660  
Northern States Power Co. (6  
documents)..... 51663, 51664  
Northwest Pipeline Corp..... 51664  
Panhandle Eastern Pipe Line  
Co. et al. (2 documents)..... 51664, 51665

Public Service Co. of Oklahoma..... 51666  
Sea Robin Pipeline Co..... 51668  
South Georgia Natural Gas Co..... 51666  
Tampa Electric Co..... 51666  
Transco Exploration Co..... 51666  
Utah Power & Light Co..... 51667

## FISCAL SERVICE

### Notices

Surety companies acceptable on  
Federal bonds:  
Minnesota Trust Co. of Austin;  
correction..... 51688

## FISH AND WILDLIFE SERVICE

### Rules

Hunting:  
Klirwin National Wildlife Ref-  
uge, Kans..... 51603

Migratory bird hunting:  
Seasons, limits, and shooting  
hours establishment; etc..... 51587

### Notices

Endangered species permits; ap-  
plications (11 documents)..... 51842-  
51853

## FOREST SERVICE

### Notices

Environmental statements; avail-  
ability, etc.:  
Eastern Region, herbicide use..... 51634  
Rogue River National Forest,  
10-Year Timber Management  
Plan..... 51634

## GENERAL SERVICES ADMINISTRATION

### Notices

Meetings:  
Regional Public Advisory Panel  
on Architectural and Engi-  
neering Services..... 51667

## HAZARDOUS MATERIALS OPERATIONS OFFICE

### Proposed Rules

Hazardous waste, transportation  
and disposal; development of  
regulations with EPA; meet-  
ing; cross reference..... 51631

## HEALTH CARE FINANCING ADMINISTRATION

### Rules

Public assistance programs:  
Contracts for providing or pay-  
ing for services..... 51583  
Medical assistance program,  
title change; correction..... 51582

## HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Health Care Financing  
Administration; Social Security  
Administration.

### Notices

Inpatient hospital deductible FY  
1978..... 51669  
Privacy Act; systems of records;  
access regulations and annual  
republication..... 51922

## HEARINGS AND APPEALS OFFICE, INTERIOR DEPARTMENT

### Proposed Rules

Coal mine health and safety;  
miners discharged or otherwise  
discriminated against; applica-  
tions for review..... 51626

## HOUSING AND URBAN DEVELOPMENT, DEPARTMENT

See also Federal Insurance Ad-  
ministration.

### Rules

Low income housing:  
Public housing program; devel-  
opment phase; prototype cost  
limits..... 51570

### Notices

Privacy Act; systems of records..... 51669

## INTERIOR DEPARTMENT

See Bonneville Power Adminis-  
tration; Fish and Wildlife Ser-  
vice; Hearings and Appeals Of-  
fice; Land Management Bureau.

## INTERNAL REVENUE SERVICE

### Proposed Rules

Employment taxes, income taxes,  
procedure and administra-  
tion:  
State individual income taxes,  
qualified; Federal collection  
and administration, etc..... 51790

## INTERNATIONAL TRADE COMMISSION

### Proposed Rules

Conduct standards; employee fi-  
nancial disclosure..... 51617

## INTERSTATE COMMERCE COMMISSION

### Rules

Motor carriers:  
Certificates and permits and  
terminal areas; express ship-  
ments by bus; editorial  
changes..... 51586  
Freight and passenger tariffs  
and schedules; motor vehicle  
detention..... 51586  
Railroad car service orders:  
Freight cars, distribution..... 51585

### Proposed Rules

Passenger and freight tariffs and  
schedules:  
Long and short haul and aggre-  
gate of intermediate rates..... 51633

### Notices

Abandonment of railroad services,  
etc.:  
Central Iowa Transportation  
Cooperative..... 51725  
Environmental statements; avail-  
ability, etc.:  
Southern Mississippi Transpor-  
tation Co..... 51725

Fourth section applications for  
relief..... 51689  
Hearing assignments..... 51689

Motor carriers:  
Transfer proceedings (2 docu-  
ments)..... 51690, 51691

Petitions, applications, finance  
matters (including temporary  
authorities), railroad abandon-

CONTENTS

ments, alternate route deviations, and intrastate applications	51691	National Science Foundation Advisory Council	51674	Notices	
Petitions, applications, finance matters (including temporary authorities), railroad abandonments, alternate route deviations, and intrastate applications; correction	51691	NATIONAL TRANSPORTATION SAFETY BOARD		Self-regulatory organizations; proposed rule changes:	
JUSTICE DEPARTMENT		Rules		New York Stock Exchange, Inc.	51684
See Drug Enforcement Administration		Freedom of information: Fee schedule	51584	Pacific Stock Exchange, Inc.	51685
LAND MANAGEMENT BUREAU		Notices		Philadelphia Stock Exchange, Inc.	51687
Rules		Safety recommendations and accident reports; availability, responses, etc.	51680	Hearings, etc.:	
Financial assistance, local governments; Payments in lieu of taxes	51580	NUCLEAR REGULATORY COMMISSION		Interment Association of California et al.	51682
Notices		Rules		Telco Information Services, Inc.	51687
Opening of public lands: Colorado	51671	Nuclear power plants; requirements for physical protection	51697	SMALL BUSINESS ADMINISTRATION	
Protraction diagrams filing, availability: Idaho	51672	Notices		Notices	
MANAGEMENT AND BUDGET OFFICE		Abnormal occurrence reports: Security incident	51675	Applications, etc.:	
Notices		Health effects attributable to coal and nuclear fuel cycle alternatives, comparison; availability of report	51676	Sharon Small Business Investment Co.	51687
Budget rescissions and deferrals	51876	Regulatory guides; issuance and availability (2 documents)	51679	SOCIAL SECURITY ADMINISTRATION	
Clearance of reports; list of requests	51681	Applications, etc.:		Notices	
Privacy Act; systems of records	51682	Carolina Power & Light Co.	51676	Authority delegations: Commissioner; title II coverage of State or local employees, agreements with States	51667
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION		Consolidated Edison Co. of New York Inc.	51677	STATE DEPARTMENT	
Notices		Florida Power & Light Co.	51677	Notices	
Meetings:		Jersey Central Power & Light Co.	51677	Fishing permits, applications: Mexico	51857
Historical Advisory Committee	51673	Portland General Electric Co. et al.	51678	Romania	51856
Space Program Advisory Council	51673	Power Authority of State of New York	51578	TELECOMMUNICATIONS POLICY OFFICE	
Space Science Steering Committee	51674	Public Service Electric & Gas Co.	51673	Notices	
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION		Vermont Yankee Nuclear Power Corp.	51679	Meetings:	
Proposed Rules		Virginia Electric & Power Co.; correction	51680	U.S. Inmarsat Preparatory Committee Working Group	51681
Bumper standards	51631	Wyoming Mineral Corp.	51680	TRANSPORTATION DEPARTMENT	
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION		SECURITIES AND EXCHANGE COMMISSION		See Coast Guard; Federal Aviation Administration; Hazardous Materials Operations Office; National Highway Traffic Safety Administration	
Notices		Rules		TREASURY DEPARTMENT	
Meetings:		Financial statements: Marketable and other investments securities; disclosure requirements; correction	51569	See Fiscal Service	
Caribbean Fishery Management Council	51635	Interpretative releases: Mutual funds; sales literature; correction	51570	UNITED STATES RAILWAY ASSOCIATION	
NATIONAL SCIENCE FOUNDATION				Notices	
Notices				Loan applications: Consolidated Rail Corp.	51688
Meetings:				WATER RESOURCES COUNCIL	
International Decade of Ocean Exploration Office Proposal Review Panel (3 documents)	51674, 51675			Notices	
				Policy study, water resource; receipt of comments	51689

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month. A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

3 CFR		24 CFR		46 CFR	
PROCLAMATIONS:		841	51570	25	51607
4526	51557	1914 (2 documents)	51776	31	51607
7 CFR		1916 (3 documents)	51777, 51778	96	51607
908	51803	1917 (21 documents)	51779-51788	195	51607
915	51605	26 CFR		47 CFR	
948	51604	PROPOSED RULES:		2	51584
1845	51606	1	51790	83	51584
PROPOSED RULES:		31	51790	PROPOSED RULES:	
1487	51609	32	51790	67 (2 documents)	51628
10 CFR		301	51790	73 (2 documents)	51629, 51630
73	51607	33 CFR		49 CFR	
13 CFR		161	51759	801	51584
307	51559	162	51759	1033	51585
14 CFR		207 (2 documents)	51574, 51773	1041	51586
21	51561	PROPOSED RULES:		1049	51586
39 (5 documents)	51562-51565	207	51618	1307	51586
71 (4 documents)	51566, 51567	40 CFR		PROPOSED RULES:	
97	51567	61	51574	170	51631
17 CFR		149	51574	171	51631
210	51569	180	51579	172	51631
231	51570	PROPOSED RULES:		173	51631
271	51570	52	51620	174	51631
18 CFR		85	51620	175	51631
PROPOSED RULES:		148	51620	176	51631
141	51609	250	51625	177	51631
19 CFR		43 CFR		178	51631
PROPOSED RULES:		1880	51580	179	51631
200	51617	PROPOSED RULES:		581	51631
		4	51626	1301	51633
		45 CFR		50 CFR	
		201	51582	20	51587
		249	51583	32	51603

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today		ates of Registration and Employee Identification Cards	43626; 8-30-77
HUD/Secy—Appeals, procedures for handling	43622; 8-30-77	List of Public Laws	
ICC—Motor carriers; broker's licensing procedures, fees, forms, bonds, and insurance policies	31163; 6-20-77	NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.	
Labor/Secy—Farm labor contractor registration, issuance by States of Certifi-			



# CUMULATIVE LIST OF CFR PARTS AFFECTED DURING SEPTEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during September.

1 CFR	7 CFR—Continued	8 CFR
Ch. I..... 43969	910..... 44213	236..... 46045
445..... 43801	45325, 46507, 47183, 48325, 48869	299..... 46045
	915..... 51605	341..... 48869
3 CFR	917..... 43960, 44214	
EXECUTIVE ORDERS:	919..... 45629	PROPOSED RULES:
12009..... 45267	926..... 45325, 49438	108..... 49459
	929..... 44979	242..... 49459
PROCLAMATIONS:	931..... 46507	
4518..... 44211	932..... 44801, 47550	9 CFR
4519..... 46265	944..... 47550	73..... 44214
4520..... 47167	948..... 51604	78..... 44215, 49438
4521..... 47545	967..... 45326, 46045	82..... 45284, 47185
4522..... 47817	981..... 47183, 47184	92..... 45895, 48327, 49440
4523..... 48865	991..... 47184	113..... 45284
4524..... 49431	993..... 44802, 49802	201..... 49926
4525..... 49433	1006..... 46914	203..... 49926
4526..... 51557	1012..... 46914	318..... 44217
	1013..... 46915	
MEMORANDUMS:	1260..... 44542	PROPOSED RULES:
January 2, 1973 (Amended by	1438..... 43961	1..... 45934
Memorandum of September 1,	1894..... 44669	3..... 45934
1977)..... 43867	1899..... 44669	113..... 49462
April 26, 1973 (See Memorandum	1821..... 44669	381..... 48342
of September 1, 1977)..... 43867	1822..... 43964	417..... 43982
December 13, 1973 (See Memorandum	1831..... 44669, 44692	
of September 1, 1977)..... 43867	1832..... 44669	10 CFR
October 29, 1974 (See Memorandum	1841..... 44717	Ch. II..... 46270
of September 1, 1977)..... 43867	1843..... 41717	20..... 43965, 46270
May 20, 1975 (See Memorandum of	1845..... 51606	32..... 43965
September 1, 1977)..... 43867	1861..... 44669, 44692, 44696, 48326	70..... 43966
August 5, 1975 (See Memorandum	1864..... 44696	71..... 43966, 51607
of September 1, 1977)..... 43867	1866..... 44696, 48326	73..... 43966
April 14, 1976 (See Memorandum	1867..... 44669	150..... 43966
of September 1, 1977)..... 43867	1867..... 44669	211..... 44218
November 5, 1976 (See Memorandum	1871..... 44695	212..... 45284
of September 1, 1977)..... 43867	1872..... 44669, 44696	215..... 48328
August 1, 1977 (See Memorandum	1888..... 43964, 44669, 46269	430..... 46140, 46145, 46151, 49802
of September 1, 1977)..... 43867	1901..... 45893	871..... 43331
August 2, 1977..... 43957	1904..... 44669, 48327	
September 1, 1977..... 48867	1921..... 44692	PROPOSED RULES:
September 15, 1977..... 47169	1930..... 44696	40..... 43983, 45689
ORDERS:	1939..... 44715	73..... 43984
September 26, 1977..... 44225	1955..... 44717	205..... 44244, 47210
	1980..... 48342	211..... 44551, 46543
4 CFR	2852..... 44542, 45327	212..... 48342
6..... 47173	2859..... 48327	214..... 46543
331..... 45627		303..... 47210
332..... 45627	PROPOSED RULES:	430..... 44246
351..... 45629	210..... 45328, 47158	
403..... 45629	722..... 46542	12 CFR
	906..... 49458	2..... 48518
5 CFR	910..... 45334	10..... 45510, 48333
213..... 44233	918..... 44242	201..... 47185
44541, 44542, 45283, 45326, 45893,	956..... 47209, 47560	207..... 46275
46505, 46506, 47183, 47547, 48321-	980..... 44242, 47561	208..... 54289, 49441
48324, 49437	981..... 46319	221..... 46275
PROPOSED RULES:	987..... 45680	224..... 46275
713..... 43741	989..... 46320	225..... 45289, 49141
	994..... 45001	226..... 45895, 45896, 46915
7 CFR	1036..... 48886	265..... 44980, 45290
2..... 47547	1049..... 45335	303..... 48870
701..... 44213, 48324	1133..... 44243	329..... 48333
718..... 48324	1201..... 47848	343..... 46275
905..... 47547	1207..... 47562	720..... 46918
907..... 44801, 49437	1250..... 48889	
908..... 43959	1487..... 51609	PROPOSED RULES:
44979, 45893, 46269, 46913, 47819,	1701..... 45337, 46542, 47209, 49459	308..... 43984
49437, 51603	1822..... 43980, 46320	541..... 46058
	2852..... 45932, 45913	545..... 46058
		563..... 46058

## FEDERAL REGISTER

### 13 CFR

113..... 47186	PROPOSED RULES:
307..... 51559	13..... 49462
	705..... 46546
	1115..... 46720
	1116..... 46720
	1500..... 44160
	1702..... 44821

### 14 CFR

21..... 51561	17 CFR
39..... 43967	200..... 44807, 46512, 51569
43969, 44980-44982, 45629-45631,	210..... 44807, 44983, 49445
46275, 46918-46923, 47819, 48871,	211..... 45291, 46047, 51570
51562-51565	231..... 44983, 47551
	240..... 46047
	241..... 47552
	249..... 44983
	249b..... 44810, 45291, 46047, 47553, 51570
	271..... 44810, 45291, 46047, 47553, 51570

73..... 47821, 47822	PROPOSED RULES:
75..... 43971, 44543, 45633	1..... 44742, 46043
93..... 47823	166..... 44742
95..... 46279	210..... 44972
97..... 45633, 46284, 48873	230..... 47848
121..... 44982	231..... 44821, 47563
183..... 44544	239..... 44964
223..... 46494	240..... 44964
241..... 47825	249..... 44964, 47848
Ch. II..... 47826	271..... 47563
302..... 47187	
313..... 47826	18 CFR
384..... 47825	101..... 47827
387..... 47825	141..... 47827

### PROPOSED RULES:

21..... 43985	PROPOSED RULES:
23..... 44204	2..... 44558, 49813
25..... 44204	141..... 51609
27..... 44204	19 CFR
29..... 44204	1..... 47190
39..... 43988	4..... 44810
43989, 45007, 45690, 46337	22..... 47827
	134..... 49451
	153..... 44811
	PROPOSED RULES:
	4..... 46068
	113..... 45338
	134..... 44246
	200..... 51617

### 15 CFR

372..... 46509	20 CFR
373..... 46509	405..... 44219, 45897
379..... 46509	416..... 44221
2007..... 45532	621..... 45899

### PROPOSED RULES:

369..... 48556	625..... 48712
921..... 45522	651..... 45899
	655..... 45900
	702..... 44544, 45300

### 16 CFR

1..... 43973	PROPOSED RULES:
4..... 43974	405..... 44558
13..... 48334, 48335	
433..... 46509	21 CFR
1012..... 48875	Ch. I..... 46514
1145..... 44192	5..... 44221, 44544
1303..... 44193	73..... 46514, 47191, 49452
1401..... 46285	81..... 46514, 49452
1500..... 44201	101..... 45904, 47191
1702..... 44802	133..... 47192
	175..... 44222

### 16 CFR—Continued

13..... 49462	21 CFR—Continued
705..... 46546	176..... 44544, 49452
1115..... 46720	177..... 48528
1116..... 46720	178..... 44222, 44544, 49452, 49453
1500..... 44160	184..... 48335
1702..... 44821	291..... 46698
	310..... 45304, 46698
	430..... 44223
	432..... 44225
	436..... 44223
	444..... 44544
	455..... 44224
	510..... 44225
	520..... 44226, 47192
	540..... 49453
	546..... 44227
	548..... 47192
	558..... 49454
	561..... 45304
	570..... 44227
	640..... 44228
	701..... 46514
	1010..... 44228
	1020..... 44230

### 17 CFR

200..... 44807, 46512, 51569	PROPOSED RULES:
210..... 44807, 44983, 49445	1..... 44742, 46043
211..... 45291, 46047, 51570	166..... 44742
231..... 44983, 47551	210..... 44972
240..... 46047	230..... 47848
241..... 47552	231..... 44821, 47563
249..... 44983	239..... 44964
249b..... 44810, 45291, 46047, 47553, 51570	240..... 44964
271..... 44810, 45291, 46047, 47553, 51570	249..... 44964, 47848
	271..... 47563

### PROPOSED RULES:

1..... 44742, 46043	PROPOSED RULES:
166..... 44742	16..... 46028, 49612
210..... 44972	20..... 46028
230..... 47848	52..... 49612
231..... 44821, 47563	71..... 49612
239..... 44964	73..... 49464
240..... 44964	131..... 47215
249..... 44964, 47848	145..... 44247
271..... 47563	150..... 44247

### 18 CFR

101..... 47827	PROPOSED RULES:
141..... 47827	2..... 44558, 49813
157..... 48885	141..... 51609
201..... 47827	
204..... 47827	19 CFR
304..... 46348	1..... 47190

### PROPOSED RULES:

2..... 44558, 49813	4..... 44810
141..... 51609	22..... 47827
	134..... 49451
	153..... 44811
	PROPOSED RULES:
	4..... 46068
	113..... 45338
	134..... 44246
	200..... 51617

### PROPOSED RULES:

4..... 46068	20 CFR
113..... 45338	405..... 44219, 45897
134..... 44246	416..... 44221
200..... 51617	621..... 45899

### 20 CFR

405..... 44219, 45897	PROPOSED RULES:
416..... 44221	405..... 44558
621..... 45899	
625..... 48712	21 CFR
651..... 45899	Ch. I..... 46514
655..... 45900	5..... 44221, 44544
702..... 44544, 45300	73..... 46514, 47191, 49452

### PROPOSED RULES:

405..... 44558	PROPOSED RULES:
	405..... 44558

### 21 CFR

Ch. I..... 46514	22 CFR
5..... 44221, 44544	9a..... 46516
73..... 46514, 47191, 49452	
81..... 46514, 49452	
101..... 45904, 47191	
133..... 47192	
175..... 44222	

## FEDERAL REGISTER

## 23 CFR

666	49932
810	47338
PROPOSED RULES:	
Ch. I	47563
655	46060

## 24 CFR

16	49810
201	45305
570	45768
841	51570
888	45772
890	44548
1912	43975, 46924
1914	46488, 46489, 47014, 49584, 51776
1915	44234, 45635, 46156, 46227, 49811
1916	46490, 46491, 47015, 47016, 51777, 51778
1917	44662, 44663, 44902-44917, 45120, 45636-45641, 46004-46011, 46234, 46235, 48508-48515, 48996-49003, 51779-51788
1920	44368-44372, 46682-46696, 47016-47023
PROPOSED RULES:	
1917	44148-44157, 44665, 45121-45130, 45498-45507, 49005-49013, 49586-49593

## 25 CFR

11	46517
258	47555
261	43976
PROPOSED RULES:	
36	48890

## 26 CFR

1	47192
7	47828
53	46285
54	44388
141	44394
601	46518, 48336
PROPOSED RULES:	
1	44821, 46062, 47221, 47222, 51790
7	47221
31	51790
32	51790
54	44396
177	46352
301	51790

## 27 CFR

170	44757
173	44758
186	44758
194	44758
201	44759
250	44772
251	44772
252	44772
PROPOSED RULES:	
290	49471

## 28 CFR

2	44234
---	-------

## 29 CFR

94	46728
97	46728

## 29 CFR—Continued

452	45306
1601	47828
1910	45536
1952	45905, 45907
1977	47344
2550	44384, 45907, 47198

## PROPOSED RULES:

1910	46347, 49472
------	--------------

## 30 CFR

PROPOSED RULES:	
55	46930
56	46930
57	46930
77	46367
250	49478
252	48893
270	49482
700	44920, 46550
710	44920, 46550
715	44920, 46550
716	44920, 46550
717	44920, 46550
720	44920, 46550
721	44920, 46550
722	44920, 46550
723	44920, 46550
725	44920, 46550
740	44920, 46550
795	44920, 46550
830	44920, 46550
837	44955, 46552

## 31 CFR

51	47988, 47994
52	48546

## 32 CFR

289	47555, 48885
706	48875
1286	45907

## PROPOSED RULES:

Ch. I	47223
286	45935
976	46367

## 33 CFR

1	48022
3	48022
110	44984
117	46302, 46925
126	48022
128	48876
160	48022
161	51759
162	51759
204	46520
207	51574, 51773
222	47204
PROPOSED RULES:	
110	45693
117	44560, 46931
157	47851, 47852
164	47852
207	51618

## 35 CFR

PROPOSED RULES:	
10	45693
246	44821
247	44821

## PROPOSED RULES—Continued

265	44821
-----	-------

## 36 CFR

17	46302
60	47658
61	47658
63	47661
212	46553
295	46553

## PROPOSED RULES:

111	46742
-----	-------

## PROPOSED RULES:

7	46370
111	48349
221	46063
241	44821
245	44821

## 37 CFR

201	45916
-----	-------

## PROPOSED RULES:

201	44247
-----	-------

## 38 CFR

21	49454
----	-------

## 39 CFR

248	44821
-----	-------

## 40 CFR

52	44234, 44235, 46926, 47556, 49811
60	44544, 44812, 46304
61	44544, 51574
80	45306
86	45132, 45641, 46927
149	51574
162	44170
180	44812, 46304, 46305, 47204, 51579
413	48877
429	49812
600	45641, 45668, 45921

## PROPOSED RULES:

Ch. I	46558
35	47565
51	47563, 47564
52	44561, 44821, 44822, 45935, 46371, 46554-46557, 47227, 48354, 48895, 51620
61	44822
85	51620
120	45339
130	44561
131	44561
148	51620
162	44174, 44176, 44189, 47565, 49484
173	47565
180	47565, 47566, 49485
204	45776, 47227, 48354
250	51625
428	48355
434	46932

## 41 CFR

1-16	45672
4-4	44236, 45927
4-16	48877
Ch. IX	48878
12-1	45178
12-2	45197
12-3	45199
12-4	45205
12-5	45208
12-6	45208

## FEDERAL REGISTER

## 41 CFR—Continued

12-7	45210
12-9	45249
12-10	45253
12-16	45255
12-17	45255
12-18	45256
12-26	45256
12-30	45257
12-50	45257
12-60	45259
12-70	45262
12-99	45268
101-7	46057
101-47	47205
105-53	44813

## PROPOSED RULES:

Ch. I	47223, 47228
24-1	45935
101-19	49485
101-25	44823

## 42 CFR

57	46520, 46523, 46529
101	46533, 48336

## PROPOSED RULES:

121	48502
-----	-------

## 43 CFR

Ch. II	47840
423	45927
1880	51580
2850	44985
3520	44545

## PROPOSED RULES:

4	51626
3100	46558
3300	48898

## PUBLIC LAND ORDERS:

2508 (Incorrectly revoked by PLO 2625; corrected by PLO 5626)	48660
2608 (Revoked by PLO 5626)	48680
5625 (Corrected by PLO 5626)	48880
5626	48880

## 45 CFR

134	44961
134b	44961
176	48885
177	45307
178a	46047
192	46049
201	43977, 51582
205	43977
249	43977, 51583
250	43977, 46536
252	43977
1005	46053
1069	46053

## PROPOSED RULES:

166	44406
172	47228
175	49904
182	45340
205	45276
249	45276
1067	45002
1068	46063
1069	46559, 47567
1901	48355
1905	48355

## 46 CFR

1	49022
2	49022
24	49023
25	51607
30	49023
31	49024, 51607
32	45677, 49024
35	45677, 49024
39	49024
40	49024
42	49024
56	49025
90	49025
91	51607
96	49025
98	49025
105	49025
110	49026
151	49027
153	48880
182	51607
195	45308
252	45677
502	45677

## PROPOSED RULES:

25	45694
50	47852
51	46938
52	47852
53	45694
54	46938
55	46938
56	46938
57	46938
58	46938
59	46938
60	46938
61	46938
62	46938
63	46938
64	46938
65	46938
66	46938
67	46938
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167	46938
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169	46938
170	46938
171	46938
172	46938
173	46938
174	46938
175	46938
176	46938
177	46938
178	46938
179	46938
180	46938</



## FEDERAL REGISTER PAGES AND DATES—SEPTEMBER

Pages	Date	Pages	Date	Pages	Date
43957-44208	Sept. 1	45893-46043	13	47817-48320	22
44211-44540	2	46045-48263	14	48321-48863	23
44541-44799	6	46265-46504	15	48865-49430	26
44801-44977	7	46505-46911	16	49431-49800	27
44979-45282	8	46913-47165	19	49801-51555	28
45283-45623	9	47167-47543	20	51557-52362	29
45625-45891	12				

## presidential documents

## Title 3—The President

PROCLAMATION 4526

National Employ the Handicapped  
Week, 1977*By the President of the United States of America*

## A Proclamation

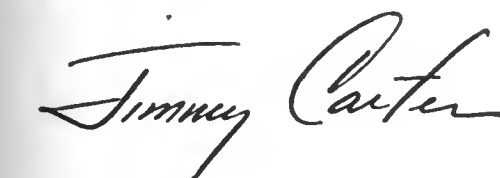
America needs the talents and energies of all her citizens, including the physically and mentally handicapped. But many handicapped people have been kept from full participation in our society. To the handicaps they must overcome have been added the barriers of an environment constructed without them in mind, a lack of equal education, and exclusion from rewarding and useful employment.

In recent months, however, progress has been dramatic. New laws are promoting equality for handicapped people. The recent White House Conference on Handicapped Individuals stimulated plans for the future. New ideas in education, housing, jobs, and transportation are adding to the opportunities for handicapped people to be independent, to lead fuller lives and to contribute to society. In support of these goals, I have asked the heads of Executive departments and agencies to set an example for fair employment practices by demonstrating what can be done to make the fullest possible use of the abilities of qualified handicapped people.

To affirm our commitment to the handicapped, the Congress, by joint resolution of August 11, 1945, as amended (36 U.S.C. 155), has called for the designation of the first week in October of each year as National Employ the Handicapped Week.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate the week beginning October 2, 1977, as National Employ the Handicapped Week. I urge all Governors, Mayors, and other public officials, leaders in business and labor, and private citizens to take affirmative action to ensure equal employment opportunities for handicapped people and to join during this week and afterwards to work toward full equality in all aspects of American life.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of September, in the year of our Lord nineteen hundred seventy-seven, and of the Independence of the United States of America the two hundred and second.



[FR Doc. 77-28842 Filed 9-27-77; 3:20 pm]

V 42-189

SEP 29 77

UMI

# rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

## [ 3510-24 ]

### Title 13—Business Credit and Assistance CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

#### PART 307—TECHNICAL ASSISTANCE, RESEARCH AND INFORMATION

##### Subpart D—State and Local Economic Development Planning Grants

REQUIREMENTS FOR OBTAINING GRANTS  
AGENCY: Economic Development Ad-  
ministration, Commerce.

ACTION: Final rule.

SUMMARY: This rule revises the regula-  
tions which set forth the requirements  
for obtaining State and local economic  
development planning assistance under  
one of the planning grant programs ad-  
ministered by EDA. The present regula-  
tions need to be revised because they fail  
to distinguish adequately between time  
of assistance available, and because they  
did not reflect certain changes made to  
the Public Works and Economic Develop-  
ment Act of 1965. This rule is intended to  
implement the amendments to the Act,  
to clarify the format of the regulations,  
and to make certain administrative  
changes.

DATES: Effective date: September 29,  
1977. Comments by: October 31, 1977.

ADDRESSES: Send comments to: As-  
sistant Secretary for Economic Develop-  
ment, U.S. Department of Commerce,  
Room 7800B, Washington, D.C. 20230.

FOR FURTHER INFORMATION CON-  
TACT:

Information on regulations: James F.  
Marten, U.S. Department of Com-  
merce, Room 7009, Washington, D.C.  
20230. (202-377-5411).

SUPPLEMENTARY INFORMATION:  
This publication amends 13 CFR Part  
307, Subpart D by revising the following  
regulations:

1. 13 CFR 307.51 is amended by modi-  
fying paragraphs (a) through (e) and  
redesignating paragraphs (c) through  
(e) as new 13 CFR 307.52. EDA is mak-  
ing these format changes to clarify the  
distinction between planning grants  
under section 302(a) of the Act to State  
and sub-State entities and grants under  
section 302(b) of the Act to economic  
development districts. As amended, new  
section 307.52, "Types of grants", de-  
scribes the nature of the assistance  
which EDA offers under Subpart D.

2. 13 CFR 307.52(a)(1)(ii), as  
amended and redesignated, requires  
States to cooperate with their political  
subdivisions, cities and economic devel-

opment districts in conducting their  
planning process. Section 307.52(a)(1)-  
(ii) also requires State plans resulting  
from this process to be consistent with  
the plans developed by these sub-State  
entities. EDA is making these changes in  
13 CFR 307.52(a)(1)(ii) to conform to  
the amendment made by section 110 of  
Pub. L. 94-487.

3. The addition of a new 13 CFR  
307.52 requires technical changes to cur-  
rent sections 307.52 through 307.58.  
Accordingly, these sections are redesign-  
ated as 13 CFR 307.53 through 307.59.

13 CFR 307.53, as redesignated, is  
amended by deleting the requirement in  
paragraph (a)(3) that cities and coun-  
ties meet "EDA eligibility criteria." The  
requirement had reflected a policy deci-  
sion to contain the number of applicants  
in view of the limited funds appropri-  
ated. EDA no longer believes this re-  
quirement is necessary and may serve to  
hinder the accomplishment of the  
broader objectives of the Act.

Redesignated § 307.53 is amended fur-  
ther by deleting the final six lines of  
paragraph (a)(4). This change is neces-  
sitated by a related change made to  
§ 307.56(b), as redesignated and dis-  
cussed below.

4. 13 CFR 307.55, as redesignated, is  
amended by modifying paragraph (a)(2)  
to emphasize that State planning as-  
sisted under this subpart must be part  
of continuing process. This rule in the  
past failed to inform applicants ade-  
quately that the State economic develop-  
ment planning must be an ongoing pro-  
cess of analysis, evaluation and re-  
evaluation.

In addition, EDA amends 13 CFR  
307.55(a) by adding a new paragraph  
(4). This new paragraph requires States  
to utilize their planning process in the  
recommendation of potential projects for  
funding under section 304 of the Act.  
EDA is adding this new paragraph to en-  
sure that States utilize their planning  
process in determining which projects  
receive section 304 funds allocated to  
each State under 13 CFR Part 312.

EDA amends paragraph (c)(1) of re-  
designated 13 CFR 307.55 by requiring  
the chief executive officer of cities or  
counties receiving grants to certify that  
he has the authority to implement pro-  
grams and projects resulting from the  
planning process. This amendment pro-  
vides for uniform administration and  
will help to ensure that grantees coordi-  
nate all phases of their economic devel-  
opment planning.

Paragraph (c)(3) of redesignated  
§ 307.55 is amended to follow the lan-  
guage of the statute more closely. Pre-  
viously, EDA had required that the "pri-  
mary emphasis" of planning assisted

under this subpart be to reduce unem-  
ployment and increase incomes. While  
reducing unemployment and increasing  
incomes remain an important and inte-  
gral part of planning assistance under  
this subpart, EDA now believes that the  
"primary emphasis" requirement is un-  
necessarily restrictive.

5. 13 CFR 307.56, as redesignated, is  
amended by deleting the final five lines  
of paragraph (b). Previously, these lines  
had prohibited the use of section 302  
funds for preparation of overall eco-  
nomic development planning (OEDP)  
documents. This prohibition was put in  
the regulations to assure that section 302  
funds did not supplant section 301(b)  
funds as required by section 302 of the  
Act. In administering the program, EDA  
has found that this prohibition has on  
occasion required a grantee to prepare  
separate economic development plans for  
planning assisted section 301(b) of the  
Act and for that assisted under section  
302(a) of the Act. Since section 302 of  
the Act was intended to foster planning  
among all levels of government, EDA be-  
lieves that the preparation of separate  
plans is unnecessary and impractical and  
may hinder the grantee's planning pro-  
cess. While section 302 assistance may not  
supplant section 301(b) assistance, the  
statute specifically provides that such  
assistance may be additional to section  
301(b) assistance. The amendment to  
this paragraph is intended to provide the  
flexibility necessary to utilize section 302  
funds to the fullest extent.

6. 13 CFR 307.57, as redesignated, is  
amended by adding new sections 307.57  
(a)(4) and 307.57(a)(5). 13 CFR 307.57  
(a)(4) implements the revision made to  
the Act by section 110 of Pub. L. 94-487  
by requiring States to certify in their  
annual report the consistency of the  
State plan to other economic develop-  
ment plans made by sub-State entities.

§ 307.57(a)(5) requires States to de-  
scribe how the planning process was  
used to develop projects submitted by  
the State for funding under section  
304 of the Act. Similar to the revision  
made to 13 CFR 307.55(a)(4) as redesign-  
ated, this amendment will help to en-  
sure that each State utilizes its planning  
process to the maximum extent.

13 CFR 307.57(b), as redesignated, is  
revised to clarify the reporting require-  
ments for assistance extended to devel-  
opment districts under section 302(a) as  
opposed to section 302(b) of the Act.

Because these rules relate to the EDA  
grant and loan program, they are  
exempted from the procedures described  
in § 553 of the Administrative Procedure  
Act (5 U.S.C. 553). However, in the spirit  
of the public policy set forth in that Act,  
interested persons may submit written



suggestions regarding this amendment to the above address.

NOTE: EDA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular No. A-107.

Accordingly, 13 CFR 307, Subpart D is revised to read as follows.

**Subpart D—State and Local Economic Planning Grants**

**Secs**

- 307.50 Purpose
- 307.51 Objectives
- 307.52 Types of grants
- 307.53 Eligible applicants
- 307.54 Submission of applications
- 307.55 Application requirements
- 307.56 Grant limitations
- 307.57 Annual reports
- 307.58 Coordination
- 307.59 Requirements

**AUTHORITY:** Sec. 701, Pub. L. 89-136, 79 Stat. 570 (42 U.S.C. 3211); Pub. L. 94-487, 90 Stat. 2331 (42 U.S.C. 3121).

**§ 307.50 Purpose.**

The purpose of this subpart is to set forth regulations pursuant to which eligible applicants may apply for and receive direct grants for economic development planning under section 302 of the Act.

**§ 307.51 Objectives.**

The primary objective of a planning grant under section 302 of the Act is to strengthen the economic development planning capability of States, cities, and other eligible sub-State entities in order to ensure a more productive use of available resources in reducing the effect of economic problems, particularly those resulting in high unemployment and low incomes.

**§ 307.52 Types of grants.**

Pursuant to section 302 of the Act, the Assistant Secretary may award planning grants of the following types:

(a) Planning grants under section 302 of the Act.

(1) *State planning grants.*—(i) States shall undertake overall State economic development planning as part of a comprehensive planning process, to:

(A) Consider the provision of public works to stimulate and channel development, economic opportunities, and choices for individuals;

(B) Support sound land use;

(C) Enhance and protect the environment, including the conservation and preservation of open spaces and environmental quality;

(D) Provide public services; and

(E) Balance physical and human resources through the management and control of physical development.

(ii) This planning process shall be conducted cooperatively by the State, its political subdivisions, and the economic development districts located in whole or in part within the State. State plans resulting from the planning process shall be consistent to the fullest extent pos-

sible with local, redevelopment area, and economic development district plans. If a State plan is inconsistent with these other plans, it shall note the inconsistencies and justify them.

(2) *City and local planning grants.*—(i) The planning by cities, other political subdivisions, and sub-State planning and development organizations (including redevelopment areas and economic development districts) shall be a continuous process involving public officials and private citizens in:

(A) Analyzing local economies;

(B) Defining development goals; and

(C) Formulating and implementing a development program.

(ii) This planning process shall include systematic efforts to reduce unemployment and increase incomes.

(b) Planning grants to economic development districts under section 302(b) of the Act.

(1) *Professional service grant.* The Assistant Secretary may make grants under this paragraph to economic development districts to enable them to provide professional and technical assistance, other than by grants, to local governments within the districts.

(2) *Grants to carry out review procedures required by the Intergovernmental Cooperation Act.* The Assistant Secretary may award grants to economic development districts to enable them to carry out review procedures required under Title IV of the Intergovernmental Cooperation Act of 1968.

To receive assistance under this paragraph, the economic development district must be designated by the State to conduct this review.

**§ 307.53 Eligible applicants.**

(a) Eligible applicants under § 302 of the Act are:

(1) The governor of a State or an agency designated by him, and the chief executive officer of the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

(2) The chief officer of governing bodies of sub-State planning units, economic development districts, and redevelopment areas.

(3) The chief executive of cities and counties not located wholly within larger multi-county planning and development organizations receiving planning funds under section 301 of the Act.

(4) The chief executives of cities, counties, and redevelopment areas in multi-county organizations receiving funds under section 301 of the Act whose applications are endorsed by the Board of the multi-county organizations, and who demonstrate exceptional need for planning assistance beyond that provided through the multi-county organizations.

(5) Eligible applicants cited under this subpart, if the Assistant Secretary determines that planning assistance is necessary and other funds are not available to develop a plan required by Title IX of the Act.

(b) Eligible applicants under section 302(b) of the Act are the chief officer of a designated economic development district or, where a grant is made pursuant to the joint funding simplification program, a State or other applicant eligible under that program provided that such grant will be used solely to assist economic development districts.

(1) An economic development district must also be designated by the State or, where necessary, by the State and OMB, in order to qualify for assistance as an authorized A-95 reviewing agency.

**§ 307.54 Submission of applications.**

An initial request for assistance shall be submitted to the Assistant Secretary. If the Assistant Secretary approves the initial request, the applicant may submit an application.

**§ 307.55 Application requirements.**

An application shall indicate the scope of the proposed planning activity, and provide evidence that the grantee will meet the following requirements:

(a) Where the grantee is a State, the grantee shall ensure:

(1) That the grant shall be administered by the governor or by an agency he designates as responsible for the comprehensive economic development planning process.

(2) That an ongoing economic development planning process exists or will be established. This process shall be conducted cooperatively by the State, cities, other political subdivisions and economic development organizations. If the proposed planning activity is intended to result in a State plan, the planning process shall provide for the generation and application of mutually acceptable planning and programming criteria for ensuring the maximum possible consistency between the State plan and other local and district plans.

(3) That the results of the planning process shall be incorporated in the executive decisionmaking process in some formalized manner. The emphasis of the assistance, however, is on the planning process rather than the production of a plan.

(4) That the planning process shall be utilized in the recommendation of potential projects for funding under section 304 of the Act (13 CFR Part 312) in order to ensure that such projects are consistent with and contribute to State-wide development goals and strategies.

(b) Where the grantee is a sub-State planning district, the grantee shall ensure:

(1) That technical assistance provided by districts to local governments under section 302(b) of the Act shall increase their capabilities to participate in ongoing district planning programs.

(2) That districts funded under section 302(a) of the Act shall participate with the State in developing procedures for incorporating the goals of their ongoing economic development programs into the State's comprehensive planning process and for reflecting State goals and objectives in the district plans.

(c) Where the grantee is a city or county, the grantee shall ensure:

(1) That the grant shall be administered by the chief executive officer of a unit of government. This officer shall certify that he has authority to undertake broad planning activities, to develop a continuous planning process, and to implement the resulting programs and projects.

(2) That planning shall involve both public officials and private citizens. If no procedure exists for this involvement, a special planning committee of public and private citizens broadly representative of the community shall be established in the office of the Mayor or county executive.

(3) That planning shall include a systematic effort to reduce unemployment and increase incomes.

(4) That a systematic approach shall be taken to analyze the local economy, define development goals, determine project opportunities, and formulate and implement a development program. OEDP or other guidelines for areas may be used in accomplishing this requirement.

(5) That, if a city or county is located in a larger economic development planning unit, activities funded with the grant shall be coordinated with the larger unit.

**§ 307.56 Grant limitations.**

Planning grants shall be made on terms established by the Assistant Secretary subject to the following limitations:

(a) Grants may not cover the costs of work already performed or of services already provided.

(b) Grants under section 302 may be provided in addition to assistance available under section 301(b) of the Act, but may not supplant that assistance.

(c) A planning grant may not exceed 75 percent of the total amount of funds required for the project.

(d) No Federal funds may be included in the 25 percent non-Federal share.

(e) In determining the amount of the non-Federal share, the Assistant Secretary shall give consideration to contributions both in cash and in-kind.

(f) This assistance shall be provided in accordance with the review procedure required under Title IV of the Intergovernmental Cooperation Act of 1968, as amended, and shall be used in conjunction with any other available Federal planning assistance to further the comprehensive nature of this planning program, and to assure the efficient utilization of all available planning resources in the achievement of the objectives of the grant.

(g) Grantees will conform to EDA financial requirements including those requirements promulgated in Federal Management Circular (FMC) 74-7 (OMB Circular A-102).

**§ 307.57 Annual reports.**

Grant recipients shall submit to the Assistant Secretary an annual report 60 days before the anniversary of their grants. The report shall include:

(a) States. (1) How requirements in section 307.55 have been met.

(2) A review and an evaluation of the planning process supported, and the program activities undertaken, in relation to the specific goals and objectives described in the grant agreement.

(3) Policy, planning and development documents that have resulted from the planning activities assisted under this subpart.

(4) Certification to the Assistant Secretary that any plan prepared with assistance under this subpart considered all local, redevelopment area, and economic development district plans and:

(i) Is consistent with these local, redevelopment area, and economic development district plans, or

(ii) Is inconsistent with them, with each inconsistency noted and justified.

(5) A description of how the planning process was used in the development of projects submitted for section 304 funding, and of how any such projects relate to the State's development strategy.

(b) *Sub-State Planning Districts and Economic Development Districts.* (1) § 307.52(a) (2) grants.

(i) A description of the cooperative procedures established to include district information in the State planning process;

(ii) The planning information exchanged with the State and other districts, and an evaluation of the effect of this exchange on the district's ability to achieve its development goals.

(iii) A review and an evaluation of the planning process supported and program activities undertaken in relation to the specific goals and objectives described in the grant agreement.

(2) § 307.52(b) (1) grants. (i) For grants under § 307.52(b) (1), a description of the nature of the professional and technical assistance provided to local governments, and a documentation of the results.

(ii) For grants under § 307.52(b) (2), a description of the A-95 review process funded under 302(b) of the Act and improvements made in relating it to the State planning process.

(c) *Cities and Counties.* A review and an evaluation of the planning process supported and program activities undertaken in relation to the specific goals and objectives described in the grant agreement.

**§ 307.58 Coordination.**

The Secretary, through the Assistant Secretary for Economic Development, shall coordinate his activities in making grants under this subpart with the Title V Regional Commissions and the Appalachian Regional Commission acting through the Federal and State Cochairman. Where a project is to be located wholly or partially within the boundaries of a Title V or the Appalachian region, or is of national or regional significance, the Federal and State Cochairmen shall be furnished notice of project activity during the early phases of development and be kept advised of significant developments through the application review and final grant process.

**§ 307.59 Requirements.**

13 CFR Part 309, as amended, applies to planning grants under this subpart.

Dated: September 16, 1977.

ROBERT HALL,  
Assistant Secretary  
for Economic Development.

[F.R.D. 77-28699 Filed 9-28-77, 8:45 am]

**[4910-13]**

**Title 14—Aeronautics and Space**

**CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION**

[Docket No. 15532, Amdt. 21-45]

**PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS**

**Issuance of Special Flight Permits With a Continuing Authorization to Air Taxi Operators of Large Aircraft**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This amendment provides for the issuance of special flight permits with a continuing authorization to air taxi operators of large aircraft. In the past, these operators have been required to apply for special flight permits individually before operating their large aircraft, that might not meet applicable airworthiness requirements but are capable of safe flight, to a base where maintenance or alterations are to be performed. Since air taxi operators of large aircraft must maintain their large aircraft under a continuous airworthiness maintenance program and their operations must be covered under operations specifications, the requirement that these operators must apply for special flight permits individually is not necessary.

**EFFECTIVE DATE:** October 28, 1977.

**FOR FURTHER INFORMATION CONTACT:**

Raymond E. Ramakis, Regulatory Projects Branch, Safety Regulations Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-755-8716.

**SUPPLEMENTARY INFORMATION:** Section 21.197(c) provides, in pertinent part, for the issuance of a special flight permit with a continuing authorization to Part 121 and 127 certificate holders. Special flight permits, with continuing authorizations, that are issued pursuant to § 21.197(c), are included in the certificate holder's operations specifications, along with the conditions and limitations associated with the authorization. The purpose of § 21.197(c) is to eliminate the unnecessary burden, on Part 121 and 127 certificate holders and the FAA, of individually dealing with each of a relatively large number of special flight permits that those operators need for ferrying aircraft to bases where maintenance can be performed. By virtue of the continu-



ous airworthiness maintenance program used by these operators and their operations specifications, procedures have been established to provide for the issuance of special flight permits with continuing authorizations for such ferry flights while ensuring that the flights are conducted safely.

Air taxi operators of large aircraft are required by § 135.2 to comply with the certification and operation requirements for supplemental air carriers as set forth in Part 121, unless compliance with the Part 121 rules applicable to domestic or flag carriers is required under specified circumstances. In any event, large aircraft operated under the provision of § 135.2 must be maintained under a continuous airworthiness maintenance program and operations conducted under § 135.2 must be covered in the certificate holder's operations specifications as provided in Part 121. Therefore, the reasons for providing for the issuance of special flight permits with continuing authorizations to Part 121 and 127 certificate holders are equally applicable to air taxi operators operating under the provisions of § 135.2 with respect to their large aircraft.

This amendment is based on a notice of proposed rulemaking (Notice No. 76-8) published in the Federal Register on April 5, 1976 (41 FR 14392), which proposed to provide for the issuance of special flight permits with a continuing authorization to air taxi operators of large aircraft. That notice invited comment by all persons interested in the making of the proposed rule. All interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all matter presented. Three commentators responded to Notice 76-8, none of which expressed disapproval of the intent of the proposal. However, one commentator suggested that rather than issuing a continuing authorization to operators, the FAA should amend the regulation to allow such operations without the necessity of obtaining a special permit. The FAA does not agree with this proposed change since the aircraft involved may not meet airworthiness requirements and special operating restrictions may be necessary which would be covered in special flight permits. This amendment is the same as proposed in Notice 76-8.

The principal authors of this document are Mr. H. Keyzer-Andre, Flight Standards Service, and Mr. Phillip Koliczynski and Mr. Samuel Podberesky, Office of the Chief Counsel.

#### ADOPTION OF AMENDMENT

Accordingly, Part 21 of the Federal Aviation Regulations (14 CFR Part 21) is amended effective October 28, 1977, by revising § 21.197(c) to read as follows:

#### § 21.197 Special flight permits.

(c) Upon application, as prescribed in § 121.79 or § 127.27 of this chapter, a special flight permit with a continuing authorization may be issued, for aircraft

that may not meet applicable airworthiness requirements but are capable of safe flight, for the purpose of flying aircraft to a base where maintenance or alterations are to be performed. The permit issued under this paragraph may be issued to—

(1) Part 121 or 127 certificate holders; or

(2) Air taxi operators conducting operations with large aircraft under the provisions of § 135.2 of this chapter, for the aircraft used in those operations.

The permit issued under this paragraph is an authorization, including any conditions and limitations for flight, which is set forth in the certificate holder's operations specifications.

(Secs. 313(a), 601, 603, 604, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, 1423, 1424); sec. 8(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on September 21, 1977.

LANGHORNE BOND,  
Administrator.

[FR Doc. 77-28605 Filed 9-28-77; 8:45 am]

#### [4910-13]

[Docket No. 77-GL-4, Amdt. 39-3046]

#### PART 39—AIRWORTHINESS DIRECTIVES

Enstrom Helicopters Models F28, F28A, F28C, 280, and 280C

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD) applicable to Enstrom Helicopters Models F28, F28A, F28C, 280, and 280C. In place of repetitive inspections, this directive requires the replacement of the tail rotor spindle P/N 28-15202 with a new spindle or a manufacturer-reworked spindle within 50 hours time in service but not later than six months calendar time, whichever occurs first. The new directive retains the requirement for the installation of strike tabs on the tail rotor blades.

EFFECTIVE DATE: October 6, 1977. Compliance schedule—As prescribed in body of AD and was effective for all recipients of the airmail letter dated August 8, 1977, as amended by airmail letter dated August 22, 1977, upon receipt thereof.

FOR FURTHER INFORMATION CONTACT:

Joseph Snitkoff, Aerospace Engineer, Airframe Section, AGL-214, Federal Aviation Administration, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Ill. 60018, telephone 312-694-4500, ext. 424.

**SUPPLEMENTARY INFORMATION:** By airmail letter dated August 8, 1977, an airworthiness directive was adopted and made effective immediately as to all known U.S. operators of Enstrom helicopters. The directive superseded AD 77-04-04 Amendment 39-2839 (42 FR 10841) and required replacement, within 10 hours time in service, of tail rotor spindle P/N 28-15202 with a new spindle P/N 28-15202-13 or a manufacturer-reworked spindle, which was to be identified by an 8 character serial number acid-etched on the outside of the spindle center section on all Enstrom helicopter. This action was prompted in response to a failure of a tail rotor spindle inspected in accordance with AD 77-04-04. The superseded AD included the requirement for installation of strike tabs P/N 28-17308 extending forward on the tail rotor balancing screw which is also a requirement of this directive. After issuing the airmail letter dated August 8, 1977, the FAA determined that the tail rotor assembly involved in the failure, which prompted the letter, had been reassembled with one set of bearings reversed, causing a significant amplification of the normal loads. In recognition of this circumstance, the FAA amended the letter with an airmail letter dated August 22, 1977, to increase the replacement time of the tail rotor spindle to 50 hours time in service or six calendar months, whichever occurs first.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Enstrom helicopters by individual airmail letters dated August 8, 1977, as amended on August 22, 1977. These conditions still exist and the airworthiness directive is hereby published in the Federal Register as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

In accordance with Departmental Regulatory Reform, dated March 23, 1976, it has been determined that the expected impact of this regulation is so minimal that it does not warrant an evaluation.

#### DRAFTING INFORMATION

The principal authors of this document are Norman B. Martenson and Walter F. Horn, Engineering and Manufacturing Branch, and Hays Hettinger, Office of the Regional Counsel.

#### ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

**ENSTROM.** Applies to Enstrom Models F28, F28A, F28C, 280 and 280C helicopters certificated in all categories with a 3.3 inch tail rotor blade with spindle P/N 28-15202. Within the next 60 hours time in service or six (6) months calendar time, whichever occurs first, accomplish the following unless already complied with:

1. Replace tail rotor spindle P/N 28-15202 with a new spindle P/N 28-15202-13 or a manufacturer-reworked spindle which may be identified by an eight (8) character serial number acid-etched on the outside of the spindle center section. Reference should be made to Enstrom Maintenance Manual Section 15 for disassembly and reassembly instructions. Special care should be taken to have the three bearing stack positioned with the closed side toward the hub and the retaining nut properly torqued to 35-40 foot-pounds and safetied.
2. Install strike tabs P/N 28-17308 extending forward on the blade leading edge under the outer balancing screw. (This supersedes Amendment 39-2839 (42 FR 10841) AD 77-04-04.)

This amendment is effective October 6, 1977, and was effective for all recipients of the airmail letter dated August 8, 1977, as amended by airmail letter dated August 22, 1977, upon receipt thereof.

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

Issued in Des Plaines, Ill., on September 19, 1977.

LEON C. DAUGHERTY,  
Acting Director,  
Great Lakes Region.

[FR Doc. 77-28606 Filed 9-28-77; 8:45 am]

[Docket No. 76-GL-15, Amdt. 39-3043]

#### PART 39—AIRWORTHINESS DIRECTIVES

Enstrom Helicopter Models F-28, F-28A, and 280

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing Airworthiness Directive (AD), AD 76-17-08, applicable to Enstrom Helicopter Models F-28, F-28A, and 280 by establishing chronological and service time limits, after which all unmodified main rotor shafts must be removed from service. The amendment is needed because the FAA has determined through service experience that main rotor shaft crack sites may be introduced by allowing the shafts to remain in service for extended periods without modification.

DATES: Effective, October 4, 1977. Compliance schedule. As prescribed in the body of the AD.

ADDRESSES: The applicable service bulletin may be obtained from: The Enstrom Helicopter Corporation, Menominee County Airport, P.O. Box 277, Menominee, Mich. 49858. A copy of the service bulletin is contained in the Rules Docket (AGL-7), Docket No. 76-GL-15, Federal Aviation Administration, Office of the Regional Counsel, 2300 East

Devon Avenue, Des Plaines, Ill. 60018; and at FAA Headquarters, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20501.

FOR FURTHER INFORMATION CONTACT:

M. J. Walker, Engineering and Manufacturing Branch, Flight Standards Division, AGL-214, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Ill. 60018, telephone 312-694-4500, extension 308.

**SUPPLEMENTARY INFORMATION:** This rule amends Amendment 39-2700, 41 FR 36015, AD 76-17-08 which currently requires periodic inspection of the main rotor shafts on Enstrom Helicopter Models F-28, F-28A, and 280 for tool marks or other discontinuities which might promote fatigue cracking of the shafts, and provides for the discontinuation of the inspection following the rework of the main rotor shafts by the manufacturer. Since the issuance of AD 76-17-08, the FAA has determined through service experience that corrosion may develop in the critical radius of unmodified shafts which remain idle for prolonged periods. This corrosion could eventually induce fatigue cracking. In that the inspection required by AD 76-17-08 does not address this situation, the FAA is amending Amendment 39-2700 to limit both the chronological and service time of the unmodified shafts, while retaining the inspection criteria set forth in AD 76-17-08.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

#### DRAFTING INFORMATION

The principal authors of this document are M. J. Walker, Flight Standards Division, Great Lakes Region, and H. V. Hettinger, Office of the Regional Counsel, Great Lakes Region.

#### ADOPTION OF THE AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39-2700, 41 FR 36015, AD 76-17-08 as follows:

- (1) By changing paragraph F to read: "Within the next 200 hours time in service or six months after the effective date of this amendment, whichever occurs first, remove main rotor shaft from service or return gearbox and shaft to Enstrom Helicopter Corporation for modification in accordance with Enstrom Service Directed Bulletin No. 0036"; and
- (2) By adding a new paragraph G to read: "Repetitive inspections of paragraphs B and C above may be discontinued after main rotor shaft modification in accordance with Enstrom Service Directed Bulletin No. 0036."

This amendment becomes effective: October 4, 1977.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Des Plaines, Ill., on September 16, 1977.

JOHN M. CYROCKI,  
Director, Great Lakes Region.

[FR Doc. 77-28043 Filed 9-23-77; 8:45 am]

#### [4910-13]

[Docket No. 77 GL 1, Amdt. 39-3044]

#### PART 39—AIRWORTHINESS DIRECTIVES

McCauley Propellers Model D2AF34C56-() and D2AF34C61-() Series Propellers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which replaces AD 68-8-4. The new AD requires periodic inspection of the McCauley Model D2AF34C56-() and D2AF34C61-() series propellers. The AD is needed to detect cracks and prevent failures of the hub which could result in separation of the blade(s). Since this condition is likely to exist or develop in other propellers of the same design, the Airworthiness Directive requires periodic inspection of the propeller hubs for fatigue cracking until replaced by McCauley oil-filled hubs containing a dyed oil crack detection system. Also, the AD requires retirement of the D2AF34C56-() series propellers at 1200 hours time in service.

EFFECTIVE DATES: October 6, 1977. Compliance schedule—As prescribed in the body of the AD.

ADDRESSES: Information relating to the service document referenced in the body of the AD may be obtained from McCauley Accessory Division, Cessna Aircraft Co., Box 7, Roosevelt Station, Dayton, Ohio 45417.

Copies of the service information incorporated in this AD are contained in the Rules Docket, Office of the Regional Counsel, 2300 East Devon Avenue, Des Plaines, Ill. 60018; and at FAA Headquarters, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Henry L. Weiss, Engineering and Manufacturing Branch, Flight Standards Division, AGL-214, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Ill. 60018; telephone 312-694-4500, extension 308.

**SUPPLEMENTARY INFORMATION:** Amendment 39-589 (33 FR 6083), AD 68-8-4, as revised by Amendment 39-604 (33 FR 7751), requires initial and peri-

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odic inspection of certain McCauley Model D2AF34C56-() and D2AF34C61-() series hubs for cracks, and replacement as necessary. The above inspections were no longer required when the propellers were equipped with McCauley D2AF34C61-J or subsequent model hubs. The latter hub(s) incorporated certain design improvements intended to decrease fatigue type failures.

A proposal to amend Part 39 of the Federal Aviation Regulations was published in the (42 FR 5703), January 31, 1977, due to service experience. The proposal which requires further periodic inspections of the affected propeller hubs was issued in conjunction with the National Transportation Safety Board's Recommendations of September 21, 1976. These recommendations were based in part on NTSB's metallurgical laboratory examination of several failed hubs, including a D2AF34C61-XM model, which incorporated the aforementioned design improvements. Therefore, the FAA has determined an additional safeguard be provided by the introduction of a red-dyed oil into the hub which will warn the operator of hub cracking. The repetitive inspections of such hubs are no longer required if they are modified to, or replaced by McCauley oil-filled hubs.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Only one written comment was received about the proposal. On the basis of the information submitted, the Cessna T337, and REIMS F337, FT337 aircraft were added to the applicability statement, since some of these aircraft are also equipped with the affected propellers.

Also, some other minor changes were made; namely, the phrase, "or later Federal Aviation Administration approved revisions," was added after the references to the McCauley Service Bulletin, Manual, and Letter. Furthermore, the applicable propeller model designations were amplified and clarified by a footnote.

In accordance with Departmental Regulatory Reform, dated March 23, 1976, we have determined that the expected impact of this final regulation is so minimal that it does not warrant an evaluation.

#### DRAFTING INFORMATION

The principal authors of this document are H. L. Weiss, Flight Standards Division, Great Lakes Region, and J. T. Brennan, Office of the Regional Counsel, Great Lakes Region.

#### ADOPTION OF THE AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

**McCauley Propellers.** Applies to the following two-bladed, constant speed and full feathering propeller models installed on but not limited to rear engine of Cessna Model 336, 337, T337, and REIMS Model F337, FT337 series aircraft:

D2AF34C56, D2AF34C56-A, D2AF34C56-B, D2AF34C56-C, D2AF34C56-E, D2AF34C56-F, D2AF34C56-AP, D2AF34C56-BP, D2AF34C56-CP, D2AF34C56-DF, D2AF34C56-EP, D2AF34C61, D2AF34C61-A, D2AF34C61-E, D2AF34C61-J, D2AF34C61-K, D2AF34C61-L, D2AF34C61-M, D2AF34C61-N, D2AF34C61-NKM, D2AF34C61-XM, D2AF34C61-AM, D2AF34C61-EM, D2AF34C61-JM, D2AF34C61-KM, D2AF34C61-LM.

Note.—()—Parenthesis following hub model designations cited below, indicate change letters stamped at end of model designation. Some models have one or more letters, others have none.

Compliance required as indicated, unless already accomplished. To detect propeller hub cracks and prevent possible failure, accomplish the following:

(a) Models D2AF34C56-() and D2AF34C61-() series listed above.

(1) Propeller hubs with less than 500 hours time in service, inspect in accordance with paragraph (d) (2) within 525 hours total time in service and reinspect in accordance with paragraph (d) (2) every 100 hours time in service from last inspection.

(2) Propeller hubs with 500 or more but less than 1200 hours time in service, inspect in accordance with paragraph (d) (2) within the next 25 hours time in service after the effective date of this AD and reinspect in accordance with paragraph (d) (2) every 100 hours time in service from last inspection.

(b) Model D2AF34C56-() series listed above. Propeller hubs with 1200 or more total hours in service, or whose total time in service is unknown, remove from service and replace in accordance with paragraph (d) (1) within the next 25 hours in service after the effective date of this AD.

(c) Model D2AF34C61-() series listed above. Propeller hubs with 1200 or more hours time in service or whose total time in service is unknown, inspect in accordance with paragraph (d) (3) within the next 50 hours time in service after the effective date of this AD unless already accomplished within the last 300 hours time in service and reinspect in accordance with paragraph (d) (3) every 300 hours time in service from the last inspection.

(d) Action Required. (1) Remove propeller from the aircraft, disassemble, inspect components and replace hub with an oil-filled Model D2AF34C61-XMO, -AMO, -EMO, -JMO, -KMO, -LMO, -NKM, -MO, -NO, or -O in accordance with McCauley Service Bulletin No. 123 dated February 15, 1977 and Service Manual 710930, or later Federal Aviation Administration approved revisions.

(2) Inspect all external surfaces of propeller hub for cracks by dye penetrant method. Replace before further flight any cracked hub with a Model D2AF34C61 series oil-filled hub as in paragraph (d) (1).

(3) Remove propeller from aircraft and disassemble. Inspect all external and internal hub surfaces including retention threads for cracks using dye penetrant method in accordance with McCauley Service Letter 1974-3 dated March 29, 1974, or later Federal Aviation Administration approved revisions. Replace before further flight any cracked hub with a Model D2AF34C61 series oil-filled hub as in paragraph (d) (1).

(e) Exemption. The foregoing inspections may be discontinued after replacement of Model D2AF34C56-() or D2AF34C61-() series hubs with McCauley oil-filled hubs as in paragraph (d) (1).

(McCauley Service Bulletin No. 88 also pertains to this subject.)

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made

a part hereof pursuant to 5 U.S.C. 552(a) (1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to McCauley Accessory Division, Cessna Aircraft Company, Box 7, Roosevelt Station, Dayton, Ohio 45417. These documents may also be examined at the Great Lakes Regional Office, 2300 East Devon Avenue, Des Plaines, Illinois 60018, and at FAA Headquarters, 800 Independence Avenue, SW., Washington, D.C. 20591. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C. and at the Great Lakes Region.

This supersedes Amendment 39-589 (33 FR 6083), AD 68-8-4, as amended by Amendment 39-604 (33 FR 7751).

This amendment becomes effective: October 6, 1977.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

Note.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Des Plaines, Ill., on September 19, 1977.

LEON C. DAUGHERTY,  
Acting Director,  
Great Lakes Region.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.77-28608 Filed 9-28-77; 8:45 am]

#### [4910-13]

[Docket No. 17055; Amdt. 39-3047]

#### PART 39—AIRWORTHINESS DIRECTIVES

##### Rolls Royce Dart Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires functional testing and overhaul of the low torque switch assembly on Rolls Royce Dart engines to prevent the possible occurrence of delays in propeller auto-feathering which could result in the inability to attain minimum climb performance during takeoff with one engine inoperative. There have been reports of propeller low torque switch diaphragms cracking in service.

EFFECTIVE DATE: October 28, 1977.

ADDRESSES: The applicable service bulletin may be obtained from:

Rolls Royce, Ltd., P.O. Box 31, Derby DE 2 8 BJ, England.

A copy of the applicable service bulletin is contained in the Rules Docket, Rm. 916, 800 Independence Avenue SW., Washington, D.C. 20591.

#### FOR FURTHER INFORMATION CONTACT:

D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Tel. 513.38.30.

SUPPLEMENTARY INFORMATION: A notice proposing to amend Part 39 of the Federal Aviation Regulations to require functional testing and overhaul of the low torque switches was published in the FEDERAL REGISTER at 42 FR 38388 on July 28, 1977. The proposal was prompted by reports of cracking in low torque switch diaphragms on Rolls Royce Dart engines that could cause a potentially hazardous delay in auto-feathering of the propeller that could result in the inability to attain minimum climb performance during takeoff with one engine inoperative.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received. Accordingly, the proposal is adopted without change.

The principal authors of this document are R. E. Follensbee, Western Region, R. F. Nugent and F. H. Kelley, Flight Standards Service, and S. Podberesky, Office of the Chief Counsel.

#### ADOPTION OF AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

**ROLLS ROYCE AERO, LTD.** Applies to Dart Engines Series 508, 510, 511, 514, 525, 526, 527, 528, 529, 531, 532, 542-4, and 542-10 installed on, but not necessarily limited to, Viscount 744, 745D and 810, Armstrong Whitworth AW-650 series 101, Nihon YS-11, Conqair 600 and 640, Handley Page Herald, Fokker F-27, Grumman Gulfstream I, and Hawker Siddeley 748 Series airplanes.

Compliance is required as indicated, unless already accomplished.

To prevent snap diaphragm cracking on propeller low torque switches and potentially hazardous delay of propeller auto-feathering, accomplish the following:

(a) Within the next 1,500 hours engine time or 6 months in service after the effective date of this AD, whichever occurs first, inspect and functionally test the propeller low torque switches in accordance with paragraphs 4 A. and 4 B. of Rolls Royce Service Bulletin No. Da 61-12, dated May 1976, or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region; A.P.O. New York, N.Y. 09687, (hereinafter referred to as R.R.-SB or FAA-approved equivalent). If a switch is found to be defective during an inspection or functional test required by this paragraph, comply with paragraph (b) of this AD for that switch, before the switch is returned to service.

(b) Within the next 4,000 hours engine time or 1 year in service after the effective date of this AD, whichever occurs first, overhaul all propeller low torque switches in accordance with the procedures of paragraph 4 C. of R.R.-SB or FAA-approved equivalent.

This amendment becomes effective October 28, 1977.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on September 20, 1977.

J. A. FERRARESE,  
Acting Director,  
Flight Standards Service.

[FR Doc.77-28603 Filed 9-28-77; 8:45 am]

#### [4910-13]

[Docket No. 77-NE-18; Amdt. 39-3045]

#### PART 39—AIRWORTHINESS DIRECTIVES

##### Sikorsky Model S-64E and S-64F Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Federal Register publication of telegraphic airworthiness directive.

SUMMARY: This amendment publishes a new Airworthiness Directive (AD) which was issued by telegram to operators of S-64 helicopters on September 9, 1977. The Airworthiness Directive was issued to require a boroscope inspection for cracks of the S-64 main transmission last stage planetary carrier plate and a daily check of the oil filter for magnesium chips. The AD also retires all plates with 2000 hours time in service after October 30, 1977.

EFFECTIVE DATE: September 29, 1977 (Upon receipt of telegraphic AD for all operators which received notice by telegraphic AD). Compliance schedule—As prescribed in the body of the AD.

ADDRESSES: To obtain copies of the service bulletin referenced in the AD, contact Sikorsky Aircraft, Division of United Technologies Corp., Stratford, Conn. 06602.

FOR FURTHER INFORMATION CONTACT:

Harold W. Ferris, Propulsion Section, ANE-214, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Mass. 01803. Telephone: 617-273-7336.

SUPPLEMENTARY INFORMATION: The telegraphic Airworthiness Directive adopted and made effective to all known United States operators of Sikorsky model S-64 helicopters on September 9, 1977, was required as a result of fatigue cracks in the main transmission last stage lower planetary carrier plate caused by high amplitude, low cycle torque loads during logging operations. A failure of this plate would cause a sudden loss of torque from both engines.

Since it was found that immediate corrective action was required, notice and public procedure thereon were im-

practicable and contrary to the public interest, and good cause existed for making the Airworthiness Directive effective immediately to all known United States operators of Sikorsky model S-64 helicopters by individual telegrams dated September 9, 1977.

The manufacturer's service bulletin identified and described in this directive is incorporated herein and made a part hereof pursuant to 5 U.S.C. 522(a) (1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Sikorsky Aircraft, Division of United Technologies Corp., Stratford, Conn. 06602. These documents may also be examined at Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Mass. 01803, and at FAA Headquarters, 800 Independence Avenue SW., Washington, D.C.

#### DRAFTING INFORMATION

The principal authors of this document are Harold W. Ferris, Flight Standards Division, and George L. Thompson, Associate Regional Counsel.

#### ADOPTION OF THE AMENDMENT

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an Airworthiness Directive was adopted on September 9, 1977, and made effective immediately to all known United States operators of Sikorsky model S-64 helicopters. These conditions still exist and the full text of the telegraphic AD is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations:

**SIKORSKY AIRCRAFT.** Applies to all Sikorsky model S-64E and S-64F helicopters. Compliance required as indicated, unless already accomplished.

1. To prevent cracking and possible failure of main transmission lower planetary plates, P N 6435-20229-102, inspect for cracks in accordance with Sikorsky Service Bulletin No. 64B35-7 prior to the accumulation of 1300 hours time in service, or within the next 30 hours time in service after receipt of this telegram, whichever is later, and every 70 hours time in service thereafter. Cracked plates must be removed before further flight.

2. Effective October 30, 1977, P N 6435-20229-102 plates with 2,000 or more hours total time in service must be removed from service.

3. For P N 6435-20229-102 plates with 1,300 or more hours total time in service after receipt of this telegram, inspect main transmission oil filter pack daily for magnesium chips. If chips are found, remove main transmission from service before further flight.

Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the chief, engineering and manufacturing branch, FAA, New England region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

Sikorsky Alert Service Bulletin No. 64B35-7 refers to this subject."

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

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NOTE—The Federal Aviation Administration has determined that the document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Burlington, Mass., on September 19, 1977.

WILLIAM E. CROSBY,  
Acting Director,  
New England Region.

NOTE—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on June 19, 1967.

[FR Doc 77-28607 Filed 9-28-77; 8:45 am]

#### [4910-13]

[Airspace Docket No. 77-BA-75]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

##### Alteration of Transition Area, Coatesville, Pa.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the Coatesville, Pa., transition area, by changing the reference to the Coatesville RBN to COATY LOM, which reflects a recent name change.

EFFECTIVE DATE: 0901 G.m.t. October 6, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank Trent, Airspace & Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J. F. K. International Airport, Jamaica, N.Y. 11430. Telephone 212-995-3391.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to alter the Coatesville, Pa., transition area. The rule resulted from a change in the name of the referenced navigational aid.

The change in name is editorial and will impose no additional burden on any person and thus notice or public procedure hereon are unnecessary, and good cause exists for making the amendment effective in less than 30 days.

The principal authors of this document are Frank Trent, Air Traffic Division, and Thomas C. Halloran, Esq., Office of the Regional Counsel.

#### ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t. October 6, 1977, as follows:

#### § 71.181 [Amended]

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to

amend the description of the Coatesville, Pa. transition area by deleting, "Coatesville RBN (39°59'32" N., 75°56'32" W.), extending from the 6-mile radius arc to 11.5 miles west of the RBN" and by inserting, "COATY LOM (39°59'32" N., 75°57'06" W.), extending from the 6-mile radius arc to 11.5 miles west of the LOM", in lieu thereof.

NOTE—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1351(c)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.69.)

Issued in Jamaica, N.Y., on September 16, 1977.

TIMOTHY L. HARTNETT,  
Acting Director, Eastern Region.

[FR Doc. 77-27601 Filed 9-28-77; 8:45 am]

[Airspace Docket No. 77-SW-20]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

##### Alteration of Transition Area: Refugio, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the Refugio, Tex., transition area to provide controlled airspace for aircraft executing the new instrument approach procedure established for Mellon Ranch Airport, as per the navigation aid (NDB) located on the airport.

EFFECTIVE DATE: December 1, 1977.

FOR FURTHER INFORMATION CONTACT:

John A. Jarrell, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to alter the Refugio, Tex., transition area.

On July 18, 1977, a notice of proposed rulemaking was published in the FEDERAL REGISTER (42 FR 36843) stating the Federal Aviation Administration proposed to alter the Refugio, Tex., transition area to provide controlled airspace for aircraft executing the new instrument approach procedure established for the Mellon Ranch Airport.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

#### DRAFTING INFORMATION

The principal authors of this document are John A. Jarrell, Airspace and

Procedures Branch, and Robert C. Nelson, Office of the Regional Counsel.

#### ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 440) is amended, effective 0901 G.m.t. December 1, 1977, as hereinafter set forth.

In Subpart G, § 71.181 (42 FR 440), the Refugio, Tex., transition area is amended as follows:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Tom O'Connor Oilfield Airport (latitude 28°20'04" N., longitude 97°08'58" W.); within 2 miles each side of the 335° bearing from the Vidauri RBN (latitude 28°23'51" N., longitude 97°10'40" W.), extending from the 5-mile-radius area to 8 miles northwest of the Vidauri NDB, within a 5-mile radius of Mellon Ranch Airport (latitude 28°16'50" N., longitude 97°12'30" W.), and within 3.5 miles each side of the 319° bearing from the Mellon Ranch NDB (latitude 28°16'47" N., longitude 97°12'20" W.), extending from the 5-mile radius to 12 miles northwest of the Mellon Ranch NDB and within 3.5 miles each side of the 152° bearing from the Mellon Ranch NDB, extending from the 5-mile radius to 11.5 miles southeast of Mellon Ranch NDB.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.69.)

NOTE—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Fort Worth, Tex., on September 15, 1977.

HENRY L. NEWMAN,  
Director, Southwest Region.

[FR Doc. 77-28045 Filed 9-28-77; 8:45 am]

#### [4910-13]

[Airspace Docket No. 77-BA-51]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

##### Designation of Transition Area, Fort Indiantown Gap, Pa.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment designates a Fort Indiantown Gap, Pa. Transition Area, over Muir Army Air Field, Fort Indiantown Gap, Pa. This designation will provide protection to aircraft executing the new instrument approach which has been developed for the airport. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

EFFECTIVE DATE: 0901 GMT, December 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank Trent, Airspace and Procedures Branch, AEA-530, Air Traffic Division,

[Airspace Docket No. 77-SW-42]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

##### Revocation of Control Zone: Big Spring, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revokes the Big Spring, Tex., control zone. On September 1, 1977, communications capability down to the runway surface and weather observations were terminated when Webb Air Force Base ceased to provide this service. The cessation of these services necessitates the revocation of the control zone.

EFFECTIVE DATE: December 1, 1977.

FOR FURTHER INFORMATION CONTACT:

John A. Jarrell, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION: In Subpart F, § 71.171 (42 FR 355) of FAR Part 71, the Big Spring, Tex., control zone is designated as part-time through the notation that the control zone will be effective during specific dates and times established in advance by a NOTAM. The dates and times conform with the Webb Air Force Base air traffic control tower hours of operation. Hourly and special weather observations are provided during the designated hours of operation. The Air Force has informed us of the closure of Webb Air Force Base on September 1, 1977. This will terminate the services required for the control zone and necessitate revocation of the control zone.

The aforementioned action will reduce the constraints and, in effect, the impact on the user imposed by the control zone operation. Consequently, we have elected to omit circularization of the change for comment.

#### DRAFTING INFORMATION

The principal authors of this document are John A. Jarrell, Airspace and Procedures Branch, and Robert C. Nelson, Office of the Regional Counsel.

#### ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 355) is amended, effective 0901 G.m.t., December 1, 1977, as hereinafter set forth.

Federal Aviation Administration, Federal Building, J. F. K. International Airport, Jamaica, N.Y. 11430, telephone 212-995-3391.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to designate a Fort Indiantown Gap, Pa., transition area. The rule resulted from a new instrument approach procedure. Interested persons have been afforded an opportunity to participate in the formation of the rule. No objections were received. Accordingly, the proposal is adopted as published.

#### DRAFTING INFORMATION

The principal authors of this document are Frank Trent, Air Traffic Division, and Thomas C. Halloran, Esq., Office of the Regional Counsel.

#### ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t. December 1, 1977, as published.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(c)); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.69.)

NOTE—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Jamaica, New York, on September 16, 1977.

TIMOTHY L. HARTNETT,  
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a Fort Indiantown Gap, Pa. transition area as follows:

#### FORT INDIANTOWN GAP, PA.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, 40°26'00" N., 76°34'00" W. of Muir AAF, Fort Indiantown Gap, Pa.; within a 12-mile radius of the center of the airport, extending clockwise from a 230° bearing to a 252° bearing from the airport; within a 14.5-mile radius of the center of the airport, extending clockwise from a 252° bearing to a 037° bearing from the airport; within a 12.5-mile radius of the center of the airport, extending clockwise from a 037° bearing to a 086° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 086° bearing to a 136° bearing from the airport; within 4.5 miles each side of the 097° bearing from the Bellgrove, Pa., RBN, extending from the RBN to 10 miles east of the RBN.

[FR Doc. 77-28609 Filed 9-28-77; 8:45 am]

In Subpart F, § 71.171 (42 FR 355), the Big Spring, Tex., control zone is revoked. (Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Fort Worth, Tex., September 15, 1977.

HENRY L. NEWMAN,  
Director, Southwest Region.

[FR Doc. 77-28044 Filed 9-28-77; 8:45 am]

#### [4910-13]

[Docket No. 17230; Amdt. No. 1092]

#### SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

#### PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

##### Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

EFFECTIVE DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

#### FOR EXAMINATION

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

#### FOR PURCHASE

Individual SIAP copies may be obtained from: 1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Ave., SW., Washington, D.C. 20591; or

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2. The FAA Regional Office of the region in which the affected airport is located.

#### BY SUBSCRIPTION

Copies of all SIAPs, mailed weekly, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The current annual subscription price is \$150.00; add \$30.00 for each additional copy mailed to the same address.

#### FOR FURTHER INFORMATION CONTACT:

William L. Bersch, Flight Procedures and Airspace Branch (AFS-730), Aircraft Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Ave. SW., Washington, D.C. 20591, telephone 202-426-8277.

**SUPPLEMENTARY INFORMATION:** This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA forms are identified as FAA Forms 8260-3, 8260-4 and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the FEDERAL REGISTER expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDIC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The principal authors of this document are Rudolph L. Fioretti, Flight Standards Service, and Richard W. Danforth, Office of the Chief Counsel.

#### ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective on the dates specified, as follows:

#### § 97.23 [Amended]

1. By amending § 97.23 VOR-VOR/DME SIAPs identified as follows:

• • • Effective December 29, 1977.

Belvidere, IL—Belvidere LTD, VOR A, Original

• • • Effective December 29, 1977.

Akron, CO—Akron-Washington County, VOR Rwy 27, Amdt. 2

Emporia, KS—Emporia Municipal, VOR A, Amdt. 9

Columbia, MS—Columbia-Marion County, VOR/DME Rwy 23, Orig.

Fayetteville, TN—Fayetteville Muni., VOR/DME Rwy 1, Amdt. 1

Jackson, TN—McKellar Field, VOR Rwy 2, Amdt. 11

Amarillo, TX—Amarillo International, VOR Rwy 22, Amdt. 22

• • • Effective November 17, 1977.

Cordele, GA—Cordele, VOR/DME Rwy 22, Amdt. 5

Macon, GA—Herbert Smart Downtown, VOR-A, Amdt. 1

Plains, GA—Peterson Field, VOR/DME-B, Orig.

Augusta, KS—Augusta Municipal, VOR/DME-A, Amdt. 2

Wichita, KS—Beech Factory, VOR/DME-B, Amdt. 8

Ainsworth, NE—Ainsworth Muni., VOR Rwy 17, Amdt. 5

Ainsworth, NE—Ainsworth Muni., VOR Rwy 35, Amdt. 1

Saranac Lake, NY—Adirondack, VOR Rwy 5 and 9, Amdt. 7

Greensboro, NC—Greensboro-High Point-Winston Salem Regional, VOR/DME Rwy 32, Orig.

Chattanooga, TN—Lovell Field, VOR Rwy 32, Amdt. 11

• • • Effective October 20, 1977.

Twin Falls, ID—Twin Falls City-County (Joslin Field) VOR Rwy 25, Amdt. 14

§ 97.25 [Amended]

2. By amending § 97.25 SDF-LOC-LDA SIAPs identified as follows:

• • • Effective December 1, 1977.

Helena, MT—Helena, LOC/DME BC-C, Original

Jackson, TN—McKellar Field, LOC (BC) Rwy 20, Amdt. 2

Amarillo, TX—Amarillo International, LOC BC Rwy 22, Amdt. 12

§ 97.27 [Amended]

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

• • • Effective January 26, 1978.

Sterling, CO—Crosson Field, NDB Rwy 33, Amdt. 1

• • • Effective December 1, 1977.

Arlington, TN—Arlington Muni., NDB Rwy 15, Amdt. 3

Arlington, TN—Arlington Muni., NDB Rwy 33, Amdt. 3

Bolivar, TN—Bolivar-Hardeman County, NDB Rwy 36, Amdt. 1

Cookeville, TN—Putnam County, NDB Rwy 17, Amdt. 2

Covington, TN—Covington Muni., NDB Rwy 1, Amdt. 1

Fayetteville, TN—Fayetteville Muni., NDB Rwy 1, Amdt. 2

Jackson, TN—McKellar Field, NDB Rwy 2, Amdt. 3

Memphis, TN—Memphis International, NDB Rwy 9, Amdt. 24

McMinnville, TN—Warren County Memorial, NDB Rwy 5, Amdt. 2

McMinnville, TN—Warren County Memorial, NDB Rwy 23, Amdt. 2

Memphis, TN—Memphis International, NDB Rwy 35R, Amdt. 3

Sparta, TN—Sparta-White County, NDB Rwy 3, Amdt. 1

Winchester, TN—Winchester Muni., NDB Rwy 18, Amdt. 1

Amarillo, TX—Amarillo International, NDB Rwy 4, Amdt. 12

Houston, TX—Houston Intercontinental, NDB Rwy 8, Amdt. 3

• • • Effective November 17, 1977.

Augusta, GA—Bush Field, NDB Rwy 35, Amdt. 23

Panama City, FL—Panama City-Bay County, NDB Rwy 14, Original

Muscatoine, IA—Muscatoine Municipal, NDB Rwy 5, Amdt. 5

Sikeston, MO—Sikeston Memorial Municipal, NDB Rwy 20, Amdt. 4

Ogdensburg, NY—Ogdensburg International, NDB-A, Amdt. 3

Raleigh, NC—Raleigh-Durham, NDB Rwy 5, Amdt. 16

Raleigh, NC—Raleigh-Durham, NDB Rwy 23, Orig.

Wilmington, NC—New Hanover County, NDB Rwy 34, Amdt. 11

Pickens, SC—Pickens County, NDB Rwy 4, Amdt. 1

• • • Effective October 20, 1977.

Twin Falls, ID—Twin Falls City-County (Joslin Field) NDB Rwy 25, Amdt. 3

§ 97.29 [Amended]

4. By amending § 97.29 ILS-MLS SIAPs identified as follows:

• • • Effective December 1, 1977.

Jackson, TN—McKellar Field, ILS Rwy 2, Amdt. 3

Amarillo, TX—Amarillo International, ILS Rwy 4, Amdt. 16

Houston, TX—Houston Intercontinental, ILS Rwy 8, Amdt. 5

• • • Effective November 17, 1977.

Augusta, GA—Bush Field, ILS Rwy 35, Amdt. 23

Boston, MA—General Edward Lawrence Logan Int'l, ILS Rwy 4R, Amdt. 23, cancelled

Raleigh, NC—Raleigh-Durham, ILS Rwy 5, Amdt. 19

Wilmington, NC—New Hanover County, ILS Rwy 34, Amdt. 15

• • • Effective October 20, 1977.

Twin Falls, ID—Twin Falls City-County (Joslin Field) ILS Rwy 25, Amdt. 4

§ 97.31 [Amended]

5. By amending § 97.31 RADAR SIAPs identified as follows:

• • • Effective December 1, 1977.

Amarillo, TX—Amarillo International, RADAR-1, Amdt. 10

§ 97.33 [Amended]

6. By amending § 97.33 RNAV SIAPs identified as follows:

• • • Effective December 1, 1977.

Amarillo, TX—Amarillo International, RNAV Rwy 22, Amdt. 2, cancelled

Emporia, KS—Emporia Municipal, RNAV Rwy 18, Amdt. 2

• • • Effective November 17, 1977.

Wichita, KS—Beech Factory, RNAV Rwy 18, Amdt. 2

Wichita, KS—Beech Factory, RNAV Rwy 36, Amdt. 3

(Secs. 307, 313(a), 601, 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1344(a), 1421, 1510); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Delegation: 25 FR 6489 and Paragraph 802 of Order FS P 1100.1, as amended March 9, 1973)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on September 23, 1977.

JAMES M. VINES,  
Chief, Aircraft  
Programs Division

§ 210.12-02 Marketable securities—other security investments.

Column A

Column B

Column C

Column D

Column E

Name of issuer and title of each issue

Number of shares or units—principal amount of bonds and notes

Cost of each issue

Market value of each issue at balance sheet date

Amount at which each portfolio of equity security issues and each other security issue carried in the balance sheet

1 For the purpose of this schedule, each of the following groups of entities shall be considered as one issuer: (a) the United States Government and its agencies; (b) any state of the United States and its agencies; (c) a political subdivision of a state of the United States and its agencies; (d) a foreign government and its agencies and political subdivisions; and (e) a corporation and its majority owned subsidiaries. If a security listed herein is guaranteed by or considered a moral obligation of another issuer named herein, provide, in a note keyed to each issuer, a brief description of the terms of such guarantee or obligation.

2(a) Each issue shall be stated separately, except that reasonable groupings, without enumeration, may be made of securities of any issuer for which the greater of the aggregate cost or aggregate market value is less than two percent of total assets.

(b) In the case of bank holding companies group separately (1) securities of banks and (2) other securities, and in column C show totals for each group.

3 Market value shall be based on market quotations at the balance sheet date or, if such quotations are not available, on determinations of fair value made in good faith by the board of directors.

4 Column E shall be totaled to correspond to the respective balance sheet captions.

Amarillo, TX—Amarillo International, RNAV Rwy 22, Amdt. 2, cancelled

Emporia, KS—Emporia Municipal, RNAV Rwy 18, Amdt. 2

• • • Effective November 17, 1977.

Wichita, KS—Beech Factory, RNAV Rwy 18, Amdt. 2

Wichita, KS—Beech Factory, RNAV Rwy 36, Amdt. 3

(Secs. 307, 313(a), 601, 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1344(a), 1421, 1510); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Delegation: 25 FR 6489 and Paragraph 802 of Order FS P 1100.1, as amended March 9, 1973)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on September 23, 1977.

JAMES M. VINES,  
Chief, Aircraft  
Programs Division

§ 210.12-02 Marketable securities—other security investments.

Column A

Column B

Column C

Column D

Column E

Name of issuer and title of each issue

Number of shares or units—principal amount of bonds and notes

Cost of each issue

Market value of each issue at balance sheet date

Amount at which each portfolio of equity security issues and each other security issue carried in the balance sheet

1 For the purpose of this schedule, each of the following groups of entities shall be considered as one issuer: (a) the United States Government and its agencies; (b) any state of the United States and its agencies; (c) a political subdivision of a state of the United States and its agencies; (d) a foreign government and its agencies and political subdivisions; and (e) a corporation and its majority owned subsidiaries. If a security listed herein is guaranteed by or considered a moral obligation of another issuer named herein, provide, in a note keyed to each issuer, a brief description of the terms of such guarantee or obligation.

2(a) Each issue shall be stated separately, except that reasonable groupings, without enumeration, may be made of securities of any issuer for which the greater of the aggregate cost or aggregate market value is less than two percent of total assets.

(b) In the case of bank holding companies group separately (1) securities of banks and (2) other securities, and in column C show totals for each group.

3 Market value shall be based on market quotations at the balance sheet date or, if such quotations are not available, on determinations of fair value made in good faith by the board of directors.

4 Column E shall be totaled to correspond to the respective balance sheet captions.

NOTE.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on May 12, 1969.

[FR Doc. 77-28604 Filed 9-23-77; 8-45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5863, 34-13038, 35-20166, AS-226]

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, AND INVESTMENT COMPANY ACT OF 1940

Marketable Securities and Other Security Investments

Correction

In FR Doc 77-26984 appearing at page 46512 in the issue of Friday, September 16, 1977, in § 210.12-02 on page 46514 the table should be corrected to read as follows:

Column A

Column B

Column C

Column D

Column E

Name of issuer and title of each issue

Number of shares or units—principal amount of bonds and notes

Cost of each issue

Market value of each issue at balance sheet date

Amount at which each portfolio of equity security issues and each other security issue carried in the balance sheet

1 For the purpose of this schedule, each of the following groups of entities shall be considered as one issuer: (a) the United States Government and its agencies; (b) any state of the United States and its agencies; (c) a political subdivision of a state of the United States and its agencies; (d) a foreign government and its agencies and political subdivisions; and (e) a corporation and its majority owned subsidiaries. If a security listed herein is guaranteed by or considered a moral obligation of another issuer named herein, provide, in a note keyed to each issuer, a brief description of the terms of such guarantee or obligation.

2(a) Each issue shall be stated separately, except that reasonable groupings, without enumeration, may be made of securities of any issuer for which the greater of the aggregate cost or aggregate market value is less than two percent of total assets.

(b) In the case of bank holding companies group separately (1) securities of banks and (2) other securities, and in column C show totals for each group.

3 Market value shall be based on market quotations at the balance sheet date or, if such quotations are not available, on determinations of fair value made in good faith by the board of directors.

4 Column E shall be totaled to correspond to the respective balance sheet captions.

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## [ 8010-01 ]

[Release Nos. 33-5862; IC 9916;  
File No. 87-537]

**PART 231—INTERPRETATIVE RELEASES  
RELATING TO THE SECURITIES ACT OF  
1933 AND GENERAL RULES AND REG-  
ULATIONS THEREUNDER**

**PART 271—INTERPRETATIVE RELEASES  
RELATING TO THE INVESTMENT COM-  
PANY ACT OF 1940 AND GENERAL  
RULES AND REGULATIONS THERE-  
UNDER**

**Sales Literature for Mutual Funds;  
Correction**

AGENCY: Securities and Exchange  
Commission.

ACTION: Amendment to statement of  
policy; correction.

SUMMARY: This document corrects a  
final rule on sales literature for mutual  
funds which appears at page 45291 of  
the FEDERAL REGISTER of September 9,  
1977.

DATES: Amendment, effective date, 9-  
9-77; comments by 10-31-77.

FOR FURTHER INFORMATION CON-  
TACT:

Gene A. Gohlke, Division of Invest-  
ment Management, Securities and Ex-  
change Commission, 500 North Capitol  
St., Washington, D.C. 20549 (202-  
755-1815).

In FR Doc. 77-26326 on page 45295:

(1) column one, third paragraph designat-  
ed (x), first line should read "If Sample  
Chart F is used, it should"

(2) column three, second full paragraph  
designated (v), last line should read, "para-  
graph (vii) of this subsection."

GEORGE A. FITZSIMMONS,  
Secretary.

SEPTEMBER 22, 1977.

[FR Doc. 77-28593 Filed 9-28-77; 8:45 am]

## [ 4210-01 ]

**Title 24—Housing and Urban Development  
CHAPTER VIII—LOW INCOME HOUSING,  
DEPARTMENT OF HOUSING AND UR-  
BAN DEVELOPMENT**

[Docket No. R-77-464]

**PART 841—PUBLIC HOUSING PROGRAM;  
DEVELOPMENT PHASE**

**Appendix A—Prototype Cost Limits for  
Low Income Housing**

AGENCY: Office of the Assistant Sec-  
retary for Housing-Federal Housing

Commissioner, Department of Housing  
and Urban Development.

ACTION: Interim rule.

SUMMARY: On June 30, 1977, the De-  
partment published a revised Schedule  
A, "Prototype Cost Limits for Low-In-  
come Housing", to Part 841. Considera-  
tion of subsequent factual cost data and  
other information received from the field  
offices shows that new prototype cost  
areas should be established, and others  
revised to make the program feasible in  
the affected areas. Section 6(b) of the  
U.S. Housing Act of 1937 provides that  
prototype costs become effective on the  
date of publication in the FEDERAL REG-  
ISTER.

DATES: Effective Date: September 29,  
1977. Comments will be considered in  
preparing revisions of these schedules,  
which will appear in the FEDERAL REGIS-  
TER. Comments should be received on or  
before October 14, 1977.

ADDRESSES: Send comments to Direc-  
tor, Office of Technical Support, HUD  
Central Office, Room 6160, 451 7th  
Street SW., Washington, D.C. 20410, and  
send a copy of comments to the local  
HUD Office.

FOR FURTHER INFORMATION CON-  
TACT:

Mr. Robert P. Cunningham, Direc-  
tor, Office of Technical Support, De-  
partment of Housing and Urban  
Development, 451 7th Street SW.,  
Washington, D.C. 20410. (202-755-  
5730.)

**SUPPLEMENTARY INFORMATION:**  
Based on information supplied by field  
offices and the public, the prototype per  
unit cost areas for the Baltimore Area  
Office are being realigned and an addi-  
tional area is being established; Fort  
Mojave Indian Reservation is being  
separated from the Kingman, Ariz. pro-  
totype cost area with a new area estab-  
lished for Fort Mojave; and the proto-  
type per unit cost schedules for Elko,  
Fallon, and Gardnerville, Nev. are being  
expanded to cover 0 and 1 bedroom units  
for detached and semi-detached as well  
as 0 to 6 bedroom units for row dwellings  
and walk-up, both of which had been in-  
advertently omitted in previous publica-  
tions of the FEDERAL REGISTER.

These costs, issued pursuant to Section  
6(b) of the U.S. Housing Act of 1937,  
represent per unit cost schedules for  
low-income housing and are required to  
be published at least annually in the  
FEDERAL REGISTER.

Because of the need to maintain cur-  
rent prototype cost schedules, it is in  
the public interest to publish the  
changes for effect. However, timely  
written comments will be considered, and  
additional amendments will be published  
if the Department determines that ac-  
ceptance of the comments is appropriate.  
Comments with respect to cost limits for  
a given location should be sent to the  
addresses indicated above.

A finding of inapplicability respecting  
the National Environmental Policy Act  
of 1969 has been made in accordance  
with HUD procedures. A copy of this  
finding of inapplicability will be avail-  
able for public inspection during regu-  
lar business hours in the Office of the  
Rules Docket Clerk, Room 5218, Depart-  
ment of Housing and Urban Develop-  
ment, 451 7th Street SW., Washington,  
D.C.

Accordingly, the Prototype Cost Limits  
for Low Income Housing, pursuant to  
24 CFR, Part 841, Appendix A, are  
amended as follows:

1. At 41 FR 33646, delete Aberdeen,  
Annapolis, Cambridge, Cumberland, and  
Frederick prototype per unit cost sched-  
ules and add a prototype per unit cost  
schedule for Waldorf as shown on the  
table set forth hereinafter entitled Pro-  
totype Per Unit Cost Schedule—Region  
III—Maryland.

2. At 41 FR 33692, add a prototype per  
unit cost schedule for Fort Mojave as  
shown on the table set forth hereinafter  
entitled Prototype Per Unit Cost Sched-  
ule—Region IX—Arizona.

3. At 41 FR 33700, delete the existing  
prototype per unit cost schedules for  
Elko, Fallon, and Gardnerville and sub-  
stitute the expanded prototype per unit  
cost schedules for these same areas as  
shown on the table set forth hereinafter  
entitled Prototype Per Unit Cost Sched-  
ule—Region IX—Nevada.

(Sec. 7(d), Department of HUD Act, 42  
U.S.C. 3535(d); Sec. 6(b) of the U.S. Housing  
Act of 1937, 42 U.S.C. 1437d.)

NOTE.—It is hereby certified that the  
economic and inflationary impacts of the  
amendment to Part 841 have been carefully  
evaluated in accordance with Executive  
Order No. 11821.

Issued at Washington, D.C., Septem-  
ber 23, 1977.

MORTON A. BARUCH,  
General Deputy Assistant  
Secretary for Housing.

## PROTOTYPE PER UNIT COST SCHEDULE

REGION III

Maryland Waldorf	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.	12,700	15,300	16,950	20,200	24,200	27,100	28,300
Row Dwellings	12,250	14,800	16,300	19,500	23,400	26,000	27,250
Walk-Up	13,300	16,450	18,650	22,100	25,700	28,200	29,700
Elevator-Structure	20,200	23,500	29,800	-	-	-	-
	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							
	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							
	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							
	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

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## PROTOTYPE PER UNIT COST SCHEDULE

REGION IX

Arizona Fort Mojave	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.	15,250	18,350	22,750	26,950	32,450	36,150	37,850
Row Dwellings	-	-	-	-	-	-	-
Walk-Up	-	-	-	-	-	-	-
Elevator-Structure	-	-	-	-	-	-	-
	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							
	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							
	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

 RULES AND REGULATIONS  
 PROTOTYPE PER UNIT COST SCHEDULE

REGION IX

Nevada Elko	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.	18,950	22,750	25,300	29,600	35,350	39,200	41,050
Row Dwellings	17,900	21,450	23,800	28,250	33,650	37,400	39,300
Walk-Up	15,600	19,150	21,700	25,650	29,650	32,500	32,900
Elevator-Structure	-	-	-	-	-	-	-
Fallon	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.	18,950	22,750	25,300	29,600	35,350	39,200	41,050
Row Dwellings	17,900	21,450	23,800	28,250	33,650	37,400	39,300
Walk-Up	15,600	19,150	21,700	25,650	29,650	32,500	32,900
Elevator-Structure	-	-	-	-	-	-	-
Gardnerville	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.	17,300	20,950	23,300	27,350	32,750	36,150	37,900
Row Dwellings	16,250	19,450	21,750	26,100	31,250	34,850	39,900
Walk-Up	13,900	17,350	19,800	23,550	27,350	30,100	31,600
Elevator-Structure	-	-	-	-	-	-	-
	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							
	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

[FR Doc. 77-28132 Filed 9-28-77; 8:45 am]

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[ 3710- ]

**Title 33—Navigation and Navigable Waters**  
**CHAPTER II—CORPS OF ENGINEERS,**  
**DEPARTMENT OF THE ARMY**

**PART 207—NAVIGATION REGULATIONS**  
**Anacostia River Restricted Area**

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Final rulemaking.

SUMMARY: The Corps of Engineers/Department of the Army is revoking the regulation that established a restricted area in the Anacostia River at Pier 1, Washington Navy Yard, Washington, D.C. The restricted area was established for the Presidential Yacht which has now been deactivated and sold.

EFFECTIVE DATE: September 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Ralph T. Eppard 202-693-5070 or write: Office of the Chief of Engineers, Attn.: DAEN-CWO-N, Washington, D.C. 20314.

**SUPPLEMENTARY INFORMATION:** We have determined that notice of proposed rulemaking and public procedures thereto are impracticable and unnecessary. The revocation of 33 CFR 207.127 will remove a restriction on a waterway and will benefit the general public. Accordingly, 33 CFR 207.127 is hereby revoked as set forth below.

§ 207.127 Anacostia River, at U.S. Naval Administrative Unit, Washington Navy Yard, Washington, D.C.; U.S. Navy restricted area. [Revoked]

**NOTE:**—The Department of the Army has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107. (40 Stat. 266; (33 U.S.C. 1).)

Dated: September 12, 1977.

Approved:

CHARLES R. FORD,  
*Acting Assistant Secretary*  
*of the Army (Civil Works).*

[FR Doc 77-28693 Filed 9-28-77; 8:45 am]

[ 6506-01 ]

**Title 40—Protection of Environment**

**CHAPTER I—ENVIRONMENTAL**  
**PROTECTION AGENCY**

[FRL 784-3]

**PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS**

**Units and Abbreviations**

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This action revises the General Provisions by reorganizing the units and abbreviations, and adding the International System of Units (SI). Until recently, EPA did not have a preferred system of measurement to be used in its regulations issued under this part.

Now the Agency is using SI units in all regulations issued under this part. This necessitates that SI units be added to the General Provisions to provide a complete listing of abbreviations used.

EFFECTIVE DATE: October 31, 1977.

FOR FURTHER INFORMATION CONTACT:

Don R. Goodwin, Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, N.C. 27711, telephone (919-541-5271).

**SUPPLEMENTARY INFORMATION:** Section 3 of Pub. L. 94-168, the Metric Conversion Act of 1975, declares that the policy of the United States shall be to coordinate and plan the increasing use of the metric system in the United States. On December 10, 1976, a notice was published in the FEDERAL REGISTER (41 FR 54018) that set forth the interpretation and modification of the International System of Units (SI) for the United States. EPA incorporates SI units in all regulations issued under 40 CFR Part 61 and provides common equivalents in parentheses where desirable. Use of SI units requires this revision of the abbreviations section (§ 61.03) of the General Provisions of 40 CFR Part 61.

An explanation of the International System of Units was presented in the FEDERAL REGISTER notice mentioned above (41 FR 54018). EPA is using the Standard for Metric Practice (E 380-76) published by the American Society for Testing and Materials (A.S.T.M.) as its basic reference. This document may be obtained by sending \$4.00 to A.S.T.M., 1916 Race Street, Philadelphia, Pennsylvania 19103.

As this revision has no regulatory impact, but only defines units and abbreviations used in this part, opportunity for public participation was judged unnecessary.

This action is taken under the authority of sections 112 and 301(a) of the Clean Air Act, 42 U.S.C 1857g(a).

**NOTE:**—The Environmental Protection Agency has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Analysis under Executive Orders 11821 and 11949 and OMB Circular A-107.

Dated: September 26, 1977.

DOUGLAS M. COSTLE,  
*Administrator.*

40 CFR Part 61 is amended by revising § 61.03 to read as follows:

§ 61.03 Units and abbreviations.

Used in this part are abbreviations and symbols of units of measure. These are defined as follows:

(a) System International (SI) units of measure:

A = ampere  
 g = gram  
 Hz = hertz  
 J = joule  
 K = degree Kelvin  
 kg = kilogram  
 m = meter  
 m<sup>3</sup> = cubic meter  
 mg = milligram = 10<sup>-3</sup> gram

mm = millimeter = 10<sup>-3</sup> meter  
 Mg = megagram = 10<sup>6</sup> gram  
 mol = mole  
 N = newton  
 ng = nanogram = 10<sup>-9</sup> gram  
 nm = nanometer = 10<sup>-9</sup> meter  
 Pa = pascal  
 s = second  
 V = volt  
 W = watt  
 Ω = ohm  
 μg = microgram = 10<sup>-6</sup> gram

(b) Other units of measure:

°C = degree Celsius (centigrade)  
 cfm = cubic feet per minute  
 cc = cubic centimeter  
 d = day  
 °F = degree Fahrenheit  
 ft<sup>2</sup> = square feet  
 ft<sup>3</sup> = cubic feet  
 gal = gallon  
 in = inch  
 in Hg = inches of mercury  
 in H<sub>2</sub>O = inches of water  
 l = liter  
 lb = pound  
 lpm = liter per minute  
 min = minute  
 ml = milliliter = 10<sup>-3</sup> liter  
 oz = ounces  
 psig = pounds per square inch gage  
 °R = degree Rankine  
 μl = microliter = 10<sup>-6</sup> liter  
 v/v = volume per volume  
 yd<sup>2</sup> = square yards  
 yr = year

(c) Chemical nomenclature:

Be = beryllium  
 Hg = mercury  
 H<sub>2</sub>O = water

(d) Miscellaneous:

act = actual  
 avg = average  
 I.D. = inside diameter  
 M = molar  
 N = normal  
 O.D. = outside diameter  
 % = percent  
 std = standard

(Sections 112 and 301(a) of the Clean Air Act, as amended [42 U.S.C. 1857c-7, 1857g(a)]).

[FR Doc 77-28718 Filed 9-28-77; 8:45 am]

[ 6560-01 ]

**SUBCHAPTER D—WATER PROGRAMS**  
**[FRL 788-5]**

**PART 149—REVIEW OF PROJECTS AFFECTING THE EDWARDS UNDERGROUND RESERVOIR, A DESIGNATED SOLE SOURCE AQUIFER IN THE SAN ANTONIO, TEXAS AREA**

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: These final project review regulations implement aquifer requirements of the Safe Drinking Water Act. The regulations establish procedures for reviewing commitments of Federal financial assistance to projects in the San Antonio, Texas area.

EFFECTIVE DATE: November 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Ms. Zoraida Carballeira, Program Analyst, State Programs Division,

Office of Water Supply (WH-550), Environmental Protection Agency. (202-426-2934).

**SUPPLEMENTARY INFORMATION:** On December 16, 1975, the Environmental Protection Agency (EPA) published under 40 CFR Part 149 (Review of Projects Affecting Sole Source Aquifers) Interim Project Review Guidelines for the Edwards Underground Reservoir, Texas Area (40 FR 58292). These guidelines went into effect immediately and authorized EPA review as of the date of their publication. A notice of a public hearing and a request for comments on the interim guidelines were published in the FEDERAL REGISTER on March 22, 1976. Comments were received from both the public and private sectors in response to our request. On April 26, 1976, EPA held a public hearing in San Antonio, Texas, to hear the views of interested persons on the interim guidelines.

After reviewing all public comments received and evaluating the Agency's experience in the application of these interim guidelines to the Edwards Underground Reservoir, the EPA has prepared regulations for the review of Federal financially assisted projects under Section 1424(e) in the San Antonio area.

These regulations describe the project review process that is applicable to Federal financially assisted projects which may affect the Edwards Underground Reservoir through its recharge zone as described in the December 16, 1975, Notice of Determination, and therefore, supersede the interim guidelines. National proposed regulations for the implementation of Section 1424(e) are being published elsewhere in this issue of the FEDERAL REGISTER (42 FR 51620). The project review process contained in Subpart C of those proposed national regulations is identical to the process contained in these San Antonio regulations. EPA anticipates that the San Antonio regulations will be consolidated with the national regulations once the national regulations are promulgated.

**PROJECT REVIEW**

Section 1424(e) provides that no commitment of Federal financial assistance shall be made to a project which the Administrator determines may contaminate an aquifer in a designated area through its recharge zone so as to create "a significant hazard to public health." Subpart B of these regulations establishes procedures for review of projects for which an application for Federal financial assistance has been made. The project review process will be implemented by the Regional Administrator with the exception of the final determination which will be made by the Administrator. The Regional Administrator is encouraged to explore all available alternatives with the Federal agencies involved, before a recommendation is submitted to the Administrator to determine that a project may contaminate the aquifer so as to create a significant hazard to public health.

Programs and actions will be subject to EPA's project review authority only if an application for Federal financial assistance has been submitted. Federal actions such as dredging performed by the Army Corps of Engineers, which do not involve a grant of financial assistance to a project, are not affected by the project review authority granted by Section 1424(e). Similarly, Federal actions or programs performed by contractors for the Federal government, such as construction of roads on Federal lands by a contractor under the supervision of the Bureau of Land Management are not subject to project review. Although this type of Federal action does not fall within the scope of Section 1424(e), an obligation to evaluate groundwater impact may exist based on other authority. Some actions may be subject to the provisions of the National Environmental Policy Act (NEPA), and the preparation of an environmental impact statement (EIS) may be required. Furthermore, in accordance with Executive Order 11752, all Federal facilities have a responsibility to take the initiative in the protection of the environment.

If a commitment of Federal financial assistance is sought which is within the meaning of Section 1424(e), the Administrator then has the authority to review the project for which financial assistance is sought, in order to determine whether the project may contaminate the aquifer so as to create a significant hazard to public health. EPA will not be concerned with reviewing small, isolated commitments of financial assistance such as individual home mortgage loans (e.g., Farmers Home Administration loans and Veterans' Administration loans) which presumptively have an insignificant impact on aquifer quality. However, EPA may conduct review if the cumulative impact of a large number of such projects is of concern.

Because groundwater impact evaluations are not only required under Section 1424(e), but are also an integral part of the responsibilities imposed under the National Environmental Policy Act (NEPA), the process of project review pursuant to Section 1424(e) will be integrated as fully as possible with the review of Federal actions subject to NEPA. All Federal agencies have published guidelines for the implementation of NEPA which provide the basis for determining whether a project will have a "significant impact on the environment." Review under Section 1424(e) requires the closely related determination of whether a project may contaminate an aquifer through its recharge zone so as to pose a "significant hazard to public health." Integration of the two types of review will allow EPA and other Federal agencies to avoid needless duplication of efforts under the two statutes and will prevent inefficient use of resources in carrying out groundwater impact evaluations. It will also permit EPA to take advantage of the Federal agencies' and the public's familiarity with the NEPA

process. The heads of all Federal agencies have been advised by the Council on Environmental Quality (CEQ) in a memorandum dated November 19, 1976, that NEPA guidelines should be amended to place specific emphasis on the evaluation of the groundwater impact of projects which might affect the quality of an aquifer through its recharge zone and that projects should be submitted to a thorough groundwater impact evaluation in accordance with NEPA procedures.

Assessment of environmental impact under NEPA results in the preparation of an Environmental Impact Statement (EIS) if an initial environmental assessment shows that a project will have a significant impact on the environment. EPA will ordinarily review the potential impact of projects on the aquifer pursuant to Section 1424(e) at the time that draft or final EIS's are submitted to EPA. An EIS prepared for a project which is subject to Section 1424(e) as well as NEPA should contain all the information which is necessary for EPA to properly evaluate a project's impact on groundwater quality under Section 1424(e). EPA will routinely review under Section 1424(e) all EIS's prepared for projects which are to be located in the recharge zone or streamflow source zones which may have an impact on groundwater quality and for which an application for Federal financial assistance has been made.

Although it is anticipated that established NEPA procedures will ordinarily be sufficient to ensure adequate review of groundwater impact pursuant to Section 1424(e), the Regional Administrator shall also have the authority in implementing Section 1424(e) to specifically request that a groundwater impact evaluation which will satisfy the requirements of Section 1424(e) be prepared by the Federal agency from which a commitment of financial assistance is sought. This request may be made on the Regional Administrator's own motion based on information available to him, or upon receipt of a public petition meeting certain specified criteria. A well-researched groundwater impact chapter extracted from an environmental assessment prepared in accordance with NEPA may be sufficient to satisfy such a request for a groundwater impact evaluation under Section 1424(e).

To ensure that EPA and the public are informed of projects which may affect the quality of the aquifer, EPA will request from each funding Federal agency that a list of projects for which EIS's will be prepared and which are located in the recharge zone or streamflow source zones for the Edwards Underground Reservoir be periodically submitted to the Regional Administrator and made available to the public upon request. The Regional Administrator shall also have discretionary authority to work out with regional Federal agencies any agreements or memoranda of understanding which he feels are necessary to supplement these guidelines and to



keep them informed of projects in the area. The Regional Administrator may assume the initiative in obtaining information on commitments of Federal financial assistance which are under consideration and in taking other steps to ensure that they are kept up-to-date on Federal funding of projects in the area. The Regional Administrator may, for example, request lists of applications for Federal financial assistance from the local A-95 Clearinghouse.

EPA will rely as much as possible upon existing State capabilities in protecting the groundwater quality of the aquifer. This reliance will in no way constitute a delegation of project review authority, since this is clearly an EPA responsibility which may not be delegated. However, State assistance can be very valuable in providing the agency with information and comments based on knowledge of local groundwater problems. The State's role will, of course, depend upon the State's capabilities and interests. The Regional Administrator may work out memoranda of understanding with the State in order to determine its participation in the protection of groundwater quality in the area.

The content of these regulations is primarily procedural. EPA plans to initiate a study to provide technical guidance to EPA regional reviewers for the assessment of groundwater impact evaluations prepared by Federal agencies in three major project categories: (1) Multi-unit housing developments, (2) highways, and (3) sewage collection, treatment and disposal facilities. Forthcoming technical guidance will also contain a detailed outline of the information which should be provided by Federal agencies for those project categories. In the meantime, Section 1424(e) review will be carried out in conjunction with NEPA review as currently implemented.

Issues raised by the comments received regarding the interim guidelines and the disposition of these issues in these regulations are as follows.

#### DISCUSSION OF MAJOR COMMENTS

##### NON-DEGRADATION

Several comments were received concerning the meaning of "significant hazard to public health," suggesting that to allow any level of potential contaminant to enter the aquifer would be undesirable. These persons requested that a non-degradation requirement be included in the regulations (irrespective of any National Primary Drinking Water Regulations) to assure that no significant hazard to public health could occur. Other comments expressed concern for the quality of the reservoir water but requested that the regulations not be so restrictive as to prevent all development on the recharge zone or to interfere with the rights of the individual property owner.

The definition, "Significant hazard to public health," has been expanded in these regulations § 149.1 to better reflect the EPA position that any project receiving Federal financial assistance should be designed and constructed in

such a manner that the level of contaminants from the project will not contribute to the degradation of the water quality in a sole or principal source aquifer to the point "which may require a public water system to install additional treatment to prevent such adverse effect."

#### EPA NOTIFICATION AND REVIEW OF PROJECTS

Several comments were received requesting that EPA be notified of all Federal financially assisted projects in both the streamflow source zone and recharge zone. With regard to the review of projects in these zones, three persons requested that all projects be reviewed. One of these persons indicated a particular concern regarding an interim guidelines preamble statement noting that projects located in the streamflow source zone would be reviewed upon petition or an exceptional basis only. Other persons were concerned with the interim guidelines preamble statement that EPA would not review minor actions having an insignificant impact on the quality of the reservoir, such as individual home mortgage loans. One comment suggested that all projects reviewed under the guidelines provide an environmental impact statement (EIS) while another person requested that EPA urge other Federal agencies to prepare EIS's. These regulations specifically provide for EPA notification of projects, specify the ways in which review may be initiated, and clarify the relationship between review under Section 1424(e) and environmental review under the National Environmental Policy Act. (See the discussion of the definition of "project" below).

As discussed below under "Project Review," once an area is designated, the Regional Administrator has the discretionary authority to work out with regional Federal agencies any agreements or memoranda of understanding which are needed to supplement these regulations and to keep them informed of projects in the area.

#### DIRECT FEDERAL ACTION

Three persons requested that direct Federal actions be reviewed under Section 1424(e). One person asked that the executive order be cited that requires Federal agencies to comply with environmental legislation, and another person asked how the aggregate impact of direct Federal actions would be evaluated. Direct Federal actions are not subject to EPA review under Section 1424(e) and, therefore, are not subject to these regulations. The EPA Office of General Counsel has determined that only projects or actions receiving Federal financial assistance are subject to such review under the terms of the Act. However, direct Federal actions are covered under Executive Order 11752, the purpose of which is to assure that the Federal Government (in the design, construction, management, operation and maintenance of its facilities) will provide leadership in the effort to protect and enhance the quality of the nation's air, water, and land resources through compliance with applicable standards in full cooperation with

State and local governments. The effect of this order will be to protect the reservoir by assuring that Federal actions comply with the National Pollutant Discharge Elimination System, state water quality standards, and regulations to be promulgated under the Safe Drinking Water Act.

#### DEFINITIONS

A definition has been included in the general regulations for "Federal financial assistance" in order to clearly state the nature of the programs and actions that will be affected.

The definition for "Project" in these regulations differs from that in the Edwards Underground Reservoir Interim project review guidelines in that the word "major" is not used. The deletion of the word "major" is consistent with EPA's intention to review any Federal financially assisted program or action which EPA determines could affect the quality of water in a sole or principal source aquifer whether or not the project has already been found to be a "major Federal project" under the National Environmental Policy Act (NEPA). This deletion of "major" with respect to these regulations clearly indicates that EPA is assuming full responsibility to review any project that might contaminate a principal or sole source aquifer, and is not delegating to other Federal agencies the responsibility to decide which projects should be subject to EPA review. Federal agencies that have granted or might grant Federal financial assistance to projects in the Edwards reservoir recharge zone or the streamflow source zone have been advised of the Edwards Underground Reservoir Determination. EPA is working with these Federal agencies to develop interagency procedures whereby EPA will be notified of all projects that could contaminate the reservoir water so as to create a significant hazard to public health. In addition, these regulations allow the EPA Regional Administrator to request lists of applications for Federal financial assistance from the local A-95 Clearinghouse.

The expansion in the regulations of the "Significant hazard to public health" definition reflects the EPA position as discussed under Non-degradation.

The definition "Commitment of Federal financial assistance" in these regulations notes that a "commitment" is a "written" agreement while the interim guidelines for the Edwards did not specify "written." Also, these regulations note that the renewal of a lapsed commitment could constitute a new commitment if the project's impact on the designated aquifer has not been previously reviewed "under section 1424(e)"; while the interim Edwards guidelines did not specify "under section 1424(e)."

#### COMMITMENT OF FEDERAL FINANCIAL ASSISTANCE

Commenters asked if a project begun with State funds (such as a highway) and reimbursed with Federal funds, or a structure built with local funds but operated fully or in part with Federal funds is subject to section 1424(e) review.

Prior to a request for Federal financial assistance, a project will not be subject to review by EPA under section 1424(e). Each project for which financial assistance is requested will need to be evaluated on an individual basis. State and local agencies would be well-advised to anticipate the need to assess groundwater impact in order to obtain Federal reimbursement at a later date, by applying NEPA requirements and evaluating groundwater impact during the initial stages of a project.

#### PROJECT REVIEW AUTHORITY

Two commenters suggested that too much authority and discretionary power is delegated to the Regional Administrator and that the Administrator should have primary enforcement authority. Any responsibility delegated to the Regional Administrator is in line with EPA's policy of decentralization of authority. However, with regard to primary enforcement authority, these regulations, as did the Edwards interim guidelines, specify that only the Administrator may determine that a project may contaminate a designated aquifer through its recharge zone so as to create a significant hazard to public health.

#### SUBMISSION OF PETITIONS

EPA received several comments requesting that the petition information requirements in the interim guidelines be simplified. In these regulations the number of requirements have been reduced in order to facilitate petition preparation and to minimize the burden on the public.

#### DECISION TO REVIEW

Two comments inquired about the appeal procedure available in the event that the Regional Administrator decides not to review a project. One of these comments requested that a specific appeal procedure be included in the guidelines. No appeal procedure has been included in these regulations. The Regional Administrator's decision not to review or veto a project is the final administrative decision. If a person feels that the Agency has failed to fulfill the requirements of the Act, he may file a citizen's suit under section 1449 of the Act.

#### PUBLIC NOTICE OF REVIEW

Two persons commented that the interim guidelines provision for public notice (by such means as the Regional Administrator deems appropriate) is inadequate, and one requested further that a mailing list of concerned citizens be compiled to receive notifications. Another person requested that a similar mailing list be used to notify persons of all projects in the recharge and streamflow source zones.

The Regional Administrator, under these regulations as under the interim guidelines, will provide public notice of

#### RULES AND REGULATIONS

project review by such means as he deems appropriate. To require specific means of notification could, with regard to certain geographical areas, preclude use of the most effective means of adequate public notification. However, as discussed below, the Regional Administrator will also request a list of projects for which EIS's will be prepared and which are located in the recharge zone or streamflow source zones of the aquifer and will make this information available to the public upon request. He may also request lists of applications for Federal financial assistance from the local A-95 Clearinghouses.

#### CONSIDERATION OF STATE AND LOCAL CONTROLS

Several comments requested that EPA (as stated in the interim guidelines) rely to the maximum extent possible upon existing State control mechanisms in protecting the aquifer, and several noted that the extent and effectiveness of State and local controls over possible contaminant releases should be a factor in the review of projects. However, many persons objected to such consideration of State and local control mechanisms.

It is EPA's policy to encourage State and local agencies to develop and implement environmental control programs. To be consistent with this policy, State and local controls will be considered when a project is reviewed, since the extent of local control is relevant to considering the extent of contamination. However, these regulations also state any reliance on the states "will in no way constitute a delegation of project review authority, since this is clearly an EPA responsibility which may not be delegated."

#### CONSIDERATION OF PROJECT BENEFITS

The majority of the comments received concerning project benefits requested that expected benefits not be a factor for consideration in the review of a project. Section 149.17 specifies that "environmental" benefits of the proposed project are to be considered. The interim guidelines for the Edwards aquifer did not specify the nature of the benefits to be considered.

#### RESUBMITTAL OF REDESIGNED PROJECTS

Three comments were received concerning the resubmittal of projects. One stated that a public hearing was appropriate and two that a public hearing should be mandatory in the event a redesigned project is resubmitted for review.

As in the case of the interim guidelines, these regulations, § 149.18, provide that the Regional Administrator is authorized to request public comments or hold an informal hearing when appropriate. However, under these regulations only the Administrator (not the Regional Administrator as in the interim guide-

lines) can actually vacate an initial determination that a project may contaminate the aquifer.

#### WAIVER OF REQUIREMENTS

Comments were received regarding the provision for the waiver of requirements, § 149.10 in the interim guidelines. These comments stated that it would not be contrary to the public interest for the public to know about and participate in decisions regarding Federal financially assisted projects. It is EPA's policy to encourage public participation in matters of public interest, and no waiver of requirements provision is contained in these regulations.

#### DISCUSSION OF MISCELLANEOUS COMMENTS

Several comments were received that either do not directly relate to the interim guidelines and/or are not reflected in a change in these regulations. Included were the following questions: What steps should be taken to review the impact of existing features (such as railroads, highways, etc.) as a basis for evaluating new projects and considering the potential of spills? What State and Federal monitoring programs are proposed? What further research is being done on the bacteriological quality of storm water runoff? What control exists for contaminants (such as viruses) not covered by permits and stream standards? How will recreational use of the watershed be handled? One comment recommended that a control plan be required for the collection of storm water runoff from projects and that septic tanks, landfills, animal feeding operations, effluent discharges (including storm water runoff, and waste treatment plants) be excluded from the recharge zone. Another comment suggested that the interim guidelines were too procedural in nature and requested that they be more technical.

With respect to the monitoring and research concerns, a monitoring network is being established for the purpose for reviewing the impact of existing developments on the reservoir. Results of this monitoring will be used to evaluate the impact of existing projects on the reservoir as well as to predict the potential impact of future projects. EPA concurs that additional research on storm water runoff and other discharges is needed. Much of this research is underway. Under section 1442(a) of the Act, the Administrator is required to conduct studies on disposal of wastes that may affect groundwater, and on means of controlling contaminants, including viruses. Information from this research will be an important source of data to be used in considering the proper disposition of discharges from projects located both in and outside of the recharge zone.

In response to those comments requesting that EPA require certain controls or prohibit specific actions in the recharge zone, such restrictions relate to



land use planning. Land use planning is under local jurisdiction, and outside the scope of these regulations.

Dated: September 22, 1977.

DOUGLAS M. COSTLE,  
Administrator.

40 CFR Part 149 is revised to read as follows:

#### Subpart A—General Provisions

- Sec.  
149.1 Applicability.  
149.2 Definitions.
- Subpart B—Project Review
- 149.10 Project review authority.  
149.11 Public information.  
149.12 Submission of petitions.  
149.13 Decision to review.  
149.14 Notice of review.  
149.15 Request for information.  
149.16 Public hearing.  
149.17 Decision under section 1424(e).  
149.18 Resubmittal of redesigned projects.  
149.19 Funding to redesigned projects.

AUTHORITY: Sec. 1424(e), Safe Drinking Water Act (42 U.S.C. 300f, 300h, -3(e)); 80 Stat. 1660 et seq.; Pub. L. 93-523).

#### Subpart A—General Provisions

##### § 149.1 Applicability.

This part sets forth, pursuant to section 1424(e) and 1450 of the Public Health Service Act, as amended by the Safe Drinking Water Act, Pub. L. 93-523, regulations relating to the Edwards Underground Reservoir which is the sole or principal drinking water source for the San Antonio area and which, if contaminated, would create a significant hazard to public health.

##### § 149.2 Definitions.

As used in these regulations and except as otherwise specifically provided, the term(s):

(a) "Act" means the Public Health Service Act, as amended by the Safe Drinking Water Act, Pub. L. 93-523.

(b) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.

(c) "Recharge zone" means the area through which water enters the Edwards Underground Reservoir as defined in the December 16, 1975, Notice of Determination.

(d) "Administrator" (Regional Administrator) means the Administrator (Regional Administrator) of the United States Environmental Protection Agency.

(e) "Person" means an individual, corporation, company, association, partnership, state, or municipality.

(f) "Project" means a program or action for which an application for Federal financial assistance has been made.

(g) "Federal financial assistance" means any financial benefits provided directly as aid to a project by a department, agency, or instrumentality of the Federal government in any form including contracts, grants, and loan guarantees. Actions or programs carried out by the Federal government itself such as dredging performed by the Army Corps of Engineers do not involve Federal financial assistance. Actions performed

for the Federal government by contractors, such as construction of roads on Federal lands by a contractor under the supervision of the Bureau of Land Management, should be distinguished from contracts entered into specifically for the purpose of providing financial assistance, and will not be considered programs or actions receiving Federal financial assistance. Federal financial assistance is limited to benefits earmarked for a specific program or action and directly awarded to the program or action. Indirect assistance, e.g., in the form of a loan to a developer by a lending institution which in turn receives Federal assistance not specifically related to the project in question is not Federal financial assistance under section 1424(e).

(h) "Commitment of Federal financial assistance" means a written agreement entered into by a department, agency, or instrumentality of the Federal Government to provide financial assistance as defined in paragraph (g) of this section. Renewal of a commitment which the issuing agency determines has lapsed shall not constitute a new commitment unless the Regional Administrator determines that the project's impact on the aquifer has not been previously reviewed under section 1424(e). The determination of a Federal agency that a certain written agreement constitutes a commitment shall be conclusive with respect to the existence of such a commitment.

(i) "Streamflow source zone" means the upstream headwaters area which drains into the recharge zone as defined in the December 16, 1975, Notice of Determination.

(j) "Significant hazard to public health" means any level of contaminant which causes or may cause the aquifer to exceed any maximum contaminant level set forth in any promulgated National Primary Drinking Water Standard at any point where the water may be used for drinking purposes or which may otherwise adversely affect the health of persons, or which may require a public water system to install additional treatment to prevent such adverse effect.

(k) "Aquifer" means the Edwards Underground Reservoir.

#### Subpart B—Project Review

##### § 149.10 Project review authority.

(a) Once an area is designated, no subsequent commitments of Federal financial assistance may be made to projects which the Administrator determines may contaminate the aquifer so as to create a significant hazard to public health.

(b) The Regional Administrator is hereby delegated the authority and assigned responsibility for carrying out the project review process assigned to the Administrator under section 1424(e) of the Act, except the final determination that a project may contaminate the aquifer through its recharge zone so as to create a significant hazard to public health.

(c) The Regional Administrator may review any project which he considers may potentially contaminate the aquifer through its recharge zone so as to create a significant hazard to public health.

##### § 149.11 Public information.

After the area is designated under section 1424(e), Federal agencies, for projects, located in the recharge zone and streamflow source zones, are required to:

(a) Maintain a list of projects for which environmental impact statements will be prepared in accordance with the National Environmental Policy Act (NEPA);

(b) Revise the list at regular intervals and submit to EPA; and

(c) Make the list available to the public upon request.

##### § 149.12 Submission of petitions.

Any person may submit a petition requesting the Regional Administrator to review a project to determine if such project may contaminate the aquifer through its recharge zone so as to create a significant hazard to public health. Any such petition shall identify:

(a) The name, address, and telephone number of the individual, organization, or other entity submitting the petition;

(b) A brief statement of the requesting person's interest in the Regional Administrator's determination;

(c) The name of the project and Federal agency involved;

In addition, the petitioner is requested to submit to EPA available information on:

(d) Applicable action already taken by State and local agencies including establishment of regulations to prevent contamination of the aquifer and why, in the petitioner's judgment, the action was inadequate.

(e) Any actions taken under the National Environmental Policy Act and why, in the petitioner's judgment, that action was inadequate in regard to evaluation of potential effect on the aquifer.

(f) The potential contaminants involved;

(g) The means by which the contaminant might enter the aquifer; and

(h) The potential impact of the proposed project.

##### § 149.13 Decision to review.

(a) The Regional Administrator shall review under section 1424(e) all projects located in the recharge or streamflow source zone of the aquifer for which a draft or final EIS is submitted which may have an impact on ground water quality and which involve Federal financial assistance as defined in these regulations.

(b) Upon receipt of a public petition, the Regional Administrator shall decide whether the project which is the subject of the petition should be reviewed under section 1424(e).

(c) The Regional Administrator may decide to review a project upon his own motion.

(d) In determining whether to review a project upon receipt of a public petition or upon his own motion, the Re-

gional Administrator shall consider whether the project is likely to directly or indirectly cause contamination of the aquifer through its recharge zone, taking into account any factors he deems relevant, including:

(1) The location of the project, and

(2) The nature of the project.

(e) In determining whether to review a project upon receipt of a public petition or upon his own motion, the Regional Administrator may consult with, or request information from, the Federal agency to which the project application has been made, the applicant, seeking Federal assistance, appropriate State and local agencies, and other appropriate persons or entities.

(f) In determining whether to review a project which is the subject of a public petition, the Regional Administrator may request such additional information from the petitioner as he deems necessary.

##### § 149.14 Notice of review.

(a) Notice to Federal agency. If the Regional Administrator decides upon receipt of a public petition or upon his own motion to review a project under section 1424(e), he shall give written notification of the decision to the Federal agency from which financial assistance is sought. The notification shall include a description and identification of the project.

(b) Notice to public. When the Regional Administrator undertakes to review a project pursuant to § 149.13 above, he shall provide public notice of project review by such means as he deems appropriate. The notice shall set forth the availability for public review of all data and information available, and shall solicit comments, data and information with respect to the determination of impact under section 1424(e). The period for public comment shall be 30 days after public notice unless the Regional Administrator extends the period at his discretion or a public hearing is held under § 149.16.

##### § 149.15 Request for information.

In reviewing a project under section 1424(e), the Regional Administrator may request any additional information from the funding Federal agency which is pertinent to reaching a decision. If full evaluation of the groundwater impact of a project has not been submitted in accordance with the agency's NEPA procedures, the Regional Administrator may specifically request that the Federal agency submit a groundwater impact evaluation of whether the proposed project may contaminate the aquifer through its recharge zone so as to create a significant hazard to public health.

##### § 149.16 Public hearing.

If there is significant public interest, the Regional Administrator may hold a public hearing with respect to any project or projects to be reviewed if he finds that such a hearing is necessary and would be helpful in clarifying the issues. Public hearings held under this section should be coordinated, if possible, with

other Federal public hearings held pursuant to applicable laws and regulations. Any such hearing shall be conducted by the Regional Administrator or designee in an informal, orderly and expeditious manner. Where appropriate, limits may be placed upon the time allowed for oral statements, and statements may be required to be submitted in writing. The record will be held open for further public comment for seven (7) days following the close of the public hearing.

##### § 149.17 Decision under section 1424(e).

(a) As soon as practicable after the submission of public comments under section 1424(e) and information requested by the Environmental Protection Agency from the originating Federal agency, on the basis of such information as is available to him, the Regional Administrator shall review the project taking all relevant factors into account including:

(1) The extent of possible public health hazard presented by the project;

(2) Planning, design, construction, operation, maintenance and monitoring measures included in the project which would prevent or mitigate the possible health hazard;

(3) The extent and effectiveness of State or local control over possible contaminant releases to the aquifer;

(4) The cumulative and secondary impacts of the proposed project; and

(5) The expected environmental benefits of the proposed project.

(b) After reviewing the available information, the Regional Administrator shall:

(1) Determine that the risk of contamination of the aquifer through the recharge zone so as to create a significant hazard to public health is not sufficiently great so as to prevent commitment of Federal funding to the project; or

(2) Forward the information to the Administrator with his recommendation that the project may contaminate the aquifer through the recharge zone so as to create a significant hazard to public health.

(c) After receiving the available information forwarded by the Regional Administrator, the Administrator shall:

(1) Determine that the risk of contamination of the aquifer through the recharge zone so as to create a significant hazard to public health is not sufficiently great so as to prevent commitment of Federal funding to the project; or

(2) Determine that the project may contaminate the aquifer through the recharge zone so as to create a significant hazard to public health.

(d) Notice of any decisions by the Regional Administrator under paragraph (b) (1) of this section or by the Administrator under paragraphs (c) (1) and (c) (2) of this section to prevent a commitment of Federal funding shall be published in the FEDERAL REGISTER. Such notices shall include a description of the proposed project, and a statement of decision with an accompanying statement of facts and reasons.

##### § 149.18 Resubmittal of redesigned projects.

If a project is redesigned in response to EPA's objections, the applicant for Federal financial assistance or the grantor agency may file a petition with the Regional Administrator for withdrawal of the determination that the project may contaminate the aquifer through the recharge zone so as to create a significant hazard to public health. Any such petition shall demonstrate how the project has been redesigned so as to justify the withdrawal of EPA's objections. If appropriate, the Regional Administrator may request public comments or hold an informal public hearing to consider the petition. After review of pertinent information, the Regional Administrator shall either deny the petition or recommend to the Administrator that the initial determination that a project may contaminate the aquifer be vacated. Upon receipt of a recommendation from the Regional Administrator that a determination be vacated, the Administrator shall either deny the petition or order that the initial determination be vacated. The final decision regarding a petition shall be published in the FEDERAL REGISTER with an accompanying statement of reasons.

##### § 149.19 Funding to redesigned projects.

After publication of a decision that a proposed project may contaminate a sole or principal source aquifer in a designated area through its recharge zone so as to create a significant hazard to public health, a commitment for Federal financial assistance may be entered into, if authorized under another provision of law, to plan or redesign such project to assure that it will not so contaminate the aquifer.

[FR Doc. 77-28694 Filed 9 28 77; 8:45 am]

#### [ 6506-01 ]

[FRL 799-7; PP 6E1792/R136]

#### PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Aldicarb

AGENCY: Office of Pesticide Programs, Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the insecticide aldicarb. The amendment to the regulations was proposed by Union Carbide Corp. This rule will establish a maximum permissible level for residues of aldicarb on bananas.

EFFECTIVE DATE: September 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Frank Sanders, Product Manager (PM) 12, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street, SW., Washington, D.C. (202-426-9425).

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**SUPPLEMENTARY INFORMATION:** On July 22, 1977, the EPA published a notice of proposed rulemaking in the FEDERAL REGISTER (42 FR 37578) in response to a pesticide petition (PP 6E1792) submitted to the Agency by Union Carbide Corp., 1730 Pennsylvania Ave., NW., Washington, D.C. 20460. This petition proposed that 40 CFR 480.269 be amended by the establishment of a tolerance for combined residues of the insecticide aldicarb (2-methyl-2-(methylthiopropionaldehyde O-(methylcarbamoyl) oxime and its cholinesterase-inhibiting metabolites 2-methyl-2-(methylsulfonyl) propionaldehyde O-methylcarbamoyl oxime and 2-methyl-2-(methylsulfonyl) propionaldehyde O-methylcarbamoyl oxime in or on the raw agricultural commodity bananas at 0.3 part per million (ppm). No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

It has been concluded, therefore, that the proposed amendment to 40 CFR 180.269 should be adopted without change, and it has been determined that this regulation will protect the public health.

Any person adversely affected by this regulation may, on or before October 31, 1977, file written objections with the Hearing Clerk, EPA, Rm. 1019, East Tower, 401 M St., SW., Washington, D.C. 20460. Such objections should be submitted in triplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by the grounds legally sufficient to justify the relief sought.

Effective on the date of publication in the FEDERAL REGISTER, Part 180, Subpart C, section 180.269 is amended by adding a tolerance for residues of aldicarb on bananas at 0.3 ppm as set forth below. (Sec. 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)).)

Dated: September 23, 1977.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

Part 180, Subpart C, section 180.269 is amended by alphabetically inserting the new item "bananas" in the table as follows:

§ 180.269 Aldicarb: tolerances for residues.	
Commodity:	Parts per million
Bananas	0.3

[FR Doc. 77-28719 Filed 9-28-77; 8:45 am]

[4310- ]

**Title 43—Public Lands: Interior**  
**CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR**  
**SUBCHAPTER A—GENERAL MANAGEMENT (1000)**

[Circular No. 2427]

**PART 1880—FINANCIAL ASSISTANCE, LOCAL GOVERNMENTS**

**Payments in Lieu of Taxes**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Final rulemaking.

**SUMMARY:** The Department of the Interior is adopting procedures for payments in lieu of taxes to qualified local units of general government under the Act of October 20, 1976. The intended effect of these procedures is to relieve the fiscal burden of tax exempt Federal land within the boundaries of local units of government.

**DATE:** Effective September 30, 1977.

**ADDRESS:** Director (520), Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240.

**FOR FURTHER INFORMATION CONTACT:**

Edward P. Greenberg, Division of Finance (520), Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240, (202-343-3624).

**SUPPLEMENTARY INFORMATION:** The principal author of this final rulemaking is Billy R. Templeton, Division of Legislation and Regulatory Management, assisted by Lyle Rising of the Office of the Solicitor, Department of the Interior.

Proposed rulemaking, setting forth procedures for making payments to qualified local units of general government under the Act of October 20, 1976 (31 U.S.C. 1601 et seq.), was published in the FEDERAL REGISTER of August 8, 1977. Public comments had been invited several weeks prior to that date and additionally for 30 days after, for a period ending September 8, 1977. The major comments received are discussed below by the section of the rulemaking addressed.

**§ 1881.0-5 DEFINITIONS**

1. The major comment received during the period prior to the publication of proposed rulemaking concerned the eligibility of township level governments in the State of Michigan to receive payments under the Act. Comments on the same issue were received during the comment period after publication of the proposed rulemaking.

An analysis of the statistical data available indicates that the county is the principal taxing body and provider of general government services on the local level in the State of Michigan. There-

fore, the definition section is essentially unchanged and the following list of local units of general government are the ones determined qualified to receive payments under the Act.

Alabama	Counties.
Alaska	Boroughs, and the cities of Juneau and Sitka (City/Boroughs) and the independent municipality of Anchorage.
Arizona	Counties.
Arkansas	Do.
California	Counties, and the city of San Francisco (City/County).
Colorado	Counties, and the city of Denver (City/County).
Connecticut	Towns.
Delaware	Counties.
District of Columbia	City of Washington.
Florida	Counties, and the County of Duval (City of Jacksonville).
Georgia	Counties, and the independent city of Columbus.
Guam	Guam.
Hawaii	Counties, and the City of Honolulu (City/County).
Idaho	Counties.
Illinois	Do.
Indiana	Counties, and the County of Marion (City of Indianapolis).
Iowa	Counties.
Kansas	Do.
Kentucky	Do.
Louisiana	Parishes, and the Parish of Orleans (City of New Orleans) and Parish of East Baton Rouge (City of Baton Rouge).
Maine	Towns.
Maryland	Counties, and the independent city of Baltimore.
Massachusetts	Towns and County of Nantucket (Township of Nantucket), and County of Suffolk (City of Boston).
Michigan	Counties.
Minnesota	Do.
Mississippi	Do.
Missouri	Counties, and the independent city of St. Louis.
Montana	Counties.
Nebraska	Do.
Nevada	Counties, and the independent city of Carson City.
New Hampshire	Towns.
New Jersey	Counties.
New Mexico	Do.
New York	Counties (counties of Bronx, Kings, New York, Queens, and Richmond are all New York City).
North Carolina	Counties.
North Dakota	Do.
Ohio	Do.
Oklahoma	Do.
Oregon	Do.

Pennsylvania	Counties, and the County of Philadelphia (City of Philadelphia).
Puerto Rico	The Commonwealth.
Rhode Island	Towns.
South Carolina	Counties.
South Dakota	Counties, except Shannon, Todd, and Wash- about which are at- tached to other coun- ties for government purposes.
Tennessee	Counties, and the metro- politan government of Nashville and Davidson County.
Texas	Counties.
Utah	Do.
Vermont	Towns.
Virginia	Counties, and the inde- pendent cities.
Virgin Islands	Virgin Islands.
Washington	Counties.
West Virginia	Do.
Wisconsin	Do.
Wyoming	Do.

<sup>1</sup> Where organized town governments exist. If towns are unincorporated or the town governments are inactive, payments shall be made to counties.

2. The issue of entitlement as related to lands owned or administered by State and local governments and exempt from State and local taxes at the time of their acquisition by the Federal government was commented upon in two contexts: a. Exchange lands and b. lands upon which payments in lieu of taxes were being made to local units of governments by States at the time of acquisition by the Federal government.

Section 6(a) (4) of the Act is specific with regard to lands which were exempt from real estate taxes at the time of their acquisition. The Act precludes consideration of such lands as entitlement lands.

3. It was reported that in New Hampshire the State government performs those functions normally considered local government functions in unincorporated places in the State. It was suggested that the State be the qualified unit of local government in those areas. The definition of "unit of local government" in section 6(c) of the Act precludes the State as a unit of local government qualified to receive payments under the Act.

4. It was suggested that the definition of "money transfers" be changed to provide that funds received by qualified units of local government under the laws cited in section 4 of the Act and passed through to single purpose units of government, such as school districts, not be counted as a deduction against payments under the Act.

Section 2(a) (1) specifically requires that payment be reduced by the amount received by units of local government, in aggregate, under the laws cited in section 4. This cannot be changed by regulation.

**§ 1881.2 USE OF PAYMENTS**

1. It was suggested that section 1881.2 with regard to section 1 payments be reworded to read more restrictively regarding pass-throughs of moneys under the Act.

2. It was also suggested that the rules provide for conference with and consideration of the needs of lower levels of general government by the recipient of payments in the development of spending priorities. The language used is directly from the Act which states that the funds may be used for any governmental purpose. Limitations cannot be placed upon the use of these funds by regulations.

**GENERAL COMMENTS**

The following comments do not address a specific section of the proposed rulemaking.

1. It was suggested that an economic impact analysis under Executive Order 11821 and OMB Circular A-107 is required.

It was determined that no economic impact statement is required because possible inflationary impacts of the Act were considered by the Congress (see House report 94-1106, page 16). After such consideration, the Act was signed into law by the President directing the Secretary to make payments to the extent that funds are made available, in advance, in appropriation Acts.

2. It was commented that to make all payments to the States and have them pass the money through would be a good system to handle the payments.

This system of handling payments would not be consistent with the Act.

3. Also, concern was expressed that funds now being received might be diverted to other purposes by the new regulations. This is not the case. Any payments authorized to be made under this Act are new revenues to be used for any governmental purposes.

4. Editorial changes and corrections have been made as necessary.

Accordingly, under the authority of the Act of October 20, 1976 (31 U.S.C. 1601 et seq.) Group 1800, Subchapter A, Chapter II, Title 43 of the Code of Federal Regulations is amended by adding Part 1880 to read as follows:

GUY R. MARTIN,  
Assistant Secretary  
of the Interior.

SEPTEMBER 23, 1977.

**Subpart 1881—Payments in Lieu of Taxes**

Sec.	
1881.0-1	Purpose.
1881.0-3	Authority.
1881.0-5	Definitions.
1881.1	Procedures.
1881.1-1	Procedures, general.
1881.1-2	Procedures, Section 1 payments.
1881.1-3	Procedures, Section 3 payments.
1881.1-4	Procedures, Absence of Information.
1881.2	Use of payments.
1881.3	Protests.
1881.4	Appeals.

**§ 1881.0-1 Purpose.**

The regulations establish procedures for making payments in lieu of taxes to units of local government for certain federal lands within their boundaries.

**§ 1881.0-3 Authority.**

The authority for these regulations is the Act of October 20, 1976, Pub. L. 94-565, 90 Stat. 2662, 31 U.S.C. §§ 1601-1607, hereinafter referred to as "the Act."

**§ 1881.0-5 Definitions.**

(a) A "government," as that term is used by the Bureau of the Census for general statistical purposes, is an organized entity having substantial autonomy and whose officers are either popularly elected or appointed by publicly elected officials. Other indicia of governmental character include (1) a high degree of responsibility to the public for performance of duties of a governmental nature, (2) power to levy taxes, and (3) power to issue debt paying interest exempt from Federal taxation.

(b) (1) "Unit of general government" means a unit of that type of government which, within its state, is the principal provider of governmental services affecting the use of entitlement lands. Those services of government include (but are not limited to) maintenance of land records, police protection, fire protection, taxation, land use planning, search and rescue and road construction. Ordinarily, a unit of general government will be a county. However, where a smaller unit of government is the principal provider of governmental services affecting the use of public lands within a state, the smaller unit, even though within a larger unit of government, will be considered a general unit of government and will receive payments under the Act. These units of general government will ordinarily be "towns" or townships within states where county governments are nonexistent or nearly nonexistent. The term "unit of general government" also includes:

(i) Governments with the functions of a unit of general government in that state combined with another type of government such as city, township, parish, borough or county, e.g., a city and county as in the City and County of Denver.

(ii) Cities located outside of any of the units of general government for that state and administering functions commonly performed by those units of general government.

(iii) Alaskan boroughs in existence on October 20, 1976.

(iv) The Governments of the District of Columbia, Puerto Rico, Guam and the Virgin Islands.

(2) The term "unit of general government" excludes single purpose or special purpose units of local government such as school districts or water districts.

(c) (1) "Entitlement lands" are lands owned by the United States which are:

(i) Within the National Park System including wilderness areas;

(ii) Within the National Forest System including wilderness areas and also including those areas of Superior National Forest, Minnesota, set forth in 16 U.S.C. §§ 577d and 577d-1 (1970);

(iii) Administered by the Secretary of the Interior through the Bureau of Land Management;

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(iv) Water resource projects administered by the Bureau of Reclamation or Corps of Engineers; or  
(v) Dredge disposal areas administered by the Corps of Engineers.

(2) "Entitlement lands" do not include:

(i) Lands which were owned or administered by State and local governments which at time of acquisition by the Federal government were not subject to State and local taxes.

(ii) Any land for which any money was paid to a unit of local government pursuant to the Act of August 28, 1937 (50 Stat. 875) or the Act of May 24, 1939 (53 Stat. 753) in that fiscal year.

(d) "Money transfers" means those money or cash payments made by or through the State government to units of local government pursuant to the laws set forth in section 4 of the Act.

(e) "Authorized officer" means that official within the Bureau of Land Management delegated the authority to carry out the provisions of the Act.

#### § 1881.1 Procedures.

##### § 1881.1-1 Procedures, general.

(a) The minimum payment shall be \$100 to any one unit of local government under both sections 1 and 3 of the Act, in aggregate.

(b) If money actually appropriated by Congress for distribution during any fiscal year is insufficient to provide full payment to each unit of local government, all payments due to eligible recipients in that fiscal year shall be reduced proportionally, to the extent determined necessary by the authorized officer.

##### § 181.1-2 Procedures, Section 1 payments.

(a) The authorized officer shall determine which governments are units of general government eligible to receive payments under section 1 of the Act in accordance with section 8(c) of the Act and the definitions in § 1881.0-5 of these regulations. In resolving questions about the eligibility of any unit of general government and the status of entitlement lands, the authorized officer may consult with the Bureau of the Census, officials of the appropriate State and local government, and officials of the agency administering the entitlement lands.

(b) In order to determine which units of local government are entitled to receive payments under the act, the authorized officer shall obtain the data necessary for making computations pursuant to the formula in section 2 of the Act as follows:

(1) The amount of entitlement lands within the boundaries of each unit of local government as of the last day of the fiscal year preceding the fiscal year for which the payment is to be made and the amount of payments made directly to those governments pursuant to the laws listed in section 4 of the Act shall be obtained from the administering Federal agencies;

(2) The amount of money transfers made by the State to eligible units of lo-

cal government pursuant to the laws listed in section 4 of the Act shall be obtained from the Governor or his designated officials;

(3) The population of each unit of local government shall be obtained from current Bureau of the Census statistics.

(c) The authorized officer shall compute and certify the amount of payment to be made each unit of local government based on (1) the formula and limitations set forth in section 2 of the Act and (2) the amount of actual appropriations.

(d) No computation will be certified by the authorized officer for payment until the Governor of the State in which the unit of local government is located or his delegate has provided the authorized officer with:

(1) a statement of the amount of all money transfers received during the previous fiscal year\* by each entitled unit of local government from the State from revenues derived under those laws listed in Section 4 of the Act; and

(2) to the extent practicable, a determination that those lands formerly owned or administered by a State or local government and acquired by the Federal Government were subject to State and local real property taxes at the time of conveyance to the Federal Government.

##### § 1881.1-3 Procedures, Section 3 payments.

(a) The authorized officer shall make payments to qualified units of local government under section 3 of the Act, provided that the administering agencies supply information as follows:

(1) Acreage or interests in land for which payments are authorized within the boundaries of each qualified unit of local government; and

(2) Such other information as may be required to certify payments to qualified units of local government.

(b) Payments in excess of \$100 received by counties shall be distributed by those counties to affected units of local government and affected school districts, in accordance with section 3 of the Act, within 90 days of the receipt of such payment. Distribution shall be in proportion to the tax revenues received by the affected units of local government and school districts in the year prior to acquisition of the entitlement lands by the Federal Government.

(c) A certification by the county involved that appropriate distribution of funds has been made shall be submitted to the authorized officer within 120 days after the date that payments are received.

##### § 1881.1-4 Procedures, Absence of information.

The authorized officer shall certify payments under the Act only to the ex-

\* For Fiscal Year 1977, the transition quarter, July 1, 1976 to September 30, 1976, shall be excluded.

tent sufficient data is available to determine the amount due the qualified units of local government.

##### § 1881.2 Use of Payments.

The monies paid to entitled units of local government may be used for any governmental purpose, except as noted in section 1881.1-3(b) of this Part.

##### § 1881.3 Protests.

(a) Computation of payments shall be based upon Federal land records, population data from the Bureau of the Census, payments made to units of local government through State government under the laws listed in section 4 of the Act as reported by State Governors, Federal payments made directly to units of local government under the laws listed in section 4 of the Act as reported by the disbursing Federal agency.

(b) Any affected unit of local government may protest the results of the computations of its payment to the authorized officer.

(c) Any protesting unit of local government shall submit sufficient evidence to show error in the computations or the data on which the computations are based.

(d) All protests to the authorized officer shall be filed by the first business day of the calendar year following the end of the fiscal year for which the payments were made.

(e) The authorized officer shall consult with the affected unit of local government and the administering agency to resolve conflicts in land records and other data sources.

##### § 1881.4 Appeals.

Any affected unit of local government whose protest has been rejected by the authorized officer may appeal to the Interior Board of Land Appeals pursuant to the provisions of 43 CFR, Part 4.

[FR Doc. 77-28601 Filed 9-28-77; 8:45 am]

#### Title 45—Public Welfare

### CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS) DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

#### PART 201—GRANTS TO STATES FOR PUBLIC ASSISTANCE PROGRAMS

##### Correction—Title Change—Medical Assistance Program

AGENCY: Health Care Financing Administration, HEW.

ACTION: Final rule.

**SUMMARY:** This rule corrects an error in designation of officials authorized to defer payment of claims and disallow Federal financial participation in claims made under the Medicaid program (title XIX, Social Security Act). Amendments published September 1, 1977 (42 FR 43977) to reflect the recent HEW reorganization inadvertently failed to include the proper delegations on these matters made under administrative authority.

EFFECTIVE DATE: June 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Margaret O. Shnoor, 202-245-1960.

#### SUPPLEMENTARY INFORMATION:

The September 1, 1977 amendments to Medicaid regulations were intended to eliminate references to the Regional Commissioner, Social and Rehabilitation Service (SRS), to comport with the new organizational structure of HCFA. They were not designed to change any of the delegations of authority made within the Department under the Departmental Reorganizational Order published on March 9, 1977 (42 FR 13282), and by administrative delegation after the effective date of that Order.

The September 1 amendment inadvertently vested in the Regional Medicaid Directors the authority to disallow funds and to defer payment of claims (45 CFR 201.14, 201.15), which previously had been exercised by the SRS Regional Commissioners. However, after the abolition of SRS, this authority reverted to the Administrator of HCFA, and was subsequently delegated to the Assistant Administrator for Financial Management, and the Associate Administrator for Medicaid (now designated as Director, Medicaid Bureau), to be exercised by them in addition to the Administrator. Since the September 1 amendment was not intended to change these delegations, this correction is necessary.

This correction is retroactive to June 20, 1977 which was the effective date of the September 1, 1977 amendment which this regulation corrects. This correction reinstates those delegations which were made administratively within HCFA by the Administrator or his designees from the period after June 20, 1977 to the present. All such delegations of authority to defer claims or to disallow State expenditures for Medicaid remain in effect.

The Department finds that there is good cause to dispense with notice of proposed rulemaking since this change is required to correct an inadvertent error in delegated authority made in the amendments published September 1.

Part 201, Chapter II, Title 45, Code of Federal Regulations is amended as set forth below.

1. Paragraph 201.14(b)(1) is changed to read as follows:

§ 201.14 Reconsideration under section 1116(d) of Act.

(b) Notice of disallowance determination.

(1) When the Regional Commissioner or, with respect to the medical assistance program under title XIX, the Administrator, Health Care Financing Administration or his designee, determines that a State claim for FFP in expenditures for a particular item or class of items is not allowable, he shall promptly issue a disallowance letter to the State.

2. Section 201.15(c) is amended to read as follows:

§ 201.15. Deferral of claims for Federal financial participation.

(c) Procedures. (1) A claim or any portion of a claim for reimbursement for expenditures reported on the Quarterly Statement of Expenditures shall be deferred only when the Regional Commissioner or, with respect to the medical assistance program under title XIX, the Administrator, Health Care Financing Administration, or his designee (hereinafter collectively referred to as the Administrator) believes the claim or a specific portion of the claim is of questionable allowability. The deferral action will be taken within 60 days after receipt of a Quarterly Statement of Expenditures prepared in accordance with instructions issued by the Service.

(2) When deferral action is taken on a claim, the Regional Commissioner or the Administrator will within 15 days send written notice to the State identifying the type and amount of the claim and the reason for deferral. In the written notice of the deferral action, the Regional Commissioner or the Administrator will request the State to make available for inspection all documents and materials which the Regional office or the Administrator then believes necessary to determine the allowability of the claim.

(3) Within 60 days of receipt of the notice of deferral action described in paragraph (c)(2) of this section the State shall make available to the Regional office, in readily reviewable form, all requested documents and materials, or when necessary, shall identify those documents and items of information which are not available. If the State requires additional time to make the documents and material available, it shall upon request be given an additional 60 days.

(4) The Regional office will normally initiate the review within 30 days of the date that materials become available for review.

(5) If the Regional Commissioner or Regional Medicaid Director finds that the documents and materials are not in readily reviewable form or that supplemental information is required, he will promptly notify the State. The State will have 15 days from the date of notification to complete the action requested. If the Regional Commissioner or the Administrator finds that the documents necessary to determine the allowability of the claim are not made available within the allowed time limits, or that the documents are not made available in readily reviewable form, he shall promptly disallow the claim.

(6) The Regional Commissioner or the Administrator will have 90 days after all documentation is available in readily reviewable form to determine the allowability of the deferred claim. If he is unable to complete the review within the time period the claim will be paid sub-

ject to a later determination of allowability.

(7) It is the responsibility of the State agency to establish the allowability of a deferred claim.

(8) The Regional Office or the Administrator will notify the State in writing of the decision on the allowability of the deferred claim.

(9) If a deferred claim is disallowed, the Regional Commissioner or the Administrator shall advise the State of its right to reconsideration pursuant to § 201.14.

(10) A decision to pay a deferred claim shall not preclude a subsequent disallowance as a result of an audit exception or financial management review. If a subsequent disallowance should occur, the State, upon request shall be granted reconsideration pursuant to § 201.14.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).)

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program.)

Dated: September 21, 1977.

WILLIAM D. FULLERTON,  
Acting Administrator, Health  
Care Financing Administration.

Approved: September 26, 1977.

JOSEPH A. CALIFANO, JR.,  
Secretary.

[FR Doc. 77-28737 Filed 9-28-77; 8:45 am]

#### [4110]

### PART 249—SERVICES AND PAYMENT IN MEDICAL ASSISTANCE PROGRAMS

#### Contracts for Providing or Paying for Services

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Final rule.

**SUMMARY:** This document changes the effective date of the regulations on contracts under the medical assistance program (Medicaid, title XIX, Social Security Act) is taken to avoid unduly penalizing States for certain problems stemming from the lead time provided for meeting requirements.

FOR FURTHER INFORMATION CONTACT:

Henry Spiegelblatt, 202-245-0398.

**SUPPLEMENTARY INFORMATION:** Final regulations (45 CFR 249.82) on State Medicaid contracts for provision of medical or administrative services were published on May 9, 1975 (40 FR 20516), effective August 9, 1975. The regulations specify provisions that must be included in contracts between State Medicaid agencies and health insuring organizations, health maintenance organizations, fiscal agents and certain other contractors. They also contain administrative requirements to be met by State agencies in executing contracts, and conditions for obtaining Federal matching for State expenditures under the contracts.

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Experience since publication of the regulations indicates that both States and HEW Regional Offices needed a greater lead time than was provided in order to put the regulations into full effect. Major changes from the previous requirements meant corresponding changes in State contracting procedures and policies, and the new requirement for HEW prior approval of large contracts created an additional workload for Regional staff that proved difficult to accommodate. Consequently, a number of States were unable to meet one or more specific requirements in a timely fashion and Regions were unable to provide technical assistance to the extent necessary to help States overcome these problems.

The penalty on States for failure to meet the requirements is denial of Federal matching for the contract expenditures. In retrospect, the Department has determined that this is an unduly severe action given the circumstances existing at the time the regulations went into effect. Accordingly, the original effective date is rescinded and a new effective date of August 9, 1976, is established. The Department finds good cause to dispense with proposed rulemaking and issue this change in final, since it will eliminate the need to impose a harsh financial penalty on States and will not disadvantage any party.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))  
(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program.)

NOTE.—The Health Care Financing Administration has determined that this document does not require preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Dated: August 27, 1977.

ROBERT A. DERZON,  
Administrator, Health Care,  
Financing Administration.

Approved: September 26, 1977.

JOSEPH A. CALIFANO, Jr.,  
Secretary.

[FR Doc. 77-28736 Filed 9-28-77; 8:45 am]

# [ 6712-01 ]

Title 47—Telecommunication

## CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20775]

### PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

### PART 83—STATIONS ON SHIPBOARD IN MARITIME SERVICES

Providing Clarification and Modification of the Rules for Emergency Position Indicating Radiobeacons on the Frequencies 121.5 and 243 MHz; Correction.

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This errata is required to correct certain editorial matter in the Report and Order, Docket No. 20775, released September 6, 1977.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Robert C. McIntyre, Safety and Special Radio Services Bureau, 202-632-7197.

SUPPLEMENTARY INFORMATION: Released: September 27, 1977.

In the matter of Amendment of Parts 2 and 83 of the Commission's rules to provide clarification and modification of the rules for emergency position indicating radiobeacons on the frequencies 121.5 and 243 MHz.

1. In the Report and Order in the above-captioned matter, FCC 77-583, paragraph 1, incorrectly stated that the Notice of Proposed Rulemaking amended Parts 81 and 83 of the rules. This should be corrected to read: Parts 2 and 83 of the rules.

2. The rule parts affected by this proceeding were inadvertently omitted from the Ordering paragraph. Accordingly, paragraph 13 should be modified to state that Parts 2 and 83 of the Commission's rules are amended effective October 11, 1977, to read as follows:

13. Accordingly, it is ordered, That pursuant to the authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, Parts 2 and 83 of the Commission's Rules are amended effective October 11, 1977, as set forth in the attached Appendix.

3. As an ancillary matter, the Report and Order as printed in the FEDERAL REGISTER, 42 FR 44986, with the exceptions set out in paragraphs 1 and 2 above was correct. However, some of the copies of the Report and Order were distributed by the Commission in which page 2 of the text of the Report and Order was erroneously printed in place of page 2 of the Appendix. The corrected page 2 of the Appendix is attached hereto.

FEDERAL COMMUNICATIONS COMMISSION,  
VINCENT J. MULLINS,  
Secretary.

[FR Doc. 77-28672 Filed 9-28-77; 8:45 am]

# [ 4910-58 ]

Title 49—Transportation

## CHAPTER VIII—NATIONAL TRANSPORTATION SAFETY BOARD PART 801—PUBLIC AVAILABILITY OF INFORMATION

### Fee Schedule

AGENCY: National Transportation Safety Board.

\* Page 2 is filed as a part of the original document.

ACTION: Final rule.

SUMMARY: This revision sets forth price and other changes for the reproduction of factual investigative records and other documents available from the National Transportation Safety Board (Board) under the Freedom of Information Act. Certain changes in the fee schedule are now required to reflect the terms of a new contract with the commercial reproducer and to indicate revisions in the minimum charge for reproduction and the cost for photographic prints.

EFFECTIVE DATE: October 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Fritz L. Puls, General Counsel, National Transportation Safety Board, Washington, D.C. 20594 (202-426-8911).

SUPPLEMENTARY INFORMATION: Pursuant to section (a)(4)(A) of the Freedom of Information Act (Pub. L. 93-502, November 21, 1974, amending 5 U.S.C. 552) (Act), fee schedules for publications must be published in the FEDERAL REGISTER. In 1975, after notice, the Board issued its regulations implementing the Act. In an amended Appendix 49 CFR Part 801, which was published at 41 FR 39759, September 16, 1976, a price list for documents published by or available from the Board was established, based on the provisions of the then current contract between the Board and the commercial reproducer. That contract terminates on September 30, 1977, and the Board has entered into a new contract.

Because the price and other changes in the fee schedule were subject to and are the result of competitive bidding, the Board has determined that notice of proposed rulemaking would be impracticable and unnecessary.

Accordingly, 49 CFR Part 801 is hereby amended by revising the Appendix—Fee Schedule as set forth below.

KAY BAILEY,  
Acting Chairman.

### APPENDIX—FEE SCHEDULE

1. Special services fees (pursuant to 31 U.S.C. 483a). Upon request, services relating to public documents are available at the following fees:

- (a) Subscriptions (Calendar year):
  - (1) Initial decisions of the administrative law judges—\$40.00 for one subscription, \$30.00 for each additional subscription.
  - (2) Board safety enforcement opinions and orders—\$20.00 for one subscription, \$15.00 for each additional subscription.
  - (3) Board aircraft accident (probable cause) reports, brief format—\$40.00 (U.S.) and \$60.00 (foreign).
  - (4) Aircraft accident reports, narrative—\$35.00 (U.S.) and \$70.00 (foreign).
  - (5) Board safety recommendations—\$60.00.

NOTE.—Subscription orders for (a)(3) and (4), above, should be forwarded to the National Technical Information Service, 5205 Port Royal Road, Springfield, Va. 22161.

(b) Document certification under the Board's seal—\$4.00.

(c) Computer tapes and services for aviation accidents. Duplication of computer tapes (or a fraction thereof)—\$40.00.

NOTE.—Computer tape requests should be addressed to the Chief, Information Systems Division, Bureau of Technology, National Transportation Safety Board, Washington, D.C. 20594.

(d) The basic fees set forth provide for ordinary first class postage prepaid. If registered, certified, air, or special delivery mail is used, postal fees therefor will be added to the basic fee. Also, if special handling or packaging is required, such costs will be added to the basic fee.

(e) Subscription fees for (a) above are waived for qualifying foreign countries, international organizations, nonprofit public safety entities, State and Federal transportation agencies, and colleges and universities, after approval by the Director, Bureau of Administration. In addition, subscription fees may be waived or reduced for other recipients not in any of the foregoing categories, when determined by the Director, Bureau of Administration, to be appropriate in the interest of and contributing to the Board's program.

2. Commercial reproduction fees and search fees. Pursuant to 5 U.S.C. 552 as amended, reproduction of the documents listed below is accomplished by commercial contract. Requests must be forwarded to the Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. The contractor may bill and/or collect full payment before duplicating the requested documents. Fees are subject to change depending upon the Board's annual contract award.

Current fees are:

(a) Photocopy:

Size (in inches):	
8 1/2 by 11.....	\$0.25
8 1/2 by 14.....	.25
10 by 14.....	.25
14 by 18.....	.25
18 by 24.....	.25

(b) Photographic prints:

Size (in inches):	
8 by 10 black/white.....	\$1.50
3 1/2 by 5 color.....	1.50
5 by 7 color.....	1.75
8 by 10 color.....	4.00
2 by 2 color slide.....	.30
2 by 2 black/white slide.....	.25

(c) Minimum charge for reproduction—\$1.00.

(d) Regular service—Usually, three weeks' time is required to service a request for reproduction. General aviation accident files dated prior to January 1, 1965, and air carrier accident files dated prior to January 1, 1964, are no longer available. Accident files for all transportation modes, dating from January 1, 1965, through December 31, 1973, are stored at the Federal Records Center; in filling any request for reproduction of these files, approximately two additional weeks will be needed for retrieval.

(e) Accelerated service—A 10-percent surcharge will be made for accelerated service which will be provided within two working days commencing when the contractor has received advance payment or when telephone arrangements have been made with the contractor. Accelerated delivery service will be handled as follows:

Step 1. Customer places telephone or written request to the Board's Public Inquiries Section for desired accident file.

Step 2. The Board forwards order form and file to contractor.

Step 3. Contractor sends advance billing invoice, which shows total cost, to customer.

Step 4. Customer calls contractor direct

and verifies that he is wiring payment to contractor, as specified by contractor, or customer returns a copy of the contractor's invoice with full payment enclosed.

Step 5. Contractor copies documents and mails them to the customer.

(f) Document search fee.—The Board has determined that it is in the public interest to limit search fees to documents which require commercial reproduction. Further, the fee has been reduced to the labor cost for a minimum time-search. Therefore, a \$4.00 search fee is required only for:

(1) Factual accident investigation reports, statements, photographs, and other material contained in the Board's accident investigation files.

(2) Accident investigation information not in the Board's public files.

(3) Copies of responses to safety recommendations from recipients of such recommendations.

NOTE.—The \$4.00 search fee will be included in the commercial reproduction firm's invoice.

(g) Documents requiring commercial reproduction for copies:

(1) Transcripts of public hearings.

(2) Factual accident investigation reports and information (see (e) (1) and (2) above).

3. Reproduction fees. All documents in the Board's public files may be examined, without charge, in the Board's public reference room, located in the Public Inquiries Section. There is a self-service duplicator in the reference room, which is available to the public for reproduction at a nominal cost.

4. Documents available without commercial reproduction cost until limited supplies are exhausted.

(1) Press releases.

(2) Aircraft accident reports, narrative, and brief format probable cause reports (on request for specific accidents).

(3) Surface accident reports.

(4) Special studies.

(5) Safety Board regulations (Chapter VIII of Title 49, Code of Federal Regulations).

(6) Indexes to initial decisions, Board orders, opinions and orders, and staff manuals and instructions.

(7) Statistical data published by the Board.

(8) Safety recommendations.

5. Documents for sale by the Government Printing Office:

(1) Board's annual report.

(2) Volume I, National Transportation Safety Board Decisions (1967-1972).

[FR Doc. 77-28678 Filed 9-28-77; 8:45 am]

# [ 7035-01 ]

## CHAPTER X—INTERSTATE COMMERCE COMMISSION

### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ninth Revised Service Order No. 1234]

### PART 1033—CAR SERVICE

#### Distribution of Freight Cars

SEPTEMBER 26, 1977.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency order (Ninth Revised Service Order No. 1234).

SUMMARY: Tariff provisions often require the use of cars having high weight carrying or cubic capacity. Many carriers have shortages of these high capacity cars but have ample supplies of similar

cars of lesser capacity. Service Order No. 1234 authorizes railroads, with the consent of the shipper, to substitute sufficient smaller cars for larger cars ordered to transport specified kinds of freight subject to the minimum quantity per shipment required by the applicable tariffs.

EFFECTIVE DATES: Effective 12:01 a.m., September 24, 1977. Expires 11:59 p.m., March 31, 1977.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7840, Telex 89-2742.

SUPPLEMENTARY INFORMATION: The order is printed in full below.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 23rd day of September, 1977.

There is an acute shortage of high capacity freight cars for transporting shipments of beet pellets, citrus pulp, citrus pellets, clay, fertilizer, phosphate (dried or ground, treated or untreated), fish meal, grain, grain products, salt, soybeans, soybean products, cottonseed hulls, peanut hulls, or soybean hulls; caused by certain tariff provisions specifying the minimum quantities that must be loaded into cars offered to the carriers for transport. At the same time smaller cars, suitable except as to capacity, are available for transporting these products. The inability of the carriers and shippers to utilize the smaller capacity cars in place of the larger cars required by tariff provisions is resulting in great economic loss to both shippers and carriers. In the opinion of the Commission, an emergency exists requiring immediate action to modify existing rules, regulations and practices with respect to car service to secure maximum utilization of the available supply of freight cars and to alleviate shortages of cars. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1234 Distribution of freight cars.

(a) Subject to the concurrence of the shipper, carriers may substitute a sufficient number of smaller cars for larger cars ordered to transport shipments of beet pellets, citrus pulp, citrus pellets, clay, fertilizer, phosphate (dried or ground, treated or untreated), fish meal, grain, grain products, salt, soybeans soybean products, cottonseed hulls, peanut hulls or soybean hulls regardless of tariff requirements specifying minimum cubic or weight carrying capacity. (See exceptions (b) and (c).)

(b) Exception. This order shall not apply to shipments subject to tariff pro-

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## [ 7035-01 ]

[Ex Parte No. MC-37 (Sub-No. 29)]

PART 1041—INTERPRETATION—  
CERTIFICATES AND PERMITS

## PART 1049—TERMINAL AREAS

## Terminal Areas for Express Shipments by Bus

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

**SUMMARY:** This document amends the regulations pertaining to the interpretation of certificates and permits to provide that the operating rights of passenger carriers to serve a municipality includes authority to pickup and deliver express shipments at points within the commercial zone of that municipality. It also defines the terminal areas of passenger carriers in connection with the transportation of express to be coextensive with the limits of the municipalities they serve. This action is taken as a result of a petition filed by Continental Trailways, Inc., on March 9, 1977, as published in the FEDERAL REGISTER on March 24, 1977, after analysis of the representations filed by motor carriers, shippers and other interested parties.

EFFECTIVE DATE: November 28, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Michael Erenberg, Assistant Deputy Director, Section of Operating Rights, Interstate Commerce Commission, 12th & Constitution Ave. NW., Washington, D.C. 20423, (202-275-7292).

**SUPPLEMENTARY INFORMATION:** In the sixth supplemental report in Commercial Zones and Terminal Areas, 54 M.C.C. 21 (1952), the Commission found that the terminal areas of all motor carriers, including passenger carriers, and freight forwarders, should be coextensive with the commercial zones of their authorized municipalities. The Commission also construed the operating rights of motor carriers to include authority to pickup and deliver shipments at all points within the commercial zones of the municipalities they are authorized to serve. Subsequently, a number of commuter bus lines in the New York, N.Y., and Philadelphia, Pa., metropolitan areas sought reconsideration of this decision. These carriers complained that such an interpretation of the operating rights of passenger carriers would enable carriers which had historically served specific cities only, to enter into competition with other commuter lines serving neighboring municipalities. As a result of these carriers' petition, the Commission, in its Seventh Supplemental Report, withdrew and vacated its ruling in the Sixth Supplemental Report insofar as it pertained to motor carriers of passengers. See Commercial Zones and Terminal Areas, 54 M.C.C. 815, 629 (1952). The Commission declined, how-

ever, to construe the operating rights of passenger carriers or to define their terminal areas and the subject of express service was not discussed. Eight years later, in Greyhound Corp., Investigation of Certificates, 84 M.C.C. 169 (1960), the Commission, Division 1, stated that the terminal areas of passenger carriers are confined to the actual limits of the municipalities they serve. The purpose of this notice is to modify 49 CFR 1041 and 49 CFR 1048 to provide that the operating rights of passenger carriers to transport express be interpreted to include authority to pickup and deliver shipments at all points within the commercial zones of the municipalities they are authorized to serve and to provide that the terminal areas of passenger carriers in connection with the transportation of express be coextensive with the limits of the commercial zones of the municipalities they serve.

This regulation is issued under the authority of Sections 552, 553, and 559 of the Administrative Procedure Act (5 U.S.C. 552, 553, and 559) and Sections 202, 203, 204, 207, 209, 402, 403, and 404 of the Interstate Commerce Act (49 U.S.C. 302, 304, 307, 309, and 1002, 1003, and 1004).

Issued at Washington, D.C.

H. G. HOMME, Jr.,  
Acting Secretary.

Accordingly, the following sections of 49 CFR 1041 and 1049 are amended by inserting the words "or motor carrier of passengers in the transportation of express" after the words "motor carrier of property" wherever they appear in each section:

## § 1041.20 [Amended]

(1) 1041.20 Operating authority to serve particular municipality, construction.

## § 1041.21 [Amended]

(2) 1041.21 Operating authority to serve particular unincorporated community, construction.

## § 1049.1 [Amended]

(3) 1049.1 Terminal areas of motor carriers and freight forwarders at municipalities served.

## § 1049.2 [Amended]

(4) 1049.2 Terminal areas of motor carriers and freight forwarders at unincorporated communities served.

[FR Doc.77-28709 Filed 8-28-77; 8:45 am]

## [ 7035-01 ]

SUBCHAPTER D—TARIFFS AND SCHEDULES  
[Ex Parte No. MC-88]PART 1307—FREIGHT RATE TARIFFS,  
SCHEDULES, AND CLASSIFICATIONS  
OF MOTOR CARRIERS

## Detention of Motor Vehicles—Nationwide

AGENCY: Interstate Commerce Commission.

ACTION: Amendment of final rule.

**SUMMARY:** The Interstate Commerce Commission has amended the nationwide rules governing detention of motor vehicles. The amendments were made in response to petitions filed by interested parties, and are intended to clarify the rules.

**DATES:** The effective date of the prescribed rules has been stayed by the United States Court of Appeals for the Third Circuit.

FOR FURTHER INFORMATION CONTACT:

Janice M. Rosenak, Deputy Director, Section of Rates, or Harvey Gobetz, Assistant Deputy Director, Section of Rates, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, (202-275-7693 or 275-7656).

**SUPPLEMENTARY INFORMATION:** In response to petitions for modification, reopening, and reconsideration, the Commission has issued a decision and order in Ex Parte No. MC-88, Detention of Motor Vehicles—Nationwide. The decision and order, served September 15, 1977, discusses ambiguities which assertedly existed in the rules governing spotting of vehicles, as well as the impact of those spotting rules on shippers. Also discussed are the amount of free time allowed for vehicles with power, the burden of proving the cause of detention, the level of the prescribed detention charges, who pays detention charges assessed against the shipment, and applicability of the rules. In its decision and order, the Commission clarified the first two sentences of the second full paragraph on page 807 of the report on reconsideration, 126 M.C.C. 803, to read as follows:

The definition of "spotting" contained in section 2(f) and item 33 on page 737 of the prior report and order make it clear that the carriers' line-haul obligation ends when a loaded trailer is dropped in the consignee's holding yard. The cost of moving the trailer from the holding yard to the unloading dock is the responsibility of the consignee.

Clarifying amendments were also made to the rules themselves. These amendments are set forth in the appendix.

H. G. HOMME, Jr.,  
Acting Secretary.

49 CFR 1307.35(e) is amended as set forth in the following appendix.

## APPENDIX

Clarifying amendments are made to the provisions under 1307.35(e).

## § 1307.35 [Amended]

1. In the first paragraph under 1307.35(e), that portion of the first sentence which now reads

... articles picked up or delivered to railroad cars having prior or subsequent transportation by rail; ...

Confirmation of effective date will be published in the FEDERAL REGISTER at a future date.

is amended to read as follows:

... articles picked up or delivered to railroad cars in railroad owned or leased equipment having prior or subsequent transportation by rail; ...

2. The following change is made in the provisions under 1307.35(e) (1); under Section 1, General provisions, the second sentence of item (d) is amended to read as follows:

When detention charges are attributable to others who are not parties to the Bill of Lading contract, the party responsible for the payment of the freight charges will be held responsible for any accrued detention charges.

3. The following changes are made in the provisions under 1307.35(e) (2);

- Under Section 2, Definitions, item (f) is amended as follows:

- At the end of the second sentence, add: "at any site on premises."

- Following the last sentence, add: Empty trailers placed at the premises of consignor without specific request are not spotted until the carrier receives a consignor's request and places a trailer for spotting. Movement of the trailer from the consignor's premises to the specific site for spotting shall be the obligation of the carrier, and free time shall accrue as provided in section 3.

- Under Section 3, Computation of Free Time, item (a) (1) is amended by deleting the following language from the third sentence:

... or, in the case of an empty trailer placed at the premises of consignor without specific request, at the time a specific request to spot a trailer is received by the carrier.

- Under Section 5, Records, item (f) is deleted. Items (g), (h), and (i) are respectively relettered (f), (g), and (h).

[FR Doc.77-28739 Filed 9-28-77; 8:45 am]

## Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND  
WILDLIFE SERVICE, DEPARTMENT OF  
THE INTERIOR

## SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

## PART 20—MIGRATORY BIRD HUNTING

## Late Seasons, Bag Limits, and Possession of Certain Migratory Game Birds in the United States

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

**SUMMARY:** This rule prescribes the open seasons, shooting hours, areas, bag limits, and possession of certain migratory game birds, i.e., general waterfowl seasons; special seasons for scaup and goldeneyes; extra scaup and blue-winged teal in regular seasons; most sandhill crane seasons in the Central Flyway; coots, gallinules, and snipe in the Pacific Flyway; and special falconry seasons. The taking of the designated species of migratory birds is prohibited unless open hunting seasons are specifically provided. The rules will permit taking of the designated species within specified periods of time beginning as early as October 1, as has been the case in past years, and bene-

fit the public by opening the seasons which are presently closed.

EFFECTIVE DATE: September 29, 1977 (publication date)

FOR FURTHER INFORMATION CONTACT:

John P. Rogers, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C., telephone 202-343-8827.

**SUPPLEMENTARY INFORMATION:** The Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 756; 16 U.S.C. 703 et seq.), as amended, authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds to determine when, to what extent, and by what means such birds or any part, nest, or egg thereof may be taken, hunted, captured, killed, possessed, sold, purchased, shipped, carried, exported, or transported.

The annual process for developing migratory game bird hunting regulations is divided into those for "early" seasons and those for "late" seasons. Early seasons include those which open before October 1 while late seasons open on or after October 1. Regulations are developed independently for early and late seasons. The early season regulations cover mourning doves, white-winged doves, band-tailed pigeons, rails, gallinules, woodcock, common snipe, sea ducks in the Atlantic Flyway, teal in September in the Central and Mississippi Flyway, lesser sandhill cranes in North Dakota and South Dakota, doves in the Virgin Islands and Hawaii, all migratory game birds in Puerto Rico and Alaska, and special falconry seasons. Late seasons include the general waterfowl seasons; special seasons for scaup and goldeneyes; extra scaup and blue-winged teal in regular seasons; most sandhill crane seasons in the Central Flyway; coots, gallinules, and snipe in the Pacific Flyway; and additional special falconry seasons.

Certain general procedures are followed in developing regulations for both the early and the late seasons. Initial regulatory proposals are first announced in a FEDERAL REGISTER document in early March, and opened to public comment. As additional information becomes available, and comments on the initial proposals are received and considered, supplemental proposed rulemakings are published in the FEDERAL REGISTER. At the termination of the comment periods and following a public hearing, the Service develops and publishes the proposed frameworks for times of seasons, season lengths, shooting hours, daily bag and possession limits, and other regulatory restraints or options. Following another public comment period and after consideration of additional comments, the Service publishes in the FEDERAL REGISTER the final frameworks. Using these frameworks, State conservation agencies



select hunting season dates and offered options. States may select more restrictive seasons and options than those offered in the Service's frameworks. The final regulations, reflected in amendments to Subpart K of 50 CFR Part 20 then appear in the FEDERAL REGISTER, and become effective upon publication.

On March 10, 1977, the Service published for public comment in the FEDERAL REGISTER (42 FR 13311) proposals to amend 50 CFR Part 20 with a comment period ending May 18, 1977. That document dealt with minor modifications in § 20.11 of Subpart B, the addition of § 20.40 in Subpart D, and with establishment of seasons, limits and shooting hours for migratory game birds under §§ 20.101 through 20.107 of Subpart K. On May 25, 1977, the Service published for public comment in the FEDERAL REGISTER (42 FR 26669) a second document in the series consisting of supplemental or modified proposals and clarification or correction of minor portions of the earlier document. On July 5, 1977, the Service published in the FEDERAL REGISTER (42 FR 34305) a third document in the series consisting of final rulemaking dealing specifically with final frameworks from which wildlife conservation agency officials in Puerto Rico and the Virgin Islands could select season dates for hunting certain migratory birds in Puerto Rico and the Virgin Islands during the 1977-78 season. On July 5, 1977, the Service also published for public comment in the FEDERAL REGISTER (42 FR 34342) a fourth document in the series consisting of supplemental proposed rulemaking dealing specifically with proposed frameworks for early season migratory bird hunting regulations from which, when finalized, States could select season dates and daily bag and possession limits for the 1977-78 season. On July 15, 1977, the Service announced in a fifth document in the FEDERAL REGISTER (42 FR 36495) the availability of a draft environmental assessment on shooting hours and allowed a 10-day public comment period. On July 22, 1977, the Service published in the FEDERAL REGISTER (42 FR 37552) a sixth document in the series consisting of final rulemaking dealing specifically with final frameworks (except shooting hours) for early season migratory bird hunting regulations in all States during the 1977-78 seasons from which States selected early season dates and daily bag and possession limits for the 1977-78 season. On August 9, 1977, the Service published in the FEDERAL REGISTER (42 FR 40211) a seventh document in the series consisting of final rulemaking dealing specifically with final frameworks for shooting hours for early season migratory game bird hunting regulations in all States during the 1977-78 season. On August 15, 1977, the Service published in the FEDERAL REGISTER (42 FR 41145) an eighth document in the series consisting of supplemental proposed rulemaking dealing specifically with proposed frameworks for late season migratory bird hunting regulations from which, when finalized, States could select

season dates, shooting hours, and daily bag and possession limits for the 1977-78 season. On August 18, 1977, the Service published in the FEDERAL REGISTER (42 FR 41636) a ninth document in the series consisting of final rulemaking amending Subpart K of 50 CFR Part 20 to set open hunting seasons, certain closed areas, shooting hours and bag and possession limits for mourning doves, white-winged doves, band-tailed pigeons, rails, woodcock, snipe, and gallinules; September teal seasons; sea ducks in certain defined areas of the Atlantic Flyway; sandhill cranes in designated portions of North Dakota and South Dakota; and migratory game birds in Alaska, Hawaii, Puerto Rico, and the Virgin Islands. On September 9, 1977, the Service published in the FEDERAL REGISTER (42 FR 45310) a tenth document in the series consisting of final rulemaking dealing with final regulations frameworks for 1977-78 late hunting seasons on certain migratory game birds. This document is the eleventh in a series of proposed, supplemental, and final rulemaking documents for migratory game bird hunting regulations and deals specifically with final rulemaking amending Subpart K of 50 CFR Part 20 to set open hunting seasons, certain closed areas, shooting hours and bag and possession limits for waterfowl, coots, and gallinules; sandhill cranes in portions of the Central Flyway; common snipe in the Pacific Flyway; and additional special falconry seasons.

On June 21, 1977, a public hearing was held in Washington, D.C., as announced in the FEDERAL REGISTER (42 FR 26709; May 25, 1977; and 42 FR 29345; June 8, 1977) to review the status of mourning doves, woodcock, band-tailed pigeons, white-winged doves, rails, gallinules, lesser sandhill (little brown) cranes in North Dakota and South Dakota, and common (Wilson's) snipe. Proposed hunting regulations for these species were discussed plus those governing migratory game birds in Alaska, Puerto Rico, and the Virgin Islands; mourning doves in Hawaii; September teal seasons in the Mississippi and Central Flyways; and special sea duck seasons in the Atlantic Flyway. Statements or comments were invited. On August 2, 1977, a public hearing was held in Washington, D.C., as announced in the FEDERAL REGISTER (42 FR 28709; May 25, 1977; and 42 FR 34897; July 7, 1977), to review information on population status and proposed hunting regulations for waterfowl, coots, and gallinules; lesser sandhill (little brown) cranes in portions of the Central Flyway; common (Wilson's) snipe in the Pacific Flyway; and special falconry regulations. Statements or comments were invited.

#### STEEL SHOT REGULATIONS

Non-toxic shot requirements in some areas apply to waterfowl regulations being finalized here. On April 28, 1977, the Service published in the FEDERAL REGISTER (42 FR 21614) final regulations regarding areas in the Atlantic and Mississippi Flyways in which shotshells

loaded with steel shot will be required for waterfowl hunting in seasons commencing in 1977. Subsequently, the Service proposed in the FEDERAL REGISTER (42 FR 33354; June 30, 1977) that these requirements would apply only to 12-gauge shotshells, and final rulemaking on this proposal was published in the FEDERAL REGISTER on August 3, 1977 (42 FR 39106). The intended effect of establishing these steel shot regulations is to reduce the number of deaths of waterfowl caused by ingesting spent lead pellets. The regulations appear under 50 CFR, §§ 20.21 and 20.108, and will also be summarized in the Service's regulations leaflets, to be published late this summer.

#### ENVIRONMENTAL REVIEW

The "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75-54)" was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the FEDERAL REGISTER on June 13, 1975 (40 FR 25241). The final environmental assessment on shooting hours (42 FR 40211; August 9, 1977), supplements the discussion on shooting hours in FES 75-54.

#### COMPLIANCE WITH SECTION 7 OF THE ENDANGERED SPECIES ACT OF 1973

Section 7 of this act provides that, "The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act," and "by taking such action necessary to insure that actions authorized, funded, or carried out . . . do not jeopardize the continued existence of such endangered or threatened species or result in the destruction or modification of habitat of such species . . . which is determined to be critical." Consequently, the Service reviewed all migratory bird regulations being contemplated for early and late seasons in the United States this year and concluded in biological opinions that none of the proposals, including shooting hours, if implemented, would result in jeopardizing the continued existence of any species designated as endangered or threatened under the act, or adversely modify their critical habitat or habitats that may be determined as critical in the future. Likewise, the biological opinions concluded that with the imposition of certain restrictions for the protection of endangered species, the proposed regulations were not contrary to, and did not undermine the Service's obligation to conserve endangered or threatened species. The consideration of section 7 was described in more detail in the FEDERAL REGISTER dated July 22, 1977, on page 37554; and September 9, 1977, on page 45313.

The Service's biological opinions and threshold examination reports resulting from consultation under section 7 are available for public inspection in the Office of Endangered Species, U.S. Fish and Wildlife Service, Room 1100, 1612 K Street NW., Washington, D.C. 20240,

or the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Room 2243, Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240. Copies may also be supplied by mail upon request.

#### DRAFTING INFORMATION

This final rulemaking was authored by Dr. John P. Rogers, Chief, Office of Migratory Bird Management.

#### REGULATIONS PROMULGATION

After analysis of the migratory game bird survey data obtained through investigations conducted by the Service, State conservation agencies, and other sources, and consideration of all comments received on the late season proposals (42 FR 13311; March 10, 1977; 42 FR 26669; May 25, 1977; and 42 FR 41145; August 15, 1977), the Service published in the FEDERAL REGISTER on September 9, 1977 (42 FR 45310), final late season frameworks. Copies of the final frameworks were also sent to the officials of the State conservation agencies who were invited to submit recommendations for hunting seasons which complied with the shooting hours, daily bag and possession limits, season times and lengths, and areas specified in the frameworks.

The taking of the designated species of migratory birds is prohibited unless open hunting seasons are specifically provided. The amendments will permit taking of the designated species within specified time periods beginning as early as October 1, as has been the case in past years, and benefit the public by opening the seasons which are presently closed.

The rulemaking process for migratory game bird hunting must, by its nature, operate under severe time constraints. However, the Service is of the view that every attempt should be made to give the public the greatest possible opportunity to comment on the regulations. Thus, when the proposed rulemakings were published on March 10, May 25, and August 15, the Service established what it believed were the longest periods possible for public comment. In doing this, the Service recognized that at the periods' close, time would be of the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, the Service is of the opinion that the printing and distribution of Federal and State regulatory announcements and leaflets would be delayed to the extent that hunters would not have regulatory information available prior to the beginning of the hunting seasons. The Service has determined that "good cause" exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and these regulations will, therefore, take effect immediately upon publication.

Accordingly, each State conservation agency having had an opportunity to participate in selecting the hunting sea-

sons desired for its State on those species of migratory birds for which open seasons are now to be prescribed, and consideration having been given to all other relevant matters presented, it is determined that certain sections of Title 50, Chapter 1, Subchapter B, Part 20, Subpart K, are amended to read as follows:

Section 20.104 is amended to read as follows:

§ 20.104 Seasons, limits, and shooting hours for rails, woodcock, and common (Wilson's) snipe.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

#### CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS, INCLUDING AREA DESCRIPTIONS

	Rails (Sora and Virginia)	Rails (Clapper and King)	Woodcock	Common Snipe (Wilson's)
Daily bag limits.....	25 <sup>1</sup>	(2)	5	8
Possession limits.....	25 <sup>1</sup>	(2)	10	16
Shooting hours.....	½ hour before sunrise until sunset daily on all species, except as noted otherwise.			
Seasons in the Atlantic Flyway:				
Connecticut.....	Sept. 1-Nov. 9	Sept. 1-Nov. 9	Oct. 15-Dec. 3	Oct. 15-Dec. 3
Delaware.....	Sept. 1-Nov. 9	Sept. 1-Nov. 9	Oct. 22-Nov. 5 and Nov. 21-Jan. 7	Oct. 3-Nov. 5 and Nov. 21-Jan. 31
Florida.....	Sept. 1-Nov. 9	Sept. 1-Nov. 9	Dec. 17-Feb. 19	Nov. 12-Feb. 26
Georgia.....	Sept. 10-Nov. 18	Sept. 10-Nov. 18	Nov. 19-Jan. 22	Nov. 19-Feb. 28
Maine.....	Sept. 1-Nov. 9	Closed	Sept. 24-Nov. 15	Sept. 1-Dec. 16
Maryland.....	Sept. 1-Nov. 9	Sept. 1-Nov. 9	Oct. 5-Dec. 8	Sept. 17-Jan. 1
Massachusetts.....	Sept. 1-Nov. 9	Closed	Oct. 19-Nov. 30	Sept. 1-Dec. 10
New Hampshire.....	Closed	Closed	Sept. 17-Nov. 20	Sept. 17-Nov. 20
New Jersey.....	Closed	Closed	Closed	Closed
North Zone.....	Sept. 1-Nov. 9	Sept. 1-Nov. 9	Oct. 3-Nov. 26	Oct. 12-Dec. 31
South Zone.....	Sept. 1-Nov. 9	Sept. 1-Nov. 9	Nov. 5-Dec. 3 and Dec. 15-Jan. 9	Oct. 12-Dec. 31
New York:				
North Zone.....	Sept. 1-Nov. 9	Closed	Sept. 20-Nov. 23	Sept. 1-Nov. 23
South Zone.....	Sept. 1-Nov. 9	Closed	Oct. 1-Nov. 23	Sept. 1-Nov. 23
Long Island Area.....	Closed	Closed	Oct. 1-Nov. 23	Closed
North Carolina.....	Sept. 1-Nov. 9	Sept. 1-Nov. 9	Nov. 19-Jan. 21	Nov. 14-Feb. 28
Pennsylvania.....	Sept. 1-Nov. 9	Closed	Oct. 15-Dec. 17	Oct. 15-Dec. 17
Rhode Island.....	Sept. 19-Nov. 27	Sept. 19-Nov. 27	Oct. 15-Dec. 9 and Dec. 19-Dec. 27	Sept. 19-Dec. 3 and Dec. 19-Dec. 27
South Carolina.....	Sept. 10-Nov. 18	Sept. 10-Nov. 18	Nov. 24-Jan. 27	Nov. 14-Feb. 28
Vermont.....	Sept. 24-Nov. 27	Closed	Sept. 24-Nov. 27	Sept. 24-Nov. 27
Virginia.....	Sept. 10-Nov. 18	Sept. 10-Nov. 18	Oct. 31-Jan. 3	Oct. 17-Jan. 31
West Virginia.....	Oct. 15-Dec. 23	Closed	Oct. 15-Dec. 17	Sept. 12-Dec. 27
Seasons in the Mississippi Flyway:				
Alabama.....	Nov. 12-Jan. 20	Nov. 12-Jan. 20	Nov. 28-Jan. 31	Nov. 14-Feb. 28
Arkansas.....	Nov. 7-Jan. 15	Closed	Dec. 1-Feb. 3	Nov. 1-Feb. 15
Illinois.....	Sept. 1-Nov. 9	Closed	Oct. 15-Dec. 19	Oct. 15-Jan. 29
Indiana.....	Sept. 1-Nov. 9	Closed	Sept. 24-Nov. 27	Sept. 1-Nov. 27
Iowa.....	Sept. 3-Nov. 11	Closed	Sept. 17-Nov. 20	Sept. 3-Dec. 18
Kentucky.....	Nov. 12-Jan. 20	Closed	Oct. 8-Dec. 2 and Dec. 10-Dec. 18	Oct. 8-Dec. 2 and Dec. 10-Dec. 18
Louisiana.....	Sept. 17-Nov. 25	Sept. 17-Nov. 25	Dec. 3-Feb. 5	Nov. 5-Feb. 19
Michigan:				
Zone 1.....	Sept. 15-Nov. 13	Closed	Sept. 15-Nov. 13	Sept. 15-Nov. 13
Zone 2.....	Sept. 15-Nov. 13	Closed	Sept. 15-Nov. 14	Sept. 15-Nov. 13
Zone 3.....	Sept. 15-Nov. 13	Closed	Oct. 20-Nov. 14	Sept. 15-Nov. 13
Minnesota.....	Sept. 1-Nov. 9	Closed	Sept. 1-Nov. 4	Sept. 1-Nov. 4
Mississippi.....	Oct. 29-Jan. 6	Closed	Dec. 10-Feb. 12	Nov. 24-Feb. 21
Missouri.....	Sept. 1-Nov. 9	Closed	Oct. 1-Dec. 4	Oct. 1-Dec. 4
Ohio.....	Sept. 2-Nov. 10	Closed	Sept. 30-Dec. 3	Sept. 2-Dec. 17
Tennessee.....	Nov. 12-Jan. 20	Closed	Oct. 22-Nov. 27 and Feb. 1-Feb. 28	Nov. 19-Feb. 28
Wisconsin.....	Oct. 1*-Oct. 9 and Oct. 15-Nov. 19	Closed	Sept. 17-Nov. 20	Oct. 1*-Dec. 11
Seasons in the Central Flyway:				
Colorado:				
Colorado River Area.....	Sept. 1-Nov. 9	Closed	Closed	Sept. 1-Dec. 2
Kansas.....	Sept. 10-Nov. 18	Closed	Oct. 8-Dec. 11	Sept. 10-Dec. 11
Montana:				
Montana (shooting hours—15 min before sunrise until sunset).....	Sept. 1-Nov. 9	Closed	Closed	Sept. 1-Nov. 29
Nebraska.....	Sept. 1-Nov. 9	Closed	Sept. 15-Nov. 18	Sept. 15-Nov. 18
New Mexico:				
New Mexico (shooting hours—15 min before sunrise until sunset).....	Closed	Closed	Closed	Nov. 1-Jan. 22
North Dakota.....	Closed	Closed	Closed	Sept. 17-Nov. 6
Oklahoma.....	Sept. 1-Nov. 9	Closed	Nov. 20-Jan. 23	Oct. 22-Feb. 5
South Dakota.....	Closed	Closed	Closed	Sept. 1-Oct. 31
Texas.....	Sept. 1-Nov. 9	Sept. 1-Nov. 9	Nov. 19-Jan. 22	Nov. 5-Feb. 19
Wyoming:				
Wyoming.....	Oct. 1-Dec. 9	Closed	Closed	Oct. 1-Jan. 8
Seasons in the Pacific Flyway:				
Arizona.....	Closed	Closed	Closed	Oct. 1-Nov. 13 and Dec. 5-Jan. 22
California:				
Colorado River Area.....	Closed	Closed	Closed	Oct. 1-Nov. 13 and Dec. 5-Jan. 22
Tule Lake Area.....	Closed	Closed	Closed	Oct. 15-Jan. 15
Remainder of State.....	Closed	Closed	Closed	Oct. 22-Jan. 22
Colorado:				
Colorado.....	Closed	Closed	Closed	Sept. 1-Dec. 2
Idaho:				
Columbia Basin.....	Closed	Closed	Closed	Oct. 1-Jan. 8
Remainder of State.....	Closed	Closed	Closed	Oct. 1-Jan. 1
Montana:				
Montana.....	Closed	Closed	Closed	Oct. 1-Jan. 1
Nevada:				
Clark and Lincoln Counties.....	Closed	Closed	Closed	Oct. 1-Nov. 13 and Dec. 5-Jan. 22
Remainder of State.....	Closed	Closed	Closed	Oct. 15-Jan. 15
New Mexico:				
New Mexico.....	Closed	Closed	Closed	Oct. 1-Jan. 1

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## CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS, INCLUDING AREA DESCRIPTIONS—Continued

	Rails (Sora and Virginia)	Rails (Clapper and King)	Woodcock	Common Snipe (Wilson's)
Oregon <sup>2</sup>				
Columbia Basin	Closed...	Closed...	Closed...	Oct. 15-Jan. 22
Remainder of State	Closed...	Closed...	Closed...	Oct. 15-Jan. 15
Utah <sup>3</sup>	Closed...	Closed...	Closed...	Oct. 1-Jan. 1
Washington <sup>4</sup>				
Columbia Basin	Closed...	Closed...	Closed...	Oct. 15-Jan. 22
Remainder of State	Closed...	Closed...	Closed...	Oct. 15-Jan. 15
Wyoming <sup>5</sup>	Closed...	Closed...	Closed...	Oct. 1-Dec. 31

<sup>1</sup> The bag and possession limits for sora and Virginia rails apply singly or in the aggregate of these two species.

<sup>2</sup> In addition to the limits on sora and Virginia rails, in the States of Connecticut, Delaware, Maryland, New Jersey, and Rhode Island, there is a daily bag limit of 10 and possession limit of 20 clapper and king rails, singly or in the aggregate of these two species, and in the States of Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia, there is a daily bag limit of 15 and possession limit of 20 clapper and king rails, singly or in the aggregate of these two species.

<sup>3</sup> For description of zones or management units within a State, see State regulations.

<sup>4</sup> In Michigan, in the counties of Arenac, Bay, Huron, Macomb, Monroe, St. Clair, Tazewell, and Wayne, and adjacent Great Lakes and connecting waters, the snipe season shall open concurrently with the duck season and shall run continuously in all areas through Nov. 15.

<sup>5</sup> Seasons apply to Central Flyway portion of State only. The Central Flyway portion consists of Colorado and Wyoming—the area lying east of the Continental Divide; Montana—the area lying east of Hill, Chouteau, Cascade, Meagher, and Park Counties; New Mexico—the area lying east of the Continental Divide and outside the Jicarilla Apache Indian Reservation.

<sup>6</sup> Seasons apply to Pacific Flyway portion of State only. The Pacific Flyway portion consists of Colorado and Wyoming—the area lying west of the Continental Divide; Montana—the counties of Hill, Chouteau, Cascade, Meagher, and Park, and all counties west thereof; New Mexico—the area lying west of the Continental Divide plus the Jicarilla Apache Indian Reservation.

\* On opening day, shooting hours begin at moon local time.

Section 20.105 is amended to read as follows:

§ 20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

(a) *Sea Ducks.* (1) An open season for taking scoter, eider, and oldsquaw ducks is prescribed according to the following table during the period between September 18, 1977, and January 20, 1978, in all coastal waters and all waters of rivers and streams seaward from the first upstream bridge in the States of Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut; in those coastal waters of the State of New York lying in Long Island and Block Island Sounds and associated bays eastward from a line running between Miamiogue Point in the Town of Riverhead to Red Cedar Point in the Town of Southampton, including any ocean waters of New York lying south of Long Island; in any waters of the Atlantic Ocean and, in addition, in any tidal waters of any bay which are separated by at least one mile of open water from any shore, island, and emergent vegetation in the States of New Jersey, South Carolina, and Georgia; and in any waters of the Atlantic Ocean and/or in any tidal waters of any bay which are separated by at least 800 yards of open water from any shore, island, and emergent vegetation in the States of Delaware, Maryland, North Carolina, and Virginia: *Provided*, That any such areas have been described, delineated, and designated as special sea duck hunting areas under the hunting regulations adopted by the respective States. In all other areas of these States and in all other States in

the Atlantic Flyway, sea ducks may be taken only during the regular open season for ducks.

(2) The daily bag limit is 7 and the possession limit 14, singly or in the aggregate of these species. During the regular duck season in the Atlantic Flyway, States may set in addition to the limits prescribed for such seasons a daily bag limit of 7 and possession limit of 14 scoter, eider, and oldsquaw ducks, singly or in the aggregate of these species.

(3) Shooting hours are one-half hour before sunrise until sunset daily.

## CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS

Seasons in:	
Connecticut	Sept. 24–Nov. 22
Delaware	Oct. 1–Jan. 14
Georgia	Nov. 16–Jan. 20
Maine	Sept. 26–Jan. 10
Maryland	Oct. 6–Jan. 20
Massachusetts	Sept. 24–Jan. 7
New Hampshire	Sept. 16–Jan. 2
New Jersey	Oct. 3–Jan. 17
New York	Sept. 22–Jan. 6
North Carolina	Oct. 5–Oct. 8 and Oct. 10–Jan. 20
Rhode Island	Oct. 6–Jan. 20
South Carolina	Oct. 6–Jan. 20
Virginia	Oct. 6–Jan. 20

(4) Notwithstanding the provisions of this Part 20, the shooting of *crippled* waterfowl from a motorboat under power will be permitted in the States of Maine, Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, Delaware, Virginia, and Maryland in those areas described, delineated, and designated in their respective hunting regulations as being open to sea duck hunting.

(b) *Teal.* September season:

(c) *Gallinules.*

Limits in the Atlantic, Mississippi, and Central Flyways:

Daily bag limit	15
Possession limit	30

Limits in the Pacific Flyway: The daily bag and possession limits are 25 gallinules and coots singly or in the aggregate of these two species.

Shooting hours: One-half hour before sunrise to sunset.

## CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS

## Seasons in the Atlantic Flyway:

Connecticut	Sept. 1–Nov. 9
Delaware	Sept. 1–Nov. 9
Florida <sup>1</sup>	Sept. 1–Nov. 9
Georgia	Nov. 16–Jan. 20
Maine	Sept. 1–Nov. 9
Maryland	Sept. 1–Nov. 9
Massachusetts	Sept. 1–Nov. 5
New Hampshire	Closed
New Jersey	Sept. 1–Nov. 9
New York:	
Long Island	Closed
Remainder of State	Sept. 1–Nov. 9
North Carolina	Sept. 1–Nov. 9
Pennsylvania	Sept. 1–Nov. 9
Rhode Island	Sept. 19–Nov. 27
South Carolina	Sept. 10–Nov. 18
Vermont	Sept. 24–Nov. 27
Virginia	Oct. 12–Oct. 15 and Nov. 23–Jan. 7
West Virginia	Oct. 5–Oct. 22 and Dec. 14–Jan. 14

## Seasons in the Mississippi Flyway:

Alabama	Nov. 12–Jan. 20
Arkansas	Nov. 7–Jan. 15
Illinois	Closed
Indiana	Sept. 1–Nov. 9
Iowa	Closed
Kentucky	Nov. 12–Jan. 20
Louisiana	Sept. 17–Nov. 25
Michigan:	
Zone 1	Oct. 1–Nov. 14
Zones 2 and 3	Oct. 12–Nov. 25
Minnesota	Oct. 1–Nov. 14
Mississippi	Oct. 29–Jan. 6
Missouri	Sept. 1–Nov. 9
Ohio	Sept. 2–Nov. 10
Tennessee	Nov. 12–Jan. 20
Wisconsin	Oct. 1–Oct. 9 and Oct. 15–Nov. 19

## Seasons in the Central Flyway:

Colorado <sup>1</sup>	Closed
Kansas	Closed
Montana <sup>2</sup>	Closed
Nebraska	Closed
New Mexico <sup>3</sup>	Nov. 1–Jan. 8
North Dakota	Closed
Oklahoma	Sept. 1–Nov. 9
South Dakota	Closed
Texas	Sept. 1–Nov. 9
Wyoming <sup>4</sup>	Closed

## Seasons in the Pacific Flyway:

Arizona	Oct. 1–Nov. 13 and Dec. 5–Jan. 22
California:	
Colorado River Area	Oct. 1–Nov. 13 and Dec. 5–Jan. 22
Tule Lake Area	Oct. 15–Jan. 15
Remainder of State	Oct. 22–Jan. 22

<sup>1</sup> The gallinule season in Florida applies to the common or Florida gallinule only. No open season on purple gallinules in Florida.

<sup>2</sup> Seasons apply to Central Flyway portion of State only.

## Seasons in the Pacific Flyway—Continued

Colorado <sup>1</sup>	Closed
Idaho:	
Columbia Basin	Oct. 1–Jan. 8
Remainder of State	Oct. 1–Jan. 1
Montana <sup>2</sup>	Closed
Nevada:	
Clark and Lincoln Counties	Oct. 1–Nov. 13 and Dec. 5–Jan. 22
Remainder of State	Oct. 15–Jan. 15
New Mexico <sup>3</sup>	Oct. 1–Dec. 9
Oregon:	
Baker, Malheur, Wallowa, Union, Umatilla, Morrow, Gilliam, Sherman and Wasco Counties	Oct. 15–Jan. 22
Remainder of State	Oct. 15–Jan. 15
Utah	Oct. 1–Jan. 1
Washington:	
Columbia Basin	Oct. 15–Jan. 22
Remainder of State	Oct. 15–Jan. 15
Wyoming <sup>4</sup>	Closed

<sup>3</sup> Seasons apply to Pacific Flyway portion of State only.

\* On opening day, shooting hours begin at noon local time.

(d) *Waterfowl and coots in the Atlantic, Mississippi, Central and Pacific Flyways. Flywaywide Restrictions.*—In all States in the Atlantic Flyway:

Wood ducks—No more than 2 wood ducks may be taken daily nor more than 4 wood ducks may be in possession; in Pennsylvania, the possession limit is 2 wood ducks. Exceptions: During duck seasons prior to October 16, 1977, in North Carolina and Virginia, under conventional regulations, no special restrictions within the regular daily bag and possession limits shall apply to wood ducks; under the point system, the point value of wood ducks shall be 25.

Hooded mergansers—In States selecting conventional regulations, no more than 1 hooded merganser may be taken daily nor more than 2 hooded mergansers may be in possession.

Brant—The season is closed on brant. Canvasbacks and redheads—Except in closed areas, the limit on canvasbacks and redheads is 1 canvasback daily and 1 in possession or 1 redhead daily and 1 in possession under conventional regulations. Under the point system canvasbacks count 100 points each, except in closed areas, and redheads count 70 points each, except in closed areas. The areas closed to canvasback and redhead hunting are:

New York—Upper Niagara River between the Peace Bridge at Buffalo, New York, and the Niagara Falls. All waters of Lake Cayuga.

New Jersey—Those portions of Monmouth County and Ocean County lying east of the Garden State Parkway.

Maryland—That portion lying east of U.S. Highway 1.

North Carolina and Virginia—Closed Statewide.

## CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS. SPECIAL RESTRICTIONS MAY APPLY ON FEDERAL AND STATE PUBLIC HUNTING AREAS

Shooting hours: One-half hour before sunrise to sunset daily.

The season dates for mergansers and coots are the same as those for ducks in the following tables:

	Season dates	Limits	
		Bag	Possession
Connecticut:			
Coastal area only	Oct. 12–Oct. 29; Nov. 23–Dec. 24		
Ducks		4	8
Including no more than: Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Oct. 12–Oct. 29; Nov. 17–Jan. 7	3	6
Snow (including blue)	Oct. 12–Oct. 29; Nov. 17–Dec. 24	2	4
Remainder of State	Oct. 15–Oct. 29; Nov. 23–Dec. 24		
Ducks		4	8
Including no more than: Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Oct. 15–Oct. 29; Nov. 17–Jan. 7	3	6
Snow (including blue)	Oct. 15–Oct. 29; Nov. 17–Dec. 28	2	4
Delaware:			
Ducks	Nov. 2–Nov. 26; Dec. 14–Jan. 7	5	10
Including no more than: Black ducks		1	2
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Nov. 2–Dec. 13; Dec. 14–Jan. 30	4	8
Snow (including blue)	Nov. 2–Nov. 26; Dec. 14–Jan. 17	2	4
Florida:			
Ducks	Nov. 23–Dec. 4; Dec. 14–Jan. 20	Point system.	
Coots		15	30
Geese:			
Canada	Closed season		
Georgia:			
Ducks	Nov. 16–Nov. 27; Dec. 14–Jan. 20	5	10
Including no more than: Black ducks		1	2
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Closed		
Maine:			
Ducks		4	8
North Zone (wildlife management units 1–3)	Oct. 1–Nov. 14		
South Zone (wildlife management units 4–8)	Oct. 5–Oct. 22; Nov. 9–Dec. 10		
Including no more than: Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Oct. 1–Dec. 9	3	6
Snow (including blue)	Oct. 1–Nov. 29	2	4
Maryland:			
Ducks	Nov. 9–Nov. 25; Dec. 7–Jan. 7	Point system.	
Coots		15	30
Geese:			
Canada			
In Delmarva Peninsula	Oct. 21–Nov. 25; Dec. 5–Jan. 27	3	6
In remainder of State	Oct. 21–Nov. 25; Dec. 5–Jan. 7	3	6
Snow (including blue)	Nov. 12–Nov. 25; Dec. 5–Jan. 19	2	4
Massachusetts:			
Ducks	Oct. 12–Oct. 29; Nov. 23–Dec. 24	4	8
Including no more than: Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Oct. 12–Nov. 5; Nov. 23–Jan. 6	3	6
Snow (including blue)	Oct. 12–Nov. 5; Nov. 23–Dec. 27	2	4
New Hampshire:			
Ducks	Oct. 5–Oct. 30; Nov. 23–Dec. 16	4	8
Including no more than: Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Oct. 5–Oct. 30; Nov. 23–Jan. 5	3	6
Snow (including blue)	Oct. 5–Oct. 30; Nov. 23–Dec. 26	2	4
New Jersey:			
Ducks	Oct. 12–Oct. 22; Nov. 23–Dec. 31	Point system.	
Coots		15	30
Geese:			
Canada	Oct. 12–Nov. 11; Nov. 23–Dec. 31	3	6
Snow (including blue)	Oct. 12–Nov. 1; Nov. 23–Dec. 31	2	4
New York:			
Long Island Area:			
Ducks	Nov. 16–Jan. 4	4	8
Including no more than: Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Nov. 16–Jan. 20	3	6
Snow (including blue)	Nov. 16–Jan. 14	2	4
Lake Champlain area:			
Ducks	Oct. 5–Nov. 23	4	8
Including no more than: Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Oct. 5–Dec. 13	3	6
Snow (including blue)	Oct. 5–Dec. 3	2	4

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	Season dates	Limits	
		Bag	Possession
<b>New York—Continued</b>			
<b>North Zone:</b>			
Ducks	Oct. 5 <sup>a</sup> –Nov. 18	5	10
Including no more than: Black ducks		1	2
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Oct. 5 <sup>a</sup> –Dec. 13	3	6
Snow (including blue)	Oct. 5 <sup>a</sup> –Dec. 3	2	4
<b>South Zone:</b>			
Ducks	Oct. 19 <sup>a</sup> –Dec. 2	5	10
Including no more than: Black ducks		1	2
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Oct. 5 <sup>a</sup> –Dec. 13	3	6
Snow (including blue)	Oct. 5 <sup>a</sup> –Dec. 3	2	4
<b>West Zone:</b>			
Ducks	Oct. 12 <sup>a</sup> –Nov. 17; Dec. 31 <sup>a</sup> –Jan. 2	5	10
Including no more than: Black ducks		1	2
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Oct. 5 <sup>a</sup> –Dec. 13	3	6
Snow (including blue)	Oct. 5 <sup>a</sup> –Dec. 3	2	4
<b>North Carolina:</b>			
Ducks (except canvasbacks and redheads)	Oct. 5 <sup>a</sup> –Oct. 8; Dec. 7 <sup>a</sup> –Jan. 20	5	10
Canvasbacks and redheads	Season closed		
Including no more than: Black ducks		1	2
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Nov. 22–Nov. 26; Dec. 7–Jan. 20	1	2
Snow (including blue)	Nov. 22–Nov. 26; Dec. 7–Jan. 20	2	4
<b>Pennsylvania:</b>			
Ducks	Oct. 5 <sup>a</sup> –Nov. 12; Nov. 30 <sup>a</sup> –Dec. 10	4	8
Including no more than:			
Black ducks		2	4
Wood ducks		2	2
Mergansers		5	10
Coots		15	30
Geese:			
Canada:			
In Southeastern Zone <sup>1</sup>	Oct. 5 <sup>a</sup> –Dec. 13; Dec. 26–Jan. 11	3	6
In remainder of the State <sup>2</sup>	Oct. 5 <sup>a</sup> –Dec. 13	3	6
Snow (including blue)	Oct. 5 <sup>a</sup> –Dec. 3	2	4
<b>Rhode Island:</b>			
Ducks	Oct. 20 <sup>a</sup> –Oct. 29; Nov. 23 <sup>a</sup> –Jan. 7	Point system	
Coots		15	30
Geese:			
Canada	Nov. 12–Jan. 20	3	6
Snow (including blue)	Nov. 12–Jan. 10	2	4
<b>South Carolina:</b>			
Ducks	Nov. 21 <sup>a</sup> –Nov. 27; Dec. 7 <sup>a</sup> –Jan. 20	5	10
Including no more than:			
Black ducks		1	2
Mottled ducks	Season closed		
Mergansers		5	10
Coots		15	30
Geese:			
McCormick County	Season closed		
Remainder of State:			
Canada	Nov. 23 <sup>a</sup> –Nov. 27; Dec. 7 <sup>a</sup> –Jan. 20	1	2
Snow (including blue)	Nov. 23 <sup>a</sup> –Nov. 27; Dec. 7 <sup>a</sup> –Jan. 20	2	4
<b>Vermont:</b>			
Ducks	Oct. 5 <sup>a</sup> –Nov. 23	4	8
Including no more than: Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Oct. 5 <sup>a</sup> –Dec. 13	3	6
Snow (including blue)	Oct. 5 <sup>a</sup> –Dec. 3	2	4
<b>Virginia:</b>			
Ducks (except canvasbacks and redheads)	Oct. 12 <sup>a</sup> –Oct. 15; Nov. 23 <sup>a</sup> –Jan. 7	Point system	
Canvasbacks and redheads	Season closed		
Coots		15	30
Geese:			
Canada:			
In Back Bay area <sup>1</sup>	Oct. 12 <sup>a</sup> –Oct. 15; Nov. 23 <sup>a</sup> –Jan. 7	1	2
In Delmarva Peninsula Area	Nov. 3–Jan. 31	4	8
In remainder of State	Nov. 12–Jan. 20	3	6
Snow (including blue):			
In Back Bay area <sup>1</sup>	Nov. 23–Jan. 7	2	4
In remainder of State	Nov. 23–Jan. 20	2	4
<b>West Virginia:</b>			
Ducks	Oct. 5 <sup>a</sup> –Oct. 23; Dec. 14 <sup>a</sup> –Jan. 14	4	8
Including no more than: Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Oct. 5 <sup>a</sup> –Oct. 23; Dec. 14 <sup>a</sup> –Jan. 14	3	6
Snow (including blue)	Oct. 5 <sup>a</sup> –Oct. 22; Dec. 14 <sup>a</sup> –Jan. 14	2	4

<sup>1</sup> In Maryland the Delmarva Peninsula includes the counties of Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester.

<sup>2</sup> In New York the West Zone is that portion of upstate New York lying west of a line commencing at the north shore of the Salmon River and its junction with Lake Ontario and extending easterly along the north shore of the Salmon River to its intersection with Interstate Highway 81, then southerly along Interstate Highway 81 to the Pennsylvania border. The North and South Zones are bordered on the west by the boundary of the West Zone and are separated from each other as follows: Starting at the intersection of Interstate Highway 81 and New York Route 49 and extending easterly along Route 49 to its junction with Route 8 in Ulster, then along Route 8 to its intersection with U.S. Highway 20 in Hridgewater, then easterly along U.S. Highway 20 to the Massachusetts border.

<sup>3</sup> In North Carolina, no special daily bag and possession limit restrictions apply to wood ducks during the Oct. 5–Oct. 8 season.

<sup>4</sup> In Pennsylvania, the Southeastern Zone is defined as follows: That portion of the State lying east and south of a boundary beginning at Interstate Highway 83 at the Maryland border and extending north to Harrisburg, then east on U.S. Highway 22 to the New Jersey border.

<sup>5</sup> In Butler, Crawford, Erie, and Mercer Counties and the Middle Creek Wildlife Management area, the Canada goose daily bag limit is 1 and the possession limit is 2.

<sup>6</sup> In Virginia, the wood duck is assigned 25 points during the Oct. 12–Oct. 15 season.

<sup>7</sup> In Virginia, the Back Bay area is defined for Canada geese as those portions of Virginia Beach and Chesapeake Bay lying east of U.S. Highway 17 and Interstate 64.

<sup>8</sup> In Virginia, the Back Bay area is defined for snow (including blue) geese as the waters of Back Bay and its tributaries and the marshes adjacent thereto, and on the land and marshes between Back Bay and the Atlantic Ocean from Sandbridge to the North Carolina line, and on and along the shore of North Landing River and the marshes adjacent thereto, and on and along the shores of Lake Teanmish and Red Wing Lake and the marshes adjacent thereto.

<sup>9</sup> On opening day, shooting hours begin at noon local time.

#### MISSISSIPPI FLYWAY

Shooting hours: One-half hour before sunrise to sunset daily except as otherwise restricted.

#### FLYWAYWIDE RESTRICTIONS

In all States in the Mississippi Flyway selecting conventional regulations:

Mallards and black ducks—No more than 2 mallards or 2 black ducks or 1 of each daily nor more than 4 mallards or 4 black ducks or 4 in the aggregate in possession.

Wood ducks—No more than 2 wood ducks may be taken daily nor more than 4 wood ducks may be in possession, except in the Pymatuning Area of Ohio, the possession limit is 2 wood ducks.

Hooded mergansers—No more than 1 hooded merganser may be taken daily nor more than 2 hooded mergansers may be in possession.

Canvasback and redheads—except in closed areas, the limit on canvasbacks and redheads is 1 canvasback daily and 1 in possession or 1 redhead daily and 1 in possession under conventional regulations. Under the point system canvasbacks count 100 points each except in closed areas and the redheads count 70 points each except in closed areas. The areas closed to canvasback and redhead hunting are:

Mississippi River—Entire river, both sides, from Alton Dam upstream to Prescott, Wisconsin, at confluence of St. Croix River.

Alabama—Baldwin and Mobile Counties.

Louisiana—Caddo, St. Charles, and St. Mary Parishes; that portion of Ward 1 formerly designated as Ward 6 of St. Martin Parish; and Catahoula Lake in LaSalle and Rapides Parishes.

Michigan—Arenac, Bay, Huron, Macomb, Monroe, St. Clair, Tuscola, and Wayne Counties, and those adjacent waters of Saginaw Bay south of a line extending from Point au Gres in Sec. 6, T18N, R7E (Arenac County) to Sand Point in Sec. 11, T17N, R9E (Huron County), the St. Clair River, Lake St. Clair, the Detroit River and Lake Erie, under the jurisdiction of the State of Michigan.

Minnesota—Douglas, Mahanomen, Polk, Pope and Sibley Counties. Where the county line of any of the above counties crosses any portion of a lake, that entire lake is closed. In addition, all land in Sec. 13, T130N, R31W (i.e., land between Lake Christina and Pelican Lake) is closed.

Ohio—Land and water areas comprising Erie, Ottawa and Sandusky Counties.

Tennessee—Kentucky Lake lying north of Interstate Highway 40.

Wisconsin—in the Mississippi River Zone, all that portion of Wisconsin west of the Burlington-Northern Railroad in Grant, Crawford, Vernon, LaCrosse, Trempealeau, Buffalo, Pepin and Pierce Counties. Also, the following lakes and waters, including a strip of land 100 yards wide adjacent to the shorelines thereof: Lake Poygan in Winnebago and Waushara Counties and Lakes Winneconne and Butte des Morts, including the connecting waters thereof, in Winnebago County.

White-fronted geese—no more than 2 white-fronted geese may be taken daily or held in possession.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS. SPECIAL RESTRICTIONS MAY APPLY ON FEDERAL AND STATE PUBLIC HUNTING AREAS

The season dates for mergansers and coots are the same as those for ducks in the following tables.

	Season dates	Limits	
		Bag	Possession
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Alabama:			
Ducks	Dec. 7-Jan. 20	Point system	
Coots		15	30
Geese:			
In Chambers, Henry, Russell, and Bar-	Closed season		
bour Counties.			
In remainder of State	Nov. 12-Jan. 20	5	5
Including no more than:			
Canada geese		2	4
White-fronted geese		2	2
Canada and white-fronted geese com-		2	4
bined.			
Snow (including blue) geese		5	5
Arkansas:			
Ducks	Nov. 18-Dec. 11; Dec. 17-Jan. 7.	Point system	
Coots		15	30
Geese:		5	5
Including no more than:			
Canada geese:			
Closed area <sup>1</sup>			
Remainder of State	Nov. 19-Dec. 11; Dec. 17-Jan. 7.	1	2
White-fronted geese		2	2
Snow (including blue) geese	Oct. 30-Jan. 7.	5	5
Illinois:			
Ducks		Point system	
North Zone <sup>1</sup>	Oct. 22-Dec. 5.		
South Zone <sup>2</sup>	Nov. 5-Dec. 19		
Coots		15	30

	Season dates	Limits	
		Bag	Possession
Illinois—Continued			
Geese:			
In Alexander, Jackson, Union, and Williamson Counties. <sup>9</sup>	Nov. 21-Jan. 20		
In remainder of the State. <sup>4</sup>	Oct. 22-Dec. 30		
For the entire State including no more than:			
Canada geese. <sup>3</sup>		2	4
White-fronted geese.		2	2
Canada and white-fronted geese combined.		2	4
Snow (including blue) geese.		5	5
Indiana:			
Ducks.			Point system.
North Zone. <sup>6</sup>	Oct. 28-Dec. 11		
South Zone. <sup>6</sup>	Nov. 18-Jan. 1		
Coots.		15	30
Geese.	Oct. 28-Dec. 3; Dec. 17-Jan. 18	5	5
Including no more than:			
Canada geese:		2	2
In Posey County.		1	2
In remainder of State.		2	2
White-fronted geese.		2	2
Canada and white-fronted geese combined.		2	4
Snow (including blue) geese.		5	5
Iowa—Shooting hours.	Sunrise to sunset.		
Ducks.	Oct. 8-Oct. 15; Oct. 22-Nov. 27		Point system.
Coots.		15	30
Geese.		5	5
Including no more than:			
Canada geese.	Oct. 1-Nov. 14.	2	2
White-fronted geese.	Oct. 1-Dec. 9.	2	2
Snow (including blue) geese.	Oct. 1-Dec. 9	5	5
Kentucky:			
Ducks.	Nov. 19-Nov. 27; Dec. 10-Jan. 14.		Point system.
Coots.		15	30
Geese.	Nov. 12-Jan. 20		
Including no more than:			
Canada geese. <sup>7,7</sup>		2	4
White-fronted geese.		2	2
Canada and white-fronted geese combined.		2	4
Snow (including blue) geese.		5	5
Louisiana:			
Ducks.			Point system.
East Zone. <sup>8</sup>	Nov. 19-Dec. 4; Dec. 17-Jan. 14.		
West Zone. <sup>8</sup>	Nov. 5-Dec. 4; Dec. 17-Jan. 5.		
Coots.		15	30
Canada Geese.	Closed season.		
Geese (except Canada geese).		5	5
East Zone. <sup>8</sup>	Nov. 19-Jan. 27		
West Zone. <sup>8</sup>	Nov. 5-Dec. 4; Dec. 17-Jan. 25.		
Including no more than:			
White-fronted geese.		2	2
Snow (including blue) geese.		5	5
Michigan:			
Ducks.			Point system.
North Zone (Zone 1). <sup>9</sup>	Oct. 1-Nov. 14.		
South Zone (Zones 2 and 3). <sup>9</sup>	Oct. 12-Nov. 25.		
Coots.		15	30
Geese.		5	5
North Zone (Zone 1). <sup>9</sup>	Oct. 1-Nov. 14.		
South Zone (Zones 2 and 3). <sup>9</sup>	Oct. 12-Nov. 30.		
Including no more than:			
Canada geese.		1	1
White-fronted geese.		2	2
Canada and white-fronted geese combined.		2	3
Snow (including blue) geese.		5	5
Minnesota:			
Ducks.	Oct. 1-Nov. 14.	5	10
Including no more than:			
Mallards.		2	4
Black ducks.		2	4
Mallards and black ducks combined.		2	4
Mergansers.		6	10
Coots.		15	30
Geese.		5	5
Canada geese:		1	2
In Lac Qui Parle Quota Zone. <sup>10, 10</sup>	Oct. 1-Nov. 14.		
In Southeastern Zone. <sup>11</sup>	Oct. 1-Dec. 9.	1	2
In remainder of State.	Oct. 1-Nov. 14.	1	2
In all areas, including no more than:			
White-fronted geese.	Oct. 1-Dec. 9.	2	2
Canada and white-fronted geese combined.		2	4
Snow (including blue) geese.	Oct. 1-Dec. 9.	5	5
Mississippi:			
Ducks.	Dec. 3-Dec. 5; Dec. 10-Jan. 20.		Point system.
Coots.		15	30
Geese:			
In areas west of Mississippi River (31°-33° North Lat.).	Same as Louisiana.		
In remainder of State.	Oct. 1-Oct. 30; Dec. 10-Jan. 18.	5	5
Including no more than:			
Canada geese:		1	2
Sardis Reservoir area. <sup>12</sup>	Oct. 1-Oct. 30; Dec. 10-Jan. 18.		
In remainder of State.	Closed season.	2	2
White-fronted geese.		2	2
Snow (including blue) geese.		5	5
Missouri:			
Ducks.			Point system.
North Zone. <sup>13</sup>	Oct. 25-Dec. 8.		
South Zone. <sup>13</sup>	Nov. 15-Dec. 29.		
Coots.		15	30
Geese.		5	5

	Season dates	Bag	Limit	Possession
<b>Missouri—Continued</b>				
Including no more than:				
Canada geese:		2		4
Southeastern Zone, east of U.S. Highway 67 and south of Crystal City:	Dec. 7-Jan. 20			
In Swan Lake Zone: <sup>14</sup>	Oct. 25-Dec. 8	1		2
In remainder of State:	Oct. 25-Dec. 8	2		2
White-fronted geese:	Oct. 25-Jan. 2	2		4
Canada and white-fronted geese combined:		5		5
Snow (including blue) geese:	Oct. 25-Jan. 2	5		5
<b>Ohio:</b>				
In Pymatuning Area: <sup>15</sup>	Oct. 5 <sup>16</sup> Nov. 12; Nov. 30 <sup>17</sup> -Dec. 10	1		8
Ducks:				
Including no more than:		2		4
Black ducks:		2		4
Wood ducks:		5		10
Mergansers:		15		30
Coots:		1		2
Geese:	Oct. 5 <sup>16</sup> Dec. 13	2		4
Canada:	Oct. 5 <sup>16</sup> Dec. 3			
Snow (including blue) geese:				
In remainder of State:				Point system.
Ducks:				
In North Zone <sup>18</sup>	Oct. 13-Nov. 26			
In South Zone <sup>18</sup>	Nov. 17-Dec. 31	15		30
Coots:	Oct. 13-Dec. 10; Dec. 21-Dec. 31	5		5
Geese:				
Including no more than:				
Canada:		1		2
In Ashtabula, Trumbull, Marion, Wyandot, Lucas, Ottawa, Erie, Sandusky, Mercer and Auglaize Counties:		2		2
In remainder of State:		2		2
White-fronted geese:		2		4
Canada and white-fronted geese combined:		5		5
Snow (including blue) geese:				
<b>Tennessee:</b>				
Ducks:	Nov. 12-Nov. 14; Dec. 10-Jan. 20			Point system.
Coots:		15		30
Geese:	Nov. 12-Jan. 20			
Including no more than:				
Canada geese: <sup>19</sup>		2		2
West of State Highway 13:		1		2
In remainder of State:		2		2
White-fronted geese:		4		4
Canada and white-fronted geese combined:		4		4
West of State Highway 13:		5		5
In remainder of State:				
Snow (including blue) geese:				
<b>Wisconsin:</b>				
Ducks:	Oct. 1 <sup>20</sup> Oct. 9; Oct. 15-Nov. 19	15		30
Coots:				
Geese: <sup>21</sup>				
In Horizon Zone <sup>22</sup>	Oct. 15-Nov. 30			
Including no more than:		1		1
Canada geese:		2		2
White-fronted geese:		2		2
Canada and white-fronted geese combined:		2		3
Snow (including blue) geese:		5		5
In East Central Zone <sup>23</sup>	Oct. 1 <sup>20</sup> Oct. 9; Oct. 15-Nov. 30			
Including no more than:		1		2
Canada geese:		2		2
White-fronted geese:		2		2
Canada and white-fronted geese combined:		2		4
Snow (including blue) geese:		5		5
In remainder of the State:	Oct. 1 <sup>20</sup> Oct. 9; Oct. 15-Nov. 30			
Including no more than:		1		2
Canada geese:		2		2
White-fronted geese:		2		2
Canada and white-fronted geese combined:		2		4
Snow (including blue) geese:		5		5

<sup>1</sup> In Arkansas the area closed to Canada goose hunting is east of a boundary described as follows: Beginning at the junction of State Highway 1 and the Arkansas-Missouri border, then south along State Highway 1 to the junction of U.S. Highway 65 at McGehee, then south along U.S. Highway 65 to the junction of U.S. Highway 165, then south along U.S. Highway 165 to the Arkansas-Louisiana border.

<sup>2</sup> In Illinois the North Zone consists of St. Clair, Clinton, Marion, Clay, Richland, and Lawrence Counties and all counties to the north. The South Zone consists of the remainder of Illinois.

<sup>3</sup> Shooting hours for geese are sunrise until 3 p.m. local time.

<sup>4</sup> In Illinois, at Rend Lake and the Baldwin Fish and Wildlife Management area, the season will be Nov. 5-Dec. 30. See State regulations.

<sup>5</sup> In the States of Illinois and Wisconsin, the kill of Canada geese will be limited to 35,000 in each State. In the Ballard County Zone of Kentucky, the kill will be limited to 15,000 birds. In the Swan Lake Zone of Missouri the kill of Canada geese will be limited to 25,000 birds. In the Lac Qui Parle Zone of Minnesota, the kill of Canada geese will be limited to 5,000 birds. When it is determined by the Director, U.S. Fish and Wildlife Service, that the quota of Canada geese allotted to Southern Illinois Zone, the Ballard County Zone of Kentucky, the Swan Lake Zone of Missouri, or the Lac Qui Parle area of Minnesota will have been killed, the season for taking Canada geese in the respective areas will be closed by the Director upon giving public notice through local information media at least 48 hours in advance of the time and the day of closing.

<sup>6</sup> In Indiana the North Zone consists of that portion of the State north of State Highway 18. The South Zone consists of the remainder of the State.

<sup>7</sup> In Kentucky the Ballard County Zone is described as follows: A boundary beginning at the northwest city limits of Wickliffe in Ballard County to the middle of the Mississippi River; then north along the Mississippi River to the low water mark of the Ohio River along the Illinois shore to the Ballard-McCracken County line; then along the county line south to State Road 358; then south along State Road 358 to its junction with U.S. Highway 60 at La-Center; then southwest along U.S. Highway 60 to the northeast city limits of Wickliffe.



	Season dates	Limits	
		Bag	Possession
Illinois—Continued			
Geese:			
In Alexander, Jackson, Union, and Williamson Counties <sup>1</sup>	Nov. 21-Jan. 20		
In remainder of the State <sup>2</sup>	Oct. 22-Dec. 30		
For the entire State including no more than:			
Canada geese <sup>3</sup>		2	4
White-fronted geese		2	2
Canada and white-fronted geese combined		2	4
Snow (including blue) geese		5	5
Indiana:			
Ducks:			Point system
North Zone <sup>4</sup>	Oct. 28-Dec. 11		
South Zone <sup>4</sup>	Nov. 18-Jan. 1		
Coots		15	30
Geese	Oct. 28-Dec. 3; Dec. 17-Jan. 18	5	5
Including no more than:			
Canada geese		2	2
In Posey County		1	2
In remainder of State		2	2
White-fronted geese		2	2
Canada and white-fronted geese combined		2	4
Snow (including blue) geese		5	5
Iowa—Shooting hours:	Sunrise to sunset		
Ducks:	Oct. 8, Oct. 15, Oct. 22, Nov. 27		Point system
Coots		15	30
Geese		5	5
Including no more than:			
Canada geese	Oct. 1-Nov. 14	2	2
White-fronted geese	Oct. 1-Dec. 9	2	2
Snow (including blue) geese	Oct. 1-Dec. 9	5	5
Kentucky:			
Ducks:	Nov. 19-Nov. 27; Dec. 10-Jan. 14		Point system
Coots		15	30
Geese	Nov. 12-Jan. 20		
Including no more than:			
Canada geese <sup>5</sup>		2	4
White-fronted geese		2	2
Canada and white-fronted geese combined		2	4
Snow (including blue) geese		5	5
Louisiana:			
Ducks:			Point system
East Zone <sup>6</sup>	Nov. 19-Dec. 4; Dec. 17-Jan. 14		
West Zone <sup>6</sup>	Nov. 5-Dec. 1; Dec. 17-Jan. 5		
Coots		15	30
Canada geese	Closed season		
Geese (except Canada geese)		5	5
East Zone <sup>6</sup>	Nov. 19-Jan. 27		
West Zone <sup>6</sup>	Nov. 5-Dec. 1; Dec. 17-Jan. 25		
Including no more than:			
White-fronted geese		2	2
Snow (including blue) geese		5	5
Michigan:			
Ducks:			Point system
North Zone (Zone 1) <sup>7</sup>	Oct. 1-Nov. 11		
South Zone (Zones 2 and 3) <sup>7</sup>	Oct. 12-Nov. 25		
Coots		15	30
Geese		5	5
North Zone (Zone 1) <sup>7</sup>	Oct. 1-Nov. 11		
South Zone (Zones 2 and 3) <sup>7</sup>	Oct. 12-Nov. 30		
Including no more than:			
Canada geese		1	1
White-fronted geese		2	2
Canada and white-fronted geese combined		2	3
Snow (including blue) geese		5	5
Minnesota:			
Ducks:	Oct. 1-Nov. 14	5	10
Including no more than:			
Mallards		2	4
Black ducks		2	4
Mallards and black ducks combined		2	4
Mergansers		5	10
Coots		15	30
Geese		5	5
Canada geese:			
In Lac Qui Parle Quota Zone <sup>8, 10</sup>	Oct. 1-Nov. 14	1	2
In Southeastern Zone <sup>11</sup>	Oct. 1-Dec. 9	1	2
In remainder of State	Oct. 1-Nov. 14	1	2
In all areas, including no more than:			
White-fronted geese	Oct. 1-Dec. 9	2	2
Canada and white-fronted geese combined		2	4
Snow (including blue) geese	Oct. 1-Dec. 9	5	5
Mississippi:			
Ducks:	Dec. 3-Dec. 5; Dec. 10-Jan. 20		Point system
Coots		15	30
Geese:			
In areas west of Mississippi River (31°-33° North Lat.)	Same as Louisiana		
In remainder of State	Oct. 1-Oct. 30; Dec. 10-Jan. 18	5	5
Including no more than:			
Canada geese:			
Sardis Reservoir area <sup>12</sup>	Oct. 1-Oct. 30; Dec. 10-Jan. 18	1	2
In remainder of State	Closed season		
White-fronted geese		2	2
Snow (including blue) geese		5	5
Missouri:			
Ducks:			Point system
North Zone <sup>13</sup>	Oct. 25-Dec. 8		
South Zone <sup>13</sup>	Nov. 15-Dec. 29		
Coots		15	30
Geese		5	5

	Season dates	Limits	
		Bag	Possession
Missouri—Continued			
Including no more than:			
Canada geese:			
Southeastern Zone, east of U.S. Highway 67 and south of Crystal City	Dec. 7-Jan. 20	2	4
In Swan Lake Zone <sup>14</sup>	Oct. 25-Dec. 8	1	2
In remainder of State	Oct. 25-Jan. 2	2	2
White-fronted geese		2	2
Canada and white-fronted geese combined		2	4
Snow (including blue) geese	Oct. 25-Jan. 2	5	5
Ohio:			
In Pymatuning Area: <sup>15</sup>	Oct. 5 <sup>16</sup> -Nov. 12; Nov. 30 <sup>16</sup> -Dec. 10	1	8
Including no more than:			
Ducks:			
Black ducks		2	1
Wood ducks		2	2
Mergansers		1	10
Coots		15	30
Geese:			
Canada	Oct. 5 <sup>16</sup> -Dec. 13	1	2
Snow (including blue) geese	Oct. 5 <sup>16</sup> -Dec. 3	2	1
In remainder of State:			
Ducks:			Point system
In North Zone <sup>17</sup>	Oct. 13-Nov. 26	1	20
In South Zone <sup>17</sup>	Nov. 17-Dec. 31		
Coots	Oct. 13-Dec. 10; Dec. 21-Dec. 31	1	5
Geese:			
Including no more than:			
Canada		1	2
In Ashtabula, Trumbull, Marion, Wyandot, Lucas, Ottawa, Erie, Sandusky, Mercer and Auglaize Counties		2	2
In remainder of State		2	2
White-fronted geese		2	4
Canada and white-fronted geese combined		2	1
Snow (including blue) geese		5	5
Tennessee:			
Ducks:	Nov. 12-Nov. 14; Dec. 10-Jan. 20		Point system
Coots		15	30
Geese:	Nov. 12-Jan. 20		
Including no more than:			
Canada geese: <sup>18</sup>			
West of State Highway 13		2	2
In remainder of State		1	2
White-fronted geese		2	2
Canada and white-fronted geese combined		4	4
West of State Highway 13		3	4
In remainder of State		5	5
Snow (including blue) geese		5	5
Wisconsin:			
Ducks:	Oct. 1 <sup>19</sup> -Oct. 9; Oct. 15-Nov. 19		Point system <sup>18</sup>
Coots		15	30
Geese:			
In Horicon Zone <sup>20</sup>	Oct. 15-Nov. 30		
Including no more than:			
Canada geese		1	1
White-fronted geese		2	2
Canada and white-fronted geese combined		2	4
Snow (including blue) geese		5	5
In East Central Zone <sup>21</sup>	Oct. 1 <sup>19</sup> -Oct. 9; Oct. 15-Nov. 30		
Including no more than:			
Canada geese		1	2
White-fronted geese		2	2
Canada and white-fronted geese combined		2	4
Snow (including blue) geese		5	5
In remainder of the State	Oct. 1 <sup>19</sup> -Oct. 9; Oct. 15-Nov. 30		
Including no more than:			
Canada geese		1	2
White-fronted geese		2	2
Canada and white-fronted geese combined		2	4
Snow (including blue) geese		5	5

<sup>1</sup> In Arkansas the area closed to Canada goose hunting is east of a boundary described as follows: Beginning at the junction of State Highway 1 and the Arkansas-Missouri border, then south along State Highway 1 to the junction of U.S. Highway 65 at McGhee, then south along U.S. Highway 65 to the junction of U.S. Highway 165, then south along U.S. Highway 165 to the Arkansas-Louisiana border.

<sup>2</sup> In Illinois the North Zone consists of St. Clair, Clinton, Marion, Clay, Richland, and Lawrence Counties and all counties to the north. The South Zone consists of the remainder of Illinois.

<sup>3</sup> Shooting hours for geese are sunrise until 3 p.m. local time.

<sup>4</sup> In Illinois, at Rend Lake and the Baldwin Fish and Wildlife Management area, the season will be Nov. 5-Dec. 30. See State regulations.

<sup>5</sup> In the States of Illinois and Wisconsin, the kill of Canada geese will be limited to 35,000 in each State. In the Ballard County Zone of Kentucky, the kill will be limited to 15,000 birds. In the Swan Lake Zone of Missouri the kill of Canada geese will be limited to 25,000 birds. In the Lac Qui Parle Zone of Minnesota, the kill of Canada geese will be limited to 5,000 birds. When it is determined by the Director, U.S. Fish and Wildlife Service, that the quota of Canada geese allotted to Southern Illinois Zone, the Ballard County Zone of Kentucky, the Swan Lake Zone of Missouri, or the Lac Qui Parle area of Minnesota will have been killed, the season for taking Canada geese in the respective areas will be closed by the Director upon giving public notice through local information media at least 48 hours in advance of the time and the day of closing.

<sup>6</sup> In Indiana the North Zone consists of that portion of the State north of State Highway 18. The South Zone consists of the remainder of the State.

<sup>7</sup> In Kentucky the Ballard County Zone is described as follows: A boundary beginning at the northwest city limits of Wickliffe in Ballard County to the middle of the Mississippi River; then north along the Mississippi River to the low water mark of the Ohio River along the Illinois shore to the Ballard-McCracken County line; then along the county line south to State Road 358; then south along State Road 358 to its junction with U.S. Highway 60 at La-Center; then southwest along U.S. Highway 60 to the northeast city limits of Wickliffe.

\* In Louisiana the West Zone is described as follows: That portion of Louisiana west of a boundary beginning at the Arkansas-Louisiana border on Louisiana Highway 3; then south along Louisiana Highway 3 to Shreveport; then east along Interstate 20 to Minden; then south along Louisiana Highway 7 to Ringgold; then east along Louisiana Highway 4 to Jonesboro; then south along U.S. Highway 167 to Lafayette; then southeast along U.S. Highway 90 to Houma; then south along the Houma Navigation Channel to the Gulf of Mexico through Cat Island Pass. The East Zone consists of the remainder of the State.

\* See State regulations.

† In Minnesota the Lac Qui Parle Zone is that area encompassed by a boundary described as follows: Beginning at Montevideo, then west on U.S. Highway 212 to U.S. Highway 75, then north on U.S. Highway 75 to State Highway 7 at Odessa, then north on County State Aid Highway 21, Big Stone County, to U.S. Highway 12, then east on U.S. Highway 12 to County State Aid Highway 17, Swift County, then south on County State Aid Highway 17 and County State Aid Highway 9, Chippewa County, to State Highway 40, then east on State Highway 40 to State Highway 29, then south on State Highway 29 to point of beginning at Montevideo.

† In Minnesota the Southeastern Zone is the same as described in 1971.

† In Mississippi the Sardis Reservoir area is that area encompassed by Interstate Highway 55 on the west, State Highway 7 on the east, State Highway 310 on the north and State Highway 6 on the south.

† In Missouri the North Zone consists of that portion of the State north of a line running easterly from the Kansas-Missouri border along U.S. Highway 160 to the junction of U.S. Highway 60 in Springfield, along U.S. Highway 60 to the junction of State Highway 21, along State Highway 21 to the junction of State Highway 34, and along State Highway 34 to the Illinois-Missouri border along the Mississippi River at Cape Girardeau. The South Zone consists of the remainder of the State.

† In Ohio the North Zone consists of that portion of Ohio north of Interstate Highway 70, except the Pymatuning Reservoir area. The South Zone consists of the remainder of the State.

† In Tennessee the season is closed in the Canada Goose restoration areas. See State regulations.

† In Wisconsin the point-system season is split, with different point values assigned during each split season by State regulation. See Wisconsin regulations for point values assigned by the State for various species during each season.

\* On opening day, shooting hours begin at noon local time.

#### CENTRAL FLYWAY

The Central Flyway consists of Colorado (east of the Continental Divide), Kansas, Montana (east of Hill, Chouteau, Cascade, Meagher, and Park Counties), Nebraska, New Mexico (east of the Continental Divide and outside the Jicarilla Apache Indian Reservation), North Dakota, Oklahoma, South Dakota, Texas, and Wyoming (east of the Continental Divide).

Shooting hours: One-half hour before sunrise to sunset daily except as otherwise restricted.

#### FLYWAYWIDE RESTRICTIONS

Mexican ducks—The season is closed on Mexican ducks throughout the Flyway. In order to provide greater protection to the endangered Mexican duck, all duck hunting is prohibited in the following areas:

New Mexico—That portion of New Mexico lying south and west of the boundary described as follows: Interstate Highway 10 from the Arizona-New Mexico border east to Deming, north on U.S. Highway 180 to State Highway 26, east on State Highway 26 to Interstate Highway 25, south on Interstate Highway 25 to Las Cruces, and south on Interstate Highway 10 to the New Mexico-Texas border. Also the Tula Rosa Creek Area, defined as beginning where State Highway 12 crosses the Continental Divide, and extending westward along State Highway 12 to Apache, and encompassing the area one mile south of the above boundary, all in Catron County.

Texas—That portion of Texas lying west and south of the boundary described as follows: Interstate Highway 10 from the Texas-New Mexico border south and east to Fort Stockton, U.S. Highway 385 from Fort Stock-

ton south to the boundary of the Big Bend National Park, and southwesterly along the west boundary of the Big Bend National Park to the U.S.-Mexico border along the Rio Grande.

Canvasbacks and redheads—Except in closed areas, the daily bag and possession limits may include no more than 1 canvasback or 1 redhead. Except in closed areas, canvasbacks count 100 points each and redheads 70 points each under the point system.

The areas closed to canvasback and redhead hunting are: North Dakota—That portion lying east of State Highway 3, including all or portions of 27 counties. South Dakota—All of Marshall County; that portion of Day County east of State Highway 25; that portion of Codington County south of State Highway 20 and west of U.S. Highway 81; that portion of Hamlin County west of U.S. Highway 81; and that portion of Kingsbury County east of State Highway 25 and north of U.S. Highway 14. Texas—The counties of Brazoria, Chambers, Galveston, Harris, Jefferson, and Orange.

Mergansers—All mergansers are to be included within the daily bag and possession limits under conventional and point system regulations.

Ross' geese—No more than 1 Ross' goose may be taken daily or held in possession.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES. SPECIAL RESTRICTIONS MAY APPLY ON FEDERAL AND STATE PUBLIC HUNTING AREAS.

The season dates for mergansers and coots are the same as those for ducks in the following tables:

	Season dates	Limits	
		Bag	Possession
Colorado:			
Ducks.....	Oct. 1-Oct. 14; Nov. 12-Jan. 19.....	Point system.	
Coots.....		15	30
Geese.....	Nov. 5-Jan. 22.....	2	4
Kansas:			
Ducks:			
In High Plains area.....	Oct. 22-Dec. 4; Dec. 24-Jan. 22.....	Point system.	
In remainder of State.....	Oct. 22-Dec. 4; Dec. 24-Jan. 3.....	15	30
Coots.....		5	30
Geese.....		5	5
Including no more than:			
Canada geese.....	Oct. 15-Dec. 25.....	1	2
White-fronted geese.....	Oct. 15-Dec. 25.....	1	2
Canada and white-fronted geese combined.....		2	2
Snow (including blue) geese.....	Oct. 22-Jan. 15.....	5	5
Montana:			
Ducks.....	Oct. 1-Nov. 29; Dec. 17-Jan. 8.....	Point system.	
Coots.....		15	30
Geese.....	Oct. 1-Jan. 1.....	2	4

	Season dates	Limits	
		Bag	Possession
Nebraska:			
Ducks:			
In High Plains area.....	Oct. 15-Jan. 5.....	Point system.	
In remainder of State.....	Oct. 15-Oct. 16; Oct. 21-Dec. 12.....	15	30
Coots.....		5	5
Geese.....			
East of U.S. Highway 183 including no more than:			
Canada geese.....	Oct. 8-Dec. 18.....	1	2
White-fronted geese.....	Oct. 8-Dec. 18.....	1	2
Canada and white-fronted geese combined.....		2	2
Snow (including blue) geese.....	Oct. 1-Dec. 25.....	5	5
West of U.S. Highway 183, including no more than:			
Canada geese.....	Oct. 8-Nov. 20.....	2	4
White-fronted geese.....	Nov. 21-Dec. 18.....	1	2
White-fronted geese.....	Oct. 8-Dec. 18.....	1	2
Canada and white-fronted geese combined.....	Oct. 8-Nov. 20.....	2	4
Snow (including blue) geese.....	Nov. 21-Dec. 18.....	2	2
Snow (including blue) geese.....	Oct. 1-Dec. 25.....	5	5
New Mexico:			
Ducks (except Mexican ducks).....	Nov. 1-Jan. 22.....	Point system.	
Mexican ducks.....	Closed season.....		
Coots.....		15	30
Geese.....		5	5
In Bernalillo, Sandoval, Sierra, Valencia and Socorro Counties.....			
Including no more than:			
Canada geese.....	Dec. 17-Jan. 1.....	1	2
White-fronted geese.....	Dec. 17-Jan. 1.....	1	2
Canada and white-fronted geese combined.....		1	2
Snow (including blue) geese.....	Oct. 22-Jan. 22.....	5	5
In remainder of State including no more than:			
Canada geese.....	Oct. 22-Jan. 22.....	2	4
White-fronted geese.....	Oct. 22-Jan. 22.....	2	4
Canada and white-fronted geese combined.....		2	4
Snow (including blue) geese.....	Oct. 22-Jan. 22.....	5	5
North Dakota:			
Ducks.....	Oct. 1-Nov. 20; Nov. 24-Nov. 27.....	5	10
Including no more than:			
Female mallards.....		1	2
Wood ducks.....		2	4
Canvasback or redhead.....		1	1
Coots.....		15	30
Geese.....		5	5
Including no more than:			
Canada geese.....	Oct. 1-Nov. 13.....	1	2
White-fronted geese.....	Oct. 1-Nov. 13.....	2	2
Canada and white-fronted geese combined.....		2	2
Snow (including blue) geese.....	Oct. 1-Dec. 11.....	5	5
Oklahoma:			
Ducks.....			
In High Plains area.....	Oct. 15-Jan. 5.....	Point system.	
In remainder of State.....	Oct. 22-Nov. 13; Dec. 3-Jan. 3.....	15	30
Coots.....		5	5
Geese.....			
In Alfalfa, Bryan, Johnston, and Marshall Counties.....			
Including no more than:			
Canada geese.....	Nov. 5-Nov. 20; Dec. 3-Jan. 8.....	2	2
White-fronted geese.....	Nov. 5-Nov. 20; Dec. 3-Jan. 8.....	1	2
Canada and white-fronted geese combined.....		2	2
Snow (including blue) geese.....	Oct. 17-Nov. 20; Dec. 3-Jan. 22.....	5	5
In remainder of State:			
Including no more than:			
Canada geese.....	Oct. 17-Nov. 20; Dec. 3-Jan. 8.....	2	2
White-fronted geese.....	Oct. 17-Nov. 20; Dec. 3-Jan. 8.....	1	2
Canada and white-fronted geese combined.....		2	2
Snow (including blue) geese.....	Oct. 17-Nov. 20; Dec. 3-Jan. 22.....	5	5
South Dakota:			
Ducks.....			
In High Plains area.....	Oct. 8-Dec. 4; Dec. 17-Jan. 10.....	Point system.	
In remainder of State.....	Oct. 8-Nov. 13; Nov. 19-Dec. 6.....	15	30
Coots.....		5	5
Geese.....			
In Buffalo, Brule, Campbell, Charles Mix, Corson, Dewey, Gregory, Hughes, Hyde, Lyman, Potter, Stanley, Sully and Walworth Counties.....			
Including no more than:			
Canada geese.....	Oct. 1-Nov. 27.....	1	2
White-fronted geese.....	Oct. 1-Nov. 27.....	1	2
Canada and white-fronted geese combined.....		2	2
Snow (including blue) geese.....	Oct. 1-Dec. 11.....	5	5
In remainder of State including no more than:			
Canada geese.....	Oct. 1-Dec. 11.....	1	2
White-fronted geese.....	Oct. 1-Dec. 11.....	1	2
Canada and white-fronted geese combined.....		2	2
Snow geese.....	Oct. 1-Dec. 11.....	5	5
Texas:			
Ducks (except Mexican, fulvous tree duck, black-bellied tree duck, and masked duck).....		Point system.	
In High Plains area.....	Nov. 1-Jan. 22.....		
In remainder of State.....	Nov. 5-Nov. 27; Dec. 22-Jan. 22.....		
Mexican, fulvous tree duck, black-bellied tree duck, and masked duck.....	Closed season.....		
Coots.....		15	30



	Season dates	Limits	
		Bag	Possession
<b>Texas—Continued</b>			
Geese			
East of U.S. Highway 81 including no more than:		5	5
Canada geese.....	Nov. 5-Dec. 14; Dec. 22-Jan. 22	1	2
White-fronted geese...	Nov. 5-Dec. 14; Dec. 22-Jan. 22...	1	2
Canada and white-fronted geese combined.		1	2
Snow (including blue) geese	Nov. 5-Jan. 22...	5	5
West of U.S. Highway 81 including no more than:			
Canada geese...	Nov. 1-Jan. 22...	2	4
White-fronted geese...	Nov. 1-Jan. 22...	2	4
Canada and white-fronted geese combined.		2	4
Snow (including blue) geese	Nov. 1-Jan. 22...	5	5
Wyoming			
Ducks	Oct. 1-Oct. 30; Nov. 17-Jan. 8	Point system	
Coots		15	30
Geese	Oct. 8-Jan. 8	2	4

<sup>1</sup> The season is closed for all ducks in designated portions of New Mexico and Texas. For description of closed areas, see New Mexico and Texas under Mexican ducks in the Flywaywide Restrictions.

<sup>2</sup> See State and other Federal regulations for special restrictions on Bosque del Apache National Wildlife Refuge.

<sup>3</sup> See State regulations for special seasons and limits on Canada geese in local areas.

#### PACIFIC FLYWAY

The Pacific Flyway consists of Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington; those portions of Colorado and Wyoming lying west of the Continental Divide; New Mexico west of the Continental Divide plus the Jicarilla Apache Indian Reservation; and in Montana, the Counties of Hill, Chouteau, Cascade, Meagher, and Park, and all counties west thereof.

Shooting hours: One-half hour before sunrise to sunset daily.

#### FLYWAYWIDE RESTRICTIONS

In all States in the Pacific Flyway: Mexican ducks—The season is closed on Mexican ducks throughout the Flyway. In order to provide greater protection to the endangered Mexican duck, all duck hunting is prohibited in that portion of Cochise County, Arizona, lying south and east of the boundary described as follows: Interstate Highway 10 from the New Mexico-Arizona border west to Benson, south on U.S. Highway 80 to the San Pedro River, and south along the San Pedro River to the U.S.-Mexico border.

Aleutian Canada geese—The season is closed on Aleutian Canada geese throughout the Flyway.

Canvasbacks redheads—No more than 2 canvasbacks or 2 redheads or 1 of each may

be taken daily nor more than 4 singly or in the aggregate may be in possession.

Hooded mergansers—No more than 1 hooded merganser may be taken daily nor more than 2 may be in possession.

Dark geese—No more than 3 dark (Canada and white-fronted) geese may be taken daily nor more than 6 may be in possession.

Snow geese—No more than 3 snow geese may be taken daily nor more than 6 may be in possession.

Ross' geese—No more than 1 Ross' goose may be taken daily nor more than 1 may be in possession.

**CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES. SPECIAL RESTRICTIONS MAY APPLY ON FEDERAL AND STATE PUBLIC HUNTING AREAS.**

The season dates for mergansers, coots, gallinules and snipe are the same as those for ducks in the following tables. Throughout the flyway the following limits apply except as otherwise noted: mergansers (except hooded), 5 daily and 10 in possession; hooded merganser, 1 daily and 2 in possession; and coots and gallinules (singly or in the aggregate), 25 daily and in possession. These limits are in addition to the regular waterfowl limits.

	Season dates	Limits	
		Bag	Possession
<b>Arizona:</b>			
Ducks (except Mexican) <sup>1</sup>	Oct. 1-Nov. 13; Dec. 5-Jan. 22	7	14
Mexican ducks	Closed season		
Geese	Oct. 1-Nov. 13; Dec. 5-Jan. 1	6	6
Including no more than:			
Canada geese		2	2
White-fronted geese		3	6
Canada and white-fronted geese combined		3	6
Snow geese		3	6
<b>California:</b>			
Tule Lake:			
Ducks	Oct. 15-Jan. 15	7	14
Geese	Oct. 15-Jan. 15	6	6
Including no more than:			
Canada geese and white-fronted geese combined		3	6
Snow geese		3	6
Tehachapi area (except district 22):			
Ducks	Oct. 22-Jan. 22	7	14
Geese		6	6
Including no more than:			
Canada geese	Oct. 22-Jan. 1	2	2
White-fronted geese	Oct. 22-Jan. 22	3	3
Canada and white-fronted geese combined, but no more than 2 Canada geese per day or in possession		3	3
Snow geese	Oct. 22-Jan. 22	3	3

	Season dates	Limit	Bag Possession
District 22 (except Colorado River area):			
Ducks	Oct. 22-Jan. 22	7	14
Geese		6	6
Including no more than:			
Canada geese	Oct. 22-Jan. 1	1	2
White-fronted geese	Oct. 22-Jan. 22	3	3
Canada and white-fronted geese combined, but no more than 1 Canada geese per day or 2 in possession.		3	3
Snow geese	Oct. 22-Jan. 22	3	3
Colorado River area:			
Ducks	Oct. 1-Nov. 13; Dec. 5-Jan. 22	7	14
Geese	Oct. 1-Nov. 13; Dec. 5-Jan. 1	6	6
Including no more than:			
Canada geese		2	2
White-fronted geese		3	3
Canada and white-fronted geese combined, but no more than 2 Canada geese per day or in possession.		3	3
Snow geese		3	3
Remainder of State:			
Ducks	Oct. 22-Jan. 22	7	14
Geese		6	6
Including no more than:			
Canada geese			
Counties of Del Norte and Humboldt	Closed season		
Sacramento Valley area <sup>1</sup>	Dec. 15-Jan. 22	3	3
San Joaquin Valley area <sup>1</sup>	Oct. 22-Nov. 24	3	3
Remaining areas	Oct. 22-Jan. 22	3	3
White-fronted geese	Oct. 22-Jan. 22	3	3
Canada and white-fronted geese combined		3	3
Snow geese	Oct. 22-Jan. 22	3	3
Statewide: Brant	Jan. 14-Feb. 22	4	8
Colorado:			
Ducks	Oct. 1-Oct. 14; Nov. 5-Jan. 22	7	14
Gallinules	Closed season		
Geese	Oct. 8-Dec. 18	6	6
Including no more than:			
Canada geese		2	2
White-fronted geese		3	6
Canada and white-fronted geese combined		3	6
Snow geese		3	6
Idaho			
Ducks:			
Columbia Basin	Oct. 1-Jan. 8	7	14
Remainder of State	Oct. 1-Jan. 1	7	14
Geese:			
East of U.S. Highway 93	Oct. 8-Dec. 18	3	6
West of U.S. Highway 93 (except 10 north counties)	Oct. 8-Dec. 18		
10 north counties	Oct. 1-Jan. 1		
Including no more than:			
Canada geese		2	2
East of U.S. Highway 93		2	2
West of U.S. Highway 93		3	8
10 north counties		3	8
White-fronted geese		3	6
Canada and white-fronted geese combined		3	6
Snow geese		3	6
Montana:			
Ducks	Oct. 1-Jan. 1	7	14
Gallinules	Closed season		
Geese	Oct. 1-Jan. 1	6	6
Including no more than:			
Canada geese		2	2
White-fronted geese	Oct. 1-Jan. 1	3	6
Canada and white-fronted geese combined		2	6
Snow geese	Oct. 1-Jan. 1	3	6
Nevada:			
Clark and Lincoln Counties:			
Ducks	Oct. 1-Nov. 13; Dec. 5-Jan. 22	7	14
Geese	Oct. 1-Nov. 13; Dec. 5-Jan. 1	5	5
Including no more than:			
Canada geese		2	2
White-fronted geese		2	2
Canada and white-fronted geese combined		2	2
Snow geese		3	3
Remainder of State:			
Ducks	Oct. 15-Jan. 15	7	14
Geese	Nov. 19-Jan. 22	6	6
Including no more than:			
Canada geese and white-fronted geese combined		3	6
Snow geese		3	6
New Mexico:			
Ducks	Oct. 1-Jan. 1	7	14
Geese		2	2
South of U.S. Highway 66	Oct. 1-Dec. 11		
North of U.S. Highway 66	Season closed		
Oregon:			
Baker and Malheur Counties:			
Ducks	Oct. 15-Jan. 22	7	14
Geese	Oct. 15-Dec. 25	2	2
Including no more than:			
Canada geese		2	2
White-fronted geese		2	2
Canada and white-fronted geese combined		2	2
Snow geese		2	2

## RULES AND REGULATIONS

	Season dates	Limits	
		Bag	Possession
Morrow, Unatilla, Gilliam, Sherman, Wasco, Union, and Wallawa Counties:			
Ducks.....	Oct. 15-Jan. 22.....	7	14
Geese.....	Oct. 15-Jan. 22.....	6	6
Including no more than:			
Canada and white-fronted geese combined.....		3	6
Snow geese.....		3	6
Remainder of State:			
Ducks.....	Oct. 15-Jan. 15.....	7	14
Geese.....	Oct. 15-Jan. 15.....	6	6
Including no more than:			
Canada and white-fronted geese combined.....		3	6
Snow geese.....		3	6
State wide, Brant.....	Nov. 19-Feb. 19.....	4	8
Utah:			
Ducks.....	Oct. 1-Jan. 1.....	7	14
Geese.....	Oct. 22-Jan. 1.....	6	5
Washington County:			
Including no more than:			
Canada geese.....		2	2
White-fronted geese.....		2	2
Canada and white-fronted geese combined.....		2	2
Snow geese.....		3	3
Daguerre and Uinta Counties:	Nov. 5-Dec. 11.....		
Including no more than:			
Canada geese.....		1	1
White-fronted geese.....		1	1
Canada and white-fronted geese combined.....		1	1
Snow geese.....		3	3
Remainder of State:	Oct. 8-Dec. 18.....		
Including no more than:			
Canada geese.....		2	2
White-fronted geese.....		2	2
Canada and white-fronted geese combined.....		2	2
Snow geese.....		3	3
Washington:			
East 10-county area:			
Ducks.....	Oct. 15-Jan. 22.....	7	14
Geese.....	Oct. 15-Jan. 22.....	3	6
Including no more than:			
Canada and white-fronted geese combined.....		3	6
Snow geese.....		2	4
Remainder east of Cascade Mountains:			
Ducks.....	Oct. 15-Jan. 22.....	7	14
Geese.....	Oct. 15-Jan. 15.....	3	6
Including no more than:			
Canada and white-fronted geese combined.....		3	6
Snow geese.....		2	4
West of Cascade Mountains:			
Ducks.....	Oct. 15-Jan. 15.....	7	14
Geese.....			
Island, Skagit, Snohomish, and Whatcom Counties:	Oct. 15-Jan. 1.....		
Remainder west of Cascade Mountains:	Oct. 15-Jan. 15.....	3	6
Including no more than:			
Canada and white-fronted geese combined.....		3	6
Snow geese.....		2	4
Statewide, Brant.....	Nov. 19-Feb. 19.....	4	8
Wyoming:			
Ducks.....	Oct. 1-Dec. 31.....	7	14
Gallinules.....	Closed season.....		
Geese.....	Oct. 1-Dec. 31.....	6	6
Including no more than:			
Canada geese.....		2	2
White-fronted geese.....		3	6
Canada and white-fronted geese combined.....		3	6
Snow geese.....		3	6

<sup>1</sup> The season is closed for all ducks in a designated portion of Arizona. For description of the closed area, see Mexican ducks under Flywaywide Restrictions.

<sup>2</sup> In California the Sacramento Valley area is encompassed as follows: Beginning at Willows in Glenn County proceeding south on Interstate Highway 5 to the junction with Hahn Rd. north of Arbutus in Colusa County; then easterly on Hahn Rd. and the Grimes-Arbutus Rd. to Grimes on the Sacramento River; then south on the Sacramento River to the Tisdale bypass; then easterly on the Tisdale bypass to where it meets O'Banion Rd.; then easterly on O'Banion Rd. to State Highway 99; then northerly on State Highway 99 to its junction with the Gridley-Colusa Highway in Gridley in Butte County; then westerly on the Gridley-Colusa Highway to its junction with the River Rd.; then northerly on the River Rd. to the Princeton Ferry; then westerly across the Sacramento River to State Highway 45; then northerly on State Highway 45 to its junction with State Highway 162; then continuing northerly on State Highway 162 to Glen; then westerly on State Highway 162 to the point of beginning in Willows.

<sup>3</sup> In California the San Joaquin Valley is the area described as follows: Beginning at Modesto in Stanislaus County proceeding west on State Highway 132 to the junction of Interstate 5; then southerly on Interstate 5 to the junction of State Highway 152 in Merced County; then easterly on State Highway 152 to the junction of State Highway 99; then northerly on State Highway 99 to the junction of State Highway 152 at Merced; then northerly and westerly to the point of beginning in Modesto.

(e) **Point system—Ducks, mergansers, and coots.** The States selecting the point system bag limits on designated species are listed in the table under § 20.105(d).

(1) The point values assigned to the species and sexes are as follows:

## RULES AND REGULATIONS

ATLANTIC FLYWAY			
100 points	70 points	10 points	25 points
Canvasback (except in closed areas).	Female mallard Black duck Mottled duck or Florida wood duck <sup>1</sup>	Pintail Blue-winged teal Green-winged teal <sup>2</sup>	Male mallard and all other species of ducks
Florida only: Fulvous tree duck	Headhead (except in closed areas) Hooded merganser	Shoveler Gadwall Scaup Sea ducks <sup>3</sup> Mergansers (except hooded)	

<sup>1</sup> In Virginia point to Oct. 16 the wood duck counts 25 points.

<sup>2</sup> In New Jersey the point value for green-winged teal is 25 by State regulation.

<sup>3</sup> Sea ducks count 10 points each during the point-system season, but during any part of the regular sea duck season falling outside the point-system season, sea duck daily bag and possession limits of 7 and 14, respectively, apply.

MISSISSIPPI FLYWAY <sup>1</sup>			
100 points	70 points	10 points <sup>2</sup>	25 points
Canvasback (except where closed)	Female mallard Black duck Wood duck Redhead (except where closed) Hooded merganser	Pintail Blue-winged teal Green-winged teal Cinnamon teal Shoveler Gadwall Scaup Mergansers (except hooded)	Male mallard and all other species of ducks

<sup>1</sup> In Wisconsin the point system season is split, with different, more restrictive point values assigned during each split season by State regulation. See Wisconsin regulations for point values assigned by the State for various species during each season.

<sup>2</sup> In Michigan the point values for pintail, blue-winged teal, green-winged teal, cinnamon teal, shoveler, gadwall, scaup and mergansers (except hooded) are 15 points each, by State regulation.

CENTRAL FLYWAY			
100 points	70 points	10 points	25 points
Canvasback (except where closed)	Female mallard Wood duck Redhead (except where closed) Hooded Merganser	Pintail Blue-winged teal Green-winged teal Cinnamon Teal Shoveler Gadwall Scaup Mergansers (except hooded)	Male mallard and all other species of ducks (Season is closed on Mexican ducks.)

Pacific Flyway: There is no point system in the Pacific Flyway.

Coots have no point value but conventional bag limits of 15 daily and 30 in possession apply.

(2) The daily bag limit is reached when the point value of the last bird taken added to the sum of the point values of the other birds already taken during that day reaches or exceeds 100 points. The possession limit is the maximum number of birds of species and sex which could have legally been taken in 2 days. The shooting hours are one-half hour before sunrise until sunset daily.

(f) **Scaup only season.** A special hunting season for scaup only is prescribed according to the following table in those areas which are described, delineated, and designated in the hunting regulations of the respective States.

Daily bag limit.....	5
Possession limit.....	10

Shooting hours: One-half hour before sunrise to sunset daily.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES

Seasons in the Atlantic Flyway:

Connecticut.....	Jan. 13-Jan. 28.
Florida.....	Jan. 21-Jan. 31.
Maryland.....	Nov. 26-Dec. 6.
Massachusetts.....	Dec. 26-Jan. 10.
New Jersey.....	Jan. 2-Jan. 17.
New York: Long Island Zone only.....	Jan. 7-Jan. 22.
Rhode Island.....	Jan. 14-Jan. 29.
Virginia.....	Jan. 8-Jan. 23.

Seasons in the Mississippi Flyway:

Louisiana.....	Jan. 15-Jan. 30.
Michigan.....	Nov. 26-Dec. 14.
Ohio.....	Jan. 2-Jan. 17.
Wisconsin.....	Nov. 20-Dec. 5.

(g) **Extra teal during regular season.** A hunting season for teal ducks (blue-winged only) is prescribed according to the following table. The daily bag and possession limits specified here are in addition to any other bag and possession limits specified elsewhere.

Daily bag limit.....	3
Possession limit.....	4

Shooting hours: One-half hour before sunrise until sunset.



## CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES

Seasons in the Atlantic Flyway:	
Connecticut.....	Oct. 12*-Oct. 20.
Delaware.....	Nov. 2*-Nov. 10.
Georgia.....	Nov. 16*-Nov. 24.
Maine:	
North Zone.....	Oct. 1-Oct. 9.
South Zone.....	Oct. 5*-Oct. 13.
Massachusetts.....	Oct. 12*-Oct. 20.
New Hampshire.....	Oct. 5*-Oct. 13.
New York:	
North Zone.....	Oct. 5*-Oct. 13.
South Zone.....	Oct. 19*-Oct. 27.
West Zone.....	Oct. 12*-Oct. 20.

## CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES

Seasons in the Atlantic Flyway:	
Delaware.....	Nov. 2*-Nov. 26; Dec. 14*-Jan. 7.
Georgia.....	Nov. 16*-Nov. 27; Dec. 14*-Jan. 20.
Maine: South Zone only.....	Oct. 5*-Oct. 22; Nov. 9*-Dec. 10.
New Hampshire.....	Oct. 5*-Oct. 30; Nov. 23*-Dec. 16.
New York:	
North Zone.....	Oct. 5*-Nov. 18.
South Zone.....	Oct. 19*-Dec. 2.
West Zone.....	Oct. 12*-Nov. 17; Dec. 21*-Jan. 2.
North Carolina.....	Oct. 5*-Oct. 8; Dec. 7*-Jan. 20.
Pennsylvania.....	Oct. 5*-Nov. 12; Nov. 30-Dec. 10.
South Carolina.....	Nov. 23*-Nov. 27; Dec. 7*-Jan. 20.
West Virginia.....	Oct. 5*-Oct. 22; Dec. 14*-Jan. 14.

\*On opening day, shooting hours begin at noon local time.

(i) *Special scaup and goldeneye season.* A special hunting season for scaup and goldeneye is prescribed according to the following table in the Lake Champlain areas which are described, delineated, and designated in the hunting regulations of the respective States.

The daily bag limit is 3 scaup or 3 goldeneyes or 3 in the aggregate. The possession limit is 6 scaup or 6 goldeneyes or 6 in the aggregate. Shooting hours: One-half hour before sunrise to sunset daily.

## CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES

Seasons in the Lake Champlain Area Only:	
New York.....	Nov. 26-Dec. 11.
Vermont.....	Nov. 26-Dec. 11.

Section 20.106 is amended as follows:

§ 20.106 Seasons, limits, and shooting hours for lesser sandhill (little brown) cranes.

Subject to the applicable provisions of the preceding sections of this part, open seasons are prescribed for taking lesser sandhill (little brown) cranes with a daily bag limit of three and a possession limit of six, and with shooting hours from one-half hour before sunrise until sunset, in the following areas for the dates indicated:

(a) In the Central Flyway portion of Colorado except the San Luis Valley area, seasons dates are October 1 through November 8, 1977.

Lake Champlain.....	
North Carolina.....	Oct. 5*-Oct. 8.
South Carolina.....	Dec. 9-Dec. 17.
Vermont.....	Oct. 5*-Oct. 13.

West Virginia.....	
Seasons in the Mississippi Flyway.....	Oct. 7-Oct. 15.
Seasons in the Central Flyway: North Dakota.....	None.
Seasons in the Pacific Flyway.....	Oct. 1-Oct. 9.

\*On opening day, shooting hours begin at noon local time.

(h) *Extra scaup during regular season.* The following States may take an extra bag limit on scaup of two daily and four in possession during the regular duck hunting season. The daily bag and possession limits specified here are in addition to any other bag and possession limits specified elsewhere.

Nov. 2*-Nov. 26; Dec. 14*-Jan. 7.	
Nov. 16*-Nov. 27; Dec. 14*-Jan. 20.	
Oct. 5*-Oct. 22; Nov. 9*-Dec. 10.	
Oct. 5*-Oct. 30; Nov. 23*-Dec. 16.	
Oct. 5*-Nov. 18.	
Oct. 19*-Dec. 2.	
Oct. 12*-Nov. 17; Dec. 21*-Jan. 2.	
Oct. 5*-Oct. 8; Dec. 7*-Jan. 20.	
Oct. 5*-Nov. 12; Nov. 30-Dec. 10.	
Nov. 23*-Nov. 27; Dec. 7*-Jan. 20.	
Oct. 5*-Oct. 22; Dec. 14*-Jan. 14.	

(b) In the New Mexico counties of Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt, and in that portion of Texas west of a boundary from the Oklahoma border along U.S. Highway 287 to U.S. Highway 87 at Dumas, along U.S. Highway 87 (and including all of Howard and Lynn Counties) to U.S. Highway 277 at San Angelo, and along U.S. Highway 277 to the International Toll Bridge in Del Rio, season dates in the New Mexico portion are October 29, 1977, through January 29, 1978, and in the Texas portion, November 1, 1977, through January 31, 1978.

(c) In that portion of Oklahoma lying west of U.S. Highway 81, and in that portion of Texas east of a boundary from the Oklahoma border along U.S. Highway 287 to U.S. Highway 87 at Dumas, then along U.S. Highway 87 to San Angelo, and west of a line running north from San Angelo along U.S. Highway 277 to Abilene, along State Highway 351 to Albany, along U.S. Highway 283 to Vernon, and then along U.S. Highway 183 east to the Oklahoma border, season dates in the Oklahoma portion are November 26, 1977, through January 22, 1978, and in the Texas portion, December 5, 1977, through January 31, 1978.

(d) In the North Dakota counties of Kidder, Stutsman, Benson, Emmons, Pierce, McLean, Sheridan, and Burleigh, and in the South Dakota counties of Campbell, Walworth, Potter, Dewey, and Corson, the season dates are September 7 through September 11, 1977.

(e) In Phillips County, Montana, the season dates are October 1 through November 8, 1977.

(f) In Platte and Goshen Counties, Wyoming, the season dates are October 8 through November 8, 1977.

(g) Every hunter participating in the lesser sandhill (little brown) crane hunting season must obtain and carry in his possession while hunting lesser sandhill cranes a Federal lesser sandhill crane hunting permit available without cost from conservation agencies in the States where crane hunting seasons are allowed. The permit must be displayed to an authorized law enforcement official upon request.

Section 20.107 is amended as follows.

§ 20.107 Seasons, limits, and shooting hours for whistling swans.

Subject to the applicable provisions of the preceding sections of this part, open seasons are prescribed for taking a limited number of whistling swans in the States of Montana, Nevada, and Utah, subject to the following conditions:

(a) The season must run concurrently with the season for ducks.

(b) In Montana, no more than 500 permits may be issued authorizing each permittee to take one whistling swan in the County of Teton. The season dates are October 1, 1977, through January 1, 1978.

(c) In Nevada, no more than 500 permits may be issued authorizing each permittee to take one whistling swan in the County of Churchill. The season dates are November 5, 1977, through January 15, 1978.

(d) In Utah, no more than 2,500 permits may be issued authorizing each permittee to take one whistling swan. The season dates are October 1, 1977, through January 1, 1978.

(e) Permits and correspondingly numbered metal locking seals must be issued by the appropriate State conservation agency on an equitable basis without charge.

§ 20.108 Non-toxic shot zones.

Section 20.109 is amended as follows.

§ 20.109 Extended seasons, limits, and hours for taking migratory game birds by falconry.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the hawking hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

Daily bag limits:

Waterfowl (ducks, geese, and mergansers).....	2 singly or in the aggregate.
Coots, gallinules, rails, snipe, woodcock, doves and pigeons only.....	4 singly or in the aggregate.

## Possession limits:

Waterfowl (ducks, geese and mergansers).....	4 singly or in the aggregate.
Coots, gallinules, rails, snipe, woodcock, doves and pigeons only.....	8 singly or in the aggregate.

Hawking hours: One-half hour before sunrise until sunset daily.

## CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS

## Seasons in:

Maryland:	
Mourning doves.....	Dec. 12-Jan. 15.
Gallinules, rails and woodcock.....	Sept. 1-Dec. 15.
Ducks, geese, mergansers and coots.....	Oct. 13-Jan. 20.

NOTE: Hawking during regular sea duck season is prohibited by State regulations from Oct. 6 through Oct. 12. Hawking of Canada geese in Delmarva Peninsula Area from January 21 through January 27 also prohibited by State regulations.

Virginia:	
Mourning doves.....	Nov. 26-Dec. 20 and Jan. 3-14.
Rails (Clapper, King, Sora and Virginia).....	Nov. 19-Dec. 24.
Gallinules and woodcock.....	Oct. 6-Jan. 20.
Ducks, mergansers, coots and geese.....	Oct. 9-Jan. 20.

Except:	
Sea ducks.....	Oct. 6-Jan. 20.
Special scoup.....	Oct. 9-Jan. 23.
Canada geese in Delmarva Peninsula Area.....	Oct. 17-Jan. 31.

Illinois:	
Ducks, geese, coots, and mergansers:	
North Zone.....	Dec. 6-Jan. 15.
South Zone.....	Dec. 20-Jan. 15.
Gallinules.....	Nov. 12-Jan. 15.
Rails.....	Nov. 12-Dec. 18.
Woodcock.....	Dec. 20-Jan. 15.
Mourning doves.....	Nov. 12-Dec. 18.

Indiana:	
Ducks, coots, mergansers:	
North Zone.....	Oct. 1-Oct. 21 and Dec. 12-Jan. 6.
South Zone.....	Oct. 1-Nov. 17 and Jan. 2-Jan. 6.
Gallinules and rails.....	Nov. 10-Dec. 16.
Woodcock.....	Sept. 1-Sept. 23 and Nov. 28-Dec. 16.
Snipe.....	Nov. 28-Dec. 16.

Colorado:	
Ducks, geese, and mergansers:	
Central Flyway portion.....	Oct. 22-Nov. 5.
Pacific Flyway portion.....	Oct. 22-Nov. 4.

Oklahoma:	
Ducks, geese, and mergansers.....	Oct. 17-Jan. 22.
Except: Ducks and mergansers in High Plains area.....	Oct. 15-Jan. 20.

Idaho:	
Mourning doves.....	Sept. 19-Oct. 20.
Ducks, coots, and mergansers.....	Jan. 2-Jan. 15.
Snipe.....	Jan. 2-Jan. 15.
Utah:	
Ducks, geese, and mergansers.....	Jan. 2-Jan. 15.
Coots and snipe.....	Jan. 2-Jan. 15.
Washington:	
Ducks and mergansers, geese and coots.....	Oct. 2-Oct. 9.
Except:	
Ducks, mergansers and coots East of Cascade Mountains.....	Oct. 2-Oct. 8.
Geese in East 10-County Area.....	Oct. 2-Oct. 8.

Daily bag and possession limits for falconry will vary depending upon whether the regular season for the species being sought is open at the time of hunting. Falconry is a permitted means of taking designated migratory game birds. When regular seasons are open, regular bag limits will apply to taking by falconry. When the regular season is closed for a species, but the special falconry season is open, bag limits set for the special falconry season will apply. Check State regulations.

\*Also includes regular seasons. Also check State regulations.

## ECONOMIC IMPACT REVIEW

NOTE.—The Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Dated: September 9, 1977.

WALTER R. MCALLESTER,  
Acting Director, United States  
Fish and Wildlife Service.

[FR Doc.77-28723 Filed 9-28-77; 3:17 pm]

[4310-10]

## PART 32—HUNTING

Opening of Kirwin National Wildlife Refuge, Kansas, to Migratory Game Hunting  
AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to migratory game hunting of Kirwin National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: Geese—Canada and/or White-Front: October 15, 1977, through December 25, 1977, inclusive. Geese—Snow and Ross: October 22, 1977, through January 15, 1978. Ducks—October 22, 1977, through December 4, 1977, inclusive, and December 24, 1977, through January 3, 1978, inclusive.

FOR FURTHER INFORMATION CONTACT:

Keith S. Hansen, Kirwin, Kans. 67844.  
Telephone: (913-646-2373).

## SUPPLEMENTARY INFORMATION:

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Public hunting of ducks, geese, and coot on the Kirwin National Wildlife Refuge, Kansas, is permitted only on the area designated by signs as open to hunting. This open area, comprising 620 acres, is delineated on maps available at refuge headquarters, 5 miles west of Kirwin, Kansas, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225.

Hunting shall be in accordance with all applicable State regulations governing the hunting of ducks, geese, and coots subject to the following special condition:

(1) Blinds—Temporary blinds constructed above ground from natural vegetation are permitted. Digging of holes or pits to serve as blinds is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Dated: September 15, 1977.

KEITH S. HANSEN,  
Refuge Manager.

[FR Doc.77-28669 Filed 9-28-77; 8:45 am]

## Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg. 575]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

## Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period September 30-October 6, 1977. This regulation is needed to provide for orderly marketing of fresh Valencia oranges for the regulation period because of the production and marketing situation confronting the orange industry.



EFFECTIVE DATE: September 30, 1977.  
FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202-447-3545).

**SUPPLEMENTARY INFORMATION:**  
*Findings.* (1) pursuant to the amended marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the amended marketing agreement and order, and upon other available information, it is found that the limitation of handling of Valencia oranges, as provided in this regulation will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantities of Valencia oranges that may be marketed from District 1, District 2, or District 3 during the specified week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation for the quantities of Valencia oranges that should be marketed during the specified week. The recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors covered in the order. The committee further reports the fresh market demand for Valencia oranges continues strong. Average f.o.b. price was \$5.16 per carton on 649 cars for the week ended September 22, as compared with \$4.77 per carton on 634 cars the previous week. Track and rolling supplies at 309 cars were up 43 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantities of Valencia oranges which may be handled should be established as provided in this regulation.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until October 31, 1977 (5 U.S.C. 553), because the time intervening between the date when information become available upon which this regulation is based and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient. A reasonable time is permitted for preparation for such effective time; and good cause exists for making the regulation effective as specified. The committee held an open meeting during the current week, after giving

due notice, to consider supply and market conditions for Valencia oranges and the need for regulation. Interested persons were afforded an opportunity to submit information and views at this meeting. The recommendation and supporting information for regulation during the period specified were promptly submitted to the Secretary after the meeting was held, and information concerning such provisions and effective time has been provided to handlers of Valencia oranges. It is necessary, to effectuate the declared policy of the act, to make this regulation effective during the period specified. The committee meeting was held on September 27, 1977.

§ 908.875 Valencia Orange Regulation 575.

(a) *Order.* (1) The quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period September 30, 1977, through Oct. 6, 1977, are hereby fixed as follows:

- (i) District 1: 300,000 cartons;
- (ii) District 2: 450,000 cartons;
- (iii) District 3: Unlimited.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: September 28, 1977.

CHARLES R. BRADER,  
Deputy Director, Fruit and Vegetable Division,  
Agricultural Marketing Service.

[FR Doc. 77-28979 Filed 9-28-77; 12:09 pm]

#### [ 3410-02 ]

#### PART 948—IRISH POTATOES GROWN IN COLORADO, AREA NO. 2

##### PART 980—VEGETABLES: IMPORT REGULATIONS

##### Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

**SUMMARY:** This regulation requires fresh market shipments of potatoes grown in Colorado, Area No. 2 to be inspected and meet minimum grade, size and maturity requirements. The regulation should promote orderly marketing of such potatoes by keeping less desirable qualities and sizes from being shipped to consumers.

EFFECTIVE DATE: September 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250. Telephone: 202-447-3545.

**SUPPLEMENTARY INFORMATION:**  
**Marketing Agreement No. 97 and Order No. 948, both as amended, regulate the handling of potatoes grown in designated counties of Colorado Area No. 2. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The Colorado Area No. 2 Potato Committee, established under the order, is responsible for its local administration.**

Notice of proposed rulemaking was published in the September 2, 1977, FEDERAL REGISTER (42 FR 44242) inviting comments by September 19, 1977. None was received.

This regulation is based upon recommendations made by the committee at its public meeting in Monte Vista, Colo., on August 18, 1977.

The grade, size, maturity and inspection requirements specified herein are similar to those issued during past seasons. They are necessary to prevent potatoes of low quality or less desirable sizes from being distributed to fresh market outlets. They will benefit consumers and producers by standardizing and improving the quality of the potatoes shipped from the production area.

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

Shipments are permitted to certain special purpose outlets without regard to the grade, size, maturity and inspection requirements, provided that safeguards are met to prevent such potatoes from reaching unauthorized outlets. Certified seed is exempt because requirements for this outlet differ greatly from those for fresh market. Shipments for use as livestock feed likewise are exempt. Since no purpose would be served by regulating potatoes used for charity purposes, such shipments are exempt. Potatoes for most processing uses are exempt under the legislative authority for this part.

*Findings.* After consideration of all relevant matter presented, including the proposal set forth in the aforesaid notice which was recommended by the Colorado Area No. 2 Potato Committee, established pursuant to said marketing agreement and order, it is hereby found that the handling regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days after its publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of potatoes grown in the production area will begin on or about the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the marketing season, and (3) compliance with this regulation, which is similar to that in effect during previous marketing seasons, will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective date hereof.

The regulation is as follows:

#### § 948.378 Handling regulation.

During the period September 29, 1977, through June 30, 1978, no person shall handle any lot of potatoes grown in Area No. 2 unless such potatoes meet the requirements of paragraphs (a), (b), and (c) of this section, or unless such potatoes are handled in accordance with paragraphs (d), (e), or (f) of this section. The maturity requirements specified in paragraph (b) shall terminate October 31, 1977, at 11:59 p.m. M.S.T.

(a) *Minimum grade and size requirements.*

(1) *Round varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter.

(2) *Long varieties.* U.S. No. 2, or better grade, 1 7/8 inches minimum diameter.

(3) *All varieties.* Size B, if U.S. No. 1, or better.

(4) *All varieties for export.* 1 1/2 inches minimum diameter.

(b) *Maturity (skinning) requirements.*

(1) *Russet Burbank and Red McClure varieties.* For U.S. No. 2 grade not more than "moderately skinned" and for other grades not more than "slightly skinned."

(2) *All other varieties.* Not more than "moderately skinned."

(c) *Inspection.*

(1) No handler shall handle any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purposes of operation under this part it is hereby determined pursuant to paragraph (d) of § 948.40, that each inspection certificate shall be valid for a period not to exceed 5 days following the date of inspection as shown on the inspection certificate.

(2) No handler may transport or cause the transportation by motor vehicle of any shipment of potatoes for which an inspection certificate is required unless each shipment is accompanied by a copy of the inspection certificate applicable thereto and the copy is made available for examination at any time upon request.

(d) *Special purpose shipments.* (1) The grade, size, maturity and inspection requirements of paragraphs (a), (b), and (c) of this section and the assessment requirements of this part shall not be applicable to shipments of potatoes for:

- (i) Livestock feed;
- (ii) Relief or charity; or
- (iii) Canning, freezing, and "other processing" as hereinafter defined.

(2) The grade, size, maturity and inspection requirements of paragraphs (a), (b), and (c) of this section shall not be applicable to shipments of seed pursuant to § 948.6 but such shipments shall be subject to assessments.

#### [ 3410-02 ]

[Avocado Regulation 19, Amendment 1]

#### PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

##### Maturity Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

**SUMMARY:** This amendment revises the maturity requirements for Hickson Marcus and Booth 5 varieties of avocados. These three avocado varieties can be shipped one week earlier, on September 26, than is currently permitted. Currently, these varieties cannot be shipped prior to October 3 at specified minimum weights or diameters. Recently completed maturity studies on these avocados indicate they will be mature at the specified dates, minimum weights, or diameters. The maturity requirements are necessary because weight or diameter and picking dates are indices used at harvest to assure that avocados are mature and will ripen satisfactorily after picking.

EFFECTIVE DATE: September 26, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-3545.

**SUPPLEMENTARY INFORMATION:**

*Findings.* (1) Pursuant to the marketing agreement, and Order No. 915, both as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the marketing order, and upon other available information, it is found that the maturity requirements for the handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice to engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information became available upon which this amendment is based and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of the specified varieties of avocados.

(e) *Safeguards.* Each handler of potatoes which do not meet the grade, size, and maturity requirements of paragraphs (a) and (b) of this section and which are handled pursuant to paragraph (d) for any of the special purposes set forth therein shall:

(1) Prior to handling, apply for and obtain a Certificate of Privilege from the committee;

(2) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver as to the use of such potatoes; and

(3) Bill each shipment directly to the applicable processor or receiver.

(f) *Minimum quantity.* For purposes of regulation under this part, each person may handle up to but not to exceed 1,000 pounds of potatoes without regard to the requirements of paragraphs (a), (b), and (c) of this section, but this exception shall not apply to any shipment which exceeds 1,000 pounds of potatoes.

(g) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "Size B," "slightly skinned," and "moderately skinned" shall have the same meaning as when used in the U.S. Standards for Potatoes (7 CFR 51.1540-51.1566), including the tolerances set forth therein. The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, dicing, or applying material to prevent oxidation does not constitute "other processing." Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(h) *Applicability to imports.* Pursuant to § 8e of the act and § 980.1, Import regulations (7 CFR 980.1), Irish potatoes of the red skinned round type, except certified seed potatoes, imported into the United States during the period October 3, 1977, through June 30, 1978, shall meet the grade, size, and quality requirements specified in paragraph (a) of this section, and during the period October 3 through October 31, 1977, shall be not more than "moderately skinned." (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: September 27, 1977, to become effective September 29, 1977.

CHARLES R. BRADER,  
Deputy Director, Fruit and Vegetable Division,  
Agricultural Marketing Service.

[FR Doc. 77-28908 Filed 9-28-77; 10:02 am]

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Order. (1) The provisions of subparagraph (a) (2) of § 915.319 (Avocado Regulation 19; 42 FR 27210) are amended by revising in Table I the dates, minimum weights or diameters applicable to

Hickson, Marcus and Booth 5 varieties so after such revision the portion of Table I relating to such varieties of avocados reads as follows:

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Hickson.....	Sept. 26, 1977	12 oz., 3 1/8 in.	Oct. 10, 1977	10 oz., 3 1/16 in.	Oct. 24, 1977		
Marcus.....	do	32 oz., 4 1/8 in.	do	24 oz., 3 1/2 in.	Nov. 7, 1977		
Booth 5.....	do	14 oz., 2 3/8 in.	do	12 oz., 2 1/8 in.	Oct. 24, 1977		

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: September 23, 1977, to become effective September 26, 1977.

CHARLES R. BRADER,  
Deputy Director, Fruit and  
Vegetable Division, Agricultural  
Marketing Service.

[FR Doc. 77-28706 Filed 9-28-77; 8:45 am]

#### [3410-07]

#### CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

##### SUBCHAPTER D—GUARANTEED LOANS [FmHA Instruction 449.1]

#### PART 1845—FmHA EMERGENCY LIVESTOCK LINE OF CREDIT GUARANTEES

##### Amendment

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration amends its regulations to delete those sections incorporated into a new Part 1980 Subpart C and to prescribe to which loans those sections remaining will be effective. Also, administrative changes have been made in loan servicing and liquidation procedures of Part 1845 to make them more consistent with those contained in Part 1980 Subpart C.

EFFECTIVE DATE: September 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. William Krause, 202-447-7600.

SUPPLEMENTARY INFORMATION: Part 1845 of Chapter XVIII, Title 7, Code of Federal Regulations is amended. The provisions of Part 1845 which were incorporated into the new regulation Part 1980 Subpart C, which became effective August 19, 1977, are being deleted from Part 1845 but those provisions required for servicing and liquidation of existing guarantees will remain. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This amendment, however, is

not published for proposed rulemaking. Since it is administrative in nature and will only coordinate this regulation with the new Part 1980 Subpart C, publication in proposed rulemaking form is unnecessary.

In Part 1845 of Chapter XVIII the following sections and paragraphs are hereby deleted and reserved:

- § 1845.4 the introductory sentence and paragraphs (a), (a) (1), (a) (2), (b), (b) (1), (b) (2), (b) (3), (b) (4) and (c).
- § 1845.6 and 7.
- § 1845.17, paragraphs (a) and (b).
- § 1845.18 through 1845.26.
- § 1845.30 and 1845.31.
- § 1845.38.
- § 1845.39, paragraphs (b) and (c).
- § 1845.40.

The table of sections, §§ 1845.1, 1845.29(b) and 1845.33(b) are amended and read as follows:

- Sec.
- 1845.1 General.
- 1845.2 Program objective.
- 1845.3 Definitions.
- 1845.4 Lender.
- 1845.5 Regulations and forms.
- 1845.6-1845.9 [Reserved]
- 1845.10 EL eligibility requirements.
- 1845.11 EL loan purposes.
- 1845.12 Prohibited EL loan purposes.
- 1845.13 EL line of credit limitations and special provisions.
- 1845.14 EL loan rates, terms, and security.
- 1845.15 Special provisions regarding security.
- 1845.16 Promissory notes, security instruments, and financing statements.
- 1845.17 Loan fee and charges.
- 1845.18-1845.26 [Reserved]
- 1845.27 Equal opportunity and nondiscrimination.
- 1845.28 Appeal procedure.
- 1845.29 Records and reports of lenders.
- 1845.30-1845.31 [Reserved]
- 1845.32 Loan servicing.
- 1845.33 Liquidation of a claim under a Contract of Guarantee.
- 1845.34 Transfer and assumption of EL loan advances—general.
- 1845.35 Eligible transferee—full assumption.
- 1845.36 Ineligible transferee—full assumption.
- 1845.37 Termination of Contract of Guarantee.
- 1845.38 [Reserved]
- 1845.39 Responsibilities of FmHA Officials.
- 1845.40 [Reserved]
- 1845.41 County Office file.

AUTHORITIES: Sec. 10, P.L. 93-357, 88 Stat. 392; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by

the Asst. Sec. for Rural Development, 7 CFR 2.70.

#### § 1845.1 General.

Emergency Livestock (EL) line of credit guarantees issued before August 19, 1977, will be administered, and the guaranteed loans serviced and liquidated, in accordance with this Part 1845.

#### § 1845.29 Records and reports of lenders.

(b) *Reports to FmHA.* The lender will be responsible for providing the County Supervisor with a statement certified by an officer of the lender of the unpaid principal balance owed on guaranteed EL loan advances semiannually as of June 30 and December 31. In addition, the lender is responsible for analyzing financial statements obtained periodically from the borrower, taking any servicing actions needed, and providing copies of the statements and record of actions to the County Supervisor.

#### § 1845.33 Liquidation of a claim under a Contract of Guarantee.

(b) *Report of Loss.* The lender will complete form FmHA 449-20 except that items VII C, IX, and X B and E are inapplicable and will be left blank. The lender will send the form as completed to the County Supervisor. Final loss payments will be made only after a review has been made to accurately determine FmHA liability. County Supervisors will conduct such reviews and may tentatively approve the Report of Loss when it appears the loss does not exceed \$35,000. District Directors will conduct the review and may give their tentative approval when it appears the loss does not exceed \$100,000. (In both cases, the Report of Loss will be forwarded to the State Director who, after his review, will give the Report of Loss final approval or return it with his comments to the District Director or County Supervisor for their reconsideration.) State Directors will conduct the review when it appears the loss exceeds \$100,000 and may give final approval in all cases. If the State Director wishes National Office assistance in the conduct of the review, he may request it. The State Director will submit to the Finance Office for payment any losses claimed on an approved Form FmHA 449-20. The Finance Office will forward loss payment checks within 10 days of receipt of the claim to the County Supervisor for delivery to the lender.

NOTE.—The Farmers Home Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: September 20, 1977.

JAMES E. THORNTON,  
Associate Administrator,  
Farmers Home Administration.  
[FR Doc. 77-28710 Filed 9-28-77; 8:46 am]

#### [7590-01]

##### Title 10—Energy

#### CHAPTER I—NUCLEAR REGULATORY COMMISSION

#### PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

##### Requirements for the Physical Protection of Nuclear Power Plants

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Effective rule.

SUMMARY: As a result of a number of objections raised with respect primarily to pat-down searches of licensee employees prior to admittance to the protected area of a nuclear power reactor, and the Commission's further consideration of the matter, the Nuclear Regulatory Commission is amending its regulations to delay implementation of the physical search requirement for regular employees of a licensee at nuclear power reactor sites.

EFFECTIVE DATE: September 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. R. J. Jones, Chief, Materials Protection Standards Branch, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (301-443-6973).

SUPPLEMENTARY INFORMATION: On February 24, 1977, the Nuclear Regulatory Commission published in the FEDERAL REGISTER (42 FR 10836) effective amendments to its regulations in 10 CFR Part 73, "Physical Protection of Plants and Materials." One requirement included in these amendments was to search individuals for firearms, explosives, and incendiary devices. The regulation specified that the search function would be conducted by a physical search or by use of equipment capable of detecting such devices. The requirements involving procedural measures were scheduled for implementation by May 25, 1977, and those involving use of equipment were scheduled for implementation by August 24, 1978, or earlier if the equipment were installed. Since equipment now available is not capable of detecting all types of explosives and incendiary devices, the search requirement calls for additional measures, such as random physical searches, to provide high assurance of protecting against industrial sabotage.

The Commission is reassessing the implications of physical "pat-down" searches of licensee employees and their value as a part of a total physical system considering their relation to other features of the security systems required by the new amendments. The issue is quite complex and involves ramifications of employee morale and the effectiveness of the search per se and in the context of the total security system. The Commission believes that the question of pat-down searches warrants more deliberate and thorough review, with extensive solicitation of public review and comments,

before the utility licensees are required to use such searches for their employees. The Commission, therefore, is amending its regulations to delay the implementation of physical searches of utility licensee employees until August 24, 1978, the date when implementation of all of the requirements of § 73.55 is required, to provide time for reexamination of the impact and value of such searches.

Public comment on the issue has been solicited in connection with a petition for rule making noticed in the FEDERAL REGISTER of September 15, 1977 (42 FR 46431; NRC docket PRM-73-2). The Commission has determined that this action is consistent with the common defense and security and protection of public health and safety. The Commission has further found that, in view of the opportunity for comment already afforded prior to publication of the rules on February 24, 1977, and the fact that the amendment set forth below serves to relieve a restriction, notice and public procedure on the amendment are unnecessary, and that the amendment may be made effective upon publication in the FEDERAL REGISTER.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 73 is published as a document subject to codification:

1. Section 73.55 of 10 CFR Part 73 is amended by adding the following sentences to the unnumbered prefatory paragraph:

§ 73.55 Requirements for physical protection of licensed activities in nuclear power reactors against industrial sabotage.

... Except for individuals for whom the licensee has a well-grounded suspicion that such individuals are carrying firearms, explosives or incendiary devices, a licensee need not implement the physical search requirement of paragraph (d) (1) of this section for individuals who are regular employees of the licensee at the site at which the licensee is authorized to operate a nuclear power reactor pursuant to Part 50 of this Chapter until August 24, 1978, unless the Commission directs otherwise prior to that date. Until that date and pending its further review of this subject, the Commission has determined that the search requirement of paragraph (d) (1) of this section, implemented using only equipment capable of detecting firearms, explosives and incendiary devices, satisfies the performance requirements of this section as they apply to searches of regular employees of the licensee at the site entering the protected area of the nuclear power reactor.

Effective date: September 29, 1977.

(Sec. 1611, Pub. L. 83-703, 68 Stat. 948, Pub. L. 93-377, 88 Stat. 476; sec. 201, Pub. L. 93-438, 88 Stat. 1242-1243, Pub. L. 94-79, 89 Stat. 413 (42 U.S.C. 2201, 5841)).

Dated at Washington, D.C., this 27th day of September 1977.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,  
Secretary of the Commission.

[FR Doc. 77-28901 Filed 9-28-77; 9:10 am]

#### [4910-14]

##### Title 46—Shipping

#### CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION [CGD 77-126]

##### PART 25—REQUIREMENTS

#### PART 96—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

#### PART 195—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

International Regulations for Preventing Collisions at Sea, 1972; Corrections

AGENCY: Coast Guard, DOT.

ACTION: Correction to final rule.

SUMMARY: This document makes corrections to a docket which appeared in the FEDERAL REGISTER of July 11, 1977. The docket contains amendments updating existing references in Coast Guard regulations to the international rules for preventing collisions at sea and amendments interpreting section 3 of the Motor Boat Act of April 25, 1940.

EFFECTIVE DATE: September 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590 (202-426-1477).

SUPPLEMENTARY INFORMATION: In FR Doc. 77-19344, appearing at page 35796 in the FEDERAL REGISTER of July 11, 1977, the following corrections are made:

1. On page 35796, third column, the ninth line of the first full paragraph is corrected to read, "1948, as amended. (With respect to navigation lights, the waters subject".

2. On page 35797, the sixth line of § 25.05-1, the sixth line of § 96.20-1, and the sixth line of § 195.20-1 should each be corrected to read "and shapes, whistles, bells".

Dated: September 22, 1977.

O. W. SILER,  
Admiral, U.S. Coast Guard  
Commandant.

[FR Doc. 77-28722 Filed 9-28-77; 8:45 am]

#### [4910-14]

##### [CGD 75-104]

#### PART 31—INSPECTION AND CERTIFICATION

##### Stability Requirements

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

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**SUMMARY:** This rulemaking amends the stability regulations for tank vessels. The amendments require each newly constructed tank vessel of 150 gross tons and over, except a tank barge that operates only on inland waters, and each other tank vessel the stability of which is questioned by the Coast Guard, to meet the stability standards and stability testing and information requirements that currently apply to cargo and miscellaneous vessels in Subchapter I of Title 46. These requirements have been applied to tank vessels by the Coast Guard for several years and, therefore, represent current enforcement practice.

This rulemaking also sets forth conditions under which tank vessels are exempt from the requirement to have a stability test conducted. These conditions have been developed on the basis of a recent Coast Guard review of existing tank vessels and current tank vessel designs. The exemptions apply essentially to tank vessel designs for which a stability test is not currently required and to tank vessels over 300 feet in length that have one longitudinal bulkhead.

**EFFECTIVE DATE:** These amendments become effective on December 28, 1977.

**FOR FURTHER INFORMATION CONTACT:**

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590 (202-426-1477).

**SUPPLEMENTARY INFORMATION:** A notice of proposed rulemaking was published in the *FEDERAL REGISTER* on February 7, 1977 (42 FR 7170). Interested persons were invited to submit written comments before March 23, 1977. One comment was received. The commenter concurred with the rules as proposed.

#### DRAFTING INFORMATION

The principal persons involved in drafting these regulations are: Ralph E. Johnson, Project Manager, Office of Merchant Marine Safety, and William R. Register, Project Attorney, Office of the Chief Counsel.

#### DISCUSSION OF REGULATIONS

The stability test exemptions, as proposed in the notice of proposed rulemaking, were intended to apply only to current tank vessel designs. On the basis of further review, however, it has been determined that the description of current tank vessel designs contained in the notice of proposed rulemaking is not entirely accurate. Accordingly, the final rules clarify the exemption provisions in

order to describe more accurately the designs covered by the exemptions. As clarified in § 31.10-30(e), the exemptions apply to a tank vessel that—

(1) Has a flush freeboard deck, one or more longitudinal bulkheads, and no independent tanks;

(2) Has ordinary proportions and form; and

(3) Is designed not to carry cargo above the freeboard deck. The exemptions, as proposed, did not cover items (2) and (3).

The exemptions, as clarified, also provide that the center of gravity of a vessel assumed for purposes of performing stability calculations must be its center of gravity while in an assumed "lightweight" condition. A definition of "lightweight" has been added to the final rules as § 31.10-30(f)(1). The definition is the same as the definition of "lightweight" in Part 157 of Title 33, Code of Federal Regulations. (Part 157 of Title 33 contains rules for the Protection of the Marine Environment Relating to Tank Vessels Carrying Oil in Bulk.) The purpose of the clarification is to reflect a longstanding practice to have stability tests performed on a vessel only when it is in a lightweight condition.

A definition of "molded depth" has been added to the final rules as § 31.10-30(f)(2). As explained in the notice of proposed rulemaking, the definition is the same as the definition of "molded depth" contained in the load line regulations in Part 42 of Title 46, Code of Federal Regulations.

In consideration of the foregoing, Part 31 of Title 46, Code of Federal Regulations, is amended as follows:

§ 31.10-30 Stability requirements—TB/ALL.

(a) This section applies to—

(1) Each tank vessel of 150 gross tons and over construction of which is started on or after December 28, 1977, except a tank barge that operates only on inland waters; and

(2) Each other tank vessel the stability of which is questioned by the Commandant or Officer in Charge, Marine Inspection.

(b) Each tank vessel must meet the stability requirements for cargo and miscellaneous vessels contained in the following provisions of Part 93 of this chapter:

(1) The requirement in § 93.05-1(a) to conduct a stability test, except as modified in paragraphs (d) and (e) of this section.

(2) The procedural rules in § 93.05-1(b) and § 93.05-5 for conducting a stability test.

(3) The stability standards in §§ 93.07-5, 93.07-10, and 93.07-15.

(4) The requirement in § 93.10-1 to provide stability information to the master.

(5) The information requirements concerning stability letters in §§ 93.15-1 and 93.15-5, except that the stability letter issued to a tank barge may be kept in any location on the barge that is dry, protected and accessible.

(c) The exemptions in paragraphs (d) and (e) of this section apply only to a tank vessel that—

(1) Has ordinary proportions and form;

(2) Has a flush freeboard deck, one or more longitudinal bulkheads, and no independent tanks; and

(3) Is designed not to carry cargo above its freeboard deck.

(d) A stability test need not be conducted for a tankship of a type described in paragraph (c) of this section if, in performing the stability calculations required by this chapter and 33 CFR Part 157, the assumption is made that the center of gravity of the ship while in a lightweight condition is located a vertical distance of at least 0.7 times the molded depth of the ship from the keel amidships or from a horizontal plane tangent to the keel amidships.

(e) A stability test need not be conducted for a tank barge of a type described in paragraph (c) of this section if, in performing the stability calculations required by this chapter and 33 CFR Part 157, the assumption is made that the center of gravity of the barge while in a lightweight condition is located a vertical distance of at least 0.6 times the molded depth of the tank barge from the keel amidships or from a horizontal plane tangent to the keel amidships.

(f) As used in this section—

(1) "Lightweight" has the same meaning that is provided for the term in 33 CFR § 157.03(h); and

(2) "Molded depth" has the same meaning that is provided for the term in § 42.13-15(e) of this chapter.

(46 U.S.C. 391a; 49 U.S.C. 1655(b); 49 CFR 1.46.)

**NOTE:**—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11981, as amended, and OMB Circular A-107.

Dated: September 21, 1977.

O. W. SILER,  
Admiral, U.S. Coast Guard  
Commandant.

[FR Doc. 77-28723 Filed 9-28-77; 8:45 am]

## proposed rules

This section of the *FEDERAL REGISTER* contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

### DEPARTMENT OF AGRICULTURE

#### Commodity Credit Corporation

[7 CFR Part 1487]

#### CCC NON-COMMERCIAL RISK ASSURANCE PROGRAM

**NOTE:**—The Commodity Credit Corporation has filed a proposed rule with the Office of the Federal Register relating to the CCC Non-Commercial Risk Assurance Program (GSM-101). The document will be published on Monday, October 3, 1977. Advance copies can be obtained at the Federal Register office, 1100 L Street NW., Washington, D.C., Room 8401.

#### FOR INFORMATION CONTACT:

L. T. McElvain or Francis A. Woodling, Commercial Export Programs, Office of the General Sales Manager, U.S. Department of Agriculture, 14th Street and Independence Avenue SW., Washington, D.C. 20250, telephone 202-447-3224 or 447-3573.

[6740-02]

### FEDERAL POWER COMMISSION

[Docket No. RM77-2]

[18 CFR Part 141]

#### MONTHLY REPORT OF COST AND QUALITY FOR ELECTRIC PLANT Proposed Reporting Requirements

AGENCY: Federal Power Commission.

ACTION: Proposed rule.

**SUMMARY:** The Federal Power Commission proposes to amend the reporting requirements of Form 423, Monthly Report of Cost and Quality of Fuel for Electric Plant, a form now required of electric power producers. The Commission is responding to petitioners who allege that certain information obtained from this form and made available by the Commission, among other things causes injury to the petitioners and their customers in negotiating new contracts. The Commission proposes to continue collecting this information but to limit the distribution of the information once it is collected.

**DATES:** Comments must be received on or before October 14, 1977.

**ADDRESSES:** Comments should be submitted to the Secretary, Federal Power Commission, 825 N. Capitol Street, Washington, D.C. 20426.

<sup>1</sup> The date in the original document was September 30, 1977. The Federal Power Commission has extended the date to October 14, 1977, because of a request for extension in the proceeding filed by the Public Interest Research Group on September 19, 1977, and because of a delay in the publication of the original document.

#### FOR FURTHER INFORMATION CONTACT:

Alex Gakner, Bureau of Power, 202-275-4677; Charles F. Reusch, Office of General Counsel, 202-275-4328.

Notice is hereby given, pursuant to section 553, Title 5, United States Code and sections 301, 304, 307, 308, 309, and 311 of the Federal Power Act, as amended, (49 Stat. 854, 855-856, 856-857, 858, 858-859, 859; 16 U.S.C. 825, 825c, 825f, 825g, 825h, 825j) that the Commission proposes to amend § 141.61 of Subchapter D, Chapter 1, Title 18, Code of Federal Regulations.

Section 141.61 presently requires that each month an electric power producer shall complete a separate Form No. 423 for each of its fossil-fueled electric generating plants having a capacity of 25 megawatts or greater during the reporting month. Form No. 423 requires the origin, cost and quality of fossil fuels and other information for each individual delivery to each plant. Form No. 423 was issued originally in Docket No. R-432 pursuant to Order No. 453, June 7, 1972, 47 FPC 1496, 37 FR 11860, and amended in Docket No. R-432(A) pursuant to Order No. 512, September 12, 1974, 52 FPC 745, 39 FR 34030.

Upon receipt by the Commission, the data are processed in the Bureau of Power and are the basis for the Monthly Report of Cost and Quality of Fuels, a State-by-State, region-by-region and national summary. Copies of the individual forms are placed in the Commission's Office of Public Information for public inspection.

The Commission proposes to continue collecting the information presently required on Form No. 423, but to limit the distribution of the information once it is collected. A sample sheet of the kind of summary the Commission will place in its Office of Public Information is attached as Appendix A below.

#### PETITION FOR AMENDMENT

On October 15, 1976 twelve utilities<sup>1</sup>, presently required to file Form No. 423, petitioned the Commission to amend the reporting requirements on Form No. 423. A copy of the petition is attached as Appendix B. The petitioner utilities allege that the public disclosure of price information is causing injury to them and their customers by providing fuel

suppliers with specific price data for use in negotiations on new contracts. They contend that the price at which fossil fuel is purchased by utilities is, with few exceptions, a matter of negotiation between buyer and seller and not a matter of competitive bidding. They assert that by making Form 423 data available to the general public, including fuel suppliers, the Commission places the utilities at a decided disadvantage in negotiations for fuel purchases, resulting in higher fuel costs to utilities and their customers.

The petitioner utilities also allege that the collection and dissemination of specific price information regarding specific transactions create and maintain a dangerous and wholly unnecessary risk of fostering anticompetitive conditions.

#### DISCUSSION

In the original proceedings which led to establishment of Form 423 reporting as of June 7, 1972, the same allegations as made by the petitioners were made, and were determined by the Commission to be insufficient to outweigh the benefits of public availability of the data collected. A petition for rehearing of the Order establishing the reporting was denied on April 16, 1973, and affirmed by the Court of Appeals November 11, 1974. Nevertheless, the availability of current contract price information to competing suppliers is sometimes considered to be anticompetitive, as alleged by the petitioners. Consequently, the subject has been reviewed again in the light of both the allegations and comments furnished by others in connection with the petition.

It appears to be generally agreed that the availability of current contract price information can have a tendency to put a floor under quotations. Bidders are afraid of "leaving money on the table" and tend to bias their bids to be close to the latest contract, even though their cost analyses may indicate that lower prices would still be profitable. In practice, however, the degree to which the price of utility fuels is actually affected by the available delivered price information is at least questionable. Available data do not show measurable effects and the laws of supply and demand still apply. Thus, a fuel dealer who wants to move his product will reduce his quotations until it does. For example, despite the existence of the FPC fuel price information, the average price of spot coal sold to electric utilities declined from \$31.95 a ton in November 1974 to \$21.28 a ton in October 1976.

Typically, only about 20 percent of utility fuel is purchased on a "spot" basis. Long-term contracts provide 80 percent of the fuel supply and run from



one to twenty-five years. The key price factors in the long-term contracts are the escalation provisions and the escape clauses established by the contracts. These can be far more influential over the life of the contracts than differences in the base prices, but the FPC reporting covers only the price of the fuel as delivered. It says nothing about the escalation provisions of the contract and in many cases merely reflects contracts executed years earlier. Where the deliveries are under new contracts, and the contracts are identifiable as new, the price information does provide a limited indication of the base price the buyer has recently accepted, but still does not reveal the very important contract terms and conditions. The fact that utilities have executed a considerable number of long-term coal supply contracts since the initiation of Form 423 reporting is an indication that delivered price information has not been a significant contracting impediment.

Fuel price information is not required to be reported to the FPC until six weeks after the close of the reporting month. Therefore, the data may be two months or more old by the time they become available to the fuel industry. The "time constant" for the spot market is far shorter than this, with quotations fluctuating significantly in the space of a few days. Generally, fuel quantities moved in the spot market are strongly dependent on the mine or refinery production situation, quantities held in storage by the producer, the transport situation, etc. The producer or broker needs to move the fuel in short order and sells at the best price obtainable. Usually, the quotations and acceptances are made by telephone. Consequently, it is fairly evident that the FPC data cannot have much effect on the spot fuel market.

In long-term fuel contracting, there is sometimes a formal solicitation of quotations, with terms and conditions. This is more usual with publicly owned systems, where there are legal requirements for disclosure of bids and requirements for accepting the bid with the lowest evaluated cost. However, many utility purchasing people believe they can do better through "negotiated" purchases. In practice, this is a competitive procedure, but on an informal basis. A utility buyer will contact several potential fuel sources, indicate his requirements and discuss the ability and interest of the fuel company in meeting the requirements. On the basis of its knowledge of the interested candidate suppliers, their indications of price, their past performance, and other considerations, the utility will select one supplier and begin negotiations with it to establish specific base prices, escalation provisions, cancellation terms, and other elements of the contract. If the utility is not satis-

fied with the negotiations, it can begin talks with another source, but usually the preliminary discussions will have provided a framework within which a final agreement can be negotiated. Utilities believe that they often will get better contracts through this approach than with formal bidding, because the formal bids require several levels of internal approval within the fuel companies, which tend to make the bids more conservative, and because it is less easy for the fuel companies to modify a written position than a verbal one.

The petition contends that an important competitive factor in the supply of oil to electric utilities is the role of the independent oil jobber, who buys oil from the major oil refiners and then competes with them for electric utility sales. It is implied that knowledge of the price at which a jobber resold oil to an electric utility, even with a delay of two months or more, would act to raise the cost of the jobbers' purchases from the refiners, and the ultimate cost to the electric utilities. In fact, jobbers sell only a very small share of the total oil used by electric utilities, and jobber sales cannot be a major factor in utility fuel costs. The economic service performed by the jobbers for the refiners is unchanged by the availability of utility purchase price data, even though a refiner's marketing staff may tend to bargain harder with a jobber because of fear that publication of a significantly higher final sale price might draw management criticism. When a refiner wants to sell some oil, he contacts several jobbers and takes the best price he can get, without being concerned greatly about the ultimate disposition of the oil. The fact that the jobber may sometimes realize a substantial profit (or loss) does not negate the advantage of the arrangement to the producer, and it is hard to see that the delayed disclosure of the ultimate sales price has any significant effect on jobber costs.

With respect to the alleged negotiating advantage for fuel suppliers of delivered price information, the staff analysis concluded that this effect, while possibly present, is in practice not substantial. The alleged effect operates through the resolve of the participants in the bargaining process. It is contended, in effect, that utilities can negotiate lower prices when neither party knows the pattern of recent sales as compared to both parties being aware of sales data.

The Federal Trade Commission (FTC) and the Justice Department, in letters to the Commission, expressed the view that prompt disclosure for Form No. 423 data does incur some risk of anticompetitive behavior by fuel suppliers. The FTC letter is attached as Appendix C below; the Justice Department letter is attached as Appendix D below. The letters endorse the proposal of the petitioners to hold

the individual delivery price and supplier information confidential while continuing to publish average cost data. However, the FTC recommends that the FPC make the individual delivery data available to Federal and State regulatory agencies. It suggests that the individual delivery data be made publicly available when it is so old as to be useless for anticompetitive purposes.

Comments from twenty state public utilities commissions, the Honorable Milton J. Shapp, Governor of Pennsylvania and the National Association of Regulatory Utility Commissioners (NARUC) indicate that detailed Form No. 423 data are regarded as important to state commissions and that a substantial number of requests for the original data may be anticipated if the proposed rulemaking is adopted.

The Commission also recognizes the concern of wholesale customers and consumer groups that fuel cost information be available to verify fuel cost adjustment charges and to allow comparison of the fuel costs of neighboring utilities for similar fuels. However, it believes that the expanded summary reports of fuel costs, issued monthly and annually by the Commission, provide better information for these purposes than the raw Form No. 423 reports. Average fuel costs by utility and plant are included in the 1976 annual summary report, issued in May 1977, and in the monthly summary report beginning with January 1977. A sample page of the comparative summary is provided in Appendix A below. In view of the availability of these comparative summaries the Commission believes that access to the original Form 423 reports would provide very little additional benefit to the public.

The Commission has the authority to require and enforce the collection of the data now presented on Form No. 423. The data are used by the Commission to administer the Federal Power Act. The data are also used by the Environmental Protection Agency, Federal Energy Administration, Nuclear Regulatory Commission, Commerce Department, other Federal agencies, and several state public utilities commissions. Based on the staff analyses and comments received, the Commission is not able to determine unequivocally whether releasing Form No. 423 data to the public, as it does now, in fact leads to increased costs of fossil fuel for electric utilities, and their customers. However, the position proposed by the Federal Trade Commission and the Justice Department preserves all governmental uses of the data while minimizing the possibility of anticompetitive effects. Consequently, adoption of that position is attractive. The Commission does not want to be in the position of possibly causing increases in fuel costs to electric utilities and their customers.

The proposed additions to § 141.61 of the Commission's rules, Subchapter D,

Part 141, Statements and reports (schedules), would be issued under the authority granted to the Federal Power Commission by sections 301, 304, 307, 308, 309, and 311 of the Federal Power Act, as amended (49 Stat. 854, 855-856, 856-857, 858, 858-859; 16 U.S.C. 825, 825c, 825f, 825g, 825h, 825j).

Any interested person may submit data, suggestions, views, and comments in writing concerning all of part of the amendments proposed herein to the Federal Power Commission, Washington, D.C. 20426, not later than September 30, 1977. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, 825 North Capitol Street NE., Room 1000, Washington, D.C. 20426 during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 confirmed copies should be filed with the Secretary of the Commission. Submittals to the Commission should indicate the name, title, mailing address, and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference with the Staff of the Federal Power Commission to discuss the proposed rulemaking. The Staff, in its discretion, may grant or deny requests for conference.

Accordingly, the Commission proposes to amend § 141.61, "Form No. 423, Monthly Report of Cost and Quality of Fuel for Electric Plant," Part 141, Chapter I, Title 18 of the Code of Federal Regulations as follows:

**§ 141.61 Form No. 423, Monthly Report of Cost and Quality of Fuel for Electric Plant.**

• • • Access to the individual Form No. 423 utility reports will be limited for a period of one year to the staff members of this Commission, and to other Federal agencies and state agencies upon written request of the head of the agency, and will not be provided to any other person. Pursuant to the Freedom of Information Act, 5 U.S.C. 552, a summary of information on each form will be made public, reporting the average cost of each type of fuel delivered to a plant instead of the actual price of each delivery and eliminating information with respect to the fuel supplier and the date of contract expiration. Forms furnished to the Commission by utilities will be available for public inspection one calendar year after they are received.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,  
Secretary.

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## APPENDIX A

Docket No. RM77-2

PLANT FOSSIL FUEL QUANTITY, QUALITY, AND PRICE DATA FOR FEBRUARY 1977

PAGE 5

STATE COMPANY PLANT	COAL				OIL				GAS				# OF TOTAL BTUS DELIVERED		
	QUANTITY/ 1000 LBS	C/MM BTU	% SULF.	AV. % SULF.	QUANTITY/ 1000 BBL	C/MM BTU	% SULF.	AV. % SULF.	QUANTITY/ 1000 BCU	C/MM BTU	% SULF.	AV. % SULF.	COAL	OIL	GAS
EAST NORTH CENTRAL REGION															
ILLINOIS															
CENTRAL ILLINOIS PUBLIC SERVICE															
CUPPEEN	166.7	87.3	17.29	3.34	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0
GRAND TOWER	20.5	84.9	18.29	3.38	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0
MUSKONVILLE	31.6	95.5	21.35	1.97	11.9	285.6	16.09	0.01	0.0	0.0	0.0	0.0	91.3	8.7	0.0
PERDUSSA	15.2	91.4	20.50	2.48	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0
COMPANY TOTALS	233.5	86.6	18.14	3.10	11.9	285.6	16.09	0.01	0.0	0.0	0.0	0.0	98.6	1.4	0.0
CENTRAL ILLINOIS LIGHT															
DUCK CREEK	46.8	149.5	35.50	0.67	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0
EDWARDS	100.6	108.7	20.21	1.16	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0
HALLALE	28.4	161.3	41.79	0.66	0.0	0.0	0.0	0.0	16.7	103.5	1.01	0.0	97.8	0.0	2.2
STERLING AVE. IGT	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.6	103.5	1.01	0.0	0.0	100.0	0.0
COMPANY TOTALS	175.7	131.3	27.76	0.95	0.0	0.0	0.0	0.0	17.3	103.5	1.01	0.0	99.5	0.0	0.5
COMMONWEALTH EDISON															
FISK	60.0	121.5	23.26	0.40	9.2	277.5	14.69	0.16	19.0	217.9	2.24	0.0	94.4	4.0	1.4
BLCOM IGT	0.0	0.0	0.0	0.0	55.0	278.0	16.19	0.27	0.0	0.0	0.0	0.0	0.0	100.0	0.0
CLUMET IGT	0.0	0.0	0.0	0.0	75.0	284.2	16.46	0.31	0.0	0.0	0.0	0.0	0.0	100.0	0.0
CRAWFORD	0.0	0.0	0.0	0.0	38.0	285.7	16.55	0.31	98.0	186.8	1.94	0.0	0.0	88.6	31.4
DIAMOND	19.0	123.3	25.69	2.55	0.0	0.0	0.0	0.0	1.0	194.0	2.00	0.0	99.7	0.0	0.3
ELIC JUNCTION IGT	0.0	0.0	0.0	0.0	48.0	281.3	16.38	0.31	0.0	0.0	0.0	0.0	0.0	100.0	0.0
JULIET	250.0	104.5	20.00	0.40	40.2	290.8	16.92	0.29	30.0	183.8	1.90	0.0	94.8	4.6	0.4
KINCARD	250.0	80.2	15.72	4.21	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0
LDHARC IGT	0.0	0.0	0.0	0.0	8.0	301.1	16.77	0.14	1.0	337.4	3.49	0.0	0.0	97.7	2.3
POWERTON	100.0	58.7	12.26	3.63	1.0	267.6	15.67	0.30	26.0	194.5	1.54	0.0	98.5	0.3	1.2
RIGGLAND	0.0	0.0	0.0	0.0	32.0	252.0	15.49	0.79	1.0	194.7	2.01	0.0	0.0	99.5	0.5
SABROCKE	0.0	0.0	0.0	0.0	50.0	281.8	16.37	0.31	0.0	0.0	0.0	0.0	0.0	100.0	0.0
WABROCKE	155.1	79.9	15.63	0.76	29.0	318.0	17.29	0.15	0.0	0.0	0.0	0.0	95.1	4.9	0.0
WILL COUNTY	28.0	116.7	22.30	0.41	4.0	269.5	15.81	0.18	0.0	0.0	0.0	0.0	95.5	4.5	0.0
COMPANY TOTALS	860.1	89.3	17.49	2.00	409.4	282.9	16.39	0.32	176.0	187.0	1.92	0.0	86.8	12.2	0.9
ELECTRIC ENERGY															
JOPPA	216.0	100.6	23.61	2.16	1.0	258.3	15.03	0.36	0.0	0.0	0.0	0.0	99.9	0.1	0.0
COMPANY TOTALS	216.0	100.6	23.61	2.16	1.0	258.3	15.03	0.36	0.0	0.0	0.0	0.0	99.9	0.1	0.0
ILLINOIS POWER															
MANANA	0.0	0.0	0.0	0.0	96.5	239.1	15.08	0.91	0.0	0.0	0.0	0.0	0.0	100.0	0.0
MENSAH	1.3	95.5	20.93	3.49	0.0	0.0	0.0	0.0	5.1	103.1	1.07	0.0	84.1	0.0	15.9
OGLESBY IGT	0.0	0.0	0.0	0.0	5.0	262.5	16.36	0.03	0.0	0.0	0.0	0.0	0.0	100.0	0.0
STALLINGS IGT	0.0	0.0	0.0	0.0	6.0	275.1	15.95	0.03	0.0	0.0	0.0	0.0	0.0	100.0	0.0
VERMILION	42.2	92.6	19.74	2.69	0.7	278.4	16.14	0.02	0.0	0.0	0.0	0.0	99.6	0.4	0.0
WOOD RIVER	72.0	141.0	31.14	0.59	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0
BALDWIN	193.6	67.7	14.07	3.02	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0
COMPANY TOTALS	309.0	89.0	18.85	2.41	108.2	243.1	15.19	0.81	5.1	103.1	1.07	0.0	90.6	9.4	0.1
IOWA-ILLINOIS GAS & ELECTRIC															
MOLINE	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	57.0	204.3	2.11	0.0	0.0	100.0	0.0
COMPANY TOTALS	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	57.0	204.3	2.11	0.0	0.0	100.0	0.0
SOUTHERN ILLINOIS POWER COOP															
MARION	16.9	82.2	17.57	3.43	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0
COMPANY TOTALS	16.9	82.2	17.57	3.43	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0
SPRINGFIELD WTR LT & PWR DEPT															
CALLPAN	34.1	91.1	19.39	3.32	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0
LAKEVIEW	18.5	99.2	21.28	2.97	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0
COMPANY TOTALS	52.6	93.9	20.05	3.20	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0
UNION ELECTRIC															
VENICE #2	12.0	128.8	32.95	1.08	79.0	281.9	16.34	0.30	0.0	0.0	0.0	0.0	40.1	59.9	0.0
COMPANY TOTALS	12.0	128.8	32.95	1.08	79.0	281.9	16.34	0.30	0.0	0.0	0.0	0.0	40.1	59.9	0.0
UNIVERSITY OF ILLINOIS															
ARBIT	0.0	0.0	0.0	0.0	42.1	257.3	15.08	0.27	0.0	0.0	0.0	0.0	0.0	100.0	0.0
COMPANY TOTALS	0.0	0.0	0.0	0.0	42.1	257.3	15.08	0.27	0.0	0.0	0.0	0.0	0.0	100.0	0.0
W ILLINOIS PWR COOP															
PEARL ISLS	7.7	85.8	19.22	3.20	3.1	278.5	16.14	0.70	0.0	0.0	0.0	0.0	90.5	9.5	0.0
COMPANY TOTALS	7.7	85.8	19.22	3.20	3.1	278.5	16.14	0.70	0.0	0.0	0.0	0.0	90.5	9.5	0.0
WINNETKA, VILLAGE OF															
WINNETKA	0.8	240.0	48.48	0.69	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0
COMPANY TOTALS	0.8	240.0	48.48	0.69	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0
INDIANA															
COMMONWEALTH EDISON-INDIANA															
STATE LINE	180.0	123.2	23.19	0.47	0.0	0.0	0.0	0.0	7.0	146.5	1.52	0.0	99.8	0.0	0.2
COMPANY TOTALS	180.0	123.2	23.19	0.47	0.0	0.0	0.0	0.0	7.0	146.5	1.52	0.0	99.8	0.0	0.2
CRAWFORDVILLE ELEC LT & PWR															
CRAWFORDVILLE	5.0	99.0	21.25	2.74	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0
COMPANY TOTALS	5.0	99.0	21.25	2.74	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0
FRANKFORT LT & PWR DEPT															
FRANKFORT	6.4	108.0	24.28	3.83	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0
COMPANY TOTALS	6.4	108.0	24.28	3.83	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0
MOOSIER ENERGY DIV-INDIANA REC															
FRANK E RATTY	62.7	53.6	11.22	3.02	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0
COMPANY TOTALS	62.7	53.6	11.22	3.02	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0

## APPENDIX B

UNITED STATES OF AMERICA BEFORE THE FEDERAL  
POWER COMMISSION

[Docket No. RM77-2]

PETITION FOR AMENDMENT OF 18 CFR PART 141

PETITION OF CERTAIN ELECTRIC UTILITIES FOR  
AMENDMENT OF COMMISSION'S REGULATIONS  
WITH RESPECT TO FORM NO. 423

Pursuant to the Administrative Procedure Act, 5 U.S.C. 553(e), and § 1.7(b) of the Commission's rule of practice and procedure, the undersigned utilities (hereinafter "Petitioners") respectfully petition the Commission to issue an order amending section 141.61 of its Regulations under the Federal Power Act by modifying the requirements respecting information to be reported on Form 423 or in the alternative by limiting the distribution of the Form to the government agencies and making public in summary form the information reported on the Form.

## AMENDMENT REQUESTED

Petitioners respectfully ask that the information required to be reported on Form No. 423 be modified by (1) requiring that the average cost of fossil fuels delivered to a plant be reported instead of the actual price of each delivery and (2) eliminating the reporting of information with respect to the identity of the fuel supplier and the date of contract expiration.

In the alternative it is requested that the distribution of Form 423 be limited by the addition of the following provision to § 141.61:

Information furnished on these forms will be treated as confidential. These forms will be made available only to the staff members of this Commission and to other federal agencies upon written request of the head of the agency and will not be made available to any other person. Pursuant to the Freedom of Information Act, 5 U.S.C. 552, a summary of information on each form will be made public, reporting the average cost of fuel delivered to a plant instead of the actual price of each delivery and eliminating information with respect to the fuel supplier and the date of contract expiration.

## PRIOR HISTORY

Section 141.61 of the Commission's Regulations, which was adopted by Order No. 453 on June 7, 1972, instituted Form 423 for the reporting by electric utilities of monthly data with respect to coal, oil and gas deliveries for boiler use in generating plants. The information required to be reported on Form includes the price, quantity, quality, coal region, and oil supplier for each delivery made at each generating plant during the month ending 45 days prior to the date of the filing.

On January 16, 1973, Petitioners filed with the Commission the "Petition of Certain Electric Utilities for Amendment of Commission's Regulations with Respect to Form No. 423" requesting that the information required to be reported on Form No. 423 be modified or that the distribution of Form 423 be limited. In an order dated March 2, 1973, the Commission denied the requested relief. By application filed April 2, 1973, the petitioners applied for rehearing of the March 2, 1973,

<sup>1</sup> Alabama Power Co., Carolina Power & Light, Consumers Power Co., Duke Power Co., Jersey Central Power & Light Co., Metropolitan Edison Co., New England Power Co., Pennsylvania Electric Co., Rochester Gas & Electric Corp., South Carolina Electric & Gas Co., Utah Power & Light Co., Wisconsin Electric Power Co.

Order, and by Order issued April 16, 1973, the Commission denied rehearing. The petitioners thereupon appealed to the United States Court of Appeals for the District of Columbia Circuit by filing their petition for review of the Commission's Orders issued March 2, 1973, and April 16, 1973. On November 11, 1974, the Court of Appeals affirmed the Commission's dismissal of the petition. *Alabama Power Co. v. FPC*, 511 F. 2d 383.

The Court's opinion, written by Judge Leventhal, pointed out (p. 393) that the Commission retains continuing oversight and, subject to reasonable rules to limit administrative burden, a responsibility to consider a new petition for amendment of regulation 141.61. The Court pointed out that "The Commission retains an obligation to give reasoned consideration to the bearing an obligation to give reasoned consideration to the bearing of antitrust policy on matters within its jurisdiction."

By



mation on prices paid by companies which are not utilities.

Because of the nature of the oil distribution business, there is another piece of valuable bargaining information which Order No. 453 has placed in the hands of the major oil suppliers. Suppliers in the oil industry are made up principally of major oil companies, which do their own refining, and independent oil jobbers, which typically obtain their supplies from major oil companies. The two compete for sales to electric utilities, among others. As a result of Order No. 453, the price at which an oil jobber, who originally purchased oil from a major oil supplier, has resold it to a utility can now be learned by that supplier.

If the Commission believed that it was in the public interest for the oil and coal suppliers to be in possession of the specific and current price information provided on Form 423, it is not evident from the text of Order No. 453. If the Commission made any independent effort to determine the effect which the public availability of this price information might have on utility fuel purchases, it is also not evident from the text of Order No. 453.

That the confidentiality of the detailed information required by Order No. 453 should be protected is demonstrated by the holding of the United States Court of Appeals in *Continental Oil Co. v. F.P.C.*, 519 F.2d 31 (5th Cir., 1975), cert. denied sub. nom. *Superior Oil v. F.P.C.*, \_\_\_ U.S. \_\_\_, 96 S. Ct. 2168, 48 L. Ed. 2d 794 (May 18, 1976). That case involved Order No. 521, which required disclosure of detailed intrastate natural gas sales information, including the names of purchasers, date and location of the sale, pressure base, annual sales volume, and price terms. After holding that the F.P.C. could require that the information be disclosed to the Commission, the Court vacated that portion of the order which would make public all the details of the information. The Court said (footnotes omitted):

"... the petitioners maintain that the information should not be made public. The thrust of their argument is that this information comes within the 'trade secrets' exception to the Freedom of Information Act, (FOIA) which provides: '(b) This section does not apply to matters that are: (1) trade secrets and commercial or financial information obtained from a person and privileged or confidential'."

*National Parks and Conservation Association v. Morton*, 162 U.S. App. D.C. 23, 498 F.2d 765 (1974) aids in interpreting this section. "In order to bring a matter (other than a trade secret) within this exemption, it must be shown that the information is (a) commercial or financial, (b) obtained from a person, and (c) privileged or confidential". 498 F.2d at 766. For the purposes of the FOIA, a corporation comes within the definition of person, and since the information is commercial or financial, the dispute comes down to whether the information is confidential. "[C]ommercial or financial matter is 'confidential' for purposes of the exemption if disclosure of the information is likely to have either of the following effects: (1) to impair the Government's ability to obtain necessary information in the future; or (2) to cause substantial harm to the competitive position of the person from whom the information was obtained". *National Parks and Conservation Association v. Morton*, 498 F.2d at 770.

This is not to say, however, that the information gathered must be kept from the pub-

lic altogether. Only confidential information is protected. To the extent that confidentiality can be secured by composite disclosure and by deletion of the filing party's name and other identifying characteristics, petitioners do not dispute its release. See *National Cable Television Ass'n, Inc. v. FCC*, 156 U.S. App. D.C. 91, 479 F.2d 183, 195 (1973). The only requirement in today's case is that the rights of those required to divulge be protected. In *Erans v. Dept. of Transportation*, 446 F.2d 821 (5th Cir. 1971), we explained the necessity of balancing public and private interest in interpreting the FOIA. Assurance as to accuracy in the determination of volume and pricing of intrastate sales, not the identity of the parties to each such transaction, is the critical public factor. An impersonal disclosure of the data filed will protect both interests. We leave to FPC discretion the details of implementing public disclosure which will accord with these views.

We affirm the portion of Order No. 521 which requires jurisdictional companies to disclose fully their intrastate natural gas transactions to the FPC. We vacate that portion of the order which would make public all details of such information furnished by petitioners.

The right of the Petitioners to protect the confidentiality of the detailed information reported on Form No. 423 is sustained also by the decision of the United States Courts of Appeals for the Ninth Circuit in *Union Oil Co. of California v. F.P.C.*, Nos. 75-2891 et al., decided June 2, 1976, CCH Utilities Law Reporter, Federal § 11,822, application for rehearing pending. That case involved Orders 526 and 526-A of the Federal Trade Commission which required natural gas companies to make reports on Form 40 regarding proved reserves of natural gas. The Orders indicated that certain data would be placed on public files, while other data would be kept confidential unless the Commission ordered otherwise. The court noted that "In substance, this rule recognizes no legal restraint on the Commission's authority to disclose all data submitted on Form 40." The Court set aside the orders adopting Form 40, holding that the Freedom of Information Act exemptions mandate that the data submitted on Form 40 be kept confidential, and that the Commission's rule making such information a matter of public record, or confidential subject to the will of the Commission, was arbitrary and capricious. The Court said (slip opinion p. 16; CCH at p. 13,936):

"The Commission's justification for publicly revealing the submitted data is that the

"In *Pennacoil Co. v. F.P.C.*, 534 F.2d 627 (July 2, 1976), the United States Court of Appeals for the Fifth Circuit again reviewed an FPC order which required public disclosure of confidential information. The order required natural gas producers to provide detailed information regarding reserves and concluded "all responses to this order will be a matter of public record." The Court held that the Commission had abused its discretion in ordering that responses should be part of the public record when the Commission had not fully considered the relevant factors, namely, whether disclosure of this type of detailed information will significantly aid the Commission in fulfilling its functions; not only the harm done to the producers by releasing the information but the harm to the public generally; and "finally and most importantly" whether there are alternatives to full disclosure.

public has the right to know the information upon which agency regulations and rates are based. Certainly, there is a public interest in such disclosure. Here, however, the Commission has adopted a rule for the potentially damaging disclosure of information which fails to consider the degree of harm such disclosure would cause to the reporting companies, whether or not the data revealed in fact played any part in an agency decision, or whether or not the data could satisfy the public's need to know if presented in an alternative form which avoided any harm to the industry. We are not told why aggregate data which do not identify individual producers or specific reserve information of individual producers could not satisfy the public's need. In short, the Commission makes data available to the public without any regard for the harm that this would cause or the need that would be served. Such a rule is without any rational basis and must be found to be arbitrary and capricious.

In the event that information disclosed with potentially damaging specificity would advance the public interest, the Commission should take appropriate precautions to determine (1) whether the information is such that it is entitled to absolute protection under section 552, and (2) if not, whether the balance of interests in the specific case are such as to justify disclosure. Any broad rule of disclosure of trade secrets such as that embodied in Orders 526 and 526-A which fails to consider such matters is arbitrary and capricious.

The Commission has recognized the force of the considerations favoring protection of confidential information by permitting publication of data in a composite or aggregate form or by deleting the filing party's name and other identifying characteristics. In Order No. 543-A issued April 19, 1976 in Docket No. RM75-24, the Commission considered petitions for rehearing and reconsideration of Order No. 543, which required reports on Form No. 64 from gas producers regarding expenditures, exploration and development activities, reserve additions, production and revenue. Noting the objections which had been made to the disclosure of confidential information, the Commission modified its prior order with the following explanation:

We recognize our obligation to comply with the legislative intent of the Freedom of Information Act which "places emphasis on the fullest disclosure". S. Rep. No. 813, 89th Congress, 1st Session 3 (1965). However, upon further consideration, we find that there is some merit in petitioners' argument that the information contained in Form 64 be given protection from full disclosure (citing "Continental Oil Corporation v. F.P.C.", 519 F.2d 31 (5th Cir., 1975)). While we are not in complete agreement with the holding in "Continental," it is clear that it does permit publication of data in a composite or aggregate form or by deleting the filing party's name and any other identifying characteristics. The court noted that an impersonal disclosure of the data as described above would protect both public and private interests. Therefore, we shall utilize this data in composite or aggregate form where appropriate. We shall also make Form No. 64 information public but shall delete the name of each independent producer from the heading. If there is a need for the identification of any individual independent producer or group of independent producers, we shall

consider that question when it arises in the context of a specific case."

Clearly the Commission's conclusion, after weighing the alternatives, should be to revise Form No. 423 to require less detailed information regarding individual transactions and individual suppliers. Alternatively the Commission should conclude that only the less detailed information should be made public. The alternative could provide that complete details from the form as filed should be available to the staff and members of the Commission, and to any other federal agency upon written request of the agency head. Authoritative decisions of the courts, and the Commission's own decision, quoted above, in Order No. 543-A issued April 19, 1976, in Docket No. RM75-24, show that the Commission should revise Form No. 423.

**B. The Collection and Dissemination of Specific Price Information Regarding Specific Transactions Creates and Maintains a Dangerous and Wholly Unnecessary Risk of Fostering Anti-Competitive Conditions.**

The exchange of price information can have an anti-competitive effect, chilling the vigor of price competition. In "United States v. Container Corp. of America," 393 U.S. 333 (1968), the Court reversed a District Court order dismissing the complaint in a civil anti-trust action. The case involved the exchange of price information among companies in the business of supplying corrugated containers. Mr. Justice Douglas said, for the Court:

Here all that was present was a request by each defendant of its competitor for information as to the most recent price charged or quoted, whenever it needed such information and whenever it was not available from another source. Each defendant on receiving that request usually furnished the data with the exception that it would be furnished reciprocal information when it wanted it.

"... the essence of the agreement was to furnish price information whenever requested."

The result of this reciprocal exchange of price was to stabilize prices though at a downward level. Knowledge of a competitor's price usually meant matching that price.

Price is too critical, too sensitive a control to allow it to be used even in an informal manner to restrain competition. (pp. 335-338; footnotes omitted)

"The Commission has acted recently to terminate rulemaking proceedings which would have imposed new reporting requirements regarding fuel. See "Order Terminating Proposed Rulemaking Proceeding", issued April 29, 1976, in Docket RM74-1, "Report of Cost and Quality of Fuels for Nuclear Plants" and "Order Terminating Proposed Rulemaking Proceeding", also issued April 29, 1976, in Docket RM74-2, "Monthly Report of Fuel Storage Capacity and Fuel Stored". In RM74-1, objections filed included objections to the anti-competitive effect of the proposal. It is reasonable to assume that the Commission is taking a critical look at the multiplicity of reporting requirements, all of which impose burdens on its own staff and on the reporting utilities, and some of which may be of extremely marginal value if any, while delay in disposing of the Commission's backlog seriously jeopardizes the public interest. As the Chairman said in testimony before the Senate Committee on Government Operations on May 27, 1976, "... we are on a treadmill and rapidly going backwards ... the system is in serious danger of breaking down."

As the Court said in "American Column & Lumber Co. v. U.S.", 257 U.S. 377 (1921), in affirming a decree under the Sherman Act (p. 410):

Genuine competitors do not make daily, weekly, and monthly reports of the minutest details of their business to their rivals, as the defendants did;

See also "U.S. v. American Linseed Oil Co.", 262 U.S. 371 (1922).

Clearly the practice of collecting specific information regarding the details, including price, of every sale of fossil fuel to the utilities and the publishing of that information to the sellers who are alleged to be in competition with one another, is an unsatisfactory practice which should cause grave concern to the Commission.

While the information is made available to all participants in the market, and not merely to the firms of one side, of the market as was the situation in some of the leading cases, e.g., "Container," this circumstance does not afford any degree of protection to the buyers. The knowledge which is made available to them does not enable them to offset, neutralize or destroy the obvious anti-competitive tendency on the part of the sellers noted by Mr. Justice Douglas in "Container": "Knowledge of a competitor's price usually meant matching that price". Further, the sellers have other knowledge regarding the rest of the market, i.e. the non-utility purchasers, which is not available to the utilities.

It does not meet the problem for the Commission to call for evidence of specific harm. Although a fuel purchaser may have a strong and clear impression that a supplier would offer a better price if it were not to be publicized, it is not likely that any supplier will write a letter or tender other specific evidence stating that it would have cut a price, or at least tempered a price increase, if it had not been reassured by price data collected on Form No. 423.

The Commission is charged with considering the policies of the antitrust laws when it exercises authority under the Federal Power Act. In "F.P.C. v. Conway Corp.", \_\_\_ U.S. \_\_\_, 48 L. Ed. 626 (decided June 7, 1978) the United States Supreme Court said (p. 633-4):

The exercise by the Commission of powers otherwise within its jurisdiction "clearly carries with it the responsibility to consider, in appropriate circumstances, the anti-competitive effects of regulated aspects of interstate utility operations pursuant ... to directives contained in section 205, section 206 ... " "Gulf States Utilities Co. v. F.P.C.", 411 U.S. 744, 758-759 (1973)

See also "Northern Natural Gas Co. v. F.P.C.", 399 F.2d 933, 958 (D.C.C.A., 1968).

The policy of the antitrust laws is that anti-competitive practices are to be prevented in their incipency before such practice result in damage to the free market. In "Gulf States Utilities Co. v. F.P.C.", supra, the Supreme Court said (p. 760):

Consideration of antitrust and anti-competitive issues by the Commission, moreover, serves the important function of establishing a first line of defense against those competitive practices that might later be the subject of anti-trust proceedings. (emphasis supplied)

Clearly it is no fair measure of the responsibility of the Commission to describe it merely in terms of willingness to consider specific claims of specific injury. On the contrary, it is the responsibility of the Commission to be conscious of the possible injury to hard bargaining in the fuel markets and to devise a reporting system which does not set the stage for anti-competitive behaviour by suppliers. The risk of anti-competitive behaviour should not be imposed on the

utilities by the Commission. Under extraordinary circumstances, when some important objective could be achieved only by subjecting the utilities and their customers to the risk of a tacit agreement regarding prices or to the risk of parallel pricing policies, the Commission might carefully weigh and articulate the considerations involved and explicitly justify the imposition of the risk. This is not the situation. Here there is no reason whatever why the objectives of Order No. 423 cannot be completely served with the changes requested herein to eliminate the anti-competitive weapon placed in the hands of the fuel suppliers.

The Commission should assume, of course, that the fuel suppliers are or should be independent competitors who should compete with one another.

Wherefore, for the foregoing reasons Petitioners respectfully request the Commission, after public notice and opportunity for comment, to revise the Form 423 requirements in accordance with the rule proposed in this Petition.

Respectfully submitted,

DEBEVOISE & LIBERMAN

FREDERICK T. SEARLS,

HOWARD C. ANDERSON,

700 Shoreham Building 806 15th Street NW., Washington, D.C. 20005 (202-393-2080).

On behalf of: Alabama Power Co., Carolina Power & Light, Consumers Power Co., Duke Power Co., Jersey Central Power & Light Co., Metropolitan Edison Co., New England Power Co., Pennsylvania Electric Co., Rochester Gas & Electric Corp., South Carolina Electric & Gas Co., Utah Power & Light Co., and Wisconsin Electric Power Co.

#### VERIFICATION

United States of America, District of Columbia, ss:

Howard C. Anderson, being duly sworn, says that he is Attorney for the electric utilities, making the foregoing petition; that he has read the petition and knows the contents thereof; and that the allegations

"The risk of anti-competitive conduct is the evil to be guarded against, since the mere dissemination of price information is, of course, not a per se violation of the Sherman Act. Obviously a conspiracy to fix prices may follow from dissemination of price information. In "U.S. v. Citizens National Bank", 422 U.S. 86 (1975) the Court accepted a District Court finding that dissemination of interest rates and service charges did not result in a tacit agreement to fix prices, but only because the banks involved were not independent competitors but participants in a "de facto branching program" which was "plainly ... pro-competitive" (p. 119). The Court said (pp. 113-114):

"Were we dealing with independent competitors having no permissible reason for intimate and continuous cooperation and consultation as to almost every facet of doing business, the evidence adduced here might well preclude a finding that the parties were not engaged in a conspiracy to affect prices. But, as indicated below, the correspondent associate program, as such, was permissible under the Sherman Act. In this unusual light, we cannot hold clearly erroneous the District Court's finding that the lack of significant price competition did not flow from a tacit agreement but instead was an indirect, unintentional, and formally discouraged result of the sharing of expertise and information which was at the heart of the correspondent associate program."

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therein are true and correct to the best of his knowledge, information and belief.

HOWARD C. ANDERSON.

Subscribed and sworn to before me this 15th day of October, 1976.

My Commission Expires Feb. 14, 1981.

DEBORAH A. MILHE,  
Notary Public.

#### APPENDIX C

#### FEDERAL TRADE COMMISSION

MAY 27, 1977

HON. RICHARD L. DUNHAM,  
Chairman, Federal Power Commission, 825  
North Capitol Street NE., Washington,  
D.C.

DEAR CHAIRMAN DUNHAM: On October 15, 1976, certain electric utilities filed with the Federal Power Commission ("FPC") a petition seeking the amendment of the FPC's regulations with respect to FPC Form 423, which at present requires utilities on a monthly basis to submit detailed information on the cost and quality of fuel received. The petition, which has been assigned FPC Docket No. RM77-2, requests that Form 423 be modified to call for the average cost of fuel rather than the actual cost of each delivery and to eliminate the requirement of reporting the identity of each fuel supplier and the expiration date of each contract. Alternatively, the petition requests that the submitted information be treated as confidential (to be disclosed only to FPC staff and to other federal agencies) and that only a summary of each form (to consist of average cost information without identification of each fuel supplier or contract expiration date) be made available to the public.

One of the petitioners' arguments in support of their request is that the collection and dissemination of specific price information regarding specific transactions creates and maintains a dangerous and wholly unnecessary risk of fostering anticompetitive conditions. Mr. Jerome C. Muys of Debevoise & Liberman, the law firm representing the petitioners before the FPC, brought this matter to the attention of the Commission and pointed out that in earlier litigation over Form 423, where similar arguments were raised, the court stated as follows:

"Other agencies, having primary concern with enforcement of the antitrust statutes, are presumably able to assist the [FPC] by giving advice on disputed issues of antitrust policy and by identifying the factual questions relevant to an assessment of a proposed action." *Alabama Power Co. v. F.P.C.*, 511 F.2d 383, 393 (D.C. Cir. 1974).

The Commission is pleased to offer the following comments on the antitrust argument made by the petitioners and other antitrust and consumer protection issues raised by the petition.

#### I. THE DETAILED DATA PRESENTLY COLLECTED ON FORM 423 ASSISTS GOVERNMENTAL ENTITIES CONCERNED ABOUT COMPETITIVE AND OTHER ABUSES IN THE FUEL PROCUREMENT AREA

In addition to providing the FPC with information for use in connection with its own statutory responsibilities, Form 423 is a useful source of data for other governmental entities, including both the Commission and other agencies concerned with maintaining competition and protecting consumers. For example, the Commission's staff is using Form 423 data in analyzing vertical integration by electric utilities into coal production. The Commission understands that this analysis, which is being incorporated into a staff report to the Commission, would not

have been possible if Form 423 contained only average cost data and did not identify each supplier.

In addition, for a variety of reasons including the nature of rate-of-return regulation and the use of automatic fuel adjustment clauses, there is at present considerable concern that electric utilities do not have adequate market incentives to seek to minimize the cost of fuel. The Commission understands that state regulatory commissions are increasing their surveillance of utilities' fuel procurement practices and that they are using Form 423 data in doing so. This encouraging trend would receive a severe setback if the FPC did not collect detailed cost and quality information and make it available to other governmental entities.

#### II. PUBLIC DISCLOSURE OF THE DETAILED INFORMATION PRESENTLY COLLECTED ON FORM 423 CREATES A RISK OF ANTICOMPETITIVE BEHAVIOR

The basis for antitrust concern over the public reporting of detailed price information is the usefulness of such information in a price fixing scheme. If competitors have a means to learn promptly of any price cutting, they can quickly match or exceed the initial price cut, and the firm initiating the price cut would have the benefit of increased sales for only a short period of time. Prompt public disclosure of price information can therefore reduce the incentive of a firm to cut prices.

The extent to which a fuel supplier has an incentive to reduce its price when seeking a particular contract depends upon the profit potential of that contract in relation to the supplier's overall marketing situation. Thus, if a supplier could by reducing its price sell all of its supply of fuel, the public availability of Form 423 data would not reduce its incentive to do so. On the other hand, if a supplier must enter into a number of contracts to sell all or a significant amount of its fuel, price cutting might occur only if the supplier could enter into several contracts without detection. In this latter situation, the prompt disclosure of Form 423 data could deter price competition.

To assess the likely consequences of publishing Form 423 data on any given supplier, the FPC would have to analyze (1) the number of firms competing with the supplier, and (2) the duration and size (in relation to total output) of the suppliers' likely future contracts. The number of competitors is relevant to the likelihood that a price fixing agreement could be established and maintained. The duration and size of the contracts would determine how the publication of Form 423 data would affect the supplier's decision to undercut its competitors' price.

A supplier-by-supplier analysis by the FPC would presumably identify instances where Form 423 data could be disclosed without creating an unreasonable risk that the data would be used to fix prices. It seems equally clear, however, that such an analysis would identify situations where the prompt publication of Form 423 data could promote price-fixing.

In assessing the duration of fuel supply contracts it would be important to note that "evergreen" contracts containing price renegotiation provisions may not be as long as their stated term. Some such contracts may provide the utility with a means of getting out of the contract by not agreeing to a renegotiated price. The only fuel that is truly "committed" under such a contract may be the fuel to be delivered prior to the date when renegotiation is permitted.

#### III. RECOMMENDATIONS

The detailed cost and quality information collected on Form 423 is useful to the Commission and to other governmental entities, including state regulatory commissions. The Commission therefore recommends that the FPC reject the petitioners' request that the FPC cease collecting this information.

Since the prompt disclosure of Form 423 data creates a risk of anticompetitive behavior by fuel suppliers, the Commission recommends that the FPC modify its regulations concerning the dissemination of such data. The Commission in general endorses the petitioners' proposal that the FPC publish only each utility's average cost of fuel, but this endorsement is subject to the following qualifications. First, the Commission believes that the detailed information collected by the FPC should be made available upon request not only to federal agencies, but also to state regulatory commissions. Second, the detailed information collected on Form 423 obviously loses its competitive significance over time, and the Commission recommends that the FPC establish a time period (e.g., two years after submission) at the end of which it would be presumed that the information had become dated and therefore would be publicly available.

By direction of the Commission.

MICHAEL PERTSCHUK,  
Chairman.

#### APPENDIX D

#### UNITED STATES DEPARTMENT OF JUSTICE

JULY 19, 1977.

HON. RICHARD L. DUNHAM,  
Chairman, Federal Power Commission,  
Washington, D.C.

Re Petition of Certain Electric Utilities for  
Amendment of Form 423, FPC Docket No.  
RM 77-2.

DEAR MR. CHAIRMAN: As you know, a group of electric utilities has petitioned the Federal Power Commission to amend its regulation (18 CFR 141.61) relating to Form 423 which requires electric utilities to submit on a monthly basis a detailed breakdown of costs and quality of fuel received. By their petition the utilities request that the average rather than actual cost of fossil fuel delivered be reported and that the identity of each fuel supplier and the expiration date of each contract be eliminated from the reporting form. Alternatively, the utilities request that information provided pursuant to Form 423 be treated as confidential. Under the utilities' proposal, detailed data would be made available only to FPC staff and to other federal agencies; only summaries of each form would be made available to the public.

We have reviewed the arguments of the petitioning utilities as well as a recent letter from Chairman Pertschuk of the Federal Trade Commission expressing the FTC's view on certain antitrust and consumer protection issues raised by the petition. We concur with the FTC's recommendation that the FPC should continue to collect the data in detailed form while only releasing summary information to the public. We also agree that the detailed data should be made available upon request not only to federal agencies but to state regulatory commissions.

The Antitrust Division shares the FTC's concern that the public dissemination of detailed price information could have harmful anticompetitive effects. First, the detailed data could be useful in stabilizing fuel prices;

suppliers who might normally lower their prices to compete would lose incentive to do so since their competitors could easily discover the amount of any discounts offered, denying the supplier the opportunity to increase his market share through price competition. Similarly, individual utilities which might aggressively seek lower prices in the market place would be discouraged from "shopping" for lower prices. Public disclosure of fuel costs also could encourage price-fixing among suppliers by giving them an easy way to enforce a price fixing agreement. Full access to one another's prices would reduce the incentive to "cheat" on such an agreement since any violation could easily be discovered.

On the other hand, the data presently collected by the Commission on Form 423 is useful both to the Commission and to other governmental entities concerned with anticompetitive practices and abuses in fuel procurement. For one thing, as Chairman Pertschuk noted in his letter, the FPC staff is using Form 423 data to analyze vertical integration by electric utilities. That analysis, the Chairman notes, "would not have been possible if Form 423 contained only average cost data and did not identify each supplier." There also appears to be substantial reason to allow access of specific cost data to state regulatory commissions on request. The data is particularly useful to state agencies in their efforts to monitor fuel cost increases. This increasing state surveillance of utility fuel cost increases should be encouraged. Any exclusionary rule would work to the detriment of state regulatory commissions, as well as the federal government.

The obvious remedy to balance the possible anticompetitive effects of full disclosure with state and federal interests in receiving accurate cost data is for the Commission to continue to collect Form 423 data in its entirety but to modify the regulations concerning dissemination. We suggest that the detailed information collected by the FPC be made available upon request not only to federal agencies but also to state regulatory commissions. In addition, to avoid anticompetitive problems noted above, we suggest that only the average cost of each utility's fuel be made public.

The recommended modifications of the Commission's regulations strike a useful balance; such an approach protects the public from the risk of anticompetitive behavior which could result from full disclosure while maintaining scrutiny of cost data by appropriate federal and state agencies.

Sincerely yours,  
JOHN H. SHENEFIELD,  
Acting Assistant Attorney General,  
Antitrust Division.

cc: Counsel for Petitioning Electric Utilities Federal Trade Commission.

[FR Doc.77-28635 Filed 9-28-77; 8:45 am]

[7020-02]

#### INTERNATIONAL TRADE COMMISSION

[19 CFR Part 200]

#### EMPLOYEE RESPONSIBILITIES AND CONDUCT

Proposed Amendments to Financial Disclosure Regulations for Commission Employees

AGENCY: U.S. International Trade Commission.

#### PROPOSED RULES

ACTION: Notice of proposed rule-making.

SUMMARY: This proposal amends existing financial disclosure requirements for employees of the U.S. International Trade Commission. These amendments are made in order to provide for a more thorough assessment of conflicts of interest and apparent conflicts of interest among Commission employees. The proposal, if adopted, will require a greater number of Commission employees to file confidential statements of employment and financial interests with the Commission's Deputy Counselor for Employee Responsibilities and Conduct. In addition, the proposal, if adopted, will require disclosure of certain financial interests, previously exempted or partially exempted from disclosure.

DATES: Comments must be received before 5:15 p.m. on (thirty days after publication of this notice in the FEDERAL REGISTER).

ADDRESS: Interested persons are invited to submit written comments concerning the proposed amendments to the Secretary to the Commission, 701 E Street NW., Washington, D.C. 20436.

FOR FURTHER INFORMATION CONTACT:

Rhond R. Roth, Esq., Office of the General Counsel, U.S. International Trade Commission, Washington, D.C. 20436, telephone 202-523-0480.

SUPPLEMENTARY INFORMATION: Specifically, the U.S. International Trade Commission is promulgating proposed amendments to Title 19, Part 200, Subpart C, of the Code of Federal Regulations respecting the filing of confidential statements of employment and financial interests by Commission employees. The purposes of the proposed amendments are (1) to modify the reporting and financial disclosure requirements of §§ 200.735-114 and 200.735-115, of the Commission's Rules of Practice and Procedure, (2) to further implement the governmentwide reporting requirements of 5 CFR 835.403-735.411, as required by 5 CFR 735.402, (3) to provide a basis for justifiable exemption from the reporting requirements of § 200.735-114 of the Commission's rules through a new § 200.735-114a, and (4) to provide a basis for voluntary financial disclosure by employees not required to make such disclosure through a new § 200.735-114c. The authority for these amendments inheres in Executive Order 11222 (3 CFR 306 (1964-1965 Comp.)) and in the Commission's general rulemaking power as found in 19 U.S.C. 1335.

#### PART 200—EMPLOYEE RESPONSIBILITIES AND CONDUCT

The proposed amendments to the Commission's financial disclosure regulations are set forth as follows:

Title 19, Part 200, Subpart C, of the Code of Federal Regulations is hereby proposed to be amended by deleting the language of present §§ 200.735-114, 200.-

735-114a, and 200.735-115 and by substituting the following language therefor:

§ 200.735-114 Employees required to submit statements.

Except as provided in § 200.735-114a, the following employees shall submit statements of employment and financial interests:

(a) Employees paid at a level of the Executive Schedule in subchapter II of chapter 53 of title 5, United States Code.

(b) (1) Employees in grade GS-13 or above of section 5332 of title 5, United States Code, or in comparable or higher positions not subject to that section.

(2) The Director of Personnel shall list all such positions, shall include the listing in the chapter of the Commission's Policy Manual pertaining to the filing of confidential statements of employment and financial interests, and shall furnish copies thereof to the Deputy Counselor and to affected employees.

(3) The Director of Personnel shall update the listing required by paragraph (b) (2) of this section and shall take all other steps required by paragraph (b) (2) as of January 1 and July 1 of each year.

(c) (1) Employees classified below GS-13 under section 5332 of title 5, United States Code, or at a comparable pay level under other authority, who are (1) responsible for making a decision or taking an action in regard to Commission contracting or procurement, (2) responsible for conducting investigative and research activities where the decision to be made or action to be taken could have an economic impact on any non-Federal enterprise, or (3) responsible for exercising the authority of any supervisory or investigative employee in the absence of such employee.

(2) The Director of Personnel, upon obtaining the advice of the General Counsel, shall be responsible for determining which positions below GS-13 meet the criteria of paragraph (c) (1) of this section. The Director of Personnel shall justify his or her determination in writing and shall submit it to the Civil Service Commission for its approval. Upon obtaining the approval of the Civil Service Commission, the Director of Personnel shall include the listing of these positions in the chapter of the Commission's Policy Manual pertaining to the filing of confidential statements of employment and financial interests and shall furnish copies thereof to the Deputy Counselor and to affected employees.

(3) The Director of Personnel shall evaluate his or her determination under paragraph (c) (2) of this section as of January 1 and July 1 of each year. When organizational changes or personnel actions indicate that positions should either be added to or taken from the list of positions which the Director of Personnel has determined meet the criteria of paragraph (c) (1) of this section, the Director of Personnel shall make a new determination under paragraph (c) (2) of this section and shall take all other



steps required by paragraph (c) (2) immediately upon the implementation of said organizational changes or personnel actions.

**§ 200.735-111a Employees not required to submit statements.**

(a) Employees in positions that meet the criteria in paragraphs (b) (1) or (c) (1) of § 200.735-114 of this subpart may be exempted from the reporting requirement of § 200.735-114 if the Director of Personnel, upon obtaining the advice of the General Counsel, determines that:

(1) The duties of a position are such that the likelihood of the incumbent's involvement in a conflict-of-interest situation is remote;

(2) The duties of a position are at such a level of responsibility that the submission of a statement of employment and financial interests is not necessary because of the degree of supervision and review over the incumbent or the inconsequential effect on the integrity of the Government.

(b) All determinations made pursuant to paragraph (a) shall be documented in a writing which shall be annexed to the listings required by paragraphs (b) (2) and (c) (2) of § 200.735-114 of this subpart. The factual bases and reasons for determinations under paragraphs (a) (1) and (a) (2) of this section shall be specified by the Director of Personnel in said writing. Said writing shall refer to the position only and shall not include the name, or other identifying particular, of the incumbent occupying the position.

(c) A statement of employment and financial interests from commissioners is not required by this subpart. Such employees are subject to separate reporting requirements under section 401 of Executive Order 11222 (3 CFR 306 (1964-1965 Comp.)).

**§ 200.735-111b Employee complaints on filing requirements.**

Any employee who believes that his position has been improperly included under the reporting requirements of section 200.735-114 may obtain a review thereof through the Commission's grievance procedures.

**§ 200.735-111c Voluntary submission by employees.**

Any employee not required to submit a statement of employment and financial interests under the criteria established by § 200.735-114 may submit such a statement to the Deputy Counselor in the manner specified in § 200.735-116 if he or she so desires.

**§ 200.735-115 Forms—Interests not to be reported.**

(a) Statements required to be submitted by the provisions of this subpart shall be prepared on forms (the format of which is prescribed by the Civil Service Commission) available from the Deputy Counselor.

(b) Pursuant to the authority contained in 18 U.S.C. 208(b) (2), it has been determined that the categories of financial interests hereinafter described are,

to the extent indicated, exempted from the application of the prohibition of 18 U.S.C. 208(a) and need not be reported to the Deputy Counselor. Such interests are too remote or too consequential to affect the integrity of a Commission employee's services in any matter in which he may act in his governmental capacity. Therefore, the provisions of 18 U.S.C. 208(a) do not preclude the participation by a Commission employee, including a special Commission employee, in matters of a type covered by the prohibition of section 208(a) where the financial interest involved has been exempted hereunder. The following financial interests need not be reported under this subpart:

(1) Ownership of shares of a mutual fund or regulated investment company if the current aggregate market value of such shares so owned in any single mutual fund or regulated investment company does not exceed \$5,000.

(2) Ownership of bonds other than corporate bonds, if the current aggregate market value of such bonds so owned in any single organization does not exceed \$5,000.

By order of the Commission.

Issued September 26, 1977.

KENNETH R. MASON,  
Secretary.

[FR Doc. 77-28745 Filed 9-28-77; 8:45 am]

**[ 3710- ]**

**DEPARTMENT OF DEFENSE**

**Corps of Engineers**

**[ 33 CFR Part 207 ]**

**LAKE WASHINGTON SHIP CANAL**

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of proposed rulemaking.

SUMMARY: We proposed to amend regulations which govern the use, administration and navigation of the Lake Washington Ship Canal, Seattle, Washington, to intensify the control of passage of hazardous cargoes through the locks. This amendment is necessary to provide additional safety requirements.

DATE: Comments must be received on or before October 15, 1977.

ADDRESS: Send comments to: Office of the Chief of Engineers, Attn: DAEN-CWO-N, Washington, D.C. 20314.

FOR FURTHER INFORMATION CONTACT:

Mr. Ralph Eppard at 202-693-5070.

SUPPLEMENTARY INFORMATION: A regulation was promulgated in 33 CFR 207.750(g) to govern the use, administration and navigation of the Lake Washington Ship Canal, Seattle, Washington. The changes we now propose are in accordance with Department of Transportation regulations in 46 CFR, Part 30, 35, 146 and 151, as set forth below:

**§ 207.750 Puget Sound Area, Washington.**

(g) Lake Washington Ship Canal; use, administration and navigation—

(1) Definitions. The term "canal" as used in the regulations in this paragraph shall include the water area in the locks and the channel and adjacent waters from a point 5,500 feet northwest of the Burlington Northern, Inc. railway bridge to the east end of the channel opposite Webster Point, Lake Washington. The term "canal grounds" shall include all grounds set aside for the use of the canal or occupied in its construction.

(2) \* \* \*

(3) \* \* \*

(4) Traffic signal lights. In addition to the lock signal lights described in subparagraph (5) (ii) of this paragraph, a red light, and a green light are installed on the west side of the Ballard Bridge, on the east side of the Fremont Bridge, 1,000 feet west of the Montlake Bridge, and 1,000 feet east of the Montlake Bridge, for the guidance of vessels approaching the sections of the canal between Salmon Bay and Lake Union and between Lake Union and Lake Washington, respectively. Vessels of 300 gross tons and over and all vessels with tows, except as hereinafter provided, shall not pass the red lights. The green lights will indicate that vessels may proceed. Vessels of less than 300 gross tons without tows may disregard these signals, but they shall travel at very slow speed when passing other vessels. Vessels of 300 gross tons and over and vessels with tows, except logs, whose destination is easterly between the Ballard Bridge and the Burlington Northern, Inc. railway bridge, may pass the red signals on the Ballard Bridge: Provided, such passage will not interfere with approaching traffic.

(5) Approaching and passing through locks—

(i) Signals for locks. Vessels with tows desiring to use the locks shall so indicate by two long and three short blasts of a whistle, horn or megaphone. All other vessels desiring to use the locks shall so indicate by two long and two short blasts. NOTE: The term "long blasts" means blasts of four seconds duration, and the term "short blasts" means blasts of one second duration. Signals for the opening of drawbridges are prescribed in § 203.795 of this chapter.

(ii) Lock signal lights. Red and green signal lights are installed on the guide pier west of the Burlington Northern, Inc. railway bridge below the locks. The green light will indicate to vessels bound for the large lock that the lock has been made ready. If the red light is burning, vessels bound for the large lock shall moor at the pier. Vessels bound for the small lock shall be guided into the small lock by traffic signals thereon. The masters of all vessels approaching the locks from Puget Sound shall be alert to receive and shall immediately comply with instructions by voice or signal from the employee on the west pier.

(iii) Precedence at locks. All vessels approaching the locks shall stop at the points indicated by signs placed on the canal piers or as directed by a lockman until ordered to proceed into the lock. Unless otherwise directed by the District Engineer or his authorized assistants, vessels owned or operated by the United States or the City of Seattle and passenger vessels operating on a regular schedule shall have precedence over all others in passing through the locks. Registered merchant vessels shall have precedence over pleasure craft, which shall pass through in the order of their arrival at the locks, and both shall have precedence over vessels towing floated timber or logs. Tows of floated timber and logs may be denied the use of the locks during certain hours when both locks are busy passing other traffic. However, advance notice will be given to towboat companies as to the periods when log tows will be denied lockage.

(iv) Entering locks. Masters of vessels shall exercise the greatest care when entering either lock. The forward movement of vessels while taking position in the locks shall be very slow, and boats entering the small lock shall reduce their speed to not more than two and one-half miles per hour when within 200 feet of the outer gate and come to practically a full stop before entering the lock so that in case the engine mechanism fails to operate properly the momentum of the boat may be stopped easily by its lines. The masters of vessels entering either lock from either direction shall be alert to receive and shall immediately comply with instructions by voice or signal from the lock attendants.

(v) Mooring in locks. Vessels entering the locks shall be equipped with adequate lines, at least 50 feet in length being required fore and aft. While in the large lock vessels and rafts will be moored at the top of the lock wall. While in the small lock vessels shall be moored to the floating mooring wall. Lines shall not be released until the signal has been given by the lock force to leave the lock, after which there shall be no delay in leaving. All vessels not equipped to handle tie-up lines with power winches shall be equipped with suitable mooring lines of manila, or other suitable fiber, of sufficient size and strength to hold the vessel against the currents to be met within the lock chamber. The use of wire rope for tie-up by vessels not equipped to handle such lines with power winches is prohibited. Vessels may be denied the use of the locks if their lines are not in good condition, or if the mooring bits on barges are not accessible or are not equipped to prevent lines from slipping off when the water is lowered in the lock. All vessels entering the locks should have, in addition to the master, at least one person on deck to handle lines. Mates and deckhands, when preparing to moor within the lock chambers, should not throw heavy mooring lines at the lockmen on the walls, but should wait for a heaving line to be passed to them unless otherwise directed. All towboat

crews, while locking or moving a tow out of the lock chamber, should station themselves so as to preclude the possibility of being injured by the parting of cable or lines under strain. Persons attempting to take vessels through the locks without assistance on deck may be required to wait until the lock is clear of other traffic before passing through. All operators of vessels are especially cautioned to use extreme care while crowded in the locks to avoid accident or fire on their boats. Under no circumstances will small craft, such as rowboats, launches and houseboats, or any other type of pleasure boats, be locked through with barges used for carrying any type of petroleum product or other hazardous material. At the discretion of the lockmaster, small craft as described above may be locked through with barge tows containing other than dangerous material. Operators of small vessels and larger vessels operating in the proximity of each other shall be alert to the danger arising from the limited maneuverability of the larger vessels, and shall exercise all precautions to prevent accident.

(6) Damage to locks or other structures.

(i) The regulations in this paragraph shall not affect the liability of the owners and operators of vessels for any damage caused by their operations to the locks or other structures. The sides and corners of all vessels and rafts passing through the locks should be free from spikes or projections of any kind which might damage the locks or other structures. Vessels with apertures or projections which might damage the locks or other structures shall be fitted with adequate fenders. Lockage of leaking vessels or vessels with overhanging loads may be refused. Such barge or craft shall be moored in a location outside of the channel approach to the lock so as to not interfere with passing navigation. Vessels of unusual dimensions, or other characteristics which, in the opinion of the lockmaster, pose a threat to the integrity or safety of the locks or canal will be refused passage until written permission to pass is provided by the District Engineer. Sufficient written data and drawings shall be provided the District Engineer that an engineering determination can be made as to the safety of the vessel. The District Engineer shall have the right to inspect any such vessels prior to passage. The operators of all vessels shall use care to avoid striking the guide walls or other structures pertaining to the canal.

(ii) In the interest of safety and fire prevention, all woven rope fenders used with barges carrying flammable cargo should be water-soaked or otherwise fireproofed prior to entering the lock approaches.

(iii) Burning fenders should be dropped overboard immediately rather than being placed on the deck of a barge or towboat.

(iv) A minimum of one man with a portable fender shall be stationed at the head end of every tow of hazardous cargo

and at the aft end if the lockmaster so directs so as to protect the lock and guide walls from damage while entering or departing the lock structures.

(v) All cylinders or containers holding gases under pressure, or any other chemical or substance, shall be securely fastened to the hull of the vessel to prevent their rolling overboard into the lock chamber and becoming a hazard.

(vi) All containers holding paint, gasoline or other volatile materials shall be securely fastened with tight-fitting covers. To preclude a concentration of potentially explosive vapors, no paint will be allowed to be applied to the exterior of vessel hulls, houses, machinery or other equipment while the vessels are in the lock chamber.

(vii) All hatches of tank barges must be closed prior to entering lock. Tank barges with open hatch or hatches will be denied lockage.

(viii) No smoking will be permitted aboard vessels with cargoes of fuel or explosives.

(ix) All vessels carrying hazardous cargoes shall so be identified with the lockmaster. They shall be in compliance with Department of Transportation (U.S. Coast Guard) regulations (CFR Title 46, Parts 30, 35, 146, and 151, etc.) and shall accordingly carry required markings. All DOT safety regulations for transit of hazardous cargoes shall be adhered to, whether or not specifically cited or duplicated herein.

(7) Commercial statistics.

(i) On each passage through the locks, as required by section 11 of the River and Harbor Act of September 22, 1922 (42 Stat. 1043; 33 U.S.C. 555), the master or clerk of any vessel or other craft other than pleasure vessel shall furnish, upon prescribed forms provided for the purpose and obtainable at the locks, a statement of the passengers, freight, and tonnage, and such other statistical information as may be required by the forms. The total cargo carried must be reported showing separately the tonnage in transit, and the tonnage, kind, and destination of cargo to be unloaded.

(ii) \* \* \*

(iii) Except by special permit, no vessel other than pleasure craft will be allowed to pass through the lock until a correct statement is furnished of the passengers, freight, and tonnage, and such other statistical information as may be required by the prescribed forms provided for the purpose.

(8) Rafts.

(9) Tows.

(10) Obstructing navigation.

(11) Turning. Vessels exceeding 100 feet in length shall not turn around, or attempt to turn around, in the concrete revetted portions of the canal east of the Ballard Bridge and a point 400 feet east of the Fremont Bridge or in the Portage Cut.

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(12) Excessive working of propellers or engines.

(13) Landing or mooring.

(14) Deposit of refuse.

(15) Aids to navigation. Persons in charge of log rafts or other tows, and the masters of vessels and boats using the canal, shall keep a careful watch when passing buoys or other aids to navigation and promptly report to the District Engineer or his authorized assistants any displacement or damage to such aids.

NOTE.—Aids to navigation and other related data are shown on Nautical Chart No. 18447 published by the National Ocean Survey.

(16) Operation of salt water barrier in the large lock of the Hiram M. Chittenden Locks.

NOTE.—The Department of the Army has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

(40 Stat. 266; 33 U.S.C. 1.)

Dated: September 22, 1977.

C. A. SELLECK, Jr.,  
Colonel, Corps of Engineers,  
Executive Director of Civil Works.  
[FR Doc. 77-28685 Filed 9-28-77; 8:45 am]

#### [ 6506-01 ]

#### ENVIRONMENTAL PROTECTION AGENCY

[FRL 777-7]

[ 40 CFR Part 52 ]

#### APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: Gas turbine installations with a heat input greater than 32.1 gigajoules per hour (3,000 HP) are proposed to be added to the list of source categories which require preconstruction review under the prevention of significant deterioration regulations.

DATES: Comments must be received on or before November 28, 1977.

ADDRESS: Comments must be submitted (preferably in triplicate) to: Environmental Protection Agency, Control Programs Development Division (MD-15), Research Triangle Park, N.C. 27711. Attn.: Mr. Richard G. Rhoads. All public comments received may be inspected and copied at the Public Information Reference Unit (EPA Library), Room 2922, 401 M Street SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Richard G. Rhoads, Environmental Protection Agency, Control Programs Development Division (MD-15), Research Triangle Park, N.C. 27711 (919-541-5497).

SUPPLEMENTARY INFORMATION: On December 5, 1974 (39 FR 42510), the Administrator of the Environmental Protection Agency published final regulations for the prevention of significant deterioration of air quality (PSD) applicable in all 55 States and territories. The plan for preventing significant deterioration, as set forth on December 5 and amended on June 9, 1975, is implemented through a preconstruction review of major stationary sources to determine if construction of such sources in a particular area would cause a violation of specified air quality increments. Presently there are 19 source categories which require preconstruction review under the PSD requirements included in the ruling.

Certain gas turbine installations are proposed to be added to the list of sources subject to PSD at this time. Although turbines vary widely in terms of size, fuel type, and emissions, installations greater than 32.1 gigajoules per hour heat input (3,000 HP) will generally have emissions in excess of 25 lbs/hr under the proposed NSPS limit. Therefore, the Administrator feels that such installations meet the criteria for source inclusion as set forth on June 9, 1975 (40 FR 24534), and should be subject to PSD review. While the addition of these gas turbines to the list of PSD categories is now being proposed, the Administrator acknowledges the possible need to revise this action pending the outcome of current deliberations to amend the Clean Air Act.

(Sec. 110 of the Clean Air Act, as amended, 42 U.S.C. 1857c5.)

Dated: September 21, 1977.

DOUGLAS M. COSTLE,  
Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

1. In § 52.21, paragraph (d) is revised to read as follows:

§ 52.21 Prevention of significant deterioration.

- (d) . . . . .
- (1) . . . . .
- (xx) Gas turbine installations.

[FR Doc. 77-28717 Filed 9-28-77; 8:45 am]

[FRL-797-7]

[ 40 CFR Part 85 ]

#### EMISSION CONTROL SYSTEM PERFORMANCE WARRANTY REGULATIONS—SHORT TEST ESTABLISHMENT

##### Extension of Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Extension of comment period.

SUMMARY: This notice extends the period for comments to the notice of proposed rulemaking, published Wednesday, May 25, 1977 (42 FR 26742), regarding the short test provision of the Clean Air Act.

DATE: All relevant material received on or before November 7, 1977, will be considered.

ADDRESS: All comments should be sent to: Deputy Assistant Administrator, Office of Mobile Source Air Pollution Control (AW-455), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Paul Lapsley, Regulatory Management Staff, Office of Mobile Source Air Pollution Control, 202-755-0596, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

SUPPLEMENTARY INFORMATION: Requests for another extension of the comment period (the initial comment period was extended by 45 days in an August 9, 1977 FEDERAL REGISTER notice) have been expressed citing the need for additional time following the public workshops to submit comments which would reflect any issues raised in the workshops. The Agency has considered the requests, and decided that an extension would be in the best interest of all parties concerned.

Accordingly the comment period is hereby extended to November 7, 1977.

Dated: September 22, 1977.

ERICK O. STARK,  
Acting Assistant Administrator  
for Air and Waste Management.

[FR Doc. 77-28619 Filed 9-28-77; 8:45 am]

[ 40 CFR Part 148 ]

[FRL 778-8]

#### WATER PROGRAMS

##### Sole or Principal Source Aquifer Areas

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: These proposed regulations implement aquifer requirements of the Safe Drinking Water Act. The regulations establish procedures for designating areas where an aquifer is the sole or principal source of drinking water, and for reviewing commitments of Federal financial assistance to projects in designated areas. The purpose is to prevent grants of Federal financial assistance to projects which may contaminate a "sole source" aquifer so as to create a significant hazard to public health.

DATE: Comment period: November 28, 1977.

ADDRESS: Send comments to: Environmental Protection Agency, Office of Water Supply (WH-550), 401 M Street SW., Washington, D.C. 20460.

#### PROJECT REVIEW

FOR FURTHER INFORMATION CONTACT:

Ms. Zoraida J. Carballeira, Program Analyst, State Programs Division, Office of Water Supply (WH-550), Environmental Protection Agency (202-426-3934).

SUPPLEMENTARY INFORMATION: These proposed regulations implement Section 1424(e) of the Safe Drinking Water Act (42 U.S.C. 300f, 300h-3(e); 88 Stat. 1660 et. seq.; Pub. L. 93-523).

Section 1424(e) states:

If the Administrator determines, on his own initiative or upon petition, that an area has an aquifer which is the sole or principal drinking water source for the area and which, if contaminated, would create a significant hazard to public health, he shall publish notice of that determination in the FEDERAL REGISTER. After the publication of any such notice, no commitment for Federal financial assistance (through a grant contract, loan guarantee, or otherwise) may be entered into for any project which the Administrator determines may contaminate such aquifer through a recharge zone so as to create a significant hazard to public health, but a commitment for Federal assistance may, if authorized under another provision of law, be entered into to plan or design the project to assure that it will not so contaminate the aquifer.

In summary, Section 1424(e) authorizes:

- (a) Designation of sole or principal source aquifer areas; and
- (b) Review of Federal financially assisted projects which may contaminate the aquifer.

#### DESIGNATION

Subpart B of these regulations establishes requirements for an area to qualify for designation under Section 1424(e). Designation of an area will be made by the Administrator on his own motion, or upon receipt of a public petition meeting specified criteria. If the Administrator determines that an aquifer is the sole or principal source for the area and would, if contaminated, create a significant hazard to public health, the Administrator's determination will be based upon significant Regional input and upon the recommendation of the Regional Administrator.

The FEDERAL REGISTER notice of a designation will include a description of the boundaries of the recharge zone and the streamflow source zone of the aquifer in question. Maps of the area will be made available to the public upon request. Upon designation of an area, the EPA Regional Office in the area will also notify all regional Federal agencies of the designation and will provide the agencies with maps outlining the recharge zone and the streamflow source zone. EPA headquarters will notify the heads of all Federal agencies.

The only area which has been designated to date is the San Antonio, Texas area where the Edwards Underground Reservoir is the sole source of water supply for over 1,000,000 people.

Section 1424(e) provides that no commitment of Federal financial assistance shall be made to a project which the Administrator determines may contaminate an aquifer in a designated area through its recharge zone so as to create "a significant hazard to public health." Subpart C of these regulations establishes procedures for review of projects for which an application for Federal financial assistance has been made. The project review process will be implemented by the Regional Administrators with the exception of the final determination which will be made by the Administrator. Regional Administrators are encouraged to explore all available alternatives with the Federal agencies involved, before a recommendation is submitted to the Administrator to determine that a project may contaminate an aquifer in a designated area so as to create a significant hazard to public health.

Programs and actions will be subject to EPA's project review authority only if an application for Federal financial assistance has been submitted. Federal actions such as dredging performed by the Army Corps of Engineers, which do not involve a grant of financial assistance to a project, are not affected by the project review authority granted by Section 1424(e). Similarly, Federal actions of programs performed by contractors for the Federal Government, such as construction of roads on Federal lands by a contractor under the supervision of the Bureau of Land Management are not subject to project review. Although this type of Federal action does not fall within the scope of Section 1424(e), an obligation to evaluate ground water impact may exist based on other authority. Some actions may be subject to the provisions of the National Environmental Policy Act (NEPA), and the preparation of an environmental impact statement (EIS) may be required. Furthermore, in accordance with Executive Order 1752, all Federal facilities have a responsibility to take the initiative in the protection of the environment.

If a commitment of Federal financial assistance is sought which is within the meaning of Section 1424(e), the Administrator then has the authority to review the project for which financial assistance is sought, in order to determine whether the project may contaminate an aquifer in a designated area so as to create a significant hazard to public health. EPA will not be concerned with reviewing, on an individual basis, small, isolated commitments of financial assistance such as individual home mortgage loans (e.g., Farmers Home Administration loans and Veterans' Administration loans) which presumptively have an insignificant impact on aquifer quality. However, EPA may conduct review of the cumulative impact if a large number of such projects is of concern.

Because ground water impact evaluations are not only required under Section

1424(e), but are also an integral part of the responsibilities imposed under the National Environmental Policy Act (NEPA), the process of project review pursuant to Section 1424(e) will be integrated as fully as possible with the review of Federal actions subject to NEPA. All Federal agencies have published guidelines for the implementation of NEPA which provide the basis for determining whether a project will have a "significant impact on the environment." Review under Section 1424(e) requires the closely related determination of whether a project may contaminate an aquifer through its recharge zone so as to pose a "significant hazard to public health." Integration of the two types of review will allow EPA and other Federal agencies to avoid needless duplication of efforts under the two statutes and will prevent inefficient use of resources in carrying out ground water impact evaluations. It will also permit EPA to take advantage of the Federal agencies' and the public's familiarity with the NEPA process. The heads of all Federal agencies have been advised by the Council on Environmental Quality (CEQ) in a memorandum dated November 19, 1976, that NEPA guidelines should be amended to place specific emphasis on the evaluation of the ground water impact of projects which might affect the quality of an aquifer through its recharge zone and that projects should be submitted to a thorough ground water impact evaluation in accordance with NEPA procedures.

Assessment of environmental impact under NEPA results in the preparation of an Environmental Impact Statement (EIS) if an initial environmental assessment shows that a project will have a significant impact on the environment. EPA will ordinarily review the potential impact of projects on aquifers in designated areas pursuant to Section 1424(e) at the time that draft or final EIS's are submitted to EPA. An EIS prepared for a project which is subject to Section 1424(e) as well as NEPA should contain all the information which is necessary for EPA to properly evaluate a project's impact on ground water quality under Section 1424(e). EPA will routinely review under Section 1424(e) all EIS's prepared for projects which are to be located in the recharge zone or streamflow source zones of aquifers in designated areas which may have an impact on ground water quality and for which an application for Federal financial assistance has been made.

Although it is anticipated that established NEPA procedures will ordinarily be sufficient to ensure adequate review of ground water impact pursuant to Section 1424(e), the Regional Administrators shall also have the authority in implementing Section 1424(e) to specifically request that a ground water impact evaluation which will satisfy the requirements of Section 1424(e) be prepared by the Federal agency from which a commitment of financial Administrator's



own motion based on information available to him, or upon receipt of a public petition meeting certain specified criteria. A well-research ground water impact chapter extracted from an environmental assessment prepared in accordance with NEPA may be sufficient to satisfy such a request for a ground water impact evaluation under Section 1424(e).

To ensure that EPA and the public are informed of projects which may affect the quality of the aquifer, EPA will request from each funding Federal agency that a list of projects for which EIS's will be prepared and which are located in the recharge zone or streamflow source zones of sole source aquifers be periodically submitted to the appropriate Regional Administrator and made available to the public upon request. Once an area is designated the Regional Administrators shall also have discretionary authority to work out with regional Federal agencies any agreements or memoranda of understanding which they feel are necessary to supplement the general regulations and to keep them informed of projects in the area. The Regional Administrators may assume the initiative in obtaining information on commitments of Federal financial assistance which are under consideration and in taking other steps to ensure that they are kept up-to-date on Federal funding of projects in the area. The Regional Administrators may, for example, request lists of applications for Federal financial assistance from the local A-95 Clearinghouse. EPA will rely as much as possible upon existing State capabilities in protecting the ground water quality of aquifers. This reliance will in no way constitute a delegation of project review authority, since this is clearly an EPA responsibility which may not be delegated. However, State assistance can be very valuable in providing the agency with information and comments based on knowledge of local ground water problems. The State's role will, of course, depend upon the individual State's capabilities and interests. Regional Administrators, upon designation of an area, may workout memoranda of understanding with the States in order to determine their participation in the protection of ground water quality in the area.

The content of these regulations is primarily procedural. EPA plans to initiate a study to provide technical guidance to EPA regional reviewers for the assessment of ground water impact evaluations prepared by Federal agencies in three major project categories: (1) Multi-unit housing development, (2) highways, and (3) sewage collection, treatment, and disposal facilities. Forthcoming technical guidance will also contain a detailed outline of the information which should be provided by Federal agencies for those project categories. In the meantime, Section 1424(e) review will be carried out in conjunction with NEPA review as currently implemented.

Experience with the interim guidelines issued for the San Antonio area (40 FR 58292, December 16, 1975) has been eval-

uated in formulating these national regulations.

Public comment on these proposed regulations shall be submitted on or before November 28, 1977 to the following address:

Environmental Protection Agency, Office of Water Supply (WH 550), 401 M Street SW., Washington, D.C. 20460.

Dated: September 22, 1977.

DOUGLAS M. COSTLE,  
Administrator.

In consideration of the foregoing, it is proposed to add Part 148 as follows:

#### Subpart A—General Provisions

Sec.

148.1 Applicability.  
148.2 Definitions.

#### Subpart B—Designation of Sole or Principal Source Aquifer Area

148.10 Submission of petitions.  
148.11 Decision to initiate designation procedures.  
148.12 Public hearing.  
148.13 Determination by the Administrator

#### Subpart C—Project Review

148.20 Project review authority.  
148.21 Public information.  
148.22 Submission of petitions.  
148.23 Decision to review.  
148.24 Notice of review.  
148.25 Request for information.  
148.26 Public hearing.  
148.27 Decision under Section 1424(e).  
148.28 Resubmission of redesigned projects.  
148.29 Funding to redesigned projects.

AUTHORITY: Sec. 1424(e), Safe Drinking Water Act 42 U.S.C. 300f, 300h-3(e); 88 Stat. 1660 et. seq.; Pub. L. 93-523).

#### Subpart A—General Provisions

##### § 148.1 Applicability.

This part sets forth, pursuant to Section 1424(e) and 1450 of the Public Health Service Act, as amended by the Safe Drinking Water Act, Pub. L. 93-523, regulations relating to aquifers which are the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health.

##### § 148.2 Definitions.

As used in these regulations and except as otherwise specifically provided, the term(s):

(a) "Act" means the Public Health Service Act, as amended by the Safe Drinking Water Act, Pub. L. 93-523.

(b) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.

(c) "Research zone" means any area through which water enters the aquifer.

(d) "Administrator" (Regional Administrator) means the Administrator (Regional Administrator) of the United States Environmental Protection Agency.

(e) "Person" means an individual, corporation, company, association, partnership, state, or municipality.

(f) "Project" means a program or action for which an application for Federal financial assistance has been made.

(g) "Federal financial assistance" means any financial benefits provided di-

rectly as aid to a project by a department, agency, or instrumentality of the Federal government in any form including contracts, grants, and loan guarantees. Actions or programs carried out by the Federal government itself such as dredging performed by the Army Corps of Engineers do not involve "Federal financial assistance." Actions performed for the Federal government by contractors, such as construction of roads on Federal lands by a contractor under the supervision of the Bureau of Land Management, should be distinguished from contracts entered into specifically for the purpose of providing financial assistance, and will not be considered programs or actions receiving "Federal financial assistance." "Federal financial assistance" is limited to benefits earmarked for a specific program or action and directly awarded to the program or action. Indirect assistance, e.g., in the form of a loan to a developer by a lending institution which in turn receives Federal assistance not specifically related to the project in question, is not "Federal financial assistance" under Section 1424(e).

(h) "Commitment of Federal financial assistance" means a written agreement entered into by a department, agency, or instrumentality of the Federal Government to provide financial assistance as defined in paragraph (g) of this section. Renewal of a commitment which the issuing agency determines has lapsed shall not constitute a new commitment unless the Regional Administrator determines that the project's impact upon a designated aquifer has not been previously reviewed under Section 1424(e). The determination of a Federal agency that a certain written agreement constitutes a commitment shall be conclusive with respect to the existence of such a commitment.

(i) "Streamflow source zone" means the upstream headwaters area which drains into the recharge zone.

(j) "Significant hazard to public health" means any level of contaminant which causes or may cause the aquifer to exceed any maximum contaminant level set forth in any promulgated National Primary Drinking Water Standard at any point where the water may be used for drinking purposes or which may otherwise adversely affect the health of persons, or which may require a public water system to install additional treatment to prevent such adverse effect.

(k) "Aquifer" means a geological formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield significant quantities of water to wells or springs.

(l) "Public water system" means a system for the provision to the public of piped water for human consumption, if such system has at least fifteen service connections or regularly serves an average of at least twenty-five individuals daily at least sixty (60) days out of the year. Such term includes (1) any collection, treatment, storage, and distribution facilities under control of the operator

of such system and used primarily in connection with such system, and (2) any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

(m) "Sole or principal source aquifer" means an aquifer which supplies 50 percent or more of the drinking water for an area.

(n) "Area" means a large territory, usually encompassing more than one county.

#### Subpart B—Designation of Sole or Principal Source Aquifer Areas

##### § 148.10 Submission of petitions.

Any person may submit a petition requesting the Administrator to determine that an area has a sole or principal source aquifer. Petitions not meeting the requirements set forth below may be returned to the petitioner with a request that available information be submitted. Any petition shall be submitted in duplicate and shall include:

(a) The name, address, and telephone number of the individual, organization, or other entity submitting the petition;

(b) A brief statement of the requesting person's interest in the Administrator's determination;

(c) A statement of why, in the petitioner's view, contamination of the aquifer would result in a significant hazard to public health;

(d) All pertinent information known to the petitioner regarding:

(1) The aquifer and its location;

(2) The location of the area for which the petitioner alleges the aquifer is the sole or principal source of drinking water;

(3) The population in the area described under subparagraph (2) of this paragraph;

(4) Alternative sources of drinking water for the area described under subparagraph (2) of this paragraph;

(5) The recharge and streamflow source zone (or zones) for the aquifer and its location;

(6) The sources of recharge to the aquifer and their location;

(7) Projects which might contaminate the aquifer through the recharge zone; and

(8) The public water systems utilizing water from the aquifer, the number of people served by each system and the water treatment provided by each system.

(e) Maps showing, to the best of the petitioner's knowledge and belief:

(1) The location and boundaries of the aquifer;

(2) The location and boundaries of the recharge zone or zones for the aquifer; and

(3) The location of the source or sources of recharge to the aquifer.

##### § 148.11 Decision to initiate designation procedures.

(a) The Administrator may consider designation of an area on his own initiative, on the initiative of a Regional Ad-

ministrator, or as a response to a public petition.

(b) Upon receipt of a petition meeting the requirements of § 148.10, or upon his own initiative, the Regional Administrator shall review all the information readily available to him which is relevant to the existence of a sole or principal source aquifer. All such information shall be forwarded by the Regional Administrator to the Administrator along with this recommendation.

(c) The Administrator will review all information available to him, determine whether the region should initiate formal designation procedures, and notify the Regional Administrator. If the notification is affirmative, and where appropriate and in the public interest, the Regional Administrator will publish in the FEDERAL REGISTER notice of any petition submitted in accordance with § 148.10 hereof, and shall indicate in the FEDERAL REGISTER the availability for public review of data and information available to the Regional Administrator which are relevant to a determination regarding the existence of a sole or principal source aquifer in the area.

##### § 148.12 Public hearing.

Where there is a significant public interest the Regional Administrator may hold a public hearing on whether an area should be designated under this subpart. Any such hearing shall be conducted by the Regional Administrator or his designee in an informal, orderly, and expeditious manner. Where appropriate, limits may be placed upon the time allowed for oral statements, and statements may be required to be submitted in writing. The Regional Administrator will give notice of such a public hearing by any reasonable means he deems appropriate.

##### § 148.13 Determination by the Administrator.

The Regional Administrator will make his recommendation on designation to the Administrator no later than six (6) months after the date of publication of the FEDERAL REGISTER notice under § 148.11.

(b) Upon the recommendation of the Regional Administrator, the Administrator shall either make the designation or determine that the area should not be designated. In deciding whether to designate an area under Section 1424(e), the Administrator shall consider:

(1) The availability of alternative sources of drinking water;

(2) The size of the area and population served by the aquifer;

(3) The susceptibility of the aquifer to contamination through the recharge zone;

(4) The location of the aquifer;

(5) The number of public water systems utilizing water from the aquifer, the number of people served by such systems, and the treatment provided by such systems; and

(6) Such other factors as he deems relevant.

(c) If the Administrator determines that an area will be designated, he shall identify the boundaries of the recharge zone, the streamflow source zone, or portions thereof, through which contamination could affect the area for which the aquifer is the sole or principal source of drinking water, and, to the extent known, the water body or bodies which contact such recharge zone.

(d) The Administrator shall publish his determination in the FEDERAL REGISTER, including the basis for his decision.

#### Subpart C—Project Review

##### § 148.20 Project review authority.

(a) Once an area is designated pursuant to Subpart B of this part, no subsequent commitments of Federal financial assistance may be made to projects which the Administrator determines may contaminate the aquifer so as to create a significant hazard to public health.

(b) The Regional Administrator is hereby delegated the authority and assigned responsibility for carrying out the project review process assigned to the Administrator under Section 1424(e) of the Act, except the final determination that a project may contaminate a sole or principal source aquifer in a designated area through its recharge zone so as to create a significant hazard to public health.

(c) The Regional Administrator may review any project which he considers may potentially contaminate a sole or principal source aquifer in a designated area through its recharge zone so as to create a significant hazard to public health.

##### § 148.21 Public information.

After an area is designated under Section 1424(e), Federal agencies, for projects located in the recharge zone and streamflow source zones, are required to:

(a) Maintain a list of projects for which environmental impact statements will be prepared in accordance with the National Environmental Policy Act (NEPA);

(b) Revise the list at regular intervals and submit to EPA; and

(c) Make the list available to the public upon request.

##### § 148.22 Submission of petitions.

Any person may submit a petition requesting the Regional Administrator to review a project to determine if such project may contaminate an aquifer in an area designated under Subpart B of this part through its recharge zone so as to create a significant hazard to public health. Any such petition shall identify:

(a) The name, address, and telephone number of the individual, organization or other entity submitting the petition;

(b) A brief statement of the requesting person's interest in the Regional Administrator's determination;

(c) The name of the project and Federal agency involved;

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In addition, the petitioner is requested to submit to EPA available information on:

(d) Applicable action already taken by State and local agencies including establishment of regulations to prevent contamination of the aquifer and why, in the petitioner's judgment, that action was inadequate;

(e) Any actions taken under the National Environmental Policy Act and why, in the petitioner's judgment, the action was inadequate in regard to evaluation of potential effect on the aquifer;

(f) The potential contaminants involved;

(g) The means by which the contaminant might enter the aquifer; and

(h) The potential impact of the proposed project.

#### § 148.23 Decision to review.

(a) The Regional Administrator shall review under Section 1424(e) all projects located in the recharge or streamflow source zone of sole source aquifers for which a draft or final EIS is submitted which may have an impact on groundwater quality and which involve Federal financial assistance as defined in these regulations.

(b) Upon receipt of a public petition, the Regional Administrator shall decide whether the project which is the subject of the petition should be reviewed under Section 1424(e).

(c) The Regional Administrator may decide to review a project upon his own motion.

(d) In determining whether to review a project upon receipt of a public petition or upon his own motion, the Regional Administrator shall consider whether the project is likely to directly or indirectly cause contamination of the aquifer through its recharge zone, taking into account any factors he deems relevant, including:

- (1) The location of the project, and
- (2) The nature of the project.

(e) In determining whether to review a project upon receipt of a public petition or upon his own motion, the Regional Administrator may consult with, or request information from, the Federal agency to which the project application has been made, the applicant seeking Federal assistance, appropriate State and local agencies, and other appropriate persons or entities.

(f) In determining whether to review a project which is the subject of a public petition, the Regional Administrator may request such additional information from the petitioner as he deems necessary.

#### § 148.24 Notice of review.

(a) Notice to Federal agency. If the Regional Administrator decides upon receipt of a public petition or upon his own motion to review a project under Section 1424(e), he shall give written notification of the decision to the Federal agency from which financial assistance is sought. The notification shall include a description and identification of the project.

(b) Notice to Public. When the Regional Administrator undertakes to review a project pursuant to § 148.23 above, he shall provide public notice of project review by such means as he deems appropriate. The notice shall set forth the availability for public review of all data and information available, and shall solicit comments, data and information with respect to the determination of impact under Section 1424(e). The period for public comment shall be 30 days after public notice unless the Regional Administrator extends the period at his discretion or a public hearing is held under § 148.26.

#### § 148.25 Request for information.

In reviewing a project under Section 1424(e), the Regional Administrator may request any additional information from the funding Federal agency which is pertinent to reaching a decision. If full evaluation of the groundwater impact of a project has not been submitted in accordance with the agency's NEPA procedures, the Regional Administrator may specifically request that the Federal agency submit a groundwater impact evaluation of whether the proposed project may contaminate the aquifer through its recharge zone so as to create a significant hazard to public health.

#### § 148.26 Public hearing.

If there is significant public interest, the Regional Administrator may hold a public hearing with respect to any project or projects to be reviewed if he finds that such a hearing is necessary and would be helpful in clarifying the issues. Public hearings held under this section should be coordinated, if possible, with other Federal public hearings held pursuant to applicable laws and regulations. Any such hearing shall be conducted by the Regional Administrator or designee in an informal, orderly and expeditious manner. Where appropriate, limits may be placed upon the time allowed for oral statements, and statements may be required to be submitted in writing. The record will be held open for further public comment for seven (7) days following the close of the public hearing.

#### § 148.27 Decision under Section 1424(e).

(a) As soon as practicable after the submission of public comments under Section 1424(e) and information requested by the Environmental Protection Agency from the originating Federal agency, on the basis of such information as is available to him, the Regional Administrator shall review the project taking all relevant factors into account, including:

- (1) The extent of possible public health hazard presented by the project;
- (2) Planning, design, construction, operation, maintenance and monitoring measures included in the project which would prevent or mitigate the possible health hazard;
- (3) The extent and effectiveness of State or local control over possible contaminant releases to the aquifer;

(4) The cumulative and secondary impacts of the proposed project; and

(5) The expected environmental benefits of the proposed project.

(b) After reviewing the available information, the Regional Administrator shall:

(1) Determine that the risk of contamination of the aquifer through the recharge zone so as to create a significant hazard to public health is not sufficiently great so as to prevent commitment of Federal funding to the project; or

(2) Forward the information to the Administrator with his recommendation that the Administrator determine that the project may contaminate the aquifer through the recharge zone so as to create a significant hazard to public health.

(c) After receiving the available information forwarded by the Regional Administrator, the Administrator shall:

(1) Determine that the risk of contamination of the aquifer through the recharge zone so as to create a significant hazard to public health is not sufficiently great so as to prevent commitment of Federal funding to the project; or

(2) Determine that the project may contaminate the aquifer through the recharge zone so as to create a significant hazard to public health.

(d) Notice of any decisions by the Regional Administrator under paragraph (b)(1) of this section or by the Administrator under paragraph (c)(1) and (c)(2) to prevent a commitment of Federal funding shall be published in the FEDERAL REGISTER. Such notices shall include a description of the proposed project, and a statement of the decision with an accompanying statement of facts and reasons.

#### § 148.28 Resubmission of redesigned projects.

If a project is redesigned in response to EPA's objections, the applicant for Federal financial assistance or the grantor agency may file a petition with the Regional Administrator for withdrawal of the determination that the project may contaminate the aquifer through the recharge zone so as to create a significant hazard to public health. Any such petition shall demonstrate how the project has been redesigned so as to justify the withdrawal of EPA's objections. If appropriate, the Regional Administrator may request public comments or hold an informal public hearing to consider the petition. After review of pertinent information, the Regional Administrator shall either deny the petition or recommend to the Administrator that the initial determination that a project may contaminate the aquifer be vacated. Upon receipt of a recommendation from the Regional Administrator that a determination be vacated, the Administrator shall either deny the petition or order that the initial determination be vacated. The final decision regarding a petition shall be published in the FEDERAL REGISTER with an accompanying statement of reasons.

#### § 148.29 Funding to redesigned projects.

After publication of a decision that a proposed project may contaminate a sole or principal source aquifer in a designated area through its recharge zone so as to create a significant hazard to public health, a commitment for Federal financial assistance may be entered into, if authorized under another provision of law, to plan or redesign such project to assure that it will not so contaminate the aquifer.

[FR Doc. 77-28695 Filed 9-28-77; 8:45 am]

#### [ 6560-01 ]

##### [ 40 CFR Part 250 ]

[FRL 797-6]

#### DEVELOPMENT OF REGULATIONS FOR THE TRANSPORTATION OF HAZARDOUS WASTE

##### Joint Public Meeting

AGENCY: Environmental Protection Agency and Office of Hazardous Materials, Department of Transportation

ACTION: Supplemental advanced notice of proposed rulemaking; notice of meeting.

SUMMARY: The Environmental Protection Agency announces a joint meeting with the Office of Hazardous Materials Operations/DOT to determine whether current DOT regulations under the Hazardous Materials Transportation Act of 1974 may have the potential to be expanded to partially meet the mandates of the Resource Conservation and Recovery Act of 1976.<sup>1</sup> The purpose of this meeting is to maximize the coordination of the RCRA regulatory requirements with existing DOT rules for the benefit of all parties.

DATES: The meeting will be held on October 26, 1977. Comments must be received on or before November 9, 1977.

ADDRESSES: Send comments to: U.S. Environmental Protection Agency, Office of Solid Waste, Hazardous Waste Materials Division, Docket Section, Room 2111, 401 M St. SW., Washington, D.C. 20460, and Department of Transportation, Room 6500, Trans Point Building, 2100 Second Street SW., Washington, D.C. 20590.

The meeting will be held at the Ramada O'Hare Inn, Mannheim and Higgins Road, Des Plaines, Ill., 312-827-5131.

SUPPLEMENTARY INFORMATION: The Resource Conservation and Recovery Act of 1976 (RCRA) mandates a comprehensive Federal-State-local approach to all aspects of waste management, in-

<sup>1</sup> See 42 FR 22332, May 2, 1977, for information on Hazardous waste guidelines and regulations.

cluding resource conservation and recovery, land disposal of municipal and industrial wastes, and authorizes a new regulatory program for hazardous wastes.

The Environmental Protection Agency (EPA) under Subtitle C—Hazardous Waste Management—is required to write standards for generators, shippers, transporters, and receivers of hazardous waste. In addition EPA is required to develop criteria and a list to define what are hazardous wastes.

During the analysis of the RCRA requirements, it became apparent that current Department of Transportation (DOT) regulations under the Hazardous Materials Transportation Act of 1974 (HMTA) may have the potential to be expanded to partially meet the mandate of RCRA. EPA would like to maximize the coordination of the RCRA regulatory requirements with existing DOT rules for the benefit of all parties.

The Act requires that regulations developed under Subtitle C of RCRA be consistent with the requirements of HMTA and the regulations thereunder. In addition, it authorizes the EPA to make recommendations to DOT respecting regulations for hazardous wastes under HMTA and for the addition of materials to be covered by that Act.

Authority for the regulation of hazardous waste transportation is contained in both HMTA and RCRA. The HMTA is concerned with the protection of public safety, health, and property during the loading, transportation, storage incident to transportation, and unloading of hazardous materials. HMTA requires the Secretary of Transportation to designate materials as hazardous upon finding that the transportation of a particular quantity and form of material in commerce may pose an unreasonable risk to health and safety or property. The materials designated as hazardous may include, but are not limited to: explosives, radioactive materials, etiologic agents, flammable liquids or solids, combustible liquids or solids, poisons, oxidizing or corrosive materials, and compressed gases.

Under Subtitle C, RCRA is concerned with the protection of the public health and the environment from improper hazardous waste management during transportation, treatment, storage or disposal. Hazardous waste as defined by RCRA is a solid waste, or combination of solid wastes which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of. In turn, RCRA defines "solid" waste to include solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and, with some exception, agricultural operations, and from commu-

nity activities. The Administrator shall take into account, when designating hazardous wastes, toxicity, persistence and degradability in nature, potential for accumulation in tissue, and other related factors such as flammability, corrosiveness and other hazardous characteristics.

For the transportation of hazardous wastes under RCRA, Section 3002 requires the Administrator to develop standards for generators/shippers of hazardous wastes concerning labeling practices for any containers used for storage, transport, or disposal that will identify accurately such wastes; use of appropriate containers, and use of a manifest system to assure that all hazardous waste generated is designated for treatment, storage or disposal to a permitted hazardous waste management facility. The manifest as defined by the Act means the form used for identifying the quantity, composition, and the origin, routing, and destination of hazardous waste during its transportation from the point of generation to the point of disposal, treatment, or storage. Section 3003 requires the Administrator to develop standards for transporters of hazardous waste concerning recordkeeping, transportation of hazardous wastes only if properly labeled, compliance with the manifest system and transportation of all the hazardous wastes to the designated permitted facility. In addition, the Administrator is considering the development of standards for the acceptance of hazardous waste for transport, loading and stowage of hazardous wastes, notification in the event of a spill and spill reporting, marking and placarding of vehicles, and notification of the transportation of hazardous wastes.

Many of the standards being considered under RCRA for transportation are currently required under HMTA. Specifically, definition of a hazardous material (waste), labeling, placarding, packaging, manifest (shipping document) spill notification and reporting, and loading and stowage. In addition, HMTA has provisions for the development of standards concerning recordkeeping and registration.

In December of 1976 the Department of Transportation evidenced concern for the development of regulations for hazardous waste transporters. HM-145, Environmental and Health Effects Materials Advance Notice of Proposed Rulemaking, published December 9, 1976, in the FEDERAL REGISTER, presented several questions concerning hazardous wastes: "with regard to hazardous wastes, what classification system may be used to clearly identify mixtures as opposed to single compound materials; what packaging may be appropriate for transportation; and how existing transportation documentation can be used to cover transport of hazardous wastes from the generator (shipper) to the disposer (consignee)." Several comments were received expressing concern for the development of hazardous waste transportation regulations by both EPA and DOT.

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## PROPOSED RULES

## DISCUSSION TOPICS

A one-day public meeting will be held on October 26, 1977, to solicit public, industry, State and local government comment on the regulation of hazardous waste transportation by the Department of Transportation and the Environmental Protection Agency. The public meeting will begin at 9:30 a.m. at the Ramada O'Hare Inn, Mannheim and Higgins Road, Des Plaines, Ill. 312-827-5131. Interested members of the public; representatives of industry that ship as well as transport hazardous materials (waste); entities, both public and private, that respond to transportation emergencies; State and local governments; and firms that receive hazardous wastes for storage, treatment, and disposal are urged to attend and respond to any or all of the discussion topics listed below, as well as any other issues concerning the regulation of hazardous waste transportation.

The meeting is open to the public and will be conducted by a panel from the U.S. Environmental Protection Agency and the U.S. Department of Transportation.

The following procedural rule will apply. The Chairman of the panel is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, to schedule presentations by participants, and to exclude material which is irrelevant, extraneous, or repetitious. The time allotment for oral statements shall be at the discretion of the Chairman, but shall not ordinarily exceed 15 minutes. With the permission of any person offering a statement, questions may be asked by members of the panel. At the discretion of the Chairman, a procedure may be made available for presentation of pertinent questions from other persons or participants. Individuals with prepared statements are requested to bring at least one copy for the record. Persons unable to attend, but wishing to comment on the Discussion Topics, are invited to send written comments to the address below by November 9, 1977.

A transcript of the meetings will be made and a copy of the transcript, together with copies of all documents presented at the meeting, and all written submissions will constitute the record of the meeting. A copy of the record of the meeting will be available for public inspection by December 16, 1977, at the U.S. Environmental Protection Agency, Office of Solid Waste, Hazardous Waste Management Division, Docket Section, Room 2111, 401 M Street, S.W., Washington, D.C. 20460 and at the Department of Transportation, Room 6500, Trans Point Building, 2100 Second Street, S.W., Washington, D.C. 20590.

Anyone desiring additional information on the meeting or wishing to be placed on the program to present a statement is requested to contact: Mrs. Geraldine Wyr, Public Participation Officer, Office of Solid Waste, WH-462, U.S. Environmental Protection Agency, Washington, D.C. 20460. Phone: 202-755-9157 before October 21, 1977.

1. Regulations being developed by the Environmental Protection Agency and existing regulations of the Department of Transportation impact the transportation of hazardous wastes. Which Agency should take the lead in developing the regulations for hazardous waste transportation? What approach should be taken? Should DOT modify its definition of hazardous materials to include all hazardous wastes? (Wastes which are bioaccumulative, toxic above current DOT definition levels, infectious, carcinogens, or having potential for genetic change are likely to be identified under RCRA as hazardous wastes and are not currently covered by the DOT Hazardous Materials Regulations.) Should EPA then incorporate DOT regulations by reference or should EPA consider a separate set of regulations to supplement the gaps in DOT regulatory coverage, in that EPA regulations would cover only wastes which are hazardous, not all hazardous materials?

2. If DOT does modify its definition of hazardous materials to include all hazardous wastes, should DOT regulations specifically address the transportation of hazardous wastes or treat them the same as hazardous materials that are bioaccumulative, toxic, infectious, carcinogenic, etc.?

3. Section 3002 of RCRA requires the development of a manifest (shipping paper) to assure that the hazardous waste is designated to a permitted hazardous waste management facility and that all the hazardous waste is delivered to that facility. Should DOT modify its shipping paper requirements to fulfill the needs of the RCRA manifest or should EPA develop requirements to supplement existing shipping paper requirements (including the possibility of a separate document)?

4. Are the current DOT requirements for labeling, marking and placarding sufficient for handling of hazardous waste in transportation? For those hazardous wastes which will not fall under DOT purview, should EPA develop labels and placards of separate design or should DOT develop the labels and placards for these hazardous wastes that are compatible with current DOT design?

5. HMTA authorizes the registration of anyone transporting hazardous materials; RCRA requires notification of the transportation of hazardous wastes. Should registration requirements be developed for transporters of hazardous wastes?

6. In the event of an accident or a spill of a hazardous material during loading, transportation, or unloading, DOT requires notification of the incident and the filing of a report. For the spill of hazardous waste, EPA is also considering similar requirements. Should notification of spills be directed to EPA, DOT (Office of Hazardous Material Operations), or the U.S. Coast Guard National Emergency Response Center? Should EPA and DOT receive incident reports

(DOT for hazardous materials and EPA for hazardous wastes), or should all reports be filed with DOT (even when spilled hazardous wastes are not covered by DOT regulation)?

7. In the event of a spill, the material cleaned up may become a hazardous waste. Should DOT or EPA develop the regulations for handling the spilled hazardous material?

8. HMTA authorizes DOT to require training to be conducted by shippers and transporters of hazardous materials. Are training programs necessary relative to emergency response and cleanup of hazardous wastes specifically? If so, to what extent should they be required?

9. Since hazardous wastes are mixtures or may be mixed during collection for transportation, is it necessary for DOT to modify its loading and stowage requirement to address the mixing and stowage of incompatible wastes?

10. Any other comments relevant to the development of regulations for transportation of hazardous wastes by the Department of Transportation and the Environmental Protection Agency are welcome.

Dated: September 22, 1977.

THOMAS C. JORLING,  
Assistant Administrator  
for Water and Hazardous Materials.  
ALAN I. ROBERTS,  
Director, Office of  
Hazardous Material Operations.

[FR Doc. 77-28591 Filed 9-28-77; 8:45 am]

## [4310]

## DEPARTMENT OF THE INTERIOR

## Office of Hearings and Appeals

## [43 CFR Part 4]

## REVISION OF PROCEDURES FOR PROCESSING COAL MINE HEALTH AND SAFETY DISCRIMINATION CASES

AGENCY: Office of Hearings and Appeals, Department of the Interior.

ACTION: Notice of proposed rulemaking.

SUMMARY: Section 110 (b) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. § 820) provides miners, who believe they have been discharged or otherwise discriminated against because they have reported alleged health or safety violations or dangers to the Mining Enforcement and Safety Administration (MESA) or initiated or testified in a proceeding brought under the Act, the right to file an application for review of the discriminatory actions they feel have been taken against them. These proposed rules are designed to allow for greater leeway in the present 30-day time period set for filing an application. They also provide for an investigation by MESA of each § 110(b) application filed and give MESA the right to intervene in § 110(b) cases. DATE: Written comments, suggestions, and objections must be received by October 31, 1977.

ADDRESSES: Written comments, suggestions, and objections should be sent to Thomas A. Mascolino, Assistant Solicitor, Administrative Litigation, Office of the Solicitor, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203, or to David Torbett, Acting Director, Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Va. 22203.

## FOR FURTHER INFORMATION CONTACT:

W. Michael Hackett, Trial Attorney, Office of the Solicitor, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Va. 22203. (703-235-1171).

## SUPPLEMENTARY INFORMATION:

Under the provisions of § 508 of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. § 957), the Secretary of the Interior has the authority to issue such regulations as are deemed appropriate to carry out the functions of the Act. Based on this authority, it is proposed that Part 4, Subtitle A, Title 43, Code of Federal Regulations, be amended as set forth below.

Proposed § 4.560a will be added specifying MESA's right to intervene in § 110 (b) cases without requiring the permission of an Administrative Law Judge or the Board of Mine Operations Appeals.

Section 4.513 presently requires MESA and other potential intervenors to set forth an interest in the proceeding and show that their participation will assist in the determination of issues in question in order to convince the Administrative Law Judge or the Board of Mine Operations Appeals they are entitled to intervention status. Section 4.513 will be revised to allow MESA an absolute right to intervene in § 110(b) cases as provided in § 4.560a.

Proposed § 4.564 will require MESA to conduct an investigation into each application filed under § 110(b). Presently, MESA is not conducting investigations into each § 110(b) case. Section 4.564 will also require MESA to prepare a report of its investigation within 60 days and file that report with the Office of Hearing and Appeals. Copies will be sent to the miner and the coal mine operator or to their representatives.

Section 4.561 presently requires an application for review to be filed within 30 days after the alleged discriminatory discharge or other act of discrimination. The proposed rule will allow for late filing where extenuating circumstances exist or where the applicant has filed an action under grievance-arbitration proceedings or a complaint with another agency. The determination whether extenuating circumstances exist will be made by the Administrative Law Judge or the Board of Mine Operations Appeals.

Proposed § 4.561a(a) will direct the applicant to file his application with the Office of Hearings and Appeals, but will make delivery within the 30-day period to any MESA office of the Associate So-

## PROPOSED RULES

licitor, Division of Mine Health and Safety, acceptable since the application will then be promptly forwarded to the Office of Hearings and Appeals.

Proposed §§ 4.562(c) and 4.562(d) add two new paragraphs which will require copies of all pleadings and papers to be served on the Associate Solicitor, Division of Mine Health and Safety, and to be promptly delivered from the Office of Hearings and Appeals to the Associate Solicitor when distribution to the Associate Solicitor is not shown.

The Department of the Interior has determined that this document does not contain a major proposal requiring the preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

## DRAFTING INFORMATION

The principal persons responsible for preparation of this notice are: W. Michael Hackett, Trial Attorney, Office of the Solicitor, and Kate O'Beirne, Attorney-Adviser, Board of Mine Operations Appeals.

Dated: September 21, 1977.

JAMES A. JOSEPH,  
Under Secretary of the Interior.

Accordingly, it is proposed to amend 43 CFR Part 4 as follows:

1. By revising the last sentence in § 4.513 to read:

§ 4.513 Intervention.

• • • The Administrative Law Judge or the Board of Mine Operations of Appeals may grant or deny petitions for intervention or may permit intervention limited to a particular stage of the proceeding, except as provided in § 4.560a for intervention by the Mining Enforcement and Safety Administration as a matter of right.

2. By adding § 4.560a to read:

§ 4.560a Intervention by the Mining Enforcement and Safety Administration under § 110(b) of the Act.

Notwithstanding § 4.513, the Mining Enforcement and Safety Administration may intervene at any time in any proceeding brought to review an alleged discriminatory discharge or other act of discrimination pursuant to section 110(b) of the Act. Such intervention shall be deemed to be a matter of right and the Mining Enforcement and Safety Administration shall not be required to obtain permission to intervene from the Administrative Law Judge or the Board of Mine Operations Appeals. Such right of intervention shall include the right of the Mining Enforcement and Safety Administration to participate in discovery procedures to the same extent as would be allowed any party.

3. By revising § 4.561 to read:

§ 4.561 When to file.

(a) An application for review of an alleged discriminatory discharge or other act of discrimination shall be filed within 30 days after the alleged discriminatory activity has occurred. How-

ever, where the Administrative Law Judge or the Board of Mine Operations Appeals find extenuating circumstances exist, or where the applicant has, within the 30-day period resorted to grievance-arbitration proceedings under a collective bargaining agreement or filed a complaint regarding the same general subject with another agency, an application may be filed after the 30-day period, but shall be filed within 30 days after the completion of such other proceeding or the resolution of such complaint.

(b) An application for compensation shall be filed within 45 days after the date of issuance of the withdrawal order which gives rise to the claim.

4. By adding new § 4.561a to read:

§ 4.561a Where to file.

(a) An application for review of an alleged discriminatory discharge or other act of discrimination shall be filed with the Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Va. 22203. Such application may be delivered to any office of the Mining Enforcement and Safety Administration or to the Associate Solicitor, Division of Mine Health and Safety, which shall promptly forward the application to the Office of Hearings and Appeals for filing. Delivery to any designated office other than the Office of Hearings and Appeals shall operate to toll the 30-day period.

(b) An application for compensation shall be filed with the Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Va. 22203.

5. By adding paragraphs (c) and (d) to § 4.562 to read:

§ 4.562 Contents of application.

(c) Copies of all pleadings and papers filed shall be served by the parties on each other and upon the U.S. Department of the Interior, Office of the Solicitor, Associate Solicitor, Division of Mine Health and Safety, 4015 Wilson Boulevard, Arlington, Va. 22203.

(d) In the event the Office of Hearings and Appeals receives an application filed under § 110(b) of the Act which does not show distribution to the Associate Solicitor, Division of Mine Health and Safety, a copy of the application shall promptly be provided by that office to the Associate Solicitor, Division of Mine Health and Safety.

6. By adding § 4.564 to read:

§ 4.564 Investigation and report in § 110(b) cases.

Within 60 days after service of an application for review of an alleged discriminatory discharge or other act of discrimination, or within such other period of time as may be designated by the Administrative Law Judge or the Board of Mine Operations Appeals, the Mining Enforcement and Safety Administration shall investigate the facts and circumstances surrounding the alleged discriminatory discharge or other act of discrimination and file a report of the investigation with the Office of Hear-

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ings and Appeals. Such report of investigation shall be included as part of the official record in the proceeding. Copies of the report shall be served on each of the parties.

(Sec. 508, Pub.L. 91-173; 83 Stat. 803 (30 U.S.C. 957).)

[FR Doc. 77-28658 Filed 9-28-77; 8:45 am]

# [ 6712-01 ]

## FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 67 ]

[ Docket No. 20981; FCC 77-660 ]

### JURISDICTIONAL SEPARATIONS Impact of Customer Provision of Terminal Equipment

AGENCY: Federal Communications Commission.

ACTION: Memorandum Opinion and Order, Docket 20981.

SUMMARY: Chief, Common Carrier Bureau authorized to conduct the routine affairs of the Docket 20981 Joint Board. Commission ex parte rules apply to State Commission members of the Joint Board and their staffs. Joint Board is in a study phase.

DATE: N/A.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Paul S. Darling, Common Carrier Bureau (202-632-5550).

[42 FR 46389]

#### MEMORANDUM OPINION AND ORDER

Adopted: September 22, 1977.

Released: September 28, 1977.

By the Federal-State Joint Board:

1. This Joint Board was convened to develop recommendations in an inquiry into the revisions, if any, which should be made in the prescribed jurisdictional separations procedures in order to compensate for any shift in revenue requirements and/or distribution of revenues amongst the telephone companies which might result when the customer provides his own terminal equipment.<sup>1</sup> In furtherance of this objective the staff members assigned to work on this Joint Board conducted a meeting in Denver, Colorado, on July 27 and 28, 1977. At that meeting the staff described various studies which had been undertaken to develop recommendations that the staff would make to the Joint Board. These

<sup>1</sup> Customer Provision of Terminal Equipment, 63 FCC 2d 202 (1976); Terminal Equipment/Jurisdictional Separations, 64 FCC 2d 733 (1977).

<sup>2</sup> The minutes of this staff meeting have been made part of the record of this proceeding. These minutes are available for public inspection in the Commission's Reference Room at its headquarters at 1919 M Street NW., Washington, D.C.

studies and recommendations will provide the Joint Board with a focus from which it can develop further procedures to meet the mandate of the Commission. We encourage the staff to continue these studies and report their results to the Joint Board in an expeditious manner. Following review of the staff recommendations and studies, the Joint Board will promulgate such procedures, e.g. comment and reply pleadings, oral testimony, evidentiary hearings, as may be appropriate for the successful future of this Joint Board proceeding.<sup>3</sup>

2. Inquiries have been addressed to the Joint Board concerning how the routine matters that develop in rule making proceedings will be dealt with and whether ex parte rules apply to the Joint Board proceeding. This Joint Board was convened to prepare a recommended decision in a restricted rule making proceeding of the Commission. Since the Chief, Common Carrier Bureau is delegated broad authority in rule making proceedings before the Commission, we believe he is authorized to conduct routine matters of this Joint Board including ruling on requests for extensions of time. In the event matters are raised requiring full Joint Board action, the Chief, Common Carrier Bureau is authorized to record the votes of the Joint Board members by means of telephone inquiry. As we previously noted, this proceeding is one phase of a restricted rule making. See § 1.1207 of the Commission's rules and regulations. Therefore the Commission's ex parte rules apply to this Joint Board proceeding. While the Commission's rules only identify decisionmaking Commission personnel, since the State Commissioners appointed to the Joint Board fully participate in the decision-making process, they and their designated staffs are considered decision-making personnel fully subject to the provisions of the Commission's ex parte rules. To avoid the possibility of an inadvertent ex parte presentation being made to the staffs of the State Commission members of this Joint Board, the State Commissioners will designate and make part of the docket file maintained at the Commission, names of those staff personnel they will utilize to assist them in this Joint Board effort. All parties are strongly encouraged to review the rules, 47 CFR 1.1201-1.1251.<sup>4</sup>

3. It is ordered, That the routine matters concerning this proceeding will be dealt with by the Chief, Common Carrier Bureau. The Chief, Common Carrier Bureau is authorized to solicit and record the votes of the Joint Board via telecommunications for matters requiring Joint Board action.

4. It is further ordered, That one copy of all submissions to the staff of this Joint Board shall be filed with the Sec-

<sup>3</sup> The Commission's rules and regulations pertaining to rulemaking procedures apply to this Joint Board.

<sup>4</sup> Persons supplying data to the staff members conducting the studies herein, shall file one copy of their submissions with the Secretary of the Commission.

retary, Federal Communications Commission. Copies of all filings in this proceeding shall be available for public inspection during regular business hours in the Commission's Reference Room at its headquarters at 1919 M Street NW., Washington, D.C.

FEDERAL COMMUNICATIONS COMMISSION,

VINCENT J. MULLINS,

Secretary.

[FR Doc. 77-28732 Filed 9-28-77; 8:45 am]

# [ 6712-01 ]

[ 47 CFR Part 67 ]

[ Docket No. 21263; FCC 77-658 ]

### JURISDICTIONAL SEPARATIONS

Integration of Rates and Services for the Provision of Communications by Authorized Common Carriers Between the United States Mainland and Hawaii, Alaska, and Puerto Rico/Virgin Islands

AGENCY: Federal Communications Commission.

ACTION: Memorandum Opinion and Order, Docket 21263.

SUMMARY: The Federal-State Joint Board authorized the Chief, Common Carrier Bureau to handle the routine matters of the Board. A study phase was initiated. Parties wishing to be put on service list to file notice of intent to participate.

DATES: Notice of intent to file due 20 days after FEDERAL REGISTER publication.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Francis L. Young, Common Carrier Bureau (202-632-5550).

[42 FR 46372]

#### MEMORANDUM OPINION AND ORDER

Adopted: September 22, 1977.

Released: September 28, 1977.

By the Federal State Joint Board:

1. By "Notice of Inquiry, Proposed Rule-Making and Creation of Federal-State Joint Board," FCC 77-365, released June 7, 1977, reconsideration denied, FCC 77-615, released September 7, 1977, the Commission convened this Joint Board to prepare a recommended decision for its consideration for the purpose of establishing the separations procedures applicable to Alaska and Hawaii. The Joint Board having convened is now in a position to establish the procedures under which it will operate and which will enhance the development of information required for the preparation of a recommended decision.

2. This proceeding is a result of the Commission's rate integration policy which is designed to eliminate the distinctions in levels of charges and rate patterns between the mainland and Alaska and Hawaii. The Commission has stated that it anticipates that full implementation of rate integration will re-

sult in the affected carriers participating in the division of revenues in the interstate revenue pool on the same basis as mainland companies, e.g., the recovery of their costs associated with the provision of interstate service and a rate of return. "Reconsideration of Integration of Rates and Services," FCC 77-364, released June 6, 1977. To accomplish this goal the carriers must separate their interstate costs on the basis of a prescribed methodology. Although the current Separations Manual is the basis for Alaska intrastate settlements, no methodology has been prescribed for Alaska and Hawaii interstate separations. Therefore, this Joint Board was convened pursuant to section 410(c) of the Communications Act of 1934, as amended.

3. The notice creating this Joint Board clearly pointed out the Commission's initial impression that the jurisdictional separations procedures applicable on the mainland should also pertain to the carriers providing message telephone service to Alaska and Hawaii. (FCC 77-365, para. 4.) The Commission did, however, point out that some of the affected carriers and governments expressed concerns that the existing NARUC-FCC Manual, which incorporate the "Ozark Plan" may require modification. The Joint Board does not presently have a record on which to draw any conclusions. We are instructing the staff of this Joint Board to prepare recommendations concerning what information should be obtained to develop an adequate record in this proceeding. After review of these staff recommendations, the Joint Board will adopt appropriate specific procedures to develop the record.

4. A service list will be prepared for this Joint Board proceeding. Parties who desire to file and be filed on are requested to file with the Commission a notice of intent to file and be filed on within 20 days of publication of this order in the FEDERAL REGISTER. The notice should contain the address to which service should be executed. Failure to file such a notice will not preclude any person from filing comments or replies, however, other parties who have filed such notice will not be required to file copies of their comments and replies of such persons. Unless otherwise ordered an original and 6 copies of all documents filed shall be filed in the Commission's offices, and an additional copy shall be filed with each of the State Commissioners serving as participants on this Joint Board. The service list will contain addresses for each of these Commissioners.

5. Inquiries have been addressed to the Joint Board concerning how the routine matters in this proceeding will be dealt with and whether ex parte rules apply to the Joint Board proceeding. This Joint Board was convened to prepare a recommended decision in a restricted rule making proceeding of the Commission. Since the Chief, Common Carrier Bureau is delegated broad authority in rule mak-

ing proceedings before the Commission, we believe he is authorized to conduct the routine matters of this Joint Board including ruling on requests for extensions of time. In the event matters are raised requiring full Joint Board action, the Chief, Common Carrier Bureau is authorized to record the votes of the Joint Board members by means of telephone inquiry. As we previously noted, this proceeding is one phase of a restricted rule making. See § 1.1207 of the Commission's rules and regulations. Therefore, the Commission's ex parte rules apply to this Joint Board proceeding. While the Commission's rules only identify decision-making Commission personnel, the State Commissioners appointed to the Joint Board fully participate in the decision making process. Therefore, they and their designated staffs are to be considered decision-making personnel fully subject to the provisions of the Commission's ex parte rules. To avoid the possibility of an inadvertent ex parte presentation being made to the staffs of the State Commission members of this Joint Board, the State Commissioners will designate and make part of the docket file maintained at the Commission, names of those staff personnel they will utilize to assist them in this Joint Board effort. All parties are strongly encouraged to review the rules, 47 CFR §§ 1.1201-1.1251.

6. Accordingly, it is ordered, That any interested party may file, within 20 days of publication of this order in the FEDERAL REGISTER, a notice of intention to participate. The Joint Board shall then issue a Public Notice stating the names of parties intending to participate herein. All comments, replies, and other submissions in this proceeding shall be served on all parties listed in the Public Notice.

7. It is further ordered, That all participants shall file an original and six copies of all comments, replies, or other submissions with the Secretary, Federal Communications Commission and one copy with each of the State Commission members at addresses specified by them. Copies of all filings in this proceeding shall be available for public inspection during regular business hours in the Commission's Reference Room at its headquarters at 1919 M Street NW., Washington, D.C.; and

8. It is further ordered, That the routine matters concerning this proceeding will be dealt with by the Chief, Common Carrier Bureau. The Chief, Common Carrier Bureau is authorized to solicit and record the votes of the Joint Board via telecommunications for matters requiring Joint Board action.

FEDERAL COMMUNICATIONS COMMISSION,

VINCENT J. MULLINS,

Secretary.

[FR Doc. 77-28733 Filed 9-28-77; 8:45 am]

# [ 6712-01 ]

[ 47 CFR Part 73 ]

[ Docket No. 21404; RM-2923 ]

### FM BROADCAST STATION IN GARBERVILLE, CALIF.

Proposed Changes in Table of Assignments  
AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rule making.

SUMMARY: Action taken herein proposes the assignment of a first FM channel to Garberville, California. Petitioner, Daniel J. Healy, states that the proposed station would provide a first local aural broadcast service to the community.

DATES: Comments must be received on or before November 7, 1977, and reply comments must be received on or before November 28, 1977.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: September 21, 1977.

Released: September 28, 1977.

In the matter of amendment of section 73.202(b), table of assignments, FM broadcast stations. (Garberville, California); Docket No. 21404, (RM-2923).

1. The Commission has before it a petition<sup>1</sup> filed by Daniel J. Healy ("petitioner"), requesting the assignment of Channel 261A to Garberville, California, as its first FM channel assignment. Channel 261A could be assigned to Garberville in conformity with the minimum distance separation requirements. No oppositions to the petition have been filed.

2. Garberville (pop. 900)<sup>2</sup>, is an unincorporated community located some 257 kilometers (160 miles) northwest of Sacramento, California. It has no local aural broadcast service, but petitioner indicates that it receives service from Station KFMI (FM), Eureka and daytime-only AM Station KNCR, Fortuna, California.

3. Petitioner states that Garberville and the surrounding communities within fifteen miles have a population of approximately ten thousand permanent

<sup>1</sup> Public Notice was given of the petition on July 26, 1977, Report No. 1066.

<sup>2</sup> Taken from the 62nd Edition of the Rand McNally Road Atlas. Unincorporated communities under 1,000 population are not listed by the census.



residents.<sup>2</sup> He notes that it is a popular recreational area whose population increases to between 50,000 and 80,000 during the months of June through October. Petitioner asserts that Stations KFMI (FM) and KNCR, which serve Garberville, have specialized formats and neither station has regular news and information programming directed to Garberville and its surrounding communities. He states that persons who were interviewed in the Garberville area expressed an interest in having access to local news and general programming. Petitioner further adds that the California Highway Patrol, Forestry Service, Superintendent of Schools, and the Sheriff of Humboldt County, indicated they would welcome an outlet for information concerning road and weather conditions, camping space for summer-time tourists, etc.

4. An initial review of the petition appears to indicate a need for a first local aural broadcast service in Garberville which is located in an area of California with few radio services. The proposal is being advanced for the purpose of determining whether such an assignment is warranted, however. Thus, there is a need for the petitioner to submit additional information which would assist the Commission in determining whether the proposed channel assignment would be in the public interest. Petitioner is therefore requested to submit the following information in his comments:

(a) Information which demonstrates whether Garberville in fact is a community. This information should include a description of governmental structure, and social and economic activities.

(b) Clarification of his claim that the population of the area is between 50,000 and 80,000 between the months of June and October by indicating whether these figures apply to the total population for these months or whether they apply only to a certain segment of this period. If the population data is the aggregate figure, the population that is expected during any one time period should be submitted.

(c) The 1970 United States Census Minor Civil Division of Humboldt County indicates that the Garberville Division has a population of 5,026. Petitioner should submit information as to the permanent population of the unincorporated area in which he claims Garberville is situated, the unofficial boundary of the community and the location of the community relative to any neighboring incorporated communities.

5. In view of the above, the Commission proposes to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, with regard to Garberville, California:

City	Channel No.	
	Present	Proposed
Garberville, Calif.....		261A

6. The Commission's authority to institute rulemaking proceedings; show-

<sup>2</sup> This figure is indicated to be the estimate given by the Garberville Postmaster.

ings required; cut-off procedures; and filing requirements are contained in the attached Appendix and are incorporated herein.

NOTE.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before November 7, 1977 and reply comments on or before November 28, 1977.

FEDERAL COMMUNICATIONS  
COMMISSION,  
WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.  
APPENDIX

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(8) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponents of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission's Rules.)

(b) With respect to petitions for rulemaking which conflict with the proposal(s) in this Notice, the will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b), and (c) of the Commission's Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply

comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc.77-28656 Filed 9-28-77;8:45 am]

[ 6712-01 ]

[ 47 CFR Part 73 ]

[Docket No. 21403; RM-2888]

# FM BROADCAST STATION IN MANTI, UTAH

Proposed Changes in Table of Assignments  
AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rule making.

SUMMARY: Action taken herein proposes the assignment of a Class C channel assignment to Manti, Utah, as its first FM assignment. Petitioner, Sanpete County Broadcasting Co., states that the proposed assignment would provide a first or second FM service to a substantial area.

DATES: Comments must be received on or before November 7, 1977. Reply comments must be received on or before November 28, 1977.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

## SUPPLEMENTARY INFORMATION:

Adopted: September 21, 1977; Released: September 28, 1977.

In the matter of amendment of section 73.202(b), table of assignments, FM broadcast stations, (Manti, Utah); Docket No. 21403, (RM-2888).

1. *Petitioner, Proposal, Comments—* (a) Notice of Proposed Rule Making is given concerning amendment of the FM Table of Assignments (Section 73.202(b) of the Commission's Rules) as it relates to Manti, Utah.

(b) Petition for rule making<sup>1</sup> was filed on behalf of Sanpete County Broadcasting Company ("petitioner"), licensee of AM Station KMTI, Manti, Utah, seeking the assignment of Channel 286 to Manti, Utah. No responses to the petition have been filed.

2. *Community Data—*(a) *Location.* Manti is located in Sanpete County, approximately 168 kilometers (105 miles) south of Salt Lake City, Utah.

(b) *Population.* Manti—1,803; Sanpete County—10,976.<sup>2</sup>

<sup>1</sup> Public Notice was given of the petition on May 24, 1977 (Report No. 1048).

<sup>2</sup> Population figures are taken from the 1970 U.S. Census.

(c) *Local Broadcast Service.* Manti currently has only one local broadcast facility, full-time AM Station KMTI, licensed to the petitioner.

(d) *Economic Data.* Petitioner states that the chief industry in Manti and surrounding area, which is substantially all of Sanpete County, is agriculture. It notes that other industry in the county includes clothing and apparel concerns, mobile homes and recreation vehicle production. Petitioner has also submitted information with respect to education, churches and recreational facilities. It states that it will apply for the channel, if assigned.

3. *Preclusion Studies.* Petitioner's preclusion study shows twenty-four communities of population greater than 1,000 located in the preclusion area created by the proposed assignment. Five of these have commercial FM stations or channel assignments. It shows that the remaining nineteen<sup>3</sup> have Class A or Class C channels available for assignment.

4. *Additional Considerations.* Petitioner states that there is presently no FM station operating in or serving the population of Sanpete County. It notes that the county is large in area and the communities are distributed substantially throughout the county, and it is for this reason it urges that a Class C channel must be used in order to guarantee that service can be rendered not only to Manti but to all of the populations in Sanpete County. In its Roanoke Rapids/Anamosa study it shows that a Class C station operating with effective radiated power of 25 kilowatts and antenna height of 56 meters (183 feet) would provide a first FM service to a population of 4,645 in an area of 1,378 square kilometers (532 square miles) and a second FM service to a population of 5,699 in an area of 2,793 square kilometers (1,078 square miles). A first nighttime aural service would be provided to a population of 2,845 in an area of 1,248 square kilometers (482 square miles) and a second nighttime aural service to a population of 7,500 in an area of 2,923 square kilometers (1,128 square miles).

5. Based on an examination of petitioner's proposal, there appears to be a basis for considering an exception to our general policy of assigning Class C channels only to larger communities. This has been done in other cases to provide a channel to small isolated communities when the density of the population in the area to be served is low and its distribution is scattered.

6. Accordingly, the Commission proposes to amend the FM Table of Assignments (Section 73.202(b) of the Com-

<sup>3</sup> Nevada: McGill (pop. 2,164); Utah: Delta (1,610); Fillmore (1,411); Green River (1,033); Gunnison (1,073); Salina (1,494); Helper (1,964); Mt. Pleasant (1,516); Milford (1,304); Beaver (1,453); Nephi (2,699); Ephraim (2,127); Moab (4,793); Panguitch (1,318); Parowan (1,423); Santaquin (1,236); Kanab (1,381); Monticello (1,431); and Roosevelt (2,005).

mission's Rules) with regard to Manti, Utah, as follows:

City	Channel No.	
	Present	Proposed
Manti, Utah.....		286

7. The Commission's authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before November 7, 1977, and reply comments on or before November 28, 1977.

FEDERAL COMMUNICATIONS  
COMMISSION,  
WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.  
APPENDIX

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(8) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments.

Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc.77-28670 Filed 9-28-77;8:45 am]

## DEPARTMENT OF TRANSPORTATION

Office of Hazardous Materials Operations

[ 49 CFR Parts 170-179 ]

[Docket No. HM-145-A]

## DEVELOPMENT OF REGULATIONS FOR THE TRANSPORTATION OF HAZARDOUS WASTE

### Joint Public Meeting

CROSS REFERENCE: For a document concerning a public meeting to be held jointly by the Department of Transportation and the Environmental Protection Agency on the subject of rulemaking under the Resource Conservation and Recovery Act of 1976, see FR Doc. 77-28591 under the Environmental Protection Agency in the Proposed rules section of this issue.

[ 4910-59 ]

National Highway Traffic Safety  
Administration

[ 49 CFR Part 581 ]

[Docket Nos. 73-19, 74-11; Notices 20, 23]

### BUMPER STANDARD

#### Damageability Requirements

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend 49 CFR Part 581, Bumper Standard, to permit a limited amount of damage to filler panels and stone shields on vehicles manufactured on or after September 1, 1979. The proposed amendment is in response to petitions for reconsideration which asserted that production of filler panels and stone shields that would incur no damage during testing would be very expensive and not provide consumers with commensurate benefits.

DATES: Comments must be received on or before October 31, 1977.

EFFECTIVE DATE: The amendment would be added immediately to the text of the standard and would be effective September 1, 1979.



ADDRESSES: Comments should refer to the docket number and be submitted to: Room 5108 Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Tim Hoyt, Office of Crashworthiness, Motor Vehicle Programs, NHTSA, 400 Seventh Street SW., Washington, D.C. 20590 (202-426-2264).

**SUPPLEMENTARY INFORMATION:** On March 4, 1976, the National Highway Traffic Safety Administration (NHTSA) published a notice (41 FR 9346) establishing a new bumper standard limiting damage to vehicle bumpers and other vehicle surfaces in low-speed crashes. Petitions for reconsideration of that notice were submitted by several motor vehicle manufacturers. General Motors (GM), Chrysler, and American Motors (AM) objected to the NHTSA's interpretation that filler panels and stone shields were exterior vehicle surfaces and therefore prohibited from experiencing damage during the prescribed test impacts. The petitioners contended that filler panels and stone shields were actually parts of the bumper system and, as such, should be permitted to sustain the same degree of damage allowed for the bumper face bar and those components that participate in its attachment to the vehicle frame.

The agency found merit in the petitioners' arguments and granted their requests in the FEDERAL REGISTER notice responding to petitions for reconsideration of Part 581 (42 FR 24056); May 12, 1977). In that notice the NHTSA categorized filler panels and stone shields as components of the bumper system that would be permitted to incur unlimited damage on vehicles manufactured from September 1, 1978, until September 1, 1979. The agency's decision was based upon assertions by petitioners that bumper stroke during impact testing causes unavoidable surface scratches, abrasions, and displacements which could be eliminated only by using expensive materials and mounting techniques. Although the filler panel and stone shield material is generally sufficiently flexible to withstand impacts without permanently losing its shape, damage to the bumper face bar often results in some damage to the filler panel and stone shield. It was the agency's conclusion that permitting damage to those components would not significantly degrade the level of performance required for vehicles manufactured after September 1, 1978, primarily because filler panels and stone shields are less visible than the bumper, which is permitted to incur damage.

The May 12, 1977, notice did not make a determination regarding damage criteria for filler panels and stone shields on vehicles manufactured after September 1, 1979. It was stated in that notice that the agency would address in a future notice the application of damage criteria to those components. This notice speaks to the performance of filler panels and stone shields on vehicles manufactured after September 1, 1979.

Part 581 currently requires passenger cars manufactured after September 1, 1979, to be capable of incurring prescribed impacts without sustaining damage to vehicle surface areas other than the bumper face bar. The bumper face bar may not sustain damage exceeding  $\frac{3}{8}$  inch dent and  $\frac{3}{4}$  inch set. The effect of these requirements is to prohibit damage to filler panels and stone shields while permitting limited damage to the bumper face bar. As was indicated in the May 12 notice, damage to the bumper face bar is quite likely to cause damage to the filler panel and stone shield components because of their location. Filler panels and stone shields serve as essentially cosmetic components that cover the bumper shock absorber units. Since filler panels and stone shields have low visibility and would require expensive redesign to prevent damage in low-speed impacts, the agency hereby proposes to amend Part 581 to permit damage to filler panels and stone shields on vehicles manufactured after September 1, 1979.

Two alternative damage levels are proposed. The first alternative would permit damage to filler panels and stone shields not to exceed  $\frac{3}{4}$  inch from their original contours. This level of damage coincides with the amount of permanent set permitted to the bumper face bar. The other alternative would permit unlimited damage to filler panels and stone shields. Given the limitation on damage to the bumper face bar and the use of flexible plastics to avoid damage to body panels, it would appear unlikely that any significant damage would occur to the filler panels or stone shields. However, it is recognized that the stroke of the bumper during testing could cause some significant damage to those components if certain unyielding materials are used in their construction.

Commenters are asked to focus on the costs that would be associated with compliance with both of the alternatives. Specifically, the agency is interested in the cost of producing filler panels and stone shields that meet each of the alternatives and the costs that would be necessary to replace a damaged filler panel or stone shield. The amount of damage that could be expected to occur to those components during testing is also requested. In addition, manufacturers should indicate whether an amendment allowing damage to filler panels and stone shields would reduce the costs of model changeovers undertaken to comply with fuel economy requirements. If a cost reduction would be realized, we would like to be apprised of the extent of that cost savings.

The principal authors of this notice are Tim Hoyt, Motor Vehicle Programs, and Karen Dyson, Office of Chief Counsel.

In consideration of the foregoing, it is proposed that 49 CFR Part 581, Bumper Standard, be amended as follows:

#### § 581.4 [Amended]

1. Section 581.4, Definitions, is amended by adding the following two definitions after the definition of "bumper face bar."

"Filler panel" means a component located between the top of the bumper face bar and the body panels that conceals and protects the components that structurally attach the bumper face bar to the chassis frame.

"Stone shield" means a component located between the bottom of the bumper face bar and the body panels that conceals and protects the components that structurally attach the bumper face bar to the chassis frame.

#### § 581.5 [Amended]

2. Section 581.5(b) is amended to read as follows:

(b) *Vehicles manufactured on or after September 1, 1979.* Each vehicle manufactured on or after September 1, 1979, shall meet the damage criteria of § 581.5(c)(1) through § 581.5(c)(7), and § 581.5(c)(9) through § 581.5(c)(12), when tested in accordance with the requirements of § 581.5(a).

3. Section 581.5(c)(10) is amended to read as follows:

(10) For vehicles manufactured on or after September 1, 1979, the exterior surfaces, except for the bumper face bar, filler panel, and stone shield, shall have no separations of surface materials, paint, polymeric coatings, or other materials from the surface to which they are bonded, and no permanent deviations from their original contours 30 minutes after completion of each pendulum and barrier impact.

4. Under the first alternative, a new subparagraph (12) is added to § 581.5(c), to read as follows:

(12) Thirty minutes after completion of each pendulum and barrier impact test, the filler panel and stone shield shall have no permanent deviation greater than  $\frac{3}{4}$  inch from their original contour.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted. All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a succinct and concise fashion.

In the case of comments that contain materials for which confidential treatment is requested, those materials should be deleted from the copies submitted to the docket. A copy of the complete comments should be submitted to the Office of Chief Counsel at the above address, with an indication of which portions of the comments are the subject of the request for confidentiality.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too

late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); sec. 102, Pub. L. 92-513, 86 Stat. 947 (15 U.S.C. 1912); delegations of authority at 49 CFR 1.50 and 501.8.)

Issued on September 26, 1977.

ROBERT L. CARTER,  
Associate Administrator  
Motor Vehicle Programs.

[FR Doc. 77-28819 Filed 9-27-77; 1:00 pm]

#### [ 7035-01 ]

### INTERSTATE COMMERCE COMMISSION

#### [ 49 CFR 1301 ]

[No. 30584]

### LONG-AND-SHORT-HAUL AND AGGREGATE-OF-INTERMEDIATE RATES—RAILROADS

Petition Seeking Institution of Rulemaking Proceeding to Amend 49 CFR Part 1301

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

**SUMMARY:** The Interstate Commerce Commission is proposing a rule modifying 49 CFR 1301.75 to require that applications for Fourth Section relief in connection with joint rail-steamship international tariffs ("mini-bridge operations") be filed by the railroads rather than by steamship companies acting as agents for the railroads, as is currently the practice. This action is taken pursuant to a petition of the Ports of Houston, Galveston and New Orleans together with the Alabama State Docks Department and the State of Texas. Also, the Commission is proposing an alternative modification by issuing one outstanding order granting relief from section 4 for all departures from that section which may occur now and in the future involving "mini-bridge operations." This action is proposed on the Commission's own motion.

**DATES:** Comments must be received on or before October 31, 1977.

**ADDRESSES:** Send comments to:

Office of Proceedings, Room 5342, Interstate Commerce Commission, Washington, D.C. 20423.

#### FOR FURTHER INFORMATION CONTACT:

Janice M. Rosenak, Deputy Director, or Harvey Gobetz, Assistant Deputy Director, Section of Rates, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423 (202-275-7693).

**SUPPLEMENTARY INFORMATION:** A petition was filed by the State of Texas, the Alabama State Docks Department, and the Ports of Houston, Galveston, and New Orleans requesting a rulemaking to require that applications for fourth section relief in connection with joint rail-steamship international tariffs ("mini-bridge operations") be filed by the railroads themselves rather than by the steamship companies, acting as agents for the railroads, as is currently the practice. Petitioners claim that only the railroads possess the financial information to demonstrate that the rates resulting in fourth section departures will be reasonably compensatory. Since, pursuant to 49 CFR 1301.80, such a showing must be made before the necessary relief will be granted, it may be more appropriate that the railroads themselves file for the necessary permission so that the requisite financial information will be more readily available to the Commission.

The nature of "mini-bridge operations" requires numerous requests for fourth section relief. To avoid unnecessarily frequent and repetitious filings the Commission, on its own motion, proposes to issue an outstanding order granting relief for all departures from section 4 which may occur now and in the future involving "mini-bridge operations."

This notice is issued to begin a rulemaking proceeding dealing with these proposals, to inform all interested parties, and to invite relevant comment.

The proposed rules are in the alternative since the issuance of the outstanding order would obviate the necessity for the filing of individual applications for fourth section relief in connection with individual "mini-bridge" tariff publications.

#### § 1301.75 [Amended]

Proposed Rule No. 1: 49 CFR 1301.75 shall be amended as follows: Petitions for fourth section relief in connection with joint rail-steamship international tariffs shall be filed by the railroad participants to the tariffs.

Proposed Rule No. 2: 49 CFR 1301.75 shall be amended as follows: Departures from section 4 involving joint rail-steamship international tariffs are approved by outstanding fourth section order

number ----; provided that the application shall automatically be reopened for reconsideration whenever rates established under this order are contested, by protest (including verified complaint), or in an investigation or complaint proceeding before this Commission. The proponent of the rates will then be required to justify the granting of relief from the fourth section of the Act.

The proposed rulemaking does not appear to be a major Federal action requiring preparation of an environmental impact statement under the provisions of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq. However, comments regarding environmental issues, if any, should be included in statements responding to this notice.

It is ordered: 1. The petition is granted and a rulemaking proceeding is instituted to specify what carriers are required to file for fourth section relief for "mini-bridge operations." The proceeding will also consider the issuance of an outstanding order granting fourth section relief, now and in the future, for "mini-bridge operations."

2. All Class I railroads are made respondents to this proceeding.

3. Respondents and other interested persons will file an original and 15 copies (if possible) of their views at the dates and places noted above.

4. To expedite procedures and to avoid the delay and expense associated with cross-service of pleadings by parties on each other, we only require that the above views and comments be filed with this Commission, one set of which will be available in the Secretary's Office for public inspection during regular business hours of the Commission. Because this is not an adversary proceeding, the filing of replies to the views and comments is not necessary.

This notice of proposed rulemaking is promulgated under the authority of 49 U.S.C. 4 and 5 U.S.C. 553 and 559, and was adopted formally at a Session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C. on the 20th day of September 1977.

By the Commission, Division 2, Commissioners Murphy, MacFarland, and Clapp.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 77-28734 Filed 9-28-77; 8:45 am]



# notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## [ 3410-11 ]

### DEPARTMENT OF AGRICULTURE

#### Forest Service

#### ROGUE RIVER NATIONAL FOREST 10-YEAR TIMBER MANAGEMENT PLAN

#### Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Rogue River National Forest 10-Year Timber Management Plan, USDA-FS-R6-DES (Adm)-77-14.

The environmental statement concerns a proposed revision of the current Timber Management Plan to reflect "state of the art" methods of managing the timber resource.

The draft environmental statement was transmitted to CEQ on September 21, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3210, 12th Street and Independence Avenue SW., Washington, D.C. 20013.

USDA, Forest Service, Pacific Northwest Region, 319 Southwest Pine Street, Portland, Ore. 97204.

USDA, Forest Service, Rogue River National Forest, 333 West 8th Street, Medford, Ore. 97501.

A limited number of single copies are available upon request to Forest Supervisor Donald H. Smith, Rogue River National Forest, P.O. Box 520, Medford, Ore. 97501.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Donald H. Smith, Rogue River National Forest, P.O. Box 520, Medford, Ore. 97501. Comments must be received by December 20, 1977 in order

to be considered in the preparation of the final environmental statement.

H. W. PARKER,  
*Acting Regional Environmental  
Coordinator, Planning, Pro-  
gramming, and Budgeting.*

SEPTEMBER 21, 1977.

[FR Doc 77-28594 Filed 9-28-77; 8:45 am]

## [ 3410-11 ]

### USE OF HERBICIDES IN THE EASTERN REGION

#### Notice of Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture has prepared a draft environmental statement on the use of herbicides in the Eastern Region, USDA-FS-R9-DES-(ADM)-77-10.

The environmental statement outlines guidelines and policies affecting the use of herbicides on National Forest System lands located in the States of Illinois, Indiana, Maine, Michigan, Minnesota, Missouri, New Hampshire, New York, Ohio, Pennsylvania, Vermont, West Virginia, and Wisconsin.

This draft environmental statement was transmitted to CEQ on September 19, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Rm 3231, 12th Street and Independence Ave. SW., Washington, D.C. 20250.

USDA, Forest Service, Eastern Region, 833 West Wisconsin Avenue, Milwaukee, Wis. 53203.

Allegheny National Forest, Spiridon Bldg., Warren, Pa. 16365.

Chippewa National Forest, Cass Lake, Minn. 56633.

Hawatha National Forest, P.O. Building, Escanaba, Mich. 49829.

Mark Twain National Forest, Rolla, Mo. 65401.

Nicolet National Forest, Federal Bldg., Rhinelander, Wis. 54501.

Shawnee National Forest, 317 East Poplar Street, Harrisburg, Ill. 62946.

Wayne Hoosier National Forest, 1615 J Street, Bedford, Ind. 47421.

Chequamegon National Forest, Federal Bldg., Park Falls, Wis. 54552.

Green Mountain National Forest, Federal Building, West Street, Rutland, Vt. 05701.

Huron-Manistee National Forest, 421 South Mitchell Street, Cadillac, Mich. 49601.

Monongahela National Forest, Department of Agriculture Bldg., Sycamore Street, Elkins, W. Va. 26241.

Ottawa National Forest, Ironwood, Mich. 49938.

Superior National Forest, 236 Federal Bldg., Duluth, Minn. 55801.

White Mountain National Forest, 719 Main Street, Laconia, N.H. 03246.

A limited number of single copies are available upon request to Regional Forester, USDA-Forest Service, Eastern Region, 633 West Wisconsin Avenue, Milwaukee, Wis. 53203.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Written comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Written comments concerning the proposed action and requests for additional information should be sent to the Regional Forester at the above address. Written comments must be received by November 18, 1977, in order to be considered in the preparation of the final environmental statement.

JAMES H. FREEMAN,  
*Director, Planning,  
Programming and Budgeting.*

SEPTEMBER 19, 1977.

[FR Doc 77-28684 Filed 9-28-77; 8:45 am]

## [ 3410- ]

### Office of the Secretary CRIMINAL INVESTIGATORS Authority to Administer Oaths

Pursuant to 7 U.S.C. 2217, Forest Service personnel employed as criminal investigators are hereby authorized to administer to or take from any person an oath, affirmation, or affidavit for use in any prosecution or proceeding under or in the enforcement of any law which relates to the administration and protection of the National Forest System.

BOB BERGLAND,  
*Secretary.*

SEPTEMBER 26, 1977.

[FR Doc 77-28600 Filed 9-28-77; 8:45 am]

## NOTICES

51635

## [ 3510-07 ]

### DEPARTMENT OF COMMERCE

#### Bureau of the Census

#### CENSUS ADVISORY COMMITTEE OF THE AMERICAN MARKETING ASSOCIATION

#### Notice of Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix I, (Supp. V, 1975)), notice is hereby given that the Census Advisory Committee of the American Marketing Association will convene on October 28, 1977, at 9:15 a.m. The Committee will meet in Room 2424, Federal Building 3 at the Bureau of the Census in Suitland, Md.

The Census Advisory Committee of the American Marketing Association was established in 1946 to advise the Director, Bureau of the Census, regarding the statistics that will help in marketing the Nation's products and services and on ways to make the statistics the most useful to users.

The Committee is composed of 15 members appointed by the President of the American Marketing Association.

The agenda for the meeting, which is scheduled to adjourn at 4 a.m., is:

(1) Topics of current interest at the Census Bureau, including—staff changes and Bureau organization, budget program developments, and status of programs for reduction of forms and response burden impact on the Bureau's long-range plans;

(2) Current status of 1980 census planning;

(3) Objectives of inventory surveys and program for improvement;

(4) Revised monthly business surveys—preliminary results and future plans;

(5) 1977 economic censuses:

(a) General status report,

(b) Coverage of service industries,

(c) Major retail centers program—participation of Census, and statistical areas committees, and

(d) Changes in the commodity transportation survey;

(6) Committee recommendations; and

(7) Election of chairperson-elect, selection of date, and suggestions for next meeting.

The meeting will be open to the public and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting or who wish to submit written statements may contact Mr. John R. Wikoff, Chief, Business Division, Bureau of the Census, Room 2633, Federal Building 3, Suitland, Md. (mail address: Washington, D.C. 20233), telephone 301-763-7564.

Dated: September 23, 1977.

MANUEL D. PLOTKIN,  
*Director,*

*Bureau of the Census.*

[FR Doc 77-28611 Filed 9-28-77; 8:45 am]

## [ 3510-07 ]

### SURVEY OF DISTRIBUTORS' STOCKS OF CANNED FOODS

#### Notice of Consideration

Notice is hereby given that the Bureau of the Census is planning to conduct its annual survey of inventories, covering stocks of 30 canned and bottled products, including vegetables, fruits, juices, and fish, as of December 31, 1977. This survey, which will be conducted under the provisions of title 13, United States Code, sections 182, 224, and 225, provides the only continuing source of information on stocks of the specified canned foods held by wholesalers and in warehouses of retail multiunit organizations.

On the basis of information received by the Bureau of the Census, these data will have significant application to the needs of the public, industry and the distributive trades, as well as governmental agencies. The data are not publicly available from non-governmental or other governmental sources.

This survey, if conducted, shall begin not earlier than October 28, 1977.

Reports will not be required from all firms, but will be limited to a scientifically selected sample of wholesalers and retail multi-unit organizations handling canned foods in order to provide, with measurable reliability, year-end inventories of the specified canned food items. These stocks will be measured in terms of actual cases, with separate data requested for "all sizes smaller than No. 10" and for "sizes No. 10 or larger." (In addition, multiunit firms will be requested to update the list of their establishments maintaining canned food stocks.)

Copies of the proposed forms and a description of the collection methods are available upon request to the Director, Bureau of the Census, Washington, D.C. 20233. Any suggestions or recommendations concerning the subject matter of this survey will receive consideration if submitted in writing to the Director on or before October 28, 1977.

Dated: September 23, 1977.

MANUEL D. PLOTKIN,  
*Director,*

*Bureau of the Census.*

[FR Doc 77-28612 Filed 9-28-77; 8:45 am]

## [ 3510-12 ]

### National Oceanic and Atmospheric Administration

#### CARIBBEAN FISHERY MANAGEMENT COUNCIL AND ITS SCIENTIFIC AND STATISTICAL COMMITTEE AND ADVISORY PANEL

#### Public Meeting

The Caribbean Fishery Management Council, established by Section 302, its Scientific and Statistical Committee and Advisory Panel established by section 302(g), of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet October 18-20 at St. Thomas, Sheraton Hotel and Marina, Long Bay Road, Charlotte Amalie, St. Thomas, Virgin Islands. The meeting

starts at 9:00 on October 18 and will adjourn at about noon on October 20, 1977.

*Proposed Agenda*—(1) Consideration of the first draft of the Fishery Management Plan (FMP) for Spiny Lobster; (2) Presentation on the Coastal Management Plans for the Commonwealth of Puerto Rico and the Territory of the Virgin Islands; (3) The Billfish Tagging Program of the Southeast Fisheries Center, NMFS; (4) Possibility of joint efforts with other Councils in the development of management plans for coastal pelagics; (5) Status of the Virgin Islands office of the Caribbean Fishery Management Council; (6) Briefing on the Coast Guard enforcement capabilities in the Council's area of jurisdiction; (7) Report on Swordfish; (8) Budget for FY 1978; (9) A Fringe Benefits Plan for Council's staff employees; and (10) Other Council and Committee Business. Meeting is open to the public. For more information on seating, changes to the agenda, or written comments, contact Mr. Omar Munoz-Roure, Executive Director, Caribbean Fishery Management Council, P.O. Box 1001, Hato Rey, Puerto Rico 00919. Telephone 809-753-4926.

Dated: September 26, 1977.

WINFRED H. MEIBOHM,  
*Associate Director,*

*National Marine Fisheries Service.*

[FR Doc 77-28746 Filed 9-28-77; 8:45 am]

## [ 6170-01 ]

### ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

#### URANIUM HERAFLOURIDE

Base Charges, Use Charges, Special Charges, Table of Enriching Services, Specifications, and Packaging: Revisions

The Energy Research and Development Administration (ERDA) hereby announces revisions to the notice entitled, "Uranium Hexafluoride: Base Charges, Use Charges, Special Charges, Table of Enriching Services, Specification and Packaging", as published in the FEDERAL REGISTER on November 29, 1967, 32 FR 16289, and as amended in 34 FR 2626, February 26, 1969; 34 FR 14039, September 4, 1969; 35 FR 13457, August 25, 1971; 36 FR 4563, March 9, 1971; 36 FR 11877, June 22, 1971; 38 FR 4432, February 14, 1973; 38 FR 13593, May 23, 1973; 38 FR 21518, August 9, 1976; 38 FR 22908, August 27, 1973; 38 FR 27962, October 10, 1973; 39 FR 22182, June 20, 1974; 40 FR 1117, January 16, 1975; 40 FR 17070, April 16, 1975; 40 FR 26060 and 26061, June 20, 1975; 41 FR 8414 and 8415, February 26, 1976; 41 FR 18914 and 18915, May 7, 1976; and 41 FR 31942 and 31943, July 30, 1976; (referred to herein as the Notice).

Delete paragraphs 3 and 4 of the Notice in their entirety and substitute the following:

3. Standard table of enriching services, charges per kilogram unit of separative work, base charges and standard processing loss. (a) ERDA's standard table of enriching services is set forth in Table 1 of this Notice. (b) The charges per kilo-

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gram unit of separative work furnished by ERDA and the base charge (\$/kg U) for the sale of Government-owned natural uranium will be published by separate notice. (c) The base charge (\$/kg U) for uranium, enriched, or depleted in the isotope U-235 and in the form of UF<sub>6</sub>, is determined by summing the number opposite the desired assay in the Feed Component column of Table 1 multiplied by the then applicable current base charge (\$/kg U) for the sale of Government-owned natural uranium in the form of UF<sub>6</sub>, and the number opposite the desired assay in the Separative Work Component column of Table 1 multiplied by the then current charge per kilogram unit of separative work furnished pursuant to other than requirements-type contracts. The calculated base charge is rounded up to the nearest \$0.01. For assays not shown in Table 1, the feed component and separative work component are first determined by linear interpolation before calculation of the base charge. Any resulting base charge less than \$3.00 is increased to \$3.00. The base charge for depleted uranium requested without specification as to assay is \$2.50. The assay furnished by ERDA in this case will normally be in the neighborhood of 0.20 percent U-235 of which large amounts are available. (d) The standard processing loss factor to be applied to toll enricher's acquisition of tails material is 0.05 percent.

4. Use charge for material. The use charge rate for special nuclear material and other materials leased by ERDA is twelve percent (12%) per annum of the base charge or value established by ERDA for such materials. Effective date: This notice is effective November 28, 1977.

Dated: September 21, 1977.

GEORGE W. CUNNINGHAM,  
Acting Deputy Assistant  
Administrator for Nuclear Energy.  
[FR Doc. 77-28705 Filed 9-28-77; 8:45 am]

#### [ 6170-01 ]

##### URANIUM HEXAFLUORIDE Separative Work Charges, and Base Charges for Natural Uranium

The Energy Research and Development Administration (ERDA) hereby announces its separative work charges, and base charges for uranium.

1. *Separative work charges.* (a) The charge per separative work unit furnished pursuant to Requirements-type contracts is \$69.80 or the ceiling charge computed in accordance with the provisions of such contracts, whichever is the lesser charge. Effective (180 days after publication of this notice in the FEDERAL REGISTER) the charge per separative work unit furnished pursuant to Requirements-type contracts at \$83.15 or the ceiling charge computed in accordance with the provisions of such contracts, whichever is the lesser charge.

(b) The charge per separative work unit furnished pursuant to other than Requirements-type contracts is \$74.85.

2. *Base charges for natural uranium.* (a) The base charge for natural uranium furnished on other than a short notice, one time basis is \$16.10 per pound of contained U<sub>3</sub>O<sub>8</sub> in the form of concentrate and \$46.01 per kg in the form of UF<sub>6</sub>.

(b) The base charge for natural uranium furnished on a short notice, one time basis is \$40.30 per pound of contained U<sub>3</sub>O<sub>8</sub> in the form of concentrate and \$108.93 per kg in the form of UF<sub>6</sub>.

Effective date: This notice is effective November 28, 1977.

Dated: September 21, 1977.

GEORGE W. CUNNINGHAM,  
Acting Deputy Assistant  
Administrator for Nuclear Energy.  
[FR Doc. 77-28703 Filed 9-28-77; 8:45 am]

#### [ 6170-01 ]

##### URANIUM SUPPLY POLICY

This Notice sets forth Energy Research and Development Administration (ERDA) policy for supplying natural uranium and enriched uranium and supersedes a previous notice concerning uranium supply policies published in the FEDERAL REGISTER on May 7, 1976, 41 FR 18914.

1. In 33 FR 12756 published on September 7, 1968, the history of uranium production in the United States is summarized, and the program under which the Atomic Energy Commission (AEC) purchased uranium concentrate (U<sub>3</sub>O<sub>8</sub>) is described. The last U<sub>3</sub>O<sub>8</sub> deliveries to the AEC were completed in early 1971, and as of late 1971, the AEC had about 50,000 tons of U<sub>3</sub>O<sub>8</sub> in its stockpile.

2. For the past several years, AEC and ERDA have been furnishing enriched uranium on a "split tails" basis, which results in enriching services customers supplying less feed than that actually used to produce their enriched uranium requirements. The Government supplies, from its stockpile, the additional feed necessary for the customer's product, while a portion of the customer's cash payments constitutes payment to the Government for such additional feed used.

3. Another use of Government owned U<sub>3</sub>O<sub>8</sub> has been to preproduce enriched uranium. AEC and ERDA have been producing enriched uranium in excess of current requirements in order to make the best use of the Government's enrichment facilities and meet future requirements for enriched uranium.

4. ERDA will continue the policy adopted by the AEC for supplying enriched uranium; namely, that the preferred method for industry to secure enriched uranium from ERDA is through toll enrichment of natural uranium obtained from private sources. However, in the circumstances set forth below, ERDA is willing to furnish Government-owned enriched uranium on a single transaction basis. ERDA may furnish enriched

uranium on a single transaction basis if the quantity of enriched uranium desired is small enough that undue effort would be involved in securing material through toll enrichment or if the customer demonstrates the ERDA's satisfaction that such action is appropriate because rapid delivery is required to meet an unforeseen emergency in which all reasonable attempts have been made, without success, to procure natural uranium from commercial sources and, therefore, delivery of privately-owned natural uranium for toll enrichment is not possible. The furnishing of Government-owned enriched uranium will be subject to ERDA's determination as to the availability of such material. The amount available from ERDA will depend upon the quantities needed to meet Government and contractual requirements and the extent to which it is considered desirable to maintain a Government reserve. However, ERDA will continue to honor existing agreements for sale or lease of enriched uranium.

5. If the quantity of enriched uranium desired is small enough that undue effort would be involved in securing material through toll enrichment, Government-owned enriched uranium will be furnished pursuant to an agreement for sale of such uranium. The preferred method for ERDA to furnish enriched uranium under the emergency conditions set forth in 4 above is through an agreement for the lease of the natural uranium in the form of UF<sub>6</sub>, contained in the feed component of the enriched uranium and for the sale of the enriching services contained in the separative work component of the enriched uranium, in accordance with the then current ERDA standard table of enriching services. ERDA will ease such material in situations where the customer has firm arrangements for the supply of natural uranium in the future. Such arrangements must indicate a delivery date of natural uranium which would permit the return to ERDA in a time frame consistent with ERDA enrichment plant operating plans of natural uranium in the form of UF<sub>6</sub>, equivalent in amount to that contained in the feed component of the enriched uranium to be furnished by ERDA. In cases where the customer cannot obtain such firm arrangements, ERDA will furnish enriched uranium under the emergency conditions set forth in 4 above through an agreement for the sale of the natural uranium in the form of UF<sub>6</sub>, contained in the feed component of the enriched uranium and for the sale of the enriching services contained in the separative work component of the enriched uranium in accordance with the then current standard table of enriching services.

6. The charge for any sale of Government-owned enriched uranium will be ERDA's base charge for such enriched uranium. The charge for provision of enriched uranium pursuant to an agreement to lease the natural uranium in the form of UF<sub>6</sub>, contained in the feed component and an agreement to provide the

enriching services contained in the separative work component of such uranium will consist of two elements: a use charge applied to ERDA's base charge (\$/kg U) for natural uranium in the form of UF<sub>6</sub>, contained in the feed component of the enriched uranium and the charge per kilogram unit of separative work applicable under the enriching service agreement for the separative work units contained in the separative work component of the enriched uranium. The charge for provision of enriched uranium pursuant to an agreement to sell the natural uranium in the form of UF<sub>6</sub>, contained in the feed component and an agreement to provide the enriching services contained in the separative work component of such uranium will consist of two elements: ERDA's base charge (\$/kg U) for natural uranium in the form of UF<sub>6</sub>, contained in the feed component of the enriched uranium and the charge per kilogram unit of separative work applicable under the enriching services agreement for the separative work units contained in the separative work components of the enriched uranium.

7. ERDA has heretofore used, as one of the bases for determining its base charges for uranium, the weighted average price of all commercial sales of natural uranium as computed from its semi-annual, "Survey of United States Uranium Marketing Activity". This average price for all such sales has, in the recent past, been markedly lower than current market prices for new sales due to the inclusion of many sales under old, fixed price contracts. Accordingly, ERDA has determined that its present policy of utilizing the weighted average price of all natural uranium sales as one of the bases in determining its base charges for uranium does not reflect true market conditions. ERDA's contractual relationships involving the furnishing of natural uranium on a "split tails" basis are long-term enrichment contracts which were executed some time in the past. ERDA's long-term customers incurred obligations at that time for delivery of natural uranium feed to ERDA and, accordingly, many of them executed long-term firm price contracts with private sector suppliers for natural uranium feed. For these customers and customers having long-term agreements with ERDA for the sale or lease of enriched uranium, a charge reflecting the weighted average price of all firm price and market price commercial natural uranium purchases is considered equitable and appropriate as a basis for determining the "split tails" component of the charge per separative work unit. ERDA stands willing to provide enriched uranium to customers on a short notice, one time basis as described in paragraphs 4 and 5 above. Had such customers been able to secure the desired material from the commercial market, they would have expected to execute a com-

mercial contract requiring the payment of the market price at that time. For this category of customer, a charge reflecting the weighted average price of all market price commercial purchases rather than purchases under old long-term firm price commercial contracts is equitable and appropriate as a basis for determining the charge for the natural uranium in the form of UF<sub>6</sub>, contained in the feed component of the enriched uranium provided. The base charges for providing Government-owned uranium on a short notice, one time basis will be determined by utilizing a weighted average of prices paid during the previous year for natural uranium purchased under commercial contracts requiring payment of "market price at the time of delivery".

8. The base charge for Government-owned natural uranium in the form of UF<sub>6</sub> will be published by separate notice.

Effective date: This notice is effective November 28, 1977.

Dated: September 21, 1977.

GEORGE W. CUNNINGHAM,  
Acting Deputy Assistant  
Administrator for Nuclear Energy.  
[FR Doc. 77-28704 Filed 9-28-77; 8:45 am]

#### [ 6506-01 ]

[FRL 799-2; OPP 50332]

##### ENVIRONMENTAL PROTECTION AGENCY ISSUANCE OF AN EXPERIMENTAL USE PERMIT

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.), an experimental use permit has been issued to the following applicant. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 239-EUP-68. Chevron Chemical Co., Richmond, Calif. 94804. This experimental use permit allows the use of 7,152 pounds of the fungicide *cis-N*-(1,1,2,2-Tetrachloroethyl)thio-4-cyclohexene-1,2-dicarboximide (captan) on potatoes to evaluate control of late and early blight. A total of 450 acres is involved; the program is authorized only in the States of Idaho, Oregon, and Washington. The experimental use permit is effective from August 22, 1977, to October 31, 1978. A permanent tolerance for residues of the active ingredient in or on potatoes has been established (40 CFR 180.267).

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. It is suggested that such inter-

ested persons call 202-755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. This file will be available for inspection from 8:30 a.m. to 4:00 p.m., Monday through Friday.

Statutory authority: Section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).

Dated: September 21, 1977.

DOUGLAS D. CAMPT,  
Acting Director,  
Registration Division.

[FR Doc. 77 28716 Filed 9-28-77; 8:45 am]

#### [ 6560-01 ]

[FRL 797-5; OPP-66037]

##### PESTICIDE PROGRAMS

##### Cancellation of Pesticide Products Containing Heptachlor/Chlordane

As a result of the hearings now in progress concerning heptachlor/chlordane, certain registrations have been cancelled and applications denied. In these hearings, the Administrative Law Judge instructed the following registrants and applicants to supply, for the record, specific information. The data was to be supplied by April 5, 1977. Attorneys representing all of the party registrants informed the court that a number of these registrants or applicants had not supplied the required data by the required date.

Subsequently, an Order to File was issued April 14, 1977, in which it was ordered again that this requested data be supplied by the pertinent parties by May 9, 1977. It was stated in that order that failure to supply the information by such date would result in an Accelerated Decision as provided for by § 164.91(a)(8) of the rules of practice (40 CFR 164.91(a)(8)). The accelerated decision has the effect of cancelling or denying the registrations and applications for registration involved in these proceedings.

A status report dated May 10, 1977, indicated that the following registrants or applicants had not responded to these communications with respect to the filing of the required data.

The issuance of an Accelerated Decision at that time in accordance with section 164.91(a)(8) of the rules of practice was appropriate. Accordingly, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973, 89 Stat. 751, 7 U.S.C. 136(a) et seq.), and these proceedings, the following registrations are cancelled and the applications are denied.

Cancellation/denial by Accelerated Decision of these products was effective May 12, 1977.



EPA Reg. No./ file symbol	Product name	Registrant/applicant
11515-GU	Lawnsect	ABC Chemical Corp., 17000 W. 8 Mile Rd., Southfield, Mich. 48075.
11515-LU	Super-Sect 55% Concentrate	
3238-TU	Standard Brand 5% Chlordane Dust	Agrieco Chemical Co., Crop Protection Chemical Division, P.O. Box 3451, Tulsa, Okla. 74101.
3238-1R	Standard Chlordane 5D	
3238-1E	Standard Chlordane 10D	
3238-1U	Standard Chlordane 45	
3238-1U	Standard Chlordane 72	
3253-11	Apeo 50% Chlordane Wettable	Agricultural Products Co., 50 Atwells Ave., Providence, R.I. 02909.
3253-13	Apeo 6% Chlordane Dust	
255-132	Lacide A-20	American Fluoride Corp., 17 Huntington Pl., New Rochelle, N.Y. 10801.
255-133	Lacide M-46	
3735-1	Modern Roach Kontrol	Arlenge Laboratories, 175 Pearl St., Brooklyn, N.Y. 11201.
3735-2	And-A-Ant	
3735-18	Arlenge 72% Chlordane Insecticide Spray	
3735-20	Arlenge 50% Chlordane Insecticide W.P.	
3735-EU	Modern Roach Kontrol	
3735-GN	Anti-Ant	
11716-R	Pestex don't yourself Pest exterminator	Ugan Chemical Co., 612 S. Munger St., Pasadena, Tex. 91242.
11716-F	Pestex	
11716-G	Presto Pest Exterminator	
607-23	COC 6% Chlordane Dust	Carbola Chemical Co. Inc., Natural Bridge, N.Y. 13665.
1660-2	Dro Kills Roaches	Chemical Specialties Co. Inc., 51 35 Nassau Ave., Brooklyn, N.Y. 11222.
1660-14	Dro Double Strength Conting	
1660-43	Noset 50% Bomb	
1660-54	Dro Kills Ants	
2666-3	Cornell Leticide	Cornell Chemical & Equipment Co. Inc., 1115 N. Rolling Rd., Baltimore, Md. 21228.
35133-R	C & C's Professional Roach Spray	Cover Pest Control Inc., 215 S. Hwy 116, Baytown, Tex. 77520.
1203-26	Delta Foremost 1882 Bug Killer Bomb	Delta Chemical Co., 3915 Air Park St., Memphis, Tenn. 38118.
13437-A	Du Cor Chlordane Emulsion for Blat Bugs	Du Cor Chemical Corp., P.O. Box 6066, Orlando, Fla. 32803.
4812-21	Chloradane	Eastern Laboratories Inc., 1083 Washington Ave., P.O. Box 281, Vineland, N.J. 08390.
437-R	Eradico Antiproofer	Eradico Exterminators Inc., 2285 Indiandale Ave., Detroit, Mich. 48238.
812-23	Chlordane 10% emulsifiable	G.S. Rolins Co., 126 Chouteau Ave., St. Louis, Mo. 63102.
370-9	Arnold Chlordane Spray for "Arnold" garden hose sprayer	Garden Hose Spray Co., P.O. Box 459, Route 107, Lacoma, N.H. 03246.
2006-2	Goodway Insect Killer Contains Chlordane With Pyrethrin	Good Way Insecticides Inc., 2613 N. Buffalo Grove Rd., Arlington Heights, Ill. 60004.
2006-21	Goodway Chlordane Dust 6	
2006-29	Goodway Insect Killer (roach and ant)	
2006-42	Goodway Wasp Killer	
2006-50	Goodway Super Chlordane Dust P	
2902-1	Hahn's Spide-Kill	Hahn Exterminating Service, 106 N. Trimble Rd., Mansfield, Ohio 44906.
9602-2	Hahn's Bug-Begone	
6080-2	Spray-Pol Wasp and Hornet Spray	Hamilton Research, Indian Way Rural Route No. 1, Box 271, Eastham, Mass. 02642.
334-270	GCC 808 Liquid Insecticide	Hysan Corp., 919 W. 38th St., Chicago, Ill. 60601.
334-284	Slingshot Wasp and Hornet Insect Spray	
6000-24	Dill Professional 8 No. Chlordane 75% Emul.	J. J. Dill Co., P.O. Box 788, Kalamazoo, Mich. 49005.
6000-96	Dill Turf & Ornamental 4 No. Chlordane 45% Emul.	
6000-97	Dill Turf & Ornamental 8 No. Chlordane 75% Emul.	
421-221	Chlordane Insecticide No. 3	James Varley & Sons Inc., 1290 Switzer Ave., St. Louis, Mo. 63117.
421-227	Black Widow Spider Killer	
4825-7	Killer Kane Kartridges for Ants and Other Lawn Insects	Judd Ringer Corp., 6860 Flying Cloud Dr., Eden Prairie, Minn. 55343.
10711-8	Lawn-A-Magic "Rub-it" Brand	Lawn-A-Mat Chemical & Equipment Corp., c/o Mrs. J. N. Moline, Rockland Chemical Co. Inc., Box 204, Caldwell, N.J. 07006.
8040-2	Sup-Ro Chlordane 10% Granular Insecticide	Lite Weight Products Inc., 707 Funston Rd., Kansas City, Kans. 66115.
8040-4	Sup-Ro Triple Action Crabgrass Killer Fertilizer Insecticide	
962-242	Lacoc Chloro Mulsion 8	Los Angeles Chemical Co., 1545 Ardine St., Southgate, Calif. 90280.
962-346	Dust Chlor Tox 10	
962-358	Lacoc Chloro Spray 2	
962-364	Lacoc Chlordane 40 W.P.	
962-384	Lacoc Granular Chlordane 5	
1275-13	Oleo 10% Emulsifiable Chlordane	Oliver Chemical Co., Inc., 2908 Spring Grove Ave., Cincinnati, Ohio 45225.
8034-45	Ring Around Brand 10% Chlordane Dust	Ring Around Products Inc., P.O. Box 589, Montgomery, Ala. 36101.
8034-46	Ring Around Brand 10% Chlordane Granular	
8034-48	Ring Around Brand Chlordane 8 E.C.	
8034-59	Ring Around Brand 5% Chlordane Dust	
8034-57	Ring Around Brand Fire Ant Killer 5% Heptachlor Granular	
8034-62	Ring Around Brand 40% Chlordane (Wettable)	
8034-68	Ring Around Brand 10% Heptachlor Granular	
8034-73	Ring Around Brand Chlordane E.C.	

EPA Reg. No./ file symbol	Product name	Registrant/applicant
4876-20	Heptachlor Soil Insect Control	Seedkem Inc., A.G. Supply Co., 526 NW. 4th St., Evansville, Ind. 47708.
4876-50	Chlordane 72 E.C. Soil Insecticide	
4876-LE	Chlordane-4 E.C.	
4876-LT	Chlordane-8 E.C.	
491-9	Selig's Tornado Roach & Pest Killer	Selig Chemical Industries, Division of National Service Industries Inc., P.O. Box 43, Atlanta, Ga. 30336.
491-105	Selig's 40% Chlordane Water Miscible	
491-140	Fog Fourteen	
491-187	Sniper (Residual Insecticide)	
491-200	Selig's Turf-O-Sect	
6762-15	Stern Fog 50 Municipal Mosquito Fogging Concentrate	Stern Chemical Corp., P.O. Box 5070, Monroe, La. 71201.
6762-23	Stern Fog "10" Municipal Mosquito Fogging Concentrate	
327-47	Dr. Rogers Chlor 40	Texas Phenothiazine Co., P.O. Box 4186, Fort Worth, Tex. 76106.
327-48	Dr. Rogers 74% Chlordane EC for Agricultural use (Technical Chlordane)	
327-93	TPC Household Roach Spray	
327-96	Blue Streak Ant Bait	
327-117	TPC Wasp Jet Spray	
327-130	TPC-Hep-5 Fire Ant Killer	
327-181	TPC-Hep-10 Fire Ant Killer	
10540-1	Pex Brand Shade Tobacco Mixture with Chlordane	The Planters Exchange Inc., Box 858, Havana, Fla. 32333.
5340-5	King Size U.S. XXX Roach & Ant Killer Powder	U.S. XXX Products Co., 3018 Commerce St., Dallas, Tex., 75226.
5340-6	U.S. XXX Roach and Ant Spray	
7401-12	Ferti-Lome Chlordane Garden Spray	Voluntary Purchasing Group Inc., P.O. Box 460 Bonham, Tex. 75418.
7401-20	Ferti-Lome 10% Chlordane Dust	
7401-44	Ferti-Lome Bug Blaster Insect Killer	
7401-49	Ferti-Lome-Containing Chlordane for Control of Soil Insects	
7401-100	Ferti-Lome Cricket Spray	
7401-122	Ant Killer Granules	
7401-221	Ferti-Lome Chlordane Spray	
2230-22	Diamond Ready to Use Fogging Insecticide	Warsaw Chemical Co. Inc., P.O. Box 168, Warsaw, Ind. 46590.
2230-38	62% Chlordane Concentrate	
9782-15	Chlordane Dust 10-D	Woodbury Chemical Co. of Homestead, P.O. Box 4319, Princeton, Fla. 33090.
9782-16	Chlordane 5 Dust Insecticide	
9782-RO	Heptachlor 2.5%-S	
9782-RU	Chlordane 8-E Insecticide	
9782-RT	Combination Bait	
9782-GG	Heptachlor 2.5 E	

A second Accelerated Decision was issued on June 7, 1977, as a result of which the following cancellations became effective.

EPA Reg. No.	Product name	Registrant
5778-1	Chlordane 5% Dust	Gro Chemical Co., 3530 NW. 31st St., Miami, Fla. 33142.
5778-5	Chlordane 10% Dust	
5778-13	Chlordane 75% Concentrated Emulsion	
5602-5	Hub States 45% Chlordane-45 E.C.	Hub States Corp., 2002 N. Illinois St., Indianapolis, Ind. 46202.
5602-10	75% Emulsifiable Concentrate Chlordane for Termite Control	
5602-14	Chlordane Oil Soluble Concentrate	
5602-18	Hub States Chlordane Dust Contains 6% Chlordane	
5602-30	Heptachlor Emulsifiable	
5602-83	Hub States No Escape With Chlordane	
5602-108	Hub States 20% Heptachlor Granules	

The June 7, 1977 Accelerated Decision was further amended to include the following products; cancellations/denials became effective June 16, 1977.

EPA Reg. No./ file symbol	Product name	Registrant/applicant
11012-R	Ezell's Ant & Insect Powder	Ezell Sales Inc., 17308 S. Woodruff Ave., Bellflower, Calif. 90706.
4931-62	Good Life Chlordane Dust 6%	Good Life Chemical Inc., P.O. Box 687, Effingham, Ill. 62401.
4931-63	Good Life Cut 45% Chlordane Spray	
4931-101	Chlordane 8	
4931-111	Good Life Chlordane 4-E	

Sale, distribution or use of these products manufactured after July 29, 1975 is prohibited. Sale, distribution or use of existing stocks of these products beyond the effective date of cancellation constitutes an unlawful act under sections 12 (a) (2) (K) and is punishable under sections 13 and 14 of FIFRA.

Comments concerning this action may be submitted in triplicate to the Federal

Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Rm. 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Any such submissions should bear a notation indicating both the subject and the OPP document control number "OPP-66037". Any comments or other documents filed regarding this notice of cancellation will be available for public inspection in the

office of the FEDERAL REGISTER Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: September 22, 1977.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc.77-28167 Filed 9-28-77; 8:45 am]

# [ 6506-01 ]

[FRL 799-3; OPP-30136]

## PESTICIDE PROGRAMS

### Receipt of Applications To Register Pesticide Products Containing New Active Ingredients

Applications have been submitted to the Environmental Protection Agency (EPA) to register pesticide products containing active ingredients which have not been included in any previously registered pesticide products. Notice of receipt of these applications is made in accordance with Sections 3(c) (4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) [40 CFR 162.6 (b) (6)] and does not indicate a decision by the Agency on the applications.

Any Federal agency or other interested persons are invited to submit written comments on any applications to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Rm. 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. The comments must be received on or before October 31, 1977 and should bear a notation indicating the EPA File Symbol number of the application to which the comments pertain. Comments received within the specified time period will be considered before a final decision is made with respect to the pending applications. Comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. Notice of approval or denial of the applications to register pesticide products listed will be announced in the FEDERAL REGISTER. The labels furnished by each applicant as well as all written comments filed will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: August 30, 1977.

DOUGLAS D. CAMPT,  
Acting Director,  
Registration Division.

### APPLICATIONS RECEIVED

EPA File Symbol 3125-GRL. Chemagro Agricultural Division, Mobay Chemical Corp., Box 4913, Kansas City MO 64120. Croneton 4 Emulsifiable Insecticide. Active Ingredients: 2-[(ethylthio)methyl]phenol methylcarbamate 47%; Aromatic petroleum distillate 33%. Application proposes that this product be classified for restricted use for aphids on ornamentals. PM12 (202/426-9425)



EPA File Symbol 3125-GRT. Chemagro Agricultural Division, Mobay Chemical Corp. Croneton 40% Wettable Powder. Active Ingredients: 2-[(ethylthio)methyl]phenol methylcarbamate 40%. Application proposes that this product be classified for general use for the control of aphids on ornamentals. PM12 (202/426-9425)

EPA File Symbol 3125-GRA. Chemagro Agricultural Division, Mobay Chemical Corp. Croneton Technical. Active Ingredients: 2-[(ethylthio)methyl]phenol methylcarbamate 88%. Application proposes that this product be classified for general use in the manufacturing of pesticides for control of aphids. PM12 (202/426-9425)

[FR Doc. 77-28715 Filed 9-28-77; 8:45 am]

#### [ 6506-01 ]

[FRL 799-6; OPP-00047]

#### PESTICIDE PROGRAMS

##### Requirement for Certain Pesticide Registrants and Applicants for Registration to Submit Analyses of Pesticides for N-nitroso Contaminants

The Environmental Protection Agency (EPA) will shortly issue a general statement of policy concerning H-Nitroso contaminants in pesticide products. The statement in preparation will establish Agency policy in regard to data requirements on registrants and applicants for registration, regulatory options and interim standards for registered products. Chemistry data are among the requirements determined by the Agency to be necessary to assess safety of pesticides that the Agency suspects may contain N-nitroso contaminants. The chemistry data are essentially those analytical data required to verify whether those pesticides theoretically expected to contain N-nitroso contaminants do, indeed, contain them. Data requirements other than chemistry, which will be imposed on registrants and applicants as well as regulatory options exercised, will be dependent on whether or not N-nitroso contaminants are found, by analysis, to be present in the pesticide, and the chemical identity of any N-nitroso contaminants found.

In order to avoid further delay in developing the analytical chemistry data on N-nitroso contaminants in pesticides which are prerequisite to regulatory action, the Agency is requiring by this notice that applicants and registrants of affected pesticides (as described below) submit results of analysis of these pesticides for N-nitroso contaminants. This requirement is authorized under Section 162.8(d) of the data requirements for applicants which are generally discussed in 40 CFR 162 of the registration regulations. Section 162.8(d) also authorizes the imposition of such data requirements on a case by case basis for registrants.

I. *Analytical Chemistry Program in Progress.* In February, 1977, the EPA began sampling and analysis of approximately 70-80 pesticide products in an attempt to assess the scope of N-nitroso contamination of pesticides. Pesticides to be analyzed included representatives of products containing as active ingredients triazines and dinitroanilines plus some pesticides formulated as dimethylamine salts. Over 70 product samples have already been analyzed. These analyses are scheduled for completion by September 30, 1977.

Several registrants have submitted information on the N-nitroso content of their products. The Agency examined these and other data to determine how and when N-nitroso contaminants are formed in products. In some cases, nitrosamines are formed as unavoidable contaminants created during the nitration and subsequent amination steps involved in dinitroaniline manufacture. Company data provided to the Agency indicate that modification of the manufacturing process results in significant reductions in nitrosamine content.

In other products it has been found that N-nitroso compounds may be formed by the reaction of a product ingredient with the nitrite in the formulation or in the walls of the storage container. Nitrites are commonly used as corrosion inhibitors in pesticide formulations. When nitrites are omitted from a pesticide formulation containing nitrosatable compounds, N-nitroso levels are reduced by as much as two orders of magnitude. N-nitroso contaminants have also been detected in the amines (e.g. dimethylamine) used for pesticide formulation.

II. *Affected Registrants and Applicants.* Agency chemists have examined the data obtained in the analytical chemistry program in progress. From their deliberations they have defined the range of pesticides affected by this requirement for analytical data. The requirement applies to all registrations and applications for registration of pesticide products which contain as intentionally added inert or active ingredients, or contaminants any of the following: alkylamine salts, alkanolamine salts, dinitroaniline derivatives, substituted ureas, alkyl carbamates, dithiocarbamates, amides, secondary and tertiary amines, quaternary ammonium compounds, guanidines, triazines, hydrazides and the compound phenothiazine. The requirement will also apply when a pesticide production process utilizes an alkyl- or alkanolamine as a reactant.

III. *Analytical Chemistry Data Requirements.* All registrants and applicants for registration of pesticide products in the specified categories must test these pesticides for N-nitroso con-

taminants theoretically expected as reaction products of ingredients listed in section II above with nitrites, nitrous acid and/or related compounds expected as an impurity from the manufacturing process of those ingredients.

Analysis of pesticides for volatile N-nitroso compounds shall be undertaken by a sensitive selective method such as GC-MS, GC-AFID, GC-Electrolytic conductivity or GC-TEA. Analyses for non-volatile N-nitroso compounds shall be undertaken by a sensitive selective method such as HPLC-UV. Positive results shall be confirmed by GC-MS when possible or by valid independent methods. Appropriate methodologies for evaluating a pesticide for N-nitroso content are available in the open literature. Several methods are listed in the Appendix below. Since a major exposure concern is for applicators and users exposed to commercial products, the chemistry studies required must be performed on a sample obtained from a container or package normally utilized to sell or distribute the product. Moreover, the sample must be taken from a container or package that has been stored for at least 180 days under conditions ordinarily associated with the distribution of the product in question. If a sample stored for at least 180 days can not be tested and the results submitted to the Agency in the time required, the chemistry studies shall be performed on two samples: an available sample and the sample stored for at least 180 days. The data from the available sample shall be made available to the Agency within a 90 day time period; the data from the stored sample, within 90 days of its having been stored for 180 days (see IV below).

IV. *Procedures.* Registrants and applicants will have 90 days from the issuance of this notice to obtain the required pesticide analyses and to submit analytical data to the Agency. Such submissions should be submitted to their Product Manager in the Registration Division, Office of Pesticide Programs. Submissions to the Agency should include, minimally, a detailed description of the analytical method(s) used, sample chromatograms, raw analytical data, age and identity of sample(s) tested and a summary of the analytical findings.

Failure to supply the information specified in this notice will result in either a denial of registration, denial of reregistration or initiation of cancellation proceedings as appropriate to the regulatory status of the pesticide in question.

V. *Public Comment.* The Administrative Procedure Act [5 U.S.C. 553(b)] provides that the solicitation of comments is not required of Federal agencies for

"interpretative rules, general statements of policy, or rules of agency organization, procedure or practice." EPA has determined that this notice falls within this exemption from the requirement to solicit public comment. Accordingly, the Agency is not directly soliciting public comment regarding matters published in this notice. However, persons affected by this notice may submit written comments to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Rm. 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. Comments filed with the Federal Register Section will be available for public inspection in Rm. 401 of the East Tower from 8:30 a.m. to 4 p.m. Monday through Friday. Comments should be submitted on or before October 31, 1977 and should bear the identifying document control number "OPP-00047."

Dated: September 21, 1977.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

#### APPENDIX

1. Bryce, T. A., and G. M. Telling. 1972. J. Agric. Food Chem. 20, 910.
2. Fazio, T. J., W. Howard, and R. H. White. 1971. Proceedings of the Heidelberg meeting on Nitrosamines. International Agency for Research on Cancer (IARC). Co-sponsored by IARC/WHO and German Cancer Research Center.
3. Fine, D. H., et al. Determination of N-nitroso Pesticides in Air, Water and Soil, presented at 172nd ACS National Meeting, September 2, 1976.
4. Fine, D. H., et al. 1976. J. Agric. Food Chem. 24, 1069.
5. Fine, D. H., et al. 1976. J. Agric. Food Chem. 24, 989.
6. Havery, D. C., D. A. Kline, E. M. Meetta, F. L. Joe, Jr., and T. Fazio. 1976. J. Assoc. Off. Anal. Chem. 59, 540.
7. Paulframan, J. F., J. Macnab, and N. T. Croby. 1973. J. Chromatography 76, 307.
8. Telling, G. M., T. A. Bryce, and M. Althorpe. 1971. J. Agric. Food Chem. 19, 937.

[FR Doc. 28711 Filed 9-28-77; 8:45 am]

#### [ 6560-01 ]

[FRL 794-6]

#### PUBLIC PARTICIPATION IN THE REGULATORY PROCESS

Invitation to Participate in the Development of Major EPA Environmental Regulations  
The Environmental Protection Agency encourages participation by interested

members of the public in the development of regulations. The purpose of this notice is to identify rulemaking actions now under consideration by the Agency and to invite interested parties to become involved in the decision-making process.

EPA prepares and promulgates regulations to implement environmental programs in the areas of air and water pollution abatement, drinking water protection, noise abatement, radiation protection, solid waste management, control of toxic substances, and pesticide control. These regulations include general regulations for the implementation and enforcement of major programs as well as specific emission limitations for individual industrial categories.

Regulations are developed by EPA staff and are subjected to a number of internal and public reviews prior to final approval and promulgation. In addition to the formal opportunities for comment provided when regulations are proposed in the Federal Register and when public hearings are scheduled, EPA encourages interested parties to contact EPA staff directly. This participation in the rule-making process can include providing comments on a particular regulation, obtaining answers to questions, reviewing draft documents, and attending informal meetings. Significant new data and arguments that are not supplied in writing will be summarized by EPA and placed in an appropriate file.

The following list indicates the subjects for which regulations are now being considered by EPA and provides a brief description, schedule, and name of a person within the Agency to be contacted. Additional information concerning this notice or EPA's regulatory procedures may be obtained from:

Phil Schwartz, Chief, Standards and Regulations Coordination Branch, U.S. Environmental Protection Agency, Washington, D.C. 20460 (202-755-2693).

This notice will be revised periodically. A separate notice concerning the regulations being prepared to implement the Clean Air Amendments of 1977 will be published shortly. Other notices will be published after the Administrator determines that an environmental problem should be considered for rulemaking action.

Dated: September 21, 1977.

JAMES R. JANIS,  
Acting Director, Standards and  
Regulations Evaluation Division.



MAJOR EPA REGULATIONS UNDER CONSIDERATION

NAME	DESCRIPTION	EXPECTED PROPOSAL DATE	CONTACT PERSON AND ADDRESS
<u>THE CLEAN AIR ACT</u>			
Lead Ambient Air Quality Standard	Development of an ambient air quality standard for lead and appropriate reference method	December 1977	Joseph Padgett (MD-12) Environmental Protection Agency Research Triangle Park, N.C. 27711 919-541-5204 FTS 8-629-5204
Fuel Analysis Regulations for Existing Fossil Fuel-Fired Steam Generators	Establishes procedures for monitoring of sulfur dioxide emissions from existing fossil fuel-fired steam generators by analysis of the fuels combusted	November 1977	Don Goodwin (MD-13) Environmental Protection Agency Research Triangle Park, N.C. 27711 919-541-5271 FTS 8-629-5271
Revised Regulations for New and Modified Steam Generators	Emissions standards and monitoring procedures for pollutants emitted from fossil fuel and municipal waste burning generators	January 1977	Do.
Indirect Source Regulations	Regulations for the review of planned highway and airport construction projects as indirect sources of air pollution	December 1977	Jane Mitchell (AW-445) Environmental Protection Agency Washington, D.C. 20460 202-755-0603
EPA is now revising the criteria document for photochemical oxidants. After the revision, it may be necessary to change the ambient air quality standard.			
Review of the National Ambient Air Quality Standard for Photochemical Oxidants	EPA may modify the standard on the basis of new criteria to protect community health and welfare	February 1978	John O'Connor (MD-12) Environmental Protection Agency Research Triangle Park, N.C. 27711 919-541-5355 FTS 8-629-5355
The Administrator has listed benzene as a hazardous pollutant under Section 112 of the Clean Air Act:			
National Emission Standards for Hazardous Air Pollutants: Benzene		June 1978	Don Goodwin (MD-13) Environmental Protection Agency Research Triangle Park, N.C. 27711 919-541-5271 FTS 8-629-5271
The Administrator is now considering designation of the following source categories under Section 111 of the Clean Air Act for control of air pollutants from new and modified facilities. The dates listed in this section are dates by which a decision is expected on whether to designate a particular source category; regulations may be proposed at the same time.			
Stationary Gas Turbines		September 1977	Don Goodwin (MD-13) Environmental Protection Agency Research Triangle Park, N.C. 27711 919-541-5271 FTS 8-629-5271
Stationary Internal Combustion Engines		July 1978	Do.
Non-metallic Minerals		August 1978	Do.
Glass Melting Furnaces		June 1978	Do.
The following regulations to control emissions from mobile sources of air pollution are now under development:			
Aftermarket Parts Guidelines	Guidelines establishing a program whereby after-market parts manufacturers can demonstrate that their parts do not degrade emissions when used as a replacement or add-on part	November 1977	Mike Scibinico (EN-340) Environmental Protection Agency Washington, D. C. 20460 202-755-0297

Emissions Control Defects Warranty	Regulations implementing the warranty provisions of Section 207(a) that require manufacturers to produce vehicles free from defects at the time of sale that would cause emission standards to be exceeded	December 1977	Do.
Amendment: Importation of Motor Vehicles and Motor Vehicle Engines	To improve effectiveness of regulations in preventing importation of vehicles and engines which do not conform to Federal emission standards	October 1977	Walt Talarek (EN-340) Environmental Protection Agency Washington, D.C. 20460 202-755-0944
Engine Parameter Adjustment Regulations	This amendment to the certification regulations will provide for certification testing at various engine parameter adjustments; it will help assure that emission levels measured during the certification of new motor vehicles agree with emission levels of vehicles in use	September 1977	Ernie Rosenberg (AW-455) Environmental Protection Agency Washington, D.C. 20460 202-755-0596
<u>THE FEDERAL WATER POLLUTION CONTROL ACT</u>			
Proposed effluent guidelines are now being revised for review of best available technology in the following source categories:			
Timber Products Processing		September 1978	John Riley (WH-552) Environmental Protection Agency Washington, D.C. 20460 202-426-2554
Steam Electric Power Plants		do.	John Lum (WH-552) Environmental Protection Agency Washington, D.C. 20460 202-426-4617
Leather Tanning and Finishing		do.	William Sonnett (WH-552) Environmental Protection Agency Washington, D.C. 20460 202-426-2707
Iron and Steel Manufacturing		do.	Ernest Hall (WH-552) Environmental Protection Agency Washington, D.C. 20460 202-426-2576
Petroleum Refining		do.	John Cunningham (WH-552) Environmental Protection Agency Washington, D.C. 20460 202-426-4617
Nonferrous Metals Manufacturing		December 1978	Patricia Williams (WH-552) Environmental Protection Agency Washington, D.C. 20460 202-426-2586
Paving and Roofing Materials		do.	Anthony Montrone (WH-586) Environmental Protection Agency Washington, D.C. 20460 202-755-6906
Paint and Ink Formulation		do.	David Alexander (WH-552) Environmental Protection Agency Washington, D.C. 20460 202-426-2555

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## NOTICES

Printing and Publishing Services	December 1978	David Alexander (WH-552) Environmental Protection Agency Washington, D.C. 20460 202-426-2555
Ore Mining and Dressing	do.	Gail Coad (WH-586) Environmental Protection Agency Washington, D.C. 20460 202-426-2503
Coal Mining	do.	William Telliard (WH-552) Environmental Protection Agency Washington, D.C. 20460 202-426-2726
Organic Chemicals Manufacturing	March 1979	Lamar Miller (WH-552) Environmental Protection Agency Washington, D.C. 20460 202-426-2497
Plastics and Synthetic Material	do.	Michael Kosakowski (WH-552) Environmental Protection Agency Washington, D.C. 20460 202-426-2497
Pulp and Paper	do.	Craig Vogt (WH-552) Environmental Protection Agency Washington, D.C. 20460 202-426-2555
Rubber Processing	do.	Robert Dellinger (WH-552) Environmental Protection Agency Washington, D.C. 20460 202-426-2497
Inorganic Chemicals	March 1979	Walter Hunt (WH-552) Environmental Protection Agency Washington, D.C. 20460 202-426-2724
Textiles	do.	James Gallup (WH-552) Environmental Protection Agency Washington, D.C. 20460 202-426-2555
Soap and Detergents Manufacturing	June 1979	Sammy Ny (WH-586) Environmental Protection Agency Washington, D.C. 20460 202-426-2503
Auto and Other Laundries	do.	Richard Kinch (WH-552) Environmental Protection Agency Washington, D.C. 20460 202-426-2582
Machinery and Mechanical Products	do.	Devereaux Barnes (WH-552) Environmental Protection Agency Washington, D.C. 20460 202-426-2586
Miscellaneous Chemicals--Adhesives and Sealants	do.	Elwood Forsht (WH-552) Environmental Protection Agency Washington, D.C. 20460 202-426-2707
Miscellaneous Chemicals--Explosives Manufacturing	do.	Elwood Martin (WH-552) Environmental Protection Agency Washington, D.C. 20460 202-426-2582

## NOTICES

Miscellaneous Chemicals--Gum Wood	June 1979	Richard Williams (WH-552) Environmental Protection Agency Washington, D.C. 20460 202-426-2555
Miscellaneous Chemicals--Hospitals	do.	Donald Anderson (WH-552) Environmental Protection Agency Washington, D.C. 20460 202-426-2207
Miscellaneous Chemicals--Pesticides	do.	George Jett (WH-552) Environmental Protection Agency Washington, D.C. 20460 202-426-2555
Miscellaneous Chemicals--Pharmaceuticals	do.	Joe Vitalis (WH-552) Environmental Protection Agency Washington, D.C. 20460 202-426-2555
Miscellaneous Chemicals--Photographic Processing	do.	K. Jack Kooyoomjian (WH-552) Environmental Protection Agency Washington, D.C. 20460 202-426-2586
Miscellaneous Chemicals--Carbon Black	do.	Chester Rhines (WH-552) Environmental Protection Agency Washington, D.C. 20460 202-426-2582
Electroplating	do.	Charles Cook (WH-586) Environmental Protection Agency Washington, D.C. 204 202-426-7874
EPA is considering proposal of the following additional action under the Federal Water Pollution Control Act:		
Oil Removal	October 1977	Regulations establishing recommended methods and procedures for the removal of discharged oil Hans Crump (WH-549) Environmental Protection Agency Washington, D.C. 20460 202-245-3045
<u>THE SAFE DRINKING WATER ACT</u>		
Amended Interim Primary Drinking Water Regulations for Trihalomethanes	September 1977	Maximum contaminant levels for trihalomethanes in drinking water Joe Cotruvo (WH-550) Environmental Protection Agency Washington, D.C. 20460 202-755-5643
Revised National Primary Drinking Water Regulations	February 1978	Regulations to establish treatment techniques or maximum contaminant levels for contaminants in drinking water Do.
<u>THE NOISE CONTROL ACT</u>		
EPA will propose noise emission standards for the following products under Section 6 of the Noise Control Act:		
Truck Transport Refrigeration Units	September 1977	Kenneth Feith (WH-471) Environmental Protection Agency Washington, D.C. 20460 202-557-2710
Pavement Breakers and Rock Drills	December 1977	Do.
Lawnmowers	December 1977	Do.



EPA is also preparing the following regulations for proposal under the Noise Control Act:

Importation of Noise Emitting Vehicles	Concurrent regulations by the Customs Service and EPA will govern the importation of regulated products under the Noise Control Act	November 1977	Linda Desell (EN-340) Environmental Protection Agency Washington, D.C. 20460 202-557-7406
<b>THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT</b>			
Custom Blending of Pesticides	This regulation will provide relief from the necessity of registration for each possible combination of a specific pesticide with a fertilizer	September 1977	Dave Brandwein (WH-566) Environmental Protection Agency Washington, D.C. 20460 202-755-8030
National Pesticide Monitoring Plan	National monitoring plan is required by Section 20 to be established in cooperation with other Federal, State, and local agencies	September 1977	Robert Beath (WH-569) Environmental Protection Agency Washington, D.C. 20460 202-426-2535
Special Packaging Regulations	Establishes standards for pesticide containers in order to protect children from accidental poisoning	September 1977	Maureen Grimmer (WH-566) Environmental Protection Agency Washington, D.C. 20460 202-755-8030

EPA will repropose Pesticide Registration Guidelines which detail the information needed in the following areas for the registration process:

Chemistry		November 1977	Bill Preston (WH-568) Environmental Protection Agency Washington, D.C. 20460 202-557-7351
Hazard Evaluation: Wildlife and Aquatic Organisms		November 1977	Do.
Hazard Evaluation: Human and Domestic Animals		January 1978	Do.
Product Performance		March 1978	Do.
Label Development		May 1978	Do.

#### THE ATOMIC ENERGY ACT

Guidelines for Plutonium Cleanup	Guidelines for the cleanup of plutonium and other trans-uranium elements and restoration of contaminated areas	September 1977	Gordon Burley (AW-460) Environmental Protection Agency Washington, D.C. 20460 202-755-2890
Protective Action Guides for Nuclear Incidents	Protective Action Guides will be developed for use by Federal agencies, States and local governments in developing emergency plans for accidents at fixed nuclear facilities and for transportation of nuclear materials	January 1978	Jim Hardin (AW-460) Environmental Protection Agency Washington, D.C. 20460 202-755-2890
Federal Radiation Guidance: Implementation of "As Low As Practicable"	Guidance by which Federal agencies can implement the existing requirements that planned radiation exposure be kept as low as practicable	1978	Byron Burger (AW-460) Environmental Protection Agency Washington, D.C. 20460 202-755-1500

Occupational Limits for Radiation Protection	EPA is considering the need for more stringent Federal radiation guidance for occupational exposure	October 1977	Luis Garcia (AW-460) Environmental Protection Agency Washington, D.C. 20460 202-755-2952
Fundamental Environmental Criteria for Radioactive Waste Management	The criteria will provide public health and environmental guidance to Federal agencies that have responsibility for developing and regulating various radioactive waste disposal alternatives	September 1977	Jim Martin (AW-460) Environmental Protection Agency Washington, D.C. 20460 202-755-4871
High Level Radioactive Waste Management	EPA standards will establish public health and environmental requirements to be met for the disposal of high-level radioactive waste	December 1977	Do.
<b>RESOURCE CONSERVATION AND RECOVERY ACT</b>			
Municipal Sanitary Landfill Guidelines	Guidelines under Section 1008 will address the practice of sanitary landfilling	November 1977	Bernard Stoll (AW-464) Environmental Protection Agency Washington, D.C. 20460 202-755-9116
Guidelines for Municipal Disposal of Sludge	Guidelines under Section 1008 will be developed on acceptable methods of sludge disposal	May 1978	Bruce Weddle (AW-464) Environmental Protection Agency Washington, D.C. 20460 202-755-9120
Hazardous Waste Criteria--Identification and Listing	EPA will develop criteria under Section 3001 for identifying which substances are hazardous for the purposes of the hazardous waste management provisions of the Act	January 1978	Alan Corson (AW-465) Environmental Protection Agency Washington, D.C. 20460 202-755-9187
Notification System for Hazardous Waste Generators, Transporters, Storers, and Disposers	Regulations will establish procedures for notification of EPA, or of a State having an approved program under Section 3006, concerning the identification, location, and general description of hazardous wastes, by transporters, storers, treaters, and disposers	September 1977	Timothy Fields (AW-465) Environmental Protection Agency Washington, D.C. 20460 202-755-9203
Standards for Transporters of Hazardous Wastes	Regulations under Section 3003 will make transporters responsible for recordkeeping, transportation to approved facilities, and compliance with the manifest system for hazardous wastes	November 1977	Harry Trask (AW-465) Environmental Protection Agency Washington, D.C. 20460 202-755-9187
Standards for Owners and Operators of Hazardous Waste Treatment Storage and Disposal Facilities	National performance standards for facility owners and operators under Section 3004 will apply to recordkeeping, reporting and monitoring, compliance with operating practices, location and design, contingency plans, and facility maintenance	January 1978	William Sanjour (WH-465) Environmental Protection Agency Washington, D.C. 20460 202-755-9200
Public Participation Guidelines	Provides mechanisms for public participation in the development, promulgation, revision, implementation, or enforcement of regulations, guidelines, information or programs authorized by the Resource Conservation and Recovery Act	September 1977	Geraldine Wyer (AW-462) Environmental Protection Agency Washington, D.C. 20460 202-755-9157



Permits for Hazardous Waste Treatment, Storage, and Disposal Facilities	To provide a mechanism to assure uniform control by States (or EPA) over hazardous waste facilities, including maintenance of data for compliance monitoring and enforcement	December 1977	Sam Morekas (AW-465) Environmental Protection Agency Washington, D.C. 20460 202-755-9190
Guidelines: State Hazardous Waste Programs	Guidelines to assist States in developing hazardous waste programs authorized under Section 3006	October 1977	Murray Newton (AW-465) Environmental Protection Agency Washington, D.C. 20460 202-755-9190
Guidelines: State Solid Waste Programs	Regulations under Section 4002(b) will contain guidelines to assist in the development and implementation of State solid waste management plans	October 1977	Burnell Vincent (AW-464) Environmental Protection Agency Washington, D.C. 20460 202-755-9125
Criteria: Classification of Disposal Facilities	Regulations will provide criteria for determination of which solid waste disposal facilities shall be classified as sanitary landfills and which shall be classified as open dumps	October 1977	Kenneth Shuster (AW-464) Environmental Protection Agency Washington, D.C. 20460 202-755-9116
Guidelines: Procurement Practices	Guidelines will assist government procurement agencies in complying with the requirements of Section 6002(e) for procurement of products with the highest practicable percentage of recovered materials	October 1978	Stephen Lingle (AW-463) Environmental Protection Agency Washington, D.C. 20460 202-755-9140
<b>TOXIC SUBSTANCES CONTROL ACT</b>			
Testing of Chemical Substances and Mixtures	Section 4 authorizes EPA to require testing in order to obtain data on health and environmental effects; an inter-agency committee will recommend testing priorities; its initial report is due 10/77	N/A	James Beall (WH-557) Environmental Protection Agency Washington, D.C. 20460 202-755-8942
Premarket Notification	Section 5 requires manufacturers and processors to submit notification before manufacturing new chemicals for commercial purposes and before manufacturing or processing chemicals for significant new uses; exact timetable for rulemaking is not certain	N/A	Cindy Kelly (WH-557) Environmental Protection Agency Washington, D.C. 20460 202-755-4880
Chlorofluorocarbons—Discharge to the Atmosphere	This phase of rulemaking on chlorofluorocarbons will deal with non-aerosol uses, including refrigerant uses	July 1978	George Wirth (WH-557) Environmental Protection Agency Washington, D.C. 20460 202-755-6179
Polychlorinated Biphenyls (PCB's)	This phase of rulemaking will implement the statutory phase-out of production and use of PCB's	October 1977	Do.
Reporting and Retention of Information	Section 8(c) and (d) requires the manufacturers, processors, and distributors of chemical substances to keep records of significant adverse reactions to health or the environment and to submit health and safety studies; section 8(e) requires an immediate notification to the Administrator of any information indicating that the chemical may pose a substantial risk to health or the environment	December 1977	Ed Brooks (WH-557) Environmental Protection Agency Washington, D.C. 20460 202-755-8043

The regulations listed below have already been proposed and appear in the Federal Register issue of the date indicated. Please send any substantive comments to the public comment file according to the information appearing in the preamble of the published regulation. Inquiries as to status of these regulations can be directed to the EPA contact persons listed for each regulation.

NAME	DESCRIPTION	DATE IN FR	COMMENT PERIOD CLOSING DATE	CONTACT PERSON AND ADDRESS
Short Test for Emissions Control Warranty	Development of testing methods for exhaust emissions of in-use light duty vehicles and light duty trucks to determine whether they exceed applicable emission standards	5/25/77	10/7/77	Ernest Rosenberg (AW-455) Environmental Protection Agency Washington, D.C. 20460 202-755-0596
Emissions Control (Performance) Warranty	Regulations specifying a short-cycle emissions test for in-use vehicles to determine whether warranty repair by the manufacturer is required	5/25/77	10/7/77	Mike Scibinico (EN-340) Environmental Protection Agency Washington, D.C. 20460 202-755-0297
Testing Retrofit Devices for Fuel Economy Performance	Provides for EPA evaluation of manufacturers' claims for fuel economy retrofit devices	8/10/77	11/8/77	Ernie Rosenberg (AW-455) Environmental Protection Agency Washington, D.C. 20460 202-755-0596
Classification of Pesticides for Special Use	EPA will classify a significant number of pesticides as special pesticides under Section 3(g)	9/1/77	10/3/77	Jim White (WH-570) Environmental Protection Agency Washington, D.C. 20460 202-755-8297
Wheel and Crawler Tractor Noise	Noise emission standards for new wheel and track dozers	6/11/77	9/30/77	Kenneth Feith (AW-471) Environmental Protection Agency Washington, D.C. 20460 202-557-2710
Truck-Mounted Solid Waste Compactor Noise	Noise emission standards for new truck-mounted solid waste compactors	8/26/77	11/25/77	Do.

[FR Doc. 77 28165 Filed 9-28 77:8:45 am]

#### [ 6506-01 ]

[FRL 799-5; OPP-180150]

#### STATE OF LOUISIANA

#### Issuance of a Specific Exemption To Use 2,4-D To Control Sesbania on Soybeans

The Environmental Protection Agency (EPA) has granted a specific exemption to the State of Louisiana (hereafter referred to as the "Applicant") to use a dimethylamine salt of 2,4-D for the control of sesbania on 60,000 acres of soybean plants. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Room E-315, Washington, D.C. 20460.

According to the Applicant, the weed sesbania (*Sesbania exaltata* or *Sesbania macrocarpa*) may significantly reduce the yield of the soybean crop on 60,000 acres in 48 parishes in Louisiana. In most previous years, satisfactory weed control has been obtained by using preplant incorporated, preemergence, and overtop herbicides. However, the Applicant stated that when high rainfall occurs, which

causes dissipation of herbicides and greater weed germination, sesbania emerges through the soybean canopy and, without additional control measures, may reduce yield 50 percent or more. Yield reduction occurs as a result of the weeds taking fertilizer and water away from the soybeans, from shading resulting in the lack of adequate amounts of sunlight and by excessive harvest losses. The Applicant stated that the occurrence of this pest is particularly severe this year in portions of the rice and sugarcane producing areas of south Louisiana. The overtop sprays 2,4-DB (Butoxone and Butyrac) and Basagran are being used to control sesbania prior to bloom stage of soybean plants; however, research conducted by Louisiana State University indicates that these products will not control sesbania in Louisiana that has emerged through soybean canopy.

The Applicant will use a single application of 2,4-D by air as an overtop foliage spray on 60,000 acres of soybeans in the 48 parishes affected. The herbicide will be applied at the rate of four to eight ounces of a four pound per gallon active ingredients, amine 2,4-D per acre. The herbicide will be applied in three to five gallons of water per acre. This is equivalent to one-eighth to one-quarter pound of 2,4-D acid equivalent per acre applied as the amine salt. In order to obtain maximum results and prevent yield reduction and excess residues in harvested beans, two conditions

are necessary: the sesbania canopy cover must be approaching 100 percent, and the stage of maturity of the bean must be after pod set and before beans can be felt in the pod. Best control will be obtained if the weeds are sprayed when in full bloom. Soybeans are more tolerant to the herbicide and sesbania is more sensitive to the herbicide when the above conditions exist.

All aerial applications will be made by certified applicators who are licensed by the Louisiana Department of Agriculture. To prevent damage to other susceptible crops in the area of application, special permission will be obtained from the Commissioner of the Louisiana Department of Agriculture for the use of 2,4-D, except in the southwestern part of the State where cotton is not grown.

It appears that income derived from soybeans is very important to Louisiana farmers. Because of the low prices farmers are receiving for rice, many of them are more dependent than usual on income from soybeans. According to the Applicant unless 2,4-D can be applied, the average yield on the 60,000 acres of soybean plants infested with sesbania may be reduced by approximately 10 bushels per acre. At \$6.00 per bushel, this represents a dollar loss of \$3,600,000.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of sesbania has occurred; (b) there is no pesticide presently registered and available for use to control sesbania in soy-



bean fields in Louisiana; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the sesbania is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for the use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above October 15, 1977 to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. A dimethylamine salt of 2,4-D will be applied at the rate of from one-eighth to one-quarter pound 2,4-D acid equivalent per acre;
2. An overtop foliage, aerial application will be limited to 60,000 acres in 48 parishes listed below;
3. Aerial application will be made by certified applicators licensed by the Louisiana Department of Agriculture;
4. The total quantity of 2,4-D to be applied will not exceed 15,000 pounds of active ingredient;
5. Applications will be limited to the following 48 parishes: Acadia, Allen, Ascension, Assumption, Avoyelles, Beauregard, Calcasieu, Caldwell, Cameron, Catahoula, Concordia, East Baton Rouge, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Iberia, Iberville, Jefferson Davis, Lafourche, Lafayette, Livingston, Madison, Morehouse, Natchitoches, Ouachita, Pointe Coupee, Rapides, Red River, Richland, Sabine, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Tammany, Tangipahoa, Tensas, Terrebonne, Vernon, Vermillion, Washington, West Carroll, West Baton Rouge, and West Feliciana;
6. Special permission will be obtained from the Louisiana Department of Agriculture for all applications in restricted areas;
7. Soybeans with residue levels not exceeding 0.75 ppm (part per million) of 2,4-D may be offered in interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;
8. The herbicide 2,4-D should not be applied unless sesbania is present to the extent that it will cause harvesting problems or it is approaching 100 percent canopy;
9. A thirty-day intervals for grazing cattle on treated soybean fields will be observed;
10. The State of Louisiana will obtain chemistry residue data in support of a tolerance for 2,4-D on soybeans;
11. The EPA shall be immediately informed of any adverse effects resulting from the use of this pesticide in connection with this exemption;
12. Precautions will be taken to avoid or minimize spray drift to non-target areas; and
13. Applications will not be made to any body of water.

Statutory authority: Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).

Dated: September 23, 1977.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc 77-28712 Filed 9-29-77; 8:45 am]

#### [ 6506-01 ]

[FRL 799 1; OPP-42014C]

#### STATE OF MONTANA

#### Amendment to State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides

Section 4(a)(2) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136 et seq.), and the implementing regulations of 40 CFR Part 171, require each state desiring to certify applicators of restricted use pesticides to submit a plan for that purpose, subject to approval by the Environmental Protection Agency (EPA), and maintain that plan as approved. Notice of approval of the Montana State Plan was published in the FEDERAL REGISTER on December 13, 1976 (41 FR 54214). Subsequently, on June 13, 1977, Montana requested that EPA approve an amendment to the State Plan that reflects amendments to the Montana Pesticides Act. These amendments cover 4 areas: (1) The sections listing the procedures to be followed when instituting enforcement actions were deleted because they duplicated the State Administrative Procedures Act; (2) The Montana Department of Agriculture's duties and responsibilities when conducting an inspection were more clearly stated; (3) The standards for private applicator certification were taken from the regulations unchanged and incorporated into the law; and (4) The options for qualifying for certification by private applicators were changed by adding another option which allows qualification by completion of an approved training course. Completion is determined by the applicator taking an ungraded quiz or by trainee feedback to the instructor.

The amendments do not change the design or operation of the Montana applicator certification program but only serve to make clear the procedures, responsibilities, and requirements of the program. These amendments are not considered to be so substantial that they should be published as a proposal. Therefore, the Regional Administrator, EPA Region VIII, gives notice that the Montana State Plan as amended is approved.

Dated: September 20, 1977.

ALAN MERSON,  
Regional Administrator,  
Region VIII.

[FR Doc.77-28720 Filed 9-28-77; 8:45 am]

#### [ 6506-01 ]

[FRL 799-4; OPP-180148]

#### WASHINGTON STATE DEPARTMENT OF AGRICULTURE

#### Issuance of a Specific Exemption To Use TEPP To Control Twospotted Spider Mite on Hop Crop

The Environmental Protection Agency (EPA) has granted a specific exemption to the Washington State Department of Agriculture (hereafter referred to as the "Applicant") to use TEPP (tetraethyl pyrophosphate) for the control of twospotted spider mites which are threatening the commercial hop crop in three (3) counties in Washington. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Room E-315, Washington, D.C. 20460.

According to the Applicant, the twospotted spider mite (*Tetranychus urticae* Koch) is normally present in Washington hop yards. Current climatic and growing conditions are ideal for pest population buildup now. Although several miticides are registered for use on hops, Washington State University entomologists alleged that none of the registered miticides were viable options for one or more of various reasons: (1) the spider mites were resistant to the other miticides; (2) aerial applications were precluded because of ineffectiveness or labeling restrictions; and/or (3) the required preharvest interval excluded application at the time required. Ground pesticide applications were not feasible because of possible damage to hop foliage, lodged hops, and irrigation equipment. According to the Applicant, TEPP has prevented economic damage to the commercial hop crop by this pest in previous years.

The Applicant requested permission to treat the 20,000 acre commercial hop crop with two (2) pounds of actual TEPP per acre in a single aerial application; application will be limited to Yakima, Benton, and Pierce counties. The pesticide will be applied by State licensed commercial applicators under the Applicant's supervision. A three-day preharvest interval will be maintained.

The State of Washington produces about 71% of the national hop crop; the Applicant stated that the potential economic loss from a major outbreak of the twospotted spider mite could reach \$10,000,000, representing one-third of Washington hop production and 20% of the United States' pro-

duction. The Applicant cited the following factors which contribute to relatively low probability of exposure of man to harmful residues of TEPP from hops: (1) raw hops are never consumed by humans and hops are kiln-dried following harvest; (2) one-fourth pound of hops is added to each thirty-one (31) gallons of beer, a 1:1,000 dilution by weight; (3) fermentation in the brewing vats results in additional breakdown of pesticide residues; and (4) a two-pound application on hops presents less residue potential to humans than applications on six other food crops which have tolerances of 0.01 ppm. The dilution of 1 to 1,000 would allow establishment of a tolerance adequate to protect human health. The Applicant further stated that all data reviewed indicated no residue transfer from 3-day preharvest interval to finished beer.

However, TEPP exhibits acute toxicity to fish and wildlife species, especially avian species. The Office of Endangered Species, U.S. Department of the Interior, has reported that the American Peregrine Falcon (*Falco peregrinus anatum*), an endangered species, is endemic within the three counties proposed for treatment.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of twospotted spider mites has or is about to occur; (b) there is no pesticide presently registered and available for use to control the twospotted spider mite in Washington State; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the twospotted spider mites are not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until September 30, 1977, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following restrictions:

- (1) Aerial applications of TEPP are limited to one (1) at the rate of two (2.0) pounds of active ingredient per acre;
- (2) Total acreage treated shall not exceed 20,000 acres;
- (3) A maximum of 40,000 pounds of actual TEPP will be applied;
- (4) Treatment area is limited to the three counties listed in this notice;
- (5) A three-day preharvest interval will be observed;
- (6) The Applicant is responsible for monitoring aerial applications of TEPP;
- (7) Liaison shall be established among the Washington State Departments of Agriculture, Fisheries and Game to minimize any adverse effects on fish and wildlife resources;
- (8) The EPA shall be immediately informed of any adverse effects resulting from the use of this pesticide in connection with this exemption;

(9) All applicable directions, restrictions and precautions on the EPA-registered label will be observed;

(10) All precautions will be taken to avoid or minimize spray drift to non-target areas; and

(11) Hops with residue levels not exceeding 0.1 ppm of TEPP may be offered in interstate commerce. The Food and Drug Administration of the U.S. Department of Health, Education, and Welfare has been advised of this action.

Dated: September 26, 1977.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc.77-28713 Filed 9-28-77; 8:45 am]

#### [ 6712-01 ]

#### FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 21402; FCC 77-653]

#### AMERICAN TELEPHONE AND TELEGRAPH COMPANY (LONG LINES DEPARTMENT); WIDE AREA TELECOMMUNICATIONS SERVICES (WATS)

#### Inquiry

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: Inquiry to determine if American Telephone and Telegraph Company's (AT&T) Interstate Wide Area Telecommunications (WATS) services are "like" or "unlike" services to AT&T's Interstate Message Telecommunications Services (MTS) within meaning of section 202(a) of the Communications Act of 1934, which prohibits unjustified discriminations in rates, practices, etc. applicable to "like" services. Inquiry follows a prior Commission action where AT&T had failed to justify rates applicable to WATS services in relation to MTS services.

DATES: Comments must be received on or before November 4, 1977, and reply comments on or before November 25, 1977.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mr. Daniel J. Harrold, Common Carrier Bureau, (202-632-6917).

SUPPLEMENTARY INFORMATION:

Adopted: September 26, 1977.

Released: September 26, 1977.

By the Commission: 1. In our Memorandum Opinion and Order, FCC 77-529, adopted July 21, 1977 and released August 12, 1977, (WATS Order) we rejected American Telephone and Telegraph Company's (AT&T) proposed WATS tariff provisions filed on April 29, 1977 under Transmittal No. 12745 for reasons given at paras. 120 and 121 therein and directed AT&T to file a revised WATS

tariff consistent with our Order. We also indicated at paras. 42-49 our intention to institute an inquiry into the legal question of whether Outward and Inward WATS services respectively, are "like" or "unlike" services to Message Telecommunications Services (MTS) within the meaning of section 202(a) of the Act. 47 USC 202(a).

2. In addressing this subject in our WATS Order, we stated with respect to Outward WATS at para. 46:

The showing made in this filing is insufficient to convince us the Outward WATS and MTS are not "like services," in which case any difference in rates must be justified under section 202(a) of the Act. Besides the differences between the services enumerated above, there are many significant similarities. For example, the same technology is used to provide MTS DDD and Outward WATS services and once an MTS or Outward WATS call enters the network, they are indistinguishable. Cf. DDS, 62 FCC 2d at 796. Indeed, when Outward WATS and MTS services are used in conjunction with a "WATS box," i.e., arranged in rotary such that the "box" chooses between WATS and MTS lines on the basis of availability or economy no difference exists between the two services except rates. Moreover, it appears that the primary basis for customer preference for WATS appears to be the substantial cost savings which results from the lower unit tariff charge for Outward WATS calls. Cf., DDC, 62 FCC 2d at 796. The formal pleadings, comments and letters received from WATS subscribers repeatedly emphasize the cost savings they obtain from WATS services vis-a-vis MTS and other services, and that this fact initially induced them to secure Outward WATS to replace some of their MTS lines. Further, the WATS business market studies submitted in this filing demonstrate that the primary reason given by customers for starting WATS services is economy in the customer's total communications bill. See Volume 51 of Justification, pp. 2-24 and 2-25. This is also shown in this filing by the cross-elasticity between MTS and Outward WATS, which is described as "pronounced."

3. About Inward WATS at para. 48 we stated:

To some extent, our discussion above may apply to Inward WATS as well. On a tentative basis, it appears that Inward WATS and MTS could possibly be considered "like services" subject to Section 202(a), although we cannot make such a finding from the record before us. There appear to be no functional differences between Inward WATS and MTS calls as they traverse the network, and in Inward WATS, even more so than in Outward WATS, the customer's preference for the service appears to be based in large part on cost savings to him vis-a-vis MTS operator-assisted collect, station-to-station and other MTS calls. With respect to costs, it is important that Bell itemize and quantify on an embedded cost basis consistent with Docket No. 18128 all costs or alleged cost savings associated with its provision of Inward WATS service. Presently, as admitted in the filing, there is much network congestion caused by Inward WATS services. These additional and other costs, or alleged cost savings such as in billing, must be itemized and quantified. (Footnote omitted.)

4. At para. 49 of our WATS Order, we further stated:

If Bell should choose to justify Inward WATS and Outward WATS, respectively, as "unlike" services from MTS, we expect a



showing to be made, among other things, that customers perceive the services primarily as different from other services in terms of capability of being used for different communications needs and not as replacement services. A mere segmentation of the market, e.g., as discussed at paras. 53-54 below, through lower charges to the customer for one service or another would appear to be insufficient. Also, consideration must be given to whether the two services, in fact, satisfy different communications requirements, regardless of any rate differentials which may exist. This showing must be made separately for Inward and Outward WATS vis-a-vis other services. Further, Bell should show that institutional demand by public switched network business customers (MTS and WATS) is, in fact, price sensitive by time of day and thus network peaks could be shifted by offering discounted WATS services. If not, then it would seem that there may be less justification for offering discounted public switched network services. We note that irrespective of whether we find Outward and Inward WATS services, respectively, to be "like" or "unlike" MTS, any rates or rate structures submitted must be shown to be just and reasonable within the meaning of section 201(b) of the Act.

5. In order to resolve the legal issue of whether Outward and Inward WATS, respectively, should be considered "like" or "unlike" services to MTS within the meaning of section 202(a) of the Act we are soliciting comments from all interested parties on this question. An additional round of reply comments will be permitted. If the comments filed indicate an oral argument en banc on this question may also be useful we shall provide for such argument in a subsequent order. This proceeding shall be restricted proceeding, conducted under 47 CFR 1.7201 et seq., and our Decision will be based on matters submitted for or incorporated into the record herein. Also, we note that in the past what constitutes a "like" or "unlike" service has been determined primarily on a case-by-case basis. See, e.g., HI-Lo, 55 FCC 2d 224, 231 (1975), and DDS, 62 FCC 774, 795-97 (1977). It is our hope that this proceeding may result in the establishment of general standards or criteria to aid in the determination in future cases of what may be "like" or "unlike" services within the meaning of section 202(a). Therefore, we expect filing parties to also address their comments to this more general definitional question as well.

6. Accordingly, *it is ordered*, That pursuant to sections 4(i), 4(j), 202(a) and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 202(a), 403, an inquiry is instituted into the following issues:

(a) Whether Outward and Inward WATS services, respectively, constitute "like services" to MTS services within the meaning of section 202(a) of the Act; and

(b) Upon what specific standards, criteria or showing by the advocating carrier should the Commission rely in future cases in determining whether or not two or more communications services are "like" or "unlike" within the meaning of section 202(a) of the Act.

7. *It is further ordered*, That AT&T is named Party Respondent herein;

8. *It is further ordered*, That any interested persons may participate herein by filing Comments on the above issues on or before November 4, 1977, and Reply Comments on or before November 25, 1977.

9. *It is further ordered*, That the Secretary of the Commission shall cause a copy of this Notice of Inquiry to be published in the FEDERAL REGISTER;

10. *It is further ordered*, That an original and 5 copies of all comments and replies shall be filed with the Commission.

11. *It is further ordered*, That pursuant to Section 1.1207 of the Commission's Rules, 47 CFR 1.1207, this proceeding shall be conducted pursuant to the Commission's ex parte rules, 47 CFR 1.1201 et seq.

FEDERAL COMMUNICATIONS  
COMMISSION,  
VINCENT J. MULLINS,  
Secretary.

[FR Doc. 77-28671 Filed 9-28-77; 8:45 am]

#### [ 6712-01 ]

[Docket No. 21398; File No. BR-4373; FCC 77-647]

#### DEER LODGE BROADCASTING, INC.

#### Order and Notice of Apparent Liability Designating Application for Hearing on Stated Issues

Adopted: September 15, 1977.

Released: September 26, 1977.

In re application of: Deer Lodge Broadcasting, Inc., for renewal of license for radio station KDRG, Deer Lodge, Mont. (Docket No. 21398, File No. BR-4373).

1. The Commission has before it for consideration the above captioned application and its inquiries into the operation by Deer Lodge Broadcasting, Inc., of Station KDRG, Deer Lodge, Mont.

2. Information before the Commission raises serious questions concerning whether the captioned applicant possesses the qualifications to be or to remain a licensee of the captioned station. In view of these questions, the Commission is unable to find that a grant of the renewal application would serve the public interest, convenience and necessity, and must, therefore, designate the application for hearing.<sup>1</sup>

3. Accordingly, *it is ordered*, That the captioned application is designated for hearing pursuant to section 309(e) of the Communications Act of 1934, as amended, at a time and place specified in a subsequent Order, upon the following issues:

(a) Whether in light of all the facts and circumstances pertaining thereto, the license for Station KDRG was transferred, assigned, or disposed of, by transfer of control of the licensee corporation, or otherwise, in violation of section 310 (d) of the Communications Act of 1934, as amended;

(b) Whether the licensee violated the Commission's Rules, as alleged in the Official Notice of Violation issued on February 8, 1977, and if so, the nature and extent of those violations and, in light of the evidence adduced pursuant to that determination, whether the licensee has exercised that degree of responsibility required of a licensee of the Commission;

(c) Whether, in light of all the facts and circumstances pertaining thereto, employees, management, officers or principals of the licensee falsified and/or fabricated entries in the station's operating logs, and, if so, the extent to which entries in the KDRG operating logs were falsified and/or fabricated;

(d) Whether, in light of all the facts and circumstances surrounding the preparation and submission to the Commission of statements by principals and/or officers of the licensee corporation concerning entries made in KDRG's operating logs, the licensee corporation has misrepresented facts to the Commission and/or been lacking in candor regarding the preparation of KDRG operating logs;

(e) Whether, in light of the information adduced under the preceding issues, the licensee possesses the requisite qualifications to be or to remain a licensee of the Commission, and whether a grant of the captioned application would serve the public interest, convenience and necessity.

4. *It is further ordered*, That the Chief, Broadcast Bureau, is directed to serve upon the captioned applicant within thirty (30) days of the release of this Order, a Bill of Particulars with respect to Issues (a) through and including (d).

5. *It is further ordered*, That, if it is determined that the hearing record does not warrant an order denying the captioned application for renewal of license for Station KDRG, it shall also be determined whether the applicant has repeatedly violated sections 73.113(a), 73.67(a) (3), 73.932(a), 73.92(a), 73.51(e) (2), 73.111(a), 73.52(a), 73.87, and 73.40 (a) (14) of the Commission's Rules.<sup>2</sup> If so, it shall also be determined whether an Order of Forfeiture pursuant to section 503(b) of the Communications Act of 1934, as amended, in the amount of \$10,000 or some lesser amount, should be issued for violations which occurred within one year preceding the issuance of the Bill of Particulars in this matter.

6. *It is further ordered*, That, this document constitutes a Notice of Apparent Liability for forfeiture for violation of sections 73.113(a), 73.67(a) (3), 73.932(a), 73.92(a), 73.51(e) (2), 73.111(a), 73.52(a), 73.87, and 73.40(a) (14) of the Commission's Rules. The Commission has determined that, in every case designated for hearing involving revocation

<sup>1</sup>See Bill of Particulars for specific dates of each alleged violation.

or denial of renewal of license for alleged violations which also come within the purview of section 503(b) of the Act, it shall, as a matter of course, include this forfeiture notice so as to maintain the fullest possible flexibility of action. Since the procedure is thus a routine standard one, we stress that inclusion of this Notice is not to be taken as in any way indicating what the initial or final disposition of the case should be; the judgment is, of course, to be made on the facts of each case.

7. *It is further ordered*, That the Broadcast Bureau proceed with the initial presentation of the evidence with respect to Issues (a) through (d) and the applicant then proceed with its evidence and have the burden of establishing that it possesses the requisite qualifications to be a licensee of the Commission and that a grant of its application would serve the public interest, convenience and necessity.

8. *It is further ordered*, That to avail itself of the opportunity to be heard, the applicant herein, pursuant to section 1.221 of the Commission's Rules, in person or by attorney, shall file with the Commission, within twenty (20) days of the mailing of this Order, a written appearance in triplicate, stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

9. *It is further ordered*, That the applicant herein, pursuant to section 311 (a) (2) of the Communications Act of 1934, as amended, and section 1.594 of the Commission's Rules, shall give notice of the hearing within the time and in the manner prescribed in such Rule and shall advise the Commission thereof as required by section 1.594(g) of the Rules.

10. *It is further ordered*, That the Secretary of the Commission send a copy of this Order by Certified Mail—Return Receipt Requested to Deer Lodge Broadcasting, Inc., licensee of KDRG, Deer Lodge, Mont.

FEDERAL COMMUNICATIONS  
COMMISSION,  
VINCENT J. MULLINS,  
Secretary.

[FR Doc. 77-28615 Filed 9-28-77; 8:45 am]

#### [ 6712-01 ]

[Docket No. 21397; FCC 77-635]

#### WILLIAM J. SCHWARTZ

#### Order To Show Cause

Adopted: September 15, 1977.

Released: September 23, 1977.

In re William J. Schwartz d.b.a. Tri-Boro Cablevision, Lanesboro, Pa., Oakland, Pa., Susquehanna, Pa., petition for order to show cause (Docket No. 21397, CSC-180, (PA0539), (PA0540), (PA0541)).

1. Southern Tier Educational Television Association, Inc., licensee of Television Broadcast Station WSKG (Educ., Channel 46), Binghamton, N.Y., has petitioned for an order to show cause against

Tri-Boro Cablevision, operator of cable television systems serving Lanesboro, Oakland, and Susquehanna, Pa. The three cable communities are within the Binghamton, N.Y., smaller television market specified zone. Signal carriage rules applicable to cable systems located within smaller markets require carriage upon the station's request of all television stations within whose specified zone the cable community lies and all noncommercial, educational stations within whose Grade B contour the community lies.<sup>1</sup> The three cable communities in-

Where a system serves a community that is located in whole or in part within a smaller television market . . . that community unit shall carry television broadcast signals only in accordance with the following provisions:

(a) Any such community unit may carry or, on request of the relevant station licensee or permittee, shall carry the signals of:

(1) Television broadcast stations within whose specified zone the community is located, in whole or in part;

(2) Noncommercial educational television broadcast stations within whose Grade B contours the community of the unit is located, in whole or in part;

involved in the present proceeding lie well within WSKG's Grade B contour. WSKG has submitted copies of five letters to Tri-Boro requesting carriage. It appears that the station is entitled to carriage under both provisions of the Rules. Tri-Boro has not filed a pleading in this proceeding.

In view of the foregoing, we believe that an order to show cause should be issued against Tri-Boro Cablevision as requested.

Accordingly, *it is ordered*, That the "Request for Order to Show Cause" filed by Southern Tier Educational Television Association, Inc. (CSC-180), is granted.

*It is further ordered*, That pursuant to sections 312 (b) and (c) and section 409(a) of the Communications Act of 1934, as amended, 47 U.S.C. 312 (b) and (c) and 409(a), William J. Schwartz d.b.a. Tri-Boro Cablevision is directed to show cause why it should not be ordered to cease and desist from further violation of section 76.59(a) (1) and (2) of the Commission's Rules on its cable television systems serving Lanesboro, Oakland, and Susquehanna, Pa.

*It is further ordered*, That Tri-Boro Cablevision is directed to appear and give evidence with respect to the matters described above at a hearing to be held at a time and place and before an Administrative Law Judge to be specified by subsequent order, unless hearing is waived, in which event a written statement may be submitted.

*It is further ordered*, That Southern Tier Educational Television Association, Inc., is made a party to the proceeding.

*It is further ordered*, That the Secretary of the Federal Communications

<sup>1</sup>The applicable signal carriage rules read as follows:

Commission shall send copies of this order by certified mail to Tri-Boro Cablevision, 123 Erie Avenue, Susquehanna, Pa. 18847.

FEDERAL COMMUNICATIONS  
COMMISSION,  
VINCENT J. MULLINS,  
Secretary.

[FR Doc. 77-28616 Filed 9-28-77; 8:45 am]

#### [ 3128-01 ]

#### FEDERAL ENERGY ADMINISTRATION

#### ANTHRACITE COAL CONFERENCE Meeting

Notice is hereby given that the Environmental Subgroup to the Anthracite Coal Conference will hold a meeting on Thursday, October 13, 1977, at 10:30 a.m., Governor's Conference Room, State Office Building, Broad and Spring Garden Streets, Philadelphia, Pa.

The objectives of the Anthracite Coal Conference are to make recommendations to the FEA with respect to the increased utilization of anthracite coal as a readily-available energy source and the maintenance of fair and reasonable consumer prices for such supplies.

The importance of convening this subgroup meeting stems from a priority commitment made by the President to find ways of improving coal production and utilization, without endangering the public health or degrading the environment. In support of this commitment the FEA was charged with the responsibility for studying methods to increase the production of anthracite coal. Analysis and recommendations to this end must be completed by the end of October.

The agenda for this meeting will be a summarization of the subgroup's activities, and a discussion of possible follow-up after the briefing with Secretary Schlesinger. In past meetings this subgroup developed a study plan to be followed in analyzing environmental factors impacting upon the acceptability of increases in anthracite production and utilization. Environmental issues previously considered by this subgroup include land use conflicts, water quality, refuse disposal, and land restoration/rehabilitation.

This meeting will be open to the public. The Chairman is empowered to conduct this meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement will be permitted to do so, either before or after the meeting.

Further information concerning this meeting may be obtained from Beth Nelson, Room 3502, FEA Headquarters, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461 (202-566-6230).

Minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, Room 2107, FEA Headquarters, 12th and Pennsylvania Avenue NW.,



Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on September 26, 1977.

ERIC J. FYGI,  
Acting General Counsel.

[FR Doc. 77-28698 Filed 9-28-77; 8:45 am]

### [3128-01]

#### ISSUANCE OF DECISIONS AND ORDERS BY OFFICE OF EXCEPTIONS AND APPEALS

Week of August 8 Through August 12, 1977

Notice is hereby given that during the week of August 8 through August 12, 1977, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Exceptions and Appeals of the Federal Energy Administration. The following summary also contains a list of submissions which were dismissed by the Office of Exceptions and Appeals and the basis for the dismissal.

#### APPEALS

*Arent, Fox, Kintner, Plotkin & Kahn; Washington, D.C.; FFA-1405; Freedom of Information*

The law firm of Arent, Fox, Kintner, Plotkin and Kahn (Arent) appealed from a partial denial by the FEA Information Access Officer of a request for information which the firm had submitted under the Freedom of Information Act (the Act). In its initial request, Arent had sought copies of documents in the possession of the FEA which relate to line 7 of FEA Form P-125-S-O, entitled "Report of Refiner Profit Margin." The FEA Information Access Officer released copies of two documents to Arent but withheld from disclosure several documents within the scope of Arent's request which the Information Access Officer concluded were exempt from disclosure as intra-agency memoranda under the provisions of 5 U.S.C. 552(b) (5). In considering the Arent Appeal, the FEA found that two of the three documents withheld from Arent set forth the advice and recommendations of various FEA personnel concerning a proposed agency reporting form, and the remaining document was a draft of instructions for completing the proposed form. The FEA determined that the material withheld was predecisional in nature and that it was precisely the kind of information which the intra-agency memorandum exemption of the Act was designed to protect from disclosure. The FEA also determined that the material which was withheld did not constitute "secret" or "working" law of the FEA which must be disclosed under the principles set forth in *National Labor Relations Board v. Sears, Roebuck & Co.*, 421 U.S. 132 (1975). Finally, the FEA held that the documents did not lose their exempt status merely because a final agency decision had been made regarding an issue discussed in those documents. The Arent Appeal was consequently denied.

*Les K. Hanson, Inc.; St. Paul, Minn.; FRA-1191; Refined Petroleum Products*

Les K. Hanson, Inc. (Hanson) filed an Appeal from a Remedial Order which the Regional Administrator of FEA Region V had issued to the firm on February 2, 1977. In the Remedial Order, the FEA found that during the period November 1, 1973 through

December 31, 1974, Hanson had sold motor gasoline and diesel fuel at prices which exceeded the maximum permissible price levels specified in 6 CFR 150.359 and 10 CFR 212.93. In considering Hanson's Appeal, the FEA rejected the firm's contention that it had been unable to obtain copies of the relevant regulations and therefore should not be held liable for overcharges. In this regard, the FEA determined that a firm's ignorance of its obligations under federal law in no way constitutes a defense for violations of those laws. After reviewing the information contained in the February 2 Remedial Order issued to Hanson, however, the FEA also concluded that the Order did not contain sufficient factual findings regarding the specific amount of overcharges cited. The FEA found that due to the deficiency in the factual findings, the firm was unable to verify the accuracy of the FEA's conclusion that it had overcharged one of its customers or to submit a meaningful appeal of the Remedial Order. The FEA therefore remanded the Remedial Order to FEA Region V for further consideration and directed the Regional Administrator to release to Hanson all workpapers and supporting documents which set forth the basis for the amount of the alleged overcharges which were found to exist.

*Martin Oil Service, Inc.; Washington, D.C.; FPI-0110; Motor Gasoline No. 2 Fuel Oil*

Martin Oil Service, Inc. appealed from a Decision and Order which was issued to it by the Federal Energy Administration on February 4, 1977. *Martin Oil Service, Inc.*, 5 FEA Par. 83,061 (February 4, 1977). In the prior Decision, the FEA denied Martin's request for an exception from the provisions of 10 CFR 213.35(c) which would have permitted the firm to import 2,158,732 barrels of motor gasoline and 445,867 barrels of No. 2 fuel oil into PAD Districts I-IV on a license fee-exempt basis during the current allocation period. In considering the Martin Appeal, the FEA found that the firm's financial results during its 1974 fiscal year were anomalous and would therefore render use of the firm's historical data unreliable as an index of the impact of the Mandatory Oil Import Regulations upon the firm's current profitability. After adjusting the firm's historical data to eliminate the 1974 financial results, the FEA observed that Martin's projected profits for its 1977 fiscal year were less than the level of profitability which it attained during the historical period used for comparison. Nevertheless, the FEA determined that Martin had failed to demonstrate that the decline in its profitability represents a significant deterioration in Martin's operating posture which is attributable to the firm's license fee obligation. In this regard, no showing had been made that the level of profits projected by the firm would interfere in any material way with its operations. The FEA therefore determined that Martin had failed to meet the standards set forth in the Guidelines which have been established for evaluating requests for exception from the license fee requirements of Part 213. Accordingly, the FEA concluded that Martin had failed to establish that the February 4 Order was erroneous and the Martin Appeal was denied.

*Pester Refining Co.; El Dorado, Kans.; FFA-1210; Refined Petroleum Products*

Pester Refining Company (Pester) appealed from a Decision and Order which the Federal Energy Administration issued to it on January 31, 1977. *Pester Refining Co.; American Petrofina, Inc.*, 5 FEA Par. 83,062 (January 31, 1977). The January 31 Decision was designed to resolve a number of issues concerning the application of the FEA Regulations to the acquisition by Pester of a

refinery located in El Dorado, Kansas (the El Dorado Refinery) which had previously been owned by American Petrofina, Inc. (Pina). The Pester Appeal related to those portions of the January 31 Order which specify (1) the manner in which Pester was directed to calculate increased product costs for purposes of the refiner's price rule (10 CFR 212.83); and (2) the manner in which Pester and Pina were directed to adjust their "banks" of unrecouped increased costs.

In its Appeal, Pester requested that it be permitted to compute the increased product costs which it incurs by using the overall product costs incurred by Pina in connection with its consolidated operations during May 1973. In considering this request, the FEA observed that one of the primary considerations of the FEA in cases involving the transfer of a refinery is the impact which that transfer will have upon the firms which purchase products from the refinery. In the January 31 Decision and Order, the FEA determined that the interests of those firms would best be protected by permitting Pester to assume the May 1973 product costs associated with the operation of the El Dorado refinery rather than the costs associated with Pina's overall operations. In the present proceeding, the FEA found that Pester had failed to present any data which demonstrated that this determination was factually or legally erroneous. Accordingly, this portion of Pester's Appeal was denied.

In its Appeal, Pester also requested that it be permitted to treat the bank of unrecouped product costs which it accumulated as a retailer pursuant to 10 CFR 212.93(e) as if that bank had been accumulated by Pester as a refiner pursuant to 10 CFR 212.83. In considering this request, the FEA observed that prior to its acquisition of the El Dorado refinery, Pester had had an opportunity to pass through all of the increased product costs which it had incurred in its retailing operation, subject to the limitations imposed by market conditions. The FEA pointed out that by entering into its agreement to purchase the El Dorado refinery, Pester made a business decision which substantially changed the nature of its operation, and therefore it had no reason to assume that its rights and obligations under the FEA Regulatory Program would remain the same after its operations were changed from those of a retailer to those of a refiner. In addition, the FEA noted that in a recent Decision, *Hudson Oil Co.; Midland Cooperatives, Inc.*, 5 FEA Par. 83,007 (December 20, 1976), the FEA considered and rejected contentions similar to those presented by Pester in support of this request. Accordingly, this portion of Pester's Appeal was also denied.

*Uranich Coal and Oil; La Salle, Ill.; FRA-1224; No. 2 Fuel Oil*

Uranich Coal and Oil appealed from a Remedial Order which FEA Region V issued to the firm on February 4, 1977. In the Remedial Order, the FEA determined that Uranich had sold No. 2 fuel oil to certain customers at prices in excess of those permitted under 6 CFR 150.359 and 10 CFR 212.93. In order to remedy the violations cited, Uranich was directed to make refunds to the customers which it allegedly overcharged. In its Appeal, Uranich contended that the Notice of Probable Violation issued to the firm had not contained the type of factual information which would have permitted it to adequately evaluate the charges and formulate a response. Moreover, Uranich asserted that the Remedial Order was procedurally defective in that it failed to set forth adequate findings of fact and conclusions of law with respect to the alleged violations. In considering the firm's assertions, the FEA found that the NOPV was defective and that as a result,

the firm had been deprived of its right to respond to it in a proper manner prior to the issuance of a Remedial Order. Moreover, the FEA found that the Remedial Order did not contain specific findings supported by substantial evidence and as a result was also procedurally defective. Accordingly, the FEA vacated the February 4, 1977 Remedial Order and remanded the matter to FEA Region V for further evaluation.

#### APPLICATIONS FOR EXCEPTION

*Arden A. Anderson; Pensacola, Fla.; FEE-4290; Crude Oil*

Arden A. Anderson filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would have permitted the working interest owners to sell the crude oil to be produced from the redrilling of the J. O. McHenry No. 1 well at upper tier ceiling prices. In considering Anderson's Application for Exception, the FEA determined that, even if exception relief were not granted, the revenues which Anderson would receive during the remaining economic life of the McHenry well would provide the working interest owners with a sufficient economic incentive to undertake the necessary capital investment to redrill the McHenry well. The FEA also found that in the absence of exception relief, Anderson would realize an internal rate of return on its investment of 40 percent if the well was redrilled. On the basis of these findings, Anderson's Application for Exception was denied.

*Ashland Oil, Inc.; Commonwealth Oil Refining Co. Inc.; Washington, D.C.; FEE-4431; Crude Oil and Refined Products*

Ashland Oil, Inc. (Ashland) and Commonwealth Oil Refining Company, Inc. (Corco) jointly filed an Application for Exception from the FEA Mandatory Petroleum Price and Allocation Regulations. The exception request, if granted, would permit Ashland and Corco to be treated as separate entities for purposes of all FEA regulatory programs in the event that Ashland acquires a controlling interest in Corco. The firms noted that the FEA had previously issued a Decision and Order to the Tesoro Petroleum Company (Tesoro) in which Tesoro and Corco were permitted separate treatment with respect to a number of regulatory programs after Tesoro had purchased a controlling share of Corco common stock. "Tesoro Petroleum Company," 2 FEA Par. 83,334 (October 14, 1975). In considering the current request the FEA found that, although Ashland and Corco requested a broader range of exception relief than that granted to Tesoro, the same factors which formed the basis for approval of exception relief in the "Tesoro" Decision were present in the current proceeding, including assurances by Ashland and Corco that their traditionally independent business activities would continue to function autonomously. Therefore, in view of the precedent established in the "Tesoro" Decision and the severe financial difficulties being experienced by Corco, the FEA determined that exception relief permitting Ashland and Corco to be treated as separate entities for purposes of all FEA regulatory programs should be approved. The FEA also permitted Corco and Ashland to be treated as separate entities with respect to any exception application filed by either firm and decided within the next two years. Finally, the FEA granted Corco a five-month extension of the exception relief from the Entitlements Program which was previously granted to the firm, contingent upon Ashland's acquisition of a controlling interest in the firm. "See Commonwealth Oil Refining

Company, Inc.", 5 FEA Par. 83,132 (April 14, 1977).

*Good Hope Industries, Inc.; Washington, D.C.; FPI-0114; FPI-0123; Finished and Unfinished Naphtha*

Good Hope Industries, Inc. (GHI) filed an Application for Exception from the provisions of 10 CFR 213.35(c) which, if granted, would permit it to import on a license fee-exempt basis 1,667,685 barrels of unfinished naphtha and 1,994,360 barrels of finished naphtha into Districts I-IV during the current allocation period. In considering the firm's request, the FEA found that GHI was required to import substantial quantities of finished and unfinished naphtha to supply its motor gasoline customers. The FEA determined that the data submitted by GHI supported the firm's contention that the additional expense which it would incur from the payment of license fees on the naphtha which it imports could not be reflected in its selling prices, and that payment of the fees would therefore exacerbate the firm's existing financial difficulties. In this regard, the FEA observed that GHI is currently involved in bankruptcy proceedings and although the firm projects that it will earn substantial profits during the current allocation period, it will be required to use substantially all of these profits to pay bankruptcy expenses, repay debts and make unavoidable capital expenditures. In view of these projected results and the fact that GHI expects to experience a negative cash flow during the 1977-78 allocation period, the FEA concluded that the firm would experience an exceptional hardship in the absence of exception relief. Accordingly, the firm's request was approved with respect to the 2581.12 barrels per day of unfinished naphtha and the 2647.12 barrels per day of finished naphtha which will be necessary to supply its motor gasoline customers. Good Hope also filed a second Application for Exception in which it requested refunds for the license fees which it had already paid during the current allocation period. With respect to this submission the FEA determined that since GHI had made a compelling showing of financial hardship and had pursued its administrative remedies in a timely manner, this request should also be granted.

*Great Southern Oil and Gas Co., Inc.; Lafayette, La.; FFE-4416; Crude Oil*

Great Southern Oil & Gas Company, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The request, if granted, would result in an extension of the exception relief previously granted to Great Southern and would permit the firm to continue to sell a portion of the crude oil produced from the Elizabeth Longman No. 1 well (the Longman well) at upper tier ceiling prices. In considering the exception application, the FEA found that Great Southern continued to incur per barrel operating expenses for the Longman well which were in excess of the lower tier ceiling price the firm was permitted to charge pursuant to Subpart D and that in the absence of continued exception relief, the working interest owners would lack an economic incentive to continue production of crude oil from the property. In view of this situation and on the basis of the operating data presented for the well for the preceding six months, the FEA concluded that the working interest owners should be permitted to sell 100 percent of the crude oil produced from the well at upper tier ceiling prices in order to recover the increased operating costs of the well.

*Irving Oil Corp.; Bangor, Maine; FPI-0117; No. 2 Fuel Oil Motor Gasoline Residual Fuel Oil*

Irving Oil Corporation filed an Application for Exception from the provisions of 10 CFR 213.35(c) which, if granted, would result in the issuance of an Order by the FEA authorizing the firm to import 3,750,000 barrels of residual fuel oil, 100,000 barrels of No. 2 fuel oil and 50,000 barrels of motor gasoline into PAD District I on a fee-exempt basis during the current and two subsequent allocation periods. In considering the exception request, the FEA found that payment of the import license fee would place the firm at a significant disadvantage in the New England residual fuel oil market. The FEA also found that Irving's attempts to secure domestic supplies of residual fuel oil at competitive prices have been largely unsuccessful, and the firm will probably have to continue to rely primarily on imported products. In addition, the data which Irving submitted indicated that, in the absence of exception relief, the firm will incur a substantial operating loss during the current allocation period. Based on these considerations and the projected needs of Irving's customers, the FEA ordered that Irving be permitted to import an additional 3,750,000 barrels of residual fuel oil on a fee-exempt basis during the current allocation period. However, the FEA observed that a separate adjudicatory determination must be made for each allocation period for which a firm seeks fee-exempt authority and consequently it denied Irving's request for exception relief for subsequent allocation periods. The FEA also found that Irving had not demonstrated that it has supply obligations for either motor gasoline or No. 2 fuel oil, and it therefore denied Irving's request for a fee-exempt allocation with respect to those products.

*Kewanee Oil Co.; Tulsa, Okla.; FFE-4385; Crude Oil*

Kewanee Oil Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in the extension of exception relief previously granted to Kewanee and would permit the firm to continue to sell a portion of the crude oil produced from the South Stanley Field at upper tier ceiling prices. "See Kewanee Oil Company," 5 FEA Par. 83,076 (February 22, 1977). In considering the exception application, the FEA found that Kewanee continues to incur per barrel operating expenses at the South Stanley Field which exceed the lower tier ceiling price which it is permitted to charge and that, therefore, in the absence of further exception relief, the working interest owners would lack an economic incentive to continue to produce crude oil from the property. In view of this situation, and on the basis of the operating data presented by Kewanee for the South Stanley Field, the FEA concluded that the working interest owners should be permitted to sell 33.53 percent of the crude oil produced from the field from August 1, 1977 through January 31, 1978 at upper tier ceiling prices.

*Laketon Asphalt Refining, Inc.; Evansville, Ind.; FFE-4415; Crude Oil*

Laketon Asphalt Refining, Inc. filed an Application for Exception from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) which, if granted, would relieve the firm of any obligation to purchase entitlements beginning with the month of August 1977. In support of its exception request, Laketon submitted projected financial statements, and projected monthly crude oil runs to stills and receipts of old, new, stripper well



and imported crude oil for its current fiscal year which ends on December 31, 1977. In considering Laketon's exception request, the FEA determined that as a result of Laketon's crude oil runs and receipts during the current fiscal year, the firm would be required to purchase entitlements at a substantial cost commencing with the month of August 1977. As a result of this projected entitlements cost which Laketon would incur during its current fiscal year, the firm's profit margin and return on invested capital would be below its historical levels. The FEA therefore determined that under the criteria set forth in "Delta Refining Co.," 2 FEA Par. 83,275 (September 11, 1975) and "Beacon Oil Co.," 3 FEA Par. 83,209 (June 8, 1976), exception relief was warranted. Accordingly, the FEA granted Laketon's Application for Exception, relieving the firm of any obligation to purchase entitlements during the six-month period August 1977 through January 1978 to account for its crude oil receipts and runs to stills during the period June 1977 through November 1977. However, the FEA noted that the relief approved would be re-evaluated if Laketon requests an extension of exception relief beyond January 1978 and, as is the case with all Entitlements Program exception decisions, at the conclusion of the firm's current fiscal year. The decision further noted that on the basis of that year-end review, an adjustment will be made and Laketon will be required to purchase entitlements if it received excess benefits because of a difference between the financial projections it submitted and the actual financial results which it achieves.

Newhall Refining Co., Inc.; Newhall, Calif.; FEE-394; Crude Oil

Newhall Refining Company, Inc. filed an Application for Exception from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) which, if granted, would relieve the firm of any obligation to purchase entitlements beginning with the month of August 1977. In support of its exception request, Newhall submitted projected financial statements, and projected monthly crude oil runs to stills and receipts of old, new and imported crude oil for its current fiscal year which ends on August 31, 1977. In considering Newhall's exception request, the FEA determined that as a result of Newhall's crude oil runs and receipts during the current fiscal year, the firm would be required to purchase entitlements at a substantial cost commencing with the month of August 1977. As a result of the projected entitlements cost which Newhall would incur during its current fiscal year, the firm's profit margin and return on invested capital would be below historical levels. Under the criteria set forth in "Delta Refining Company," 2 FEA Par. 83,275 (September 11, 1975) and "Beacon Oil Company," 3 FEA Par. 83,209 (June 8, 1976), exception relief was therefore warranted. Accordingly, the FEA granted Newhall's Application for Exception relieving the firm of any obligation to purchase entitlements during the six-month period August 1977 through January 1978. However, the FEA noted that the relief approved would be reevaluated if Newhall requested an extension of exception relief beyond January 1978 and, as is the case with all Entitlements Program exception decisions, at the conclusion of the firm's current fiscal year. The decision further noted that, on the basis of that year-end review, an adjustment will be made and Newhall will be required to purchase entitlements if it received excess benefits because of a difference between the financial projections it submitted and the actual financial results which it achieves.

## APPLICATIONS FOR STAY

Berry Holding Co.; Fresno, Calif.; FRS-1394; Crude Oil

Berry Holding Company requested that a requirement that it audit its own business operations be stayed. That requirement was imposed on Berry in a Remedial Order which was issued to the firm on June 10, 1977. In the Remedial Order the FEA found that prior to July 31, 1975 Berry had sold crude oil from two of its properties at prices which exceeded the ceiling price levels for that crude oil established pursuant to 6 CFR 150.353 and 10 CFR 212.73. The Remedial Order therefore directed Berry to refund the overcharges plus interest to the purchaser of the crude oil. In addition, Berry was directed to ascertain whether any of its sales of crude oil subsequent to July 31, 1975 were made at prices which exceeded the applicable ceiling price levels and to certify the results of its analysis to the FEA within 30 days of the effective date of the Remedial Order, i.e. by August 12, 1977. In its Application for stay, Berry requested that the self-audit requirement of the Remedial Order be stayed until October 11, 1977, the date established in the Remedial Order by which Berry must complete the refund of its overcharges. In considering Berry's request for stay, the FEA determined that the firm had raised substantial issues of law concerning the FEA's statutory and regulatory authority to require the firm to compute and certify the alleged overcharges which it may have made. In addition, the FEA found that the requirement that Berry conduct the audit required by the Remedial Order would cause it to incur additional expenses and might well result in an irreparable injury to the firm if it were successful on the merits of its Appeal. The FEA therefore concluded that the stay requested by Berry was warranted.

ELY CRUDE OIL CO.; Ely, Nev.; FES-4413; Crude Oil

The Ely Crude Oil Company requested that the FEA stay the application of the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) to the crude oil which it produces. Ely filed its stay request in conjunction with an Application for Exception which, if granted, would effectively remove any entitlements obligation which would otherwise be incurred by any refiner with respect to crude oil which it purchases from Ely. The Ely stay, if approved, would consequently have provided the firm with the exception relief which it seeks on an interim basis during the pendency of the exception proceeding. In considering the Ely stay request, the FEA found that the firm had failed to satisfy any of the criteria set forth in 10 CFR 205.125(b) which govern the evaluation of an Application for Stay. In addition, the FEA observed that the type of relief which Ely sought in its stay request, i.e. the interim approval of its exception application before the FEA has an opportunity to consider the comments of any interested parties or to conduct a full review of the merits of the exception request, is appropriate only if a firm makes a very strong showing that there is a likelihood of success on the merits of its exception request. "See C&H Refinery, Inc.," 6 FEA Par. (June 28, 1977). The FEA concluded that, in the present case, Ely had not made such a showing and accordingly denied Ely's Application for Stay.

Farmer Gas and Oil Co.; Ithaca, Mich.; FRS-1393; Motor Gasoline

Farmers Gas & Oil Company (Fargo) requested that a Remedial Order which the Regional Administrator of FEA Region V is-

sued to the firm on June 28, 1977 be stayed pending a final determination on Fargo's Appeal. In the Remedial Order, the FEA found that during the period November 1, 1973 through July 31, 1974 Fargo had sold motor gasoline at prices which were in excess of the firm's maximum permissible selling prices. On the basis of this finding, Fargo was directed to refund the overcharges plus interest by reducing its selling prices by \$.01 per gallon until the refunds had been completed. In considering the request for stay, the FEA determined that Fargo had satisfied the standards for the approval of a stay set forth in "General Crude Oil Co.," 3 FEA Par. 65,040 (June 26, 1976). In particular, the FEA found that Fargo's submission indicated that it would raise significant arguments in its Appeal concerning the FEA's calculation of the firm's alleged overcharges. In addition, the FEA found that the firm would encounter inordinate difficulty in recovering any refunds it might make through price reductions, and therefore experience an irreparable injury, if it were ultimately successful on the merits of its Appeal. The FEA therefore concluded that the refund requirements should be stayed. However, in accordance with the standards established in "General Crude," the stay was conditioned upon the establishment of an escrow account into which Fargo is required to deposit the refunds at the same rate as that specified in the Remedial Order until the escrow account contains the full amount of overcharges and interest.

## SUPPLEMENTAL ORDERS

Kern County Refinery, Inc.; Bakersfield, Calif.; FEX-0176; Crude Oil

On July 21, 1977, the FEA issued a Supplemental Order to Kern County Refinery, Inc. in which it was determined that no adjustment to the exception relief previously granted Kern from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) was necessary for the firm's fiscal year ended March 31, 1977. "Kern County Refinery, Inc.," 6 FEA Par. (July 21, 1977). In arriving at the July 21 determination, the FEA concluded that no adjustment was necessary despite the fact that Kern had failed to achieve its historical profit margin because Kern had already received exception relief from 100 percent of its obligations to purchase entitlements during its 1977 fiscal year. However, subsequent to the issuance of the July 21 Order the FEA found that the basis for the July 21 Order was incorrect, since Kern was actually granted only partial exception relief for the period April through September 1977. The FEA therefore conducted another review of the exception relief which Kern had been granted for its 1977 fiscal year which ended on March 31, 1977. Based on that review, the FEA determined that Kern had received an insufficient measure of exception relief during its 1977 fiscal year. Kern was therefore permitted to sell additional entitlements having a total value of \$1,416,819 during the period August through October 1977.

Mohawk Petroleum Corp., Inc.; Los Angeles, Calif.; FEX-0178; Crude Oil

On July 20, 1977, the Federal Energy Administration issued a Supplemental Order to Mohawk Petroleum Corporation, Inc. in which the FEA determined that Mohawk had received an excess amount of exception relief from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) for the firm's fiscal year ended December 31, 1976. "Mohawk Petroleum Corporation, Inc.," 6 FEA Par. (July 20, 1977). Mohawk was therefore directed to purchase entitlements equal in value to the amount of the excess excep-

tion relief. The period under review in the July 20 Order encompassed the nine-month period between April 1 and December 31, 1976. However, subsequent to the issuance of that Order, the FEA found that the amount which reflected Mohawk's excess return on invested capital as stated in the July 20 Order had been annualized to reflect a full twelve-month period. The FEA determined that since the amount of the excess exception relief was based on a twelve-month period rather than a nine-month period, the determination reached in the July 20 Order was not in accordance with the criteria set forth in "Beacon Oil Company," 3 FEA Par. 83,209 (June 8, 1976) and "Delta Refining Company," 2 FEA Par. 83,275 (September 11, 1975), and was therefore erroneous. The FEA therefore conducted another review of the exception relief which Mohawk had been granted for the period April 1, 1976 through December 31, 1976. Based on that review the FEA determined that Mohawk had still received an excess measure of exception relief during the April through December 1976 period. The July 20 Order was therefore modified and Mohawk was required to purchase additional entitlements having a total value of \$1,416,362 during the period August 1977 through July 1978.

Rock Island Refining Corp.; Indianapolis, Ind.; FEX-0136; Crude Oil

On June 17, 1976 and September 10, 1976, the FEA issued Decisions and Orders to Rock Island Refining Corporation in which it granted the firm exceptions from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program). "Rock Island Refining Corporation," 3 FEA Par. 83,233 (June 17, 1976). "Rock Island Refining Corporation," 4 FEA Par. 83,086 (September 10, 1976). The June 17 and September 10 Orders had the effect of relieving Rock Island of a portion of its obligation to purchase entitlements during its 1976 fiscal year. That exception relief was granted in accordance with the standards established in "Beacon Oil Company," 3 FEA Par. 83,209 (June 8, 1976) and "Delta Refining Company," 2 FEA Par. 83,275 (September 11, 1975), and applied to the firm's crude oil receipts and runs to stills during the period April 1, 1976 through November 30, 1976. In the June 17 and September 10 Orders, the FEA indicated that it would conduct a review of the exception relief which had been granted to Rock Island at the completion of the firm's fiscal year to determine whether Rock Island had received either excessive or insufficient benefits during its fiscal period, and would then require Rock Island to buy or sell additional entitlements to adjust for any discrepancy between projected and actual financial results. The FEA therefore conducted a review of the exception relief which Rock Island had been granted for the period April 1 through November 30, 1976, i.e. that portion of the firm's 1976 fiscal year that followed the rescission of Special Rule No. 6 (41 FR 10,392, May 18, 1976). Based on that review, the FEA determined that Rock Island had received an excess measure of exception relief during the April through November 1976 period. Rock Island was therefore required to purchase additional entitlements having a total value of \$1,736,408 during the period August 1977 through July 1978.

Tenneco Oil Co.; Houston, Tex.; FEX-0181; Crude Oil

On July 15, 1977, the FEA issued a Decision and Order to the Tenneco Oil Company which permitted the firm to sell at upper tier ceiling prices a portion of the crude oil produced from the Myrtle E. Cross

Lease for the benefit of the working interest owners. "Tenneco Oil Co.," 6 FEA Par. (July 15, 1977). Subsequent to the issuance of that Order, the FEA determined that the amount of relief granted to Tenneco had been based on an erroneous calculation of the number of barrels of crude oil produced and sold from the Cross Lease. Accordingly, the FEA issued a Supplemental Order in which it granted Tenneco additional exception relief based upon a recalculation of the number of barrels of crude oil produced and sold from that lease.

## TEMPORARY STAY

The following Application for Temporary Stay was denied on the ground that the applicant had failed to make a compelling showing that temporary stay relief was necessary to prevent an irreparable injury:

Prater Co.; Farmington, N. Mex.; FRT-0047

## DISMISSALS

The following submission was dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

Amtel, Inc.; Houston, Tex.; FXA-1278

The following submissions were dismissed after the applicants repeatedly failed to respond to requests for additional information:

Elliott's Flying Service; Des Moines, Iowa; FEE-4123

Midland Cooperatives, Inc.; Washington, D.C.; FXA-1271

Willoughby Bay Marina; Norfolk, Va.; FEE-4294

The following submission was dismissed on the ground that the submission presented general arguments identical to those advanced by the applicant to the FEA in a previous case.

Stephens & Cass; Dallas, Tex.; FXA-1424

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Private Grievances and Redress, Room B-120, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.d.t., except Federal holidays. They are also available in "Energy Management: Federal Energy Guidelines," a commercially published loose leaf reporter system.

ERIC J. FYGI,  
Acting General Counsel.  
SEPTEMBER 26, 1977.

[FR Doc.77-28701 Filed 9-28-77; 6:45 am]

## [ 3128-01 ]

## STRATEGIC PETROLEUM RESERVE

Notice of Availability of the Draft Environmental Impact Statement for the Seaway Group of Storage Sites

Pursuant to section 102(2)(C) of the National Environmental Policy Act, 42 U.S.C. 4332(2)(C), the Federal Energy Administration (FEA) has prepared a draft environmental impact statement (EIS) on the proposed storage of crude oil at the Seaway group of storage sites.

The Seaway group of storage sites has been proposed as a key element of the

Strategic Petroleum Reserve. The Reserve (mandated by Part B of Title I, Energy Policy and Conservation Act, 42 U.S.C. 6231-6246) is intended for the storage of crude oil and/or petroleum products for use in the event of a Presidential determination of a severe energy supply interruption or a requirement to meet the obligations of the United States under the International Energy Program.

Single copies of the Seaway draft EIS (DES 77-10) may be obtained from the National Energy Information Center, Room 1404, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461. Copies of this draft EIS will also be available for public review in the FEA Information Access Reading Room, Room 2107, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, between 8 a.m. and 4:30 p.m., Monday through Friday except Federal holidays.

Interested persons are invited to submit data, views, and arguments with respect to this EIS to Executive Communications, Box PS, Room 3317, Federal Energy Administration, 12th and Pennsylvania NW., Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on the documents submitted to FEA Executive Communications with the designation "Seaway Draft EIS (DES 77-10)." Fifteen copies should be submitted.

FEA will allow a minimum of 45 days for interested parties to comment. Accordingly, all comments should be received by November 14, 1977, in order to receive full consideration. FEA will endeavor to comply with any requests (received during the 45-day period) for extensions of the review period.

Any information or data, submitted in response to the Seaway draft EIS, considered by the person furnishing it to be confidential must be so identified and submitted in one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

Issued in Washington, D.C., September 24, 1977.

ERIC J. FYGI,  
Acting General Counsel.  
Federal Energy Administration.  
[FR Doc. 77-28622 Filed 9-28-77; 8:45 am]

## [ 6730-01 ]

## FEDERAL MARITIME COMMISSION

## JAVA/NEW YORK AGREEMENTS

## Agreements Filed

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agree-



ments at the Field Offices located at New York, N.Y., New Orleans, La., San Francisco, Calif., and San Juan, P.R. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before October 19, 1977. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

**JAVA/NEW YORK RATE AGREEMENT  
JAVA/PACIFIC RATE AGREEMENT  
DELI/PACIFIC RATE AGREEMENT  
AND  
DELI/NEW YORK RATE AGREEMENT  
NOTICE OF AGREEMENTS FILED BY:  
HENRY NOON & CO., LIAISON SECRETARIES,  
P.O. Box 247,  
OCEAN BUILDING,  
(18TH FLOOR),  
SINGAPORE 1.**

Agreements Nos. 90-16, 191-7, 192-6, and 7190-6 would amend, respectively, the Java/New York Rate Agreement, the Java/Pacific Rate Agreement, the Deli/Pacific Rate Agreement and the Deli/New York Rate Agreement to provide that as a guarantee of faithful performance under each agreement, each party thereto agrees to furnish a banker's guarantee in the sum of \$6,500 (U.S. currency only). Presently, the parties have the individual option of furnishing said guarantee in Florins (25,000), Pounds (2,400), or U.S. Dollars (6,500).

By Order of the Federal Maritime Commission

Dated: September 23, 1977.

JOSEPH C. POLKING,  
Acting Secretary.

[FR Doc. 77-28581 Filed 9-28-77; 8:45 am]

#### [ 6730-01 ]

**LYKES BROTHERS STEAMSHIP CO., INC.**

##### Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval, if required, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agree-

ment at the Field Offices located at New York, N.Y., New Orleans, La., San Francisco, Calif., and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before October 19, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

**LYKES BROS. STEAMSHIP CO., INC. and LAVINO SHIPPING CO.**

Notice of Agreement Filed by: Mr. R. J. Finnin, Lykes Bros. Steamship Co., Inc., Lykes Center, 300 Poydras Street, New Orleans, La. 70130.

Agreement No. T-3446, between Lykes Bros. Steamship Co., Inc., (Lykes) and Lavino Shipping Co. (Lavino), provides for the performance of stevedoring services by Lavino at Tampa Range, Florida. As compensation, Lykes agrees to pay rates mutually agreed to by the parties from time-to-time. The term of the agreement is for one-year, automatically renewed on a year-to-year basis, and may be terminated upon 30 days' written notice by either party.

By order of the Federal Maritime Commission

Dated: September 23, 1977.

JOSEPH C. POLKING,  
Acting Secretary.

[FR Doc. 77-28582 Filed 9-28-77; 8:45 am]

#### [ 6730-01 ]

**LYKES BROTHERS STEAMSHIP CO., INC.**

##### Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval, if required, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Francisco, Calif., and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Mari-

time Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the Federal Register. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

**LYKES BROS. STEAMSHIP CO., INC. and STRACHAN SHIPPING CO.**

Notice of Agreement Filed by: Mr. R. J. Finnin, Lykes Bros. Steamship Co., Inc., Lykes Center, 300 Poydras Street, New Orleans, La. 70130.

Agreement No. T-3447, between Lykes Bros. Steamship Co., Inc., (Lykes) and Strachan Shipping Co. (Strachan), provides for the performance of stevedoring services by Strachan at Port Everglades, and Miami, Florida. As compensation, Lykes agrees to pay rates mutually agreed to by the parties from time-to-time. The term of the agreement is for one-year, automatically renewed on a year-to-year basis, and may be terminated upon 30 days' written notice by either party.

By Order of the Federal Maritime Commission

Dated: September 23, 1977.

JOSEPH C. POLKING,  
Acting Secretary.

[FR Doc. 77-28583 Filed 9-28-77; 8:45 am]

#### [ 6740-02 ]

**FEDERAL POWER COMMISSION**

[Docket No. 1977-456]

**CENTRAL HUDSON GAS & ELECTRIC CORP.**

##### Notice of Rate Filing

SEPTEMBER 23, 1977.

Take notice that on July 28, 1977, Central Hudson Gas & Electric Corporation (Central Hudson) tendered for filing its development of actual costs for 1976 related to substation service provided to Consolidated Edison Company of New York, Inc. (Con Edison) in accordance with the Provisions of its Rate Schedule F.P.C. No. 43.

Central Hudson indicates that the actual cost for 1976 amounted to \$289,414 and will be the basis on which estimated charges for 1977 will be billed.

Central Hudson requests waiver of the notice requirements set forth in Subsection 35.3 of the Regulations under the

Federal Power Act to permit charges to become effective January 1, 1977 as agreed by the parties.

Central Hudson states that a copy of its filing was served on Con Edison.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 5, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 77-28638 Filed 9-28-77; 8:45 am]

#### [ 6740-02 ]

[Docket No. CP77-615]

**COLORADO INTERSTATE GAS CO.**

##### Notice of Application

SEPTEMBER 21, 1977.

Take notice that on September 12, 1977, Colorado Interstate Gas Company (Applicant), P.O. Box 1087, Colorado Springs, Colo. 80944, filed in Docket No. CP77-615 an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction during the calendar year 1978, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which would be purchased from producers and other similar sellers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally co-extensive with its pipeline system or the system of other pipeline companies which may be authorized to transport gas for the account of or exchange with Applicant.

Applicant states that the total cost of the proposed facilities would not exceed \$6,500,000 with no single project to exceed a cost of \$1,500,000. These costs would be financed from current working funds on hand, funds from operations, short-term borrowings, or long-term financing, it is said.

Any person desiring to be heard or to make any protest with reference to

said application should on or before October 12, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 77 28636 Filed 9-28-77; 8:45 am]

#### [ 6740-02 ]

[Docket No. RP77-125]

**COMMERCIAL PIPELINE CO., INC.**

**Order Accepting for Filing and Suspending Proposed Rate Increase, Initiating Hearing, and Establishing Procedures**

SEPTEMBER 22, 1977.

On August 22, 1977, Commercial Pipeline Co., Inc., (Commercial) tendered for filing Twenty-First Revised Sheet No. 3A and Second Revised Sheet No. 7A to its FPC Gas Tariff. The effect of these tariff sheets would be to increase Commercial's annual jurisdictional revenues by \$19,428. Commercial requests the proposed increase be permitted to become effective on September 23, 1977. For the reasons stated, the Commission shall accept the proposed increase for filing, suspend its operation for one day or until September 24, 1977, and shall establish procedures for the prompt resolution of certain limited issues or, alternatively for hearing.

Commercial claims the proposed increase is designed to recover higher operating expenses, increased depreciation expense, and a proposed rate of return

of 11.58 percent including a rate on common equity of 14.5 percent. Commercial requests waiver of Section 154.63(e) (2) (i) of the Commission's regulations to permit use of calendar year 1976 as the base period for its cost of service study. Commercial states that the expense of obtaining a cost study and audit based on a later period would be greater than the proposed increase. The Commission finds good cause exists to permit Commercial to use calendar year 1976 as the base period in this case.

Commercial's Second Revised Sheet No. 7A changes the notice provision in Commercial's PGA clause from 45 days to 30 days. The 30 day notice period complies with Section 154.38(4)(v) of the Commission's regulations and shall therefore be approved.

Public notice of Commercial's filing was issued on August 30, 1977, with comments, protests or petitions to intervene due on or before September 18, 1977. No protests, comments, or petitions to intervene have been received.

Based upon a review of Commercial's filing the Commission finds that with the exception of Commercial's claimed capitalization and rate of return, the proposed increase is just and reasonable. The Commission finds that Commercial's stated capitalization may be improper and that the claimed rate of return may be excessive. However, in view of the small amounts involved and the expense which would be required to conduct a formal hearing, the Commission believes that procedures should be adopted which may permit the capitalization and rate of return issues to be resolved informally without the need for formal hearings. Accordingly, the Commission shall suspend the proposed increase for one day and shall direct the staff to convene a conference within 30 days following the date of this order. In the event the issues cannot be resolved at the conferences, alternate procedures for hearing shall be prescribed.

The Commission finds: It is necessary and proper in the public interest and in carrying out the provisions of the Natural Gas Act that a hearing be held concerning the lawfulness of the increased rates proposed by Commercial, that the same be accepted for filing and suspended as hereinafter ordered, and that the informal procedures described in this order be adopted.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 8, and 15 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of the increased rates proposed by Commercial. (B) Pending hearing and decision, Commercial's proposed rate increase is accepted for filing and suspended for one day until September 24, 1977, when it shall be permitted to become effective, subject to refund, upon motion filed by Commercial in accordance with the provisions of the Natural Gas Act.

(C) Commercial's proposed Second Revised Sheet No. 7A is hereby accepted



for filing, approved and permitted to become effective on September 23, 1977.

(D) The requirement of Section 154.63 (e) (2) (i) of the Regulations is waived in order to permit Commercial to use calendar year 1976 as the base period in this docket.

(E) An informal conference shall be convened by the Commission staff within 30 days from the date of this order for the purpose of resolving the issues concerning Commercial's claimed capitalization and rate of return. Further procedures, if any, as may be required following conclusion of the conference shall be prescribed by the Presiding Law Judge upon motion by the parties including the staff.

(F) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge pursuant to 18 CFR 3.5(d), shall be assigned to this proceeding for the purposes set forth in this order and to preside over any hearings which ultimately may be required.

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc 77-28624 Filed 9-28-77; 8:45 am]

#### [ 6740-02 ]

[Docket No. ER76-536]

#### GEORGIA POWER CO.

#### Notice of Compliance Filing

SEPTEMBER 23, 1977.

Take notice that Georgia Power Company, on July 21, 1977, tendered for filing proposed changes in its FPC Electric Tariff, Original Volume No. 1 (full requirements service rate schedule WR-9). According to Georgia Power, the filing is made to comply with the Settlement Agreement approved by the Commission on July 6, 1977, in this docket.

Georgia Power indicates that copies of the filing were served upon all of the Company's customers who have taken full requirements service under WR-9 and on the Georgia Public Service Commission.

Any person desiring to protest said application should file a protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such protests should be filed on or before October 5, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc 77-28639 Filed 9-28-77; 8:45 am]

#### [ 6740-02 ]

[Docket No. ES77-59]

#### GULF STATES UTILITIES CO.

#### Notice of Application

SEPTEMBER 23, 1977.

Take notice that on September 14, 1977, Gulf States Utilities Company (Applicant) filed an application seeking an order pursuant to Section 204 of the Federal Power Act authorizing the issuance of 700,000 Additional Shares of Common Stock.

Applicant is incorporated under the laws of Texas with its principal business office at Beaumont, Texas, and is engaged in the electric utility business in portions of Louisiana and Texas. Natural gas is purchased at wholesale and distributed at retail in the City of Baton Rouge, Louisiana and vicinity.

The Applicant proposes to issue the Additional Common Stock from time to time pursuant to the provisions of a Dividend Reinvestment and Stock Purchase Plan in accordance with the Commission's Regulations under the Federal Power Act.

The proceeds from the sale of the new securities will be added to the general funds of the Company and will be used among other things, in the Company's construction program and to refund a portion of its short-term notes.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 4, 1977, file with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The Application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc 77-28640 Filed 9-28-77; 8:45 am]

#### [ 6740-02 ]

[Docket No. ER77-90]

#### HOLYOKE WATER POWER CO. AND HOLYOKE POWER & ELECTRIC CO.

#### Notice of Further Extension of Time

SEPTEMBER 23, 1977.

On September 19, 1977, Staff Counsel filed a motion to further extend the time for filing comments on the settlement agreement tendered for filing by Holyoke Water Power Company and Holyoke Power & Electric Company on August 3, 1977, and noticed on August

15, 1977, in the above designated docket. The motion states that all parties have agreed to a three-week extension of time.

Upon consideration, notice is hereby given that the date for filing comments on the tendered settlement agreement is extended to and including October 12, 1977.

KENNETH F. PLUMB,  
Secretary.

[FR Doc 77-28641 Filed 9-28-77; 8:45 am]

#### [ 6740-02 ]

[Docket No. RI77-34]

#### MAURICE L. BROWN CO.

#### Order Granting Petition for Special Relief and Permitting Intervention

SEPTEMBER 21, 1977.

On February 14, 1977, as supplemented on May 18, 1977, Maurice L. Brown Co. (Brown) filed a petition for special relief pursuant to Section 2.76 of the Commission's General Policy and Interpretations (18 CFR § 2.76) for the sale of natural gas to Tennessee Gas Pipeline Co. (Tennessee) from acreage in the Bethany and Carthage Fields, Harrison and Panola Counties, Tex. Brown is a small producer and was issued a small producer certificate in Docket No. CS72-950 on June 14, 1972.

In his petition Brown states that on September 30, 1974, he and Tennessee negotiated amendments to four existing purchase contracts which provided for an increase in rates to 45 cents per Mcf effective September 1, 1974, with an annual escalation of 1 cent per Mcf, in consideration for certain remedial work on compression facilities and gas wells. Brown further states that he collected this increased rate until July 27, 1976, when the Commission in Order No. 553 required small producers to reduce their rates to the applicable just and reasonable ceilings prescribed in Opinion No. 742-A.<sup>1</sup> Brown herein seeks a rate increase from 35 cents per Mcf to 69.1282 cents per Mcf at 14.65 psia.

Notice of Brown's petition was issued on March 1, 1977, and on March 21, 1977, Tennessee filed a petition to intervene stating that it supports Brown's petition for special relief.

Based on its analysis of data submitted by Brown, Staff estimates that 3,144,120 Mcf of gas and 158,945 BBls of plant liquids remain to be produced over a period of ten years, and concludes that the requested special relief rate is warranted.<sup>2</sup> After a careful review of the costs to be incurred and the reserves to be recovered, we conclude that it is in the public interest to grant Brown special relief. We note that Brown further requested

<sup>1</sup> Opinion No. 749-A, "Opinion and Order Denying Rehearing and Reconsideration," issued July 27, 1976.

<sup>2</sup> See Appendix A attached hereto.

an increase to the existing contract rate of 45 cents per Mcf to be effective retroactively to July 27, 1976. In Opinion No. 749, which applies to the subject sales, the Commission provided that special relief increases would only be granted prospectively.<sup>3</sup> Brown has not shown good cause for waiver of this requirement, and therefore we shall deny Brown's request for a retroactive effective date.

The Commission orders: (A) The petition for special relief filed by Brown in Docket No. RI77-34 is hereby granted.

(B) Brown is authorized to collect a total rate of 69.1282 cents per Mcf at 14.65 psia for gas sold to Tennessee from the Bethany and Carthage Fields, Harrison and Panola Counties, Tex., effective on the date of issuance of this order.

(C) The special rate authorized in Ordering Paragraph (B) shall not become effective as provided therein unless Brown files within 30 days of the issuance of this order a contractual amendment authorizing the rate granted herein and a notice of change in rate provided for such special rate.

(D) Tennessee is permitted to intervene in the above-entitled proceeding, subject to the Rules and Regulations of the Commission; *Provided, however*, that its participation shall be limited to matters affecting asserted rights and interests specifically set forth in its petition to intervene; and *Provided, further*, that the admission of Tennessee in the manner provided shall not be construed as recognition by the Commission that Tennessee might be aggrieved because of any order or orders entered in this proceeding, and that Tennessee agrees to accept the record as it now stands.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

#### APPENDIX A

MAURICE L. BROWN CO., DOCKET NO. RI77-34,  
BETHANY AND CARTHAGE FIELDS, TEX.

#### Wells Covered by Petition

1. A. Williams Gas Unit No. 1.
2. J. F. Roberts Gas Unit No. 1.
3. Timmins Gas Unit No. 1.
4. Timmins Gas Unit No. 2.
5. Timmins Gas Unit No. A-1.
6. Timmins Gas Unit No. 4.
7. Timmins Gas Unit No. C-1.
8. McJimsey Gas Unit No. 1.
9. Timmins Gas Unit No. 3.
10. Lawless Gas Unit No. 1.
11. Timmins Gas Unit No. A-3.

<sup>3</sup> Section 2.76 (h) of the Regulations.

12. Lawless Oil Unit No. A-1.
13. Timmins Gas Unit No. B-1.
14. Carrie Fort Gas Unit No. 1.
15. A. P. Liston Gas Unit No. 1.
16. Joe Roberson Gas Unit No. 1.
17. Richard Porter Gas Unit No. 1.

Maurice L. Brown Co. (Docket No. RI77-34), Bethany and Carthage Fields, Tex.

Line No.	Unit cost of gas	
	(a)	(b)
1	Net working interest volumes	
2	Gas—thousand cubic feet at 14.65 psia	4,158,432
3	Plant liquids—bbls	80,997
4	Cost of production:	
5	Return on rate base at 15 pct	\$119,048
6	DD&A	125,117
7	Production expense	1,707,864
8	Subtotal	1,952,029
9	Allocated to gas	1,718,176
10	Regulatory expense	2,458
11	Total cost of production	1,720,634
12	Unit cost of gas (cents per thousand cubic feet):	
13	Cost of production	69.99
14	Production tax	5.67
15	Total unit cost	75.66

12,114,120 M ft. times 0.782 net working interest.  
158,945 bbl. times 0.782 net working interest times 66.5 producer's share.  
Line 17 of sheet 3 times 0.15 times 10 yr project life.  
From line 7 of sheet 2.  
Based on estimated 1977 production expense of \$143,433 escalated 5 pct per year for the first year of the estimated 10-yr remaining life.  
Line 8 times line 12 of sheet 2.  
Line 2 times 0.14 M ft. per opinion No. 714.  
Line 11 divided by line 2.  
7.5 pct of line 15.

Line No.	Investment and allocation of costs	
	(a)	(b)
1	Investment:	
2	Remaining net book value	\$129,451
3	Proposed additional investment	0
4	Total investment	129,451
5	Less salvage value	4,337
6	Depreciable investment	125,117
7	Depreciation per unit of production	\$0.050893
8	Allocation of costs (in millions of British thermal units): <sup>1</sup>	
9	Gas	2,473,183
10	Plant liquids	336,462
11	Total	2,809,645
12	Percentage allocated to gas (percent): <sup>2</sup>	88.02

<sup>1</sup> Line 6 divided by 2,458,432 M ft.<sup>3</sup>  
<sup>2</sup> Modified British thermal unit method per opinion No. 749.  
<sup>3</sup> 2,458,432 M ft.<sup>3</sup> times 1.006 MMBtu/M ft.<sup>3</sup>  
<sup>4</sup> 80,997 bbl. times 4.154 MMBtu/bbl. times 1 modifier.  
<sup>5</sup> Line 9 divided by line 11.



Docket No. RI77-34

Appendix B.  
Sheet 3 of 3Maurice L. Brown Company  
Docket No. RI77-34  
Bethany and Carthage Fields, Texas

## Average Investment and Annual Rate Base

Line No.	Year (a)	Annual N.W.I. Production (Mcf) (b)	Beginning of Year Investment (c)	Depreciation 1/ (d)	End of Year Investment (e)	Average Investment 2/ (f)
1.		Average Investment:				
2.	1977	353,769	\$129,454	\$ 18,004	\$111,450	\$120,452
3.	1978	322,618	111,450	16,419	95,031	103,241
4.	1979	296,439	95,031	15,087	79,944	87,488
5.	1980	271,481	79,944	13,816	66,126	73,035
6.	1981	248,742	66,126	12,660	53,466	59,796
7.	1982	227,506	53,466	11,578	41,890	47,678
8.	1983	209,193	41,890	10,646	31,244	36,567
9.	1984	190,506	31,244	9,695	21,549	26,397
10.	1985	176,447	21,549	8,980	12,569	17,059
11.	1986	161,731	12,569	8,232	4,337	8,453
12.	Totals	2,458,432		\$125,117		\$580,166
13.	Average Annual Investment 3/					\$ 58,017
14.	Annual Rate Base:					\$ 58,017
15.	Average Annual Investment					21,346
16.	Average Annual Working Capital Allowance 4/					\$ 79,365
17.	Average Annual Rate Base					

1/ Column (b) times Line 7 of Sheet 2.  
 2/ Column (c) plus Column (e) divided by 2.  
 3/ Column (f) of Line 12 divided by 10 year estimated remaining life.  
 4/ .125 times Line 7 of Sheet 1 divided by 10 year estimated remaining life.

[FR Doc.77-28205 Filed 9-28-77; 8:45 am]

[ 6740-02 ]

[Docket No. ER77-590]

NORTHERN STATES POWER CO.  
Notice of Supplement No. 2

SEPTEMBER 23, 1977.

Take notice that Northern States Power Company (NSPC), on September 19, 1977, tendered Supplement No. 2, dated September 14, 1977, to the Transmission Service Agreement with Renville-Sibley Cooperative Power Association, Minnesota.

NSPC states that the Supplement provides Service Schedule F, which revises rates for Transmission Service from a KWH rate to a KW rate, and Service Schedule A—Class X Firm Power.

NSPC requests an effective date of October 21, 1977.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before October 3, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.77-28642 Filed 9-28-77; 8:45 am]

[ 6740-02 ]

[Docket No. ER77-591]

NORTHERN STATES POWER CO.  
Notice of Cancellation

SEPTEMBER 23, 1977.

Take notice that Northern States Power Company (NSPC) on September 19, 1977, tendered for filing a notice of cancellation terminating the Transmission Service Agreement, as supplemented, with the United States Department of the Interior, Bureau of Reclamation. NSPC indicates that this Agreement is designated NSPC Rate Schedule FPC No. 133.

NSPC states that it is necessary to terminate this Agreement because certain of its provisions are incompatible with the provisions of the new agreements with the preference customers of the Bureau of Reclamation.

NSPC requests an effective date of October 21, 1977, for said cancellation.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with Sections 1.8 and 1.10

NOTICES

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of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before October 3, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.77-28643 Filed 9-28-77; 8:45 am]

[ 6740-02 ]

[Docket No. ER77-592]

NORTHERN STATES POWER CO.  
Notice of Interconnection and Interchange Agreement

SEPTEMBER 23, 1977.

Take notice that Northern States Power Company (NSPC), on September 19, 1977, tendered for filing in Interconnection and Interchange Agreement, dated September 15, 1977, with the City of Delano, Minnesota.

NSPC indicates that the Interconnection and Interchange Agreement includes service schedules, which provide for transactions between the parties, similar to the service schedules contained in the Mid-Continent Area Power Pool Agreement.

NSPC requests an effective date of October 21, 1977.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 3, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.77-28644 Filed 9-28-77; 8:45 am]

[ 6740-02 ]

[Docket No. ER77-593]

NORTHERN STATES POWER CO.  
Notice of Municipal Resale Transmission and Transformation Service Agreement

SEPTEMBER 23, 1977.

Take notice that Northern States Power Company (NSPC), on September 19, 1977, tendered for filing a Municipal Resale Transmission and Transformation Service Agreement, dated September

14, 1977, with the City of Ada, Minnesota. NSPC indicates that the Agreement provides for NSPC to furnish Ada's requirements in excess of Bureau of Reclamation power and energy as Load Pattern Power. NSPC further indicates that the Agreement provides a transformation charge of .7 mill per KWH (the same as in the previous Agreement) and changes the wheeling rate from 2.3 mills per KWH to \$11.88 per KW per year.

NSPC requests an effective date of October 21, 1977.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 3, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.77-28645 Filed 9-28-77; 8:45 am]

[ 6740-02 ]

[Docket No. ER77-597]

NORTHERN STATES POWER CO.  
Notice of Interconnection and Interchange Agreement and Supplement No. 1

SEPTEMBER 23, 1977.

Take notice that Northern States Power Company (Northern States), on September 20, 1977, tendered for filing an Interconnection and Interchange Agreement and a Supplement No. 1, both dated September 16, 1977, with the City of LeSueur, Minnesota.

Northern States indicates that the Interconnection and Interchange Agreement includes Service Schedules providing for transactions between the parties similar to those contained in Service Schedules under the Mid-Continent Area Power Pool Agreement. Northern States further indicates that Supplement No. 1 provides for Northern States to supply the City's requirements in excess of 2928 KW as Load Pattern Power. Northern States requests an effective date of October 21, 1977.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before October 11, 1977. Protests will be considered by the Commission in determining the appro-

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private action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 77-28646 Filed 9-28-77; 8:45 am]

#### [ 6740-02 ]

[Docket No. ER77-598]

#### NORTHERN STATES POWER CO.

#### Notice of Interconnection and Interchange Agreement and Supplement No. 1

SEPTEMBER 23, 1977.

Take notice that Northern States Power Company (Northern States), on September 20, 1977, tendered for filing an Interconnection and Interchange agreement and a Supplement No. 1, both dated September 16, 1977, with the City of Sleepy Eye, Minnesota.

Northern States indicates that the Interconnection and Interchange Agreement includes Service Schedules providing for transactions between the parties similar to those contained in Service Schedules under the Mid-Continent Area Power Pool Agreement. Supplement No. 1 provides for the delivery of the City's Bureau allocation. Northern States requests an effective date of October 21, 1977.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington D.C., 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions and protests should be filed on or before October 11, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 77-28647 Filed 9-28-77; 8:45 am]

#### [ 6740-02 ]

[Docket No. CP77-447]

#### NORTHWEST PIPELINE CORP.

#### Notice of Amendment to Application

SEPTEMBER 21, 1977.

Take notice that on September 9, 1977, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP77-447 an amendment to its application filed in said docket pursuant to Section 7 of the Natural Gas Act setting forth the maxi-

mum volume which Applicant would be obligated to transport for IGC Petroleum Company (IGC) at 5,000 Mcf of natural gas per day, all as more fully set forth in the amendment on file with the Commission and open to public inspection.

Applicant indicates that on June 17, 1977, it filed an application in the instant docket requesting authorization to transport up to 5,000 Mcf of natural gas per day in interstate commerce for the account of IGC pursuant to the terms of an agreement dated February 22, 1977 between the two parties. Applicant states that it has, inter alia, agreed to transport certain volumes of natural gas, owned or controlled by IGC, from the supply source which is located in the Rangely Field, Rio Blanco County, Colorado to an existing delivery point where it presently sells and delivers natural gas to Intermountain Gas Company.

It is indicated that Section 2.1 of the agreement dated February 22, 1977, limited the volumes of gas to be transported to the volumes of gas which Applicant is able to accept into its Piceance Creek Gathering Line, and, further, provided that the transportation volumes may be reduced in order for Applicant to transport its own gas in satisfaction of the contract demands of Applicant's customers.

It is indicated that Applicant and IGC have verbally agreed that Applicant would limit its request for transportation authorization to 5,000 Mcf of natural gas per day, and that as evidence of such verbal agreement the two parties have entered into an agreement dated August 2, 1977, which establishes the maximum volume which Applicant would be obliged to transport under the February 22, 1977 (Rangely) agreement at 5,000 Mcf per day. The latter agreement dated August 2, 1977, has the further caveat that Applicant's transportation obligation under the Rangely agreement is not intended to and would not in fact require Applicant to inhibit, erode or otherwise prevent full satisfaction of Applicant's firm contractual demands on its pipeline system, it is said.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before October 12, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 77-28637 Filed 9-28-77; 8:45 am]

#### [ 6740-02 ]

[Docket No. CP77-613]

#### PANHANDLE EASTERN PIPE LINE CO. AND TRUNKLINE GAS CO.

#### Notice of Pipeline Application

SEPTEMBER 21, 1977.

Take notice that on September 9, 1977, Panhandle Eastern Pipe Line Company and Trunkline Gas Company (Applicants), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP77-613, a joint application pursuant to Section 7 of the Natural Gas Act and the regulations thereunder for a certificate of public convenience and necessity authorizing the transportation of natural gas on behalf of Northern Natural Gas Company (Northern) all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Trunkline proposes to receive initial quantities of 54,000 Mcf per day for the account of Northern utilizing the capacity of its existing system. Trunkline will redeliver the volumes transported less compressor fuel and certain quantities to be sold to Panhandle, to Northern at Trunkline's Longville, Louisiana compressor station. Such gas will be transported pursuant to a transportation contract dated July 19, 1977, between Applicants and Northern wherein Trunkline will receive the gas at a point of interconnection to be constructed between the facilities of Columbia Gulf Transmission Company (Columbia Gulf) and Trunkline in Acadia Parish, Louisiana (Egan point of receipt), or the point of delivery of gas by Tennessee Gas Pipeline Company for the account of Northern to Trunkline at the existing interconnection between the facilities of Tennessee and Trunkline in Jefferson Davis Parish, Louisiana (Kinder point of receipt) or the point of delivery of gas by Columbia Gulf for Northern's account to Trunkline at a point of interconnection to be constructed between the facilities of Columbia Gulf and Trunkline in St. Mary Parish, Louisiana (Centerville point of receipt), and redeliver at the suction header of Trunkline's Longville, Louisiana compressor station, for further transportation and delivery to Northern at Mullinville, Kansas. Applicants are not at this time requesting authority to utilize the Centerville point of receipt until the necessary arrangements among the parties have been finalized. At that time, Applicants will file for the appropriate Commission authority.

As partial consideration for this transportation service, Northern has agreed to sell to Panhandle up to 20% of the volumes delivered at the points of receipt. For the transportation service between the points of receipt and Trunkline's Longville, Louisiana compressor station, Northern will pay a monthly charge of \$18,144 based on transportation of 43,200 Mcf per day. An upward or downward adjustment of 1.39¢ per Mcf will be applied to any deficiency or excess taken.

Applicants also seek authorization to effectuate a transportation agreement between Applicants which provides for the transportation by Trunkline of the gas purchased by Panhandle from Northern, in consideration for said transportation charge of \$66,636.

Any person desiring to be heard or to make any protest with reference to said application, on or before October 12, 1977, should file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 77-28648 Filed 9-28-77; 8:45 am]

#### [ 6740-02 ]

[Docket No. CP77-619]

#### PANHANDLE EASTERN PIPE LINE CO.

#### Notice of Application

SEPTEMBER 23, 1977.

Take notice that on September 15, 1977, Panhandle Eastern Pipe Line Company (Applicant), 300 Bissonnet, Houston, Tex., and 3444 Broadway, Kansas City, Mo., filed in Docket No. CP77-619 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of additional compressor horsepower and pipelines to be located in Applicant's gas supply area west and southwest of its Haven Compressor Station situated in Reno County, Kans.; and authorizing

the construction and operation of additional pipelines to be located in Applicant's Rocky Mountain system situated in Adams and Weld Counties, Colo., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant indicates that such facilities are required in order to compensate for the natural decline in gas reservoir pressures in the areas of its traditional gas supplies and are necessary to assist Applicant in delivering new gas supplies to its mainline system. Applicant further indicates that the proposed facilities devoted exclusively to the connection of new gas supplies would be in Texas County, Okla., and Weld and Adams Counties, Colo. The proposed facilities for Texas and Cimarron Counties, Okla., Barber County, Kans., Moore, Hansford, Hutchinson, and Carson Counties, Tex., and Morton County, Kans., would serve a two-fold function, it is said. It is stated that these facilities would assist Applicant in maximizing the recovery of natural gas from older reservoirs, and that facilities would also be utilized to connect newly developed sources of natural gas.

Applicant states that it would construct a new 20.3 mile segment of 12-inch pipeline to extend in a generally north and northwest direction from the present Deer Compressor Station to the Sneed Compressor Station. Applicant asserts that this proposed pipeline would provide Applicant with the ability to re-route a portion of the natural gas which presently transverse the South Line, thus reducing the load on this line, and that it would also provide sufficient pipeline capacity to accommodate the new natural gas supplies acquired by Applicant within Carson County, Tex., and provide capacity for additional volumes of natural gas which Applicant anticipates being able to secure within the Carson County area.

It is stated that in conjunction with the construction of the proposed 20.3 mile pipeline, Applicant proposes to modify the Deer Compressor Station by removing the existing 3,100 horsepower of compression and replacing it with 4,200 horsepower of new compression. Applicant requests authorization to relocate the existing Deer Station horsepower as follows: (1) 2,100 horsepower to be relocated to the Southeast Deal Compressor Station, and (2) the remaining 1,000 horsepower to be relocated to the Zofness Compressor Station. The proposed facilities involved in the revamping of the Deer Compressor Station would allow Applicant the flexibility to transport the newly acquired natural gas from the Carson County production areas, and to alleviate line capacity restrictions within the South Line, it is said.

Applicant also requests authorization to retire from service a segment of 22-inch pipeline, 2.9 miles in length, situated in Moore and Hutchinson Counties, Tex., north of Applicant's Sneed Compressor Station. Applicant states that

this segment of pipeline has been in service for a number of years, and would require extensive reconditioning or replacement to alleviate deterioration. It is indicated that in order to replace this lost capacity Applicant proposes to construct a 4.2 mile segment of 20-inch pipeline to connect its Sneed to Hansford line with its 18-inch Sunray loop, which is situated south of Applicant's Hansford Compressor Station in Hansford County, Tex. This interconnection would increase the capacity of the Texas System between the Sneed Compressor Station and the Hansford Compressor Station, it is said.

Applicant asserts that the facilities proposed for Weld and Adams Counties, Colo., would allow Applicant to connect an additional 110 new gas wells to its system, with a resulting increase of 43.5 million Mcf per day of new gas supplies. Applicant states that the total cost of the proposed facilities is estimated to be \$19,136,000, and that it proposes to finance the cost of this project with internally generated funds and short-term bank borrowings as necessary.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 14, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 77-28649 Filed 9-28-77; 8:45 am]

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## [ 6740-02 ]

[Docket No. E-8242]

**PUBLIC SERVICE CO. OF OKLAHOMA**  
**Notice of Refund Report**

SEPTEMBER 23, 1977.

Take notice that on September 16, 1977, Public Service Company of Oklahoma filed a Statement of Refunds which PSO states were made pursuant to Commission Opinion No. 788 issued in the above docket on February 17, 1977.

PSO further states that the refunds were made according to the attachment to the Applicant's Amended Rate Schedule RE-5, accepted by the Commission on August 16, 1977, as well as certain refunds which were inadvertently omitted from that attachment.

Any person desiring to be heard or to protest said filing should file comments with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before October 12, 1977. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.77-28650 Filed 9-28-77;8:45 am]

## [ 6740-02 ]

[Docket No. CP77-365]

**SEA ROBIN PIPELINE CO.****Notice of Filing of Original Tariff Sheets**

SEPTEMBER 23, 1977.

Take notice that on September 6, 1977, Sea Robin Pipeline Company (Sea Robin), 700 Milam, P.O. Box 1478, Houston, Tex. 77001, tendered for filing, in Docket No. CP77-365, Original Sheet Nos. 343 through 353 to its FPC Gas Tariff, Original Volume No. 2, being an exchange agreement between Sea Robin and Columbia Gas Transmission Corp. It is proposed that these tariff sheets become effective on August 16, 1977.

Sea Robin states that copies of these tariff sheets have been mailed to Columbia Gas Transmission Corp.

Any person desiring to be heard or to make any protest with reference to said application, on or before October 5, 1977, should file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.77-28651 Filed 9-28-77;8:45 am]

## [ 6740-02 ]

[Docket No. RP77-32]

**SOUTH GEORGIA NATURAL GAS CO.**  
**Notice of Proposed Revisions in Rate Increase**

Take notice that, on September 1, 1977, South Georgia Natural Gas Company (South Georgia) tendered for filing the following substitute revised tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1:

Substitute Fifth Revised Sheet No. 4.  
Substitute First Revised Sheet No. 30

South Georgia states that the purpose of these tariff sheets is to incorporate the current purchased gas costs in the rates under suspension in Docket No. RP77-32.

South Georgia states that on February 1, 1977, it filed a general rate increase in Docket No. RP77-32 to become effective on March 1, 1977. By its order issued February 28, 1977, the Commission accepted the revised tariff sheets for filing and suspended their use until August 1, 1977. Additionally, on June 29, 1977, South Georgia filed revised tariff sheets to be effective August 1, 1977. By letter order dated July 28, 1977, the Commission accepted the revised tariff sheets effective August 1, 1977, and directed South Georgia to file sheets to reflect any changes in supplier rates.

South Georgia states that the proposed tariff sheets contain the same costs included in Docket No. RP77-32, modified to reflect reduced gas supplier costs of \$226,272. South Georgia requests that the proposed tariff sheets be allowed to be substituted for the tariff sheets previously accepted by the Commission's letter order of July 28, 1977. Since the proposed tariff sheets contain the same costs included in South Georgia's rate filing, South Georgia requests that the Commission grant any waivers as are necessary to allow the proposed tariff sheets to become effective as contemplated by Ordering Paragraph (B) of the Commission's February 28, 1977 order and the Commission's Letter Order dated July 28, 1977.

South Georgia states that copies of its filing were served on all jurisdictional customers, interested state commissions and all other parties to the proceedings in Docket No. RP77-32.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 30, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.77-28625 Filed 9-28-77;8:45 am]

## [ 6740-02 ]

[Docket No. ER76-629]

**TAMPA ELECTRIC CO.**  
**Notice of Filing**

SEPTEMBER 23, 1977.

Take notice that Tampa Electric Co. (Tampa) on August 11, 1977, tendered for filing in compliance with Commission letter order issued July 1, 1976, for wholesale service rendered to Seminole Electric Cooperative under FPC Rate Schedule No. 5: (1) an unadjusted statement of the cost of service in summary form for the period consisting of the 12 months following the initiation of service, and (2) a statement of billing quantities and revenues derived from the rate, with related work papers.

Any person desiring to protest said filing should file a protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All protests should be filed on or before October 5, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.77-28652 Filed 9-28-77;8:45 am]

## [ 6740-02 ]

[Docket No. CI77-712]

**TRANSCO EXPLORATION CO.**  
**Notice of Limited-Term Application**

SEPTEMBER 23, 1977.

Take notice that on August 5, 1977, Transco Exploration Co. (Applicant), P.O. Box 1396, Houston, Tex. 77001, filed in Docket No. CI77-712 an application for a limited-term certificate of public convenience and necessity with pre-granted abandonment covering the sale of gas by Applicant to Transcontinental Gas Pipe Line Corp. (Transco).

Applicant and Transco have entered into two contracts, both being dated July 29, 1977, covering the sale and purchase of gas from the Stephenson Point Field, Galveston County, Tex. Pursuant to both agreements, Applicant proposes to sell natural gas to Transco from the date of initial delivery thereunder, for the period described below, at an initial base rate of \$1.45208 per Mcf at 14.65 psia, to be delivered at a mutually agreeable point in the field. The first contract is a traditional long term contract (Long-Term Contract) and covers gas attributable to 70% of Transco's interest in the reservoirs committed thereunder. It is the subject of an application for public convenience and necessity filed substantially contemporaneously herewith. The second contract (Limited-Term Contract), which is the subject of this application, covers the balance of Applicant's interest in the reserves in question. This

limited-term contract provides for termination upon the occurrence of the event described below.

Under the terms of the Agreement by which Applicant acquired its interest in the Stephenson Point Field, Gulf Oil Corp. (Gulf) retained an overriding royalty interest convertible at Gulf's option after payout from the first well in the field to a 30% working interest. Also under the terms of said Agreement, Applicant is prohibited from creating or incurring any liens, encumbrances or obligations of any kind relative to Gulf's working interest share of production in the event it elects to convert its override.

Transco has advised that its gas supply shortage is very critical and that it needs all available volumes at the earliest possible date.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before September 30, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.77-28620 Filed 9-28-77;8:45 am]

## [ 6740-02 ]

[Docket No. ER77-587]

**UTAH POWER AND LIGHT CO.**  
**Notice of Filing**

SEPTEMBER 23, 1977.

Take notice that Utah Power and Light Co. (Utah) on September 15, 1977, tendered for filing Revised Sheets in Utah FPC Electric Tariff, Original Volume No. 1 as part of an Amendment to the Interconnection Agreement between Utah and Sierra Pacific Power Co. (Sierra) dated September 12, 1977.

Utah indicates that said Amendment provides for additional amounts of power and energy to be supplied by Utah to Sierra beginning October 1, 1977. Utah further indicates that no additional transmission facilities must be constructed by Utah in connection with the additional service.

Utah requests waiver of the Commission's notice requirements to allow for this filing to become effective as of October 1, 1977.

Any person desiring to be heard or to protest said filing should file a petition

to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 3, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.77-28653 Filed 9-28-77;8:45 am]

## [ 6740-02 ]

[Docket No. ID-1817]

**WARREN F. BRECHT**  
**Notice of Application**

SEPTEMBER 23, 1977.

Take notice that on September 12, 1977, Warren F. Brecht, filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President, The Connecticut Light and Power Co., Public Utility.  
Vice President, The Hartford Electric Light Co., Public Utility.  
Vice President, Western Massachusetts Electric Co., Public Utility.  
Vice President, Holyoke Water Power Co., Public Utility.  
Vice President, Holyoke Power and Electric Co., Public Company.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 11, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.77-28654 Filed 9-28-77;8:45 am]

## [ 6820- ]

**GENERAL SERVICES**  
**ADMINISTRATION****REGIONAL PUBLIC ADVISORY PANEL ON**  
**ARCHITECTURAL AND ENGINEERING**  
**SERVICES****Meeting**

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Re-

gional Public Advisory Panel on Architectural and Engineering Services, Region 6, from 8 a.m., October 12 through October 13, 1977, Room 181, Federal Building, 1500 East Bannister Road, Kansas City, Mo. The meeting will be devoted to the initial step of the procedures for screening and evaluating the qualifications of architect-engineers under consideration for selection to furnish professional services for the Restoration/Renovation of the U.S. Customhouse (Old Post Office), St. Louis, Mo. The meeting will be open to the public.

Dated: September 2, 1977.

H. SHOENIG,  
Acting Regional Administrator.  
[FR Doc.77-28729 Filed 9-28-77;8:45 am]

## [ 4110-07 ]

**DEPARTMENT OF HEALTH,**  
**EDUCATION, AND WELFARE****Social Security Administration****AGREEMENTS WITH STATES FOR COVERAGE OF STATE OR LOCAL EMPLOYEES UNDER TITLE II OF THE SOCIAL SECURITY ACT, AS AMENDED****Redelegations of Authority**

Pursuant to section 218 of the Social Security Act, as amended (the Act), the Secretary of Health, Education, and Welfare (the Secretary) shall enter into an agreement (coverage agreement) with any State, at the request of that State, and may enter into a coverage agreement with an instrumentality of two or more States, at the request of the instrumentality, for the purpose of extending the social insurance system established by title II of the Act to services performed by individuals as employees of such State or any of its political subdivisions, or as employees of such instrumentality. Under the various provisions of section 218, the Secretary is vested with authority to perform a number of significant functions incident to such coverage agreements. For the most part, the Secretary has delegated this authority to the Commissioner of Social Security (the Commissioner), with authority to redelegate. The Commissioner's authority in this area is derived from the Secretary's general delegation of authority to the Commissioner with respect to those functions vested in the Secretary by the provisions of title II of the Act (33 FR 5836-37, dated April 16, 1968). However, the delegation of authority to the Commissioner, under section 218 of the Act, does have certain limitations, which are specified in paragraphs 2, 5, 6, and 10 of section 8-E (Reservations of Authority) in the amendment to the Statement of Organization, Functions and Delegations of Authority for the Social Security Administration (SSA) which was published in the FEDERAL REGISTER on April 16, 1968, as cited above.

As appropriate, the Commissioner previously redelegated various authorities under section 218 of the Act to subordinate positions in SSA.



I. Notice is hereby given that the Commissioner has rescinded all prior redelegations of authority to SSA positions which pertain to functions related to coverage agreements with States under section 218 of the Act.

II. Notice is also hereby given that the Commissioner has concurrently redelegated the following authorities under section 218 of the Act to the SSA positions enumerated below:

#### A. AUTHORITY

To enter into agreements (coverage agreements) with States and with instrumentalities of two or more States, for the purpose of extending the social insurance system established by title II of the Act to services performed by employees of States or their political subdivisions, or by employees of instrumentalities of two or more States.

Delegates	Scope of Authority
1. Deputy Commissioner of Social Security.	1.-3. Nationwide.
2. Associate Commissioner for Program Operations and Deputy Associate Commissioner for Program Operations.	
3. Director and Deputy Director, Bureau of Retirement and Survivors Insurance, Office of Program Operations.	
4. Regional Commissioners.	4. Regionwide.

#### CONDITIONS

1. The Commissioner reserves authority to enter into those coverage agreements which establish precedents, involve unusual situations or have major policy implications.
2. The Office of the General Counsel, Department of Health, Education, and Welfare (HEW), must find no legal objections to the form or substance of each proposed coverage agreement.

#### B. AUTHORITY

To execute modifications of existing coverage agreements with States and with instrumentalities of two or more States.

Delegates	Scope of Authority
1. Deputy Commissioner of Social Security.	1.-3. Nationwide.
2. Associate Commissioner for Program Operations and Deputy Associate Commissioner for Program Operations.	
3. Director and Deputy Director, Bureau of Retirement and Survivors Insurance, Office of Program Operations.	
4. Regional Commissioners.	4.-5. Regionwide.
5. Assistant Regional Commissioners, Retirement and Survivors Insurance.	

#### CONDITIONS

1. The Commissioner reserves authority to enter into modifications of existing coverage agreements which involve

unusual situations or have major policy implications.

2. The HEW Office of the General Counsel must find no legal objections to the form or substance of each proposed modification to an existing coverage agreement.

#### C. AUTHORITY

To terminate coverage agreements pertaining to dissolved coverage groups, where States waive the notice and hearing requirements of subsection (g) (2) of section 218, and consent to removal of dissolved coverage groups from agreements.

Delegates	Scope of Authority
1. Deputy Commissioner of Social Security.	1.-3. Nationwide.
2. Associate Commissioner for Program Operations and Deputy Associate Commissioner for Program Operations.	
3. Director and Deputy Director, Bureau of Retirement and Survivors Insurance, Office of Program Operations.	
4. Regional Commissioners.	4.-5. Regionwide.
5. Assistant Regional Commissioners, Retirement and Survivors Insurance.	

#### D. AUTHORITY

To terminate coverage agreements, where States waive the notice and hearing requirements of subsection (g) (2) of section 218, and consent to removal of coverage groups from agreements because the groups are no longer able to legally function, although not legally dissolved.

Delegates	Scope of Authority
1. Deputy Commissioner of Social Security.	1.-3. Nationwide.
2. Associate Commissioner for Program Operations and Deputy Associate Commissioner for Program Operations.	
3. Director and Deputy Director, Bureau of Retirement and Survivors Insurance, Office of Program Operations.	
4. Regional Commissioners.	4.-5. Regionwide.
5. Assistant Regional Commissioners, Retirement and Survivors Insurance.	

#### E. AUTHORITY

Pursuant to subsection (e) (1) of section 218, authority to grant extensions of time for filing contribution returns and wage reports, where States request extensions and show "good cause" for such action.

Delegates	Scope of Authority
1. Deputy Commissioner of Social Security.	1.-3. Nationwide.
2. Associate Commissioner for Program Operations and Deputy Associate Commissioner for Program Operations.	

3. Director and Deputy Director, Bureau of Retirement and Survivors Insurance, Office of Program Operations.

#### F. AUTHORITY

Pursuant to subsection (s) of section 218, authority to grant extensions of the time allowed States to file additional information or argument, upon application by States and upon their showing "good cause," in connection with requests for review of:

1. Assessments of amounts owed by States;
2. Disallowances of State claims for credits or refunds of overpayments; and
3. Allowances of credits or refunds to States for overpayments.

Delegates	Scope of Authority
1. Deputy Commissioner of Social Security.	1.-3. Nationwide.
2. Associate Commissioner for Program Operations and Deputy Associate Commissioner for Program Operations.	
3. Director and Deputy Director, Bureau of Retirement and Survivors Insurance, Office of Program Operations.	

#### G. AUTHORITY

To enter into agreements with States to extend the time limits for assessments, credits or refunds of amounts due, pursuant to subsections (g) (4) (A) and (r) (2) (A) of section 218.

Delegates	Scope of Authority
1. Deputy Commissioner of Social Security.	1.-3. Nationwide.
2. Associate Commissioner for Program Operations and Deputy Associate Commissioner for Program Operations.	
3. Director and Deputy Director, Bureau of Retirement and Survivors Insurance, Office of Program Operations.	
4. Regional Commissioners.	4.-5. Regionwide.
5. Assistant Regional Commissioners, Retirement and Survivors Insurance.	
6. District Managers, Office of Program Operations, serving as liaison between SSA and State Agencies (parallel District Managers).	6. Those agreements within the jurisdiction of parallel District Managers.

#### CONDITION

Authority to enter such agreements which extend the statutory period for more than one year, or which extend a period previously extended, may only be exercised by delegates, in headquarters or in the field, at or above the level of Assistant Regional Commissioner, Retirement and Survivors Insurance.

III. The rescissions and concurrent redelegations of the subject authorities specified in sections I. and II. above, respectively, are effective as of the date

that this notice is published in the FEDERAL REGISTER. Further redelegations are not authorized.

IV. To the extent that any actions taken by incumbents of the positions described in section II. above involve, in effect, the exercise of the concurrent redelegations specified in section II. prior to the date that this notice of these redelegations is published in the FEDERAL REGISTER, such actions are hereby affirmed and ratified.

Dated: September 21, 1977.

J. B. CARDWELL,  
Commissioner of Social Security.

[FR Doc.77-28623 Filed 9-28-77; 8:45 am]

#### [4110-]

#### Office of the Secretary

#### HOSPITAL INSURANCE PROGRAM

#### Inpatient Hospital Deductible for 1978 Under Part A of Title XVIII of the Social Security Act

Pursuant to authority contained in section 1813(b) (2) of the Social Security Act (42 U.S.C. 1395e(b) (2)), as amended, I hereby determine and announce that the dollar amount which shall be applicable for the inpatient hospital deductible, for purposes of section 1813(a) of the Act, as amended, shall be \$144 in the case of any spell of illness beginning during calendar year 1978. Changes in the amount of the inpatient hospital deductible also affect certain other cost-sharing provisions under the hospital insurance program. Thus, for spells of illness beginning in 1978, the daily coinsurance for the 61st through the 90th days of hospitalization (one-fourth the inpatient hospital deductible) will be \$36; the daily coinsurance for the lifetime reserve days (one-half of the inpatient hospital deductible) will be \$72; and the daily coinsurance for the 21st through the 100th days of extended care services (one-eighth of the inpatient hospital deductible) will be \$18. A statement of the actuarial bases employed in arriving at the amount of \$144 for the inpatient hospital deductible for 1978 follows.

The law provides that for spells of illness beginning in calendar years after 1968 the inpatient hospital deductible shall be equal to \$40 multiplied by the ratio of (1) the current average per diem rate for inpatient hospital services for the calendar year preceding the year in which the promulgation is made (in this case, 1976) to (2) the current average per diem rate for such services for 1966. The law also provides that such current average per diem rates shall be determined by the Secretary of Health, Education, and Welfare from the best available information as to the amounts paid under the program for inpatient hospital services furnished during the year, by hospitals who are qualified to participate in the program and for whom there is an agreement to do so, for individuals who are entitled to benefits as a

result of insured status under the Old-Age, Survivors, and Disability Insurance program or the Railroad Retirement program. In addition, the law provides that if the amount so determined is not an even multiple of \$4, it shall be rounded to the nearest multiple of \$4.

The data used to make the necessary computations of the current average per diem rates for calendar years 1966 and 1976 are derived from individual inpatient hospital bills that are recorded for all beneficiaries in the records of the program. These records show for each bill the number of inpatient days of care, the interim reimbursement amount, and the interim cost (the sum of interim reimbursement, deductible, and coinsurance). Tabulations are prepared which summarize the data from these bills by the year in which the care was provided. The resulting average interim per diem rates accurately reflect interim costs on an accrual basis.

In order to properly reflect the change in the average per diem hospital cost under the program, the average interim cost (as shown in the tabulations) must be adjusted for the effect of final cost settlements made with each provider of services after the end of its accounting year to adjust the reimbursement to that provider from the amount paid during that year on an interim basis to the actual cost of providing covered services to beneficiaries. To the extent that the ratio of final cost to interim cost is different in the current year than it was in 1966, the increase in average interim per diem costs will not coincide with the increase in actual cost that has occurred. The best data available indicate that this adjustment, however, does not change the computation of the deductible for 1978 by enough to result in an amount different from the \$144 stated.

The current average per diem rate for inpatient hospital services for calendar year 1976, based on tabulated interim costs, is \$136.63; the corresponding amount for 1966 is \$37.92. These averages are based on approximately 90 million days of hospitalization in 1976 and 30 million days in 1966 (last 6 months of the year). The ratio of the 1976 rate to the 1966 rate is 3.60:3 when this ratio is multiplied by \$40, an amount of \$144.12 is produced, which must be rounded to \$144. Accordingly, the inpatient hospital deductible for spells of illness beginning during calendar year 1978 is \$144.

I am bound by the law to promulgate these increases. I do not like them. I am anxious for enactment of the cost containment legislation that will put a break on the spiraling costs of hospital care. This is the only way to reduce annual increases in the amount of money Medicare patients must pay.

Dated: September 26, 1977.

JOSEPH A. CALIFANO, JR.,  
Secretary.

[FR Doc.77-28823 Filed 9-28-77; 8:45 am]

#### [4210-01]

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

#### Office of the Secretary

[Docket No. N-77-506]

#### PRIVACY ACT OF 1974

#### Proposed Amendment to Routine Uses

AGENCY: Department of Housing and Urban Development.

ACTION: Proposed Amendment.

SUMMARY: This amendment proposes amendment of routine uses to HUD's Privacy Act system of records designated Accounting Records (HUD/DEPT-2). It also adds to the categories of individuals, of records and of record sources applicable to this system of records.

DATES: Interested persons may submit comments on or before October 27, 1977.

ADDRESS: Rules Rocket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT:

Mr. Harold Rosenthal, Departmental Privacy Act Officer, Room 3176, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410 202-755-5192.

SUPPLEMENTARY INFORMATION: The proposed additions to the system of records are being made to delineate more accurately the types of records contained in this record system. The additions are an amplification rather than an alteration or expansion of the scope of this system. They were not previously included because of an oversight. The Office of Management and Budget advised that a Report of Intention to Alter an Existing System of Records to Congress is not required.

The proposed additions to the Accounting Records system follow:

Categories of individuals covered by the system:

Builders  
Developers  
Contractors  
Appraisers  
Individuals writing to the Department  
Employees on HUD/FHA projects  
Investors  
Subjects of audits  
Closing agents  
Former mortgagors and purchasers of HUD-owned properties

Categories of records in the system:

Mortgagors, builders, and contractors  
financial statements, records, and audit reports  
Requests for termination of home mortgage insurance  
Deposit and receipt records  
Detailed accounting reports concerning diversified payments, disbursements, and canceled checks



Repurchases of mortgages  
Adjustments from recoveries, manual adjustments, and defaults  
Acquired home property records  
Sales closing papers  
Statement of accounts  
Tax records

*Routine uses of records maintained in the system including categories of users and purposes of such uses:*

Internal Revenue Service—for reporting of sales commissions  
Department of Justice—for Statements of Accounts and Statements of Net Investments  
Department of Labor and taxing authorities—for audit, accounting and financial reference  
Mortgagees—for accounting and financial reference

*Record source categories:*

Other individuals  
Credit bureaus  
HUD personnel

It should also be noted that "local housing authorities" is being deleted from the categories of individuals identified by this system. The prefatory statement containing General Routine Uses applicable to all of the Department's systems of records was published at 41 FR 4457 (October 8, 1976). Appendix A which lists the addresses of HUD's field offices was published at 41 FR 50523 (November 16, 1976).

The Department has determined that an Environmental Impact Statement is not required with respect to this notice. A copy of the Finding of Inapplicability is available for inspection in the Office of the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, Washington, D.C. 20410.

Accordingly, HUD proposes to amend the routine uses of system HUD/DEPT-2 to read as follows:

*Routine uses of records maintained in the system, including categories of users and the purposes of such uses:* See Routine Uses paragraphs in prefatory statement. Other routine uses: U.S. Treasury—for disbursements and adjustments thereof; Internal Revenue Service—for reporting of sales commissions; Department of Justice—for Statements of Account and Statements of Net Investments; General Accounting Office, General Services Administration, Department of Labor, local housing authorities, and taxing authorities—for audit, accounting and financial reference purposes; mortgagee lenders—for accounting and financial reference purposes.

For the convenience of the public, the Department is printing below the system of records of its entirety including the modifications as proposed above.

#### HUD/DEPT-2

System name:

Accounting Records.

#### System location:

Many Regional, Area, Insuring and Service Offices, as well as the Headquarters, maintain files of this type. For a complete listing of these offices, with addresses, see Appendix A.

#### Categories of individuals covered by the system:

Mortgagees; mortgagees; grant/project and loan applicants and recipients; HUD personnel; vendors; brokers; bidders; managers; tenants; individuals within Disaster Assistance Programs; builders, developers, contractors, and appraisers; individuals writing to the Department; employees on HUD/FHA projects; investors; subjects of audit; closing agents; former mortgagees and purchasers of HUD-owned properties.

#### Categories of records in the system:

Lease and loan collection register; schedule of payments receivable and received; premiums due; claim files and fee billing statements; escrow and certificates of deposit files; cash flow and budget control files; earnest money register; purchase order log; imprest fund; area managers' accounting records; restitution, maintenance, and market expenses; distributive shares records; salary; savings bonds; bills of lading; vouchers; invoices; receipts; cancelled checks; mortgagees, builders and contractors financial statements, records and audit reports; requests for termination of home mortgage insurance; deposit and receipt records; detailed accounting reports concerning diversified payments, disbursements, and cancelled checks; repurchases of mortgages; adjustments from recoveries, manual adjustments, and defaults; acquired home property records; sales closing papers; statements of accounts; tax records.

*Routine uses of records maintained in the system including categories of users and the purposes of such uses:*

See Routine Uses paragraphs in prefatory statement. Other routine uses: U.S. Treasury—for disbursements and adjustments thereof; Internal Revenue Service—for reporting of sales commissions; Department of Justice—for Statements of Account and Statements of Net Investments; General Accounting Office, General Services Administration, Department of Labor, local housing authorities, and taxing authorities—for audit, accounting, and financial reference purposes; mortgagee lenders—for accounting and financial reference purposes.

*Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:*

#### Storage:

Desks; safes; locked file cabinets; central files; bookcases; ledger trays and binders; tables.

#### Retrievability:

By Social Security number; name; case file number; schedule number; audit number; control number; receipt number; voucher number; contract number; address.

#### Safeguards:

Security checks; limited authorization and access; security guards.

#### Retention and disposal:

GSA schedules of retention and disposal; destruction after six months; transfer to either a Federal Records Center or Archives.

#### System manager and address:

Director, Office of Organization and Management Information, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

#### Notification procedure:

For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

#### Record access procedures:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

#### Contesting record procedures:

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

#### Record source categories:

Subject individuals; other individuals; current or previous employers; credit bureaus; financial institutions; private corporations or firms doing business with HUD; Federal and non-federal government agencies; HUD personnel.

AUTHORITY: 5 U.S.C. 552a, 88 Stat. 1896; Sec. 7(d) Department of HUD Act (42 U.S.C. 3535(d)).

Issued at Washington, D.C., September 14, 1977.

JAY JANIS,  
Under Secretary of  
Housing and Urban Development.

[FR Doc.77-28404 Filed 9-28-77; 8:45 am]

[4310-10]

#### DEPARTMENT OF THE INTERIOR

##### Bonneville Power Administration ALUMAX DRAFT ENVIRONMENTAL STATEMENT Public Meeting

The Bonneville Power Administration hereby gives notice of a public meeting to be held to discuss the "Alumax Draft Environmental Statement." The purpose of this meeting is to solicit comments from the public with respect to information contained in the impact statement. The meeting will be held Tuesday, November 22, 1977, at 7 p.m. at the Hermiston Junior High School, 199 E. Ridgeway, Hermiston, Oregon.

For those who cannot attend this meeting, written comments will be accepted until the end of the comment period, which is December 14, 1977.

Additional or clarifying information may be obtained by writing or calling the Environmental Manager, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208; toll-free 1-800-547-8088; in Oregon 1-800-452-8429.

Dated: September 26, 1977.

WILLIAM H. CLAGETT,  
Assistant Administrator.

[FR Doc.77-28618 Filed 9-28-77; 8:45 am]

[4310-10]

##### ROLE OF BPA IN THE PACIFIC NORTHWEST POWER SUPPLY SYSTEM Draft Environmental Statement; Information Workshops and Public Response Meetings

The Bonneville Power Administration hereby gives notice of a series of information workshops and public response meetings to be held to discuss the Environmental Statement entitled "The Role of Bonneville Power Administration in The Pacific Northwest Power Supply System, Including Its Participation in The Hydro-Thermal Power Program: A Program Environmental Statement and Planning Report" (Role EIS). Eleven workshops are scheduled throughout the Northwest to introduce the public to some of the regional electric energy issues covered in the Role EIS, followed by eleven public response meetings to solicit comments from the public on the content of the Role EIS.

The workshops start at 7 p.m., local time. Their locations and dates are as follows:

Portland, Ore.----- Sheraton Motor Inn, Lloyd Center, Pacific Suite, Thursday, October 6.  
Eugene, Ore.----- Eugene Hotel, Colonnade Room, Wednesday, October 12.  
Seattle, Wash.----- Seattle Center, Orcas-Lopez Room, Thursday, October 13.  
Olympia, Wash.----- Tumwater Washington, Tyee Motor Inn, Makah Room, Tuesday, October 18.

Spokane, Wash.---- Rldpath Motor Inn, W. 515 First, Empire Ballroom B, Wednesday, October 19.  
Wenatchee, Wash.--- Wenatchee High School, Thursday, October 20.  
Kallispell, Mont.---- Outlaw Inn, 1701 Highway 93 South, Remington Room, Tuesday, October 25.  
Missoula, Mont.---- Village Motor Inn, 100 Madison Avenue, Lewis & Clark Room, Wednesday, October 26.  
Boise, Idaho.----- Rodeway Inn, 29th & Chinden Blvd., Room 704, Tuesday, November 1.  
Idaho Falls, Idaho.--- School District No. 91, Administration Bldg., Media Center, Downstairs, 690 John Adams Parkway, Wednesday, November 2.  
Tri-Cities, Wash.--- Pasco, Washington, Red Lion Motor Inn, 2525 N. 20th, Room A, Thursday, November 3.

The public response meetings start at 7 p.m., local time. Their locations and dates are as follows:

Seattle, Wash.----- Seattle Center, Conference Room A, Tuesday, November 1.  
Olympia, Wash.----- Tumwater, Washington, Tyee Motor Inn, Quinault - Nisqually Room, Wednesday, November 2.  
Spokane, Wash.---- Rldpath Motor Inn, W. 515 First, Empire Ballroom B, Wednesday, November 2.  
Wenatchee, Wash.--- Wenatchee High School, Thursday, November 3.  
Kallispell, Mont.---- Outlaw Inn, 1701 Highway 93 South, Remington Room, Wednesday, November 9.  
Portland, Ore.----- Sheraton Motor Inn, Lloyd Center, Washington-Oregon Room, Wednesday, November 9.  
Eugene, Ore.----- Lane County Courthouse, Harris Hall, Thursday, November 10.  
Missoula, Mont.---- Holiday Inn, Hwy 10 W. & Mullan Road, Tudor Room, Thursday, November 10.  
Boise, Idaho.----- Rodeway Inn, 29th & Chinden Blvd., Room 704, Tuesday, November 15.  
Idaho Falls, Idaho.--- City Council Chambers, 2nd Floor, Electric Division Building, 140 South Capital Avenue, Wednesday, November 16.  
Tri-Cities, Wash.--- Pasco, Washington, Red Lion Motor Inn, 2525 N. 20th, Room A, Monday, November 21.

For those who cannot attend any of these meetings, written comments will

be accepted until the end of the comment period, which is December 14, 1977. Additional or clarifying information may be obtained by writing or calling the Environmental Manager, Bonneville Power Administration, P. O. Box 3621, Portland, Oregon 97208; toll-free 1-800-547-8088; in Oregon, 1-800-452-8429.

Dated: September 26, 1977.

WILLIAM H. CLAGETT,  
Assistant Administrator.

[FR Doc.77-28617 Filed 9-28-77; 8:45 am]

[4310- ]

#### Bureau of Land Management

[C-8840]

#### COLORADO

##### Order Providing for Opening of National Forest Lands

1. By Powersite Cancellation No. 273 of November 26, 1971, the U.S. Geological Survey cancelled Powersite Classifications No's 102 of May 14, 1925 and 441 of January 23, 1958 as to the following describing lands:

GUNNISON NATIONAL FOREST  
NEW MEXICO PRINCIPAL MERIDIAN

T. 51 N., R. 1 E.,  
Sec. 11, lots 1 and 2;  
Sec. 13, SW $\frac{1}{4}$ NW $\frac{1}{4}$  and NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 14, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 23, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$  and SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 27, NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 28, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

SIXTH PRINCIPAL MERIDIAN

T. 15 S., R. 83 W.,  
Sec. 1, lots 3 and 4, S $\frac{1}{2}$ NW $\frac{1}{4}$  and SW $\frac{1}{4}$ ;  
Sec. 2, lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$  and S $\frac{1}{2}$ ;  
Sec. 3, S $\frac{1}{2}$ ;  
Sec. 4, SE $\frac{1}{4}$ ;  
Sec. 8, lots 1 to 5, inclusive;  
Sec. 9, lots 1 to 7, inclusive, N $\frac{1}{2}$ N $\frac{1}{2}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$  and S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 10;  
Sec. 11, N $\frac{1}{2}$ ;  
Sec. 17, lots 1 and 2.  
T. 15 S., R. 84 W.,  
Sec. 13, S $\frac{1}{2}$ SW $\frac{1}{4}$  and SE $\frac{1}{4}$ ;  
Sec. 21, E $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$  and NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 22, NW $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$  and SE $\frac{1}{4}$ ;  
Sec. 23, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$  and S $\frac{1}{2}$ ;  
Sec. 24, NW $\frac{1}{4}$ ;  
Sec. 26, NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 27, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$  and S $\frac{1}{2}$ ;  
Sec. 28, SW $\frac{1}{4}$ NE $\frac{1}{4}$  and SE $\frac{1}{4}$ ;  
Sec. 29, W $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$  and E $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 30, N $\frac{1}{2}$ NE $\frac{1}{4}$  and SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 31, SW $\frac{1}{4}$ SE $\frac{1}{4}$  and E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 32, N $\frac{1}{2}$ , SW $\frac{1}{4}$  and N $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 33, N $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$  and NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 34, NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$  and NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 35, SW $\frac{1}{4}$ NW $\frac{1}{4}$  and NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;

The areas described aggregate 7,410.13 acres in Gunnison County.

Of the lands described above, the following, aggregating 240 acres, are privately owned:



## SIXTH PRINCIPAL MERIDIAN

T. 15 S., R. 84 W.,  
Sec. 27, SW $\frac{1}{4}$ NW $\frac{1}{4}$  and NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 28, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{4}$ SE $\frac{1}{4}$  and SW $\frac{1}{4}$ SE $\frac{1}{4}$ .

2. At 10:00 a.m. on October 26, 1977, the above described lands shall be open to such forms of appropriation as may by law be made of national forest lands, subject to valid existing rights and the provisions of existing withdrawals.

Inquiries concerning the lands should be addressed to the State Director Bureau of Land Management, 700 Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202.

ANDREW W. HEARD, JR.,  
Acting Chief,  
Branch of Adjudication.

SEPTEMBER 20, 1977.

[FR Doc.77-28596 Filed 9-28-77; 8:45 am]

[4310-10]

## IDAHO

## Filing of Idaho Revised Protraction Diagram

SEPTEMBER 23, 1977.

Notice is hereby given that effective at and after 10 a.m. on November 7, 1977, the following revised protraction diagram is officially filed of record in the Idaho State Office, Branch of Records, Room 390, Federal Building, Boise, Idaho 83724. In accordance with Title 43, Code of Federal Regulations, this revised protraction will become the basic record for describing the land for all authorized uses. Until this date and time, the diagram has been placed in open files and is available to the public for information only.

IDAHO REVISED PROTRACTION  
DIAGRAM NO. 30

BOISE MERIDIAN, APPROVED  
SEPTEMBER 12, 1977

T. 25 N., Rs. 20, 21, 22 and 23 E.  
T. 26 N., Rs. 20, 21 and 22 E.

Copies of this diagram are for sale at two dollars (\$2.00) each by the Branch of Records Office, Bureau of Land Management, P.O. Box 042, Federal Building, 550 West Fort Street, Boise, Idaho 83724.

ROSE GASTELL,  
Chief, Branch of Records,  
Boise, Idaho.

[FR Doc.77-28686 Filed 9-28-77; 8:45 am]

INTERNATIONAL JOINT COMMISSION  
UNITED STATES AND CANADAPOPLAR RIVER WATER QUALITY  
Public Hearings

The International Joint Commission has been requested by the Governments of Canada and the United States, under letters dated August 2, 1977, to examine into and report upon the water quality of

the Poplar River, including the trans-boundary water quality implications of the thermal power station of the Saskatchewan Power Corporation and its ancillary facilities, including coal mining, at a site near Coronach, Saskatchewan, and to make recommendations which would assist the Governments in ensuring that the provisions of Article IV of the Boundary Waters Treaty of 1909 are honored.

The Commission, as part of its procedures to initiate the requested study and in order to obtain the preliminary views of interested parties, will conduct public hearings at the times and places noted below. The Commission is establishing an International Board to carry out the necessary studies and the views of the public will be taken into account by the Board in the preparation and implementation of its plan of study.

At the hearings, opportunity will be given to anyone, either on his own behalf or in a representative capacity, to offer pertinent information which may assist the Commission in its inquiry. The Commission may limit the time allotted to each witness. If a written statement will take longer than ten (10) minutes to present, it is suggested the witness present a summary statement, submitting his full statement for the record. While not mandatory, written statements are desirable to supplement oral testimony and to ensure accuracy of the record. When a written statement is presented, thirty (30) copies should be provided, if possible, for distribution to the news media and for Commission purposes.

Copies of the letter of References to the Commission are available on request from the undersigned.

## Times and places of hearings

Catholic Center, Seelye, Mont. Nov. 2, 1977 1:30 p.m.  
Regina Inn, Victoria and Nov. 3, 1977 10 a.m.  
Broad St., Regina, Saskatchewan.

WILLIAM A. BULLARD,  
Secretary, U.S. Section,  
International Joint Commission.

DAVID G. CHANCE,  
Secretary, Canadian Section,  
International Joint Commission.

SEPTEMBER 23, 1977.

[FR Doc.77-28685 Filed 9-28-77; 8:45 am]

[4410-01]

DEPARTMENT OF JUSTICE  
Drug Enforcement Administration  
CONTROLLED SUBSTANCES IN  
SCHEDULE IIProposed 1977 Revised Aggregate Production  
Quota—Thebaine for Conversion

Section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826) requires the Attorney General to establish aggregate production quotas for all controlled substances in Schedules I and II each year. This responsibility has been delegated to

the Administrator of the Drug Enforcement Administration pursuant to § 0.100 of Title 28 of the Code of Federal Regulations.

On November 11, 1976, a notice of the final aggregate production quota for this substance was published in the FEDERAL REGISTER (41 FR 49873-74). Since the finalization of this quota, DEA has been made aware of an increased need for Thebaine for Conversion to be used exclusively in the manufacture of three non-controlled drugs, naltrexone hydrochloride, naloxone hydrochloride and naltrexone hydrochloride. This increased need was not anticipated when establishing the previously finalized aggregate production quota for Thebaine for Conversion. The Administrator has now deemed that it is necessary to allow the production during 1977 of additional amounts of Thebaine for Conversion which will be utilized expressly for conversion to non-controlled substances. Therefore the Administrator of the Drug Enforcement Administration, under the authority vested in the Attorney General by Section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826) and delegated to the Administrator by § 0.100 of Title 28 of the Code of Federal Regulations does hereby propose the following change of the aggregate production quota for 1977 for Thebaine for Conversion expressed in grams in terms of anhydrous base:

Basic class	1977 aggregate production quota	
	Previously finalized	Proposed revised
Thebaine for conversion	720,000	1,168,000

All interested persons are invited to submit their comments and objections in writing regarding this proposal. The comments or objections should state with particularity the issues concerning which the person desires to be heard. Comments and objections should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative, and must be received by October 26, 1977. If a person believes that one or more issues raised by him warrant a full adversary-type hearing, he should so state and summarize the reasons for his belief.

In the event that comments or objections to this proposal raise one or more issues which the Administrator finds, in his sole discretion, warrants a full adversary-type hearing, the Administrator shall order a public hearing in the FEDERAL REGISTER summarizing the issues to be heard and setting the time for the hearing.

Dated: September 23, 1977.

PETER B. BENSINGER,  
Administrator.

[FR Doc.77-28707 Filed 9-28-77; 8:45 am]

NATIONAL ADVISORY COUNCIL  
ON EXTENSION AND  
CONTINUING EDUCATION  
COMMITTEE MEETING

AGENCY: National Advisory Council on Extension and Continuing Education.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Title I Committee of the National Advisory Council on Extension and Continuing Education. It also describes the functions of the Council. Notice of this meeting is required under the Federal Advisory Committee Act (5 U.S.C. Appendix 1, 10(a)(2)). This document is intended to notify the general public of their opportunity to attend.

DATE: Meeting: October 17, 1977, from 9:00 a.m.-12:00 noon.

ADDRESS: The Las Vegas Marina Hotel, Las Vegas, Nev., 3805 Las Vegas Boulevard, South; Las Vegas, Nev. 89109.

FOR FURTHER INFORMATION CONTACT:

James A. Turman, Executive Director, National Advisory Council on Extension and Continuing Education, 425 Thirteenth Street NW., Suite 529, Washington, D.C. 20004. Telephone: (202-376-8888).

The National Advisory Council on Extension and Continuing Education is authorized under Public Law 89-329. The Council is required to report annually to the President, the Congress, the Secretary of HEW, and the Commissioner of Education in the preparation of general regulations and with respect to policy matters arising in the administration of Part A of Title I (HEA) including policies and procedures governing the approval of State plans under Section 105; and to advise the Assistant Secretary of HEW on Part B (Lifelong Learning activities) of the title. The Council is required to review the administration and effectiveness of all federally supported extension and continuing education programs.

The meeting of the Title I Committee will be open to the public beginning at 9 a.m., and ending at 12 noon, on October 17, 1977. This meeting will be held at the Las Vegas Marina Hotel, Las Vegas, Nev.

The proposed agenda includes:

- (1) A focus on the development of a study to measure the effectiveness of State-level administration of the Title I-A Program (Community Service and Continuing Education)
- (2) An assessment of Federal-level administrative procedures affecting the program.
- (3) Participation by Committee members in the proceedings of the 12 Annual National Conference of Title I-A (HEA) State Administrators, from 12:00 noon to 5:00 p.m. on October 17, and from 9:00 a.m. to 5:00 p.m. on October 18.

All records of Council proceedings are available for public inspection at the

Council's staff office, located in Suite 529, 425 13th Street NW., Washington, D.C.

Dated: September 23, 1977.

JAMES A. TURMAN,  
Executive Director.

[FR Doc.77-28597 Filed 9-28-77; 8:45 am]

NATIONAL ADVISORY COUNCIL  
ON ECONOMIC OPPORTUNITY  
RURAL AND URBAN COORDINATION  
COMMITTEES

Meeting

SEPTEMBER 26, 1977.

Pursuant to section 10 of the Federal Advisory Committee Act of 1972 notice is hereby given that the Committees on Rural and Urban Coordination of the National Advisory Council on Economic Opportunity will hold a two-day joint meeting on October 19 and 20, 1977 at the Council office at 1725 K Street, NW (room 405), Washington, D.C. The meeting will begin at 9:30 a.m. and is open to the public.

The purpose of the meeting is to discuss the committees' research activities to-date.

The National Advisory Council on Economic Opportunity is authorized by section 605 of the Community Services Act to advise the President and the Director of the Community Services Administration on policy matters arising under the administration of the Act and to review the effectiveness and operations of programs under the Act.

Records shall be kept of all proceedings and shall be available for public inspection at the office of the National Advisory Council on Economic Opportunity.

WALTER B. QUETSCH,  
Executive Director.

[FR Doc.77-28700 Filed 9-28-77; 8:45 am]

NATIONAL AERONAUTICS AND  
SPACE ADMINISTRATION

[Notice (77-63)]

NASA HISTORICAL ADVISORY  
COMMITTEE

Meeting

The above named committee will meet from 8:45 AM to 4:00 PM November 4, 1977, at Langley Research Center, Hampton, Va. (Library, rm. 301). Except for the closed session (2:00 to 2:55 PM), the public will be admitted up to the seating capacity of the room, which is about 25 persons.

The committee will review NASA historical activities of the past year, status of current projects, and possible future projects. Possible relationships between NASA and university history departments, and between NASA and museums of technology, will be investigated.

During the closed session, the committee will consider and make recommendations on candidates for undertaking

various NASA historical activities. The personal and professional qualifications of the candidates, who are not members of the committee, will be candidly discussed and appraised. Public discussion of these matters would invade the privacy of the candidates and other individuals involved. Since this committee session will be concerned throughout with matters listed in 5 U.S.C. 552b(c)(6), it has been determined that the session will be closed to the public.

For further information, call Monte D. Wright, 202-755-3612.

KENNETH R. CHAPMAN,  
Assistant Administrator for Department of Defense and Interagency Affairs.

SEPTEMBER 23, 1977.

[FR Doc.77-28586 Filed 9-28-77; 8:45 am]

[Notice (77-64)]

SPACE PROGRAM ADVISORY COUNCIL  
(SPAC), LIFE SCIENCES COMMITTEE

Meeting

The SPAC Life Sciences Committee will meet on November 1-2, 1977, at NASA Headquarters, 400 Maryland Avenue, Washington, DC 20546. The meeting will be held in Room 5026, Federal Office Building 6. Members of the public will be admitted on a first come first served basis, up to the seating capacity of the room, which is about 60 persons.

The SPAC Life Sciences Committee serves in an advisory capacity only. In this capacity, it is concerned with man in relation to space travel, with exobiology, and with the influence of the space environment on other life forms. Its academic interests include: physiology, behavior, clinical aerospace medicine, microbiology, radiobiology, biochemistry, plant biology nutrition and food technology, exobiology, biology of gravity and rhythms, ecology, and biotechnology. The current Chairman is Dr. G. Donald Whedon. There are 16 members.

The following list sets forth the approved agenda and schedule for the November 1-2, 1977, meeting of the Life Sciences Committee. For further information, please contact Dr. S. P. Vinograd: Area Code 202-755-3723.

NOVEMBER 1, 1977

Time	Topic
0800-0820	Administrative (Purpose: To inform the Committee members of views and comments of the Chairman on intervening events, actions, and anticipated requirements, approve the minutes of the last meeting, and carry out Committee business.)
0820-0900	NASA Life Sciences Overview. (Purpose: Briefing by the NASA Director for Life Sciences on events, progress, issues, and status of the program.)



- Time Topic**
- 0900-0950 ---- **NAS Summer Study Discussion.** (Purpose: Report of Committee members who served as liaison, representatives at the Space Science Board summer study, comments by NASA attendees, and discussion.)
- 1000-1100 ---- **Biological Issues for Space Experiments.** (Purpose: Briefing by the Director of Biological Sciences on Community consensus and world activity concerning the major biological issues which can be resolved by space flight experiments.)
- 1100-1200 ---- **Viking Science Status Report.** (Purpose: To inform the Committee of the current status of scientific activity and thinking on the Viking findings.)
- 1300-1330 ---- **Task Team Report of Vestibular SR&T Review.** (Purpose: The Committee Task Team appointed by the Chairman to serve as liaison representatives at the recent AIBS review of NASA Space Motion Sickness Research will report their impressions.)
- 1330-1430 ---- **Closed Ecological Life Support System (CELSS).** (Purpose: To report the intervening progress of this effort, as requested by the Committee, to report the transactions of the summer study of this subject held at the Ames Research Center.)
- 1440-1540 ---- **Biomedical Technology Utilization.** (Purpose: To Brief the Committee in greater detail on the specific biomedical applications efforts of the NASH Technology Utilization Program, per Committee request.)
- 1540-1700 ---- **Committee Work.** (Purpose: The remainder of the meeting will be devoted to the preparation of a Committee document containing its recommendations to NASA on future directions for the Life Sciences.)

NOVEMBER 2, 1977

**Time Topic**  
0800-1530 ---- **Committee Work.**

SEPTEMBER 23, 1977.

**KENNETH R. CHAPMAN,**  
Assistant Administrator for Department of Defense and Interagency Affairs, National Aeronautics and Space Administration.

[FR Doc.77-28588 Filed 9-28-77;8:45 am]

[Notice (77-62)]

# **SPACE SCIENCE STEERING COMMITTEE OUT-OF-ECLIPTIC (OOE) MISSION AD HOC ADVISORY SUBCOMMITTEE**

## **Meeting**

The above mentioned advisory Subcommittee will meet at the National Aeronautics and Space Administration, 400 Maryland Avenue, Washington, DC, on October 18-21, 1977, in Room F6004 from 8:30 am to 5:30 pm each day.

The Subcommittee section will discuss, evaluate and categorize proposals for participation in an Out-of-Ecliptic Mission Science Working Team and subsequently in the mission when it is officially approved as a joint National Aeronautics and Space Administration and European Space Agency flight project.

Throughout the Subcommittee sessions the professional qualifications of the proposers, the merits of their proposed flight investigations and the associated instrumentation, and the potential scientific contribution of the proposers to the mission will be candidly discussed and appraised. Discussion of these matters in a public session would invade the privacy of the proposers and the other individuals involved.

Since the Subcommittee sessions will be concerned throughout with matters listed in 5 U.S.C. 552b(c) (6), it has been determined that the sessions should be closed to the public.

For further information please contact Dr. Adrienne F. Timothy, National Aeronautics and Space Administration, Washington, D.C. 20546, Telephone 202-755-3821.

**KENNETH R. CHAPMAN,**  
Assistant Administrator for Department of Defense and Interagency Affairs.

SEPTEMBER 23, 1977.

[FR Doc.77-28587 Filed 9-28-77;8:45 a.m.]

[7555-01]

# **NATIONAL SCIENCE FOUNDATION ADVISORY COUNCIL TASK GROUP NO. 1**

## **Meeting**

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Task Group No. 1 of the NSF Advisory Council.  
Place: Room 536, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

Date: October 17, 1977.

Time: 9 a.m.

Type of meeting: Open.

Contact person: Ms. Margaret L. Windus, Executive Secretary, NSF Advisory Council, National Science Foundation, Room 518, Washington, D.C. 20550, telephone 202-632-4384.

**Purpose of Task Group:** The purpose of the Task Group, composed of members of the NSF Advisory Council, is to provide the full Council with a mechanism to consider numerous issues of interest to the Council that have been assigned by the National Science Foundation.

**Summary minutes:** May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, Room 248, National Science Foundation, Washington, D.C. 20550.

**Agenda:** To consider the problems or potential problems of the coming decade that may threaten the viability of universities as centers for basic research; what present NSF programs are likely to have an impact on these problems; and what new programs or changes in existing NSF programs might be desirable to assist universities in overcoming these problems.

**M. REBECCA WINKLER,**  
Acting Committee Management Officer.

SEPTEMBER 26, 1977.

[FR Doc.77-28861 Filed 9-28-77;8:45 am]

[7555-01]

# **INTERNATIONAL DECADE OF OCEAN EXPLORATION PROPOSAL REVIEW PANEL**

## **Meeting**

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Proposal Review Panel for the Office for the International Decade of Ocean Exploration, Ad Hoc Subpanel for the CUEA Project.

Date and time: October 17-21, 1977, 9 a.m. to 5 p.m.

Place: Pepper Tree Motor Hotel, 3850 State St., Santa Barbara, Calif. 93105.

Type of meeting: Closed.

Contact person: Mr. Feenan D. Jennings, Head, Office for the International Decade of Ocean Exploration, Room 605, National Science Foundation, Washington, D.C. 20550, telephone 202-632-7356.

**Purpose of panel:** To provide the IDOE Proposal Review Panel members with additional expertise in the review and evaluation of proposals relating to oceanographic research related to Coastal Upwelling Ecosystem Studies (CUEA).

**Agenda:** Detailed review and evaluation of proposals for support of the CUEA Project.

**Reason for closing:** The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(c), Government in the Sunshine Act.

**Authority to close meeting:** This determination was made by the Committee Management Office pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations.

by the Acting Director, NSF, on February 18, 1977.

**M. REBECCA WINKLER,**  
Acting Committee Management Officer.

SEPTEMBER 26, 1977.

[FR Doc.77-28662 Filed 9-28-77;8:45 am]

[7555-01]

# **INTERNATIONAL DECADE OF OCEAN EXPLORATION PROPOSAL REVIEW PANEL**

## **Meeting**

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Proposal Review Panel for the Office for the International Decade of Ocean Exploration, Ad Hoc Subpanel for the PRIMA Project.

Date and time: October 19, 1977, 9 a.m. to 5 p.m.

Place: National Science Foundation, 1800 G Street NW., Room 643, Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Mr. Feenan D. Jennings, Head, Office for the International Decade of Ocean Exploration, Room 605, National Science Foundation, Washington, D.C. 20550, telephone 202-632-7356.

**Purpose of panel:** To provide the IDOE Proposal Review Panel members with additional expertise in the review and evaluation of proposals relating to oceanographic research related to Pollutant Responses in Marine Animals (PRIMA).

**Agenda:** Detailed review and evaluation of proposals for support of the PRIMA Project.

**Reason for closing:** The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

**Authority to close meeting:** This determination was made by the Committee Management Office pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

**M. REBECCA WINKLER,**  
Acting Committee Management Officer.

SEPTEMBER 26, 1977.

[FR Doc.77-28663 Filed 9-28-77;8:45 am]

[7555-01]

# **INTERNATIONAL DECADE OF OCEAN EXPLORATION PROPOSAL REVIEW PANEL**

## **Meeting**

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Proposal Review Panel for the Office for the International Decade of Ocean Exploration, Ad Hoc Subpanel for the CEPEX Project.

**Date and time:** October 20, 1977.  
**Place:** National Science Foundation, 1800 G Street NW., Room 730, Washington, D.C. 20550.

**Type of meeting:** Closed.  
**Contact person:** Mr. Feenan D. Jennings, Head, Office for the International Decade of Ocean Exploration, Room 606, National Science Foundation, Washington, D.C. 20550, telephone 202-632-7356.

**Purpose of panel:** To provide the IDOE Proposal Review Panel members with additional expertise in the review and evaluation of proposals relating to oceanographic research related to Controlled Ecosystem Populations Experiment (CEPEX).

**Agenda:** Detailed review and evaluation of proposals for support of the CEPEX project.

**Reason for closing:** The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

**Authority to close meeting:** This determination was made by the Committee Management Office pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

**M. REBECCA WINKLER,**  
Acting Committee Management Officer.

SEPTEMBER 26, 1977.

[FR Doc.77-28664 Filed 9-28-77;8:45 am]

[7590-01]

# **NUCLEAR REGULATORY COMMISSION ABNORMAL OCCURRENCE EVENT Loss and Recovery of Radioactive Source and Probable Overexposure**

Section 208 of the Energy Reorganization Act of 1974, as amended, required the NRC to disseminate information on abnormal occurrences (i.e., unscheduled incidents or events which the Commission determines are significant from the standpoint of public health and safety). The following incident was determined to be an abnormal occurrence using the criteria published in the FEDERAL REGISTER on February 24, 1977 (42 FR 10950). Appendix A (Example I, C, 1) of the Policy Statement notes that a loss of licensed material under certain circumstances can be considered an abnormal occurrence. In addition, Example I, A, 2 of Appendix A notes that an exposure exceeding 0.5 rem in one calendar year to an individual in an unrestricted area can be considered an abnormal occurrence.

**Date and place.** On July 21, 1977, AMF Tuboscope, Inc., Houston, Tex., reported that an Iridium sealed source of approximately 400 millicuries (NRC licensed material) was missing from their warehouse in Oklahoma City, Okla.

**Nature and probable consequences.** The source was contained in a locked shielded container (the camera part in an Isolog

unit used in measuring pipe thickness). The Isolog unit was last used by the licensee on July 11, 1977, and discovered to be missing on July 18, 1977. The loss received extended media coverage in the Oklahoma City area and a reward was offered by the licensee.

The camera part of the Isolog unit, with the source removed, was found on August 14, 1977, in a field approximately ten miles from Oklahoma City. On August 16, 1977, representatives from the State of Oklahoma located the unshielded source (which emits radiation similar to x-rays) under a dresser in the apartment of a man and his wife in Oklahoma City. The man's brother was a former employee of AMF Tuboscope.

In June 1977, the man in whose apartment the source was found, made an allegation of radiation injury to the U.S. Department of Labor as a result of work with a pipe thickness measuring company. The NRC investigated this allegation on June 21 and 22, 1977, and found no evidence to substantiate the allegation. Examinations of this man on July 7-9, 1977 at the Rosewood General Hospital in Houston, Tex., and on August 3, 1977, at the Oklahoma University Hospital indicated no evidence of significant radiation injury.

The above individuals (the man, his wife, and the man's brother) denied any knowledge as to how the source came to be in the apartment. NRC estimates of possible exposure are based on the assumption that the source was placed under the dresser on July 18, 1977, and that the man and his wife were exposed to the source at varying distances and times each day. Based on these assumptions, the man and his wife each could have received a whole body exposure of about twenty-five (25) rems.

The man and his wife, in whose apartment the source was found, were examined at the Oklahoma University Hospital on August 16, 1977. Preliminary medical results indicate no evidence of significant exposure to the man and his wife, but more selective tests are being conducted. An NRC medical consultant is currently reviewing medical data which is being collected at the Oklahoma University Hospital.

The NRC investigation and the investigations conducted to date by the State of Oklahoma health and police authorities have not established that the man's brother was connected with the unauthorized removal of the Isolog unit or subsequent handling of the unshielded source.

**Cause or causes.** The failure of the licensee to adequately secure the unit in an unrestricted area was a contributing cause for the unauthorized removal of the sealed source, contained in the Isolog unit. The Isolog unit, which weighed 200 pounds, was stored in an unlocked warehouse located within a fenced area that was not always locked.

The man in whose apartment the source was found has been charged by the Oklahoma City, Okla., authorities with concealment of stolen property. How or why the source was taken from

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its storage place and removed from the shielded camera and then subsequently placed in the apartment have not yet been established.

#### ACTION TAKEN TO PREVENT RECURRENCE

**Licensee.** The licensed material was secured to prevent access by unauthorized individuals.

**NRC.** An NRC investigation was conducted on July 22, 1977, and a Notice of Violation of 10 CFR 20.207 for failure to secure licensed materials in an unrestricted area from unauthorized removal was sent to the licensee on August 4, 1977.

An NRC investigation conducted on August 17 and 18, 1977, failed to establish the circumstances relating to the loss and history of the source after it was discovered to be missing. The FBI was notified regarding this incident. Oklahoma City authorities are continuing their investigation.

Dated at Washington, D.C., this 23rd day of September 1977.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,  
Secretary of the Commission.

[FR Doc. 77-28743 Filed 9-28-77; 8:45 am]

#### [7590-01]

[Docket No. 50-324]

#### CAROLINA POWER & LIGHT CO. Proposed Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-62 issued to Carolina Power & Light Co. (the licensee) for operation of the Brunswick Steam Electric Plant, Unit No. 2, located in Brunswick County, N.C.

In accordance with the licensee's request dated September 22, 1977, the amendment would consider a reevaluation of Emergency Core Cooling System (ECCS) cooling performance submitted in accordance with the Commission's Order for Modification of License dated March 11, 1977. This reevaluation not only corrected the errors noted in the March 11, 1977, Order but also included the effect of certain other recently approved model changes in the ECCS evaluation models. These changes would permit an increase in authorized Maximum Average Planar Linear Heat Generation Rates for 7 x 7 fuel and establish such limits for new 8 x 8 fuel, and are the aspects of the amendment covered by this notice.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By October 31, 1977, the licensee may file a request for a hearing and any per-

son whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Richard E. Jones, Esquire, Carolina Power & Light Co., 336 Fayetteville Street, Raleigh, N.C. 27602, and George F. Trowbridge, Esquire, Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036, the attorneys for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated September 22, 1977, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Southport-Brunswick County Library, 109 West Moore Street, Southport, N.C. 28461.

Dated at Bethesda, Md., this 23rd day of September 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,  
Chief, Operating Reactors  
Branch No. 1, Division of  
Operating Reactors.

[FR Doc. 77-28740 Filed 9-28-77; 8:45 am]

#### [7590-01]

#### COMPARISON OF HEALTH EFFECTS ATTRIBUTABLE TO COAL AND NUCLEAR FUEL CYCLE ALTERNATIVES

#### Request for Comments on Draft NUREG Document

The Nuclear Regulatory Commission has issued a draft report in its NUREG series. This series presents technical information gathered by the staff or its contractors and consultants on subjects related to the activities of the Nuclear Regulatory Commission and to its responsibilities.

The issued draft, NUREG-0332, "Comparison of Health Effects Attributable to Coal and Nuclear Fuel Cycle Alternatives," describes information collected on this subject by the NRC staff from authoritative sources in the technical community. The information has been included in environmental impact statements and has been presented in hearings before the Atomic Safety and Licensing Boards for several applications for nuclear power plants currently under review.

Comments and suggestions in connection with the use of this information or the content of the document are encouraged at any time. Public comment on this issuance, if received by November 29, 1977, will be particularly useful in preparing the final NUREG document for Commission consideration.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn.: Director, Division of Site Safety and Environmental Analysis.

NUREG reports are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued NUREG documents should be made in writing to the USNRC, Washington, D.C. 20555, Attn.: Director, Division of Document Control. Telephone requests cannot be accommodated. NUREG documents are not copyrighted, and Commission approval is not required to reproduce them.

Dated at Bethesda, Md., this 19th day of September 1977.

For the Nuclear Regulatory Commission.

HAROLD R. DENTON,  
Director, Division of Site  
Safety and Environmental Analysis.

[FR Doc. 77-28741 Filed 9-28-77; 8:45 am]

[Docket No. 50-335]

#### FLORIDA POWER & LIGHT CO. Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 17 to Facility Operating License No. DPR-67, issued to Florida Power & Light Company (the licensee), which revised the license and its appendices Technical Specifications for operation of the St. Lucie Plant Unit No. 1 (the facility), located in St. Lucie County, Fla. The amendment is effective as of its date of issuance.

The amendment changed the Technical Specifications for the facility to: (1) Clarify that the containment vacuum relief valve may be operable during refueling, (2) add a feedwater isolation response time requirement and delete the response time for the "Feedwater Flow Reduction to 5 percent" for a reactor trip, (3) provide new figures ("Reactor Coolant System Pressure Temperature Limitations") to comply with Appendix G of 10 CFR 50, (4) modify the administrative time allowed for review and approval of temporary plant procedure changes to be consistent with current NRC requirements, (5) correct the number of spent fuel racks to be consistent with the existing plant design, (6) modify the equation for the power distribution limit by deleting the fuel rod bowing factor of 1.05 consistent with the NSSS vendor analysis, and (7) change the emergency diesel generator load sequence timing requirement to be consistent with the existing plant design.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated August 16, 1976; October 19, October 29; November 8 (as supplemented by letters dated May 31 and July 6, 1977); March 17, 1977; April 14 and July 7, 1977, (2) Amendment No. 17 to License No. DPR-67, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Indian River Junior College Library, 3209 Vir-

ginia Avenue, Ft. Pierce, Florida 33450. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 8th day of September, 1977.

For the Nuclear Regulatory Commission.

MARSHALL GROTEHUIS,  
Acting Chief, Operating Reactors  
Branch No. 2, Division of  
Operating Reactors.

[FR Doc. 77-28081 Filed 9-28-77; 8:45 am]

#### [7590-01]

[Docket No. 50-247]

#### INDIAN POINT NUCLEAR GENERATING UNIT NO. 2; CONSOLIDATED EDISON CO. OF NEW YORK, INC.

#### Availability of Applicant's Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, the Consolidated Edison Co. of New York, Inc., has filed an environmental report dated March 1977 in support of their application to vacate the requirement for termination of operation with once-through cooling set forth in Facility Operating License No. DPR-26 for Indian Point Nuclear Generating Station, Unit No. 2, located in Westchester County, N.Y. The Environmental Report is accompanied by the applicant's final research report entitled, "Influence of Indian Point Unit 2 and Other Steam Electric Generating Plants on the Hudson River Estuary, with Emphasis on Striped Bass and Other Fish Populations."

The application seeks, as principal relief, the removal of certain provisions of the license requiring the termination of operation with the installed once-through cooling system at Indian Point Station, Unit No. 2 and would permit operation with the present cooling system for the remainder of the term of the license. The application also requests, as ancillary relief, that the Commission enlarge the period of interim operation to permit conclusion of the environmental review of the application (including any judicial review that may be sought) before the applicant must go ahead with investment in a cooling tower.

The operating license presently requires the applicant to terminate operation with once-through cooling by May 1, 1982.

The above-mentioned reports are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the White Plains Public Library, 100 Martine Avenue, White Plains, N.Y. 10601. Copies of the report are also being made available at the New York State Division of the Budget, State

Capitol, Albany, N.Y., and the Tri-State Regional Planning Commission, 1 World Trade Center, 56 South Street, New York, N.Y.

After the environmental report has been analyzed by the Office of the Nuclear Reactor Regulation, a draft environmental statement will be prepared. The draft statement will also include analyses of the impacts of once-through cooling at Indian Point Unit No. 3, which currently has Consolidated Edison and the Power Authority of the State of New York as co-licensees. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies, State and local officials, and members of the public will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the staff will issue a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Md., this 22nd day of September 1977.

For the Nuclear Regulatory Commission.

GEORGE W. KNIGHTON,  
Environmental Projects Branch  
No. 1, Division of Site Safety  
and Environmental Analysis

[FR Doc. 77-28742 Filed 9-28-77; 8:45 am]

[Docket No. 50-219]

#### JERSEY CENTRAL POWER AND LIGHT CO. Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 24 to Provisional Operating License No. DPR-16 issued to Jersey Central Power & Light Company which revised Technical Specifications for operation of the Oyster Creek Nuclear Generating Station, located in Ocean County, New Jersey. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications to delete specifications and bases applicable to fuel types I and III which are no longer in the Oyster Creek core and to extend the MAPLHGR curves for the fuel types still in the core.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not re-



quired since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated June 23, 1977, (2) Amendment No. 24 to License No. DPR-16, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Ocean County Library, Brick Township Branch, 401 Chambers Bridge Road, Brick Town, New Jersey 08723. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 19th day of September 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,  
Chief, Operating Reactors  
Branch No. 3, Division of Operating Reactors.

[FR Doc. 77-28082 Filed 9-28-77; 8:45 am]

[Docket No. 50-344]

#### PORTLAND GENERAL ELECTRIC COMPANY, ET AL

#### Order Convening the Section 2.752 Conference

Pursuant to 10 CFR 2.752, on October 14, 1977, beginning at 9:30 a.m. (local time) a prehearing conference will be held at the following location:

Federal Building, Conference Room 335, 1220 S.W. 3rd Avenue, Portland, Oreg.

At this conference, among other things, the Board will hear argument upon certain contentions which are identified in another Order being filed this day, and will establish a schedule for further actions in this proceeding.

The public is invited. No limited appearance statements will be taken at this prehearing conference, but will be called for later at the evidentiary hearing.

<sup>1</sup> To the extent indicated in the instant Order, we grant Ms. Garrett's Motion Regarding Prehearing Conference dated August 22, 1977, Ms. Garrett's Motion For Additional Time To Review Applicants' Revisions and Revise Or Supplement Contentions dated September 2, 1977, Mr. McCoy's Motion Regarding Prehearing Conference dated August 24, 1977, and Applicants' Request For Early Prehearing Conference dated September 8, 1977.

#### It is so ordered.

Dated at Bethesda, Maryland this 20th day of September, 1977.

#### The Atomic Safety and Licensing Board.

Dr. FREDERICK P. COWAN,  
Member.

FREDERICK J. SHON,  
Member.

SHELDON J. WOLFE, Esq.,  
Chairman.

[FR Doc. 77-28083 Filed 9-28-77; 8:45 am]

[Docket No. 50-333]

#### POWER AUTHORITY OF THE STATE OF NEW YORK

#### Issuance of Amendment to Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 28 to Facility Operating License No. DPR-59, issued to the Power Authority of the State of New York (the licensee), which revised Technical Specifications for operation of the James A. FitzPatrick Nuclear Power Plant (the facility) located in Oswego County, New York. The amendment is effective as of its date of issuance.

The amendment provides for changes in (1) primary containment atmospheric monitor surveillance requirements; (2) radiation level setpoints for various building ventilation systems; and (3) the reactor coolant leakage monitoring system in the drywell.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has prepared an environmental impact appraisal for the revised Technical Specifications and has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the action other than that which has already been predicted and described in the Commission's Final Environmental Statement for the facility.

For further details with respect to this action, see (1) the application for amendment submitted by letter dated June 17, 1976, (2) Amendment No. 28 to License No. DPR-59, and (3) the Commission's related Safety Evaluation/Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Oswego County Office Building, 46 E. Bridge

Street, Oswego, N.Y. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 15th day of September 1977.

For the Nuclear Regulatory Commission.

GERALD B. ZWETZIG,  
Acting Chief, Operating Reactors  
Branch No. 4, Division of Operating Reactors.

[FR Doc. 77-28084 Filed 9-28-77; 8:45 am]

[Docket No. 50-272]

#### PUBLIC SERVICE ELECTRIC AND GAS CO., ET AL

#### Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 8 to Facility Operating License No. DPR-70, issued to Public Service Electric and Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company and Atlantic City Electric Company (the licensees), which revised the operating license for Salem Nuclear Generating Station, Unit No. 1 (the facility) located in Salem County, New Jersey. The amendment is effective as of July 20, 1977.

The amendment consists of changes to the Technical Specifications which will revise the time limitation that the Boron Injection Tank (BIT) is permitted to be inoperable prior to implementing the requirement for placing the reactor in Hot Standby and to a Shutdown Margin equivalent to 1 percent  $\Delta k/k$ .

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 20, 1977 (as supplemented by letter dated August 1, 1977), (2) the Commission's letter to the licensee dated July 21, 1977, (3) Amendment No. 8 to License No. DPR-70 and (4) the Commission's related Safety

Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Salem Free Public Library, 112 West Broadway, Salem, N.J. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 21st day of September 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,  
Chief, Operating Reactors  
Branch No. 3, Division of Operating Reactors.

[FR Doc. 77-28155 Filed 9-28-77; 8:45 am]

#### REGULATORY GUIDE

#### Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.133, "Loose-Part Detection Program for the Primary System of Light-Water-Cooled Reactors," describes a method acceptable to the NRC staff for implementing certain regulatory requirements with respect to detecting a potentially safety-related loose part in light-water-cooled reactors during normal operation. The recommended program can, by the early detection of a loose part, provide the time required to minimize damage to reactor coolant system components.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 1.133 will, however, be particularly useful in evaluating the need for an early revision if received by November 25, 1977.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C.

20555, Attention: Director, Division of Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a).)

Dated at Rockville, Md., this 20th day of September 1977.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,  
Director,  
Office of Standards Development.

[FR Doc. 77-28087 Filed 9-28-77; 8:45 am]

#### REGULATORY GUIDE

#### Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.132, "Site Investigations for Foundations of Nuclear Power Plants," describes programs acceptable to the NRC staff for evaluating foundation conditions at nuclear power plant sites. The site investigations discussed in this guide apply to both land and offshore sites.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 1.132 will, however, be particularly useful in evaluating the need for an early revision if received by November 28, 1977.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a).)

Dated at Rockville, Maryland this 21st day of September 1977.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,  
Director,

Office of Standards Development.  
[FR Doc. 77-28088 Filed 9-28-77; 8:45 am]

[Docket No. 50-271]

#### VERMONT YANKEE NUCLEAR POWER CORP.

#### Issuance of Amendment to Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has, pursuant to the Initial Decision of its Atomic Safety and Licensing Board dated August 30, 1977, issued Amendment No. 37 to Facility Operating License No. DPR-28, issued to the Vermont Yankee Nuclear Power Corporation (the licensee), which revised the Technical Specifications for operation of the Vermont Yankee Nuclear Power Station (the facility) located near Vernon, Vermont. The amendment is effective as of its date of issuance.

The amendment revised the Technical Specifications to permit phased replacement of the existing spent fuel storage racks having a capacity of 600 fuel assemblies with new storage racks having a capacity of 2000 fuel assemblies.

The Initial Decision is effective immediately, but is subject to review by an Atomic Safety and Licensing Appeal Board prior to its becoming final. Any decision or action taken by an Atomic Safety and Licensing Appeal Board in connection with the Initial Decision may be reviewed by the Commission.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Proposed Issuance of the Amendment was published in the FEDERAL REGISTER on December 9, 1976 (41 FR 53871). Interventions were sought by and granted in accordance with 10 CFR 2.714 to New England Coalition on Nuclear Pollution, Conservation Society of Southern Vermont and Vermont Public Interest Research Group, collectively (NECNP) as one intervenor; in addition, intervention was granted to the State of Vermont. The State of New Hampshire participated solely as an "interested State" pursuant to 10 CFR 2.715(c). An evidentiary hearing was held on June 21, 1977, following a special prehearing conference held on April 26, 1977, and subsequently the above-referenced Initial Decision was issued August 30, 1977.

The Commission has prepared an Environmental Impact Appraisal (EIA) for this action. The Atomic Safety and Licensing Board concluded in its Initial Decision that the EIA is comprehensive and that authorizing modification of the spent fuel storage pool is not a major

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Commission action significantly affecting the quality of the human environment, and therefore, an Environmental Impact Statement is not required.

For further details with respect to this action, see (1) the application for amendment dated November 5, 1976, as supplemented by filings dated February 1, April 4 and 27, May 11, and June 3, 1977, (2) Amendment No. 37 to License No. DPR-28, (3) the Commission's related Safety Evaluation dated June 10, 1977, and Supplement 1 dated June 20, 1977, (4) the Commission's Environmental Impact Appraisal dated June 10, 1977, and Supplement 1 dated June 20, 1977, and (5) the Initial Decision of the Atomic Safety and Licensing Board dated August 30, 1977. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont. A copy of items (2), (3), (4), and (5) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 15th day of September 1977.

For the Nuclear Regulatory Commission.

GERALD B. ZWETZIG,  
Acting Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.77-28085 Filed 9-28-77; 8:45 am]

**VIRGINIA ELECTRIC & POWER CO.**  
**Proposed Issuance of Amendments to Facility Operating Licenses**  
**Correction**

In FR Doc. 77-26861 appearing at page 46431 in the issue for Thursday, September 15, 1977, the following correction should be made.

On page 46431, first column, the date on line 28, should read, "October 17, 1977".

[Docket No. 40-8585]

**WYOMING MINERAL CORP. URANIUM RECOVERY FACILITY, SALT LAKE COUNTY, UTAH**

**Negative Declaration Regarding Issuance of a License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued a source material license for the operation of a natural uranium recovery facility by the Wyoming Mineral Corporation at the Kennecott Copper Corporation's Bingham Canyon Mine near Copperton, Utah.

The Commission's Division of Fuel Cycle and Material Safety has prepared an environmental/safety impact appraisal for the operation of the Uranium Recovery Facility. On the basis of this appraisal, the Commission concluded that an environmental impact state-

ment for this particular action is not warranted because there will be no significant environmental impact attributable to the action. The environmental safety impact appraisal is available for public inspection and copying at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. 20555.

Dated at Silver Spring, Md., this 15th day of September, 1977.

For the Nuclear Regulatory Commission.

LELAND C. ROUSE,  
Chief, Fuel Processing & Fabrication Branch, Division of Fuel Cycle & Material Safety.

[FR Doc.77-28086 Filed 9-28-77; 8:45 am]

**[4910-58]**

**NATIONAL TRANSPORTATION SAFETY BOARD**

[N-AR 77-39]

**SAFETY RECOMMENDATION AND RESPONSES**

**Availability and Receipt**

*Railroad Safety Recommendation R-77-28.*—The National Transportation Safety Board has recommended that the Federal Railroad Administration promulgate regulations which will establish minimum audible warning requirements for locomotive whistles to provide sufficient warning commensurate with the locomotive's operating speed and direction of travel. The recommendation, issued by letter dated September 19, is designated "Class II, Priority Followup." The recommendation was issued as a result of investigation into two separate train accidents, both involving St. Louis-San Francisco Railway Company (SL-SF) work trains and pedestrians/trespassers. In one accident, which occurred last December 11 near Sikeston, Missouri, one of two teenagers who were walking along the railroad tracks was struck and killed. Last April 2 near Neelyville, Missouri, one of two young motorbike riders, traveling between the main track and a siding, was struck and killed.

The investigations, in both accidents, revealed that the locomotives were moving backward at approximately 50 mph. The locomotives were equipped with five chime whistles, all five chimes facing forward. Originally, the Safety Board noted, the SL-SF railroad had some of the chimes of the locomotive whistles facing to the rear for the purpose of recalling the flagman. In the early 1960's, when the need for flag protection was eliminated, SL-SF remounted the whistle, with all five chimes facing forward, to provide a louder warning. When mounted in this manner, however, the effectiveness of the whistle is greatly reduced when the locomotive is moving backward.

The surviving witnesses in both the Sikeston and Neelyville accidents testified that they did not receive any prior

warning from the locomotive whistles, even though the engineers were blowing the whistles continuously.

*Response from the Federal Aviation Administration to Aviation Safety Recommendations A-77-45 through 47.*—Letter of September 9 is in answer to recommendations issued following investigation into the crash last November 26 of a Piper PA-28 some 33 miles northeast of Farmington, New Mexico. Six days elapsed before rescue personnel were able to locate the aircraft wreckage. (See 42 FR 33391, June 30, 1977.)

In answer to recommendation A-77-45, which asked FAA to alert all ATC personnel of the circumstances of this accident and emphasize to them the importance of transmitting to search and rescue personnel all available information on the last known location of a missing aircraft, FAA notes that the use of computer position recording capability for locating lost aircraft is relatively new and still in the development stage. To provide the best usage of existing capabilities while the National Program is being developed, FAA has directed all regions to provide the fullest possible cooperation with the National Rescue Coordination Center (NRCC) in providing computer derived position information.

Recommendation A-77-46 asked FAA to revise the Air Traffic Controller's Handbook, Chapter 8, to include specific instructions to relay to NRCC at Scott Air Force Base, Illinois, information on the last known location of a missing aircraft obtained from the computer-stored radar information. FAA states that in view of limitations that must be considered until the National Program is implemented, it is premature to forecast specific actions that will apply to the Safety Board's recommendations. Program guidance, under development, will encompass the automation methodology function and procedures for coordination with NRCC, FAA states. FAA is coordinating with the Air Force Rescue Coordination Center (AFRCC) at Scott Air Force Base in its documentation and program development effort.

With reference to A-77-47, which recommended that FAA inform the NRCC of the NAS radar system computer capabilities and advise them to include in their procedures provisions for updating more rapidly information on last known positions of missing aircraft, FAA reports close cooperation with the NRCC at Scott Air Force Base in this continuing effort. FAA notes that the procedure for having radar data on aircraft targets recorded on tape where it can be retrieved in the form of a computer print-out was originally developed for testing the new computerized air traffic control system. The technique was extended two years ago to search and rescue use after personnel at the Denver Air Route Traffic Control Center recognized its potential and worked out procedures in cooperation with AFRCC at Scott Air Force Base.

FA states, "At present, special training is needed for the delicate task of tracing

an aircraft flight path on the print-out to the point where it disappears from the radar screen. Currently 15 Air Route Traffic Control Centers have the proper equipment for that purpose. However, we expect that within the next two years the task can be simplified and a new computer technique developed so that all 20 Centers will have the capability of searching for missing aircraft position by means of computer derived information."

*Response of City of Cherokee, Alabama, to Pipeline Safety Recommendations P-77-18 through 20.*—The September 7 letter from a Cherokee City Commissioner reports on progress in efforts to prevent recurrence of the gas explosion and fire which on July 30, 1977, destroyed a house in Cherokee. One person in the house suffered third-degree burns, was hospitalized, and died four days later. (See 42 FR 44045, September 1, 1977.)

During investigation into the cause of the explosion, the Safety Board recommended that the Cherokee Water and Gas Board: Require, during its current and all future sewer construction programs, the support and protection of its cast-iron gas mains in accord with Federal regulations and in a manner acceptable to the Alabama Public Service Commission (P-77-18); examine, support, and protect where necessary in accord with Federal regulations and acceptable to the Alabama Public Service Commission, those segments of cast-iron gas mains that have been disturbed already by this sewer construction project (P-77-19); and immediately begin to patrol its gas distribution system as frequently as necessary while the potential exists for gas main failure due to settlement (P-77-20).

The Commissioner reports that officials of the Gas Pipeline Safety Division of the Alabama Public Service Commission began their investigation within five hours of the explosion. Guidelines, similar to those issued by the Safety Board on August 22, were set for the city government and water and gas department to follow. The Commissioner states, "Upon our first instructions to monitor the gas system closely to check for leaks, we immediately started observing these instructions and have continued to do so on a day to day basis since that time."

The Commissioner reports that on August 8 the city officials felt it necessary to check the system by all means available and decided to "put the maximum amount of odorant into the system." They believed that it was important to have citizen participation to find any possible leaks in the system. The Commissioner states that the leaks that were reported at that time were only minor in nature and all were promptly repaired.

Further, the Commissioner reports that the City of Cherokee will require that the sewer contractor and the city engineer redo work where gas lines are involved and bring all work up to standard in accordance with a letter dated September 2, 1977, from the Alabama

Public Service Commission; a copy of the letter is attached to the Commissioner's letter.

*NOTE.*—The above notice consists of summaries of a Safety Board recommendation letter made available and recommendation responses received during the week preceding publication of this notice in the FEDERAL REGISTER. The Board's letter in its entirety is available to the general public; single copies are obtainable without charge. Copies of the full text of the response letters may be obtained at a cost of \$4.00 for service and 10¢ per page for reproduction. All requests must be in writing, identified by recommendation number and date of publication of this notice. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20584.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

MARGARET L. FISHER,  
Federal Register  
Liaison Officer

SEPTEMBER 26, 1977.

[FR Doc.77-28677 Filed 9-28-77; 8:45 am]

**OFFICE OF TELECOMMUNICATIONS POLICY**

**U.S. INMARSAT PREPARATORY COMMITTEE WORKING GROUP**

**Meetings**

Notice is hereby given that the U.S. INMARSAT Preparatory Committee Working Group will meet at 9:30 A.M., in Room 642, Office of Telecommunications Policy, 1800 G Street, N.W., Washington, D.C. on November 1, 1977, November 22, 1977, December 13, 1977, January 5, 1978 and January 31, 1978.

The principal agenda items will be development of national positions relating to the technical, economic and organizational aspects of the INMARSAT system which will be addressed in meetings of the INMARSAT Preparatory Committee Technical, Economic and Organization Panels in February, 1978. The meetings will be open to the public; any member of the public will be permitted to file a written statement with the Working Group before or after the meetings.

The names of the members of the Working Group, copies of the agendas, summaries of the meetings and other information pertaining to these meetings may be obtained from William T. Adams, Office of Telecommunications Policy, Washington, D.C. 20504. Tel: 202-395-3782.

L. DANIEL O'NEILL,  
Advisory Committee  
Management Officer.

[FR Doc.77-28585 Filed 9-28-77; 8:45 am]

**[3110-01]**

**OFFICE OF MANAGEMENT AND BUDGET**

**CLEARANCE OF REPORTS**

**List of Requests**

The following is a list of requests for clearance of reports intended for use in

collecting information from the public received by the Office of Management and Budget on September 23, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

**NEW FORMS**

**DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**

Alcohol, Drug Abuse, and Mental Health Administration, Female Drug Abusers Reentry Needs Survey, single time, patients, staff in treatment programs, Richard Elinger, 395-6140.

**REVISIONS**

**ENVIRONMENTAL PROTECTION AGENCY**

National Pollutant Discharge System: Monitoring Report, EPA-3320-1, other (see SF 83), NPDES permittees discharging pollutants to waters in United States, Ellett, C. A. 395-5867.

**DEPARTMENT OF COMMERCE**

Bureau of Census, Selected Electronic and Associated Products, Including Telephone and Telegraph Apparatus, MA-36-N, annually, manufacturers of electronic products, C. Louis Kincannon, 395-3211.

**DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**

Food and Drug Administration, Poisoning Report and Poison Control Information, Record, FD-2294, FD-2294C, on occasion, household products and drug manufacturers, Richard Elinger, 395-6140.

**DEPARTMENT OF THE TREASURY**

Bureau of Customs, Certificate of Registration, CF-4455, on occasion, exporter-importers, Ellett, C. A., 395-5867.

**EXTENSIONS**

**DEPARTMENT OF COMMERCE**

Bureau of Census, Survey of Gallonage Sale of Gasoline, SG2, monthly, retail gasoline service stations, Strasser, A., 395-5967.

**DEPARTMENT OF THE TREASURY**

Bureau of Customs, Certificate of Registration for Personal Effects Taken Abroad, CF4457, on occasion, travelers, Ellett, C. A., 395-5867.

PHILLIP D. LARSEN,  
Budget and Management Officer.

[FR Doc.77-28850 Filed 9-28-77; 8:45 am]



[3110-01]

## PRIVACY ACT OF 1974

## Reports on New Systems

The purpose of this notice is to list reports on new systems filed with the Office of Management and Budget to give members of the public the opportunity to make inquiries about them and to comment on them.

The Privacy Act of 1974 requires that agencies give advance notice to the Congress and the Office of Management and Budget of their intent to establish or modify systems of records subject to the Act (5 U.S.C. 552a(o)). During the period September 5, 1977 through September 16, 1977, the Office of Management and Budget received the following reports on new (or revised) systems of records:

## DEPARTMENT OF COMMERCE

**System Name:** Mailing List & Correspondence File.

**Report Date:** August 30, 1977.

**Point-of-Contact:** Mr. Guy W. Chamberlin, Jr., Acting Director, Office of Organization & Management Systems, Department of Commerce, Washington, D.C. 20230.

**Summary:** This system is proposed to support the White House Conference on Balanced National Growth and Economic Development.

**System Name:** Marine Mammal, Endangered and Threatened Species Permits and Exemptions Applicants.

**Report Date:** August 31, 1977.

**Point-of-Contact:** Mr. Guy W. Chamberlin, Jr., Acting Director, Office of Organization & Management Systems, Department of Commerce, Washington, D.C. 20230.

**Summary:** The new system will consolidate four related systems maintained by the National Oceanic and Atmospheric Administration.

**System Name:** Biographical Files.

**Report Date:** August 31, 1977.

**Point-of-Contact:** Mr. Guy W. Chamberlin, Jr., Acting Director, Office of Organization and Management Systems, Department of Commerce, Washington, D.C. 20230.

**Summary:** The purpose of this system is to make available biographical data on Commerce Department personnel to the press, other government agencies, and the general public for public affairs purposes.

**System Name:** Freedom of Information and Privacy Request Records.

**Report Date:** August 31, 1977.

**Point-of-Contact:** Mr. Guy W. Chamberlin, Jr., Acting Director, Office of Organization and Management Systems, Department of Commerce, Washington, D.C. 20230.

**Summary:** This system will be used for administering the Privacy and Freedom of Information Acts and is intended to clarify for the public how records of requests are maintained by the Department.

**System Name:** President's and Secretary's Award Nominees.

**Report Date:** August 31, 1977.

**Point-of-Contact:** Mr. Guy W. Chamberlin, Jr., Acting Director, Office of Organization and Management Systems, Department of Commerce, Washington, D.C. 20230.

**Summary:** The purpose of this proposed system is to help administer a new public safety service award program, to enable the Secretary of Commerce to recommend recipients of Presidential and Departmental Public Safety Service Awards.

**System Name:** Radio Spectrum Management Career Development Program.

**Reporting Date:** August 31, 1977.

**Point-of-Contact:** Mr. Guy W. Chamberlin, Jr., Acting Director, Office of Organization & Management Systems, Department of Commerce, Washington, D.C. 20230.

**Summary:** The purpose of this system is to help administer a new Federal career development program, intended to recruit and train entry, mid- and senior-level spectrum managers.

## CENTRAL INTELLIGENCE AGENCY

**System Name:** Personal and Professional Associates of the Director, CIA; and Supplemental Personnel (Soft) Files.

**Report Date:** September 1, 1977.

**Point-of-Contact:** Mr. Gene F. Wilson, Chief, Information and Privacy Staff, Central Intelligence Agency, Washington, D.C. 20505.

**Summary:** The first named system is intended to assure that information pertaining to professional and personal associates of the Director of Central Intelligence is maintained in a current manner; the latter system supplements the official personnel files and is used by authorized officials for processing or procedural requirements and as a management tool for supervisory officials.

## FOREIGN CLAIMS SETTLEMENT COMMISSION

**System Name:** General War Claims Program.

**Report Date:** September 10, 1977.

**Point-of-Contact:** Mr. Francis D. Masterson, Executive Director, Foreign Claims Settlement Commission, Washington, D.C. 20579.

**Summary:** This system supports a claim program for losses incurred during World War II as a result of military operations or special measures directed against property because of the enemy or alleged enemy character of the owner.

## DEPARTMENT OF DEFENSE

**System:** Litigation Case File.

**Report Date:** September 12, 1977.

**Point-of-Contact:** Mr. William Cavanaugh, Executive Secretary, Defense Privacy Board, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20341.

**Summary:** This system to be operated by the Navy, is intended to aid in defense of the U.S., its officers, on employ-

ees in civil litigation except that arising in admiralty, patent, Federal Tort Claims Act and matters under the responsibility of the General Counsel's office.

## ACTION

**System:** Outplacement Counseling Talent Bank System.

**Report Date:** September 14, 1977.

**Point-of-Contact:** Mr. John F. Nolan, Director, Administrative Services Div., ACTION, Washington, D.C. 20525.

**Summary:** The purpose of this system is to offer terminating ACTION volunteers counseling regarding opportunities for further education and development.

## FEDERAL ENERGY ADMINISTRATION

**System:** Correspondence Files; Telephone Numbers of FEA officials.

**Report Date:** September 15, 1977.

**Point-of-Contact:** John Treanor, Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461.

**Summary:** The former system is designated to facilitate the administrative control of FEA correspondence; the latter is a reference of home telephone numbers of senior FEA officials, for use in an emergency.

VELMA N. BALDWIN,  
Assistant to the Director  
for Administration.

[FR Doc.77 28676 Filed 9-28-77;8:45 am]

[8010-01]

## SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 9942 (812-4075)]

## INTERMENT ASSOCIATION OF CALIFORNIA

## Notice of Filing of Application

SEPTEMBER 22, 1977.

In the matter of The Interment Association of California, 925 "L" Street, Suite 315, Sacramento, California 95814 and Ahlser-Wilson Mortuary, 225 So. Broadway, Escondido, California 92025 and California Funeral Services, Inc., 401 W. Channel Islands Blvd., Oxnard, California 93030 and Lavista Cemetery association, P.O. Box 536, National City, California 92050.

Notice is hereby given that the Interment Association of California (the "Association"), on behalf of certain of its members, Ahlser-Wilson Mortuary, California Funeral Services, Inc., and La Vista Cemetery Association (collectively referred to as "Applicants") filed an application on January 3, 1977 and amendments thereto on April 28, 1977 and on August 18, 1977, for an order, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), exempting Applicants from all the provisions of the Act and the rules and regulations thereunder in connection with (a) completion of installment sales of certain debentures issued by Applicants under existing subscription agreements, and (b) certain outstanding debentures which were sold on an installment basis. All interested persons are referred to the application

on file with the Commission for a statement of the representations contained therein, which are summarized below.

The members of the Association joining as Applicants consist of Chapel of the Chimes Memorial Park, East Lawn Mortuary Co., Forest Lawn Memorial Parks and Mortuaries, Green Acres Memorial Gardens, Hillcrest Memorial Park, Oakdale Memorial Park, Oak Hill Improvement Company, Pacific View Memorial Park, Pierce Brothers Valhalla Memorial Park, Redding Memorial Park, Rose Hills Memorial Park, San Diego Cemetery Association, and Skylawn Memorial Park; and each of the other Applicants is a funeral service company located in the State of California. Applicants in the past have sold pre-need funeral service debentures on an installment basis ("Debentures") to individuals desiring to set aside money to pay for their funerals.

Applicants state that the Debentures typically bear a modest rate of interest, mature in twenty to twenty-five years and can be applied at their face amount prior to maturity toward payment for funeral services "at time of need."

Applicants represent that most of the Debentures were sold pursuant to subscription agreements under which an average of \$500 to \$1,000 of Debentures were subscribed for and were to be paid for over a five to ten year period. Applicants further represent that as of February 9, 1976, there was outstanding an aggregate of approximately \$55,000,000 of fully or partially paid Debentures, and subscription agreements providing for payments to be made on issued Debentures or for the purchase of additional unissued Debentures of the Applicants in the aggregate amount of approximately \$22,500,000.

On January 5, 1976, the Commission announced its decision in *The Matter of International Funeral Services of California, Inc.* (Investment Company Act Release No. 9112), in which it found that installment sales of pre-need funeral service debentures of the type issued by the Applicants constitute the issuance of face-amount certificates of the installment type requiring the issuer to be registered under and comply with the provisions of the Act.

Section 3(a)(2) of the Act defines "investment company" to mean an issuer which is engaged or proposes to engage in the business of issuing face-amount certificates of the installment type, or has been engaged in such business and has any such certificates outstanding.

Section 2(a)(15) of the Act defines "face-amount certificates" to include "any . . . security which represents an obligation of its issuer to pay a stated or determinable sum at a fixed or determinable date more than twenty-four months after the date of issuance, in consideration of the payment of periodic installments of a stated or determinable amount (which security shall be known as a face-amount certificate of the installment type)."

Applicants state that, if the Debentures are face-amount certificates of the installment type, registration of the issuers or an exemption under the Act will be required (1) to complete sales on an installment basis of Debentures already subscribed for, and (2) for so long as the Applicants have outstanding any previously issued Debentures which were sold on an installment basis. Applicants have, therefore, applied for an exemption from all the provisions of the Act pursuant to Section 6(c) of the Act, in connection with (a) completion of Debenture sales by Applicants under existing subscription agreements, and (b) outstanding Debentures which were sold on an installment basis.

Section 6(c) provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person or class of persons from any or all provisions of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and purposes fairly intended by the policy and provisions of the Act.

Applicants make six basic representations which form the basis for their assertion that the granting of an exemption pursuant to Section 6(c) of the Act is appropriate in the public interest and consistent with the protection of investors:

(1) Applicants represent that they have neither solicited nor accepted any new subscription agreements for the installment sale of Debentures since February 9, 1976, and that in the future they will not enter into any new agreements for the sales of Debentures on an installment basis.

(2) Applicants represent that all future pre-need funeral arrangements made on an installment basis will be undertaken only by way of trust agreements established pursuant to the provisions of Section 7735 et seq. of the California Business and Professions Code ("the Short Act") which requires, among other things, that all cash or other property received by a funeral director in advance of need be maintained by trustees in segregated accounts and held in specified investments.

(3) Applicants represent that each Applicant has established a trust account meeting the requirements of the Short Act to hold all monies received and to be received since February 9, 1976, pursuant to existing subscription agreements. The funds held in such accounts may be used to meet redemption requests on those Debentures issued since February 9, 1976, pursuant to existing subscription requirements. Income on the corpus of such trust funds is to be applied first to the expenses of administering the trust, second to the payment of interest due on the Debentures, if any, and third to Applicants. As of May 26, 1977, the total amount held in such trust funds was approximately \$6,000,000.

(4) Applicants propose to offer to the original purchaser, his conservator or other legal representative in the case of his incapacity, or any member of his immediate family to whom he has transferred his Debentures a right to redeem for cash all outstanding Debentures. The redemption right will be available only during the life of the original purchaser. Debentures purchased since February 9, 1976, will be redeemable at the full face amount of the Debenture plus any accrued and unpaid interest. With respect to Debentures issued or paid for prior to February 9, 1976, each Applicant will have the option for three years after the date of the order granting this application to charge an administrative fee for cash redemptions of up to 7 percent of the amount of Debentures redeemed. Any Applicant with outstanding Debentures having existing provisions affording more liberal redemption rights will continue to be bound by such provisions. On the expiration of the 3 year period following the date of the order issued on this application, all outstanding Debentures issued by Applicants will be redeemable at the full face amount of the Debentures plus interest, if any, without the imposition of any administrative fees. Applicants assert that the 7 percent administrative charge is not inconsistent with the redemption requirements of the Act and that it is necessary to provide a redemption disincentive to make less likely an initial flood of redemptions which might have serious adverse consequences to the Applicants.

(5) Applicants represent that they will notify all holders of outstanding Debentures of their redemption right, the exemption obtained from the Commission, and the trust arrangements created to assure performance of the pre-need contracts. Notice will be in the form of a letter sent to each Debenture holder promptly upon the granting of the requested exemption or, at the option of each Applicant, with the next interest payment on the Debentures subsequent to the issuance of an order granting the application.

(6) Applicants further propose to establish a cash Performance Trust Fund (the "Performance Trust") in an initial amount of \$250,000 with a subsequent contribution of an additional \$125,000 should the Performance Trust fall below \$125,000 during the term of its existence. The purpose of the proposed Performance Trust would be to reimburse the cost of funeral services performed by any of the Applicants or other mortuaries for holders of Debentures of any of the Applicants which may be unable to perform such services because of insolvency. Companies which perform funeral services for holders of Debentures issued by one of the Applicants which became insolvent would be reimbursed by the Performance Trust in the amount of approximately 20% of the face amount of the Debentures so redeemed in services. The Performance Trust would not be used to meet cash redemptions. Appli-



cants propose to maintain the Performance Trust until all obligations under outstanding Debentures are satisfied or until the Trustees unanimously determine, with the concurrence of the California Department of Corporations, that some or all of the Performance Trust is no longer reasonably required to assure performance of funeral services for holders of outstanding Debentures.

Applicants state that they have undertaken to form the Performance Trust and the trusts for all monies received since February 9, 1976, under existing subscription agreements in order to ensure that monies received upon the sale of the Debentures are substantially reserved for the performance of the terms and conditions of the Debentures.

Applicants assert that the granting of the requested exemption would be in the public interest and consistent with the protection of investors in view of (a) the protection afforded investors by the six numbered representations set out above, and (b) the adverse effects that a refusal to grant said exemption could have on the funeral service industry of California. Applicants state that such adverse effects include the possibility of some or all of Applicants being unable to remain in business, thus leaving up to approximately 75,000 holders of outstanding Debentures without the funeral services which they sought to secure by purchasing Applicants' Debentures.

Notice is further given that any interested person may, not later than October 17, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the addresses stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 77-28679 Filed 9-28-77; 8:45 am]

# [ 8010-01 ]

[Release No. 34-13974; File No. SR NYSE 77-22]

## NEW YORK STOCK EXCHANGE, INC. Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29 (June 4, 1975), notice is hereby given that on August 8, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

### STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change will clarify the Exchange's position with regard to the relationship that should be maintained between listed companies and their specialists.

The text of the proposed rule change is attached as Exhibit A.

### MSE's STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to clarify the Exchange's position regarding the desirable relationship that should be maintained between specialists and listed company officials and to provide public interest guidelines governing the types of information that may be discussed during the course of communications, in order to encourage liaison between listed companies and their specialists and, in so doing, enable listed companies to achieve a greater awareness of auction market operations, while making clear that the disclosure of material non-public information relating to the company or to the market in its stock by either party to the other is prohibited.

### BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

The rule change is proposed pursuant to authority of national securities exchanges contained in SEC Rule 11b-1 to regulate the conduct of specialists, and the obligation imposed on national securities exchanges in Section 6(b)(5) of the Act to adopt rules which are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and to protect investors and the public interest.

### COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OF OTHERS ON PROPOSED RULE CHANGE

No comments were solicited by the Exchange on the proposed rule change nor have any written comments been received.

### BURDEN ON COMPETITION

The Exchange has determined that no burden on competition will be imposed by the proposed rule change. The foregoing rule change has become effective,

pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

All submissions should refer to the file number referenced in the caption above and should be submitted within 21 days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

SEPTEMBER 20, 1977.

TEXT OF PROPOSED RULE CHANGE, NEW YORK STOCK EXCHANGE, INC.

### THE LISTED COMPANY AND THE SPECIALIST

I. *The need for maintaining contact.* The Exchange's communications efforts are designed to provide all of its many constituencies with a better and more thorough understanding of its primary product—the continuous, two-way auction market. A crucial aspect of these efforts is the role of the specialist who is accountable to all of the many constituencies he serves for the quality of the Exchange market. By contributing to the liquidity, continuity and depth of the market, the specialist also contributes to the value and prestige of an Exchange listing.

The Exchange believes that a good, working rapport with its listed companies is essential for achieving an awareness of auction market operations, its many facets, and the many factors that affect the marketability of a company's stock. Because specialists stand as the focal point for the market in the stock, they are best able to contribute to that understanding. Accordingly, specialists are encouraged to maintain an active, two-way dialogue with representatives of listed companies. As a result, company officials can more fully appreciate the problems and the obstacles which confront the specialist in maintaining a fair and orderly market thus

enabling them to better respond to questions on their stock from their stockholders, employees, and the general public. Equally important, the specialist gains a greater familiarity with the company, its management and its business philosophy, and a better general understanding of the industry of which that company is a part. This will enable him to better assess the impact of corporate or industry developments on the market in the company's stock.

II. *Frequency of contact.* It is recommended that specialists be available to meet with listed company officials on a regular basis. Such meetings are desirable as specialists gain the benefit of exposure to the company's point of view, and companies can more fully appreciate the role of the specialist and the rules under which he operates.

IV. *Guidelines for contact.* Guidelines for delineating the types of information that can be discussed between specialist and listed company are designed primarily to provide a framework within which a meaningful exchange of views can be made. They are not intended to inhibit the company or the specialist from discussing other matters of mutual interest provided such matters are those that could be freely discussed with or made available to anyone having a legitimate interest in the company. However, the company should not discuss non-public information which could affect the decision of investors to buy, sell, or hold the company's stock. The specialist, by the same token, should not discuss information which he has been asked to hold in confidence as agent.

It is expected that when both parties meet, they will exercise caution and good judgment in the types of information exchanged. However, if in the course of discussion the specialist inadvertently acquires information about the business of the company which he feels might significantly impact on the market in the stock, he should inform the company that such information must be reported to the Exchange so that steps will be taken to insure that it is adequately disseminated before trading in the stock can continue.

The Exchange suggests that in discussions between specialists and listed companies, proper liaison can be maintained, and the resulting dialogues mutually beneficial, if the conversations include the types of information described below.

1. *By the company.* Any information given by the company to security analysts, financial writers, stockholders, and others having a legitimate interest in the company's affairs, may also be given to the specialist.

Company officials may discuss such matters as the number of shares publicly held and the geographical distribution of the shares, the trend of business and the types of products manufactured and/or services provided, and policies regarding the business of the company.

2. *By the specialists.*—a. *The role of the specialist.* The specialists should de-

holders, security analysts, or anyone having a legitimate interest in the company may also be discussed.

Rumors encountered by the listed company which might reasonably be expected to significantly affect market conditions in the stock should be brought to the attention of the Exchange staff as quickly as possible. Specialists encountering such rumors should contact a Floor Official in accordance with established procedures. The staff will then take immediate steps to confirm or deny their accuracy. In this regard, the specialist and the listed company should be familiar with Exchange rules and policies concerning the circulation of unsubstantiated information. These are contained in an Exchange pamphlet entitled "Expanded Policy on Timely Disclosure".

IV. *Guidelines for contact.* Guidelines for delineating the types of information that can be discussed between specialist and listed company are designed primarily to provide a framework within which a meaningful exchange of views can be made. They are not intended to inhibit the company or the specialist from discussing other matters of mutual interest provided such matters are those that could be freely discussed with or made available to anyone having a legitimate interest in the company. However, the company should not discuss non-public information which could affect the decision of investors to buy, sell, or hold the company's stock. The specialist, by the same token, should not discuss information which he has been asked to hold in confidence as agent.

It is expected that when both parties meet, they will exercise caution and good judgment in the types of information exchanged. However, if in the course of discussion the specialist inadvertently acquires information about the business of the company which he feels might significantly impact on the market in the stock, he should inform the company that such information must be reported to the Exchange so that steps will be taken to insure that it is adequately disseminated before trading in the stock can continue.

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Company officials may discuss such matters as the number of shares publicly held and the geographical distribution of the shares, the trend of business and the types of products manufactured and/or services provided, and policies regarding the business of the company.

2. *By the specialists.*—a. *The role of the specialist.* The specialists should de-

scribe his functions in meaningful terms, particularly his principal and agency responsibilities and his efforts to bring buyers and sellers together. In addition, he may discuss how he tailors his performance to the specific trading characteristics of the company's stock.

b. *His organization.* 1. Number of specialists, years of experience, ages, other stocks in which the firm specializes, other business activities (i.e., retail business, options, arbitrage);

ii. Exchange committee of which individual specialists are members;

iii. General financial information may be given at the discretion of the specialist.

c. *Market characteristics of the stock.*

i. The number and sizes of orders normally present in the market, without disclosing the actual size or terms of orders currently on the book;

ii. The amount of institutional interest, including the extent of block orders. Buyers and sellers of significant transactions can be disclosed, but when the specialist has acted as agent, permission from the buying and selling brokers involved must be obtained;

iii. Price continuity (trade-to-trade price variations), quotation spreads (the difference between the reported bid and offer prices), depth (price movement over a given volume of shares traded), Exchange share of the Consolidated Tape System volume, etc.;

iv. How the stock has reacted to past news announcements.

d. *General topics regarding the Exchange and the specialist system* (i.e., the DOT System, specialist surveillance, procedures for monitoring the financial conditions of specialists, performance evaluation and stock allocation procedures).

In addition to the above, the specialist is permitted to discuss his performance based on evaluation methods employed by the Exchange and any disciplinary or performance improvement action that has been taken. However, corporations are encouraged to direct inquiries of this nature to the staff of the Exchange so that full explanations can be provided and possible misunderstandings averted.

[FR Doc. 77-28681 Filed 9-28-77; 8:45 am]

# [ 8010-01 ]

[Release No. 34-13980; File No. SR PSE-77-27]

## PACIFIC STOCK EXCHANGE, INC. Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on September 8, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:



## STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The Pacific Stock Exchange Incorporated ("PSE") hereby requests to amend Rule IX by eliminating sections 3(a) through 3(f) which currently require that its member firms shall have as its principal purpose of membership the conduct of a public securities business, and adding new sections 3(a) through 3(e) and section 11 as follows (italics indicate additions):

## RULE IX—EXCHANGE MEMBERSHIPS

## Denial of and Conditions to Membership

Sec. 3(a). The Exchange may deny membership to any registered broker or dealer or natural person associated with registered broker or dealer and bar from becoming associated with a member organization any person who is subject to a statutory disqualification, as that term is defined in the Securities Exchange Act of 1934, as amended.

(b). The Exchange may deny membership to, or condition the membership of a registered broker or dealer if: (1) such broker or dealer is unable to satisfactorily demonstrate its present capacity to adhere to applicable provision of (i) sections 15 and 17 of the Securities Exchange Act of 1934, as amended, and all rules and regulations promulgated thereunder or (ii) those rules relating to the maintenance of books and records of the Exchange; (2) such broker or dealer has previously violated and there is a reasonable likelihood such broker or dealer will again engage in acts or practices violative of (i) sections 15 and 17 of the Securities Exchange Act of 1934, as amended, and all rules and regulations promulgated thereunder, or (ii) those rules relating to the maintenance of books and records of the Exchange or those of other self-regulatory organizations of which such broker or dealer is or was a member; or (3) such broker or dealer (i) is subject to any unsatisfied liens, judgments or unsatisfied creditor claims of a material nature, which in the absence of a reasonable explanation therefor, remain outstanding for more than sixty (60) days, (ii) has been itself, or is the successor to an entity which has been subject to any bankruptcy proceeding, receivership or arrangement for the benefit of creditors within the past three years, or (iii) has engaged in an established pattern of failure to pay just debts.

(c). The Exchange may deny membership to, or condition the membership of, a registered broker or dealer, and may bar a natural person from becoming a member or associated with a member, or condition the membership of a natural person or association of a natural person with a member, if such broker or dealer, or natural person (1) does not successfully complete such written proficiency examinations as required by the Exchange to enable it to examine and verify the applicant's qualifications to function in one or more of the capacities applied for; (2) does not meet such other standards of training, experience, and competence as may be established by the Exchange; (3) has engaged and there is a reasonable likelihood he will again engage in acts or practices inconsistent with just and equitable principles of trade; or (4) such natural person (i) is subject to any unsatisfied liens, judgments or unsatisfied creditor claims of a material nature, which, in the absence of a reasonable explanation therefor, remain outstanding for more than sixty (60) days, (ii) has been subject to any bankruptcy proceeding, receivership or arrangement for the benefit of creditors within the past three

years; or (iii) has engaged in an established pattern of failure to pay just debts.

The Board may waive a required examination for any applicant if, within two years of the date such applicant applied to the Exchange for membership, such applicant has successfully completed a comparable examination administered by a self-regulatory body or the Securities and Exchange Commission.

## Application Procedures; Approval

Sec. 3(d). Every individual applying to become the owner of a membership, every individual designated as a nominee of a member organization, every organization applying to become the owner of a membership and every organization for which the owner of an individual membership is to be registered shall complete an application on the appropriate form prescribed by the Exchange and shall file it with the Department of Membership Services of the Exchange. All applications shall be filed together with such application fees and such additional documents and agreements as may be required by the Exchange.

Within 15 days following receipt of an application for membership, the Department of Membership Services shall mail to all members the name of the applicant and the name of the nominee of an applicant organization. A notice containing the same information shall be posted on the bulletin board on the floors of the Exchange.

Before an application is considered for approval by the Compliance Department, every individual applicant and, in the case of applicant organizations, all persons associated with the member organization, may be investigated by the Exchange. Individual applicants may be required to appear in person before the Membership Services Director or Compliance Director. After the notice of application has been posted for at least 10 days, the Compliance Department shall approve or disapprove the application. The Compliance Department shall disapprove an application for membership if it does not make such a finding or if it finds that if the application were approved, the member would be subject to suspension or expulsion under the provisions of these Rules.

Approval of an application requires a vote of the majority of the members of the Membership Committee then in office, and any application not receiving such approval shall be deemed disapproved. Written notice of the action of the Compliance Department specifying, in the case of disapproval of an application, the grounds therefor shall be given to the applicant. When an application involves the purchase of a membership, if the approved applicant fails to acquire and pay for a membership the approval shall be withdrawn.

## Disapproval of Membership Application

Sec. 3(e). In the event that an application for membership is disapproved by the Compliance Department, the applicant shall have an opportunity to be heard upon the specific grounds for the disapproval, in accordance with the provisions of Article VI, section 1 (f) of the Exchange Constitution and Rules promulgated thereunder. A disapproved applicant desiring to be heard shall so notify the Exchange in writing, within fifteen days of the applicant's receipt of notice of such disapproval and file with the Exchange a petition for review of such disapproval.

## Commentary

.01. As used in section 3(b)(3)(i), the term "material" means any amount which equals more than 5 percent of the total assets of the broker or dealer.

.02. The Exchange shall regard the failure to carry out any contract or honor any financial commitment with another member or member firm, (a) by any applicant as a violation of just and equitable principles of trade and, (b) an indication of a broker or dealer applicant's inability to meet such standards of financial responsibility as may be set by the Exchange.

## Obligations of Terminating Members

Sec. 11. Every member who sells or transfers his membership pursuant to the provisions of this Rule must be current in all filings and payments of dues, fees and charges relating to that membership, including filing fees and charges required by the Securities and Exchange Commission and the Securities Investor Protection Corporation. If a member fails to make all such filings, or to pay all such dues, fees and charges, the Secretary may notwithstanding the other applicable provisions of this Rule, withhold distribution of the proceeds of the sale of said membership, or delay the effectiveness of the membership of the transferee, until such time as the failures have been remedied.

## STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to remove language from the Rules of the PSE which is no longer applicable (present sections 3(a) through 3(f)), to add definitive provisions for approving, denying and conditioning membership on the PSE (new sections 3(a) through 3(e)), and to define certain obligations of terminating members (new section 11).

The basis for the proposed rule change is sections 6(c)(2) and 6(b)(5) of the Securities Exchange Act of 1934, as amended, which shall enable the PSE to better carry out the purposes of the Act in the processing of membership applications and in clarifying the obligations of terminating members.

Comments have neither been solicited nor received from members on the proposed rule change.

The proposed rule change imposes no burden upon competition.

On or before November 3, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington,

D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before October 20, 1977.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

SEPTEMBER 22, 1977.

[FR Doc. 77-28682 Filed 9-28-77; 8:45 am]

## [ 8010-01 ]

[Release No. 34-13994, File No. SR-PHLX 77-13]

PHILADELPHIA STOCK EXCHANGE, INC.  
Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on September 16, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

## EXCHANGE'S STATEMENT OF TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The Philadelphia Stock Exchange, Inc. (PHLX), proposes an amendment to its Rule 1010 relating to withdrawal of approval of an underlying stock previously approved for Exchange option transactions. Under present provisions, upon Exchange determination that any underlying stock should no longer be approved because it does not meet current requirements or for any other reason, trading is not opened in any additional series of options of the class covering such underlying stock. An additional section to the rule is now proposed which, notwithstanding the foregoing, would, in the case of a class or series of previously approved option contracts not exclusively traded on the Exchange, permit the Exchange with SEC approval to strike from trading or listing such class or series of option contracts. The text of a proposed second section of Rule 1010 to be designated as (b) follows. The present first section will be designated as (a). Italics indicate new material:

1010(b) Notwithstanding the foregoing provisions, whenever the Exchange determines in the interest of maintaining a fair and orderly market or for the protection of investors that a class or series of option contracts previously approved for Exchange option transactions and not exclusively traded on the Exchange should no longer be approved, the Exchange may make application to the Securities and Exchange Commission to

strike from trading and listing such class or series of option contracts.

## EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

In the case of option contracts not exclusively traded on one Exchange, the significant trading activity may shift, for various reasons, to one or more other market centers which then can provide fair and orderly markets for outstanding series of option contracts. If alternative market centers of adequate quality are available to the public, it appears reasonable for an exchange experiencing such significant loss of trading activity to have the power, in the case of multiply-traded option contracts, to terminate trading in a class or series at a particular time with SEC approval and without waiting for an outstanding series to expire.

The standards of fair and orderly markets and the protection of investors are written into this rule and would be the basis for invoking it.

No comments have been received or solicited.

No burden on competition will be imposed by the proposed amendment.

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof, with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before October 31, 1977.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

SEPTEMBER 26, 1977.

[FR Doc. 77-28683 Filed 9-28-77; 8:45 am]

## [ 8010-01 ]

[File No. 500-1]

TELLCO INFORMATION SERVICES, INC.  
Suspension of Trading

SEPTEMBER 22, 1977.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Tellico Information Services, Inc., being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors:

Therefore pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 9:45 a.m. (e.d.t.) on September 22, 1977, through October 1, 1977.

By the Commission

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 77-28680 Filed 9-28-77; 8:45 am]

## [ 8025-01 ]

SMALL BUSINESS  
ADMINISTRATION

[License No. 03,03-0022]

## SHARON SMALL BUSINESS INVESTMENT CO.

## Application for Approval of Conflict of Interest Transaction

Notice is hereby given that Sharon Small Business Investment Company (SSBIC), 385 Shenango Avenue, Sharon, Pa. 16146, a Federal Licensee under the Small Business Investment Act of 1958 (Act), as amended (15 U.S.C. 661 et seq.), has filed an application with the Small Business Administration (SBA) pursuant to section 312 of the Act and covered by § 107.1004 (b) (1) and (4) of the SBA regulations governing Small Business Investment Companies (SBIC) (13 FR 107.1004 (1977)) for approval of a conflict of interest transaction falling within the scope of the above sections of the Act and regulations.

Subject to such approval SSBIC proposes to provide funds to John P. and Philominia D. Hogan for the purpose of acquiring property located at 600 N. State Street, Girard, Ohio 44420.

The proposed financing is brought within the purview of § 107.1004(b) (1) and (4) of the regulations because of Mr. Hogan's past employment, (resigned on September 3, 1977) with the parent company of the SBIC, and therefore is considered an associate of SSBIC as defined by § 107.3 of the regulations.

The transaction also falls within § 107.1004(b) (4), in that the Hogan's will be subleasing the property from the parent of the licensee.

Notice is hereby given that any interested person may, not later than October 11, 1977, submit written comments on



the proposed transaction to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: September 22, 1977.

PETER F. McNEISH,  
Deputy Associate Administrator  
for Investment.

[FR Doc.77-28598 Filed 9-28-77;8:45 am]

#### [4910-14]

##### DEPARTMENT OF TRANSPORTATION

###### Coast Guard

[CGD 77-180]

##### COAST GUARD ACADEMY ADVISORY COMMITTEE Meeting

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I), notice is hereby given of a meeting of the Coast Guard Academy Advisory Committee to be held at the U.S. Coast Guard Academy, New London, Conn., on Tuesday and Wednesday, October 18-19, 1977. The meeting on Tuesday will begin at 1 pm and remain in session until 4 pm. The meeting on Wednesday will begin at 8:45 am and remain in session until 3:45 pm.

The agenda for this meeting is as follows:

- Computer program.
- Engineering programs and ECPD evaluation.
- McAllister Hall.
- Summer training.
- Recruiting and admissions.
- Media center.
- Nautical science simulator.

The Coast Guard Academy Advisory Committee was established in 1937 by Pub. L. 75-38 to advise on the status of the curriculum and faculty of the Academy and to make recommendations as necessary.

Attendance is open to the interested public. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from:

Capt. Roderick M. White, USCG, Dean of Academics/Executive Secretary of Academy Advisory Committee, U.S. Coast Guard Academy, New London, Conn. 06320, phone 203-443-8688.

Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C.

R. J. KNAPP,  
Captain, USCG, Acting Chief,  
Office of Personnel.

[FR Doc.77-28696 Filed 9-28-77;8:45 am]

#### [4910-14]

[CGD 77-174]

##### RESEARCH ADVISORY COMMITTEE Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. App. I) notice is hereby given of a meeting of the Research Advisory Committee to be held at 9 a.m. on November 16, 1977, in Room 244 at the U.S. Coast Guard Research and Development Center, Avery Point, Groton, Conn. 06340.

The agenda for this meeting is as follows:

- Welcome aboard and delineation of final agenda.
- Old committee business, including Commandant's response to recommendations derived from the 15th meeting of the Committee.
- Research and development highlights within the Coast Guard during April-November 1977.
- Technical review of ongoing RDT&E efforts at the U.S. Coast Guard Research and Development Center.
- Integrated overview of research Advisory Committee recommendations, 1974-77.
- Commentary relative to a long range view of Coast Guard RDT&E policy and technical goals.
- Any new Committee business items.

The Committee will continue its deliberations until 11:45 a.m. on November 18, 1977. Attendance is open to the interested public. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, the Executive Secretary of the Research Advisory Committee. Information may be obtained from Mrs. Patricia A. Shenkle, Executive Secretary of the Research Advisory Committee, Office of Research and Development, U.S. Coast Guard (G-DS/62), Washington, D.C. 20590, phone 202-426-1037. Any member of the public may present a written statement to the Committee at any time.

J. P. STEWART,  
Rear Admiral, U.S. Coast  
Guard, Chief, Office of Re-  
search and Development.

AUGUST 19, 1977.

[FR Doc.77-28697 Filed 9-28-77;8:45 am]

#### DEPARTMENT OF THE TREASURY

##### Fiscal Service

[Dept. Circ 570, 1977 Rev., Supp. No. 2]

##### MINNESOTA TRUST CO. OF AUSTIN Surety Company Acceptable on Federal

###### Bonds

###### Correction

In FR Doc. 77-27422 appearing on page 47610 in the issue for Wednesday, September 21, 1977:

- In the headings of the document, the name of the Company was incorrectly given as "Minnesota Trust Co. of

America." It should read "Minnesota Trust Co. of Austin," as set forth above.

2. The "State in which incorporated" was omitted from the listing following the first paragraph of the document. This State should be listed as "Minnesota."

#### UNITED STATES RAILWAY ASSOCIATION

[Docket 211-16]

##### CONSOLIDATED RAIL CORP.

###### Application for a Loan

Subsection (h) of Section 211 of the Regional Rail Reorganization Act of 1973, as amended (45 U.S.C. § 721) (the Act), authorizes the United States Railway Association (Association) to enter into loan agreements with the Consolidated Rail Corporation (ConRail), the National Railroad Passenger Corporation, and any profitable railroad to which rail properties are transferred or conveyed pursuant to Section 303(b) (1) of the Act under conditions and for purposes set forth in this Subsection. Subsection (b) of Section 211 requires that the Association publish notice of the receipt of any application thereunder in the FEDERAL REGISTER and afford interested parties an opportunity to comment thereon.

On March 1, 1976, ConRail submitted a preliminary application for a loan under the provisions of Section 211(h) in the amount of \$230,000,000. Notice of this application was published in the FEDERAL REGISTER dated March 19, 1976. On March 29, 1976, ConRail supplemented its preliminary application by filing the certifications and exhibits required by "Procedures for Applications for Loans to Pay Obligations of Railroads in Reorganization", 49 CFR Sec. 922 (Loan Procedures), and requested an initial borrowing of \$34,024,000. On April 1, 1976, ConRail and the Association entered into a loan agreement which authorized initial borrowings by ConRail of \$34,024,000. On April 12, 1976, ConRail further supplemented its loan application with a request that the aggregate amount of the initial borrowing be increased to \$51,157,000. On April 15, 1976, the Board of Directors of the Association approved that request.

On July 12, 1976, ConRail filed a Borrowing Application pursuant to Subsection 211(h) of the Act requesting, among other things, new borrowings of \$35,778,533.21 and an increase of the maximum amount reserved to \$230,000,000.00. On July 29, 1976, the Board of Directors of the Association approved an additional loan to ConRail in the principal amount of \$8,182,352.21.

On November 18, 1976, ConRail filed a Borrowing Application pursuant to Subsection 211(h) of the Act requesting, among other things, new borrowings of \$143,804,396.39 and a request for amendment of Section 3.01 of the Loan Agreement to increase the Maximum Borrowing to \$203,143,749.80. On December 6, 1976, the Board of Directors of the Association approved an additional loan to

ConRail in the principal amount of \$11,251,396.39.

On February 1, 1977, ConRail filed a Borrowing Application pursuant to Section 211(h) of the Act requesting, among other things, new borrowings of \$107,761,877.76. On February 17, 1977, the Executive Committee of the Board of Directors of the Association approved an additional loan to ConRail in the principal amount of \$107,761,877.76.

On March 16, 1977, ConRail filed a Borrowing Application pursuant to Section 211(h) of the Act requesting new borrowings of \$25,333,400.00. On March 31, 1977, the Board of Directors of the Association approved an additional loan to ConRail in the principal amount of \$25,333,400.00.

On April 25, 1977, ConRail filed a Borrowing Application pursuant to Section 211(h) of the Act requesting new borrowings of \$25,888,400.00. On April 29, 1977, the Executive Committee of the Board of Directors of the Association approved an additional loan to ConRail in the principal amount of \$7,825,000.00 to be effective May 10, 1977.

On June 6, 1977, ConRail filed a Borrowing Application pursuant to Section 211(h) of the Act requesting new borrowings of \$10,137,739.43. On June 30, 1977, the Board of Directors of the Association approved an additional loan to ConRail in the principal amount of \$10,137,739.43.

On June 22, 1977, ConRail filed a Borrowing Application pursuant to Section 211(h) of the Act requesting new borrowings of \$15,060,000.00. On June 30, 1977, the Board of Directors of the Association approved an additional loan to ConRail in the principal amount of \$15,060,000.00.

On July 20, 1977, ConRail filed a new Borrowing Application pursuant to Section 211(h) of the Act requesting new borrowings of \$18,030,000.00. On July 28, 1977, the Board of Directors of the Association approved an additional loan to ConRail in the principal amount of \$18,030,000.00.

On September 19, 1977, and on September 22, 1977, ConRail filed Borrowing Applications pursuant to Section 211(h) of the Act requesting new borrowings of \$8,086,537.31 and \$18,643,403.00, respectively. Each application includes the certification and exhibits required by the Loan Procedures.

In the September 19, 1977 application, ConRail states that it will apply the \$8,086,537.31 as follows:

- \$3,988,537.31 to payment of certain non-employee related pre-conveyance obligations of the Central Railroad of New Jersey (CNJ);
- \$12,000.00 to payment of pre-conveyance wage claims of the CNJ;
- \$736,000.00 to the payment of pre-conveyance wage claims of the Erie Lackawanna Railway Company;
- \$350,000.00 to the payment of Federal Employer's Liability Act Claims of the Lehigh Valley Railroad Company;
- \$3,000,000 to the payment of pre-conveyance Federal Employer's Liability Act

claims of the Penn Central Transportation Company.

In the September 22, 1977 application, ConRail states that it will apply the \$18,643,403.00 to the payment of certain non-employee related pre-conveyance obligations of the Penn Central Transportation Company.

Interested parties are invited to submit written comments relevant to this application. Any such submissions must identify, by its Docket No., the application to which it relates, and must be filed with the Office of General Counsel, United States Railway Association, Room 2222, Transpoint Building, 2100 Second Street SW., Washington, D.C. 20595, on or before October 12, 1977, to enable timely consideration by USRA. The docket containing the original application shall be available for public inspection at that address Monday through Friday (holidays excepted) between 8:30 a.m. and 5:00 p.m.

Dated at Washington, D.C., this 26th day of September, 1977.

EDWIN RECTOR,  
Assistant Secretary,  
United States Railway Association.

[FR Doc.77-28675 Filed 9-28-77;8:45 am]

#### [8410-01]

##### WATER RESOURCES COUNCIL

##### NATIONAL WATER POLICY STUDY

###### Receipt of Comments

The Water Resources Council has received a large volume of comments on the National Water Policy Study.

As a first step in ensuring our receipt and consideration of the comments recently submitted directly by mail to the Council, the Council is acknowledging in writing all comments received to date. Should you not receive such an acknowledgment within 15 days from the date of your submission, please notify Mr. Wanda M. Phelan, Room 810, 2120 L St. NW., Washington, D.C. 20037. She may be reached at 202-254-6453.

LEO M. EISEL,  
Director.

[FR Doc.77 28599 Filed 9-28-77;8:45 am]

#### [7035-01]

##### INTERSTATE COMMERCE COMMISSION

[Notice No. 487]

##### ASSIGNMENT OF HEARINGS

SEPTEMBER 26, 1977.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but

interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No. MC 133570 (Sub-No. 5), Melvin A. Atkin Jr., d.b.a. Atkin's Trucking, now being assigned December 2, 1977 (1 day), at Columbus, Ohio, in a hearing room to be later designated.

MC 118159 (Sub-No. 213), National Refrigerated Transport, Inc., now being assigned November 8, 1977, at Boston, Mass., in a hearing room to be later designated.

MC 13949 (Sub-No. 218), National Carriers, Inc., now assigned November 14, 1977, at San Francisco, Calif., has been advanced to October 17, 1977 (1 week), Room 510, 211 Main Street, San Francisco, Calif.

MC 136343 (Sub-No. 105), Milton Transportation, Inc., now assigned November 1, 1977, at Buffalo, N.Y., is canceled and application dismissed.

MC 114211 Sub 302, Warren Transport, Inc., now being assigned November 14, 1977 (2 days) at San Francisco, Calif., in a hearing room to be later designated.

MC 130382, W. L. (Bill) Deupree and Virginia Deupree, d.b.a. Ship Your Car now being assigned November 16, 1977 (3 days) at San Francisco, Calif., in a hearing room to be later designated.

MC 107107 Sub 454, Alterman Transport Lines, Inc., now being assigned January 17, 1978 (4 days) at Orlando, Fla., in a hearing room to be later designated.

MC 2860 (Sub-No. 182), National Freight, Inc., now being assigned November 1, 1977 at Buffalo, N.Y. (1 day), in a hearing room to be later designated.

MC 142881 Sub 2, Rexford C. Greer d.b.a. American Truck Stop, now assigned October 18, 1977, at Philadelphia, Pa., is canceled, application dismissed.

MC 133689 Sub 117, Overland Express, Inc., now assigned November 8, 1977, at Boston, Mass., is canceled, application dismissed.

MC 121142 Sub 14, J & G Express, Inc., now assigned November 7 and November 9, 1977, at Greenville, Miss., is canceled and transferred to Modified Procedure.

MC 143058, Lancaster Poultry, Inc., now assigned December 2, 1977, at Columbus, Ohio, is canceled, application dismissed.

MC-F 12967, Graves Truck Line, Inc.—Purchase—Diamond Freightways, Inc., and MC 85696 (Sub-No. 8), Diamond Freightways, Inc., now being assigned for continued hearing on October 25, 1977, at the Office of the Interstate Commerce Commission, Washington, D.C.

H. G. HOMME, JR.,  
Acting Secretary.

[FR Doc. 77-28690 Filed 9-28-77;8:45 am]

#### [7035-01]

##### FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 26, 1977

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed



within 15 days from the date of publication of this notice in the **FEDERAL REGISTER**.

**FSA No. 43435—Carbolic Acid (Phenol) or Cresylic Acid from Points in Texas.** Filed by Southwestern Freight Bureau, Agent, (No. B-708), for interested rail carriers. Rates on acid, carbolic (phenol) or acid, cresylic, in tank-car loads, as described in the application, from Baytown, Chocolate Bayou, Houston and Texas City, Texas, to East St. Louis, Illinois and St. Louis, Missouri. Grounds for relief—Market competition.

**Tariff—Supplement 16 to Southwestern Freight Bureau, Agent, tariff 12-K, ICC No. 5272.** Rates are published to become effective on November 1, 1977.

**FSA No. 43436—Ethylene Glycol to Forster, South Carolina.** Filed by Southwestern Freight Bureau, Agent, (No. B-709), for interested rail carriers. Rates on ethylene glycol, in tankcar loads, as described in the application, from specified points in Louisiana and Texas, to Forster, South Carolina. Grounds for relief—Market competition.

**Tariff—Supplement 27 to Southwestern Freight Bureau, Agent, tariff 11-H, ICC No. 5242.** Rates are published to become effective on November 1, 1977.

By the Commission.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 77-28387 Filed 9-28-77; 8:45 am]

#### [ 7035-01 ]

[Notice No. 229]

#### MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission within 30-days after the date of this publication. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the

application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopsis form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-77167, filed June 9, 1977. Transferee: L. E. Pierce and Jimmy L. Ownley, a partnership, doing business as Towe-Pike Grain and Supply Company, Route 2, Hertford, N.C. 27944. Transferor: Garland D. Towe, Garland W. Pike, and Benjamin E. Smith, a partnership, doing business as Towe-Pike Grain and Supply Company, Route 2, Hertford, N.C. 27944. Applicant's representative: L. E. Pierce and Jimmy L. Ownley, doing business as Towe-Pike Grain and Supply Company, Route 2, Hertford, N.C. 27944. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Permit No. MC 139662 (Sub-No. 3), issued July 11, 1977, as follows: Dry fertilizer, in bulk, from the facilities of Swift Agricultural Chemical Co., at or near Suffolk, Va. to Conway and Elizabeth City, N.C. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77175, filed June 14, 1977. Transferee: Michael's Transfer, Inc., 542 Gray Ave., Winchester, Va. 22601. Transferor: Mabel Lynn Michael (Nevin H. Fiery, Executor), doing business as Michael's Transfer, P.O. Box 565, 422 Gray Ave., Winchester, Va. 22601. Applicants' representative: David C. Venable, Attorney at Law, 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificates No. MC 45597 and MC 45597 (Sub-No. 1) and (Sub-No. 7) issued March 11, 1941, November 17, 1949 and September 24, 1951, respectively as follows: Apples and peaches, from Berryville, Timberville, and Winchester, Va., Inwood and Romney, W. Va., and Hancock, Md., to Washington, D.C., Baltimore, Md., Philadelphia and Pittsburgh, Pa., Durham, Greensboro, Rocky Mount, Raleigh, and Winston-Salem, N.C., and points and places in the New York, N.Y. commercial zone, as defined by the Commission in 1 M.C.C. 665. Fruit products, from Winchester and Strasburg, Va., and Martinsburg, and Inwood, W. Va., to Washington, D.C., Baltimore and Cumberland, Md., Altoona, Pottsburg, and Philadelphia, Pa., New Haven, Conn., Providence, R.I., Boston, Mass., Bluefield, Charleston, Clarksburg, Huntington, Parkersburg, and Williamson, W. Va., Dover, Del., Ashland, Ky., and points and places in North Carolina and Virginia, and those in the New York, N.Y. commercial zone, as defined by the Commission in 1 M.C.C. 665.

Frozen fruits and vegetables, from Winchester, Va., to Washington, D.C.,

Baltimore and Cumberland, Md., Dover, Del., Altoona, Philadelphia, and Pittsburgh, Pa., Newark, N.J., New Haven, Conn., Providence, R.I., Boston, Mass., Huntington, Bluefield, and Charleston, W. Va., Raleigh, Reidsville, Rocky Mount, Winston-Salem, Durham, and Greensboro, N.C., and points and places in the New York, N.Y. commercial zone, as defined by the Commission in 1 M.C.C. 665. Feed, fertilizer, lumber, and spray materials, from Baltimore, Md., to Winchester, Va. Groceries, from Baltimore, Md., to Winchester, Va., and Martinsburg, W. Va. Oil and grease, from Pittsburgh, Pa., to Winchester and Berryville, Va. Livestock, from Winchester and Front Royal, Va., to Baltimore and Westminster, Md., Lancaster, Meyersdale, Chambersburg, Greencastle, Altoona, and Harrisburg, Pa., and Martinsburg, W. Va. from points and places in Berkeley, Jefferson, Morgan, Hampshire, Grant, Hardy, and Mineral Counties, W. Va., to Winchester, Va. Glass containers, from Washington, Pa., Fairmont, Grafton, and Huntington, W. Va., to Winchester, Va., and Martinsburg, W. Va., and return with no transportation for compensation except as otherwise authorized, to the above-specified origin points. Household goods, between Winchester, Va., on the one hand, and, on the other, Washington, D.C., New York, N.Y., and points and places in West Virginia, Maryland, Delaware, Pennsylvania, and New Jersey. Frozen fruits, frozen fruit juices, and frozen vegetables, over irregular routes, from Winchester, Va., to points and places in Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, Ohio, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Tennessee, Alabama, Kentucky, and Florida. Frozen fruits and frozen prepared foods for human consumption, over irregular routes, from Ranson, W. Va., to points and places in Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, Ohio, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Tennessee, Alabama, Kentucky, and Florida. Frozen fruits, frozen vegetables, and frozen fruit juices, over irregular routes, between Winchester, Va., and Ranson, W. Va., on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Mississippi, Missouri, Oklahoma, Texas, and Wisconsin. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC 77284, filed September 2, 1977. Transferee: Weaver Trucking, Inc., R.F.D. No. 1, Osawatimie, Kans. 66064. Transferor: R. W. Weaver, doing business as Weaver Truck Line, R.F.D. No. 1, Osawatimie, Kans. 66064. Applicant's representative: Erle W. Francis, Attorney at Law, 719 Capitol Federal Building, Topeka, Kans. 66603. Authority sought

for purchase by transferee of the operating rights of transferor, as set forth in Certificates Nos. MC 109411 issued April 22, 1964, and MC 109411 (Sub-No. 2) issued July 25, 1968, as follows: No. MC 109411: Over irregular routes, agricultural machinery, agricultural implements, and agricultural products, and emigrant movables (except those included in the aforementioned commodities), between specified points in Kansas, on the one hand, and, on the other, specified points in Missouri; Lumber, millwork, roofing materials, cement, plaster, sheet metal, building blocks, clay products, hardware, paints, varnishes, wall-board, and reinforcing steel, from specified points in Missouri to specified points in Kansas; and building blocks, clay products, and stone, from specified points in Missouri to specified points in Kansas. No. MC 109411 (Sub-No. 2): Over regular routes with specified highways therein, livestock, furniture, and household goods as defined by the Commission, from Osawatimie, Kans., to Kansas City, Mo., general commodities (with exceptions) on return, serving Kansas City, Kans., as an intermediate and off-route point of the foregoing regular routes, with a described restriction; Livestock, empty drums, and barrels, from Rantoul, Kans., to Kansas City, Mo., serving the intermediate and off-route points within 10 miles of Rantoul, restricted to pickup only, and the intermediate point of Kansas City, Kans., restricted to delivery only; Petroleum products, in containers, feed, livestock, and agricultural implements and parts, from Kansas City, Mo., to Rantoul, Kans., serving the intermediate and off-route points within 10 miles of Rantoul, Kans., restricted to delivery only, and the intermediate point of Kansas City, Kans., restricted to pickup only; Walnut logs, from Boicourt, Kans., to Kansas City, Mo., over unnumbered highway and U.S. Highway 69, serving the intermediate and off-route points within 10 miles of Boicourt, restricted to pickup only, and the intermediate point of Kansas City, Kans., restricted to delivery only; Agricultural implements and parts, feed, fertilizer, building materials, and fencing material, from Kansas City, Mo., over the immediately above-specified route, to Boicourt, Kans., serving the intermediate point of Kansas City, Kans., restricted to pickup only, and serving the intermediate and off-route points within 10 miles of Boicourt, restricted to delivery only; and Livestock, between Boicourt, Kans., and Kansas City, Mo., over unnumbered highway and U.S. Highway 69, serving the intermediate and off-route points of Kansas City, Kans., and those within 15 miles of Boicourt. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 77-28692 Filed 9-28-77; 8:45 am]

#### [ 7035-01 ]

[Notice No. 230]

#### MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 29, 1977.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-77321. By application filed September 22, 1977, **DIXON LEASING CO., INC.**, Old Egg Harbor Road, Lindenvold, N.J., 08201, seeks authority to temporarily lease the operating rights of **GEORGE W. BOYER, 684 Sunrise Drive, Avalon, N.J., 08202**, under section 210a(b). The transfer to **DIXON LEASING CO., INC.**, of the operating rights of **GEORGE W. BOYER**, is presently pending.

By the Commission.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 77-28691 Filed 9-28-77; 8:45 am]

[Volume No. 35]

#### PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

##### Correction

In FR Doc. 77-27412 appearing at page 47912 in the issue of Thursday, September 22, 1977, in the first column on page 47925, "No. MC 125433 (Sub-No. 115)" should read "No. MC 125433 (Sub-No. 114)" and "No. MC 125433 (Sub-No. 155)" should read "No. MC 125433 (Sub-No. 115)".

#### [ 7035-01 ]

[Volume No. 38]

#### PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

SEPTEMBER 23, 1977.

**Petitions for Modification, Interpretation, or Reinstatement of Operating Rights Authority**

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

The Commission has recently provided for easier identification of substantive petition matters and all documents should clearly specify the "docket", "sub", and "suffix" (e.g. M1, M2) numbers identified by the **FEDERAL REGISTER** notice.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission on or before October 31, 1977. Such protest

shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247) and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 94742 (Sub-No. 36) (M1) (Notice of filing of a petition to remove restriction), filed August 15, 1977. Petitioner: **MICHAUD BUS LINES, INC.**, 63 Jefferson Avenue, Salem, Mass. 01970. Petitioner's representative: Robert G. Parks, 20 Walnut Street, Wellesley, Mass. 02181. Petitioner holds a motor common carrier certificate in No. MC 94742 (Sub-No. 36), issued April 16, 1974, authorizing, as pertinent; transportation, over regular routes, of: (1) Passengers and their baggage, and newspapers, in the same vehicle with passengers, during the season extending from the 1st day of May to the 1st day of October, inclusive, of each year, between Salisbury, Mass., and Hampton Beach, N.H., serving no intermediate points: From Salisbury over Massachusetts Highway 1A to the Massachusetts-New Hampshire State line, thence over New Hampshire Highway 1A to Hampton Beach, and return over the same route, serving the points of Seabrook, Hampton Falls, and Hampton, N.H., over U.S. Highway 1, from New Hampshire Highway 1A, and return; (2) Passengers and their baggage, during the season extending from the 1st day of May to the 1st day of October, inclusive, of each year, between Lowell, Mass., and Hampton Beach, N.H., serving all intermediate points: From Lowell over Massachusetts Highway 110 to junction U.S. Highway 1, thence over U.S. Highway 1 to Hampton, N.H., thence over New Hampshire Highway 101E (Beach Road), to junction New Hampshire Highway 1A, and thence over New Hampshire Highway 1A to Hampton Beach, and return over the same route; (3) Alternate route for operating convenience only: Passengers and their baggage, during the season extending from the 1st day of May to the 1st day of October, inclusive, of each year, between junction New Hampshire Highway 110 and U.S. Highway 1 and junction South Main Street and New Hampshire Highway 1A (near Seabrook Beach), in connection with carrier's regular route operations authorized herein, serving no intermediate points: From junction New Hampshire Highway 110 and U.S. Highway 1 at or near Smithtown in Seabrook, N.H., over Walton Road to junction Washington Street, thence over Washington Street to junction South Main Street, thence over South Main Street to junction New

<sup>1</sup> Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.



Hampshire Highway 1A, and return over the same route. Restriction: The operations authorized under the 3 passenger routes next above are restricted against the transportation of passengers moving between Boston, Mass., on the one hand, and, on the other, Hampton Beach, N.H., and points intermediate to the latter point and the New Hampshire-Massachusetts State line. By the instant petition, petitioner seeks to modify the above authority by deleting the seasonal restriction "during the season from the 1st day of May to the 1st day of October, inclusive, of each year" from wherever it appears in the above authority.

No. MC 115036 (Sub-Nos. 21 and 23) (M1) (Notice of filing of petition to add an additional contracting shipper) filed August 16, 1977. Petitioner: VAN TASSEL, INC., 5th and Grand, Pittsburg, Kans. 66762. Petitioner's representative: Dean Williamson, 280 National Foundation Life Bldg., 3535 N.W. 58th Street, Oklahoma City, Okla. 73112. Petitioner holds motor contract carrier permits in No. MC 115036 (Sub-Nos. 21 and 23) issued August 25, 1972 and July 1, 1974, respectively, authorizing transportation (A) in No. MC 115036 (Sub-No. 21), over irregular routes, of (1) *Materials* used in the manufacture of urethane (except commodities in bulk) and (2) *equipment* used in the mixture and discharge of the commodities described in (1), from Pittsburg, Kans., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, and New Mexico. Restriction: The operations authorized herein are subject to the following conditions: Said operations are limited to a transportation service to be performed under a continuing contract, or contracts with W. S. Dickey Clay Manufacturing Company, of Pittsburg, Kans. The authority granted herein shall be subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of Section 210 of the Act; and (B) in No. MC 115036 (Sub-No. 23), over irregular routes, of (1) *materials* used in the manufacture of urethane (except commodities in bulk), from Pittsburg, Kans., to points in that part of the United States in and west of Montana, Wyoming, Utah, and Arizona (except Alaska and Hawaii), and from points in the United States (except Alaska, Hawaii, Illinois, Indiana, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, and Wisconsin), to Pittsburg, Kans.; and (2) *Equipment* used in the mixture and discharge of the commodities in (1) above, from Pittsburg, Kans., to points in that part of the United States in and west of Montana, Wyoming, Utah, and Arizona (except Alaska and Hawaii), and from points in the United States (except Alaska and Hawaii), to Pittsburg, Kans. Restriction: The operations authorized herein are subject to the following conditions: Said

operations are limited to a transportation service to be performed, under a continuing contract or contracts, with W. S. Dickey Clay Manufacturing Company of Pittsburg, Kans. The authority granted herein shall be subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions or limitation in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of section 210 of the Act. By the instant petition, petitioner seeks to include Pitzer, Inc. of Pittsburg, Kans. as an additional contracting shipper in each of the above permits.

#### REPUBLICATIONS OF GRANTS OF OPERATING RIGHTS AUTHORITY PRIOR TO CERTIFICATION

##### NOTICE

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISTER.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission on or before October 31, 1977. Such pleading shall comply with Special Rule 247 (d) of the Commission's General Rules of Practice (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 95876 (Sub-No. 140) (Republication) filed May 21, 1973, published in the FEDERAL REGISTER issue of June 21, 1973, and republished this issue. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402. A Decision and Order of the Commission, Division 1, dated August 5, 1977, and served August 23, 1977, authorizes operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, (1) of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and automobiles, trucks, and buses), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, (a) between points in Minnesota, Montana, North Dakota, South Dakota, Iowa, Nebraska, Wisconsin, and Illinois, and (b) between the points set forth in (a)

above, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); (2) of *empty containers, trailers, and trailer chassis* between points in the United States (except Alaska and Hawaii); (3) of *agricultural commodities* the transportation of which is partially exempt from economic regulation under the provisions of section 203(b)(6) of the Interstate Commerce Act, in mixed loads with the commodities described in (2) above, between points in the United States (except Alaska and Hawaii). The purpose of this republication is to indicate the additional grant of authority in (3) above.

No. MC 107456 (Sub-No. 20) (Republication) filed April 6, 1973, published in the FEDERAL REGISTER issue of May 24, 1973, and republished this issue. Applicant: HARRY L. YOUNG & SONS, INC., 542 West Sixth South, Salt Lake City, Utah 84104. Applicant's representative: Len Rodney Kump, 720 Newhouse Building, Salt Lake City, Utah 84111. A Decision and Order of the Commission, Division 1, dated August 5, 1977, and served August 23, 1977, authorizes operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, (1) of *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and automobiles, trucks, and buses), in containers or in trailers, having an immediately prior or subsequent movement by water, between points in California, Oregon, Washington, Idaho, Montana, Utah, Arizona, and Nevada; (2) of *empty containers, trailers and trailer chassis* between points in California, Oregon, Washington, Idaho, Montana, Utah, Arizona, and Nevada; and (3) of *agricultural commodities* the transportation of which is partially exempt from economic regulation under the provisions of section 203(b)(6) of the Interstate Commerce Act in mixed loads with the commodities described in (2) above, between points in California, Oregon, Washington, Idaho, Montana, Utah, Arizona, and Nevada. The purpose of this republication is to indicate the additional grant of authority in (3) above.

No. MC 108119 (Sub-No. 40) (Republication) filed May 7, 1973, published in the FEDERAL REGISTER issue of June 14, 1973, and republished this issue. Applicant: E. L. MURPHY TRUCKING CO., a Corporation, P.O. Box 3010, St. Paul, Minn. 55165. Applicant's representative: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402. A Decision and Order of the Commission, Division 1, dated August 5, 1977, and served August 23, 1977, authorizes operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, (1) of *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by

the Commission, commodities in bulk, commodities requiring special equipment, and automobiles, trucks, and buses), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, (a) between points in Minnesota, Montana, North Dakota, South Dakota, Iowa, Nebraska, Wisconsin, and Illinois, and (b) between the points set forth in (a) above, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); (2) of *empty containers, trailers, and trailer chassis* between points in the United States (except Alaska and Hawaii); (3) of *agricultural commodities* the transportation of which is partially exempt from economic regulation under the provisions of section 203(b)(6) of the Interstate Commerce Act, in mixed loads with the commodities described in (2) above, between points in the United States (except Alaska and Hawaii). The purpose of this republication is to indicate the additional grant of authority in (3) above.

No. MC 108119 (Sub-No. 52) (Republication) filed November 18, 1976, published in the FEDERAL REGISTER issue of December 16, 1976, and republished this issue. Applicant: E. L. MURPHY TRUCKING CO., a Corporation, 3303 Sibley Memorial Highway, P.O. Box 3010, St. Paul, Minn. 55165. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. An Order of the Commission, Review Board Number 3, dated August 23, 1977, and served September 16, 1977, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of (1) *rock crusher equipment*, and (2) *parts* for rock crusher equipment, from the facilities of Hewitt-Robins, Inc., at Richland County, S.C., to points in the United States (except Florida, South Carolina, Alaska, and Hawaii). Applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate the additional commodity grant in (2) above in applicant's grant of authority.

No. MC 113678 (Sub-No. 657) (Republication) filed March 4, 1977, published in the FEDERAL REGISTER issue April 14, 1977, and republished this issue. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Neb. 68501. An Order of the Commission, Review Board Number 1, dated September 6, 1977, and served September 16, 1977, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, transporting: *Glassware* from Shreveport, La., to

points in Colorado, that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of the Interstate Commerce Act and the Commission's regulations thereunder. The purpose of this republication is to indicate the substitution of Colorado as the destination, in lieu of Denver, Colo. in applicant's grant of authority.

No. MC 113855 (Sub-No. 258) (Republication), filed September 6, 1972, published in the FEDERAL REGISTER issue of September 28, 1972, and republished this issue. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. A decision and order of the Commission, Division 1, dated August 5, 1977, and served August 23, 1977, authorizes operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, (1) of *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and automobiles, trucks, and buses), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, (a) between points in Minnesota, Montana, North Dakota, South Dakota, Iowa, Nebraska, Wisconsin, and Illinois, and (b) between the points set forth in (a) above, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); (2) of *empty containers, trailers, and trailer chassis* between points in the United States (except Alaska and Hawaii); (3) of *agricultural commodities* the transportation of which is partially exempt from economic regulation under the provisions of section 203(b)(6) of the Interstate Commerce Act in mixed loads with the commodities described in (2) above, between points in the United States (except Alaska and Hawaii). The purpose of this republication is to indicate the additional grant of authority in (3) above.

No. MC 123407 (Sub-No. 134) (Republication), filed July 19, 1973, published in the FEDERAL REGISTER issue of October 4, 1973, and republished this issue. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). A decision and order of the Commission, Division 1, dated August 5, 1977, and served August 23, 1977, authorizes operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, (1) of *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and automobiles, trucks, and buses), in containers or in trailers, having an immediately

prior or subsequent movement by water, or by water-rail, or by air, (a) between points in Minnesota, Montana, North Dakota, South Dakota, Iowa, Nebraska, Wisconsin, and Illinois, and (b) between the points set forth in (a) above, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); (2) of *empty containers, trailers, and trailer chassis* between points in the United States (except Alaska and Hawaii); (3) of *agricultural commodities* the transportation of which is partially exempt from economic regulation under the provisions of section 203(b)(6) of the Interstate Commerce Act in mixed loads with the commodities described in (2) above, between points in the United States (except Alaska and Hawaii). The purpose of this republication is to indicate the additional grant of authority in (3) above.

#### MOTOR CARRIER, WATER CARRIER, AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

##### NOTICE

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.



Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

Docket No. MC 200 (Sub-No. 293), filed August 19, 1977. Applicant: RISS INTERNATIONAL CORP., 903 Grand Avenue, Kansas City, Mo. 64106. Applicant's representative: Rodger J. Walsh, Suite 1200, Temple Building, 903 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and storage facilities utilized by Campbell Soup Co., Inc., at or near Salisbury and Pocomoke City, Md., to points in Ohio, Michigan, and Kentucky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Kansas City, Mo.

No. MC 2960 (Sub-No. 18), filed August 17, 1977. Applicant: ENGLAND TRANSPORTATION COMPANY OF TEXAS, 2301 McKinney Street, Houston, Tex. 77023. Applicant's representative: E. Larry Wells, Corporation, Suite 1125 Exchange Park, P.O. Box 45538, Dallas, Tex. 75245. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *general commodities*, (except those of unusual value, Classes A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk and those requiring special equipment) between Houston, Galveston and Freeport, Tex., on the one hand, and, on the other, Lake Charles and Shreveport, La., and those points and places in Texas on the east of U.S. Highway 277 from the Red River through Wichita Falls and Abilene, Tex., to San Angelo, Tex., thence U.S. Highway 87 to San Antonio, Tex., and thence U.S. Highway 81 to Laredo, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Dallas, Tex., or Houston, Tex.

Docket No. MC 5470 (Sub-No. 130), filed August 17, 1977. Applicant: TAJON, INC., R.D. 5, Mercer, Pa. 16137. Applicant's representative: Brian L. Troiano, 918-16th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Scrap metals*, in dump vehicles, between points in Alabama, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Washington, D.C., or Cincinnati, Ohio.

Docket No. MC 5470 (Sub-No. 131), filed August 16, 1977. Applicant: TAJON, INC., R.D. 5, Mercer, Pa. 16137. Applicant's representative: Brian L. Troiano, 918-16th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural limestone*, in dump vehicles, from the plantsite and facilities of Basic Incorporated located at or near Maple Grove, Ohio, to points in Chautauque and Allegany Counties, N.Y.; points in Pennsylvania on and west of U.S. Highway 15; and those points in West Virginia which are on and north of U.S. Highway 60 and on and west of U.S. Highway 219.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Washington, D.C., or Pittsburgh, Pa.

Docket No. MC 5470 (Sub-No. 132), filed August 23, 1977. Applicant: TAJON, INC., R.D. 5, Mercer, Pa. 16137. Applicant's representative: Brian L. Troiano, 918-16th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Abrasive materials and refractory products*, in dump vehicles, from Buffalo, N.Y., to Jackson and Quinnesec, Mich., and Philadelphia, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C., or Buffalo, N.Y.

No. MC 11207 (Sub-No. 398), filed August 19, 1977. Applicant: DEATON, INC., 317 Avenue W., P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber, lumber products, wood particleboard, and plywood*, from the plant and warehouse facilities of MacMillan Bloedel, Inc. located at or near Opelika, Ala., to points in Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia; (2) *materials, equipment, machinery, and supplies* used in the manufacture processing and distribution of lumber, lumber products, wood particleboard, and plywood (except commodities in bulk), from points in Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia, to the plant and warehouse facilities of MacMillan Bloedel, Inc. located at or near Opelika, Ala.; (3) *lumber, lumber products, wood particleboard, plywood, paper and paper products*, from the plant and warehouse facilities of MacMillan Bloedel, Inc. located at or near Pine Hill, Ala., to points in Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia; and (4) *materials, equipment, machinery, and supplies*, used in the

manufacture, processing and distribution of lumber, lumber products, wood particleboard, plywood, paper, and paper products (except commodities in bulk), from points in Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia to the plant and warehouse facilities of MacMillan Bloedel, Inc. located at or near Pine Hill, Ala.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Birmingham, Ala., or Atlanta, Ga.

No. MC 19778 (Sub-No. 97), filed August 24, 1977. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, a corporation, 516 West Jackson Boulevard—Suite 508, Chicago, Ill. 60606. Applicant's representative: Jerome Anderson, Suite 100 Transwestern Building, 404 North 31st Street, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *General Commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): Between Cynthiana, Kentucky and Louisville, Kentucky, restricted to transportation of shipments having a prior or subsequent movement by rail.

NOTE.—Common control may be involved. If hearing is deemed necessary, applicant requests that it be held at either Chicago, Ill., or Louisville, Ky.

No. MC 29079 (Sub-No. 92), filed August 17, 1977. Filed: August 16, 1977. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union, P.O. Box 935, Kokomo, Ind. 46901. Applicant's representative: Richard H. Streeter, 704 Southern Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory and refractory materials*, from Portsmouth, Jackson, Oak Hill, Pedro and South Webster, Ohio, to points in Indiana, and points in the Lower Peninsula of Michigan (except points located on and south of Michigan Highway 21 from Holland to Grand Rapids, on and south of U.S. Highway 16 from Grand Rapids to Lansing, and on and west of U.S. Highway 27 from Lansing to the Michigan-Indiana State boundary line).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio, or Washington, D.C.

No. MC 29648 (Sub-No. 13), filed August 16, 1977. Applicant: E. R. SMITH, INC., P.O. Box 73, Roaring Spring, Pa. 16673. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Fuel oil*, from Baltimore, Md., to the facilities of Appleton Papers Division of The National Cash Register Company located at Roaring Spring, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 31389 (Sub-No. 230), filed August 24, 1977. Applicant: McLEAN TRUCKING COMPANY, a corporation, 617 Waughtown Street, Winston-Salem, N.C. 27107. Applicant's representative: David F. Eshelman, P.O. Box 213, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and distribution facilities of Baltic Rubber and Plastic Co., located at or near Baltic, Ohio; and the plantsite and distribution facilities of Scio Pottery Co., Inc., located at or near Scio, Ohio, as off-route points in conjunction with applicant's regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Columbus, Ohio, or Washington, D.C.

No. MC 31389 (Sub-No. 231), filed August 24, 1977. Applicant: McLEAN TRUCKING COMPANY, a corporation, 617 Waughtown Street, Winston-Salem, N.C. 27107. Applicant's representative: David F. Eshelman, P.O. Box 213, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of the Rockport Generating Plant, Indiana & Michigan Electric Co., located at or near Rockport, Ind., as an off-route point in conjunction with applicant's regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at New York, N.Y., or Washington, D.C.

No. MC 35628 (Sub-No. 393), filed August 23, 1977. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Avenue SW., Grand Rapids, Mich. 49503. Applicant's representative: Michael P. Zell, 134 Grandville Avenue SW., Grand Rapids, Mich. 49503. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *Foodstuffs*, and (2) *meats, meat products, meat byproducts, and articles distributed by meat packing plants*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*; M.C.C. 209 and 766 (except hides and commodities in bulk) from Rockville, Missouri to points in Iowa, Illinois, Indiana, Kansas, Minnesota, Nebraska, Ohio, Oklahoma, Pennsylvania, South Dakota, and Wisconsin, restricted to commodities originating at named origin, and destined to named points.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Kansas City, Kan., Minneapolis, Minn., or Washington, D.C.

Docket MC 41116 (Sub-No. 53), filed August 19, 1977. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, La. 70526. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Bldg., Austin, Tex. 78701. Authority sought as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and Paper Products, and Products produced or distributed by manufacturers and converters of paper and paper products*; and (2) *Materials and Supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk and commodities which because of size or weight require the use of special equipment) between the plantsite of Southland Paper Mills, Inc., at or near Herty and Sheldon, Tex., on the one hand, and, on the other, points in Arkansas, Louisiana, Mississippi, and Oklahoma under a continuing contract with Southland Paper Mills, Inc.

NOTE.—Applicant holds motor common carrier authority in No. MC 123993, and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Houston, Tex., or New Orleans, La.

No. MC 42261 (Sub-No. 129), filed August 22, 1977. Applicant: LANGER TRANSPORT CORP., Box 305, Jersey City, N.J. 07303. Applicant's representative: W. C. Mitchell, 370 Lexington Avenue, New York, N.Y. 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water reducing admixtures, liquid*, in bulk, in tank vehicles, from Linden, N.J., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Maryland, Delaware, District of Columbia, Pennsylvania, West Virginia, Ohio, Virginia, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 55896 (Sub-No. 54), filed August 19, 1977. Applicant: R-W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, Mich. 48180. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 47167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board and plywood* between the facilities of the Masonite Corp., located at Maumee, Ohio, on the one hand, and, on the other, points in Pennsylvania, West Virginia, Kentucky, Indiana, Michigan, New York, Mississippi, Missouri, New Jersey, and Minnesota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., Toledo, Ohio, or Washington, D.C.

No. MC 55896 (Sub-No. 55), filed August 19, 1977. Applicant: R-W SERVICE SYSTEM, INC., 20225 Goddard Rd., Tay-

lor, Mich. 48180. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing and building materials*, and materials used in the installation and application of such commodities (except commodities in bulk) from Franklin, Ohio to points in Illinois, Indiana, Iowa, Michigan, Missouri, Pennsylvania and Wisconsin; (2) *Materials, equipment and supplies* used in the manufacture, installation or application of roofing or building materials (except commodities in bulk) from points in Illinois, Indiana, Iowa, Michigan, Missouri, Pennsylvania and Wisconsin to Franklin, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Illinois; Columbus, Ohio; or Washington, D.C.

No. MC 59150 (Sub-No. 99) (Correction), filed May 13, 1977, published in the FEDERAL REGISTER issue of June 16, 1977, and republished as corrected this issue: Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose St., Jacksonville, Fla. 32206. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular route, transporting: *Plywood and composition board*, from the plantsite and warehouse facilities of Day Companies, Inc., in Randolph County, Ga., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, and New Mexico.

NOTE.—The purpose of this correction is to add composition board to the commodity description. If a hearing is deemed necessary, applicant requests it be held at either Jacksonville, Fla., or Atlanta, Ga.

No. MC 59367 (Sub-No. 110), filed August 19, 1977. Applicant: DECKER TRUCK LINE, INC., P.O. Box 915, Fort Dodge, Iowa 50501. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing and building materials*, and materials used in the installation and application of such commodities (except commodities in bulk). From Franklin, Ohio to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. (2) *Materials, equipment and supplies* used in the manufacture, installation or application of roofing or building materials (except commodities in bulk) from points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin to Franklin, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests that the hearing be held at Chicago, Illinois.



No. MC 59640 (Sub-No. 56), filed August 18, 1977. Applicant: PAULS TRUCKING CORPORATION, Three Commerce Dr., Cranford, N.J. 07106. Applicant's representative: Charles J. Williams, 1815 Front St., Scotch Plains, N.J. 07076. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toys, sporting goods, hobby articles*, and commodities sold in retail and wholesale toy stores, between Beltsville, Md., and Secaucus, N.J., on the one hand, and, on the other, points in Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Rhode Island, under a continuing contract or contracts with Lash-Taron Distributors, division of Toys "R" Us, Inc., located at Saddlebrook, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 64808 (Sub-No. 28), filed August 25, 1977. Applicant: W. S. THOMAS TRANSFER, INC., 1854 Morgantown Ave., Fairmont, W. Va. 26554. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *flat glass*, from the plant site of PPG Industries, Inc., located at or near Wichita Falls, Tex., to points in Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Missouri, Ohio, Pennsylvania, West Virginia, Wisconsin and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Washington, D.C. or Pittsburgh, Pa.

No. MC 64808 (Sub-No. 30), filed August 26, 1977. Applicant: W. S. THOMAS TRANSFER, INC., 1854 Morgantown Ave., Fairmont, W. Va. 26554. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated flat glass*, from the plantsites of PPG Industries, Inc. located at or near Cumberland Md. and Mt. Holly Springs (Cumberland County) Pa., to Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Washington, D.C. or Pittsburgh, Pa.

No. MC 66886 (Sub-No. 58), filed August 23, 1977. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut St., Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Ave., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Overhead crane and monorail systems*, and (2) *parts and accessories for commodities* in (1) above; (3) *iron or*

*steel articles used in the manufacture or erection of commodities* described in (1) and (2) above, from the plantsites and/or storage facilities of Crane & MonoRail Systems a Division of Acco-Louden Company at or near Fairfield, Iowa, to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, New Mexico, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Kansas City, Mo., or Des Moines, Iowa.

No. MC 67450 (Sub-No. 61), filed August 22, 1977. Applicant: PETERLIN CARTAGE CO., a corporation, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Mr. Joseph M. Scanlan, 111 West Washington Ave., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: Paper and paper products and woodpulp (except commodities in bulk) from Calhoun, Tennessee to points in Iowa, Kentucky (except Louisville), Kansas, Minnesota, Missouri, Nebraska, Ohio, Virginia, West Virginia, and Wisconsin. Restricted to traffic originating at the plantsite of the Bowater Southern Paper Corporation at Calhoun, Tennessee. And materials, equipment, and supplies used in the manufacture of the commodities described above (except in bulk) from the points in the destination states named above to the plantsite of Bowater Southern Paper Corporation at Calhoun, Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 70832 (Sub-No. 19), filed August 19, 1977. Applicant: NEW PENN MOTOR EXPRESS, INC., P.O. Box 630, Lebanon, Pa. 17402. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (1) Between Greenfield, Massachusetts and New Haven, Connecticut. From Greenfield over Interstate Highway 91 to New Haven, Connecticut, and return over the same route, serving all intermediate points and serving all points in Massachusetts on and west of Massachusetts Highway 32 and Danbury and Rockville, Connecticut, as off-route points in connection with the regular route operation.

NOTE.—Applicant contends that it provides the proposed services under existing regular and irregular route authorities, and that the application seeks a regular route for these existing services. If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 73165 (Sub-No. 415), filed August 5, 1977. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd Street, Birmingham, Ala. 35202. Applicant's representative: John W. Cooper, Suite 200, Woodward Building, 1927 1st Avenue North, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sheet steel and knocked down industrial steel buildings and component parts thereof*, from Van Wert and Youngstown, Ohio, to points in Kentucky, Tennessee, Alabama, Georgia, Florida, Louisiana, Ohio, Arkansas, Mississippi, Texas, Oklahoma, North Carolina, South Carolina, Virginia, Illinois, and Missouri.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Birmingham, Ala., or Atlanta, Ga.

No. MC 76032 (Sub-No. 329), filed August 23, 1977. Applicant: Navajo Freight Lines, Inc., 1205 South Platte River Dr., Denver, Colo. 80223. Applicant's representative: Eldon E. Breese (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General Commodities* (Except those of unusual value, Classes A and B Explosives, Household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Memphis, Tennessee and Albuquerque, New Mexico: From Memphis, Tennessee over Interstate Highway 40 to Albuquerque, New Mexico and return over the same route, serving no intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Albuquerque, New Mexico or Memphis, Tenn.

No. MC 77424 (Sub-No. 42), filed August 23, 1977. Applicant: WENHAM TRANSPORTATION, INC., 3200 East 79th Street, Cleveland, Ohio 44104. Applicant's representative: J. G. Bamer (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: Part 1. *Roofing and building materials, and materials used in the installation and application of such commodities* (except commodities in bulk). From Franklin, Ohio to points in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin and District of Columbia. Part 2. *Materials, equipment and supplies used in the manufacture, installation or application of roofing or building materials* (except commodities in bulk). From points in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina,

Tennessee, Virginia, West Virginia, Wisconsin and the District of Columbia to Franklin, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C. or Chicago, Ill.

No. MC 78687 (Sub-No. 49) (Correction) filed July 28, 1977, published in the FEDERAL REGISTER issue of September 8, 1977, and republished as corrected this issue. Applicant: LOTT MOTOR LINES, INC., P.O. Box 751, West Cayuga St., Moravia, N.Y. 13118. Applicant's representative: E. Stephen Heisley, 805 McLachen Bank Bldg., 666 Eleventh Street, NW, Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from Horseheads, N.Y., to points in Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, the Lower Peninsula of Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—The purpose of this republication is to include applicant's representative and address which was inadvertently omitted. Applicant holds contract carrier authority in No. MC 2505, therefore, dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests that it be held at either New York, N.Y., or Washington, D.C.

No. MC 87566 (Sub-No. 8), filed August 17, 1977. Applicant: SCHMIDT TRUCK SERVICE, INC., No. 1 Clyde Ave., Litchfield Industrial Park, Litchfield, Ill. 62054. Applicant's representative: Allan C. Zuckerman, 39 South La Salle St., room 600, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *zinc oxide* from Hillsboro, Ill., to Murray, Ky., and Des Moines, Iowa; and (2) *tote bins*, from Murray, Ky., to Hillsboro, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Illinois. Common control may be involved.

No. MC 94350 (Sub-No. 403), filed August 19, 1977. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr., (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, mounted on wheeled undercarriages, from points in Holmes County, Miss., to points in the United States (excluding Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Lexington, Miss.

No. MC 100666 (Sub-No. 361), filed August 26, 1977. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 N.W. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a

*common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials* (except commodities in bulk, in tank vehicles), from Stroud, Oklahoma to points in Colorado and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Oklahoma City, Okla. or Dallas, Tex.

No. MC 104896 (Sub-No. 49) (Correction), filed June 21, 1977, published in the FEDERAL REGISTER issue of August 11, 1977, and republished as corrected this issue. Applicant: WOMELDORF, INC., P.O. Box G, Knox, Pa. 16232. Applicant's representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, Pa. 19107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except in bulk), from the facilities of Gioia Macaroni Co., Inc., at Buffalo, N.Y., to points in Delaware, Maryland, New Jersey, Ohio, Pennsylvania and West Virginia; and (2) *equipment, materials and supplies*, used in the production and distribution of foodstuffs (except in bulk), from points in the above-named destination territory, to the facilities of Gioia Macaroni Co., Inc., at Buffalo, N.Y.

NOTE.—The purpose of this correction is to indicate "Gioia Macaroni Co., Inc.", as the correct supporting shipper, in lieu of Gioia Specialty Foods, Inc. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 105006 (Sub-No. 5) (correction), filed July 18, 1977, published in the FEDERAL REGISTER issue of September 1, 1977, and republished as corrected this issue. Applicant: L. L. SMITH TRUCKING, a corporation, P.O. Box 566, Powell, Wyo. 82435. Applicant's representative: John P. Thompson, 450 Capitol Life Center, Denver, Colo. 80203. Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes transporting: (1) *Chemicals*, in containers, *drilling muds and drilling additives*, (a) between points in Nevada, New Mexico, and Utah, and between points in Nevada, New Mexico, and Utah, on the one hand, and, on the other, points in Arizona, Colorado, Idaho, Montana, North Dakota, South Dakota, and Wyoming; and (b) between points in Wyoming, on the one hand, and, on the other, points in Arizona and Idaho; and (2) *bentonite*, from points in Wyoming, to points in Idaho, Nevada, New Mexico, and Utah.

NOTE.—The purpose of this republication is to indicate the correct territorial description in (a) above. If a hearing is deemed necessary, the applicant requests that it be held at Denver, Colo.

No. MC 106074 (Sub-No. 39), filed August 17, 1977. Applicant: B AND P MOTOR LINES, INC., 710 Oakland Road, P.O. Box 727, Forest City, N.C. 28043. Applicant's representative: George W. Clapp, 109 Hartsville Street, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Paper bags, plastic bags, and bags made of paper and plastic combined*, from Jacksonville, Ark., to points in Georgia, Illinois, North Carolina, and South Carolina.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Little Rock, Ark., or Charlotte, N.C. Applicant holds contract carrier authority in MC 140842 (Sub-No. 1), therefore dual operations may be involved. Common control may also be involved.

No. MC 106603 (Sub-No. 155), filed August 11, 1977. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., P.O. Box 8099, Grand Rapids, Mich. 49503. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Copper, brass, and bronze products, equipment, materials and supplies*, used in, or incidental to, the manufacture of these products, and *office supplies and equipment*, (a) between the facilities of the Mueller Brass Co. at Port Huron, Mich., on the one hand, and, on the other, points in Indiana, and the Chicago, Ill., commercial zone; (2) *brass, bronze, copper, and aluminum articles, and scrap, equipment, materials, and supplies*, used in, or incidental to the manufacture of such products, between St. Louis, Mo., and the facilities of the Mueller Brass Co. at Port Huron, Mich.; (3) *plastic articles, and materials*, other than bulk liquids, used in the manufacture of plastic articles, between the facilities of the Mueller Brass Co. at Port Huron, Mich., on the one hand, and, on the other, Chicago, Ill., St. Louis, Mo., and points in Indiana and Ohio; (4) *office supplies and equipment*, between the facilities of the Mueller Brass Co. at Port Huron, Mich., on the one hand, and, on the other, Chicago, Ill., and points in Indiana and Ohio;

(5) *Metal and plastic articles, and equipment, materials, and supplies* used in the manufacture of metal and plastic articles (except liquid in bulk used in the manufacture of plastic articles), between the facilities of the Mueller Brass Co. at Port Huron, Mich., on the one hand, and, on the other, Chicago, Ill., St. Louis, Mo., and points in Indiana and Ohio; (6) *non-ferrous metals*, from points in Illinois (except Chicago), Missouri (except St. Louis), New Jersey, New York, Pennsylvania, Wisconsin, Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Iowa, Kentucky, Louisiana, Massachusetts, Minnesota, Mississippi, Tennessee, and West Virginia, to the facilities of the Mueller Brass Co. at Port Huron, Mich.; (7) *copper, brass, bronze, and aluminum articles*, from the facilities of the Mueller Brass Co. at Port Huron, Mich., to points in Illinois, Wisconsin, Missouri, Kentucky, Pennsylvania, Iowa, New



York, New Jersey, and West Virginia; (8) *brass, bronze, copper, aluminum, and plastic articles*, from the facilities of the Mueller Brass Co. at Port Huron, Mich., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Louisiana, Massachusetts, Minnesota, Mississippi, and Tennessee; (9) *brass, bronze, copper, and aluminum products, and equipment, materials, and supplies* used in the manufacture of such products (except commodities in bulk), between Fulton, Miss., on the one hand, and on the other, points in the United States (except Alaska and Hawaii); and (10) *copper, brass, bronze, and aluminum articles*, from Hartsville, Tenn., to points in Ohio, Indiana, Illinois, Wisconsin, Pennsylvania, Kentucky, West Virginia, Missouri, Iowa, New York, New Jersey, Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Louisiana, Massachusetts, Minnesota, and Mississippi.

NOTE.—Applicant presently holds authority as set forth above as a contract carrier in MC 46240 and subs thereunder and seeks in this application to convert its present contract carrier permit to a certificate of public convenience and necessity in order to eliminate any future questions as to dual operations. If a hearing is deemed necessary, applicant requests that it be held at either Chicago, Ill., Washington, D.C., or Detroit, Mich. Common control may be involved.

MC 106674 (Sub-No. 251), filed August 19, 1977. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Linda J. Sundry, (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Roofing materials and roofing felt* from the plantsite of CertainTeed Corp. at or near Avery, Ohio, to the plantsite of CertainTeed Corp. at Chicago Heights, Ill., and (2) *roofing, building and insulating materials* (except iron and steel articles and commodities in bulk) and *dry felt* from the plantsite and warehouse facilities of CertainTeed Corp. in Scott County, Minn., to the plantsite and warehouse facilities of CertainTeed Corp. located in Chicago Heights, Ill., and at or near Avery, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in either Chicago, Ill., or Indianapolis, Ind.

MC 106674 (Sub-No. 252), filed August 19, 1977. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Linda J. Sundry, P.O. Box 123, Remington, Ind. 47977. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Roofing, building and insulating materials* (except iron and steel articles and commodities in bulk), from the plantsite and warehouse facilities of CertainTeed Corp. in Erie County, Ohio, to points in Indiana, Kentucky, Michigan, New York, Pennsylvania, and West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in either Chicago, Ill., or Indianapolis, Ind.

No. MC 106956 (Sub-No. 5), filed August 19, 1977. Applicant: SYLVESTER TRUCKING CO., a corporation, 2930 Gradwohl Road, Toledo, Ohio 43617. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Scrap iron and metal*, in bulk, between Toledo, Ohio, and points in Michigan and Indiana, in non-radial movement.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Columbus, Ohio, or Washington, D.C.

No. MC 107012 (Sub-No. 247), filed August 18, 1977. Applicant: NORTH AMERICAN VAN LINES, INC., Lincoln Highway East and Meyer Road, P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Michael L. Harvey (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ice machines, and accessories* thereto, between Dania, Fla., on the one hand, and, on the other, points in the United States (except points in Illinois, Indiana, Michigan, Missouri, Ohio, Wisconsin, Nebraska and Greene and Craighead Counties, Ark., and Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at either Miami Fla., or Washington, D.C.

Docket No. MC 107012 (Sub-No. 249), filed August 22, 1977. Applicant: NORTH AMERICAN VAN LINES, INC., Lincoln Highway East and Meyer Road, P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Gerald A. Burns, P.O. Box 988, Fort Wayne, Ind. 46801. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Electric heaters, electric humidifiers and electric fireplaces* from the plantsite and/or storage facilities of Arvin Industries, Inc., located at or near Verona, Miss., to points in Virginia, North Carolina, South Carolina, Florida, Georgia, Tennessee, Kentucky, Alabama, Louisiana, Arkansas, Iowa, Minnesota, North Dakota, South Dakota, Kansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, California, Oregon and Washington.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at either Jackson, Miss., Memphis, Tenn., or Washington, D.C.

No. MC 107403, (Sub-No. 1031), filed August 19, 1977. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: Martin C. Hynes, Jr. (same address as applicant). Authority sought to operate as a common carrier, over irregular routes, transporting: *Resin adhesives*, non-flammable, in bulk, in tank vehicles, from the plantsite of S & R Adhesive Co., Inc., located at Covington, La., to Cincinnati, Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held in Washington, D.C.

No. MC 107403 (Sub-No. 1032), filed August 18, 1977. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: Martin C. Hynes, Jr. (same address as applicant). Authority sought to operate as a common carrier, over irregular routes, transporting: *Isocyanates, diisocyanates, polypropylene, glycol, and hydrazine solutions*, in bulk, in tank vehicles, from the plantsite of Mobay Chemical Corp. at or near Baytown, Tex. (Chambers County), to points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held in Washington, D.C.

No. MC 107515 (Sub-No. 1100), filed August 22, 1977. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, in the transportation of: *Meats, meat products, and meat by-products*, from the plantsite and storage facilities of Royal Packing Co. located at or near St. Louis, Mo., to Memphis, Tenn., and Chicago, Ill.

NOTE.—Applicant holds motor contract carrier authority in No. MC 126436 (Sub-No. 2) and other subs, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at St. Louis, Mo.

No. MC 108119 (Sub-No. 65), filed August 15, 1977. Applicant: E. L. MURPHY TRUCKING CO., P.O. Box 3010, St. Paul, Minn. 55165. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fireplaces, grills, and parts and accessories for fireplaces and grills*, from Santa Fe Springs, Calif., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, or San Francisco, Calif.

No. MC 108119 (Sub-No. 66), filed August 23, 1977. Applicant: E. L. MURPHY TRUCKING CO., a corporation, Post Office Box 43010, St. Paul, Minn. 55164. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pipe, boiler tubing, and fabricated steel pipe, boilers and boiler parts (valves), coal crusher-feeders and burners, fabricated steel weldments, steel castings, and steel plate*, from the plantsites of Riley Stoker Corp., Erie, Pa., and Sapulpa, Okla., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Washington, D.C.

No. MC 108676 (Sub-No. 110), filed August 25, 1977. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicanauga Avenue, Knoxville, Tenn. 37917. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dust collectors, cyclones, iron and steel articles, machinery, equipment, materials, parts and accessories* used in air handling systems, from points in Greene County, Tenn., to points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Knoxville or Nashville, Tenn.

No. MC 110525 (Sub-No. 1196) (correction), filed June 20, 1977, published in the FEDERAL REGISTER issue of August 11, 1977, and republished as corrected this issue. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic pellets, resins, and granules*, in bulk, in tank vehicles, from the plantsite of Borg-Warner Chemicals located at Washington, W. Va., to points in Alabama, Connecticut, Delaware, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Missouri, Minnesota, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin.

NOTE.—The purpose of this republication is to indicate the correct origin. If a hearing is deemed necessary, the applicant requests that it be held at Washington, D.C.

No. MC 110563 (Sub-No. 205), filed August 17, 1977. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, State Route 29 North, Sidney, Ohio 45365. Applicant's representative: Mr. Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsites and warehouse facilities utilized by Anderson Clayton Co., located at or near Jacksonville, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 111729 (Sub-No. 716), filed August 19, 1977. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a common

carrier, by motor vehicle, over irregular routes, transporting: *Cut flowers, decorative greens, and green plants*, when moving at the same time and in the same vehicle with commodities the transportation of which is subject to economic regulation, (1) From Denver, Colo., to points in Colorado, on traffic having an immediately prior movement by air, rail or motor vehicles; (2) from Seattle, Wash., to points in Washington, on traffic having an immediately prior movement by air, rail or motor vehicle; and (3) from Portland, Oreg., to points in Oregon, on traffic having an immediately prior movement by air, rail or motor vehicle, restricted against the transportation of packages or articles weighing in excess of 150 pounds.

NOTE.—Applicant Contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 111785 (Sub-No. 60), filed August 24, 1977. Applicant: BURNS MOTOR FREIGHT, INC., P.O. Box 149, U.S. Highway 219 North, Marlinton, W. Va. 24954. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *gypsum and gypsum products*, and materials and supplies used in the installation and distribution thereof; and (2) *plasterboard joint system and materials* and supplies used in the installation and distribution thereof, from the facilities of Georgia Pacific Corporation, located at or near Wilmington, Del. and Milford (Caroline County), Va., to points in West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 112070 (Sub-No. 15), filed August 18, 1977. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl Street, Denver, Colo. 80210. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, D.C. 20423. Authority sought to engage in operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, in the transportation of (1) (a) New furniture, uncrated, new furnishings, uncrated, and new appliances, uncrated, and accessories and parts, incidental to the commodities described herein which are shipped in the same vehicle and at the same time with such commodities; (b) new store and office fixtures, uncrated, and accessories and parts, incidental thereto which are shipped in the same vehicle and at the same time with the commodities described herein; and (c) new kitchen and institutional fixtures and equipment, uncrated, and accessories and parts, incidental thereto which are shipped in the same vehicle at the same time with the commodities described herein; and (2) (a) between points in California; and

(b) between points in California, on the one hand, and, on the other, points in Colorado, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, South Dakota, Wyoming, Wisconsin, Illinois, Minnesota, Michigan, Arkansas, Texas, Indiana, Kentucky, Ohio, Tennessee, Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, Virginia, West Virginia, Maryland, Delaware, District of Columbia, New Mexico, Utah, California, Montana, Nevada, and points in that part of Idaho east of the western boundary of Lemhi County, Idaho and south of the southern boundary of Idaho County, Idaho, Georgia, Florida, Alabama, North Carolina, South Carolina, Rhode Island, Maine, New Hampshire, and Vermont.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in consolidation with Global Van Lines, Inc.

No. MC 112184 (Sub-No. 56), filed August 26, 1977. Applicant: THE MANFREDI MOTOR TRANSIT CO. (A Corporation), 11250 Kinsman Road, Newbury, Ohio 44065. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting *paint and paint products*, in bulk, in tank vehicles, from (1) Wallingford, Conn. to Dearborn, Detroit, Flint, Lansing, Pontiac, Romulus, Warren, Wayne, Willow Run, and Wixom, Mich.; Cleveland, Lorain, Lordstown, and Norwood, Ohio; Belvidere and Chicago, Ill.; Leeds, Kansas City and St. Louis, Mo.; Kansas City, Kans.; Linden, Mahwah, Metuchen, and Newark, N.J.; Tarrytown, N.Y.; Indianapolis, Ind.; Framingham, Mass.; Janesville, Wis.; Wilmington, Del.; Oklahoma City, Okla.; Baltimore, Md.; Atlanta, Doraville, and Lakewood, Ga.; Arlington, Tex.; Norfolk, Va.; Minneapolis and St. Paul, Minn.; Louisville, Ky. and Fremont, San Jose, Southgate, and Van Nuys, Calif.; and (2) from Circleville, Ohio to Dearborn, Detroit, Flint, Lansing, Pontiac, Romulus, Warren, Wayne, Willow Run, and Wixom, Mich.; Belvidere and Chicago, Ill.; Leeds, Kansas City, and St. Louis, Mo.; Kansas City, Kans.; Linden, Mahwah, Metuchen, and Newark, N.J.; Tarrytown, N.Y.; Indianapolis, Ind.; Framingham, Mass.; Janesville, Wis.; Wilmington, Del.; Oklahoma City, Okla.; Baltimore, Md.; Atlanta, Doraville, and Lakewood, Ga.; Arlington, Tex.; Norfolk, Va.; Minneapolis and St. Paul, Minn.; Louisville, Ky.; Fremont, San Jose, Southgate, and Van Nuys, Calif.; and (3) from Wallingford, Conn. and Circleville, Ohio to points of entry on the United States-Canada boundary line which lie between Detroit and Port Huron, Mich., including Detroit and Port Huron; and points of entry on the United States-Canada boundary line which lie between Buffalo, N.Y. and Calais, Maine, including Buffalo, N.Y. and Calais, Maine, under a continuing contract or contracts with PPG Industries, Inc. of Pittsburgh, Pa.



NOTE.—Applicant holds motor common carrier authority in No. MC 128302 and sub thereunder, and therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Columbus, Ohio.

No. MC 112304 (Sub-No. 122), filed August 15, 1977. Applicant: ACE DORAN HAULING & RIGGING CO. (a corporation), 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: John D. Herbert (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Conduit pipe, cement containing asbestos fibre, and fittings therefor*, from the plantsite of Cement Asbestos Products Co. (subsidiary of ASARCO Inc.), at or near Ragland, Ala., to points in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at St. Louis, Mo.

No. MC 112617 (Sub-No. 372), filed August 22, 1977. LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, from points in Pike County, Ind., to points in Illinois, Kentucky, Arkansas, and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Louisville, Ky., or Washington, D.C.

No. MC 112822 (Sub-No. 425), filed August 23, 1977. BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except in bulk), from Cameron, Hidalgo and Willacy Counties, Texas, to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at either Houston or Dallas, Tex.

No. MC 113855 (Sub-No. 386), filed August 25, 1977. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Richard P. Anderson, 502 First National Bank

Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, in interstate or foreign commerce, transporting: *Mechanical work platforms and parts and attachments of mechanical work platforms*, between the plantsite and storage facilities of Mark Industries, Inc., located at Long Beach, Calif., on the one hand, and, on the other, points in the United States (including Alaska but excluding Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either San Francisco or Los Angeles, Calif.

No. MC 114211 (Sub-No. 316), filed August 24, 1977. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Daniel Sullivan, Suite 1600, 10 South La Salle, Chicago, Ill. 60603. Authority sought to operate as a common carrier over irregular routes, by motor vehicle, transporting: *Air pollution, heating and cooling equipment*, and parts and accessories for the above commodities, from the plantsite and facilities of Allied Industries, located at or near Houston, Tex. to points in the United States in and west of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary we request it be held at the same time and place as similar applications or either at Houston, Tex. or Dallas, Tex.

No. MC 114457 (Sub-No. 322) (correction), filed July 26, 1977, published in the FEDERAL REGISTER issue of September 1, 1977, and republished as corrected this issue. Applicant: DART TRANSIT COMPANY, a corporation, 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James C. Hardman, 33 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Steel doors, steel door frames, and brass, bronze, copper and steel hardware*, from the plantsite of the Ceco Corp. located at or near Milan, Tenn., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

NOTE.—The purpose of this republication is to indicate the correct location of the Ceco Corporation. If a hearing is deemed necessary, the applicant requests that it be held at either St. Paul, Minn., or Chicago, Ill.

No. MC 114552 (Sub-No. 137), filed August 15, 1977. Applicant: SENN TRUCKING COMPANY, a corporation, Post Office Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, Post Office Box 1267, Arlington, Va. 22210. Authority is sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: (1) *Pipe, fittings, valves, gaskets, hydrants, castings, and accessories* (except in bulk), from the facilities of Central Foundry Co., at or near Holt, Ala.,

to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; and (2) *Materials, supplies and equipment* (except in bulk) used in the operation of a foundry, from points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, to the facilities of Central Foundry Co., at or near Holt, Ala.

NOTE.—If an oral hearing is deemed necessary, applicant requests that it be held in Birmingham, Ala.

No. MC 114552 (Sub-No. 139), filed August 19, 1977. Applicant: SENN TRUCKING COMPANY, a corporation, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: *Wood fibre insulation sheathing, hardboard siding, wall-board, particleboard, plywood, composition board, gypsum wallboard and lumber*, between the facilities utilized by Temple Industries, located at Diboll and Pineland, Tex., and West Memphis, Ark., on the one hand, and, on the other, points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Houston, Tex.

No. MC 114725 (Sub-No. 80), filed August 23, 1977. Applicant: WYNNE TRANSPORT SERVICE, INC., 2222 North 11th Street, Omaha, Nebr. 68110. Applicant's representative: Donald L. Stern, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from LaPlatte, Nebr., to points in Arizona, Idaho, and New Mexico.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Omaha, Nebr.

No. MC 115215 (Sub-No. 27), filed August 15, 1977. Applicant: NEW TRUCK LINES, INC., P.O. Box 639, Perry, Fla. 32347. Applicant's representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *lumber, poles, posts and timbers* from points in Florida and Georgia to points in Illinois, Kentucky, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla. or Atlanta, Ga.

No. MC 115730 (Sub-No. 35), filed August 15, 1977. Applicant: THE MICKOW CORP., P.O. Box 1774, 531 S.W. Sixth Street, Des Moines, Iowa 50308. Applicant's representative: Cecil L. Goettsch,

1100 Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a Common Carrier over Irregular routes in the transportation of: (1) *Roofing and building materials*, and materials used in the installation and application of such commodities (except commodities in bulk) from Franklin, Ohio to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, Texas and Wisconsin to Franklin, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C. or Columbus, Ohio.

MC 115904 (Sub-No. 80), filed August 18, 1977. Applicant: GROVER TRUCKING CO., a corporation, 1710 West Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a common carrier, by motor vehicle over irregular routes, transporting: *Pre-cut log home packages* knocked down, and materials and supplies used in the erection and construction thereof, from points in Colorado to points in Washington, Oregon, Idaho, Montana, Wyoming, Utah, New Mexico, South Dakota, Kansas, Oklahoma, Texas, Missouri, Wisconsin, Nebraska, and Iowa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Boise, Idaho, or Denver, Colo.

No. 115904 (Sub-No. 81), filed August 23, 1977. Applicant: GROVER TRUCKING CO., a Corporation, 1710 West Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting *Lumber, lumber mill products, forest products, sawmill products, wood products and composition board*, from points in Colorado, Wyoming, and Pennington County, S. Dak., to points in Arizona, New Mexico, Texas, Oklahoma and Arkansas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held in Denver, Colo., or Washington, D.C.

No. MC 115975 (Sub-No. 25), filed August 23, 1977. Applicant: C.B.W. TRANSPORT SERVICE, INC., P.O. Box 48, Wood River, Ill. 62095. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Petroleum oils and grease*, in bulk, in tank vehicles, from the facilities of Exxon Company, U.S.A., located in Allegheny County, Pa.; Harris

County, Tex.; and Baton Rouge, La., to points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Exxon Company, U.S.A.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 116254 (Sub-No. 183), filed August 15, 1977. Applicant: CHEM-HAULERS, INC., 118 E. Mobile Street, Florence, Ala. 35630. Applicant's representative: Hampton M. Mills (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Acids and chemicals* (other than in bulk), from Birmingham, Ala., to points in Connecticut, Delaware, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Birmingham, Ala., or Washington, D.C.

No. MC 117119 (Sub-No. 652), filed September 15, 1977. Applicant: Willis Shaw Frozen Express, Inc., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: Gerald K. Gimmel, Suite 145, 4 Professional Drive, Gaithersburg, Md. 20760. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Baltimore, Md., points in New Jersey (except Hackettstown), points in Delaware, and points in Pennsylvania on and east of U.S. Highway 15 (except Elizabethtown and Derry Township, Dauphin County) to points in California and Colorado.

NOTE.—Applicant has not filed shipper support and seeks a finding by the Commission that evidence of efficiencies and economies by elimination of joint operations in interline service is a sufficient showing to warrant a grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 117551 (Sub-No. 11), filed July 18, 1977. Applicant: NEWS & FILM SERVICE, INC., 745 Lipan, Denver, Colo. 80204. Applicant's representative: John H. Lewis, The 1650 Grant St. Bldg., Denver, Colo. 80203. Authority sought to operate as a common carrier, by motor vehicle over regular routes, transporting: (1) books and magazines and (2) newspapers, the transportation of which is otherwise exempt from economic regulation pursuant to Section 203(b) (7) of the Act, in mixed loads with books and magazines, (a) between Denver, Colo. and Worland, Wyo., serving all intermediate points in Wyoming on Interstate Highway 25 and U.S. Highway 16; from Denver, Colo. over Interstate Highway 25 to junction U.S. Highway 16 at or near Buffalo, Wyo., thence over U.S.

Highway 16 to Worland, Wyo., and return over the same route; (b) between Worland, Wyo. and Casper, Wyo., over U.S. Highway 20, as an alternate route for operating convenience only in connection with applicant's regular route authority; (c) between Denver, Colo. and Rock Springs, Wyo., serving all intermediate points on Interstate Highway 80 between Laramie, Wyo. and Rock Springs, Wyo., (including Laramie and Rock Springs, Wyo.): from Denver, Colo., over Interstate Highway 25 to junction Colorado Highway 14, thence over Colorado Highway 14 to junction U.S. Highway 287, thence over U.S. Highway 287 to junction Interstate Highway 80, thence over Interstate Highway 80 to Rock Springs, Wyo., and return over the same route; (d) between Denver, Colo. and North Platte, Nebr.: from Denver, Colo. over Interstate Highway 76 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Nebraska Highway 70, thence over Nebraska Highway 70 to North Platte, Nebr.; and return over the same route; (e) between Denver, Colo. and Scottsbluff, Nebr.: from Denver, over Interstate Highway 25 to junction Interstate 80, thence over Interstate Highway 80 to junction Nebraska Highway 70, thence over Nebraska Highway 70 to North Platte, Nebr.; and return over the same route; (f) between Scottsbluff and Denver, Colo., over Nebraska Highway 70 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 76 to Denver, Colo., as an alternate route for operating convenience only in connection with applicant's regular route authority.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 117568 (Sub-No. 15), filed August 22, 1977. Applicant: KENT TRUCK LINES, INC., P.O. Box 156, Verona, Mo. 65769. Applicant's representative: Larry E. Gregg, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Heating and air conditioning equipment*, from the plantsite and storage facilities of Southwest Manufacturing Co. at or near Aurora, Missouri, to High Point, North Carolina; Minneapolis, Minnesota; and La Crosse, Wisconsin, under a continuing contract or contracts with Southwest Manufacturing Co. of Aurora, Mo.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Kansas City, Mo.

No. MC 117686 (Sub-No. 180), filed August 23, 1977. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Blvd., P.O. Box 417, Sioux City, Iowa 51102. Applicant's representative: Mr. Robert A. Wichser (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Glass beads, glass spheres, and thermo plastic*



marking material and (2) equipment, materials, and supplies used in the application of the commodities made in (1) above (except commodities in bulk), from Jackson, Miss. to points in Arkansas, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, and South Dakota.

NOTE.—Common control may be involved. If an oral hearing is deemed necessary, applicant requests that it be held at New Orleans, La., Omaha, Nebr., or Washington, D.C.

No. MC 117940 (Sub-No. 229), filed August 24, 1977. Applicant: NATION-WIDE CARRIERS, INC., Post Office Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: such commodities as are dealt in by retail department and variety stores (except foodstuffs, those of unusual value, explosives, commodities in bulk, household goods, and those requiring special equipment), (1) From points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, to points in Ohio; and (2) From points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, to points in California, Illinois, Minnesota, Missouri, Tennessee, and Texas. Restricted in (1) and (2) above to traffic originating at named origins and destined to the facilities of Ben Franklin, Division of City Products Corporation at named destination states.

NOTE.—Applicant holds motor contract carrier authority in No. MC 114789 (Sub-No. 16) and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 118159 (Sub-No. 229), filed August 19, 1977. Applicant: NATIONAL REFRIGERATED TRANSPORT INC., P.O. Box 51366, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Warren Taylor (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Paper and paper products (except commodities in bulk) from Medina, Ohio to points in New York (except points on and south of Interstate Highway 84); and (2) Materials and supplies used in the manufacture and distribution of paper and paper products, and paper (except commodities in bulk), from points in New York (except points on and south of Interstate Highway 84) to Medina, Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 118776 (Sub-No. 25), filed August 23, 1977. Applicant: C. L. CONNORS, INC., 3820 Wisman Lane, Quincy, Ill. 62301. Applicant's representative:

Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, Mo., 64105. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Beer from Milwaukee, Wis., to Quincy, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 119493 (Sub-No. 159), filed August 24, 1977. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, Mo. 64801. Applicant's representative: Lawrence F. Kloeppel (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Paper and paper products (except in bulk), and products produced or distributed by manufacturers and converters of paper and paper products, from the plant and storage facilities of Bancroft Bag Co., located at or near West Monroe, La., to Chicago, Henry, Lexington, Jacksonville, Piper City, Bushnell, and E. St. Louis, Ill., and points in their respective commercial zones: Greencastle, Jeffersonville, and South Bend, Ind., and points in their respective commercial zones, and points in Indiana within the Chicago, Ill. commercial zone; DeWitt, Belmont, and Conrad, Iowa, and points in their respective commercial zones; and St. Louis and St. Louis County, Mo.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Joplin, Springfield, or Kansas City, Mo.

No. MC 119577 (Sub-No. 23), filed August 18, 1977. Applicant: OTTAWA CARTAGE, INC., P.O. Box 458, Ottawa, Ill. 61350. Applicant's representative: Robert H. Levy, 29 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Ground fire brick, in bulk, in tank and/or hopper-type vehicles, from Andersonville, Ga., to Niles, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Chicago, Ill.

No. MC 119726 (Sub-No. 101), filed August 19, 1977. Applicant: N.A.B. TRUCKING CO., INC., 1644 W. Edgewood Avenue, Indianapolis, Ind. 46217. Applicant's representative: James L. Beatty, 130 East Washington Street, Suite 1000, Indianapolis, Ind. 46204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Residential air coolers, or air conditioners, furnaces, and house heaters, heat exchangers, and parts used in the manufacturing of the above named commodities, (1) from the plant and warehouse facilities of the Rheem Air Conditioning Division at or near Milledgeville, Georgia, to points in Alabama, Florida, Illinois, Indiana, Kentucky, Michigan, Mississippi, Ohio, Tennessee, Minnesota, Missouri, North Carolina, South Carolina, West Virginia, and Pennsylvania, and (2) from the above destination states to the plant and ware-

house facilities of Rheem Air Conditioning Division, at or near Milledgeville, Ga.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Fort Smith, Ark. or Indianapolis, Ind.

No. MC 119789 (Sub-No. 367), filed August 24, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's Representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting foodstuffs (except in bulk), from points in Connecticut, New Jersey, New York, and Pennsylvania to points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Louisiana, Missouri, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming.

NOTE.—If an oral hearing is deemed necessary, the applicant requests that it be held at New York, N.Y. or Washington, D.C.

Docket No. MC 119872 (Sub-No. 15), filed August 24, 1977. Applicant: GULF TRANSPORT LIMITED, 16 Exhibition Drive, Charlottetown, Prince Edward Island, Canada. Applicant's attorney: Kenneth B. Williams, 84 State Street, Boston Mass. 02109. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen Vegetables, except in bulk, from ports of entry on the International Boundary between the United States and Canada at or near Houlton and Calais, Maine to points in Maine, New Hampshire, New York, New Jersey, Pennsylvania, Massachusetts, Connecticut, and Maryland. Restricted to shipments originating at Oxford, Nova Scotia.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Boston, Mass. or Portland, Maine.

No. MC 119988 (Sub No. 122), filed August 22, 1977. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103, P.O. Box 1384, Lufkin, Tex. 75901. Applicant's representative: Clayte Binion 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting Canned fruit and canned vegetable juices, from Weslaco, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either McAllen, or San Antonio, Tex.

MC 123048 (Sub-No. 364), filed August 18, 1977. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, Post Office Box 1557, Racine, Wis. 53401. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, in the transportation of wire rod and reinforcing bars, from Georgetown Steel Corp. located at Georgetown, South Carolina to

points in Michigan, Indiana, Missouri, Illinois, and Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Charleston, S.C. or Washington, D.C.

No. MC 123061 (Sub-No. 90), filed August 18, 1977. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, Post Office Box 16026, Salt Lake City, Utah 84116. Applicant's representative: Harry D. Pugsley, Suite 1200, 310 South Main Street, Salt Lake City, Utah 84101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Fibreboard or pulpboard boxes or sheets, corrugated or not corrugated, knocked down flat, from the plantsite of Boise Cascade Corp., at or near Burley, Idaho, to points in Utah.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Boise, Idaho or Salt Lake City, Utah.

No. MC 123255 (Sub-No. 116), filed August 15, 1977. Applicant: B. & L. MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr., 140 Everett Avenue, Newark, Ohio 43055. Authority sought to operate as a Common Carrier by motor vehicle over irregular routes transporting (1) Containers and container accessories, and (2) Material, Equipment and Supplies used in the manufacture and distribution of containers and container accessories, between the facilities of Kerr Glass Manufacturing Corporation at or near Wilson, North Carolina on the one hand, and, on the other, points in the States of Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Columbus, Ohio.

No. MC 123255 (Sub-No. 117), filed August 25, 1977. Applicant: B. & L. MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a Common Carrier by motor vehicle over irregular routes transporting bulbs, tubes or funnels, electric, or electronic without metal fittings or parts; plates, face or implosion, television or television tubes, from Columbus, Ohio, to points in New Jersey and New York.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Columbus, Ohio. Common control may also be involved.

No. MC 123819 (Sub-No. 47), filed August 19, 1977. Applicant: ACE FREIGHT LINE, INC., P.O. Box 16589, Memphis,

Tenn. 38116. Applicant's representative: Bill R. Davis, Suite 101—Emerson Center, 2814 New Spring Rd., Atlanta, Ga. 30339. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Paper from Arkansas, Florida, Louisiana, Ohio, and Texas to Yazoo City, Miss.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Jackson or Biloxi, Miss.; or Memphis, Tenn.

No. MC 123987 (Sub-No. 6), filed August 17, 1977. Applicant: JEWETT SCOTT TRUCK LINE, INC., P.O. Box 267, Mangum, Okla. 73554. Applicant's representative: Robert M. Pearce, P.O. Box 1899, Bowling Green, Ky. 42101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Ground clay, in bags, from the plant site of Industrial Mineral Ventures, Inc. located at or near Lathrop Wells, Nev., to points in Kansas, New Mexico, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Oklahoma City, Okla., or Dallas, Tex.

No. MC 124170 (Sub-No. 69), filed August 19, 1977. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, Mich. 48207. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, Ill. 60521. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting malt beverages from Orange, New Jersey, to points in North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held in New York City, N.Y. or Washington, D.C.

No. MC 124170 (Sub-No. 70), filed August 19, 1977. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, Mich. 48207. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, Ill. 60521. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Malt beverages, from Orange, N.J., to points in Pennsylvania, Ohio, Michigan, Indiana, Illinois, Kentucky, Missouri, Iowa, and Minnesota.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at New York City, N.Y. or Washington, D.C.

MC 124211 (Sub-No. 301), filed August 12, 1977. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes transporting: Foodstuffs, from points in Rockingham and Shenandoah Counties, Va., to points in the United States in and west of Minnesota, Wisconsin, Indiana, Kentucky, Tennessee, Georgia, and Florida, except Alaska and Hawaii.

NOTE.—Common control may be involved. If oral hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124821 (Sub-No. 26), filed August 24, 1977. Applicant: WILLIAM GILCHRIST, 509 Susquehanna Avenue, Old Forge, Pa. 18518. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting: Fibrous glass products and materials, mineral wool, mineral products and materials, insulated air ducts, insulating products and materials; glass fiber rovings, yarn and strands, glass fiber mats and matings, from the plantsite and facilities of CertainTeed Corp., located at or near Mountaintop, Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Virginia, Vermont, the District of Columbia, Michigan, Ohio, Indiana, Illinois, Kentucky, West Virginia, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Harrisburg, Pa.

No. MC 125246 (Sub-No. 6) (correction), filed July 11, 1977, published in the FEDERAL REGISTER issue of August 25, 1977, and republished as corrected this issue. Applicant: BOB WHITAKER, doing business as BOB WHITAKER & SON, P.O. Box 65, Roswell, N. Mex. 88201. Applicant's representative: Edwin E. Piper, Jr., 1115 Sandia Savings Building, Albuquerque, N. Mex. 87102. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Meats, meat products and articles distributed by meat-packing houses, between points in Bernalillo, Chaves Counties, N. Mex.; Potter, Randall Counties, Tex.; DeSoto County, Miss.; Shelby County, Tenn., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract, or contracts, with Glover, Inc., restricted against traffic moving from the facilities of Glover, Inc., at or near Roswell, N. Mex., to points in Arizona, California, and Texas.

NOTE.—The purpose of this republication is to correct the territorial description. If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex.

No. MC 125433 (Sub-No. 117), filed August 19, 1977. Applicant: F-B TRUCK LINE CO., a corporation, 1945 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: David J. Lister (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Pre-cut log buildings and materials and supplies used in or incidental to the erection thereof, from the plantsite and shipping facilities of Pressure Treated Timber located at or near Boise, Idaho to points



in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho, or Salt Lake City, Utah.

No. MC 126118 (Sub-No. 49), filed August 15, 1977. Applicant: CRETE CARRIER CORP., P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Duane W. Ackle (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Detroit, Mich. to points in North Carolina.

NOTE.—Applicant holds contract carrier authority in No. MC 128375 (Sub-No. 1) and other subs, therefore, dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr. or Winston-Salem, N.C.

No. MC 126198 (Sub-No. 16), filed August 17, 1977. Applicant: MICHAUD TRUCKING, INC., 133 Birch Street, Kingsford, Mich. 49801. Applicant's representative: William J. Bolognesi, 116 East Brown Street, P.O. Box 705, Iron Mountain, Mich. 49801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and related advertising materials, from the plantsites of Sterling Division of G. Hellemann Brewing Co., Inc., located at Evansville, Ind., and the G. Wiedemann Division, G. Hellemann Brewing Co., Inc., located at Newport, Ky., to points in the Upper Peninsula of Michigan, and Aurora, Wis.; and empty containers, on return.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 126402 (Sub-No. 16), filed August 22, 1977. Applicant: JACK WALKER TRUCKING SERVICE, INC., 844 Loudon Avenue, Lexington, Ky. 40505. Applicant's representative: George M. Catlett, Suite 708 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Detroit, Mich., to points in Bourbon County, Ky.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Lexington or Louisville, Ky.

No. MC 126473 (Sub-No. 31), filed August 19, 1977. Applicant: HAROLD DICKEY TRANSPORT, INC., Packwood, Iowa 52580. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Nitrogen Fertilizer Solutions, in bulk, in tank vehicles, from Fulton, Ill. to points in Iowa and Minnesota. Restricted to traffic originating at the Fulton River Terminal at Fulton, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held in Chicago, Illinois or Des Moines, Iowa.

No. MC 126899 (Sub. 117), filed August 25, 1977. Applicant: USHER TRANSPORT, INC., P.O. Box 3156, Paducah, Ky. 42001. Applicant's representative: George M. Catlett, 708 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Alcohol, and alcoholic liquors, in bulk and in containers, from Laredo, Tex., and New Orleans, La., to Paducah, Ky.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Paducah or Louisville, Ky.

No. MC 127042 (Sub-No. 191), filed August 15, 1977. Applicant: HAGEN, INC., P.O. Box 98-Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Robert G. Tessar, P.O. Box 98-Leeds Station, Sioux City, Iowa 51108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fish products, corn dogs, and onion rings*, from the facilities of Moore's Food Products at or near Fort Atkinson, WI, to Iowa, Illinois, Indiana, Ohio, Kentucky, Tennessee, Arkansas, Oklahoma, Texas, Kansas, Minnesota, Missouri, and Nebraska.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 127187 (Sub-No. 26), filed August 24, 1977. Applicant: FLOYD DUE- NOW, INC., 1728 Industrial Park Blvd., Fergus Falls, Minn. 56537. Applicant's representative: Greg C. Johnson, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* from the ports of entry on the international boundary line between the United States and Canada located in North Dakota and Minnesota, to points in Illinois, Iowa, North Dakota, South Dakota, Minnesota, and Wisconsin. Restriction: Restricted to traffic originating at the facilities of Manitoba Forestry Resources Ltd. at or near Winnipeg, Manitoba.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Fargo, N. Dak.

No. MC 127625 (Sub-No. 24), filed August 24, 1977. Applicant: SANTEE CEMENT CARRIERS, INC., P.O. Box 638, Holly Hill, S.C. 29059. Applicant's representative: Frank B. Hand, Jr., P.O. Drawer C, Berryville, Va. 22611. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the plant sites of Holly Hill Lumber Co. located at Holly Hill, S.C., and Walterboro, S.C., to points in Alabama, Indiana, Kentucky, Maryland, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbia, S.C.

No. MC 128270 (Sub-No. 23), filed August 15, 1977. Applicant: REDIEHS INTERSTATE, INC., 1477 Ripley Street,

Lake Station, Ind. 46405. Applicant's representative: Richard A. Kerwin, 180 North La Salle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, pallets, pallet parts and mill-work*, from points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Mississippi, Missouri, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Chicago, Ill.

No. MC 128270 (Sub-No. 24), filed August 18, 1977. Applicant: REDIEHS INTERSTATE, INC., 1477 Ripley Street, Lake Station, Ind. 46405. Applicant's representative: Richard A. Kerwin, 180 North La Salle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in Colorado, Idaho, Montana, New Mexico, Oregon, South Dakota, Washington, and Wyoming, to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Chicago, Ill.

Docket No. MC 128273 (Sub-No. 263), filed August 22, 1977. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Elden Corban (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter and materials and supplies*, used in the manufacture of printed matter (except commodities in bulk), between Willard, Ohio, and Crawfordsville, Ind., on the one hand, and, on the other, points in the United States in and east of Wisconsin, Illinois, Kentucky, Tennessee, and Mississippi.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 128302 (Sub-No. 10), filed August 23, 1977. Applicant: THE MANFREDI MOTOR TRANSIT COMPANY, a corporation, 11250 Kinsman Road, Newbury, Ohio 44065. Applicant's representative: John P. McMahon, 100 East Broad Street, Suite 1800, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid concrete admixtures*, in bulk, in tank vehicles, from Dayton, Ohio, to points in the United States (except points in Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming).

NOTE.—Applicant holds contract carrier authority in No. MC 112184 (Sub-No. 2) and other subs, therefore dual operations may

be involved. If a hearing is deemed necessary, applicant requests that it be held at Columbus, Ohio.

No. MC 128449 (Sub-No. 9), filed August 23, 1977. Applicant: JAMES A. TUCKER, DOING BUSINESS AS, JIM-MIE TUCKER TRUCKING, P.O. Box 428, Broken Bow, Okla. 74728. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23rd Street, Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood posts, poles and lumber, treated and untreated*, from the plantsite of the Weyerhaeuser Co., located at or near DeQueen, Ark., to points in Colorado, Kansas, Iowa, Nebraska, New Mexico, Missouri, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Oklahoma City, Okla., or Dallas, Tex.

No. MC 128772 (Sub-No. 13), filed August 24, 1977. Applicant: STAR BULK TRANSPORT, INC., 821 North Front Street, New Ulm, Minn. 56073. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Butter and cheese*, between New Ulm, Minn., on the one hand, and, on the other, Omaha and Plainview, Nebr.; Freeman, S. Dak.; and points in Iowa, under a continuing contract or contracts with Associated Milk Producers, Inc., of New Ulm, Minn.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Minneapolis, Minn.

No. MC 129086 (Sub-No. 25), filed August 15, 1977. Applicant: SPENCER TRUCKING CORPORATION, Route 2, Box 254A, Keyser, W. Va. 26726. Applicant's representative: Edward N. But-ton, 1329 Pennsylvania Avenue, Post Office Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cullet*, between points in Maryland, New Jersey, Pennsylvania, Ohio, Virginia, West Virginia, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Cleveland, Ohio.

No. MC 129455 (Sub-No. 25), filed August 25, 1977. Applicant: CARRETTA TRUCKING, INC., S 160, Route 17 North, Paramus, N.J. 07652. Applicant's representative: Charles J. Williams, 1815 Front Street, Scotch Plains, N.J. 07076. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Disposable aluminum articles and disposable plastic articles, expanded*, from Niles and Wheeling, Ill., to points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with E-Z Por Corp. located at Niles, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Chicago, Ill.

No. MC 129973 (Sub-No. 15), filed August 23, 1977. Applicant: FIELD MARKETING SERVICES, INC., 241 Fifth Street, Cambridge, Mass. 02142. Applicant's representative: William J. Lippman, Suite 550, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes transporting: *Such merchandise, equipment, and supplies as are sold, used, or distributed by a manufacturer of household products*, between points in Massachusetts, under a continuing contract or contracts with Amway Corp. of Dayton, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Boston, Mass.

No. MC 133095 (Sub-No. 171), filed August 22, 1977. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* (except in bulk) from Jacksonville, Fla., and New Orleans, La., to points in Texas, Oklahoma, Kansas, Missouri, Arkansas, Colorado, and New Mexico.

NOTE.—Applicant holds motor contract carrier authority in No. 136032 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

MC 133741 (Sub-No. 22), filed August 15, 1977. Applicant: OSBORNE TRUCKING CO., INC., 1008 Sierra Drive Riverton, Wyo. 82501. Applicant's representative: John T. Wirth, 2310 Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from the facilities utilized by Louisiana-Pacific Corp., at Riverton, Wyo., to points in Utah, restricted to a transportation service to be performed, under a continuing contract or contracts, with the Louisiana-Pacific Corp.

NOTE.—Applicant holds common carrier authority in MC 134370 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Denver, Colo.

No. MC 134022 (Sub-No. 29), filed August 22, 1977. Applicant: RICHARD A. ZIMA, doing business as ZIPCO, P.O. Box 715, West Bend, Wis. 53095. Applicant's representative: Nancy J. Johnson, 4506 Regent Street, Suite 100, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foodstuffs* (except frozen potato products) from Plover, Wis., to points in the United States (except Alaska and Hawaii); and (2) *returned and rejected*

*shipments, and materials, equipment, and supplies* used in the manufacture of frozen foodstuffs, from points in the territory described in part (1) above, to Plover, Wis.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Madison or Milwaukee, Wis., or Chicago, Ill.

MC 134035 (Sub-No. 20), filed August 23, 1977. Applicant: DOUGLAS TRUCKING CO., a corporation, P.O. Box 698, Highway 75 South, Corsicana, Tex. 75110. Applicant's representative: Clint Oldham, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic enclosures and lids and attachments for such enclosures*, from the plantsite and storage facilities of Intercontinental Plastics Manufacturing Co., located at or near Dallas, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—If an oral hearing is deemed necessary, the applicant requests that it be held at Dallas, Tex.

No. MC 134286 (Sub-No. 26) (correction), filed May 31, 1977, published in the FEDERAL REGISTER issue of July 8, 1977, and republished as corrected this issue. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, Iowa 51102. Applicant's representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, (2) *pharmaceutical materials, supplies and products*, (3) *chemicals*, (4) *alcoholic beverages*, (5) *tobacco products*, (6) *pet foods*, (7) *such commodities as are dealt in by distribution or consolidation warehouses for the commodities described in (1) through (6); and (8) exempt commodities when moving with regulated commodities*, (A) from Denver, Colo., to points in the United States in and west of Minnesota, Iowa, Missouri, Arkansas, and Louisiana (except Alaska and Hawaii); and (B) from points in the United States in and west of Minnesota, Iowa, Missouri, Arkansas, and Louisiana (except Alaska and Hawaii), to Denver, Colo., restricted against the transportation of commodities in bulk.

NOTE.—The purpose of this republication is to give notice of applicant's intention to tack (A) and (B) at Denver, Colo. Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held on a consolidated record with similar applications at Denver, Colo.

No. MC 134328 (Sub-No. 5), filed August 18, 1977. Applicant: D & G TRUCKING CO., INC., 1450 Hamilton Avenue, Wynne, Ark. 72396. Applicant's representative: James N. Clay, III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Copper articles and items used in the manufacture and distribution of copper articles* (except



commodities in bulk) between Wynne, Ark., Pine Hall, N.C., Zellenople, Pa., and Pulaski, Tenn., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); and (2) steel pipe, from ports of entry on the international boundary line between the United States and Canada, to points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Cambridge-Lee Industries, Inc. of Boston, Mass.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Memphis, Tenn.

No. MC 134783 (Sub-No. 38), filed August 23, 1977. Applicant: DIRECT SERVICE, INC., 940 East 66th Street, Lubbock, Tex. 79408. Applicant's representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St., Denver, Colo. 80203. Authority sought as a common carrier by motor vehicle, over irregular routes, transporting: Meat, meat products, meat by-products and articles distributed by meat packing-houses, as described in Sections A and C to Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk). From: Plainview, Tex. To points in Alabama and South Carolina. Common control may be involved. Applicant holds contract carrier authority in Docket No. MC 139309 and (Sub-No. 1) thereto; therefore, dual operations may be involved. If a hearing is deemed necessary, Applicant requests that it be held at Wichita, Kans. or Lubbock, Tex.

No. MC 134922 (Sub-No. 234), filed August 19, 1977. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Display units for carpet samples, store displays, and display racks and stands. From: points in Arizona, California, Idaho, Nevada, Oregon, Utah and Washington to Little Rock, Arkansas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the Applicant requests that it be held at Little Rock, Arkansas or Washington, D.C.

No. MC 135082 (Sub-No. 53), filed August 22, 1977. Applicant: BURSCH TRUCKING, INC. d.b.a. ROADRUNNER TRUCKING, INC., P.O. Box 26748, 415 Rankin Road N.E., Albuquerque, N. Mex. 87125. Applicant's representative: Randall R. Sain (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Gypsum, gypsum products and materials and accessories used in the installation thereof, (A) from Rosario, New Mexico, to points in Arizona, Colorado, Wyoming, Nebraska, Kansas, California, Nevada and Utah; and (B) from Albuquerque, New Mexico, to points in California, Nevada and Utah.

NOTE.—Applicant holds contract carrier authority in No. MC 115524 (Sub-No. 2) and other subs, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests that it be held at Albuquerque, N. Mex. Applicant intends to tack the requested authority with its existing irregular authority at Albuquerque, N. Mex. to provide a through service to points in Wyoming, Montana, Idaho, Oregon, and Washington.

No. MC 135358 (Sub-No. 2), filed August 16, 1977. Applicant: DORY EXPRESS, LTD., 405 Broad St., Waverly, N.Y. 14892. Applicant's representative: Donald C. Carmien, 22 Riverside Dr., Binghamton, N.Y. 13905. Authority sought to operate as a Contract Carrier by motor vehicle over irregular routes, transporting: Glass containers from Wharton, New Jersey to points and places in the New York Counties of Broome, Oneida, Onondaga, Oswego, Wayne and Monroe; and Milton, Avis and Aspers, Pa. Restriction: Operations proposed are limited to the transportation service to be performed under a continuing contract or contracts with Thatcher Glass Manufacturing Company, Division of Dart Industries, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Binghamton, N.Y.

No. MC 135684 (Sub-No. 52), filed August 22, 1977. Applicant: BASS TRANSPORTATION CO. INC., P.O. Box 391, Old Croton Rd., Flemington, N.J. 08822. Applicant's representative: Herbert Alan Dubin, Federal Bar Building West, 1819 H. Street, N.W., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Waste and Scrap Paper and non-ferrous metals recycling between points in Connecticut, Illinois, Indiana, Kentucky, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 135797 (Sub-No. 76), filed June 13, 1977. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, Ark. 72745. Applicant's representative: Paul A. Maestri (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Ground waste paper, liquid adhesives in containers and machinery and equipment, necessary for mixing, blending and applying such ground waste paper and liquid adhesives, (a) from Dayton, Ohio; and Houston, Tex., to points in the United States, including Alaska but excluding Hawaii; and (b) from ports of entry on the International Boundary line between the United States and Canada located at Blaine and Sumas, Wash., to points in the United States including Alaska, but excluding Hawaii; restricted in (1) (b) above to traffic originating at Vancouver, British Columbia, Canada; and (2) machinery, materials, equipment

and supplies, used in or in connection with the manufacture, distribution, application or use of the commodities named in (1) above, (a) from points in the United States, including Alaska, but excluding Hawaii, to Dayton, Ohio; and Houston, Tex., and (b) from points in the United States, including Alaska but excluding Hawaii, to ports of entry on the International Boundary line between the United States and Canada located at Blaine and Sumas, Wash., restricted in (2) (b) above to traffic destined to Vancouver, British Columbia, Canada. Restriction: The transportation of commodities named herein is restricted against the transportation of liquids in bulk.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Houston, Tex., or Washington, D.C. Common control may be involved.

No. MC 136221 (Sub-No. 8), filed August 23, 1977. Applicant: H. L. STANSELL, INC., 1015 Illinois Ave., Palm Harbor, Fla. 33563. Applicant's representative: David C. Venable, 805 McLachlen Bank Bldg., 666 Eleventh Street N.W., Washington, D.C. 20001. Authority sought by applicant to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Doors, door fixtures, door accessories, door hardware, door operators and (2) materials, supplies, parts, and equipment used in the installation of the commodities named in (1) above, from Century, Fla., Williamsport, Pa., and Greenbrook, N.J., to points in Washington Oregon, Utah, and Colorado, under a continuing contract, or contracts, with Jim Walter Doors, Div. of the Celotex Corporation.

NOTE.—If a hearing is deemed necessary, it is requested at Tampa, Fla. Applicant has common carrier authority pending in No. MC 152592, therefore dual operations may be involved.

No. MC 136221 (Sub-No. 9), filed August 2, 1977. Applicant: H. L. STANSELL, INC., 1015 Illinois Ave., Palm Harbor, Fla. 33563. Applicant's representative: David C. Venable, 805 McLachlen Bank Bldg., 666 Eleventh Street N.W., Washington, D.C. 20001. Authority sought by applicant to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Iron and steel, and iron and steel articles, from New York, N.Y., Philadelphia, Pa., Baltimore, Md., and points in their respective Commercial Zones and points in New Jersey to Tampa, Florida, under a continuing contract or contracts with Atlantic Metal Industries, Inc., of Tampa, Fla.

NOTE.—Applicant has motor common carrier authority pending in No. MC 142592, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Tampa, Fla.

No. MC 136228 (Sub-No. 30), filed August 1, 1977. Applicant: LUISI TRUCK LINES, INC., P.O. Box H, Milton-Freewater, Ore. 97862. Applicant's representative: Philip G. Skofstad, P.O. Box 594, Gresham, Ore. 97030. Authority sought to operate as a common carrier,

by motor vehicle, over irregular routes, transporting: A. (1) Canned goods, frozen food, wine and malt beverages, and (2) Agricultural commodities, the transportation of which is exempt from economic regulation when moving in the same vehicle at the same time with commodities set out in (1) above, from points in Los Angeles, Orange, Riverside, Kern, Fresno, Madera, Merced, Stanislaus, San Joaquin, Santa Clara, Sacramento, San Benito, San Francisco and Napa Counties, California to the plant site and warehouse facilities of La Grande Fruit Co. at or near Nyssa, Pendleton and La Grande, Oregon; and B. Wine and malt beverages, from points in California to the plant site and warehouse facilities of Yakima County Beverage Co., Inc. at or near Yakima, Washington; and C. Frozen fruit and frozen vegetables, between the plant site and warehouse facilities of Western Farmers Association at or near Milton-Freewater, Oregon and Walla Walla, Washington.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Portland, Oregon. Applicant holds contract carrier authority in No. MC 136531 (Sub-Nos. 2, 5, and 6), therefore dual operations may be involved. By the instant application applicant seeks to convert its Permits in No. MC 136531 (Sub-Nos. 2, 5, and 6) to Certificates of Public Convenience and Necessity.

No. MC 138322 (Sub-No. 3) (Amendment), filed March 3, 1977, published in the FEDERAL REGISTER issue of April 28, 1977, republished as amended in the FEDERAL REGISTER issue of May 12, 1977, and republished as amended this issue. Applicant: BHY TRUCKING, INC., 9231 Whitmore, El Monte, Calif. 91783. Applicant's representative: John W. Carlisle, 4141 N. Braeswood, Suite 22, Houston, Tex. 77025. I. Authority sought to operate as a common carrier, by motor vehicle over irregular routes, transporting: Rail and track material except cross-ties, and shipments which because of size or weight require special equipment, within the following described geographical scope of proposed operations, except as to the restrictions and limitations imposed as to each state. Duplicating authority, if any, to be excluded from any grant of authority.

#### CALIFORNIA

1. Between points in California, on the one hand, and, on the other, points in the United States including Alaska, and including Hawaii, when such shipments move by trailer on "Piggy-back" by ship from points of embarkation to Hawaii, except: (1) Between points in California, on the one hand, and, on the other, points in Arizona, Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Kansas, Maryland, Massachusetts, Michigan, Missouri, North Dakota, Nebraska, Nevada, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and District of Columbia. (2) From points in California to points in Maine, New Hampshire, and Vermont.

#### TEXAS

1. Between points in Texas, on the one hand, and, on the other, points in the United States including Alaska, and including Hawaii, when such shipments move by trailer on "Piggy-back" by ship from points of embarkation to Hawaii, except: (1) Between points in Texas, on the one hand, and, on the other, points in Arkansas, Louisiana, New Mexico, Oklahoma, Texas, Kansas, and Mississippi. (2) From Corpus Christi, Galveston and Houston, Texas to points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas. (3) From Baytown, Texas to points in Arkansas, Louisiana, Kansas, New Mexico, Mississippi, and Oklahoma. (4) From Liberty County, Texas to points in Arkansas, Kansas, Louisiana, Mississippi, Missouri, New Mexico, and Oklahoma. (5) From the plant site of Chaparral Steel Corp. in Ellis County, Tex. to points in Arkansas, Colorado, Louisiana, Mississippi, New Mexico, Oklahoma, and Tennessee. (6) From Jewett, Tex. to points in the United States including Alaska.

#### UTAH

1. Between points in Utah, except Clearfield, Utah, on the one hand, and, on the other, points in the United States including Alaska, and including Hawaii, when such shipments move by trailer on "Piggy-back" by ship from points of embarkation to Hawaii, except: (1) Between points in Utah, on the one hand, and, on the other, points in California, Idaho, Montana, Washington, Oregon, Arizona, Colorado, New Mexico, Nevada, and Wyoming.

#### NEVADA

1. Between points in Nevada, on the one hand, and, on the other, points in the United States including Alaska, and including Hawaii, when such shipments move by trailer on "Piggy-back" by ship from points of embarkation to Hawaii, except: (1) Between points in Nevada, on the one hand, and, on the other, points in Utah, Montana, Wyoming, Arizona, Idaho, New Mexico, Colorado, Washington, and California.

#### ARIZONA

1. Between points in Arizona, on the one hand, and, on the other, points in the United States including Alaska, and including Hawaii, when such shipments move by trailer on "Piggy-back" by ship from points of embarkation to Hawaii, except: (1) Between points in Arizona, on, on the one hand, and, on the other, points in California, Idaho, Montana, New Mexico, Nebraska, Washington, Wyoming, Utah, Colorado, and Oregon.

#### WASHINGTON

1. Between points in Washington, on the one hand, and, on the other, points in the United States including Alaska, and including Hawaii, when such shipments move by trailer on "Piggy-back" by ship from points of embarkation to Hawaii, except: (1) Between points in Washington, on the one hand, and, on the other, points in Oregon, Idaho, Utah, Montana, Nevada, Wyoming, Mississippi, Cali-

fornia, Arizona. (2) From points in Pierce County, Wash. to points in Alaska, Arizona, Arkansas, California, Colorado, Alabama, Florida, Georgia, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Montana, Nebraska, Nevada, New Mexico, Texas, Tennessee, Utah, Virginia, West Virginia, Washington, Wisconsin, Wyoming, Pennsylvania, Ohio, and North Carolina.

#### OREGON

1. Between points in Oregon, on the one hand, and, on the other, points in the United States including Alaska, and including Hawaii, when such shipments move by trailer on "Piggy-back" by ship from points of embarkation to Hawaii, except: (1) Between points in Oregon, on the one hand, and, on the other, points in Washington, Idaho, Montana, Utah, Nebraska, Wyoming, Colorado, New Mexico, Oklahoma, Texas, Mississippi, and California.

#### MONTANA

1. Between points in Montana, on the one hand, and, on the other, points in the United States including Alaska, and including Hawaii, when such shipments move by trailer on "Piggy-back" by ship from points of embarkation to Hawaii, except: (1) Between points in Montana, on the one hand, and, on the other, points in Idaho, Nevada, New Mexico, Wyoming, Arizona, Utah, Colorado, Oregon, Washington, and California.

#### IDAHO

1. Between points in Idaho, on the one hand, and, on the other, points in the United States including Alaska, and including Hawaii, when such shipments move by trailer on "Piggy-back" by ship from points of embarkation to Hawaii, except: (1) Between points in Idaho, on the one hand, and, on the other, points in Oregon, Washington, Montana, Wyoming, Utah, California, Arizona, New Mexico, Nevada, Colorado.

#### WYOMING

1. Between points in Wyoming, on the one hand, and, on the other, points in the United States including Alaska, and including Hawaii, when such shipments move by trailer on "Piggy-back" by ship from points of embarkation to Hawaii, except: (1) Between points in Wyoming, on the one hand, and, on the other, points in Arizona, Idaho, Montana, New Mexico, Nevada, Colorado, and Mississippi.

#### COLORADO

1. Between points in Colorado, on the one hand, and, on the other, points in the United States including Alaska, and including Hawaii, when shipments move by trailer on "Piggy-back" by ship from points of embarkation to Hawaii, except: (1) Between points in Colorado, on the one hand, and, on the other, points in Nevada, Idaho, Montana, Arizona, New Mexico, Wyoming, Utah, Washington, and Mississippi.



## NEW MEXICO

1. Between points in New Mexico, on the one hand, and, on the other, points in the United States including Alaska, and including Hawaii, when shipments move by trailer on "Piggy-back" by ship from points of embarkation to Hawaii, except: (1) Between points in New Mexico, on the one hand, and, on the other, points in Colorado, Utah, Arizona, Idaho, Montana, Nevada, Wyoming, and Mississippi.

## OKLAHOMA

1. Between points in Oklahoma, on the one hand, and, on the other, points in the United States including Alaska, and including Hawaii, when such shipments move by trailer on "Piggy-back" by ship from points of embarkation to Hawaii, except: (1) Between points in Oklahoma, on the one hand, and, on the other, points in Colorado, New Mexico, Texas, and Mississippi. (2) To points in Oklahoma from Corpus Christi, Houston, Galveston and Baytown, Tex. and Liberty County, Tex. (3) To points in Oklahoma from points in Arkansas. (4) To points in Oklahoma from Cabell and Wayne Counties, W. Va. (5) To points in Oklahoma from points in Tennessee. (6) From points in Oklahoma to points in Mississippi. (7) Between Oklahoma, on the one hand, and, on the other, Charlotte, N.C.

## LOUISIANA

1. Between points in Louisiana, on the one hand, and, on the other, points in the United States including Alaska, and including Hawaii, when such shipments move by trailer on "Piggy-back" by ship from points of embarkation to Hawaii, except: (1) From Corpus Christi, Houston, Galveston, Baytown and Liberty County, Tex. (2) To points in Louisiana from points in Arkansas. (3) To points in Louisiana from points in Tennessee.

## ARKANSAS

1. Between points in Arkansas, on the one hand, and, on the other, points in the United States including Alaska, and including Hawaii, when such shipments move by trailer on "Piggy-back" by ship from points of embarkation to Hawaii, except: (1) To Newport, Ark., from points in the United States. (2) To points in Arkansas from points in Missouri. (3) To points in Arkansas from Cabell and Wayne Counties, W. Va. (4) From Newport, Ark. to points in Louisiana, Oklahoma and Texas. (5) To points in Arkansas from Corpus Christi, Houston, Galveston, Baytown and Liberty County, Tex. (6) To points in Arkansas from points in Alabama. (7) To points in Arkansas from Louisville, Ky. and that part of Indiana in the Louisville, Ky. Commercial Zone. (8) To Newport, Ark. from points in the United States.

## MISSISSIPPI

1. Between points in Mississippi, on the one hand, and, on the other, points in the United States including Alaska, and including Hawaii, when such shipments move by trailer on "Piggy-back"

by ship from points of embarkation to Hawaii, except: (1) Between points in Mississippi, on the one hand, and, on the other, points in Pennsylvania, New York, North Carolina, South Carolina, and Illinois. (2) From points in Colorado, New Mexico, Oklahoma, Oregon, Texas, Washington, and Wyoming to Mississippi. (3) To points in Mississippi from points in Georgia. (4) From points in Mississippi to points in Missouri and Kentucky. (5) From Newport, Ark. to points in Mississippi. (6) From Louisville, Ky. and Liberty County, Tex. to Mississippi. (7) From points in Mississippi to points in Missouri, and Kentucky (excluding Louisville).

## ILLINOIS

1. Between points in Illinois, on the one hand, and, on the other, points in the United States including Alaska, and including Hawaii, when such shipments move by trailer on "Piggy-back" by ship from points of embarkation to Hawaii, except: (1) Between points in Illinois and Charlotte, N.C. (2) From the plant site of Jones & Loughlin Steel Corp. located in Putnam County, Ill. to points in Alabama, Arkansas, Florida, Georgia, Missouri, Mississippi, Kentucky, Tennessee, Wyoming, Colorado, Utah, Montana, Idaho, Iowa, Indiana, Ohio, Wisconsin, North Dakota, South Dakota, Nebraska, Kansas, Louisiana, Oklahoma, and Texas and vice versa. (3) From Walta, Ill. to points in Colorado, Wyoming, Montana, Utah, Idaho, Nevada, California, and Washington. (4) From Bedford Park, Ill. to Colorado, Montana, Idaho, Nevada, California, and Washington. (5) From Granite City, Ill. to points in Wyoming and Montana. (6) From the plant site of C.F. & I. Steel Corp. located at Pueblo, Colo. to points in Illinois, Idaho, Montana and Washington. (7) From Chicago, Ill. to points in Montana, Wyoming, Utah, Idaho, Washington, and Oregon. (8) Between the plant site of Chicago Bridge & Iron Co. located at Indian Oaks, Ill. on the one hand, and on the other, points in Indiana, Michigan, Ohio, Wisconsin, Kentucky, Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Wyoming, Colorado, Utah, Idaho, Nevada, Washington, Oregon, and California. (9) From points in Illinois to points in Georgia and Tennessee. (10) Between points in Illinois, on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, Massachusetts, and Rhode Island.

## INDIANA

1. Between points in Indiana, on the one hand, and, on the other, points in the United States including Alaska, and including Hawaii, when such shipments move by trailer on "Piggy-back" by ship from points of embarkation to Hawaii, except: (1) From Indiana to Charlotte, N.C. (2) From the plant site of Bethlehem Steel Corp. located at Burns Harbor, Porter County, Ind. to points in Michigan, Illinois, Wisconsin, Ohio, Kentucky, Tennessee, West Virginia, Pennsylvania, New York, and New Jersey. (3) From

the plant site of Penn-Dixie Steel Corp. located at or near Kokomo, Ind. to points in Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and District of Columbia. (4) From points in Indiana to Charlotte, N.C. (5) From the plant site of Mid West Steel, a Division of National Steel Corp. at Portage, Ind. to points in Illinois, Iowa, Minnesota, Missouri, Nebraska, and Wisconsin.

## IOWA

1. Between points in Iowa, on the one hand, and, on the other, points in the United States, including Alaska, and including Hawaii, when such shipments move by trailer on "Piggy-back" by ship from points of embarkation to Hawaii, except: (1) From points in Iowa to Charlotte, N.C. and vice versa. (2) From Walton, Iowa to points in Arizona, California, Utah, Minnesota, Oklahoma, Nebraska and Texas.

## KENTUCKY

1. Between points in Kentucky, on the one hand, and, on the other, points in the United States, including Alaska, and including Hawaii, when such shipments move by trailer on "Piggy-back" by ship from points of embarkation to Hawaii, except: (1) From Eminence, Ky. to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Louisiana, Michigan, Mississippi, Missouri, Ohio and Tennessee. (2) From points in Shelby County, Ky. to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin. (3) From Newport and Wilder, Ky. to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota and Illinois.

## MINNESOTA

1. Between points in Minnesota, on the one hand, and, on the other, points in the United States, including Alaska, and including Hawaii, when such shipments move by trailer on "Piggy-back" by ship from points of embarkation to Hawaii, except: (1) From Newport, Minn. to points in the United States. (2) From Minneapolis, Minn. to points in Idaho, Montana, Utah, Washington, and Wyoming.

## MICHIGAN

1. Between points in Michigan, on the one hand, and, on the other, points in the United States, including Alaska, and including Hawaii, when such shipments move by trailer on "Piggy-back" by ship from points of embarkation to Hawaii, except: (1) From Michigan to Charlotte, N.C. and vice versa. (2) From points in Oakland and Wayne Counties, Mich., to points in Tennessee. (3) From the plant site of Szarka Enterprises, Inc. in Wayne County, Mich. to points in the United States excluding Alaska. (4) From Escanaba, Mich. to points in Idaho, Oregon and Washington.

## MISSOURI

1. Between points in Missouri, on the one hand, and, on the other, points in

the United States, including Alaska, and including Hawaii, when such shipments move by trailer on "Piggy-back" by ship from points of embarkation to Hawaii, except: (1) From Kansas City, Mo. to points in Washington, Oregon, Idaho, Montana, Wyoming, Utah and Beatrice, Nebr.

## NEBRASKA

1. Between points in Nebraska, on the one hand, and, on the other, points in the United States, including Alaska, and including Hawaii, when shipments move by trailer on "Piggy-back" by ship from points of embarkation to Hawaii.

## NORTH DAKOTA

1. Between points in North Dakota, on the one hand, and, on the other, points in the United States, including Alaska, and including Hawaii, when such shipments move by trailer on "Piggy-back" by ship from points of embarkation to Hawaii.

1. Between points in Ohio, on the one hand, and, on the other, points in the United States, including Alaska, and including Hawaii, when such shipments move by trailer on "Piggy-back" by ship from points of embarkation to Hawaii, except: (1) From Hicksville, Ohio to points in Iowa, Missouri, Tennessee and Minnesota. (2) Between points in Franklin County, Ohio, on the one hand, and, on the other, points in Kentucky, West Virginia, Indiana, Michigan and Pennsylvania. (3) From Warren, Ohio to points in Nebraska, Iowa, Minnesota, Missouri, (excluding points in St. Louis County), North Dakota and South Dakota. (4) From Martins Ferry, Ohio to points in Florida and Tennessee. (5) From Ohio to Charlotte, N.C. and vice versa. (6) Between points in Ohio, on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, Massachusetts and Rhode Island.

## SOUTH DAKOTA

1. Between points in South Dakota, on the one hand, and, on the other, points in the United States, including Alaska, and including Hawaii, when such shipments move by trailer on "Piggy-back" by ship from points of embarkation to Hawaii.

## TENNESSEE

1. Between points in Tennessee, on the one hand, and, on the other, points in the United States, including Alaska, and including Hawaii, when such shipments move by trailer on "piggy-back" by ship from points of embarkation to Hawaii, except: (1) From the plant site of Tennessee Forging Steel Corp. near Harri-man, Tenn. to points in Alabama, Arkansas, Florida, Georgia, Ohio, Illinois, Indiana, Kentucky, Maryland, Mississippi, Missouri, North Carolina, Pennsylvania, South Carolina, Virginia, West Virginia, and East of Mississippi River. (2) From Nashville, Tenn. to points in Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas. (3) Between Memphis, Tenn., on the one hand, and, on the other, points in Pennsylvania, Maryland,

and New York, (4) From Memphis, Tenn. to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, New Jersey, Delaware, and Connecticut. (5) From points in Tennessee to points in Oklahoma.

## WISCONSIN

1. Between points in Wisconsin, on the one hand, and, on the other, points in the United States, including Alaska, and including Hawaii, when such shipments move by trailer on "Piggy-back" by ship from points of embarkation to Hawaii, except: (1) From Wisconsin to Charlotte, N.C. (2) From plant site of Paper Calmenson Co. at Superior, Wis. to points in North Dakota, South Dakota, Montana, and Wyoming. (3) From points in Milwaukee County, Wis. to points in Connecticut, Delaware, Illinois, (excluding Chicago), Indiana, (excluding Chicago and Commercial Zone), Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia. (4) Between points in Wisconsin, on the one hand, and, on the other, points in Idaho, Oregon, and Washington.

## ALABAMA

1. Between points in Alabama, on the one hand, and, on the other, points in the United States, including Alaska, and including Hawaii, when such shipments move by trailer on "Piggy-back" by ship from points of embarkation to Hawaii, except: (1) From Birmingham, Ala. and points within 10 miles thereof to points and places in Texas and Virginia. (2) To Alabama from points in Brooke and Marshall Counties, W. Va. (3) From Birmingham and Gadsden, Ala. to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland. (4) From points in Alabama (excluding Gadsden) to points in North Carolina and South Carolina.

## GEORGIA

1. Between points in Georgia, on the one hand, and, on the other, points in the United States, including Alaska, and including Hawaii, when such shipments move by trailer on "Piggy-back" by ship from points of embarkation to Hawaii, except: (1) To Georgia from Brooke and Marshall Counties, W. Va. (2) From points in Georgia to points in Mississippi. (3) From points in Georgia to points in Tennessee.

## KANSAS

1. Between points in Kansas, on the one hand, and, on the other, points in the United States, including Alaska, and including Hawaii, when such shipments move by trailer on "Piggy-back" by ship from points of embarkation to Hawaii, except: (1) Between points in Kansas, on the one hand, and, on the other, Charlotte, N.C. (2) From Kansas City, Kan. and commercial zone to Beatrice, Nebr.

## MARYLAND

1. Between points in Maryland, on the one hand, and, on the other, points in

the United States, including Alaska, and including Hawaii, when such shipments move by trailer on "Piggy-back" by ship from points of embarkation to Hawaii, except: (1) From points in Maryland to points in Alabama.

## NORTH CAROLINA

1. Between points in North Carolina, on the one hand, and, on the other, points in the United States, including Alaska, and including Hawaii, when such shipments move by trailer on "Piggy-back" by ship from points of embarkation to Hawaii, except: (1) Between Charlotte, N.C., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Kansas, Michigan, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, and Wisconsin and vice versa. (2) From points in North Carolina to points in Alabama. (3) Between points in North Carolina and points in Mississippi, South Carolina, Florida, Georgia, Connecticut, Delaware, District of Columbia, Illinois, Indiana, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and Wisconsin.

## NEW JERSEY

1. Between points in New Jersey, on the one hand, and, on the other, points in the United States, including Alaska, and including Hawaii, when such shipments move by trailer on "Piggy-back" by ship from points of embarkation to Hawaii, except: (1) Between points in New Jersey, on the one hand, and, on the other, Charlotte, N.C. (2) Between Bridgeton, N.J. and points in Louisiana and Texas. (3) Between points in New Jersey, on the one hand, and, on the other, points in Florida, South Carolina, North Carolina, and Alabama.

## FLORIDA

1. Between points in Florida, on the one hand, and, on the other, points in the United States, including Alaska, and including Hawaii, when such shipments move by trailer on "Piggy-back" by ship from points of embarkation to Hawaii, except: (1) Between points in Florida, on the one hand, and, on the other, points in North Carolina, South Carolina, Georgia, Connecticut, Delaware, District of Columbia, Illinois, Indiana, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and Wisconsin.

II. Authority sought to operate as a common carrier, by motor vehicle over irregular routes, transporting: Rail and track material except cross-ties, within the following described geographical scope of proposed operations, except as to the restrictions and limitations imposed as to each state. Duplicating authority, if any, to be excluded from any grant of authority.

1. Between California, on the one hand, on the other, Nevada and Maine.

2. Between Florida, on the one hand, and, on the other, Nevada.

3. Between Idaho, on the one hand, and, on the other, Nevada and Maine.

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4. Between Indiana, on the one hand, and, on the other, Vermont, New Hampshire and Maine.

5. Between Kansas, on the one hand, and, on the other, Arkansas and Maine.

6. Between Kentucky, on the one hand, and, on the other, Wyoming and Maine.

7. Between Louisiana, on the one hand, and, on the other, Minnesota.

8. Between Maryland, on the one hand, and, on the other, Tennessee, North Carolina, West Virginia, Vermont, and Maine.

9. Between Michigan, on the one hand, and, on the other, North Carolina, South Carolina, West Virginia, Vermont and Maine.

10. Between Minnesota, on the one hand, and, on the other, Montana, North Dakota, South Dakota, and Maine.

11. Between Mississippi, on the one hand, and, on the other, Nevada.

12. Between Missouri, on the one hand, and, on the other, Florida.

13. Between Montana, on the one hand, and, on the other, Nevada, Minnesota, and Maine.

14. Between Nebraska, on the one hand, and, on the other, Florida.

15. Between New Mexico, on the one hand, and, on the other, Nevada, and Maine.

16. Between New York, on the one hand, and, on the other, Nevada, Tennessee, North Carolina, South Carolina and Vermont.

17. Between North Carolina, on the one hand, and, on the other, Idaho and South Dakota.

18. Between North Dakota, on the one hand, and, on the other, Minnesota, Wisconsin, and Maine.

19. Between Ohio, on the one hand, and, on the other, Nevada, Vermont and Maine.

20. Between Oregon, on the one hand, and, on the other, Nevada.

21. Between South Dakota, on the one hand, and, on the other, Minnesota, and Maine.

22. Between Tennessee, on the one hand, and, on the other, Nevada, and Massachusetts.

23. Between Utah, on the one hand, and, on the other, Maine.

24. Between Virginia, on the one hand, and, on the other, Iowa, Missouri, Wisconsin, New Hampshire, Massachusetts, Connecticut, and Maine.

25. Between Washington, on the one hand, and, on the other, Nevada.

26. Between West Virginia, on the one hand, and, on the other, Nevada, North Dakota, South Dakota, Missouri, Iowa, Minnesota, Wisconsin, Illinois, North Carolina, South Carolina, New York, Vermont, New Mexico, Massachusetts, Connecticut, Rhode Island, Wyoming, and Maine.

27. Between Wisconsin, on the one hand, and, on the other, Idaho, North Dakota, South Dakota, Wisconsin, Ohio and Maine.

28. Between Wyoming, on the one hand, and, on the other, Nevada.

III. Authority sought to operate as a common carrier, by motor vehicle over

irregular routes, transporting: *Railroad Cross Ties, creosoted or treated*, within the following described geographical scope of proposed operations.

1. Between points and places in California, Arizona, Nevada, Utah, Oregon, Washington, Montana, Wyoming, Idaho, North Dakota, South Dakota, Minnesota, Iowa, Florida, Georgia, North Carolina, South Carolina, Virginia, Michigan, Wisconsin, Delaware, New York, New Jersey, Rhode Island, Connecticut, New Hampshire, Massachusetts, Vermont, and Maine, except as to the restrictions or exceptions as to each state.

2. Between points and places in California, on the one hand, and, on the other, points and places in the United States including Alaska except as set forth in (1) above.

3. Between points and places in Arizona, on the one hand, and, on the other, points and places in the United States including Alaska except: (1) Between points and places in Arizona, on the one hand, on the other, points and places in Alabama, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, and West Virginia.

4. Between points and places in New Mexico, on the one hand, and, on the other, points and places in the United States including Alaska, except: (1) Between points and places in New Mexico, on the one hand, and, on the other, points and places in Alabama, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, and West Virginia and Arizona.

5. Between points and places in Colorado, on the one hand, and, on the other, points and places in the United States including Alaska, except: (1) Between points and places in Colorado, on the one hand, and, on the other, points and places in Alabama, Arkansas, Arizona, Colorado, Illinois, Indiana, Iowa, Kansas, Louisiana, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, Ohio, New Mexico, Oklahoma, Pennsylvania, Tennessee, Texas, and West Virginia and Arizona.

6. Between points and places in Illinois, on the one hand, and, on the other, points and places in the United States including Alaska, except: (1) Between points and places in Illinois, on the one hand, and, on the other, points and places in Arkansas, Alabama, Arizona, Colorado, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, and West Virginia.

7. Between points and places in Indiana, on the one hand, and, on the other, points and places in the United States including Alaska, except: (1) Between points and places in Indiana, on the one hand, and, on the other, points and places in the United States including Alaska, except: (1) Between points and places in Indiana, on the one hand, and, on the other, points and places in Alabama, Ar-

kansas, Arizona, Colorado, Illinois, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, and West Virginia.

8. Between points and places in Iowa, on the one hand, and, on the other, points and places in the United States including Alaska, except: (1) Between points and places in Iowa, on the one hand, and, on the other, points and places in Alabama, Arkansas, Arizona, Colorado, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, and West Virginia.

9. Between points and places in Kansas, on the one hand, and, on the other, points and places in the United States including Alaska, except: (1) Between points and places in Kansas, on the one hand, and, on the other, points and places in Alabama, Arkansas, Arizona, Colorado, Illinois, Indiana, Pennsylvania, Iowa, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, Tennessee, Texas, and West Virginia.

10. Between points and places in Kentucky, on the one hand, and, on the other, points and places in the United States including Alaska, except: (1) Between points and places in Kentucky, on the one hand, and, on the other, points and places in Alabama, Arkansas, Arizona, Colorado, Illinois, Indiana, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, Tennessee, Texas, and West Virginia and Pennsylvania.

11. Between points and places in Nebraska, on the one hand, and, on the other, points and places in the United States including Alaska, except: (1) Between points and places in Nebraska, on the one hand, and, on the other, points and places in Alabama, Arkansas, Arizona, Colorado, Illinois, Indiana, Iowa, Kansas, Louisiana, Kentucky, Mississippi, Missouri, New Mexico, Ohio, Oklahoma, Tennessee, Texas, and West Virginia and Pennsylvania.

12. Between points and places in Ohio, on the one hand, and, on the other, points and places in the United States including Alaska, except: (1) Between points and places in Ohio, on the one hand, and, on the other, points and places in Alabama, Arkansas, Arizona, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, Texas, and West Virginia and Pennsylvania.

13. Between points and places in Pennsylvania, on the one hand, and, on the other, points and places in the United States including Alaska, except: (1) Between points and places in Pennsylvania, on the one hand, and, on the other, points and places in Alabama, Arkansas, Arizona, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Ohio, Oklahoma, Tennessee, Texas, and West Virginia.

14. Between points and places in Texas, on the one hand, and, on the other,

points and places in the United States including Alaska, except: (1) Between points and places in Texas, on the one hand, and, on the other, points and places in Alabama, Arkansas, Arizona, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, and West Virginia.

15. Between points and places in Arkansas, on the one hand, and, on the other, points and places in the United States including Alaska, except: (1) Between points and places in Arkansas, on the one hand, and, on the other, points and places in Alabama, Arizona, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, and West Virginia.

16. Between points and places in Alabama, on the one hand, and, on the other, points and places in the United States including Alaska, except: (1) Between points and places in Alabama, on the one hand, and, on the other, points and places in Arkansas, Arizona, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, Pennsylvania, Tennessee, and Texas. (2) From Alabama to Indiana, Kansas, Kentucky, Louisiana, Oklahoma, and Texas.

17. Between points and places in Mississippi, on the one hand, and, on the other, points and places in the United States including Alaska, except: (1) Between points and places in Mississippi, on the one hand, and, on the other, points and places in Arkansas, Alabama, Arizona, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, and West Virginia and Pennsylvania.

18. Between points and places in Florida, on the one hand, and, on the other, points and places in the United States including Alaska.

19. Between points and places in North Carolina, on the one hand, and, on the other, points and places in the United States including Alaska.

20. Between points and places in South Carolina, on the one hand, and, on the other, points and places in the United States including Alaska.

21. Between points and places in Georgia, on the one hand, and, on the other, points and places in the United States, including Alaska.

22. Between points and places in Virginia, on the one hand, and, on the other, points and places in the United States including Alaska.

23. Between points and places in West Virginia, on the one hand, and, on the other, points and places in the United States including Alaska.

24. Between points and places in Maryland, on the one hand, and, on the other, points and places in the United States including Alaska.

25. Between points and places in Wisconsin, on the one hand, and, on the other, points and places in the United States including Alaska.

26. Between points and places in New York, on the one hand, and, on the other, points and places in the United States including Alaska, except: (1) To points and places in New York from Columbus and Meridian, Miss.

27. Between points and places in New Jersey, on the one hand, and, on the other, points and places in the United States including Alaska, except: (1) To points and places in New Jersey from Columbus and Meridian, Miss.

28. Between points and places in Rhode Island, on the one hand, and, on the other, points and places in the United States including Alaska, except: (1) To points and places in Rhode Island, from Columbus and Meridian, Miss.

29. Between points and places in Maine, on the one hand, and, on the other, points and places in the United States including Alaska, except: (1) To points and places in Maine from Columbus and Meridian, Miss.

30. Between points and places in Massachusetts, on the one hand, and, on the other, points and places in the United States including Alaska, except: (1) To points and places in Massachusetts from Columbus and Meridian, Miss.

31. Between points and places in New Hampshire, on the one hand, and, on the other, points and places in the United States including Alaska, except: (1) To points and places in New Hampshire from Columbus and Meridian, Miss.

32. Between points and places in Vermont, on the one hand, and, on the other, points and places in the United States including Alaska, except: (1) To points and places in Vermont from Columbus and Meridian, Miss.

33. Between points and places in District of Columbia, on the one hand, and, on the other, points and places in the United States including Alaska, except: (1) To points and places in District of Columbia from Columbus and Meridian, Miss.

34. Between points and places in Connecticut, on the one hand, and, on the other, points and places in the United States including Alaska, except: (1) To points in Connecticut from Columbus and Meridian, Miss.

35. Between points and places in Delaware, on the one hand, and, on the other, points and places in the United States including Alaska, except: (1) To points in Delaware from Columbus and Meridian, Miss.

36. Between points and places in Idaho, on the one hand, and, on the other, points and places in the United States including Alaska.

37. Between points and places in Michigan, on the one hand, and, on the other, points and places in the United States including Alaska.

38. Between points and places in Minnesota, on the one hand, and, on the other, points and places in the United States including Alaska.

39. Between points and places in Nevada, on the one hand, and, on the other, points and places in the United States including Alaska.

40. Between points and places in North Dakota, on the one hand, and, on the other, points and places in the United States including Alaska.

41. Between points and places in Oregon, on the one hand, and, on the other, points and places in the United States including Alaska.

42. Between points and places in South Dakota, on the one hand, and, on the other, points and places in the United States including Alaska.

43. Between points and places in Utah, on the one hand, and, on the other, points and places in the United States including Alaska.

44. Between points and places in Washington, on the one hand, and, on the other, points and places in the United States including Alaska.

45. Between points and places in Wyoming, on the one hand, and, on the other, points and places in the United States including Alaska.

46. Between points and places in Alaska, on the one hand, and, on the other, points and places in the United States.

47. Between points and places in Louisiana, on the one hand, and, on the other, points and places in the United States including Alaska except as otherwise restricted herein.

48. Between points and places in Missouri, on the one hand, and, on the other, points and places in the United States including Alaska except as otherwise restricted herein.

49. Between points and places in Oklahoma, on the one hand, and, on the other, points and places in the United States including Alaska except as otherwise restricted herein.

50. Between points and places in Tennessee, on the one hand, and, on the other, points and places in the United States including Alaska except as otherwise restricted herein.

NOTE.—The purpose of this republication is to amend applicant's request for authority. If a hearing is deemed necessary, the applicant requests that it be held on a consolidated record with other similar applications at Los Angeles, Calif.

No. MC 138512 (Sub-No. 21), filed August 19, 1977. Applicant: ROLAND'S TRANSPORTATION SERVICES, INC., dba. Wisconsin Provisions Express, 9525 South 60th Street, Franklin, Wis. 53132. Applicant's representative: Richard C. Alexander, Suite 412, Empire Building, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Taco corn products, seasonings, and sauces*, from Stoughton, Wis., to storage



facilities utilized by Grocery Products Group, Hueblein, Inc., located at or near Birmingham, Ala., Oxnard, Calif., Denver, Colo., Hartford, Conn., Jacksonville, Miami, and Tampa, Fla., Atlanta, Ga., Chicago, Ill., Indianapolis, Ind., Davenport and Des Moines, Iowa, Kansas City, Kans., Louisville, Ky., New Orleans, La., Everett, Mass., Detroit and Grand Rapids, Mich., Minneapolis, Minn., St. Louis, Mo., Omaha, Nebr., Teterboro, N.J., Buffalo, Rochester, and Syracuse, N.Y., Charlotte and Raleigh, N.C., Cincinnati, Cleveland, Columbus, and Toledo, Ohio, Oklahoma City, Okla., Hanover and Pittsburgh, Pa., Memphis and Nashville, Tenn., Dallas, Houston, and San Antonio, Tex., and Milwaukee, Wis., under a continuing contract or contracts with Grocery Products Group, Hueblein, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 138875 (Sub-No. 58), filed August 15, 1977. Applicant: SHOE-MAKER TRUCKING CO., 11900 Franklin Road, Boise, Idaho 83705. Applicant's representative: F. L. Sigloh, 11900 Franklin Road, Boise, Idaho 83705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wines*; (2) *advertising materials, racks, and supplies* related to (1) above, from Chicago, Ill., to points in Idaho and Oregon, restricted in (1) and (2) above, against the transportation of products in bulk and further restricted to movements in temperature controlled vehicles.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Boise, Idaho, or Portland, Ore.

No. MC 139206 (Sub-No. 3), filed August 16, 1977. Applicant: F.M.S. TRANSPORTATION, INC., Box 1597, 2564 Harley Drive, Maryland Heights, Mo. 64043. Applicant's representative: E. STEPHEN HEISLEY, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought by applicant to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Textiles and textile products, chemicals, and materials, equipment, and supplies* used in the sale, manufacture, processing, production, and distribution of textiles and textile products and chemicals (except commodities in bulk), between St. Louis, Mo., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). Restriction: The authority granted herein is limited to a transportation service to be performed under a continuing contract or contracts with Chromalloy American Corp.

NOTE.—(1) Applicant states that it already holds contract carrier authority in No. MC 139206 to transport the identical commodities between Laredo, Brenham, Houston, and Arlington, Tex., Wellsville, Mo., and Johnson City, Tenn., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). Applicant states that it is a commonly controlled contract carrier for and on behalf of Chromalloy American Corp. and that the purpose of this application is to extend its operations for

its commonly controlled contracting shipper. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 139206 (Sub-No. 4), filed August 23, 1977. Applicant: F.M.S. TRANSPORTATION, INC., Box 1597, 2564 Harley Drive, Maryland Heights, Mo. 64043. Applicant's representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought by applicant to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Textiles and textile products, chemicals, and materials, equipment, and supplies* used in the sale, manufacture, processing, production, and distribution of textiles and textile products and chemicals (except commodities in bulk), between Pensacola, Fla., and Charleston, Tenn., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). Restriction: The authority granted herein is limited to a transportation service to be performed under a continuing contract or contracts with Chromalloy American Corp.

NOTE.—(1) Applicant states that it already holds contract carrier authority in No. MC 139206 to transport the identical commodities between Laredo, Brenham, Houston, and Arlington, Tex., Wellsville, Mo., and Johnson City, Tenn., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). Applicant states that it is a commonly controlled contract carrier for and on behalf of Chromalloy American Corp. and that the purpose of this application is to extend its operations for its commonly controlled contracting shipper. (2) Common control and dual operations may be involved. Such dual operations and common control were approved in Docket No. MC-P-12514. If a hearing is deemed necessary it is requested at St. Louis, Mo.

No. MC 139420 (Sub-No. 19), filed August 22, 1977. Applicant: ART GREENBERG, doing business as Glacier Transport, P.O. Box 428, Grand Forks, N. Dak. 58201. Applicant's representative: James B. Hovland, P.O. Box 1637, 414 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Matches and wood-ware*, from the facilities of Diamond International Corp., located at or near Cloquet, Minn., to Reno, Nev.; Phoenix, Ariz.; Denver, Colo.; Salt Lake City, Utah; Milwaukee, Ore.; and points in California.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Minneapolis, Minn., or Chicago, Ill.

No. MC 139495 (Sub-No. 261), filed August 19, 1977. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, Suite 1000, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Rome, Ga., to Arkansas, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas.

NOTE.—Applicant holds contract carrier authority in No. MC 133106 and other subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 140033 (Sub-No. 30), filed August 19, 1977. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, Tex. 75220. Applicant's representative: D. Paul Stafford, Suite 1125 Exchange Park, P.O. Box 45538, Dallas, Tex. 75245. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *meat, meat products, meat byproducts, and articles* distributed by meat packing houses, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from Brownwood, Tex., to points in Alabama.

NOTE.—Applicant has motor contract carrier authority pending in No. MC 142996, therefore, dual operations may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Dallas, Texas or Chicago, Ill.

No. MC 140176 (Sub-No. 8), filed August 4, 1977. Applicant: RILEY WAYNE POWELL d/b/a POWELL TRUCKING COMPANY, Route 3, Box 13, Sumrall, Miss. 39482. Applicant's representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *posts, poles, piling, treated or untreated*, from the facilities of Crown Zellerbach Corp., at Gulfport, Miss., and Mobile, Ala., to points in Arkansas, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, Ohio, Pennsylvania, Tennessee, and Wisconsin under a continuing contract or contracts with Crown Zellerbach Corp.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Jackson, Miss., or New Orleans, La.

No. MC 140267 (Sub-No. 5), filed August 24, 1977. Applicant: R. A. TRANSPORTATION, INC., 115 Jacobus Ave., South Kearney, N.J. 07032. Applicant's representative: George A. Olsen, 69 Tonle Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, chain grocery, department stores and food business houses*, and in connection therewith, equipment, materials and supplies used in the conduct of such business (except commodities in bulk), from Baltimore, Md. to Points in New York, under a continuing contract or contracts with Lever Brothers Co., New York, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at New York, N.Y., or Washington, D.C.

No. MC 140389 (Sub-No. 18), filed August 23, 1977. Applicant: OSBORN TRANSPORTATION, INC., P.O. Box

1830, Highway 77, Gadsden, Ala. 35902. Applicant's representative: Larry Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, Meat Products, Meat By-Products, and Articles Distributed by Meat Packinghouses* as described in sections A & C of Appendix I to the Report in Description in Motor Carrier Certificates 61 M.C.C. 209 and 766 from the plantsite and warehouse facilities of Swift and Company at Grand Island, Nebraska to points in Alabama and Georgia. Restriction: To the transportation of shipments originating at the plantsite and warehouse facilities specified and destined to points in Alabama and Georgia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Birmingham, Ala., or Atlanta, Ga.

No. MC 140411 (Sub-No. 2), filed August 18, 1977. Applicant: IKO FORWARDERS LIMITED, 81 Orenda Road, Brampton, Ontario, Canada L6W 1V7. Applicant's representative: Jeremy Kahn, Suite 733 Investment Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials* (except brick, refractory products, and materials and supplies used in the installation of refractory products), from ports of entry on the International Boundary line between the United States and Canada located in Michigan and New York, to points in Maryland, that part of Ohio south of Interstate Highway 70, that part of Pennsylvania south of Interstate Highway 70 between the Pennsylvania-Ohio boundary line and the junction of Interstate Highways 70 and 76, and those south of Interstate Highway 76 between the junction of Interstate Highways 70 and 75 at New Stanton, Pa., and the Pennsylvania-New Jersey boundary line, and those in West Virginia on and north of U.S. Highway 33; and (2) *building materials* (except brick, refractory products and materials and supplies used in the installation of refractory products), between ports of entry on the International Boundary line between the United States and Canada located in New York, Vermont, New Hampshire, and Maine, on the one hand, and on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Rhode Island, and Vermont; and (3) *slag waste granules*, from Moundsville, West Virginia and Concord, New Hampshire, to ports of entry on the International Boundary line between the United States and Canada located in Michigan and New York, (1) restricted to the transportation of shipments in foreign commerce, (2) to the transportation of shipments originating at or destined to the plant sites, warehouses, or distribution facilities of IKO Industries Limited, I. G. Machine & Fibers Limited, and Roofmart (Ontario) Limited in the

Province of Ontario, Canada; and (3) further restricted to transportation performed under a continuing contract or contracts with IKO Industries Limited; I. G. Machine & Fibers Limited; and Roofmart (Ontario) Limited, Brampton, Ontario, Canada.

NOTE.—If a hearing is deemed necessary the applicant requests that it be held at either Buffalo, N.Y. or Washington, D.C.

No. MC 140612 (Sub-No. 28), filed August 15, 1977. Robert P. Kazimour, P.O. Box 2207, Cedar Rapids, Iowa 52406. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Appliances*, from Newton, Iowa, to points in Washington, Oregon, California, Utah, Arizona, New Mexico, Texas, Louisiana, Mississippi, Alabama, Georgia, Nevada, Florida, Montana, Idaho, Wyoming, Kentucky, Tennessee, North Carolina, and South Carolina. Restriction: Restricted to the transportation of traffic originated at the facilities of the Maytag Co., at or near Newton, Iowa, and destined to points in the named destination states; and (2) *Component parts and raw materials used in the manufacture of appliances* (except commodities in bulk, in tank vehicles), from points in Tennessee (except Murfreesboro and its Commercial Zone), and Kentucky, to Newton, Iowa. Restriction: Restricted to the transportation of traffic originating at points in the named origin areas and destined to the facilities of the Maytag Company, at or near Newton, Iowa.

NOTE.—By the instant application, applicant seeks conversion of motor contract carrier authority held in No. MC-138003 (Sub-No. 2) and MC-138003 (Sub-No. 4). Applicant holds other motor contract carrier authority in MC-138003 and sub numbers thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Des Moines, Iowa, or Cedar Rapids, Iowa.

No. MC 140612 (Sub-No. 29), filed August 18, 1977. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2207, Cedar Rapids, Iowa 52406. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Appliances and furnaces*, from Amana, Iowa, to points in Alabama, Arizona, California, Florida, Georgia, Louisiana, Mississippi, Nevada, Oregon, Tennessee, Utah, and Washington; (2) *appliances and furnaces*, from Fayetteville, Tenn., to points in Arizona, California, Nevada, Oregon, Utah and Washington. Restriction: Restricted in (1) and (2) above to the transportation of traffic originating at the facilities of Amana Refrigeration, Inc., at or near Amana, Iowa, and Fayetteville, Tenn., and destined to points in the named destination territory; and (3) *appliances, furnaces and component parts and raw materials used in the manufacture of appliances and furnaces*,

between Amana, Iowa, and Fayetteville, Tenn. Restriction: Restricted in (3) above to the transportation of traffic originating at or destined to the facilities of Amana Refrigeration, Inc.

NOTE.—By the instant application, applicant seeks conversion of motor contract carrier authority held in No. MC 138003 (Sub-No. 6). Applicant holds other motor contract carrier authority in MC 138003 and sub numbers thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Des Moines, Iowa, or Cedar Rapids, Iowa.

No. MC 140709 (Sub-No. 6), filed August 15, 1977. Applicant: FANKHAUSER BROTHERS, INC., 139 Hillside, El Dorado, Kans. 67042. Applicant's representative: Clyde N. Christey, 514 Capitol Federal Bldg., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses, liquid feed and liquid feed supplements*, in bulk, in tank vehicles, from the facilities of Cargill, Inc., at Garden City, Kans. to points in Colorado, Kansas, Nebraska, New Mexico, Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 141377 (Sub-No. 6), filed August 15, 1977. Applicant: THEA O. ELLIOTT, an individual, 5612 Heywood Road, Richmond, Va. 23224. Applicant's representative: Carroll B. Jackson, 1810 Vincennes Road, Richmond, Va. 23229. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor Vehicle Parts; generators; machinery and machinery parts; road construction machinery and equipment* and (2) *materials, equipment and supplies* (except commodities in bulk in tank vehicles) used in the distribution and sales in (1) above: Between York, Pennsylvania, on the one hand, and, on the other, Emporia, Virginia and points in Greensville and Sussex Counties, Virginia; (1) and (2) above are under a continuing contract, or contracts, with Virginia Tractor Company, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Richmond, Va. or Washington, D.C.

No. MC 141602 (Sub-No. 4), filed August 8, 1977. Applicant: AUTO & TRUCK FORWARDING, INC., 1989 Marina Blvd., San Leandro, Calif. 94577. Applicant's representative: Paul E. LaRose, 2436 Bluff Street, Niles, Mich. 49120. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trucks, truck tractors and truck chassis*, in initial movements, in driveway and truckaway service; and (2) *bodies, cabs, and parts thereof, and accessories* for such vehicles when moving in connection therewith, from the plantsite of Freightliner Corporation, at Mt. Holly (Gaston County), N.C., to points in the United States (including Alaska, but excluding Hawaii).

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**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.; Seattle, Wash.; or San Francisco, Calif.

No. MC 141871 (Sub-No. 5), filed August 18, 1977. Applicant: WNI, INC., 8700 S.W. Elligsen Road, Wilsonville, Oreg. 97070. Applicant's representative: Robert Cross (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are distributed or dealt in by home improvement stores (except commodities in bulk) from points in California to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 141882 (Sub-No. 5), filed August 19, 1977. Applicant: GAYLE T. McGARRY, d.b.a. EAGLE TRANSFER & STORAGE CO., P.O. Box F, Lewiston, Idaho 83501. Applicant's representative: Charles E. Johnson, P.O. Box 1982, Bismarck, N. Dak. 58501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Empty glass bottles*, (a) from Portland, Oregon, and Seattle, Washington, to Coeur D'Alene, Idaho; and (b) from Coeur D'Alene, Idaho, to Spokane, Washington; (2) *carbonated beverages*, from Tumwater, Spokane, and Yakima, Washington, to Coeur D'Alene, Idaho; (3) *vending machines*, from Los Angeles, California, and Tumwater, Washington, to Coeur D'Alene, Idaho; restricted to a transportation service to be performed under a continuing contract or contracts with Mann Bottling Company, Inc., Coeur D'Alene, Idaho; and (4) *carbonated beverages*, from Tumwater, Washington, to Lewiston, Idaho; (5) *vending machines*, from Los Angeles, California, and Tumwater, Washington, to Lewiston, Idaho; (6) *pop coolers*, from San Francisco, California, to Lewiston, Idaho, restricted to a transportation service to be performed under a continuing contract or contracts with Idaho Beverages, Inc., Lewiston, Idaho.

**NOTE.**—If a hearing is deemed necessary, the applicant requests that it be held at either Spokane, Washington, or Lewiston, Idaho. Applicant holds common carrier authority in No. MC 89153, therefore dual operations may be involved.

No. MC 142299 (Sub-No. 2), filed August 15, 1977. Applicant: TRUCK RAIL TRUCK SERVICE CO., INC., 502 South Harris Street, Indianapolis, Ind. 46222. Applicant's representative: James A. Rumell, 6643 Winnock Drive, Indianapolis, Ind. 46220. Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *General commodities*, between Chicago, Illinois, Elkhart, Indiana, Ft. Wayne, Indiana, Logansport, Indiana, Indianapolis, Indiana, Louisville, Kentucky, Detroit, Michigan, Cincinnati, Ohio, Columbus, Ohio and St. Louis, Missouri Rail terminals on the one hand

and points in Illinois, Indiana, Kentucky, Michigan and Ohio on the other. Restricted to service which has a prior or subsequent move by rail and moving in rail owned or controlled trailers.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Indianapolis, Ind. or Washington, D.C.

No. MC 142508 (Sub-No. 9), filed August 15, 1977. Applicant: NATIONAL TRANSPORTATION, INC., 14031 L Street, Omaha, Nebr. 68137. Applicant's representative: Joseph Winter, 33 N. LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in the Descriptions case, 61 M.C.C. 209 and 766* (except hides and commodities in bulk), from the plantsite and facilities of Morgan Colorado Beef Company at or near Fort Morgan, Colo., to points in Tennessee, and the facilities of Iowa Beef Processors, Inc., at Amarillo, Tex.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C. or Chicago, Ill. Applicant holds contract carrier authority in MC 134734 and subs thereunder, therefore dual operations may be involved.

No. MC 142624 (Sub-No. 3), filed August 22, 1977. Applicant: HOMER D. MILLER, d.b.a. H M CARRIER SERVICE, P.O. Box 68, Stone Ridge, N.Y. 12484. Applicant's representative: Homer D. Miller (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Laboratory animals*, between the facilities of Carworth, Division of Charles River Breeding Laboratories, Inc. located at Stone Ridge, New York, on the one hand, and, on the other, Albany County Airport, Albany, New York; Kennedy International Airport at New York City; Newark Airport in New Jersey; Ridgefield, Connecticut; Bloomfield, Newark, Somerville, Orange, Nutley, Morristown, New Jersey; and Wilmington, Massachusetts, under a continuing contract or contracts with Carworth, Division of Charles River Breeding Laboratories, Inc.

**NOTE.**—If a hearing is deemed necessary, the applicant requests that it be held at either Kingston or Albany, N.Y.

No. MC 142948 (Sub-No. 4), filed August 22, 1977. Applicant: THE GRADER LINE, INC., 434 Atlas Drive, Nashville, Tenn. 37211. Applicant's representative: Edward C. Blank, II, Middle Tennessee Bank Building, P.O. Box 1004, Columbia, Tenn. 38401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood stepladders (wood steps No. 1 collapsed), and wood ladders extension and straight (wood ladders No. 1)*, from the manufacturing plant of The Davidson Mfg. Corp., located at Nashville, Tennessee, to points in Kentucky, Georgia, Florida, Mississippi, Louisiana, Indiana, Ohio,

Illinois, Alabama, South Carolina, North Carolina, Virginia and West Virginia, restricted to traffic originating at the above named location and destined to the above named designation points.

**NOTE.**—Applicant holds contract carrier authority in MC 138336 and subs thereunder therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Nashville, Tenn.

No. MC 143154 (Sub-No. 2), filed August 11, 1977. Applicant: ARTHUR F. PAMIN, JR. and STEVEN V. BIDLAK, a Partnership, d.b.a. MOLITOR TRUCKING, 6450 Highway 10 West, Missoula, Mont. 59801. Applicant's representative: Charles A. Murray, Jr., 207A Behner Building, 2822 Third Avenue North, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt Beverages*, in containers, (1) From Azusa, Fairfield and Los Angeles, Calif., and points in its Commercial Zone, to points in Idaho; and (2) from Fairfield, Calif., to points in Mont.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at Boise, Idaho. Common control may be involved.

No. MC 143292 (Sub-No. 1), filed August 24, 1977. Applicant: JOE MAZZARO d.b.a. MAZZARO'S REFRIGERATED SERVICE, 1120 N.E. 140th Street, North Miami, Fla. 33161. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Authority sought to operate as a *Contract Carrier*, by motor vehicle, over irregular routes, transporting: *Plantains, guava paste, canned goods and coffee*, from Miami, Fla. to points in California, under a continuing contract or contracts with Caribbean Pacific Atlantic Importers.

**NOTE.**—If a hearing is deemed necessary, applicant requests that it be held at Miami, Fla.

No. MC 143473 (Sub-No. 1), filed August 15, 1977. Applicant: TRI-COUNTY DELIVERY, INC., 3627 Buena Vista Drive, Hubbard, Ohio 44425. Applicant's representative: Lewis S. Witherspoon, 88 East Broad Street, Suite 930, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *appliances, television sets, radios, and tape recorders*; between Youngstown, Ohio on the one hand, and, on the other, points in Ohio, Pennsylvania and West Virginia under a continuing contract or contracts with Hamburg Brothers, Inc. located at Youngstown, Ohio.

**NOTE.**—If a hearing is deemed necessary, applicant requests that it be held at Youngstown, Ohio.

No. MC 143503 (Sub-No. 4), filed August 19, 1977. Applicant: MERCHANTS HOME DELIVERY SERVICE, INC., P.O. Box 5067, Oxnard, Calif. 93031. Applicant's representative: T. M. Brown, 223 Ciudad Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *New furniture*, (a) from Lenexa, Kans., to

points in that part of Missouri on, north and west of a line beginning at the Missouri-Kansas State line and extending along Interstate Highway 44 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Missouri Highway 5, thence along Missouri Highway 5 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Missouri-Iowa State boundary line, (b) (1) from Whitehall (Lehigh County), Pa., to points in Warren, Morris, and Hunterdon Counties, N.J.; (2) from Cherry Hill, N.J., to points in Philadelphia, Bucks, Delaware and Montgomery Counties, Pa.; and (3) from Langhorne, Pa., to points in Hunterdon, Summerset, Middlesex, Mercer and Burlington Counties, N.J.; (c) from Merrillville, Ind., to points in Kane, DuPage, Cook, Kendall, Grundy, Livingston, Ford, Iroquois, Kankakee, and Will Counties, Ill.; (d) from Wheeling and Itasca, Ill., to points in Walworth, Racine, Rock, Waukesha, Milwaukee, Washington, and Kenosha Counties, Wis.; (e) from Willowbrook, Wheeling, Itasca, and Harvey, Ill., to points in Newton, Jasper, Lake, and Porter Counties, Ind.

(2) *New home furnishings, appliances, and recreational equipment*, (a) from El Paso, Tex., to points in Catron, Socorro, Lincoln, Chaves, Lea, Eddy, Otero, Sierra, Grant, Hidalgo, Luna, and Dona Ana Counties, N. Mex.; (b) from Nashville, Tenn., to points in Trigg, Caldwell, Christian, Hopkins, Muhlenberg, Todd, Ohio, Butler, Grayson, Edmonson, Hart, Green, Adair, Cumberland, Metcalfe, Monroe, Barren, Allen, Warren, Simpson, and Logan Counties, Ky.; (c) from Sharonville, Ohio, to points in Wayne, Henry, Hancock, Marion, Johnson, Shelby, Rush, Fayette, Union, Franklin, Decatur, Bartholomew, Jackson, Jennings, Ripley, Dearborn, Ohio, Switzerland, Jefferson, Scott, Clark, and Floyd Counties, Ind.; and Jefferson, Shelby, Oldham, Trimble, Henry, Carroll, Gallatin, Franklin, Scott, Woodford, Fayette, Clark, Montgomery, Bourbon, Bath, Fleming, Mason, Harrison, Bracken, Owen, Grant, Pendleton, Campbell, Kenton, and Boone Counties, Ky.; (d) from Charlotte, N.C., to points in Dillon, Marlboro, Chesterfield, Darlington, Florence, Lee, Kershaw, Lancaster, York, Chester, Fairfield, Richland, Lexington, Newbury, Union, Cherokee, Laurens, Spartanburg, and Greenville Counties, S.C.; (e) from Monroeville and Coraopolis, Pa., to points in Washington, Noble, Monroe, Guernsey, Belmont, Tuscarawas, Harrison, Jefferson, Columbiana, Carroll, Stark, Summit, Portage, Mahoning, and Trumbull Counties, Ohio; Wood, Pleasants, Ritchie, Tyler, Wetzel, Marshall, Ohio, Brooke, Hancock, Doddridge, Harrison, Marion, Monongalia, Taylor, Preston, Grant, and Mineral Counties, W. Va.; and Garrett and Allegany Counties, Md.; (f) from Norfolk, Va., to points in Halifax, Northampton, Nash, Edgecombe, Pitt, Beaufort, Martin, Bertl, Hertford, Chowan, Gates, Perquimans, Pasquotank, Camden, Currituck, Wash-

ington, Hyde, Tyrrell, and Dare Counties, N.C.; (g) from Calumet City, Rolling Meadows, and Hillside, Ill., to points in Racine, Kenosha, Rock, Waukesha, Milwaukee, Washington, Jefferson, Dodge, and Walworth Counties, Wis.; Newton, Jasper, White, Cass, Miami, Wabash, Huntington, Wells, Adams, Lake, Porter, Starke, LaPorte, St. Joseph, Marshall, Fulton, Kosciusko, Elkhart, LaGrange, Steben, DeKalb, Noble, Whitley, Allen, and Pulaski Counties, Ind.; and Ottawa, Allegan, Van Buren, Berrien, Cass, St. Joseph, Kalamazoo, Barry, Kent, Ionia, Clinton, Eaton, Ingham, Livingston, Oakland, Wayne, Monroe, Lenawee, Washtenaw, Jackson, Hillsdale, Calhoun, and Branch Counties, Mich.

(3) *New furniture and new household appliances*, from points in Jefferson Parish, La., to points in Mississippi on and south of U.S. Highway 80.

(4) *New furniture, furnishings, and appliances*, from Baltimore, Md., to points in Franklin, Cumberland, Dauphin, Adams, Lebanon, Lancaster, Chester, Delaware, and York Counties, Pa.; points in New Castle, Kent, and Sussex Counties, Del.; points in Fairfax, Loudon, Clarke, Frederick, Shenandoah, Page, Rappahannock, Culpeper, Orange, Spotsylvania, Carolina, Essex, Richmond, Northumberland, Westmoreland, King George, Stafford, and Prince William Counties, Va.; points in Cumberland, Gloucester, Cape May, Atlantic, and Salem Counties, N.J.; and the District of Columbia.

(5) *New furniture and furnishings*, (a) from Colonie, N.Y., to points in Vermont, Massachusetts, and points in Fairfield, New Haven, Litchfield, and Hartford Counties, Conn.; (b) from North Randall, Ohio, to points in New York and points in that part of Pennsylvania on and west of U.S. Highway 15; (c) from Seekonk, Mass., to points in Rhode Island; Berkshire, Hampshire, Hampden, and Franklin Counties, Mass.; and Fairfield, New Haven, Litchfield, and Hartford Counties, Conn.; (d) from Buffalo, N.Y., to points in Erie, Warren, McKean, Elk, Jefferson, Clarion, Venango, Crawford, and Mercer Counties, Pa.; and Cuyahoga, Medina, Summit, Portage, Mahoning, Trumbull, Geauga, Lake, and Ashtabula Counties, Ohio.

(6) *Sewing machines, sewing machine heads, sewing machine cabinets, sewing machine components and parts, vacuum cleaners, new furniture, new home furnishings, appliances, and recreational equipment*, from St. Louis, Missouri, to points in Calhoun, Jersey, Macoupin, Montgomery, Bond, Madison, Clinton, Washington, Perry, Jackson, Randolph, Monroe, and St. Clair Counties, Ill.

(7) *Returned and rejected shipments of commodities described in (1) through (6) above from the destination territories described to the respective origins.*

**NOTE.**—Applicant holds contract carrier authority in MC 136211 (Sub-No. 1) and other subs, therefore dual operations may be involved. By this application, applicant seeks to convert its contract carrier authorities in MC 136211 (Sub-No. 1), and other

subs to common carrier authority. If a hearing is deemed necessary, the applicant requests that it be held at either Los Angeles, Calif., Chicago, Ill. or Washington, D.C.

No. MC 143537 (Sub-No. 1), filed August 8, 1977. Applicant: CHARLES W. HOLTCAMP, doing business as C BAR S FARMS, 15743 N. County Road # 17, Wellington, CO 80549. Applicant's representative: Edward Olin Venable, 1012 Ninth Avenue, Greeley, CO 80631. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: (1) *Livestock handling equipment*, rodeo equipment, gates, stalls, feeders, bins, racks and other items used in the care of livestock from the plantsite of Westguard Products Company at or near Cheyenne, Wyo., to points in Washington, Idaho, Montana, Utah, Nebraska, Kansas, Texas, and California; and (2) *of materials used in the manufacture of the above commodities from points in the Chicago, Ill., area; St. Louis, Mo.; and Norfolk, Nebr., to the plantsite of Westguard Products Company at or near Cheyenne, Wyo., under a continuing contract or contracts with Westguard Products Company of Cheyenne, Wyo.*

**NOTE.**—If a hearing is deemed necessary, applicant requests that it be held at Denver, Colo., Cheyenne, Wyo., or Casper, Wyo.

No. MC 143586 (Sub-No. 1), filed August 19, 1977. Applicant: RANGEN TRANSPORTATION, INC., Route 4, Buhl, Idaho 83316. Applicant's representative: Miss Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in and used by dealers, distributors, retailers, wholesalers, and manufacturers of animal and fish feed, animal and fish feed ingredients, fertilizer and fertilizer ingredients, chemicals, seeds, and hatchery supplies*, between the plantsite and storage facilities of Rangen, Inc., located at or near Buhl, Idaho, on the one hand and on the other, points in Oregon, Washington, Montana, California, Nevada, Utah, Wyoming, Arizona, Colorado, and New Mexico, under a continuing contract, or contracts, with Rangen, Inc.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at either Boise, Idaho, or Salt Lake City, Utah.

No. MC 143610 (Sub-No. 1), filed August 17, 1977. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, Ariz. 85301. Applicant's representative: N. David Enlow (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic piece goods and/or cotton piece goods*, from points in Georgia, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, and Virginia to points in Arizona and California.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held in Phoenix, Ariz.



No. MC 143614, filed August 17, 1977. Applicant: PHILIP LEROY EAST, doing business as EAST TRUCKING, 15 Meadow Lane, Laurel, Md. 20810. Applicant's representative: Philip Leroy East (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: Rough and trim prefabricated house packages, by the use of specialized hydraulic truck equipment which requires off the road specialized operators, from points in Maryland, to points in Delaware, New Jersey, West Virginia, Virginia, Pennsylvania, and Georgia, under a continuing contract or contracts with the Ryland Group, Inc., a Maryland Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Baltimore City, Md.

No. MC 143615, filed August 17, 1977. Applicant: L & A LEASING, INC., P.O. Box 233, Broadway, N.J. 08808. Applicant's representative: George A. Olsen, 69 Tonnele Ave, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, over irregular routes, transporting: Acids, Solvents, Chemicals, and materials, equipment, and supplies used in the manufacture of acids, solvents, and chemicals (except commodities in bulk), between Harris and Phillipsburg, N.J.; and Chicago, Ill.; on the one hand, and, on the other, Chicago, Ill.; Brisbane, Hayward, Pittsburg, San Francisco, Los Angeles, and Pasadena, Calif.; Salt Lake City, Utah; Phoenix, Ariz.; and Denver, Colo., under a continuing contract or contracts with J. T. Baker Chemical Co., Phillipsburg, N.J., restricted to shipments moving in mechanical refrigerated equipment.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Philadelphia, Pa., or Washington, D.C.

No. MC 143616, filed August 18, 1977. Applicant: MADDOX AND STARLING TRUCK BROKERS, INC., P.O. Box 368, Sultana, Calif. 93666. Applicant's representative: Harry C. Ames, Jr., Suite 805, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: Raw steel, castings, forgings, and steel plate, from Holland, Mich., and Denmark, S.C., to Los Angeles and Milpitas, Calif.; Denver, Colo.; Portland, Oreg.; and Seattle, Wash., under a continuing contract with Holland Pacific Hitch Company, located in Milpitas, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at San Francisco, Calif.

No. MC 143617, filed August 18, 1977. Applicant: MAGNUM EXPRESS, INC., 7705 West 50 Highway, Shawnee Mission, Kans. 66202. Applicant's representative: Arthur J. Cerra, P.O. Box 19251, 2100 Ten Main Center, Kansas City, Mo. 64141. Authority is sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting (1) such fishing, hunting, and camping commodi-

ties as are dealt in or sold by sporting goods stores and commodities used in the distribution and sale thereof, and (2) commodities used in the manufacture, distribution, and sale of smokeless and black powders between Herington and Shawnee Mission, Kans., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with B. E. Hodgdon, Inc., and Hodgdon Powder Company, located in Shawnee Mission, Kans.; Shoot'N Sports, Inc., of Shawnee Mission, Kans.; and Pyrodex Corporation of Herington, Kans.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Kansas City, Mo.

No. MC 143621, filed August 19, 1977. Applicant: TENNESSEE STEEL HAULERS, INC., 1005 Murfreesboro Road, Nashville, Tenn. 37217. Applicant's representative: Roland M. Lowell, 618 United American Bank Building, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (1) between points in Tennessee lying on and between Tennessee Highway 13 and U.S. Highway 27; and (2) between points in (1) above, on the one hand, and, on the other, all other points in Tennessee, and points in Alabama, Arkansas, Georgia, Kentucky, Mississippi, Missouri, North Carolina, and Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Nashville, Tenn.

No. MC 143633, filed August 22, 1977. Applicant: JAMES E. ASHLEY, doing business as ASHLEY HAULING EQUIPMENT CO., 8343 Marty, Overland Park, Kans. 66212. Applicant's representative: Jeremiah D. Finnegan, 2400 Pershing Road, Crown Center, Suite 672, Kansas City, Mo. 64108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Personnel carriers, lift trucks, tow tractors, pallet trucks and related parts, attachments, and accessories, between Kansas City, Mo., and Kansas City, Kans., on the one hand, and, on the other, points in Missouri and Iowa; points in Arkansas on and north of Interstate Highway 40, and on and west of U.S. Highway 67; points in Oklahoma on and north of Interstate Highway 40, and on and east of U.S. Highway 281; points in Kansas on and east of U.S. Highway 283; and points in Nebraska on and east of U.S. Highway 183.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Kansas City, Mo., or Kansas City, Kans.

No. MC 143634, filed August 23, 1977. Applicant: WILLIAM CAMPBELL, 611 Old Toll Road, Madison, Conn. 06443. Applicant's representative: William J. Meuser, 86 Cherry Street, P.O. Box 507, Milford, Conn. 06460. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: Woven or welded wire fencing or poultry netting rolls, steel galvanized,

plain or plastic coated between Georgetown, Conn., on the one hand, and on the other, Sudbury, Mass., under a continuing contract, or contracts, with the Gilbert & Bennett Mfg. Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either New York, N.Y., or Hartford, Conn.

No. MC 143639, filed August 24, 1977. Applicant: SMITH AND SMITH, INC., 4361 Headquarters Road, Charleston Heights, S.C. 29405. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting fertilizer and fertilizer materials, in bulk, in dump vehicles; from points in Charleston County, S.C., to points in Iredell, New Hanover, Robeson, Union, and Wayne Counties, N.C.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbia, S.C., Charleston, S.C., or Wilmington, N.C.

No. MC 143640 (Sub-No. 1), filed August 19, 1977. Applicant: CAIRO SALT TERMINAL, INC., 2100 MacIvor Drive, Cairo, Ga. 31728. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Road NE, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from Cairo, Ga., to points in South Carolina, Florida, and Alabama.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Atlanta, Ga.

#### PASSENGERS

No. MC 1515 (Sub-No. 236) filed August 3, 1977. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Arizona 85077. Applicant's representative: W. L. McCracken (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *passengers and their baggage*, in special operations, in sightseeing and pleasure tours, (1) in round trips from points in Apache, Cochise, Coconino, Gila, Graham, Greenlee, Maricopa, Mohave, Navajo, Pima, Pinal, Yavapai, and Yuma Counties, Ariz., to points in the United States, including Alaska but excluding Hawaii, and return, (2) in one way operations, from points in the counties in Arizona named in (1) above, to points in the United States, including Alaska but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Phoenix, Ariz.

No. MC 1515 (Sub-No. 237), filed August 4, 1977. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: W.L. McCracken, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *passengers and their baggage and express and newspapers*, in the same vehicle with

passengers, (1) between the junction of Interstate Highway 77 and Ohio Highway 21 north of Independence, Ohio, and the junction of unnumbered highway and Interstate Highway 77 just south of Kimbolton, Ohio, serving all intermediate points; from the junction of Interstate Highway 77 and Ohio Highway 21 over Interstate Highway 77 to its junction with unnumbered highway and return over the same route; (2) between the junction of Interstate Highway 77 and Ohio Highway 82, and the junction of Ohio Highway 21 and Ohio Highway 82 serving all intermediate points; from the junction of Interstate Highway 77 and Ohio Highway 82 over Ohio Highway 82 to its junction with Ohio Highway 21 and return over the same route; (3) between Dover, Ohio and the junction of Interstate Highway 77 and Ohio Highway 39 serving all intermediate points; from Dover over Ohio Highway 39 to its junction with Interstate Highway 77 and return over the same route; (4) between Newcomerstown, Ohio and the junction of Interstate Highway 77 and U.S. Highway 36 serving all intermediate points; from Newcomerstown over U.S. Highway 36 to its junction with Interstate Highway 77 and return over the same route; (5) between the junction of Interstate Highway 77 and U.S. Highway 22 west of Cambridge, Ohio and the junction of Interstate Highway 77 and West Virginia Highway 95 west of Parkersburg, W. Va., serving all intermediate points; from the junction of Interstate Highway 77 and U.S. Highway 22 over Interstate Highway 77 to its junction with West Virginia Highway 95 and return over the same route; (6) between Caldwell, Ohio and the junction of Ohio Highway 78 and Interstate Highway 77 serving all intermediate points; from Caldwell over Ohio Highway 821 to its junction with Ohio Highway 78 thence over Ohio Highway 78 to its junction with Interstate Highway 77 and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio and Parkersburg, W. Va.

No. MC 67340 (Sub-No. 12), filed August 4, 1977. Applicant: RESORT BUS LINES, INC., 1010 Nepperhan Avenue, Yonkers, N.Y. 10703. Applicant's representative: SAMUEL B. ZINDER, P.C., 98 Cutter Mill Road, Great Neck, N.Y. 11021. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes transporting: *Passengers and their baggage*, in charter operations, beginning and ending at Denver, Colo., and extending to points in the United States, including Alaska but excluding Hawaii. Restriction: The above grant is restricted (1) to students accompanied by tour directors, chaperones and their baggage; (2) to charter operations which are subject to a prior or subsequent out-of-state movement by air; and (3) to charters arranged by licensed brokers of student or teenage tours.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y. Common control may be involved.

No. MC 124568 (Sub-No. 5), filed August 5, 1977. Applicant: PACIFIC STAGES LIMITED, 970 Burrard St., Vancouver, B.C., Canada V6Z 1Y3. Applicant's representative: Henry Winters, 15 South Grady Way, Suite 235, Renton, Wash. 98055. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, of passengers and their baggage in the same vehicle with passengers, in special operations beginning and ending at ports of entry in Washington on the United States-Canada boundary line and at ports of entry in Washington which are the termini of ferry services operating between the United States and Canada and extending to points in Washington, Oregon, California, Idaho and Nevada, restricted to the transportation of passengers and their baggage in the same vehicle with passengers moving from and to points in Canada.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Bellingham or Seattle, Wash.

Docket No. MC 138053 (Sub-No. 5), filed August 15, 1977. Applicant: YELLOW CAB OF BOCA RATON, INC., 2150 Northwest First Place, Boca Raton, Fla. 33432. Applicant's representative: Richard B. Austin, Suite 214, Palm Coast II Bldg., 5255 Northwest 87th Avenue, Miami, Fla. 33178. Applicant seeks authority to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *passengers, and their baggage*, in limousines of a capacity of nine (9) passengers or less (including the driver) in special and charter operations, between Miami International Airport, Fort Lauderdale/Hollywood International Airport, Palm Beach International Airport, Dodge Island and Port Everglades, on the one hand, and on the other, points in Florida. Restricted to passengers having an immediately prior or subsequent movement by air or water in interstate or foreign commerce.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Miami, Fla.

No. MC 138828 (Sub-No. 9), filed July 22, 1977. Applicant: MAPLEWOOD EQUIPMENT COMPANY, a corporation, 419 Anderson Avenue, Fairview, N.J. 07022. Applicant's representative: Edward F. Bowes, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J. 07006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting *passengers and their baggage* in the same vehicles (1) between Fort Lee, N.J., and West New York, N.J., from junction Linwood Avenue and Main Street to junction River Road, also from junction Linwood Avenue and Marginal Highway over Marginal Highway to junction Hudson Terrace, thence over Hudson Terrace to junction Main Street,

thence over Main Street to junction River Road, thence over River Road to junction Hillside Road, thence over Hillside Road to junction Kennedy Boulevard East, West New York, N.J., and return over the same routes serving Guttenberg, North Bergen and Edgewater, N.J., as intermediate points and serving West New York, N.J., as a terminal point, for purposes of joinder only to applicant's existing route at the junction of Kennedy Boulevard East and Hillside Road, and (2) between Cliffside Park, N.J., and Edgewater, N.J., from junction Gorge Road and Laird Avenue, (Cliffside Park, N.J.) over Gorge Road to junction River Road, thence over River Road to Edgewater, N.J., and return over the same route serving all intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 143632, filed August 19, 1977. Applicant: JONES BUS COMPANY, INCORPORATED, 2714 Magnolia Street, Portsmouth, Va. 23704. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, in round-trip tours, beginning and ending at Portsmouth, Norfolk, Chesapeake, Virginia Beach, Hampton, and Newport News, Va., and extending to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Oklahoma, Rhode Island, Tennessee, Texas, Vermont, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Norfolk, Va.

#### FINANCE APPLICATIONS

##### NOTICE

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, or rail carriers or motor carriers pursuant to sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with Special Rules 240(c) or 240(d) of the Commission's General Rules of Practice (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.



NOTICE

Illinois Central Gulf Railroad Company, 233 North Michigan Avenue, Chicago, Ill. 60601, represented by Mr. Richard M. Kamowski, Attorney Illinois Central Gulf Railroad Co., 233 North Michigan Avenue, Chicago, Ill. 60601, hereby give notice that on the 25th day of August, 1977, it filed with the Interstate Commerce Commission at Washington, D.C., an application under section 1(18) of the Interstate Commerce Act for an order approving and authorizing the acquisition and operation with an option to purchase of a line of railroad to be constructed and owned by Harrison County, Miss., a distance of approximately 13.58 miles, in Harrison County, Miss., which application is assigned Finance Docket No. 28543.

Applicant proposes to operate a line of railroad to be constructed and owned by Harrison County, Miss. The line will be located entirely within Harrison County, Miss. The line's route is primarily east-west, having a western terminus at or in the vicinity of DeLisle (at a point approximately 7,000 feet south of Interstate Highway 10) extending eastward, crossing the Wolf River, and connecting with Applicant's main line (at a point approximately 3,000 feet south of Interstate Highway 10). It does not pass through any incorporated city or village. The total track length will be approximately 13.58 miles. Harrison County will pay for the construction of this line and applicant proposes to operate over this line, with an option to purchase. The proposed line is the subject matter of the application filed by Southern Mississippi Transportation Co. in Finance Docket No. 28324.

In the opinion of the Applicant, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 C.F.R. 1108.12) in Ex Parte No. 55 (Sub-No. 4), *Implementation—National Environmental Policy Act, 1969*, 352 ICC 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See *Implementation—National Environmental Policy Act, 1969*, supra, at p. 487.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C. 20423, and the aforementioned counsel for applicant, within 30 days after date of first publication in a newspaper of general circulation. Any interested per-

NOTICES

son is entitled to recommend to the Commission that it approve, disapprove, or take any other specified action with respect to such application.

ILLINOIS CENTRAL GULF RAILROAD CO.

No. MC-F-13301. Authority sought for purchase by RAPIER SMITH, Rural Route 3, Bardstown, Ky. 40004, of the operating rights of William G. Brown, 207 N. Third St., Bardstown, Ky. 40004. Applicant's attorney: Robert H. Kinker, 314 W. Main St., Frankfort, Ky. 40601. Operating rights sought to be transferred under Certificates of Public Convenience and Necessity Nos. MC 139404 and MC 139404 Sub 4, as a common carrier, over irregular routes: *Used whiskey barrels*, from points in Kentucky to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York (except Buffalo and points in Kings, Queens, Nassau, and Suffolk Counties), North Carolina, Ohio (except Akron, Cincinnati, Cleveland, Columbus, and Dayton), Pennsylvania (except Erie), South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin; *Whiskey barrels*, from Louisville, Ky., to points in Illinois, Indiana, Michigan (except Benton Harbor and Fennville), Ohio, and Pennsylvania; *Returned shipments of whiskey barrels*, from points in Illinois, Indiana, Michigan (except Benton Harbor and Fennville), Ohio, and Pennsylvania, to Louisville, Ky.; *Wooden barrels*, from Louisville, Ky., to points in Arkansas, Delaware, Iowa, Maryland, Missouri, New Jersey, New York, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia; and *Wooden barrels, set up*, from Lynchburg and Memphis, Tenn., to points in Kentucky and Ohio. Vendee is authorized to operate in MC 139006 as a common carrier of general commodities over a regular route between Bardstown, Ky., and Chaplin, Ky. Application has not been filed for temporary authority under section 210a(b).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant's request that it be held at Louisville, Ky.

No. MC-F-13303. Authority sought for control by SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, Va. 24401, of M.R. & R. TRUCKING Co., a corporation, P.O. Box 997, Crestview, Fla. 32536, and for acquisition by R. R. SMITH, P.O. Box 1000, Staunton, Va. 25501, of control of such rights through the transaction. Applicant's attorney: David G. Macdonald, 1000 Sixteenth Street NW., Washington, D.C. 20036. Operating rights sought to be controlled: General commodities, as a common carrier over regular routes, between Panama City, Fla., and Pensacola, Fla.; general commodities, with usual exceptions, between junction U.S. Highway 98 and Fla. Highway 83 near Point Washington, Fla., and junction Fla. Highway 83 and Fla. Highway 20 at or near Freeport, Fla.; general commodities except house-

hold goods, from Panama City to Tallahassee, Fla.; from DeFuniak Springs to Freeport, Fla.; from Niceville, Fla., to junction U.S. Highway 90 and Fla. Highway 285; from Crestview, Fla.; to Niceville, Fla.; from Jacksonville, Fla., to Pensacola, Fla.; from Panama City to Chipley, Fla.; from Ebro to Bonifay, Fla.; from junction Fla. Highway 87 and U.S. Highway 90 over Fla. Highway 87 to junction U.S. Highway 98; from Pensacola to Cantonment, Fla.; from Milton to Whiting Field, Fla.; to and from Quincy, Tallahassee, and Greenville, Fla., as intermediate points in connection with authorized regular route operations over U.S. Highway 90 between Jacksonville and Pensacola, Fla.; between Jacksonville and Cottondale, Fla.; between Tallahassee and Quincy, Fla.; between Panama City, Fla., and the Florida-Alabama State line near Malone, Fla.; between Quincy and the junction of Fla. Highway 267 and Fla. Highway 20; between the junction of Fla. Highway 65 and Fla. Highway 20; between Quincy and Bristol, Fla.; between Chattahoochee and Greensboro, Fla.; between Grand Ridge and Blountstown, Fla.

Between junction unnumbered Florida Highway and U.S. Highway 90 and Altha, Fla.; between Cantonment and South Flomation, Fla.; between Bainbridge, Ga., and Dothan, Ala.; between Bainbridge and Amsterdam, Ga.; between Amsterdam, Ga., and Tallahassee, Fla.; between Atlanta, Ga., and Malone, Fla.; between Atlanta, Ga., and Bainbridge, Ga.; between Safford and Cedar Springs, Ga.; between Colquitt and Cedar Springs, Ga.; serving points in Florida on and west of the eastern boundary of Jefferson County, Fla., as off-route points in connection with authorized regular routes; between Mobile, Ala., and Pensacola, Fla.; between junction U.S. Highway 90 and alternate U.S. Highway 90 and junction U.S. Highway 29 and alternate U.S. Highway 90; between Tallahassee, Fla., and Albany, Ga.; between Tampa, Fla., and Thomasville, Ga.; between Dunnellon and Jacksonville, Fla.; between Archer and Cedar Key, Fla.; between Chiefland and Williston, Fla.; between Greenville and Lake City, Fla.; between Perry and Lake City, Fla.; between Live Oak, Fla., and Mayo, Fla.; between Tampa, Fla., and junction Interstate Highway 75 and U.S. Highway 90; between Perry, Fla., and junction U.S. Highways 98 and 319; between Lake City, Fla., and Dawson, Fla.; between Monticello, Fla., and Albany, Ga.; between Tallahassee, Fla., and Tifton, Ga.; between Malone, Fla., and Dawson, Ga.; between Perry, Fla., and Bainbridge, Ga.; peanuts and cottonseed, over regular routes from Dothan, Ala., to Camilla, Ga.; cottonseed hulls, meal, and peanut meal, from Camilla, Ga., to Dothan, Ala.; cotton in bolls, cooking oil, peanut butter, and cottonseed meal, from Dothan, to Mobile, Ala.; groceries and agricultural commodities, from Mobile to Dothan, Ala.; cotton in bolls and livestock from Dothan, Ala., to Columbus,

Ga.; hardware, bagging, and ties, from Columbus, Ga., to Dothan, Ala.; irregular routes, cotton in bolls, fertilizer, fertilizer materials, peanuts, cottonseed meal, cottonseed hulls, between points in Alabama, Georgia, and Florida, within 75 miles of Dothan, Ala., including Dothan; groceries, hardware, cotton, cottonseed, peanuts, live stock, cottonseed meal, cottonseed hulls between Dothan, Ala., and points in Alabama; regular routes, general commodities, with usual exceptions, serving Fulton, Cobb, Douglas, Clayton and DeKalb Counties, Ga., points in the northern portion of Fayette County, Ga., points in the northwestern portion of Henry County, Ga., points in the southwestern portion of Rockdale County, Ga., and points in the southwestern portion of Gwinnett County, Ga., as off route points in connection with carriers otherwise regular routes.

Between Atlanta, Ga., and points within 15 miles of Atlanta on the one hand, and, on the other, Thomasville, Ga., and Valdosta, Ga.; between Cuthbert and Waycross, Ga.; between Waycross, Ga., and Jacksonville, Fla.; serving Thomaston, Ga., as an intermediate point in connection with carriers presently authorized regular routes operations between Atlanta, Ga., Malone, Fla., and Bainbridge, Ga.; service to Tucker-Stone Mountain Industrial District and Stone Mountain Memorial Park, Panola Industrial District, DeKalb County, Ga.; between Atlanta and Thomaston, Ga.; between Griffin and Thomaston, Ga.; irregular routes, telephone equipment, materials and supplies, between Griffin, Ga., on the one hand, and, on the other, points in Lamar, Pike, Spaulding, Henry, Butts, Clayton, Fayette, and Coweta Counties Ga.; regular routes, general commodities, with usual exceptions, serving points in Sumter County, Ga., as off route points in connection with carriers authorized operations. Vendee is authorized to operate as a common carrier in Alabama, Connecticut, Delaware, the District of Columbia, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13310. Authority sought for control and merger by RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla., 32203, of the operating rights and property of ALTO TRUCKING COMPANY, INC., Poplar and Maple Streets, Hazleton, Pa., 18201 and for acquisition by IU TRANSPORTATION SERVICES, INC., which in turn is controlled by IU INTERNATIONAL CORPORATION, both of The Wilmington Tower, 1105 N. Market St., Wilmington, Del. 19801, of control of such rights and property through the transaction. Applicants' attorneys: Roland Rice, 501

NOTICES

Perpetual Building, 1111 E St., NW., Washington, D.C. 10004; H. Beatty Chadwick, 1500 Walnut St., Philadelphia, Pa. 19102; Martin D. Cohn, 6th Floor, Citizens Bank Building, Hazleton, Pa. 18201. Operating rights sought to be controlled and merged: Operation as a common carrier, by motor vehicle, over irregular routes, transporting *packing house products*, from Hazleton, Pa., to Mahanoy City, Pottsville, and Shenandoah, Pa., with no transportation for compensation on return; general commodities (except those of unusual value, and except dangerous explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading) between Hazleton, Pa., on the one hand, and, on the other, Wilkes-Barre and Scranton, Pa.; *household goods*, as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, between Hazleton, Pa., and points and places within 20 miles thereof on the one hand, and, on the other, points and places in Maryland, New Jersey, and New York; *uncrated machinery*, between Hazleton, Pa., on the one hand, and, on the other, points and places in New Jersey and New York.

As a common carrier by motor vehicle, over regular routes, transporting general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and commodities transported in vehicles equipped with mechanical refrigeration, restricted against the transportation of traffic between Allentown, Bethlehem, and Easton, Pa., on the one hand, and, on the other, Jersey City, N.J., between points in Pennsylvania, as follows: From Hazleton over Pennsylvania Highway 924 to Sheppton, serving the intermediate points of Jeansville, Harwood Mines and Oneida; from Hazleton over Pennsylvania Highway 93 (formerly portion U.S. Highway 309) to junction unnumbered highway (formerly Pennsylvania Highway 193), thence over unnumbered highway to Weatherly, serving the intermediate point of Beaver Meadows; from Hazleton over Pennsylvania Highway 940 (formerly shown unnumbered highway) via Drifton, Freeland, and White Haven, to junction Pennsylvania Highway 437 (formerly shown unnumbered highway) thence over Pennsylvania Highway 437 to Mountain Top; from Hazleton over Pennsylvania Highway 309 (formerly portion U.S. Highway 309) to Mountain Top, serving the intermediate points of Drifton, Freeland, and White Haven, and the off route point of Jeddo; from Wilkes-Barre over Pennsylvania Highway 115 (also over Pennsylvania Highway 309) (formerly portion U.S. Highway 309) to junction U.S. Highway 11, thence over unnumbered highway (formerly shown Pennsylvania Highway 629) to

Ransom, serving from the intermediate point of Pittston; from Wilkes-Barre over Pennsylvania Highway 309 (formerly portion U.S. Highway 309) to junction U.S. Highway 6 (formerly portion U.S. Highway 309), thence over U.S. Highway 6 to junction U.S. Highway 220 (formerly portion U.S. Highway 309), thence over U.S. Highway 220 to Sayre, serving the intermediate points of Tunkhannock, Meshoppen, Black Walnut, Laceyville, Wyalusing, Rummerfeld, Wysox, Towanda, Ulster, Milan, and Athens, and the off-route points of Meehoopany, Horne's Ferry, and Standing Stone; from Wilkes-Barre over Pennsylvania Highway 115 (also over Pennsylvania Highway 309) (formerly portion U.S. Highway 309) to junction U.S. Highway 11, thence over U.S. Highway 11 to Wyoming; from Wilkes-Barre over Pennsylvania Highway 309 (formerly portion U.S. Highway 309) to junction Pennsylvania Highway 118 (formerly shown Pennsylvania Highway 115), thence over Pennsylvania Highway 118 to Rod Rock, thence over Pennsylvania Highway 487 to Dushore, thence U.S. Highway 220 to Towanda.

From Wilkes-Barre over Pennsylvania Highway 309 (formerly portion U.S. Highway 309) to junction U.S. Highway 6 (formerly combined U.S. Highways 309 and 6), thence over U.S. Highway 6 to junction Pennsylvania Highway 87, thence over Pennsylvania Highway 87 to Dushore, thence over U.S. Highway 220 to Towanda, serving the intermediate points of Lopez, Bernice, Dushore, Laddsburg, New Albany, Stevenson, South Branch, and Monroeton; from Allentown over Pennsylvania Highway 145 via Cementon to Walnutport, thence over Pennsylvania Highway 946 to Slatington, thence over Pennsylvania Highway 873 to junction Pennsylvania Highway 248, thence over Pennsylvania Highway 248 to junction Pennsylvania Highway 93, thence over Pennsylvania Highway 93 to Jim Thorpe, (formerly shown as, from Allentown over Pennsylvania Highway 329 to Cementon, thence over Pennsylvania Highway 145 to Walnutport, thence over Pennsylvania Highway 245 to Slatington, and thence over U.S. Highway 309 to Mauch Chunk), serving the intermediate points of Coplay, Cementon, Slatington, Lehigh Gap, and Lehighton, and the off-route points of Bowmanstown, Andreas, and Vest Penn; and return over the above specified routes to points of origin.

From Hazleton over Pennsylvania Highway 93 (formerly Pennsylvania Highway 39) to junction Pennsylvania Highway 924 (formerly Pennsylvania Highway 345), thence over Pennsylvania Highway 924 to junction Pennsylvania Highway 54 (formerly Pennsylvania Highway 45), thence over Pennsylvania Highway 54 to Ashland, thence over Pennsylvania Highway 61 (formerly U.S. Highway 122) to Mt. Carmel, thence over Pennsylvania Highway 54 to Ashland, thence over Pennsylvania Highway 61 (formerly U.S. Highway 122) to Pottsville; and return from Pottsville over Pennsylvania Highway 61 (formerly



U.S. Highway 122) to junction Pennsylvania Highway 443 (formerly Pennsylvania Highway 925), thence over Pennsylvania Highway 443 to junction Pennsylvania Highway 309 (formerly Pennsylvania Highway 29), thence over Pennsylvania Highway 309 to Hazelton; also, return from Pottsville over U.S. Highway 209 to Tamaqua, thence over Pennsylvania Highway 309 (formerly Pennsylvania Highway 29) to Hazelton; serving the intermediate points of McAdoo, Delano, Mahanoy City, Shenandoah, Ashland, Centralia, Mt. Carmel, Schuylkill Haven, and Orwigsburg. From Wilkes-Barre over Pennsylvania Highway 115 (also over Pennsylvania Highway 309) (formerly U.S. Highway 309) to junction U.S. Highway 11, thence over U.S. Highway 11 to junction Pennsylvania Highway 92, thence over Pennsylvania Highway 92 to Tunkhannock, thence over Pennsylvania Highway 29 to Montrose, and return over the same route; and also, return over the immediately above-specified route to Tunkhannock, and thence over Pennsylvania Highway 309 (formerly U.S. Highway 309) to Wilkes-Barre; serving the intermediate points of Falls, White's Ferry, LaGrange, Tunkhannock, Lake Carey, Aldovin, Springville, Dimock, and South Montrose, and the off-route point of Wyoma.

From Wilkes-Barre over Pennsylvania Highway 309 (formerly U.S. Highway 309) to Kunkle, thence over unnumbered highway to Alderson, thence over Pennsylvania Highway 415 (portion formerly Pennsylvania Highway 515) to junction Pennsylvania Highway 29, thence over Pennsylvania Highway 29 to Noxen; and return from Noxen over Pennsylvania Highway 29 to Bowman Creek, thence over Pennsylvania Highway 309 (formerly U.S. Highway 309) to Wilkes-Barre; serving the intermediate points of Dallas, Alderson, and Harvey's Lake. From Allentown over U.S. Highway 22 to Easton, thence over Pennsylvania Highway 115 (formerly unnumbered highway) to Stockertown, and return over the same route; and also, return from Stockertown over Pennsylvania Highway 191 to Nazareth, thence over Pennsylvania Highway 248 to Bath, thence over Pennsylvania Highway 329 to junction Pennsylvania Highway 145, thence over Pennsylvania Highway 145 to Allentown (formerly shown as from Stockertown over Pennsylvania Highway 12 to Nazareth, thence over Pennsylvania Highway 45 to Bath, thence over Pennsylvania Highway 145 to junction Pennsylvania Highway 987, thence over Pennsylvania Highway 987 to Allentown); serving the intermediate points of Bethlehem, Easton, Kepler's Mill, Colton, Zucksville, and Tatamy, and the off-route point of Hercules. Between Jim Thorpe, Pa., (formerly Mauch Chunk, Pa.), and junction Pennsylvania Highway 93 and unnumbered highway, (formerly shown as junction U.S. Highway 309 and Pennsylvania Highway 193), serving no intermediate points; from Jim Thorpe (formerly Mauch Chunk)

over Pennsylvania Highway 93 to junction unnumbered highway, (formerly shown as from Mauch Chunk over U.S. Highway 309 to junction Pennsylvania Highway 193), and return over the same route.

Between Wilkes-Barre, Pa., and Mountain Top, Pa., serving no intermediate points: from Wilkes-Barre over Pennsylvania Highway 309 (formerly U.S. Highway 309) to Mountain Top, and return over the same route. Between Easton, Pa., and Flemington, N.J., serving no intermediate points: from Easton over U.S. Highway 22 to junction Warren County Highway 34-B, thence over Warren County Highway 34-B to Hughesville, N.J., thence over Warren County Highway 37-A to junction U.S. Highway 22, thence over U.S. Highway 22 to junction Hunterdon County Highway 14, thence over Hunterdon County Highway 14 to Pattenburg, N.J., return over Hunterdon County Highway 14 to junction U.S. Highway 22, thence over U.S. Highway 22 to junction Hunterdon County Highway 16, return over Hunterdon County Highway 16 to Pittstown, N.J., return over Hunterdon County Highway 16 to junction U.S. Highway 22, thence over U.S. Highway 22 to junction New Jersey Highway 31 (formerly New Jersey Highway 30), thence over New Jersey Highway 31 to Flemington, and return from Flemington over New Jersey Highway 31 to junction U.S. Highway 22, and thence over U.S. Highway 22 to Easton. Between Flemington, N.J., and Flemington Junction, N.J.; serving no intermediate points: from Flemington over Hunterdon County Highway 19 to Flemington Junction, and return over the same route. Between Bloomsbury, N.J., and Flemington, N.J.; serving no intermediate points: from Bloomsbury over Hunterdon County Highway 41 to junction Hunterdon County Highway 16, thence over Hunterdon County Highway 16 to junction Hunterdon County Highway 38, thence over Hunterdon County Highway 38 to junction Hunterdon County Highway 30, thence over Hunterdon County Highway 30 to Flemington, and return over the same route.

Between Perth Amboy, N.J., and Irvington, N.J.; serving no intermediate points: from Perth Amboy over New Jersey Highway 11 (formerly New Jersey Highway 4) to junction New Jersey Highway 27, thence over New Jersey Highway 27 to Rahway, thence over city streets through Lenox, Clark, Roselle, Roselle Park, and Kenilworth, to junction New Jersey Highway S24, thence over New Jersey Highway S24 to junction Salem Road, thence over city streets via Hillside, N.J., to Irvington, and return over the same route; also from Perth Amboy over New Jersey Highway 11 (formerly New Jersey Highway 4) to junction New Jersey Highway 27, thence over New Jersey Highway 27 to junction Chestnut Street, thence over city streets via Roselle to Irvington, and return over the same route; also from Perth Amboy over New Jersey Highway 35 to junction

U.S. Highway 1, thence over U.S. Highway 1 to Elizabeth, thence over New Jersey Highway S24 and city streets to Irvington, and return over the same route. Between Perth Amboy, N.J., and Newark, N.J.; serving no intermediate points: from Perth Amboy over Middlesex New Jersey Highway 27 to junction New Jersey Highway S28, thence over New Jersey Highway S28 to junction Somerset County Highway 1, thence over Somerset County Highway 1 to junction Somerset County Highway 16, thence over Somerset County Highway 16 to junction New Jersey Highway 28, thence over New Jersey Highway 28 to Dunellen, thence over Middlesex County Highway 2R3 to New Market, N.J., thence over New Market Road to South Plainfield, thence over Middlesex County Highway 2R2 to junction U.S. Highway 22, thence over U.S. Highway 22 to Newark, and return from Newark over U.S. Highway 1 to junction New Jersey Highway 35, thence over New Jersey Highway 35 to Perth Amboy, and return over the same route. Between Newark, N.J., and Bayonne, N.J.; serving no intermediate points: from Newark over New Jersey Highway 25 to Jersey City, N.J., thence over city streets to Bayonne and return over the same route.

Between Perth Amboy, N.J., and Flemington, N.J.; serving no intermediate points: from Perth Amboy over Middlesex County Highway IR6 to Metuchen, N.J., thence over Middlesex County Highways 2R1 and 2S1 to Oak Tree, N.J., thence over Middlesex County Highway 2R5 to South Plainfield, N.J., thence over New Market Road to New Market, N.J., thence over William St. and New Market Road to Mountain Road (Middlesex, N.J.), thence over Mountain Road to junction Lincoln Blvd., thence over Lincoln Blvd. to Bound Brook, N.J., thence over Somerset County Highway 1 to junction Somerset County Highway 16, thence over Somerset County Highway 16 to Champlain Road, thence over Highway 206 to junction Somerset County Highway 3, thence over Somerset County Highways 3 and 8 to Flagtown and Neshanic, N.J., thence over Somerset County Highways 11 and 11S1 to junction U.S. Highway 202, thence over U.S. Highway 202 to Flemington, and return from Flemington over U.S. Highway 202 to Somerville, N.J., thence over New Jersey Highway 28 and Somerset County Highway 1 to junction Somerset County Highway 16, thence over Somerset County Highway 16 to Manville, N.J., thence to Perth Amboy as described immediately above. Between Metuchen, N.J., and South Plainfield, N.J.; serving no intermediate points: from Metuchen over New Jersey Highway 27 to junction Middlesex County Highway 2R3, thence over Middlesex County Highways 2R3 and 2R2 to South Plainfield, and return over the same route. Between Bound Brook, N.J., and Perth Amboy, N.J.; serving no intermediate points: from Bound Brook over New Jersey Highway S28 to Highland Park, N.J., thence over New Jersey Highway 27 to Metuchen (also from

Highland Park over U.S. Highway 1 or Middlesex County Highway IR2 to junction Middlesex County Highway IR6), and thence over Middlesex County Highway IR6 to Perth Amboy, and return over the same route. Between Manville, N.J., and Perth Amboy, N.J.; serving no intermediate points: from Manville over Somerset County Highway 16 to East Millstone, N.J., thence over Somerset Highway 3 to Highland Park, and thence to Perth Amboy as described immediately above and return over the same route. Vendee is authorized to operate as a common carrier in all 48 contiguous states. Application has been filed for temporary authority under Section 210a(b).

No. MC-F-13313. Authority sought for control by J. Littlefield, Inc., 6800 South Avalon Boulevard, Los Angeles, Calif. 90003, and its shareholders Jack B. Littlefield and Cathryn Wencke, trustee of the Bremen trust, of (B) BROTHERS TRANSPORTATION, INC., a California corporation, 6800 South Avalon Boulevard, Los Angeles, Calif. 90003, and (BB) STEEL TRANSPORT, INC., a California Corporation, 9950 Cherry, Fontana, Calif. 92335. Applicants' attorney: Milton W. Flack, 4311 Willshire Blvd., Suite 300, Los Angeles, Calif. 90010. Operating rights sought to be controlled: (B) BROTHERS TRANSPORTATION, INC. operates as a common-carrier of General Commodities with certain specified exceptions, over irregular routes, between Long Beach and Los Angeles Harbor, Calif., on the one hand, and, on the other, points in the Los Angeles, Calif., Commercial Zone, as defined by the Commission, as more particularly described in the certificate of public convenience and necessity No. MC 111230. (BB) STEEL TRANSPORT INC. was granted authority as a common carrier to transport montmorillonite from points, in Mineral County, NE., to points in Oregon, Washington, Wyoming, Idaho, Arizona, Utah, Montana, Colorado, California, and New Mexico, as more specifically described in the Order of the Commission dated March 2, 1977, in MC 142333 (Sub-No. 1), subject to the condition that the person or persons who control or manage applicant and another carrier shall obtain approval of such control or management under the provisions of Section 5(2) of the Interstate Commerce Act, or if such approval is not necessary, shall so inform the Commission by affidavit. J. Littlefield, Inc. owns both (B) BROTHERS TRANSPORTATION INC., and (BB) STEEL TRANSPORT INC. Authority is also sought for approval of transfer and/or substitution of Nevada corporations for that of California corporation of BROTHERS TRANSPORTATION, INC., and STEEL TRANSPORT, INC. Approval of the transaction will result in the approval of applicant being in control of both common motor carrier operations of BROTHERS TRANSPORTATION, INC., and STEEL TRANSPORT INC., and will not result in (a) dual operations or (b) duplicating authority. An application for

temporary authority under Section 210a (b) has not been filed, and other than as set forth above with reference to MC 142333 (Sub-No. 1) the Section 5(2) application is not related to any pending or simultaneously filed application.

No. MC-F-13315. Authority sought for purchase by Terminal Transport Company, Inc., 248 Chester Avenue, S.E., Atlanta, Ga. 30316, of a portion of the operating rights of CALORE FREIGHT SYSTEM, INC., P.O. Box 1303, Providence, R.I. 02901, and for acquisition by Texas Gas Transmission Corp., P.O. Box 1160, Owensboro, Ky. 42301, American Commercial Lines, 2919 Allen Parkway, Houston, Tex. 77109, and American Freightssystem, 51 Corporate Woods, Overland Park, Kan. 66210, of control of such rights through the purchase. Applicants' attorneys: Harold H. Clokey, P.O. Box 1918, Atlanta, Ga. 30301, and Kenneth B. Williams, 84 State Street, Boston, Mass. 02109. Operating rights sought to be transferred: General commodities, except those of unusual value, and except dangerous explosives, livestock, household goods as defined in practices of motor common carriers of household goods, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a common carrier over irregular routes between Providence, Rhode Island and points and places in Rhode Island within ten (10) miles of Providence, on the one hand, and, on the other, Pittsfield, MA. Vendee is authorized to operate as a common carrier in Alabama, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kentucky, Rhode Island, Massachusetts, Michigan, Missouri, New York, Ohio, Pennsylvania, Tennessee, Wisconsin. Application has not been filed for temporary authority under section 210a(b).

NOTE.—MC 22229 (Sub-No. 118) is a directly related matter.

No. MC-F-13319. Authority sought for purchase by BUTLER TRUCKING CO., P.O. Box 88, Woodland, Pa. 16881 of the operating rights of LUMBER TRANSPORT, INC., R.D. No. 1, Weedville, Pa. 15868, and for acquisition by Emanuel Butler, Jr., R.D. DuBois, Pa. 15801, E. Steward Butler, Clearfield, Pa. 16830, and D. Stephen Butler, Clearfield, Pa. 16830 of control of the rights through the purchase. Applicants' attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Operating rights sought to be purchased: Lumber, as a common carrier over irregular routes from points in Potter County, Pa., west of Pennsylvania Highway 44, points in that part of Elk County, Pa. east of U.S. Highway 219, and points in Cameron and McKean Counties, Pa., to points in New York; Lumber (except plywood and veneer), Wood Chips and Sawdust, between points in that part of Pennsylvania west of U.S. Highway 11 and points in Ohio, Michigan (except Alpena and Gaylord), Indiana (except South Bend and Lowell), Maryland, New

Jersey, and New York; between Hanover, Pa., and points in Ohio, Michigan (except Alpena and Gaylord), Indiana (except South Bend and Lowell), Maryland, New Jersey, and New York; From Hanover, Pa., and points in that part of Pennsylvania west of U.S. Highway 11, to points in West Virginia, with no transportation for compensation on return except as otherwise authorized. Restriction: The authority granted herein from some points in the origin territory involved in Pennsylvania to points in New York shall be construed as comprising a single operating right. Application has not been filed for temporary authority. A directly related application to issue a security in the nature of an installment note is being filed concurrently. Vendee is authorized to operate as a common carrier in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin. Application has not been filed for temporary authority under section 210a(b).

NOTE.—FD-28535 is a directly related matter.

No. MC-F-13331. Authority sought for control by MOON CARRIER, 291 River Road, Clifton, N.J. 07014, of ARMSTRONG TRUCKING CO., INC., and ARMSTRONG RENTALS, INC., and for acquisition by CALTRAN SYSTEMS, INC., 291 River Road, Clifton, N.J. 07014 and WILLIAM C. M. KIVLAN, 115 E. 72nd St., New York, N.Y., 10021, of control of such rights through the transaction. Applicants' attorneys and representative: John L. Milling 921 Bergen Avenue, Jersey City, N.J. 07306, Maxwell A. Howell, 1100 Investment Building, 1511 K Street NW., Washington, D.C. 20005, and George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Operating rights sought to be controlled: ARMSTRONG TRUCKING CO., INC. (MC-15120) authorizing General commodities with the usual exceptions, as a common carrier over irregular routes between points and places in Passaic, Bergen, Morris, Sussex, Warren, Somerset Essex, Union, Middlesex, Mercer, Hudson, Monmouth, and Ocean Counties, N.J., on the one hand, and, on the other, New York, N.Y., points and places in Rockland, Westchester, Putnam, Dutchess, Nassau, and Suffolk Counties, N.Y., and those in Fairfield County, Conn. and (MC-15120 Sub-No. 1) authorizing General Commodities with the usual exceptions, as a common carrier over irregular routes, between points in Essex and Hudson Counties, N.J., on the one hand, and, on the other, points in Bergen, Essex, Middlesex, Morris, Hudson, Passaic, and Union Counties, N.J. Vendee is authorized to operate as a common carrier in New York, Connecticut, Delaware, New Jersey, New York,



and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

**NOTE**—ARMSTRONG RENTALS, INC., owns most of revenue equipment operated by ARMSTRONG TRUCKING, which it leases to that company.

No. MC-F-13334. Authority sought for purchase by 5 BROTHERS, INC., 767 St. George Ave., P.O. Box 366, Woodbridge, N.J. 07095 of a portion of the operating rights of N. & N. TRANSPORTATION CO., INC., P.O. Box 641 Manor Branch, New Castle, Del. 19720 and for acquisition by Charles Schwenzer also of 767 St. George Ave., Woodbridge, N.J., of control of the rights through the purchase. Applicant's attorney: William J. Augello, Augello & Pezold, P.C., P.O. Box Z, Huntington, N.Y. 11743. Operating rights sought to be purchased: Terra cotta and hollow building tile from Perth Amboy, N.J. to points in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, and the District of Columbia, over irregular routes as a contract carrier. Permit No. MC-116843, and such products as are manufactured, reclaimed, or distributed by the manufacturers of heat resisting materials, and in connection therewith, equipment, materials and supplies used in the manufacture thereof, between Fords, N.J., and points within five miles of Fords, on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, and the District of Columbia, restricted to contracts with persons whose business is the manufacture of heat resisting materials, over irregular routes as a contract carrier, as more fully described in Permit No. 116843 Sub-No. 2. 5 Brothers, Inc., holds no authority from this Commission. However, it is controlled by Charles Schwenzer, who also controls Schwenzer Bros., Inc., which is authorized to operate as a contract carrier in New York, New Jersey, Virginia, Washington, the District of Columbia, Maryland, Pennsylvania, Connecticut, Massachusetts. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13335. Authority sought for purchase by FROELICH TRANSPORTATION CO., INC., Federal Road, Danbury, Conn. 06810 of the operating rights of FLEET TRANSPORTATION CO., INC., 178 Verge Street, Springfield, Mass. 01103 and for acquisition by Alan D. Froehlich and Frank L. Froehlich of Federal Road, Danbury, Conn. 06810 of control of such rights through the purchase. Applicant's attorney: Thomas W. Murrett, 342 North Main Street, West Hartford, Conn. 06117. Operating rights sought to be transferred: Under a Certificate of Registration in Docket No. MC-98591 Sub-No. 2 covering the transportation of general commodities, as a common carrier, in interstate commerce, between points in the Commonwealth of Massachusetts, New York, New Jersey, New Hampshire, Vermont, and Pennsylvania. Application has been filed for a

temporary authority under Section 210a(b).

**NOTE**—Docket No. MC-1759 (Sub-No. 36) is a directly related matter.

No. MC-F-13336. Authority sought for purchase by RIO GRANDE MOTOR WAY, INC., 1400 West 52nd Avenue, Denver, Colo. 80221, of the operating rights of ENGLEWOOD TRANSIT CO., 5280 Newport Street, Commerce City, Colo. 80022, and for acquisition by THE DENVER AND RIO GRANDE WESTERN RAILROAD CO., also of Denver, Colo., of control of the rights through the purchase. Applicants' attorneys: Arnold L. Burke, 180 North LaSalle Street, Chicago, Ill. 60601 and Charles J. Kimball, Capitol Life Center, 1600 Sherman, Denver, Colo. 80203. Operating rights to be purchased: Transfer, moving and general cartage business to and from points in the State of Colorado (as specified) as a common carrier over irregular routes as more fully described in Certificate of Registration No. MC-121495 Sub-No. 6. Vendee is authorized to operate as a common carrier under Certificate No. MC-60012 in the States of Colorado, New Mexico, and Utah. Approval of the proposed transaction will result in vendee acquiring duplicating authority to serve certain Colorado points. Application has been filed for temporary authority under Section 210a(b).

**NOTE**—MC-60012 (Sub-No. 98) is a directly related matter.

No. MC-F-13337. Authority sought for purchase by STORY'S EXPRESS CO., INC., P.O. Box 520, Blanche Road, Cornwells Heights, Pa., of a portion of the operating rights of KIRBY & KIRBY, INC., (George Minish, Receiver in Bankruptcy, through assignment from Wilmar Trucking, Inc.), 167 Fairfield Road, Fairfield, N.J. 07006, and for acquisition by ATKINSON FREIGHT LINES, INC., Pursuant to temporary authority in MC-F-13119. Joseph B. Atkinson, Jr., P.O. Box 520, Blanche Road, Cornwells Heights, Pa. 19020, of control of such rights through the purchase. Applicant's attorney: Maxwell A. Howell, 1100 Investment Building, 1511 K Street NW., Washington, D.C. 20005. Operating rights sought to be transferred: General commodities, with exceptions as a common carrier over regular routes between New York, N.Y., and Philadelphia, Pa., serving all intermediate points, as follows: From New York over U.S. Highway 1 to Trenton, N.J., thence over U.S. Highway 13 to Philadelphia, and return over the same route. Vendee is authorized to operate as a common carrier in Connecticut, Delaware, the District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia. Application has been filed for temporary authority under section 210a(b).

**NOTE**—By application in MC-F-13189 now pending before this Commission Wilmar Trucking, Inc. seeks to purchase a portion of the operating rights of Kirby & Kirby, Inc., George Minish, Receiver in Bankruptcy. The instant transaction evolves from an assignment to transferee by Wilmar Trucking, Inc.

of a portion of its rights to purchase those Kirby authorities sought to be acquired in MC-F-13189.

No. MC-F-13340. Authority sought by CONSOLIDATED FREIGHTWAYS CORP. OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025, to purchase a portion of the operating rights of RINGSBY TRUCK LINES, INC., 3980 Quebec Street, Denver, Colo. 80207, and for acquisition by CONSOLIDATED FREIGHTWAYS, INC., 601 California Street, San Francisco, Calif. 94108, of control of such rights through purchase. Applicant vendee's attorney: E. T. Lippert, Suite 1000, 1660 L Street NW., Washington, D.C. 20036; applicant vendor's attorney: A. J. Melklejohn, Jr., 1660 Lincoln Street, Denver, Colo. 80203. Operating rights to be purchased: General commodities, with the usual exceptions, over regular routes, between Iowa City, Iowa and Des Moines, Iowa, serving Cedar Rapids and Ames, Iowa, as intermediate points, over U.S. Highway 218 to Cedar Rapids, U.S. Highway 310 to Ames and U.S. Highway 69 to Des Moines; between Coon Rapids, Iowa, and Omaha, Nebr., serving intermediate and off-route points in Greene, Carroll, Audubon, and Guthrie Counties, Iowa, excluding Jefferson, Guthrie Center, Manning, Lanesboro, and Panora; over Iowa Highway 141 to junction U.S. Highway 71 to Hamlin, Iowa, over Iowa Highway 64 to Council Bluffs, Iowa, and across the Missouri River to Omaha (also over unnumbered highways to junction U.S. Highway 30, U.S. Highway 30 to Missouri Valley, Iowa, alternate U.S. Highway 30 to Omaha); between Des Moines and Denison, Iowa, serving the intermediate points of Ankeny, Huxley, Ames, Ericson, Jordan, Boone, Ogden, Beaver, Grand Junction, Jefferson, Scranton, Ralson, Glidden, Carroll, West Side, Vail, Iowa, over U.S. Highway 69 to Ames, U.S. Highway 30 to Denison; between Des Moines, Iowa, and Eagle Grove, Iowa, serving the intermediate points of Stanhope and Woolstock, intermediate and off-route points within 13 miles of the Central Post Office of Des Moines (except Des Moines, Altoona, Ankeny, Carlisle, and Norwalk, Iowa), and the off-route points of Stratford, Kamrar, and Vincent, Iowa; over U.S. Highway 69 to junction Iowa Highway 175, Iowa Highway 175 to junction Iowa Highway 60, Iowa Highway 60 to Webster City, Iowa, unnumbered Highways to Woodstock, Iowa Highway 323 to junction Iowa Highway 60, Iowa Highway 60 to Eagle Grove (also over U.S. Highway 69 to junction U.S. Highway 20, U.S. Highway 20 to Webster City, and as specified to Eagle Grove).

Between Des Moines, Iowa, and Clarion, Iowa, and St. Paul and Minneapolis, Minn., serving the intermediate points of Ahkeny, Huxley, Ames, Jewell, Blairsburg, Delmond, Goodell, Garner, Venture, Clear Lake, Mason City, Manley, Kensell, and Northwood, Iowa, and Gordonsville, Glenville, Albert Lea, Clarks Grove, Geneva, Steele Center, Owatonna, Medford, Faribault, Dundas, Northfield, Farmington, and Rosemount,

Minn., over U.S. Highway 69 to junction Iowa Highway 3, Iowa Highway 3 to Clarion, also over U.S. Highway 69 to Garner, Iowa, U.S. Highway 18 to Mason City, Iowa, U.S. Highway 65 to Owatonna, Minn., Minnesota Highway 218 via Rosemount to St. Paul and also from Des Moines to Rosemount as specified, and then over Minnesota Highway 218 to junction Minnesota Highway 55, Minnesota Highway 55 to Minneapolis. Transferor also has alternate routes for operating convenience only in conjunction with the above routes between junction Iowa Highways 64 and 117 and junction Iowa Highway 64 and U.S. Highway 30 near Marshalltown, Iowa; between Des Moines and Mason City between junction U.S. Highways 69 and 18 near Garner, Iowa, and Albert Lea, Minn. (two routes); between St. Paul, Minn., and Omaha, between Mason City, Iowa and junction U.S. Highways 218 and 30 northeast of Blairtown, Iowa. Vendee is authorized to operate as a common carrier in all states except Hawaii pursuant to Certificate No. MC-42487 and related sub numbers thereunder. Application has been filed for temporary authority under Section 210a(b).

No. MC-F-13341. Authority sought for purchase by TRUCK TRANSPORT, INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131, of the operating rights and property of DRUM TRANSPORT, INC. by DRUM-WHITE, INC., ASSIGNEE, 200 Catherine Street, East Peoria, Ill. 61611, and for acquisition by Robert B. Schilli, 29 Clayton Hills Lane, St. Louis, Mo. 63131, of control of the rights and property through the purchase. Applicants' attorney: Leonard A. Jaskiewicz, 1730 M Street NW., Washington, D.C. 20036, operating rights sought to be transferred: (1) alcohol, grain neutral spirits, alcoholic liquors, wines, brandies as a common carrier over irregular routes, from specified points in Illinois, Iowa, California, Maryland, Pennsylvania, Indiana, Kentucky, New York, New Jersey, Virginia, Delaware, Ohio, Louisiana, Texas, Tennessee, Alabama, and ports of entry on the U.S.-Canada Boundary Line at Detroit and Port Huron, Mich. and at Blaine, Wash. to points in California, Illinois, Indiana, Missouri, Kentucky, Michigan, Washington, Wisconsin, New York, New Jersey, Maryland, Pennsylvania, Maine, Virginia, Georgia, Ohio, Oregon, Massachusetts, Arkansas, Florida, Tennessee, and Texas and ports of entry on the U.S.-Canada Boundary Line at Detroit and Port Huron, Mich. and ports in Washington; from ports of entry on the U.S.-Mexico Boundary Line in Texas, New Mexico, and Arizona to points in the United States; fertilizer, acids, and chemicals from Fremont, Nebr. to points in seven states; ground grapes, crushed grapes, grape pulp, and grape juice from specified origins in California to Ohio; empty wooden barrels from specified points in Illinois to Detroit, Mich.; flavored syrups from ports of entry on the U.S.-Mexico Boundary Line at Laredo,

Tex. to points in the United States. Vendee is authorized to operate as a common carrier in all points in the United States. Application has been filed for temporary authority under Section 210a(b).

No. MC-F-13342. Authority sought for purchase by BERMAN'S MOTOR EXPRESS, INC., P.O. Box No. 1556, Binghamton, N.Y. 13902, of the operating rights of CARROLL'S TORRINGTON EXPRESS CO., P.O. Box No. 313, Torrington, Conn. 06790, and for acquisition by Jacob Berman, 22 Murray St., Binghamton, N.Y., Samuel Berman, Vivian Berman, Mark Berman, and David Berman, all of 11 Barbary Rd., Lexington, Mass., of control of such rights through the transaction. Applicants' attorney: David M. Marshall, 101 State Street, Springfield, Mass. 01103. Operating rights sought to be transferred: Under a certificate of Registration in Docket No. MC-97925 (Sub-No. 1) covering the transportation of General commodities including bulk materials suitable for transportation by dump truck (but not including household goods and office furniture and equipment nor commodities which require the use of tank trucks or other special equipment) as a common carrier over irregular routes between points in Connecticut. Vendee is authorized to operate as a common carrier in Pennsylvania, New York, Massachusetts, Rhode Island, Vermont, New Hampshire, and Maine. Application has been filed for temporary authority under Section 210a(b).

**NOTE**—MC-111625 (Sub-No. 22) is a directly related matter; MC-111625 (Sub-No. 23) is a directly related matter.

#### OPERATING RIGHTS APPLICATION(S) DIRECTLY RELATED TO FINANCE PROCEEDINGS

##### NOTICE

The following operating rights application(s) are filed in connection with pending finance applications under section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with Special Rules 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 1759 (Sub-No. 36), filed September 2, 1977. Applicant: FROELICH TRANSPORTATION CO., INC., Federal

Road, Danbury, Conn. 06810. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, Conn. 06117. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: (1) General commodities (except those of unusual value, classes A and B explosives, livestock household goods as defined by the Commission commodities in bulk, and those requiring special equipment), between points in Massachusetts; and (2) general commodities (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between New York, N.Y., Newark, N.J., points in New Jersey within 15 miles of Newark N.J., and points in Connecticut, on the one hand, and, on the other, points in Massachusetts.

**NOTE**—The purpose of this filing is (1) to convert Certificate of Registration of Fleet Transportation Co., Inc. in No. MC 98591 (Sub-No. 2) to a Certificate of Public Convenience and Necessity, and (2) to indicate applicant's intention to eliminate the gateways of (a) points in Connecticut within the New York N.Y. commercial zone and (b) points in Hampden County, Mass., to operate between points in Massachusetts, on the one hand, and (c) the other, New York, N.Y., Newark, N.J. and points within 15 miles of Newark, N.J. and points in Connecticut. This matter is directly related to a section 5(2) finance proceeding in Docket No. MC-F-13335, published in a previous section of this issue. If a hearing is deemed necessary, applicant requests that it be held at Hartford, Conn.

No. MC 22229 (Sub-No. 118), filed August 26, 1977. Applicant: TERMINAL TRANSPORT CO., INC., 248 Chester Avenue SE., Atlanta, Ga. 30316. Applicant's representative: Harold H. Clokey, P.O. Box 1918, Atlanta, Ga. 30301. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), between Providence, R.I., and points in Rhode Island within ten (10) miles of Providence, and Pittsfield, Mass.: From Pittsfield over highways U.S. 7/20 to junction Interstate 90, thence over Interstate 90 to junction Massachusetts 146, thence over Massachusetts 146 to joiner Connecticut 146, thence over Connecticut 146 to Providence, R.I., and return over the same route, serving Springfield, Mass., as a point of joiner only on the above-described route.

**NOTE**—This application is filed simultaneously with section 5 application to purchase irregular-route authority and to convert the irregular-route authority to regular-route authority. If a hearing is deemed necessary, Applicant requests it be held in Providence, R.I., or Boston, Mass. Notice of the filing of the finance application in MC-F-13315 appears in a prior section of this FEDERAL REGISTER issue.

No. MC 60012 (Sub-No. 98), filed September 2, 1977. Applicant: RIO GRANDE

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**MOTOR WAY, INC.**, 1400 West 52nd Avenue, Denver, Colo. 80221. Applicant's representative: Arnold L. Burke, 180 N. LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment, between points in Colorado.

**NOTE**—The purpose of this application is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. This matter is directly related to a section 5(2) proceeding in No. MC-F-13336, published in a previous section of this *FEDERAL REGISTER*. If a hearing is deemed necessary, applicant requests that it be held at Denver, Colo.

No. MC 65580 (Sub-No. 22) (correction), filed August 24, 1977, published in the *FEDERAL REGISTER* issue of September 8, 1977, as No. MC 65880 (Sub-No. 22), and republished, as corrected, this issue. Applicant: **MUSHROOM TRANSPORTATION CO., INC.**, 845 East Hunting Park Avenue, Philadelphia, Pa. 19124. Applicant's representative: A. David Millner, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J. 07006. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment); between Cleveland, Ohio, on the one hand, and, on the other, points in Ohio.

**NOTE**—The purpose of the application is to effectuate a conversion of a Registered Certificate to a Certificate of Public Convenience and Necessity and is directly related to a section 5 proceeding in MC-F-13283 published in the *FEDERAL REGISTER* issue of August 4, 1977. If a hearing is deemed necessary, applicant requests that it be held at Cleveland, Ohio. The purpose of this correction is to show correct number for this proceeding as No. MC 65580 (Sub-No. 22).

No. MC 111625 (Sub-No. 22), filed September 2, 1977. Applicant: **BERMAN'S MOTOR EXPRESS, INC.**, P.O. Box 1566, Binghamton, N.Y. 13902. Applicant's representative: David M. Marshall, 101 State Street, Suite 304, Springfield, Mass. 01103. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General Commodities*, including bulk materials suitable for transportation by dump truck, (but excluding household goods and office furniture and equipment, commodities which require the use of tank vehicles or other special equipment), between points in Connecticut.

**NOTE**—The purpose of this application is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. This application is directly related to the Finance Proceeding entitled *Berman's Motor Express, Inc.—Purchase—Carroll's Torrington Express, Co.*, MC-F 13342, published in a prior section of this *FEDERAL REGISTER*. Vendee states, that, as pertinent

to this application it is authorized to serve points in Pennsylvania, New York and Massachusetts. If a hearing is deemed necessary, applicant requests that it be held at Albany, N.Y., Boston, Mass., or Washington, D.C.

No. MC 111625 (Sub-No. 23), filed September 2, 1977. Applicant: **BERMAN'S MOTOR EXPRESS, INC.**, P.O. Box 1566, Binghamton, N.Y. 13902. Applicant's representative: David M. Marshall, 101 State Street, Suite 304, Springfield, Mass. 01103. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Binghamton, N.Y., and points in Connecticut.

**NOTE**—The purpose of this application is to eliminate the gateways of Springfield and Westfield, Mass. This application is directly related to MC-F 13342, *Berman's Motor Express, Inc.—Purchase—Carroll's Torrington Express Co.*, published in a previous section of this *FEDERAL REGISTER*. Applicant states, that, as pertinent to this application, it is authorized to serve points in Pennsylvania, New York, and Massachusetts. If a hearing is deemed necessary, applicant requests that it be held at Albany, N.Y., Boston, Mass., or Washington, D.C.

#### ABANDONMENT APPLICATIONS

##### NOTICE OF FINDINGS

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act that orders have been entered in the following abandonment applications which are administratively final and which found that subject to conditions the present and future public convenience and necessity permit abandonment.

A Certificate of Abandonment will be issued to the applicant carriers 30 days after this *FEDERAL REGISTER* publication unless the instructions set forth in the notices are followed.

Docket No. AB 55 (Sub-No. 7)

**SEABOARD COAST LINE RAILROAD COMPANY**  
ABANDONMENT BETWEEN ASHWOOD AND SUMTER IN LEE AND SUMTER COUNTIES, SOUTH CAROLINA

##### NOTICE OF FINDINGS

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on July 21, 1977, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Chicago, B. & Q. R. Co., Abandonment*, 257 ICC 700, and for public use as set forth in said order, the present and future public convenience and necessity permit the abandonment by the Seaboard Coast Line Railroad Co. of its line of railroad beginning at milepost SJA-337.35 near Ashwood, Lee County, S.C., and extending to milepost SJA-349.16 near Sumter, Sumter County S.C., a distance of 11.81 miles. A certi-

ficate of abandonment will be issued to the Seaboard Coast Line Railroad Co. based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedure regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the *FEDERAL REGISTER* on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

Docket No. AB-143

**JACKSONVILLE TERMINAL COMPANY—ABANDONMENT OF ITS ENTIRE LINE OF RAILROAD IN DUVAL COUNTY, JACKSONVILLE, FLA.**

##### NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a of the Interstate Commerce Act (49 U.S.C. 1a) that by an Certificate and Order dated September 12, 1977, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment—Goshen*, 354 ICC 76 (1977), and those provided pursuant to Section 405 of the Rail Passenger Service Act (45 U.S.C. 565), and further, that Jacksonville Terminal Co. shall not cease operations until the application in Finance Docket No. 28474 is (a) dismissed for lack of juris-

diction or (b) Florida East Coast Railway Co. (1) publish a summary of the application in a newspaper of general circulation in the affected area for at least three successive weeks, and certify to the same when same is accomplished and (2) provide additional information in support of its allegation that subject trackage "is used primarily as a switching track," the present and future public convenience and necessity permit the abandonment by the Jacksonville Terminal Co. of its entire line of railroad, extending from Broadway Avenue on the north to Riverside Avenue on the south and known as tracks, 28, 29, 31, and YA, a total distance of 6.147 miles, together with appurtenant switching, industrial, and yard tracks and related facilities, all in Duval County, Jacksonville, Fla. A certificate of public convenience and necessity permitting abandonment was issued to the Jacksonville Terminal Company. Since no investigation was instituted, the requirement of section 1121.38 (a) of the Regulations that publication of notice of abandonment decisions in the *FEDERAL REGISTER* be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (sec. 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than 15 days after publication of this Notice. The offer, as filed, shall contain information required pursuant to section 1121.38(b)(2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 45 days from the date of this publication.

#### MOTOR CARRIER ALTERNATE ROUTES DEVIATIONS NOTICE

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4 (c) (11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this *FEDERAL REGISTER* notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

#### MOTOR CARRIERS OF PROPERTY

No. MC-111594 (Deviation No. 17), C. W. TRANSPORT, INC., 610 High St.,

Wisconsin Rapids, Wis. 54404, filed September 12, 1977. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Hudson, Wis., over Interstate Highway 94 to junction Wisconsin Highway 29, thence over Wisconsin Highway 29 to junction U.S. Highway 45, thence over U.S. Highway 45 to junction Wisconsin Highway 76, thence over Wisconsin Highway 76 to junction U.S. Highway 10, thence over U.S. Highway 10 to Appleton, Wis., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows, from Minneapolis, Minn., over U.S. Highway 12 to Fairchild, Wis., thence over U.S. Highway 10 to junction U.S. Highway 51, thence over U.S. Highway 51 to junction Wisconsin Highway 73, thence over Wisconsin Highway 73 to Wautoma, Wis., thence over Wisconsin Highway 21 to Oshkosh, Wis., thence over U.S. Highway 41 to Appleton, Wis., and return over the same route.

By the Commission.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 77-28373 Filed 9-28-77; 8:45 am]

#### [7035-01]

[Notice AB127]

#### SMALL BUSINESS ADMINISTRATION ON BEHALF OF THE CENTRAL IOWA TRANSPORTATION COOPERATIVE

Abandonment Over CIRC Railroad Line Between Hills and Montezuma, in Johnson, Washington, Keokuk, Mahaska, and Poweshiek Counties, Iowa

SEPTEMBER 20, 1977.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the abandonment proposed by the Des Moines District Office of the Small Business Administration of the total short-line trackage of the Central Iowa Transportation Cooperative (CIRC), extending from Hills to Montezuma in Johnson, Wash., Keokuk, Mahaska, and Poweshiek Counties, Iowa, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that there would be no environmental impacts associated with traffic diversion as there have been no operations on the line in recent years. The abandonment of the CIRC line would not result in a sig-

nificant loss of habitat for local wildlife species, nor does the line have potential for alternate public use which would warrant the recommendation of an appropriate condition in the abandonment certificate. There are no known sites or structures of historic value in the vicinity of the subject line, and no foreseeable public safety hazards would result from the abandonment.

A serious adverse impact on rural and community development would not be anticipated in light of the lack of reliance on the subject line for agricultural shipments by area farmers at present and the lack of rail-related economic development plans. Although there are some notable coal deposits in two of the counties traversed by the rail line, any future development of those deposits would not require service on the line.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423 on or before November 3, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 77-28689 Filed 9-28-77; 8:45 am]

#### [7035-01]

[FINANCE DOCKET No. 28324]

#### SOUTHERN MISSISSIPPI TRANSPORTATION CO.

Construct and Operate a Line of Railroad Located in Harrison County, Miss.

SEPTEMBER 20, 1977.

Notice to the parties: At the request of Save the Bay, Inc., the Commission's Section of Energy and Environment has extended the comment period for the draft environmental impact statement for the above-entitled proceeding to October 13, 1977.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 77-28688 Filed 9-28-77; 8:45 am]



# sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

## CONTENTS

Equal Employment Opportunity Commission .....  
Federal Communications Commission .....  
Federal Home Loan Bank Board .....  
Foreign Claims Settlement Commission .....  
Indian Claims Commission .....  
Interstate Commerce Commission .....  
National Transportation Safety Board .....  
Postal Service .....

### 1

#### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION:

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 48954, Sept. 26, 1977 and S-1444-77.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m. (eastern time), Thursday, September 29, 1977.

CHANGE IN THE MEETING: Correction. The first matter listed under portions open to the public was announced as "Freedom of Information Act Appeal 77-9-FOIA-184." This is corrected to read: Freedom of Information Act Appeal 77-7-FOIA-149.

#### CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat at (202-634-6748).

This Notice Issued September 26, 1977.  
[S-1465 77 Filed 9-26-77;2:05 pm]

### 2

#### FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9 30 a.m., Thursday, September 29, 1977.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open commission meeting.

#### MATTER TO BE CONSIDERED:

Agenda, Item No., Subject

Common Carrier—3—Petition to suspend RCA Globcom Systems, Inc., Tariff FCC No. 1. The proposed rates and regulations for Joint User Services.

Items

The prompt and orderly conduct of Commission business requires that less than 7 days notice be given of this additional agenda item.

#### CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone number (202-632-7260).

Issued: September 26, 1977.

[S-1466 77 Filed 9-26-77;3:23 pm]

### [ 6720-01 ]

### 3

#### FEDERAL HOME LOAN BANK BOARD.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 42, No. 185, Friday, September 23, 1977, page 48453.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9 30 a.m., Sept. 27, 1977.

STATUS: Open meeting.

#### CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall (202-376-3012).

CHANGES IN THE MEETING: The following item has been withdrawn from the agenda for the open meeting: Consideration of Amendments Relating to Service Corporations.

No. 74, September 26, 1977.  
Announcement is being made at the earliest practicable time.

[S-1169 77 Filed 9-26-77; 3:23 pm]

### 4

#### FOREIGN CLAIMS SETTLEMENT COMMISSION.

Meeting Notice No. 12-77.  
Announcement in Regard to Commission Meetings and Hearings.

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings and oral hearings for the transaction of routine Commission business and other matters specified, as follows:

Date and time	Subject matter
Wednesday, October 5, 1977, at 10:30 a.m.	Routine business.
Wednesday, October 12, 1977, at 10:30 a.m.	Routine business.
Wednesday, October 19, 1977, at 10:30 a.m.	Routine business.
Wednesday, October 26, 1977, at 10:30 a.m.	Routine business.

Subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 1111 20th Street NW., Washington, D.C. Requests for information, or advance notices of intention to observe a meeting, may be directed to: Executive Director, Foreign Claims Settlement Commission, 1111 20th Street NW., Washington, D.C. 20579. Telephone: 202-653-6156.

Dated at Washington, D.C., on September 20, 1977.

FRANCIS T. MASTERSON,  
Executive Director.

[S-1467 77 Filed 9-26-77;3:23 pm]

### 5

#### INDIAN CLAIMS COMMISSION.

TIME AND DATE: 10:15 a.m., October 5, 1977.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open to the public. Docket 182, Fort Sill Apache; Docket 196, Hopi; Docket 272, Creek; Docket 356, Pueblo of Santa Clara.

#### FOR MORE INFORMATION:

David H. Bigelow, Executive Director, Room 640, 1730 K Street NW., Washington, D.C. 20006. Tel: (202-653-6174).

[S-1468 77 Filed 9-26-77;3 23 pm]

### [ 7035-01 ]

### 6

#### INTERSTATE COMMERCE COMMISSION.

SEPTEMBER 26, 1977.

TIME AND DATE: 2:30 pm., Monday, October 3, 1977.

PLACE: Room 5124, Interstate Commerce Commission Building, 12th Street and Constitution Avenue NW., Washington, D.C.

STATUS: Notice of open meeting.

MATTER TO BE CONSIDERED: Division 3, Division Chairman Brown and Commissioner MacFarland and Christian voted unanimously to hold a meeting to consider the following agenda: 1. Review of present Division workload.

#### CONTACT PERSON FOR MORE INFORMATION:

Mrs. Hildred Hersman, Confidential Assistant to Commissioner Brown, Telephone: (202-275-7535).

[S-1472-77 Filed 9-27-77;8:52 am]

### [ 4910-58 ]

### 7

#### NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9:30 a.m., Thursday, October 6, 1977 (NM-77-32).

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: Open.

#### MATTERS TO BE CONSIDERED:

1. Letter to Air Line Pilots Association re reconsideration of probable cause and revised accident report, Pan American B-707, Pago Pago, American Samoa, January 30, 1974.

2. Railroad Accident Report.—Derailment of Amtrak train on Burlington Northern Railroad, Ralston, Nebraska, December 16, 1976.

3. Marine Accident Report.—Charter Fishing Board PEARL-C on the Columbia River Bar near Astoria, Oregon, September 13, 1976.

4. Discussion of revision of NTSB Order 6400.1—Recommendations Procedures.

5. Aircraft Accident Report.—Jet Avia, Ltd., Learjet LR-24B, N12MK, Palm Springs, California, January 6, 1977.

#### CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming (202-755-4930).  
[S-1470-77 Filed 9-26-77;3:23 pm]

### [ 7710-12 ]

### 8

#### POSTAL SERVICE BOARD OF GOVERNORS.

The Board of Governors of the United States Postal Service, pursuant to its

## SUNSHINE ACT MEETINGS

51727-51755

Bylaws (39 CFR 7.5 (as amended, 42 FR 12863)) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold a meeting at 9:30 A.M. on Tuesday, October 4, 1977, in the Auditorium, Room 1513-1515, Postal Employment Development Center, 90 Church Street, New York, N.Y. Except as indicated in the following paragraphs, the meeting is open to the public. The Board expects to discuss the matters stated in the Agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary of the Board, Louis A. Cox, at 202-245-4632.

On September 9, 1977, the Board of Governors of the United States Postal Service unanimously voted to close to public observation a portion of the October 4, 1977, meeting. Each of the members of the Board voted in favor of partially closing the meeting, which is expected to be attended by the following persons: Governors Wright, Holding, Ching, Coddling, Hardesty, Nevin and Robertson; Postmaster General Bailar; Deputy Postmaster General Bolger; Secretary to the Board Cox; and Senior Assistant Postmaster General (Employee and Labor Relations) Conway.

The portion of the meeting to be closed will consist of a discussion of the Postal Service's possible strategies and positions in anticipated collective bargaining negotiations involving parties to the 1975 National Agreement between the Postal Service and four labor organizations representing certain postal employees, which is scheduled to expire in July of 1978.

#### AGENDA

1. Minutes of the Previous Meeting.  
2. Remarks of the Postmaster General.

(In keeping with its consistent practice, the Board's agenda provides this opportunity for the Postmaster General to inform the members of miscellaneous current developments concerning the Postal Service. He might report, for example, the occurrence of a recent Congressional hearing, the appointment or

assignment of a key official, or the effect on postal operations of unusual weather or a major strike in the transportation industry. Nothing that requires a decision by the Board is brought up under this item.)

3. Report of the Regional Postmaster General.

(Mr. Sommerkamp, Regional Postmaster General, Operations Group, will conditions in the Northeastern Region.)

4. Special Report on Christmas Mail Preparations.

(Mr. Dorsey, Senior Assistant Postmaster General, Operations Group, will report on Postal Service preparations for the Christmas mailing season.)

5. Capital Investment Project, Lafayette, La.

(Mr. Maevis, Assistant Postmaster General, Real Estate and Buildings Department, will present a proposed project for a new General Mail Facility and Vehicle Maintenance Facility.)

6. Report on Planned Tests of Improvements in Handling and Postage Procedures for Certain Parcel Post Shipments.

(Ms. Karen Uemoto of the Customer Service Department will present a report on planned tests of possible improvements in parcel post service which could lead to increased parcel post usage by department stores as well as other customers.)

7. Discussion of Strategies and Positions in Collective Bargaining Negotiations.

(Mr. Conway, Senior Assistant Postmaster General, Employee and Labor Relations Group, will discuss with the Board possible strategies and positions in anticipated collective bargaining negotiations for a new Labor Agreement. As stated above in the Notice of Meeting, the part of the meeting that will be devoted to this matter will be closed to the public.)

LOUIS A. COX,  
Secretary.

[S-1471-77 Filed 9-26-77;4:05 pm]

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Registered  
Federal

THURSDAY, SEPTEMBER 29, 1977  
PART II



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DEPARTMENT OF  
TRANSPORTATION

Coast Guard  
and

DEPARTMENT OF  
DEFENSE

Corps of Engineers

■

TRANSFER OF  
NAVIGATION  
REGULATIONS

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**Title 33—Navigation and Navigable Waters**  
**CHAPTER I—COAST GUARD,**  
**DEPARTMENT OF TRANSPORTATION**  
 [CGD 75-082]

**TRANSFER OF NAVIGATION REGULATIONS FROM THE CORPS OF ENGINEERS TO THE COAST GUARD**

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

**SUMMARY:** Certain inland waterways navigation regulations are being transferred from the U.S. Army Corps of Engineers to the Coast Guard. This action is the result of the signing of a Memorandum of Understanding between the Corps of Engineers and the Coast Guard that clarifies the responsibilities of each agency for safety on the navigable waters of the United States. This administrative transfer assures effective and efficient regulation of waterway safety.

**EFFECTIVE DATE:** These amendments are effective on September 29, 1977.

**FOR FURTHER INFORMATION CONTACT:**

Captain George K. Greiner, Jr., Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590 (202-426-1477).

**SUPPLEMENTARY INFORMATION:** Since these amendments are matters relating to agency organization, they are exempt from the notice of proposed rule-making requirements in 5 U.S.C. 553(b) (3)(A) and since these amendments are not substantive, they may be made effective in less than 30 days after publication in the Federal Register under 5 U.S.C. (d) (2).

**DRAFTING INFORMATION**

The principal persons involved in the drafting of this regulation are Ensign George W. Molessa, Jr., Project Manager, Office of Marine Environment and Systems, and Lieutenant William R. Kerivan, Project Attorney, Office of Chief Counsel.

**Discussion of Regulation**

A Memorandum of Understanding between the United States Army Corps of Engineers and the United States Coast Guard was signed May 5, 1977, clarifying the responsibilities for safety on the navigable waters of the United States as a result of the enactment of the Ports and Waterways Safety Act of 1972 (Pub. L. 92-340).

Pursuant to sections 7 of 40 Stat. 266 and 6 of 32 Stat. 374, (33 U.S.C. 1), the Secretary of the Army acting through the Corps of Engineers exercises certain regulatory authority over the use, administration, and navigation of the navigable

waters of the United States. Under these authorities, the regulations contained in 33 CFR Part 207 were promulgated by the Corps of Engineers.

The Ports and Waterways Safety Act of 1972 (86 Stat. 424 33 U.S.C. 1221 et seq.) provides authority for the Secretary of the Department in which the Coast Guard is operating to regulate vessel navigation on navigable waters of the United States for purposes of marine safety and environmental protection. The Secretary of Transportation, under 49 CFR 1.46(n) (4), has delegated his responsibility under 33 U.S.C. 1221 to the Commandant of the Coast Guard.

A significant portion of the regulations published in 33 CFR Part 207 under Corps of Engineers authority contained in 33 U.S.C. 1 relate to speed limits, non-Department of Defense restricted areas,

and vessel operations affecting navigational safety. All regulations in 33 CFR Part 207 falling under Coast Guard responsibility, as determined by a joint agency working committee, are being transferred from the Corps of Engineers to the Coast Guard. The Coast Guard is publishing these regulations in 33 CFR Parts 161 and 162 and will be responsible for their enforcement.

All regulations in 33 CFR Part 207 not covered by the Coast Guard's authority granted by the Ports and Waterways Safety Act will remain with the Corps of Engineers and will remain a part of 33 CFR Part 207. Enforcement responsibilities for these regulations will not be affected.

Those regulations in 33 CFR Part 207 that are being transferred to the Coast Guard are redesignated as follows:

Old sec. No.	New section No.
207.35	162.15
207.36	162.20
207.40	162.25
207.70	162.30
207.80	162.35
207.100 (a), (g), (l), (r), (s)	162.40 (a)-(f)
207.130	162.45
207.140	162.50
207.154	162.55
207.157a	162.60
207.160 (a) (1), (3), (4), (f)	162.65 (a) (1)-(3), (b)
207.172	162.70
207.180 (a) (1), (3), (4), (c) (1)-(4), (5) (i), (iii)-(vi)	162.75 (a) (1)-(3), (b) (1)-(4), (5) (i)-(v)
207.200 (b) (1)-(3), (c), (d)	161.402 (a) (1)-(3), (b), (c)
207.200(e)	162.80(a)
207.260(d)	162.85(a)
207.275 (a) (1), (3), (4) (e) (1), (2), (i)-(iii), (v)-(vii), (3)-(6)	162.90 (a) (1)-(3), (b) (1), (2) (i)-(vii), (3)-(6)
207.301	162.100
207.306 (a), (c)	162.105 (a), (b)
207.400 (a) (1), (2), (4)-(8)	162.110(a) (1)-(7)
207.410 (a), (b), (d)-(j)	162.115 (a)-(i)
207.450	162.120
207.470 (a)-(g), (i)-(l), (n)	162.125 (a)-(i)
207.473(b)	162.130(a)
207.510	162.135
207.530	162.140
207.545	162.145
207.550	162.150
207.560 (a)-(c)	162.155 (a)-(c)
207.565 (a), (b)	162.160 (a), (b)
207.570 (a), (b)	162.165 (a), (b)
207.580 (a), (b)	162.170 (a), (b)
207.590(f)	162.175(a)
207.591	162.180
207.600 (a), (b)	162.185 (a), (b)
207.610(a)-(c)	162.190 (a)-(c)
207.619	162.195
207.619a	162.200
207.640 (k), (o), (p)	162.205 (a)-(c)
207.642	162.210
207.643	162.215
207.645	162.220
207.670	162.225
207.715a	162.230
207.750 (d) (1)-(6), (10), (I)	162.235 (a) (1)-(7), (b)
207.785	162.240
207.787	162.245
207.790	162.250
207.800 (a), (c)-(h)	162.255 (a)-(g)
207.810	162.260
207.812	162.265
207.900	162.270

In consideration of the foregoing, Chapter I of Title 33 of the Code of Regulations is amended as follows:

1. By amending Part 161 by adding §§ 161.401 and 161.402 grouped under a center-head reading as follows:

**PART 161—NEW ORLEANS VESSEL TRAFFIC SERVICE**

**GENERAL RULES**

Sec. 161.401 Purpose and applicability.  
 161.402 Vessel operation.

**AUTHORITY:** Sec. 104, Pub. L. 92-340, 86 Stat. 424 (33 U.S.C. 1224); 49 CFR 1.46(n) (4).

**GENERAL RULES**

**§ 161.401 Purpose and applicability.**

(a) Sections 161.401 and 161.402 prescribe rules for vessel operation in the New Orleans Vessel Traffic Service Area (VTS Area) to prevent collisions and groundings and to protect the navigable waters of the VTS Area from environmental harm resulting from collisions and groundings.

**§ 161.402 Vessel operation.**

(a) Mississippi River below Baton Rouge, LA, including South and Southwest Passes—

(1) *Supervision.* The use, administration, and navigation of the waterways to which this paragraph applies shall be under the supervision of the District Commander, Eighth Coast Guard District.

(2) *Speed; high-water precautions.* When passing another vessel (in motion, anchored, or tied up), a wharf or other structure, work under construction, plant engaged in river and harbor improvement, levees withstanding flood waters, buildings partially or wholly submerged by high water, or any other structure liable to damage by collision, suction or wave action, vessels shall give as much leeway as circumstances permit and reduce their speed sufficiently to preclude causing damages to the vessel or structure being passed. Since this subparagraph pertains directly to the manner in which vessels are operated, masters of vessels shall be held responsible for strict observance and full compliance therewith. During high river stages, floods, or other emergencies, the District Commander may prescribe by navigation bulletins or other means the limiting speed in land miles per hour deemed necessary for the public safety for the entire section or any part of the waterways covered by this paragraph, and such limiting speed shall be strictly observed.

(3) *Towing.* Towing in any formation by a vessel with insufficient power to permit ready maneuverability and safe handling is prohibited.

(b) *Movement of vessels in vicinity of Algiers Point, New Orleans Harbor—*

(1) *Control lights.* When the Mississippi River reaches 10 feet on the Carrollton Gage on a rising stage, and until the gage reads 12 feet on a falling stage, the movement of all tugs with tows and all ships, whether under their own power or in tow, and excluding tugs or towboats without tows or river craft of com-

parable size and maneuverability operating under their own power, in the vicinity of Algiers Point shall be governed by red and green lights designated and located as follows: Governor Nicholls Light located on the left descending bank on the wharf shed at the upstream end of Esplanade Avenue Wharf, New Orleans, approximately 94.3 miles above Head of Passes; and Gretna Light located on the right descending bank on top of the levee at the foot of Ocean Avenue, Gretna, approximately 96.6 miles above Head of Passes. Governor Nicholls Light has lights visible from both upstream and downstream, and Gretna Light has lights visible from upstream, all indicating by proper color the direction of traffic around Algiers Point. From downstream, Gretna Light always shows green. All lights oscillate through 60 degrees, sweeping the entire width of the river every five seconds. A green light displayed ahead of a vessel (in the direction of travel) indicates that Algiers Point is clear and the vessel may proceed. A red light displayed ahead of a vessel (in the direction of travel) indicates that Algiers Point is not clear and the vessel shall not proceed. Absence of lights shall be considered a danger signal and no attempt shall be made to navigate through the restricted area.

(2) *Ascending vessels.* Ascending vessels shall not proceed farther up the river than a line connecting the upper end of Morgans Wharf (on right descending bank) with the lower end of Desire Street Wharf (on left descending bank) when a red light is displayed. Vessels awaiting a change of signal shall keep clear of descending vessels.

(3) *Descending vessels.* (i) Descending vessels shall not proceed farther down the river than a line connecting the lower end of Julia Street Wharf (on left descending bank) with Diana Street (on right descending bank) when a red light is displayed. Vessels shall round to and be headed upstream before they reach that line, if the signal remains against the vessel. Vessels awaiting a change of signal shall keep clear of ascending vessels.

(ii) Vessels destined to a wharf above the lower end of Julia Street Wharf shall signal the Gretna towerman three long blasts and one short blast of a whistle or horn to indicate that the vessel is not bound below the Julia Street Wharf.

(iii) The master, pilot, or authorized representative of any vessel scheduled to depart from a wharf between Governor Nicholls Light and Louisiana Avenue, bound downstream around Algiers Point, shall communicate with the Governor Nicholls Light towerman by telephone to determine whether the channel at Algiers Point is clear before departure. When the point is clear, vessels shall then proceed promptly so that other traffic will not be unnecessarily delayed.

**NOTE.**—Telephone numbers of both signal towers will be published in navigation bulletins in advance of each operating period.

(4) *Minor changes.* The District Commander is authorized to waive operation

or suspension of the lights whenever prospective river stages make it appear that the operation or suspension will be required for only a brief period of time or when river stages will rise or fall below the critical stage which is established for operation or suspension by only a few tenths on the Carrollton Gage.

(5) *Underpowered vessels.* When the Carrollton Gage reads 12 feet or higher, any vessel which is considered by the master or pilot as being underpowered or a poor handler shall not navigate around Algiers Point without the assistance of a tug or tugs.

(6) *Towing.* When the Carrollton Gage reads 12 feet or higher, towing on a hawser in a downstream direction between Julia Street and Desire Street is prohibited except by special permission of the District Commander.

(c) *Navigation of South and Southwest Passes.*

(1) No vessel, except small craft and towboats and tugs without tows, shall enter either South Pass or Southwest Pass from the Gulf until after any descending vessel which has approached within two and one-half (2½) miles of the outer end of the jetty and visible to the ascending vessel shall have passed to sea.

(2) No vessel having a speed of less than ten mph shall enter South Pass from the Gulf when the stage of the Mississippi River exceeds 15 feet on the Carrollton Gage at New Orleans. This subparagraph does not apply when Southwest Pass is closed to navigation.

(3) No vessel, except small craft and towboats and tugs without tows, ascending South Pass shall pass Franks Crossing Light until after a descending vessel shall have passed Depot Point Light.

(4) No vessel, except small craft and towboats and tugs without tows, shall enter the channel at the head of South Pass until after an ascending vessel which has reached Franks Crossing Light shall have passed through into the river.

(5) When navigating South Pass during periods of darkness no tow shall consist of more than one towed vessel other than small craft, and during daylight hours no tow shall consist of more than two towed vessels other than small craft. Tows may be in any formation. When towing on a hawser, the hawser shall be as short as practicable to provide full control at all times.

(6) When towing in Southwest Pass during periods of darkness no tow shall consist of more than two towed vessels other than small craft, and during daylight hours no tow shall consist of more than three towed vessels other than small craft.

**PART 162—INLAND WATERWAYS NAVIGATION REGULATIONS**

2. By adding a new Part 162 to read as follows:

Sec. 162.15 Manhasset Bay, N.Y.; seaplane restricted area.  
 162.20 Flushing Bay near La Guardia Airport, Flushing, N.Y.; restricted area.

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- Sec.  
162.25 Ambrose Channel, New York Harbor, N.Y.; navigation.  
162.30 Channel of Tuckerton Creek, N.J.; navigation.  
162.35 Channel of Christina River, Del.; navigation.  
162.40 Inland waterway from Delaware River to Chesapeake Bay, Del. and Md. (Chesapeake and Delaware Canal); use, administration, and navigation.  
162.45 York Spit Channel, Chesapeake Bay; navigation.  
162.50 Thimble Shoal Channel, Chesapeake Bay; navigation.  
162.55 Southern Branch of Elizabeth River; speed.  
162.60 Little Creek, Va.; speed.  
162.65 All waterways tributary to the Atlantic Ocean south of Chesapeake Bay and all waterways tributary to the Gulf of Mexico east and south of St. Marks, Fla.; use, administration, and navigation.  
162.70 Biscayne Bay, Fla.; Seaplane Operating Area, Coast Guard, Miami, Fla.  
162.75 All waterways tributary to the Gulf of Mexico (except the Mississippi River, its tributaries, South and Southwest Passes and the Atchafalaya River) from St. Marks, Fla., to the Rio Grande; use, administration, and navigation.  
162.80 Mississippi River below mouth of Ohio River, including South and Southwest Passes; use, administration, and navigation.  
162.85 Yazoo Diversion Canal, Vicksburg, Miss., from its mouth at Kleinston Landing to Fisher Street; navigation.  
162.90 White River, Arkansas Post Canal, Arkansas River and Verdigris River between Mississippi River, Ark., and Catoosa, Okla.; use, administration, and navigation.  
162.100 Ohio River at Louisville, Ky.; restricted area.  
162.105 Missouri River; administration and navigation.  
162.110 Duluth-Superior Harbor, Minn., and Wis.; use, administration, and navigation, and bridge regulations.  
162.115 Keweenaw Waterway, Mich.; use, administration, and navigation.  
162.120 Harbors on Lake Michigan; speed of vessels.  
162.125 Sturgeon Bay and Lake Michigan Ship Canal, Wis.; use and navigation.  
162.130 Waukegan Harbor, Ill.  
162.135 Connecting waters of the Great Lakes from Lake Huron to Lake Erie; use, administration and navigation.  
162.140 Rouge River and Short Cut Canal, Mich.; use, administration and navigation.  
162.145 Monroe Harbor, Mich.; use, administration, and navigation.  
162.150 Maumee Bay Channel, Ohio; use, administration and navigation.  
162.155 Sandusky Harbor, Ohio; use, administration, and navigation.  
162.160 Vermilion Harbor, Ohio; use, administration, and navigation.  
162.165 Harbors of Huron, Lorain, Cleveland, Fairport, Ashtabula, Conneaut, Ohio; use, administration, and navigation.  
162.170 Buffalo Harbor, N.Y.; use, administration, and navigation.  
162.175 Black Rock Canal and Lock at Buffalo, N.Y.; use, administration and navigation.
- 162.180 Niagara River at Niagara Falls, N.Y.; restricted area.  
162.185 Rochester (Charlotte) Harbor, N.Y.; use, administration, and navigation.  
162.190 St. Lawrence River, Cape Vincent Harbor, N.Y.; use, administration, and navigation of the harbor and United States breakwater.  
162.195 Santa Monica Bay, Calif.; restricted area.  
162.200 Marina del Rey, Calif.; restricted area.  
162.205 San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, San Joaquin River, and connecting waters, Calif.  
162.210 Lake Tahoe, Calif.; restricted areas along south shore.  
162.215 Lake Tahoe, Nevada; restricted area adjacent to Nevada Beach.  
162.220 Hoover Dam, Lake Mead, and Lake Mohave (Colorado River), Ariz.-Nev.  
162.225 Columbia and Willamette Rivers, Washington and Oregon; administration and navigation.  
162.230 Columbia River, Wash.  
162.235 Puget Sound Area, Wash.  
162.240 Tongass Narrows, Alaska; navigation.  
162.245 Kenai River, Kenai, Alaska; use, administration, and navigation.  
162.250 Port Alexander, Alaska; speed of vessels.  
162.255 Wrangell Narrows, Alaska; use, administration, and navigation.  
162.260 Channel leading to San Juan Harbor, P.R.; use, administration, and navigation.  
162.265 San Juan Harbor, Puerto Rico; seaplane restricted area.  
162.270 Restricted areas in vicinity of Maritime Administration Reserve Fleets.

AUTHORITY: Sec. 104, Pub. L. 92-340, 86 Stat. 424 (33 U.S.C. 1224); 49 CFR 1.46(n) (4).

§ 162.15 Manhasset Bay, N.Y.; seaplane restricted area.

(a) *The restricted area.* An area in Manhasset Bay between the shore at Manohaven on the north and the southerly limit line of the special anchorage area in Manhasset Bay, west area at Manohaven (described in § 202.60 of this chapter), on the south; its axis being a line bearing 166°50' true from latitude 40°50'17.337", longitude 73°43'03.877", which point is on the south side of Orchard Beach Boulevard at Manohaven; and being 100 feet wide for a distance of 380 feet in a southerly direction from the south side of Orchard Beach Boulevard, and thence flaring to a width of 300 feet at the southerly limit line.

(b) *The regulations.* (1) Vessels shall not anchor or moor within the restricted area.

(2) All vessels traversing the area shall pass directly through without unnecessary delay, and shall give seaplanes the right-of-way at all times.

§ 162.20 Flushing Bay near La Guardia Airport, Flushing, N.Y.; restricted area.

(a) *The area.* An area in the main channel in Flushing Bay extending for a distance of 300 feet on either side of the extended center line of Runway No. 13-31 at La Guardia Airport.

(b) *The regulations.* (1) All vessels traversing in the area shall pass directly through without unnecessary delay.

(2) No vessels having a height of more than 35 feet with reference to the plane of mean high water shall enter or pass through the area whenever visibility is less than one mile.

§ 162.25 Ambrose Channel, New York Harbor, N.Y.; navigation.

(a) The use of Ambrose Channel (formerly and before improvement called "East Channel") is hereby restricted to navigation by vessels under efficient control with their own motive power and not having barges or other vessels or floats in tow. Sailing vessels and vessels carrying tows are not permitted to use this channel except under permit as provided in paragraph (b) of this section.

(b) The Captain of the Port, New York may authorize vessels under tow to use Ambrose Channel in special cases when, in his judgment, the draft of such vessels or other conditions may render unsafe the use of other channels.

(c) Vessels permitted to use Ambrose Channel under paragraphs (a) and (b) of this section must proceed through the channel at a reasonable speed such as not to endanger other vessels and not to interfere with any work which may become necessary in maintaining, surveying, or buoying the channel; and they must not anchor in the channel except in cases of emergency, such as fog or accident, which would render progress unsafe or impossible.

(d) This section is not to be construed as prohibiting any necessary use of the channel by any Government boats while on Government duty, nor in emergencies by pilot boats whether steam or sail, nor by police boats.

(e) This section shall remain in force until modified or rescinded, and shall supplant all prior regulations governing the use of Ambrose Channel, which are hereby revoked.

§ 162.30 Channel of Tuckerton Creek, N.J.; navigation.

(a) Power boats or other vessels propelled by machinery shall not proceed at any time within the limits of these waters at a greater speed than 8 statute miles per hour.

§ 162.35 Channel of Christina River, Del.; navigation.

(a) That vessels of over 20 tons capacity, propelled by machinery, shall not proceed at any time within the limits of these waters at a greater speed than 8 statute miles per hour.

§ 162.40 Inland waterway from Delaware River to Chesapeake Bay, Del. and Md. (Chesapeake and Delaware Canal).

(a) *Applicability.* The regulations in this section are applicable to that part of the inland waterway from Delaware River to Chesapeake Bay, Del. and Md., between Reedy Point, Delaware River, and Old Town Point Wharf, Elk River.

(b) *Speed.* No vessel in the waterway shall be raced or crowded alongside another vessel. Vessels of all types, including pleasure craft, are required to travel at all times at a safe speed throughout the canal and its approaches so as to avoid damage by suction or wave wash to wharves, landings, riprap protection, or other boats, or injury to persons.

Pilots and vessel operators transiting the canal and its approaches are warned that violation of this rule may result in having their privilege to transit the canal suspended. Passages of vessels through the canal will be monitored and specific cases will be investigated where damage by suction or wave wash does occur. Owners and operators of yachts, motorboats, rowboats, and other craft are cautioned that large deep draft ocean-going vessels and other large commercial vessels ply the canal, and such owners and operators should be particularly careful to moor or anchor well away from the main ship channels, with moorings and lines which are sufficient and proper.

(c) *Right-of-way.* All vessels proceeding with the current shall have the right-of-way over those proceeding against the current. Large vessels or tows must not overtake and attempt to pass other large vessels or tows in the waterway. All small pleasure craft shall relinquish the right-of-way to deeper draft vessels, which have a limited maneuvering ability due to their draft and size.

(d) *Stopping in waterway.* Vessels will not be permitted to stop or anchor in the ship channel.

(e) *Water skiing.* Water skiing in the waterway is prohibited between Reedy Point and Welch Point.

(f) *Sailboats.* Transiting the canal by vessels under sail is not permitted between Reedy Point and Welch Point.

NOTE: The Corps of Engineers also has regulations dealing with this section in 33 CFR Part 207.

§ 162.45 York Spit Channel, Chesapeake Bay; navigation.

The use of this channel shall be restricted to vessels and other watercraft passing up or down the bay, and no vessel or other watercraft shall cross the channel or enter it at any point other than at its ends and in the direction of its axis. Any vessel having entered the channel shall follow the course thereof for its entire length.

§ 162.50 Thimble Shoal Channel, Chesapeake Bay; navigation.

(a) The use of this channel shall be restricted to vessels, tows, and other watercraft drawing 20 feet or more at the time of navigating the channel. Provided, That this restriction shall not apply to passenger-carrying vessels.

(b) Watercraft permitted to use the channel under paragraph (a) of this section shall proceed through at a reasonable speed so as not to endanger other vessels or interfere with any work in connection with maintaining, surveying or buoying the channel. Vessels shall not anchor in the channel except in

cases of emergency, such as fog or accident, which would render progress unsafe or impossible.

(c) This section shall not be construed as prohibiting necessary use of the channel by Government boats while on Government duty, or its use in emergencies by pilot boats, whether steam or sail, or by police boats.

§ 162.55 Southern Branch of Elizabeth River; speed.

In that part of the Southern Branch of Elizabeth River between the junction of the Southern and Eastern Branches of the Elizabeth River and the Norfolk and Portsmouth Belt Line Railroad Bridge, no vessel shall move at a speed exceeding six knots.

§ 162.60 Little Creek, Va.; speed.

No vessel shall proceed at a speed exceeding five knots in that part of Fishermans Cove (Northwest Branch of Little Creek) between the highway bridge on U.S. Route 60 and the mouth of the Cove.

§ 162.65 All waterways tributary to the Atlantic Ocean south of Chesapeake Bay and all waterways tributary to the Gulf of Mexico east and south of St. Marks, Fla.

(a) *Description.* This section applies to the following:

(1) *Waterways.* All navigable waters of the United States, natural or artificial, including bays, lakes, sounds, rivers, creeks, intracoastal waterways, as well as canals and channels of all types, which are tributary to or connected by other waterways with the Atlantic Ocean south of Chesapeake Bay or with the Gulf of Mexico east and south of St. Marks, Florida.

(2) *United States property.* All river and harbor lands owned by the United States in or along the waterways described in subparagraph (1) of this paragraph, including lock sites and all structures thereon, other sites for Government structures and for the accommodation and use of employees of the United States, and rights of way and spoil disposal areas to the extent of Federal interest therein.

(3) *Vessels and rafts.* The term "vessel" as used in this section includes all floating things moved over these waterways other than rafts.

(b) *Waterways.* (1) *Fairway.* A clear channel shall at all times be left open to permit free and unobstructed navigation by all types of vessels and rafts that normally use the various waterways or sections thereof. The District Commander may specify the width of the fairway required in the various waterways under his charge.

(2) *Stoppage in waterway, anchorage or mooring.* (i) No vessels or rafts shall anchor or moor in any of the land cuts or other narrow parts of the waterway, except in case of an emergency. Whenever it becomes necessary for a vessel or raft to stop in any such portions of the waterway it shall be securely fastened to one bank and as close to the bank as possible.

This shall be done only at such a place and under such conditions as will not obstruct or prevent the passage of other vessels or craft. Stoppages shall be only for such periods as may be necessary.

(ii) No vessel or raft will be allowed to use any portion of the fairway as a mooring place except temporarily as authorized above without the written permission from the District Commander.

(iii) When tied up, all vessels must be moored by bow and stern lines. Rafts and tows shall be secured at sufficiently close interval, to insure their not being drawn away from the bank by winds, currents or the suction of passing vessels. Tow lines shall be shortened so that the different parts of the tow shall be as close together as possible. In narrow sections, no vessel or raft shall be tied abreast of another.

(iv) Lights shall be displayed in accordance with provisions of the Inland Rules and the Pilot Rules for Inland Waters.

(v) No vessel, even if fastened to the bank as prescribed in subdivision (i) of this subparagraph, shall be left without a sufficient crew to care for it properly.

(vi) Vessels will not be permitted to load or unload in any of the land cuts except as a regular established landing or wharf without written permission secured in advance from the District Commander.

(vii) No vessel, regardless of size, shall anchor in a dredged channel or narrow portion of a waterway for the purpose of fishing, if navigation is obstructed, thereby.

(viii) Except in cases of emergency the dropping of anchors, weights, or other ground tackle, within areas occupied by submarine cable or pipe crossings, is prohibited. Such crossings will ordinarily be marked by signboards on each bank of the shore or indicated on coast charts.

(3) *Speed.* (i) Vessels shall proceed at a speed which will not endanger other vessels or structures and will not interfere with any work in progress incident to maintaining, improving, surveying or marking the channel.

(ii) Official signs indicating limiting speeds through critical portions of the waterways shall be strictly obeyed.

(iii) Vessels approaching and passing through a bridge shall so govern their speed as to insure passage through the bridge without damage to the bridge or its fenders.

(iv) A vessel being overtaken by another shall slacken speed sufficiently to permit the passage to be effected with safety to both vessels.

(4) *Assembly and handling of tows.*

(i) All vessels drawing tows and equipped with rudders shall use two tow lines or a bridle and shorten them to the greatest possible extent so as to have full control at all times. The various parts of a tow shall be securely assembled with the individual units connected by lines as short as practicable. If necessary, as in the case of lengthy or cumbersome tows or tows in restricted channels, the



District Commander may require that tows be broken up and may require the installation of a rudder, drag or other approved steering device on the tow in order to avoid obstructing navigation or damaging the property of others, including aids to navigation maintained by the United States or under its authorization, by collision or otherwise.

(ii) No tow shall be drawn by a vessel that has insufficient power or crew to permit ready maneuverability and safe handling.

(iii) Tows desiring to pass a bridge shall approach the opening along the axis of the channel so as to pass through without danger of striking the bridge or its fenders. No vessel or tow shall navigate through a drawbridge until the movable span is fully opened.

(iv) In the event that it is evident to the master of a towing vessel that a tow cannot be safely handled through a bridge, it will be brought to anchor and the towed vessels will be taken through the bridge in small units, or singly if necessary, or the tow will wait until navigation conditions have improved to such an extent that the tow can pass through the bridge without damage.

(5) *Projections from vessels.* No vessel carrying a deck load which overhangs or projects over the side of said vessel, or whose rigging projects over the side of the vessel so as to endanger passing vessels, wharves or other property, will enter or pass through any of the narrow parts of the waterway.

(6) *Meeting and passing.* Vessels, on meeting or overtaking, shall give the proper signals and pass in accordance with the Inland Rules and the Pilot Rules for Inland Waters. Rafts shall give to vessels the side demanded by proper signal. All vessels approaching dredges, or other plant engaged on improvements to a waterway, shall give the signal for passing and slow down sufficiently to stop if so ordered or if no answering signal is received. On receiving the answering signal, they shall then proceed to pass at a speed sufficiently slow to insure safe navigation.

NOTE.—The Corps of Engineers also has regulations dealing with this section in 33 CFR Part 207.

#### § 162.70 Biscayne Bay, Fla.: Seaplane Operating Area, Coast Guard, Miami, Fla.

(a) *The seaplane operating area.*—(1) *The area.* Beginning at Dinner Key Seaplane Channel Approach Light 2; thence 54° for approximately 9,900 feet to Biscayne Bay Range Three Front Light C; thence 178° for approximately 4,350 feet to Biscayne Bay Range Three Rear Light; thence 182° for approximately 12,750 feet to Southwest Point Daybeacon 26; thence 270° for approximately 13,500 feet to a position in Biscayne Bay at latitude 25°41'24", longitude 80°13'30"; thence 30° for approximately 9,900 feet to Dinner Key Channel Light 1; and thence 21° for approximately 3,050 feet to the point of beginning.

NOTE: All bearings are referred to true meridian.

(2) *The regulations.* (i) Watercraft may navigate, anchor, or moor within the operating area. Fishing will be permitted.

(ii) Watercraft utilizing the area during hours from sunset to sunrise, or during periods of low visibility, shall comply strictly with existing regulations of the Inland Rules and the Motorboat Act of 1940.

(iii) Watercraft within the operating area must recognize the fact that the maneuverability of aircraft on the surface is relatively limited as compared to that of vessels or vehicles specifically designed for surface operations. Therefore, it is essential that occupants of all watercraft shall, when in the seaplane operating area, exercise due vigilance and be alert for the presence of aircraft either taxiing on the surface, or approaching for landings and takeoffs within the area.

(iv) Seaplane landings and takeoffs will be covered by the presence of a station crash boat whenever possible. Under unusual and infrequent circumstances seaplanes may be limited to a particular heading or portion of the operating area, and watercraft in that vicinity may be requested by the crash boat to yield right-of-way to the aircraft for the particular maneuver involved. Under such unusual conditions watercraft shall comply with the request made by the crash boat for the mutual safety of boats and aircraft.

(b) *Notices.* Notices covering the regulations in this section will be posted at the nearby marina and wharves and at boat basins in Miami and adjoining towns.

§ 162.75 All waterways tributary to the Gulf of Mexico (except the Mississippi River, its tributaries, South and Southwest Passes and the Atchafalaya River) from St. Marks, Fla., to the Rio Grande.

(a) The regulations in this section shall apply to:

(1) *Waterways.* All navigable waters of the U.S. tributary to or connected by other waterways with the Gulf of Mexico between St. Marks, Fla., and the Rio Grande, Tex. (both inclusive), and the Gulf Intracoastal Waterway; except the Mississippi River, its tributaries, South and Southwest Passes, and the Atchafalaya River above its junction with the Morgan City-Port Allen Route.

(2) *Bridges, wharves, and other structures.* All bridges, wharves, and other structures in or over these waterways.

(3) *Vessels.* The term "vessels" as used in this section includes all floating craft other than rafts.

(b) *Waterways:*

(1) A clear channel shall at all times be left open to permit free and unobstructed navigation by all types of vessels and tows normally using the various waterways covered by the regulations of this section.

(2) *Fairway.* The District Commander may specify the width of the fairway required in the various waterways under his charge.

(3) *Anchoring or mooring:*

(i) Vessels or tows shall not anchor or moor in any of the land cuts or other narrow parts of the waterway, except in an emergency, or with permission of the District Commander. Whenever it becomes necessary for a vessel or tow to stop in any such portions of the waterway, it shall be securely fastened to one bank and as close to the bank as possible. This shall be done only at such a place and under such conditions as will not obstruct or prevent the passage of other vessels or tows. Stoppages shall be only for such periods as may be necessary.

(ii) When tied up individually, all vessels and tows shall be moored by bow and stern lines. Tows shall be secured at sufficiently frequent intervals to insure their not being drawn away from the bank by winds, currents, or the suction of passing vessels. Lines shall be shortened so that the various barges in a tow will be as close together as possible.

(iii) Lights shall be displayed in accordance with provisions of the Inland Rules and the Pilot Rules for Inland Waters.

(iv) Whenever any vessel or tow is moored to the bank (subdivision (i) of this subparagraph) at least one crew member shall always remain on board to see that proper signals are displayed and that the vessel or tow is properly moored at all times.

(v) No vessel, regardless of size, shall anchor in a dredged channel or narrow portion of a waterway for the purpose of fishing if navigation is obstructed thereby.

(4) *Speed.* Speeding in narrow sections is prohibited. Official signs indicating limited speeds shall be obeyed. Vessels shall reduce speed sufficiently to prevent damage when passing over vessels or structures in or along the waterway.

(5) *Size, assembly, and handling of tows:*

(i) On waterways 150 feet wide or less, tows which are longer than 1,180 feet, including the towing vessel, but excluding the length of the hawser, or wider than one-half of the bottom width of the channel or 55 feet, whichever is less, will not be allowed, except when the District Commander has given special permission or the waterway has been exempted from these restrictions by the District Commander. Before entering any narrow section of the Gulf Intracoastal Waterway, tows in excess of one-half the channel width, or 55 feet, will be required to stand by until tows which are less than one-half the channel width or 55 feet wide have cleared the channel. When passing is necessary in narrow channels, overwidth tows shall yield to the maximum. Separate permission must be received from the District Commander for each overlength or overwidth movement. In addition, the following exceptions are allowed:

(ii) *Gulf Intracoastal Waterway.* Between mile 6.2 EHL (Inner Harbor Navigation Canal Lock) and mile 33.6 EHL tows of 78 feet in width will be allowed.

(iii) *Gulf Intercoastal Waterway.* Between mile 33.6 EHL and the Mobile Bay Ship Channel, tows of 108 feet in width will be allowed if under 750 feet in length including the towboat but excluding the length of the hawser.

(iv) *Gulf Intracoastal Waterway.* Mobile Bay Ship Channel to St. Marks, Fla., for tows made up of empty barges on the off or shallow side, a width of 75 feet will be allowed.

(v) All vessels pulling tows not equipped with rudders in restricted channels and land cuts shall use two towlines, or a bridle on one towline, shortened as much as safety of the towing vessel permits, so as to have maximum control at all times. The various parts of a tow shall be securely assembled with the individual units connected by lines as short as practicable. In open water, the towlines and fastenings between barges may be lengthened so as to accommodate the wave surge. In the case of lengthy or cumbersome tows, or tows in restricted channels, the District Commander may require that tows be broken up, and may require the installation of a rudder or other approved steering device on the tow in order to avoid obstructing navigation or damaging the property of others. Pushing barges with towing vessel astern, towing barges with towing vessel alongside, or pushing and pulling barges with units of the tow made up both ahead and astern of the towing vessel are permissible provided that adequate power is employed to keep the tows under full control at all times. No tow shall be drawn by a vessel that has insufficient power or crew to permit ready maneuverability and safe handling.

(6) *Projections from vessels:* Vessels or tows carrying a deck load which overhangs or projects over the side, or whose rigging projects over the side, so as to endanger passing vessels, wharves, or other property, shall not enter or pass through any of the narrow parts of the waterway without prior approval of the District Commander.

(7) *Meeting and passing:* Passing vessels shall give the proper signals and pass in accordance with the International Rules, the Inland Rules and the Pilot Rules for Inland Waters, where applicable. At certain intersections where strong currents may be encountered, sailing directions may be issued through navigation bulletins or signs posted on each side of the intersections.

NOTE.—The Corps of Engineers also has regulations dealing with this section in 33 CFR 207.

#### § 162.80 Mississippi River below mouth of Ohio River, including South and Southwest Passes.

(a) *Mooring on Mississippi River between Miles 314.5 AHP and 340.0 AHP.* (1) No vessel or craft shall moor along either bank of the Mississippi River between Mile 314.5 AHP and Mile 340.0 AHP except in case of an emergency, pursuant to an approved navigation permit, or as authorized by the District Commander. Vessels may be moored any place outside the navigation channel in this reach in

case of an emergency and then for only the minimum time required to terminate the emergency. When so moored, all vessels shall be securely tied with bow and stern lines of sufficient strength and fastenings to withstand currents, winds, wave action, suction from passing vessels or any other forces which might cause the vessels to break their moorings. When vessels are so moored, a guard shall be on board at all times to insure that proper signals are displayed and that the vessels are securely and adequately moored.

(2) Vessels may be moored any time at facilities constructed in accordance with an approved navigation permit or as authorized by the District Commander. When so moored, each vessel shall have sufficient fastenings to prevent the vessels from breaking loose by wind, current, wave action, suction from passing vessels or any other forces which might cause the vessels to break their mooring. Number of vessels in one fleet and the width of the fleet of vessels tied abreast shall not extend into the fairway or be greater than allowed under the permit.

(3) Mariners should report immediately by radio or fastest available means to the lockmaster at Old River Lock or to any Government patrol or survey boat in the vicinity any emergency mooring or vessels drifting uncontrolled within the area described in subparagraph (1) of this paragraph. It is the responsibility and duty of the master of a towing vessel releasing or mooring a vessel in this reach of the Mississippi River to report such action immediately.

NOTE.—The Corps of Engineers also has regulations dealing with this section in 33 CFR Part 207.

#### § 162.85 Yazoo Diversion Canal, Vicksburg, Miss., from its mouth at Klein-ton Landing to Fisher Street; navigation.

(a) *Speed.* Excessive speeding is prohibited. A vessel shall reduce its speed sufficiently to prevent any damage when approaching another vessel in motion or tied up, a wharf or other structure, works under construction, plant engaged in river and harbor improvement, levees, floodwalls withstanding floodwaters, buildings submerged or partially submerged by high waters, or any other structure or improvement likely to be damaged by collision, suction, or wave action.

NOTE.—The Corps of Engineers also has regulations dealing with this section in 33 CFR Part 207.

#### § 162.90 White River, Arkansas Post Canal, Arkansas River, and Verdigris River between Mississippi River, Ark., and Catoosa, Okla.

(a) The regulations in this section shall apply to:

(1) *Waterways.* White River between Mississippi River and Arkansas Post Canal, Ark.; Arkansas Post Canal, Ark.; Arkansas River between Arkansas Post Canal, Ark., and Verdigris River, Okla.; Verdigris River between Arkansas River and Catoosa, Okla.; and reservoirs on these waterways between Mississippi River, Ark., and Catoosa, Okla.

(2) *Bridges, wharves and other structures.* All bridges, wharves, and other structures in or over the waterways described in subparagraph (1) of this paragraph.

(3) *Vessels and rafts.* The term "vessels" as used in this section includes every description of watercraft used, or capable of being used, as a means of transportation on water, other than rafts.

(b) *Waterways:*

(1) *Fairway.* A clear channel shall at all times be left open to permit free and unobstructed navigation by all types of vessels and rafts that normally use the various waterways or sections thereof. The District Commander may specify the width of the fairway required in the waterways under his charge.

(2) *Anchoring or mooring in waterway.* (i) No vessels or rafts shall anchor or moor in any of the land cuts or other narrow parts of the waterway, except in an emergency. Whenever it becomes necessary for a vessel or raft to stop in any such portions of the waterway, it shall be securely fastened to one bank and as close to the bank as possible. This shall be done only at such a place and under such conditions as will not obstruct or prevent the passage of other vessels or rafts. Stoppages shall be only for such periods as may be necessary.

(ii) Except temporarily, as authorized in subdivision (i) of this subparagraph, no vessel or raft will be allowed to use any portion of the fairway as a mooring place without written permission from the District Commander.

(iii) When tied up individually, all vessels shall be moored by bow and stern lines. Rafts and tows shall be secured at sufficiently close intervals to insure their not being drawn away from the bank by winds, currents, or the suction of passing vessels. Towlines shall be shortened so that the different parts of the tow will be as close together as possible. In narrow sections, no vessel or raft shall be tied abreast of another if the combined width of vessels or rafts is greater than 70 feet.

(iv) When a vessel is moored under an emergency condition, as provided in subdivision (i) of this subparagraph, at least one crew member shall remain in attendance to display proper lights and signals and tend the mooring lines. The crew member shall be provided with an adequate means of communication or signalling a warning in the event that, for any reason, the vessel or tow should go adrift. Immediately after completion of the emergency mooring, the lockmaster of the first lock downstream shall be notified of the character and cargo of the vessel and the location of such mooring.

(v) Vessels will not be permitted to load or unload in any of the land cuts, except at a regular established landing or wharf, without written permission secured in advance from the District Commander.

(vi) Except in an emergency, no vessel or raft shall anchor over revetted banks of the waterway, nor shall any type vessel

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except launches and other small craft land against banks protected by revetment except at regular commercial landings.

(3) *Speed.* (i) Excessive speed in narrow sections is prohibited. Official signs indicating limiting speeds through critical sections shall be strictly obeyed.

(ii) When approaching and passing through a bridge, all vessels and rafts, regardless of size, shall control their speed so as to insure that no damage will be done to the bridge or its fenders.

(iii) Within the last mile of approach to unattended, normally open automatic, movable span bridges, the factor of river flow velocity, of vessel (and tow) velocity, and of vessel power and crew capability are never to be permitted to result in a condition whereby the movement of vessel (and tow) cannot be completely halted or reversed within a 3-minute period.

(iv) A vessel shall reduce its speed sufficiently to prevent any damage when approaching another vessel in motion or tied up, a wharf or other structure, works under construction, plant engaged in river and harbor improvement, levees withstanding floodwaters, buildings submerged or partially submerged by high waters, or any other manner of structure or improvements likely to be damaged by collision, suction, or wave action.

(4) *Assembly and handling of tows.* (i) All vessels drawing tows not equipped with rudders in restricted channels and land cuts shall use two towlines, or a bridle on one towline, shortened to the greatest possible extent so as to have maximum control at all times. The various parts of a tow shall be securely assembled with the individual units connected by lines as short as practicable. In open water, the towlines and fastenings between barges may be lengthened so as to accommodate the wave surge. In the case of length or cumbersome tows, or tows in restricted channels, the District Commander may require that tows be broken up, and may require the installation of a rudder or other approved steering device on the tow in order to avoid obstructing navigation or damaging the property of others. Pushing barges with towing vessel astern, towing barges with towing vessel alongside, or pushing and pulling barges with units of the tow made up both ahead and astern of the towing vessel is permissible provided that adequate power is employed to keep the tow under full control at all times.

(ii) No tow shall be drawn by a vessel that has insufficient power or crew to permit ready maneuverability and safe handling.

(iii) No vessel or tow shall navigate through a drawbridge until the movable span is fully opened.

(5) *Projections from vessels.* No vessels carrying a deck load which overhangs or projects over the side, or whose rigging projects over the side, so as to endanger passing vessels, wharves, or other property, shall enter or pass through any of the narrow parts of the waterway.

(6) *Meeting and passing.* Vessels on meeting or overtaking shall give the proper signals and pass in accordance with the Inland Rules and the Pilot Rules for Inland Waters. Rafts shall give to vessels the side demanded by proper signal. All vessels approaching dredges or other plant engaged on improvements to a waterway shall give the signal for passing and slow down sufficiently to stop if so ordered or if no answering signal is received. On receiving the answering signal, they shall then pass at a speed sufficiently slow to insure safe navigation. Vessels approaching an intersection or bend where the view is obstructed must exercise due caution. At certain intersections where strong currents may be encountered, sailing directions may be issued from time to time through navigation bulletins or signs posted on each side of the intersections which must be observed.

*NOTE.*—The Corps of Engineers also has regulations dealing with this section in 33 CFR Part 207.

#### § 162.100 Ohio River at Louisville, Ky.: restricted area.

(a) *The area.* The portion of the Ohio River from the Clark Memorial (Highway) Bridge, Mile 603.5, downstream to McAlpine Dam, Mile 604.4.

(b) *The regulations.* (1) no pleasure or fishing craft shall be operated within the restricted area at any time without prior permission of the Captain of the Port, Louisville, except in case of emergency and except:

(i) For passage through the Louisville and Portland Canal;

(ii) For launching and docking at the Louisville, Kentucky Wharf within the restricted area; and

(iii) During open river conditions.

#### § 162.105 Missouri River: administration and navigation.

(a) *Supervision.* The District Commander, Second Coast Guard District, has certain administrative supervision over reaches of the river within the limits of his district and is charged with the enforcement under his direction of emergency regulations to govern navigation on the river.

(b) *Navigation.* During critical flood stages on any particular limited reach of the Missouri River when lives, floating plant, or major shore installations and levees are endangered, the District Commander in charge of the locality shall have the authority to declare the reach of the river closed to navigation or to prescribe temporary speed regulations whenever it appears to him that such action is necessary to prevent immediate human suffering or to mitigate major property damage or destruction from wave action. The period of closure and all speed regulations prescribed by the District Commander shall be for the duration of the emergency as determined by the District Commander and shall be terminated at the earliest practicable time that improved river conditions permit.

#### § 162.110 Duluth-Superior Harbor, Minn., and Wis.: use, administration, and navigation, and bridge regulations.

(a) *Navigation regulations.*—(1) *Speed of vessels.* (i) Vessels will not be restricted as to speed while passing through the channels between entrance piers, but vessels of 300 gross tons and upward shall not exceed 8 miles per hour while running through any of the dredged channels within the harbor.

(ii) When approaching a bridge (excepting the Duluth Ship Canal bridge) the speed shall be reduced enough to enable the vessel, in case the draw fails to open, to come to a dead stop without striking the bridge.

(iii) No restrictions as to speed are required for passing the Duluth Ship Canal bridge. However, vessels approaching this bridge should make such reductions in speed as the currents and weather conditions will permit and still allow for safe passage through the canal.

(iv) While passing all other bridges under ordinary conditions of weather the speed should not exceed 8 miles per hour. A greater speed will be allowed when necessary for steorage as when running light in a wind.

(v) A steamer must employ a tug or tugs whenever the conditions of weather or currents make the passage difficult or dangerous to either the vessel or the bridge.

(2) *Passing in Duluth Ship Canal.* Self-propelled vessels exceeding 300 gross tons, and barges or scows exceeding (light) 100 displacement tons, shall not pass within the canal. Inbound vessels shall have the right of way.

(3) *Anchorage of vessels.* (i) Vessels shall not anchor in the entrance canals, or in any of the navigable channels, except in the harbor basins, and then only where not in the way of passing vessels.

(ii) Vessels and rafts shall not be anchored or otherwise fastened where they are liable to swing into the channels by reason of a wind or current.

(iii) The position and arrangement of vessels lying at anchor in the harbor basin shall be subject to the direction of the District Commander, or his authorized representatives, and vessels shall, when so directed, promptly shift their position to another part of the basin.

(4) *Dragging anchors.* No vessel shall be towed while the anchor of such vessel is down or dragging at the bottom of the channel.

(5) *Towing through bridges.* Freight steamers shall not tow consorts astern while passing through the bridges of this harbor, the Duluth Ship Canal bridge excepted. Towing alongside the steamer will, however, be permitted.

(6) *Patrol signals.* (i) Three short blasts of the signal whistle when sounded from a patrolling vessel will indicate that the vessel to which such signal is given is proceeding at too high a rate of speed, and such vessel must immediately moderate its speed.

(ii) Three long blasts of the signal whistle followed by two short blasts when sounded from a patrolling vessel, will indicate that the vessel to which such signal is given must stop until further orders from the patrolling vessel.

(iii) One long blast, followed by four short blasts, when sounded from the patrolling vessel, will indicate that the vessel to which such signal is given may proceed on its course.

(7) *Other requirements.* (i) No vessel shall be moored to any United States pier.

(ii) No material of any kind shall be loaded on or loaded from the United States piers, except for the use of the United States, unless by special permission of the Captain of the Port.

(iii) Vessels shall take great care not to run into, strike, rub against, or otherwise injure the United States piers, buoys, or beacons in the harbor.

(iv) Dredges and attending scows and tugs are expected and required to give half the channel for passing vessels, and the latter are required to do the same when passing the dredges or other craft.

(v) Where there are two or more channels leading to a given point, in one of which improvement work is going on, the latter channel may be temporarily closed to navigation by the District Commander after due notice.

#### § 162.115 Keweenaw Waterway, Mich.: use, administration, and navigation.

(a) *Authority.* The movement of all vessels, rafts, and floating craft of every description which makes use of this waterway, the approaches thereto, and connecting waters, shall be under the general direction of the District Commander, Ninth Coast Guard District.

(b) *Speed of vessels.* The speed of vessels of more than 20 tons shall not exceed eight statute miles per hour between Lily Pond and Pilgrim Point.

(c) *Towing.* Boats engaged in towing shall use towlines of such number, type, and length as will insure full control over their tows at all times and the safe passing of other craft or canal structures and markers.

(d) *Channel markers.* Masters of vessels shall keep careful watch when passing aids to navigation, and should any be accidentally displaced they shall report this fact to the local United States Coast Guard Station.

(e) *Harbors of refuge.* Two mooring basins of limited area are located in the waterway, Portage River Harbor of Refuge near the Portage entry, and Lily Pond Harbor of Refuge between Portage Lake and the Upper Entrance. Craft using these harbors are required to make fast to the mooring piers, and except in case of storms or breakdowns shall not use the harbors longer than 24 hours without special permission from the Captain of the Port, Duluth. The position and arrangement of vessels moored in the harbors will be subject to the direction of the Captain of the Port.

(f) *Mooring to Government structures.* No vessels or craft of any kind shall moor or tie up to any Government

structures other than the mooring piers which are provided for the use of vessels at the harbors of refuge.

(g) *Damage to Government structures.* The regulations in this section shall not affect the liability of the owners and operators of vessels for any damage caused by their operations to breakwaters, piers, and revetments. Vessels shall use great care not to strike or injure these structures.

(h) *Use or injury of Government property.* The occupancy or use of Government structures and of Government lands adjoining the waterway for private business of any kind, storage of property, or residence purposes is prohibited. The injury or defacement of Government buildings, structures, trees, or property of any kind is prohibited.

(i) *Obstructing navigation.* No person shall willfully or carelessly obstruct or hinder the free navigation of the waterway.

#### § 162.120 Harbors on Lake Michigan: speed of vessels.

(a) *East shore.* The speed of all vessels and other watercraft entering or leaving the harbors of Michigan City, Ind.; St. Joseph, South Haven, Saugatuck, Holland (Lake Macatawa), Grand Haven, Muskegon, White Lake, Pentwater, Ludington, Manistee, Portage Lake (Manistee County), Frankfort, Charlevoix, and Petoskey, Mich., shall be reduced to and shall not exceed a rate of 8 miles per hour.

(b) *West shore.* The speed of all vessels and other watercraft entering or leaving the harbors of Menominee, Mich. and Wis.; Algoma, Keweenaw, Two Rivers, Manitowoc, Sheboygan, Port Washington, Milwaukee, Racine, and Kenosha, Wis., and Waukegan, Ill., shall be reduced to and shall not exceed a rate of 4 miles per hour.

#### § 162.125 Sturgeon Bay and Lake Michigan Ship Canal, Wis.: use and navigation.

(a) *Supervision.* The movement of all boats and floating things in the canal and in the approaches thereto shall be under the direction of the Captain of the Port, Milwaukee.

(b) *Signals.* On entering the canal at either entrance, steamers or tugs must blow their whistles for 1 minute in order to warn craft approaching from opposite direction and give them time to guard against collisions, by tying up if necessary. All steamers approaching others going in the opposite direction shall slacken speed so as to pass in safety. Compliance is required with rule V of the Inland Rules and the Pilot Rules for Inland Waters.

Rule V. Whenever a steamer is nearing a short bend or curve in the channel where, from the height of the banks or other cause, a steamer approaching from the opposite direction cannot be seen for a distance of half a mile, the pilot of such steamer, when he shall have arrived within half a mile of such curve or bend, shall give a signal by one long blast of the steam whistle, which signal shall be answered by a similar blast by the pilot of any approaching steamer that may be

within hearing. Should such signal be so answered by a steamer upon the farther side of such bend, then the usual signals for the meeting and passing shall immediately be given and answered; but if the first alarm signal of such pilot be not answered, he is to consider the channel clear and govern himself accordingly.

(c) *Speed.* The rate of speed while passing through the canal shall not exceed 5 miles per hour.

(d) *Keeping in the center.* The center must be kept all the way through, except in passing other craft. In case of grounding, the rapid or strong working of boat's engines is strictly forbidden.

(e) *Draft of boats.* No vessel shall enter the canal whose actual draft exceeds the least depth of water in the channel of the canal as given by the Captain of the Port or his authorized representative.

(f) *Turning around in canal.* Tugs or other steam vessels exceeding 150 feet in length are forbidden to turn around or to attempt to turn around in the canal.

(g) *Navigating the canal.* All vessels and boats are forbidden: (1) To enter the canal two or more abreast. (2) To pass another while going in the same direction in the canal. (3) To pass the canal in more than one line going each way. (4) To obstruct the canal in any way or to delay, by slow passage through the canal or by any other means, the progress of other vessels. (5) To attempt passing the canal in the face of running ice, except at their own risk and liability to make good any damage to the canal or its banks, which may result from such attempt.

(h) *To shorten sail.* No vessel, however propelled or being towed, shall pass through the canal with sail or sails up, except sail vessels running with a fair wind. Every craft that sails into or attempts to sail into or through the canal must be responsible for any damage resulting therefrom.

(i) *Towing.* (1) All boats engaged in towing vessels that are laden, or partially laden, shall use two towlines and shorten them to the greatest extent, so as to have full control of their tows, and thereby avoid accident while meeting or otherwise passing other craft. Boats that are towing vessels without cargo need use but one towline, but the line between the steamer and the first vessel or barge of the tow must not exceed 100 feet in length. Towing more than one craft abreast, or rafts of greater width than 50 feet, is forbidden.

(2) Towing in the same tow of more than one scow or barge of 1,000 tons or more, of a draft not exceeding 10 feet when loaded, whose load is carried on the deck, is hereby prohibited, except upon condition that there shall be two towlines between each vessel in the tow, the lines to be secured to the starboard and port quarters of each craft and to be of a length not to exceed 25 feet in the clear.

(j) *Harbor of refuge.* The anchoring or mooring of any craft in any part of the canal, except at such place or places as may be directed by the Captain of the



Port or his authorized representative, is strictly forbidden. The master of any craft entering into the canal for shelter shall report such fact at once to the Captain of the Port, who will thereupon assign a mooring to such craft. Moorings will usually be assigned at the westerly end of the canal. Under no circumstances shall vessels, other than those on Government business, be permitted to moor or make fast to either of the converging piers or any of the appurtenances thereto, at the Lake Michigan entrance to the canal. Should it become necessary, in the judgment of the Captain of the Port, for a vessel moored in the canal to change its moorings, the vessel shall be promptly moved as may be directed by the Captain of the Port.

(k) *Injury to cribs, piers, and sheet piling.* Vessels shall use great care not to strike or injure the cribs, piers, sheet piling, or any structure pertaining to the canal.

(l) *Obstructing navigation.* Anyone who shall willfully or through carelessness in any way obstruct the free navigation of the canal, or by the violation of any of the laws or regulations governing the canal and those using it, delay or inconvenience any boat having the right to use the canal, shall be responsible for all damages and delays and for all expenses of removing the obstructions.

NOTE.—The Corps of Engineers also has regulations dealing with this section in 33 CFR Part 207.

#### § 162.130 Waukegan Harbor, Ill.

(a) All vessels or other craft are forbidden to lie at anchor in the basin or channel of Waukegan Harbor except for refuge from storms, or in any way to obstruct free navigation of the harbor.

NOTE.—The Corps of Engineers also has regulations dealing with this section in 33 CFR Part 207.

#### § 162.135 Connecting waters of the Great Lakes from Lake Huron to Lake Erie; use, administration and navigation.

(a) *General.*—(1) *Application and supervision.* The regulations in this section shall apply to such of those waters as are within the United States. These waters are under the general supervision of the District Commander, Ninth Coast Guard District.

(2) *Local arrangements.* The District Commander may make local arrangements with authorized Canadian officials in the interest of safety of operations, to facilitate movement of traffic, to avoid disputes as to jurisdiction and to take necessary action and render assistance in emergencies.

(3) *Patrol vessels.* The anchorage and movement of all vessels shall be under the direction and subject to the orders of officers in charge of patrol vessels. The following sound signals shall be used by patrol vessels as required:

(i) Three long blasts of a whistle or horn, which signal may also be used by dredges, drill scows, derrick scows, sweep scows, and other floating plant engaged in the maintenance and improvement or

investigation of channels, to indicate that the vessel to which it is given is moving at too high a rate of speed; such vessel shall immediately slacken its speed.

(ii) Four long blasts of a whistle or horn, to indicate that the vessel to which the signal is given must stop until further orders are received from the patrol vessel.

(iii) One long blast, followed by four short blasts, of a whistle or horn, to indicate that the vessel to which the signal is given may proceed on its course. (Radio telephone may be used in lieu of sound signals.)

(4) *Other obligations.* The regulations in this section shall not be considered to cover all the obligations imposed by law upon vessels and their operators, and shall not be construed as relieving the owners or operators of vessels from any penalties which may be incurred in the violation of the laws relating to navigation on the Great Lakes and their connecting waters or the regulations issued pursuant to such laws.

(5) *Definitions.* As used in this section, the terms:

(i) "St. Clair River" shall apply to the connecting waters of the Great Lakes from the Lakeward limits of the improved navigation channels at the foot of Lake Huron to the St. Clair Flats Canal Light 2 at the upper end of Lake St. Clair.

(ii) "Lake St. Clair" shall apply to the channels lying westerly from the International Boundary from the St. Clair Flats Canal Light 2 to Windmill Point Light at the head of the Detroit River.

(iii) "Upper Detroit River" shall apply to that portion of the Detroit River extending from Windmill Point Light to Fighting Island North Light.

(iv) "Lower Detroit River" shall apply to that portion of the River between Fighting Island North Light and the lakeward limits of the improved navigational channels at the head of Lake Erie.

(v) "Patrol Vessel" means a vessel operated by the United States Coast Guard, the Canadian Coast Guard, the Royal Canadian Mounted Police or a harbor master.

(b) *Length of towlines.* On the connecting waters of the Great Lakes between the Lake Huron Lightship and the southerly limits of the improved channels of the Detroit River, terminating in Lake Erie, the length of towlines shall not exceed by more than 50 feet the length of the scow, barge, vessel, or other craft being towed: *Provided*, That no scow, barge, vessel or other craft shall be required to have a towline less than 250 feet. The length of the towline shall be measured from the stern of one vessel to the bow of the following vessel.

(c) *Routes.*—(1) *St. Clair River in vicinity of Port Huron and Sarnia.* Vessels in transit shall pass to right of the black and white vertical striped buoy, situated just above the mouth of the Black River and known as Port Huron Traffic Lighted Buoy. Downbound vessels shall navigate the west or American Channel below Sarnia Elevator Light.

Upbound vessels shall navigate the Canadian Channel east of the Port Huron Traffic Lighted Buoy.

NOTE.—Channels east of Stagg Island, east of the St. Clair Middle Ground and the South East Bend Channel below the St. Clair Cut-Off are no longer maintained.

(2) *Lower Detroit River south of Livingstone Channel Upper Entrance Light.* Downbound vessels shall navigate the Livingstone Channel (west of Bois Blanc Island) except that downbound passenger vessels may use the Amherstburg Channel (east of Bois Blanc Island) and except as hereinafter provided. All downbound vessels shall enter Lake Erie through the East Outer Channel east of Detroit River Light except those whose draft permits may enter Lake Erie through the West Outer Channel west of Detroit River Light. Upbound vessels shall enter from Lake Erie by way of the East Outer Channel east of Detroit River Light and shall use the Amherstburg Channel, except that under certain conditions during the winter navigation season two-way traffic will be allowed in Livingstone Channel and in the West Outer Channel west of Detroit River Light. The conditions for use of these downbound channels, including the opening and closing dates for two-way traffic, will be established each year by the District Commander.

(3) *Vessels exempted.* The regulations in this paragraph do not apply to public vessels of the United States, craft employed upon river and harbor improvement work, and vessels under 100 gross tons or vessels making local stops along these routes.

(d) *Speed.* Commercial vessels (including tug and barge combinations) 65 feet, or greater, in length shall not exceed the following speeds measured in statute miles per hour over the bottom:

(1) In the St. Clair River:

(i) Between Fort Gratiot Light and Stag Island Upper Junction Lighted Buoy, 9 m.p.h. for upbound vessels and 12 m.p.h. for downbound vessels.

(ii) Between Stag Island Upper Junction Lighted Buoy and Harsens Island Rear Range Light, 12 m.p.h. for both upbound and downbound vessels.

(iii) Between Harsens Island Rear Range Light and St. Clair Cut-off Channel Lt2, Ft1R, 10 m.p.h. for both upbound and downbound vessels.

(2) In the Detroit River:

(i) Between the black turn buoy (lat. 42°22.0' N., long. 82°54.0' W.—Lake St. Clair), and Fighting Island South Light, 12 m.p.h. for upbound vessels and 14 m.p.h. for downbound vessels.

(ii) Between Fighting Island South Light and Detroit River Light 12 m.p.h. for both upbound and downbound vessels.

(3) [Reserved]

(4) In the St. Clair River when the stage of Lake Huron exceeds two (2) feet above International Great Lakes Datum, the District Commander may, if he deems it necessary to protect life and property, including floating plant or shore installations, reduce the allowable maximum speed in all or any part of the

river. Temporary speed limits so prescribed shall become effective through publication in a Notice to Mariners and may be modified or likewise rescinded by the District Commander as changing water stages permit or make necessary.

(e) *Passing.* (1) In the St. Clair River and the Lower Detroit River, any vessel overtaking a tug with a tow moving in the same direction may pass such tow after an exchange of signals indicating on which side the vessel desires to pass, and the pilot of the tug shall haul with the tow to the proper side of the channel to provide passing room.

(2) In the St. Clair River, no vessel of 500 gross tons or over shall pass or attempt to pass another vessel of 500 gross tons or over moving in the same direction within the following limits: (1) *Downbound.* From the first buoy above Fort Gratiot Light to Port Huron Traffic Lighted Buoy; and from Walpole Island Upper Light to the St. Clair Flats Canal Light 2.

(ii) *Upbound.* From the St. Clair Flats Canal Light 2 to Walpole Island Upper Light; and from Port Huron Traffic Lighted Buoy to the first buoy above Fort Gratiot Light.

(3) In the Lower Detroit River between Fighting Island South Light and Bar Point Pier Light 29D, no vessel shall pass or attempt to pass another vessel or vessels moving in either the same or opposite direction when more than two vessels would be abreast.

(4) There shall be a time interval of not less than five (5) minutes between any two vessels entering or navigating the Livingstone Channel between the Upper Entrance Light and Bar Point Pier Light 29D except that tugs without tows and vessels under 100 gross tons are exempted from this rule. This requirement shall not apply under emergency conditions such as might exist when the vessel ahead is proceeding below the speed limits due to engine breakdown or other difficulties, provided the vessel ahead assents to the passing, the overtaking vessel remains within the speed limits, and the passing may be safely undertaken.

(f) *Obstruction of traffic.* (1) No person shall willfully or carelessly obstruct the free navigation of any of the waterways to which the regulations in this section apply, or delay any vessel having the right to use the waterway.

(2) No vessel shall anchor within the limits of any of the improved channels between the upstream limits of the Windsor Harbor Anchorage Area north of Fighting Island and the aerial cable across the Detroit River at Fort Wayne except in distress or under stress of weather. Any vessel forced to anchor in this forbidden area shall leave the area as soon as possible.

(3) No vessel of 500 gross tons or over shall anchor in the Detroit River between Belle Isle and Fighting Island so as to have any part of the vessel extended riverward more than 300 feet from shore

nor in such position as will interfere with easy movement to and from any dock except in distress or under stress of weather. Vessels unable to comply with this subparagraph and subparagraph (2) of this paragraph shall request anchorage instructions from the U.S. Coast Guard, Belle Isle Lifeboat Station or the Windsor Harbor Master.

(4) Motorboats (as defined by the Motorboat Act of April 25, 1940), sailboats, rowboats, and other small crafts shall not anchor or drift in the regular ship channels except under stress of weather or in case of breakdown. Such craft shall be so operated that they shall not interfere with the safe passage of a vessel which can navigate only inside such channels.

(5) Whenever vessels collect in any of the channels by reasons of fog, smoke, ice, or other obstruction, their anchorage and movement shall be under the direction and control of an officer of the United States Coast Guard or patrol vessel, except as provided in subparagraph (6) of this paragraph. Regular scheduled vessels carrying passengers or mail may be advanced in order, and any vessel not ready to move when directed to do so may lose its position. The masters of all vessels shall comply promptly with the orders of the patrol vessels.

(6) When, as determined by the District Commander or his authorized representative, there is a stoppage of, interference with or danger to navigation by reasons of the sinking or grounding or unnecessary delay in any channel of any vessel, boat, water craft or raft or other obstruction, he may stop all vessels and direct their anchorage, clear the channel, designate the order in which all vessels shall proceed after the channel is open, and shall do all things deemed necessary to safeguard and expedite the passage of vessels.

(g) *Vessels aground or not under command.* (1) A vessel over sixty-five feet in length aground or disabled in or near the channel, in addition to displaying the lights or day signals required by Rule 30, of the Rules of the Road—Great Lakes, upon the approach of another vessel bound up or down the channel, shall sound the danger signal of several short and rapid blasts of the whistle, not less than five. If the approaching vessel cannot pass with safety, it shall stop at a safe distance from, and make proper dispositions to avoid fouling the grounded or disabled vessel, and upon the approach of another vessel coming up astern shall repeat the danger signal. Each additional vessel approaching from the same direction shall be similarly warned, in turn, by the vessel preceding. Each vessel shall keep a safe distance from the vessel ahead until the channel has been cleared, and shall pass a grounded or disabled vessel at reduced speed and with caution.

(2) Any vessel passing a stranded or disabled vessel shall report the location and nature of the casualty to the U.S. Coast Guard.

#### § 162.140 Rouge River and Short Cut Canal, Mich.; use, administration and navigation.

(a) The following regulations govern the use, administration, and navigation of Rouge River and Short Cut Canal upstream to and including the turning basin upstream of the Dix Avenue Bridge.

(b) Unless otherwise specified, the term "vessel" as used in the regulations in this section shall mean all vessels of 100 or more gross tons and, regardless of tonnage, all tugs with tows.

(c) No vessel shall exceed a speed of 4 miles per hour while navigating in Rouge River or Short Cut Canal.

(d) Vessels are forbidden to enter, or move in, the channel two or more abreast.

(e) No vessel shall pass, or attempt to pass, another vessel moving in the same direction.

(f) All vessels equipped with radio telephone shall thereby broadcast the following security calls:

(1) Within 20 to 30 minutes before entering Rouge River or Short Cut Canal.

(2) Within 20 to 30 minutes before departing any mooring or docking in Rouge River or Short Cut Canal.

(3) Immediately upon leaving Rouge River or Short Cut Canal.

(4) Each 30 minutes when a vessel or any part thereof is lying in the channel for loading, unloading, or other purposes and is in position to obstruct other traffic.

(g) Every vessel, boat, raft, or other floating property which is not underway or anchored in Rouge River shall be securely moored to or made fast to the shore or wharf to avoid its drifting or sliding into the channel or otherwise obstructing navigation.

#### § 162.145 Monroe Harbor, Mich.; use, administration, and navigation.

(a) No vessel shall exceed a speed of 6 miles per hour in the river channel nor 10 miles per hour in the lake channel.

(b) No vessel or other craft shall moor or anchor in or along any improved channel or basin in such a manner as to interfere with the improvement or maintenance operations therein. Whenever in the opinion of the District Commander or his authorized representative, any vessel or craft is so moored or anchored, the owner thereof shall cause such vessel or craft to be moved upon notification from, and within the time specified by, said District Commander.

(c) No tow shall enter or pass through the river portion of the channel with a towline more than 200 feet in length.

#### § 162.150 Maumee Bay Channel, Ohio; use, administration and navigation.

(a) *Definition.* The term Bay Channel as used in the regulations of this section means the straight channel in Maumee Bay from the mouth of Maumee River to the lakeward limit of the improved channel connecting with the various sailing courses in Lake Erie. The term River Channel when used in the regulations of this section means the improved navigation channel in the Maumee River from



the mouth of the river to the upstream limit of the authorized Toledo Harbor project, about 7 miles upstream from the river mouth. The demarcation between Bay Channel and River Channel as used in the regulations of this section is the lakeward (East) end of the diked island area situated at the north side of the channel opposite the coal-loading docks.

(b) Speed:

(1) *Bay channel.* Vessels of 500 gross tons or over shall not navigate the straight channel in Maumee Bay at a speed exceeding 12 statute miles per hour over the bottom.

(2) *River channel.* Vessels of 100 gross tons or over, with or without tows, shall not navigate the channel in Maumee River upstream of the demarcation line at a speed in excess of 6 statute miles per hour over the bottom.

(c) Vessels of 500 gross tons or over, or tugs with tows, shall not navigate the Bay Channel or the River Channel from the mouth upstream to the railroad bridge, located about 2 miles upstream of the mouth of the river, two abreast, except in overtaking situations.

(d) Vessels of 500 gross tons or over, or tugs with tows, shall not overtake or pass another vessel traveling in the same direction in the Bay Channel, or in the River Channel from the mouth upstream to the railroad bridge located about 2 miles upstream of the mouth of the river, where such will result in meeting a vessel or tug with tow navigating in the opposite direction during the overtaking situation.

(e) Vessels of 500 tons or over, or tugs with tow, shall not overtake or pass a vessel traveling in the same direction in the River Channel upstream of the railroad bridge located about 2 miles upstream of the mouth of the river.

(f) No vessel, while moored or at anchor, or by excessive slow passage or otherwise underway, shall unreasonably obstruct the free passage and progress of other vessels.

(g) No vessel shall moor or anchor to any structure of the United States without the consent of the Captain of the Port, Toledo.

**§ 162.155 Sandusky Harbor, Ohio.**

(a) No vessel shall exceed a speed of 10 miles per hour in Sandusky Harbor.

(b) No vessel shall cross the edges of the channel without reducing its speed sufficiently to avoid displacement of said edges. Vessels crossing said channel shall keep out of the way of vessels navigating the channel.

(c) No vessel shall while moored or at anchor, or by slow passage or otherwise while underway, unreasonably obstruct the free passage and progress of other vessels.

NOTE.—The Corps of Engineers also has regulations dealing with this section in 33 CFR Part 207.

**§ 162.160 Vermilion Harbor, Ohio.**

(a) No vessel shall exceed a speed of six miles per hour.

(b) No vessel shall while moored or at anchor, or by slow passage or otherwise while underway, unreasonably obstruct the free passage and progress of other vessels.

NOTE.—The Corps of Engineers also has regulations dealing with this section in 33 CFR Part 207.

**§ 162.165 Harbors of Huron, Lorain, Cleveland, Fairport, Ashtabula, Conneaut, Ohio.**

(a) No vessel shall exceed a speed of 6 miles per hour, except in the outer harbors where the maximum speed shall be 10 miles per hour.

(b) No vessel shall while moored or at anchor, or by slow passage or otherwise while underway, unreasonably obstruct the free passage and progress of other vessels.

NOTE.—The Corps of Engineers also has regulations dealing with this section in 33 CFR Part 207.

**§ 162.170 Buffalo Harbor, N.Y.**

(a) No vessel shall exceed a speed of 6 miles per hour except in the outer harbor where the maximum speed shall be 10 miles per hour.

(b) No vessel shall while moored or at anchor, or by slow passage or otherwise while underway, unreasonably obstruct the free passage and progress of other vessels.

NOTE.—The Corps of Engineers also has regulations dealing with this section in 33 CFR Part 207.

**§ 162.175 Black Rock Canal and Lock at Buffalo, N.Y.**

(a) No vessel or boat shall navigate the Black Rock Canal at a rate of speed greater than 6 statute miles per hour. This rate of speed will require elapsed time to navigate between designated points as follows:

From North Breakwater Light to Ferry Street Bridge, 26¼ minutes.

From South end of Bird Island Pier to Ferry Street Bridge, 18¾ minutes.

From Ferry Street Bridge to International Bridge, 11½ minutes.

NOTE.—The Corps of Engineers also has regulations dealing with this section in 33 CFR Part 207.

**§ 162.180 Niagara River at Niagara Falls, N.Y.; restricted area.**

(a) *The area.* (1) The United States waters of Niagara River downstream of a limit whose true bearing is south 38 degrees west from the downstream (west-erly) side of the mouth of Gill Creek to and including the crests of the American and Horseshoe Falls, Niagara Falls, New York. The upstream limiting line of the area if projected to the Canadian shore of Niagara River will intersect the upstream end of the breakwater at the mouth of the Welland River.

(b) *The regulations.* (1) Navigation by all classes and types of vessels is prohibited in the area except that owners of floating plant engaged in survey and construction may enter the restricted water area provided they apply for and

obtain the express consent of the District Commander, Ninth Coast Guard District.

**§ 162.185 Rochester (Charlotte) Harbor, N.Y.**

(a) No vessel shall exceed a speed of 6 miles per hour in Rochester (Charlotte) Harbor, New York.

(b) No vessel shall while moored or at anchor, or by slow passage or otherwise while underway, unreasonably obstruct the free passage and progress of other vessels.

NOTE.—The Corps of Engineers also has regulations dealing with this section in 33 CFR Part 207.

**§ 162.190 St. Lawrence River, Cape Vincent Harbor, N.Y.; navigation of the harbor and United States breakwater.**

(a) The term "harbor" when used in this section, applies to all that portion of the St. Lawrence River lying within the following boundaries: Beginning at a point on the harbor face of the breakwater at its easterly end and extending in a straight line along the harbor face of the main part of the breakwater and in extension thereof westerly approximately 2,400 feet; thence at right angles to the above-described line southerly to the northeast corner of the "L" dock at the foot of Market Street, approximately 300 feet; thence easterly along the dock face and shoreline to a point in a line at right angles to the breakwater at its easterly end; and thence along this last described right angle line to the point of beginning.

(b) The navigation of said harbor shall be under the direction of the Captain of the Port, Buffalo.

(c) Vessels shall not exceed a speed of 8 miles per hour in the harbor.

NOTE.—The Corps of Engineers also has regulations dealing with this section in 33 CFR Part 207.

**§ 162.195 Santa Monica Bay, Calif.; restricted area.**

(a) *The area.* The waters of the Pacific Ocean, Santa Monica Bay, in an area extending seaward from the shoreline a distance of about 5 nautical miles (normal to the shoreline) and basically outlined as follows:

Station	Latitude North	Longitude West
A.....	33°54'59"	118°25'41"
B.....	33°54'59"	118°28'00"
C.....	33°53'59.5"	118°31'37"
D.....	33°56'19.5"	118°34'05"
E.....	33°56'25"	118°26'29"

(b) *The regulations.* (1) Vessels shall not anchor within the area at any time without permission.

(2) Dredging, dragging, seining, or other fishing operations which might foul underwater installations within the area are prohibited.

(3) All vessels entering the area, other than vessels operated by or for the United States, the State of California, the county of Los Angeles, or the city of Los Angeles, shall proceed across the area

by the most direct route and without unnecessary delay. The area will be open and unrestricted to small recreational craft for recreational activities at all times.

(4) The placing of buoys, markers, or other devices requiring anchors will not be permitted.

(5) The city of Los Angeles will maintain a patrol of the area as needed.

**§ 162.200 Marina del Rey, Calif.; restricted area.**

(a) *The area.* That portion of the Pacific Ocean lying shoreward of the offshore breakwater and the most seaward 1,000 feet of the entrance channel between the north and south jetties, and basically outlined as follows:

Station	Latitude	Longitude
A.....	33°57'16.0"	118°27'30.5"
B.....	33°57'52.3"	118°27'33.6"
C.....	33°57'18.6"	118°27'38.8"
D.....	33°57'29.8"	118°27'39.7"
E.....	33°57'30.0"	118°27'41.1"
F.....	33°57'37.4"	118°27'43.8"
G.....	33°57'42.1"	118°27'43.0"
H.....	33°57'50.6"	118°27'38.3"
A.....	33°57'16.0"	118°27'30.5"

(b) *The regulations.* (1) Vessels shall not anchor within the area at any time without permission except in an emergency.

(2) Dredging, dragging, seining, or other fishing operations which might foul underwater installations within the area are prohibited.

NOTE.—The Corps of Engineers also has regulations dealing with this section in 33 CFR Part 207.

**§ 162.205 San Pablo Bay, Carquinez Strait, Suisun Bay, San Joaquin River, and connecting waters, Calif.**

(a) *Pinole Shoal Channel, San Pablo Bay; use, administration, any navigation.* (1) The use of Pinole Shoal Channel is reserved for navigation of vessels of greater draft than 20 feet or by tow-boats with tows drawing more than 20 feet. Vessels operated by either sail or power and tows drawing less than 20 feet are not permitted to use this channel or to cross it at any point between San Pablo Bay Lighted Buoy 5 and San Pablo Bay Lighted Bell Buoy 13.

(2) Vessels permitted to use Pinole Shoal Channel under subparagraph (1) of this paragraph shall proceed through the channel at a reasonable speed so as not to endanger other vessels or interfere with any work which may become necessary in maintaining, surveying, or buoying the channel, and they shall not anchor in the channel, except in cases of emergency such as fog or accident which would render progress unsafe or impossible.

(3) This paragraph shall not be construed as prohibiting any necessary use of the channel by any Government boats while on Government duty, or in emergencies by pilot boats, whether steam or sail, or by police boats, or by the vessels of passenger steamship lines operated on regular schedules.

(b) *San Joaquin River Deep Water Channel between Suisun Bay and the easterly end of the channel at Stockton; use, administration, and navigation.*—(1) *Maximum speed.* The maximum speed for all ocean-going craft shall not exceed 10 miles per hour above the lower end of New York Slough, seven miles per hour above Criminal Point, or five miles per hour while passing any wharf, dock, or moored craft. As used in this subparagraph, the speed of a vessel when navigating with the current shall be its rate of movement in excess of the velocity of the current.

(2) *Passing.* All craft passing other boats, barges, scows, etc., in motion, moored or anchored, shall slow down and take every necessary precaution to avoid damage.

(3) *Right of way.* (i) United States dredges, tugs, launches, derrick boats, and similar plant of contractors executing river and harbor improvement work for the United States, and displaying the signals prescribed by the regulations contained in Part 80 of this Chapter shall have the right of way and other craft shall exercise special caution to avoid interference with the work on which the plant is engaged. Dredges, whether Federal or contractors' plant, working the channel must, however, take special care to give ocean-going vessels sufficient room for passing, and must lift both spuds and the ladder, and pull clear, if an adequate width of clear channelway cannot otherwise be provided. Ocean-going vessels may show at the masthead a black ball not more than 20 inches in diameter as a signal to the dredge, and may also blow five long blasts of the whistle when within reasonable hearing distance of the dredge, such signal to be followed at the proper time by the passing signal described in the local pilot rules. The dredge shall promptly acknowledge both signals in the usual manner.

(ii) Light-draft vessels when meeting or being overtaken by ocean-going vessels, shall give the right of way to such vessels by making use of the shallower portions of the waterway.

(iii) Rafts and tows must promptly give the channel side demanded upon proper signal by a vessel, and must be handled in such a manner as not to obstruct or interfere with the free use of the waterway by other craft.

(4) *Collisions.* (i) Ocean-going vessels in collision in the channel or turning basin must, if still afloat and in a condition making anchorage necessary, be immediately removed to an approved anchorage ground, or if in such condition that beaching is necessary, they shall be temporarily beached on the north-west side of Mandeville Island or in the Old River.

(ii) Light-draft vessels suffering collision shall be disposed of as directed by the District Commander or his authorized representative.

(5) *Wrecks.* In no case following accidents of fire or collision will a vessel be allowed to remain either anchored or

grounded in the channel, or beached at any place where it endangers other vessels, while settlement is pending with the underwriters.

(6) *Other laws and regulations.* In all other respects, the existing Federal laws and rules and regulations affecting navigable waters of the United States will govern in this channel.

(c) *Sacramento Deep Water Ship Channel between Suisun Bay and easterly end of Turning Basin at West Sacramento; use, administration, and navigation.*—(1) *Maximum speed for all ocean going craft.*—(i) *Between Tolands Landing (Mile 6.2) and Rio Vista Bridge.* When going against a current of two knots or more, the maximum speed over the bottom shall not exceed 8 knots. When going with the current, in slack water, or against a current of two knots or less, the maximum speed through the water shall not exceed 10 knots.

(ii) *Between Rio Vista Bridge and Port of Sacramento.* When going against a current of two knots or more, the maximum speed over the bottom shall not exceed 5 knots. When going with the current, in slack water, or against a current of two knots or less, the maximum speed through the water shall not exceed 7 knots.

(iii) *Speed past docks or moored craft.* Within 550 feet of the centerline of the channel the speed shall be the minimum required to maintain steerageway; wind, tide, current, etc., being taken into consideration.

(iv) *Passing.* All craft passing other boats, barges, scows, etc., underway, moored or anchored, shall take every necessary precaution to avoid damage.

(v) *Speed, high-water precautions.* When passing another vessel (underway, anchored, or tied up); a wharf or other structure; work under construction; plant engaged in river and harbor improvement; levees withstanding flood waters; buildings partially or wholly submerged by high water; or any other structure liable to damage by collision, suction or wave action; vessels shall give as much leeway as circumstances permit and reduce their speed sufficiently to preclude causing damage to the vessel or structure being passed. As deemed necessary for public safety during high river stages, floods, or other emergencies, the District Commander may prescribe, by navigation bulletins or other means, the limiting speed in knots or temporarily close the waterway or any reach of it to traffic. Since this subparagraph pertains directly to the manner in which vessels are operated, masters of vessels shall be held responsible for strict observance and full compliance herewith.

(2) *Right of way.* (i) Dredges, tugs, launches, derrick boats and other similar equipment, executing river and harbor improvement work for the United States, and displaying the signals prescribed by the regulations contained in Part 80, of this Chapter, shall have the right-of-way and other craft shall exercise special caution to avoid interference with the work on which the plant is engaged.



Dredges, whether Federal or contractor's plant, working the channel must however, take special care to give ocean-going vessels sufficient room for passing, and must lift both spuds and the ladder, and pull clear, if an adequate width of clear channelway cannot otherwise be provided.

(ii) Vessels intending to pass dredges or other types of floating plant working in navigable channels, when within a reasonable distance therefrom and not in any case over a mile, shall indicate such intention by one long blast of the whistle, and shall be directed to the proper side for passage by the sounding, by the dredge or other floating plant, of the signal prescribed in the inland pilot rules for vessels underway and approaching each other from opposite directions, which shall be answered in the usual manner by the approaching vessel. If the channel is not clear, the floating plant shall sound the alarm or danger signal and the approaching vessel shall slow down or stop and await further signal from the plant.

(iii) When the pipeline from a dredge crosses the channel in such a way that an approaching vessel cannot pass safely around the pipeline or dredge, there shall be sounded immediately from the dredge the alarm or danger signal and the approaching vessel shall slow down or stop and await further signal from the dredge. The pipeline shall then be opened and the channel cleared as soon as practicable; when the channel is clear for passage the dredge shall so indicate by sounding the usual passing signal as prescribed in subdivision (ii) of this subparagraph. The approaching vessel shall answer with a corresponding signal and pass promptly.

(iv) When any pipeline or swinging dredge shall have given an approaching vessel or tow the signal that the channel is clear, the dredge shall straighten out within the cut for the passage of the vessel or tow.

(v) Shallow draft vessels when meeting or being overtaken by ocean-going vessels, shall give the right-of-way to such vessels by making use of the shallower portions of the waterway, wherever possible.

(vi) Tows should promptly give the channel side requested by proper signal from a vessel, and should be handled in such a manner as not to obstruct or interfere with the free use of the waterway by other craft.

(3) *Obstruction of traffic.* (i) Except as provided in subparagraph (2) of this paragraph no person shall willfully or carelessly obstruct the free navigation of the waterway, or delay any vessel having the right to use the waterway.

(ii) No vessel shall anchor within the channel except in distress or under stress of weather. Any vessel so anchored shall be moved as quickly as possible to such anchorage as will leave the channel clear for the passage of vessels.

(iii) Motorboats, sailboats, rowboats, and other small craft shall not anchor or drift in the regular ship channel except

under stress of weather or in case of breakdown. Such craft shall be so operated that they will not interfere with or endanger the movement of commercial or public vessels.

(4) *Collisions.* (i) Ocean-going vessels in collision in the channel or turning basin, must if still afloat and in a condition making anchorage necessary, be immediately removed to an approved anchorage ground, or if in such condition that beaching is necessary, they shall be temporarily beached on the southwest side of Ryer Island from Mile 15.0 to Mile 16.3 or in the Harbor and Turning Basin at West Sacramento.

(ii) Light-draft vessels suffering collision shall be disposed of as directed by the District Commander or his authorized representative.

(5) *Marine accidents.* Masters, mates, pilots, owners, or other persons using the waterway to which this paragraph applies shall notify the Commander, 12th U.S. Coast Guard District and in the case of undocumented vessels, the State Division of Small Craft Harbors also, by the most expeditious means available of all marine accidents, such as fire, collision, sinking or stranding, where there is possible obstruction of the channel or interference with navigation or where damage to Government property is involved, furnishing a clear statement as to the name, address, and ownership of the vessel or vessels involved, the time and place, and the action taken. In all cases, the owner of the sunken vessel shall take immediate steps to mark the wreck properly.

(6) *Other laws and regulations.* In all other respects, existing Federal laws and rules and regulations affecting navigable waters of the United States will govern in this channel.

NOTE.—The Corps of Engineers also has regulations dealing with this section in 33 CFR Part 207.

#### § 162.210 Lake Tahoe, Calif.; restricted areas along south shore.

(a) *The areas.*—(1) *Baldwin Beach, under the control of the Forest Service, Department of Agriculture.* The waters of Lake Tahoe shoreward of a line described as follows: Beginning at the intersection of the high waterline with the west boundary line of Lot 2, Section 26, Township 13 North (Mount Diablo Base Line), Range 17 East (Mount Diablo Meridian); thence north 300 feet; thence southeasterly about 2,850 feet to the east line of Section 26 at a point 300 feet north of the high waterline; thence northeasterly 1,740 feet to a point 300 feet north of the high waterline; thence southeasterly about 1,810 feet to the projected east line of the former Baldwin property at a point 300 feet north of the high waterline; and thence south 300 feet to the high waterline.

(2) *Camp Richardson, under the control of the Forest Service, Department of Agriculture.* The waters of Lake Tahoe shoreward of a line described as follows: Beginning at the southeasterly corner of sec. 25, T. 13 N., R. 17 E., Mount Diablo

Base and Meridian; thence north 410 feet along the east line of sec. 25; thence northwesterly 95 feet to the high waterline which is the true point of beginning; thence north 130 feet; thence southeasterly 565 feet; and thence south 130 feet to the high waterline.

(3) *Pope Beach, under the control of the Forest Service, Department of Agriculture.* The waters of Lake Tahoe shoreward of a line described as follows: Beginning at the intersection of the high waterline with the west line of the former Pope property, about 750 feet westerly of the west boundary line of Lot 2, Section 6, Township 12 North (Mount Diablo Base Line), Range 18 East (Mount Diablo Meridian); thence north 300 feet; thence southeasterly 4,200 feet to a point 300 feet north of the high waterline; and thence south 300 feet to the high waterline.

(4) *El Dorado County Beach.* The waters of Lake Tahoe shoreward of a line described as follows: Beginning at the intersection of the high waterline with the west boundary line of Lot 1, Section 32, Township 13 North (Mount Diablo Base Line), Range 18 East (Mount Diablo Meridian); thence north 500 feet; thence northeasterly about 1,350 feet to the projected east line of Lot 1 at a point 500 feet north of the high waterline; and thence south 500 feet to the high waterline.

(b) *The regulations.* No sail or machine-propelled watercraft, except vessels owned or controlled by the U.S. Coast Guard, shall navigate or anchor in the restricted area.

#### § 162.215 Lake Tahoe, Nevada; restricted area adjacent to Nevada Beach.

(a) *The restricted area.* The waters of Lake Tahoe shoreward of a line described as follows: Beginning at the intersection of the high waterline with a line projected in a general southerly direction 200 feet from a point lying 310 feet west of section corner common to section 15, 16, 21, and 22, Township 13 North (Mt. Diablo Base Line), Range 18 East (Mt. Diablo Meridian); thence 300 feet lakeward at right angles to the high waterline; thence southeasterly approximately 2,170 feet to the projected south boundary line of the Forest Service property at a point 300 feet west of the high waterline; and thence east 300 feet to the high waterline.

(b) *The regulations.* No sail or motor propelled water craft, except vessels owned or controlled by the United States Government and vessels duly authorized by the United States Coast Guard shall navigate or anchor in the restricted area.

#### § 162.220 Hoover Dam, Lake Mead, and Lake Mohave (Colorado River), Ariz.-Nev.

(a) *Lake Mead and Lake Mohave; restricted areas.*—(1) *The areas.* That portion of Lake Mead extending 700 feet upstream of the axis of Hoover Dam and that portion of Lake Mohave (Colorado River) extending 4,500 feet downstream of the axis of Hoover Dam.

(2) *The regulations.* The restricted areas shall be closed to navigation and other use by the general public. Only vessels owned by or controlled by the U.S. Government and the States of Arizona and Nevada shall navigate or anchor in the restricted areas: *Provided, however, The Regional Director, Region 3, U.S. Bureau of Reclamation, Boulder City, Nev., may authorize, by written permit, individuals or groups to navigate or anchor in the restricted areas when it is deemed in the public interest.* Copies of said permits shall be furnished the enforcing agencies.

(b) *Lake Mead; speed regulation.* In that portion of Lake Mead extending 300 feet upstream of the restricted area described in paragraph (a) of this section, a maximum speed of 5 miles per hour shall not be exceeded.

(c) *Supervision.* The regulations in this section shall be supervised by the District Commander, Eleventh Coast Guard District.

#### § 162.225 Columbia and Willamette Rivers, Washington and Oregon; administration and navigation.

(a) *Supervision.* The District Commander, Thirteenth Coast Guard District, has certain administrative supervision over the Columbia and Willamette Rivers, and is charged with the enforcement under his direction of emergency regulations to govern navigation of these streams.

(b) *Speed.* During very high water stages (usually 25 feet or more on the Vancouver, Washington, gage) when lives, floating plant or major shore installations are endangered, the District Commander shall have authority to prescribe such temporary speed regulations as he may deem necessary for the public safety. During critical periods of freshets under 25 feet on the Vancouver, Washington, gage when construction is in progress, rehabilitation, or other unusual emergency makes a major shore installation susceptible to loss or major damage from wave action, the District Commander shall have authority to prescribe for a particular limited reach of the river as appropriate such temporary speed regulations as he may deem necessary to protect the integrity of such structure. All speed regulations prescribed by the District Commander shall be obeyed for the duration of the emergency and shall be terminated at the earliest practicable time that improved stream conditions permit.

#### § 162.230 Columbia River, Wash.

(a) *Grand Coulee Dam discharge channel; restricted area.*—(1) *The area.* That portion of the Columbia River between Grand Coulee Dam (situated at river mile 596.6) and river mile 593.7.

(2) *The regulations.* (i) No vessel shall enter or navigate within the area without permission from the enforcing agency.

(ii) The regulation in this section shall be enforced by the Chief, Power Field Division, Columbia Basin Project, U.S. Department of the Interior, Coulee Dam, Washington.

#### § 162.235 Puget Sound Area, Wash.

(a) *Waterway connecting Port Townsend and Oak Bay; use, administration, and navigation.*—(1) *Works to which regulations apply.* The "canal grounds" when used in this paragraph shall mean that area between the south end of the jetties in Oak Bay and the northerly end of the dredge channel approximately 400 yards northwest of Port Townsend Canal Light. The "canal" is the water lying between these limits and the banks containing the same.

(2) *Speed.* The speed limit within the canal grounds shall not exceed five miles per hour.

(3) *Signals.* All boats desiring to use the canal shall give one long and one short whistle. Southbound boats shall sound the signal within 600 yards of Port Townsend Canal Light. Northbound boats shall sound this signal at least 500 feet south from the end of the jetties in Oak Bay. If no other boat answers the signal the first boat shall have the right of way through the canal. Any approaching boat that is in the canal shall answer by giving the same signal and the first boat shall not enter the canal until the second boat shall have passed through the canal. In the case of boats going in the same direction the boat which is in the canal shall not answer the signal of the boat desiring to enter.

(4) *Passing.* Steamers shall not under any circumstances attempt to pass each other in the canal, either when going in the same or opposite directions.

(5) *Anchoring.* No steamers or boats shall anchor or tie up within the canal grounds unless they are well over on the tide flats to the west of the dredged channel, and off the right of way belonging to the United States.

(6) *Tows.* No tow shall enter or pass through the canal with a towline more than 200 feet in length.

(7) *Delaying traffic.* No person shall cause or permit any vessel or boat of which he is in charge, or on which he is employed, to obstruct the canal in any way or delay in passing through it.

(b) *West Waterway, Seattle Harbor; navigation.* (1) The movement of vessels of 250 gross tons or over and all vessels with tows of any kind through the narrow section of West Waterway between the bend at Fisher's Flour Mill dock and the bend at the junction of East Waterway with Duwamish Waterway, and through the draws of the City of Seattle and Northern Pacific Railway Company bridges crossing this narrow section, shall be governed by red and green traffic signal lights mounted on the north and south sides of the west tower of the City Light power crossing at West Spokane Street.

(2) Two green lights, one vertically above the other, displayed ahead of a vessel, shall indicate that the waterway is clear. Two red lights, one vertically above the other, displayed ahead of a vessel, shall indicate that the waterway is not clear.

(3) A vessel approaching the narrow section and drawbridges from either end

of the waterway shall give one long blast of a whistle and shall not enter the narrow section until green lights are displayed.

(4) One vessel may follow another vessel in either direction, but the channel shall not be kept open in the same direction for an unreasonable time if a vessel is waiting at the other end.

(5) Tugs, launches, and small craft shall keep close to one side of the channel when vessels or boats with tows are passing.

(6) All craft shall proceed with caution. The display of a green light is not a guarantee that the channel is clear of traffic, and neither the United States nor the City of Seattle will be responsible for any damage to vessels or other property which may be chargeable to mistakes in the operation of the signal lights or to their failure to operate.

NOTE.—The Corps of Engineers also has regulations dealing with this section in 33 CFR Part 207.

#### § 162.240 Tongass Narrows, Alaska; navigation.

(a) *Definitions.* The term "Tongass Narrows" includes the body of water shown on United States Coast and Geodetic Survey Chart No. 8094 lying between Revillagigedo Channel and Guard Islands in Clarence Strait.

(b) No vessel shall exceed a speed of seven knots between Idaho Rock and Charcoal Point.

(c) No vessel shall while moored or at anchor, or by slow passage or otherwise while underway, unreasonably obstruct the free passage and progress of other vessels.

(d) No vessel shall moor or anchor to any structure of the United States other than mooring piers, wharves, and floats without the consent of the Captain of the Port, Anchorage.

#### § 162.245 Kenai River, Kenai, Alaska; use, administration, and navigation.

(a) *The area.* The main channel area of the river, having a width of 150 feet, beginning at a point directly offshore from the centerline of the city dock and extending about 2,200 feet upstream to a point 200 feet upstream from the Inlet Co. dock.

(b) *The regulations.* (1) Vessels may navigate, anchor, or moor within the area until such time as notification is received or observation is made of intended passage to or from the docking area.

(2) Notice of anticipated passage of towboats and barges shall be indicated 24 hours in advance by display of a red flag by the Inlet Co. from its warehouse.

#### § 162.250 Port Alexander, Alaska; speed of vessels.

(a) *Definition.* The term "Port Alexander" includes the body of water so indicated on United States Coast and Geodetic Survey Chart No. 8261 from its head to its entrance from Chatham Strait.

(b) *Speed.* The speed of all vessels of 5 tons or more gross, ships register, shall not exceed 3 miles per hour either in entering, leaving, or navigating within Port Alexander, Alaska.



§ 162.255 Wrangell Narrows, Alaska; use, administration, and navigation.

(a) *Definitions.* (1) The term "Wrangell Narrows" includes the entire body of water shown on United States Coast and Geodetic Survey Chart No. 8170 between Wrangell Narrows North Entrance Lighted Bell Buoy 63 and Midway Rock Light.

(2) The term "raft section" refers to a standard raft of logs or piling securely fastened together for long towing in Alaska inland waters in the manner customary with the local logging interests, i.e., with booms, swifters, and tail sticks. It normally contains 30,000 to 70,000 feet board measure of logs or piling and has a width of 45 to 60 feet and a length of 75 to 100 feet.

(b) *Speed restrictions.* No vessel shall exceed a speed of seven (7) knots in the vicinity of Petersburg, between Wrangell Narrows Channel Light 58 and Wrangell Narrows Lighted Buoy 60.

(c) *Tow channel.* The following route shall be taken by all tows passing through Wrangell Narrows when the towboat has a draft of 9 feet or less (northbound, read down; southbound, read up):

East of Battery Islets:  
East of Tow Channel Buoy 1 TC.  
East of Tow Channel Buoy 3 TC.  
West of Tow Channel Buoy 4 TC.  
East of Colorado Reef:  
East of Wrangell Narrows Channel Light 21.  
West of Wrangell Narrows Channel Lighted Buoy 25.  
East of Tow Channel Buoy 5 TC.  
East of Tow Channel Buoy 7 TC.  
West of Petersburg:  
East of Wrangell Narrows Channel Light 54 FR.  
East of Wrangell Narrows Channel Light 56 Qk FR.

East of Wrangell Narrows Channel Light 58 FR., thence proceeding to west side of channel and leaving Wrangell Narrows by making passage between Wrangell Narrows Channel Daybeacon 61 and Wrangell Narrows North Entrance Lighted Bell Buoy 63 F.

(d) *Size of tows.* The maximum tows permitted shall be one pile driver, or three units of other towable equipment or seven raft sections.

(e) *Arrangement of tows.* (1) No towline or aggregate of towlines between towboat and separated pieces shall exceed 150 feet in length.

(2) Raft and barge tows of more than one unit shall not exceed 65 feet in width overall. Single barge tows shall not exceed 80 feet in width overall.

(3) Tows other than rafts shall be taken alongside the towboat whenever possible.

(f) *Anchorages.* Vessels may anchor in the anchorage basin in the vicinity of Anchor Point. No craft or tow shall be anchored in Wrangell Narrows in either the main ship channel or the towing channel, nor shall any craft or tow be anchored so that it can swing into either of these channels.

(g) *Disabled craft.* Disabled craft in a condition of absolute necessity are exempt from the regulations in this section.

§ 162.260 Channel leading to San Juan Harbor, P.R.; use, administration, and navigation.

(a) Steamers passing dredge engaged in improving the channel shall not have a speed greater than 4 miles an hour, and the propelling machinery shall be stopped when crossing the lines to the dredge anchors.

(b) Vessels using the channel shall pass the dredge on the side designated from the dredge by the signals prescribed in paragraph (c) of this section.

(c) Dredge shall display the red flag by day and four white lights hung in a vertical line by night to indicate the passing side.

(d) Vessels shall not anchor on the ranges of stakes or other marks placed for the guidance of the dredge, nor in such a manner as to obstruct the channel for passing vessels.

(e) Vessels shall not run over or disturb stake, lanterns, or other marks placed for the guidance of the dredge.

(f) Dredges working in the prosecution of the work shall not obstruct the channel unnecessarily.

(g) The dredge will slack lines running across the channel from the dredge on the passing side, for passing vessels, when notified by signal, with whistle or horn.

(h) The position of anchors of the dredge shall be marked by buoys plainly visible to passing vessels.

§ 162.265 San Juan Harbor, Puerto Rico; seaplane restricted area.

(a) *The area.* (1) Beginning at a point on the north edge of the Graving Dock Channel, bearing 207° from Isla Grande Light; thence to latitude 18°27'08", longitude 66°06'38.5"; thence to latitude 18°27'08", longitude 66°08'02.5"; thence to latitude 18°26'49.6", longitude 66°07'54"; thence 90° to the eastern edge of the Army Terminal Channel; thence southerly along the eastern edge of the Army Terminal Channel to latitude 18°26'09.2"; thence to latitude 18°26'38", longitude 66°05'30"; thence to latitude 18°27'06.9", longitude 66°05'57"; thence to latitude 18°27'07.1", longitude 66°06'05.7"; thence to 227° to a point on the north edge of the Graving Dock Channel; thence northwesterly along the north edge of the Graving Dock Channel to the point of beginning. The following described portions of the area are exempted:

(i) That part of the Graving Dock Channel within the area.

(ii) That part of the Army Terminal Channel within the area.

(iii) That part of the seaplane landing area east of the Army Terminal Channel and south of the Graving Dock Channel.

(2) The area will be used by seaplanes for take-offs, landings, taxiing, and mooring.

(3) For protracted or regularly scheduled night seaplane operations the actual take-off and landing lane will be marked

by special seadrome buoys which will show fixed lights either yellow or green. Buoys for marking the take-off and landing lane will be of the type seadrome buoy regularly used by the Navy, a small black and yellow striped rubber buoy equipped to show either yellow or green lights for night operations. No buoys will be used in the area which are not approved by the enforcing agencies, or which may be confused with the regular aids to navigation system of the harbor.

(b) *The regulations.* (1) No vessel shall lie to or anchor in or otherwise obstruct the area.

(2) All vessels, passing through the area shall be alert for the approach of aircraft. Aircraft engaged in taking off or landing shall have the right of way over all vessels in the area. All vessels in the area shall proceed immediately to leave the area when warned by aircraft employing the "buzzing" method which consists of low flight by an airplane and repeated varying of the propeller speed, or when warned by a guard boat in the area.

(3) The regulations in this section shall be enforced by the Commander, Greater Antilles Section, U.S. Coast Guard.

§ 162.270 Restricted areas in vicinity of Maritime Administration Reserve Fleets.

(a) The regulations in this section shall govern the use and navigation of waters in the vicinity of the following National Defense Reserve Fleets of the Maritime Administration, Department of Commerce:

(1) [Reserved]  
(2) James River Reserve Fleet, Fort Eustis, Virginia.

(3) [Reserved]  
(4) Mobile Reserve Fleet, Tensaw River near Bay Minette, Alabama.

(5) Beaumont Reserve Fleet, Neches River near Beaumont, Texas.

(6) Suisun Bay Reserve Fleet near Benicia, California.

(7) [Reserved]  
(8) Olympia Reserve Fleet, Budd Inlet at Olympia, Washington.

(b) No vessels or other watercraft, except those owned or controlled by the United States Government, shall cruise or anchor between Reserve Fleet units within 500 feet of the end vessels in each Reserve Fleet unit, or within 500 feet of the extreme units of the fleets, unless specific permission to do so has first been granted in each case by the enforcing agency.

(c) The regulations in this section shall be enforced by the respective Fleet Superintendents and such agencies as they may designate.

(Sec. 104, Pub. L. 92-340, 86 Stat. 424 (33 U.S.C. 1224); 49 CFR 1.46(n) (4).)

Dated: September 19, 1977.

O. W. SILER,  
Admiral, United States  
Coast Guard Commandant.

[FR Doc. 77-28030 Filed 9-28-77; 8:45 am]

## CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

### PART 207—NAVIGATION REGULATIONS Transfer of Certain Navigation Regulations to the Coast Guard

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Final rule.

**SUMMARY:** Certain inland waterways navigation regulations are being transferred from the U.S. Army Corps of Engineers to the Coast Guard. This action is the result of the signing of a Memorandum of Understanding between the Corps of Engineers and the Coast Guard that clarifies the responsibilities of each agency for safety on the navigable waters of the United States. This administrative transfer assures effective and efficient regulation of waterway safety.

**EFFECTIVE DATE:** September 29, 1977.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Ralph T. Eppard, 202-693-5070 or write Office of the Chief of Engineers, Forrestal Building, Washington, D.C. 20314. Attn: DAEN-CWO-N.

**SUPPLEMENTARY INFORMATION:** A Memorandum of Understanding between the United States Army Corps of Engineers and the United States Coast Guard was signed May 5, 1977, clarifying the responsibilities for safety on the navigable waters of the United States as a result of the enactment of the Ports and Waterways Safety Act of 1972 (Pub. L. 92-340).

Pursuant to sections 7 of 40 Stat. 266 and 6 of 32 Stat. 374, (33 U.S.C. 1), the Secretary of the Army acting through the Chief of Engineers exercises regulatory authority over the use, administration, and navigation of the navigable waters of the United States. Under these authorities, the regulations contained in 33 CFR Part 207 were promulgated by the Corps of Engineers.

The Ports and Waterways Safety Act of 1972 (86 Stat. 424 33 U.S.C. 1221 et seq.) provides authority for the Secretary of the Department in which the Coast Guard is operating to regulate vessel navigation on certain navigable waters of the United States for purposes of marine safety and environmental protection.

A significant portion of the regulations published in 33 CFR Part 207 under Corps of Engineers authority contained in 33 U.S.C. 1 relate to speed limits, non-Department of Defense restricted areas, and vessel operations affecting navigational safety. All regulations in 33 CFR Part 207 falling under Coast Guard responsibility, as determined by a joint agency working committee, are transferred from the Corps of Engineers to the Coast Guard. The Coast Guard will publish these regulations in 33 CFR

Parts 161 and 162 and will be responsible for their enforcement.

All regulations in 33 CFR Part 207 not covered by the Coast Guard's authority granted by the Ports and Waterways Safety Act will remain with the Corps of Engineers and will remain a part of 33 CFR Part 207. Enforcement responsi-

bilities for these regulations will not be affected. Where necessary, certain paragraphs which define specific areas are published by both agencies. Those regulations in 33 CFR Part 207 that are being transferred to the Coast Guard are hereby revoked and reserved and are redesignated as follows:

Old Section No.	New Section No.
207.35	162.15
207.36	162.20
207.40	162.25
207.70	162.30
207.80	162.35
207.100 (g), (l), (l), (r), (a)	162.40(a) (f)
207.130	162.45
207.140	162.50
207.154	162.55
207.157a	162.60
207.160(f)	162.65 (a) (1)-(3), (b)
207.172	162.70
207.180 (a), (e) (1)-(4) (b) (l), (ll), (vi)	162.75 (a) (1-3), (b) (1)-(4) (5) (l)-(v)
207.200 (b) (2)-(3), (c), (d)	161.402 (a) (1)-(3), (b), (c)
207.200(e)	162.80(a)
207.260(d)	162.85(a)
207.275 (a) (3), (e)	162.90(a) (1)-(3), (b)
207.301	162.100
207.306 (a), (c)	162.105 (a), (b)
207.400 (a) (1), (2), (4)-(8)	162.110 (a) (1)-(7)
207.410 (a), (b), (d)-(j)	162.115 (a)-(l)
207.450	162.120
207.470 (a)-(g), (i)-(l), (n), (o)	162.125 (a)-(m)
207.473(b)	162.130(a)
207.510	162.135
207.530	162.140
207.545	162.145
207.550	162.150
207.560 (a)-(c)	162.155 (a)-(c)
207.565 (a), (b)	162.160 (a), (b)
207.570 (a), (b)	162.165 (a), (b)
207.580 (a), (b)	162.170 (a), (b)
207.590(f)	162.175 (a)
207.591	162.180
207.600 (a), (b)	162.185 (a), (b)
207.610 (a)-(c)	162.190 (a)-(c)
207.619	162.195
207.619a	162.200
207.640 (k), (o), (p)	162.205 (a)-(c)
207.642	162.210
207.643	162.215
207.645	162.220
207.670	162.225
207.715a	162.230
207.760 (d) (1)-(6), (10)	162.235 (a) (1)-(7)
207.785	162.240
207.787	162.245
207.790	162.250
207.800	162.255
207.810	162.260
207.812	162.265
207.900	162.270

The Coast Guard is concurrently publishing these amendments to assure continuity of regulatory authority. The Chief Counsel has determined that since these amendments are matters relating to agency organization, they are exempt from the Notice of Proposed Rulemaking requirements in 5 U.S.C. 553(b) (3) (A) and since these amendments are not substantive, they may be made effective in less than 30 days after publication in the FEDERAL REGISTER under 5 U.S.C. 553(d) (3).

NOTE.—The Department of the Army has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

(33 U.S.C. 1)

Dated: August 22, 1977.

CHARLES R. FORD,  
Acting Assistant Secretary  
of the Army (Civil Works)

[FR Doc. 77-28029 Filed 9-28-77; 8:45 am]



Registered  
Federal Property

THURSDAY, SEPTEMBER 29, 1977

PART III



DEPARTMENT OF  
HOUSING AND  
URBAN  
DEVELOPMENT

Federal Insurance  
Administration

NATIONAL FLOOD  
INSURANCE PROGRAM

Communities Eligible for the Sale of  
Insurance; Consultation with Local  
Officials; and Appeals from Flood  
Elevation Determinations and  
Judicial Review

V421189

SEP 29

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## [ 4210-01 ]

Title 24—Housing and Urban Development  
CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-3368]

PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to list those communities where the sale of flood insurance is authorized under the National Flood Insurance Program. Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state.

DATES: The date that appears in the fourth column of the table is the effective date of authorization for the sale of flood insurance.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 (Pub. L. 93-234) requires the purchase of flood insurance as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified for at least one year by the Secretary of Housing and Urban Development. The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or

construction except as authorized by section 202(b) of the Act, as amended, unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The addresses of the National Flood Insurers Association servicing companies, where flood insurance policies can be obtained, are published at § 1912.5 (24 CFR Part 1912).

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553 (b) are impracticable and unnecessary.

Section 1914.6 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 1914.6 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
Alabama	St. Clair	Steele, town of	Aug. 25, 1977, emergency	Feb. 7, 1975	010294
Idaho	Polk	Clive, city of	do	May 31, 1977	190188 A
Do	Plymouth	Kingsley, city of	do	Aug. 6, 1976	139477
New York	Chautauque	Ellington, town of	do	Oct. 25, 1973	361071 A
North Carolina	Chowan	Unincorporated areas	do	July 9, 1976	370401
North Dakota	Pembina	Bathgate, city of	do	Oct. 25, 1974	390680
Pennsylvania	Chester	Highland, township of	do	Nov. 23, 1971	422289
Wisconsin	Unita	Mountain View, town of	do	Dec. 24, 1976	560092
Georgia	Dougherty	Albany, city of	Aug. 15, 1977, suspension withdrawn	May 17, 1974	130075 A
Michigan	Monroe	Monroe, city of	do	Feb. 13, 1976	260153 A
New Jersey	Essex	Bloomfield, town of	do	May 3, 1974	310178
Do	Bergen	Maywood, borough of	do	Aug. 15, 1977	310050
New York	Suffolk	Babyken, village of	do	Dec. 7, 1973	360791 A
Ohio	Lucas	Sylvania, city of	do	June 11, 1976	340361 A
Pennsylvania	Berks	Douglash, township of	do	Dec. 17, 1973	421911
Do	Carbon	Jim Thorpe, borough of	do	Oct. 23, 1975	420249
Do	Schuylkill	Landingville, borough of	do	Nov. 9, 1973	420774 A
Do	Huntingdon	Mount Union, borough of	do	Apr. 5, 1974	42948 A
Do	Schuylkill	New Philadelphia, borough of	do	Apr. 23, 1976	420759
Do	Delaware	Parkside, borough of	do	Aug. 29, 1976	429426 A
Do	Berks	Union, town ship of	do	Apr. 23, 1976	129155

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969), as amended 39 FR 2787, Jan. 24, 1974.

Issued August 16, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc 77 28249 Filed 9-28-77; 8:45 am]

## [ 4210-01 ]

[Docket No. FI 3372]

PART 1914—COMMUNITIES FOR THE SALE OF INSURANCE

Status of Participating Communities

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to list those communities where the sale of flood insurance is authorized under the National Flood Insurance Program. Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state.

DATES: The date that appears in the fourth column of the table is the effective date of authorization for the sale of flood insurance.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-

424-8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 (Pub. L. 93-234) requires the purchase of flood insurance as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified for at least one year by the Secretary of Housing and Urban Development. The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction except as authorized by section 202(b) of the Act, as amended, unless the community has entered the program. Accordingly, for communities

listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The addresses of the National Flood Insurers Association servicing companies, where flood insurance policies can be obtained, are published at § 1912.5 (24 CFR Part 1912).

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.6 of Part 1914 of Subchapter B of Chapter X of Title 24 of the

Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 1914.6 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
Pennsylvania	Northumberland	Upper Augusta, township of	Jan. 19, 1973, emergency; May 2, 1977, regular; July 18, 1977, suspended; Aug. 18, 1977, reinstated.	Jan. 16, 1974	420715 A
Do	Westmoreland	St. Clair, township of	Aug. 22, 1977, emergency	Sept. 29, 1974	12191 A
Florida	Polk	Unincorporated areas	Sept. 1, 1977, emergency	June 18, 1976	120201
Illinois	Woodford	Spring Bay, village of	Aug. 26, 1977, emergency	May 13, 1977	170887
Missouri	Clay	Birmingham, village of	do	Mar. 28, 1975	26072 New
Nebraska	Lincoln	Maxwell, village of	do	Nov. 12, 1976	361191 A
New York	Rensselaer	Brunswick, town of	do	Apr. 18, 1975	340734
Ohio	Coshocton	Warsaw, village of	do	May 31, 1971	490673 A
Pennsylvania	Clarion	West Lafayette, village of	do	Oct. 10, 1975	420722 A
Texas	Wilson	Knorr, borough of	do	Nov. 23, 1973	42007
Pennsylvania	Northampton	Stockdale, city of	do	May 28, 1976	
Do	Montgomery	Hanover, township of	Jan. 19, 1973, emergency; Aug. 1, 1977, regular; Aug. 15, 1977, suspended; Aug. 22, 1977, reinstated.	Aug. 9, 1971	42007
Do	Montgomery	Halboro, borough of	Feb. 16, 1973, emergency; June 15, 1977, regular; July 18, 1977, suspended; Aug. 22, 1977, reinstated.	May 28, 1976	

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969, as amended (39 FR 2787, Jan. 24, 1974).)

Issued August 26, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc 77 28248 Filed 9-28-77; 8:45 am]

## [ 4210-01 ]

[Docket No. FI-3369]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Changes in Special Flood Hazard Areas

AGENCY: Federal Insurance Administration, HUD.

ACTION: Interim rule.

SUMMARY: The purpose of this rule is to list those communities wherein the Federal Insurance Administrator, after consultation with the Chief Executive Officer of the community, has determined that modification of the Special Flood Hazard Areas (SFHAs) of some locations is appropriate.

Any persons who have knowledge of changed conditions or new scientific or technical data or who wish to comment on these changes should immediately notify the Chief Executive Officer at the address listed.

For rating purposes, the revised community number is listed and must be used for all new policies and renewals.

DATES: These modified SFHAs are currently in effect and amend the Flood Insurance Rate Map (FIRM), in effect prior to this determination. A revised FIRM will be distributed in each community listed as soon as possible.

From the date of the second publication of notice of these changes in a prominent local newspaper, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, these modified SFHAs may be changed.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The numerous changes made in the SFHAs on the Flood Insurance Rate Map(s) make it administratively infeasible to publish in this notice all of the modified SFHAs contained on the map. However, this notice includes the address of the Chief Executive Officer of the community where the modified

SFHAs determinations are available for inspection.

The modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

These SFHAs are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These SFHAs together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities.

These modified SFHAs shall be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The entry (entry not to be codified in CFR) reads as follows:

§ 1916.8 Changes in special flood hazard areas.

State	County	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modified flood insurance rate map	New community No.
Massachusetts	Barnstable	Falmouth, city of	The Falmouth Enterprise, July 22, 1977 and July 29, 1977.	Mr. John deMello, chairman, Board of Selectmen, town of Falmouth, Town Hall, Falmouth, Mass. 02540.	July 29, 1977	253211B
Texas	Aransas	Rockport, city of	Rockport Pilot, Sept. 15, 1977 and Sept. 22, 1977.	Hon. Walter S. Falk, Jr., mayor of Rockport, City Hall, Box 1668, Rockport, Tex. 78382.	Sept. 9, 1977	483504C

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(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued August 30, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 77-28250 Filed 9-28-77; 8:45 am]

[4210-01]

[Docket No. FI-3370]

PART 1916—CONSULTATION WITH  
LOCAL OFFICIALS

Changes in Base Flood Elevations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Interim rule.

SUMMARY: The purpose of this rule is to list those communities wherein the Federal Insurance Administrator, after consultation with the Chief Executive Officer of the community, has determined that modification of the base (100-year) flood elevations of some locations is appropriate.

The numerous changes made in the base flood elevations on the Flood Insurance Rate Map(s) make it administratively infeasible to publish in this notice all of the modified base flood elevations contained on the map. However, this notice includes the address of the Chief Executive Officer of the commu-

nity where the modified base flood elevation determinations are available for inspection.

Any persons who have knowledge of changed conditions or new scientific or technical data or who wish to comment on these changes should immediately notify the Chief Executive Officer at the address listed.

The modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the revised community number is listed and must be used for all new policies and renewals.

DATES: These modified elevations are currently in effect and amend the Flood Insurance Rate Map (FIRM), in effect prior to this determination. A revised FIRM will be distributed in each community listed as soon as possible.

From the date of the second publication of notice of these changes in a prominent local newspaper, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, these modified elevations may be changed.

FOR FURTHER INFORMATION CON-  
TACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities.

These modified elevations shall be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The entry (entry not to be codified in CFR) reads as follows:

§ 1916.3 Changes in base flood elevations.

State	County	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modified flood insurance rate map	New community No.
Texas	Galveston	La Marque Beach	The Galveston Daily News, July 6, 1977, p. 1, Beach, P.O. Box 571, Galveston, Tex. 77551.	Mr. Jack Jordan, Mayor of La Marque, 1001 1st St., La Marque, Tex. 77551.	July 6, 1977	48171H
De	do	La Marque city	The La Marque Times, Aug. 30, 1977, and Sept. 7, 1977.	Mr. Jack Jordan, city manager, city hall, 1001 1st St., La Marque, Tex. 77551.	Aug. 30, 1977	48171H

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued August 30, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 77-28251 Filed 9-28-77; 8:45 am]

[4210-01]

[Docket No. FI-3371]

PART 1916—CONSULTATION WITH  
LOCAL OFFICIALS

Changes in Special Flood Hazard Areas

AGENCY: Federal Insurance Administration, HUD.

ACTION: Interim rule.

SUMMARY: The purpose of this rule is to list those communities wherein the

Federal Insurance Administrator, after consultation with the Chief Executive Officer of the community, has determined that modification of the Special Flood Hazard Area (SFHAs) of some locations is appropriate.

Any persons who have knowledge of changed conditions or new scientific or technical data or who wish to comment on these changes should immediately notify the Chief Executive Officer at the address listed.

For rating purposes, the revised community number is listed and must be used for all new policies and renewals.

DATES: These modified SFHAs are currently in effect and amend the Flood Insurance Rate Map (FIRM), in effect prior to this determination. A revised FIRM will be distributed in each community listed as soon as possible.

From the date of the second publication of notice of these changes in a prominent local newspaper, any person has 90 days in which he can request through the community that the Federal Insur-

ance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, these modified SFHAs may be changed.

FOR FURTHER INFORMATION CON-  
TACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202-755-5581) or toll free line (800-424-8872) Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The numerous changes made in the SFHAs on the Flood Insurance Rate Map(s) make it administratively infeasible to publish in this notice all of the modified SFHAs contained on the map. However, this notice includes the address of the Chief Executive Officer of the community where the modified SFHAs determinations are available for inspection.

The modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

These SFHAs are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already

in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These SFHAs together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pur-

suant to policies established by other Federal, state, or regional entities.

These modified SFHAs shall be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The entry (entry not to be codified in CFR) reads as follows:

§ 1916.8 Changes in special flood hazard areas.

State	County	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modified flood insurance rate map	New community No.
Kansas	Ford	City of Dodge City	Dodge City Daily Globe, Dec. 2, 1977 and Dec. 9, 1977.	Hon. William J. Miller, mayor of Dodge City, c/o Edwin Daley, City Hall, 706 First Ave., Dodge City, Kans. 67801.	Nov. 25, 1977	26184 001C

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued August 16, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 77-28252 Filed 9-28-77; 8:45 am]

[4210-01]

[Docket No. FI-904]

PART 1917—APPEALS FROM FLOOD ELE-  
VATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determination for  
the Township of Berkeley Heights, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the township of Berkeley Heights, N.J. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the township of Berkeley Heights, N.J.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Berkeley Heights are available for review at Town Hall, 29 Park Avenue, Berkeley Heights, N.J.

FOR FURTHER INFORMATION CON-  
TACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance (202-755-5581) or toll free line (800-424-8872), Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Berkeley Heights.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Branch Chaucer	Park Ave.	218.0
Dr. Brook	Chaucer Dr.	219.0
Chaucer Dr. Brook	Mountain Ave.	243.3
	Windsor Ave.	220.5
	Park Ave.	217.5
Forest Ave. Brook	Park Ave.	214.4
Blue Brook	Valley Rd.	210.0
Branch Blue Brook	do.	213.7

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued August 16, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 77-28266 Filed 9-28-77; 8:45 am]

[4210-01]

[Docket No. FI-1129]

PART 1917—APPEALS FROM FLOOD ELE-  
VATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determination for  
the City of Fairhope, Ala.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Fairhope, Ala. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the city of Fairhope, Ala.

FOR FURTHER INFORMATION CON-  
TACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Fairhope.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the com-



munity or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Fairhope are available for review at City Hall, Fairhope, Ala.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Poplar Creek	U.S. 90	37
	Bancroft St.	47
	Fairhope Ave.	88
	Middle St.	113
Cowpen Creek	Fairhope Ave.	114
Tributary to Cowpen Creek	Alabama 104	84
Tributary to Fly Creek	Alabama 104	84
Stack Gulley	Mobile Ave.	21
Tributary to Fly Creek	Mobile Ave.	22
	Dirt Rd.	47
	Section St.	58
	Middle Ave.	76
	Nichols Ave.	92
Unimproved Creek	U.S. 90	34
	Rosewood Ave.	34
	Myrtle Ave.	72

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued September 8, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc 77-28245 Filed 9-28-77; 8:45 am]

#### [4210-01]

[Docket No. FI-2004]

#### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Borough of Little Silver, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

**SUMMARY:** Final base flood elevations (100-year flood) are listed below for selected locations in the Borough of Little Silver, N.J. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** On publication of the Flood Insurance Rate Map for the Borough of Little Silver, N.J.

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Little Silver are available for review at Borough Hall, 480 Prospect Avenue, Little Silver, N.J.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Borough of Little Silver.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Shrewsbury River	7 Bridges Rd.	9
Little Silver Creek	Prospect Ave.	9
	Willow Dr.	9
	Branch Ave.	12
Little Silver Creek	7 Bridges Rd.	9
Tributary II.	Harrison Ave.	20
Parker Creek	Oceanport Ave.	9

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued August 30, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc 77-28268 Filed 9-28-77; 8:45 am]

#### [4210-01]

[Docket No. FI-2326]

#### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Tamarac, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

**SUMMARY:** Final base flood elevations (100-year flood) are listed below for selected locations in the City of Tamarac, Fla. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** On publication of the Flood Insurance Rate Map for the City of Tamarac, Fla.

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Tamarac are available for review at City Hall, 5811 Northwest 88th Avenue, Tamarac, Fla.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Tamarac.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Flooding	Northwest 94th Ave.	11
	Northwest 88th Ave.	11
	NeNab Rd.	11
	Northwest 57th St.	11
	Northwest 84th Ter.	11
	Southgate Blvd.	11
	University Dr.	11
	Northwest 70th Ave.	11
	Northwest 57th St.	11
	Commercial Blvd.	10
	north of Florida's Turnpike	9
	Northwest 50th St.	9
	Yellow Pine Lane	8
	Orchard Tree Lane	8
	Cavendish Dr.	8
	U.S. 441 and Northwest 50th St.	8
	Prospect Field Rd.	8

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued August 30, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc 77-28258 Filed 9-28-77; 8:45 am]

#### [4210-01]

[Docket No. FI-2479]

#### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of St. Joseph, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

**SUMMARY:** Final base flood elevations (100-year flood) are listed below for selected locations in the City of St. Joseph, Mich. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** On publication of the Flood Insurance Rate Map for the City of St. Joseph, Mich.

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of St. Joseph are available for review at City Hall, 616-620 Broad Street, St. Joseph, Mich.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of St. Joseph.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
St. Joseph River	Miller Dr. (extended)	54
	Wayne St. (on Radio Island)	54
	Upton Dr.	54

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued August 30, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc 77-28265 Filed 9-28-77; 8:45 am]

#### [4210-01]

[Docket No. FI-2652]

#### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Village of Lloyd Harbor, Suffolk County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

**SUMMARY:** Final base flood elevations (100-year flood) are listed below for selected locations in the Village of Lloyd Harbor, Suffolk County, N.Y. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** On publication of the Flood Insurance Rate Map for the Village of Lloyd Harbor, Suffolk County, N.Y.

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Lloyd Harbor, Suffolk County, N.Y., are available for review at the Village Hall, 32 Middle Hollow Road, Huntington, N.Y.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Village of Lloyd Harbor, Suffolk County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Long Island Sound		
Phantom		

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued August 30, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc 77-28270 Filed 9-28-77; 8:45 am]

#### [4210-01]

[Docket No. FI-2689]

#### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Jackson, Jackson County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the City of Jackson, Mich. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Jackson, Mich.

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ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Jackson, are available for review at City Hall, 132 West Washington Avenue, Jackson, Mich.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Meridian.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
St. Joseph River	Northern Corporate Limits	663
	Cleveland Rd.	668
	Tollax Rd. (extended)	669
	Oakwood Blvd. (extended)	671
	Riverside Ct. (extended)	673
	Conrail	674
	Angela Blvd.	675
	Michigan St.	677
	Navarre St. (extended)	678
	LaSalle St.	679

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued September 8 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc 77-28264 Filed 9-28-77; 8:45 am]

#### [4210-01]

[Docket No. FI-2791]

#### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of South Bend, St. Joseph County, Ind.

AGENCY: Federal Insurance Administration, HUD.

#### ACTION: Final rule.

**SUMMARY:** Final base flood elevations (100-year flood) are listed below for selected locations in the City of South Bend, St. Joseph County, Ind. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** On publication of the Flood Insurance Rate Map for the City of South Bend, St. Joseph County, Ind.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of South Bend, St. Joseph County, Ind. are available for review on the Bulletin Board, 1400 County-City Building, South Bend, Ind.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of South Bend, St. Joseph County, Ind.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
St. Joseph River	Northern Corporate Limits	663
	Cleveland Rd.	668
	Tollax Rd. (extended)	669
	Oakwood Blvd. (extended)	671
	Riverside Ct. (extended)	673
	Conrail	674
	Angela Blvd.	675
	Michigan St.	677
	Navarre St. (extended)	678
	LaSalle St.	679

Source of flooding	Location	Elevation in feet above mean sea level
	Jefferson Blvd. (George Cooper Bridge, Emerson Ave. (extended), 23d St. (extended), Eastern Corp. Limits, U.S. Highway 33, Grand Trunk Western R.R., Conrail, Broadway St., Duball Ave., Dayton St., Calvert St., Fellows St., Carroll St., St. Joseph St., Michigan St., Main St., Conrail, Franklin St., Confluence with Phillips Ditch, Tuckerman Dr., York Rd., Cardine Lane, Ridgedale Rd., Hillsdale Rd., Tudor Lane, Woodmont Dr., Brookmeade Dr.	666 667 668 669 670 701 712 715 723 727 734 736 739 744 748 752 754 761 714 717 752 762 771 776 781 785

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued August 30, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc 77-28260 Filed 9-28-77; 8:45 am]

#### [4210-01]

[Docket No. FI-2874]

#### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Dania, Fla.

AGENCY: Federal Insurance Administration, HUD.

#### ACTION: Final rule.

**SUMMARY:** Final base flood elevations (100-year flood) are listed below for selected locations in the city of Dania, Fla. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** On publication of the Flood Insurance Rate Map for the city of Dania, Fla.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Dania are available for review at City Hall, 100 West Beach Boulevard, Dania, Fla.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202-755-5581) or toll free line (800-424-8872), Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Dania.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Atlantic Ocean	6th Ave. NE. and 2d Pl. NE.	8
	5th Ave. NE. and 2d St. NE.	8
	Dania Beach Blvd. and 2d Ave. SE.	8
	2d Ave. SE. and 2d St. SE.	8
	2d Ave. SE. and 7th St. SE.	8
	2d Ave. SE. and 10th St. SE.	8
	3d Ave. SE. and 4th Pl. SE.	8
Rainfall Runoff	Dania Beach Blvd. and 8th Ave. NW.	7
	10th St. NW. and 6th Ave. NW.	7
	10th St. NW. and 9th Ave. SW.	7
	14th Ave. NW. and 8th St. NW.	7

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued August 30, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc 77-28257 Filed 9-28-77; 8:45 am]

#### [4210-01]

[Docket No. FI-2049]

#### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Lodi, San Joaquin County, Calif.

AGENCY: Federal Insurance Administration, HUD.

#### ACTION: Final rule.

**SUMMARY:** Final base flood elevations (100-year flood) are listed below for selected locations in the city of Lodi, San Joaquin County, Calif. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** On publication of the Flood Insurance Rate Map for the city of Lodi, San Joaquin County, Calif.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Lodi, San Joaquin County, Calif., are available for review at the Community Development Department, Lodi City Hall, 221 West Pine Street, Lodi, Calif.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202-755-5581) or toll free line (800-424-8872), Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Lodi, San Joaquin County, Calif.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Merced River	Upstream corporate limits, State Highway 99, Corporate limits, do, Downstream corporate limits.	9 15 1 4

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued August 30, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc 77-28256 Filed 9-28-77; 8:45 am]

#### [4210-01]

[Docket No. FI-2956]

#### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Niskayuna, Schenectady County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

#### ACTION: Final rule.

**SUMMARY:** Final base flood elevations (100-year flood) are listed below for selected locations in the town of Niskayuna, Schenectady County, N.Y. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** On publication of the Flood Insurance Rate Map for the town of Niskayuna, Schenectady County, N.Y.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Niskayuna, Schenectady County, N.Y., are available for review at the Towns Clerk's Office, 1335 Balltown Road, Niskayuna, N.Y. 12309.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202-755-5581) or toll free line (800-424-8872), Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator



gives notice of his final determinations of flood elevations for the town of Niskayuna, Schenectady County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mississippi River	Southwest Corporate Limits	500
	Vischer Ferry Dam Rd. (extended)	501
	Downstream Vischer Ferry Dam	502
	Upstream Vischer Ferry Dam	518
	Middle St. (extended)	521
	Balltown Rd.	522

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued August 30, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc 77-28271 Filed 9-28-77; 8:45 am]

#### [4210-01]

[Docket No. FI-3071]

#### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Grand Haven, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Grand Haven, Mich. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence

of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Grand Haven, Mich.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Grand Haven are available for review at City Hall, 519 Washington Street, Grand Haven, Mich. FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581, or Toll Free Line, 800-424-8872, Room 5270, 451 7th Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Grand Haven.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
South Channel	U.S. Highway 31	584
Grand River	34 St.	584
	C&O RR	584

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued August 30, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc 77-28261 Filed 9-28-77; 8:45 am]

#### [4210-01]

[Docket No. FI-3102]

#### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Borough of Hopewell, Mercer County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year) are listed below for selected locations in the Borough of Hopewell, Mercer County, N.J.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Borough of Hopewell, Mercer County, N.J.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Hopewell, New Jersey, are available for review at the Clerk's Office, 19 North Greenwood Avenue, Hopewell, N.J. 08525.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581, or Toll Free Line 800-424-8872, Room 5270, 451 7th Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Borough of Hopewell, N.J.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Beden Brook	400 ft south of East Prospect St.	167
	100 ft south of Columbia Ave.	172
	Columbia Ave.	174
	100 ft south of West Broad St.	177

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: September 8, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc.77-28267 Filed 9-28-77; 8:45 am]

#### [4210-01]

[Docket No. FI-3103]

#### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Keokuk, Lee County, Iowa

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Keokuk, Lee County, Iowa. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Keokuk, Lee County, Iowa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Keokuk, Lee County, Iowa are available for review at the bulletin board, Municipal Building, 415 Blondeau Street, Keokuk, Iowa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581, or Toll Free Line 800-424-8872, Room 5270, 451 7th Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Keokuk, Lee County, Iowa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234),

87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mississippi River	Confluence of Des Moines River	502
	U.S. Highway 136 and 218	504
	Northern Corporate Limits	519
Des Moines River	Western Corporate Limits	502
Soap Creek	5th St.	503
	10th St.	519
	Des Moines Ave.	550
	Johnson St. Rd.	591
	Cramer Lane	593
	Carbide Ave.	625

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued August 30, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc.77-28261 Filed 9-28-77; 8:45 am]

#### [4210-01]

[Docket No. FI-3104]

#### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Village of Bradley, Kankakee County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Village of Bradley, Kankakee County, Ill. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Village of Bradley, Kankakee County, Ill.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Bradley, Kankakee County, Ill., are available for review at the lobby of the Village Hall, 147 South Michigan, Bradley, Ill.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202-755-5581), or Toll Free Line (800-424-8872), room 5270, 451 Seventh St. SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Village of Bradley, Kankakee County, Illinois.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Soldier Creek	Confluence of North Branch Soldier Creek	624
	Conrail	625
	Kinzie Ave.	627
North Branch Soldier Creek	Erie St.	629
	Illinois Central RR	653
	North St.	654
	Pittzer Dr.	661

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: August 26, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc.77-28259 Filed 9-28-77; 8:45 am]



## [ 4210-01 ]

[Docket No. FI-3113]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW****Final Flood Elevation Determination for the City of Davenport, Scott County, Iowa**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Davenport, Scott County, Iowa.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Davenport, Scott County, Iowa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Davenport, Scott County, Iowa are available for review at the first floor on the bulletin board, City Hall, Davenport, Iowa.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202-755-5581), or Toll Free Line (800-424-8872), room 5270, 451 Seventh St. SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Davenport, Scott County, Iowa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood

plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Mississippi River	Interstate Route 280 Centennial Bridge	525
	Eastern Corporate Limits	570
Black Hawk Creek	West River Dr	560
	Concord St.	568
	Homeside Ave.	568
	Rockingham Rd.	571
	Concord St.	560
	Black Hawk St.	560
	Fairmont St.	560
	Wisconsin Ave. (extended)	625
	Utah Ave.	669
	Telegraph Rd.	676
Crow Creek	Eastern Corporate Limits	665
	Utica Ridge Rd.	666
	Interstate Route 80	704
	Northern Corporate Limits	618
Duck Creek	Kimberly Rd.	622
	Jersey Ridge Rd.	624
	Eastern Ave.	634
	Brady St.	634
	Harrison St.	642
	Marquette St.	645
	Davison St.	657
	Rock Island RR	665
	Wisconsin Ave.	672
	Utah Ave.	619
	Confidence with Duck Creek	627
	32d St.	634
	Kimberly Rd.	646
	46th St.	671
	53d St.	661
	Jersey Ridge Rd.	697
	67th St.	625
	Confidence with Duck Creek	630
	32d St.	633
	Kimberly Rd.	643
	Eastern Ave.	643
	Chicago, Milwaukee, St. Paul and Pacific RR	647
	53d St.	664
	Brady St.	671
	Division St.	698
	Interstate Route 80	716
	Confidence with Duck Creek	648
	Kimberly Rd.	655
	49th St.	660
	Downstream of Interstate Route 80	703
West Fork Silver Creek	Dittmer St.	669
	Elsie St. (extended)	674
	Fairmont Ave.	677
	Wyoming Ave.	687
	Confidence with Duck Creek	693
Tributary No. 1 to Duck Creek	Duck Creek	678
	Rock Island RR	685
	46th St.	685

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued August 30, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc.77-28246 Filed 9-28-77;8:45 am]

## [ 4210-01 ]

[Docket No. FI 3120]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW****Final Flood Elevation Determination for the City of Kinsley, Edwards County, Kans.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Kinsley, Edwards County, Kans. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Kinsley, Edwards County, Kansas.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Kinsley, Edwards County, Kans., are available for review at the front office, Kinsley City Hall, 721 Marsh Avenue, Kinsley, Kans.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202-755-5581), or toll free line (800-424-8872) room 5270 451 Seventh St. SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Kinsley, Edwards County, Kansas.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Arkansas River	Township Rd.	2,162
	U.S. Highway 183	2,176
Big Coon Creek	U.S. Highway 50	2,164
	Briggs Ave.	2,168
	U.S. Highway 183	2,170
	12th St.	2,173
Little Coon Creek	Township Rd.	2,174
	Winchester St.	2,172
	1st St.	2,179

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued August 26, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc.77-28262 Filed 9-28-77;8:45 am]

## [ 4210-01 ]

[Docket No. FI-3122]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW****Final Flood Elevation Determination for the City of Plattsmouth, Cass County, Nebr.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year) are listed below for selected locations in the City of Plattsmouth, Cass County, Nebr. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Plattsmouth, Cass County, Nebr.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Plattsmouth, are available for review at the City Clerk's Office, City Hall, 136 North 5th Street, Plattsmouth, Nebr. 68048.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations

of flood elevations for the City of Plattsmouth.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Missouri River	3.03 mi downstream of Highway 34	957.1
	2.35 mi downstream of Highway 34	958.1
	0.38 mi downstream of Highway 34	959.5
	1.69 mi downstream of confluence with Platte River	964.2
	0.37 mi upstream of confluence with Platte River	965.9
Platte River	0.75 mi upstream of confluence with Missouri River	967.3
	200 ft upstream of Highway 73-75	970.3
	Burlington Northern RR and Missouri Pacific RR Bridges	972.0
	1,700 ft upstream of Burlington Northern RR and Missouri Pacific RR Bridges	973.8

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued August 26, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc.77-28244 Filed 9-28-77;8:45 am]

## [ 4210-01 ]

[Docket No. FI-3127]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW****Final Flood Elevation Determination for the Town of Cold Spring, Cattaraugus County, N.Y.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Town of Cold Spring, Cattaraugus County, N.Y. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Town of Cold Spring, Cattaraugus County, N.Y.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Cold Spring, Cattaraugus County, N.Y., are available for review at Cold Spring Town Hall, Lebanon Road, Steamburg, N.Y.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Cold Spring, Cattaraugus County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Cold Spring Creek Tributary	300 ft upstream from Allegany Indian Reservation	1,384
	Downstream Arrance Rd.	1,390
	Upstream Arrance Rd.	1,392
	May Rd.	1,393
	Conrail	1,396
	Lebanon Rd.	1,398
	Farm Lane (800 ft U.S. Lebanon Rd.)	1,403
	Farm Lane (2,050 ft U.S. Lebanon Rd.)	1,417



(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128, and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974))

Issued August 26, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 77-28269 Filed 9-28-77; 8:45 am]

#### [4210-01]

[Docket No. FI-3131]

#### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

##### Final Flood Elevation Determination for the Town of Palmyra, Wayne County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

**SUMMARY:** Final base flood elevations (100-year flood) are listed below for selected locations in the Town of Palmyra, Wayne County, N.Y. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** On publication of the Flood Insurance Rate Map for the Town of Palmyra, Wayne County, N.Y.

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Palmyra, Wayne County, N.Y., are available for review at Palmyra Town Hall, 204 East Main Street, Palmyra, N.Y. 14522.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5531 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Palmyra, Wayne County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Ganargua Creek	Corporate Limits (downstream)	122
	Whitbeck Rd Bridge	123
	Central Bridge	127
	Hogback Rd Bridge	129
	Harrison's Spillway	129
Red Creek	Confluence with Ganargua Creek	129
	State Route 21	129
	Garlock Dam	131
	Central Bridge	131
	Maple Ave	136
	Corporate Limits (upstream)	137
	North Creek Rd Bridge	137
Red Creek	East Rd Bridge	137
	Corporate Limits (upstream)	137
	Corporate Limits (upstream)	137

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974))

Issued August 26, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 77-28272 Filed 9-28-77; 8:45 am]

#### [4210-01]

[Docket No. FI-3141]

#### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

##### Final Flood Elevation Determination for the Village of Panama, Chautauqua County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

**SUMMARY:** Final base flood elevations (100-year flood) are listed below for selected locations in the village of Panama, Chautauqua County, N.Y. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** On publication of the Flood Insurance Rate Map for the village of Panama, Chautauqua County, N.Y.

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of Panama, Chautauqua County, N.Y., are available for review at the Panama Post Office, East Main Street, Panama, N.Y.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5531 or toll free line (800-424-8872), Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the village of Panama, Chautauqua County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Red Creek	Downstream	1,500
	Corporate Limits	1,511
	South Broadway St	1,511
	Pond Rd (extended)	1,509
	Top of Weir at pond	1,509

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974))

Issued August 26, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 77-28273 Filed 9-28-77; 8:45 am]

THURSDAY, SEPTEMBER 29, 1977

PART IV



## TREASURY DEPARTMENT

Internal Revenue Service

## FEDERAL COLLECTION AND ADMINISTRATION OF QUALIFIED STATE INDIVIDUAL INCOME TAXES

Reports of Joint Committee on Taxation;  
Proposed Rulemaking

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[ 4830-01 ]

## DEPARTMENT OF THE TREASURY

Internal Revenue Service

[ 26 CFR Parts 1, 31, 32, and 301 ]

[IR-2150]

## FEDERAL COLLECTION AND ADMINISTRATION OF QUALIFIED STATE INDIVIDUAL INCOME TAXES; REPORTS TO JOINT COMMITTEE ON TAXATION

## Notice of Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

**SUMMARY:** This document contains proposed regulations relating to the Federal collection and administration of qualified State individual income taxes. Changes to the applicable tax law were made by the Federal-State Tax Collection Act of 1972 as amended by the Tax Reform Act of 1976. The regulations would provide the States with guidance needed in determining whether to elect Federal collection and administration of their individual income taxes.

**DATES:** Written comments and requests for a public hearing must be delivered or mailed by December 14, 1977. Federal collection and administration of qualified State individual income taxes will go into effect on the first January 1 which is more than one year after the first date on which at least one State has filed a notice of its election with the Secretary of the Treasury or his delegate.

**ADDRESS:** Send comments and requests for a public hearing to Commissioner of Internal Revenue, Attention: CC:LR:T, LR-2150, Washington, D.C. 20224.

**FOR FURTHER INFORMATION CONTACT:**

William E. Mantle of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, Attention: CC:LR:T, 202-566-3734.

## SUPPLEMENTARY INFORMATION:

## BACKGROUND

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1), the Employment Tax Regulations (26 CFR Part 31), the Temporary Employment Tax Regulations Under the Tax Reform Act of 1969 (26 CFR Part 32), and the Regulations on Procedure and Administration (26 CFR Part 301). These amendments are proposed to conform the regulations to sections 202(a), 203(a), and 204 (a) and (b) of the Federal-State Tax Collection Act of 1972 (86 Stat. 936, 944, 945), and to section 2116 of the Tax Reform Act of 1976 (90 Stat. 1910). The amendments are to be issued under the authority contained in sections 6364 and 7805 of the Internal Revenue Code of 1954 (86 Stat. 944, 26 U.S.C. 6364 and 68A Stat. 917, 26 U.S.C. 7805).

## IN GENERAL

In essence, the new law provides a system whereby the Federal Government will collect individual income taxes imposed by a State which elects to participate in the system. Those taxes will be collected as if they were Federal income taxes and the revenue collected will be turned over to the electing State. No fee or other charge will be imposed on any State for the collection or administration of its individual income taxes. In the interest of administrability, a State tax which is eligible for Federal collection (a "qualified tax") must conform to certain explicit specifications contained in the statute and the regulations. Such qualified taxes conform generally to the Federal income tax.

"Piggybacking", as it is generally known, was designed to increase the efficiency of collecting State taxes by eliminating duplication of effort by State and Federal tax administrators, eliminating duplicate recordkeeping by taxpayers, establishing uniform treatment for individual taxpayers at both the State and Federal levels, providing faster collection of State income taxes, and freeing State courts from individual income tax controversies.

## IMPOSITION OF QUALIFIED TAX

A qualified State tax may be imposed on nonresidents as well as residents, at the option of the State. Rules are set forth to determine who is a resident, and what income of nonresident is subject to tax. A qualified resident tax may be either based on Federal taxable income or a percentage of Federal tax liability, in either case with certain mandatory and optional adjustments. One of the optional adjustments to either type of qualified resident tax is a credit against the tax for the taxpayer's income tax liability to another State or a political subdivision thereof. In addition, States are permitted to enter into reciprocal agreements under which all residents of one State are exempted from liability for the other State's qualified nonresident tax.

## FEDERAL REPRESENTATION OF STATE

The proposed regulations provide, in accordance with the statutory policy, that the Federal Government will generally represent the State's interest in any administrative or judicial proceeding involving a qualified tax. However, the right of the State to represent its own interest is preserved in State court litigation relating to the State constitution and in certain litigation involving the relationship between the United States and the State. In addition, States may be permitted to carry on certain supplemental operations, including audits and examinations of tax returns. However, all administrative determinations with respect to the qualified tax liability of an individual are to be made by the Federal Government, and are not reviewable by the State.

## TRANSFER OF TAX TO STATES

Amounts collected with respect to qualified taxes are to be transferred on a current basis to the State on the basis of estimates, with adjustments to be made at least annually when figures relating to the actual amounts collected are available.

## ELECTION BY STATES

The proposed regulations contain guidelines indicating the steps that must be followed by a State in electing, or withdrawing from, piggybacking. In addition, provision is made for the State to obtain judicial review of an adverse determination by the Federal Government with respect to the qualification of the State tax laws or the validity of the State's notice of election.

## EFFECTIVE DATE

Piggybacking will go into effect on the first January 1 which is more than one year after the first date on which at least one State has filed a notice of its election with the Secretary of the Treasury or his delegate.

## COMMENTS AND REQUESTS FOR A PUBLIC HEARING

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the FEDERAL REGISTER.

## DRAFTING INFORMATION

Principal author of these proposed regulations was William E. Mantle of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

## PROPOSED AMENDMENTS TO THE REGULATIONS

The proposed amendments to 26 CFR Parts 1, 31, 32, and 301 are as follows:

## PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Paragraph 1. So much of paragraph (a) of § 1.164-1 as follows subparagraph (5) thereof is amended to read as follows:

§ 1.164-1 Deduction for taxes.

(a) In general. . . .

(5) . . . .

In addition, there shall be allowed as a deduction under this section State and local, and foreign, taxes not described in

subparagraphs (1) through (5) of this paragraph which are paid or accrued within the taxable year in carrying on a trade or business or an activity described in section 212 (relating to expenses for production of income). For example, dealers or investors in securities and dealers or investors in real estate may deduct State stock transfer and real estate transfer taxes, respectively, under section 164, to the extent they are expenses incurred in carrying on a trade or business or an activity for the production of income. In general, taxes are deductible only by the person upon whom they are imposed. However, see § 1.164-5 in the case of certain taxes paid by the consumer. Also, in the case of a qualified State individual income tax (as defined in section 6362 and the regulations thereunder) which is determined by reference to a percentage of the Federal income tax (pursuant to section 6362 (c)), an accrual method taxpayer shall use the cash receipts and disbursements method to compute the amount of his deduction therefor. Thus, the deduction under section 164 is in the amount actually paid with respect to the qualified tax, rather than the amount accrued with respect thereto, during the taxable year even though the taxpayer uses the accrual method of accounting for other purposes. In addition, see paragraph (f) (1) of § 301.6361-1 of this chapter (Regulations on Procedure and Administration) with respect to rules relating to allocation and reallocation of amounts collected on account of the Federal income tax and qualified taxes.

PAR. 2. Section 1.451-1 is amended by adding at the end thereof a new paragraph (e), to read as follows:

§ 1.451-1 General rule for taxable year of inclusion.

(e) Special rule for inclusion of qualified tax refund effected by allocation. For rules relating to the inclusion in income of an amount paid by a taxpayer in respect of his liability for a qualified State individual income tax and allocated or reallocated in such a manner as to apply it toward the taxpayer's liability for the Federal income tax, see paragraph (f) (1) of § 301.6361-1 of this chapter (Regulations on Procedure and Administration).

PAR. 3. Paragraphs (a) and (d) of § 1.6001-1 are amended to read as follows:

§ 1.6001-1 Records.

(a) In general. Except as provided in paragraph (b) of this section, any person subject to tax under subtitle A of the Code (including a qualified State individual income tax which is treated pursuant to section 6361(a) as if it were imposed by chapter 1 of subtitle A), or any person required to file a return of information with respect to income, shall keep such permanent books of account or records, including inventories, as are sufficient to establish the amount of gross

income, deductions, credits, or other matters required to be shown by such person in any return of such tax or information.

(d) Notice by district director requiring returns, statements, or the keeping of records. The district director may require any person, by notice served upon him, to make such returns, render such statements, or keep such specific records as will enable the district director to determine whether or not such person is liable for tax under subtitle A of the Code, including qualified State individual income taxes, which are treated pursuant to section 6361(a) as if they were imposed by chapter 1 of subtitle A.

PAR. 4. There is inserted immediately after § 1.6001-1 the following new section:

§ 1.6001-2 Returns.

For rules relating to returns required to be made by every individual, estate, or trust which is liable for one or more qualified State individual income taxes, as defined in section 6362, for a taxable year, see paragraph (b) of § 301.6361-1 of this chapter (Regulations on Procedure and Administration).

PAR. 5. Paragraph (a) (2) of § 1.6012-1 is amended by adding at the end thereof a new subdivision (vi), to read as follows:

§ 1.6012-1 Individuals required to make returns of income.

(a) Individual citizen or resident.

(2) Special rules. . . .

(vi) For rules relating to returns required to be made by every individual who is liable for one or more qualified State individual income taxes, as defined in section 6362, for a taxable year, see paragraph (b) of § 301.6361-1 of this chapter (Regulations on Procedure and Administration).

PAR. 6. Paragraph (a) of § 1.6012-3 is amended by adding at the end thereof a new subparagraph (8), to read as follows:

§ 1.6012-3 Returns by fiduciaries.

(a) For estate and trusts. . . .

(8) Estates and trusts liable for qualified tax. In the case of an estate or trust which is liable for one or more qualified State individual income taxes, as defined in section 6362, for a taxable year, see paragraph (b) of § 301.6361-1 of this chapter (Regulations on Procedure and Administration) for rules relating to returns required to be made.

PAR. 7. Section 1.6015 (c)-1 is amended to read as follows:

§ 1.6015(c)-1 Definition of estimated tax.

(a) In general. In the case of an individual, the term "estimated tax" means—

(1) The amount which the individual estimates as the amount of the income tax imposed by chapter 1 (other than the tax imposed by section 56 or, for taxable years ending before September 30, 1968, the tax surcharge imposed by sec-

tion 51) for the taxable year (and including the amount which he estimates as the amount of any qualified State individual income taxes which are treated pursuant to section 6361(a) as if they were imposed by chapter 1 for the taxable year), plus

(2) For taxable years beginning after December 31, 1966, the amount which the individual estimates as the amount of the self-employment tax imposed by chapter 2 for the taxable year, minus

(3) The amount which the individual estimates as the sum of any credits against tax provided by part IV of subchapter A of chapter 1. These credits are those provided by section 31 (relating to tax withheld on wages), section 32 (relating to tax withheld at source on nonresident aliens and foreign corporations and on tax-free covenant bonds), section 33 (relating to foreign taxes), section 34 (relating to the credit for dividends received on or before December 31, 1964), section 35 (relating to partially tax-exempt interest), section 37 (relating to the elderly), section 38 (relating to the investment credit), section 39 (relating to certain uses of gasoline, special fuels, and lubricating oil), section 40 (relating to expenses of work incentive programs), section 41 (relating to contributions to candidates), section 42 (relating to general tax credit), section 43 (relating to earned income), section 44 (relating to purchase of new principal residence), section 44A (relating to expenses for household and dependent care services necessary for gainful employment), section 44B (relating to credit for employment of certain new employees), and section 45 (relating to overpayments of tax), and also minus

(4) In the case of an individual who is subject to one or more qualified State individual income taxes, the amount which he estimates as the sum of the credits allowed against such taxes pursuant to section 6362(b) (2) (B) or (C) or section 6362(e) (4) and paragraph (c) of § 301.6362-4 of this chapter (Regulations on Procedure and Administration) (relating to the credit for income taxes of other States or political subdivisions thereof) and paragraph (c) (2) of § 301.6361-1 (relating to the credit for tax withheld from wages on account of qualified State individual income taxes).

(b) Example. A, a self-employed individual not subject to any qualified State individual income tax, estimates that his liabilities for income tax and self-employment tax for 1973 will be \$1,600 and \$400, respectively. A is required to declare and pay an estimated tax of \$2,000 for that year.

PAR. 8. The following new section is inserted immediately after § 1.6302-2:

§ 1.6361-1 Collection and administration of qualified State individual income taxes.

Except as otherwise provided in §§ 301.6361-1 to 301.6365-2, inclusive, of this chapter (Regulations on Procedure and Administration), the provisions of this part under subtitle F of the In-



ternal Revenue Code of 1954 relating to the collection and administration of the taxes imposed by chapter 1 of such Code on the incomes of individuals (or relating to civil or criminal sanctions with respect to such collection and administration) shall apply to the collection and administration of qualified State individual income taxes (as defined in section 6362 of such Code and the regulations thereunder) as if such taxes were imposed by chapter 1.

Par. 9. Section 1.6654-1 is amended by revising paragraph (a) (1) and (4) to read as follows:

§ 1.6654-1 Addition to the tax in the case of an individual.

(a) *In general.* (1) Section 6654 imposes an addition to the taxes under chapters 1 and 2 of the Code in the case of any underpayment of estimated tax by an individual (with certain exceptions described in section 6654(d)), including any underpayment of estimated qualified State individual income taxes which are treated pursuant to section 6361(a) as if they were imposed by chapter 1. This addition to the tax is in addition to any applicable criminal penalties and is imposed whether or not there was reasonable cause for the underpayment. The amount of the underpayment for any installment date is the excess of—

(i) The following percentages of the tax shown on the return for the taxable year or, if no return was filed, of the tax for such year, divided by the number of installment dates prescribed for such taxable year:

(A) 80 percent in the case of taxable years beginning after December 31, 1966, of individuals not referred to in section 6073(b) (relating to income from farming or fishing);

(B) 70 percent in the case of taxable years beginning before January 1, 1967, of such individuals; and

(C) 66½ percent in the case of individuals referred to in section 6073(b); over

(ii) The amount, if any, of the installment paid on or before the last day prescribed for such payment.

(4) The term "tax" when used in subparagraph (1) (i) of this paragraph shall mean—

(i) The tax imposed by chapter 1 of the Code (other than by section 56 or, for taxable years ending before September 30, 1968, the tax surcharge imposed by section 51), including any qualified State individual income taxes which are treated pursuant to section 6361(a) as if they were imposed by chapter 1, plus

(ii) For taxable years beginning after December 31, 1966, the tax imposed by chapter 2 of the Code, minus

(iii) All credits allowed by part IV, subchapter A of chapter 1, except the credit provided by section 31, relating to tax withheld at source on wages, and also minus

(iv) In the case of an individual who is subject to one or more qualified State

individual incomes taxes, the sum of the credits allowed against such taxes pursuant to section 6362(b) (2) (B) or (C) or section 6362(c) (4) and paragraph (c) of § 301.6362-4 of this chapter (Regulations on Procedure and Administration) (relating to the credit for income taxes of other States or political subdivisions thereof) and paragraph (c) (2) of § 301.6361-1 relating to the credit for tax withheld from wages on account of qualified State individual income taxes).

Par. 10. Paragraph (b) (1) of section 1.6654-2 is amended to read as follows:

§ 1.6654-2 Exceptions to imposition of the addition to the tax in the case of individuals.

(b) *Meaning of terms.* . . .

(1) The term "tax" means—

(i) The tax imposed by chapter 1 of the Code (other than by section 56), including any qualified State individual income taxes which are treated pursuant to section 6361(a) as if they were imposed by chapter 1, plus

(ii) For taxable years beginning after December 31, 1966, the tax imposed by chapter 2 of the Code, minus

(iii) The credits against tax allowed by part IV, subchapter A, chapter 1 of the Code, other than the credit against tax provided by section 31 (relating to tax withheld on wages), and without reduction for any payments of estimated tax, and also minus

(iv) In the case of an individual who is subject to one or more qualified State individual income taxes, the sum of the credits allowed against such taxes pursuant to section 6262(b) (2) (B) or (C) or section 6262(c) (4) and paragraph (c) of § 301.6362-4 of this chapter (Regulations on Procedure and Administration) (relating to the credit for income taxes of other States or political subdivisions thereof) and paragraph (c) (2) of § 301.6361-1 (relating to the credit for tax withheld from wages on account of qualified State individual income taxes).

#### PART 31—EMPLOYMENT TAXES; APPLICABLE ON OR AFTER JANUARY 1, 1955

Par. 11. Section 31.3402(f) (2) -1 is amended by adding at the end thereof a new paragraph (e), to read as follows:

§ 31.3402(f) (2) -1 Withholding exemption certificates.

(e) *Applicability of withholding exemption certificate to qualified State individual income taxes.* The withholding exemption certificate shall be used for purposes of withholding with respect to qualified State individual income taxes as well as Federal tax. For provisions relating to the withholding exemption certificate with respect to such State taxes, see paragraph (d) (3) (i) of § 301.6361-1 of this chapter (Regulation on Procedure and Administration).

Par. 12. So much of § 31.3402(n) -1 as follows paragraph (b) and precedes example (1) is amended to read as follows:

§ 31.3402(n) -1 Employees incurring no income tax liability.

For purposes of section 3402(n) and this section, an employee is not considered to incur liability for income tax imposed under subtitle A if the amount of such tax is equal to or less than the total amount of credits against such tax which are allowable to him under part IV of subchapter A of chapter 1 of the Code, other than those allowable under section 31 or 39. For purposes of section 3402(n) and this section, "liability for income tax imposed under subtitle A" shall include liability for a qualified State individual income tax which is treated pursuant to section 6361(a) as if it were imposed by chapter 1 of the Code. An employee is not considered to incur liability for such a State income tax if the amount of such tax does not exceed the total amount of the credit against such tax which is allowable to him under section 6362(b) (2) (B) or (C) or section 6362(c) (4). For purposes of this section, an employee who files a joint return under section 6013 is considered to incur liability for any tax shown on such return. An employee who is entitled to file a joint return under such section shall not certify that he anticipates that he will incur no liability for income tax imposed by subtitle A for his current taxable year if such statement would not be true in the event that he files a joint return for such year, unless he filed a separate return for his preceding taxable year and anticipates that he will file a separate return for his current taxable year.

Par. 13. Paragraph (b) (1) (ii) (c) of § 31.3402 (p) -1 is amended to read as follows:

§ 31.3402(p) -1 Voluntary withholding agreements.

(b) *Form and duration of agreement.* (i) . . .

(ii) . . .

(c) A statement that the employee desires withholding of Federal income tax, and, if applicable, of qualified State individual income tax (see paragraph (d) (3) (i) of § 301.6361-1 of this chapter (Regulations on Procedure and Administration)), and

Par. 14. Paragraph (a) of § 31.6011 (a) -4 is amended to read as follows:

§ 31.6011(a) -4—Returns of income tax withheld from wages.

(a) *In general.* (1) Except as otherwise provided in subparagraph (3) of this paragraph and in § 31.6011(a) -5, every person required to make a return of income tax withheld from wages pursuant to section 1622 of the Internal Revenue Code of 1939 for the calendar quarter ended December 31, 1954, shall make a return for each subsequent calendar quarter (whether or not wages are paid therein) until he has filed a final return in accordance with § 31.6011(a) -6. Except as otherwise provided in subpara-

graph (3) of this paragraph and in § 31.6011(a) -5, every person not required to make a return for the calendar quarter ended December 31, 1954, shall make a return of income tax withheld from wages pursuant to section 3402 for the first calendar quarter thereafter in which he is required to deduct and withhold such tax and for each subsequent calendar quarter (whether or not wages are paid therein) until he has filed a final return in accordance with § 31.6011(a) -6. Except as otherwise provided in § 31.6011(a) -8 and in subparagraphs (2) and (3) of this paragraph, Form 941 is the form prescribed for making the return required under this paragraph. For the requirements relating to Form 941 with respect to qualified State individual income taxes, see paragraph (d) (3) (iv) of § 301.6361-1 of this chapter (Regulations on Procedure and Administration).

(2) Form 942 is the form prescribed for making the return required under subparagraph (1) of this paragraph with respect to income tax withheld, pursuant to an agreement under section 3402(p), from wages paid for domestic service in a private home of the employer not on a farm operated for profit. The preceding sentence shall not apply in the case of an employer who has elected under paragraph (a) (3) of § 31.6011(a) -1 to use Form 941 as his return with respect to such payments for purposes of the Federal Insurance Contributions Act. For the requirements relating to Form 942 with respect to qualified State individual income taxes, see paragraph (d) (3) (iv) of § 301.6361-1.

(3) Every person shall make a return of income tax withheld, pursuant to an agreement under section 3402 (p), from wages paid for agricultural labor for the first calendar year in which he is required (by reason of such agreement) to deduct and withhold such tax and for each subsequent calendar year (whether or not wages for agricultural labor are paid therein) until he has filed a final return in accordance with § 31.6011(a) -6. Form 943 is the form prescribed for making the return required under this subparagraph. For the requirements relating to Form 943 with respect to qualified State individual income taxes, see paragraph (d) (3) (iv) of § 301.6361-1.

Par. 15. So much of paragraph (a) (1) (i) of § 31.6051-1 as follows (f) thereof is amended to read as follows:

§ 31.6051-1 Statements for employees.

(a) *Requirement if wages are subject to withholding of income tax—*(1) *General rule.* (i) . . .

(f) See paragraph (d) of this section for provisions relating to the time for furnishing the statement required by this subparagraph. See paragraph (f) of this section for an exception for employers filing composite returns from the requirement that statements for employees be on Form W-2. For the requirements relating to Form W-2 with respect to

qualified State individual income taxes, see paragraph (d) (3) (iv) of § 301.6361-1 of this chapter (Regulations on Procedure and Administration).

Par. 16. Paragraph (a) (1) (iii) of § 31.6302(c) -1 is amended to read as follows:

§ 31.6302(c) -1 Use of Government depositaries in connection with taxes under Federal Insurance Contributions Act and income tax withheld.

(a) *Requirement—*(1) *In general.* . . .

(iii) As used in subdivision (i) and (ii) of this subparagraph, the term "taxes" means—

(a) The employee tax withheld under section 3102,

(b) The employer tax under section 3111, and

(c) The income tax withheld under section 3402, including amounts withheld with respect to qualified State individual income taxes,

exclusive of taxes with respect to wages for domestic service in a private home of the employer or, if paid before April 1, 1971, wages for agricultural labor. In addition, with respect to wages paid after December 31, 1970, and before April 1, 1971, for agricultural labor, any taxes described in subparagraph (2) (ii) of this paragraph which are not required under such subparagraph to be deposited, and any income tax (including qualified State individual income tax) withheld under section 3402 with respect to such wages, shall be deemed to be "taxes" on and after April 1, 1971. For the requirements relating to the deposit and payment of withheld tax with respect to qualified State individual income taxes, see paragraph (d) (3) (iii) of § 301.6361-1 of this chapter (Regulations on Procedure and Administration).

Par. 17. The following new section is inserted immediately after § 31.6317:

§ 31.6361-1 Collection and administration of qualified State individual income taxes.

Except as otherwise provided in §§ 301.6361-1 to 301.6365-2, inclusive, of this chapter (Regulations on Procedure and Administration), the provisions of this part under subtitle F or chapter 24 of the Internal Revenue Code of 1954 relating to the collection and administration of the taxes imposed by chapter 1 of such Code on the incomes of individuals (or relating to civil or criminal sanctions with respect to such collection and administration) shall apply to the collection and administration of qualified State individual income taxes (as defined in section 6362 of such Code and the regulations thereunder) as if such taxes were imposed by chapter 1 or chapter 24.

#### PART 32—TEMPORARY EMPLOYMENT TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1969

Par. 18. Paragraphs (b) and (f) (2) of § 32.1 are amended to read as follows:

§ 32.1 Extension of withholding of income tax at source on wages to annuity payments if requested by payee.

(b) *Manner of making request.* A payee who wishes a payer to deduct and withhold income tax from annuity payments shall file a request with the payer to deduct and withhold a specific whole dollar amount from each annuity payment. Such specific dollar amount requested shall be at least \$5 per month and shall not reduce the net amount of any annuity payment received by the payee below \$10. The request shall be made on Form W-4P (annuitant's withholding exemption certificate and request) in accordance with the instructions applicable thereto, and shall set forth fully and clearly the data therein called for. In lieu of Form W-4P, payers may prepare and use a form the provisions of which are identical with those of Form W-4P. For the requirements relating to Form W-4P with respect to qualified State individual income taxes, see paragraph (d) (3) (i) of § 301.6361-1 of this chapter (Regulations on Procedure and Administration).

(f) *Returns of income tax withheld and statements for payees.* . . .

(2) Each statement on Form W-2P shall show the following:

(i) The gross amount of annuity payments made during the calendar year, whether or not income tax withholding under this section was in effect with respect to all such payments,

(ii) The total amount deducted and withheld as tax under section 3402 of this section, and

(iii) The information required to be shown by Form W-2P and the instructions applicable thereto.

For the requirements relating to Form W-2P with respect to qualified State individual income taxes, see paragraph (d) (3) (ii) of § 301.6361-1 of this chapter (Regulations on Procedure and Administration).

#### PART 301—PROCEDURE AND ADMINISTRATION

Par. 19. Paragraph (c) of § 301.6212-1 is amended to read as follows:

§ 301.6212-1 Notice of deficiency.

(c) *Further deficiency letters restricted.* If the district director (or assistant regional commissioner, appellate) mails to the taxpayer notice of a deficiency, and the taxpayer files a petition with the Tax Court within the prescribed period, no additional deficiency may be determined with respect to income tax for the same taxable year, gift tax for the same calendar quarter (calendar year with respect to gifts made before January 1, 1971), or estate tax with respect to the taxable estate of the same decedent. This restriction shall not apply in the case of fraud, assertion of de-



iciencies with respect to any qualified tax (as defined in paragraph (b) of § 301.6361-4) in respect of which no deficiency was asserted for the taxable year in the notice, assertion of deficiencies with respect to the Federal tax when deficiencies with respect to only a qualified tax (and not the Federal tax) were asserted for the taxable year in the notice, assertion of greater deficiencies before the Tax Court as provided in section 6214(a), mathematical errors as provided in section 6213(b)(1), or jeopardy assessments as provided in section 6961(c).

Par. 20. Section 301.6321-1 is amended to read as follows:

**§ 301.6321-1 Lien for taxes.**

If any person liable to pay any tax neglects or refuses to pay the same after demand, the amount (including any interest, additional amount, addition to tax, or assessable penalty, together with any costs that may accrue in addition thereto, shall be a lien in favor of the United States upon all property and rights to property, whether real or personal, tangible or intangible, belonging to such person. For purposes of section 6321 and this section, the term "any tax" shall include a State individual income tax which is a "qualified tax", as defined in paragraph (b) of § 301.6361-4. The lien attaches to all property and rights to property belonging to such person at any time during the period of the lien, including any property or rights to property acquired by such person after the lien arises. Solely for purposes of sections 6321 and 6331, any interest in restricted land held in trust by the United States for an individual noncompetent Indian (and not for a tribe) shall not be deemed to be property, or a right to property, belonging to such Indian. For the method of allocating amounts collected pursuant to a lien between the Federal Government and a State or States imposing a qualified tax with respect to which the lien attached, see paragraph (f) of § 301.6361-1. For the special lien for estate and gift taxes, see section 6324 and § 301.6324-1.

Par. 21. The following new sections are inserted immediately after § 301.6344:

**§ 301.6361-1 Collection and administration of qualified taxes.**

(a) *In general.* In the case of any State which has in effect a State agreement (as defined in paragraph (a) of § 301.6361-4), the Commissioner of Internal Revenue shall collect and administer each qualified tax (as defined in paragraph (b) of § 301.6361-4) of such State. No fee or other charge shall be imposed upon any State for the collection or administration of any qualified tax of such State or any other State. In any such case of collection and administration of qualified taxes, the provisions of subtitle F (relating to procedure and administration), subtitle G (relating to the Joint Committee on Taxation), and chapter 24 (relating to the collection of income tax at source on wages), and the provisions of regulations thereunder, insofar as

such provisions relate to the collection and administration of the taxes imposed on the income of individuals by chapter 1 (and the civil and criminal sanctions provided by subtitle F, or by title 18 of the United States Code (relating to crimes and criminal procedure), with respect to such collection and administration) shall apply to the collection and administration of qualified taxes, as if such taxes were imposed by chapter 1, except to the extent that the application of such provisions (and sanctions) are modified by regulations issued under subchapter E (as defined in paragraph (d) of § 301.6361-4). Any extension of time which is granted for the making of a payment, or for the filing of any return, which relates to any Federal tax imposed by subtitle A (or by subtitle C with respect to filing a return) shall constitute automatically an extension of the same amount of time for the making of the corresponding payment or for the filing of the corresponding return relating to any qualified tax.

(b) *Returns of qualified taxes.* Every individual, estate, or trust which has liability for one or more qualified taxes for a taxable year—

(1) Shall file a Federal income tax return at the time prescribed pursuant to section 6072(a) (whether or not such return is required by section 6012), and shall file therewith on the prescribed form a return under penalties of perjury for each tax which is—

(i) A qualified resident tax imposed by a State of which the taxpayer was a resident, as defined in § 301.6362-6, for any part of the taxable year;

(ii) A qualified nonresident tax imposed by a State within which was located the source or sources from which the taxpayer derived, while not a resident of such State and while not exempt from liability for the tax by reason of a reciprocal agreement between such State and the State of which he is a resident, 25 percent or more of his aggregate wage and other business income, as defined in paragraph (c) of § 301.6362-5, for the taxable year; or

(iii) A qualified resident or nonresident tax with respect to which any amount was currently collected from the taxpayer's income (including collection by withholding on wages or by payment of estimated income tax), as provided in paragraph (f) of § 301.6362-6, for any part of the taxable year; and

(2) Shall declare (in addition to the declaration required with respect to the return of the Federal income tax and in the place and manner prescribed by form or instructions thereto) under penalties of perjury that, to the best of the knowledge and belief of the taxpayer (or, in the case of an estate or trust, of the fiduciary who executes the Federal income tax return), he has no liability for any qualified tax for the taxable year other than any such liabilities returned with the Federal income tax return (pursuant to subparagraph (1) of this paragraph). Such declaration shall constitute a return indicating no liability with respect to each qualified tax other than

any such tax for which liability is so returned. A Federal income tax return form which is filed but which does not contain such declaration shall constitute a Federal income tax return only if the taxpayer in fact has no liability for any qualified State tax for the taxable year.

(c) *Credits.*—(1) *Credit for tax of another State or political subdivision.*—(i) *In general.* A credit allowable under a qualified tax law against the tax imposed by such law for a taxpayer's tax liability to another State or a political subdivision of another State shall be allowed if the requirements of subdivision (ii) of this subparagraph are met, and if the credit meets the requirements of paragraph (c) of § 301.6362-4. Such credit shall be allowed without regard to whether the tax imposed by the other State or subdivision thereof is a qualified tax, and without regard to whether such tax has been paid.

(ii) *Substantiation of tax liability for which a credit is allowed.* If the liability which gives rise to a credit of the type described in subdivision (i) of this subparagraph is with respect to a qualified tax, then the fact of such liability shall be substantiated by filing the return on which such liability is reported. If such liability is not with respect to a qualified tax, then the Commissioner may require a taxpayer who claims entitlement to such a credit to complete a form to be submitted with his return of the qualified tax against which the credit is claimed. On such form the taxpayer shall identify each of the other States (the liabilities to which were not substantiated as provided in the first sentence of this subdivision) or political subdivisions to which the taxpayer reported a liability for a tax giving rise to the credit, furnish the name or description of each such tax, state the amount of the liability so reported with respect to each such tax and the beginning and ending dates of the taxable period for which such liability was reported, and provide such other information as is requested in the form or in the instructions thereto. In addition, the taxpayer shall agree on such form to notify the Commissioner in the event that the amount of any tax liability (or portion thereof) which is claimed as giving rise to a credit of the type described in subdivision (i) of this subparagraph is changed or adjusted, whether as a result of an amended return filed by the taxpayer, a determination by the jurisdiction imposing the tax, or in any other manner.

(2) *Credit or withheld qualified tax.* An individual from whose wages an amount is withheld on account of a qualified tax shall receive a credit for such amount against his aggregate liability for all such qualified taxes and the Federal income tax for the taxable year, whether or not such tax has been paid over to the Federal Government by the employer. The credit shall operate in the manner provided by section 31(a) of the Code and the regulations thereunder with respect to Federal income tax withholding.

(d) *Collection of qualified taxes at source on wages.*—(1) *In general.* Except as otherwise provided in subparagraph (2) of this paragraph, every employer making payment of wages to an employee described in such subparagraph shall deduct and withhold upon such wages the amount prescribed with respect to the qualified tax designated in such subparagraph. The amounts prescribed for withholding with respect to each such qualified tax shall be published in Circular E (Employer's Tax Guide) or other appropriate Internal Revenue Service publications. See paragraph (f) (1) of § 301.6362-7 with respect to civil and criminal penalties to which an employer shall be subject with respect to his responsibilities relating to qualified taxes.

(2) *Specific withholding requirements.* An employer shall deduct and withhold upon an employee's wages the amount prescribed with respect to a qualified tax with respect to which such employee is subject to the current collection provisions pursuant to paragraph (f) of § 301.6362-6, unless:

(i) In the case of a qualified resident tax, the employee's services giving rise to the wages are performed in another State, and such other State or a political subdivision thereof imposes a nonresident tax on such employee with respect to which the withholding amount exceeds the prescribed withholding amount with respect to such qualified resident tax, and the State imposing such qualified resident tax grants a credit against it for such nonresident tax.

(ii) In the case of a qualified nonresident tax, either:

(A) Residents of the State in which the employee resides are exempt from liability for the qualified nonresident tax imposed by the State from sources within which his wage income is derived, by reason of an interstate compact or agreement to which the two States are parties, or

(B) The State in which the employee resides imposes a qualified resident tax on such employee with respect to which the prescribed withholding amounts exceed the prescribed withholding amounts with respect to the qualified nonresident tax imposed by the State from sources within which his wage income is derived, and the State in which he resides grants a credit against its qualified resident tax for such qualified nonresident tax.

If the nonresident tax described in subdivision (i) of this subparagraph is a qualified nonresident tax imposed by a State, then the reference in such subdivision to the State in which the services are performed shall be construed as a reference to the State from sources within which the wage income is derived, within the meaning of paragraph (d) (1) of § 301.6362-5.

(3) *Forms, procedures, and returns relating to withholding with respect to qualified taxes.*—(i) *Forms W-4 and W-4P.* Forms W-4 (Employee's Withholding Allowance Certificate) and W-4P (Annuitant's Request for Income Tax Withholding), shall include information

as to the State in which the employee resides, and shall be used for purposes of withholding with respect to both Federal and qualified taxes. An employee shall show on his Form W-4 the State in which he resides for purposes of this paragraph, and shall file a new Form W-4 within 10 days after he changes his State of residence. An employee who fails to meet either of the requirements set forth in the preceding sentence, with the intent to evade the withholding tax imposed with respect to a qualified tax, shall be subject to the penalty provided in section 7205 of the Code. An employer shall be responsible for determining the State within which are located the sources from which the employee's wage income is derived for purposes of this paragraph; and, if the employee does not file a Form W-4, the employer shall assume for such purposes that the employee resides in that State. When an employer and an employee enter into a voluntary withholding agreement pursuant to § 31.3402(p)-1, the employer shall withhold the amount prescribed with respect to the qualified resident tax imposed by the State in which the employee resides, as indicated on Form W-4. Similarly, if an annuitant requests withholding with respect to his annuity payments pursuant to section 3402 (c) (1) (B) of the Code, the payer shall withhold the whole dollar amount specified by the annuitant with respect to a qualified resident tax, provided that the combined withholding with respect to Federal and qualified taxes on each annuity payment shall be a whole dollar amount not less than \$5, and that the net amount of any annuity payment received by the payee shall not be reduced to less than \$10.

(ii) *Forms W-2 and W-2P.* Forms W-2 (Wage and Tax Statement) and W-2P (the corresponding form for annuities) shall show:

(A) The total amount withheld with respect to the Federal income tax;

(B) The total amount withheld with respect to qualified taxes;

(C) The name of each State imposing a qualified tax in which the employee (or annuitant) resided during the taxable year, as shown on Form W-4 (or W-4P);

(D) The name of each State imposing a qualified nonresident tax within which were located sources from which the employee's wage income was derived during a period of the taxable year in which he was not shown as a resident of such State on Form W-4, and the amount of the employee's wage income so derived; and

(E) The name of each State or locality that imposes an income tax which is not a qualified tax and with respect to which the employer withheld on the employee's wage income for the taxable year, and the amount of wage income with respect to which the employer so withheld.

(iii) *Requirements relating to deposit and payment of withheld tax.* Rules relating to the deposit and remittance of withheld Federal income and FICA taxes, including those prescribed in section 6302 of the Code and the regulations

thereunder, shall apply also to amounts withheld with respect to qualified taxes. Thus, an employer's liability with respect to the deposit and payment of withheld taxes shall be for the combined amount of withholding with respect to Federal and qualified taxes. The Federal Tax Deposit form shall separately indicate:

(A) The combined total amount of Federal income, FICA, and qualified taxes withheld;

(B) The combined total amount of qualified taxes withheld; and

(C) The total amount of qualified taxes withheld with respect to each electing State.

Data indicating the total amount of tax deposits processed by the Internal Revenue Service with respect to the qualified taxes of an electing State will be available to that State upon request on as frequent as a weekly basis. These data will be available no later than 10 working days after the end of the calendar week in which the deposits were processed by the Service.

(iv) *Employment tax returns.* Forms 941 (Employer's Quarterly Federal Tax Return), 941-E (Quarterly Return of Withheld Income Tax), 941-M (Employer's Monthly Federal Tax Return), 942 (Employer's Quarterly Tax Return for Household Employees), and 943 (Employer's Annual Tax Return for Agricultural Employees), shall indicate the total amount withheld with respect to each qualified tax, as directed by such forms or their instructions.

(e) *Criminal penalties.* A criminal offense committed with respect to a qualified tax shall be treated as a separate offense from a similar offense committed with respect to the Federal tax. Thus, for example, if a taxpayer willfully attempts to evade both the Federal tax and a qualified tax by failing to report a portion of his income, he shall be considered as having committed two criminal offenses, each subject to a separate penalty under section 7201. See also § 301.6362-7 (f) with respect to criminal penalties.

(f) *Allocation of amounts collected with respect to tax and criminal fines.*—

(1) *In general.* The aggregate amount that has been collected from a taxpayer (including amounts collected by withholding) in respect of liability for both one or more qualified taxes and the Federal income tax for a taxable year shall be allocated among the Federal Government and the States imposing qualified taxes for which the taxpayer is liable in the proportion which the taxpayer's liability for each such tax bears to his aggregate liability for such year to all of such taxing jurisdictions with respect to such taxes. A reallocation shall be made either when an amount is collected from the taxpayer or his employer or is credited or refunded to the taxpayer, subsequent to the making of the initial allocation, or when a determination is made by the Commissioner that an error was made with respect to a previous allocation. However, any such allocation or reallocation shall not affect the amount of a taxpayer's or employer's liability to either jurisdiction, or the



amount of the assessment and collection which may be made with respect to a taxpayer or employer. Accordingly, such allocations and reallocations shall not be taken into consideration for purposes of the application of statutes of limitation or provisions relating to interest, additions to tax, penalties, and criminal sanctions.

See example (4) in subparagraph (4) of this paragraph. In addition, any such allocation or reallocation shall not affect the amount of the deduction to which a taxpayer is entitled under section 164 for a year in which he made payment (including payments made by withholding) of an amount which was designated as being in respect of his liability for a qualified tax. However, to the extent that an amount which was paid by a taxpayer and designated as being in respect of his liability for a qualified tax is allocated or reallocated in such a manner as to apply it toward the taxpayer's liability for the Federal income tax, such allocation or reallocation shall be treated as a refund to the taxpayer of an amount paid in respect of a State income tax, and shall be included in the gross income of the taxpayer to the extent appropriate under section 711 and the regulations thereunder in the year in which the allocation or reallocation is made. See section 451 and the regulations thereunder. Similarly, to the extent that an amount which was paid by a taxpayer and designated as being in respect of his Federal income tax liability is allocated or reallocated in such a manner as to apply it toward his liability for a qualified tax, such allocation or reallocation shall be treated as a payment made by the taxpayer in respect of a State income tax, and shall be deductible under section 164 in the year in which the allocation or reallocation is made. The Internal Revenue Service shall notify the taxpayer in writing of any allocation or reallocation of tax liabilities in a proportion other than that of the respective tax liabilities shown on the taxpayer's returns.

(2) *Amounts of collections and liabilities.* For purposes of this paragraph the aggregate amount that has been collected from a taxpayer or his employer in respect of tax liability shall include the amounts of interest provided in chapter 67, and additions to tax and assessable penalties provided in chapter 68, which are collected with respect to such tax; but shall not include criminal fines provided in chapter 75, or in title 18 of the United States Code, which are collected with respect to offenses relating to such tax. (See subparagraph (3) of this paragraph with respect to the treatment of such criminal fines.) However, for purposes of this paragraph, the amount of the taxpayer's liability for each tax shall exclude his liability for such interest, additions to tax, and assessable penalties with respect to such tax, and his liability for criminal fines imposed with respect to offenses relating to such tax. For purposes of this paragraph, the amount of the taxpayer's liability for each tax shall be computed by

taking credits into account, except that there shall be no reduction for any amounts paid on account of such liability, whether by means of withholding, estimated tax payment, or otherwise.

(3) *Special rules relating to criminal fines.* (i) Except as otherwise provided in subdivision (ii) of this subparagraph, when a criminal charge is brought against a taxpayer with respect to a taxable year pursuant to chapter 75, or to title 18 of the United States Code, or to a corresponding provision of a qualified tax law, alleging that an offense was committed against the United States with respect to the Federal income tax or against a State with respect to a qualified tax, and an amount of money is collected by the Federal Government as a fine as a result of such charge, then the Federal Government shall remit an amount to each State, if any, which is an affected jurisdiction. The amount remitted to each such State shall bear the same proportion to the total amount collected as a fine as the taxpayer's liability with respect to the qualified taxes of that State bears to the aggregate of the taxpayer's income tax liabilities to all affected jurisdictions for the taxable year, as determined under subparagraphs (1) and (2) of this paragraph. For purposes of this subparagraph, an affected jurisdiction is (A) a jurisdiction with respect to the tax of which a criminal charge described in the preceding sentence was brought for the taxable year, or (B) a jurisdiction with respect to the Federal income tax or the qualified tax of which the acts or omissions alleged in such a criminal charge would constitute the basis for the bringing of a criminal charge for the same taxable year. However, in no case shall the amount received by an affected State, or the amount of the excess of the amount received by the Federal Government over the amount of its remissions to States, with respect to a fine exceed the maximum fine prescribed by statute for the offense against that jurisdiction with respect to which a criminal charge was brought, or with respect to which the bringing of a criminal charge could have been supported on the basis of the acts or omissions alleged in a criminal charge brought. For purposes of this subparagraph, the amount collected as a fine as a result of a criminal charge shall include amounts paid in settlement of an actual or potential liability for a fine, amounts paid pursuant to a conviction and amounts paid pursuant to a plea of guilty or nolo contendere.

(ii) If a criminal charge described in the first sentence of subdivision (i) of this subparagraph is actually brought with respect to the income tax of every affected jurisdiction with respect to the taxable year, and if a Court adjudicates on the merits the taxpayer's liability for a fine to each such jurisdiction, and includes in its decree a direction of the amount, if any, to be paid as a fine to each such jurisdiction, then that decree shall govern the allocation of the amount of money collected by the Federal Gov-

ernment as a fine with respect to the taxable year.

(4) *Examples.* The application of this paragraph may be illustrated by the following examples:

*Example (1).* The total combined amount of State X qualified tax and Federal income tax collected from A, a resident of State X, for the taxable year is \$5,100. The amounts of A's liabilities for such taxes for that year are \$800 to State X and \$4,300 to the Federal Government. Since A's tax liability to State X is one-sixth of the combined tax liability (\$4,800), one-sixth (\$800) of the amount to be refunded to A (\$100) is chargeable against State X's account, and five-sixths (\$250) is chargeable against the Federal Government's account.

*Example (2).* Assume the same facts as in example (1) except that the total amount collected from A is \$4,500. Since A's liabilities for the State X tax and the Federal tax are one-sixth and five-sixths, respectively, of the combined tax liability, the Federal Government shall pay over to State X one-sixth (\$750) of the amount actually collected from A, and the Federal Government shall retain five-sixths (\$3,750).

*Example (3).* The total amount of State X qualified tax, State Y qualified tax, and Federal income tax collected from B, a resident of State X who is employed in State Y, for the taxable year is \$5,500. The amounts of B's liabilities for such taxes for that year are \$250 for the State X tax (after allowance of a credit for State Y's qualified tax), \$750 for the State Y tax, and \$4,000 for the Federal tax. Since B's liability for the State X tax (\$250) is 5 percent of the combined tax liability (\$5,000), his liability for the State Y tax (\$750) is 15 percent of such combined liability, and his liability for the Federal tax (\$4,000) is 80 percent of such combined liability, the total amount to be refunded to B (\$500) shall be chargeable in the following manner: 5 percent (\$25) against State X's account, 15 percent (\$75) against State Y's account, and 80 percent (\$400) against the Federal Government's account.

*Example (4).* C is liable for \$2,000 in Federal income tax and \$500 in State X qualified tax (a resident tax) for the taxable year. However, on his Federal income tax return for such year, C erroneously described himself as a resident of State Y (which does not have a qualified tax), and he filed with such return his declaration to the effect that he had no qualified tax liability for the year. Accordingly, C paid only \$2,000 for his Federal tax liability, and such amount was retained in the account of the Federal Government. Subsequently, C's error is discovered. The amount collected by the Federal Government from C for such year must be allocated between the Federal Government and State X in proportion to C's tax liability to both. Accordingly, the Federal Government must pay over to State X the amount of \$400 (which is  $\frac{1}{6}$  (\$500/\$2,500) of the \$2,000 collected). If the Federal Government collects from C the additional \$500 owed, it will retain \$100 of such amount and pay the remaining \$100 to State X. Similarly, if the Federal Government collects from C any interest, or any additions to tax or assessable penalties under chapter 68,  $\frac{1}{6}$  of the amount of such collections shall be retained by the Federal Government, and  $\frac{5}{6}$  of such amount shall be paid over to State X. However, notwithstanding the allocation of the funds between the taxing jurisdictions, C's liability for the \$500 retains its character as a liability for State X tax. Therefore, any interest, additions to tax, or assessable penalties imposed with respect to the State X tax shall be imposed with respect to C's full \$500 liability for such tax, notwithstanding the fact that amounts collected with respect to

such items shall be allocated  $\frac{1}{6}$  to the Federal Government.

*Example (5).* A criminal charge is brought against D pursuant to chapter 75, alleging that he willfully evaded the payment of Federal income tax by failing to report interest income derived from obligations of the United States. D enters a plea of nolo contendere to the charge and pays \$2,500 as a fine to the Federal Government. The act alleged in the criminal charge would not support the bringing of a criminal charge under a State law corresponding to chapter 75, or to title 18 of the United States Code, with respect to the qualified tax of any State; accordingly, the United States is the only affected jurisdiction, and no remittance shall be made to any State with respect to the amount collected by the Federal Government as a fine.

*Example (6).* A criminal charge is brought against E pursuant to chapter 75, alleging that he willfully attempted to evade the assessment of liability for both Federal income tax and the qualified tax of State X by filing false and fraudulent income tax returns. E's case is settled upon the condition that he pay a fine in the amount of \$5,000. As determined pursuant to subparagraph (2) of this paragraph, E's liabilities for the taxable year are in the amounts of \$7,200 to the Federal Government and \$800 to State X. Accordingly, after the Federal Government collects the fine, \$500 ( $\frac{1}{15}$  of \$7,200 + \$800), is remitted to State X.

*Example (7).* Assume the same facts as in example (6), except that E is tried and convicted on both charges, and pursuant to court decree he pays to the United States a fine of \$6,000 with respect to each charge, or a total of \$12,000. Because a criminal charge was brought with respect to each affected jurisdiction, and the allocation of the total amount paid as a fine was specifically imposed by a court decree, the direction of the Court shall govern the allocation. Accordingly, after the Federal Government collects the fines it pays over \$6,000 to the account of State X.

§ 301.6361-2 Judicial and administrative proceedings; Federal representation of State interests.

(a) *Civil proceedings.*—(1) *General rule.* Any person shall have the same right to bring or contest a civil action, and to obtain a review thereof, with respect to a qualified tax (including the current collection thereof) in the same court or courts which would be available to him, and pursuant to the same requirements and procedures to which he would be subject, under chapter 76 (relating to judicial proceedings), and under title 28 of the United States Code (relating to the judiciary and judicial procedure), if the tax were imposed by section 1 or chapter 24 of the Internal Revenue Code. For purposes of this section, the term "person" includes the Federal Government. Except as provided in subparagraph (2) of this paragraph, to the extent that the preceding sentence provides judicial procedures (including review procedures) with respect to any matter, such procedures shall replace civil judicial procedures under State law.

(2) *Exception.* The right or power of the courts of any State to pass on matters involving the constitution of such State is unaffected by any provision of this paragraph; however, the jurisdiction of a State court in such matters

shall not extend beyond the issue of constitutionality. Thus, if in a case involving the validity of a qualified tax statute under the State constitution, the State court holds such statute constitutional, such court shall not proceed to decide the amount of the tax liability.

(b) *Criminal proceedings.* Only the Federal Government shall have the right to bring a criminal action with respect to a qualified tax (including the current collection thereof). Such an action shall be brought in the same court or courts which would be available to the Federal Government, and pursuant to the same requirements and procedures to which the Federal Government would be subject, if the tax were imposed by section 1 or chapter 24 of the Internal Revenue Code.

(c) *Administrative proceedings.* Any person shall have the same rights in administrative proceedings of the Internal Revenue Service with respect to a qualified tax (including the current collection thereof) which would be available to him, and shall be subject to the same administrative requirements and procedures to which he would be subject, if the tax were imposed by section 1 or chapter 24 of the Internal Revenue Code.

(d) *United States representation of State interests.*—(1) *General rule.* Except as provided in subparagraphs (2) and (3) of this paragraph, the Federal Government shall appear on behalf of any State the qualified tax of which it collects (or did collect for the year in issue), and shall represent such State's interests in any administrative or judicial proceeding, either civil or criminal in nature, which relates to the administration and collection of such qualified tax, in the same manner as it represents the interests of the United States in corresponding proceedings involving Federal income tax matters.

(2) *Exceptions.* The Federal Government shall not so represent a State's interests either—

(i) In proceedings in a State court involving the constitution of such State, to the extent of such constitutional issue, or

(ii) In proceedings in any court involving the relationship between the United States and the State, to the extent of the issue pertaining to such relationship, if either:

(A) The proceeding is one which is initiated by the United States against the State, or by the State against the United States, and no individual (except in his official capacity as a governmental official) is an original party to the proceeding, or

(B) The proceeding is not one described in (A), but the State elects to represent its own interests to the extent permissible under this subdivision.

(3) *Finality of Federal administrative determinations.* State and local government officials and employees may not review Federal administrative determinations concerning tax liabilities of, refunds owed to, or criminal prosecutions of, individuals with respect to qualified taxes. See, however, § 301.6363-3 relating to State administration of a

qualified tax with respect to transition years. If requested by an electing State, the Commissioner or his delegate may, under terms and conditions set forth in an agreement with such State, permit such State to carry on operations supplementary to the Federal administration of the State's qualified tax (including supplemental audits or examinations of tax returns by State audit personnel), but all administrative determinations shall be made by the Federal Government without review by the State. An agreement which permits supplemental audits or examinations of tax returns by State audit personnel shall provide that the audits and examinations shall be conducted under the supervision and control of the Commissioner or his delegate, who shall have the authority to determine which returns shall be audited and when the audits shall occur. Also, such agreements shall provide that the results of any such supplemental audit shall be referred to the Commissioner or his delegate for final administrative determination. The Commissioner or his delegate shall, to the extent permitted by law, allow an electing State reasonable access to tax returns and other appropriate records and information relating to its qualified tax for the purpose of conducting any such supplemental operations. In addition, the Secretary or his delegate shall permit an electing State to inspect the workpapers which are compiled in the course of verification by the Treasury Department of the correctness of the accounting by which the amounts of the actual net collections attributable to the electing State's qualified taxes are determined.

§ 301.6361-3 Transfers to States.

(a) *Periodic transfers.* In general, amounts collected by the Federal Government which are allocable to qualified taxes (including criminal fines which are required to be paid to a State, as determined under paragraph (f) (3) of § 301.6361-1) shall be promptly transferred to each State imposing such a tax. Transfers of such amounts, based on percentages of estimated Federal collections, shall be made not less frequently than every third business day unless the State agrees to accept transfers at less frequent intervals.

(b) *Determination of amounts of transfers.* The amounts allocable to the qualified taxes of each State for purposes of periodic transfer shall be determined as a percentage of the estimated aggregate net individual income tax collections made by the Federal Government. For purposes of this paragraph, the "aggregate net individual income tax collections" shall include amounts collected on account of the Federal individual income tax and all qualified taxes by all means (including withholding, tax returns, and declarations of estimated tax), and shall be reduced to the extent of any liability to taxpayers for credits or refunds by reason of overpayments of such taxes. The percentage of the estimated amount of such collections which is allocated to each State shall be based on an estimate which is to be made



by the Office of Tax Analysis prior to the beginning of each calendar year as to what portion of the estimated aggregate net individual income tax collections for the forthcoming year will be attributable to the qualified taxes of that State. Each State will be notified prior to the beginning of each calendar year of the amount which it is estimated that the State will receive by application of that percentage for the year. However, the Office of Tax Analysis shall, from time to time throughout the calendar year, revise the percentage estimates when such a revision is, in the opinion of that office, necessary to conform such estimates to the actual receipts. When such a revision is made, the payments to the State will be adjusted accordingly.

(c) *Adjustment of difference between actual collections and periodic transfers.* At least once annually the Secretary or his delegate shall determine the difference between the aggregate amount of the actual net collections made (taking into account credits, refunds, and amounts received by withholding with respect to which a tax return is not filed) which is attributable to each State's qualified taxes during the preceding year and the aggregate amount actually transferred to such State based on estimates during such year. The amount of such difference, as so determined, shall be a charge against, or an addition to, the amounts otherwise determined to be payable to the State.

(d) *Recipient of transferred funds.* All funds transferred pursuant to section 6361(c) and paragraph (a) of this section shall be transferred by the Federal Government to the State official designated by the Governor to receive such funds in the State agreement pursuant to paragraph (d)(5) of § 301.6363-1, unless the Governor notifies the Secretary or his delegate in writing of the designation of a different State official to receive the funds.

#### § 301.6361-4 Definitions.

For purposes of the regulations in this part under subchapter E of chapter 64 of the Internal Revenue Code of 1954, relating to collection and administration of State individual income taxes—

(a) *State agreement.* The term "State agreement" means an agreement between a State and the Federal Government which was entered into pursuant to section 6363 and the regulations thereunder, and which provides for the Federal collection and administration of the qualified tax or taxes of that State.

(b) *Qualified tax.* The term "qualified tax" means a tax which is a "qualified State individual income tax," as defined in section 6362 (including subsection (f) (1) thereof, which requires that a State agreement be in effect) and the regulations thereunder.

(c) *Chapters and subtitles.* References in regulations in this part under subchapter E to chapters and subtitles are to chapters and subtitles of the Internal Revenue Code of 1954, unless otherwise indicated.

(d) *Subchapter E.* The term subchapter E" means subchapter E of chapter 64 of the Internal Revenue Code of 1954, relating to collection and administration of State individual income taxes, as amended from time to time.

#### § 301.6361-5 Effective date of section 6361.

Section 6361 shall take effect on the first January 1 which is more than 1 year after the first date on which at least one State has filed a notice of election with the Secretary or his delegate to enter into a State agreement. For purposes of this section, a notice of election shall be deemed to have been filed by a State only if there is no defect in either the State's notice of election or the State's tax law of which the Secretary notified the Governor pursuant to paragraph (c) of § 301.6363-1, and which has not been retroactively cured under the provisions of such paragraph.

#### § 301.6362-1 Types of qualified tax.

(a) *In general.* A qualified tax may be either a "qualified resident tax" within the meaning of paragraph (b) of this section, or a "qualified nonresident tax" within the meaning of paragraph (c) of this section.

(b) *Qualified resident tax.* A tax imposed by a State on the income of individuals, estates, and trusts which are residents of such State within the meaning of section 6362(e) and § 301.6362-6 shall be a "qualified resident tax" if it is either:

(1) A tax based on Federal taxable income which meets the requirements of section 6362 (b), (e), and (f), and of §§ 301.6362-2, 301.6362-6, and 301.6362-7; or

(2) A tax which is a percentage of the Federal tax and which meets the requirements of section 6362 (c), (e), and (f), and of §§ 301.6362-3, 301.6362-6, and 301.6362-7.

(c) *Qualified nonresident tax.* A tax imposed by a State on the wage and other business income of individuals who are not residents of such State within the meaning of section 6362(e) (1) and paragraph (b) of § 301.6362-6 shall be a "qualified nonresident tax" if it meets the requirements of section 6362 (d), (e), and (f), and of §§ 301.6362-5, 301.6362-6, and 301.6362-7.

#### § 301.6362-2 Qualified resident tax based on taxable income.

(a) *In general.* A tax meets the requirements of section 6362(b) and this section only if it is imposed on the amount of the taxable income, as defined in section 63, of the individual, estate, or trust, adjusted—

(1) By subtracting an amount equal to the amount of the taxpayer's interest on obligations of the United States which was included in his gross income for the taxable year;

(2) By adding an amount equal to the amount of the taxpayer's net State income tax deduction, as defined in paragraph (a) of § 301.6362-4, for the taxable year;

(3) By adding an amount equal to the amount of the taxpayer's net tax-exempt income, as defined in paragraph (b) of § 301.6362-4, for the taxable year; and

(4) If a credit is allowed against the tax in accordance with paragraph (b) (3) of this section for sales tax imposed by the State or a political subdivision thereof, by adding an amount equal to the amount of the taxpayer's deduction under section 164(a)(4) for such sales tax.

The tax may provide for either a single rate of multiple rates which vary with the amount of taxable income, as adjusted.

(b) *Permitted adjustments.* A tax which otherwise meets the requirements of paragraph (a) of this section shall not be deemed to fail to meet such requirements solely because it provides for one or more of the following adjustments:

(1) A credit meeting the requirements of paragraph (c) of § 301.6362-4 is allowed against the tax for the taxpayer's income tax liability to another State or a political subdivision thereof.

(2) A tax is imposed on the amount taxed under section 56 (relating to the minimum tax for tax preferences).

(3) A credit is allowed against the tax for all or a portion of any general sales tax imposed by the State or a political subdivision thereof with respect to sales either to the taxpayer or to one or more of his dependents.

(c) *Method of making mandatory adjustments.* The mandatory adjustments provided in paragraph (a) of this section shall be made directly to taxable income. Except as provided in paragraph (c) (2) of § 301.6362-4, no account shall be taken of any reduction or increase in the Federal adjusted gross income which would result from the exclusion from, or inclusion in, gross income of the items which are the subject of the adjustments. Thus, for example, when for purposes of the calculation the taxpayer's Federal taxable income is adjusted to reflect the exclusion from gross income of interest on obligations of the United States, no change shall be made in the amount of the taxpayer's deduction for medical expenses, or in the amount of his charitable contribution base, even though such amounts would ordinarily depend upon the amount of adjusted gross income.

#### § 301.6362-3 Qualified resident tax which is a percentage of Federal tax.

(a) *In general.* A tax meets the requirements of section 6362(c) and this section only if:

(1) The tax is imposed as a single specified percentage of the excess of the taxes imposed by chapter 1 over the sum of the credits allowable under part IV of subchapter A of chapter 1 (other than the credits allowable under sections 31 and 39), and

(2) The amount of the tax is decreased by the amount of the decrease in such liability which would result from excluding from the taxpayer's gross income an amount equal to the amount of interest on obligations of the United States which

was included in his gross income for the taxable year.

(b) *Permitted adjustments.* A tax which otherwise meets the requirements of paragraph (a) of this section shall not be deemed to fail to meet such requirements solely because it provides for one or more of the following three adjustments:

(1) The amount of a taxpayer's liability for tax is increased by the amount of the increase in such liability which would result from including in such taxpayer's gross income all of the following:

(i) An amount equal to the amount of his net State income tax deduction, as defined in paragraph (a) of § 301.6362-4, for the taxable year;

(ii) An amount equal to the amount of his net tax-exempt income, as defined in paragraph (b) of § 301.6362-4, for the taxable year; and

(iii) If a credit is allowed against the tax under paragraph (b) (3) of this section for sales tax imposed by the State or a political subdivision thereof, an amount equal to the amount of his deduction under section 164(a)(4) for such sales tax.

(2) A credit meeting the requirements of paragraph (c) of § 301.6362-4 is allowed against the tax for the income tax of another State or a political subdivision thereof.

(3) A credit is allowed against the tax for all or a portion of any general sales tax imposed by the State or a political subdivision thereof with respect to sales either to the taxpayer or to one or more of his dependents.

(c) *Method of making adjustments.* Except as specifically provided in paragraphs (a) (2) and (b) (1) of this section and in paragraph (c) (2) of § 301.6362-4, no account shall be taken of any reduction or increase in the Federal adjusted gross income which would result from the exclusion from, or inclusion in, gross income of the items which are the subject of the adjustments provided in those paragraphs. Thus, for example, when for purposes of the calculation the taxpayer's Federal income tax liability is adjusted to reflect the exclusion from gross income of interest on obligations of the United States, no change shall be made in the amount of the taxpayer's deduction for medical expenses, or in the amount of his charitable contribution base, even though such amounts would ordinarily depend upon the amount of adjusted gross income. Also, when calculating the adjusted Federal tax liability to which the rate of the State tax is to be applied, no adjustment shall be made in the amount of any credit against Federal tax to which a taxpayer is entitled.

#### § 301.6362-4 Rules for adjustments relating to qualified resident taxes.

(a) *Net State income tax deduction.* For purposes of section 6362 (b) (1) (B) and (c) (3) (B), and §§ 301.6362-2 and 301.6362-3, the "net State income tax deduction" shall be the excess (if any) of (1) the amount deducted from income under section 164(a)(3) as taxes paid

to a State or to a political subdivision thereof, over (2) the amounts included in income as recoveries of prior income taxes which were paid to a State or to a political subdivision thereof and which had been deducted under section 164 (a) (3).

(b) *Net tax-exempt income.* For purposes of section 6362 (b) (1) (C) and (c) (3) (A) and §§ 301.6362-2 and 301.6362-3, the "net tax-exempt income" shall be the excess (if any) of:

(1) The sum of (i) the interest on obligations described in section 103 (a) (1) other than obligations of the State imposing the tax and the political subdivisions thereof, and (ii) the interest on obligations described in such section of such State and the political subdivisions thereof which under the law of the State is subject to the tax; over

(2) The sum of (i) the amount of deductions allocable to the interest described in subparagraph (1) (i) or (ii) of this paragraph which is disallowed pursuant to section 265 and the regulations thereunder, and (ii) the amount of the adjustment to basis allocable to such obligations which is required to be made for the taxable year under section 1016 (a) (5) or (6).

For purposes of subparagraphs (1) (ii) of this paragraph, a State may, at its option, subject to the tax the interest from all, none, or some of its section 103(a)(1) obligations and those of its political subdivisions. For example, a State may subject to tax all of such obligations other than those which it or its political subdivisions issued prior to a specified date, which may be the date that subchapter E becomes applicable to the State.

(c) *Credits for taxes of other jurisdictions.*—(1) *In general.* A State tax law that provides for a credit, pursuant to section 6362(b)(2)(B) or (C) or section 6362(c)(4), and paragraph (b)(1) of § 301.6362-2 or paragraph (b)(2) of § 301.6362-3, for income tax of another State or a political subdivision thereof shall provide that, in the case of each taxpayer, the amount of the credit shall equal the amount of his liability with respect to such other jurisdiction's tax for the taxable year which runs concurrently with, or which ends in, the taxable year used by the taxpayer for purposes of the State tax which provides for the credit. Such a credit may be allowed with respect to every income tax (whether or not qualified) imposed on the taxpayer by another State or a political subdivision thereof, or only with respect to certain of such taxes. However, for purposes of this paragraph, the amount which is treated as being the amount of the taxpayer's liability with respect to any such tax imposed by another jurisdiction shall not exceed the amount of liability for such tax which is both—

(A) Reported to the taxing authorities responsible for collecting such other jurisdiction's tax, and

(B) Substantiated pursuant to the requirements of paragraph (c) (1) (ii) of § 301.6361-1.

(2) *Limitation.* The amount of any credit allowed for the taxable year pursuant to this paragraph shall not exceed the product of the amount of the resident tax against which the credit is allowed, as computed without subtracting any such credit, multiplied by a fraction the numerator of which is the amount of income subject to tax by both the State imposing the resident tax against which the credit is allowed and the other jurisdiction whose tax is being credited, and the denominator of which is the amount of income subject to tax by the State imposing the resident tax against which the credit is allowed. For purposes of the preceding sentence, "income subject to tax" means the amount of the taxpayer's adjusted gross income which is taken into account for purposes of computing tax liability; in the case of a qualified resident tax, an appropriate modification shall be made to take into account any adjustments which are made pursuant to paragraph (a) (1) and (3) of § 301.6362-2, or pursuant to paragraph (a) (2) or (b) (1) (ii) of § 301.6362-3.

(3) *Examples.* The application of this paragraph may be illustrated by the following examples:

*Example (1).* (i) A, a calendar-year, cash-basis taxpayer, is a resident of State X throughout the taxable year. For such year, his adjusted gross income for Federal income tax purposes consists of \$24,000, consisting of \$3,000 derived from employment in State X, \$5,000 derived from employment in State Y, \$15,000 derived from employment in State Z, and \$1,000 in interest income from United States savings bonds. In addition, he received net tax-exempt income in the amount of \$2,000. For the taxable year, he incurs liabilities of \$200 for the State Y nonresident income tax, and \$1,400 for the State Z nonresident income tax. State X, which has in effect a State agreement for the taxable year, imposes a resident tax against which credits are allowed for the nonresident taxes imposed by States Y and Z. Without taking any such credits into account, however, the amount of A's liability for such resident tax would be \$1,500. A properly reports his nonresident income tax liabilities to States Y and Z at the same time that he files his return with respect to the State X tax, and he substantiates on such return his liabilities to States Y and Z.

(ii) The amount of A's income subject to tax in State X is \$25,000 (his adjusted gross income of \$24,000, minus the United States savings bond income of \$1,000, plus the net tax-exempt income of \$2,000). The amount of the credit allowable against the State X resident tax for the amount of A's liability with respect to the State Y nonresident tax is calculated as follows: The maximum amount of credit is the actual amount of his liability to Y, or \$200. Under subparagraph (2) of this paragraph, the amount of the credit is limited to \$300 (\$1,500 x \$5,000/\$25,000). Thus, such limit has no effect, and the full \$200 is allowable as a credit against A's liability for the resident tax of State X. The amount of the credit allowable against the State X resident tax for the amount of A's liability with respect to the State Z nonresident tax is calculated as follows: The maximum amount of the credit is the actual amount of his liability to Z, or \$1,400. Under subparagraph (2) of this paragraph, the amount of the credit is limited to \$900 (\$1,500 x \$15,000/\$25,000). Thus, such limit has the effect of reducing to \$900 the amount

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of the credit allowable for tax of State Z against A's liability for the resident tax of State X.

**Example (2).** (i) B, a calendar-year, cash-basis taxpayer, is a resident of State X employed in State Y through March 14, 1977. On March 15, 1977, B becomes a resident of State Z and remains a resident of such State through the remainder of 1977. For 1977, the amount of B's adjusted gross income for Federal income tax purposes is \$20,000, consisting of \$6,000 derived from employment in State Y which B held during the period of his residence in State X, \$12,000 derived from employment in State Z which B held during the period of his residence in State Z, and \$2,000 in interest income from various bank accounts. During 1977, B has no interest income from United States obligations, and no tax-exempt income. For 1977, B incurs a liability of \$200 to State Y on account of its nonresident income tax imposed with respect to his \$6,000 of income derived from sources within that State. State Z, which has in effect a State agreement for 1977, imposes a resident income tax on B which, if B had been a resident of State Z for all 1977, would amount to \$1,200 prior to the allowance of any credits under this paragraph. However, by reason of paragraph (e) (1) of § 301.6362-6, B's liability for the resident tax of State Z, before taking into account credits allowed under this paragraph, is reduced to \$960 (\$1,200 x .292/365, or 4/5). Furthermore, State Z allows a credit for the nonresident tax imposed by State Y.

(ii) The amount of the credit allowable against the State Z resident tax for the amount of B's liability with respect to the State Y nonresident tax is calculated as follows: The maximum amount of the credit is the amount of his actual liability to State Y, or \$200. Under subparagraph (2) of this paragraph, the amount of the credit is limited to \$288 (\$960 x \$6,000/\$20,000). Thus, such limit has no effect, and the full \$200 is allowable as a credit for tax of State Y against B's liability for the resident tax of State Z.

#### § 301.6362-5 Qualified nonresident tax.

(a) *In general.* A tax meets the requirements of section 6362(d) and this section only if:

(1) The tax is imposed by a State which simultaneously imposes a resident tax meeting the requirements of section 6362(b) and § 301.6362-2 or of section 6362(c) and § 301.6362-3;

(2) The tax is required to be computed in accordance with either the method prescribed in paragraph (b) of this section or another method of which the Secretary or his delegate approves upon submission by the State of the laws pertaining to the tax;

(3) The tax is imposed only on the wage and other business income derived from sources within such State (as defined in paragraph (d) of this section), of all individuals each of whom derives 25 percent or more of his aggregate wage and other business income for the taxable year from sources within such State while he is neither (i) a resident of such State within the meaning of section 6362(e) and § 301.6362-6, nor (ii) exempt from liability for the tax by reason of a reciprocal agreement between such State and the State of which he is a resident within the meaning of those provisions;

(4) The amount of the tax imposed with respect to any individual does not

exceed the amount of tax for which such individual would be liable under the qualified resident tax imposed by such State if he were a resident of the State for the period during which he earned wage or other business income from sources within the State, and if his taxable income for such period were an amount equal to the sum of the zero bracket amount (within the meaning of section 63(d) and determined as if he had been a resident of the State for such period) and the excess of:

(i) The amount of his wage and other business income derived from sources within the State, over

(ii) That portion of the sum of the zero bracket amount and the nonbusiness deductions (i.e., all deductions from adjusted gross income allowable in computing taxable income) taken into account for purposes of the State's qualified resident tax which bears the same ratio to such sum as the amount described in subdivision (i) of this subparagraph bears to his total adjusted gross income for the year; and

(5) For purposes of the tax, wage or other business income is considered as being the income of the individual whose income it is for purposes of section 61.

(b) *Approved method of computing liability for qualified nonresident tax.* A tax satisfies the requirement of paragraph (a) (2) of this section if the amount of the tax is computed either as a percentage of the excess of the amount described in paragraph (a) (4) (i) of this section over the amount described in paragraph (a) (4) (ii) of this section, or by application of progressive rates to such excess.

(c) *Definition of wage and other business income.* For purposes of section 6362(d) and this section, the term "wage and other business income" means the following types of income:

(1) Wages, as defined in section 3401 (a) and the regulations thereunder, but for these purposes:

(i) The amount of wages shall exclude amounts which are treated as wages under section 3402 (o) or (p) (relating to supplemental unemployment compensation benefits, annuity payments, and voluntary withholding agreements), and amounts which are treated as disability payments to the extent that they are excluded from gross income for Federal income tax purposes, pursuant to section 105(d), and

(ii) The amount of wages shall be reduced by those expenses which are directly related to the earning of such wages and with respect to which deductions are properly claimed from gross income in computing adjusted gross income;

(2) Net earnings from self-employment, as defined in section 1402 (a); and

(3) The distributive share of income of any trade or business carried on by a trust, estate, or electing small business corporation (as defined in section 1371 (a) and the regulations thereunder), to the extent that such share:

(i) Is includible in the gross income of the taxpayer for the taxable year, and

(ii) Would constitute net earnings from self-employment if the trade or business were carried on by a partnership.

For purposes of this subparagraph, "distributive share" includes the income of a trust or estate which is taxable to the taxpayer as a beneficiary under applicable Federal income tax rules, and the undistributed taxable income of an electing small business corporation which is taxable to the taxpayer as a shareholder under section 1373.

(d) *Income derived from sources within a State.—(1) Income attributable primarily to services.* Except as otherwise provided by Federal statute (see paragraphs (h), (i), and (j) of § 301.6362-7), wage income and other business income (net earnings from self-employment or distributive shares) which is attributable more to services performed by the taxpayer than to a capital investment of the taxpayer shall be considered to have been derived from sources within a State only if the services of the taxpayer which gives rise to the income are performed in such State. If for a taxable year only a portion of the taxpayer's services giving rise to the income from one employment, trade, or business is performed within a State, then it shall be presumed that the amount of income from such employment, trade, or business which is derived from sources within that State equals that portion of the total income derived from such employment, trade, or business for the year which the amount of time spent by the taxpayer for such year performing services with respect to that employment, trade, or business in that State bears to the aggregate amount of time spent by the taxpayer for such year performing all of such services. However, the presumption stated in the preceding sentence may be rebutted in the event that the taxpayer proves, by use of detailed records, that the correct allocation of his income is otherwise.

(2) *Income attributable primarily to investment.* Except as otherwise provided by Federal statute (see paragraph (j) of § 301.6362-7), business income (net earnings from self-employment or distributive shares) which is attributable more to a capital investment of the taxpayer than to services performed by the taxpayer shall be considered to have been derived from sources within the State, if any, in which the significant activities of the trade or business are conducted. If for the taxable year only a portion of the significant activities conducted with respect to one trade or business is conducted within a certain State, then the portion of the taxpayer's total income for the year from such trade or business which is considered to be derived from sources within that State shall be computed as follows:

(i) *Allocation by records.* The portion of the taxpayer's total income from the trade or business which is considered to be derived from sources within the State shall be the portion which is allocable to such sources according to the records of the taxpayer or of the part-

nership, trust, estate, or electing small business corporation from which his income is derived, provided that the taxpayer establishes to the satisfaction of the district director, when requested to do so, that those records fairly and equitably reflect the income which is allocable to sources within the State. An allocation made pursuant to this subdivision shall be based on the location of the significant activities of the trade or business, and not on the location at which the taxpayer's personal services are performed.

(ii) *Allocation by formula.* If the taxpayer (or the trade or business) does not keep records meeting the requirements of subdivision (i) of this subparagraph, or if the taxpayer fails to meet the burden of proof set forth therein, then the amount of the taxpayer's income from the trade or business which is considered to be derived from sources within the State shall be determined by multiplying the total of his income (as defined in paragraphs (c) (2) and (3) of this section) from the trade or business for the taxable year by the percentage which is the average of these three percentages:

(A) *Property percentage.* The percentage computed by dividing the average of the value, at the beginning and end of the taxable year, of real and tangible personal property connected with the taxpayer's trade or business and located within the State, by the average of the value, at the beginning and end of the taxable year, of all such property located both within and without the State. For this purpose, real property shall include real property rented to the taxpayer in connection with the trade or business, or rented to the trade or business.

(B) *Payroll percentage.* The percentage computed by dividing the total wages, salaries, and other compensation for personal services which is paid or incurred during the taxable year to employees in connection with the taxpayer's trade or business, and which would be treated as derived by such employees from sources within the State pursuant to subparagraph (1) of this paragraph, by the total of all such wages, salaries, and other compensation for personal services which is so paid or incurred without regard to whether such payments would be treated as derived by the employees from sources within the State. For purposes of this subdivision (ii), no amount paid as deferred compensation pursuant to a retirement plan to a former employee shall be taken into consideration.

(C) *Gross income percentage.* The percentage computed by dividing the gross sales or charges for services performed by or through an agency located within the State by the total of all gross sales or charges for services performed both within and without the State. The sales or charges to be allocated to the State shall include all sales which are negotiated, and charges which are for services performed, by an employee, agent, agency, or independent contractor chiefly

situated at, or working principally out of an office located within, the State.

(3) *Income attributable to real estate investment.* Notwithstanding subparagraph (2) of this paragraph, income and deductions from the rental of real property, and gain and loss from the sale, exchange, or other disposition of real property, shall not be subject to allocation under subparagraph (2), but shall be considered as entirely derived from sources located within the State in which such property is located.

(4) *Treatment of losses.* A loss attributable to the taxpayer's employment, or to his conduct of, participation in, or investment in a trade or business, shall be allocated in the same manner as the income attributable to such employment or trade or business would be allocated pursuant to this paragraph.

(5) *Examples.* The application of this paragraph may be illustrated by the following examples:

**Example (1).** A, an employee who earns \$10,000 in wage income attributable to services, and who has no other wage or other business income, spends 60 percent of his working time performing services for his employer in State X, 30 percent in State Y, and 10 percent in State Z. In the absence of the requisite proof to the contrary, A's wage income is considered to have been derived 60 percent from sources located within State X, 30 percent within State Y, and 10 percent within State Z. Assuming that A is a nonresident with respect to all three States, and that they all impose qualified nonresident taxes, then the qualified nonresident tax of State X is imposed on \$6,000, the qualified nonresident tax of State Y is imposed on \$3,000, and the qualified nonresident tax of State Z is not imposed on any of the income because A did not derive at least 25 percent of his wage and other business income from sources located within State Z.

**Example (2).** B, who earns no wage income but who has a total of \$10,000 of other business income for the taxable year, all of which is net income from self-employment attributable primarily to services, spends 45 percent of his working time performing services in State X, 30 percent in State Y, and 25 percent in State Z. However, the rates that B is able to charge for his services and the business expenses which he incurs vary in the different States, and he is able to prove by detailed records that his net income from self-employment was in fact derived 60 percent from sources located within State X, 35 percent from sources located within State Y, and 15 percent from sources located within State Z. Assuming that B is a nonresident with respect to all three States, and that they all impose qualified nonresident taxes, then the qualified nonresident tax of State X is imposed on \$5,000, the qualified nonresident tax of State Y is imposed on \$3,500, and the qualified nonresident tax of State Z is not imposed on any of the income because B did not derive at least 25 percent of his wage and other business income from sources located within State Z.

**Example (3).** C is a partner in a profitable business concern, in which he has a substantial capital investment. His net earnings from self-employment attributable to his partnership interest are \$75,000 for the taxable year. The fair market value of the services which C performs for the partnership during the taxable year is \$30,000. C's income is therefore attributable primarily to his capital investment. The partnership business is carried on partially within and partially without State X. Neither C nor the partnership main-

tains records from which the portion of C's \$75,000 income which is considered to be derived from sources within State X can be satisfactorily proven. As determined under subparagraph (2) of this paragraph, the partnership's "property percentage" in State X is 70, its "payroll percentage" therein is 60, and its "gross income percentage" therein is 56. The amount of C's partnership income considered to be derived from sources within State X is \$46,500 (\$75,000 x 62 percent). This result would obtain even if C's services for the partnership are performed entirely within State X.

**Example (4).** Assume the same facts as in (3), except that the records of the partnership of which C is a member indicate that the net profits of the partnership are derived 40 percent from business activities conducted in State X, and 60 percent from business activities conducted in State Y. C is requested to prove that those records fairly and equitably reflect the income which is allocable to sources within State X. The documentary evidence which he adduces in support of the allocation made by the records shows how such allocation results from a careful step-by-step tracing of the profitability of each phase and aspect of the partnership's operations, and shows the State in which each such phase and aspect of the operations is conducted. C's proof is satisfactory to show the percentage allocation, and the amount of his partnership income considered to be derived from sources within State X is \$30,000, or \$75,000 multiplied by 40 percent. This result would obtain even if B's services for the partnership are performed entirely within State X.

#### § 301.6362-6 Requirements relating to residence.

(a) *In general.* A tax imposed by a State meets the requirements of section 6362(e) and this section if in effect it provides that:

(1) The State of residence of an individual, estate, or trust is determined according to paragraphs (1), (2), or (3), respectively, of section 6362(e), and according to paragraphs (b), (c), or (d), respectively, of this section.

(2) The liability for a resident tax imposed by such State upon an individual or trust which changes residence to another State in the taxable year is determined according to section 6362 (e) (4) and paragraph (e) of this section.

(3) The rules relating to current collection of tax apply as provided in section 6362(e) (5) and paragraph (f) of this section.

(b) *Residence of an individual.—(1) In general.* Except as otherwise provided in subparagraph (5) of this paragraph, an individual is treated as a resident of a State with respect to a taxable year only if:

(i) His principal place of residence (as defined in subparagraph (2) of this paragraph) is within such State for a period of at least 135 consecutive days, at least 30 days of which are in such taxable year; or

(ii) In the case of a citizen or resident of the United States who is not a resident of any State (determined as provided in subdivision (1) of this subparagraph) with respect to such taxable year, his domicile (as defined in subparagraph (3) of this paragraph) is in such State for at least 30 days during such taxable year.

With respect to an individual who is a resident (determined as provided in sub-

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division (1) of this subparagraph) of more than one State during a taxable year, see paragraph (e) of this section.

(2) *Principal place of residence*—(i) *Definition*.—For purposes of subparagraph (1)(i) of this paragraph and paragraph (d)(4) of this section, the term "principal place of residence" shall mean the place which is an individual's primary home. An individual's temporary absence from his primary home shall not affect a change with respect thereto. On the other hand, if an individual moves to another State, other than as a mere transient or sojourner, he shall be treated as having changed the location of his primary home.

(ii) *Examples*. The application of this subparagraph may be illustrated by the following examples:

*Example (1)*. A has a city home and a country home. He resides in the city home for 7 months of the year and uses the address of that home as his legal residence for purposes of driver's license, automobile registration, and voter registration. He resides in the country home 5 months of the year. His city home is considered his principal place of residence.

*Example (2)*. During the taxable year, B, a construction worker, is employed at several different locations in different States. The duration of each job on which he is employed ranges from a few weeks to several months, and he knows when he accepts a job what its approximate duration will be. He owns a house in State X which he uses as his legal residence for purposes of driver's license, automobile registration, and voter registration. In addition, his family lives there during the entire year, and B lives there during periods between jobs. However, the duration of the jobs and the distance between the job-sites and his house require him to live in the localities of the respective job-sites during the period of his employment, although occasionally he returns to his house in State X on weekends. B's house in State X is his principal place of residence during all of the taxable year.

*Example (3)*. C, a dependent of his parents who are residents of State X, is a full-time student in a 4-year degree program at a college in State Y. During the 9-month academic year, C lives on the college campus, but he returns to his parents' home in State X for the summer recess. C gives State Y as his residence for purposes of his driver's license and voter registration, but lists the address of his parents' home in State X as his "permanent address" on the records of the college which he attends. Although C's domicile remains at his parents' home in State X, his presence in State Y cannot be regarded as that of a mere transient or sojourner; accordingly, C's principal place of residence is in State Y for that portion of the taxable year during which he attends college.

*Example (4)*. D loses his job in State X, where he lived and worked for many years. After a series of unsuccessful attempts to find other employment in State X, he accepts a job in State Y. D gives up his apartment in State X and moves to State Y upon commencing his new job; however, he intends to continue to explore available employment opportunities in State X so that he may return there as soon as any opportunity to do so arises. D changes his principal place of residence when he moves to State Y.

(3) *Domicile defined*. For purposes of subparagraph (1)(ii) of this paragraph and paragraph (d)(4) of this section, the

term "domicile" shall mean an individual's fixed or permanent home. An individual acquires a domicile in a place by living there; even for a brief period of time, with no definite present intention of later removing therefrom. Residence without the requisite intention to remain indefinitely will not suffice to change domicile, nor will intention to change domicile effect such a change until accompanied by actual removal. A domicile, once acquired, is maintained until a new domicile is acquired.

(4) *Period of residence*—(i) *General rule*. An individual who becomes a resident of a State pursuant to subparagraph (1) of this paragraph, or who is at the beginning of a taxable year a resident of a State pursuant to such provision, shall be treated as continuing to be a resident of such State through the end of the taxable year, unless, prior thereto, such individual becomes a resident, under the principles of subparagraph (1), of another State or a possession or foreign country. In the event that the individual becomes a resident of such another jurisdiction prior to the end of the taxable year, his residence in such State shall be treated as ending on the day prior to the day on which he becomes a resident of such other jurisdiction pursuant to subparagraph (1).

(ii) *Examples*. The application of this subparagraph may be illustrated by the following examples:

*Example (1)*. A, a calendar-year taxpayer, has his principal place of residence in State X from the beginning of 1976 through August 1, 1976, when he gives up permanently such principal place of residence. He spends the remainder of 1976 traveling outside of the United States, but does not become a resident of any other country. A is considered to be a resident of State X for the entire year 1976.

*Example (2)*. Assume the same facts as in example (1), except that A ceases his traveling and establishes his principal place of residence in State Y on November 15, 1976. Assume, also, that A maintains that principal place of residence for more than 135 consecutive days. Under these circumstances, for his taxable year 1976, A is considered to be a resident of State X from January 1 through November 14, and a resident of State Y from November 15 through December 31.

(5) *Special rules*. (i) No provision of subchapter E or the regulations thereunder shall be construed to require or authorize the treatment of a Senator, Representative, Delegate, or Resident Commissioner as a resident of a State other than the State which he represents in Congress.

(ii) For special rules relating to members of the Armed Forces, see paragraph (h) of § 301.6362-7.

(6) *Examples*. The application of this paragraph may be illustrated by the following examples:

*Example (1)*. A, a calendar-year taxpayer, maintains his principal place of residence in State X from December 1, 1976, through April 15, 1977. Assuming that A was not a resident of any other jurisdiction at any time during 1976, A is treated as a resident of State X for the entire year 1976. Such result would obtain even if A was absent from State X on vacation for some portion

of December 1976. Moreover, such result would obtain even if it is assumed that A was a domiciliary of State Y from January 1, 1976, through April 15, 1977, because an individual's domicile does not determine his residence so long as residence in one State for the taxable year can be determined from the general rule stated in the first sentence of paragraph (b)(1) of this section.

*Example (2)*. Assume the same facts as in example (1) (including the fact of A's domicile in State Y), except that A maintained his principal place of residence in State Z from September 15, 1975, through January 31, 1976, inclusive. With respect to the year 1976, A is treated as a resident of State Z from January 1 through November 30, and as a resident of State X from December 1 through December 31. A's liability for the qualified taxes of the respective States for 1976 shall be determined pursuant to the provisions of paragraph (e) of this section.

(c) *Residence of an estate*. An estate of an individual is treated as a resident of the last State of which such individual was a resident, as determined under the rules of paragraph (b) of this section, prior to his death. However, the estate of an individual who was not a resident of any State (as determined without regard to the 30-day requirement in paragraph (b)(1) of this section) immediately prior to his death, and who was not a resident of any State at any time during the 3-year period ending on the date of his death, is not treated as a resident of any State. For purposes of determining the decedent's last State of residence, the rules of paragraph (b) shall be applied irrespective of whether subchapter E was in effect at the time the period of 135 consecutive days of residence began, or whether the decedent's last State of residence is a State electing to enter into an agreement pursuant to subchapter E. The determination of the State of residence of an estate pursuant to this paragraph shall not be governed by any determination under State law as to which State is treated as the residence or domicile of the decedent for purposes other than its individual income tax (such as liability for State inheritance tax or jurisdiction of probate proceedings).

(d) *Residence of a trust*—(1) *In general*. (i) The State of residence of a trust shall be determined by reference to the circumstances of the individual who, by either an inter-vivos transfer or a testamentary transfer, is deemed to be the "principal contributor" to the trust under the provisions of subdivision (ii) of this subparagraph.

(ii) If only one individual has ever contributed assets to the trust, including the assets which were transferred to the trust at its inception, then such individual is the principal contributor to the trust. However, if on any day subsequent to the initial creation of the trust, such trust receives assets having a value greater than the aggregate value of all assets theretofore contributed to it, then the trust shall be deemed (for the limited purpose of determining the State of residence) to have been "created" anew, and the individual who on the day of such creation contributed more (in value) than any other individual contributed on that day shall become the prin-

cipal contributor to the trust. When a trust is created anew, all references in this paragraph to the creation of the trust shall be construed as referring to the most recent creation. For purposes of this paragraph, the value of any asset shall be its fair market value on the day that it was contributed to the trust; any subsequent appreciation or depreciation in the value of the asset shall be disregarded.

(2) *Testamentary trust*. A trust with respect to which a deceased individual is the principal contributor by reason of property passing on his death is treated as a resident of the last State of which such individual was a resident, as determined under the rules of paragraph (b) of this section, before his death. However, if such deceased individual was not a resident of any State (as determined without regard to the 30-day requirement in paragraph (b)(1) of this section) immediately prior to his death, and was not a resident of any State at any time during the 3-year period ending on the date of his death, then a testamentary trust of which he is the principal contributor by reason of property passing on his death is not treated as a resident of any State. All property passing on the transferor's death is treated for this purpose as a contribution made to the trust on the date of death, regardless of when the property is actually paid over to the trust.

(3) *Nontestamentary trust*. A trust which is not a trust described in subparagraph (2) of this paragraph is treated as a resident of the State in which the principal contributor to the trust, during the 3-year period ending on the date of the creation of the trust, had his principal place of residence for an aggregate number of days longer than the aggregate number of days he had his principal place of residence in any other State. However, if the principal contributor to such a trust was not a resident of any State at any time during such 3-year period, then the trust is not treated as a resident of any State.

(4) *Special rules*. If the application of the provisions of the foregoing subparagraphs of this paragraph results in a determination of more than one State of residence for a trust, or does not provide a rule by which the residence or nonresidence of the trust can be determined, then the determination of the State of residence of such trust shall be made according to the rules of the applicable subdivision of this subparagraph.

(i) If, at the time of creation of the trust, 50 percent or more in value of the trust corpus consists of real property, then the trust shall be treated as a resident of the State in which more of the real property (in value) which was in the trust at such time was located than any other State.

(ii) If, at the time of creation of the trust, less than 50 percent in value of the trust corpus consists of real property, then the trust shall be treated as a resident of the State in which, at such

time, the trustee, if any individual, had his principal place of residence, or, if a corporation, had its principal place of business. If there were two or more trustees, then the foregoing sentence shall be applied by reference to the principal places of residence, or of business, of the majority of trustees who had authority to make investment and other management decisions for the trust.

(iii) If, after application of the provisions of subdivisions (1) and (ii) of this subparagraph, the State of residence of the trust still cannot be ascertained, then the Commissioner of Internal Revenue shall determine the State of residence of such trust for purposes of qualified taxes. Such determination shall be made by reference to the number of significant contacts each State had with the trust at the time of its creation. Significant contacts shall include the principal place of residence of the principal contributor or contributors to the trust, the principal place of residence or business of the trustee (or trustees), the situs of the assets of which the trust corpus was composed, and the location from which management decisions emanated with respect to the business and investment interests of the trusts.

(5) *Examples*. The application of this paragraph may be illustrated by the following examples:

*Example (1)*. A created a trust in 1950 by transferring to it certain stock in a corporation. At the time of such transfer, the stock had a fair market value of \$1,000. A at all relevant times had his principal place of residence in State X, and accordingly the trust is treated as a resident of such State for qualified tax purposes. As of January 1, 1977, the stock originally contributed by A, which was at all times the only property in the trust, has a fair market value of \$3,000. On such date, B, who has had his principal place of residence in State Y for more than 3 years, contributes to the trust property having a fair market value of \$1,200. For purposes of determining the identity of the principal contributor to the trust and the State of residence of the trust, the stock contributed by A in 1950 continues to be valued for such purposes at \$1,000. Thus, the trust is treated as being created anew on January 1, 1977, with B as the principal contributor, and with State Y as its State of residence.

*Example (2)*. C has his principal place of residence in State X continuously for many years, until August 1, 1978 when he establishes his principal place of residence in State Y. The change of residence is intended to be permanent, and C has no further contact with State X after such change. On January 1, 1980, C creates a nontestamentary trust. During the 3-year period ending on such date C had his principal place of residence in State X for 576 days, and in State Y for 519 days. Therefore, the trust is treated as a resident of State X.

(e) *Liability for tax on change of residence during taxable year*—(1) *In general*. If, under the principles contained in paragraph (b) or (d) of this section, an individual or trust becomes a resident, or ceases to be a resident, of a State, and is also a resident of another jurisdiction outside of such State during the same taxable year, the liability of such individual or trust for the resident tax of

such State shall be determined by multiplying the amount which would be his or its liability for tax (computed after allowing the nonrefundable credits (i.e., credits not corresponding to the credits referred to in section 6401 (b) available against the tax)) if he or it had been a resident of such State for the entire taxable year by a fraction, the numerator of which is the number of days he or it was a resident of such State during the taxable year, and the denominator of which is the total number of days in the taxable year. The preceding sentence shall not apply by reason of the fact that an individual is born or dies during the taxable year, or by reason of the fact that a trust comes into existence or ceases to exist during the taxable year.

(2) *Residence determined by domicile*. When an individual is treated as a resident of a State by reason of being domiciled in such State, pursuant to paragraph (b)(1)(ii) of this section, then the numerator of the fraction provided in subparagraph (1) of this paragraph shall be the number of days the individual was domiciled in the State during the taxable year.

(3) *Example*. The application of this paragraph may be illustrated by the following example:

*Example*. A, a calendar-year taxpayer, is a resident of State X continuously for many years prior to March 15, 1977. On such date, A retires and establishes a new principal place of residence in State Y. A earns \$6,000 in 1977 prior to March 15, but receives no taxable income for the remainder of such year. If A had been a resident of State X for the entire taxable year 1977, his liability with respect to the qualified tax of such State (computed after allowing the nonrefundable credits available against the tax) would be \$600. If he had been a resident of State Y for the entire taxable year 1977, his liability with respect to the qualified tax on that State (computed similarly) would be \$400. Pursuant to the provisions in paragraph (e) of this section, A's liabilities for State qualified taxes for 1977 are as follows:

Liability for  $550 \times \frac{77}{365} = \$120$   
State X tax

Liability for  $\$400 \times \frac{292}{365} = \$380$   
State Y tax

(f) *Current collection of tax*. The State tax laws shall contain provisions for methods of current collection with respect to individuals which correspond to the provisions of the Internal Revenue Code of 1954 with respect to such current collection, including chapter 24 (relating to the collection of income tax at source on wages) and sections 6015, 6073, 6153, and other provisions of the Code relating to declarations (and amendments thereto) and payments of estimated income tax. Except as otherwise provided by Federal statute (see paragraphs (h), (i), and (j) of § 301.6362-7), in applying such provisions of the State tax laws:

(1) In the case of a resident tax, an individual shall be subject to the current collection provisions if either—

(i) He is a resident of the State within the meaning of paragraph (b) of this section, or



(d) He has his principal place of residence (as defined in paragraph (b) (2) of this section) within the State, and it is reasonable to expect him to have it within the State for 30 days or more during the taxable year.

(2) In the case of a nonresident tax, an individual shall be subject to the current collection provisions if he does not meet either description relating to an individual in subparagraph (1) of this paragraph, if he is not exempt from liability for the tax by reason of a reciprocal agreement between the State of which he is a resident and the State imposing the tax, and if it is reasonable to expect him to receive wage or other business income derived from sources within the State imposing the tax (as defined in paragraph (d) of § 301.6362-5) for services performed on 30 days or more of the taxable year.

For additional rules relating to withholding see paragraph (d) of § 301-6361.1.

#### § 301.6362-7 Additional requirements.

A State tax meets the additional requirements of section 6362(f) and this section only if:

(a) *State agreement must be in effect for period concerned.* A State agreement, as defined in paragraph (a) of § 301-6361-4, is in effect with respect to such tax for the taxable period in question.

(b) *State laws must contain certain provisions.* Under the laws of such State, the provisions of subchapter E and the regulations thereunder, as in effect from time to time, are applicable for the entire period for which the State agreement is in effect. Any change made by the State in such tax (other than an adjustment in the State law which is made solely in order to comply with a change in the Federal law or regulations) shall not apply to taxable years beginning in any calendar year for which the State agreement is in effect unless the change is enacted before November 1 of such year.

(c) *State individual income tax laws can be only of certain kinds.* Such State does not impose any tax on the income of individuals other than (1) a qualified resident tax, and (2) either or both a qualified nonresident tax and a separate tax on income which is not wage and other business income (as defined in paragraph (c) of § 301.6362-5) and which is received or accrued by individuals who are domiciled in the State, but who are not residents of the State (as defined in paragraph (b) of § 301.6362-6). For purposes of this paragraph, a tax imposed on the amount taxed under section 56 (as permitted under § 301.6362-2 (b) (2)) shall be treated as an adjustment to and a part of the qualified resident tax. Also, tax laws which were in effect prior to the effective date of a State agreement and which are not repealed, but which are made in applicable for the period during which the State agreement is in effect, shall be disregarded.

(d) *Taxable years must coincide.* The taxable years of all individuals, estates,

and trusts under such tax are required to coincide with their taxable years used for purposes of the taxes imposed by chapter 1. Accordingly, when subchapter E begins to apply to a State, a taxpayer whose taxable year for purposes of the Federal income tax is different from his taxable year for purposes of the State income tax which precedes the qualified tax may have one short taxable year for purposes of such State income tax, so that thereafter his taxable years for purposes of the qualified tax will coincide with the Federal taxable year.

(e) *Married individuals.* Individuals who are married within the meaning of section 143 of the Code are prohibited from filing (1) a joint return for purposes of such State tax if they file separate Federal income tax returns, or (2) separate returns for purposes of such State tax if they file a joint Federal income tax return.

(f) *Penalties; no double jeopardy.* Under the laws of such State:

(1) Civil and criminal sanctions identical to those provided by subtitle F, and by title 18 of the United States Code (relating to crimes and criminal procedure), with respect to the taxes imposed on the income of individuals by chapter 1 and on the wages of individuals by chapter 24, apply to individuals and their employers who are subject to such State tax (and the collection and administration thereof, including the corresponding withholding tax imposed to implement the current collection of such State tax) as if such tax were imposed by chapter 1 (or chapter 24, in the case of the withholding tax), except to the extent that the application of such sanctions is modified by regulations issued under subchapter E; and

(2) No other sanctions or penalties apply with respect to any act or omission to act in respect of such State tax.

See also paragraph (e) of § 301.6361-1 with respect to criminal penalties.

(g) *Partnerships, trusts, subchapter S corporations, and other conduit entities.* Under the laws of such State, the State tax treatment of—

(1) Partnerships and partners,  
(2) Trusts and their beneficiaries,  
(3) Estate and their beneficiaries,  
(4) Electing small business corporations (within the meaning of section 1371(a)) and their shareholders, and  
(5) Any other entity and the individuals having beneficial interests therein (such as a cooperative corporation and its shareholders), to the extent that such entity is treated as a conduit for purposes of the taxes imposed by chapter 1, corresponds to the tax treatment provided therefor with respect to the taxes imposed by chapter 1. For example, a subchapter S corporation shall not be subject to the State's corporate income tax on amounts which are includible in shareholders' incomes which are subject to that State's individual income tax, except to the extent that the subchapter S corporation is subject to tax under Federal law. Similarly, a partnership shall not be subject to the State's unincorporated business income tax on amounts

which are includible in partners' incomes which are subject to that State's individual income tax. However, the laws of the State which set forth the provisions of such State individual income tax shall authorize the Commissioner of Internal Revenue to require that the conduit entities described in this paragraph (or some of them) supply information to the Federal Government with respect to the source of income, the State of residence, or the amount of income of a particular type, of an individual, estate, or trust holding a beneficial interest in such conduit entity.

(h) *Members of armed forces.* The relief provided to any member of the Armed Forces by section 514 of the Soldiers' and Sailors' Civil Relief Act (50 U.S.C. App. sec. 574) is in no way diminished. Accordingly, for purposes of such State tax, an individual shall not be considered to have become a resident of a State solely because of his absence from his original State of residence under military order. Moreover, compensation for military service shall not be considered as income derived from a source within a State of which the individual earning such compensation is not a resident, within the meaning of paragraph (d) of § 301.6362-5. The preceding sentence shall not apply to nonmilitary compensation. Thus, for example, if an individual who is serving in State X as a member of the Armed Forces, and who is regarded as a resident of State Y under the Soldiers' and Sailors' Civil Relief Act, earns nonmilitary income in State X from a part-time job, such nonmilitary income may be subject to a qualified nonresident tax imposed by State X.

(i) *Withholding on compensation of employees of railroads, motor carriers, airlines, and water carriers.* There is no contravention of the provisions of section 26, 226A, or 324 of the Interstate Commerce Act, or of section 1112 of the Federal Aviation Act of 1958, with respect to the withholding of compensation to which such sections apply for purposes of the nonresident tax.

(j) *Income derived from interstate commerce.* There is no contravention of the provisions of the Act of September 14, 1959 (73 Stat. 555), with respect to the taxation of income derived from interstate commerce to which such statute applies.

#### § 301.6363-1 State agreements.

(a) *Notice of election.* If a State elects to enter into a State agreement it shall file notice of such election with the Secretary or his delegate. The notice of election shall include the following:

(1) *Statement by the Governor.* A written statement by the Governor of the electing State:

(i) Requesting that the Secretary enter into a State agreement, and

(ii) Binding the Governor and his successors in office to notify the Secretary or his delegate immediately of the enactment, between the time of the filing of the notice of election and the time

of the execution of the State agreement, of any law of that State which meets the description given in any of the subdivisions of subparagraph (2) of this paragraph, whether or not such law is intended to be administered by the United States pursuant to subchapter E.

(2) *Copy of State laws.* Certified copies of all laws of that State described in any of the following subdivisions of this subparagraph, and a specification of laws described in subdivision (1) of this subparagraph as "subchapter E laws", of laws described in subdivision (ii) as "other tax laws", of laws described in subdivision (iii) as "non-tax laws", and of laws described in subdivision (iv) as "interstate cooperation laws":

(i) All of the State individual income tax laws (including laws relating to the collection or administration of such taxes or to the prosecution of alleged civil or criminal violations with respect to such taxes) which the State would expect the United States to administer pursuant to subchapter E if the State agreement is executed as requested. In order to have a valid notice, the State must have a tax which would meet the requirements for qualification specified in section 6362 and the regulations thereunder if a State agreement were in effect with respect thereto, with no conditions attached to the effectiveness of such tax other than the execution of a State agreement. Such tax must be effective no later than the January 1 specified in the State's notice of election as the date as of which subchapter E is desired to become applicable to the electing State, except that such effective date shall be deferred to the date provided in the State agreement for the beginning of applicability of subchapter E to the State, if the latter date is different from the date specified in the notice of election.

(ii) All of the State income tax laws applicable to individuals (including laws relating to the collection or administration of such taxes or to the prosecution of alleged civil or criminal violations with respect to such taxes) which the State would not expect the United States to administer but which may be in effect simultaneously (for any period of time) with the State agreement.

(iii) All of the State laws other than individual income tax laws which provide for the making of any payments by the State based on one or more criteria which the State may desire to verify by reference to information contained in returns of qualified taxes.

(iv) All of the State laws which may be in effect simultaneously (for any period of time) with the State agreement and which provide for cooperation or reciprocal agreement between the electing State and another State with respect to income taxes applicable to individuals.

(3) *Approval by legislature or authorization by constitutional amendment.* A certified copy of an Act or Resolution of the legislature of the electing State in which the legislature affirmatively expresses its approval of the State's entry into a State agreement, or a certified

copy of an amendment to the constitution of such State by which the voters of the State affirmatively authorize such entry.

(4) *Opinion by State Attorney General or judgment of highest court.* A written statement by the State Attorney General to the effect that, in his opinion, no provision of the State's Constitution would be violated by the State law's incorporation by reference of the Federal individual income tax laws and regulations, as amended from time to time, by the Federal prosecution and trial of individuals who are alleged to have committed crimes with respect to the State's qualified tax (when it goes into effect as such), or by any other provision relating to such tax, considered as of the time it is being collected and administered by the Federal Government pursuant to subchapter E. However, if such a statement is not included in the notice of election, a judgment of the highest court of the State to the same effect may be submitted in its place.

(5) *Effective date.* A written specification of the January as of which subchapter E is desired to become applicable to the electing State.

(b) *Rules relating to time for filing notice of election.* An electing State must file its notice of election more than 6 months prior to the January 1 as of which the notice specifies that the provisions of subchapter E are desired to become applicable to such State. Thus, for example, if the date specified in the notice is January 1, 1979, the notice must be filed no later than June 30, 1978. However, because under the provisions of section 204(b) of the Federal-State Tax Collection Act of 1972 (86 Stat. 945), as amended by section 2116(a) of the Tax Reform Act of 1976 (90 Stat. 1910), the provisions of subchapter E will initially take effect on the first January 1 which is more than 1 year after the first date on which at least one State has filed a notice of its election (see § 301.6361-5), the notice of an election which causes subchapter E to initially take effect must be filed with the Secretary or his delegate more than 1 year prior to the January 1 as of which such notice specifies that the provisions of subchapter E are desired to become applicable to such State. Thus, for example, if such an initially electing State desires to elect subchapter E as of January 1, 1979, its notice must be filed no later than December 31, 1977. For purposes of this section, if the notice of election is sent by either registered or certified mail to the Secretary of the Treasury, Washington, D.C. 20220, then it shall be deemed to be filed on the date of mailing; otherwise, the notice of election shall be deemed to be filed when it is received by the Secretary or his delegate.

(c) *Procedures relating to defects in notice or tax laws.* If a State has filed a notice of election, then the Secretary shall, within 90 days after the notice is filed, notify the Governor of such State in writing of any defect in the notice of election which prevents it from being valid, and of any defect in the State's

tax laws which causes the tax submitted to fail to meet the requirements for qualification specified in section 6362 and the regulations thereunder, other than the fact that no State agreement is in effect with respect thereto.

Any such defect of which the Secretary does not notify the Governor within such 90-day period is waived. The Secretary or his delegate may, in his discretion, permit any of such defects of which the Governor is timely notified to be cured retroactively to the date of the filing of the notice of election, by amendment of the notice or the State law. Judicial review of the Secretary's determination that the notice of election or the tax laws, or both, contain defects, may be obtained as set forth in section 6363(d) and § 301.6363-4.

(d) *Execution and contents of State agreement.* If the Secretary does not timely notify the Governor of a defect in the notice of election or in the State's tax laws, as provided in paragraph (c) of this section, or if, as provided in such paragraph, all such defects have been cured retroactively, then the Secretary shall enter into a State agreement. The agreement shall include the following elements:

(1) *Effective date.* The agreement shall specify the January 1 as of which subchapter E will commence to be applicable to the State. Such date shall be the same as that specified in the notice of election pursuant to paragraph (a)(5) of this section, unless the parties agree to a different January 1, except that in no event shall a State agreement executed after November 1 specify the next January 1.

(2) *Obligation of Governor to notify the United States of changes in pertinent State laws.* The agreement shall require the Governor of the State, and his successors in office, to notify the Secretary or his delegate within 30 days of the enactment of any law of the State, after the execution of the agreement, of a type described in paragraph (a)(2) of this section.

(3) *Obligation of Governor to furnish to the United States information needed to administer State tax laws.* The agreement shall require the Governor and his successors to furnish to the Secretary or his delegate any information needed by the Federal Government to administer the State tax laws. Such information shall include, for example, a list (which shall be maintained on a current basis) of those obligations of the State or its political subdivisions described in section 103(a)(1) from which the interest is not subject to the qualified taxes of the State.

(4) *Identification of State official to act as liaison with Federal Government.* The agreement shall include a designation by the Governor of the State official or officials with whom the Secretary or his delegate should coordinate in connection with any questions or problems which may arise during the period for which the State agreement is effective, including those which may result from



changes or contemplated changes in pertinent State laws.

(5) *Identification of State official to receive transferred funds.* The agreement shall include a designation by the Governor of the State official who shall initially receive the funds on behalf of the State when they are transferred pursuant to section 6361(c) and § 301.6361-3.

(6) *Other obligations.* If the Secretary and the Governor both so agree, the agreement shall provide for additional obligations.

(e) *State agreement superseding certain other agreements.* For the period of its effectiveness, a State agreement shall supersede an otherwise effective agreement entered into by the State and the Secretary for the withholding of State income taxes from the compensation of Federal employees pursuant to 5 U.S.C. 5517 (or pursuant to 5 U.S.C. 5516, in the case of the District of Columbia).

#### § 301.6363-2 Withdrawal from State agreements.

(a) *By notification.* If a State which has entered into a State agreement desires to withdraw from the agreement, its Governor shall file a notice of withdrawal with the Secretary or his delegate. A notice of withdrawal shall include the following documents:

(1) *Request by the Governor.* A request by the Governor of the State that the State agreement cease to be effective with respect to taxable years beginning on or after a specified January 1, except as provided in paragraph (b)(2) of § 301.6365-2 with respect to withholding in the case of fiscal-year taxpayers.

(2) *Legislative approval of withdrawal.* A certified copy of an Act or Resolution of the legislature of the State in which the legislature affirmatively expresses its approval of the State's withdrawal from the State agreement.

(3) *Identification of State official.* A written identification of the State official or officials with whom the Secretary or his delegate should coordinate in connection with the State's withdrawal from the State agreement.

(b) *By change in State law.* If any law of a State which has entered into a State agreement is enacted pertaining to individual income taxes (including the collection or administration of such taxes, and the prosecution of alleged civil or criminal violations with respect to such taxes), and if the Secretary or his delegate determines that as a result of such law the State no longer has a qualified tax, then such change in the State law shall be treated as a notification of withdrawal from the agreement. The Secretary shall notify the Governor in writing when a change is to be so treated. Such notification shall have the same effect as if, on the effective date of the disqualifying change in the law, the Governor had filed with the Secretary or his delegate a valid and sufficient notice of withdrawal requesting that the State agreement cease to be effective with respect to taxable years beginning on or after the first January 1 which is more than 6

months thereafter, subject to the exception with respect to withholding in the case of fiscal-year taxpayers. However, the cessation of effectiveness may be deferred to a subsequent January 1 if the Governor so requests and if the Secretary or his delegate in his discretion determines that the date of cessation provided in the preceding sentence would subject the State or its taxpayers to undue hardship. In addition, the Governor may request the Secretary or his delegate to permit the State's early withdrawal from the agreement, pursuant to paragraph (c)(2) of this section. Until the date of cessation of effectiveness of the State agreement, the change in State law which was treated as a notification of withdrawal, and any other such subsequent change that would be similarly treated, shall not be given effect for purposes of the Federal collection and administration of the State taxes. Similarly, such changes shall not be given effect for such purposes during the period of litigation if the State seeks judicial review of the action of the Secretary or his delegate pursuant to section 6363(d) or § 301.6363-4, even if such changes are ultimately found by the court not to disqualify the State's qualified tax. However, a change in State law which would be treated as a notice of withdrawal in the absence of this sentence shall not be so treated if, prior to the last November 1 preceding the January 1 on which the cessation of effectiveness of the State agreement is to occur, either such change in State law is retroactively repealed, or the State law is retroactively modified and the Secretary or his delegate determines that with such modification the State has a qualified tax.

(c) *Rules relating to time of withdrawal.*—(1) *General rule.* Except as provided in subparagraph (2) of this paragraph, a notice of withdrawal shall not be valid unless the January 1 specified therein is not earlier than the first January 1 which is more than 6 months subsequent to the date on which the notice is received by the Secretary or his delegate. Thus, for example, if the notice is received by the Secretary or his drawal, the notice must be received no later than June 30, 1979.

(2) *Early withdrawal.* The Secretary or his delegate may, in his discretion and upon written request by a Governor of a State who has filed a notice of withdrawal, waive the 6-months requirement of section 6363(b)(1) and subparagraph (1) of this paragraph if the Secretary determines that:

(i) The State will suffer a hardship if required to meet such requirement, and

(ii) The early withdrawal requested by the Governor would be practicable from the standpoint of orderly collection of the qualified tax and administration of the State law by the Federal Government.

#### § 301.6363-3 Transition years.

The State may by law provide for the transition to or from a qualified tax to the extent necessary to prevent double taxation or other unintended hardships,

or to prevent unintended benefits, under State law. Generally, such provisions shall be administered by the State; but, if requested to do so by the Governor of the State, the Secretary or his delegate may, in his discretion, agree to administer such provisions either solely or jointly with the State.

#### § 301.6363-4 Judicial review.

(a) *General rule.* If the Secretary or his delegate determines pursuant to paragraph (c) of § 301.6363-1 that a State did not file a valid notice of election or does not have a tax which would meet the requirements for qualification specified in section 6362 and the regulations thereunder if a State agreement were in effect with respect thereto, or if he determines pursuant to paragraph (b) of § 301.6363-2 that a participating State has enacted a law as a result of which the State no longer has a qualified tax, such State may, within 60 days after its Governor has received notification of such determination, file a petition for the review of such determination with either the United States Court of Appeals for the circuit in which the State is located or the United States Court of Appeals for the District of Columbia. If a State files such a petition, the clerk of the court shall forthwith transmit a copy of the petition to the Secretary or his delegate, who in turn shall thereupon file in the court the record of proceedings on which the determination adverse to the State was based, as provided in section 2112 of title 28, United States Code.

(b) *Court of Appeals' jurisdiction.* The Court of Appeals may affirm or set aside, in whole or in part, the action of the Secretary or his delegate; and (subject to the rules delaying the effectiveness of the change in State law provided in paragraph (b) of § 301.6363-2) the court may issue such other orders as may be appropriate with respect to taxable years which include any part of the period of litigation.

(c) *Review of Court of Appeals' judgment.* The judgment of the Court of Appeals shall be subject to review by the Supreme Court of the United States upon certiorari or certification sought by either party as provided in section 1254 of title 28, United States Code.

(d) *Effect of final judgment.* If a final judgment, rendered with respect to litigation involving a State's petition to review a determination of the Secretary or his delegate to the effect that the State's individual income tax laws included in its notice of election would not meet the requirements for qualification specified in section 6362 and the regulations thereunder if a State agreement were in effect with respect thereto, includes a determination that the State's tax would in fact meet such requirements, then the provisions of subchapter E shall apply to the State with respect to taxable years beginning on or after the first January 1 which is more than 6 months after the date of such final judgment. If a final judgment, rendered with respect to litigation involving a State's

petition to review a determination of the Secretary or his delegate to the effect that the State's previously-qualified tax ceases to qualify because of a change in the State's law, includes a determination that the State's tax does in fact cease to qualify, then the provisions of subchapter E (other than section 6363) shall cease to apply to the State with respect to taxable years beginning on or after the first January 1 which is more than 6 months after the date of such final judgment. See paragraph (b) of § 301.6365-2 for special rules with respect to withholding in the case of fiscal-year taxpayers.

(e) *Expedient treatment of judicial proceedings.* Under section 6363(d)(4), any judicial proceedings to which a State and the United States are parties, and which are brought pursuant to section 6363, are entitled to receive a preference, and to be heard and determined as expeditiously as possible, upon request of the Secretary or the State.

#### § 301.6365-1 Definitions.

(a) *State.* For purposes of subchapter E and the regulations thereunder, the term "State" shall include the District of Columbia, but shall not include the Commonwealth of Puerto Rico or any possession of the United States.

(b) *Governor.* For purposes of subchapter E and the regulations thereunder, the term "Governor" shall include the Mayor of the District of Columbia.

#### § 301.6365-2 Commencement and cessation of applicability of subchapter E to individual taxpayers.

(a) *General rule.* Except for purposes of chapter 24 (relating to the collection

of income tax at source on wages), whenever subchapter E begins or ceases to apply to any State (i.e., a State agreement begins or ceases to be effective) as of any January 1, such commencement or cessation of applicability shall apply to taxable years of individuals beginning on or after such date. For example, if subchapter E begins to apply to a particular State on January 1, 1980, it would become applicable for calendar year 1980 for calendar-year taxpayers in that State; but if a taxpayer in the State is using a fiscal year running from July 1 to June 30, the subchapter would begin to apply (except for purposes of chapter 24) to that taxpayer on July 1, 1980, for his taxable year ending June 30, 1981. Similarly, if the subchapter ceases to apply to such State on January 1, 1982, it would cease to apply to calendar-year taxpayers after the end of calendar year 1981; but it would cease to apply (except for purposes of chapter 24) to fiscal-year taxpayers at the end of their fiscal years which are in progress on January 1, 1982. The cessation of applicability of subchapter E to a State does not affect rights, duties, and liabilities with respect to any taxable year for which subchapter E does apply with respect to any taxpayer (or his employer).

(b) *Special rules pertaining to withholding.*—(1) *Subchapter E beginning to apply.* The Federal withholding system provided in chapter 24 shall go into effect for State individual income tax purposes with respect to wages paid on or after the January 1 as of which subchapter E begins to apply to a State. If an employee is subject to a qualified tax imposed by the State, such withholding system shall

apply to his wages paid on or after that January 1, without regard to whether he is a calendar-year or fiscal-year taxpayer. See § 301.6363-3 with respect to transition-year rules.

(2) *Subchapter E ceasing to apply.* The Federal withholding system provided in chapter 24 shall cease to be effective for State tax purposes with respect to wages paid on or after the January 1 as of which subchapter E ceases to apply to the State, although fiscal-year taxpayers of that State continue to be subject to the other provisions of subchapter E for the remainder of their fiscal years then in progress. See § 301.6363-3 with respect to transition-year rules.

Par. 22. Section 301.6405-1 is amended to read as follows:

#### § 301.6405-1 Reports of refunds and credits.

Section 6405 requires that a report be made to the Joint Committee on Taxation of proposed refunds or credits in excess of \$100,000 of any income tax (including any qualified State individual income tax collected by the Federal Government), war profits tax, excess profits tax, estate tax, or gift tax. An exception is provided under which refunds and credits made after July 1, 1972, and attributable to an election under section 165 (h) to deduct a disaster loss for the taxable year in which the disaster occurred, may be made prior to the submission of such report to the Joint Committee on Taxation.

JEROME KURTZ,  
Commissioner of  
Internal Revenue.

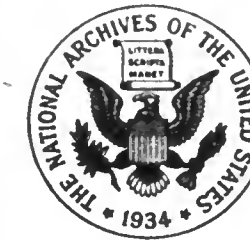
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THURSDAY, SEPTEMBER 29, 1977  
PART V



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DEPARTMENT OF  
TRANSPORTATION

Federal Aviation  
Administration

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ADVISORY CIRCULAR  
CHECKLIST AND STATUS  
OF FEDERAL AVIATION  
REGULATIONS

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DEPARTMENT OF  
TRANSPORTATION

Federal Aviation Administration

(AC 00-21, Effective July 15, 1977)

ADVISORY CIRCULAR CHECKLIST AND  
STATUS OF FEDERAL AVIATION REGU-  
LATIONS

1. *Purpose.* This notice contains the revised checklist of current FAA advisory circulars (and the status of Federal Aviation Regulations) as of July 15, 1977.

2. *Explanation.* The FAA issues advisory circulars to inform the aviation public in a systematic way of nonregulatory material of interest. Unless incorporated into a regulation by reference, the contents of an advisory circular are not binding on the public. Advisory circulars are issued in a numbered-subject system corresponding to the subject areas of the Federal Aviation Regulations (14 CFR Ch. I). This checklist is issued triannually to list all current advisory circulars and also includes a checklist showing the status of the Federal Aviation Regulations.

3. *The Circular Numbering System.*

a. *General.* The advisory circular numbers relate to the FAR subchapter titles and correspond to the Parts, and when appropriate, to the specific sections of the Federal Aviation Regulations. Circulars of a general nature bear a number corresponding to the number of the general subject (subchapter) in the FAR's. A general subject number is used only when a circular covers more than one Part.

b. *General subject numbers.* The general subject matter areas and related numbers are as follows:

## General Subject Number and Subject Matter

- 00 General.
- 10 Procedural.
- 20 Aircraft.
- 60 Airman.
- 70 Airspace.
- 90 Air Traffic Control and General Operations.
- 120 Air Carrier and Commercial Operators and Helicopters.
- 140 Schools and Other Certified Agencies.
- 150 Airports.
- 170 Air Navigational Facilities.
- 180 Administrative.
- 210 Flight Information.

Within the General Subject Number Areas, specific selectivity in advisory circular mail lists is available corresponding to the applicable FAR Parts. For example: under the 60 general subject area, separate mail lists for advisory circulars issued in the 61, 63, 65, or 67 series are available.

c. *Breakdown of subject numbers.* When the volume of circulars in a series warrants a subsubject breakdown, the general number is followed by a slash and a subsubject number. Material in the 150 series, Airports, is issued under the following subsubjects:

## Number and Subject

- 150/1900 Defense Readiness Program.
- 150/4000 Resource Management.
- 150/5000 Airport Planning.
- 150/5100 Federal-aid Airport Program.

- 150/5150 Surplus Airport Property Conveyance Programs.
- 150/5190 Airport Compliance Program.
- 150/5200 Airport Safety—General.
- 150/5210 Airport Safety Operations (Recommended Training, Standards, Manning).

- 150/5220 Airport Safety Equipment and Facilities.

- 150/5230 Airport Ground Safety System.
- 150/5240 Civil Airport's Emergency Preparedness.

- 150/5300 Design, Construction, and Maintenance—General.

- 150/5320 Airport Design.
- 150/5325 Influence of Aircraft Performance on Aircraft Design.

- 150/5335 Runway, Taxiway, and Apron Characteristics.

- 150/5340 Airport Visual Aids.
- 150/5345 Airport Lighting Equipment.

- 150/5360 Airport Buildings.
- 150/5370 Airport Construction.

- 150/5380 Airport Maintenance.
- 150/5390 Heliports.

- 150/5900 Planning Grant for Airports.

d. *Individual circular identification numbers.* Each circular has a subject number followed by a dash and a sequential number identifying the individual circular. This sequential number is not used again in the same subject series. Revised circulars have a letter A, B, C, etc., after the sequential number to show complete revisions. Changes to circulars have CH 1, CH 2, CH 3, etc., after the identification number on pages that have been changed. The date on a revised page is changed to the effective date of the change.

4. *The Advisory Circular Checklist.*

a. *General.* Each circular issued is listed numerically within its subject-number breakdown. The identification number (AC 120-1), the change number of the latest change, if any, to the right of the identification number, the title, and the effective date for each circular are shown. A brief explanation of the contents is given for each listing.

b. *Omitted numbers.* In some series, sequential numbers are missing. These numbers were assigned to advisory circulars still in preparation which will be issued later or were assigned to advisory circulars that have been canceled.

c. *Free and sales circulars.* This checklist contains advisory circulars that are for sale as well as those distributed free of charge by the Federal Aviation Administration. A list of circulars sold by the Superintendent of Documents is shown at the end of the numerical list of AC's. Please use care when ordering circulars to ensure that they are ordered from the proper source.

d. *Internal directives for sale.* A list of certain internal directives sold by the Superintendent of Documents is shown at the end of the checklist. These documents are not identified by advisory circular numbers, but have their own directive numbers.

5. *How to get circulars.*

a. When a price is listed after the description of a circular, it means that this circular is for sale by the Superintendent of Documents. When (Sub.) is included with the price, the advisory circular is available on a subscription basis only. After your subscription has

been entered by the Superintendent of Documents, supplements or changes to the basic document will be provided automatically at no additional charge until the subscription expires. When no price is given, the circular is distributed free of charge by FAA.

b. Request free advisory circulars shown without an indicated price from:

U.S. Department of Transportation, Publications Section TAD 443.1, Washington, D.C. 20590.

c. Persons who want to be placed on FAA's mailing list for future circulars should write to:

U.S. Department of Transportation, Distribution Requirements Section, TAD 482.3, Washington, D.C. 20590.

NOTE: Be sure to identify the subject matter numbers and titles shown in paragraph 3b because separate mailing lists are maintained for each advisory circular subject series. Checklists and circulars issued in the General series will be distributed to every addressee on each of the subject series lists. Persons requesting more than one subject classification may receive more than one copy of related circulars and this checklist because they will be included on more than one mailing list. Persons already on the distribution list for AC's will automatically receive related circulars.

d. Order advisory circulars and internal directives with purchase price given from:

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6. *Reproduction of Advisory Circulars.* Advisory circulars may be reproduced in their entirety or in part without permission from the Federal Aviation Administration.

7. *Cancellations.* The following advisory circulars are canceled:

AC 00-2KK Advisory Circular Checklist, 1-15-77. Canceled by AC 00-2LL Advisory Circular Checklist, July 15, 1977.

AC 00-44F Status of Federal Aviation Regulations, 12-1-76. Canceled by AC 00-44G Status of Federal Aviation Regulations, 5-1-77.

AC 00-45 Aviation Weather Services, 2-26-75. Canceled by AC 00-45A Aviation Weather Services, 4-28-77.

AC 20-13A Surface Effect Vehicles, 8-28-64. Canceled.

AC 20-41 Substitute Technical Standard Order (TSO) Aircraft Equipment, 8-30-65. Canceled by AC 20-41A Substitute Technical Standard Order (TSO) Aircraft Equipment, 4-5-77.

AC 20-72 Restricted Category Helicopter Maximum Weight Increases, 3-11-71. Canceled.

AC 23-1329-1 Automatic Pilot Systems Approval, 12-23-65. Canceled.

AC 25-253-1 High-Speed Characteristics, 11-24-65. Canceled by AC 25-253-1A High-Speed Characteristics, 12-27-76.

AC 60-15 Publication of Revised FAA Written Test Guides, 12-3-76. Canceled by AC 60-15A Publication of Revised FAA Written Test Guides, 6-9-77.

AC 61-12G Student Pilot Guide, 4-24-75. Canceled by AC 61-12H Student Pilot Guide, 2-14-77.

AC 61-16A Flight Instructor's Handbook, 10-14-69. Canceled.

AC 61-32A Private Pilot—Airplane—Written Test Guide, 12-1-71. Canceled by AC 61-32B Private Pilot—Airplane—Written Test Guide, 5-2-77.

AC 61-50A Airplane Flight Characteristics . . . Region of Revised Command, 3-15-76. Canceled.

AC 61-59 Private and Commercial Pilot, Flight Test Guide, 5-24-73. Canceled by AC 61-59A Private and Commercial Pilot—Helicopter Flight Test Guide, 3-3-77.

AC 61-61 Private and Commercial Pilot Glider, Flight Test Guide, 4-27-73. Canceled by AC 61-61A Private and Commercial Pilot Glider, Flight Test Guide, 12-3-76.

AC 61-62 Private and Commercial Pilot Free Balloon Flight Test Guide, June 1973. Canceled by AC 61-62A Private and Commercial Pilot Free Balloon Flight Test Guide, 12-17-76.

AC 61-71 Commercial Pilot—Airplane—Written Test Guide, 4-9-74. Canceled by AC 61-71A Commercial Pilot—Airplane—Written Test Guide, 3-24-77.

AC 61-72 Flight Instructor—Airplane—Written Test Guide, 4-9-74. Canceled by AC 61-72A Flight Instructor—Airplane—Written Test Guide, 3-24-77.

AC 65-13A FAA Inspection Authorization Directory, 4-18-74. Canceled by AC 65-13B FAA Inspection Authorization Directory, 11-26-76.

AC 65-9 Airframe & Powerplant Mechanics General Handbook, 8-26-69. Canceled by AC 65-9A Airframe & Powerplant Mechanics General Handbook, 4-12-76.

AC 65-12 Airframe & Powerplant Mechanics Powerplant Handbook, 9-25-70. Canceled by AC 65-12A Airframe & Powerplant Mechanics Powerplant Handbook, 4-12-76.

AC 65-15 Airframe & Powerplant Mechanics Airframe Handbook, 9-18-72. Canceled by AC 65-15A Airframe & Powerplant Mechanics Airframe Handbook, 4-12-76.

AC 90-59 Arrival and Departure Handling of High-Performance Aircraft, 2-28-72. Canceled.

AC 90-68 Minimum Vectoring Altitudes (MVA), 10-29-75. Canceled.

AC 90-71 Experimental Profile Descent Procedures/Charts, 11-22-76. Canceled.

AC 91-27A Systemsworthiness Analysis Program—General Aviation, 12-16-70. Canceled.

AC 91-45 Airshow Waivers, 6-10-76. Canceled by AC 91-45A Airshow Waivers, 5-16-77.

AC 103-5 Preparation and Loading of Magnetron Tubes and Magnetic Materials for Air Shipments, 7-16-74. Canceled by AC 121-23 Preparation and Loading of Magnetron Tubes and Magnetic Materials for Air Shipments, 2-10-77.

AC 120-31 Operational and Airworthiness Approval of Airborne Omega Radio Navigation Systems as a Means of Updating Self-Contained Navigation Systems, 12-15-76. Canceled by AC 120-31A Operational and Airworthiness Approval of Airborne Omega Radio Navigation Systems as a Means of Updating Self-Contained Navigation Systems, 4-21-77.

AC 135-1B Air Taxi Aircraft Weight and Balance Control, 1-19-76. Canceled by AC 135-1C Air Taxi Aircraft Weight and Balance Control, 2-10-77.

AC 135-5 Maintenance Program Approval for Carry-On Oxygen Equipment for Medical Purposes, 8-19-75. Canceled by AC 135-5A Maintenance Program Approval for Carry-On Oxygen Equipment for Medical Purposes, 11-23-76.

AC 140-2J List of Certificated Pilot Schools, 6-27-75. Canceled by AC 140-2K List of Certificated Pilot Schools, 4-25-77.

AC 143-1D Ground Instructor Written Test Guide—Basic—Advanced, 4-18-74. Canceled by AC 143-1E Ground Instructor Written Test Guide—Basic—Advanced, 1-24-77.

AC 143-2B Ground Instructor—Instrument—Written Test Guide, 6-25-70. Canceled by AC 143-2C Ground Instructor—Instrument—Written Test Guide, 1-30-76.

AC 147-2Q Directory of FAA Certificated Aviation Maintenance Technician, 11-26-77. Canceled by AC 147-2R Directory of FAA Certificated Aviation Maintenance Technician, 4-12-77.

AC 150/5100-5 Land Acquisition in the Federal-Aid Airport Program, 1-30-69. Canceled.

AC 150/5200-15 Availability of the International Fire Service Training Association's (IFSTA) Aircraft Fire Protection and Rescue Procedure's Manual, 9-11-70. Canceled by AC 150/5200-15A Availability of the International Fire Service Training Association's (IFSTA) Aircraft Fire Protection and Rescue Procedure's Manual, 5-4-77.

AC 150/5210-4 FAA Aircraft Fire and Rescue Training Film, "Blanket for Survival" 10-27-65. Canceled.

AC 150/5280-2 Guidance for Airport Operators—Use of Notices to Airmen as Related to FAR Part 139. Canceled.

AC 150/5340-8 Airport 51-foot Tubular Beacon Tower, 6-11-64. Canceled.

AC 150/5345-3B Specification for L-821 Airport Lighting Panel for Remote Control of Airport Lighting, 4-21-72. Canceled by AC 150-5345-3C Specification for L-821 Panel for Remote Control of Airport Lighting, 3-30-77.

AC 150/5345-28B Specification for L-851 Visual Approach Slope Indicators and Accessories, 2-16-72. Canceled by AC 150/5345-28C Specification for L-851 Visual Approach Slope Indicators and Accessories, 3-23-77.

8. *Additions.* The following advisory circulars are added to the list.

AC 00-2LL Advisory Circular Checklist, 7-15-77.

AC 00-7A CH 1 State and Regional Disaster Airlift (SARDA) Planning, 1-6-77.

AC 00-44G Status of Federal Aviation Regulations, 5-1-77.

AC 00-45A Aviation Weather Services, 4-8-77.

AC 20-7N General Aviation Inspection Aids—Supplement 6 Feb 1977.

Supplement 7 March 1977.

Supplement 8 April 1977.

Supplement 9 May 1977.

Supplement 10 June 1977.

Supplement 11 July 1977.

AC 20-41A Substitute Technical Standard Order (TSO) Aircraft Equipment, 4-5-77.

AC 20-96 Surplus Military Aircraft—A Briefing for Prospective Buyers, 12-2-76.

AC 20-97 High Speed Tire Maintenance and Operational Practices, 1-28-77.

AC 20-98 Auxiliary Two-Way Airborne Radio System Installation, 5-23-77.

AC 20-99 Antiskid and Associated Systems, 5-27-77.

AC 21-15 New Issuance System for Aircraft Type Certificate Data Sheets and Specifications and "Aircraft Engine and Propeller Type Certificate Data Sheets and Specifications", 4-5-77.

AC 25-253-1A High-Speed Characteristics, 12-27-76.

AC 43-13-1A CH 2 Acceptable Methods, Techniques, and Practices—Aircraft Inspection and Repair, 12-22-76.

AC 43-14 Maintenance of Weather Radar Radomes, 2-4-77.

AC 60-14 Aviation Instructor's Handbook, 7-7-76.

AC 60-15A Publication of New FAA Written Test Study Guides, 6-9-77.

AC 61-12H Student Pilot Guide, 2-14-77.

AC 61-31B CH 1 Gyroplane Pilot Written Test Guide—Private and Commercial, 5-13-77.

AC 61-32B Private Pilot—Airplane—Written Test Guide, 5-2-77.

AC 61-59A Private and Commercial Pilot—Helicopter—Flight Test Guide, 3-3-77.

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- AC 61-61A Private & Commercial Pilot—  
 Glider—Flight Test Guide, 12-31-76.  
 AC 61-62A Private and Commercial Pilot—  
 Free Balloon—Flight Test Guide, 12-  
 17-76.  
 AC 61-64A Instrument Pilot—Helicopter—  
 Flight Test Guide, 5-25-77.  
 AC 61-71A Commercial Pilot—Airplane—  
 Written Test Guide, 3-24-77.  
 AC 61-72A Flight Instructor—Airplane—  
 Written Test Guide, 3-24-77.  
 AC 61-73A Flight Instructor—Rotorcraft—  
 Helicopter—Written Test Guide, 5-27-  
 77.  
 AC 61-81 Private and Commercial Pilot—  
 Glider—Written Test Guide, 4-27-76.  
 AC 61-82 Airline Transport Pilot—Helicopter—  
 Flight Test Guide, 8-25-76.  
 AC 61-84 Role of Preflight Preparation, 4-  
 11-77.  
 AC 65-9A Airframe & Powerplant Mechan-  
 ics General Handbook, 4-12-76.  
 AC 65-12A Airframe & Powerplant Mechan-  
 ics Powerplant Handbook, 4-12-76.  
 AC 65-13B FAA Inspection Authorization  
 Directory, 11-26-76.  
 AC 65-15A Airframe & Powerplant Mechan-  
 ics Airframe Handbook, 4-12-76.  
 AC 90-73 Local Flow Traffic Management,  
 1-13-77.  
 AC 90-74 Announcing the Availability of  
 United States Standard for Terminal  
 Instrument Procedures (TERPS), 2-4-77.  
 AC 90-75 Strobe Light System Inspection  
 Practices, 2-10-77.  
 AC 90-76 Flight Operations in Oceanic  
 Airspace, 4-15-77.  
 AC 91-45A Airshow Waivers, 5-16-77.  
 AC 91-46 Gyroscopic Instruments: Good  
 Operating Practices, 2-4-77.  
 AC 91-47 Use of Portable Electronic De-  
 vices—Radio Receivers, 3-23-77.  
 AC 120-31A Operational and Airworthiness  
 Approval of Airborne Omega Radio Naviga-  
 tion Systems as a Means of Updating  
 Self-Contained Navigation Systems, 4-  
 21-77.  
 AC 120-32 Air Transportation of Handi-  
 capped Persons, 2-25-77.  
 AC 121-1A CH 3 Standard Operations Spec-  
 ifications—Aircraft Maintenance Hand-  
 book, 2-18-77.  
 AC 121-22 Maintenance Review Board  
 (MRB), 1-12-77.  
 AC 121-23 Preparation and Loading of  
 Magnetron Tubes and Magnetic Materi-  
 als for Air Shipments, 2-10-77.  
 AC 121-24 Passenger Safety Information  
 Briefing and Briefing Cards, 6-23-77.  
 AC 135-1C Air Taxi Aircraft Weight and  
 Balance Control, 2-10-77.  
 AC 135-5A Maintenance Program Approval  
 for Carry-On Oxygen Equipment for  
 Medical Purposes, 11-24-76.  
 AC 140-2K List of Certificated Pilot Schools,  
 4-25-77.  
 AC 143-1E Ground Instructor Written Test  
 Guide—Basic Advanced, 1-24-77.  
 AC 147-2R Directory of FAA Certificated  
 Aviation Maintenance Technician  
 Schools, 4-12-77.  
 AC 150-5060-4 Announcement of Avail-  
 ability—Federal Aviation Administra-  
 tion Technical Reports on Airport  
 Capacity and Aircraft Delay, 4-29-77.  
 AC 150-5100-13 Development of State  
 Standards for General Aviation Air-  
 ports, 3-1-77.  
 AC 150-5200-15A Availability of the Inter-  
 national Fire Service Training Associa-  
 tion's (IFSTA) Aircraft Fire Protection  
 and Rescue Procedure's Manual, 5-4-77.  
 AC 150-5280-3 Fire Fighting Exemptions  
 Under the 1976 Amendment to the Fed-  
 eral Aviation Act, 2-4-77.  
 AC 150-5335-1A CH 2 Airport Design Stand-  
 ards—Airports Served by Air Carriers—  
 Taxiways, 12-29-76.

- AC 150/5340-25 CH 1 Visual Approach  
 Slope Indicator (VASI) Systems, 5-3-77.  
 AC 150/5345-1E CH 1 Approved Airport  
 Lighting Equipment, 3-23-77.  
 AC 150/5343-3C Specification for L-821  
 Panels for Remote Control of Airport  
 Lighting, 3-30-77.  
 AC 150/5354-28C Specifications for L-851  
 Visual Approach Slope Indicators and  
 Accessories, 3-23-77.  
 AC 150/5354-49 Specification L-845, Radio  
 Control Equipment, 5-20-77.  
 AC 150-5370-10 CH 1 Standards for Specifi-  
 cing Construction of Airports, 5-31-77.  
 AC 210-4 National Notice to Airmen  
 (NOTAM) System Handbook, 3-3-77.  
 AC 210-4 Addendum to National Notice to  
 Airmen (NOTAM) System Handbook

## ADVISORY CIRCULAR CHECKLIST

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Superintendent of Documents stock numbers have been included to aid Superintendent of Documents personnel in processing orders. Please use them when ordering—along with the title and FAA number. To avoid unnecessary delays, do not order single-sales material and subscription-sales material on the same order form, as orders are separated for processing by different departments when they arrive at Superintendent of Documents. Be sure your name and address appears on each list.

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## General

## SUBJECT NO. 00

00-1 The Advisory Circular System (12-1-62).

Describes the FAA Advisory Circular System.

00-21L Advisory Circular Checklist (7-15-77).

Transmits the revised checklist of current FAA advisory circulars and the status of the Federal Aviation Regulations as of 7-15-77.

00-6A Aviation Weather (3-3-75).

Provides an up-to-date and expanded text for pilots and other flight operations personnel whose interest in meteorology is primarily in its application to flying. (\$4.55 Supt. Docs.) SN 050-007-00283-1.

00-7A State and Regional Disaster Air-  
 lift (SARDA) Planning (6-3-74).

Provides guidance for the development and implementation of State and Regional Disaster Airlift plans governing the use of general aviation aircraft during national emergencies and natural disasters.

00-7A CH 1 Transmits revised material consisting of procedural changes for insertion in the basic.

00-21 Shoulder Harness (10-5-66).

Provides information concerning the installation and use of shoulder harnesses by pilots in general aviation aircraft.

00-24 Thunderstorms (6-12-68).

Contains information concerning flights in or near thunderstorms.

00-25 Forming and Operating a Flying Club (3-24-69).

Provides preliminary information that will assist anyone or any group of people interested in forming and operating a flying club (\$0.75 Supt. Docs.) SN 050-007-00065-1.

00-26 Definitions of "U.S. National Aviation Standards" (1-22-69).

Informs the aviation community of the approval by the FAA Administrator of a definition of U.S. National Aviation Standards, the need for such standards, and their relationship to the Federal Aviation Regulations.

00-28 Communications Interference Caused by Sticking Microphone Buttons (8-6-69).

Alerts the industry of communications interference from undesired radiofrequency transmissions.

00-30 Rules of Thumb for Avoiding or Minimizing Encounters with Clear Air Turbulence (3-5-70).

Brings to the attention of pilots and other interested personnel, the "Rule of Thumb" for avoiding or minimizing encounters with clear air turbulence (CAT).

00-31 U.S. National Aviation Standard for the VORTAC System (6-10-70).

Informs the aviation community of the establishment and content of the U.S. National Aviation Standard for the VORTAC (VOR-TACAN-DME) System.

00-32 Civil Air Patrol and State and Regional Defense Airlift Relationships (7-2-70).

Advises interested persons of the Memorandum of Understanding between CAP and FAA, and provides additional guidance to further improve the use of non-air carrier aircraft in time of national emergency.

00-33A Nickel-Cadmium Battery Operational, Maintenance, and Overhaul Practices (2-14-73).

Provides guidelines for more reliable nickel-cadmium battery operation through proper operational and maintenance practices, and has been reissued to include reconditioning information.

00-34A Aircraft Ground Handling and Servicing (7-29-74).

Contains information and guidance for the servicing and ground handling of aircraft.

00-41A FAA Quality Control System Certification Program (11-3-75).

Describes the FAA Quality Control System Certification Program and the mechanics of implementation. It is intended for guidance and information only.

00-44G Status of the Federal Aviation Regulations (5-1-77).

Summarizes the current status of the conversion program, lists FAR prices, and provides ordering instructions for purchasing the regulations.

00-45A Aviation Weather Services (4-28-77).

Supplements AC 00-6A, Aviation Weather, in that it explains the weather service in general and the use and interpretation of reports, forecasts, weather maps, and prognostic charts in detail. Is an excellent source of study for pilot certification examinations. (\$3.00 Supt. Docs.) SN 050-007-00392-7.

00-46A Aviation Safety Reporting Program (3-31-76).

Advises that the FAA will modify the Aviation Safety Reporting Program, effective April 15, 1976, by utilizing NASA as a third party to receive and analyze the aviation safety reports. This study invites pilots, controllers, and other users of the airspace or any other person to report to NASA actual or potential discrepancies and deficiencies involving the safety of aircraft operations.

00-50 Low Level Wind Shear (4-8-76).

Provides guidance for recognizing the meteorological situations that produce the phenomenon widely known as low level wind shear.

## Procedural

## SUBJECT NO. 10

11-1A Airspace Rule-Making Proposals and Changes to Air Traffic Control Procedures (12-21-72).

Emphasizes the need for the early submission of proposal involving airspace rule-making activity or changes to existing procedures for the control of air traffic.

11-2 Notice of Proposed Rulemaking Distribution System (12-17-75).

Provides the public with information relative to participation in the FAA rulemaking process and explains the availability of the Notices.

## Aircraft

## SUBJECT NO. 20

20-3C Status and Availability of Military Handbooks and ANC Bulletins for Aircraft (6-1-73).

Announces the status and availability of Military Handbooks and ANC Bulletins prepared jointly with FAA, Navy and Air Force.

20-5D Plane Sense (2-11-76).

Provides general aviation information for the private aircraft owner and outlines requirements of owning and operating a personal type airplane.

AC 20-6BB U.S. Civil Aircraft Register (3-Vol. set) (Dec. 1976).

Lists all active U.S. civil aircraft by registration number. (\$25.00 Supt. Docs.) SN 050-007-00348-0.

20-7N General Aviation Inspection Aids, 1976).

Provides the aviation community with a uniform means for interchanging service experience that may improve the durability and safety of aeronautical products. Of value to mechanics, operators of repair stations, and others engaged in the inspection, maintenance, and operation of aircraft general. (\$9.00; \$11.25 foreign—Sub. Supt. Docs.) SN 050-011-90045-4.

20-7N Supplement 1 (Sept. 1976).

20-7N Supplement 2 (Oct. 1976).

20-7N Supplement 3 (Nov. 1976).

20-7N Supplement 4 (Dec. 1976).

20-7N Supplement 5 (Jan. 1977).

20-7N Supplement 6 (Feb. 1977).

20-7N Supplement 7 (March 1977).

20-7N Supplement 8 (April 1977).

20-7N Supplement 9 (May 1977).

20-7N Supplement 10 (June 1977).

20-7N Supplement 11 (July 1977).

20-9 Personal Aircraft Inspection Handbook (12-2-64).

Provides a general guide, in simple, nontechnical language, for the inspection of aircraft. Reprinted 1972. (\$1.90 Supt. Docs.) SN 050-011-00001-1.

20-17B Surplus Aircraft of the Armed Forces (10-11-72).

Sets forth the method of obtaining copies of Federal Aviation Regulations which might be required for certification of surplus military aircraft.

20-18A Qualification Testing of Turbojet Engine Thrust Reversers (3-16-66).

Discusses the requirements for the qualification of thrust reversers and sets forth an acceptable means of compliance with the tests prescribed in Federal Aviation Regulations, Part 33, when run under nonstandard ambient air conditions.

20-23D Interchange of Service Experience—Mechanical Difficulties (2-12-71).

Provides information on the voluntary exchange service experience data used in improving durability and safety of aeronautical products.

20-24A Qualification of Fuels, Lubricants, and Additives (4-1-67).

Establishes procedures for the approval of the use of subject materials in certificated aircraft.

20-27B Certification and Operation of Amateur-Built Aircraft (4-20-72).

Provides information and guidance concerning certification and operation of amateur-built aircraft, including gliders, free balloons, helicopters, and gyroplanes, and sets forth an acceptable means, not the sole means, of compliance with FAR Part 21 and FAR Part 91.

20-28A Nationally Advertised Construction Kits, Amateur-Built Aircraft (12-29-72).

Advises persons contemplating the use of nationally advertised kits for the construction of an aircraft, that certain kits when used could render the aircraft in-

eligible for the issuance of an experimental certificate as an amateur-built aircraft.

20-29B Use of Aircraft Fuel Anti-icing additives (1-18-72).

Provides information on the use of anti-icing additives PFA-55MB and Mil-I-27686 as an acceptable means of compliance with the FARs that require assurance of continuous fuel flow under conditions where ice may occur in turbine aircraft fuel systems.

20-30A Airplane Position Lights and Supplementary Lights (4-18-68).

Provides an acceptable means for complying with the position light requirements for airplane airworthiness and acceptable criteria for the installation of supplementary lights on airplanes.

20-32B Carbon Monoxide (CO) Contamination in Aircraft—Detection and Prevention (11-24-72).

Provides information on the potential dangers of carbon monoxide contamination from faulty engine exhaust systems or cabin heaters of the exhaust gas heat exchanger type.

20-33B Technical Information Regarding Civil Aeronautics Manuals 1, 3, 4a, 4b, 5, 6, 7, 8, 9, 13 and 14 (5-1-75).

Advises the public that policy information contained in the subject Civil Aeronautics Manuals may be used in conjunction with specific sections of the Federal Aviation Regulations.

20-34A Prevention of Retractable Landing Gear Failures (4-21-69).

Provides information and suggested procedures to minimize landing accidents involving aircraft having retractable landing gear.

20-35B Tie-Down Sense (4-19-71).

Provides information of general use on aircraft tie-down techniques and procedures.

20-36F Index of Materials, Parts, and Appliances Certified Under the Technical Standard Order System—July 1, 1976 (9-9-76).

Lists the materials, parts, and appliances for which the Administrator has received statements of conformance under the Technical Standard Order system as of July 1, 1976. Such products are deemed to have met the requirements for FAA approval as provided in Part 37 of the Federal Aviation Regulations.

20-37B Aircraft Metal Propeller Blade Failure (9-12-74).

Provides information and suggested procedures to increase service life and to minimize blade failures of metal propellers.

20-38A Measurement of Cabin Interior Emergency Illumination in Transport Airplanes (2-8-66).

Outlines acceptable methods, but not the only methods, for measuring the cabin interior emergency illumination on



transport airplanes, and provides information as to suitable measuring instruments.

**20-40 Placards for Battery-Excited Alternators Installed in Light Aircraft (8-11-65).**

Sets forth an acceptable means of complying with placarding rules in Federal Aviation Regulations 23 and 27 with respect to battery-excited alternator installations.

**20-41A Substitute Technical Standard Order (TSO) Aircraft Equipment (4-5-77).**

Sets forth an acceptable means for complying with rules governing aircraft equipment installations in cases involving the substitution of technical standard order or equipment for functionally similar TSO approved equipment.

**20-42 Hand Fire Extinguishers in Transport Category Airplanes and Rotorcraft (9-1-65).**

Sets forth acceptable means (but not the sole means) of compliance with certain hand fire extinguisher regulations in FAR 25 and FAR 29, and provides related general information.

**AC 20-43C Aircraft Fuel Control (10-20-76).**

Alerts the aviation community to the potential hazards of inadvertent mixing or contamination of turbine and piston fuels, and provides recommended fuel control and servicing procedures.

**20-44 Glass Fiber Fabric for Aircraft Covering (9-3-65).**

Provides a means, but not the sole means, for acceptance of glass fiber fabric for external covering of aircraft structure.

**20-45 Safelying of Turnbuckles on Civil Aircraft (9-17-65).**

Provides information on turnbuckle safelying methods that have been found acceptable by the FAA during past aircraft type certification programs.

**20-46 Suggested Equipment for Gliders Operating Under IFR (9-23-65.)**

Provides guidance to glider operators on how to equip their gliders for operation under instrument flight rules (IFR), including flight through clouds.

**20-47 Exterior Colored Band Around Exits on Transport Airplanes (2-8-66).**

Sets forth an acceptable means, but not the only means, of complying with the requirement for a 2-inch colored band outlining exits required to be openable from the outside on transport airplanes.

**20-48 Practice Guide for Decontaminating Aircraft (5-5-66).**

The title is self-explanatory.

**20-51 Procedures for Obtaining FAA Approval of Major Alterations to Type Certificated Products (4-12-67).**

Provides assistance to persons who desire to obtain FAA approval of major alterations to type certificate products.

**20-52 Maintenance Inspection Notes for Douglas DC-6/7 Series Aircraft (8-24-67).** (Consolidated Reprint—January 1974, includes Change 1.)

Describes maintenance inspection notes which can be used for the maintenance support of certain structural parts of DC-6 6/7 series aircraft.

**20-53 Protection of Aircraft Fuel System Against Lightning (10-6-67).**

Sets forth acceptable means, not the sole means, by which compliance may be shown with fuel system lightning protection airworthiness regulations.

**20-54 Hazards of Radium-Activated Luminous Compounds Used on Aircraft Instruments (10-24-67).**

Provides information concerning health hazards associated with the repair and maintenance of instruments containing luminous markings activated with radium-226 or radium-228 (mesothorium).

**20-55 Turbine Engine Overhaul Standard Practices Manual—Maintenance of Fluorescent Penetrant Inspection Equipment (1-22-68).**

Advises operators of the necessity for periodic checking of black light lamps and filters used during fluorescent penetrant inspection of engine parts.

**20-56A Marking of TSO-C72b Individual Flotation Devices (4-1-75).**

Outlines acceptable methods for marking individual flotation devices which also serve as seat cushions.

**20-57A Automatic Landing Systems (ALS) (1-12-71).**

Sets forth an acceptable means of compliance, but not the only means, for the installation approval of automatic landing systems in transport category aircraft which may be used initially in Category II operations. Approval of these aircraft for use under such conditions will permit the accumulation of data for systems which may be approved for Category IIIa in the future.

**20-59 Maintenance Inspection Notes for Convair 240, 340/440, 240T, and 340T Series Aircraft (2-19-68).**

Describes maintenance inspection notes which can be used for the maintenance support of certain structural parts of Convair 240, 340/440, 240T, and 340T series aircraft.

**20-59 CH 1 (8-24-72).**

Provides additional material for Convair Models 240 and 600/240D; Models 340/440 and 640/340D/440D series aircraft Maintenance inspection programs.

**20-60 Accessibility to Excess Emergency Exits (7-18-68).**

Sets forth acceptable means of compliance with the "readily accessible" provisions in the Federal Aviation Regulations dealing with excess emergency exits.

**20-62C Eligibility, Quality, and Identification of Approved Aeronautical Replacement Parts (8-26-76).**

Provides information relative to the determination of the eligibility of aeronautical parts and materials for installation on certificated aircraft.

**20-63 Airborne Automatic Direction Finder Installations (Low and Medium Frequency) (7-7-69).**

Sets forth one means, but not the only means, of demonstrating compliance with the airworthiness rules governing the functioning of airborne automatic direction finders. It does not pertain to installations previously approved.

**20-64 Maintenance Inspection Notes for Lockheed L-188 Series Aircraft (8-1-69).**

Describes maintenance inspection notes which can be used for the maintenance support of certain structural parts of Lockheed L-188 series aircraft.

**20-64 CH 1 (10-26-73).**

**20-65 U.S. Airworthiness Certificates and Authorizations for Operation of Domestic and Foreign Aircraft (8-11-69).**

Provides general information and guidance concerning issuance of airworthiness certificates for U.S. registered aircraft, and issuance of special flight authorizations for operation in the United States of foreign-aircraft not having standard airworthiness certificates issued by the country of registry.

**20-66 Vibration Evaluation of Aircraft Propellers (1-29-70).**

Outlines acceptable means, but not the sole means, for showing compliance with the requirements of the FARs concerning propeller vibration.

**20-67A Airborne VHF Communication System Installations (10-17-72).**

Sets forth one means, but not the only means of demonstrating compliance with the airworthiness rules governing the functioning of airborne VHF communication systems.

**20-68A Recommended Radiation Safety Precautions for Airborne Weather Radar (4-11-75).**

Sets forth recommended radiation safety precautions for ground operation of airborne weather radar.

**20-69 Conspicuity of Aircraft Instrument Malfunction Indicators (5-14-70).**

Provides design guidance information on methods of improving conspicuity of malfunction indication devices.

**20-71 Dual Locking Devices on Fasteners (12-8-70).**

Provides guidance and acceptable means, not the sole means, by which compliance may be shown with the requirements for dual locking devices on removable fasteners installed in rotorcraft and transport category airplanes.

**20-73 Aircraft Ice Protection (4-21-71).**

Provides information relating to the substantiation of ice protection systems on aircraft.

**20-74 Aircraft Position and Anticollision Light Measurements (7-29-71).**

Contains useful information concerning measurements for intensity, covering, and color of aircraft position and anticollision lights.

**20-76 Maintenance Inspection Notes for Boeing B-707/720 Series Aircraft (10-21-71).**

Provides maintenance inspection notes which can be used for the maintenance support program for certain structural parts of the B-707/720 series aircraft.

**20-77 Use of Manufacturers' Maintenance Manuals (3-22-72).**

Inform owners and operators about the usefulness of manufacturers' maintenance manuals for servicing, repair, and propellers.

**20-78 Maintenance Inspection Notes for McDonnell Douglas DC-8 Series Aircraft (7-11-72).**

Provides maintenance inspection notes which can be used for the maintenance support program for certain structural parts of the DC-8 series aircraft.

**20-81 Accidental or Unauthorized Activation of Emergency Locator Transmitters (ELT) (10-10-72).**

Alerts the general aviation community to the harmful effects of accidental or unauthorized activation of emergency locator transmitters.

**20-82 Maintenance Inspection Notes for Fairchild Hiller F-27/FH-227 Series Aircraft (12-5-72).**

Provides maintenance inspection notes which can be used for the maintenance support program for certain structural parts of Fairchild Hiller F-27/FH-227 series aircraft.

**20-82 CH 1 (7-12-73).**

Provides additional material for subject advisory circular.

**20-83 Maintenance Inspection Notes for Boeing B-737 Series Aircraft (1-17-73).**

Provides maintenance inspection notes which can be used for the maintenance support program for certain structural parts of the B-737 series aircraft.

**20-83 CH 1 (8-8-74).**

Provides updating of material for the B-737 series aircraft maintenance inspection program. Inspection of selected areas of the wing, fuselage, empennage and landing gear of B-737 series aircraft are presented supplementing information currently in AC 20-83.

**20-83 CH 2 (1-31-75).**

**20-84 Maintenance Inspection Notes for Boeing B-727 Series Aircraft (1-22-73).**

Provides inspection notes which can be used for the maintenance support program for certain structural parts of the B-727 series aircraft.

**20-84 CH 1 (8-8-74).**

Updates material for the B-727 series aircraft maintenance inspection program. Inspection of selected areas of the wing, fuselage, empennage and landing gear of the B-727 series aircraft are presented supplementing information currently available in AC 20-84.

**20-84 CH 2 (1-31-75).**

**20-85 Emergency Locator Transmitters and Receivers (3-16-73).**

Provides information concerning the design, installation, and utilization of emergency locator transmitters.

**20-86 Aviation Education through Building an Airplane (5-11-73).**

Provides information to high schools about the available assistance, resources, methods, and opportunities for attaining basic educational goals by building an airplane.

**20-87 Airborne Homing and Alerting Equipment for use with Emergency Locator Transmitters (5-7-73).**

Sets forth the availability of recommended basic characteristics for airborne homing and alerting equipment for use with emergency locator transmitters (ELT).

**20-88 Guidelines on the Marking of Power-Plant Instruments (12-11-73).**

Provides guidelines on the marking of aircraft powerplant instruments.

**20-89 Communication Interference Caused by Unintentional Radio Transmissions (3-22-74).**

Alerts the aviation community to the potential hazards created by unintentional radio transmissions from airborne, mobile, and ground based radio transmitters and gives guidance on alleviating ensuing hazards.

**20-90B Address List for Engineering and Manufacturing District Offices (12-3-76).**

Transmits the address list for all Engineering and Manufacturing District Offices.

**20-91 Lithium Batteries Used in Emergency Locator Transmitters (4-11-75).**

Warns of potential hazards associated with accidental release of sulfur-dioxide gas from lithium-sulfur batteries.

**20-92 Anti-Icing Additives to Reduce Icing Problems in Aviation Gasoline (1-12-76).**

Title is self explanatory.

**20-93 Flutter Due to Ice or Foreign Substance on or in Aircraft Control Surfaces (1-29-76).**

Provides information concerning the potential hazard associated with aircraft control surface flutter caused by imbalance.

**20-94 Digital Clock Installation in Aircraft (3-4-76).**

Provides guidelines for operating and installing digital clocks in aircraft.

**20-95 Fatigue Evaluation of Rotorcraft Structure (5-18-76).**

Sets forth acceptable means, not the only means, of compliance with the provisions of FAR sections 27.571 and 29.571 dealing with the fatigue evaluation of rotorcraft structure.

**20-96 Surplus Military Aircraft—A Briefing for Prospective Buyers (12-2-76).**

Provides many answers to questions regarding the purchasing of surplus military aircraft (type certification, is the aircraft flyable, is it for spare parts, scrap?).

**20-97 High-Speed Tire Maintenance and Operational Practices (1-28-77).**

Provides information on the causes of aircraft tire failures and methods of increasing tire reliability.

**20-98 Auxiliary Two-Way Airborne Radio System Installations (5-23-77).**

Provides guidance concerning installation and operation of two-way radio communication systems which are not used for controlling an aircraft in flight (i.e., mobile telephone, amateur radio, etc.).

**20-99 Antiskid and Associated Systems (5-27-77).**

Provides an acceptable means, but not the only means, of complying with the requirement that antiskid and associated systems must be designed so that no probable malfunction will result in a hazardous loss of braking or directional control of an airplane.

**21-1B Production Certificates (5-10-76).**

Provides information concerning Subpart G of Federal Aviation Regulations (FAR) Part 21, and sets forth acceptable means of compliance with its requirements.

**21-2C Export Airworthiness Approval Procedures (5-7-76).**

This advisory circular provides general information and guidance concerning issuance of export approvals under Federal Aviation Regulations (FAR) Part 21, Subpart L.

**21-3 Basic Glider Criteria Handbook (1962).**

Provides individual glider designers, the glider industry, and glider operating organizations with guidance material that augments the glider airworthiness



certification requirements of the Federal Aviation Regulations. Reprinted 1973. (\$2.05 Supt. Docs.) SN 050-011-00004-6.

**21-4B Special Flight Permits for Operation of Overweight Aircraft (7-30-69).**

Furnishes guidance concerning special flight permits necessary to operate an aircraft in excess of its usual maximum certificated takeoff weight.

**21-5D Summary of Supplemental Type Certificates (Announcement of Availability) (4-7-76).**

Announces the availability to the public of the new Summary of Supplemental Type Certificates (SSTC), dated January 1976. (See back of this checklist under "Internal Directives" for further information.)

**21-6 Production Under Type Certificate Only (5-26-67).**

Provides information concerning Subpart F of FAR Part 21, and sets forth examples, when necessary, of acceptable means of compliance with its requirements.

**21-7A Certification and Approval of Import Products (11-24-69).**

Provides guidance and information relative to U.S. certification and approval of import aircraft, aircraft engines and propellers that are manufactured in a foreign country with which the United States has an agreement for the acceptance of those products for export and import.

**21-8 Aircraft Airworthiness; Restricted Category: Certification of Aircraft With Uncertificated or Altered Engines or Propellers (5-21-69).**

Sets forth acceptable means of substantiating that uncertificated or altered engines and propellers have no unsafe features for type certification of aircraft in the restricted category.

**21-9 Manufacturers Reporting Failures, Malfunctions, or Defects (12-30-70).**

Provides information to assist manufacturers of aeronautical products (aircraft, aircraft engines, propellers, appliances, and parts) in notifying the Federal Aviation Administration of certain failures, malfunctions, or defects, resulting from design or quality control problems, in the products which they manufacture.

**21-10 Flight Recorder Underwater Locating Device (5-20-71).**

Provides one acceptable means (not the only means) of showing compliance with the underwater locating device requirements of FAR 25.1459 and FAR 121.343.

**21-11 Quality Assurance Systems Analysis Review (QASAR) Program Manufacturers/Suppliers (5-26-72).**

Explains the objectives and concept of the FAA's subject program.

**21-12 Application for U.S. Airworthiness Certificate, FAA Form 8130-6 (OMB 04-R0058) (1-17-73).**

Provides instructions on the preparation and submittal of subject form.

**21-13 Standard Airworthiness Certification of Surplus Military Aircraft and Aircraft Built from Spare and Surplus Parts (4-5-73).**

Provides guidance and instructions on establishing eligibility and submitting application for civil airworthiness certification of surplus military aircraft and aircraft assembled from spare and surplus parts, under FAR 21.183(d) when an FAA Type Certificate has been issued under FAR 21.21 or FAR 21.27.

**21-14 The Role of Simulation in the Aircraft Certification Process (6-12-75).**

Inform the aviation industry that the FAA intends to conduct an exploratory program to determine the degree to which simulation can support the aircraft certification process.

**21-15 New Issuance System for "Aircraft Type Certificate Data Sheets and Specifications" and "Aircraft Engine and Propeller Type Certificate Data Sheets and Specifications" (4-5-77).**

Provides information concerning a change in the issuance system for the subject Type Certificates and Data Sheets.

**21-25-1 Use of Restricted Category Airplanes for Glider Towing (4-20-65).**

Announces that glider towing is now considered to be a special purpose for type and airworthiness certification in the restricted category.

**21.303-1A Certification Procedures for Products and Parts (8-10-72).**

Provides information concerning section 21.303 of Federal Aviation Regulations, Part 21, and to set forth examples, as necessary, of acceptable means of compliance with its requirements.

**21.303-2 Availability of Listing, "Parts Manufacturer Approvals" — 1975 (3-31-76).**

Announces the availability of the parts listing from the Superintendent of Documents at a price of \$15.

**25-2 Extrapolation of Takeoff and Landing Distance Data Over a Range of Altitude for Turbine-Powered Transport Aircraft (7-9-64).**

Sets forth acceptable means by which compliance may be shown with the requirements in CAR 4b and SR-422B.

**25-4 Inertial Navigation Systems (INS) (2-18-66).**

Sets forth an acceptable means for complying with rules governing the installation of inertial navigation systems in transport category aircraft.

**25-5 Installation Approval on Transport Category Airplanes of Cargo Unit Load Devices Approved as Meeting the Criteria in NAS 3610 (6-3-70).**

Sets forth an acceptable means, but not the sole means, of complying with the requirements of the Federal Aviation Regulations (FAR's) applicable to the installation on transport category airplanes of cargo unit load devices approved as meeting the criteria in NAS 3610.

**25-6 Ground Proximity Warning Systems (GPWS) (12-31-74).**

Outlines acceptable ground proximity warning system performance. System performance, other than that described, may also be acceptable when adequately substantiated.

**25.253-1A High-Speed Characteristics (12-27-76).**

Sets forth an acceptable means, but not the only means, by which compliance may be shown with FAR 25.253 during certification flight tests.

**25.981-1A Guidelines for Substantiating Compliance With the Fuel Tank Temperature Requirements (1-20-71).**

Sets forth some general guidelines for substantiating compliance with fuel tank temperature airworthiness standards section 25.981.

**25.1329-1A Automatic Pilot System Approval (7-8-68).**

Sets forth an acceptable means by which compliance with the automatic pilot installation requirements of FAR 25.1329 may be shown.

**25.1457-1A Cockpit Voice Recorder Installations (11-3-69).**

Sets forth one acceptable means of compliance with provisions of FAR 25.1457 (b), (e), and (f) pertaining to area microphones, cockpit voice recorder location, and erasure features.

**29-1 Approval Basis for Automatic Stabilization Equipment (ASE) Installations in Rotorcraft (12-26-63).**

Gives means for compliance with flight requirements in various CAR's.

**29-1 CH 1 (3-26-64).**

Transmits revised information about the time delay of automatic stabilization equipment.

**29.773-1 Pilot Compartment View (1-19-66).**

Sets forth acceptable means, not the sole means, by which compliance with FAR 29.773(a) (1), may be shown.

**33-1B Turbine-Engine Foreign Object Ingestion and Rotor Blade Containment Type Certification Procedures (4-22-70).**

Provides guidance and acceptable means, not the sole means, by which compliance may be shown with the design and construction requirements, of Part 33 of the Federal Aviation Regulations.

**33-2A Aircraft Engine Type Certification Handbook (6-5-72).**

Contains guidance relating to type certification of aircraft engines which will constitute acceptable means, although not the sole means, of compliance with the Federal Aviation Regulations.

**33-3 Turbine and Compressor Rotors Type Certification Substantiation Procedures (9-9-68).**

Sets forth guidance and acceptable means, not the sole means, by which compliance may be shown with the turbine and compressor rotor substantiation requirements in FAR Part 33.

**36-1A Certificated Airplane Noise Levels (7-21-75).**

Provides noise level data for airplanes certificated under FAR Part 36 since its publication on Nov. 18, 1969.

**36-2 Estimated (Uncertificated) Noise Levels of Aircraft (9-21-76).**

Provides estimates of noise levels from airplanes not certificated to FAR Part 36 standards.

**37-2A Test Procedures for Maximum Allowable Airspeed Indicators (10-22-74).**

Provides guidance concerning test procedures which may be used in showing compliance with the standards in FAR 37.145 (TSO-C46a).

**37-3A Radio Technical Commission for Aeronautics Document DO-160 (3-20-75).**

This circular announces RTCA Document DO-160 and discusses how it may be used in connection with technical standard order authorizations.

**39-1A Jig Fixtures; Replacement of Wing Attach Angles and Doublers on Douglas Model DC-3 Series Aircraft Airworthiness Directive 66-18-2 (3-5-70).**

Describes methods of determining that jig fixtures used in the replacement of the subject attached angles and doublers meet the requirements of Airworthiness Directive 66-18-2.

**39-6E Summary of Airworthiness Directives (2-11-76).**

Announces the availability of Summary of Airworthiness Directives dated January 1, 1976 from the FAA in Oklahoma City and how to obtain them.

**43-2A Minimum Barometry for Calibration and Test of Atmospheric Pressure Instruments (8-22-74).**

Sets forth guidance material which may be used to determine the adequacy of barometers used in the calibration of aircraft static instruments and presents information concerning the general operation, calibration, and maintenance of such barometers.

**43-3 Nondestructive Testing in Aircraft (5-11-73).**

Reviews the basic principles underlying nondestructive testing. (\$0.75 Supt. Docs.) SN 5007-00208.

**43-4 Corrosion Control for Aircraft (5-15-73).**

Summarizes current available data regarding identification and treatment of corrosive attack on aircraft structure and engine materials.

**43-4 CH 1 (3-1-74).**

Provides additional information on identification and treatment of corrosion attack on aircraft structures. Adds a new Chapter 14—Corrosion control of aircraft used in agricultural cropdusting operations.

**43-4 CH 2 (10-8-74).**

Clarifies the discussion on the removal of corrosion and treatment of corroded areas.

**43-5 Airworthiness Directives for General Aviation Aircraft (8-13-74).**

Points areas of misunderstanding regarding: (1) Aircraft owners and operators' responsibility for complying with AD's; (2) maintenance personnel responsibilities with regards to performance of AD's; and (3) maintenance records entries for AD's required by FAR 91.173(a) (2) (v) and FAR 43.9.

**43-6 Automatic Pressure Altitude Encoding Systems and Transponder Maintenance and Inspection Practices (9-19-74).**

Provides information on the installation of encoding altimeters based upon recently acquired operating experience and on the maintenance of ATC transponders.

**43-7 Ultrasonic Testing for Aircraft (9-24-74).**

Describes methods used in ultrasonic nondestructive testing, discusses the many advantages, and points out the simplicity of the tests. Contains many illustrations. (\$1 Supt. Docs.) SN 050-007-00282-3.

**43-8 Maintaining Hot Air Balloons in an Airworthy Condition (1-2-75).**

Contains information designed to assist balloon owners and operators in maintaining hot air balloons in an airworthy condition. Advises how the maintenance rules of FAR Part 43 apply.

**43-9 Maintenance Records: General Aviation Aircraft (2-19-75).**

Provides information to assist maintenance personnel in fulfilling their responsibility under FAR Section 43.9.

**43-10 Mechanical Work Performed on U.S. and Canadian Registered Aircraft (1-26-76).**

Provides information and guidance to aircraft owners/operators and maintenance personnel concerning mechanical work performed on U.S. registered aircraft by Canadian maintenance personnel and on Canadian registered aircraft by U.S. maintenance personnel.

**43-11 Reciprocating Engine Overhaul Terminology and Standards (4-7-76).**

Discusses engine overhaul terminology and standards that are used by the aviation industry.

**43-12 Preventive Maintenance (7-16-76).**

Provides information concerning preventive maintenance and who may perform it.

**43-14 Maintenance of Weather Radar Radomes (2-24-77).**

Provides guidance material useful to repair facilities in the maintenance of weather radomes.

**43.9-1C Instruction for Completion of FAA Form 337 (12-20-73).**

Provides instructions for completing revised FAA Form 337, Major Repair and Alteration (Airframe, Powerplant, Propeller, or Appliance).

**43.13-1A Acceptable Methods, Techniques and Practices—Aircraft Inspection and Repair (4-17-72).**

Contains methods, techniques, and practices acceptable to the Administrator for inspection and repair to civil aircraft. Published in 1973. (\$3.70—Supt. Docs.) SN 050-011-00058-5.

**43.13-1A CHG 1 (5-12-75).**

Transmits new and revised material for basic advisory circular. (\$0.85—Supt. Docs.) SN 050-007-00294-7.

**43.13-1A Ch 2 (12-22-76).**

Transmits revised material concerning aircraft instrument adjustments. (\$0.35 Supt. Docs.) SN 050-007-00368-4.

**43.13-2 Acceptable Methods, Techniques, and Practices—Aircraft Alterations (4-19-66).**

Contains methods, techniques, and practices acceptable to the Administrator in altering civil aircraft. Published in 1965. (\$3.60-\$4.50 foreign Sub.—Supt. Docs.)

Subscription now includes: Changes 1 thru 14 Consolidated Reprint in 1973. Change 15 dated 1-15-74, and Change 16 dated 8-12-74.

**43-203A Altimeter and Static System Tests and Inspections (6-6-67).**

Specifies acceptable methods for testing altimeter and static system. Also, provides general information on test equipment used and precautions to be taken.

**45-2 Identification and Registration Marking (7-7-72).**

Provides guidance and information concerning the identification and marking requirements of Federal Aviation Regulations (FAR) Parts 21 and 45, and where considered helpful, to provide an acceptable means, but not the sole means, of compliance with the regulations.

**47-1A Aircraft Registration, Eligibility, Identification and Activity Report (6-7-73).**

Advises owners and operators of U.S. civil aircraft of requirement for annual submission of current information related to aircraft registration eligibility, requests similar submission of information related to identification and activity of aircraft; and to call attention to the availability of the reporting form to be used.



## Airman

## SUBJECT NO. 60

## 60-2M Annual Aviation Mechanic Safety Awards Program (2-6-75).

Provides the details of the annual Aviation Mechanic Safety Awards Program.

## 60-4 Pilot's Spatial Disorientation (2-9-65).

Acquaints pilots flying under visual flight rules with the hazards of disorientation caused by the loss of reference with the natural horizon.

## 60-6A Airplane Flight Manuals (AFM), Approved Manual Materials, Markings, and Placards—Airplanes (2-9-76).

Alerts pilots to the regulatory requirements relating to the subject and provides information to aid pilots to comply with these requirements.

## 60-9 Induction Icing—Pilot Precautions and Procedures (2-28-73).

Provides the pilot with information on the causes and results of induction icing in reciprocating aircraft engines, and the precautions he should take to reduce the likelihood of icing, and the means available to him in controlling icing when it is encountered.

## 60-10 Recommended Safety Parameters for Operation of Hang Gliders (5-16-74).

Suggests safety parameters for the operation of "hang gliders" and to present the current FAA intent with respect to the regulation and operation of those vehicles.

## 60-11 Aids Authorized for Use by Airman Written Test Applicants (8-27-74).

Clarifies FAA policy concerning aids that applicants may use when taking airman written tests.

## 60-12 Availability of Industry-Developed Guidelines for the Conduct of the Biennial Flight Review (2-11-76).

Informs all FAA certificated flight instructors of the availability of, and how to obtain, the industry-developed guidelines for the conduct of the Biennial Flight Review.

## 60-13 The Accident Prevention Counselor Program (4-27-76).

Provides information to acquaint the general aviation community with the accident prevention counselor program and outlines the ways the accident prevention counselor force enhances aviation safety.

## 60-14 Aviation Instructor's Handbook (7-7-76).

Provides the aviation instructor with comprehensive, accurate, and easily understood information on learning and teaching and to relate this information to students. Cancels AC 61-16A. (\$2.75 Supt. Docs.) SN 050-011-00072-1.

## 60-15A Publication of New Written Test Study Guides (6-9-77).

Announces the revision of the written test study guides for selected testing areas which will contain representative questions and responses used in the current FAA certification tests.

## 61-1E Aircraft Type Ratings (3-22-76).

Provides designators adopted by the Federal Aviation Administration for aircraft type ratings issued with pilot certificates.

## 61-8C—Instrument Rating (Airplane) Written Test Guide (5-31-72).

Reflects the current operating procedures and techniques in a background setting appropriate for applicants preparing for the subject test. (\$1.45 Supt. Docs.) SN 050-007-00183-5.

## 61-9B Pilot Transition Courses for Complex Single-Engine and Light, Twin-engine Airplanes (1-15-74).

A guide to the procedures and standards to be followed for a thorough and comprehensive checkout in modern single- and twin-engine aircraft. (\$0.45 Supt. Docs.) SN 050-007-00226-2.

## 61-10A Private and Commercial Pilots Refresher Courses (9-27-72).

Provides a syllabus of study requirements and describes the areas of training that should be emphasized. (\$0.55 Supt. Docs.) SN 050-011-00060-5.

## 61-12H Student Pilot Guide (2-14-77).

Provides guidance for student pilots and those already in primary flight training. Updated to include requirements covered in Part 61. (\$1.50 Supt. Docs.) SN 050-007-00377-3.

## 61-13A Basic Helicopter Handbook (4-5-73).

Provides detailed information to applicants preparing for private, commercial, and flight instructor pilot certificates with a helicopter rating about helicopter aerodynamics, performance, and flight maneuvers. It will also be useful to certificated helicopter flight instructors as an aid in training students. (\$2.50 Supt. Docs.) SN 050-011-00064-4.

## 61-18D Airline Transport Pilot (Airplane) Written Test Guide (2-14-75).

Reflects current operating procedures and techniques in a background setting appropriate for applicants preparing for the Airline Transport Pilot (Airplane) Written Test. (\$2.05 Supt. Docs.) SN 050-007-00301-3.

## 61-19 Safety Hazard Associated With Simulated Instrument Flights (12-4-64).

Emphasizes the need for care in the use of any device restricting visibility while conducting simulated instrument flights that may also restrict the view of the safety pilot.

## 61-21 Flight Training Handbook (1-11-66).

Provide information and direction in the introduction and performance of training maneuvers for student pilots, pilots requalifying or preparing for additional ratings, and flight instructors. Reprinted in 1969. (\$2.15 Supt. Docs.) SN 050-007-00038-1.

## 61-23A Pilot's Handbook of Aeronautical Knowledge (7-10-70).

Contains essential, authoritative information used in training and guiding applicants for private pilot certification, flight instructors, and flying school staffs. (\$5.30 Supt. Docs.) SN 050-011-00051-8.

## 61-27B Instrument Flying Handbook (9-22-70).

Provides the pilot with basic information needed to acquire an FAA instrument rating. It is designed for the reader who holds at least a private pilot certificate and is knowledgeable in all areas covered in the "Pilot's Handbook of Aeronautical Knowledge." (\$3.35 Supt. Docs.) SN 050-007-00067-7.

## 61-31B Gyroplane Pilot Written Test Guide, Private and Commercial (4-14-76).

Provides guidance and assistance to applicants who are preparing for the Private or Commercial Pilot Certificate with a Rotorcraft-Gyroplane Rating under the provisions of FAR Part 61.

## 61-31B Chg 1 (5-13-77).

## 61-32B Private Pilot—Airplane—Written Test Guide (5-2-77).

Provides information, guidelines, and sample test items to assist applicants for the Private Pilot Certificate in attaining necessary aeronautical knowledge (\$2.30 Supt. Docs.) SN 050-011-00073-9.

## 61-34B Federal Aviation Regulations Written Test Guide for Private, Commercial and Military Pilots (2-10-75).

Outlines the scope of the basic knowledge required of civilian or military pilots who are studying FARs as they pertain to the Regulations terminology; to the certification of private and commercial pilots; to the operation of aircraft in the national airspace; and to the requirements of the National Transportation Safety Board. For use as a guide in preparing for the FAR Written Test. (\$0.70 Supt. Docs.) SN 050-007-00288-2.

## 61-42A Airline Transport Pilot (Helicopter) Written Test Guide (1-20-72).

Describes the type and scope of required aeronautical knowledge covered in the written tests, lists reference materials available from GPO bookstores, and presents sample test items with answers and explanations. (\$0.70 Supt. Docs.) SN 050-011-00057-7.

## 61-43A Glider Pilot Written Test Guide—Private and Commercial (1-12-72).

Provides information, guidelines, and sample test items, to assist applicants for

the Glider Pilot certificate in attaining necessary aeronautical knowledge.

## 61-45 Instrument Rating (Helicopter) Written Test Guide (1-24-68).

Assists applicants who are preparing for the helicopter instrument rating. Presents a study outline, study materials and a sample test with answers.

## 61-47 Use of Approach Slope Indicators for Pilot Training (9-16-70).

Informs pilot schools, flight instructors and student pilots of the recommendation of the Federal Aviation Administration on the use of approach slope indicator systems for pilot training.

## 61-51 Reporting Flight Time on Pilot Applications, FAA Form 8420-3 (6-26-72).

Advises applicants of the importance of entering their pilot flight time on subject form. (OBM No. 04-R0064.)

## 61-52B Flight Instructor of the Year Award Program (1-5-74).

Provides the details of the Flight Instructor of the Year Award Program.

## 61-54A Private Pilot Airplane... Flight Test Guide (4-18-75).

Contains information and guidance concerning the pilot operations, procedures, and maneuvers relevant to the airplane category with a single-engine land/sea or multiengine land/sea rating. (\$1.35 Supt. Docs.) SN 050-007-00300-5.

## 61-55A Commercial Pilot Airplane... Flight Test Guide (4-25-75).

Assists the applicant and the instructor in preparing for the flight test for certification as a commercial pilot with single engine land or sea rating and for multiengine land or sea ratings. (\$1.10 Supt. Docs.) SN 050-007-00295-8.

## 61-56A Flight Test Guide, Instrument Pilot Airplane (5-7-76).

Assists the applicant and the instructor in preparing for the flight test for the Instrument Pilot Airplane Rating. (\$0.55 Supt. Docs.) SN 050-007-00343-9.

## 61-57A Type Rating, Airplane, Flight Test Guide (5-1-75).

Contains information and guidance concerning the pilot operations, procedures, and maneuvers relevant to the flight test required for an Airplane Type Rating. (\$0.70 Supt. Docs.) SN 050-007-00299-8.

## 61-58 Flight Instructor Practical Test Guide (5-1-73).

Outlines new requirements based on changes to FAR Part 61, Certification of Pilots and Flight Instructors. (\$0.50 Supt. Docs.) SN 050-011-00067-4.

## 61-59A Private and Commercial Pilot—Helicopter—Flight Test Guide (3-3-77).

Assists applicants for the Private or Commercial Pilot Rotorcraft Certificate with Helicopter Rating in preparing for their certification flight test. (\$1.60 Supt. Docs.) SN 050-007-00384-6.

## 61-60 Private and Commercial Pilot Gyroplane, Flight Test Guide (May 1973).

Outlines appropriate pilot operations and the minimum standards for the performance of each procedure or maneuver which will be accepted by the examiner as evidence of the pilot's competency, under Part 61 (revised). (\$0.65 Supt. Docs.) SN 050-011-00066-8.

## 61-61A Private and Commercial Pilot—Glider—Flight Test Guide (12-3-76).

Prepared to assist the applicant and the instructor in preparing for the flight test for the Private and the Commercial Pilot certificate with Glider Rating. Contains information concerning pilot operations, procedures and maneuvers relevant to the flight test. (\$1.50 Supt. Docs.) SN 050-011-00071-2.

## 61-62A Private and Commercial Pilot—Free Balloon—Flight Test Guide (12-17-76).

Prepared to assist the applicant in preparing for the flight test for the Private or Commercial Pilot Certificate with a lighter-than-air category and free balloon class. Contains information concerning the operations, procedures, and maneuvers relevant to the flight test. (\$1.10 Supt. Docs.) SN 050-007-00375-7.

## 61-63 Flight Test Guide, Private and Commercial Pilot—Lighter-Than-Air Airship (5-23-74).

Establishes a new concept of pilot training and certification requirements. To provide a transition to these revised requirements, Part 61 (revised) permits the applicant, for a period of 1 year after the effective date, to meet either the previous requirements for the Private Pilot Certificate as outlined in Part 61, prior to November 1, 1973.

## 61-64 Flight Test Guide—Instrument Pilot Helicopter (7-23-73).

Assists the applicant and his instructor in preparing for the flight test for the instrument Pilot Helicopter Rating under the revised Part 61 (\$0.55 Supt. Docs.) SN 050-007-00215-7.

## 61-65 Part 61 (Revised) Certification: Pilot and Flight Instructors (9-5-73).

Informs pilots and flight instructors of the changes in Part 61, revised January 23, 1973, their effects, and the standards and procedures which will be used in implementing them.

## 61-66 Annual Pilot in Command Proficiency Checks (11-2-73).

Presents material relating to annual proficiency checks required for pilots-in-command of civil aircraft type certificated for more than one required pilot crewmember, other than those operating under Parts 121, 123, 127, 133, 135, and 137.

## 61-67 Hazards Associated with Spins in Airplanes Prohibited from Intentional Spinning (2-1-74).

Informs pilots of the airworthiness standards for the type certification of

small airplanes prescribed in Section 23.221 of the Federal Aviation Regulations concerning spin maneuvers.

## 61-68 Flight Instructor Refresher Clinics—Scheduling, Attendance, Facilities, and Equipment (2-27-74).

Provides guidance to sponsors regarding scheduling, required facilities and equipment, and attendance control at Flight Instructor Refresher Clinics in which the Flight Instructor Refresher Unit (FIRU) participates.

## 61-70 Flight Instructor Instrument—Airplane—Written Test Guide (3-29-74).

Provides guidance for the applicant by outlining the scope of knowledge required for the Flight Instructor Certificate with an Instrument Airplane Rating. (\$1.65 Supt. Docs.) SN 050-007-00252-1.

## 61-71A Commercial Pilot Airplane Written Test Guide (3-24-77).

Outlines the aeronautical knowledge requirements for a commercial pilot rating, outlines source material for study, and includes representative test items and illustrations used in the FAA written test. (\$2.30 Supt. Docs.) SN 050-007-00385-4.

## 61-72A Flight Instructor—Airplane—Written Test Guide (3-24-77).

Outlines the aeronautical knowledge requirements for certification as an airplane flight instructor, outlines source material for study, and provides representative test questions for the FAA written test. (\$2.70 Supt. Docs.) SN 050-007-00386-2.

## 61-73 Private and Commercial Pilot Rotorcraft—Helicopter Written Test Guide (8-8-74).

Assists applicants who are preparing for the Private or Commercial Pilot certificate with a Rotorcraft—Helicopter rating under the provisions of FAR Part 61 (revised). (\$1.20 Supt. Docs.) SN 050-007-00265-3.

## AC 61-74 Flight Instructor Rotorcraft—Helicopter Written Test Guide (5-8-74).

Assists applicants who are preparing for the Flight Instructor Certificate with a Rotorcraft—Helicopter Rating. (\$1.45 Supt. Docs.) SN 050-007-00272-8.

## AC 61-75 Flight Instructor—Glider—Written Test Guide (9-18-74).

Assists applicants who are preparing for the Flight Instructor—Glider Written Test. (\$1.50 Supt. Docs.) SN 050-007-00271-8.

## 61-77 Airline Transport Pilot Airplane Practical Test Guide (Part 61 Revised) (4-23-74).

Designed to assist the applicant and his instructor in preparing for the Airline Transport Pilot Certificate with an Airplane Rating under FAR Part 61 (revised). (\$0.50 Supt. Docs.) SN 050-007-00257-2.



# 61-81 Private and Commercial Pilot—Glider—Written Test Guide (4-27-76).

Contains a comprehensive study outline and a list of recommended study materials. Sample study questions and illustrations pertinent to the subject of glider flying are included. (\$1 Supt. Docs.) SN 050-007-0339-1.

# 61-82 Airline Transport Pilot—Helicopter—Flight Test Guide (8-25-76).

Describes procedures and maneuvers relevant to the ATP Certificate—Helicopter—that is limited to VFR and that which is not limited to VFR. Includes a suggested flight test checklist. (\$0.80 Supt. Docs.) SN 050-007-00358-7.

# 61-83 Nationally Scheduled Federal Aviation Administration (FAA)—Approved, Industry-Conducted Flight Instructor Refresher Clinics (9-3-76).

Announces a concept pertaining to FAA-approved, industry-conducted Flight Instructor Refresher Clinics, outlines procedures for approval, and invites participation by interested industry groups.

# 61-84 Role of Preflight Preparation (4-11-77).

Provides guidance information on some elements of flight planning that should be considered in planning and conducting a safe, efficient flight.

# 63-1B Flight Engineer Written Test Guide (10-22-70).

Provides information to prospective flight engineers and others interested in this certification area. Contains information about certification requirements and describes the type and scope of the written test. Lists appropriate study and reference material and presents sample questions similar to those found in the official written tests. (\$0.85 Supt. Docs.) SN 050-007-00164-9.

# 63-2A Flight Navigator Written Test Guide (4-4-69).

Defines the scope and narrows the field of study to the basic knowledge required for the Flight Navigator Certificate. Published in 1969. (\$0.70 Supt. Docs.) SN 050-007-00064-2.

# 65-2D Airframe and Powerplant Mechanics Certification Guide (1-30-76).

Provides information to prospective airframe and powerplant mechanics and other persons interested in FAA certification of aviation mechanics. (\$1.30 Supt. Docs.) SN 050-007-00331-5.

# 65-4B Aircraft Dispatcher Written Test Guide (7-25-72).

Describes the type and scope of aeronautical knowledge covered by the aircraft dispatcher written examination, lists reference materials, and presents sample questions. (\$1.40 Supt. Docs.) SN 050-007-00190-8.

# 65-5A Parachute Rigger—Senior/Master—Certification Guide (12-20-74).

Provides information on how to apply for a parachute rigger certificate or rating and assists the applicant in preparing for the written, oral, and practical tests. (\$0.75 Supt. Docs.) SN 050-007-00287-4.

# 65-9A Airframe and Powerplant Mechanics—General Handbook (4-12-76).

Designed as a study manual for persons preparing for a mechanic certificate with airframe or powerplant ratings. Emphasis in this volume is on theory and methods of application, and is intended to provide basic information on principles, fundamentals, and airframe and powerplant ratings. (\$6.75 Supt. Docs.) SN 050-007-00379-0.

# 65-11A Airframe and Powerplant Mechanics Certification Information (4-21-71).

Provides answers to questions most frequently asked about Federal Aviation Administration certification of aviation mechanics. (\$0.40 Supt. Docs.) SN 050-007-00171-1.

# 65-12A Airframe and Powerplant Mechanics Powerplant Handbook (4-12-76).

Designed to familiarize student mechanics with the construction, theory of operation, and maintenance of aircraft powerplants. (\$6.50 Supt. Docs.) SN 050-007-00373-1.

# 65-13B FAA Inspection Authorization Directory (11-26-76).

Provides a new directory of all FAA certificated mechanics who hold an inspection authorization as of July 31, 1976.

# 65-15A Airframe and Powerplant Mechanics Airframe Handbook (4-12-76).

Designed to familiarize student mechanics with airframe construction, repair, and the operating theory of airframe systems. (\$6.00 Supt. Docs.) SN 050-007-00391-9.

# 65-18 Report Availability of a Survey of the Aviation Mechanics Occupation (9-4-74).

Announces the public availability of the 1974 report on a Survey of the Aviation Mechanics Occupation.

# 65-19A Inspection Authorization Study Guide (11-17-76).

Provides guidance for persons who conduct annual and progressive inspections and approve major repairs and/or alternations of aircraft. It stresses the importance that certificated mechanics, holding IA's, have in air safety. Primarily intended for mechanics who hold or are preparing to take the test for an inspection authorization. (\$0.65 Supt. Docs.) SN 050-007-00332-3.

# 67-1 Medical Information for Air Ambulance Operators (3-4-74).

Provides persons or groups interested or involved in civil air ambulance activi-

ties with information governing the transport of patients by air.

# 67-2 Medical Handbook for Pilots (5-15-74).

An aviation medicine handbook written in pilots language that provides guidance on when, and when not, to fly. Emphasizes the fact that, to be a good pilot, you must be physically fit, psychologically sound, and well trained. Designed to complement the Pilots Handbook of Aeronautical Knowledge. (\$1.45 Supt. Docs.) SN 050-007-00254-8.

## Airspace

### SUBJECT NO. 70

# 70-2A Airspace Utilization Considerations in the Proposed Construction, Alteration, Activation and Deactivation of Airports (12-26-76).

Advises those persons proposing to construct, alter, activate or deactivate a civil or joint-use (civil/military) airport, for which Federal aid has not been requested of the Federal Aviation Administration.

# 70/7460-1E Obstruction Marking and Lighting (11-1-76).

Describes FAA standards on obstruction marking and lighting and establishes the methods, procedures, and equipment types for both aviation red and high-intensity white obstruction lights.

# 70/7460-2E Proposed Construction or Alteration of Objects that may Affect the Navigable Airspace (7-5-73).

Advises those persons proposing to erect or alter an object that may affect the navigable airspace of the requirement to submit a notice to the Administrator of the Federal Aviation Administration (FAA).

# 70/7460-3 Petitioning the Administrator for Discretionary Review; Section 77.37, FAR (8-8-68).

Revises and updates information concerning the submission of petitions to the Administrator for review, extension, or revision of determinations issued by regional directors or their designees.

# 73-1 Establishment of Alert Areas (3-11-68).

Announces the establishment of alert areas and sets forth the procedures which FAA will follow in establishing such areas.

# Air Traffic Control and General Operations

### SUBJECT NO. 90

# 90-1A Civil Use of U.S. Government Produced Instrument Approach Charts (4-10-68).

Clarifies landing minimums requirements and revises instrument approach charts.

# 90-5 Coordination of Air Traffic Control Procedures and Criteria (6-13-63).

States Air Traffic Service policy respecting coordination of air traffic procedures and criteria with outside agencies and/or organizations.

# 90-12B Severe Weather Avoidance (6-18-76).

Warns all pilots concerning flight in the vicinity of known or forecasted severe weather, severe turbulence and hail and advises them that air traffic control facilities, even though equipped with radar, might not always have the capability nor be in a position to provide assistance for circumnavigation of areas of severe weather.

# 90-14A Altitude—Temperature Effect on Aircraft Performance (1-26-68).

Introduces the Denalt Performance Computer and reemphasizes the hazardous effects density altitude can have on aircraft.

# 90-23D Wake Turbulence (12-15-72).

Alerts pilots to the hazards of aircraft trailing vortex wake turbulence and recommends related operational procedures.

# 90-34 Accidents Resulting from Wheelbarrowing in Tricycle Gear Equipped Aircraft (2-27-68).

Explains "wheelbarrowing", the circumstances under which it is likely to occur, and recommended corrective action.

# 90-42A Traffic Advisory Practices at Nontower Airports (8-16-72).

Establishes, as good operating practices, procedures for pilots to be apprised of or exchange traffic information, when approaching or departing uncontrolled airports.

# 90-43C Operations Reservations for High-Density Traffic Airports (11-14-71).

Advises the aviation community of the means for all aircraft operators, except helicopters, scheduled and supplemental air carriers and scheduled air taxis, to obtain a reservation to operate to and/or from designated high-density traffic airports.

# AC 90-45A Approval of Area Navigation Systems for Use in the U.S. National Airspace System (2-21-75).

Provides guidelines for implementation of two-dimensional area navigation (2D RNAV) within the U.S. National Airspace System (NAS). Provides for both VOR/DME dependent systems and self-contained systems such as Inertial Navigation Systems (INS).

# 90-45A Ch 1 (9-15-75).

# 90-45A Ch 2 (7-22-76).

# 90-48 Pilots' Role in Collision Avoidance (3-20-70).

Alerts all pilots to the midair collision and near midair collision hazard and to emphasize those basic problem areas of concern, as related to the human factors, where improvements in pilot education, operating practices, procedures, and techniques are needed to reduce midair conflicts.

# AC 90-50A VHF Radio Frequency Assignment Plan for Aeronautical Operations (2-7-75).

Describes the civil air traffic control assignment of frequencies in the very high frequency (118-136 MHz) band.

# 90-54A Cruise Clearances (11-27-73).

Provides the aviation community guidance when operating under a "cruise" clearance.

# 90-58C VOR Course Errors Resulting from 50 kHz Channel Mis-Selection (4-7-75).

Provides information concerning a potentially hazardous situation when a 200 channel VOR receiver is inadvertently mistuned by 50 kHz from the frequency of a 100 kHz ground station.

# 90-60 Weather Observation—Reporting Obscured or Partially Obscured Sky Condition (3-31-72).

Provides pilots with information concerning weather conditions reported by weather observers as obscuration or partial obscuration.

# 90-62 Flying DME Arcs (1-23-73).

Describes the procedures and techniques for intercepting DME arcs from radials, maintaining DME arcs, and intercepting radials and localizers from DME arcs.

# 90-64 Automated Radar Terminal System (ARTS) III (6-22-73).

Advises the aviation community of the capabilities of the Automated Radar Terminal System and the associated services provided by ARTS III equipped air traffic control facilities.

# 90-65 Air Traffic Fuel Economy Program (1-18-74).

Advises the aviation community of flow control procedures that will be utilized to conserve aviation fuel during periods when the normal movement of aircraft is disrupted. Also describes actions required of user groups to ensure efficient flow control planning.

# AC 90-66 Recommended Standard Traffic Patterns for Airplane Operations at Uncontrolled Airports (2-27-75).

Calls attention to regulatory requirements for the operations of airplanes at uncontrolled airports. Recommends voluntary use of standard traffic pattern flight procedures.

# 90-67 Light Signals from the Control Tower for Ground Vehicles, Equipment, and Personnel (8-15-75).

Provides the aviation community with the meaning of the light signals used when communicating with ground vehicles, equipment, and personnel on the airport movement area from the control tower.

# 90-70 Straight-In Nonprecision Instrument Approach Procedures Visual Descent Point (VDP) (7-7-76).

Describes the concept, purpose, and use of a designated and published VDP to be provided on some straight-in nonprecision instrument approach procedures.

# 90-72 Minimum Safe Altitude Warning (MSAW) (11-30-76).

Describes the capabilities and limitations of the MSAW function being implemented at terminal facilities equipped with ARTS III.

# 90-73 Local Flow Traffic Management (1-13-77).

Describes new arrival procedures for ATC handling of high-performance aircraft.

# 90-74 Announcing the Availability of United States Terminal Instrument Procedures (TERPS) (2-4-77).

Announces the availability to the public of the Third Edition of the U.S. Standard for Terminal Instrument Procedures which is available from the Supt. of Docs. for \$2.80. SN 050-007-00345-5.

# 90-75 Strobe Light System Inspection Practices (2-10-77).

Advises the general aviation community of the importance of proper maintenance of capacitive discharge strobe light systems which are installed within or near fuel systems.

# 90-76 Flight Operations in Oceanic Airspace (4-15-77).

Describes the basic requirements, limitations, and considerations applicable to flight proposed into oceanic airspace under U.S. ATC jurisdiction.

# 91-5B Waivers of Subpart B, Part 91 of the Federal Aviation Regulations (FARs) (1-28-72).

Provides information concerning the submission of applications for and the issuance of waivers of Subpart B, FAR Part 91.

# 91-6 Water, Slush, and Snow on the Runway (1-21-65).

Provides background and guidelines concerning the operation of turbojet aircraft with water, slush, and/or snow on the runway.

# 91-8A Use of Oxygen by General Aviation Pilots/Passengers (8-11-70).

Provides general aviation personnel with information concerning the use of oxygen.

# 91-9 Potential Hazards Associated With Turbojet Ground Operations (6-19-65).

Alerts turbojet operators and flight crews to potential hazards involving turbojet operations at airports.

# 91-11A Annual Inspection Reminder (12-3-69).

Provides the aviation community with a uniform visual reminder of the date an annual inspection becomes due. (Reference section 91.169(a)(1) of the FAR's.)

# 91.11-1 Guide to Drug Hazards in Aviation Medicine (7-19-63).

Lists all commonly used drugs by pharmacological effect on airmen with side effects and recommendations. Reprinted 1970. (\$1.15 Supt. Docs.) SN 050-009-00001-7.



**91-13A Cold weather Operation of Aircraft (1-2-70).**

Provides background and guidelines relating to operation of aircraft in the colder climates where wide temperature changes may occur.

**91-14B Altimeter Setting Sources (10-1-71).**

Provides the aviation public, industry, and FAA field personnel with guidelines for setting up reliable altimeter setting sources.

**91-15 Terrain Flying (2-2-67).**

A pocket-size booklet designed as a tool for the average private pilot. Contains a composite picture of the observations, opinions, warnings, and advice from veteran pilots who have flown this vast land of ours that can help to make flying more pleasant and safer. Tips on flying into Mexico, Canada, and Alaska. (\$1.40 Supt. Docs.) SN 050-007-00147-9.

**91-16 Category II Operations—General Aviation Airplanes (8-7-67).**

Sets forth acceptable means by which Category II operations may be approved in accordance with FAR Parts 23, 25, 61, 91, 97, and 135.

**91-17 The Use of View Limiting Devices on Aircraft (2-20-68).**

Alerts pilots to the continuing need to make judicious and cautious use of all view limiting devices on aircraft.

**91-22A Altitude Alerting Devices/Systems (12-23-71).**

Provides guidelines for designing, installing, and evaluating altitude alerting systems.

**91-23 Pilot's Weight and Balance Handbook (5-6-69).**

Provides an easily understood text on aircraft weight and balance for pilots who need to appreciate the importance of weight and balance control for safety of flight. Progresses from an explanation of basic fundamentals to the complete application of weight and balance principles in large aircraft operations. (\$1.25 Supt. Docs.) SN 050-011-00049-6.

**91-24 Aircraft Hydroplaning or Aquaplaning on Wet Runways (9-4-69).**

Provides information to the problem of aircraft tires hydroplaning on wet runways.

**91-25A Loss of Visual Cues During Low Visibility Landings (6-22-72).**

Provides information concerning the importance of maintaining adequate visual cues during the descent below MDA or DA.

**91-26 Maintenance and Handling of Air-Driven Gyroscopic Instruments (10-29-69).**

Advises operators of general aviation aircraft of the need for proper maintenance of air-driven gyroscopic instruments and associated air filters.

**91-28 Unexpected Opening of Cabin Doors (12-23-69).**

Outlines the importance of assuring that cabin doors are properly closed prior to takeoff.

**91-32 Safety in and Around Helicopters (5-7-71).**

Provides suggestions to improve helicopter safety by means of acquainting nonflight crew personnel and passengers with the precautions and procedures necessary to avoid undue hazards.

**91-33 Use of Alternate Grades of Aviation Gasoline for Grade 80/87 (10-6-71).**

Provides information relating to the use of alternate grades of aviation gasoline when grade 80/87 is not available, and the resultant effects of the use of the alternate fuels which may have higher TEL (tetraethyl lead) content.

**91-34 Model Aircraft Operating Standards (7-1-72).**

Outlines safety standards for operators of model aircraft, and encourages voluntary compliance with these standards.

**91-35 Noise, Hearing Damage, and Fatigue in General Aviation Pilots (3-28-72).**

Aquaints pilots with the hazards of regular exposure to cockpit noise. Especially pertinent are piston-engine, fixed-wing, and rotary-wing aircraft.

**91-36A VFR Flight Near Noise-Sensitive Areas (7-9-74).**

Encourages pilots making VFR flights near noise-sensitive areas to fly at altitudes higher than the minimum permitted by regulation. National Park areas now included.

**91-37 Truth in Leasing (11-9-72).**

Provides information and guidance for lessees and conditional buyers of U.S. registered large civil aircraft.

**91-38 Large and Turbine-Powered Multiengine Airplanes, Part 91, Subpart D (12-13-72).**

Sets forth guidelines and procedures to assist operators of large and turbine-powered multiengine airplanes in meeting the safety requirements of FAR, Part 91, Subpart D.

**91-39 Recommended Noise Abatement Takeoff and Departure Procedure for Civil Turbojet Powered Airplanes (1-18-74).**

Illustrates the recommended noise abatement takeoff and departure procedure for civil turbojet powered airplanes.

**91-40 Terminal Control Area (TCA) Radar Outage (1-17-74).**

Explains the service that will be provided by Air Traffic Control to aircraft in a terminal control area when a radar outage occurs.

**91-41 Ground Operational Procedures for Aircraft Engine Emission Reduction and Fuel Conservation (3-12-74).**

Recommends ground operational procedures that will minimize air pollution from aircraft ground operations and conserve fuel.

**AC 91-42A Hazards of Rotating Propellers and Helicopter Rotor Blades (10-19-76).**

Provides information on propeller- and rotor-to-person accidents and offers suggestions to reduce the frequency of their occurrence.

**AC 91-43 Unreliable Airspeed Indications (6-26-75).**

Alerts pilots to the possibility of erroneous airspeed/Mach indications that may be caused by blocking or freezing of the pitot system and advises of corrective action that can be taken.

**91-44 Emergency Locator Transmitters Operational and Maintenance Practices (2-20-76).**

Provides guidelines relative to the installation, maintenance, and operation of emergency locator transmitters.

**91-45A Airshow Waivers (5-16-77).**

The purpose of this advisory circular is to provide prospective airshow sponsors with the information necessary to plan for and conduct safe, effective airshows. It is also intended to provide information pertaining to the procedures and requirements for issuance of airshow waivers.

**91-46 Gyroscopic Instruments—Good Operating Practices (2-4-77).**

Issued to re-emphasize to general aviation instrument-rated pilots the need to determine the proper operation of gyroscopic instruments, the importance of instrument cross-checks and proficiency in partial-panel operations.

**91-47 Use of Portable Electronic Devices—Radio Receivers (3-23-77).**

Intended to remind air carrier or commercial operators of the requirements of FAR 91.19 as they apply to pocket size radio receivers capable of reception in the 110-140 MHz band.

**91-29-1 Special Structural Inspections (1-8-68).**

Discusses occurrences which may cause structural damage affecting the airworthiness of aircraft.

**91.79-1 Waivers of Section 91.79 of the Federal Aviation Regulations (4-21-76).**

Announces the availability of waivers relating to FAR 91.79 and requests that interested persons contact any General Aviation District Office or Flight Standards District Office for specific information.

**91.83-1A Canceling or Closing Flight Plans (3-25-75).**

Outlines the need for canceling or closing flight plans promptly to avoid costly search and rescue operations.

**91.83-2 IFR Flight Plan Route Information (2-16-66).**

Clarifies the air traffic control needs for the filing of route information in an IFR (Instrument Flight Rules) flight plan.

**95-1 Airway and Route Obstruction Clearance (6-17-65).**

Advises all interested persons of the airspace areas within which obstruction clearance is considered in the establishment of Minimum En Route Instrument Altitudes (MEA's) for publication in FAR Part 95.

**97-1 Runway Visual Range (RVR) (11-4-76).**

Describes RVR measuring equipment and its operating use.

**99-1 Security Control of Air Traffic (1-12-72).**

Provides civil aviation with recommended practices for operating aircraft within or penetrating an Air Defense Identification Zone (ADIZ).

**101-1 Waivers of Part 101, Federal Aviation Regulations (1-13-64).**

Provides information on submission of applications and issuances of waivers to FAR Part 101.

**103-2 Information Guide for Air Carrier Handling of Radioactive Materials (7-23-70).**

Acquaints air carrier industry and in particular, air freight handling personnel, with the essential requirements and practical application of the various regulations pertaining to the handling and transportation of radioactive materials.

**103-4 Hazard Associated with Sublimation of Solid Carbon Dioxide (Dry Ice) Aboard Aircraft (5-1-74).**

Discusses the potential hazard associated with the sublimation of dry ice aboard aircraft. Precautionary measures and simple rules of thumb are indicated in order to preclude environmentally hazardous conditions affecting crews and passengers aboard aircraft.

**105-2 Sport Parachute Jumping (9-6-68).**

Provides suggestions to improve sport parachuting safety; information to assist parachutists in complying with FAR Part 105; and a list of aircraft which may be operated with one cabin door removed, including the procedures for obtaining FAA authorization for door removal.

**107-1 Aviation Security—Airports (5-19-72).**

Furnishes guidance to those individuals and organizations having responsibilities under Part 107 of the Federal Aviation Regulations. It also provides recommendations for establishing and

improving security for restricted or critical facilities and areas the security of which is not dealt with in Part 107.

**Air Carrier and Commercial Operators and Helicopters****SUBJECT No. 120****120-2A Precautionary Propeller Feathering To Prevent Runaway Propellers (8-20-63).**

Emphasizes the need for prompt feathering when there is an indication of internal engine failure.

**120-5 High Altitude Operations in Areas of Turbulence (8-26-63).**

Recommends procedures for use by jet pilots when penetrating areas of severe turbulence.

**120-7A Minimum Altitudes for Conducting Certain Emergency Flight Training Maneuvers and Procedures (7-27-70).**

Issued to emphasize to all air carriers and other operators of large aircraft the necessity for establishing minimum altitudes above the terrain or water when conducting certain simulated emergency flight training maneuvers.

**120-12 Private Carriage Versus Common Carriage by Commercial Operators Using Large Aircraft (6-24-64).**

Provides guidelines for determining whether current or proposed transportation operations by air constitute private or common carriage.

**120-16A Continuous Airworthiness Program (9-11-69).**

Provides air carriers and commercial operators with guidance and information pertinent to certain provisions of Federal Aviation Regulations Parts 121 and 127.

**120-17 Handbook for Maintenance Control by Reliability Methods (12-31-64).**

Provides information and guidance materials which may be used to design or develop maintenance reliability programs which include a standard for determining the time limitations.

**120-17 CH1 (6-24-66).****120-17 CH2 (5-6-68).****120-26D Civil Aircraft Operator Designators (11-11-76).**

Revises the criteria and states the procedures for the assignment of International Civil Aviation Organization two-letter and FAA three-letter aircraft company designators.

**120-27 Aircraft Weight and Balance Control (10-15-68).**

Provides a method and procedures for weight and balance control.

**120-27 CH1 (11-20-73).**

Adds Part 123 to subject circular.

**120-28A Criteria for Approval of Category IIIa Landing Weather Minima (12-14-71).**

States an acceptable means, not the only means, for obtaining approval of

Category IIIa minima and the installation approval of the associated airborne systems.

**120-28A CH1 (1-18-73).**

Revises the CAT IIIa Landing Weather Minima maintenance requirements of paragraph 8 to make them consistent with the requirements for CAT IIa.

**120-29 Criteria for Approving Category I and Category II Landing Minima for FAR 121 Operators (9-25-70).**

Sets forth criteria used by FAA in approving turbojet landing minima of less than 300-3/4 or RVR 4,000 (Category I) and Category II minima for all aircraft.

**120-29 CH1 (12-15-71).**

Revises Appendix 1 and deletes statement in Appendix 2 regarding 19-foot criteria (does not apply when using an approved automatic landing system).

**120-29 CH2 (7-26-72).**

Clarifies the airborne system evaluation by stressing the necessity for meeting maintenance program requirements.

**120-29 CH3 (12-3-74).**

Outlines the recent change in FAR Part 121 wherein both initial and recurrent pilot qualification for both Category I and II proficiency checks may be performed in a visual simulator.

**120-30A Reporting Requirements of Air Carriers, Commercial Operators, Travel Clubs, and Air Taxi Operators of Large and Small Aircraft (9-8-76).**

This advisory circular is issued to clarify the mechanical reliability reporting requirements contained in Parts 121, 127, and 135 of the Federal Aviation Regulations (FAR) and the accident and incident reporting requirements of Part 830 (old Part 430) of the National Transportation Safety Board (NTSB), Safety Investigation Regulations.

**120-31A Operational and Airworthiness Approval of Airborne Omega Radio Navigation Systems as a Means of Updating Self-Contained Navigation Systems (4-21-77).**

Sets forth an acceptable means, but not the only means, of obtaining airworthiness and operational approval of airborne OMEGA navigation systems used in updating self-contained navigation systems such as Doppler Radar and Inertial for operations outside the United States under FAR Part 121.

**120-32 Air Transportation of Handicapped Persons (3-25-77).**

Identifies some of the problems handicapped air travelers face and provides some guidelines to airline personnel to help alleviate these problems.

**121-1A Standard Operations Specifications—Aircraft Maintenance Handbook (6-26-73).**

Provides procedures acceptable to the Federal Aviation Administration which may be used by operators when establishing inspection intervals and overhaul times.

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**121-1A CH 1 (1-23-75).**

Updates the overhaul and inspection/check period of selected airframes, powerplants, propellers, and appliances in relation to current industry standards.

**121-1A CH 2 (8-19-76).****121-1A CH 3 (2-18-77).****121-3Q Maintenance Review Board Reports (9-3-76).**

Revises the list of Maintenance Review Board Reports that are currently in effect.

**121-6 Portable Battery-Powered Megaphones (1-5-66).**

Sets forth an acceptable means for complying with rules (applicable to various persons operating under Part 121 of the Federal Aviation Regulations) that prescribe the installation of approved megaphones.

**121-12 Wet or Slippery Runways (8-17-67).**

Provides uniform guidelines in the application of the "wet runway" rule by certificate holders operating under FAR 121.

**121-13 Self-Contained Navigation Systems (Long Range) (10-14-69).**

States an acceptable means, not the only means, of compliance with the referenced sections of the FAR as they apply to persons operating under Parts 121 or 123 who desire approval of Doppler RADAR navigation systems or Inertial Navigation Systems (INS) for use in their operations.

**121-13 CH 1 (7-31-70).**

Assures standardization of the Minimum Equipment List (MEL) with respect to Inertial Navigation Systems (INS) through the appropriate Flight Operations Evaluation Board (FOEB).

**121-13 CH 2 (12-21-70).**

Permits all flight training for Doppler and INS qualification, to be completed in a simulator or training device approved for conducting the required pilot training and qualifications in the use of these systems.

**121-14A Aircraft Simulator Evaluation and Approval (2-9-76).**

Sets forth one means that would be acceptable to the Administrator for approval of aircraft simulators or other training devices requiring approval under FAR 121.407.

**121-16 Maintenance Certification Procedures (11-9-70).**

Provides guidance for the preparation of an Operations Specification—Preface Page which will afford nominal and reasonable relief from approved service and overhaul time limits when a part is borrowed from another operator.

**121-17 Aviation Security: Certain Air Carriers and Commercial Operators—Security Programs and Other Requirements (3-14-72).**

Provides general information regarding the requirements of FAR Amdt. 121-85.

**121-18 Aviation Security—Carriage of Weapons and Escorted Persons (7-15-75).**

Provides information and guidance for the implementation of amendments to FAR Part 121 regarding the carriage of weapons on aircraft and for the carriage of persons in the custody of law enforcement officers.

**121-19 Aviation Security—Property Acceptance and Handling Procedures—Indirect Air Carriers (3-17-76).**

Provides information and guidance which may be used by "indirect air carriers" when providing property to be carried by "direct air carriers" or by the operator of any civil aircraft for transportation in air commerce.

**121-20 Aviation Security: Supplemental Air Carriers (3-17-76).**

Provides supplemental air carriers with information concerning recommended general security measures applicable to charter operations that should minimize the effects of crimes directed against air transportation.

**121-21 Information Guide for Training Programs and Manual Requirements in the Air Transportation of Hazardous Materials (7-30-76).**

Provides certificate holders under Parts 121 and 135 of the FARs with information relevant to recent amendment Docket HM-112 that incorporated FAR Part 103 into Title 49 of the CFR as Part 175. Outlines some of the substantive changes in the requirements for air transportation of hazardous materials.

**121-22 Maintenance Review Board (MRB) (1-12-77).**

Provides guidelines for establishing and conducting a MRB on newly manufactured aircraft, powerplant, or appliance to be used in air carrier service.

**121-23 Preparation and Loading of Magnetron Tubes and Magnetic Materials for Air Shipments (2-10-77).**

Provides information regarding the preparation and loading of magnetron tubes and magnetic materials for shipment in civil aircraft.

**121.195(d)-1 Alternate Operational Landing Distances for Wet Runways; Turbojet Powered Transport Category Airplanes (11-19-65).**

Sets forth an acceptable means, but not the only means, by which the alternate provision of section 121.195(d) may be met.

**123-1 Air Travel Clubs (10-17-68).**

Sets forth guidelines and procedures to assist air travel clubs using large aircraft in meeting safety requirements of FAR Part 123.

**129-1 Foreign Air Carriers—Security Programs and Other Requirements—FAR Part 129 (9-25-75).**

Provides guidance to foreign air carriers concerning the requirements of FAR Part 129, Sections 129.25 and 129.27.

**135.144-1 Small Propeller-Driven Air Taxi Airplanes That Meet Section 135.144 (4-13-72).**

Provides a summary of and information on small propeller-driven air taxi airplanes that comply with section 135.144 and may continue operations under FAR Part 135 after May 31, 1972, with 10 or more passenger seats.

**135.155-1 Alternate Static Source for Altimeters and Airspeed and Vertical Speed Indicators (2-16-65).**

Sets forth an acceptable means of compliance with provision in FAR Part 135 and Part 23 dealing with alternate static sources.

**135-1C Air Taxi Aircraft Weight and Balance Control (2-10-77).**

Provides the procedures for developing a weight and balance control system for small aircraft operating in the air taxi fleet under FAR Part 135.

**135-2A Air Taxi Operators of Large Aircraft (11-16-73).**

Provides guidelines for use by air taxi operators or applicants who desire to obtain authorization to operate large aircraft (more than 12,500 pounds maximum certificated takeoff weight) in air taxi operations.

**135-3A Air Taxi Operators and Commercial Operators of Small Aircraft (1-16-75).**

Sets forth guidelines and procedures to assist persons in complying with the requirements of Federal Aviation Regulations, Part 135.

**135-4A Aviation Security: Air Taxi Commercial Operators (ATCO) 4-15-76).**

Provides recommended security measures applicable to ATCO operations that should minimize the effects of crimes directed against air transportation.

**135-5A Maintenance Program Approval for Carry-On Oxygen Equipment for Medical Purposes (11-23-76).**

Provides a means whereby air taxi operators may submit a maintenance program to comply with FAR Part 135, Section 135.114.

**137-1 Agricultural Aircraft Operations. (11-29-65).**

Explains and clarifies the requirements of FAR Part 137 and provides additional information, not regulatory in nature, which will assist interested persons in understanding the operating privileges and limitations of this Part.

**139.12-1 Airport Operations Specifications (2-3-75).**

Presents guidelines to assist airport operators in developing airport operations specifications in compliance with the requirements of amended FAR Part 139.

**139.49-1 Programs for Training of Fire Fighting and Rescue Personnel (11-12-74).**

Outlines suggested training programs for airport fire fighting and rescue personnel involved in operating airport fire

fighting and rescue equipment and the principles of aircraft fire fighting and rescue techniques.

**Schools and Other Certificated Agencies****SUBJECT NO. 140****140-1H Consolidated Listing of FAA Certificated Repair Stations (2-9-76).**

Provides a revised directory of all FAA certificated repair stations as of December 31, 1975.

**140-2K List of Certificated Pilot Schools (4-25-77).**

Provides a list of FAA certificated pilot flight and ground schools as of Nov. 1976.

**140-3B Approval of Pilot Training Courses Under Subpart D of Part 141 of the FAR (1-8-70).**

The title is self-explanatory.

**140-5 Radio Maintenance Technician School Curriculum (8-11-71).**

Provides information on curriculum subjects for persons desiring to establish radio maintenance technician training courses.

**141-1 Pilot School Certification (8-29-74).**

Sets forth guidelines to assist persons in obtaining a pilot school certificate and associated ratings under FAR Part 141 (revised).

**141-2A Written Tests Prepared by Pilot Schools With Examining Authority Under Part 141 (Revised) of the Federal Aviation Regulations (10-3-75).**

Provides guidance to FAR Part 141 Pilot Schools with examining authority in developing final written tests for FAA certificates and ratings which are equal in scope, depth, and difficulty to comparable written tests prescribed by the Administrator. Also prescribes procedures for administering, maintaining security of, and replacing those tests.

**143-1E Ground Instructor Written Test Guide—Basic & Advanced (1-24-77).**

Outlines the scope of basic knowledge requirements for a ground instructor; outlines source material to obtain this knowledge; presents a sample test with answers and explanations. (\$2.00 Supt. Docs.) SN 050-007-40382-0.

**143-2C Ground Instructor—Instrument—Written Test Guide (1-30-76).**

Provides information to applicants for the instrument ground instructor rating about the subject areas covered in the examination and illustrated by a study outline, a list of study materials, and a sample examination with answers. (\$1.40 Supt. Docs.) SN 050-007-40376-5.

**145-2 Repair Station Limited Ratings Beech 18 Series Aircraft (4-21-76).**

Advices of a required limited repair station rating to perform X-ray inspection of the Beech 18 wing and center section spar, and of the procedures for application.

**145.101-1A Application for Air Agency Certificate—Manufacturer's Maintenance Facility (3-10-69).**

Explains how to obtain a repair station certificate.

**147-2R Directory of FAA Certificated Aviation Maintenance Technician Schools (4-12-77).**

Provides a revised directory of all FAA certificated aviation maintenance technician schools as of Nov. 1976.

**147-3 Phase III, A National Study of the Aviation Mechanics Occupation (3-22-71).**

Announces the availability for purchase by the public of a reprint of a report of Phase III, A National Study of the Aviation Mechanics Occupation.

**147-4 Reports Availability of a Survey of Text Materials Used in Aviation Maintenance Technician Schools (9-3-74).**

Announces the public availability of the 1974 report on A Survey of Text Materials Used in Aviation Maintenance Technician Schools.

**149-2H Listing of Federal Aviation Administration Certificated Parachute Lofts (5-10-76).**

Provides a revised listing of all FAA certificated parachute lofts as of Jan. 31, 1976.

**Airports****SUBJECT NO. 150****AIRPORT PLANNING****150/5000-1 Cancellation of Obsolete Publications Issued by Standards Division, Airports Service (4-17-70).**

Cancels outstanding airport engineering data sheets, technical standard orders, airport engineering bulletins, and miscellaneous publications that are no longer current and to direct the reader to a new source of information, where applicable.

**150/5000-3C Address List for Regional Airports Divisions and Airport District Offices (12-9-75).**

Transmits the address list for all regional Airports Divisions and Airport District Offices.

**150/5000-3C CH 1 (9-9-76).**

Transmits corrected addresses and telephone numbers.

**150/5050-2 Compatible Land Use Planning in the Vicinity of Airports (4-13-67).**

Advices Federal Aviation Administration personnel, local government officials and the public of the availability of the following two reports prepared under the auspices of the FAA by the firm of Transportation Consultants, Inc. *Compatible Land Use Planning On and Around Airports, and Aids Available for Compatible Land Use Planning Around Airports.*

**150/5050-3A Planning the State Airport System (June 1972).**

Provides general guidance in preparing a State airport system plan. (\$2.50 Supt. Docs.) SN 050-007-00184-3.

**150/5050-4 Citizen Participation in Airport Planning (9-26-75).**

Provides guidance for citizen involvement in airport planning. Although not mandatory for airport grant programs, it demonstrates the need for early citizen participation.

**150/5050-5 The Continuous Airport System Planning Process (11-28-75).**

The purpose of this advisory circular is to provide guidance on the Continuous Airport System Planning Process (CASPP). This process is utilized in establishing a planning capability to monitor and assess the effects of changes in the many variables and issues influencing a plan with the objective of maintaining a plan responsive to current and forecast conditions. In addition to describing the components of a CASPP, sponsor organizational structures and Federal financial participation in continuous planning activities are discussed.

**150/5060-1A Airport Capacity Criteria Used in Preparing the National Airport Plan (7-8-68).**

Presents the method used by the Federal Aviation Administration for determining when additional runways, taxiways, and aprons should be recommended in the National Airport Plan. The material is also useful to sponsors and engineers in developing Airport Layout Plans and for determining when additional airport pavement facilities should be provided to increase aircraft accommodation capacity at airports.

**150/5060-3A Airport Capacity Criteria Used in Long-Range Planning (12-24-69).**

Describes the method used by the Federal Aviation Administration for determining the approximate practical hourly and practical annual capacities of various airport runway configurations and is used in long-range (10 years or more) planning for expansion of existing airports and construction of new airports to accommodate forecast demand.

**150/5060-4 Announcement of Availability—Federal Aviation Administration Technical Reports on Airport Capacity and Aircraft Delay (4-29-77).**

Announces the availability of Federal Aviation Administration technical reports and computer programs describing techniques for determining airport capacity and aircraft delay. Provides ordering information.

**150/5070-3 Planning the Airport Industrial Park (9-30-65).**

Provides guidance to communities, airport boards, and industrial developers for the planning and development of Airport Industrial Parks.

**150/5070-5 Planning the Metropolitan Airport System (5-22-70).**

Gives guidance in developing airport-system plans for large metropolitan areas. It may be used by metropolitan planning agencies and their consultants in preparing such system plans and by



the FAA in reviewing same. (\$1.65 Supt. Docs.) SN 050-008-00003-7.

**150/5070-6 Airport Master Plans (2-5-71).**

Provides guidance for the preparation of individual airport master plans as provided for under the Airport Airway Development Act of 1970. (\$3.00 Supt. Docs.) SN 050-008-00004-5.

**150/5090-2 National Airport Classification System (Airport System Planning) (6-25-71).**

Sets forth the new national airport classification system. The system is designed for use in the identification and classification of airports within the National System of Airports and for use as a planning tool in long-range airport system planning.

**FEDERAL-AID AIRPORT PROGRAMS**

**150/5100-3A Federal-Aid Airport Program-Procedures Guide for Sponsors (9-20-68).**

Provides guidance to public agencies that sponsor or propose to sponsor projects under the Federal-aid Airport Program (FAAP) authorized by the Federal Airport Act.

**150/5100-3A CHI (11-28-69).**

Transmits revised pages to subject advisory circular.

**150/5100-6A Labor Requirements for Airport Development Aid Program (ADAP) Contracts (1-31-73).**

Covers the basic labor requirements for the Airport Development Aid Program.

**150/5100-6A CHI (3-16-73).**

Transmits a revision to delete page 3-1 from subject Advisory Circular.

**150/5100-7A Requirement for Public Hearing in the Airport Development Aid Program (2-25-72).**

Provides guidance to sponsors of airport development projects under the Airport Development Aid Program (ADAP) on the necessity for and conduct of public hearings.

**150/5100-8 Request for Aid; Displaced Persons; Public Hearings; Environmental Considerations; Opposition to the Project (1-19-71).**

Provides general guidance on the information and coordination required in support of a request for aid for an airport development project under the Airport and Airway Development Act of 1970.

**150/5100-9 Engineering Services Under the Airport Development Aid Program (ADAP) (7-1-72). Consolidated reprint March 1977 includes Change 1.**

Provides guidance for airport sponsors and Federal Aviation Administration offices in the definition, selection, review, and approval of engineering services used under subject program.

**150/5100-10A Accounting Records Guide for Airport Aid Program Sponsors (4-13-76).**

This advisory circular sets forth recordkeeping requirements imposed on sponsors of Airport Development Aid Program (ADAP) and the Planning Grant Program (PGP) projects by the Airport and Airway Development Act of 1970, as amended. In addition, the Federal Aviation Regulations (FARs) require a sponsor to establish and maintain a financial management system that meets the standards set forth in FAR 152, Appendix K. This circular provides detailed explanations of these requirements.

**150/5100-11 Land Acquisition and Relocation Assistance Under the Airport Development Aid Program (2-10-75).**

Provides guidance to sponsors of airport development projects under the Airport Development Aid Program to meet the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (Public Law 91-646).

**150/5100-12 Electronic Navigational Aids Approved for Funding Under the Airport Development Aid Program (9-20-76).**

Provides a list of the electronic navigational aids equipment which are approved for funding under the ADAP.

**150/5100-13 Development of State Standards for General Aviation Airports (3-1-77).**

Provides guidelines and programming procedures for the development of state standards for general aviation airports as provided for in the Airport and Airway Development Act Amendments of 1976.

**SURPLUS AIRPORT PROPERTY CONVEYANCE PROGRAMS**

**150/5150-2A Federal Surplus Personal Property for Public Airport Purposes (8-3-73).**

Acquaints public airport owners and other interested parties with the Federal Surplus Personal Property Program for public airports and to outline procedures to be used in applying for and acquiring surplus personal property for this purpose.

**150/5150-2A CHI (2-21-74).**

Adds material to paragraph 24, Chapter 6, which was inadvertently omitted in the Advisory Circular during preparation.

**AIRPORT COMPLIANCE PROGRAM**

**150/5190-1 Minimum Standards for Commercial Aeronautical Activities on Public Airports (8-18-66).**

Gives to owners of public airports information helpful in the development and application of minimum standards for commercial aeronautical activities.

**150/5190-2A Exclusive Rights at Airports (4-4-72).**

Makes available to public airport owners, and to other interested persons, basic information and guidance on FAA's policy regarding exclusive rights at public airports on which Federal funds, administered by FAA, have been expended.

**150/5190-2A CHI (10-2-72).**

Deletes the reference to the sale of aeronautical charts by the National Ocean Survey (formerly the U.S. Coast and Geodetic Survey) and to encourage airport owners to obtain UNICOM license in their own names and make these facilities available to all fixed base operators.

**150/5190-3A Model Airport Hazard Zoning Ordinance (9-19-72).**

Provides a model airport hazard zoning ordinance for airports. The model ordinance is intended merely as a guide to control manmade and natural hazards to aircraft and will require modifications and revisions to meet the varying circumstances and the state and local laws.

**AIRPORT SAFETY—GENERAL**

**150/5200-3A Bird Hazards to Aircraft (3-2-72).**

Transmits to the aviation public the latest published information concerning the reduction of bird strike hazards to aircraft in flight and in the vicinity of airports.

**150/5200-4 Foaming of Runways (12-21-66).**

Discusses runway foaming and suggests procedures for providing this service.

**150/5200-5 Considerations for the Improvement of Airport Safety (2-2-67).**

Emphasizes that, in the interest of accident/incident prevention, airport management should conduct self-evaluations and operational safety inspections. An exchange of information and suggestions for the improvement of airport safety is also suggested.

**150/5200-6A Security of Aircraft at Airports (6-28-68).**

Directs attention to the problem of pilferage from aircraft on airports and suggests action to reduce pilferage and the hazards that may result therefrom.

**150/5200-7 Safety on Airports During Maintenance of Runway Lighting (1-24-68).**

Points out the possibility of an accident occurring to airport employees caused by electrocution.

**150/5200-8 Use of Chemical Controls to Repel Flocks of Birds at Airports (5-2-68).**

Acquaints airport operators with new recommendations on the use of chemical methods for dispersing flocks of birds.

**150/5200-9 Bird Reactions and Scaring Devices (6-26-68).**

Transmits a report on bird species and their responses and reactions to scaring devices.

**150/5200-11 Airport Terminals and the Physically Handicapped (11-27-68).**

Discusses the problems of the physically handicapped air traveler and suggests features that can be incorporated in modification or new construction of airport terminal buildings.

**150/5200-12 Fire Department Responsibility in Protecting Evidence at the Scene of an Aircraft Accident (8-7-69).**

Furnishes general guidance for employees of airport management and other personnel responsible for firefighting and rescue operations, at the scene of an aircraft accident, on the proper presentation of evidence.

**150/5200-13 Removal of Disabled Aircraft (8-27-70).**

Discusses the responsibility for disabled aircraft removal and emphasizes the need for prearranged agreements, plans, equipment, and improved coordination for the expeditious removal of disabled aircraft from airport operating areas. It also illustrates some of the various methods used, equipment employed, equipment available, and concepts for aircraft recovery.

**150/5200-14 Results of 90-Day Trial Exercise on Fire Department Activity (9-8-70).**

Transmits statistical data collected during a 90-day trial exercise conducted to determine the relationship between aircraft fire and rescue service activities and airport aeronautical operations.

**150/5200-15A Availability of the International Fire Service Training Association's (IFSTA) Aircraft Fire Protection and Rescue Procedures Manual (5-4-77).**

Announces the availability of the subject manual.

**150/5200-16 Announcement of Report AS-71-1 "Minimum Needs for Airport Fire Fighting and Rescue Services" Dated January 1971 (4-13-71).**

Announces the availability of the subject report and describes how to get it.

**150/5200-17 Emergency Plan (2-5-72).**

Contains guidance material for airport management to use in developing an emergency plan at civil airports.

**150/5200-17 CHI (6-28-74).**

Provides additional guidance on care and services for uninjured aircraft passengers.

**150/5200-18 Airport Safety Self-Inspection (2-5-72).**

Suggests functional responsibility, procedures, a checklist, and schedule for an airport safety self-inspection.

**150/5200-19 Availability of Report No. FAA-RD-71-20 "An Analysis of Airport Snow Removal and Ice Control" dated March 1971 (11-23-71).**

Announces the availability of subject report.

**150/5200-21 Announcing the Availability of U.S. Air Force Technical Order (T.O. 00-105-9) Aircraft Emergency Rescue Information (5-23-73).**

Explains the nature of the Technical Order and tells how it can be obtained by airport fire departments which are under the Airport Certification Program.

**150/5200-22 Announcing the Availability of the International Civil Aviation Organization Airport Services Manual, DOC-9137-AN/898, Part 3, Bird Control and Reduction (3-16-76).**

Announces the availability of the manual, explains its purpose, and tells how to obtain copies.

**150/5200-23 Airport Snow and Ice Control (11-1-76).**

Provides guidance to assist airport owners/operators to establish or improve airport snow and ice control programs.

**150/5210-2 Airport Emergency Medical Facilities and Services (9-3-64).**

Provides information and advice so that airports may take specific voluntary preplanning actions to assure at least minimum first-aid and medical readiness appropriate to the size of the airport in terms of permanent and transient personnel.

**150/5210-5 Painting, Marking, and Lighting of Vehicles Used on an Airport (8-31-66).**

Makes recommendations concerning safety, efficiency, and uniformity in the interest of vehicles used on the aircraft operational area of an airport.

**150/5210-6B Aircraft Fire and Rescue Facilities and Extinguishing Agents (1-26-73).**

Outlines scales of protection considered as the recommended level compared with the minimum level in Federal Aviation Regulation Part 139.49 and tells how these levels were established from test and experience data.

**150/5210-6B CHI (8-22-73).**

Issues new guidance under paragraph 9, and paragraph 12 of subject advisory circular.

**150/5210-6B CHI 2 (5-21-74).**

Includes details on the basic purpose, care, and cleaning of proximity suits. Adds a new chapter, 5—contains criteria intended for use in purchasing off-the-shelf design proximity suits.

**150/5210-7A Aircraft Fire and Rescue Communications (3-16-72).**

Provides guidance information for use by airport management in establishing communication and alarm facilities by which personnel required to respond to

and function at aircraft ground emergencies may be alerted and supplied with necessary information.

**150/5210-8 Aircraft Firefighting and Rescue Personnel and Personnel Clothing (1-13-67).**

Provides guidance concerning the manning of aircraft fire and rescue trucks, the physical qualifications that personnel assigned to these trucks should meet, and the protective clothing with which they should be equipped.

**150/5210-9 Airport Fire Department Operating Procedures During Periods of Low Visibility (10-27-67).**

Suggests training criteria which airport management may use in developing minimum response times for aircraft fire and rescue trucks during periods of low visibility.

**150/5210-10 Airport Fire and Rescue Equipment Building Guide (12-7-67).**

This title is self-explanatory.

**150/5210-11 Response to Aircraft Emergencies (4-15-69).**

Informs airport operators and others of an existing need for reducing aircraft firefighting response time, and outlines a uniform response time goal of 2 minutes within aircraft operational areas on airports.

**150/5210-12 Fire and Rescue Service for Certificated Airports (3-2-72).**

Furnishes guidance and explains to Federal Aviation Administration (FAA) airport inspectors and airport management the minimum criteria to be applied when evaluating the aircraft fire and rescue service required at an airport for its compliance with the requirements of FAR Part 139.

**150/5210-13 Water Rescue Plans, Facilities, and Equipment (5-4-72).**

Suggests planning procedures, facilities, and equipment to effectively perform rescue operations when an aircraft lands in a body of water, swamp, or tidal area where normal aircraft firefighting and rescue service vehicles are unable to reach the accident scene.

**150/5220-1 Guide Specification for a Light-Weight Airport Fire and Rescue Truck (7-24-64).**

Describes a vehicle with performance capabilities considered as minimum for an acceptable light rescue truck.

**150/5220-4 Water Supply Systems for Aircraft Fire and Rescue Protection (12-7-67).**

The title is self-explanatory.

**150/5220-6 Guide Specification for 1,000-Gallon Tank Truck (4-10-68).**

Assists airport management in the development of local procurement specifications.



150/5220-9 Aircraft Arresting System for Joint Civil/Military Airports (4-6-70).

Updates existing policy and describes and illustrates the various types of military aircraft emergency arresting systems that are now installed at various joint civil/military airports. It also informs users of criteria concerning installations of such systems at joint civil/military airports.

150/5240-10 Guide Specification for Water/Foam Type Aircraft Fire and Rescue Trucks (5-26-72).

Assists airport management in the development of local procurement specifications.

150/5220-10 CH 1 (12-4-72).

Replaces information on weight distribution and fire pump engines which was omitted when the subject circular was developed, consolidating information from four other circulars.

150/5220-10 CH 2 (8-22-73).

Expands the guidance under paragraph 14 of subject AC to permit the design of engine systems to operate in freezing temperatures for prolonged periods and to provide devices insulation materials, etc., to prevent the truck fire fighting system from freezing.

150/5230-3 Fire Prevention During Aircraft Fueling Operations (4-8-69).

This advisory circular provides information on fire preventive measures which aircraft servicing personnel should observe during fueling operations.

150/5240-7 A Fuel/Energy Conservation Guide for Airport Operators (2-19-74).

Identifies potential areas where fuel and energy usage can be conserved to assist airport operators in their voluntary actions in reducing fuel and energy consumption.

150/5280-1 Airport Operations Manual (6-16-72).

Sets forth guidelines to assist airport operators in developing an Airport Operations Manual in compliance with the requirements of FAR Part 139.

150/5280-3 Fire Fighting Exemptions Under the 1976 Amendment to the Federal Aviation Act (2-4-77).

Outlines the type of information that may be used as justification in supporting petitions for exemption from a portion or all of the fire fighting and rescue requirements of Part 139.

#### DESIGN, CONSTRUCTION, AND MAINTENANCE—GENERAL

150/5300-2C Airport Design Standards—Site Requirements for Terminal Navigational Facilities (9-21-73). Consolidated reprint 1976 includes Change 1.

Provides information regarding the relative location and siting requirements

for the terminal navigation facilities located on or close to an airport.

150/5300-4B Utility Airports—Air Access to National Transportation (6-24-75).

Establishes design standards for utility airports which are constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight or less.

150/5300-4B CH 1 (8-24-76).

150/5300-5 Airport Reference Point (9-26-68).

Defines and presents the method for calculating an airport reference point.

150/5300-6 Airport Design Standards, General Aviation Airports, Basic and General Transport (7-14-69). Consolidated Reprint August 1975 Incorporates Changes 1 and 2.

Provides recommended design criteria for the development of larger than general utility airports.

150/5300-7B FAA Policy on Facility Relocations Occasioned by Airport Improvements or Changes (11-8-72).

Reaffirms the aviation community of the FAA policy governing responsibility for funding relocation, replacement and modification to air traffic control and air navigation facilities that are made necessary by improvements or changes to the airport.

150/5300-8 Planning and Design Criteria for Metropolitan STOL Ports (11-5-70).

Provides the criteria recommended for the planning and design of STOL ports in metropolitan areas.

150/5300-8 CH 1 (4-3-75).

Transmits revised requirements for color coding of threshold and runway end lights on STOL runways.

150/5300-9 Predesign and Preconstruction Conferences (ADAP) Projects (9-10-73).

Emphasizes the need for, and encourages the use of, predesign and preconstruction conferences as valuable tools in the administration of construction contracts funded under the ADAP.

150/5300-10 Federal Aviation Administration Funded Study—Analysis of General Aviation Airports Developed With and Without Federal Financial Assistance (7-21-75).

Transmits the recommendations and conclusions of a study conducted for the FAA. Advises the public as to how they may obtain the reports.

150/5320-5B Airport Drainage (7-1-70).

Provides guidance for engineers, airport managers, and the public in the design and maintenance of airport drainage systems. (\$1.30 Supt. Docs.) SN 050-007-00149-5.

150/5320-6B Airport Pavement Design and Evaluation (5-28-74). Consolidated reprint 1976 includes change 1.

Provides guidance to the public for the design and evaluation of pavements at civil airports.

150/5320-10 Environmental Enhancement at Airports—Industrial Waste Treatment (4-16-73).

Provides basic information on the nature and treatment of industrial wastes produced at airports.

150/5320-10 CH 1 (11-18-74).

150/5320-11 Runway Categorization—Aeronautical Studies—Airport Owners' Responsibilities (9-21-73).

Emphasizes the need for airport owners to maintain runway and approach zone categories and locations on file with FAA so they may be given consideration under the regulations of FAR Part 77.

150/5320-12 Methods for the Design, Construction, and Maintenance of Skid Resistant Airport Pavement Surfaces (6-30-75).

Provides guidance on methods that can be used to provide and maintain airport pavement surface friction characteristics.

150/5325-2C Airport Design Standards—Airports Served by Air Carriers—Surface Gradient and Line-of-Sight (2-6-75). Consolidated reprint 1975 includes Change 1.

Establishes design standards for airports served by certificated air carriers to assist engineers in (1) designing the gradients of airports surface areas used to accommodate the landing, takeoff, and other ground movement requirement of airplanes while (2) providing adequate line of sight between airplanes operating on airports.

150/5325-3 Background Information on the Aircraft Performance Curves for Large Airplanes (1-26-65). Consolidated Reprint May 1974. Includes Change 1.

Provides airport designers with information on aircraft performance curves for design which will assist them in an objective interpretation of the data used for runway length determination.

150/5325-4 Runway Length Requirements for Airport Design (4-5-65). Consolidated Reprint 1977 Includes Changes 1 through 11.

Presents aircraft performance curves and sets forth standards for the determination of runway lengths to be provided at airports. The use of these standards is required for project activity under the Federal-Aid Airport Program when a specific critical aircraft is considered as the basis for the design of a runway.

150/5325-5B Aircraft Data (7-30-75). Consolidated reprint 1976 includes Change 1.

Presents a listing of principal dimensions of aircraft affecting airport design for guidance in airport development.

150/5325-6A Airport Design Standards—Effects and Treatment of Jet Blast (7-13-72).

Presents criteria on the jet engine blast velocities associated with aircraft in common use in air carrier service, the effects of these blast velocities during ground operations, and suggested means to counteract or minimize these effects.

150/5325-8 Compass Calibration Pad (5-8-69).

Provides guidelines for the design, location on the airport, and construction of a compass calibration pad; and basic information concerning its use in determining the deviation error in an aircraft magnetic compass.

150/5335-1A Airport Design Standards—Airports Served by Air Carriers—Taxiways (5-15-70). Consolidated reprint 1976 includes Change 1.

Provides criteria on taxiway design for airports served by certificated route air carriers with present airplanes and those anticipated in the near future.

150/5335-1A CH 2 (12-29-76).

Transmits revised pages to the subject advisory circular.

150/5335-2 Airport Aprons (1-27-65).

Provides the criteria for airport aprons which are acceptable in accomplishing a project meeting the eligibility requirements of the Federal-aid Airport Program.

150/5335-3 Airport Design Standards—Airports Served by Air Carriers—Bridges and Tunnels on Airports (4-19-71). Consolidated reprint June 1977 includes Change 1.

Provides general guidance to those contemplating the construction of a bridge-type structure to allow aircraft to cross over an essential surface transportation mode.

150/5335-4 Airport Design Standards—Airports Served by Air Carriers—Runway Geometrics (7-21-75).

Provides criteria on runway geometric design for airports served by certificated route air carriers.

150/5335-4 CH 1 (6-14-76).

150/5340-1D Marking of Paved Areas on Airports (1-19-73).

Describes standards for marking serviceable runways and taxiways as well as deceptive, closed, and hazardous areas on airports.

150/5340-4C Installation Details for Runway Centerline and Touchdown Zone Lighting Systems (5-6-75). Consolidated March 1977 includes Change 1.

Describes standards for the design and installation of runway centerline and touchdown zone lighting systems.

150/5340-5A Segmented Circle Airport Marker System (9-10-71).

Sets forth standards for a system of airport marking consisting of certain pilot aids and traffic control devices.

150/5340-14B Economy Approach Lighting Aids (6-19-70). Consolidated reprint March 1977 includes Changes 1 and 2.

Describes standards for the design, selection, siting, and maintenance of economy approach lighting aids.

150/5340-17A Standby Power for Non-FAA Airport Lighting Systems (3-19-71).

Describes standards for the design, installation, and maintenance of standby power for nonagency owned airport visual aids associated with the National Airspace System (NAS).

150/5340-18 Taxiway Guidance System (9-27-68).

Describes the recommended standards for design, installation, and maintenance of a taxiway guidance sign system.

150/5340-19 Taxiway Centerline Lighting System (11-14-68).

Describes the recommended standards for design, installation, and maintenance of a taxiway centerline lighting system.

150/5340-20 Installation Details and Maintenance Standards for Reflective Markers for Airport Runway and Taxiway Centerlines (2-17-69).

Describes standards for the installation and maintenance of reflective markers for airport runway and taxiway centerlines.

150/5340-21 Airport Miscellaneous Lighting Visual Aids (3-25-71).

Describes standards for the system design, installation, inspection, testing, and maintenance of airport miscellaneous visual aids; i.e., airport beacons, beacon towers, wind cones, wind tees, and obstruction lights.

150/5340-22 Maintenance Guide for Determining Degradation and Cleaning of Centerline and Touchdown Zone Lights (4-20-71). Consolidated reprint August 1977 includes Change 1.

Contains maintenance recommendations for determining degradation and cleaning of centerline and touchdown zone lights installed in airport pavement.

150/5340-23A Supplemental Wind Cones (6-24-75).

Describes standards for the performance and location of supplemental wind cones.

150/5340-24 Runway and Taxiway Edge Lighting System (9-3-75).

Describes standards for the design, installation, and maintenance of runway and taxiway edge lighting.

150/5340-25 Visual Approach Slope Indicator (VASI) Systems (9-24-76).

Describes standards for the design, installation, and maintenance of visual approach slope indicator systems.

150/5340-25 CH 1 (5-3-77).

Transmits page changes to subject advisory circular.

150/5345-1E Approved Airport Lighting Equipment (9-9-76).

Contains lists of approved airport lighting equipment and manufacturers qualified to supply their product in accordance with the indicated specification requirements.

150/5345-1E CH 1 (3-23-77).

Adds additional equipment and manufacturers to the approved list.

150/5345-2 Specification for L-810 Obstruction Light (11-4-63). Consolidated reprint June 1977 includes change 1.

Required for FAAP project activity.

150/5345-3C Specification for L-821 Panels for Remote Control of Airport Lighting (3-30-77).

Describes the specification requirements for an airport lighting control panel for the remote control of airport lighting circuits and is published by the Federal Aviation Administration for the guidance of the public.

150/5345-4 Specification for L-829 Internally Lighted Airport Taxi Guidance Sign (10-15-63). Consolidated reprint June 1977 includes Change 1.

Required for FAAP project activity.

150/5345-5 Specification for L-847 Circuit Selector Switch, 5,000 Volt 20 Ampere (9-3-63).

Required for FAAP project activity.

150/5345-7C Specification for L-824 Underground Electrical Cable for Airport Lighting Circuits (2-4-76).

Describes the specification requirements for underground electrical cables for airport lighting circuits. Published by the FAA for the guidance of the public.

150/5345-10C Specification for L-828 Constant Current Regulators (10-22-71).

Describes the subject specification requirements and is published by the Federal Aviation Administration for the guidance of the public.

150/5345-11 Specification for L-812 Static Indoor Type Constant Current Regulator Assembly, 4 Kw and 7½ Kw, With Brightness Control for Remote Operations (3-2-64).

Required for FAAP project activity.

150/5345-12A Specification for L-801 Beacon (5-12-67). Consolidated Reprint November 1974. Includes Change 1.

Describes the subject specification requirements.

150/5345-13 Specification for L-841 Auxiliary Relay Cabinet Assembly for Pilot Control of Airport Lighting Circuits (1-6-64).

Required for FAAP project activity.

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- 150/5345-18 Specification for L-811 Static Indoor Type Constant Current Regulator Assembly, 4 Kw; With Brightness Control and Runway Selection for Direct Operation (3-3-64). Consolidated reprint Sept. 1974 includes Change 1.
- Required for FAAP project activity.
- 150/5345-21 Specification for L813 Static Indoor Type Constant Current Regulator Assembly; 4 Kw and 7½ Kw; for Remote Operation of Taxiway Lights (7-28-64).
- Describes the subject specification requirements.
- 150/5345-26A Specification for L-823 Plug and Receptacle, Cable Connectors (5-4-71). Consolidated reprint June 1977 includes change 1.
- Describes the subject specification requirements.
- 150/5345-27A Specification for L-807 Eight-foot and Twelve-foot Unlighted or Externally Lighted Wind Cone Assemblies (6-16-69).
- Describes the subject specification requirement for a hinged steel pole support, an anodized tapered aluminum hinged base pole support, and an "A" frame fixed support with a pivoted center pipe support.
- 150/5345-28C Specification for L-851 Visual Approach Slope Indicators and Accessories (3-23-77).
- Describes the specification requirements for visual approach slope indicator (VASI) and simple abbreviated visual approach slope indicator (SAVASI) equipment and accessories.
- 150/5345-36 Specification for L-808 Lighted Wind Tee (2-3-65).
- Describes the subject specification requirements.
- 150/5345-39A FAA Specification L-853, Runway and Taxiway Centerline Retroreflective Markers (9-17-71).
- Describes specification requirements for L-853 Runway and Taxiway Retroreflective markers, for the guidance of the public.
- 150/5345-42A FAA Specification L-857, Airport Light Bases, Transformer Housings and Junction Boxes (10-4-73).
- Describes specification requirements for airport light bases, transformer housing and junction boxes for the guidance of the public.
- 150/5345-42A Ch 1 (11-14-75).
- 150/5345-43B FAA/DOD Specification L-856, High Intensity Obstruction Lighting Systems (11-1-73).
- Contains equipment specifications for high intensity obstruction lighting systems.
- 150/5345-44A Specification for L-858 Retroreflective Taxiway Guidance Signs (7-20-71).
- Describes the specification for retroreflective taxiway guidance signs.
- 150/5345-45 Lightweight Approach Light Structure (5-10-73).
- Presents the specifications for lightweight structures for supporting lights as used in visual navigational aid systems.
- 150/5345-46 Specification for Semi-Flush Airport Lights (7-11-75).
- Establishes the performance requirements and pertinent construction details for omnidirectional, unidirectional, and bidirectional semiflush inset light assemblies to be used for lighting airport runways and taxiways.
- 150/5345-46 Ch 1 (9-9-75).
- AC 150/5345-46 Ch 1 Errata Sheet (11-20-75).
- 150/5345-47 Isolation Transformers for Airport Lighting Systems (7-28-75).
- Contains the specifications requirements for series-to-series isolation transformers for use in airport lighting systems.
- 150/5345-48 Specification for Runway and Taxiway Edge Lights (8-1-75).
- Contains the specification requirements for airport runway and taxiway edge lights for the guidance of the public.
- 150/5345-48 Ch 1 (7-13-76).
- 150/5345-49 Specification L-854, Radio Control Equipment (5-20-77).
- Contains the specification for radio control equipment to be used for controlling airport lighting facilities.
- 150/5355-1A International Signs to Facilitate Passengers Using Airports (11-3-71).
- Informs airport authorities of the desirability to provide international signs and diagrammatic maps within terminal buildings and of the need for clearly marked road signs for airports.
- 150/5355-2 Fallout Shelters in Terminal Buildings (4-1-69).
- Furnishes guidance for the planning and design of fallout shelters in airport terminal buildings.
- 150/5360-2 Airport Cargo Facilities (4-6-64).
- Provides guidance material on air cargo facilities.
- 150/5360-4 Guidelines for Federal Inspection Services Facilities at International Airports of Entry and at Landing Rights Airports (5-20-76).
- Announces the availability of more current information on the requirements for Federal Inspection Services at airports of entry and at landing rights airports.
- 150/5360-5 Announcement of Availability of the International Civil Aviation Organization (ICAO) Computer Data Bank Material (8-13-76).
- Announces the availability of computer data bank material on airports shown in the International Civil Aviation

- Organization (ICAO) Regional Air Navigation Plans and how it can be obtained.
- 150/5360-6 Airport Terminal Building Development with Federal Participation (10-5-76).
- Provides guidance pertaining to Federal participation in airport terminal building construction under the provisions of the Airport and Airway Development Act, as amended.
- 150/5360-7 Planning and Design Consideration for Airport Terminal Building Development (9-5-76).
- Presents planning and design procedures to be considered in airport terminal building development funded under the Airport and Airway Development Act, as amended.
- 150/5360-8 Announcement of Availability of Information on Foreign Airport Planning, Design, Construction, and Trade Opportunities (9-24-76).
- Provides information on the availability of the U.S. Dept. of Commerce Foreign Trade Opportunities Program and on publications issued on foreign airport planning, design, construction, and trade opportunities.
- 150/5370-2A Operational Safety on Airports With Emphasis on Safety During Construction (6-20-75).
- Presents guidelines concerning operational safety on airports with special emphasis on safety during periods of construction activity.
- 150/5370-2A Ch 1 (8-2-76).
- 150/5370-4 Procedures Guide for Using the Standard Specifications for Construction of Airports (5-29-69).
- Provides guidance to the public in the use and application of the Standard Specifications for Construction of Airports.
- 150/5370-5A Offshore Airports (2-21-75).
- Announces to the public the availability of a two-volume report on offshore airport planning and construction methods and how to obtain the report.
- 150/5370-6 Construction Progress and Inspection Report—Federal-Aid Airport Program (3-16-70).
- Provides for a report on construction progress and inspection of Federal-aid Airport Program (FAAP) projects, suggests a form for the report, and recommends use of the form unless other arrangements exist to obtain the type of information provided by the form.
- 150/5370-7 Airport Construction Controls To Prevent Air and Water Pollution (4-26-71).
- Supplies guidance material on compliance with air and water standards during construction of airports developed under the Airport and Airway Development Act of 1970.

# 150/5370-9 Slip-Form Paving—Portland Cement Concrete (6-7-73).

Transmits guidance for the construction of Portland Cement Concrete pavements by the slip-form method.

# 150/5370-10 Standards for Specifying Construction of Airports (10-24-74).

Provides construction standards usually used to specify grading, drainage, paving, lighting, fencing, and turfing items of work on civil airports. (\$7.25 Supt. Docs.) SN 050-007-00264-5.

# 150/5370-10 CH 1 (5-31-77).

# 150/5370-11 Use of Nondestructive Testing Devices in the Evaluation of Airport Pavements (6-4-76).

Provides guidance to the public on the use of nondestructive testing devices as aids in the evaluation of the load-carrying capacity of airport pavements.

# 150/5380-4 Ramp Operations During Periods of Snow and Ice Accumulation (9-11-68).

Directs attention to an increased accident potential when snow or ice accumulates on the surfaces of ramps and aircraft parking and holding areas and suggests some measures to reduce this potential.

# 150/5380-5 Debris Hazards at Civil Airports (3-8-71).

Discusses problems of debris at airports, gives information on foreign objects, and tells how to eliminate such objects from operational areas.

# 150/5390-1A Heliport Design Guide (11-5-69).

(Out of print. Being revised.) Contains design guidance material for the development of heliports, both surface and elevated. \$1.50 Supt. Docs.) SN 050-008-00002-9.

## PLANNING GRANT PROGRAM

# 150/5900-1A The Planning Grant Program for Airports (9-26-74).

Offers guidance to the sponsors of airport system plans and airport master plans on how to participate in the FAA's Planning Grant Program. It describes the application process and the administrative procedures to be followed in performing planning projects.

## Air Navigational Facilities

### SUBJECT NO. 170

# 170-3B Distance Measuring Equipment (DME) (11-8-65).

Presents information on DME and some of its uses to pilots unfamiliar with this navigational aid.

# 170-6A Use of Radio Navigation Test Generators (3-30-66).

Gives information received from the Federal Communications Commission as to the frequencies on which the FCC will license test generators (used to radiate a radio navigation signal) within the scope of its regulations and gives additional

information to assist the user when checking aircraft navigation receivers.

# 170-8 Use of Common Frequencies for Instrument Landing Systems Located on Opposite Ends of the Same Runway (11-7-66).

In the future, common frequencies may be assigned to like components of two instrument landing systems serving opposite ends of the same runway. This will include the localizers, glide slopes, and associated outer and middle marker compass locators (LOM and LMM).

# 170-9 Criteria for Acceptance of Ownership and Servicing of Civil Aviation Interest(s) Navigational and Air Traffic Control Systems and Equipment (11-26-68).

Contains a revised FAA policy under which the FAA accepts conditional ownership of equipment and systems from civil aviation interests, without the use of Federal funds, and operates, maintains, and provides the logistic support of such equipment.

# 170-10 FAA Recommendations to FCC on Licensing of Non-Federal Radio Navigation Aids (10-17-69).

Gives background information and describes the basis for recommendations to be made by the FAA to the Federal Communications Commission (FCC) regarding licensing of radio navigation aids.

# 170-11 Amendment of Federal Aviation Regulation Part 171 (FAR-171)—Cost of Flight and Ground Inspections (9-17-70).

Alerts the public to the amendment to FAR Part 171 pertaining to the payment of ground and flight inspection charges prior to the issuance of an approved IFR procedure.

# 170-12 Implementation of 50 KHz/Y Channels for ILS/VOR/DME (10-7-70).

Advises aircraft owners, operators and radio equipment manufacturers of plans for future implementation of split channel assignments in the aeronautical radio navigation bands.

## Administrative

### SUBJECT NO. 180

# 183-30B FAA Designated Mechanic Examiners Directory (5-10-76).

Provides a revised directory of all FAA designated mechanic examiners as of Jan. 31, 1976.

# 183-31C FAA Designated Parachute Rigger Examiner Directory (5-10-76).

Provides a new directory of all FAA designated parachute rigger examiners as of Jan. 31, 1976.

# 183.29-1J Designated Engineering Representatives (7-1-76).

Lists FAA-approved Designated Engineering Representatives who are available for consulting work.

## Flight Information

### SUBJECT NO. 210

# 210-1A National Notice to Airmen System (12-10-75).

Announces FAA policy for the preparation and issuance of essential flight information to pilots and other aviation interests.

# 210-3 National Notice to Airmen System—Elimination of NOTAM Code (5-22-70).

Announces changes in criteria and procedures for the Notice to Airmen System required to accommodate the transmission of all domestic Notice to Airmen data in clear contracted language and eliminate use of the NOTAM code on the domestic service A circuits.

# 210-4 National Notice to Airmen (NOTAM) System Handbook (3-3-77).

Announces the establishment of criteria for originating, preparing, and disseminating changes to essential flight information to pilots and other aviation interests as established by FAA Order 7930.1A.

# 210-4 National Notice to Airmen (NOTAM) System Handbook ADDENDUM.

Corrects contents pages.

# 211-2 Recommended Standards for IFR Aeronautical Charts (3-20-67).

Sets forth standards recommended by the Federal Aviation Administration for the guidance of the public in the issuance of IFR aeronautical charts for use in the National Airspace System (NAS).

## Advisory Circulars For Sale

This List contains those circulars that are sold by the Superintendent of Documents. (See numerical index for appropriate price, sequential lettering, if any, and date, etc.)

- Acceptable Methods, Techniques, and Practices—Aircraft Alterations, AC 43.13-2.
- Acceptable Methods, Techniques, and Practices—Aircraft Inspection and Repair, AC 43.13-1.
- Aircraft Dispatcher Written Test Guide, AC 65-4.
- Airframe and Powerplant Mechanics Airframe Handbook, AC 65-15.
- Airframe and Powerplant Mechanics Certification Guide, AC 65-2.
- Airframe and Powerplant Mechanics Certification Information, AC 65-11.
- Airframe and Powerplant Mechanics—General Handbook, AC 65-9.
- Airframe and Powerplant Mechanics Powerplant Handbook, AC 65-12.
- Airline Transport Pilot—Airplane—Practical Test Guide (Part 61 Revised), AC 61-77.
- Airline Transport Pilot (Airplane) Written Test Guide, AC 61-18.
- Airline Transport Pilot (Helicopter) Written Test Guide, AC 61-42.
- Airport Drainage, AC 150/5320-5.
- Airport Master Plans, AC 150/5070-8.
- Aviation Instructors Handbook, AC 60-14.
- Aviation Weather, AC 00-6.
- Aviation Weather Services, AC 00-45.
- Basic Glider Criteria Handbook, AC 21-3.



Basic Helicopter Handbook, AC 61-13.  
Commercial Pilot Airplane Flight Test Guide, AC 61-55.  
Commercial Pilot Airplane Written Test Guide, AC 61-71.  
Federal Aviation Regulations Written Test Guide for Private, Commercial, and Military Pilots, AC 61-34.  
Flight Engineer Written Test Guide, AC 63-1.  
Flight Instructor Instrument—Airplane—Written Test Guide, AC 61-70.  
Flight Instructor Practical Test Guide, AC 61-68.  
Flight Instructor Airplane Written Test Guide, AC 61-72.  
Flight Test Guide—Gyroplane, Private and Commercial, AC 61-30.  
Flight Test Guide—Helicopter, Private and Commercial Pilot, AC 61-25.  
Flight Test Guide (Part 61 revised)—Instrument Pilot Airplane, AC 61-56.  
Flight Test Guide—Instrument Pilot Helicopter, AC 61-64.  
Flight Test Guide (Part 61 revised)—Private Airplane, AC 61-54.  
Flight Navigator Written Test Guide, AC 63-2.  
Flight Training Handbook, AC 61-21.  
Forming and Operating a Flying Club, AC 00-25.  
General Aviation Inspection Aids, Summary, AC 20-7.  
Ground Instructor—Instrument—Written Test Guide, AC 143-2.  
Ground Instructor Written Test Guide—Basic and Advanced, AC 143-1.  
Guide to Drug Hazards in Aviation Medicine, AC 91-11-1.  
Helicopter Design Guide, AC 150/5390-1.  
Instrument Flying Handbook, AC 61-27.  
Instrument Rating (Airplane) Written Test Guide, AC 61-8.  
Inspection Authorization Study Guide, AC 65-19.  
Medical Handbook for Pilots, AC 67-2.  
Multiengine Airplane Class and Type Rating, AC 61-57.  
Nondestructive Testing in Aircraft, AC 43-3.  
Parachute Rigger Certification Guide, AC 65-5.  
Personal Aircraft Inspection Handbook, AC 20-9.  
Pilot Transition Courses for Complex Single-engine and Light, Twin-engine Airplanes, AC 61-9.  
Pilot's Handbook of Aeronautical Knowledge, AC 61-23.  
Pilot's Weight and Balance Handbook, AC 91-23.  
Planning the Metropolitan Airport System, AC 150/5070-5.  
Planning the State Airport System, AC 150/5050-3.  
Private and Commercial Pilot, Flight Test Guide, AC 61-59.  
Private and Commercial Pilot Glider, Flight Test Guide, AC 61-61.  
Private and Commercial Pilot Gyroplane, Flight Test Guide, AC 61-60.  
Private and Commercial Pilots Refresher Courses, AC 61-10.  
Private and Commercial Pilot—Rotorcraft—Helicopter—Written Test Guide, AC 61-73.  
Private Pilot (Airplane) Flight Training Guide, AC 61-2.  
Private Pilot Written Test Guide, AC 61-32.  
Standards for Specifying Construction of Airports, AC 150/5370-10.  
Student Pilot Guide, AC 61-12.  
Terrain Flying, AC 91-15.  
Ultrasonic Nondestructive Testing for Aircraft, AC 43-7.  
U.S. Civil Aircraft Register, AC 20-6.  
Written Test Guide, Flight Instructor—Glider, AC 61-75.  
Written Test Guide, Flight Instructor—Rotorcraft—Helicopter, AC 61-74.  
Written Test Guide—Airplane—Flight Instructor, AC 61-72.

Written Test Guide—Airplane—Commercial Pilot, AC 61-71.

#### Internal Publications

Contractions Handbook, 7340.1E (10-1-75).

Gives approved word and phrase contractions used by personnel connected with air traffic control, communications, weather, charting, and associated services. (Sub. \$18.00—\$23.00 foreign—Supt. Docs.) TD 4.308:C76/975.

Location Identifiers, 7350.4H (9-15-76).

Incorporates all authorized 3-letter location identifiers for special use in United States, worldwide, and Canadian assignments. (Sub. \$11.70—\$14.65 foreign—Supt. Docs.) TD 4.310.

Air Traffic Control Handbook, 7110.65 (1-1-76).

Prescribes air traffic control procedures and phraseology for use by personnel providing air traffic control services. Controllers are required to be familiar with the provisions of this handbook which pertain to their operational responsibility and to exercise their best judgment if they encounter situations not covered by it. This handbook cancels 7111.9D and 7110.8. (Sub. \$14.75—\$18.45 foreign—Supt. Docs.) TD 4.308 AI 7 3:976.

Flight Services, 7110.10D (1-1-77).

This handbook consists of two parts. Part I, the basic, prescribes procedures and phraseology for use by personnel providing flight assistance and communications services. Part II, the teletypewriter portion, includes Services A and B teletypewriter operating procedures, pertinent International Teletypewriter Procedures, and the conterminous U.S. Service A Weather Schedules. (Sub. \$18.30—\$22.90 foreign—Supt. Docs.) TD 4.308: F 64 977.

United States Standard for Terminal Instrument Procedures (TERPS), 8260.3B (July 1976).

Contains criteria which shall be used to formulate, review, approve, and publish procedures for instrument approach and departure of aircraft to and from civil and military airports. These criteria are for application at any location over which an appropriate U.S. agency exercises jurisdiction. (\$2.80 single copy. Supt. Docs.) Changes sold separately as issued.) SN 050-007-00345-5.

International Flight Information Manual, Vol. 25 (April 1977).

This Manual is primarily designed as a preflight and planning guide for use by U.S. nonscheduled operators, business and private aviators contemplating flights outside of the United States.

The Manual, which is complemented by the International Notams publication, contains foreign entry requirements, a directory of aerodromes of entry including operational data, and pertinent regulations, and restrictions. It also contains passport, visa, and health requirements for each country. Published annually with quarterly amendments. (Annual

Sub. \$9.00. \$11.25 foreign—Supt. Docs.) TD 4.309 24 976.

#### International Notams.

Covers notices on navigational facilities and information on associated aeronautical data generally classified as "Special Notices." Acts as a notice-to-airmen service only. Published weekly. (Annual Sub. \$28.10 domestic—\$35.15 foreign—Supt. Docs.) TD 4.11.

#### Airman's Information Manual:

Part 1—Basic Flight Information and ATC Procedures.

This part is issued semiannually and contains basic fundamentals required to fly in the U.S. National Airspace System; Among other data it also contains adverse factors affecting Safety of Flight; Health and Medical Facts of interest to pilots; ATC information affecting rules, regulations and procedures; a Pilot Controller Glossary; Air Defense Identification Zones (ADIZ); Designated Mountainous Areas; and Emergency Procedures. (Annual Sub. \$5.00, foreign \$6.25. Supt. Docs.) TD 4.12: pt. 1.

Part 2—Airport Directory.

This part is issued semiannually and contains a Directory of all Airports, Seaplane Bases, and Heliports in the conterminous United States, Puerto Rico, and the Virgin Islands which are available for civil use. It includes all of their services, except communications, in codified form. Those airports with communications are also listed in Part 3 which reflects their radio facilities. A list of new and permanently closed airports which updates this part is contained in Part 3. Also included in Part 2 are U.S. Entry and Departure Procedures, including Airports of Entry and Landing Rights Airports; and a listing of Flight Service Station and National Weather Service Telephone Numbers. (Annual Sub. \$7. foreign \$8.75. Supt. Docs.) TD 4.12 pt. 2.

Part 3—Operational Data and Special Notices.

Part 3 is issued every 56 days and contains an Airport-Facility Directory of all major airports in the conterminous U.S., Puerto Rico, and the Virgin Islands with control towers and or instrument landing systems, a tabulation of Air Navigation Radio Aids including Restrictions to En Route Navigation Aids; Special, General, & Area Notices, a tabulation of New and Permanently Closed Airports which updates Part 2; Locations of VOR Receiver Check Points both ground and airborne; a tabulation of North Atlantic Routes Preferred Routes; Area Navigation Routes, and Sectional Chart Bulletins. Annual subscription \$30.50 \$38.15 foreign Supt. Docs. TD 4.12: pt. 3.

Part 3A—Notices to Airmen.

Part 3A is issued every 14 days and contains current Notices to Airmen considered essential to the safety of flight as well as supplemental data to all Parts of AIM. Annual subscription \$20.55 \$25.70 foreign Supt. Docs. TD 4.12: pt. 3A.

Part 4—Graphic Notices and Supplemental Data.

Part 4 is issued quarterly and contains abbreviations used in all parts of AIM; Parachute Jump Areas; Special Notice—Area Graphics; Terminal Area Graphics; Terminal Radar Service Area Graphics; Olive Branch Routes and other data not requiring frequent change. (Annual Sub. \$14.40, foreign \$18.00. Supt. Docs.) TD 4.12: pt. 4/.

#### NOTICE

The FAA has changed the issuance system for the Aircraft Type Certificate Data Sheets and Specifications and the Aircraft Engine and Propeller Type Certificate Data Sheets and Specifications in an effort to reduce the cost to users. All subscriptions to these two volumes terminated on Dec. 31, 1976.

Beginning with the January 1977 editions the two titles will change to a new basic series title—Type Certificate Data Sheets and Specifications—and will be grouped into six volumes with subtitles as follows:

Vol. I Single-Engine Airplanes.  
Vol. II Small Multiengine Airplanes.  
Vol. III Large Multiengine Airplanes.  
Vol. IV Rotorcraft, Gliders, and Balloons.  
Vol. V Aircraft Engines and Propellers.  
Vol. VI Aircraft Listing and Aircraft Engine Listing.

#### Type Certificate Data Sheets and Specifications

Vol. I Single-Engine Airplanes (TCDS 1) (Sub. \$38.00, foreign \$47.50. Supt. Docs.).  
Vol. II Small Multiengine Airplanes (TCDS 2) (Sub. \$28.00, foreign \$35.00. Supt. Docs.).  
Vol. III Large Multiengine Airplanes (TCDS 3) (Sub. \$32.00, foreign \$40.00. Supt. Docs.).  
Vol. IV Rotorcraft, Gliders, and Balloons (TCDS 4) (Sub. \$16.50, foreign \$20.75. Supt. Docs.).  
Vol. V Aircraft Engines and Propellers (TCDS 5) (Sub. \$27.00, foreign \$33.75. Supt. Docs.).  
Vol. VI Aircraft Listing and Aircraft Engine and Propeller Listing (SN 050-007-00360-9) (Single Copy \$4.15, foreign \$5.20. Supt. Docs.).

Volumes I, II, III, IV, and V will be sold on a subscription basis and monthly supplementary service is included in the sales price.

Volume VI will be sold on a single-sales basis and will be issued as a revised edition when sufficient changes warrant.

Summary of Supplemental Type Certificates, January 1976.

Contains all supplemental type certificates issued by FAA regarding design changes in aircraft, engines, or propellers. List includes description of change, the model and type certificate number, the supplemental type certificate number, and the holder of the change. Quarterly supplements provided. (\$43.00—Sub. \$54.00. Supt. Docs.) TD 4.36:976.

#### NOTICE

The January 1976 issues of the Summary of Airworthiness Directives—Vol-

umes I and II, will be sold and distributed for the Superintendent of Documents by the Federal Aviation Administration from Oklahoma City, Oklahoma. Requests for subscriptions to either of these publications should be sent to:

U.S. Department of Transportation, Federal Aviation Administration, P.O. Box 25481, Attn: ACC-23, Oklahoma City, Okla. 73125.

Subscription service will consist of the summary and automatic biweekly updates to each summary for a 2-year period. Make certified checks or money orders payable to Federal Aviation Administration.

Summary of Airworthiness Directives for Small Aircraft (1-1-76) Volume I.

Presents, in volume form, all the Airworthiness Directives for small aircraft issued through December 31, 1975. AD's for engines, propeller, and equipment are included in each volume. Each volume is arranged alphabetically by product manufacturer. (\$14.00 plus \$3.50 additional for foreign handling.) SN 050-007-00306-4.

Summary of Airworthiness Directives for Large Aircraft (1-1-76) Volume II.

Presents, in volume form, all the Airworthiness Directives for large aircraft (over 12,500 pounds maximum certificated takeoff weight) issued through December 31, 1975. AD's for engines, propellers, and equipment are included in each volume. (\$13.00 plus \$3.25 additional for foreign handling.) SN 050-007-00307-2.

STATUS OF THE FEDERAL AVIATION REGULATIONS AS OF JULY 15, 1977

The FAA publishes the Federal Aviation Regulations to make readily available to the aviation community the regulatory requirements placed upon them. These Regulations are sold as individual Parts by the Superintendent of Documents.

The more frequently amended Parts are sold on subscription service (that is, subscribers will receive Changes automatically as issued), while the less active Parts are sold on a single-sale basis. Changes to single-sale Parts will be sold separately as issued. Information concerning these Changes will be furnished by FAA through its "Status of the Federal Aviation Regulations, AC 00-44." Instructions for ordering this free status list are given in the front of each single-sale Part.

#### NOTE

The Special Federal Aviation Regulations (SFAR) which are presently in effect are now being included in their related FAR Part.

The following list indicates the breakdown of the single-sale Parts and the subscription Parts. Check or money order made payable to the Superintendent of Documents should be included with each order. Submit orders for single-sales and subscription Parts on different order forms. No COD orders are accepted. All FAR Parts should be ordered from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.



PARTS SOLD ON SUBSCRIPTION SERVICE

Part	Title	Catalog number	Publication date	Price		
				Domes- tic	Additional for foreign handling	Changes issued to date
1	Definitions and abbreviations.....	TD 4.6-1	June 1974.....	\$3.00	\$0.75	4
21	Certification procedures for products and parts.....	TD 4.6-21	May 1974.....	3.75	.95	7
23	Airworthiness standards: Normal, utility, and acrobatic category airplanes.....	TD 4.6-23	June 1974.....	3.55	.90	6
25	Airworthiness standards: Transport category airplanes.....	TD 4.6-25	.....do.....	6.60	1.65	5
33	Airworthiness standards: Aircraft engines.....	TD 4.6-33	August 1974.....	3.00	.75	3
36	Noise standards: Aircraft type and airworthiness certification.....	TD 4.6-36	June 1974.....	3.00	.75	7
37	Technical standard order authoriza- tions.....	TD 4.6-37	May 1974.....	5.65	1.45	6
63	Certification: Flight crewmembers other than pilots.....	TD 4.6-63	Sept. 1974.....	3.00	.75	2
91	General operating and flight rules.....	TD 4.6-91	March 1974.....	11.30	2.85	20
93	Special air traffic rules and airport traffic patterns.....	TD 4.6-93	.....do.....	2.45	.65	5
103	Transportation of dangerous articles and magnetized materials <sup>1</sup> .....	TD 4.6-103	.....do.....	.....	.....	.....
121	Certification and Operations: Domes- tic, flag, and supplemental air car- riers and commercial operators of large aircraft.....	TD 4.6-121	April 1974.....	9.20	2.30	23
123	Certification and operations: Air travel clubs using large airplanes.....	TD 4.6-123	.....do.....	2.00	.50	4
130	Certification and operations: Land airports serving CAR-certificated scheduled air carriers operating large aircraft (other than heli- copters).....	TD 4.6-130	December 1974.....	3.00	.75	4

NOTE: Because of the lack of activity in the issuance of changes, the following FAR Parts have been taken off subscription service and are now sold as single-sales publications: FARs 43, 47, 61, 65, 105, 127, 133, 135, 141, and 152.

<sup>1</sup> The regulations for the transportation of hazardous material by air are set forth in Part 175—Carriage by Aircraft, effective July 1, 1976, published in 41 F.R. 16106, 4/15/76. This Part is issued by the Materials Transportation Bureau, Department of Transportation. For information concerning hazardous material regulations, contact the Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590.

PARTS SOLD ON SINGLE-SALE BASIS

Part	Title	Catalog No.	Publication date	Price <sup>1</sup>
11	General rulemaking procedures.....	TD 4.6-11	May 1974.....	\$1.30
	Change 1.....	TD 4.6-11/Ch 1	Feb. 1, 1974 and Jan. 1, 1975.....	.45
	Change 2.....	TD 4.6-11/Ch 2	Mar. 18, 1976.....	.40
	Change 3.....	TD 4.6-11/Ch 3	Jan. 1, 1976.....	.40
	Change 4.....	TD 4.6-11/Ch 4	.....do.....	.80
13	Enforcement procedures.....	TD 4.6-13	May 1974.....	.70
	Change 1.....	TD 4.6-13/Ch 1	Aug. 2, 1976.....	.40
	Change 2.....	TD 4.6-13/Ch 2	Dec. 13, 1976.....	.40
27	Airworthiness standards: Normal category rotorcraft.....	TD 4.6-27	August 1974.....	2.10
	Change 1.....	TD 4.6-27/Ch 1	Oct. 31, 1974.....	.75
	Change 2.....	TD 4.6-27/Ch 2	Feb. 5, 1976.....	.35
	Change 3.....	TD 4.6-27/Ch 3	Feb. 1, 1977.....	1.30
	Change 4.....	TD 4.6-27/Ch 4	.....do.....	1.40
29	Airworthiness standards: Transport category rotorcraft.....	TD 4.6-29	August 1974.....	1.70
	Change 1.....	TD 4.6-29/Ch 1	Oct. 31, 1974.....	.70
	Change 2.....	TD 4.6-29/Ch 2	Feb. 5, 1976.....	.35
	Change 3.....	TD 4.6-29/Ch 3	Jan. 14, 1975.....	.40
	Change 4.....	TD 4.6-29/Ch 4	Feb. 1, 1977.....	1.45
	Change 5.....	TD 4.6-29/Ch 5	.....do.....	1.60
31	Airworthiness standards: Manned free balloons.....	TD 4.6-31	August 1974.....	.40
	Change 1.....	TD 4.6-31/Ch 1	Feb. 1, 1977.....	.65
35	Airworthiness standards: Propellers.....	TD 4.6-35	.....do.....	.35
	Change 1.....	TD 4.6-35/Ch 1	Feb. 1, 1977.....	.65
	Change 2.....	TD 4.6-35/Ch 2	.....do.....	1.10
139	Airworthiness directives.....	TD 4.6-39	May 1974.....	.35
43	Maintenance, preventive maintenance, rebuilding, and alteration.....	TD 4.6-43	January 1974.....	1.80
45	Identification and registration marking.....	TD 4.6-45	.....do.....	.65
47	Aircraft registration.....	TD 4.6-47	.....do.....	.85
	Change 1.....	TD 4.6-47/Ch 1	Aug. 8, 1976.....	.40
49	Recording of aircraft titles and security documents.....	TD 4.6-49	.....do.....	.50
	Change 1.....	TD 4.6-49/Ch 1	.....do.....	.40
61	Certification: Pilots and flight instructors.....	TD 4.6-61	November 1974.....	2.90
	Change 1.....	TD 4.6-61/Ch 1	Dec. 22, 1976.....	.50
	Change 2.....	TD 4.6-61/Ch 2	.....do.....	.90
65	Certification: Airmen other than flight crewmembers.....	TD 4.6-65	September 1974.....	1.25
67	Medical standards and certification.....	TD 4.6-67	.....do.....	.50
	Change 1.....	TD 4.6-67/Ch 1	Dec. 21, 1976.....	.40
71	Designation of Federal airways, area low routes, controlled airspace, and reporting points.....	TD 4.6-71	January 1975.....	.85
	Change 1.....	TD 4.6-71/Ch 1	July 28, 1975.....	.35
73	Special use airspace.....	TD 4.6-73	January 1975.....	.40
	Change 1.....	TD 4.6-73/Ch 1	July 28, 1975.....	.35
75	Establishment of jet routes and high area routes.....	TD 4.6-75	January 1975.....	.40
	Change 1.....	TD 4.6-75/Ch 1	Apr. 26, 1976.....	.40
77	Obstacles affecting navigable airspace.....	TD 4.6-77	.....do.....	1.10
105	IFR altitudes.....	TD 4.6-95	.....do.....	.50
	Change 1.....	TD 4.6-95/Ch 1	Feb. 18, 1975.....	.35
97	Standard instrument approach procedures.....	TD 4.6-97	January 1975.....	.45
99	Security control of air traffic.....	TD 4.6-99	March 1974.....	.70
	Change 1.....	TD 4.6-99/Ch 1	Mar. 11, 1976.....	.40

PARTS SOLD ON SINGLE-SALE BASIS—Continued

Part	Title	Catalog No.	Publication date	Price
101	Moored balloons, kites, unmanned rockets, and unmanned free balloons.....	TD 4.6-101	.....do.....	.65
	Change 1.....	TD 4.6-101/Ch 1	Aug. 20, 1974.....	.50
105	Parachute jumping.....	TD 4.6-105	March 1974.....	.55
	Change 1.....	TD 4.6-105/Ch 1	Nov. 29, 1976.....	.40
107	Airport security.....	TD 4.6-107	March 1974.....	.40
	Change 1.....	TD 4.6-107/Ch 1	Dec. 9, 1976.....	.40
127	Certification and operations of scheduled air carriers with helicopters.....	TD 4.6-127	April 1974.....	1.80
	Change 1.....	TD 4.6-127/Ch 1	September 1974.....	.35
	Change 2.....	TD 4.6-127/Ch 2	.....do.....	.65
129	Operations of foreign air carriers.....	TD 4.6-129	April 1974.....	.45
	Change 1.....	TD 4.6-129/Ch 1	Oct. 9, 1975.....	.35
	Change 2.....	TD 4.6-129/Ch 2	Aug. 23, 1976.....	.40
	Change 3.....	TD 4.6-129/Ch 3	Nov. 11, 1976.....	.35
133	Rotorcraft external-load operations.....	TD 4.6-133	November 1974.....	.55
	Change 1.....	TD 4.6-133/Ch 1	.....do.....	.65
	Change 2.....	TD 4.6-133/Ch 2	.....do.....	.90
	Change 3.....	TD 4.6-133/Ch 3	.....do.....	.90
135	Air taxi operators and commercial operators of small aircraft.....	TD 4.6-135	.....do.....	2.50
	Change 1.....	TD 4.6-135/Ch 1	.....do.....	.35
	Change 2.....	TD 4.6-135/Ch 2	May 1975.....	.35
	Change 3.....	TD 4.6-135/Ch 3	Nov. 29, 1976.....	.45
	Change 4.....	TD 4.6-135/Ch 4	.....do.....	.65
	Change 5.....	TD 4.6-135/Ch 5	.....do.....	.90
	Change 6.....	TD 4.6-135/Ch 6	.....do.....	1.50
137	Agricultural aircraft operations.....	TD 4.6-137	November 1974.....	.50
	Change 1.....	TD 4.6-137/Ch 1	May 24, 1976.....	.35
	Change 2.....	TD 4.6-137/Ch 2	Sept. 20, 1976.....	.40
141	Pilot schools.....	TD 4.6-141	.....do.....	1.15
143	Ground instructors.....	TD 4.6-143	September 1974.....	.45
145	Repair stations.....	TD 4.6-145	January 1974.....	.85
	Change 1.....	TD 4.6-145/Ch 1	Nov. 29, 1976.....	.40
147	Aviation maintenance technician schools.....	TD 4.6-147	September 1974.....	.65
	Change 1.....	TD 4.6-147/Ch 1	Nov. 29, 1976.....	.40
149	Parachute lifts.....	TD 4.6-149	January 1974.....	.50
151	Federal aid to airports.....	TD 4.6-151	December 1974.....	1.55
152	Airport aid program.....	TD 4.6-152	.....do.....	1.35
	Change 1.....	TD 4.6-152/Ch 1	Aug. 26, 1976.....	.40
	Change 2.....	TD 4.6-152/Ch 2	Oct. 21, 1976.....	.45
	Change 3.....	TD 4.6-152/Ch 3	.....do.....	.70
153	Acquisition of U.S. land for public airports.....	TD 4.6-153	Aug. 26, 1976.....	.50
154	Acquisition of U.S. land for public airports under the Air- ports and Airway Act of 1970.....	TD 4.6-154	.....do.....	.40
	Change 1.....	TD 4.6-154/Ch 1	.....do.....	.70
155	Release of Airport property from surplus property disposal.....	TD 4.6-155	.....do.....	.40
157	Notice of construction, alteration, activation, and deactivation of airports.....	TD 4.6-157	January 1975.....	.40
159	National Capital airports.....	TD 4.6-159	December 1974.....	1.00
	Change 1.....	TD 4.6-159/Ch 1	June 13, 1976.....	.35
169	Expenditure of Federal funds for nonmilitary airports or air navigational facilities thereon.....	TD 4.6-169	January 1975.....	.35
171	Non-Federal navigation facilities.....	TD 4.6-171	.....do.....	1.10
	Change 1.....	TD 4.6-171/Ch 1	Aug. 19, 1975.....	.65
183	Representatives of the Administrator.....	TD 4.6-183	May 1974.....	.45
	Change 1.....	TD 4.6-183/Ch 1	.....do.....	.35
185	Testimony by employees and production of records in legal proceedings and service of legal process and pleadings.....	TD 4.6-185	.....do.....	.80
187	Fees.....	TD 4.6-187	.....do.....	.40
189	Use of Federal Aviation Administration communication system.....	TD 4.6-189	.....do.....	.40
191	Withholding Security Information from Disclosure Under the Air Transportation Security Act.....	TD 4.6-191	Dec. 9, 1976.....	.40

<sup>1</sup> Add 25% for foreign handling.

<sup>2</sup> Due to their length, complexity, and frequency of issuance, individual Airworthiness Directives are published separately in the FEDERAL REGISTER. Copies of Airworthiness Directives that have been issued are for sale in summary form by DOT, FAA Aeronautical Center (Consigned agent for Superintendent of Documents), P.O. Box 25461, Oklahoma City, Okla. 73125. Attn: AAC-23.

<sup>3</sup> Due to their length, complexity, and frequency of issuance, individual airspace designations, airways descriptions, restricted areas, jet route descriptions, and en route IFR altitudes are not included in the publication of these basic parts. Such descriptions are published in the FEDERAL REGISTER and depicted on appropriate aeronautical charts. Aeronautical charts can be obtained from the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Distribution Division (C-44), National Ocean Survey, Riverdale, Md. 20840.

<sup>4</sup> Standard instrument approach procedures are published in the FEDERAL REGISTER by reference to FAA documents which are available for examination in the Rules Docket (AGC-24) and the National Flight Data Center, FAA Headquarters, Washington, D.C., and at the appropriate FAA Regional Offices and Flight Inspection District Offices. These approach procedures can be obtained from the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Distribution Division (C-44), National Ocean Survey, Riverdale, Md. 20840.

ELDEN NOOTENBOOM,  
Acting Director, Office of Management Systems.

[FR Doc.77-28673 Filed 9-28-77; 8:45 am]

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Registered for paper

THURSDAY, SEPTEMBER 29, 1977

PART VI



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FEDERAL  
ELECTION  
COMMISSION

■

ADVISORY OPINION  
REQUESTS

V 42-1189 SEP 29 77

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[ 6715-01 ]

[Notice -1977-49, AOR's 1977-45, 1977-46, 1977-47, and 1977-48]

## FEDERAL ELECTION COMMISSION

## Advisory Opinion Requests

Pursuant to 2 U.S.C. § 437f(c) and the procedures reflected in Part 112 of the Commission's regulations, published on August 25, 1976 (41 FR 35954), Advisory Opinion Requests 1977-45, 1977-46, 1977-47, and 1977-48 have been made public at the Commission. Copies of AOR's 1977-45, 1977-46, 1977-47, and 1977-48 were made available on September 23, 1977. These copies of the advisory opinion requests were made available for public inspection and purchase at the Federal Election Commission, Public Records Division, at 1325 K Street NW., Washington, D.C. 20463.

Interested persons may submit written comments on any advisory opinion request within ten days after the date the request was made public at the Commission. These comments should be directed to the Office of General Counsel, Advisory Opinion Section, at the Commission. Persons requiring additional time in which to respond to any advisory opinion requests will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered before the Commission issues an advisory opinion. Comments on pending

requests should refer to the specific AOR number of the requests and statutory references should be to the United States Code citations rather than to the Public Law citations.

A descriptive listing of each of the requests recently made public as well as the identification of the requesting party follows hereafter:

AOR 1977-45. May a candidate for Federal office receive compensation from his newspaper employer for writing editorials and soliciting advertising for the newspaper which compensation takes the form of credits to an account, based upon the fair market value of work performed, until he officially announces candidacy, and then obtain campaign advertising space in the newspaper by debiting such account until it is depleted? In these circumstances would the publisher be making a gift or in-kind contribution under 2 U.S.C. § 441a? If proper, how should the transactions be reflected on reports filed pursuant to 2 U.S.C. § 434?

Requested by Franklin S. Adler on behalf of Terry Martin, candidate for the House of Representatives, Los Angeles, Calif.

AOR 1977-46. May a Member of Congress, who did not earn the maximum permissible amount of honoraria in 1976, receive in January and February of 1977 honoraria for appearances made in December 1976 without such honoraria counting against the 1977 limit?

Requested by James M. Sparling, Jr., on behalf of Representative Vander Jagt, United States House of Representatives, Washington, D.C.

AOR 1977-47. May a Senator, whose term expires in 1978 and who has announced his decision not to run for reelection, terminate his campaign committee which has surplus funds remaining from a 1972 election campaign or should it continue to report until a later time? May the surplus funds be legally used by the Senator for entertainment of constituents, or motel and travel costs incurred by him and his wife for travel to or in Wyoming?

Requested by Clifford P. Hansen, United States Senator, Washington, D.C.

AOR 1977-48. May the principal campaign committee of a candidate in a special primary and general election use excess campaign funds for the purpose of retiring an outstanding campaign debt incurred in connection with an election for State office in 1976 in circumstances where the same individual was a candidate in both the special Federal election and the State election?

Requested by Joan Singler, Treasurer, Durning for Congress Committee, Seattle, Wash.

Dated: September 26, 1977.

THOMAS E. HARRIS,  
Chairman for the  
Federal Election Commission.

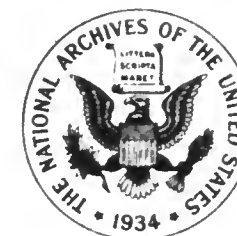
[FR Doc.77-28674 Filed 9-28-77;8:45 am]



Register  
Federal Register

THURSDAY, SEPTEMBER 29, 1977

PART VII



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DEPARTMENT OF  
THE INTERIOR

Fish and Wildlife Service

■

ENDANGERED AND  
THREATENED SPECIES  
PERMIT

Receipt of Application

V42189

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[4310-10]

## DEPARTMENT OF THE INTERIOR


Fish and Wildlife Service

## ENDANGERED SPECIES PERMIT

## Beardsley Zoological Gardens; Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Beardsley Zoological Gardens, Noble Avenue, Bridgeport, Conn. 06610; Richard G. Sweeney, Director.

 <b>DEPARTMENT OF THE INTERIOR</b> <b>U.S. FISH AND WILDLIFE SERVICE</b> <b>FEDERAL FISH AND WILDLIFE</b> <b>LICENSE/PERMIT APPLICATION</b>		1. APPLICATION FOR (Indicate only one) <input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT	
3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested) Beardsley Zoological Gardens Noble Avenue Bridgeport, Ct. 06610 (203) 576-8082		2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED. To obtain one pair of Mandrill (Papio sphinx) from the Gladys Porter Zoo, Brownsville, Tx. for the purpose of Captive propagation.	
4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS. <input type="checkbox"/> HEIGHT: _____ WEIGHT: _____ DATE OF BIRTH: _____ COLOR HAIR: _____ COLOR EYES: _____ PHONE NUMBER WHERE EMPLOYED: _____ SOCIAL SECURITY NUMBER: _____ OCCUPATION: _____		5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION: Public Zoo NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.: Richard G. Sweeney, Dir. (203) 576-8082 IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED: _____	
6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED: 13-SP-6 Bo		7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? (If yes, list license or permit number): 13-SP-6 Bo	
8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? (If yes, list jurisdiction and type of document): YES <input type="checkbox"/> NO <input type="checkbox"/>		9. DESIRED EFFECTIVE DATE: 8/1/77	
10. DURATION NEEDED: one year		11. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 17.22) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED: Attachment: Subpart C 17.22	
CERTIFICATION I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 17, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001. SIGNATURE (In ink): _____ DATE: 6/15/77			

Attachment: Subpart C. Sec. 17.22

(a1) Permits are sought for the purchase and transport of one (1) pair (male and female) of mandrills (Papio sphinx), both approximately one year old, from the Gladys Porter Zoo, 500 Ringgold St., Brownsville, Tex. 77820, for the purpose of captive propagation and public exhibit.

(a2) The mandrills sought at time of application were born in, and have remained in, captivity at the Gladys Porter Zoo, Brownsville, Tex.

(a3) The mandrills will be transported in a fashion to assure their safe arrival in Bridgeport, and in a fashion that will not cause their death. Transport will be by air flight not to exceed 24 hours in duration.

(a4) The mandrills were born in captivity at the Gladys Porter Zoo, Brownsville, Tex., U.S.A.

(a5) The mandrills will be maintained on public exhibit at Beardsley Zoological Gardens, Noble Avenue, Bridgeport, Conn. 06610, U.S.A. Beardsley Zoological Gardens is a municipally operated zoo, assisted by the Connecticut Zoological Society, a non-profit organization. It is also an institution member of the American Association of Zoological Parks and Aquariums, and holds USDA Exhibitor License No. 16-c-2.

(a6) The mandrills will be housed in an indoor enclosure measuring 30 ft. in length, 12 ft. in width, and 12 ft. in height. Off exhibit are two bedrooms, which each meas-

ure 8 ft. in length, 6 ft. in width, and 12 ft. in height. The bedrooms are separated by metal sliding shift doors. The exhibit contains a protected skylight allowing access to sunlight. (See diagram of exhibit attached.)

(a6ii) This will be the first time mandrills have been kept at Beardsley Zoological Gardens. We currently have several primate species in our collection including: Hanuman's langurs (*Presbytis entellus*); ring-tailed lemurs (*Lemur catta*); common marmosets (*Callithrix jacchus*); spider monkeys (*Ateles paniscus*); squirrel monkeys (*Saimiri sciureus*); woolly monkeys (*Lagothrix lagothrica*); and thick-tailed galago (*Galago senegalensis*). Our primates are cared for primarily by two keepers with ten years of combined primate experience. We have achieved success in breeding spider and squirrel monkeys, and ring-tailed lemurs. We are anticipating births in our langurs and lemurs.

(a6iii) We are willing to participate in cooperative breeding programs, and to maintain or contribute data to a studbook.

(a6iv) The transport crates, provided by Gladys Porter Zoo, will be of adequate wood construction measuring approximately 3' x 3' x 3', and will conform to IATA specifications. The animals will be transported in separate crates with either dropping trays or absorbent material available for urine and fecal material. Drinking vessels will be provided. The mandrills will be transported via air to either Bradley Airport, Hartford, Conn., or J. F. K., New York City, and then transported via zoo truck to Beardsley Zoo.

(a6v) Not applicable.  
 (a7) The mandrills will be purchased from the Gladys Porter Zoo for a price of \$800 for the pair. Shipment of the animals will be effective thirty (30) days of permit approval date.

(a8) Beardsley Zoological Gardens is justified in obtaining permits for mandrills because we have shown the ability to successfully maintain primate breeding colonies. Our primary concern as a zoological facility is for the propagation of all species, but most importantly for endangered species.

We feel we can enhance the chances of the species' survival by maintaining them in our facility.

(a8i-ii) Permits are sought for maintaining mandrills (*Papio sphinx*) for captive propagation and public exhibit. Efforts at captive propagation will be made by employing sound husbandry practices. We have found that maintaining proper sex ratios, uncrowded and comfortable living quarters, and occasional isolation from the public to be great assets in primate reproduction. All necessary steps will be taken to assure reproduction in mandrills at Beardsley Zoo.

(a8iii) Mandrills are listed as endangered throughout their native range. As man encroaches upon their territory, the chances for species survival is drastically reduced. Efforts at captive propagation, whether in a large or small zoo, is one, positive answer to species survival. Beardsley Zoological Gardens is equipped to handle the Papio species through its adequate exhibit space that provides room for exercise, privacy and appropriate year-round environmental conditions. Zoos throughout the world have exhibited the ability to successfully breed mandrills, and to insure their lives, in some cases up to twenty-seven (27) years. Naturally, all steps taken at Beardsley Zoological Gardens for reproduction would enhance chances of survival for this species.

(a8iv) Offspring would be maintained at Beardsley Zoological Gardens as long as space allows. Should space eventually limit us, future offspring would be dispersed to other zoological facilities at the USDI's approval.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has

been assigned File Number PRT 2-1249-07; please refer to this number when submitting comments. All relevant comments received on or before October 31, 1977 will be considered.

Dated: September 23, 1977.

DONALD G. DONAHOO,  
 Chief, Permit Branch, Federal  
 Wildlife Permit Office, U.S.  
 Fish and Wildlife Service.


[FR Doc. 77-28192 Filed 9-28-77; 8:45 am]

## ENDANGERED SPECIES PERMIT

## F. M. Driscoll; Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: F. M. Driscoll, Lexington Pheasantry, 219 Cowlitz Drive, Kelso, Wash. 98626.

 <b>DEPARTMENT OF THE INTERIOR</b> <b>U.S. FISH AND WILDLIFE SERVICE</b> <b>FEDERAL FISH AND WILDLIFE</b> <b>LICENSE/PERMIT APPLICATION</b>		1. APPLICATION FOR (Indicate only one) <input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT	
3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested) F. M. Driscoll Lexington Pheasantry 219 Cowlitz Drive Kelso, Washington 98626 Phone: (206) 423-2460		2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED. In order to obtain a White Eared Pheasant cock of the same species as the hen that I have now but from different parental stock so as to have future unrelated breeding stock.	
4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS. <input type="checkbox"/> HEIGHT: 5'10 1/2" WEIGHT: 170 DATE OF BIRTH: 30 July 1920 COLOR HAIR: Grey COLOR EYES: Brown PHONE NUMBER WHERE EMPLOYED: (206) 425-1550 SOCIAL SECURITY NUMBER: 538-03-6667 OCCUPATION: Lead Order Writer Longview Fibre Co. (Paper Mill)		5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION: Does not apply NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.: Does not apply IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED: Does not apply	
6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED: a. Breeding endangered species of pheasants at my pheasantry at 219 Cowlitz Drive, Kelso, Washington 98626 b. Buying and selling endangered species pheasants, primarily from Devlin, Ontario, Canada to Washington state.		7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? (If yes, list license or permit number): 1-PR-516	
8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? (If yes, list jurisdiction and type of document): State of Washington Commercial Game Farm License No. CF 77 00011		9. DESIRED EFFECTIVE DATE: 1 Dec 1977	
10. DURATION NEEDED: 5 years, or for as long as possible		11. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 17.22) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED: 50 CFR Part 17.22 Permits for scientific purposes or for the enhancement of propagation or survival	
CERTIFICATION I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 17, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001. SIGNATURE (In ink): _____ DATE: 5 September 1977			

(1) Pheasants. White Eared (Crossoptilon crossoptilon) 1 male. I would like to be able to buy and sell these birds for propagation purposes and to get new blood to help keep the stock strong.

(2) (iii) Wildlife—born in captivity.

(3) By acquiring the above pheasant that was raised in captivity by breeders in Canada. By having the above shipped in padded crates to avoid any possible chance of injury.

(4) The White Eared pheasant I would like to acquire was raised in captivity by Mr. Jack Schulteman, R.R. No. 2 Devlin, Ontario, Canada.

(5) The pheasants are and will be housed in my aviaries at 219 Cowlitz Drive, Kelso, Wash. 98626. These aviaries are planted with trees and shrubs to help insure the contentment of the birds, and a fence has been installed completely around our property which covers 2 acres.

(6) (i) Our pheasantry consists of 15 pens measuring 8' wide by 6' high by 16' long, 23 pens measuring 8' wide by 6' high by 24' long, 2 pens measuring 12' wide by 35' long by 12' high, one flight pen measuring 12' wide by 7' high by 80' long, 8 pens measuring 9' long by 6' high by 8' wide, and a Java Green Peafowl pen measuring approximately 7' high by 25' wide by 25' long, plus a completely enclosed house for their protection in inclement weather. All pheasant pens are constructed using creosoted 8" x 6" x 8' long or 15' long railroad ties. The house at the back of each pen is constructed of 1/2" exterior plywood with roofs measuring 8' and 12' in width and covered by 80 lb. roofing paper and covered with tar. All pens are completely enclosed with 1" mesh poultry netting, or 1" x 2" welded heavy gauge wire. The railroad ties are used for support posts and ground runners and a profile drawing is shown below.

All inclement weather comes from the southwest and our aviaries are constructed so that our birds have maximum protection from inclement weather yet ample shade in the summer months. We are soon to begin a completely rewired program in which 1" x 2" welded heavy gauge wire will be on the outside of all of our aviaries.

(ii) I have been raising rare ornamental pheasants and imported Java Green Peafowl for 6 years and have raised young Edwards, Mikado, Elliotts, Satyr and Temminck Tragopan, Scintillating and Ijima Coopers, Silvers, Golden, Impeyan, Blue and Brown Eared Manchurian and Java Green Peafowl.

(iii) I would be only too willing to cooperate in a breeding program and keep accurate records as I am convinced that the only reason some species exist today is because of the unselfish and dedicated efforts of breeders who hatched and raised them in captivity.

(iv) The containers used for shipping are 12" wide, 18" high, and 24" long, constructed of Masonite with the top of the inside lined with 1" foam rubber. Water and feed are placed in each container. The maximum time the birds would be contained in this shipping container would be 36 hours.

(v) I have been extremely fortunate in that I have lost very few birds; however, I have not lost a single bird to disease. My losses have been due to young becoming chilled when electric power is lost in a brooder, attack from another in the brooder or shortly after being placed in outside pens, breaking a neck by flying into top wire and one cock that escaped when the gate opened due to the eye pulling loose from the wood frame at the gate and is covered in my letter



[4310-10]

## ENDANGERED SPECIES PERMIT

George Olson; Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: George Olson, Forest Supervisor, National Forests in North Carolina, P.O. Box 2750, Asheville, N.C. 28802.

to your department dated August 29, 1977, PRT 8-407. All of my pens are cleaned monthly, weather permitting, disinfected twice yearly, and medicated water is supplied once a month. Our birds are fed the very finest game bird food that I can purchase, given ample fruit and berries in season and a commercial game bird grit is supplied at all times. Our ground is a sandy loam with excellent drainage so that our birds do not wallow in mud. When young birds are placed in outside pens they are frequently clipped on one wing to prevent their flying into the wire if they become spooked in a new environment.

(7) There are no contracts or agreements. As previously stated, if I am issued the permit I plan to obtain a White Eared Pheasant cock from Mr. Jack Schuitman, R.R. No 2 Derlin, Ontario, Canada.

(8) (i) I plan on keeping, breeding, buying, and selling for propagation purposes Edwards, Mikado, Brown and White Eared Manchurian and Elliotts pheasants.

(ii) and (iii) I will supply adequate pens, housing, feed and care to insure the birds contentment in captivity in order that they will breed and keep the specie going. My children and their children will have watched them grow and produce young, and they are a living thing instead of just a picture in a book.

(iv) My birds are therapy to me and a way of life to all of my family; however, I know that one day the time will come when I may not be able to care for them in a manner they deserve. Then, and only then, will I dispose of them to a very few of my very closest and dearest friends in the pheasant fancy who are completely qualified to care for them.

Respectfully submitted,

F. M. (CHICK) DRISCOLL.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-1397-C07; please refer to this number when submitting comments. All relevant comments received on or before October 31, 1977.

Date: September 23, 1977.

DONALD G. DONAHOO,  
Chief, Permit Branch, Federal  
Wildlife Permit Office, U.S.  
Fish and Wildlife Service.

[FR Doc. 77-28194 Filed 9-28-77; 8:45 am]

DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION	
1. APPLICATION FOR (check one) <input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT	
2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED: Attempt to verify presence of <i>Felis concolor</i> or other subspecies of cougar in National Forests in North Carolina. Through the use of trained lion dogs and a professional hunter.	
3. APPLICANT, (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested): George Olson Forest Supervisor National Forests in North Carolina P.O. Box 2750 Asheville NC 28802	
4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: DATE OF BIRTH: 8-2-52 HEIGHT: 5'10" WEIGHT: 150 COLOR HAIR: BRN COLOR EYES: BRN PHONE NUMBER WHERE EMPLOYED: 704-252-8571 SOCIAL SECURITY NUMBER: 3-7-56-9957 OCCUPATION: FORESTER	
5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION: Management of National Forest lands for multiple use under the Forest Management Act of 1976 and other authorities.	
6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED: Nantahala and Pisgah National Forests, North Carolina	
7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? (If yes, list license or permit number): N/A	
8. IS REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THE APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? (If yes, list jurisdiction and type of document): North Carolina Wildlife Resources Comm. Have requested permission in writing-reg. not yet received.	
9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: None required	
10. ATTACHMENTS: THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (see 50 CFR 12.122) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED: 17.22	
11. DURATION NEEDED: 29 Sept. 1977 - 180 days	
12. I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 12, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER 1 OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.	
SIGNATURE OF APPLICANT: George Olson DATE: August 31, 1977	

## ENDANGERED SPECIES PERMIT

Mark Louis Weber; Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Mark Louis Weber, 1716 South 25th Street, Manitowoc, Wis. 54220.

DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION	
1. APPLICATION FOR (check one) <input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT	
2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED: to be allowed to buy Scientist-owned and Turquoise Parakeets. I am interested in propagating the above species to insure their survival.	
3. APPLICANT, (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested): MARK LOUIS WEBER 1716 South 25th St. Manitowoc, WI 54220 Ph: 414-684-6416	
4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: DATE OF BIRTH: 8-2-52 HEIGHT: 5'10" WEIGHT: 150 COLOR HAIR: BRN COLOR EYES: BRN PHONE NUMBER WHERE EMPLOYED: 414-684-6416 SOCIAL SECURITY NUMBER: 3-7-56-9957 OCCUPATION: FORESTER	
5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION: N/A	
6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED: 1716 S. 25th St. Manitowoc, WI 54220	
7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? (If yes, list license or permit number): Federal Waterfowl PRT 2-1119-741	
8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THE APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? (If yes, list jurisdiction and type of document): I have a State game farm and a Fairview Waterfowl Farm	
9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: None required	
10. ATTACHMENTS: THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (see 50 CFR 12.122) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED: 50 CFR Part 17.22 Permits for Scientific purposes, or for the enhancement of propagation or survival	
11. DURATION NEEDED: 29 Sept. 1977 - 180 days	
12. I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 12, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER 1 OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.	
SIGNATURE OF APPLICANT: Mark Louis Weber DATE: Sept. 6-77	

## 12. ATTACHMENTS.

(1) *Felis concolor cougar*, eastern cougar. *Felis concolor coryi*, Florida panther. The number, sex, and ages of animals are unspecified.

(2) Application is for activities related to cougars in the wild. The origin of cougars, if they exist in the wild, is unknown. An examination of bounty records for the period 1700-1800 suggests that cougars once occurred throughout the State.

(3) Most probable source of injury or mortality is mauling of young lions by the hounds. We expect to minimize this hazard by close surveillance and the use of only two hounds. If available, a transmitter will be attached to one of the dogs to facilitate tracking.

(4) Not applicable.

(5) Not applicable.

(I) Not applicable.

(II) Chuck Anderson is a professional lion hunter from Castle Rock, Colo. He has assisted Dr. Kenneth Russell, U.S. Fish and Wildlife Service, Fort Collins, Colo., by locating lions for research purposes. In the course of two seasons Mr. Anderson located and assisted in the capture of 27 lions for Dr. Russell's research.

(III) Not applicable.

(IV) Not applicable.

(V) None.

(7) Copy of Purchase Order for services is attached. Period of services to be September 29, 1977 to November 12, 1977, with provisions to negotiate further service periods depending on initial success. Field operations will be supervised by Ben. A. Sanders, Wildlife Biologist, National Forests in North Carolina.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-1387-07; please refer to this number when submitting comments. All relevant comments received on or before October 31, 1977.

Dated: September 23, 1977.

DONALD G. DONAHOO,  
Chief, Permit Branch, Federal  
Wildlife Permit Office, U.S.  
Fish and Wildlife Service.

[FR Doc. 77-28196 Filed 9-28-77; 8:45 am]



## INFORMATION REQUIRED BY PERMIT No. 17.22

1. Parakeets: Scarlet-chested (Neophema splendida) 1 male, 1 female; Turquoise (Neophema pulchella) 1 male, 1 female. Would like to purchase one pair of each. Would like to be allowed to buy and sell the above for propagation purposes and to obtain new blood to keep the stock strong.

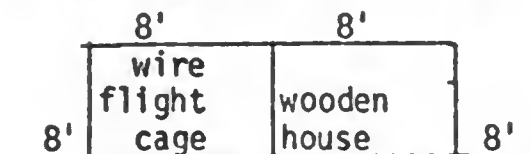
2. Wildlife—born in captivity.

3. By purchasing the above parakeets that were raised in captivity from breeders in the States. By having the above shipped or sent in padded crates to avoid any injury.

4. The Scarlet-chested and Turquoise parakeets I would like to purchase were raised in captivity by Vera Rosenkranz, Westchester, Ill.

5. The birds will be kept at my house. My outside aviary is an 8' x 8' house with an outdoor wire cage, 8' x 8', which will be supplemented with shrubs and trees to insure contentment of the birds. During the winter months the birds will be kept indoors in my large flight cage, 4' x 4', at 1716 South 25 Street, Manitowoc, Wis.

6. 1. My outside aviary is an 8' x 8' house with an attached 8' x 8' wire flight cage. My wire cage will be plated with vines and shrubs for a natural setting which the parakeets should enjoy.



ii. I've been raising different species for about ten years. Wild waterfowl have been my main interest up till the present, but I've also raised rare quail, partridge, grouse, finches, parakeets, pigeons, and bantam chickens. I really enjoy raising birds, they are a very important part of my life.

iii. I would be more than willing to cooperate in a breeding program and keep accurate records as I believe the only reason some species exist today is from the dedicated people who raised them in captivity.

iv. The containers used for shipping are 1 foot wide, 18 inches high, and 2 feet long, made of wood, and lined with foam rubber. Feed and water are placed in each box. The duration the birds would be in a box would be approximately four to six hours.

v. I've been very fortunate that I have lost very few birds. I lost some young one year when an electrical storm cut off our electricity, chilling the birds and resulting in several deaths. Also several species of rare quail have a tendency toward cannibalism, which is an inherited characteristic. I've lost several this way. My mortality ratio is always few and far between, nothing like preventative practices to insure healthy birds. I clean my pens every month and disinfect the pens every three months. My birds receive medicated feed and water to prevent loss.

7. There are no contracts or agreements. As I stated earlier, if I get the permit, I will purchase the Scarlet-chested and Turquoise parakeets from Vera Rosenkranz, Westchester, Illinois.

8. i. I plan on keeping, breeding, buying and selling for propagation only, Scarlet-chested and Turquoise parakeets.

ii. and iii. I will supply adequate pens, housing, feed, and care to insure the bird's contentment in captivity, in order that they will breed to insure the species survival. Perhaps through careful breeding, care, and love these species of parakeets will endure for all to enjoy. With the growing world population, the only way any of these birds will be saved is by captive propagation.

iv. If I should decide to quit raising birds I would sell them to other breeders whom I

felt were capable of raising them. However, since my love for raising birds in general is great, I feel this is a remote possibility.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Wash-

ington, D.C. 20240. This application has been assigned File Number PRT 2-1425-C07; please refer to this number when submitting comments. All relevant comments received on or before October 31, 1977.

Dated: September 23, 1977.

DONALD G. DONAHOO,  
Chief, Permit Branch, Federal  
Wildlife Permit Office, U.S.  
Fish and Wildlife Service.

[FR Doc. 77-28197 Filed 9-28-77; 8:45 am]

## [4310-10]

## ENDANGERED SPECIES PERMIT

Maurice F. Mettee; Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Dr. Maurice F. Mettee, Geological Survey of Alabama, P.O. Drawer O, University, Ala. 35486.

DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION		1. APPLICATION FOR (Indicate only one)																													
		<input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT																													
		2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED: 1) To monitor sympatric populations of Okaloosa and Brown darters; 2) To monitor populations of Okaloosa darters in streams where habitat disruption has occurred.																													
3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested) Dr. Maurice F. Mettee Geological Survey of Alabama P.O. Drawer O University, AL 35486		4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: <table border="1"> <tr> <td><input checked="" type="checkbox"/> MR.</td> <td><input type="checkbox"/> MRS.</td> <td><input type="checkbox"/> MISS</td> <td><input type="checkbox"/> MS.</td> </tr> <tr> <td colspan="2">DATE OF BIRTH</td> <td>HEIGHT</td> <td>WEIGHT</td> </tr> <tr> <td colspan="2">4-28-43</td> <td>6'</td> <td>195</td> </tr> <tr> <td colspan="2">PHONE NUMBER WHERE EMPLOYED</td> <td>COLOR HAIR</td> <td>COLOR EYES</td> </tr> <tr> <td colspan="2">205/349-2852</td> <td>Brown</td> <td>Brown</td> </tr> <tr> <td colspan="2">OCCUPATION</td> <td colspan="2">SOCIAL SECURITY NUMBER</td> </tr> <tr> <td colspan="2">Ichthyologist</td> <td colspan="2">418-58-2467</td> </tr> </table>		<input checked="" type="checkbox"/> MR.	<input type="checkbox"/> MRS.	<input type="checkbox"/> MISS	<input type="checkbox"/> MS.	DATE OF BIRTH		HEIGHT	WEIGHT	4-28-43		6'	195	PHONE NUMBER WHERE EMPLOYED		COLOR HAIR	COLOR EYES	205/349-2852		Brown	Brown	OCCUPATION		SOCIAL SECURITY NUMBER		Ichthyologist		418-58-2467	
<input checked="" type="checkbox"/> MR.	<input type="checkbox"/> MRS.	<input type="checkbox"/> MISS	<input type="checkbox"/> MS.																												
DATE OF BIRTH		HEIGHT	WEIGHT																												
4-28-43		6'	195																												
PHONE NUMBER WHERE EMPLOYED		COLOR HAIR	COLOR EYES																												
205/349-2852		Brown	Brown																												
OCCUPATION		SOCIAL SECURITY NUMBER																													
Ichthyologist		418-58-2467																													
5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION Not Applicable		6. IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED Not Applicable																													
7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? (If yes, list license or permit numbers) <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Permit No. 2-309		8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Florida Scientific Collecting Permit																													
9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF None		10. DESIRED EFFECTIVE DATE September																													
11. DURATION NEEDED 1 year		12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED. Maurice F. Mettee, Geological Survey of Alabama, P.O. Drawer O, University, AL, 35486--Attachment 50 CFR 17.22																													
CERTIFICATION I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.																															
SIGNATURE (In ink) 		DATE 8/23/77																													

## ATTACHMENT 50 CFR 17-22a

(1) *Etheostoma okaloosae*, Okaloosa darter. Collection of no more than 100 Okaloosa darters to determine population size at several sites where this species and *Etheostoma edwini* (the Brown darter) occur sympatrically.

(2) All fishes that will be collected occur in seven small streams in Okaloosa and Walton Counties.

(3) Specimens of Okaloosa darter will not be preserved normally unless their morphological appearance is unusual and requires closer examination in the laboratory.

(4) Not applicable.

(5) All specimens collected and preserved during the study will be deposited in the University of Alabama Ichthyological and Herpetological Collections in Tuscaloosa, Alabama, where they will be maintained for reference purposes.

(6) Not applicable.

(7) Not applicable.

(8)(i) It is possible that the endangered darter, *Etheostoma okaloosae* and its nearest relative *Etheostoma edwini* are in competition in streams that until recently were occupied only by the endangered form. The first purpose of this study is to monitor these sympatric populations and observe any changes that occur in their relative numbers. A second function of the study is to find any new areas with the Okaloosa darter streams where the two species occur sympatrically so that these sites can also be monitored.

(ii) Fishes will be collected with nylon minnow selves. No more than 100 specimens of the Okaloosa darter will be collected during the study.

(iii) The data that will be accumulated during the study will be used by the Okaloosa darter recovery team to initiate a recovery plan for the Okaloosa darter.

(iv) See number 5.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-1385-07; please refer to this number when submitting comments. All relevant comments received on or before October 31, 1977.

Dated: September 23, 1977.

DONALD G. DONAHOO,  
Chief, Permit Branch, Federal  
Wildlife Permit Office, U.S.  
Fish and Wildlife Service.

[FR Doc. 77-28189 Filed 9-28-77; 8:45 am]

## [4310-10]

## ENDANGERED SPECIES PERMIT

Ransom Soper, III; Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Ransom Soper, III, 170 So. Snedecor Ave., Bayport, N.Y. 11705

DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION		1. APPLICATION FOR (Indicate only one)																													
		<input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT																													
		2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED: Permit is requested for the possession, propagation, holding and sale of the endangered species of water-fowl, namely <u>Laysan Teal</u> . - Propagation Permit, and Interstate Commerce.																													
3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested) Ransom Soper, III 170 So. Snedecor Ave. Bayport, N.Y. 11705 (516) 472-0347		4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: <table border="1"> <tr> <td><input checked="" type="checkbox"/> MR.</td> <td><input type="checkbox"/> MRS.</td> <td><input type="checkbox"/> MISS</td> <td><input type="checkbox"/> MS.</td> </tr> <tr> <td colspan="2">DATE OF BIRTH</td> <td>HEIGHT</td> <td>WEIGHT</td> </tr> <tr> <td colspan="2">Feb. 4, 1955</td> <td>5'11"</td> <td>195 lbs.</td> </tr> <tr> <td colspan="2">PHONE NUMBER WHERE EMPLOYED</td> <td>COLOR HAIR</td> <td>COLOR EYES</td> </tr> <tr> <td colspan="2">N/A</td> <td>Brown</td> <td>Hazel</td> </tr> <tr> <td colspan="2">OCCUPATION</td> <td colspan="2">SOCIAL SECURITY NUMBER</td> </tr> <tr> <td colspan="2">Student</td> <td colspan="2">081-50-5084</td> </tr> </table>		<input checked="" type="checkbox"/> MR.	<input type="checkbox"/> MRS.	<input type="checkbox"/> MISS	<input type="checkbox"/> MS.	DATE OF BIRTH		HEIGHT	WEIGHT	Feb. 4, 1955		5'11"	195 lbs.	PHONE NUMBER WHERE EMPLOYED		COLOR HAIR	COLOR EYES	N/A		Brown	Hazel	OCCUPATION		SOCIAL SECURITY NUMBER		Student		081-50-5084	
<input checked="" type="checkbox"/> MR.	<input type="checkbox"/> MRS.	<input type="checkbox"/> MISS	<input type="checkbox"/> MS.																												
DATE OF BIRTH		HEIGHT	WEIGHT																												
Feb. 4, 1955		5'11"	195 lbs.																												
PHONE NUMBER WHERE EMPLOYED		COLOR HAIR	COLOR EYES																												
N/A		Brown	Hazel																												
OCCUPATION		SOCIAL SECURITY NUMBER																													
Student		081-50-5084																													
5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION N/A		6. IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED N/A																													
7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? (If yes, list license or permit numbers) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO NONE		8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Pending -																													
9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF N/A		10. DESIRED EFFECTIVE DATE Thirty days																													
11. DURATION NEEDED Continuous		12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED. * See Attachments.																													
CERTIFICATION I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.																															
SIGNATURE (In ink) 		DATE August 7, 1977																													



Attachment (1) Laysan Duck (*Anas laysanensis*)—At the present time it is our intention to purchase at least two pair (male and female) of the species as noted. I intend to purchase such Laysan Teal from Mr. Arthur Searles of Patchogue, N.Y. (Federal permit No. PRT 2-117 NW). The birds we intend to purchase are newly hatched in captivity. It is my intention to possess, hold, propagate and sell this endangered species of waterfowl, namely Laysan Teal (Interstate Commerce).

Attachment (2) The wildlife sought to be covered by the permit have been born in captivity.

Attachment (3) I do intend to purchase the Laysan Teal directly from Mr. Arthur Searles, Robinson Ave., Patchogue, N.Y. The birds sought will be transported to my home, a matter of a few miles, in proper and adequate containers. The birds so purchased have been born and bred in captivity.

Attachment (4) I intend to purchase the Laysan Teal, which have been born and raised in captivity, from Mr. Arthur Searles, Robinson Ave., Patchogue, N.Y. (U.S.A.). Federal Permit No. PRT 2-117 NY. The subject Laysan Teal were born and raised in captivity as were the Laysan Teal producing the subject young.

Attachment (5). At this time I have erected two holding pens at my home (170 So. Snedecor Ave., Bayport, N.Y. 11705). One pen is 14'x21' and is wired top and sides. The second pen is 6'x10' and is similarly wired. Both holding pens have man made ponds with running water and natural foliage. The entire facility is surrounded with a five foot high fencing of wood stockade and welded wire, with one entry. The entire area is shaded but, does offer more than adequate sun-light. At this time I am also constructing proper brooding facilities and installing adequate nesting boxes in the larger pen. Accepted incubation facilities have already been established.

Attachment (6) (i) \*See photos attached. I feel that a complete description of the area and facility is fully covered in Attachment No. 5.

(ii) I have been an avid out-doors-man all of my life. I have hunted wild water-fowl, in the Long Island area, since I have been of licensing age. I studied, through text and periodicals, all species of water-fowl native to North America and those not native; I am fully familiar with markings, coloring, habits and breeding process of wild water-fowl. Over the years I have raised and nursed back to health such animals as Rabbit, Raccoon and

Muskrat; and on occasions, songbirds. There is very little that I do not know about wild water-fowl and I am applying this knowledge to the raising of such wildlife.

(iii) I would be very happy to participate in a cooperative breeding program and contribute data to a studbook.

(iv) With regards to the Laysan Teal, they will be transported a matter of four to five miles on initial acquisition. They will be held in a metal brooding container, approximately 20" high, 20" wide and 24" long. They will have adequate water and feed placed in the container while being transported to my facility and will be under constant supervision during the time. The container does have more than adequate ventilation. With regards to my intended sale of Laysan Teal to interested water-fowlers, Zoos, etc. I will construct my own shipping containers of wood, approximately 15" high, 20" wide and 20" long. Adequate water and feed will be provided to sustain the birds while being transported; water and feed will be sufficient to sustain them if a delay is encountered. No more than one pair of birds will be transported at any one time. All birds will be shipped Air Express with proper labeling attached, indicating that live wildlife is contained. The forwarders will be notified of what is being shipped and they should act accordingly. I would like to note that my shipping containers will have openings on the sides of 3/4" to 1", running the length of the container, to provide proper ventilation.

(v) This is a new venture and I have not raised any water-fowl prior to this time; therefore, no mortalities have been involved. Once my required State and Federal permits have approved and issued, I will acquire adult water-fowl, in pairs, and commence my operations in propagating such water-fowl and detailed record keeping will be instituted.

Attachment (7) There are no contracts or agreements in existence at this time and none are in the offing. My father and two brothers, who are very experienced water-fowlers, will assist me in my program to propagate the endangered species, Laysan Teal. My activities in propagating the Laysan Teal will commence as soon as approval and proper permits are received from your department.

Attachment (8) (i) Permit is requested for the possession, propagation, holding and sale of the endangered species of water-fowl namely Laysan Teal.

(ii) I intend to propagate and raise the noted species in adequate facilities at my

home, 170 So. Snedecor Ave., Bayport, N.Y. 11705. It is my intention to purchase a pair, possibly two, adult Laysan Teal from Mr. Arthur Searles, Robinson Ave., Patchogue, N.Y. (Federal Permit #PRT 2-117 NY) to commence propagation processes. When young birds are acquired from the adults, I will retain a sufficient number of male and female breeding pairs in order to increase the species population. I do intend to sell, from time to time, such Laysan Teal to interested water-fowlers, bird fanciers, educational institutions and Zoo's. The sale will be dependent upon the intentions of the intended buyer.

(iii) My sole intention in acquiring such Federal permits is to enhance the Laysan Teal and increase its population. The sale of Laysan Teal to interested parties is also being done to increase the species population, not monetary consideration. I know that I have the expertise and facilities to aid in removing the Laysan Teal from the endangered classification.

(iv) If I should ever terminate my propagation activities, regarding the Laysan Teal, I shall return any remaining birds to my original source or offer them to responsible water-fowl breeders, bird fanciers, educational institutions, or Zoo's for the sole purpose of propagation.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-1292-C07; please refer to this number when submitting comments. All relevant comments received on or before October 31, 1977 will be considered.

Dated: September 23, 1977.

DONALD D. DONAHOO,  
Chief, Permit Branch, Federal  
Wildlife Permit Office, U.S.  
Fish and Wildlife Service.

[FR Doc.77-28190 Filed 9-28-77;8:45 am]


[4310-10]

# ENDANGERED SPECIES PERMIT

Robert C. Vrijenhoek; Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Dr. Robert C. Vrijenhoek, Department of Zoology, Rutgers University, New Brunswick, N.J. 08903.

 <p>DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION</p>		<p>1. APPLICATION FOR (Indicate one)</p> <p><input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT</p>	
<p>2. APPLICANT (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)</p> <p>Dr. Robert C. Vrijenhoek Department of Zoology Rutgers University New Brunswick, New Jersey 08903 (201) 932-2804</p>		<p>3. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.</p> <p>Taking 50 individuals of each of two subspecies of <i>Poeciliopsis occidentalis</i></p> <p><i>P. o. occidentalis</i> <i>P. o. sonoriensis</i> Scientific research</p>	
<p>4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:</p> <p>SEX <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Unknown <input type="checkbox"/> NA DATE OF BIRTH March 13, 1946 HEIGHT 67 inches 165 lbs WEIGHT 165 lbs HAIR COLOR Brown EYES COLOR Blue PHONE NUMBER (Home) (201) 932-2804 (Local Security Number) 027-34-8876 OCCUPATION Assistant Professor of Zoology</p>		<p>5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:</p> <p>EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION</p> <p>NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.</p> <p>IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED</p>	
<p>6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED</p> <p>Monkey Spring, Santa Cruz County, AZ San Bernardino Ranch, Cochise County, AZ</p>		<p>7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If yes, list license or permit number)</p> <p>8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If yes, list jurisdiction and type of document)</p> <p>Application for permit has been submitted to Arizona Wildlife Commission.</p>	
<p>9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE, ENCLOSED IN AMOUNT OF \$</p>		<p>10. DESIRED EFFECTIVE DATE 15 Nov 1977</p> <p>11. DURATION NEEDED 3 months</p>	
<p>12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 17.22a) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.</p> <p>Attached are items required by 50 CFR 17.22a.</p>			
<p>CERTIFICATION</p> <p>I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 17, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS OF CHAPTER 6 OF CHAPTER 1 OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.</p> <p>SIGNATURE OF APPLICANT <i>R.C. Vrijenhoek</i> DATE 9/27/77</p>			

RUTGERS,  
THE STATE UNIVERSITY OF NEW JERSEY,  
September 6, 1977.

DEPARTMENT OF THE INTERIOR,  
U.S. Fish and Wildlife Service,  
Federal Fish and Wildlife,  
License/Permit Application (3-240).

The following information is submitted in compliance with 50 CFR 17.22a.

1. Fish to be collected.—a. *Poeciliopsis occidentalis occidentalis* — Monkey Spring, Santa Cruz County, Ariz. *Poeciliopsis occidentalis sonoriensis* — on San Bernardino Ranch, Cochise County, Ariz.

b. Taking a total of 100 mature and immature fish of both sexes. Approximately 50 individuals of each subspecies will be taken. A majority of these fish will be frozen immediately after capture and will be used later in an electrophoretic study of protein polymorphism in these subspecies. The carcasses will be preserved for later morphological study.

c. Live samples of both subspecies (5 males and 5 females from each) will be maintained by the applicant at Rutgers University, New Brunswick, N.J. These fish will be used to establish a laboratory stock that will be maintained for use in genetic studies of these subspecies and related species already being maintained at Rutgers, as well as several other laboratories.

2. The fish to be covered by this permit are still in the wild. The locations of the populations to be sampled are Monkey Spring on the Rail-X Ranch in Santa Cruz County,

Ariz., and in a spring on the San Bernardino Ranch in Cochise County, Ariz.

3. The applicant has not previously attempted to collect this species within the United States. A majority of the wildlife to be covered by this permit will not be maintained alive. Their immediate freezing after capture will prevent deterioration of their proteins prior to examination. The genetic studies planned for the subspecies require laboratory breeding. The live samples indicated in 1. c. will provide the necessary stocks for these studies.

4. Not applicable, the subspecies populations to be sampled are not captive, self-sustaining populations.

5. The applicant is an Assistant Professor of Zoology at Rutgers University. Rutgers is a public institution and is located in New Brunswick, N.J. 08903.

6. The applicant seeks to have live wildlife covered by this permit.

(i) The applicant has a wetroom with over 250 aquaria, including 64—2½ gal breeding tanks, 36—5½ gal tanks, 36—10 gal tanks, 6—40 gal tanks, and over 125—1½ gal rearing tanks. The wetroom is supported by NSF Grant DEB76-19285 to the applicant. The wetroom is supplied with supplemental lighting, forced air and is maintained at 78° F. year round. A diagram of the wetroom is attached.

(ii) Mexican species of fishes in the genus *Poeciliopsis* have been maintained in laboratories at Rutgers and elsewhere for the past twenty years. The applicant has been involved with laboratory maintenance of species related to the fish to be covered by this permit for ten years. The applicant has a doctoral student, who has been involved with laboratory stock care for three years, a full-time technician and another graduate student, who has been involved with fish care for one year.

(iii) The applicant has routinely maintained detailed records on all live stocks of fish born or reared in his laboratory. The fish to be covered by this permit will be added to the records and all subsequent events involving them will be recorded. These records will be available to other interested researchers. All carcasses of the laboratory stocks will be preserved.

(iv) The live fish will be placed in several 1 gal bottles after capture. The water in the bottles will be aerated until just before shipment to Rutgers. The closed bottles will be protected inside an insulated container during the time they are being shipped. The applicant will accompany the fish to the plane and will ride the plane with them to New Jersey. On arrival in New Jersey, the fish will immediately be taken to the wetroom at Rutgers and placed in a previously prepared area. The fish will be in closed containers for about seven hours. This system has been used to return several hundred fish from Mexico over the past five years and mortality during transit has been less than two percent.

(v) The laboratory stocks of related species that have been maintained at Rutgers during the past three years (as far back as the applicant has records) have had accidental mortality of less than ten percent. The progeny of wild caught females have had similar mortality, while the wild caught females themselves have had mortality less than five percent. Mortality at around ten percent has been the case in every laboratory that has raised large stocks of *Poeciliopsis* under conditions similar to those at Rutgers. Usually individual fish are not maintained in the laboratory for more than two years. All fish not needed for on-going studies or for maintenance of the stock are preserved in formalin. Studies are in progress to determine the parameters affecting mortality in the laboratory stocks. Most of the mortality



has been restricted to periods when large numbers of several strains of fish were being reared. During these times space became a limiting factor and crowding became a problem. Additional space in a temperature controlled greenhouse has been obtained and at least a portion of the *P. occidentalis* subspecies to be covered by this permit will be housed there during times of crowding. When fish stocks are being kept at maintenance levels, mortality is considerably less than ten percent. Death due to disease is usually less than one percent.

7. (1) Persons involved with collecting and maintenance of the fish to be covered by this permit: Dr. Robert C. Vrijenhoek, Mr. James F. Lealle, Mr. Dominic Spinella, Ms. Susan Krepp.

(11) The date of the collection will be between 15 November 1977 and 31 January 1978. The lack of a firm collecting date is due to the uncertainty concerning when approval for the collection will be obtained from Federal and state authorities. Appropriate applications have been filed by the applicant.

8. The applicant is seeking a permit to collect frozen and live samples of two subspecies of *Poeciliopsis occidentalis*.

(1) The populations of *P. occidentalis* to be sampled are located in Monkey Spring on the Rali-X Ranch in Santa Cruz County (*P. o. occidentalis*) and in a spring on the San Bernardino Ranch in Cochise County (*P. o. sonoriensis*), Arizona. Permission is requested for a single collection of each subspecies during the period 15 November 1977 through 31 January 1978. The flexibility in time is needed in order to allow time for permission to be obtained from appropriate authorities. Permission has also been sought from Mexican authorities to collect Mexican species related to the fish to be covered by this permit. Once permission from all the above authorities has been granted the final dates for the collection will be determined.

(11) The collecting will be by seining and dip nets. The individuals selected will be mature and immature fish of both sexes. In order to conduct the planned studies the individuals must be at least 20 mm in total length. A total of 50 individuals of each subspecies will be taken, including 5 males and 5 females of each subspecies that will be maintained alive for breeding purposes. The live specimens will be shipped by air to New Jersey as was described in 6. iv. above.

(111) This collection will complete a survey of genetic variation in *P. occidentalis* that has been being conducted under NSF Grant DEB76-19285 to the applicant. This study has been completed for the Mexican portion of the range of this species (copy of manuscript in press is attached). That portion of the study was completed with the cooperation and assistance of Mexican authorities. This study of genetic variation in *P. occidentalis* is part of a larger study of variation in a complex of sexually and asexually reproducing fishes in the genus *Poeciliopsis* that is being conducted by the applicant under NSF Grant DEB76-19285. The grant provides funds for the maintenance of live stocks in the laboratory and for the biochemical analysis of frozen fish collected in the wild.

(iv) The carcasses of the fish used in the genetic variation study will be preserved for use in morphological studies. The live fish and their progeny will be maintained as laboratory stocks for use in genetic studies. The carcasses of fish used in the genetic studies will be pre-

served. Laboratory stocks of *P. o. occidentalis* and *P. o. sonoriensis* will be available to other researchers in accordance with standard breeding loans.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO),

U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-1405-07; please refer to this number when submitting comments. All relevant comments received on or before October 31, 1977.

Dated: September 23, 1977.

DONALD G. DONAHOO,  
Chief, Permit Branch, Federal  
Wildlife Permit Office, U.S.  
Fish and Wildlife Service.

[FR Doc.77-28193 Filed 9-28-77;8:45 am]


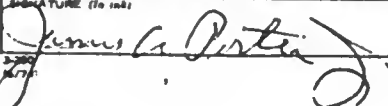
[4310-10]

#### ENDANGERED SPECIES PERMIT

##### South American Primates, Inc.; Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: South American Primates, Inc., 10525 SW 185th Terrace, Miami, Fla. 33157. Dr. James Porter, President.

 <b>DEPARTMENT OF THE INTERIOR</b> U.S. FISH AND WILDLIFE SERVICE <b>FEDERAL FISH AND WILDLIFE</b> LICENSE/PERMIT APPLICATION		1. APPLICATION FOR (Indicate only one) <input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT	
2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED. For Letter of 6/21/77 to your office I wish a permit to ship 6 frozen carcasses of <i>Saguinus oedipus</i> to John McArdle, U. of Chicago. The carcasses were in my possession before the species was listed as an endangered species. Dr. McArdle requested these carcasses before they became endangered but was unable to secure funding then.		3. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. Dr. James Porter, President 305/233/6422 IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED Florida	
4. IF "APPLICANT" IS A BUSINESS CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION Import, export, and sell on the domestic market to research institutions or zoological groups non-human primates and their by products.		5. IF "APPLICANT" IS A BUSINESS CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION Import, export, and sell on the domestic market to research institutions or zoological groups non-human primates and their by products.	
6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED South American Primates, Inc. wishes to ship the 6 frozen carcasses in a styrofoam box packed with dry ice by Delta Airlines to O'hara Airport, Chicago, Ill.		7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? (If yes, list license or permit numbers) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? (If yes, list jurisdictions and type of documents) Not required		9. DESIRED EFFECTIVE DATE Immediately	
10. DURATION NEEDED One time only		11. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 17.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED. 17.33	
<b>CERTIFICATION</b> I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.			
SIGNATURE (In ink) 		DATE August 24, 1977	

SOUTH AMERICAN PRIMATES, INC.,  
Miami, Fla.

Attachments: 50 CFR 13.12(b) 1722.

(1) Six frozen carcasses of Cotton-top marmosets (*Saguinus oedipus*), adult, half male and half female. They are to be sold to Dr. John McArdle, Department of Anatomy, University of Chicago, for anatomical purposes.

(2) The carcasses are in a freezer on my premises. The live animals were part of a shipment imported by and received through Tropical Animal Distributors, Inc., on September 1, 1976.

(3) The live marmosets were imported prior to becoming an endangered species.

(4) The marmosets were imported from Panama.

(5) The Department of Anatomy of the University of Chicago, Chicago, Ill., is typical of all anatomy departments. The carcasses are to be used in private research studies by Dr. McArdle.

(6) Not applicable.

(7) Private research studies funded from personal funds by Dr. John McArdle.

(8) Dr. McArdle is interested in making comparative anatomical studies of marmosets.

NOTE.—These carcasses belonged to live monkeys imported on September 1, 1976. Dr. John McArdle contracted to buy these carcasses by letters of September 29 and November 11, 1976, but, because of shortage of funds, final purchase confirmation was delayed until letter of June 13, 1977, hence this request for permission to ship.

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

JAMES A. PORTER, Jr.,  
D.V.M., Ph.D.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-1371-07; please refer to this number when submitting comments. All relevant comments received on or before October 31, 1977.

Dated: September 23, 1977.

DONALD G. DONAHOO,  
Chief, Permit Branch, Federal  
Wildlife Permit Office, U.S.  
Fish and Wildlife Service.

[FR Doc.77-28191 Filed 9-28-77;8:45 am]


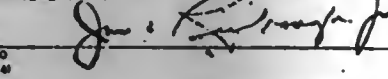
[4310-10]

#### THREATENED SPECIES PERMIT

##### James O. Rumbaugh, Jr., Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under Section 4(d), 16 U.S.C. 1533(d), of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: James O. Rumbaugh, Jr., M.D., Box 156, Newport, Pa. 17074.

 <b>DEPARTMENT OF THE INTERIOR</b> U.S. FISH AND WILDLIFE SERVICE <b>FEDERAL FISH AND WILDLIFE</b> LICENSE/PERMIT APPLICATION		1. APPLICATION FOR (Indicate only one) <input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT	
2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED. Authorization to engage in interstate commerce of seven endangered pheasant which have been determined to exist in "Captive Self-Sustaining Populations" within the U. S.; for a period of two years. (1) Brown-eared (Cross. mantichurum), (2) Edwards (Lophura edwardsi), (3) Mikado (Syrmaticus mikado), (4) Hume's Bar-tailed (Syrmaticus humiae), (5) Palawan peacock pheasant (Polyplectron emphanum), (6) Elliot's (Syrmaticus ellioti), (7) White eared (Crossoptilon Cross. drouyni)		3. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. N. A.	
4. IF "APPLICANT" IS A BUSINESS CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION N. A.		5. IF "APPLICANT" IS A BUSINESS CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION N. A.	
6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED R. D. 2, Juniata Township Perry County Newport, Pa. 17074		7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? (If yes, list license or permit numbers) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? (If yes, list jurisdictions and type of documents) None required		9. DESIRED EFFECTIVE DATE 2 years	
10. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF N. A.		11. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 17.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED. 17.33	
<b>CERTIFICATION</b> I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.			
SIGNATURE (In ink) 		DATE 9/4/77	

September 4, 1977.  
 DIRECTOR (FWS/LE),  
 U.S. Fish and Wildlife Service,  
 U.S. Department of the Interior,  
 P.O. Box 19183, Washington, D.C.  
 DEAR SIR: A "Captive Self-Sustaining Population" permit is requested for the following species of pheasants:

- (1) Brown Eared (Cross. Mantichurum),
- (2) Edwards (Lophura edwardsi),
- (3) Mikado (Syrmaticus mikado),
- (4) Hume's Bar-tailed (Syrmaticus humiae),
- (5) Palawan peacock pheasant (Polyplectron emphanum),
- (6) Elliot's (Syrmaticus ellioti),
- (7) White eared (Crossoptilon Cross. drouyni)



[ 4310-10 ]

## THREATENED SPECIES PERMIT

## Rare Feline Breeding Compound; Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under Section 4(d), 16 USC 1533(d), of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Rare Feline Breeding Compound, P.O. Box 132, Center Hill, Fla. 33514; Robert E. Baudy, owner.

The Applicant seeks a permit to authorize an unlimited number of transactions through interstate commerce over a two-year period of time for the seven species of pheasant listed above in this paragraph, with the permit being subject to renewal according to section 13.24.

(2) The applicant possesses 100 aviaries varying in size from 6 feet wide by 18 feet long to 12 feet wide by 36 feet long. All are 6 feet high. Each has a shelter 6 feet square and six feet high. There are also two buildings, each 16 feet square and 7 feet high, which are heated in winter.

(3) Applicant has been raising ornamental pheasants for over twenty years. Prior to 1973 my pheasantry contained 45 species of ornamental pheasants. Now there are only twelve, but applicant would like to increase that number again. Applicant has raised approximately two thousand young birds in the last twenty years from the species listed above, and may be the only one in the country to have the very rare Imperial pheasant. The applicant has been active in conservation minded organization and is a director and past president of the American Pheasant and Waterfowl Society. He is also a member of the International Wild Waterfowl Society and the American Game Breeders Cooperative Federation.

Mortality of all birds hatched each year has been kept below 5 percent.

The Applicant is making this application to gain authorization to engage in interstate commerce with the seven species of pheasants listed above. This will enable the applicant to dispose of progeny raised each year to qualified breeders and thereby recover costs invested in the above species. This will also increase the "captive self-sustaining population" of each species involved and thereby enhance their overall chances for survival.

Upon termination of my breeding program, those birds covered by the permit as well as those which are not will be distributed among qualified breeders of those species concerned.

Very truly yours,  
JAMES O. RUMBAUGH, Jr., M.D.


Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-1424-C25; please refer to this number when submitting comments. All relevant comments received on or before October 31, 1977 will be considered.

Dated: September 23, 1977.

DONALD G. DONAHOO,  
Chief, Permit Branch, Federal  
Wildlife Permit Office, U.S.  
Fish and Wildlife Service.

[FR Doc. 77-28195 Filed 9-28-77; 8:45 am]

DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION		1. APPLICATION FOR (Indicate only one)	
		<input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT	
		2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED: Buy, sell, and transport tigers, leopards, jaguars and ring tailed leopards in interstate commerce.	
3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested) Rare Feline Breeding Compound P. O. Box 132 Center Hill, Florida 33514 (904) 793-2109		4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: NAME: MR. MRS. MISS MS. _____ DATE OF BIRTH: _____ COLOR HAIR: _____ COLOR EYES: _____ PHONE NUMBER WHERE EMPLOYED: _____ SOCIAL SECURITY NUMBER: _____ OCCUPATION: _____ ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT: _____	
5. IF "APPLICANT" IS A BUSINESS CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION: Privately owned business solely for captive reproduction of felines and other species that are difficult to breed in captivity.		6. IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED: Florida NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. (904) 793-2109 Robert E. Baudy, Owner	
7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If yes, list license or permit numbers)		8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (If yes, list jurisdiction and type of document) Florida F. & W. #130 series E. USDA 58-EL-119	
9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF \$ _____		10. DESIRED EFFECTIVE DATE: October 1, 1977 11. DURATION NEEDED: 2 years	
12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 17.33) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.			
<b>CERTIFICATION</b> I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 17, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.			
SIGNATURE (In ink): <i>Robert E. Baudy</i>		DATE: 9-26-77	

In accordance with paragraph 17.33 the following information is given:

(1) Jaguar, *Panthera onca*; Leopard, *Panthera pardus*; Tiger, *Panthera tigris*; Lemur, ring-tailed, *Lemur catta*.

Buy, sell, and transport the above species in interstate commerce for a period of two (2) years.

(2) Photographs and description of facilities attached.

(3) Robert Baudy, owner, personally supervises all personnel in the care of the animals at the Rare Feline Breeding Compound. Mr. Baudy's technical expertise is demonstrated by the fact that since 1960, 162 tigers, 324 leopards, and 152 jaguars were successfully raised at the compound. Mr. Baudy has also successfully bred puma, snow leopard, clouded leopard, ocelot, margay, asiatic golden cat, caracal, pallas cat, siberian lynx, canadian lynx, and bobcat.

At the present time, there are 117 exotic cats housed at the Breeding Compound. Included in this number are 8 tigers, 33 leopards, 3 snow leopards, 16 jaguars, 2 cheetahs, 9 clouded leopards, 7 ocelots, 13 leopard cats, and 3 margays.

Applicant is a member of the Florida Panther Recovery Team.

(4) Applicant will cooperate in any breeding program and maintain or contribute data to a stud book that is sanctioned by the U.S.D.I.

(5) No temporary storage is planned. All animal crates will meet acceptable standards with provisions for watering and feeding. Fastest means of transportation will be used. Both U.S.D.A. and Florida Game Commission standards are used.

(6) Oct. 1973.....Female leopard killed male during breeding.

Feb. 1974.....One young male tiger killed another young male.

Mar. 1974.....Euthanized female tiger, cancer of skin.

Sept. 1975.....Male jaguar killed, human mistake.

Do .....Male black jaguar, euthanized due to debilitate condition.

June 1976.....Female tiger died following surgery.

All of the above deaths have been studied and when possible, corrective steps have been taken.

(7) The purpose of the Rare Feline Breeding Compound is to propagate felines. Since the subject cats are rare and endangered in their wild state, it is imperative to have a good breeding stock in captivity.

If granted the requested permit, it would be possible to trade, sell, and buy cats that would introduce new blood lines into the Compound's cats, and to use its gene pools to help other captive cats.

The applicant will keep complete and accurate records of all activities required if subject permit is granted.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written

data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-1388-25; please refer to this number when submitting comments. All relevant com-

ments received on or before October 31, 1977 will be considered.

Dated: September 23, 1977.

DONALD G. DONAHOO,  
Chief, Permit Branch, Federal  
Wildlife Permit Office, U.S.  
Fish and Wildlife Service.

[FR Doc. 77-28187 Filed 9-28-77; 8:45 am]


[ 4310-10 ]

## THREATENED SPECIES PERMIT

## Ronald Lynn Phillips; Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under Section 4(d), 16 U.S.C. 1533(d), of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Ronald Lynn Phillips, Rt. No. 5, Huday Lane, Knoxville, Tenn. 37914.

DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION		1. APPLICATION FOR (Indicate only one)	
		<input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT	
		2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED: Unlimited CSSP Permits Pheasants	
3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested) Ronald Lynn Phillips Rt# 5 Huday Lane Knoxville Tn. 37914 5223047 (615)		4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: NAME: MR. MRS. MISS MS. _____ DATE OF BIRTH: 10-11-46 COLOR HAIR: Brown COLOR EYES: Blue PHONE NUMBER WHERE EMPLOYED: XXXXX-5254013 SOCIAL SECURITY NUMBER: 415-76-2971 OCCUPATION: Stock Clerk ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT: _____	
5. IF "APPLICANT" IS A BUSINESS CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION:		6. IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED:	
7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (If yes, list license or permit numbers)		8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (If yes, list jurisdiction and type of document) State Of Tennessee Upland Game Bird Propagation Permit #006442	
9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF \$ 50 C F R 17.33		10. DESIRED EFFECTIVE DATE: Nov. 1-77 11. DURATION NEEDED: 2 Yrs	
12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 17.33) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.			
<b>CERTIFICATION</b> I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 17, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.			
SIGNATURE (In ink): <i>Ronald Lynn Phillips</i>		DATE: 9-4-77	



This attachment is in regard to my request for a Unlimited CSSP Permit for the following:

Brown Eared—Crossoptilon mantchuricum.  
Bar-tailed—Symptomatic humiae.  
Edwards—Lophura edwards.  
Mikado—Symptomatic Mikado.  
Palawan peacock—Polyplectran emphatum.  
Swinhoe—Lophura swinhoe.

This permit is needed to allow me to sell off surplus stock, obtain a new blood line for the species that I have now, and to obtain the two species that I don't have in my collection.

I have enclosed on another page a description along with diagrams and photo's of the facilities in which I house my pheasants.

I am a member of the American Pheasant and Waterfowl Society and the American Game Bird Breeders Cooperative Federation, and I am thirty years old. I have been raising pheasants and waterfowl for eight years. I have seventeen species of pheasants including five that are now on the endangered species list. I also have twenty six species of waterfowl including one that is also on the endangered species list. I have successfully raised off all my endangered pheasants with the exception of my Brown Eared. My problem with them being infertility due to both being closely related, and my not being able to obtain any unrelated stock in my area.

In transporting these birds they will be shipped Air Freight. I usually ship and receive on United Airlines as they have more direct flights to more airports than do other air lines. The size of the shipping container of course would depend upon the birds, the most common size is 20" x 20" x 18", a Eared pheasant would have to be larger. It is constructed of a wooden frame covered with burlap preventing the birds from seeing out and being frightened and allowing fresh air in. The bottom is made of plywood and

covered with straw. The top has a piece of hardware cloth all the way across one end allowing fresh air in the top, the rest is made plywood with foam rubber fastened to it to prevent the bird from hitting his head and injuring himself. On one corner I have a large can fastened which contains water, on the other corner one contains feed. (both of which can be filled and refilled from the outside) I also put freshly cut apples inside of the container for the bird to eat on during shipment.

I would definitely be willing to participate in a cooperative breeding program, and or contribute data on a studbook, or anything else that would help to preserve and increase the population of the species.

As for mortalities I have never lost any birds during shipping. I have of course lost birds, as does everybody during raising. I have lost two Bar-tails this year and one last year, two of which died from fighting and one from flying into a perch and hitting its head. I also lost one pair of Swinhoe due to Mink getting into the pen and killing them. I sometimes lose a bird during hatching as they don't get out of the egg. As in the case of Bartails losing two isn't bad considering I have raised twelve this year so far. In preventing such mortalities I try to provide large pens which usually takes care of birds fighting but of course this doesn't always work. In preventing predators from getting into the pens I place wire around the bottom and cover it with soil preventing anything from digging in. Around the side I have an electric fence to prevent anything from climbing up the sides and getting in.

My purpose for wanting a permit is for one thing a means of selling off my surplus stock. I try to keep several pairs of breeders of each species, but as other breeders with the price of feed and building facilities it is necessary to sell off any surplus that I raise and the local market is just not enough to take care of it. I would also like to obtain a

new blood line to mix with the one that I have now to upgrade my stock. Being an avid bird fancier I am always interested in acquiring and breeding new breeds of birds. I feel that if myself and others don't continue to maintain and breed these birds they will soon be extinct. I have a lot of groups from local schools come out and they really enjoy looking at the birds. I also have a lot of people come by to take pictures. Myself being only thirty years old I would hope to be raising these birds for several years, but should it become necessary for me to terminate my activities I would hope to place my collection in with some of the other collections in my area, and some of the rarer species be donated to the Game Bird Preservation Center in Salt Lake City Utah.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-1398-25; please refer to this number when submitting comments. All relevant comments received on or before October 31, 1977 will be considered.

Dated: September 23, 1977.

DONALD G. DONAHOO,  
Chief, Permit Branch, Federal  
Wildlife Permit Office, U.S.  
Fish and Wildlife Service.

[FR Doc. 77-28188 Filed 9-28-77; 8:45 am]

THURSDAY, SEPTEMBER 29, 1977  
PART VIII



## DEPARTMENT OF STATE

### FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976

Applications for Permits To Fish Off the  
Coasts of the United States

Federal Register

V 42-189 SEP 29 77



[4710-01]

## DEPARTMENT OF STATE

[Public Notice 568]

FISHERY CONSERVATION AND  
MANAGEMENT ACT OF 1976Applications for Permits to Fish Off the  
Coasts of the United States

The Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) (the "Act") provides that no fishing shall be conducted by foreign fishing vessels in the Fishery Conservation

Zone of the United States after February 28, 1977, except in accordance with a valid and applicable permit issued pursuant to section 204 of the Act.

The Act also requires that all applications for such permits be published in the FEDERAL REGISTER.

Applications for fishing during 1978 have been received from the Republic of Romania, and are published herewith.

Dated: September 19, 1977.

LARRY L. SNEAD,  
Acting Director,  
Office of Fisheries Affairs.

THE UNITED STATES OF AMERICA  
DEPARTMENT OF COMMERCE  
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

APPLICATION FOR VESSEL PERMITS TO FISH WITHIN THE  
FISHERY CONSERVATION ZONE OF THE UNITED STATES

No. \_\_\_\_\_

In accordance with the provisions of the Fishery Conservation and Management Act of 1976, the Government of ROMANIA hereby submits this application for permits for vessels under its jurisdiction to fish within the Fishery Conservation Zone of the United States, or beyond that zone for anadromous species or Continental Shelf fishery resources subject to the jurisdiction of the United States, during the year 1978.

Fishing Vessel Identification Forms will be submitted in support of this application. The fishery plans, species, and catch contemplated for vessels of the ROMANIA flag are as follows:

Fishery Plans	Target Species	Total Tonnage Requested For Each Species (MT)
ATLANTIC MACKEREL	MACKEREL	25.000
ATLANTIC HAKE	SILVER HAKE	3.600
ATLANTIC HERRING	HERING	5.300
ATLANTIC SQUID	SQUID	4.000
OTHER FIN FISH - ATLANTIC	OTHER FINFISH	2.800
		40.700

Submitted: 31.08.1977  
Date

*[Signature]*  
Signature of Authorized Official

Title

CHIEF OF FISHING DEPARTMENT  
MINISTRY OF AGRICULTURE AND FOODSTUFF INDUSTRY

## FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. RO-78-0002

1. Name of Vessel P O L A R 4 2. Visual Ident-  
fier (Call Sign) Y.Q.M.D.  
3. Type of Vessel refrigerated transport 4. Length 152  
5. Gross Tonnage 11.899 6. Net Tonnage 7.158 7. Speed (knots) 17  
8. Owner's Name and Address I.P.O.-TULCEA frigorifer portuar street,  
no.1, TULCEA - ROMANIA.  
9. Types of Processing Equipment cargo - gears.

## 10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
MAC	MACKEREL				X
HAK	SILVER HAKE				X
HER	HERING				X
SQU	SQUID				X
FINF	OTHER FINFISH				X

## 11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

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FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. Ro-7B-0008

1. Name of Vessel P O L A R I Visual Ident-  
2. fier (Call Sign) Y.Q.M.A.  
3. Type of Vessel refrigerated transport 4. Length 130 m  
5. Gross Tonnage 5120 6. Net Tonnage 2387 7. Speed (knots) 16  
8. Owner's Name and Address I.P.O.-TULCEA - frigorifer portuar street  
no.1, TULCEA - ROMANIA.

9. Types of Processing Equipment CARGO-GEARS

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity			
			Catching	Processing	Other	Support
MAC	MACKEREL					X
HAK	SILVER HAKE					X
HER	HERING					X
SQU	SQUID					X
TNF	OTHER FINFISH					X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. Ro-7B-0005

1. Name of Vessel D O R N A Visual Ident-  
2. fier (Call Sign) Y.Q.M.R.  
3. Type of Vessel STERN TRAWLER 4. Length 102 m  
5. Gross Tonnage 3971 6. Net Tonnage 1864 7. Speed (knots) 15  
8. Owner's Name and Address I.P.O. TULCEA-Frigorifer portuar street  
no.1 Tulcea - ROMANIA

9. Types of Processing Equipment Beheading machine vostra 201.1;201.2;202.1;301,c  
filleting machine vostra 331.0;332.0;skinning mach.vostre 361.0,  
freezing tunnels LEH.21-1 fish meal plant VF-MC 4,fish oil-laval

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity			
			Catching	Processing	Other	Support
MAC	MACKEREL	MIDWATER TRAWL	X	X		
PNF	OTHER FINFISH	MIDWATER TRAWL	X	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

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## FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. RO-78-0006

1. Name of Vessel I E Z E R Visual Ident-  
 2. fier (Call Sign) Y.Q.M.J.  
 3. Type of Vessel stern trawler 4. Length 81  
 5. Gross Tonnage 2632 6. Net Tonnage 1116 7. Speed (knots) 15  
 8. Owner's Name and Address I.P.O.- TULCEA - frigorifer portuar street  
no.1, TULCEA - ROMANIA  
 9. Types of Processing Equipment Beheading machine baader 421;423;filleting  
machine baader 188,skimming machine type 47,fish washing machine type  
F.G.2. horizontal plate freezer(double)2 HPmP 2x12,5R;vehtical plate  
freezers 2VPA 3GR.fish meal plant-TM-35M-35Z fish oil plant-laval.  
 10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
MAC	MACKEREL	MIDWATER TRAWL	X	X	X
BAK	SILVER HAKE	MIDWATER TRAWL	X	X	
SQU	SQUID	MIDWATER TRAWL	X	X	
FNF	OTHE FINFISH	MIDWATER TRAWL	X	X	
		BOTTOM TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

## FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. RO-78-0006

1. Name of Vessel N E G O I U Visual Ident-  
 2. fier (Call Sign) Y.Q.P.Y.  
 3. Type of Vessel stern trawler 4. Length 84  
 5. Gross Tonnage 2691 6. Net Tonnage 1075 7. Speed (knots) 13  
 8. Owner's Name and Address I.P.O. TULCEA frigorifer portuar street  
no.1, TULCEA - ROMANIA  
 9. Types of Processing Equipment Beheading machine baader 421;423,filleting  
machine type baader 188,skimming machine type F.G.2.conveyor with  
washing machine fish type f.g.2;two contact freezers-clarkebuilt-fish  
meal plant TM-35M-35Z-fish oil plant-laval-sweden.  
 10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
MAC	MACKEREL	MIDWATER TRAWL	X	X	
SQU	SQUID	MIDWATER TRAWL	X	X	
FNF	OTHER FINFISH	MIDWATER TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

V 4 2 1 8 9 S E P 2 9 7 7



FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. RO-78-001

1. Name of Vessel S I N O E 2. Visual Identifier (Call Sign) Y.Q.P.V.  
3. Type of Vessel stern trawler 4. Length 84  
5. Gross Tonnage 2691 6. Net Tonnage 1075 7. Speed (knots) 13  
8. Owner's Name and Address I.P.O. TULCEA - frigorifer portuar street,  
no.1, TULCEA - ROMANIA

9. Types of Processing Equipment Beheading machine type baader 421;423 filleting  
machine type baader 188;skinning machine type baader 47,fish washing  
machine type F.C.2;plate freezers and freezing tunnel-clarke fish meal  
plant TM-35M-35Z; fish oil-laval  
10. Fisheries for which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
MAC	MACKEREL	MIDWATER TRAWL	X	X	
HAK	SILVER HAKE	BOTTOM TRAWL	X	X	
HER	HERING	MIDWATER TRAWL	X	X	
SQU	SQUID	MIDWATER TRAWL	X	X	
PNF	OTHER FINFISH	MIDWATER TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:  
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels,  
fishery, species, quantities, dates, locations and specific  
activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. RO-78-002

1. Name of Vessel C E R N A 2. Visual Identifier (Call Sign) Y.Q.M.N  
3. Type of Vessel Stern Trawler 4. Length 102  
5. Gross Tonnage 3971 6. Net Tonnage 1864 7. Speed (knots) 15  
8. Owner's Name and Address I.P.O.TULCEA - Frigorifer portuar street  
no. 1 - Tulcea - ROMANIA

9. Types of Processing Equipment Beheading machine vostra 201.1;201.2;202.1;301.  
filleting machine vostra 331.0;332.0;skinning mach.vostra 361.0,  
freezing tunnels LBH.21-1 fish meal plant VF-MC 4,fish oil-laval

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
MAC	MACKEREL	MIDWATER TRAWL	X	X	
PNF	OTHER FINFISH	MIDWATER TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:  
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels,  
fishery, species, quantities, dates, locations and specific  
activities requested.)

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## FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. Ro-7B-001

1. Name of Vessel C A L I M A N Visual Ident-  
2. fier (Call Sign) Y.Q.M.S.
3. Type of Vessel Stern trawler 4. Length 102
5. Gross Tonnage 3971 6. Net Tonnage 1864 7. Speed (knots) 15  
Maximum
8. Owner's Name and Address I.P.O. TULCEA-Frigorifer portuar street  
no.1 TULCEA - ROMANIA
9. Types of Processing Equipment Beheading machine vostra 201.1;201.2;202.1;301.0  
filleting machine vostra 331.0;332.0;skinning mach.vostra 361.0;  
freezing tunnels LBH.21-1 fish meal plant VF-MC 4, fish oil-laval
10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
MAC	MACKEREL	MIDWATER TRAWL	X	X	
SQU	SQUID	MIDWATER TRAWL	X	X	
FINF	OTHER FINFISH	MIDWATER TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

## FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. Ro-7B-005

1. Name of Vessel C E A H L A U L Visual Ident-  
2. fier (Call Sign) Y.Q.P.Z.
3. Type of Vessel stern trawler 4. Length 88
5. Gross Tonnage 2682 6. Net Tonnage 1066 7. Speed (knots) 13  
Maximum
8. Owner's Name and Address I.P.O. TULCEA - frigorifer portuar street  
no.1, TULCEA - ROMANIA
9. Types of Processing Equipment Beheading machine type bander 421;423, filleting  
machine type baader 180, skinning machine type baader 47, fish mashing  
machine type P.G.2, two contact freezers, fish meal plant-TM-35M-35Z-  
fish oil plant-laval-sweden.
10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
MAC	MACKEREL	MIDWATER TRAWL	X	X	
HER	HERING	MIDWATER TRAWL	X	X	
SQU	SQUID	MIDWATER TRAWL	X	X	
FINF	OTHER FINFISH	MIDWATER TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

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## FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. RO-7B-006

1. Name of Vessel C I N D R E L U L 2. Visual Identifier (Call Sign) Y.Q.M.T.
3. Type of Vessel stern trawler 4. Length 102
5. Gross Tonnage 3971 6. Net Tonnage 1864 7. Speed (knots) 15
8. Owner's Name and Address I.P.O. TULCEA - frigorifer portuar street,  
no. 1, TULCEA - ROMANIA
9. Types of Processing Equipment Beheading machine vostra 201.1; 201.2; 202.1; 301.0  
filleting machine vostra 331.0; 332.0; skinning mach. vostra 361.0,  
freezing tunnels LBH.21-1 fish meal plant VF-MC 4, fish oil-laval
10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
MAC	MACKEREL	MIDWATER TRAWL	X	X	
HAK	SILVER HAKE	BOTTOM TRAWL	X	X	
HER	HERING	MIDWATER TRAWL	X	X	
SQU	SQUID	MIDWATER TRAWL	X	X	
		BOTTOM TRAWL			
FNF	OTHER FINFISH	MIDWATER TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

## FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. RO-7B-007

1. Name of Vessel C I U C A S 2. Visual Identifier (Call Sign) Y.Q.M.U.
3. Type of Vessel Stern trawler 4. Length 102
5. Gross Tonnage 3971 6. Net Tonnage 1864 7. Speed (knots) 15
8. Owner's Name and Address I.P.O.-TULCEA - frigorifer portuar street  
no.1 - TULCEA - ROMANIA
9. Types of Processing Equipment Beheading machine vostra 201.1; 201.2; 202.1; 301.0  
filleting machine vostra 331.0; 332.0; skinning mach. vostra 361.0,  
freezing tunnels LBH.21-1 fish meal plant VF-MC 4, fish oil-laval
10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
MAC	MACKEREL	MIDWATER TRAWL	X	X	
HAK	SILVER HAKE	BOTTOM TRAWL	X	X	
HER	HERING	MIDWATER TRAWL	X	X	
SQU	SQUID	MIDWATER TRAWL	X	X	
FNF	OTHER FINFISH	MIDWATER TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

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FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. Ro-78-0018

1. Name of Vessel C O S T I L A Visual Identif. Y.Q.M.V.  
2. fier (Call Sign) 102  
3. Type of Vessel Stern trawler 4. Length 102  
5. Gross Tonnage 3971 6. Net Tonnage 1864 Maximum 15  
7. Speed (knots) 15  
8. Owner's Name and Address I.P.O. TULCEA - frigorifer portuar street  
no.1, TULCEA - ROMANIA  
9. Types of Processing Equipment Beheading machine vostra 201.1;201.2;202.1;301.  
filleting machine vostra 331.0;332.0;skinning mach.vostra 361.0;  
freezing tunnels LBH.21-1 fish meal plant VF-MC 4, fish oil - laval  
10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
MAC	MACKEREL	MIDWATER TRAWL	X	X	
SQU	SQUID	MIDWATER TRAWL	X	X	
FNF	OTHER FINFISH	MIDWATER TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:  
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. Ro-78-0019

1. Name of Vessel P O L A R 2 Visual Identif. Y.Q.M.B.  
2. fier (Call Sign) 130  
3. Type of Vessel refrigerated transport 4. Length 130  
5. Gross Tonnage 5120 6. Net Tonnage 2387 Maximum 16  
7. Speed (knots) 16  
8. Owner's Name and Address I.P.O.-TULCEA frigorifer portuar street  
no.1, TULCEA - ROMANIA  
9. Types of Processing Equipment cargo - gears  
10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Activity	
				Processing	Other Support
MAC	MACKEREL				X
HAK	SILVER HAKE				X
HER	HERING				X
SQU	SQUID				X
FNF	OTHER FINFISH				X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:  
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

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## FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. LO 78-1023

1. Name of Vessel P O L A R 3 2. Visual Identifier (Call Sign) X.Q.M.G.
3. Type of Vessel refrigerated transport 4. Length 152
5. Gross Tonnage 11.899 6. Net Tonnage 7.150 7. Speed (knots) 17
8. Owner's Name and Address I.P.O.-TULCEA frigorifer portuar street.  
no.1, TULCEA - ROMANIA
9. Types of Processing Equipment cargo - gears

## 10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Activity	
				Processing	Other Support
MAC	MACKEREL				<u>X</u>
HAK	SILVER HAKE				<u>X</u>
HER	HERING				<u>X</u>
SQU	SQUID				<u>X</u>
PNF	OTHER FINFISH				<u>X</u>

## 11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

- ☒ No ☐ Yes. (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

[FR Doc.77-28421 Filed 9-28-77; 8:45 am]

[4710-01]

[Public Notice 569]

## FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976

## Applications for Permits to Fish Off the Coasts of the United States

The Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) (the "Act") provides that no fishing shall be conducted by foreign fishing vessels in the Fishery Conservation Zone of the United States after February 28, 1977,

except in accordance with a valid and applicable permit issued pursuant to section 204 of the Act.

The Act also requires that all applications for such permits be published in the FEDERAL REGISTER.

Applications for fishing during 1977 have been received from the Government of Mexico, and are published herewith.

Dated: September 19, 1977.

LARRY L. SNEAD,  
Acting Director,  
Office of Fisheries Affairs.

THE UNITED STATES OF AMERICA  
DEPARTMENT OF COMMERCE  
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

APPLICATION FOR VESSEL PERMITS TO FISH WITHIN THE  
FISHERY CONSERVATION ZONE OF THE UNITED STATES

No. \_\_\_\_\_

In accordance with the provisions of the Fishery Conservation and Management Act of 1976, the Government of MEXICO hereby submits this application for permits for vessels under its jurisdiction to fish within the Fishery Conservation Zone of the United States, or beyond that zone for anadromous species or Continental Shelf fishery resources subject to the jurisdiction of the United States, during the year 1977.

Fishing Vessel Identification Forms will be submitted in support of this application. The fishery plans, species, and catch contemplated for vessels of the MEXICAN flag are as follows:

Fishery Plans	Target Species	Total Tonnage Requested For Each Species (MT)
Atlantic Squid	SQU. Loligo	

Submitted: September 13, 1977  
Date

Signature of Authorized Official

Director of Intrl. AffairsTitle  
Fishing Dpt.Mexico CityLic. ARTURO DIAZ-ROJO

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## FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. mx-27-0001

Cortina J. (ex Alpes- Spanish name) (Mexican

1. Name of Vessel Cortina J. (ex Alpes- Spanish name) (Mexican name subject to approval) 2. Visual Identifier (Call Sign) EEE L

3. Type of Vessel STERN TRAWLER 4. Length 52

5. Gross Tonnage	680	6. Net Tonnage	383	7. Speed (knots)	13
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6. Owner's Name and Address COMPANIA IMPULSORA DEL CALAMAR, S.A.

Calle 20 / 35 Ciudad del Carmen Campeche - México

9. Types of Processing Equipment FLASH FREEZER

10. Fisheries for which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
SQU	Long finned squid Short finned squid	BOTTOM TRAWL	X	X	

17. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

## FISHING VESSEL IDENTIFICATION FORM (FOREI.)

No. MX-77-0002

Mónica Re (ex Avior- spanish name)

1. Name of Vessel (Mexican name subject to approval) Mónica Re (ex Avior- spanish name) 2. Visual Identifier (Call Sign) E E V X

3. Type of Vessel STERN TRAWLER 4. Length 56

5. Gross Tonnage	765	6. Net Tonnage	394	7. Speed (knots)	13
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6. Owner's Name and Address COMPANIA CALAMARERA DEL SURESTE, S.A.

Calle 20. / . 35 Ciudad del Carmen - Campeche - Mexico

## 9. Types of Processing Equipment FLASH FREEZER

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
SQU	Long-finned squid Short finned squid	BOTTOM TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

[FR Doc.77-28422 Filed 9-28-77;8:45 am]

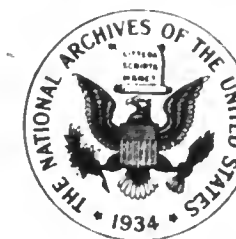
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**federal register**

**THURSDAY, SEPTEMBER 29, 1977**  
**PART IX**



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**OFFICE OF  
MANAGEMENT  
AND BUDGET**

■  
**PROPOSED  
BUDGET RESCISSION**

**V 42-189**

**SEP 29 77**

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[ 3110-01 ]  
OFFICE OF MANAGEMENT AND BUDGET

DEPARTMENT OF JUSTICE  
Proposed Budget Rescission

To the CONGRESS OF THE UNITED STATES:  
In accordance with the Impoundment Control Act of 1974, I herewith propose

CONTENTS OF SPECIAL MESSAGE

(in thousands of dollars)

rescission of \$2.7 million in general criminal justice and corrections grant funds appropriated to the Department of Justice.

The details of the proposed rescission are contained in the attached report.

JIMMY CARTER.  
THE WHITE HOUSE.  
September 23, 1977.

Rescission #	Item	Budget Authority
R78-1	Department of Justice Law Enforcement Assistance Administration Salaries and expenses.....	2,668

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SUMMARY OF SPECIAL MESSAGES

FOR FY 1978

(in thousands of dollars)

Rescissions	Deferrals 1/
First special message.....	2,668
1/ Deferrals for FY 1978 cannot be proposed until October 1, 1977, in accordance with section 1013 of P.L. 93-344.	---

Justification:

Funds totalling \$2,668,000 of budget authority available until expended in the Law Enforcement Assistance Administration's (LEAA) Salaries and expenses account are proposed for rescission. These funds represent the amount remaining available for general criminal justice and corrections formula grants. The funds had been allocated to State and local governments but were not used by them. In these cases, such unused funds revert to LEAA for general application.

The proposed rescission of these funds is equal to an amount proposed for transfer to Salaries and expenses, General legal activities (\$1,445,000) and Salaries and expenses, Antitrust Division (\$1,223,000), both in the Department of Justice. Additional funds are needed for General legal activities to alleviate a serious backlog of cases involving monetary claims of the government, white collar crime, corporate taxes, torts, fraud, and general litigation. Increased funding for the Antitrust Division is required to meet the additional grand jury workload resulting from criminal price fixing investigations, to increase ADP support in complex antitrust litigation, to administer the new antitrust enforcement grant program, and to maintain a computerized document retrieval system for the grand jury investigation related to ocean shipping.

In summary, the need for using the \$2,668,000 for the General legal activities and in the Antitrust Division is greater than known LEAA needs for the funds. Therefore, they are proposed for transfer. This budget authority is also being reported as a rescission proposal to be consistent with section 1012 of the Impoundment Control Act which states that budget authority shall be proposed for rescission if it is no longer required for the purpose for which it was provided. The attached transfer language is included in a supplemental appropriations request presently before the Congress.

NOTICES

NOTICES

R78-1

Estimated Effect:

LEAA funds allocated to State and local governments, but not used by them, will be transferred, providing the Congress approves the transfer, for use in the Salaries and expenses accounts of General legal activities and the Antitrust Division.

Outlay Effect: (estimated in million of dollars)

Comparison with President's 1978 Budget:

1. Budget outlay estimate for FY 1978.....	807.6
2. Outlay savings, if any, included in the budget outlay estimate.....	-0-

Current Outlay Estimates for FY 1978

3. Without rescission.....	807.6
4. With rescission.....	807.3
5. Current outlay savings (line 3-line 4) 1/.....	.3

Outlay Savings for FY 1979 1/.....	1.5
Outlay Savings for FY 1980 1/.....	.9

1/ The outlay savings shown here would be offset in an equal amount by outlay increases in the two accounts receiving the additional funds by transfer.

R78-1

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

Salaries and expenses, General Legal Activities

For an additional amount for "Salaries and expenses, General legal activities", \$1,445,000, to be derived by transfer from "Salaries and expenses", Law Enforcement Assistance Administration.

Salaries and expenses, Antitrust Division

For an additional amount for "Salaries and expenses, Antitrust Division", \$1,223,000, to be derived by transfer from "Salaries and expenses", Law Enforcement Assistance Administration.

[FR Doc.77-28772 Filed 9-28-77;8:45 am]



Register  
Federal

THURSDAY, SEPTEMBER 29, 1977

PART X



## PRIVACY ACT ISSUANCES, ANNUAL PUBLICATION

Department/ Agency	FR Page Numbers	
	Systems of Records	Rules
Health, Education and Welfare Department .....	51922	52348

V421189

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**DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE  
OFFICE OF THE SECRETARY**

**PRIVACY ACT OF 1974  
Systems of Records; Annual Publication**

The purpose of this document is to meet the requirements of 5 U.S.C. 552a(e)(4). This includes the annual republication of the Department of Health, Education, and Welfare's systems of records. This listing of notices is up-to-date as of August 31, 1977 and does not contain any material which would require a new or altered system report as described in OMB Circular A-108. Nonetheless, these notices do contain modifications for the purposes of completeness, clarity and correctness, as well as editorial changes.

There are, however, additional routine uses which were not previously published in the Federal Register. The routine use disclosures can be analyzed in their proper context by referring to the notices indicated by number and name in the following listing. These proposed routine uses and their systems numbers and names are as follows:

1. "Disclosure may be made of such information regarding the commission of crimes or the occurrence of communicable diseases, child abuse, etc., as may be required to be disclosed by health facilities generally by the law of the State in which the facility is located."

09-15-0007 Patients Medical Records System (Bureau of Medical Service)

09-15-0019 Health and Medical Records System (Indian Health Service)

2. "Disclosure may be made to authorized organizations or individuals for the conduct of analytical and evaluation studies sponsored by the Indian Health Service."

09-15-0019 Health and Medical Records System (Indian Health Service)

3. "Disclosure may be made to a Congressional office in response to an inquiry from that office made at the request of the subject individual."

09-15-0019 Health and Medical Records System (Indian Health Service)

Center for Disease Control (CDC)

1. "Data may be sent to State Vital Statistics Divisions to obtain death certificates, and to Missing Person Location Agencies to find those individuals who cannot otherwise be located."

09-20-0030 Byssinosis Research at Burlington Industries (National Institute of Occupational Safety and Health)

09-20-0040 Pennsylvania Coal Miners Study (NIOSH)

09-20-0050 Appalachian Coal Miner Study 1963-1966 (NIOSH)

09-20-0069 Coal Miner Study in Charleston-Beckley, West Virginia (NIOSH)

2. "Data may be sent to Medical Division, Tennessee Valley Authority, in line with an Inter-Agency Agreement, to State Vital Statistics Divisions to obtain death certificates, and to Missing Person Location Agencies to find those individuals who cannot otherwise be located."

09-20-0128 Mortality of TVA Workers Exposed to Coal Handling Procedures (NIOSH)

3. "Disclosure may be made to individuals and organizations deemed qualified by the Secretary to carry out specific research solely for the purpose of carrying out such research." (45 CFR 5b, Appendix B, item (101))

09-20-0096 Tuskegee Study of Untreated Syphilis Medical Care Program (Bureau of State Services)

4. "Research Data are made available to approved or collaborating researchers, including HEW contractors and grantees."

09-20-0089 Study of Chemotherapy of Pulmonary Tuberculosis (Bureau of State Services)

09-20-0094 Drug Resistance Study for Tuberculosis (Bureau of State Services)

5. "Records may be disclosed to Health Departments and other public health or cooperating medical authorities."

09-20-0086 Persons of Isoniazid Prevention Treatment for Tuberculosis (Bureau of State Services)

09-20-0089 Study of Chemotherapy of Pulmonary Tuberculosis (Bureau of State Services)

09-20-0091 Rifampin in Initial Treatment of Pulmonary TB (Bureau of State Services)

09-20-0092 Rifampin—Isoniazid in Initial Treatment of Pulmonary TB (Bureau of State Services)

09-20-0094 Drug Resistance Study for TB (Bureau of State Services)

09-20-0096 Tuskegee Study of Untreated Syphilis Medical Care Program (Bureau of State Services)

09-20-0097 BCG Vaccination Studies for TB (Bureau of State Services)

09-20-0106 Microbiological Specimen Handling for Testing and Related Data (Bureau of Laboratories)

6. "The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records."

09-20-0095 Zoster Immune Globulin Records on High Risk Immunosuppressed Children Exposed to Chickenpox, HEW CDC BSS

Several additional routine uses, as follows, are proposed to be added to system 09-20-0055, Research/Demonstration and Training Grants Application Files (National Institute of Occupational Safety and Health):

"To the Smithsonian Science Information Exchange for dissemination of science information (applies to research grants only and is in the form of abstracts)." "To the cognizant audit agency for auditing." "To qualified experts not within the definition of Department employees as prescribed in Department regulations (45 CFR, Part 5b.2) for opinions as a part of the application review process." "To a Federal agency, in response to its request, in connection with the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter." "To individuals and organizations deemed qualified by PHS to carry out specific research related to the review and award processes of PHS." "To organizations in the private sector with whom PHS has contracted for the purpose of collating, analyzing, aggregating, or otherwise refining records in a system. Relevant records will be disclosed to such contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records." "To a grantee institution relative to performance or administration under the terms and conditions of the award." Office of the Assistant Secretary for Health (OASH)

Three additional routine uses, as follows, are proposed to be added to system 09-37-0007, Commissioned Corps Personnel Files and Records (Office of Administrative Management):

"To prospective employers and other organizations at the request of the individual;" "to other Federal agencies in the event of appointment of former officers;" "to other Federal agencies to the extent necessary to obtain suitability and security investigation reports." Social Security Administration (SSA)

1. "In response to legal process or an interrogatory relating to the enforcement of an individual's child support or alimony obligations as required by sections 459 and 461 of the Social Security Act."

09-60-0089 Claims Folder and Post-Adjudication Records, HEW SSA OPO

09-60-0090 The Master Beneficiary Record, HEW SSA OPO

09-60-0044 The Initial and Continuing Disability Determination File, HEW SSA OPO

09-60-0059 The Earnings Recording and Self-Employment Income System, HEW SSA OPO

09-60-0103 Supplemental Security Income Record, HEW SSA OPO

2. Routine use listing, item "o." for system No. 09-60-0090, Master Beneficiary Record HEW SSA, is expanded to permit the disclosure of information for use in the complete administration of the Medicaid program.

Prior to the final adoption of the proposed routine uses for these systems, consideration in accordance with the requirements of 5 U.S.C.

552a(e)(11) will be given to comments which are submitted in writing on or before October 31, 1977. Comments should be addressed to the Acting Director, Fair Information Practice Staff, Department of Health, Education, and Welfare, 200 Independence Ave., SW., Washington, D.C. 20201. Comments received will be available for inspection in Room 526E, South Portal Building, at the above address. The routine uses will be adopted as of the closing date of the comment period unless comment resulting in a contrary determination is received and a revised notice published.

The following routine use is in effect for all systems of records within the Department with the exceptions noted below:

"In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected."

The systems of records of the Office of Research and Statistics in SSA which are identified as: 09-60-0148; 09-60-0149; 09-60-0159; 09-60-0183; 09-60-0196; 09-60-0197; 09-60-0199; 09-60-0200; 09-60-0201; 09-60-0202; 09-60-0203; 09-60-0204 and 09-60-0209 do not include this routine use because statute/regulation preclude such disclosures from these systems.

Any additional modifications, additions, deletions, or corrections due to any inadvertent oversight will be published in later issues of the Federal Register.

It should be noted that there are certain routine uses that apply to a substantial number of HEW systems of records and that such uses have been set forth in the Appendix preceding the notices. In the notices of systems of records it is referred to by the following name: Appendix B of the Department Regulations (45 CFR Part 5b). Whenever this Appendix is cited, however, it is only the referenced line item which supplements the routine uses described in the rest of the system notice.

Dated: September 27, 1977.

JOHN D. YOUNG,  
Assistant Secretary for  
Management and Budget.



TABLE OF CONTENTS

System Number	System Name	System Number	System Name
09-90-0001	Telephone Directory/Locator System HEW-OS-ASMB-OMAS.	09-90-0053	Complaint Log, Elementary-Secondary Division. HEW OS/OCR/ESE.
09-90-0002	Investigatory Material Compiled for Security and Suitability Purposes System, HEW/OS/ASPER/PT.	09-90-0054	Complaint Files, Health and Social Services Division, HEW. OS-OCR-HSS.
09-90-0003	Investigative Files of the Inspector General, HEW/OS/OIG.	09-90-0055	Complaint File, Higher Education Division, HEW. OS-OCR-HED.
09-90-0005	Safety Management Information System (HEW Accident, Injury and Illness Reporting System).	09-90-0056	New Orleans Louisiana Review, HEW OS-OCR-HSS.
09-90-0006	Applicants for Employment Records. HEW/OS/ASPER/PT.	09-90-0058	Freedom of Information Case File and Correspondence Control Index. HEW OS-ASPA-FOIA.
09-90-0007	Complaints and Inquiries Records—Miscellaneous. HEW/OS/ASPER/PT.	09-90-0059	Federal Advisory Committee Membership Files, HEW OS-ASPER-DCMO.
09-90-0008	Conflict of Interest Records System. HEW/OS/ASPER/PT.	09-90-0060	Complaint Files on Nursing Homes. HEW R RD OLTC.
09-90-0009	Discrimination Complaints Records System. HEW/OS/ASPER/PT.	09-90-0061	Claims for Damage, Injury, or Death. HEW/R03-ASD.
09-90-0010	Employee Alcoholism, Drug Abuse and Emotional Problem Counselling and Referral Records. HEW/OS/ASPER/PT.	09-90-0062	Administrative Claims. HEW/OS/OGC.
09-90-0011	Employee Appraisal Program Records. HEW/OS/ASPER/PT.	09-90-0063	OGC Directory. HEW-OS-OGC.
09-90-0012	Executive Development Records System. HEW/OS/ASPER/PT.	09-90-0064	Litigation Files, Administrative Complaints, and Adverse Personnel Actions. HEW/OS/OGC.
09-90-0013	Federal Employees Occupational Health Program Records. HEW/OS/ASPER/PT.	09-90-0065	Conflict of Interest—Standards of Conduct Records. HEW/OS/OGC.
09-90-0014	Grievances Filed Under the Informal Grievance Procedures. HEW/OS/ASPER/PT.	09-90-0066	OGC-Attorney Applicant Files HEW-OS-OGC.
09-90-0015	Grievance Records Filed Under Procedures Established by Labor-Management Negotiations. HEW/OS/ASPER/PT.	09-90-0067	Invention Reports Submitted to the Department of Health, Education, and Welfare by its Employees, Grantees, Fellowship Recipients, and Contractors. HEW-OS-OGC.
09-90-0016	HEW Motor Vehicle Operator Records. HEW/OS/ASPER/PT.	09-90-0068	Federal Private Relief Legislation. HEW/OS/OGC.
09-90-0017	Pay, Leave and Attendance Records. HEW/OS/ASPER/PT.	09-90-0069	Unfair Labor Practice Records. HEW/OS/ASPER/PT.
09-90-0018	Personnel Records in Operating Offices. HEW/OS/ASPER/PT.	09-90-0070	Motor Vehicle Accident Reports—HEW/OS/OGC.
09-90-0019	Special Employment Programs. HEW/OS/ASPER/PT.	09-90-0071	Social Security Code Cards. HEW/OS/OGC.
09-90-0020	Suitability for Employment Records. HEW/OS/ASPER/PT.	09-90-0072	Congressional Grants Notification Unit. HEW/OS/ASL.
09-90-0021	Training Manpower Information System. HEW/OS/ASPER/PT.	09-90-0074	Federal Parent Locator System. HEW OCSE.
09-90-0022	Volunteer EEO Support Personnel Records. HEW/OS/ASPER/PT.	09-90-0075	MBTA Prepaid Pass Program Participants. HEW-RO1-ARD.
09-90-0023	Departmental Parking Control Policy. HEW/OS/ASMB/FE.	09-90-0076	Persons Authorized to Represent a State Agency in Acquisition, Maintenance, and Donation of Surplus Property. HEW-RO9.
09-90-0024	Accounting Records of Payments to Individuals from Agency and Regional Financial Management and Disbursing Offices. HEW OS ASMB 1.	09-90-0077	Placement and Career Development Service Program for Indo-Chinese Refugees, Jewish Federation of Metropolitan Chicago (Contractor).
09-90-0025	Central Registry of Individuals Doing Business With HEW. HEW OS ASMB 2.	09-80-0001	Manpower Resources Contractual Services for Reviewing and Evaluating ORD-MR Projects HEW OHD AOA ORD.
09-90-0026	Congressional Biographies HEW/OS/ASL.	09-80-0002	Developmental Disabilities Complaints and Correspondence Files HEW OHD DDO RO7.
09-90-0027	Congressional Correspondence Unit. HEW/OS/ASL.	09-80-0003	OCD Project Staff Lists HEW-OHD-CCD-IX.
09-90-0028	Biographies and Photographs of HEW Officials HEW/OS/ASPA.	09-80-0004	Parent Council Advisor Members HEW-OHD-CCD-IX-2.
09-90-0036	Employee Suggestion System. HEW/OS/ASMB/OMAS.	09-80-0005	Education for Parenthood Mailing List. HEW OHD OCD CB.
09-90-0037	Secretary's Correspondence Control System. HEW/OS/ES.	09-80-0006	National Center on Child Abuse and Neglect Mailing List. HEW OHD OCD CB.
09-90-0038	Secretary's Official Files. HEW/OS/ES.	09-80-0007	National Center for Child Advocacy Mailing List. HEW OHD OCD CB.
09-90-0039	Family Educational Rights and Privacy Act—School Recordkeeping Practices Correspondence and Complaint System. HEW/OS/ASMB/FERPA.	09-80-0008	OCD Research and Development Program Mailing Lists. HEW OHD OCD R&E.
09-90-0041	Consumer Mailing Lists. HEW/OS/OCA.	09-80-0009	OCD Mailing List HEW OHD OCD R10.
09-90-0046	Consumer, Complaint Correspondence System. HEW/OS/OCA.	09-80-0010	Mailing List for ONAP Publications. OHD-ONAP.
09-90-0047	Directory, Federal, State, County and City Government Consumer. HEW/OS/OCA Offices.	09-80-0011	Consultants for Federal Technical Assistance Program, Vocational Rehabilitation Services. HEW OHD ORS IX.
09-90-0048	Consumer Liaison Contacts. HEW/OS/OCA.	09-80-0012	Office of Rehabilitation Services Mailing Lists. OHD-ORS-R10
09-90-0049	Office of External Liaison—Consumer Correspondence Files. HEW/OS/OCA.	09-80-0014	Runaway Youth Act Mailing Lists HEW OHD OYD.
09-90-0050	Case Following System. HEW OS/OCR.	09-80-0015	National Clearing House on Aging-Mailing Keys HEW AOA NCA.
09-90-0051	Complaint Files, Office of New Programs. HEW OS/OCR/ONP.	09-80-0016	Childrens' Bureau General Mailing List HEW OHD OCD CB.
09-90-0052	Complaint Files, Contract Compliance Division. HEW OS-OCR-CCD.	09-80-0017	Children Today Mailing List HEW OHD OCD CB.
		09-80-0018	Mailing Keys. HEW/OHD/RSA.
		09-80-0019	Correspondence Files. HEW/OHD/RSA.
		09-40-0002	Registry of Deaf-Blind Children—Regional-National. HEW E.
		09-40-0003	Student Participants in Deaf-Blind Programs Under Centers and Services for Deaf-Blind Children—HEW E.

System Number	System Name	System Number	System Name
09-40-0004	Parent Participants in Deaf-Blind Programs Provided by Regional Centers for Deaf-Blind Children. HEW E.	09-40-0078	Fellowships for Indian Students—Applications and Awards. HEW E.
09-40-0005	Participant Waiting List for Projects Serving Severely Handicapped Children and Youth. HEW E.	09-40-0079	Potential and Actual Consultant Field Reader, and Site Visitor Files, Indexes, and Lists HEW E. OE.
09-40-0006	Participants of Projects Serving Severely Handicapped Children and Youth. HEW E.	09-42-0001	NIE Project Management System—HEW E.
09-40-0007	Participants in Workshops Concerning Severely Handicapped Children and Youth. HEW E.	09-42-0004	Life Plans Study: The Impact of the Women's Movement on Educational and Occupational Behavior and Attitudes of Married Women. HEW E.
09-40-0011	Upward Bound Information System. HEW E.	09-42-0005	Safe School Study. HEW E.
09-40-0012	Migration and Refugee Assistance Act of 1962—United States Loan Program for Cuban Students. HEW E.	09-42-0012	Manpower Economic Education and the Transition from School to Work—HEW E.
09-40-0013	National Defense Student Loan Program—Request for Cancellation of Loan on Ground of Permanent and Total Disability. HEW E.	09-42-0016	Northwest Regional Educational Laboratory, Experienced Based, Career Education Record System—HEW E.
09-40-0014	Basic Grant Application File. HEW E.	09-42-0017	Research for Better Schools Experienced Based Career Education Record System—HEW E.
09-40-0015	Basic Grant Student Eligibility Report Sub-System. HEW E.	09-42-0018	Appalachia Educational Laboratory Experienced-Based Career Education Record System—HEW E.
09-40-0016	Basic Educational Opportunity Grant Alternate Disbursement System. HEW E.	09-42-0019	Far West Laboratory Experienced Based Career Education Records System—HEW E.
09-40-0017	Basic Educational Opportunity Grant Student Validation File. HEW E.	09-42-0020	Educational Testing Service Experienced Based Career Education Record Ssystem—HEW E.
09-40-0018	Mutual Educational and Cultural Exchange Act Teacher Exchange Grantees and Applicants. HEW E.	09-42-0045	NIE Child Study Center. HEW E.
09-40-0019	National Defense Education Act Foreign Language and Area Studies Fellowship Program—Fellows and Alternates. HEW E.	09-42-0056	National Institute of Education, Sources and Effects of Teacher Expectations. HEW E.
09-40-0020	Mutual Education and Cultural Exchange Act-Doctoral Dissertation Research Abroad and Faculty Research Abroad. Follows and Alternates. HEW E.	09-42-0065	NIE Outside Experts. HEW E.
09-40-0021	Guaranteed Student Loan Program—Compliance Files. HEW E.	09-42-0078	Travel—Official Travel of NIE Personnel. HEW E.
09-40-0022	Guaranteed Student Loan Program—Student Complaint Files. HEW E.	09-42-0079	NIE Controlled Correspondence.
09-40-0023	Guaranteed Student Loan Program—Defaulted Loans Submitted to General Accounting Office. HEW E.	09-42-0081	Compensatory Education Study. HEW E.
09-40-0024	Guaranteed Student Loan Program—Lender's Report. HEW E.	09-42-0082	National Council on Educational Research Mailing Lists. HEW E.
09-40-0025	NDSL Student Loan Files from Certain Institutions that are no longer in operation. HEW.	09-42-0083	National Council on Educational Research Current and Past Information on Members of the Council and Consultants. HEW E.
09-40-0026	Guaranteed Student Loan Program—Paid Claims Filed. HEW E.	09-42-0084	National Council on Educational Research Attendance Lists. HEW E.
09-40-0027	Guaranteed Student Loan Program—Claims and Collections Letters. HEW E.	09-44-0010	Support for Improvement of Postsecondary Education; Field Readers to Review Proposals for FIPSE.
09-40-0028	Guaranteed Student Loan Program—Collection letters. HEW E.	09-37-0001	Assistant Secretary for Health Correspondence Control System HEW/OASH/OPI.
09-40-0029	Guaranteed Student Loan Program—Inactive Loan Control Master File. HEW E.	09-37-0002	PHS Commissioned Officer Personnel Data System. HEW/OASH/OAM.
09-40-0030	Guaranteed Student Loan Program—Loan Control Master File. HEW E.	09-37-0003	PHS Commissioned Corps Medical Records. HEW/OASH/OAM.
09-40-0031	Guaranteed Student Loan Program—Pre Claims Assistance. HEW E.	09-37-0004	PHS Commissioned Corps Training Files and Materials. HEW/OASH/OAM.
09-40-0032	Record of Advances of Funds for Employees Traveling for the Office of Education—(SF-1038, application and account for advance of funds). HEW E.	09-37-0005	PHS Commissioned Corps Officer Board Proceedings. HEW/OASH/OAM.
09-40-0033	Office of Education Financial Management Information System. HEW E.	09-37-0006	PHS Commissioned Officer Grievance; Equal Employment Opportunity; and Non-Board and Pre-Board Involuntary Retirement, Involuntary Separation and Disciplinary Files. HEW/OASH/OAM.
09-40-0034	Teacher Corps Application File. HEW E.	09-37-0007	PHS Commissioned Corps General Personnel Files and Records. HEW/OASH/OAM.
09-40-0036	Oral History of the Office of Education as Dictated by Former Commissioners of Education. HEW E.	09-37-0008	PHS Commissioned Corps Unofficial Personnel Files and Other Station Files.
09-40-0044	Insurance Claims File Guaranteed Student Loan Program. HEW E.	09-30-0001	Record of Follow-Up Study of NIMH-Supported Trainees and Fellows—HEW/ADAMHA/NIMH.
09-40-0045	Guaranteed Student Loan Program Collection Files. HEW E.	09-30-0002	Statistical Research Data on Adolescent Runaways in Prince Georges County, Md., 1962-65—HEW/A DAMHA/NIMH.
09-40-0048	Participants in ESEA Title VI Bilingual Education Program National Impact Evaluation of Elementary Programs—HEW/E.	09-30-0003	Medical Record Files of Patients Seen in Therapy in Programs of the Mental Health Study Center—HEW/ADAMHA/NIMH.
09-40-0049	Interpreters of the Deaf, National Advisory Committee on the Handicapped. HEW E.	09-30-0004	Intramural Research Program Records of Research Performed on In- and Out-Patients With Various Types of Mental Illness—HEW/ADAMHA/NIMH.
09-40-0050	Presidential Scholars Files of Selected Participants. HEW E.	09-30-0005	Saint Elizabeths Hospital Research Subjects Data Record—HEW/ADAMHA/NIMH.
09-40-0070	Alcohol and Drug Education Program—List of National Action Committee for Drug Abuse Education Consultants. HEW E.	09-30-0006	The Saint Elizabeths Hospital Medical-Surgical Support Program File System—HEW/ADAMHA/NIMH.
09-40-0075	Women in Executive Positions in higher education.	09-30-0007	Saint Elizabeths Hospital Clinical Support Services Record System—HEW/ADAMHA/NIMH.
09-40-0077	Institutional Application to Participate in Federal Student Financial Aid Programs Regional Review Panel. HEW E.	09-30-0008	Saint Elizabeths Hospital Social Services Record System—HEW/ADAMHA/NIMH.
		09-30-0009	Saint Elizabeths Hospital Multidisciplinary Raw Data Consultation Files—HEW/ADAMHA/NIMH.

V  
4  
2  
1  
8  
9  
S  
E  
P  
2  
9  
7  
7  
U  
M  
I



System Number	System Name	System Number	System Name
09-30-0010	Saint Elizabeths Hospital Juvenile Education Monitoring System—HEW/ADAMHA/NIMH.	09-20-0015	Bakers (White Lung) Study—HEW/CDC/NIOSH.
09-30-0011	Saint Elizabeths Hospital Central Admission Service Non-Admission File System—HEW/ADAMHA/NIMH.	09-20-0016	Study of Bakers and Confection Workers, and other associated Industries—HEW/CDC/NIOSH.
09-30-0012	Saint Elizabeths Hospital Pre-Service Education Records—HEW/ADAMHA/NIMH.	09-20-0017	Silicosis (Brick Laters) Study—North Carolina—HEW/CDC/NIOSH.
09-30-0013	Saint Elizabeths Hospital Training Videotape Records—HEW/ADAMHA/NIMH.	09-20-0018	Control Study Group from the University of Utah for the Cosmetology Study—HEW/CDC/NIOSH.
09-30-0014	Saint Elizabeths Hospital Financial System—HEW/ADAMHA/NIMH.	09-20-0019	Study of Selected Environmental Protection Agency Employees in Cincinnati for Respiratory Disease—HEW/CDC/NIOSH.
09-30-0015	Saint Elizabeths Hospital General Security System—HEW/ADAMHA/NIMH.	09-20-0020	Workers Exposed to Bis(Chloromethyl) Ether and Chloromethyl Methyl Ether—HEW/CDC/NIOSH.
09-30-0016	Saint Elizabeths Hospital Patients Personal Property Record System—HEW/ADAMHA/NIMH.	09-20-0021	Study of Workers Exposed to Benzene—HEW/CDC/NIOSH.
09-30-0017	Saint Elizabeths Hospital Legal Office Record System—HEW/ADAMHA/NIMH.	09-20-0022	Uranium Miner Study in Far West—HEW/CDC/NIOSH.
09-30-0018	Saint Elizabeths Hospital Area D Community Mental Health Center Citizens Advisory Groups Records—HEW/ADAMHA/NIMH.	09-20-0023	Bureau of Mines Study in Morgantown, West Virginia—HEW/CDC/NIOSH.
09-30-0019	Saint Elizabeths Hospital Court-Ordered Forensic Investigative Materials File—HEW/ADAMHA/NIMH.	09-20-0024	Workers Exposed to Benzidine (Bladder Cancer)—HEW/CDC/NIOSH.
09-30-0020	Administrative Records on Civilly Committed Drug Abusers Under the Narcotic Addict Rehabilitation Act—HEW/ADAMHA/NIDA.	09-20-0025	Mine Enforcement Safety Administration (Mesa) Dust Measurement—HEW/CDC/NIOSH.
09-30-0021	Patient Medical Records on PHS Beneficiaries and Civilly Committed Narcotic Addicts Treated at the PHS Hospitals at Lexington, Kentucky and Fort Worth, Texas—HEW/ADAMHA/NIDA.	09-20-0026	Respiratory Infections Study in Guyan Valley, West Virginia—HEW/CDC/NIOSH.
09-30-0022	National Institute on Drug Abuse Addiction Research Center Federal Prisoner and Non-Prisoner Patient Files—HEW/ADAMHA/NIDA.	09-20-0027	Radiation Exposure Records for NIOSH Employees in Morgantown—HEW/CDC/NIOSH.
09-30-0023	Records of Contracts Awarded to Individuals.	09-20-0028	Silicosis Study in 30 Metal Mines 1958-1962—HEW/CDC/NIOSH.
09-30-0024	Saint Elizabeths Hospital General Administrative Record Systems—HEW/ADAMHA/NIMH.	09-20-0029	Byssinosis Study of Cordova, North Carolina. Klopman Steel Plant—HEW/CDC/NIOSH.
09-30-0025	Maryland Psychiatric Case Register—HEW/ADAMHA/NIMH.	09-20-0030	Byssinosis Research at Burlington Industries—HEW/CDC/NIOSH.
09-30-0026	Saint Elizabeths Hospital Research Project Record—HEW/ADAMHA/NIMH.	09-20-0031	Histocompatibility Association of Pneumoconiosis (Black Lung) in Coal Workers—HEW/CDC/NIOSH.
09-30-0027	Grants: Research, Research Training, Fellowships, Clinical Training, Community Services—HEW/ADAMHA/OA.	09-20-0032	National Coal Miner Study—HEW/CDC/NIOSH.
09-30-0028	Saint Elizabeths Hospital General Medical/Clinical Records System and Related Indexes—HEW/ADAMHA/NIMH.	09-20-0033	Vibration Laboratory Studies (Experimental Group)—HEW/CDC/NIOSH.
09-30-0029	Record of Guest Workers—HEW/ADAMHA/OA.	09-20-0034	Occupation Vibration Field Studies (Experimental Group)—HEW/CDC/NIOSH.
09-30-0030	Record of Visiting Fellows—HEW/ADAMHA/OA.	09-20-0035	Indicators of Physiological and Psychological Strain—HEW/CDC/NIOSH.
09-30-0031	Saint Elizabeths Hospital Biometrics System—HEW/ADAMHA/NIMH.	09-20-0036	Effects of Carbon Monoxide on Vigilance Performance of College Students—HEW/CDC/NIOSH.
09-30-0032	Records of Research on Alcohol Abusers and Addicts. HEW/ADAMHA/NIAAA.	09-20-0038	Epidemiological Study of United States Surface Coal Miners—HEW/CDC/NIOSH.
09-30-0033	Correspondence Files—HEW/ADAMHA/OA.	09-20-0039	Study of Workers in Tyler, Texas, Asbestos Plants—HEW/CDC/NIOSH.
09-20-0000	Cooperative Mycoses Study—HEW/CDC/OCDC.	09-20-0040	Pennsylvania Coal Miners Study—HEW/CDC/NIOSH.
09-20-0001	Certified Interpreting Physician File—HEW/CDC/NIOSH.	09-20-0041	Purseglove Mine (West Virginia) Shift Study—HEW/CDC/NIOSH.
09-20-0002	Study of Workers Exposed to Talc—HEW/CDC/NIOSH.	09-20-0042	Study of Workers Exposed to Chlorinated Hydrocarbons. HEW/CDC/NIOSH.
09-20-0003	Study of Workers Exposed to Bladder Carcinogens—HEW/CDC/NIOSH.	09-20-0043	Pre-test Cosmetology Convention Study—HEW/CDC/NIOSH.
09-20-0004	Beta/Naphthylamine Workers Study—HEW/CDC/NIOSH.	09-20-0044	Study of Cincinnati Fireworkers—HEW/CDC/NIOSH.
09-20-0005	Study of Columbus Coated Fabrics Workers—HEW/CDC/NIOSH.	09-20-0045	Study of Pottstown, Pennsylvania, Chemical Plant Workers—HEW/CDC/NIOSH.
09-20-0006	Study of Phosphate Fertilizer Industry—HEW/CDC/NIOSH.	09-20-0046	Union Pacific Railroad Workers—Carbon Monoxide Study—HEW/CDC/NIOSH.
09-20-0007	Study of Union Carbide, Charleston, W.Va. Plant—HEW/CDC/NIOSH.	09-20-0047	Studies of Workers in Asbestos Related Industries—HEW/CDC/NIOSH.
09-20-0008	Coals Miner Workers' Study—HEW/CDC/NIOSH.	09-20-0048	Study of Workers Exposed to Fibrous Glass—HEW/CDC/NIOSH.
09-20-0009	Study of Workers Exposed to Methyl Butyl Ketone—HEW/CDC/NIOSH.	09-20-0049	Workers Exposed to Cotton Dust—Byssinosis—HEW/CDC/NIOSH.
09-20-0010	Study of Mineral Wool Workers—HEW/CDC/NIOSH.	09-20-0050	Appalachian Coal Miner Study (1963-1966)—HEW/CDC/NIOSH.
09-20-0011	Study of Metal Mine Workers—HEW/CDC/NIOSH.	09-20-0051	Kaiser Aluminum Employees at Ravenswood, West Virginia Study—HEW/CDC/NIOSH.
09-20-0012	Study of Colloids, Inc. Workers—HEW/CDC/NIOSH.	09-20-0052	West Virginia Pulp and Paper Company Study—HEW/CDC/NIOSH.
09-20-0013	Gold Mine (Home Stake) Silicosis Study—HEW/CDC/NIOSH.	09-20-0053	Coal Miner Medical Information Processing System—HEW/CDC/NIOSH.
09-20-0014	Respirable Insulation Fibers Study—HEW/CDC/NIOSH.	09-20-0054	New Mexico Potash Miner Study—HEW/CDC/NIOSH.
		09-20-0055	Research/Demonstration, and Training Grants, Application Files—HEW/CDC/NIOSH.

System Number	System Name	System Number	System Name
09-20-0056	Metabolic Costs and Physiological Responses to Heat in Industrial Work—HEW/CDC/NIOSH.	09-20-0102	Alien Mental Waiver Program—HEW/CDC/BE.
09-20-0057	Kennecott Sulfur Dioxide Study—HEW/CDC/NIOSH.	09-20-0103	Alien Tuberculosis Follow-up Program—HEW/CDC/BE.
09-20-0058	Potential Grant Applicant File—HEW/CDC/NIOSH.	09-20-0106	Microbiology Specimen Handling for Testing and Related Data—HEW/CDC/BL.
09-20-0059	Division of Training Mailing List—HEW/CDC/NIOSH.	09-20-0107	Dengue and Schistosomiasis Research Studies—HEW/CDC/BL.
09-20-0060	Study of Metals Industry Workers—HEW/CDC/NIOSH.	09-20-0108	Diagnosis Program for Detection of Chromosomal Abnormalities in High Risk Patients—HEW/CDC/BL.
09-20-0061	Cosmetology Workers Study (Thesauriosis)—HEW/CDC/NIOSH.	09-20-0109	Coronary Drug Project Files—HEW/CDC/BL.
09-20-0062	Study of Workers Exposed to Polyvinyl Chloride in the Plastics Industry at Ashtabula, Ohio; Avon Lake, Ohio and Louisville, Kentucky—HEW/CDC/NIOSH.	09-20-0110	Clinical Associates Roster—HEW/CDC/BSS.
09-20-0063	Biochemical Data System—HEW/CDC/NIOSH.	09-20-0111	Machinists Exposed to Cutting Oil Mist 1938-1967—HEW/CDC/NIOSH.
09-20-0064	Textile Workers Audiogram Results—HEW/CDC/NIOSH.	09-20-0112	CDC Exchange Visitor and Guest Researcher Records—HEW/CDC/OAM.
09-20-0065	Noise-Induced Temporary Threshold Shift Data—HEW/CDC/NIOSH.	09-20-0113	Epidemic Investigation Case Records—HEW/CDC/BE.
09-20-0067	Coal Mine Hearing Study—HEW/CDC/NIOSH.	09-20-0114	Supervisory Effects on Worker Safety in the Roofing Industry—HEW/CDC/NIOSH.
09-20-0068	Individuals Listed in the 1960 American Dental Association Directory—HEW/CDC/NIOSH.	09-20-0115	Study of Noise and Hearing in Paper Working Industry—HEW/CDC/NIOSH.
09-20-0069	Coal Miner Study in Charleston-Beckley, West Virginia—HEW/CDC/NIOSH.	09-20-0116	Study of Workers Exposed to Heavy Metals (Lead, Cadmium, etc.)—HEW/CDC/NIOSH.
09-20-0070	Study of New Jersey Motor Vehicle Examiners Exposed to Carbon Monoxide—HEW/CDC/NIOSH.	09-20-0117	Medical and Test Record Results of Individuals Involved in NIOSH Laboratory Studies—HEW/CDC/NIOSH.
09-20-0071	Determination of Normal Baseline Pulmonary Values—HEW/CDC/NIOSH.	09-20-0118	Study at Work-Sites Where Agents Suspected of Being Occupational Hazards Exist—HEW/CDC/NIOSH.
09-20-0073	Hearing and Noise Study of Industrial Workers—HEW/CDC/NIOSH.	09-20-0119	Mortality and Morbidity Study Among Oil Shale Workers—HEW/CDC/NIOSH.
09-20-0074	Fireman Hearing Study—HEW/CDC/NIOSH.	09-20-0120	Equipment Field Test Studies—HEW/CDC/NIOSH.
09-20-0075	Hard Rock Miner Mortality Study—HEW/CDC/NIOSH.	09-20-0122	Study of Workers Exposed to Inorganic Chemicals—HEW/CDC/NIOSH.
09-20-0076	Uranium Mill Worker Study in Colorado—HEW/CDC/NIOSH.	09-20-0123	Study of Workers Exposed to Airborne Carcinogens in Woodworking Shops—HEW/CDC/NIOSH.
09-20-0077	Survey of Arizona Asbestos Miners and Mill Workers (1969)—HEW/CDC/NIOSH.	09-20-0124	Study of Workers Exposed to Toluene Diisocyanate (TDI)—HEW/CDC/NIOSH.
09-20-0078	Berylliosis/Sarcoidosis Study of Beryllium Plant Workers—HEW/CDC/NIOSH.	09-20-0126	Study of Workers Exposed to Organic Chemicals—HEW/CDC/NIOSH.
09-20-0079	Medical Records of Patients Examined at NIOSH in Morgantown, West Virginia—HEW/CDC/NIOSH.	09-20-0127	Pilot Agricultural Noise Study—HEW/CDC/NIOSH.
09-20-0080	Miner Neighbor Study in Pineville, West Virginia—HEW/CDC/NIOSH.	09-20-0128	Mortality Study of Tennessee Valley Authority (TVA) Workers Exposed to Coal Handling Processes—HEW/CDC/NIOSH.
09-20-0082	Diagnosis of Occupational Disease by Analysis of Body Fluids or Tissues Through Biochemical or Clinical Chemical Analysis—HEW/CDC/NIOSH.	09-20-0129	Health Effects Study of Dust and Diesel Exhaust on Non-Coal Underground Miners—HEW/CDC/NIOSH.
09-20-0083	Diagnostic Methods for Identification of Occupational Diseases Through Biopsy and/or Autopsy Specimens—HEW/CDC/NIOSH.	09-20-0130	Study of Workers Exposed to Mineral Fibers—HEW/CDC/NIOSH.
09-20-0084	Metal Mining Mortality Survey System—HEW/CDC/NIOSH.	09-20-0131	Study of Health Hazards in Animal Confinement Housing—HEW/CDC/NIOSH.
09-20-0085	Children's Pulmonary Function Study—HEW/CDC/NIOSH.	09-20-0132	Early Warning Indicators of Pesticides Exposure—HEW/CDC/NIOSH.
09-20-0086	Surveillance of Persons on Isoniazid Preventive Treatment for Tuberculosis—HEW/CDC/BSS.	09-20-0133	Alaska Pipeline Cold Stress Study—HEW/CDC/NIOSH.
09-20-0087	Surveillance of Accidental Rubella Vaccination of Pregnant Women—HEW/CDC/BSS.	09-20-0134	Byssinosis Study—HEW/CDC/NIOSH.
09-20-0088	Subacute Sclerosing Panencephalitis Surveillance—HEW/CDC/BSS.	09-20-0136	Epidemiologic Studies and Surveillance of Special Disease Problems—HEW/CDC/BE.
09-20-0089	Study of Short-Course Chemotherapy of Pulmonary Tuberculosis—HEW/CDC/BSS.	09-20-0137	Passport File—HEW/CDC/FMO.
09-20-0090	Study of Tuberculin Testing—HEW/CDC/BSS.	09-20-0138	Epidemic Intelligence Service Officers Files—HEW/CDC/BE.
09-20-0091	Rifampin in Initial Treatment of Pulmonary Tuberculosis—HEW/CDC/BSS.	09-20-0139	Respiratory Disease Studies Involving Persons of West Virginia Coal Mining Communities—HEW/CDC/NIOSH.
09-20-0092	Rifampin-Isoniazid in Initial Treatment of Pulmonary Tuberculosis—HEW/CDC/BSS.	09-20-0140	Medical Records of Vinyl Chloride and Carcinogen Workers—HEW/CDC/NIOSH.
09-20-0093	Tuberculosis Prophylaxis Studies—Alaska and Puerto Rico—HEW/CDC/BSS.	09-20-0141	Coal Handlers' Study—HEW/CDC/NIOSH.
09-20-0094	Tuberculosis Primary Drug Resistance Study—HEW/CDC/BSS.	09-20-0142	Medical Health Surveillance of Grain Handlers—HEW/CDC/NIOSH.
09-20-0095	Zoster Immune Globulin Records on High Risk Immunosuppressed Children Exposed to Chickenpox—HEW/CDC/BSS.	09-20-0143	Occupational Hearing Loss in Coal Mining Regions—HEW/CDC/NIOSH.
09-20-0096	Tuskegee Study of Untreated Syphilis Medical Care Program—HEW/CDC/BSS.	09-20-0144	Mortality of Pesticide Formulators—HEW/CDC/NIOSH.
09-20-0097	Studies of the Effects of BCG Vaccinations for Tuberculosis—HEW/CDC/BSS.	09-20-0145	Pulmonary Function Standards Study—HEW/CDC/NIOSH.
09-20-0098	Congenital Rubella Registry—HEW/CDC/BSS.	09-20-0146	Health Effects of Sulfur Oxides and Sulfuric Acid, Nitrogen Oxides, and Nitric Acid—HEW/CDC/NIOSH.
		09-10-0001	Quality Assurance Program—HEW/FDA/HFO.



System Number	System Name	System Number	System Name
09-10-0002	Regulated Industry Employee Enforcement Records—HEW/FDA/HFA.	09-15-0008	Emergency Non-PHS Treatment Authorization File—HEW/HSA/BMS.
09-10-0003	FDA Credential Holder File—HEW/FDA/HFO.	09-15-0009	Cooperative Research Studies System: Pylonephritis—HEW/HSA/BMS.
09-10-0004	Communications (Oral and Written) With the Public—HEW/FDA/HFA.	09-15-0010	Cooperative Research Studies System: Essential Hypertension—HEW/HSA/BMS.
09-10-0005	State Food and Drug Official File—HEW/FDA/HFO.	09-15-0011	End Stage Renal Disease (ESRD) Medical Information System (Registry)—HEW/HSA/BQA.
09-10-0006	Radiation Registry of Physicians—HEW/FDA/HFX.	09-15-0012	Medicare Beneficiary Claims for Emergency Services—HEW/HSA/BQA.
09-10-0007	Science Advisor Research Associate Program (SARAP)—HEW/FDA/HFO.	09-15-0013	Cytotechnologists Proficiency Answer Sheets and Test Results (Medicare)—HEW/HSA/BQA.
09-10-0008	Radiation Protection Program Personnel Monitoring System—HEW/FDA/HFX.	09-15-0014	Physical Therapists Proficiency Answer Sheets and Test Results (Medicare)—HEW/HSA/BOA.
09-10-0009	Individual and Household Statistical Surveys and Special Studies on FDA-Regulated Products—HEW/FDA/HFA.	09-15-0015	Psychiatric Technician Proficiency Answer Sheets and Test Results (Medicare)—HEW/HSA/BQA.
09-10-0010	Clinical Investigator Records—HEW/FDA/HFD.	09-15-0016	Clinical Laboratory Technologists Proficiency Answer Sheets and Test Results (Medicare)—HEW/HSA/BQA.
09-10-0011	Certified Retort Operators—HEW/FDA/HFF.	09-15-0017	Waivered Licensed Practical Nurse Proficiency Exam Answer Sheets and Test Results (Medicare)—HEW/HSA/BQA.
09-10-0012	Association of Official Analytical Chemists (AOCH) Member File—HEW/FDA/HFS.	09-15-0018	Unofficial Vital Records System—HEW/HSA/IHS.
09-10-0013	Employee Conduct Investigative Records—HEW/FDA/HFA.	09-15-0019	Health and Medical Records Systems—HEW/HSA/IHS.
09-10-0014	Service Contractor Employee Investigative Records—HEW/FDA/HFA.	09-15-0020	Independent Laboratory Directors Proficiency Answer Sheets and Exam Results (Medicare)—HEW/HSA/BQA.
09-35-0001	Applied Statistics Training Institute Applicants and Students—HEW/HRA/NCHS.	09-15-0022	Accounts Receivable—DHEW/HSA/BMS.
09-35-0002	National Center for Health Services Research Grants Records System—HEW/HRA/NCHSR.	09-15-0026	Medical Fellowships and Educational Loans—DHEW/HSA/OA.
09-35-0005	Cycle II Dentist Survey—HEW/HRA/BHM.	09-15-0027	National Health Service Corps (NHSC), Bureau of Medical Services (BMS) and Indian Health Services (IHS) Pre-Applicant Recruitment and Provider File—HEW/HSA/BCHS.
09-35-0007	Public Health Service Scholarship Program—HEW/HRA/BHM.	09-15-0028	PHS Clinical Affiliation Trainee Records—HEW/HSA/BMS.
09-35-0009	Chattanooga Incremental Care Program—HEW/HRA/BHM.	09-15-0029	PHS Beneficiary-Contract Medical/Health Care Records—HEW/HSA/BMS.
09-35-0013	Indo-China Refugee Physicians and Medical Students—HEW/HRA/BHM.	09-25-0001	Clinical Research: Patient Records—HEW/NIH/NHLBI.
09-35-0014	Special Nursing Research Fellowship Grants—HEW/HRA/BHM.	09-25-0002	Clinical Research: Phonocardiogram—HEW/NIH/NHLBI.
09-35-0016	Professional Nurse Traineeships—HEW/HRA/BHM.	09-25-0003	Administration: Authorized Radionuclide Users File—HEW/NIH/DRS.
09-35-0017	Health and Demographic Surveys Conducted in Probability Samples of the U.S. Population—HEW/HRA/NCHS.	09-25-0004	Administration: NIH Chemical Carcinogen Registry—HEW/NIH/DRS.
09-35-0021	Disability Claims of the Nursing Student Loan Program—HEW/HRA/BHM.	09-25-0005	Administration: NIH Library Circulation and User I.D. File—HEW/NIH/DRS.
09-35-0022	Disability Claims in the Health Professions Student Loan Program—HEW/HRA/BHM.	09-25-0007	Administration: NIH Safety Glasses Issuance Program—HEW/NIH/DRS.
09-35-0023	Health Professions Student Loan Repayment Program—HEW/HRA/BHM.	09-25-0008	Administration: Radiation Workers Monitoring—HEW/NIH/DRS.
09-35-0024	Health Professions Student Loan Cancellation—HEW/HRA/BHM.	09-25-0009	Clinical Research: Radiotherapy Patient File. HEW/NIH/DRS.
09-35-0025	Physician Shortage Area Scholarship Program—HEW/HRA/BHM.	09-25-0010	Clinical Resources: Registry of Microbial Agents, Toxins, Tissue Cultures and Animals & Users. HEW/NIH/DRS.
09-35-0026	Cuban Loan Program—HEW/HRA/BHM.	09-25-0011	Clinical Research: Blood Donor Records. HEW/NIH/CC.
09-35-0027	Consultant Roster for Office of Health Resources Opportunity—HEW/HRA/OHRO.	09-25-0012	Clinical Research: Candidate Normal Volunteer Records. HEW/NIH/CC.
09-35-0034	Health Manpower Inventories and Surveys—HEW/HRA/NCHS.	09-25-0013	Clinical Research: Preadmission Medical Records. HEW/NIH/CC.
09-35-0035	Vital Statistics for Births, Deaths, Fetal Deaths, Marriages and Divorces Occurring in the United States During Each Year—HEW/HRA/NCHS.	09-25-0014	Clinical Research: Student Records. HEW/NIH/CC.
09-35-0037	Dental Residency Program—HEW/HRA/BHM.	09-25-0015	Clinical Research: Collaborative Clinical Epilepsy Research. HEW/NIH/NINCDS.
09-35-0041	Health Resources Utilization Statistics—DHEW/HRA/NCHS.	09-25-0016	Clinical Research: Collaborative Perinatal Project. HEW/NIH/NINCDS.
09-35-0042	Transfer of U.S. Students in Foreign Medical Schools to U.S. Schools—DHEW/HRA/BHM.	09-25-0017	Clinical Research: Epidemiology Studies Files. HEW/NIH/NINCDS.
09-35-0043	Curricula Vitae of Consultants to the National Center for Health Statistics (NCHS)—DHEW/HRA/NCHS.	09-25-0019	Clinical Research: Genetic Counseling. HEW/NIH/NINCDS.
09-15-0001	Division of Federal Employee Health, Employee Health Records—HEW/HSA/BMS.	09-25-0020	Clinical Research: Genetics of Neurological Disorders. HEW/NIH/NINCDS.
09-15-0002	Record of Patients' Personal Valuables and Monies—HEW/HSA/BMS.	09-25-0021	Clinical Research: Guam Patient/Control Registry. HEW/NIH/NINCDS.
09-15-0003	Contract Physicians and Consultants—HEW/HSA/BMS.		
09-15-0004	Federal Employee Occupational Health Data System—HEW/HSA/BMS.		
09-15-0005	Dental Research—Evaluation of Restorative Materials—HEW/HSA/BMS.		
09-15-0006	Cooperative Research Studies System: Coronary Artery Disease—HEW/HSA/BMS.		
09-15-0007	Patients Medical Record System PHS Hospitals/Clinics—HEW/HSA/BMS.		

System Number	System Name	System Number	System Name
09-25-0024	Clinical Research: Medical Neurology Branch Medical Histories. HEW/NIH/NINCDS.	09-25-0091	Administration: General Files. HEW/NIH/NEI.
09-25-0026	Clinical Research: Nervous System Studies. HEW/NIH/NINCDS.	09-25-0093	Administration: Journal of the National Cancer Institute. HEW/NIH/NCI.
09-25-0028	Clinical Research: Patient Medical Histories. HEW/NIH/NINCDS.	09-25-0095	Contracts: Carcinogenesis Contracts and Intramural Projects. HEW/NIH/NCI.
09-25-0031	Clinical Research: Serological and Virus Data in Studies Related to the Central Nervous System. HEW/NIH/NINCDS.	09-25-0096	Contracts: Contract Management System. HEW/NIH/NCI.
09-25-0033	International Activities: Fellowships Awarded by Foreign Organizations. HEW/NIH/FIC.	09-25-0097	Contracts: Division of Cancer Control and Rehabilitation. HEW/NIH/NCI.
09-25-0034	International Activities: Scholars Program. HEW/NIH/FIC.	09-25-0098	Contracts: Viral Oncology Contracts. HEW/NIH/NCI.
09-25-0035	International Activities: U.S. Foreign Health Exchange Programs. HEW/NIH/FIC.	09-25-0099	Clinical Research: Patient Medical Records. HEW/NIH/CC.
09-25-0036	Grants: IMPAC (Grant/Contract Information). HEW/NIH/DRG.	09-25-0100	Clinical Research: Neuropharmacology Studies. HEW/NIH/NINCDS.
09-25-0037	Clinical Research: Gerontology Research Center Longitudinal Aging Study. HEW/NIH/NIA.	09-25-0102	Grants: Associates Program. HEW/NIH/DRG.
09-25-0038	Clinical Research: Diabetes Mellitus Research Study of Southwestern American Indians. HEW/NIH/NIAMDD.	09-25-0105	Administration: Employee Health Records. HEW/NIH/OD.
09-25-0039	Clinical Research: Diabetes Mellitus Research Study of Southwestern American Indians. HEW/NIH/NIAMDD.	09-25-0106	Correspondence: Executive Secretariat. NIH. HEW/NIH/OD.
09-25-0040	Clinical Research: Southwestern American Indian Patient Data. HEW/NIH/NIAMDD.	09-25-0108	Personnel: Guest Workers/Visiting Fellows/Student Scientists. DHEW/NIH/DPM.
09-25-0041	Research Resources: Hormone Distribution. HEW/NIH/NIAMDD.	09-25-0111	Mailing List: NIH Guide to Grants and Contracts. DHEW/NIH/DRG.
09-25-0042	Clinical Research: National Institute of Dental Research Patient Records. HEW/NIH/NIDR.	09-25-0112	Grants: Research, Research Training, Fellowship and Construction Applications and Awards. HEW/NIH/OD.
09-25-0043	Clinical Research: Pharyngeal Development. HEW/NIH/NIDR.	09-25-0113	Professional Service Agreements (Medical/Legal Services). HEW/NIH/DAS.
09-25-0044	Clinical Research: Sensory Testing Research Program. HEW/NIH/NIDR.	09-25-0114	Personal Services Contractors. HEW/NIH/NIGMS.
09-25-0046	Clinical Research: Catalog of Clinical Specimens. HEW/NIH/NIAD.	09-25-0115	Curricula Vitae. HEW/NIH/NIAD.
09-25-0047	Clinical Research: Cooperative Smallpox Vaccine Study. HEW/NIH/NIAD.	09-25-0116	Professional Services Contracts. HEW/NIH/NIAD.
09-25-0048	Clinical Research: Serology-Epidemiology Parasite Research. HEW/NIH/NIAD.	09-25-0117	U.S.-Japan Program. HEW/NIH/NIAD.
09-25-0049	Clinical Research: Atlanta Federal Prison Malaria Research Projects. HEW/NIH/NIAD.	09-25-0118	Professional Services Contracts. HEW/NIH/NCI.
09-25-0050	Trainees Record System. 09-25-00 NIAD.	09-25-0121	Grants: Senior International Fellowships Program. DHEW/NIH/FIC.
09-25-0051	Grants: NIH Fellowship Payroll. HEW/NIH/DFM.	09-25-0123	Clinical Trials Dealing with Fertility Regulating Methods. DHEW/NIH/NICHD.
09-25-0053	Clinical Research: Vision Studies. HEW/NIH/NEI.	09-25-0124	Pharmacology Research Associates—HEW/NIH/NIGMS.
09-25-0054	Administration: Property Accounting. HEW/NIH/DES.	09-25-0126	National Heart, Lung, and Blood Institute Epidemiological and Biometric Studies. DHEW/NIH/NHLBI.
09-25-0055	Clinical Research: Property Accounting. HEW/NIH/NCI.	09-25-0127	Clinical Trials Dealing with Phototherapy for Neonatal Hyperbilirubinemia—HEW/NIH/NICHD.
09-25-0057	Clinical Research: Burkitt's Lymphoma Registry. HEW/NIH/NCI.	09-25-0128	Neural Prosthesis and Biomedical Engineering Studies. HEW/NIH/NINCDS.
09-25-0060	Clinical Research: DCT Clinical Investigations. HEW/NIH/NCI.	09-25-0129	Clinical Research Studies Dealing with Hearing, Speech and Language Disorders. HEW/NIH/NINCDS.
09-25-0064	Clinical Research: Japan Hawaii Cancer Studies. HEW/NIH/NCI.	09-25-0130	Environmental Epidemiologic Studies in the Division of Cancer Cause and Prevention. HEW/NIH/NCI.
09-25-0067	Clinical Research: National Cancer Incidence Surveys. HEW/NIH/NCI.	09-25-0131	Clinical Epidemiologic Studies in the Division of Cancer Cause and Prevention. HEW/NIH/NCI.
09-25-0068	Clinical Research: National Cancer Institute/American Cancer Society National Breast Cancer Screening of Antihypertensives. HEW/NIH/NCI.	09-25-0132	Research Studies Dealing with Prevention of Dental Caries, Plaque, and Gingivitis. HEW/NIH/NIDR.
09-25-0069	NIH Clinical Center Admissions of the NCI: HEW/NIH/NCI.	09-25-0133	Kidney Transplant Histocompatibility Study (KTHS) DHEW/NIH/NIAD.
09-25-0074	Clinical Research: Veterans Administration Bladder and Prostate Cancer Clinical Trials. HEW/NIH/NCI.	09-25-0134	Epidemiology Studies, National Institute of Environmental Health Sciences.
09-25-0075	Administration: Principal Investigators Protection from Research Risks. HEW/NIH/OD.	09-25-0135	Prophet System Research Prospectuses.
09-25-0077	Research Resources: Viral Investigators Protection from Research Risks. HEW/NIH/NCI.	09-60-0001	Commissioner's Correspondence File HEW SSA OC.
09-25-0078	Advisory Groups: Consultant File. HEW/NIH/NHLBI.	09-60-0002	Automated Controlled Correspondence Extraction System HEW SSA OEA.
09-25-0084	Biographies: Curricula Vitae. HEW/NIH/NIAMDD.	09-60-0003	Hearing File HEW SSA BHA.
09-25-0087	Biographies: Employees and Consultants. HEW/NIH/NIAD.	09-60-0004	Appeals File HEW SSA BHA.
09-25-0088	Research Resources: H-2 Soluble Antigen and H-2 Antiserum. HEW/NIH/NIAD.	09-60-0005	Presiding Officer File HEW SSA BHA.
09-25-0089	Research Resources: HLA Antiserum and Tray Users. HEW/NIH/NIAD.	09-60-0006	Storage of Hearing Records: Tape Cassettes and Audio-graph Discs HEW SSA BHA.
		09-60-0007	Non-Provider Overpayment Recovery File HEW SSA BHI.
		09-60-0008	Presiding Officer's Docket HEW SSA BHA.
		09-60-0009	Hearings and Appeals Case Control System HEW SSA BHA.
		09-60-0010	Hearings and Appeals Case Control Card File HEW SSA BHA.
		09-60-0012	Listing of Vocational Experts and Medical Advisors HEW SSA BHA.
		09-60-0013	Records of Usage of Medical Advisors HEW SSA BHA.



System Number	System Name	System Number	System Name
09-60-0014	Curriculum Vitae and Professional Qualifications of Staff Physicians and Medical Advisors HEW SSA BHA.	09-60-0068	Payment Record File of Supplementary Medical (Medicare) Enrollees (Statistics) HEW SSA BHI.
09-60-0015	List of Physicians Utilized as Readers of Black Lung X-Ray Films HEW SSA BHA.	09-60-0069	Record of Claims (Microfiche) HEW SSA OPO.
09-60-0016	Health Insurance Master Record—HEW SSA BHI.	09-60-0070	Chronic Renal Disease Beneficiary History File HEW SSA BHI.
09-60-0017	Personnel Research and Merit Promotion Test Records HEW SSA OMA.	09-60-0071	Medicare Physician Supplier Master File HEW SSA BHI.
09-60-0018	Supplementary Medical Insurance Premiums (Buy-In) Master Record—HEW SSA BHI.	09-60-0073	SSA Health Insurance Program Review Team Case Files HEW SSA BHI.
09-60-0019	Group Health Plan System HEW SSA BHI.	09-60-0075	Congressional Bills File HEW SSA OPP.
09-60-0020	Health Insurance Utilization Microfilm HEW SSA BHI.	09-60-0077	Congressional Inquiry File HEW SSA OPO.
09-60-0021	Reconsideration and Hearing Case Files (Part A) Hospital Insurance Program HEW SSA BHI.	09-60-0078	Public Inquiry Correspondence File HEW SSA OPO.
09-60-0022	Medicare Beneficiary Correspondence Files HEW SSA BHI.	09-60-0079	Wage Item File HEW SSA OPO.
09-60-0023	Alphabetical Name File (Folder) of Health Insurance Program Consultants HEW SSA BHI.	09-60-0080	Problem Case File HEW SSA OPO.
09-60-0024	Carrier Medicare Claims Records HEW SSA BHI.	09-60-0081	Problem Case File (Supplemental Security Income) HEW SSA OPO.
09-60-0025	Medicare Benefit Check Records HEW SSA BHI.	09-60-0082	Forced Payment File (Supplemental Security Income) HEW SSA OPO.
09-60-0026	Review and Fair Hearing Case Files—Supplementary Medical Insurance Program HEW SSA BHI.	09-60-0083	One Time Payment File HEW SSA OPO.
09-60-0027	Explanation of Medicare Benefit Records HEW SSA BHI.	09-60-0084	Control File for Cases Before Presiding Officers HEW SSA OPO.
09-60-0028	Intermediary Medicare Claims Records HEW SSA BHI.	09-60-0085	Claims Leads HEW SSA OPO.
09-60-0030	Employee Housing Request Files HEW SSA OMA.	09-60-0089	Claims Folders and Post-Adjudicative Records of Applicants and Beneficiaries for Social Security Administration Benefits HEW SSA OPO.
09-60-0031	Employee Production and Accuracy Records HEW SSA OMA.	09-60-0090	Master Beneficiary Record HEW SSA OPO.
09-60-0032	Debtors, Credit Counseling and Consumer Protection HEW SSA OMA.	09-60-0091	Social Security Administration Claims Control System HEW SSA OPO.
09-60-0033	Requests for Review of Proposed Contracts with Experts and Consultants HEW SSA OMA.	09-60-0092	Automatic Control System for Case Folders HEW SSA OPO.
09-60-0034	Social Security Administration Contract Files HEW SSA OMA.	09-60-0093	Billing and Collection Master Record system HEW SSA OPO.
09-60-0037	General Criminal Investigation Files HEW SSA OMA.	09-60-0094	Recovery Accounting for Overpayments HEW SSA OPO.
09-60-0038	Employee Identification Card Files (Building Passes) HEW SSA OMA.	09-60-0095	Health Insurance Overpayment Ledger Cards HEW SSA OPO.
09-60-0039	Court Docket and Card File HEW SSA OMA.	09-60-0096	Control System for Delayed, Critical, or Sensitive Case Inquiries HEW SSA OPO.
09-60-0040	Supplemental Security Income Quality Assurance System HEW SSA OMA.	09-60-0097	Program Integrity Case Files HEW SSA OPO.
09-60-0042	Quality Assurance Casefile HEW SSA OMA.	09-60-0100	Litigation Activity File HEW SSA OPO.
09-60-0043	Daily Record of Certified Benefits HEW SSA OPO.	09-60-0101	Court Case Record File HEW SSA OPO.
09-60-0044	Initial and Continuing Disability Determination File HEW SSA OPO.	09-60-0102	Fee Ledger System for Representatives HEW SSA OPO.
09-60-0045	Black Lung Payment System HEW SSA OPO.	09-60-0103	Supplemental Security Income Record HEW SSA OPO.
09-60-0046	Consultative Physician File HEW SSA OPO.	09-60-0104	Supplemental Security Income Claims Data HEW SSA OPO.
09-60-0047	Critical Case Processing Time HEW SSA OPO.	09-60-0105	Claims Currently in Process File (Supplemental Security Income) HEW SSA OPO.
09-60-0049	Disability Data Record HEW SSA OPO.	09-60-0107	Claims Index File (Supplemental Security Income) HEW SSA OPO.
09-60-0050	Completed Determination Record—Continuing Disability Determinations HEW SSA OPO.	09-60-0108	Advance Payment File (Supplemental Security Income) HEW SSA OPO.
09-60-0051	Administrative Disallowance Records for Technical Denials HEW SSA OPO.	09-60-0109	Overpayment File (Supplemental Security Income) HEW SSA OPO.
09-60-0052	Disposition of Vocational Rehabilitation Report to Social Security Administration HEW SSA OPO.	09-60-0110	Supplemental Security Income File of Refunds HEW SSA OPO.
09-60-0053	Reimbursement from Trust Fund for Vocational Rehabilitation Services HEW SSA OPO.	09-60-0111	Debit Voucher File (Supplemental Security Income) HEW SSA OPO.
09-60-0055	Lag Period Between Initial Denial Notice and Reconsideration Study HEW SSA OPO.	09-60-0113	Supplemental Security Income Priority Correspondence Staff Files HEW SSA OPO.
09-60-0056	Vocational Rehabilitation Savings Calculation HEW SSA OPO.	09-60-0114	State Data Exchange System (Supplemental Security Income) HEW SSA OPO.
09-60-0057	Quality Evaluation Data Records HEW SSA OPO.	09-60-0115	Supplemental Security Income Audit Trail Microfiche OPO.
09-60-0058	Master Files of Social Security Number Holders HEW SSA OPO.	09-60-0117	Age at First Payment of Retirement Insurance Benefit HEW SSA OPP.
09-60-0059	Earnings Recording and Self-Employment Income System HEW SSA OPO.	09-60-0118	Non-Contributory Military Service Reimbursement System HEW SSA OPP.
09-60-0060	Correspondence File of the Bureau of Data Processing HEW SSA OPO.	09-60-0119	Special Age 72 Benefit Trust Fund Transfer Project HEW SSA OPP.
09-60-0061	Record of Earnings Information Furnished for Non-Program Purposes HEW SSA OPO.	09-60-0120	Health Insurance Benefit and Actuarial Sample Control System HEW SSA OPP.
09-60-0063	Total Resources and Information Management (TRIM) System of Assistant Bureau Director Systems HEW SSA OPO.	09-60-0121	Actuarial Sample Health Insurance and Supplementary Medical Insurance (Medicare) HEW SSA OPP.
09-60-0064	Pending Social Security Number Applications HEW SSA OPO.	09-60-0122	Actuarial Sample Hospital Stay Record Study HEW SSA OPP.
09-60-0065	Direct Input Source Documents HEW SSA OPO.		
09-60-0066	Claims Development Record HEW SSA OPO.		

System Number	System Name	System Number	System Name
09-60-0123	Actuarial Sample of Supplementary Medical Insurance Payments HEW SSA OPP.	09-60-0183	Matches of Social Security Administration, Department of Defense and Veterans Administration Data Relating Earnings History to Armed Forces Training Experience. (Statistics) HEW/SSA/OPP.
09-60-0128	Retirement, Survivors and Disability Insurance Claims Study HEW SSA OPP.	09-60-0184	Hearing Office Master Calendar HEW SSA BHA.
09-60-0129	Adjudication of Supplemental Security Income Claims Study HEW SSA OPP.	09-60-0185	Service Officer Demonstration Project—HEW, SSA, OEA.
09-60-0130	Quality of Service Measurement Program Based Upon Consumer Opinions HEW SSA OPP.	09-60-0186	Litigation Master Record File—HEW, SSA, OPP.
09-60-0134	Medicare Bill File (Statistics) HEW SSA OPP.	09-60-0187	Clinical Psychology/Expanded Ment. HEW/SSA/HI.
09-60-0135	Medicare Enrollment Records (Statistics) HEW SSA OPP.	09-60-0188	Medicare Clinic Physician Supplier Master File. HEW/SSA/HI.
09-60-0136	Health Insurance Enrollment Statistics—General Enrollment Period HEW SSA OPP.	09-60-0189	Durable Medical Equipment Experimentation, HEW, SSA, HI.
09-60-0137	Supplementary Medical Sample Bill Summary File of Medicare Utilization (Statistics) HEW SSA OPP.	09-60-0190	Medicare Hospital Discharge Validation File. HEW SSA HI.
09-60-0138	Group Practice Prepayment Plan Line Item Sample of Medicare Utilization (Statistics) HEW SSA OPP.	09-60-0194	Direct Deposit Survey (Statistics). HEW SSA OPP.
09-60-0141	Current Medicare Survey (Statistics) HEW SSA OPP.	09-60-0195	Professional Qualification Files. HEW SSA HI.
09-60-0142	Evaluation of the Impact of Surgical Screening Based Upon Union Member Utilization of the Pre-Surgical Consultant Benefit (Statistics) HEW SSA OPP.	09-60-0196	Disability Studies Survey Records, (Statistics) HEW, SSA, OPP.
09-60-0146	Study of Medical Use Under the United Medical Clinic Plan or the Kaiser Health Plan (Statistics) HEW SSA.	09-60-0197	Disability Studies Records and Extracts (Statistics)—HEW/SSA/OPP.
09-60-0147	Annual 5 Percent Summary File of Services Reimbursed Under the Medicare Program (Statistics) HEW SSA OPP.	09-60-0198	Extramural Research Administrative File—HEW/SSA/OPP.
09-60-0148	Matches of Internal Revenue Service and Social Security Administration Data With Census Survey Data (Joint Social Security Administration/Census Statistics Development Project) HEW/SSA-OPP.	09-60-0199	Extramural Surveys (Statistics) HEW/SSA/OPP.
09-60-0149	Matches of Internal Revenue Service and Social Security Administration Data (Joint Social Security Administration/Treasury Department Statistics Development Project) HEW/SSA/OPP.	09-60-0200	Retirement and Survivors Studies Survey Records (Statistics)—HEW/SSA/OPP.
09-60-0159	Continuous Work History Sample (Statistics) HEW SSA OPP.	09-60-0201	Retirement and Survivors Studies Records and Extracts (Statistics) HEW/SSA/OPP.
09-60-0180	Survey of Physicians' Administrative and Practice Costs and Medicaid Participation HEW SSA OPP.	09-60-0202	Old Age, Survivors and Disability Beneficiary and Worker Records and Extracts (Statistics) HEW/SSA/OPP.
09-60-0181	Ambulatory Surgery Research Project HEW SSA OPP.	09-60-0203	Supplementary Security Income (SSI) Studies Survey Records (Statistics) HEW/SSA/OPP.
09-60-0182	Physician/Supplier 1099 File (Statement for Recipients of Medical and Health Care Payments) HEW SSA BHI.	09-60-0204	Supplementary Security Income (SSI) Studies Records and Extracts (Statistics) HEW/SSA/OPP.
		09-60-0205	Indochina Refugee and Sponsor System, HEW-OS-IRTF (Indochina Refugee Task Force) Volag Billing and Validation System, Volag Program Progress Reporting System, HEW/SRS Refugee Financial Assistance System HEW SSA OFA.
		09-60-0206	Repatriate Records System. HEW SSA/OFA.
		09-60-0207	Cuban Refugee Registration Records. HEW SSA/OFA.
		09-60-0208	Program Integrity Management Information and Control system HEW SSA OPO.



## Appendix B

Routine uses applicable to more than one system of records maintained by HEW

(1) In the event that a system of records maintained by this agency or carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(2) Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, Inc.

(3) In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

(4) A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

(5) In the event that a system of records maintained by this agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and

whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether state or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(6) Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

(7) Where a contract between a component of the Department and a labor organization recognized under E.O. 11491 provides that the agency will disclose personal records relevant to the organization's mission, records in this system of records may be disclosed to such organization.

(8) Where the appropriate official of the Department, pursuant to the Department's Freedom of Information Regulation determines that it is in the public interest to disclose a record which is otherwise exempt from mandatory disclosure, disclosure may be made from this system of records.

(9) The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

(10)-(99) (Reserved)

(100) To the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual.

(101) To individuals and organizations, deemed qualified by the Secretary to carry out specific research solely for the purpose of carrying out such research.

(102) To organizations deemed qualified by the Secretary to carry out quality assessment, medical audits or utilization review.

(103) Disclosures in the course of employee discipline or competence determination proceedings.

09-90-0001

**System name:** Telephone Directory/locator System HEW-OS-ASMB-OMAS.

**Security classification:** None.

**System location:** Operating Offices and Facility Complexes of the Department - Employee Locators and Offices of Administrative Services.

**Categories of individuals covered by the system:** Current employees of the Department.

**Categories of records in the system:** Name, title, agency, office address, business extension, some systems contain SSN for control purposes (not released).

**Authority for maintenance of the system:** 5 USC 301, 40 USC 486(c).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Various stored in card files, computer printouts, paper forms, magnetic tape.

**Retrievability:** Alphabetically by employee name, in certain instances also by agency and/or title; some large systems use SSN as control to delete information on individuals no longer employed by Department. SSN not given out. Used to compile internal telephone and locator directories.

**Safeguards:** Authorized personnel only have access to master list; where SSN is used as control for up-dates, it is suppressed from print-out of locator information.

**Retention and disposal:** Retained as long as individual is employed by Department, then information deleted from file by appropriate method.

**System manager(s) and address:**

Telecommunications Management Officer  
Department of Health, Education, and Welfare  
Office of the Assistant Secretary for Management and Budget  
Office of Management Analysis and Systems  
200 Independence Ave., S. W.  
Washington, D. C. 20201

**Notification procedure:** Contact Locator Office where employed.

**Record access procedures:** Contact Administrative Services Officer in building where employed.

**Contesting record procedures:** Same as above.

**Record source categories:** Individual employee.

09-90-0002

**System name:** Investigatory Material Compiled for Security and Suitability Purposes System, HEW/OS/ASPER/PT

**Security classification:** None for the system; however, a portion of the records within the system are classified at the level of Confidential, Secret, and Top Secret.

**System location:**

Division of Security  
Room 523B, South Portal Bldg.  
U.S. Department of Health, Education, and Welfare  
200 Independence Avenue, S.W.  
Washington, D.C. 20201  
Regional Federal Record Center

**Categories of individuals covered by the system:** Applicants, employees, former employees and others doing business with the Department.

**Categories of records in the system:** Security investigations case index card file.

**Authority for maintenance of the system:** Executive Orders 10450 and 11652.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records may be used as follows:

- See Appendix B Departmental Regulations (45 CFR Part 5b) Items 1,4,5.
- Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
- In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The records are maintained in security type vaults or safes or lock bar file cabinets with manipulation proof combination locks.

**Retrievability:** The records are alphabetically indexed by name and date of birth of the individual subject of the file or by cross reference to another file. Access within HEW is limited to the Secretary, and on a need-to-know basis other officials having the program management responsibility.

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**Safeguards:** Direct access is restricted to authorized Division of Security staff. Access to the safes in which the records are stored is limited to those Division of Security employees with appropriate security clearances and the lock combination.

**Retention and disposal:** Security investigative records on individuals who occupy sensitive positions are maintained during the term of their employment. Other security investigative records are maintained for ten years if subject to EO 10450. All other files destroyed after three years.

**System manager(s) and address:**

Director, Division of Security  
Room 523B, South Portal Bldg.  
U.S. Department of Health, Education, and Welfare  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

**Notification procedure:** System Manager; for general inquiries, include name, date of birth, and employment or other affiliation with the Department.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Federal, state or local agencies maintaining civil, criminal, suitability, or other relevant enforcement information or other pertinent information, correspondence and material or data obtained during the course of the conduct of the investigations.

**Systems exempted from certain provisions of the act:** Individuals will be provided information from this record system except when in accordance with the provisions of 5 USC 552a(k)(5): 1. disclosure of such information would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or 2. if the information was obtained prior to the effective date of Section 3, P.L. 93-579, disclosure of such information would reveal the identity of a source who provided information under an implied promise that the identity of the source would be held in confidence. (45 CFR 5b.11).

09-90-0003

**System name:** Investigative Files of the Inspector General, HEW/OS/OIG

**Security classification:** None.

**System location:**

Office of Inspector General, DHEW  
Room 5246, North Bldg.  
330 Independence Ave., S.W.  
Washington, D.C. 20201

**Categories of individuals covered by the system:** Employees, former employees, grantees, contractors, sub-contractors, carriers, State agencies, State employees, providers and recipients under DHEW programs, providers and recipients under State programs funded by the Department and others doing business with the Department.

**Categories of records in the system:** Criminal Investigation Files.

**Authority for maintenance of the system:** 28 U.S.C. 535 (b); 18 U.S.C.; P.L. 94-505, Oct. 15, 1976.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See Appendix B Departmental Regulations (45 C.F.R. Part 5b), Items (1)(4),(5). Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any

Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The records are maintained in security type safes or lock bar file cabinets with manipulation proof combination locks.

**Retrievability:** The records are retrievable by manual search of alphabetical index and cross-index cards listing individuals, companies and organizations.

**Safeguards:** Direct access is restricted to authorized staff members of the Office of Inspector General. Access within DHEW is limited to the Secretary, Under-Secretary, Inspector General and other officials and employees on a need-to-know basis. Intra-agency transfers are made in accordance with the statement of Organization, Functions and Delegations of Authority as set out in a notice concerning the Office of Inspector General (42 F.R. 17531, April 1, 1977).

**Retention and disposal:** Investigative files are retained for 5 years after completion of the investigation and/or actions based thereon. Index and cross-reference cards are retained permanently.

**System manager(s) and address:**

Assistant Inspector General for Investigations  
Room 5246, North Bldg.  
U.S. Department of Health, Education and Welfare  
330 Independence Ave., S.W.  
Washington, D.C. 20201

**Notification procedure:** Exempt, however consideration will be given requests addressed to the system manager. For general inquiries the name and date of birth of the individual.

**Record access procedures:** Exempt, however consideration will be given to requests addressed to the system manager.

**Contesting record procedures:** Contact System Manager.

**Record source categories:** Departmental and other federal, state and local government records; interviews of witnesses; documents and other material furnished by non-government sources. Sources may include confidential sources.

**Systems exempted from certain provisions of the act:** General exemption (j)(2), this system was formerly known as the Investigatory materials compiles for Law Enforcement Purposes system. Pursuant to 45 C.F.R. 5b.11, (b)(2)(i)(B), 40 F.R. 47413 (Oct. 8, 1975) this system is exempt from the following subsections of the Act (c)(3), (d)(1)-(4), (e)(3), and (e)(4)(G) & (H).

09-90-0005

**System name:** Safety Management Information System (HEW Accident, Injury and Illness Reporting System).  
HEW/OS/ASMB/SM

**Security classification:** None.

**System location:** At Departmental Regional and Headquarters facilities (see Appendix I).

**Categories of individuals covered by the system:**

1. HEW Employees, including both civilian and commissioned corps personnel, who are involved in an accident which arises out of and in the course of their employment whether occurring on HEW premises or not and results in:

- A fatality.
- Lost workdays beyond the day in which the accident occurred.
- Nonfatal injuries which result in transfer to another job, termination of employment, medical treatment other than first aid, loss of consciousness or restriction of work or motion.
- A possible tort claim.
- A claim for compensation.
- Property damage in excess of \$0.00.

g. Interrupts or interferes with the orderly progress of work of other employees.

h. Radiation over exposure.

i. Biological exposure resulting in lost time or accidental release of biologicals where the public may be over-exposed.

2. Visting scientists, contractor personnel, hospitalized patients, out-patients, employees of other Federal agencies, state or local governments or members of the public who suffer injury, illness or property damage on or in HEW premises or as a result of HEW activities.

**Categories of records in the system:** This system consists of a variety of information and supporting documentation resulting from the reporting and investigation of accidents which have resulted in injury, illness, property damage or the interruption or interference with the orderly progress of work. The records contain information about individuals involved in or experiencing accidents including but not limited to the severity of the injury, whether consciousness was lost, the type of injury, culmination of any injury, days lost from work if any, the nature of the injury, illness or disease, the body part affected, causal factors, weather factors, agency of accident, whether unsafe mechanical, physical, or personal acts or factors were involved, the accidents area of origin and if fire was involved, the type and form of materials involved. Property damage (both public and private) is noted through the property sequence number, who owned the property involved, property damaged and actual or estimated monetary loss, the HEW installation number if appropriate and the year of manufacture or construction if appropriate. Identifiers relating to a particular accident include the organization, case number assigned, date and time of occurrence, state or territory, site, type and classification of accident, estimated amount of tort claims if appropriate, name of individual(s) involved, the social security number, sex, age, grade series and level, CSC series, address, other Departments notified of accident, duty status, activity at time of accident and time-on duty before accident. Management's evaluation and corrective action taken or proposed is also noted.

**Authority for maintenance of the system:** Section 19 of the Occupational Safety and Health Act of 1970 (PL 91-596); 5 U.S.C. 7902; 29 CFR Part 1960; Executive Order No. 11807

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

- See Appendix B, Departmental Regulations (45 CFR Part 5b) Items 01.5
- To request from a Federal, state, local agency or private sources information relevant to the investigation of an accident and/or corrective action.
- To respond to an inquiry from a member of Congress made on behalf of a constituent.
- In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are or may be maintained on magnetic tapes, punchcards, lists, forms, discs, computer storage, in file folders, binders and index cards.

**Retrievability:**

- At the Departmental level, the system is completely computerized with no other records normally maintained or retained in the Office of Safety Management. While individual identifiers such as name, case number, and social security number are within the computer storage banks, special programming would be required to extract individual records. Normal output consists of statistical reports and surveys including those required by the Department of Labor and Statistical Analysis in support of the Departmental occupational safety and health program for dissemination to the Principal Operating Components, Regions and Staff Offices.
- The Principal Operating Components of the Department, their sub-components, Regional Offices and Staff Offices may maintain original or copies of the accident reports and supporting documentation by name, social security number, case number or cross reference.

- Establish a written record of the causes of accidents.
- Provide information to initiate and support corrective or preventive action.
- Provide statistical information relating to accidents resulting in occupational injuries, illnesses, and/or property damage.
- Provide management with information with which to evaluate the effectiveness of safety management programs.
- Provide the means for complying with the reporting requirements of Section 19 of the Occupational Safety and Health Act of 1970 and such other reporting requirements as may be required by legislative or regulatory requirements.
- Provide such other summary descriptive statistics and analytical studies as necessary in support of the function for which the records are collected and maintained including general requests for statistical information without personal identification of individuals.

9. Information in these records is used by or may be disclosed to: a. The Office of Safety Management, Office of the Secretary, HEW in the review of accident experience data to determine the adequacy of corrective actions, the effect of codes, standards and guides, the consolidation, summarization and dissemination of accident experience data throughout HEW and other Government Departments and agencies as needed or required. b. The supervisor, administrative officer or other official initiating an accident report, including each succeeding reviewing official in the chain of command through which the report passes to insure that corrective action, as needed and appropriate, is taken. c. Appropriately appointed Safety Directors, Officers, or others with safety responsibilities within the Department in the verifying, assembling, analyzing, summarizing and disseminating data concerning the accident experience in their areas of responsibility and the initiation of appropriate corrective action.

**Safeguards:** Access to and use of these records is made available to those personnel having a legitimate need for the information (those whose duties require review or access) including inspecting or evaluating personnel. Records, which under the law, may not be disclosed such as information pertinent to national security or trade secrets are maintained separately, adequately safeguarded and released only in accordance with the law. When there is doubt regarding the release of information, the matter will be referred, in advance of release, to the Office of the General Counsel, HEW.

**Retention and disposal:** All accident reports, records, logs, and other information relating to an accident are retained by the Principal Operating Components and their agencies, the Regional Offices and the Office of the Secretary for at least five years following the end of the calendar year in which the accident occurred. Specific occupational safety and health standards (such as the standards covering the handling of carcinogenic chemicals) may be required to be kept for up to twenty years. Records may be retained indefinitely.

**System manager(s) and address:**

Director  
Office of Safety Management  
Department of Health, Education, and Welfare  
330 Independence Avenue, S.W.  
Washington, D.C. 20201

**Notification procedure:** Individuals wishing to inquire whether this system of records contains information about them should address their inquiries to one of the following as appropriate:

- If employed or formerly employed in HEW Regional Office, the Regional Occupational Safety and Health Manager of the Region involved (see list and addresses under appendix).
- If employed or formerly employed in a HEW Principal Operating Component or sub-agency, a staff office or the Office of the Secretary, the Occupational Safety and Health Manager of the component where employed with the exception of the Food and Drug Administration (see list and addresses under appendix). The contact for the Food and Drug Administration is:  
Privacy Act Coordinator  
Food and Drug Administration  
5600 Fishers Lane  
Rockville, Maryland 20852  
Individuals requesting information about this system of records should provide their full name, social security number, name and address of office and agency in which currently or formerly employed and the accident(s) case number if known.



**Record access procedures:** Individuals wishing to gain access to or contest their records should contact the following in person or writing as appropriate; with the exception of Food and Drug Administration. See 'Notification' above. 1. If employed or formerly employed in a HEW Regional Office, the Regional Occupational Safety and Health Manager of the Region involved (see list and addresses under appendix). 2. If employed or formerly employed in a HEW Principal Operating Component or sub-agency, a staff office or the Office of the Secretary, the Occupational Safety and Health Manager of the component where employed. (see list and addresses under appendix). Individuals requesting information in this system of records should provide their full name, social security number (on a purely voluntary basis), case number if known, time and brief description of the accident in which they were involved and the name and address of office in which employed.

**Contesting record procedures:** Same as above.

**Record source categories:** The information in this system is obtained from the following sources: 1) the individual to whom the record pertains; 2) witnesses to the accident; 3) investigating officials (Federal, state, local); 4) medical personnel seeing the individual as a result of the accident; 5) supervisory personnel; 6) reviewing officials; 7) personnel offices; 8) investigative material furnished by Federal, state, or local agencies; 9) on site observations.

#### Appendix

##### Region I:

HEW Regional Safety and Occupational Health Manager  
John F. Kennedy Federal Building - Room 1503  
Government Center  
Boston, Massachusetts 02203

##### Regional II:

HEW Regional Safety and Occupational Health Manager  
Federal Building - Room 3835  
26 Federal Plaza  
New York, New York 10007

##### Regional III:

HEW Regional Safety and Occupational Health Manager  
3535 Market Street  
Philadelphia, Pennsylvania 19101

##### Regional IV:

HEW Regional Safety and Occupational Health Manager  
50 7th Street, N.E. - Room 447  
Atlanta, Georgia 30323

##### Regional V:

HEW Regional Safety and Occupational Health Manager  
300 South Wacker Drive - 35th Floor  
Chicago, Illinois 60606

##### Regional VI:

HEW Regional Safety and Occupational Health Manager  
1114 Commerce Street - Room 1025  
Dallas, Texas 75202

##### Regional VII:

HEW Regional Safety and Occupational Health Manager  
601 East 12th Street - Room 566  
Kansas City, Missouri 64106

##### Regional VIII:

HEW Regional Safety and Occupational Health Manager  
1961 Stout Street - Room 11037  
Denver, Colorado 80202

##### Regional IX:

HEW Regional Safety and Occupational Health Manager  
Federal Office Building - Room 8  
50 Fulton Street  
San Francisco, California 94102

##### Regional X:

HEW Regional Safety and Occupational Health Manager  
Arcade Plaza - Room 6003  
1321 Second Avenue

Seattle, Washington 98101

##### Office of Education:

Safety Officer  
FOB 06 - Room 1175  
400 Maryland Avenue, S.W.  
Washington, D.C.

##### National Institute of Education:

Safety Officer  
1200 19th Street, N.W.  
Washington, D.C. 20208

##### Health Care Financing Administration:

Safety Officer  
Room 5006 - Switzer Building  
300 C Street, S.W.  
Washington, D.C. 20201

##### Social Security Administration:

Director, Occupational Health Management  
Room 3205 Annex  
6401 Security Boulevard  
Baltimore, Maryland 21235

##### Office of the Secretary, HEW

Safety Officer  
Room 507B South Portal Building  
Department of Health, Education, and Welfare  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

##### Public Health Service:

Director, Division of Health Facilities Planning  
Room 18-42 - Parklawn Building  
5600 Fishers Lane  
Rockville, Maryland 20852

##### Alcohol, Drug Abuse, and Mental Health Administration:

Safety Officer  
Room 6-105 - Parklawn Building  
5600 Fishers Lane  
Rockville, Maryland 20852

##### Center for Disease Control:

Chief, Office of Biosafety  
Building 8 - Room 232  
1600 Clifton Road, N.E.  
Atlanta, Georgia 30333

##### Food and Drug Administration

Safety and Occupational Health Manager  
Room 10-71 - Parklawn Building  
5600 Fishers Lane  
Rockville, Maryland 20852

##### Health Resources Administration:

Safety Officer  
Room 10A-19 - Parklawn Building  
5600 Fishers Lane  
Rockville, Maryland 20852

##### National Institutes of Health:

Associate Director, Environmental Health and Safety, Division  
of Research Sciences  
Room 4051 - Building 12A  
9000 Rockville Pike  
Bethesda, Maryland 20014

09-90-0006

System name: Applicants for Employment Records.  
HEW/OS/ASPER/PT.

Security classification: None.

System location: This system is located in personnel offices and other offices of the Department authorized to receive applications for employment. See Appendix 1.

Categories of individuals covered by the system: Persons who have applied for Federal employment or are employed in the Federal service.

**Categories of records in the system:** These records contain information relating to the education and training; employment history and earnings; appraisal of past performance; convictions and offenses against the law; results of written tests; appraisal of potential; honors, awards or fellowships; military service; veteran preference; birthplace; birth date; social security number; and home address of persons who have applied for Federal employment or are employed in the Federal service; and correspondence related thereto. These records may also include information concerning the date of application, qualification status, employment consideration, priority grouping, and other information relating to the consideration of the individual for employment.

**Authority for maintenance of the system:** 5 U.S.C. 1302, 3301, 3302, Executive Order 10577.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records may be used: 1) to respond to requests for information from the Civil Service Commission, Members of Congress, or other inquirers from outside the Department, to the extent their request is compatible with the purpose for which the records are maintained; 2) See Appendix B Departmental Regulations (45 CFR Part 5b), Items 01,3,4, 5,6,7,8,9; 3) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4) In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained on magnetic tapes, discs, drums, punched cards, microfiche, cards, lists, and forms.

**Retrievability:** Records are indexed by any combination of name, birth date, social security number and identification number. Records are used to refer applicants to officials of the Department for placement in positions for which applicant has applied and is qualified.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

**Retention and disposal:** Destroy 2 years after date application or correspondence is filed, or incorporate in official personnel folder when applicant enters on duty as a Department employee.

**System manager(s) and address:** Personnel Officers of the Department. See Appendix 1.

**Notification procedure:** Personnel office to which application is made (see Appendix 1). Individual should provide name, date of birth, social security number, approximate date of record and title of position for which application was made.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Information in this system of records is provided by the individual to whom it applies; is derived from information he or she supplied; or is obtained from information supplied by others.

Systems exempted from certain provisions of the act: None.

#### Appendix 1

Personnel Offices in Department of Health, Education, and Welfare

#### Department Staff Personnel Office:

Deputy Assistant Secretary for Personnel and Training  
Office of Personnel and Training  
Assistant Secretary for Personnel Administration  
Office of the Secretary  
Department of Health, Education, and Welfare  
330 Independence Avenue, S.W., Transpoint Bldg.  
Washington, D.C. 20201

#### Headquarters Personnel Offices:

Personnel Officer  
Division of OS Personnel  
Office of the Secretary  
Department of Health, Education, and Welfare  
Room 4361 - 4th Floor  
330 Independence Avenue, S.W.  
Washington, D.C. 20201

Personnel Officer  
Personnel and Training Division  
Office of Education  
Department of Health, Education, and Welfare  
Room 1087 - FOB06  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

Personnel Officer  
Personnel Division  
National Institute of Education  
Department of Health, Education, and Welfare  
Room 642, Brown Bldg.  
1200 19th Street, N.W.  
Washington, D.C. 20208

Personnel Officer  
Division of Personnel  
Health Care Financing Administration  
Department of Health, Education, and Welfare  
Room 2500  
330 C Street, S.W.  
Washington, D.C. 20201

Personnel Officer  
Office of Human Development  
Department of Health, Education, and Welfare  
Room 347D, South Portal Building  
200 Independence Ave., S.W.  
Washington, D.C. 20201

Personnel Director  
Office of Personnel Management  
Public Health Service  
Department of Health, Education, and Welfare  
Room 18A-55 - Parklawn Building  
5600 Fishers Lane  
Rockville, Maryland 20852

Director  
Division of Personnel Management  
Alcohol, Drug Abuse, and Mental Health Administration  
Department of Health, Education, and Welfare  
Room 1295 - Parklawn Building  
5600 Fishers Lane  
Rockville, Maryland 20852

Personnel Officer  
Saint Elizabeths Hospital, ADAMHA  
Department of Health, Education, and Welfare  
Room 120 - E Building  
2700 Martin Luther King Avenue, S.E.  
Washington, D.C. 20032

Personnel Director  
Division of Personnel Management  
National Institutes of Health



Department of Health, Education, and Welfare  
Room 21 - Building I  
9000 Rockville Pike  
Bethesda, Maryland 20014

Personnel Officer  
Personnel Office  
National Library of Medicine  
Department of Health, Education, and Welfare  
8600 Rockville Pike, Room M-105  
Bethesda, Maryland 20014

Chief  
Personnel Management Branch  
National Cancer Institute  
Department of Health, Education, and Welfare  
Room 3A32 - Building 31  
9000 Rockville Pike  
Bethesda, Maryland 20014

Chief  
Personnel Management Branch  
National Heart and Lung Institute  
Department of Health, Education, and Welfare  
Room 5A32 - Building 31  
9000 Rockville Pike  
Bethesda, Maryland 20014

Director  
Division of Personnel Management  
Health Resources Administration  
Department of Health, Education, and Welfare  
Room 9-22, FCB 02  
3700 East-West Highway  
Hyattsville, Maryland 20782

Director  
Office of Personnel  
Health Services Administration  
Department of Health, Education, and Welfare  
Room 14A-20 - Parklawn Building  
5600 Fishers Lane  
Rockville, Maryland 20852

Personnel Director  
Food and Drug Administration  
Department of Health, Education, and Welfare  
Room 4B-06 - Parklawn Building HFA-400  
5600 Fishers Lane  
Rockville, Maryland 20852

Personnel Officer  
Bureau of Health Manpower  
Department of Health, Education, and Welfare  
Room 5B-44 - Building 31  
9000 Rockville Pike  
Bethesda, Maryland 20014

Personnel Officer  
Office of the Assistant Secretary for Health  
Department of Health, Education, and Welfare  
Room 4-36, Parklawn Bldg.  
5600 Fishers Lane  
Rockville, Maryland 20852

#### Regional Personnel Offices:

Regional Personnel Officer  
Region I  
Department of Health, Education, and Welfare  
John F. Kennedy Federal Building  
Government Center - Room 1503  
Boston, Massachusetts 02203

Regional Personnel Officer  
Region II  
Department of Health, Education, and Welfare  
Federal Building  
26 Federal Plaza  
New York, New York 10007

Regional Personnel Officer  
Region III  
Department of Health, Education, and Welfare  
3535 Market Street, Room 9460  
Philadelphia, Pennsylvania 19101

Regional Personnel Officer  
Region IV  
Department of Health, Education, and Welfare  
Room 415  
30 Seventh Street, N. E.  
Atlanta, Georgia 30323

Regional Personnel Officer  
Region V  
Department of Health, Education, and Welfare  
31st Floor  
300 S. Wacker Drive  
Chicago, Illinois 60606

Regional Personnel Officer  
Region VI  
Department of Health, Education, and Welfare  
10th Floor  
1200 Main Tower Bldg.  
Dallas, Texas 75202

Regional Personnel Officer  
Region VII  
Department of Health, Education, and Welfare  
Room 468  
601 E. 12th Street  
Kansas City, Missouri 64106

Regional Personnel Officer  
Region VIII  
Department of Health, Education, and Welfare  
Room 10410  
Federal Office Building  
1961 Stout Street  
Denver, Colorado 80294

Regional Personnel Officer  
Region IX  
Department of Health, Education, and Welfare  
50 Fulton Street  
San Francisco, California 94102

Regional Personnel Officer  
Region X  
Department of Health, Education, and Welfare  
Arcade Plaza  
1321 Second Avenue, M/S 627  
Seattle, Washington 98101

Chief, Personnel Office  
Cleveland Branch Office  
Region V  
Department of Health, Education, and Welfare  
14600 Detroit Avenue, Room 500  
Cleveland, Ohio 44107

#### Other Servicing Personnel Offices:

Personnel Officer  
U. S. Public Health Service Hospital  
Personnel Section  
Department of Health, Education, and Welfare  
Carville, Louisiana 70721

Personnel Officer  
U. S. Public Health Service Hospital  
Personnel Section  
Department of Health, Education, and Welfare  
4400 Ursuline  
Galveston, Texas 77550

Personnel Officer  
U. S. Public Health Service Hospital  
Personnel Section  
Department of Health, Education, and Welfare

1131 14th Avenue South  
Seattle, Washington 98114

Personnel Officer  
U. S. Public Health Service Hospital  
Office of Personnel  
Department of Health, Education, and Welfare  
Bay and Vanderbilt Streets  
Staten Island, New York 10304

Personnel Officer  
U. S. Public Health Service Hospital  
Personnel Section  
Department of Health, Education, and Welfare  
15th Avenue and Lake Street  
San Francisco, California 94118

Personnel Officer  
U. S. Public Health Service Hospital  
Personnel Section  
Department of Health, Education, and Welfare  
77 Warren Street  
Boston, Massachusetts 02135

Personnel Officer  
U. S. Public Health Service Hospital  
Personnel Section  
Department of Health, Education, and Welfare  
210 State Street  
New Orleans, Louisiana 70118

Personnel Officer  
U. S. Public Health Service Hospital  
Personnel Section  
Department of Health, Education, and Welfare  
6500 Hampton Boulevard  
Larchmont  
Norfolk, Virginia 23508

Personnel Officer  
U.S. Public Health Service Hospital  
Personnel Management Branch  
Department of Health, Education, and Welfare  
3100 Wyman Park Drive  
Baltimore, Maryland 21211

Personnel Officer  
Indian Health Service  
Personnel Management Branch  
Department of Health, Education, and Welfare  
P.O. Box 2143  
Billings, Montana 59101

Personnel Officer  
U. S. Public Health Service Hospital  
Personnel Section  
Department of Health, Education, and Welfare  
4005 Federal Office Building  
500 Gold Avenue, S. W.  
Albuquerque, New Mexico 87101

Personnel Officer  
Indian Health Service  
Personnel Management Branch  
Department of Health, Education, and Welfare  
405 Citizens Building  
115 4th Avenue, S. E.  
Aberdeen, South Dakota 57401

Personnel Officer  
Indian Health Service  
Personnel Management Branch  
Department of Health, Education, and Welfare  
801 East Indian School Road  
Phoenix, Arizona 85014

Personnel Officer  
Indian Health Service  
Personnel Branch  
Department of Health, Education, and Welfare  
388 Old Post Office and Courthouse

Oklahoma City, Oklahoma 73102

Personnel Officer  
Alaska Area Office  
Indian Health Service  
Department of Health, Education, and Welfare  
P. O. Box 7-741  
Anchorage, Alaska 99501

Personnel Officer  
Indian Health Area Office  
Office of Personnel  
Department of Health, Education, and Welfare  
Room 200  
921 S. W. Washington Street  
Portland, Oregon 97205

Personnel Officer  
Indian Health Service  
Office of Personnel  
Department of Health, Education, and Welfare  
P. O. Box G  
Window Rock, Arizona 86515

Director  
Office of Human Resources, OMA  
Social Security Administration  
Department of Health, Education, and Welfare  
Room 734, Altmeyer Bldg.  
6401 Security Boulevard  
Baltimore, Maryland 21235

Personnel Officer  
Bureau of Hearings and Appeals  
Social Security Administration  
Department of Health, Education, and Welfare  
3833 N. Fairfax Drive  
Arlington, Virginia 22203

Chief, Personnel Branch  
Mid-Atlantic Program Service Center  
Social Security Administration  
Department of Health, Education, and Welfare  
P. O. Box 12837  
Philadelphia, Pennsylvania 19108

Chief, Personnel Branch  
Northeastern Program Service Center  
Social Security Administration  
Department of Health, Education, and Welfare  
96-05 Horace Harding Expressway  
Flushing, New York 11368

Chief, Personnel Branch  
Southeastern Program Service Center  
Social Security Administration  
Department of Health, Education, and Welfare  
2001 12th Avenue, North  
Birmingham, Alabama 35285

Chief, Personnel Branch  
Western Program Service Center  
Social Security Administration  
Department of Health, Education, and Welfare  
P.O. Box 2000  
Richmond, California 94802

Chief, Personnel Branch  
Great Lakes Program Service Center  
Social Security Administration  
Department of Health, Education, and Welfare  
165 North Canal Street  
Chicago, Illinois 60606

Chief, Personnel Branch  
Mid-America Program Service Center  
Social Security Administration  
Department of Health, Education, and Welfare  
P.O. Box 15186  
Kansas City, Missouri 64106

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Personnel Officer  
Albuquerque Data Operations Center  
Social Security Administration  
Department of Health, Education, and Welfare  
P. O. Box 4429, Station 'A'  
Albuquerque, New Mexico 87106

Personnel Officer  
Salinas Data Operations Center  
Social Security Administration  
Department of Health, Education and Welfare  
100 East Alvin Drive  
Salinas, California 93906

Personnel Director  
Personnel Management Office  
Center for Disease Control  
Department of Health, Education, and Welfare  
Building 1, Room 153A  
1600 Clifton Road, N. E.  
Atlanta, Georgia 30333

Personnel Officer  
Addiction Research Center  
National Institute of Drug Abuse, ADAMHA  
Department of Health, Education, and Welfare  
P. O. Box 12390  
Lexington, Kentucky 40511

Personnel Officer  
National Institute for Occupational Safety and Health  
Department of Health, Education, and Welfare  
Room 540  
U. S. Post Office and Courthouse  
5th and Walnut Street  
Cincinnati, Ohio 45202

Personnel Officer  
National Institute of Environmental Sciences  
Department of Health, Education, and Welfare  
P. O. Box 12233  
Research Triangle Park, North Carolina 27709

## 09-90-0007

**System name:** Complaints and Inquiries Records - Miscellaneous.  
HEW/OS/ASPER/PT.

**Security classification:** None.

**System location:** Personnel offices shown in Applicants for Employment Records, HEW System 09900006, Appendix 1 and offices of operating officials in organizational units serviced by those personnel offices, in which employees are employed.

**Categories of individuals covered by the system:** Current Federal employees of the Department.

**Categories of records in the system:** This system consists of records relating to an individual's employment status or conduct while employed by the Department. Examples of these records include: correspondence from employees, Members of Congress, and members of the public alleging misconduct by an employee of the Department, miscellaneous complaints not covered by the Department's formal or informal grievance procedure, informal complaints handled by labor union officials, and miscellaneous debt correspondence received from creditors.

**Authority for maintenance of the system:** Executive Orders 11222, 10561 and 11491.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information in these records may be used: a) In accordance with Appendix B Departmental Regulations (45 CFR Part 5b) Items 01,3,4,5,6,7,8,9 b) by the Civil Service Commission in carrying out its functions; c) to respond to Members of Congress and members of the public with regard to complaints or inquiries presented by them; d) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

e) In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity;

(b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Filed in folders and index cards.

**Retrievability:** Records are filed by name. Records are used to take action on and respond to a complaint about a HEW employee; to produce summary descriptive statistics and analytical studies in support of the functions for which the records are collected and maintained and for related personnel management functions or pay studies; and for other purposes compatible with the intent for which the records system was created.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access.

**Retention and disposal:** Information in this system of records is disposed of 6 months after transfer or separation of employee.

**System manager(s) and address:** Personnel Officers shown in Appendix 1 to Applicants for Employment Records, HEW System 09900006, who service organizational units in which individuals are employed.

**Notification procedure:** Operating officials in organizational unit in which employee is employed or personnel offices shown as systems managers in Appendix 1 Applicants for Employment Records, HEW System 09900006. Individuals should provide name, organization in which employed, and date of birth.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Information in this system of records is obtained: 1) directly from the individual, or 2) derived from information supplied by the individual, or 3) from information supplied by members of the public, other employees, Members of Congress, Department management officials, or 4) from police and court records relevant to the complaint about the employee.

## 09-90-0008

**System name:** Conflict of Interest Records System.  
HEW/OS/ASPER/PT.

**Security classification:** None.

**System location:** Personnel Offices of the Department (See Applicants for Employment Records, HEW System 09900006, Appendix 1) or levels of approving officials to be identified by those Personnel Offices.

**Categories of individuals covered by the system:** Incumbents of Department positions the duties of which are of such a nature that incumbent's outside activities or financial interests may come in conflict with the incumbent's official duties.

**Categories of records in the system:** The Conflict of Interest Records System consists of a variety of records relating to an employee's financial interest, conduct and outside activities. In addition to the name of the employee, SSN, position title, grade, salary, pay plan, and employing organization, the system includes information about outside employment, financial interests, outside compensation and related information.

**Authority for maintenance of the system:** Executive Order 11222.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information in this system of records may be used: a) by the Civil Service Commission in carrying out its functions; b) In accordance with Appendix B of the Departmental regulations (45 CFR Part 5b), Item 1,4,5,6,9; c)

## 09-90-0009

**System name:** Discrimination Complaints Records System.  
HEW/OS/ASPER/PT.

**Security classification:** None.

**System location:**

Office of Equal Employment Opportunity, HEW  
330 Independence Avenue, S. W.  
Washington, D. C. 20201

Offices of designated EEO Officers in Principal Operating Components, Office of the Secretary, Health Agencies, Education Agencies and Regional Offices. See Appendix 1 for exact locations.

**Categories of individuals covered by the system:** Individuals or organizations which have consulted an EEO Counselor regarding discrimination on the basis of race, color, religion, sex, national origin or age because of a determination or decision made by a Department official or which have filed a third-party allegation of discrimination.

**Categories of records in the system:** This system of records contains information or documents concerning pre-complaint processing and third-party allegations of discrimination. The records consist of counselors' reports, the initial allegations, letters or notices to the individual or organization, materials placed into the record to support or refute the decision or determination, statements of witnesses, investigative reports, instructions about action to be taken to comply with decisions, and related correspondence, opinions and recommendations.

**Authority for maintenance of the system:** Executive Order 11478, 42 USC 2000e and 29 USC 633a.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records and information in the records may be used:

- To respond to a request from a Member of Congress regarding the status of an appeal, complaint or grievance;
- To refer to CSC in connection with an appeal or review;
- In accordance with Appendix B Departmental Regulations (45 CFR Part 5b) Items 01,3,4,5,6,7,8,9.
- Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
- In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** These records are maintained in file folders, binders, and index cards.

**Retrievability:** These records are indexed by the names of the individuals or organizations on whom they are maintained. They may be used: to adjudicate an appeal, complaint, or grievance; to provide a basis for a corrective action related to the discrimination situation; as a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; and to locate specific individuals for personnel research or other personnel management functions.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access.

**Retention and disposal:** The records on third-party allegations of discrimination are maintained up to four years after final disposition, after which time, they will be destroyed in accordance with CSC guidelines.

**System manager(s) and address:** See Appendix 1 for General Coordinator and appropriate Immediate System Manager.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

d) In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Conflict of Interest Records are maintained in file folders.

**Retrievability:** Records are retrievable by name. They are used for the purpose of determining whether an employee's financial interest, conduct or outside activities are in conflict with the employee's duties as a Federal official. They also may be used for production of summary descriptive statistics and analytical studies in support of the functions for which the records are collected and maintained and for other purposes compatible with the intent for which the records system was created.

**Safeguards:** These records are treated as controlled for Official Use Only and made available only to persons specifically authorized to receive them.

**Retention and disposal:** Information in this records system is disposed of 2 years after the employee discontinues the activity for which approval is required or two years after the employee leaves the Department, whichever is earlier.

**System manager(s) and address:** Personnel Offices of the Department shown in Appendix 1 to Applicants for Employment Records, HEW System 09900006.

**Notification procedure:** For incumbents who are in position under the Executive Schedule; Office of the Secretary Staff Office Heads; or Principal Regional Officials, contact:

Deputy Assistant Secretary for Personnel and Training  
Office of Personnel and Training  
Department of Health, Education, and Welfare  
330 Independence Avenue, S. W.  
Washington, D. C. 20201

For incumbents of positions in the Food and Drug

Administration, contact:  
Director, Policy Management Staff, HFA-20  
Food and Drug Administration  
5600 Fishers Lane  
Rockville, Maryland 20857

For incumbents of other positions included in this records system, contact the Personnel Office shown in Appendix 1 to Applicants for Employment Records, HEW System 09900006, which services the organizational units in which the individual is employed. The individual should indicate name, position title, grade and series, and organization in which located.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Information in this system of records is: 1) supplied directly by the individual, or 2) derived from information supplied by the individual, or 3) supplied by Department officials or other persons such as trustee, attorney, accountant, relative.

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**Notification procedure:** Individuals and organizations which consulted an EEO counselor or filed a third-party allegation of discrimination are aware of that fact. They may write the appropriate immediate system manager indicated above, or the general coordinator if the immediate system manager is unknown, regarding the existence of such records pertaining to them. The inquirers, as appropriate, should provide their name, date of birth, agency in which employed or agency in which the situation arose if different from employing agency, the approximate date, and the kind of action taken, when making inquiries about records.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:**

- Individual to whom the record pertains
- Department or other officials
- Statements from employees or other witnesses
- Official documents relating to the counseling or third-party allegation
- Correspondence from specific organizations or persons.

**Appendix 1**

**List of Locations and System Managers for EEO Matters**

**Department of Health Education and Welfare (General Coordinator)**

Director, Equal Employment Opportunity Staff  
Room 4766  
330 Independence Avenue, S.W.  
Washington, D.C. 20201

**Immediate Locations and System Managers**

Office of the Secretary, Washington  
EEO Officer, OS  
Room 2038  
330 C Street, S.W.  
Washington, D.C. 20201

**Regional Offices of the Secretary**

**REGION I**

EEO Officer  
Room 1500  
JFK Federal Building  
Boston, Massachusetts 02203

**REGION II**

EEO Officer  
Room 3838-D  
26 Federal Plaza  
New York, New York 10007

**REGION III**

EEO Officer  
Room 9200  
3535 Market Street  
Philadelphia, Pennsylvania 19101

**REGION IV**

EEO Officer  
Room 404  
50 Seventh Street, N.E.  
Atlanta, Georgia 30323

**REGION V**

EEO Officer  
35th Floor  
300 S. Wacker Drive  
Chicago, Illinois 60606

**REGION VI**

EEO Officer  
Room 904  
1114 Commerce Street  
Dallas, Texas 75202

**REGION VII**

EEO Officer  
Room 616D  
601 East 12th Street  
Kansas City, Missouri 64106

**REGION VIII**

EEO Officer  
Room 13001, Federal Office Bldg.  
1961 Stout Street  
Denver, Colorado 80294

**REGION IX**

EEO Officer  
Room 413  
50 Fulton Street  
San Francisco, California 94102

**REGION X**

EEO Officer  
Room 6027, Arcade Bldg., MS 629  
1322 Second Avenue  
Seattle, Washington 98101

**Principal Operating Components and Agencies**

**Social Security Administration**

EEO Officer  
Room 739, Administration Bldg.  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Health Care Financing Administration**

EEO Officer  
Room 2213  
330 C Street, S.W.  
Washington, D.C. 20201

**Office of Education**

EEO Officer  
Room 2117  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

**National Institute of Education**

EEO Officer  
Room 639  
1200 19th Street, N.W.  
Washington, D.C. 20208

**Assistant Secretary for Health**

EEO Officer  
Room 18-07, Parklawn Bldg.  
5600 Fishers Lane  
Rockville, Maryland 20852

**Health Resources Administration**

EEO Officer  
Room 10-22, Parklawn Bldg.  
5600 Fishers Lane  
Rockville, Maryland 20852

**Health Services Administration**

EEO Officer  
Room 14-18, Parklawn Bldg.  
5600 Fishers Lane  
Rockville, Maryland 20852

**Food and Drug Administration**

EEO Officer  
Room 16-B-07, Parklawn Bldg.  
5600 Fishers Lane  
Rockville, Maryland 20852

**Alcohol, Drug Abuse & Mental Health Administration**

EEO Officer  
Room 17-C-20, Parklawn Bldg.  
5600 Fishers Lane  
Rockville, Maryland 20208

**National Institutes of Health**

EEO Officer  
Room 2-B-40, Bldg. 31  
NIH  
Bethesda, Maryland 20014

**Center for Disease Control**

EEO Officer  
Room 2405, Bldg. 1  
1600 Clifton Road, N.E.  
Atlanta, Georgia 30333

Office of Human Development  
EEO Officer  
Room 330E, South Portal Building  
200 Independence Ave., S.W.  
Washington, D.C. 20201

09-90-0010

**System name:** Employee Alcoholism, Drug Abuse and Emotional Problem Counselling and Referral Records. HEW/OS/ASPER/PT.

**Security classification:** None.

**System location:** Personnel offices shown in Applicants for Employment Records, HEW System 09900006, Appendix 1 or designated offices performing counselling functions for employees in organizational units serviced by those personnel offices, including the Public Health Employee Assistance Program offices listed in Appendix 1 of this notice.

**Categories of individuals covered by the system:** Department employees who have been counselled for work adjustment, personal or emotional health problems and/or the abuse of alcohol or drugs.

**Categories of records in the system:** This system contains records of employees who have been referred but not counseled; records of employees who have been counseled for work adjustment, personal or emotional problems, and/or alcohol or drug abuse; and records of members of employees' families who have been counseled. Examples of information which may be found in this record system include the employee's name, SSN, date of birth, grade, job series, job title, leave record, service computation date, home address, home phone number, supervisor's name, name and address of the individual's personal physician, social history, educational background, and performance appraisals. Other documents which may also be found in the counselor's file are notes made by the counselor, copies of admonishments and reprimands received by the employee and a record of the supervisor's referral (if the employee was referred by the supervisor).

**Authority for maintenance of the system:** 44 U.S.C. 3101, 42 U.S.C. 4561, 21 U.S.C. 1180, and 5 U.S.C. 7901.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** In unusual circum-

stances, it may be appropriate to disclose information from this system of records: 1) In accordance with Appendix B Departmental Regulations (45 CFR Part 5b), Items 9, 101, 102; 2) To the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of components of the Department in connection with such individual; 3) In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected. Such disclosures will be restrictively made; in particular, disclosures of information pertaining to an individual with a history of alcohol or drug abuse will be limited in compliance with the restrictions of the Confidentiality of Alcohol and Drug Abuse Patient Records regulations, 42 CFR Part 2.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Employee records are maintained in file folders and on index cards.

**Retrievability:** Records are filed by name or by case number cross indexed with the employee's name. The records are used to document the nature of the individual's problem and progress and when necessary, to refer individuals to appropriate community or private resources for treatment or rehabilitation. Anonymous information from these records may also be used to produce summary descriptive statistics and analytical studies in support of the functions for which the records are collected and maintained.

**Safeguards:** During the employment of the individual, records are maintained in confidential files separate from the Official Personnel Folder and are located in lockable metal containers or in secured rooms with access limited to those whose official duties require access. Disclosure of the contents of records which pertain to an individual's alcohol or drug abuse is restricted under the provisions of the Confidentiality of Alcohol and Drug Abuse Patient Records regulations, 42 CFR, Part 2, as authorized by 21 USC 1175 and 42 USC 4582, as amended by P.L. 93-282. To the extent possible, identical restrictions will be applied to the disclosure of the contents of records pertaining to individuals with other problems who are participating in the Public Health Employee Assistance Program.

**Retention and disposal:** Counselling records may be maintained for as long as the employee continues to visit the counselor. The records are destroyed upon separation or transfer of the employee or when the employee has ceased contact with the counselor for two years.

**System manager(s) and address:** For records of individuals participating in the Public Health Employee Assistance Program conducted by the Public Health Service: The responsible administrator shown in Appendix 1 below. For other individuals' records: The Personnel Officer servicing the installation in which counseling was provided, as shown in Applicants for Employment Records, HEW System 09900006, Appendix 1.

**Notification procedure:** Inquiries should be addressed to the system manager at the office where counseling was provided. Individual should provide name, grade, organization in which employed, date of birth, and location and approximate date of counseling. When applicable, the special procedures for access to medical records will be followed. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.). When the records pertain to an individual's alcohol or drug use, the procedures in 42 CFR 2.40 will also be followed.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents

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being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Information in this system of records is: 1) supplied directly by the individual, or 2) supplied by a member of the individual's family, or 3) derived from information supplied by the individual, or 4) supplied by sources to whom the employee has been referred for assistance, or 5) supplied by Department officials, or 6) supplied by program counselors.

**Systems exempted from certain provisions of the act:** None.

#### Appendix 1 Officials of Public Health Employee Assistance Program (Public Health Service)

Administrator  
ADAMHA Employee Assistance Program  
Parklawn Building  
5600 Fishers Lane  
Rockville, Maryland 20852

Administrator  
Public Health Employee Assistance Program  
Personnel Management Office  
Center for Disease Control  
Atlanta, Georgia 30333

Administrator  
Public Health Employee Assistance Program  
Food and Drug Administration  
Parklawn Building  
5600 Fishers Lane  
Rockville, Maryland 20852

Administrator  
Health Resources Administration Employee Assistance Program  
Parklawn Building  
5600 Fishers Lane  
Rockville, Maryland 20852

Administrator  
Health Services Administration Employee Assistance Program  
Parklawn Building  
5600 Fishers Lane  
Rockville, Maryland 20852

Administrator  
Public Health Employee Assistance Program  
Office of Occupational Health  
National Institutes of Health  
Bethesda, Maryland 20010

Administrator  
Public Health Employee Assistance Program  
Office of the Assistant Secretary for Health  
330 Independence Avenue, S.W.  
Washington, D.C. 20201

09-90-0011

**System name:** Employee Appraisal Program Records, HEW/OS/ASPER/PT.

**Security classification:** None.

**System location:** Personnel offices shown in Applicants for Employment Records, HEW System 09900006, Appendix 1 and operating offices in organizational units serviced by those personnel offices.

**Categories of individuals covered by the system:** Current Federal employees of the Department.

**Categories of records in the system:** This system contains information which includes employee's name, SSN, employing organization, grade, title, series, and materials relating to the evaluations of employee's performance. For purposes of the annual performance rating required by law and for promotion consideration purposes.

**Authority for maintenance of the system:** 5 U.S.C. 4302, 5 U.S.C. 3301, 5 U.S.C. 3302, Executive Order 10577.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information in these records may be used:

1. By the Civil Service Commission in carrying out its functions.
2. In accordance with Items 1,3,4,5,6,7,8,9 of Appendix B of the Departmental Regulations (45 CFR, Part 5b).
3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
4. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders, on magnetic tape, and on punch cards.

**Retrievability:** Records are retrievable by name or social security number. They may be used as a basis for reduction-in-force, adverse actions, decisions regarding retention of employees during probationary period, recognition, promotions, reassignments and other personnel actions compatible with the purpose for which the record was collected.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access.

**Retention and disposal:** Employee appraisals are destroyed after two years or when replaced by a new appraisal, whichever is earlier, except that copies of unsatisfactory and outstanding performance ratings and any related papers are filed on the permanent side of the Official Personnel Folder.

**System manager(s) and address:** Personnel Officers shown in Applicants for Employment Records, HEW System 09900006, Appendix 1.

**Notification procedure:** Same as above. Employee should provide name, social security number and organization in which employed.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Information in this system of records is provided by the individual, derived from information supplied by the individual or supplied by Department officials.

09-90-0012

**System name:** Executive Development Records System, HEW/OS/ASPER/PT.

**Security classification:** None.

**System location:** Personnel offices shown in Applicants for Employment Records, HEW System 09900006, Appendix 1.

**Categories of individuals covered by the system:** All supergrade employees (GS-16-18) and equivalents, incumbents of managerial positions and employees in grade GS-13-15 designated as high potential employees.

**Categories of records in the system:** The Executive Development Records System consists of a variety of records relating to an employee's participation in the Executive Development Program. In addition to the employee's name, the system contains the em-

employee's title, grade and salary, Social Security Account Number, organization in which employed, date of entry into the Executive Development Program, training needs while participating in the program, individual's development plan, basis for participation in the Executive Development Program.

**Authority for maintenance of the system:** 5 U.S.C. 4101 et. seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information in this system of records is used:

- a. In accordance with Appendix B Departmental Regulations (45 CFR Part 5b) Items 01,3,4,5,6,7,8,9.
- b. By the Civil Service Commission in the performance of its functions.
- c. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
- d. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information in this system of records is maintained in file folders, magnetic tape, punch cards, and forms.

**Retrievability:** Records are indexed by name and Social Security Account Number. Records are used by operating officials in carrying out their personnel management responsibilities. They may be used by those officials in connection with promotions, transfer or reassignment of the individual and as base for preparing management, budgetary or statistical reports to support organizational planning or manpower utilization studies.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

**Retention and disposal:** Information is retained in the master file for as long as the individual is participating in the program. Upon completing the program, the individual's record is maintained in an inactive file for 5 years.

**System manager(s) and address:** Heads of personnel offices which service the organizational unit in which the individual is employed. See Applicants for Employment Records, HEW System 09900006, Appendix 1.

**Notification procedure:** Same as Above. Individuals should include their name, grade, title, and organization when contacting the system manager.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Information in this system of records is: 1) supplied directly by the individual, or 2) derived from information supplied by the individual, or 3) supplied by Department officials.

09-90-0013

**System name:** Federal Employees Occupational Health Program Records, HEW/OS/ASPER/PT.

**Security classification:** None.

**System location:** Personnel offices shown in Applicants for Employment Records, HEW System 09900006, Appendix 1 and

designated offices performing occupational health services for employees in organizations serviced by those personnel offices.

**Categories of individuals covered by the system:** Current Federal employees of the Department.

**Categories of records in the system:** This system consists of a variety of records relating to an employee's participation in the Federal Occupational Health Program at units other than those operated by the Division of Federal Employee Health, Public Health Service. Examples of information which may be included in this system are the employee's name, SSN, date of birth, weight, height, medical history, blood type, nature of injury or complaint, type of treatment/medication received, examination findings, and laboratory results.

**Authority for maintenance of the system:** 5 U.S.C. 7901 et. seq., P. L. 79-658.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information in this system of records may be used:

1. By authorized medical personnel in connection with the performance of their official duties.
2. By the Civil Service Commission in connection with the performance of its functions.
3. By the Department of Labor in connection with a claim filed by an employee for compensation for a job-related injury or disease.
4. By private contractors engaged in providing medical services under Federal contract.
5. In accordance with Items 1,3,4,5,6,7,8,9 of the Departmental Regulations (45 CFR part 5b), Appendix B.
6. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
7. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Stored in file folders, punch cards and data tape.

**Retrievability:** Records are retrievable by name, date of birth, and SSN. They are used to document an employee's visit to a health unit and contain information such as a summary of the nature of a complaint, a record of the employee's participation in a voluntary screening program, a record of an employee's participation in a voluntary blood donor program, and a record of any treatment administered by the health unit. Information from this system may be used by Department officials in connection with fitness for duty examinations and for preparing statistical or summary reports about the employee participation in the Federal Occupational Health Program.

**Safeguards:** During the employment of the individual, medical records are maintained in files separate from the Official Personnel Folder and are located in lockable metal containers or in secured rooms with access limited to those whose official duties require access.

**Retention and disposal:** A medical record is maintained for as long as employed. If the medical record is deemed to be of long term value, it is combined with the employee's Official Personnel Folder upon separation of the employee and forwarded to the National Personnel Records Center, St. Louis, Missouri. Other medical records of no historic value or if of no value in documenting employee health activities are destroyed upon separation of the employee.

**System manager(s) and address:** Personnel Officers shown in Applicants for Employment Records, HEW System 09900006, Appendix 1, who service organizational units in which the individual is employed.



**Notification procedure:** Same as above. The individual should include name, SSN, title and organization. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Information in this system of records is: 1) supplied directly by the individual, or 2) derived from information supplied by the individual, or 3) supplied by the medical officer or nurse providing treatment or medication, or 4) supplied by the individual's private physician.

#### 09-90-0014

**System name:** Grievances Filed Under the Informal Grievance Procedures. HEW/OS/ASPER/PT.

**Security classification:** None.

**System location:** Personnel offices, or offices of the immediate supervisors and the first officials within the Department excluding the immediate supervisor, with line authority to decide on the matter grieved. Such offices are located within the organizational units serviced by personnel offices shown in Applicants For Employment Records, HEW System 09900006, Appendix 1.

**Categories of individuals covered by the system:** Department employees individually or as a group who have requested personal relief in a matter of concern or dissatisfaction which is subject to the control of Department management.

**Categories of records in the system:** Information or documents relating to the grievance and personal relief sought; documented materials used in consideration of the grievance, and correspondence related to disposition of the grievance.

**Authority for maintenance of the system:** 5 U.S.C. 1302, 3301, 3302; Executive Order 10577.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information in this system of records may be used:

- In accordance with Appendix B Departmental Regulations (45 CFR Part 5b) Items 01,3,4,5,6,7,8,9.
- By the Civil Service Commission in carrying out its functions.
- Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
- In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The records are maintained in file folders, binders and index cards.

**Retrievability:** Records are indexed by name of individual filing the grievance. Records are used to consider and resolve informal grievances and to provide background data to further consideration of grievances if later pursued through formal grievance procedures.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

**Retention and disposal:** Records are maintained for 3 years after the file is closed, at which time they are destroyed.

**System manager(s) and address:** Heads of personnel offices which service organizational units in which employees who submit informal grievances are located. See Applicants for Employment Records, HEW System 09900006, Appendix 1.

**Notification procedure:** Individuals who have filed grievances are aware of that fact and have been provided information in writing concerning the disposition of the grievance. They may contact the official who signed the written notice, or the System Manager indicated above. They should provide their name, organization in which employed and date of birth and approximate date of the filing of the informal grievance.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Information in this system of records is: 1) supplied directly by the individual, or 2) derived from information supplied by the individual, or 3) supplied by Department officials.

#### 09-90-0015

**System name:** Grievance Records Filed Under Procedures Established by Labor-Management Negotiations. HEW/OS/ASPER/PT.

**Security classification:** None.

**System location:** Personnel offices shown in Applicants for Employment Records, HEW System 09900006, Appendix 1 and offices of operating officials in organizational units serviced by those personnel offices.

**Categories of individuals covered by the system:** Current Federal employees of the Department covered by a collective bargaining agreement.

**Categories of records in the system:** This system of records consists of a variety of records relating to an employee's grievance filed under procedures established by labor-management negotiations. Examples of information which may be included in this system of records are the employee's name, SSN, grade, job title, testimony of witnesses, material placed into the record to support the decision, the arbitrator's decision, the arbitrator's report, and a record of an appeal to the Federal Labor Relations Council.

**Authority for maintenance of the system:** Executive Order 11491 as amended.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information in this system may be released to:

- The Civil Service Commission in carrying out its functions.
- In accordance with Departmental Regulations, (45 CFR Part 5b), Appendix B. See Items 01,3,4,5,6,7,8,9.
- The Department of Labor.
- The Federal Labor Relations Council.
- Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
- In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders.

**Retrievability:** Records are retrievable by name. They are used to make a determination on and to document a decision made on a grievance filed by an employee under the negotiated grievance procedures. Information from this system may be used by Department officials for preparing statistical, summary or management reports.

**Safeguards:** Records maintained by management are stored in secured rooms with access limited to those whose official duties require access.

**Retention and disposal:** As negotiated by the local parties to the contract.

**System manager(s) and address:** Personnel Officers shown in Applicants for Employment Records, HEW System 09900006, Appendix 1 who service the organizational unit in which the individual is employed.

**Notification procedure:** Same as above. Individuals should include their name, grade, title and organizational unit when contacting the system manager.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Information in this system of records is: 1) supplied directly by the individual, or 2) derived from information supplied by the individual, or 3) supplied by testimony of witnesses, or 4) supplied by union officials, or 5) supplied by Department officials.

**Systems exempted from certain provisions of the act:** None.

#### 09-90-0016

**System name:** HEW Motor Vehicle Operator Records. HEW/OS/ASPER/PT.

**Security classification:** None.

**System location:** Personnel offices of the Department shown in Applicants For Employment Records, HEW System 09900006, Appendix 1. Issuing Offices for Motor Vehicle Operator Identification Cards within the organizations serviced by the above personnel offices.

**Categories of individuals covered by the system:** All Department employees who are required to operate motor vehicles regularly or incidentally in carrying out their official duties.

**Categories of records in the system:** The HEW Motor Vehicle Operator Records system consists of a variety of records related to the issuance of a Government Motor Vehicle Operator's permit. In addition to the name of the employee, the system includes information about the employee's birthplace, SSN, employing organization, number of years driven, type of vehicles operated, current driver's license number, state issuing driver's license, date license expires, restrictions on state license, sex, date of birth, color of hair, color of eyes, weight, height, record of arrests, and record of accidents. These records also include expiration dates of Motor Vehicle Operator permit, any limitations imposed on its use and the results of the annual review of each driving record.

**Authority for maintenance of the system:** 40 U.S.C. 471.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information in this system of records may be used:

- In accordance with Appendix B Departmental Regulations (45 CFR Part 5b) Items 01,3,4,5,6,7,8,9.
- By the Civil Service Commission in carrying out its functions.
- Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
- In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any

employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Stored in Official Personnel Folder and in file folders and index cards.

**Retrievability:** Records are retrievable by name. Information is used as a basis for issuing a SF-46 'U. S. Government Motor Vehicle Operator's Identification Card' and evaluating its use. It may also be used for production of summary descriptive statistics and analytical studies in support of the functions for which the records are collected and maintained and for related personnel management functions.

**Safeguards:** Access to and use of these records are limited to personnel whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

**Retention and disposal:** A record is retained for as long as the employee has an active Federal Motor Vehicle Operator Permit, and for three years after the permit becomes inactive or the employee separates from the Department, that time the record is destroyed.

**System manager(s) and address:** Personnel Officers of the Department shown in Applicants for Employment Records, HEW System 09900006, Appendix 1.

**Notification procedure:** Issuing officers in organizational units in which employed or systems managers shown above. Individual should provide name and organization in which employed.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Information contained in this system of records is obtained: 1) from information supplied by the individual, or 2) derived from information supplied by the individual, or 3) from information supplied by officials of the Department.

**Systems exempted from certain provisions of the act:** None.

#### 09-90-0017

**System name:** Pay, Leave and Attendance Records. HEW/OS/ASPER/PT.

**Security classification:** None.

**System location:**

Division of Central Payroll and Reports Processing  
Department of Health, Education, and Welfare  
330 Independence Avenue, S. W.  
Washington, D. C. 20201

**Payroll Liaison Representatives:** See Appendix 1. Timekeepers in organizational units serviced by Payroll Liaison Representatives shown in Appendix 1. Personnel offices shown in HEW System 09900006, Applicants for Employment Records, Appendix 1.

**Categories of individuals covered by the system:** All paid employees of the Department of Health, Education, and Welfare including PHS Commissioned Corps Personnel.

**Categories of records in the system:** This system consists of a variety of records relating to pay and leave determinations made about each employee of the Department of Health, Education, and Welfare. In addition to the name of the employee, the system includes information such as the employee's date of birth, social

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security number, home address, grade or rank, employing organization, timekeeper number, salary, Civil Service Commission retirement fund contributions, pay plan, number of hours worked, annual and sick leave accrual rate and usage, annual and sick leave balance, FICA withholdings, Federal, state and city tax withholdings, Federal Employees Government Life Insurance withholdings, Federal Employees Health Benefits withholdings, garnishment documents, savings allotments, union and management association dues withholdings allotments, savings bonds allotments, and combined Federal Campaign allotments; for Commissioned Corps personnel, information such as the following is included: years of service, payroll number, base pay, incentive pay, hazardous pay, allowances and Servicemen's Group Life Insurance.

**Authority for maintenance of the system:** 5 U.S.C. 5501 et. seq., 5525 et. seq., 6301 et. seq.; 42 U.S.C. 201 et. seq.; and P.L. 90-83.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information in this system of records is used or may be used:

- To prepare W-2 Forms to submit to the Internal Revenue Service and to disclose to state and local government agencies having taxing authority pertinent records relating to employees, including name, home address, social security number (in accordance with Section 7 of Public Law 93-579), earned income, and amount of taxes withheld.
- In accordance with Appendix B Departmental Regulations (45 CFR Part 5b) Items 01, 3, 4, 5, 6, 7, 8, 9.
- By the Civil Service Commission in the performance of its functions.
- By the Department of Labor to make compensation determination in connection with a claim filed by the employee for compensation on account of a job-connected injury or disease.
- To respond to court orders for garnishment of an employee's pay for alimony or child support.
- To respond to orders from IRS for garnishment of an employee's pay for Federal income tax purposes.
- To the Department of Treasury for the purposes of preparing and issuing employee salary and compensation checks and U.S. Savings Bonds.
- By state offices of unemployment compensation in connection with claims filed by former HEW employees for unemployment compensation.
- When an individual to whom a record pertains dies, to disclose information in the individual's record to heirs, executors and legal representatives of beneficiaries.
- Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
- In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic tape, microfilm, punch cards and forms.

**Retrievability:** Records are maintained by pay period and are retrievable by name, SSN and Timekeeper number within each pay period. They are used to insure that each employee receives the proper pay and allowances; that proper deductions and authorized allotments are made from the employee's salary; that the employee is credited and charged with the proper amount of sick and annual leave. Records are also used to produce summary descriptive statistics and analytical studies in support of the functions for which the records are collected and maintained and for related personnel management functions or pay studies, and for other purposes compatible with the intent for which the records system was created.

**Safeguards:** Access to and use of these records are limited to personnel whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

**Retention and disposal:** A record (continuously updated) is maintained on the data disc for as long as employed. Source document microfilm records are kept 4 years then destroyed. Time card microfilm is kept 5 years then destroyed. Data file microfilm is kept 6 years then destroyed.

**System manager(s) and address:**

Director, Division of Central Payroll and Reports Processing  
P. O. Box 1825  
Washington, D. C. 20013

**Notification procedure:** Same as System Manager. Also may contact, as appropriate, Payroll Liaison Representatives in Appendix 1 or Personnel Officers shown in HEW System 09900006, Applicants for Employment Records, Appendix 1. Provide name, social security number, timekeeper number and pay period about which inquiring.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411).

**Record source categories:** Information in this system of records is 1) supplied directly by the individual, or 2) derived from information supplied by the individual, or 3) supplied by timekeepers and other Department officials.

**Systems exempted from certain provisions of the act:** None.

**Appendix 1**

**OS**

Payroll Liaison Officer  
Office of the Secretary  
Room 4317 - HEW North Bldg.  
330 Independence Avenue, S. W.  
Washington, D. C. 20201

**OE**

Payroll Liaison Officer  
Office of Education  
Room 3092 - E. FOB 06  
400 Maryland Ave., S. W.  
Washington, D. C. 20202

**NIE**

Payroll Liaison Officer  
National Institute of Education  
Room 711 - Marsh Bldg.  
1832 M Street, N. W.  
Washington, D. C. 20208

**HCFA**

Payroll Liaison Officer  
Health Care Financing Administration  
Room 1219  
330 C Street, S. W.  
Washington, D. C. 20201

**Social Security Administration Headquarters**

Payroll Liaison Officer  
SSA Headquarters  
Room 1M10, Annex Bldg.  
6401 Security Blvd.  
Baltimore, Maryland 21235

**SSA, ORS**

**DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**

Payroll Liaison Officer  
Universal Bldg., Room 930  
1875 Connecticut Ave., N. W.  
Washington, D. C. 20009

**Social Security Administration Program Service Centers**

**MID ATLANTIC**

Payroll Liaison Officer  
SSA, HEW Program Service Center  
P. O. Box 12807  
Philadelphia, Pennsylvania 19108

**NORTH EASTERN**

Payroll Liaison Officer  
SSA Program Service Center  
9605 Horace Harding Expressway  
Flushing, New York 11368

**SOUTH EASTERN**

Payroll Liaison Officer  
Birmingham Program Service Center  
P. O. Box 1031  
Birmingham, Alabama 35201

**GREAT LAKES**

Payroll Liaison Officer  
Chicago Program Service Center  
165 North Canal Street  
Chicago, Illinois 60606

**MID-AMERICAN**

Payroll Liaison Officer  
SSA Program Service Center  
601 East 12th Street - Room 1459  
Kansas City, Missouri 64106

**WESTERN**

Payroll Liaison Officer  
San Francisco Program Center  
P. O. Box 2000  
Richmond, California 94802

**Boston, SSA**

Payroll Liaison Officer, SSA  
John F. Kennedy Federal Bldg.  
Government Center  
Boston, Massachusetts 02203

**New York, SSA**

Payroll Liaison Officer, SSA  
26 Federal Plaza  
Room 737  
New York, New York 10007

**Philadelphia, SSA**

Payroll Liaison Officer, SSA  
P. O. Box 8788  
Philadelphia, Pennsylvania 19101

**Atlanta, SSA**

Payroll Liaison Officer, SSA  
Room 226, Peachtree-Seventh Bldg.  
50 7th Street, N. W.  
Atlanta, Georgia 30323

**Cleveland, SSA**

Payroll Liaison Officer, SSA  
Room 100  
14725 Detroit Ave.

Cleveland, Ohio 44107

**Chicago, SSA**

Payroll Liaison Officer, SSA  
300 South Wacker Drive  
Chicago, Illinois 60606

**Kansas City, SSA**

Payroll Liaison Officer, SSA  
601 E. 12th Street  
Kansas City, Missouri 64106

**Dallas, SSA**

Payroll Liaison Officer, SSA  
Room 624  
1114 Commerce Street  
Dallas, Texas 75202

**Denver, SSA**

Payroll Liaison Officer, SSA  
Federal Office Bldg.  
19th and Stout Streets  
Denver, Colorado 80202

**Seattle, SSA**

Payroll Liaison Officer  
HEW Regional Personnel Office  
Arcade Plaza Bldg. 1321 Second Avenue  
Seattle, Washington, 98101

**San Francisco, SSA**

Payroll Liaison Officer  
HEW Personnel  
50 Fulton Street  
San Francisco, California 94102

**BHA**

Payroll Liaison Officer  
Room 335 - Webb Bldg.  
801 N. Randolph Street  
Arlington, Virginia 22203

**Regional Offices**

**Boston**

Payroll Liaison Officer  
HEW Personnel  
Room 1503  
JFK Federal Bldg  
Boston, Massachusetts 02203

**New York**

Payroll Liaison Officer  
Room 937  
26 Federal Plaza  
New York, New York 10007

**Philadelphia**

Payroll Liaison Officer  
Financial Management  
P. O. Box 13716  
Philadelphia, Pennsylvania 19101

**Atlanta**

Payroll Liaison Officer  
Room 404  
50 7th Street, N. E.  
Atlanta, Georgia 30323

**Chicago**



Payroll Liaison Officer  
HEW Personnel  
300 S. Wacker Drive  
Chicago, Illinois 60606

Dallas

Payroll Liaison Officer  
Region VI Personnel Office  
HEW, Main Tower Building  
1200 Main Street  
Dallas, Texas 75202

Kansas

Payroll Liaison Officer  
Office of Regional Director, HEW  
601 East 12th Street  
Kansas City, Missouri 64106

Denver

Payroll Liaison Officer  
Room 9019  
Federal Office Bldg.  
19th and Stout Street  
Denver, Colorado 80202

San Francisco

Payroll Liaison Officer  
HEW Personnel  
50 Fulton Street  
San Francisco, California 94102

Seattle

Payroll Liaison Officer  
Regional Personnel Office  
Arcade Plaza Bldg., MS 627 1321 Second Avenue  
Seattle, Washington 98101

Cleveland

Payroll Liaison Officer  
Room 500  
14600 Detroit Ave.  
Cleveland, Ohio 44107

Data Operations Center, SSA

Payroll Liaison Officer  
Data Operations Center  
P. O. Box 2247  
Albuquerque, New Mexico 87103

U. S. Public Health Service Hospitals

San Francisco, PHS

Payroll Liaison Officer  
USPHS Hospital  
15th and Lake Street  
San Francisco, California 94118

Seattle, PHS

Payroll Liaison Officer  
USPHS Hospital  
P. O. Box 3145  
Seattle, Washington 98114

Staten Island, PHS

Payroll Liaison Officer  
USPHS Hospital  
Bay and Vanderbilt Street  
Staten Island, New York 10304

Saint Elizabeths, PHS

Payroll Liaison Officer  
St. Elizabeths Hospital  
Room 120, E Bldg.  
2700 Martin Luther King Ave., S.E.  
Washington, D. C. 20032

Baltimore, PHS

Payroll Liaison Officer  
USPHS Hospital  
3100 Wyman Park Drive  
Baltimore, Maryland 21211

Boston, PHS

Payroll Liaison Officer  
USPHS Hospital  
77 Warren Street  
Boston, Massachusetts 02135

Carville, PHS

Payroll Liaison Officer  
USPHS Hospital  
Carville, Louisiana 70721

Galveston, PHS

Payroll Liaison Officer  
USPHS Hospital  
4400 Avenue N.  
Galveston, Texas 77550

New Orleans, PHS

Payroll Liaison Officer  
USPHS Hospital  
210 State Street  
New Orleans, Louisiana 70118

Norfolk, PHS

Payroll Liaison Officer  
USPHS Hospital  
6500 Hampton Blvd.  
Norfolk, Virginia 23508

Indian Health Service

Aberdeen

Payroll Liaison Officer  
PHS Indian Health Service  
Room 300 - Citizens Bldg.  
Aberdeen, South Dakota 57401

Albuquerque

Payroll Liaison Officer  
Albuquerque Indian Health Service  
Federal Office Bldg. and U. S. Courthouse  
Room 4006  
500 Gold Avenue  
Albuquerque, New Mexico 87101

Anchorage

Payroll Liaison Officer  
Alaska Native Medical Center  
P. O. Box 7-741  
Anchorage, Alaska 99501

Billings

Payroll Liaison Officer  
Indian Health Area Office  
P. O. Box 2134  
Billings, Montana 59103

Oklahoma

Payroll Liaison Officer  
Oklahoma City Area  
Indian Health Service  
388 Old Post Office and Courthouse Bldg.  
Oklahoma City, Oklahoma 73102

Saratoga

Payroll Liaison Officer  
Indian Health Service  
1970 Main Street  
Saratoga, Florida 33577

Phoenix

Payroll Liaison Officer  
Phoenix Area Indian Health  
801 E. Indian Medical Center  
Phoenix, Arizona 85021

Phoenix

Payroll Liaison Officer  
Phoenix Indian Medical Center  
4212 No. 16th Street  
Phoenix, Arizona 85016

Tucson

Payroll Liaison Officer  
IHS - HPSC  
P. O. Box 11340  
Tucson, Arizona 85734

Public Health Service

CDC

Payroll Liaison Officer  
Center for Disease Control  
Financial Management  
1600 Clifton Road, N. E.  
Atlanta, Georgia 30330

NIH

Payroll Liaison Officer  
National Institutes of Health  
Room B1B, Bldg. 11  
9000 Rockville Pike  
Bethesda, Maryland 20014

FDA

Payroll Liaison Officer  
FDA Payroll Liaison Section  
Accounting Branch  
CA-130, Room 11057, Parklawn Bldg.  
5600 Fishers Lane  
Rockville, Maryland 20852

NIOSH (CDC)

Payroll Liaison Officer  
HEW, CDC, NIOSH  
Financial Mgmt. Branch  
Parklawn Bldg.  
DANAC 3 - 32 F  
5600 Fishers Lane  
Rockville, Maryland 20852

NIH, NIEHS

Payroll Liaison Officer  
National Institute of Environmental Health Sciences, NIH  
P. O. Box 12233  
Research Triangle Park  
North Carolina 27709

HSA, HRA, ASH

Payroll Liaison Officer  
PHS  
Room 1649 - Parklawn Bldg.  
5600 Fishers Lane  
Rockville, Maryland 20852

ADAMHA

Payroll Liaison Officer  
ADAMHA  
Room 1399 - Parklawn Bldg.  
5600 Fishers Lane  
Rockville, Maryland 20852

HEW HSA FHPS

Payroll Liaison Officer  
Administrative Asst.  
6525 Belcrest Road  
West Hyattsville, Maryland 20782

09-90-0018

System name: Personnel Records in Operating Offices.  
HEW/OS/ASPER/PT.

Security classification: None.

System location: Operating Offices of the Department at the organizational level of the individual's employment. Such offices are located within organizational components serviced by personnel offices shown in Applicants for Employment Records, HEW System 09900006, Appendix 1.

Categories of individuals covered by the system: Current employees of the Department.

Categories of records in the system: This system consists of a variety of records relating to personnel actions and determinations made about an individual while employed. These records may contain information about an individual relating to name; birth date; home address; telephone number; emergency addressee; social security number; veterans preference; tenure; work connected injuries; handicap code; employment history; qualifications background; past and present salaries, grades and position titles; training; awards and other recognition; counseling; performance appraisal; conduct; pay and leave; and data documenting reasons for personnel actions, decisions or recommendations made about an employee; and background data and documentation leading to an adverse action being taken against an employee.

Authority for maintenance of the system: 5 U.S.C. 1302, 2951, 4118, 4308, 4506, 7501, 7511, 7521 and Executive Order 10561.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be used:

1. By an agency of the Federal Government having oversight or review with regard to Civil Service Commission activities.
2. In the event an appeal is made outside the Department, records which are relevant may be referred to the appropriate agency charged with rendering a decision on the appeal.
3. In accordance with Appendix B of the Departmental Regulations (45 CFR, Part 5b) Items 1,3,4,5,6,7,8,9.
4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
5. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, magnetic tape, and index cards.



**Retrievability:** Records are indexed by any combination of name, birth date, social security number, or identification number. Records are used by operating officials in carrying out their personnel management responsibilities. They may be used in this connection in recommending or taking personnel actions such as are related to appointments, transfers, promotions, reassignments, adverse actions; as a base for employee development, training, recognition, reprimands, and disciplinary actions; for making decisions on employee complaints; and as a base for staffing and budgetary planning and control, organizational planning, and for manpower utilization purposes; and for preparing statistical or summary reports. They may also be used by appropriate officials in making decisions on grievances, appeals and adverse actions.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access.

**Retention and disposal:** Retained during the period of employment of the individual. Destroyed or transferred to the Official Personnel Folder, as appropriate, when an individual resigns, transfers or is separated from the Federal service.

**System manager(s) and address:** Personnel Officers of the Department. See Applicants for Employment Records, HEW System 09900006, Appendix 1.

**Notification procedure:** Immediate supervisors of individuals or the administrative offices of the organizational units in which employed. The system manager shown above may also provide further information concerning the existence of this system of records. Individuals should provide their name, social security number, and organization in which employed.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Information in this system of records either comes from the individual to whom it applies, is derived from information supplied by the individual, or is provided by Department officials.

**Systems exempted from certain provisions of the act:** None.

09-90-0019

**System name:** Special Employment Programs.  
HEW/OS/ASPER/PT.

**Security classification:** None.

**System location:** Personnel Offices shown in Applicants for Employment Records, HEW System 09900006, Appendix 1 and operating offices in organizational units serviced by those personnel offices, in which employees are employed.

**Categories of individuals covered by the system:** Current Federal employees of the Department who are participating in special employment programs.

**Categories of records in the system:** This system consists of a variety of records relating to an employee's participation in special employment programs such as the Upward Mobility College, START, STRIDE, ACCESS, Worker Trainee Opportunity, Junior Fellows, Management Intern, Personnel Intern and the HEW Fellows Program. Examples of information which this records system may contain include the employee's name, SSN, program enrolled in, employing agency, grade, job title, job series, sex, date of birth, status, educational background, handicap code, application for employment, position description, assignment evaluations, Veterans preference, job counselling records, and letters of reference and recommendations.

**Authority for maintenance of the system:** 5 U.S.C. 1301, 3301, and 7151 et. seq., Executive Order 11813.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information in this system may be used:

1. By the Civil Service Commission in carrying out its functions.
2. In accordance with Items 1,3,4,5,6,7,8,9 of the Departmental Regulations, (45 CFR Part 5b), Appendix B.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
4. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information in this system of records is maintained in file folders, data tape and punch cards.

**Retrievability:** Records are retrievable by name and SSN. Records are used by personnel offices and operating officials to monitor the progress of the individual in the special program, for career planning, and for taking personnel actions.

**Safeguards:** Access and use of these records are limited to those persons whose official duties require such access.

**Retention and disposal:** Information in these records is retained for as long as the individual participates in a special employment program. Upon completing the program, the individual's record is maintained in an inactive file for 2 years, then destroyed.

**System manager(s) and address:** Personnel Officers shown in Applicants for Employment Records, HEW System 09900006, Appendix 1, who service organizational units in which the participant is employed.

**Notification procedure:** Same as above. Individuals should include their name, SSN, grade, title and organization when contacting the system manager.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Information in this system of records is: 1) supplied directly by the individual, or 2) derived from information supplied by the individual, or 3) supplied by Department officials.

**Systems exempted from certain provisions of the act:** None.

09-90-0020

**System name:** Suitability for Employment Records.  
HEW/OS/ASPER/PT.

**Security classification:** None.

**System location:** Personnel Offices shown in Applicants for Employment Records, HEW System 09900006, Appendix 1.

**Categories of individuals covered by the system:** Federal employees of the Department, and applicants for employment.

**Categories of records in the system:** This system consists of a variety of records relating to an individual's suitability for employment in terms of character, reputation and fitness, including letters of reference, responses to pre-employment inquiries, National Agency Checks and Inquiries material received from the Civil Service Commission relating to non-sensitive positions, qualifications and character investigations, and other information which may relate to the suitability of the individual for the position.

**Authority for maintenance of the system:** 5 U.S.C. 3301, 3302, 7301.; Executive Order 10577; Executive Order 11222.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information in these records may be used:

- a. By the Civil Service Commission in carrying out its functions.

- b. In accordance with Appendix B, Departmental Regulations (45 CFR Part 5b) Items 01,3,4,5,6,8,9.
- c. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
- d. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders.

**Retrievability:** Records are indexed by any combination of name, birth date, Social Security Number, or identification number. Information in these records is used by designated appointing and selecting authorities to determine an individual's suitability for employment by consideration of factors present in such records.

**Safeguards:** Records are maintained in confidential files and are located in lockable metal file cabinets or in metal file cabinets in secured rooms with access limited to those whose official duties require access.

**Retention and disposal:** NACI information is retained during the period of employment with the Department and upon transfer or separation of employee, is returned to the Civil Service Commission. Other records are retained during the period of employment or for two years whichever is earlier. After that time they are destroyed.

**System manager(s) and address:** Heads of personnel offices which service organizational units in which individual is employed or in which he/she applied for employment. See Applicants For Employment Records, HEW, System 09900006, Appendix 1.

**Notification procedure:** Same as above. Individuals should indicate name, Social Security Number, date of birth, and organization in which employed, or to which they applied for employment.

**Record access procedures:** Current Department employees or applicants should contact the appropriate system manager shown above. Former Department employees who are employed by the Federal Government who wish to gain access or contest the records maintained on them while employed by the Department should contact the appropriate official of their current employing agency in accordance with the appropriate records system notice of that agency. Former Department employees who have separated from Federal service should direct a request to:

National Personnel Records Center  
General Services Administration  
111 Winnebago Street  
St. Louis, Missouri 63118

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Information contained in the system is obtained from the categories of sources:

- Applications and other personnel and security forms furnished by the individual.
- Information furnished by other Federal agencies.
- Information provided by sources such as employers, schools, references, former employers.

**Systems exempted from certain provisions of the act:** Individuals will be provided information from the above record system except when in accordance with the provisions of 5 U.S.C. 552a(k)(5); 1. disclosure of such information would reveal the identity of a source who furnished information to the Government under a express promise that the identity of the source would be held in confidence, or 2. if the information was obtained prior to the effective date of Section 3, P. L. 93-579, disclosure of such information would reveal

the identity of a source who provided information under an implied promise that the identity of the source would be held in confidence. (45 CFR 5b.11)

09-90-0021

**System name:** Training Manpower Information System.  
HEW/OS/ASPER/PT.

**Security classification:** None.

**System location:**

Office of Personnel and Training  
Department of Health, Education, and Welfare  
330 Independence Avenue, S. W.  
Washington, D. C. 20201

Personnel offices shown in Applicants for Employment Records, HEW System 09900006, Appendix 1.

**Categories of individuals covered by the system:** All employees who receive training in a course which was more than 8 hours in length and which was authorized under the authority of the Government Employees Training Act.

**Categories of records in the system:** The Training Management Information System consists of a variety of records relating to training received by an employee. In addition to the name of the employee, the system includes information about the employee's Social Security Account Number, position title, grade, salary, pay plan, series, tenure, years of continuous service, hours of prior non-government training, nature of training taken, cost of training and dates of training.

**Authority for maintenance of the system:** 5 U.S.C. 4101 et. seq.; Executive Order 11348.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information in this system of records is used:

- a. In accordance with Appendix B Departmental Regulations (45 CFR Part 5b) Items 01,3,4,5,6,7,8,9.

- b. By the Civil Service Commission in carrying out its functions.

- c. To other Federal agencies or private organizations to authorize training.

- d. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

- e. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Data tape.

**Retrievability:** Records are indexed by any combination of name, birth date, SSN or transaction number. Information is used to maintain a history of training of the individual during his employment with the Department, as a basis for determining future training needs of the individual, for evaluating the Department's training program, for auditing and budgetary planning purposes and for related analytical and operational personnel management functions.

**Safeguards:** The information is available only to authorized personnel. Personnel screening is used to prevent unauthorized disclosure.

**Retention and disposal:** Retained in the data file until separation of employee from the Department. Training records are retained indefinitely in the Official Personnel Folder.

**System manager(s) and address:**

Deputy Assistant Secretary for Personnel and Training  
Office of Personnel and Training  
Department of Health, Education, and Welfare  
330 Independence Avenue, S.W.  
Washington, D. C. 20201

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**Notification procedure:** Contact the Deputy Assistant Secretary for Personnel and Training or the personnel office shown in Applicants for Employment Records, HEW System 09900006, Appendix 1, which services the organizational unit in which the individual is employed. The individual should indicate name, position title, grade and series and organization in which located.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information in this system of record is: 1) supplied directly by the individual, or 2) derived from information supplied by the individual, or 3) supplied by Department or by source of training officials.

**Systems exempted from certain provisions of the act:** None.

09-90-0022

**System name:** Volunteer EEO Support Personnel Records. HEW/OS/ASPER/PT.

**Security classification:** None.

**System location:**

Office of Equal Employment Opportunity, HEW  
330 Independence Avenue, S. W.  
Washington, D. C. 20201

Offices of the designated EEO Officers in Principal Operating Components, Office of the Secretary, Health Agencies, Education Agencies and Regional Offices. See Discrimination Complaints Records System, HEW System 09900009, Appendix 01 for exact locations.

**Categories of individuals covered by the system:** Individuals who have volunteered or have been proposed for duty as EEO Counselors and discrimination complaint investigators on a part-time basis.

**Categories of records in the system:** This system of records contains information or documents concerning personal characteristics of EEO counselors and investigators. The records consist of the name and other identifying data, title, location, training received, information concerning qualifying background, case assignments, and evaluations of EEO counselors and investigators serving on a part-time basis, and related information.

**Authority for maintenance of the system:** Executive Order 11478, P. L. 92-261, P. L. 93-259.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records and information in the records may be used:

- To provide resource to another Federal agency, in response to its request for loan of investigators or counselors.
- In accordance with Appendix B Departmental Regulations (45 CFR Part 5b), Items 01, 3, 4, 5, 6, 7, 8, 9
- By the Civil Service Commission in carrying out its functions.
- Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
- In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** These records are maintained in file folders, binders and index cards.

**Retrievability:** These records are indexed by the names of the individuals on whom they are maintained. They may be used: for identification, location and determination of availability of volunteer counselors and investigators for assignment to counsel complainants and to investigate complaints; to respond to inquiries regarding availability of counselor resources or determination regarding location and the jurisdictional propriety of an investigator resource; for determining training needs of EEO counselors and investigators; to provide information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; and to locate specific individuals for personnel research or other personnel management functions.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require access.

**Retention and disposal:** The records are maintained up to one year after volunteer has terminated his services, at which time they are destroyed.

**System manager(s) and address:** See Discrimination Complaints Records System, HEW System 09900009, Appendix 1 for General Coordinator and appropriate Immediate System Manager.

**Notification procedure:** Individuals who have volunteered or been proposed as counselors or investigators are aware of that fact and the information contained in the record. They may, however, write the immediate system manager or coordinator indicated above regarding the existence of such records pertaining to them. The inquirers, as appropriate, should provide to the immediate system manager or coordinator, their name, agency in which they were proposed or served when making inquiries about records.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:**

- Individuals to whom the record pertains
- Department or other officials
- Official documents relating to appointments and case assignments as counselors and investigators
- Correspondence for specific persons or organizations
- Formal reports submitted by the individual in the performance of official volunteer work.

15  
None.

09-90-0023

**System name:** Departmental Parking Control Policy. HEW/OS/ASMB/FE

**Security classification:** None.

**System location:**

Director, Office of Facilities Engineering and Property Management  
Room 4193 North Building  
HEW/Office of the Secretary  
330 Independence Ave., S.W.  
Washington, D.C. 20201  
Offices of Manager for Parking Control at HEW facilities where HEW parking is provided.

**Categories of individuals covered by the system:** All HEW employees as well as any carpool member utilizing DHEW parking facilities.

**Categories of records in the system:** This system includes the following information on all persons applying for a parking permit: Name, office room number, office phone number, agency, home address, and automobile license number.

**Authority for maintenance of the system:** 63 Stat. 377; 41 CFR 101-20.111

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made

to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are stored in binders in file cabinets.

**Retrievability:** Records are filed alphabetically. The purpose of the Departmental Parking Policy is to provide standards for apportionment and assignment of parking spaces on Department-managed and Department-controlled property and on property assigned to the Department by GSA or any other Agency and to allocate and check parking spaces assigned to government vehicles, visitors, handicapped personnel, key personnel, car-pools, and others.

**Safeguards:** Access to and use of these records are limited to personnel whose official duties require such access.

**Retention and disposal:** Superseded policy materials are maintained by the Director, Office of Facilities Engineering and Property Management for historical purposes; Records at other HEW locations are maintained until the Parking Control purpose has been met, and the records are then destroyed.

**System manager(s) and address:**

Director, Office of Facilities Engineering and Property Management  
Room 4193 North Building  
HEW/Office of the Secretary  
330 Independence Avenue, S.W.  
Washington, D. C. 20201

**Notification procedure:** Access to these records may be obtained by request in writing to:

Office of Manager for Parking Control at HEW facility where HEW parking is provided.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Information in this system comes from reports from OS Staff, POC's and Regions, GSA-Federal Management circulars and Federal Property Management Regulations.

**Systems exempted from certain provisions of the act:** None.

09-90-0024

**System name:** Accounting records of Payments to Individuals from Agency and Regional Financial Management and Disbursing Offices. HEW OS ASMB 1.

**Security classification:** None.

**System location:** See appendix 1.

**Categories of individuals covered by the system:** Persons authorized to travel on official HEW business; persons awarded an HEW grant, contract or loan; persons authorized emergency salary advances; and consultants furnishing administrative and miscellaneous services.

**Categories of records in the system:** Name, identification number, address, purpose of payment, accounting classification and amount paid.

**Authority for maintenance of the system:** Budget and Accounting Act of 1950 (PL 81-784).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To the Treasury Department for check preparation; to members of Congress on behalf of a constituent or concerning a federal financial assistance program; See Departmental Regulations (45 CFR Part 5b), Appendix B, 3, 4, 6, 7, 8. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or

any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Hard copy documents are manually filed at agency and regional office sites; and on disc pack and magnetic tape at central computer sites.

**Retrievability:** This varies according to the particular operating accounting system within the Agency and Regional Office. Usually the hard copy document is filed by name within accounting classification. Computer records may be indexed by social security number and voucher number. Intra-departmental uses and transfers concern the validation and certification for payment, and for HEW internal audits.

**Safeguards:** Minimum safeguards to insure integrity of records, and that required to provide protection against loss by accident of carelessness; these records are classified as public information and are available through the Freedom of Information Act.

**Retention and disposal:** Records are purged from automated files once the accounting purpose has been served; printed copy and manual documents are retained and disposed of in accord with General Accounting Office principles and standards.

**System manager(s) and address:** See appendix 2.

**Notification procedure:** Inquiries are to be made, either in writing or in person, to the organizations listed under 'Location' in appendix 1, with the exception of Food and Drug Administration contact:

FDA Privacy Coordinator (HF-50)  
Food and Drug Administration  
5600 Fishers Lane  
Rockville, Md. 20852

Give name and social security number, purpose of payment (travel, grant, etc.) and, if possible, the agency accounting classification.

**Record access procedures:** Same as in 'Notification'. See above.

**Contesting record procedures:** Same as in 'Notification'. See above.

**Record source categories:** Travel vouchers submitted by the individual; grant, contract or loan award document; consultant invoice of services rendered; and application for travel advance.

**Systems exempted from certain provisions of the act:** None.

Appendix 1 Location

Payments to Individuals records are located at the following HEW Regional Offices:

Regional Office 01  
John F. Kennedy Federal Bldg.  
Government Center  
Boston, MA 02203

Regional Office 02  
26 Federal Plaza  
New York, NY 10007

Regional Office 03  
Post Office Box 12900  
Philadelphia, PA 19108

Regional Office 04  
50 Seventh Street, N.E.  
Atlanta, GA 30323

Regional Office 05  
Room 712  
433 West Van Buren Street  
Chicago, IL 60607

Regional Office 06  
1114 Commerce Street  
Dallas, TX 75202

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Regional Office 07  
Federal Office Bldg.  
601 East 12th Street  
Kansas City, MO 64106

Regional Office 08  
19th & Stout Streets  
Denver, CO 80202

Regional Office 09  
50 Fulton Street  
San Francisco, CA 94102

Regional Office 010  
Arcade Plaza Bldg.  
1319 Second Avenue  
Seattle, WA 98101

Payments to Individuals records are located at the following  
HEW Agency Headquarters and Field Offices:

Office of the Secretary (to include Office of Human Resources  
records)  
Div. of Accounting Operations  
Washington, DC 20201

Office of Education  
Accounting Operations Section  
Federal Office Bldg. 06  
Washington, DC 20202

National Institute of Education  
Finance Division, Room 710  
1200 14th Street N.W.  
Washington, DC 20208

Health Services Adm.  
Office of Fiscal Services  
Parklawn Bldg.  
5600 Fishers Lane  
Rockville, Md. 20852

Health Services Adm.  
U.S. Public Health Service Hospital  
77 Warrent Street Brighton  
Boston, MA 02135

Health Services Adm.  
U.S. Public Health Service Hospital  
Bay and Vanderbilt Streets - Stapleton  
Staten Island, NY 10304

Health Services Adm.  
U.S. Public Health Service Hospital  
3100 Wyman Park Drive  
Baltimore, MD 21211

Health Services Adm.  
U.S. Public Health Service Hospital  
6500 Hampton Boulevard - Larchmont  
Norfolk, VA 23508

Health Services Adm.  
Addiction Research Center  
Leestown Pike - Box 2000  
Lexington, KY 40501

Health Services Adm.  
U.S. Public Health Service Hospital  
Carville, LA 70721

Health Services Adm.  
U.S. Public Health Service Hospital  
210 State Street  
New Orleans, LA 70118

Health Services Adm.  
U.S. Public Health Service Hospital  
4400 45th Avenue North  
Galveston, TX 77550

Health Services Adm.  
PHS Indian Health Area Office  
Federal Office Bldg., & U.S. Court House  
500 Gold Avenue, S.W.  
Albuquerque, NM 87101

Health Services Adm.  
PHS Indian Health Area Office  
338 Post Office & Court House Bldg.  
Oklahoma City, OK 73102

Health Services Adm.  
Aberdeen Area Office  
Indian Health Service  
Federal Bldg.  
Aberdeen, SD 57401

Health Services Adm.  
03 At 7th West Central Avenue  
Post Office Box 2143  
Billings, MT 59103

Health Services Adm.  
U.S. Public Health Service Hospital  
15th Avenue & Lake Street  
San Francisco, CA 94118

Health Services Adm.  
PHS Indian Health Area Office  
801 East Indian School Road  
Phoenix, AZ 85014

Health Services Adm.  
U.S. Public Health Service Hospital  
1131 14th Avenue, South  
Post Office Box 3145  
Seattle, WA 98114

Health Services Adm.  
Alaska Area Native Health Service  
Post Office Box 7-741  
Anchorage, AK 99510

Public Health Service  
Center for Disease Control  
1600 Clifton Road  
Atlanta, GA 30333

Public Health Service  
Nat'l Institute for Occupational Safety & Health, CDC  
532 U.S. Post Office & Courthouse Bldg.  
Cincinnati, OH 45202

Food and Drug Adm.  
HFA-120  
5600 Fishers Lane  
Rockville, MD 20852

Food and Drug Adm.  
880 W. Peachtree St., N.W.  
Atlanta, GA 30309

Food and Drug Adm.  
585 Commercial Street  
Boston, MA 02109

Food and Drug Adm.  
599 Delaware Avenue  
Buffalo, NY 14202

Food and Drug Adm.  
Room 700 - Federal Office Bldg.  
850 3rd Avenue (At 30th Street)  
Brooklyn, NY 11232

Food and Drug Adm.  
20 Evergreen Pl.  
East Orange, N.J. 07018

Food and Drug Adm.

Room 1204, U.S. Customhouse  
2nd & Chestnut Streets  
Philadelphia, PA 19106

Food and Drug Adm.  
900 Madison Avenue  
Baltimore, MD 21201

Food and Drug Adm.  
P.O. Box S-4427  
San Juan, P.R. 00905

Food and Drug Adm.  
Room 1222 Main Post Office Bldg.  
433 West Van Buren Street  
Chicago, IL 60607

Food and Drug Adm.  
1560 East Jefferson Avenue  
Detroit, MI 48207

Food and Drug Adm.  
1141 Central Parkway  
Cincinnati, OH 45202

Food and Drug Adm.  
240 Hennepin Avenue  
Minneapolis, MN 55401

Food and Drug Adm.  
3032 Bryan Street  
Dallas, TX 75204

Food and Drug Adm.  
Room 222 U.S. Customhouse Building  
423 Canal Street  
New Orleans, LA 70130

Food and Drug Adm.  
National Center for Toxicological Research  
Jefferson, AR 72079

Food and Drug Adm.  
1009 Cherry Street  
Kansas City, Mo. 64106

Food and Drug Adm.  
Room 1002 U.S. Courthouse & Customhouse Building  
1114 Market Street  
St. Louis, MO 63101

Food and Drug Adm.  
Room 573 New Customhouse Building  
721 19th Street  
Denver, CO 80202

Food and Drug Adm.  
Room 518 Federal Office Building  
50 Fulton Street  
San Francisco, CA 94102

Food and Drug Adm.  
1521 West Pico Boulevard  
Los Angeles, CA 90015

Food and Drug Adm.  
5003 Federal Office Bldg.  
909 First Avenue  
Seattle, WA 98174

National Institutes of Health  
Operations Accounting Branch  
Bldg. 31, Room B1B07  
9000 Rockville Pike  
Bethesda, MD 20014

National Institutes of Health  
Rocky Mountain Laboratory  
Hamilton, MT 59840

National Institutes of Health

Public Health Hospital  
15th Avenue & Lake Street  
San Francisco, CA 94118

Alcohol, Drug Abuse, & Mental Health Administration  
Saint Elizabeths Hospital  
Finance Office, Administration Bldg.  
Washington, DC 20032

Social Security Administration  
Administration, Program and Fiscal Operations Offices  
1227 Annex Social Security Bldg.  
Baltimore, MD 21235

Social Security Administration  
Bureau of Supplemental Security Income  
4-M-5 Annex Bldg.  
Baltimore, Md. 21235

Social Security Administration  
Bureau of Disability Payments  
1506 Woodlawn Drive 1J2  
Baltimore, MD 21241

Social Security Administration  
Northeastern Program Center  
96-05 Horace Harding Expressway  
Flushing, NY 11368

Social Security Administration  
Midatlantic Program Center  
401 North Broad Street  
Philadelphia, PA 19108

Social Security Administration  
Southeastern Program Center  
225 Third Avenue North  
Birmingham, AL 35285

Social Security Administration  
Great Lakes Program Center  
165 North Canal Street  
Chicago, IL 60606

Social Security Administration  
MidAmerica Program Center  
601 East 12th Street  
Kansas City, MO 64106

Social Security Administration  
Western Program Center  
Post Office Box 100  
San Francisco, CA 94101

Health Care Financing Administration  
Room 1219 HEW South Building  
330 C Street, S.W.  
Washington, DC 20201

For Payments to Individuals records at the following central  
Payment office for grants and contracts:

Office of the Secretary  
Federal Assistance Financing Branch  
Westwood Building, Room 426  
5333 Westbard Avenue  
Bethesda, Maryland 20016

Appendix 2 System Manager

Departmental principles and standards concerning the system  
of records are the responsibility of:

Department of Health, Education and Welfare  
Assistant Secretary for Management and Budget  
Office of the Secretary  
Room 510A, South Portal  
Washington, DC 20201

Operational responsibilities are as follows:



For Payments to Individual records at Departmental and Regional Offices

HEW, Office of Secretary and Regional Offices

Office of Secretary  
Deputy Assistant Secretary, Finance  
Room 705D1, South Portal  
Washington, DC 20201

For Payments to Individual records at Principal Operating Component Offices

Education (OE, NIE, ASE)

Office of Education (For OE and ASF)  
Deputy Commissioner for Management  
Room 4169 FOB-6  
Washington, DC 20201

National Institute of Education  
Associate Director for Administration and Management  
Room 639 Brown Building  
1200 14th Street, N.W.  
Washington, DC 20208

Health (HSA, CDC, FDA, NIH, ADAMHA, HRA, ASH)

Public Health Service  
Director, Division of Financial Management  
Room 18-17, Parklawn Building  
5600 Fishers Lane  
Rockville, MD 20852

Social Security Administration

Social Security Administration  
Director, Office of Financial Management  
Room 840 Annex Social Security Bldg.  
Baltimore, MD 21235

Office of Human Development

Office of Human Development  
Director, Office of Administration and Management  
Room 1107 Donohoe Building  
400 6th Street, S.W.  
Washington, DC 20201

Health Care Financing Administration

Health Care Financing Administration  
Assistant Administrator for Financial Management  
Room 5082, HEW-S  
330 C Street, S.W.  
Washington, DC 20201

09-90-0025

**System name:** Central Registry of Individuals Doing Business With HEW, HEW OS ASMB 2.

**Security classification:** None.

**System location:**

Division of Financial Operations and Fiscal Procedures  
Room 739D1, South Portal  
330 Independence Avenue, S.W.  
Washington, DC 20201

**Categories of individuals covered by the system:** Individuals who are the recipients of Federal Domestic Assistance Grants, or of contracts awarded by HEW.

**Categories of records in the system:** An index of names, addresses and identification number (SSN) of the individual doing business with HEW. No other personally identifiable data are maintained. The index is termed public information since data relative to Federal Domestic Assistance and Contracts are public information.

**Authority for maintenance of the system:** 5 U.S.C. 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See Departmental Regu-

lations (45 CFR Part 5b), Appendix B, 3, 4, 6, 7, 8. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Hard copy code booklets are manually filed at agency and regional office sites; and on disc pack and magnetic tape at central computer sites.

**Retrievability:** Record may be found in the Code Book by either name or social security number; record in disc pack and on magnetic tape is indexed by social security number. The Code Book provides a listing of data processing numbers for grant, contract and financial transactions. These numbers are used to access the name and address of the individual in the Automated Library (Central Registry). The information is used for check preparation, reports, mailings, etc.

**Safeguards:** Minimum safeguards to insure integrity of records, and that required to provide protection against loss by accident or carelessness.

**Retention and disposal:** Records are purged from the automated file each two years; only persons actively dealing with HEW remain on file. Code Books are replaced each year. Inactive books are destroyed.

**System manager(s) and address:**

Deputy Assistant Secretary, Finance  
Department of HEW, Office of the Secretary  
Room 705D1, South Portal  
330 Independence Avenue, S.W.  
Washington, DC 20201

**Notification procedure:** Inquiries are to be made, either in writing or in person, to the organization listed under 'location'.

Give name and social security number.

**Record access procedures:** Same as in 'Notification'.

**Contesting record procedures:** Same as in 'Notification'.

**Record source categories:** Grant and Contract documents. Names, social security numbers and addresses are provided by the individual when applying for a grant or contract from the Department.

09-90-0026

**System name:** Congressional Biographies HEW/OS/ASL

**Security classification:** None.

**System location:**

Room 425H South Portal Bldg.  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

**Categories of individuals covered by the system:** Members of Congress indexed by name.

**Categories of records in the system:** Personal biographies supplied by Members' offices and picture.

**Authority for maintenance of the system:** 5 USC 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Biographies are maintained in ring-binders.

**Retrievability:** Biographies are indexed alphabetically by Member's name. Information is used for briefing Agency officials prior to meetings with respective Members of Congress or prior to giving testimony before Congressional Committees.

**Safeguards:** These biographies are public information, provided by the Members' offices.

**Retention and disposal:** Biographies are updated after each Congressional election.

**System manager(s) and address:**

Director, Congressional Liaison Office  
Office of the Assistant Secretary for Legislation  
Room 425H South Portal Bldg.  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Offices of the Members of Congress.

**Systems exempted from certain provisions of the act:** None.

09-90-0027

**System name:** Congressional Correspondence Unit, HEW/OS/ASL

**Security classification:** None.

**System location:**

Room 435G South Portal Building  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

**Categories of individuals covered by the system:** Members of Congress indexed by name.

**Categories of records in the system:** Correspondence copies of direct inquiries and referrals of constituents' inquiries from Members of Congress, and responses to those inquiries, regarding the Department's activities, including, but not necessarily limited to: a. general program activities of the Department; b. individual case problems of named persons, families or institutions; c. employment or appointment interests. Control slips identifying the correspondent, the constituent on whose behalf the inquiry is made, the constituent's social security number if inquiry relates to a social security case, and a summary of the subject matter of the inquiry.

**Authority for maintenance of the system:** 5 USC 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Inquiries which do not pertain to HEW, but fall under the jurisdiction of another Federal Agency, are transferred to that Agency with a request that a direct response be provided to the correspondent.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper files are maintained in standard file cabinets.

**Retrievability:** Records are indexed alphabetically by name of the Members of Congress. Inquiries are forwarded to the HEW Agency which has jurisdiction over the subject matter for preparation of a response.

**Safeguards:** Records are kept in lockable metal file cabinets with access limited to those whose official duties require access.

**Retention and disposal:** Records are reviewed biannually. Correspondence which reflects final disposition of an inquiry dated one year previous is discarded. Control slip files for intra-Agency transfers are discarded after two calendar years. Control slip files for inter-Agency transfers are discarded after five years.

**System manager(s) and address:**

Director, Congressional Liaison Office  
Office of the Assistant Secretary for Legislation  
Room 435G South Portal Bldg. Building  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

**Notification procedure:** System Manager; address same as above. The name of the person who corresponded with the Department with reference to the constituent and the approximate date of that correspondence must be provided.

**Record access procedures:** Address same as above.

**Contesting record procedures:** Address same as above.

**Record source categories:** The information in CCU files is provided by the correspondent and by the agency which prepares the final response.

**Systems exempted from certain provisions of the act:** None.

09-90-0028

**System name:** Biographies and Photographs of HEW Officials HEW/OS/ASPA

**Security classification:** None.

**System location:**

Office of the Assistant Secretary for Public Affairs  
Public Information Division  
Room 638E, South Portal Building  
200 Independence Avenue, S.W.  
Washington, D.C. 20201 (See Appendix 1 following).

**Categories of individuals covered by the system:** HEW employees in key management and technical positions, such as the Secretary, Under Secretary, Assistant Secretaries, Deputy Assistant Secretaries, Commissioners, Regional Directors, Deputy Regional Directors, Agency Heads, Unit Managers

**Categories of records in the system:** Biographical files consist of approved, printed personal and professional resumes and standard portrait pictures and biographical and professional questionnaires providing name, title, office location, telephone number, date of appointment to HEW, home address, home telephone, date of birth, place of birth, marital status, spouse's name, children's names, children's date of birth, education, military service, professional career data, professional affiliations, publications and articles authored, awards, citations, prizes and honors received, civic, social and fraternal associations, outside interests, such as hobbies, sports, recreation.

**Authority for maintenance of the system:** 5 U.S.C. 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in individual and combined files and stored in standard five-drawer file cabinets in the offices listed under System Location.

**Retrievability:** Records are indexed by the name, in alphabetical order, of those in higher management and technical positions with the remainder combined in a 'miscellaneous' folder or folders. Made available to staff of the Department who have a need for photos or background information on these officials.

**Safeguards:** Files are maintained in the offices of Public Affairs and requests are honored on a 'need to know' basis only.

**Retention and disposal:** Records are periodically updated as circumstances warrant relative to promotions, reassignment, resignations, death.

**System manager(s) and address:** Same as in Location above and Appendix 1.

**Notification procedure:** Contact System Managers in areas where individual is employed. Addresses same as above, with the exception of Food and Drug Administration, contact:

FDA Privacy Coordinator (HF-50)  
Food and Drug Administration  
5600 Fishers Lane  
Rockville, Md. 20852

**Record access procedures:** Same as in Notification.

**Contesting record procedures:** Same as above.

**Record source categories:** Information contained in the biographies comes from the individuals whose biographies they form and from other material furnished by agency public information offices. The biographies are cleared with the individuals whose biography they represent prior to release to the public and the news media.

**Systems exempted from certain provisions of the act:** None.

Appendix 1

Public Affairs Officer

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Alcohol, Drug Abuse, and Mental Health Administration  
Room 1695, 5600 Fishers Lane  
Rockville, Maryland 20852

Public Affairs Officer  
Center for Disease Control  
Room 221, Building B  
1600 Clifton Road  
Atlanta, Georgia 30333

Public Affairs Officer  
Food and Drug Administration  
Room 15B41, 5600 Fishers Lane  
Rockville, Maryland 20852

Public Affairs Officer  
Health Resources Administration  
Room 10A31, 5600 Fishers Lane  
Rockville, Maryland 20852

Public Affairs Officer  
Health Services Administration  
Room 14A55, 5600 Fishers Lane  
Rockville, Maryland 20852

Public Affairs Officer  
National Institute of Education  
Room 718, Brown Building  
1200 - 19th Street, N.W.  
Washington, D. C. 20036

Public Affairs Officer  
National Institutes of Health  
Room 309, Building 01  
9000 Rockville Pike  
Bethesda, Maryland 20014

Public Affairs Officer  
Office of Education  
Room 4159, FOB 06  
400 Maryland Avenue, S.W.  
Washington, D. C. 20202

Public Affairs Officer  
Health Care Financing Administration  
Room 5218, Mary E. Switzer Building  
330 C Street, S.W.  
Washington, D.C. 20201

Public Affairs Officer  
Social Security Administration  
Room 100, 6401 Security Boulevard  
Baltimore, Maryland 21235

Public Affairs Officer  
Department of Health, Education, and Welfare  
John F. Kennedy Federal Building  
Government Center  
Boston, Massachusetts 02203

Public Affairs Officer  
Department of Health, Education, and Welfare  
Federal Building  
26 Federal Plaza  
New York, New York 10007

Public Affairs Officer  
Department of Health, Education, and Welfare  
3535 Market Street  
Philadelphia, Pennsylvania 19101

Public Affairs Officer  
Department of Health, Education, and Welfare  
50 Seventh Street, N.E.  
Atlanta, Georgia 30323

Public Affairs Officer  
Department of Health, Education, and Welfare  
300 South Wacker Drive  
Chicago, Illinois 60606

Public Affairs Officer  
Department of Health, Education, and Welfare  
1114 Commerce Street  
Dallas, Texas 75202

Public Affairs Officer  
Department of Health, Education, and Welfare  
601 East 12th Street  
Kansas City, Missouri 64106

Public Affairs Officer  
Department of Health, Education, and Welfare  
1961 Stout Street  
Denver, Colorado 80202

Public Affairs Officer  
Federal Office Building  
50 United Nations Plaza  
San Francisco, California 94102

Public Affairs Officer  
Department of Health, Education, and Welfare  
Arcade Plaza  
1321 Second Avenue  
Seattle, Washington 98101

09-90-0036

System name: Employee Suggestion System.

HEW/OS/ASMB/OMAS.

Security classification: None.

System location:

Room 542F South Portal Building  
200 Independence Avenue, S.W.  
Washington, D.C. 20201  
Suggestion Coordinator's Offices located in Departmental  
Regional Offices and Principal Operating Components.

**Categories of individuals covered by the system:** Individuals who have made suggestions in OS and in Principal Operating Components of the Department; and/or suggestions made by individuals in other Federal Departments requiring an HEW evaluation.

**Categories of records in the system:** Name and address of individuals submitting suggestions, and other identifying information such as salary and grade, including position title, and social security account number.

**Authority for maintenance of the system:** 5 U.S.C. 4501 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To CSC for information, possible award. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The records are maintained in standard sized file cabinets.

**Retrievability:** The records are indexed in alphabetical order by the name of the employee submitting the suggestion. Records are available to Suggestion Coordinator's Staff having as part of their duties processing of suggestions. Control records are used by staff to log in suggestions, route suggestions, follow-up suggestions, and to adjudicate suggestions receiving awards. In addition, control cards are used to facilitate preparation of the annual report for the Department.

**Safeguards:** Direct access restricted to authorized staff.

**Retention and disposal:** Suggestions records are maintained for two years, and sent to Federal Record Center.

**System manager(s) and address:**

Suggestion Coordinator  
Room 542F South Portal Building  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

**Notification procedure:** Suggestion Coordinator for all inquiries at location where suggestion was made; identification by name of suggester.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Incoming suggestions, responses and other material obtained during course of adjudication.

09-90-0037

System name: Secretary's Correspondence Control System.  
HEW/OS/ES

Security classification: None.

System location:

Room 602C South Portal  
200 Independence Avenue S.W.  
Washington, D.C. 20201

**Categories of individuals covered by the system:** Individuals who have contacted the Secretary or the Under Secretary or who have been contacted in writing by them.

**Categories of records in the system:** Hard Copies of the Secretary's and Under Secretary's correspondence computer printout, tape, and interactive control system of records of that correspondence.

**Authority for maintenance of the system:** 5 U.S.C. 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** None

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The records are maintained in hard-copy filed in standard file cabinets. The control records are maintained in hard copy, computer tape and computer disk files for on-line interactive processing.

**Retrievability:** Records are indexed chronologically by date of correspondence and also by name, subject and numerical control number. Records are available to staff responsible for preparation of responses to inquiries and to the staff of the Executive Secretariat. Records are used for control and reference purposes in staffing out issues and correspondence of concern to the Secretary or the Under Secretary.

**Safeguards:** Direct access is limited to the staff of the Executive Secretariat and POC control personnel. Access to the records is limited during non-working hours to individuals with keys to both the file cabinets and to the room in which the records and/or computer terminals are located.

**Retention and disposal:** Hard Copy records are retired to the National Archives after two years. Control records are maintained indefinitely. Computer records are purged after correspondence is finalized for 60 days.

**System manager(s) and address:**

Executive Secretary to the Department  
Room 636G, South Portal Bldg.  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

**Notification procedure:** Inquiries should be addressed to the System Manager. The inquirer should indicate the individual with whom the Secretary or Under Secretary corresponded; the date of the incoming correspondence and the date of the outgoing correspondence from the Secretary or the Under Secretary. Address is same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Computer records are derived from the incoming correspondence for the Secretary and the Under Secretary.

09-90-0038

System name: Secretary's Official Files. HEW/OS/ES

Security classification: None.

System location:

Room 636G, South Portal Bldg.  
200 Independence Avenue S.W.

Washington, D.C. 20201

**Categories of individuals covered by the system:** Individuals who have contacted the Secretary or the Under Secretary or who have been contacted in writing by them.

**Categories of records in the system:** Hard copies of documents signed or initialed by the Secretary or the Under Secretary.

**Authority for maintenance of the system:** 5 U.S.C. 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The records are maintained in hard copy filed in standard file cabinets.

**Retrievability:** Records are indexed by subject, name and organization. Records are available to the staff of the Executive Secretariat for reference purposes in staffing out issues of concern to the Secretary or the Under Secretary.

**Safeguards:** Direct access is limited to the staff of the Executive Secretariat. Access is limited during non-working hours to individuals with keys to the file room.

**Retention and disposal:** Records are maintained for two years and are then sent to the National Archives.

**System manager(s) and address:**

Executive Secretary to the Department  
Room 636 G, South Portal Bldg.  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

**Notification procedure:** Inquiries should be addressed to the system manager at the above address. The inquirer should indicate the subject matter of the issue involved, the date of the subject documents, and the author and/or addressees.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Records are derived from documents signed or initialed by the Secretary or the Under Secretary.

09-90-0039

System name: Family Educational Rights and Privacy Act--School Recordkeeping Practices Correspondence and Complaint System. HEW/OS/ASMB/FERPA.

Security classification: None.

System location:

Room 526E South Portal Building  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

**Categories of individuals covered by the system:** Individuals who have made inquiries or who have filed complaints alleging violations of the provisions of the Family Educational Rights and Privacy Act of 1974; and those who have commented to the Department on its proposed rules and practices.

**Categories of records in the system:** Name and address of individuals submitting correspondence, responses and exchanges of material associated with investigations of complaints.

**Authority for maintenance of the system:** The Family Educational Rights and Privacy Act of 1974 (20 USC 123g(g)).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To members of Congress who inquire on behalf of a constituent; to an educational agency or institution against which a complaint has been made. See Appendix B of Departmental Regulations, (45 CFR Part 5b), Items: 01,3,8. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**



**Storage:** The records are maintained in hard-copy filed in standard file cabinets.

**Retrievability:** For the most part records are indexed by name of individual signing incoming correspondence; when indexed chronologically, or by organization, they are cross-indexed by name of individual signer. Records are available to FERPA staff involved in correspondence and investigative processes, including members of the Office of General Counsel. Occasionally, personnel with special expertise in other program areas may be given records for the purpose of assisting FERPA staff in resolution of issues.

**Safeguards:** Direct access is restricted to authorized FERPA staff; access to room in which file cabinets are maintained is limited during non-working hours to those with keys to room.

**Retention and disposal:** Inquiry records are maintained three years; complaint and investigative records are maintained five years past date of case closing.

**System manager(s) and address:**

Head, FERPA Office  
Room 526E South Portal Building  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

**Notification procedure:** System manager; for general inquiries, name and date of previous correspondence, if known; for complaint/investigative material, name and any I.D. number assigned. Address is same as above.

**Record access procedures:** Same as Above.

**Contesting record procedures:** Same as Above.

**Record source categories:** Incoming correspondence, responses and material obtained during course of any investigation.

**Systems exempted from certain provisions of the act:** None.

09-90-0041

**System name:** Consumer Mailing Lists HEW/OS/OCA

**Security classification:** None.

**System location:**

624 Reporters Bldg.  
7th and D Sts., S.W.  
Washington, D. C. 20201

**Categories of individuals covered by the system:** Individual consumers, business and government officials.

**Categories of records in the system:** Names and addresses of individuals requesting consumer information.

**Authority for maintenance of the system:** Executive Order 011583 of February 24, 1971 and Reorganization Plan 01 of 1953.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Conventional file cabinets, addressograph plates, and computers.

**Retrievability:** By name. Used by the OCA Public Affairs staff to distribute information on current consumer topics to consumers, business, government and the media.

**Safeguards:** Personnel screening during working hours and secured building after working hours.

**Retention and disposal:** Files are updated quarterly and disposed of through normal trash and erasure of computer tapes.

**System manager(s) and address:**

Director, Public Affairs  
624 Reporters Bldg.  
7th and D Sts., S.W.  
Washington, D. C. 20201

**Notification procedure:**

Director, Administrative Management & Finance  
626 Reporters Bldg.  
7th and D Sts., S.W.  
Washington, D. C. 20201

**Record access procedures:** Same as notification above. Address same as above.

**Contesting record procedures:** Same as notification above.

**Record source categories:** Correspondence and telephone calls from individual consumers, business and government officials.

**Systems exempted from certain provisions of the act:** None.

09-90-0046

**System name:** Consumer Complaint Correspondence System HEW/OS/OCA

**Security classification:** None.

**System location:**

Room 612 Reporter's Building  
7th and D Sts., S.W.  
Washington, D.C. 20201

**Categories of individuals covered by the system:** Individual Consumers.

**Categories of records in the system:** Correspondence concerning consumer complaints.

**Authority for maintenance of the system:** Executive Order 011583, February 24, 1971; Reorganization Plan 01 of 1953.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Resolution of individual citizen complaints through referral to other Federal agencies, non-Federal governments, voluntary groups and private business firms; to meet requests for specific statistical data on consumer complaints requested by the Congress and the Office of Management and Budget, White House Office, and from other Federal agencies as well as the media (e.g. requests for information on availability of canning jar lids); and to make records available when discovery service incident to a regular action is presented to the Office of Consumer Affairs.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Individual files in cabinets, and statistical information maintained in computer system.

**Retrievability:** Data acquired through sequential identification numbers. Primary usage is development of internal statistical data for office management purposes particularly in identifying trends in consumer complaints.

**Safeguards:** Personnel screening during working hours and secured building after working hours.

**Retention and disposal:** Records prior to August 1, 1974 have been shipped to the Presidential Library System for permanent retention. Records received subsequent to August 1, 1974 are retained for not less than one nor more than two fiscal years. Computerized records limited to six-month period.

**System manager(s) and address:**

Director, Administrative Management & Finance  
626 Reporters Bldg.  
7th and D Sts., S.W.  
Washington, D.C. 20201

**Notification procedure:** System manager. Address is same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Correspondence and telephone calls from individual consumers.

**Systems exempted from certain provisions of the act:** None.

09-90-0047

**System name:** Directory, Federal, State, County and City Government Consumer HEW/OS/OCA Offices.

**Security classification:** None.

**System location:**

600 Reporters Bldg.  
7th and D Sts., S.W.  
Washington, D.C. 20201

**Categories of individuals covered by the system:** List of Federal agency consumer liaison contacts, directors of state, county, and city government consumer offices and branch offices, plus office addresses and phone numbers.

**Categories of records in the system:** Names, addresses, office telephone numbers; correspondence, publications, copies of speeches, and reports from the offices.

**Authority for maintenance of the system:** Executive Order 011583 of February 24, 1971; Reorganization Plan 01 of 1953.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Serves as source basis for annual Office of Consumer Affairs publication of Directory,

Federal, State, County and City Government Consumer Offices which is for sale by the Superintendent of Documents to the general public.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Correspondence file in file folders; names of office directors, office addresses and office phone numbers on card file; addresses on addressograph plates also.

**Retrievability:** Indexed by state, county, and city; by office title. Used by OCA staff for general information and update compilations of Directory annually; serves as communication link with these offices and as source material for semi-annual publication of State Consumer Action, which reports activities of these offices.

**Safeguards:** Routine office personnel screening; names, addresses, and office phone numbers are published annually as a free access government document unless specifically requested not to publish by office and/or individual involved. Correspondence not revealed unless requesting party can adequately prove identity as sender, need for data and intended use are valid, and sender provides OCA with verbal or written approval.

**Retention and disposal:** Records maintained as long as information is valid; destroyed periodically through regular disposal channels.

**System manager(s) and address:**

Director, External Liaison  
600 Reporters Bldg.  
7th and D Sts., S.W.  
Washington, D.C. 20201

**Notification procedure:**

Director, Administrative Management & Finance  
626 Reporters Bldg.  
7th and D Sts., S.W.  
Washington, D. C. 20201

**Record access procedures:** Same as Notification above; address same as above.

**Contesting record procedures:** Same as Notification above; address same as above.

**Record source categories:** Information comes from the offices concerned or from other public documents.

**Systems exempted from certain provisions of the act:** None.

09-90-0048

**System name:** Consumer Liaison Contacts HEW/OS/OCA

**Security classification:** None.

**System location:**

600 Reporters Bldg.  
7th and D Sts., S.W.  
Washington, D.C. 20201

**Categories of individuals covered by the system:** Governmental and non-governmental consumer leaders.

**Categories of records in the system:** Names, addresses, telephone numbers and other pertinent background information relating to individual participation in consumer activities.

**Authority for maintenance of the system:** Executive Order 011583, February 24, 1971; Reorganization Plan 01 of 1953.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Maintained in paper files in standard file cabinets.

**Retrievability:** Alphabetical listing by name and by geographical locations. Used by OCA staff as resource list to insure input from consumer leaders in significant consumer issues and in development of and recommendations for appointments to advisory bodies and other consumer related positions.

**Safeguards:** Personnel screening during working hours and secured building after working hours.

**Retention and disposal:** Files screened not less than annually and disposed of by common office trash.

**System manager(s) and address:**

Director, External Liaison  
600 Reporters Bldg.  
7th and D Sts., S.W.  
Washington, D. C. 20201

**Notification procedure:**

Director, Administrative Management & Finance  
626 Reporters Bldg.  
7th and D Sts., S.W.  
Washington, D. C. 20201

**Record access procedures:** Same as notification above; address same as above.

**Contesting record procedures:** Same as notification above.

**Record source categories:** Information supplied from leaders directly, upon request by OCA staff, or memoranda and letters submitted by others suggesting individuals for consideration.

**Systems exempted from certain provisions of the act:** None.

09-90-0049

**System name:** Office of External Liaison -- Consumer Correspondence Files HEW/OS/OCA

**Security classification:** None.

**System location:**

600 Reporters Bldg.  
7th and D Sts., S.W.  
Washington, D. C. 20201

**Categories of individuals covered by the system:** Individual consumer educators and consumer leaders.

**Categories of records in the system:** Inquiries and correspondence files relating to consumer issues.

**Authority for maintenance of the system:** Executive Order 011583 of February 24, 1971; Reorganization Plan 01 of 1953.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Conventional file cabinets.

**Retrievability:** Alphabetically by name. Internal reference and resource for sharing information on consumer issues with individual consumers and consumer leaders.

**Safeguards:** Personnel screening during working hours and secured building after working hours.

**Retention and disposal:** Files screened annually and retained not more than three years. Disposed of with common office trash.

**System manager(s) and address:**

Director, External Liaison  
600 Reporters Bldg.  
7th and D Sts., S.W.  
Washington, D. C. 20201

**Notification procedure:**

Director, Administrative Management & Finance  
626 Reporters Bldg.  
7th and D Sts., S.W.  
Washington, D. C. 20201

**Record access procedures:** Same as notification above. Address is same as above.

**Contesting record procedures:** Same as notification above.

**Record source categories:** The bulk of the information contained in these files consists of letters and memoranda sent to or received from individual consumers and consumer leaders.

**Systems exempted from certain provisions of the act:** None.

09-90-0050

**System name:** Case Following System HEW OS/OCR.

**Security classification:** None.

**System location:** See Appendix 1.

**Categories of individuals covered by the system:** Persons filing complaints or involved in litigation concerning discrimination in employment, education, benefits, or services on the basis of race, color, sex, national origin, or handicap in programs and institutions using funds controlled by the Department.

**Categories of records in the system:** Name, address, race, age, sex, national origin.

**Authority for maintenance of the system:** Title VI of the Civil Rights Act of 1964, Title IX and VII of the Education Amendments of 1972, Sections 799A and 845 of the Public Health Services Act, Executive Order 11246, Section 504 of the Rehabilitation Act of 1973.



**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic disc and tape.

**Retrievability:** Records are indexed by case or complaint number, but may be recalled by name, address, or any other characteristic by OCR staff engaged in compliance activities.

**Safeguards:** The physical data processing storage is controlled by a private company under a GSA contract which includes appropriate security measures. This agency references data through communication terminals with access controlled by passwords.

**Retention and disposal:** Indefinite retention. Disposal by electronic erasure.

**System manager(s) and address:**

Assistant Director (Administration and Management)  
Office for Civil Rights  
330 Independence Ave., S.W.  
Room 3557 - North Building  
Washington, D.C. 20201

**Notification procedure:** System Manager (above). Provide name, address, and name of institution, contractor, or HEW program with which individual has contact.

**Record access procedures:** System Manager (above).

**Contesting record procedures:** System Manager (above).

**Record source categories:** Information in complaint investigation files.

**Systems exempted from certain provisions of the act:** None.

#### Appendix Number 1 System Locations

This system is located at HEW offices in the following cities:

HEW, Office for Civil Rights  
330 Independence Avenue, S.W.  
Washington, D.C. 20201

Region I, Regional CR Director  
Government Center-Bulfinch Place  
Boston, Massachusetts 02114

Region II, Regional CR Director  
26 Federal Plaza  
New York, New York 10007

Region III, Regional CR Director  
3535 Market Street, Post Office Box 13716  
Philadelphia, Pennsylvania 19101

Region IV, Regional CR Director  
50 Seventh Street, N.E.  
Atlanta, Georgia 30323

Region V, Regional CR Director  
300 South Wacker Drive, 8th Floor  
Chicago, Illinois 60606

Region V, Regional CR Director  
Plaza Nine Building, 55 Erieview Plaza  
Cleveland, Ohio 44114

Region VI, Regional CR Director  
1114 Commerce Street  
Dallas, Texas 75202

Region VII, Regional CR Director  
12 Grand Building, 1150 Grand Avenue

Kansas City, Missouri 64106

Region VIII, Regional CR Director  
Federal Building, 1961 Stout Street  
Denver, Colorado 80202

Region IX, Regional CR Director  
760 Market Street  
San Francisco, California 94102

Region X, Regional CR Director  
1321 Second Avenue, MS/508  
Seattle, Washington 98101

09-90-0051

**System name:** Complaint Files, Office of New Programs, HEW OS/OCR/ONP.

**Security classification:** None.

**System location:**

HEW, Office for Civil Rights  
330 Independence Avenue, S.W.  
Washington, D.C. 20201

**Categories of individuals covered by the system:** Handicapped Individuals.

**Categories of records in the system:** Complaint allegation, results of investigation of the allegation, correspondence related to the complaint.

**Authority for maintenance of the system:** Section 504, PL. 73-112 (Rehabilitation Act of 1973).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** In the event of litigation where one of the parties is (a) the Department, any component of the Department; or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders and file cards.

**Retrievability:** By name for use by OCR staff in complaint investigations.

**Safeguards:** File cabinets and file card boxes.

**Retention and disposal:** Indeterminate.

**System manager(s) and address:**

Assistant Director (Administration and Management)  
Office for Civil Rights  
330 Independence Avenue, S.W.  
Room 3557 - North Building  
Washington, D.C. 20201

**Notification procedure:** System Manager (above). Include name and address of complainant as well as a copy or summary of allegations contained in the original complaint.

**Record access procedures:** System Manager (above).

**Contesting record procedures:** System Manager (above).

**Record source categories:** Complaint information filed with the Department by or on behalf of the individual complainant.

**Systems exempted from certain provisions of the act:** None.

09-90-0052

**System name:** Complaint Files, Contract Compliance Division, HEW OS-OCR-CCD.

**Security classification:** None.

**System location:** See Appendix I to Case Following System HEW, OS, SYSTEM 01.

**Categories of individuals covered by the system:** Individuals who file complaints with Department alleging race/color/religion/ex/national origin discrimination in employment by employers who receive Federal contracts and for whom HEW has been assigned compliance agency responsibility.

**Categories of records in the system:** Complaint allegation, results of investigations of the allegation, correspondence related to the complaint.

**Authority for maintenance of the system:** Executive Order 11246 as amended.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Complaints from individuals may be referred to other Federal agencies of competent jurisdiction, specifically, the Department of Labor, the Equal Employment Opportunity Commission, and the Justice Department. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** By name, for use by OCR staff in complaint investigation.

**Safeguards:** File cabinets which can be locked.

**Retention and disposal:** Indeterminate.

**System manager(s) and address:**

Assistant Director (Administration and Management)  
Office for Civil Rights  
330 Independence Avenue, S.W.  
Room 3557 - North Building  
Washington, D.C. 20201

**Notification procedure:** Notify appropriate system manager and include name and address as well as a copy or summary of allegations contained in the complaint.

**Record access procedures:** Submit inquiry to appropriate System Manager.

**Contesting record procedures:** Submit inquiry to appropriate System Manager.

**Record source categories:** Information primarily furnished by the complainant.

**Systems exempted from certain provisions of the act:** None.

09-90-0053

**System name:** Complaint Log, Elementary-Secondary Division, HEW OS-OCR-ESE.

**Security classification:** None.

**System location:** See Appendix I To Case Following System HEW, OS, SYSTEM 01.

**Categories of individuals covered by the system:** Persons filing complaints with the Department alleging discrimination on the basis of race, color, sex, or national origin in elementary and secondary education programs receiving Federal funds through the Department.

**Categories of records in the system:** Complainant's name and address.

**Authority for maintenance of the system:** Title VI of the 1964 Civil Rights Act, Title IX of the Education Amendments of 1972 and Emergency School Assistance Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** By name, using manual search through all entries, for use by OCR staff in complaint investigations.

**Safeguards:** Stored in file cabinet.

**Retention and disposal:** Indeterminate.

**System manager(s) and address:**

Assistant Director (Administration and Management)  
Office for Civil Rights  
330 Independence Avenue, S.W.  
Room 3557 - North Building  
Washington, D.C. 20201

**Notification procedure:** Notify appropriate system manager and include name and address as well as a copy or summary of allegations contained in the complaint.

**Record access procedures:** Submit inquiry to the appropriate System Manager.

**Contesting record procedures:** Submit inquiry to the appropriate System Manager.

**Record source categories:** Information is provided by or on behalf of the complainant.

09-90-0054

**System name:** Complaint Files, Health & Social Services Division, HEW OS-OCR-HSS.

**Security classification:** None.

**System location:** See Appendix I To Case Following System HEW, OS, OCR-01.

**Categories of individuals covered by the system:** Individuals who file complaints with the Department concerning race/ethnic/sex discrimination in the delivery of Health and Social Services or in admission to certain federally-funded training programs.

**Categories of records in the system:** Complainant's name and address.

**Authority for maintenance of the system:** 42 U.S.C. 2000d; PHS Act-Title VII & VII

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** By name, for use by OCR staff in complaint investigations.

**Safeguards:** File cabinets which can be locked.

**Retention and disposal:** Indeterminate.

**System manager(s) and address:**

Assistant Director (Administration and Management)  
Office for Civil Rights  
330 Independence Avenue, S.W.  
Room 3557 North Building  
Washington, D.C. 20201

**Notification procedure:** System Manager (above). Include name and address of complainant as well as a copy or summary of allegations contained in the original complaint.

**Record access procedures:** System Manager (above).

**Contesting record procedures:** System Manager (above).

**Record source categories:** Information primarily furnished by the complainant. Investigative material is obtained from other sources contingent upon the nature of the complaint.

**Systems exempted from certain provisions of the act:** None.



09-90-0055

**System name:** Complaint file, Higher Education Division, HEW OS-OCR-HED.

**Security classification:** None.

**System location:** See Appendix 1 To Case Following System HEW, OS, OCR-01.

**Categories of individuals covered by the system:** Individuals who file complaints with the Department concerning discrimination under Executive Order 11246, Title VI, Title IX, and PHSA.

**Categories of records in the system:** Complaint's name and address.

**Authority for maintenance of the system:** Executive Order 11246, as amended; Title VI of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; and Sections 799A and 845 of the Public Health Service Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** By name, for use by OCR staff in complaint investigations.

**Safeguards:** File cabinet which can be locked.

**Retention and disposal:** Indeterminate.

**System manager(s) and address:**

Assistant Director (Administration and Management)  
Office for Civil Rights  
330 Independence Avenue, S.W.  
Room 3557 - North Building  
Washington, D.C. 20201

**Notification procedure:** System Manager (above). Name and address of individuals, and contractor/institution.

**Record access procedures:** System Manager (above).

**Contesting record procedures:** System Manager (above).

**Record source categories:** Information primarily furnished by the complainant.

**Systems exempted from certain provisions of the act:** None.

09-90-0056

**System name:** New Orleans Louisiana Review, HEW OS-OCR-HSS.

**Security classification:** None.

**System location:** See Appendix 1 To Case Following System HEW, OS, OCR-01.

**Categories of individuals covered by the system:** Physicians in New Orleans referring patients to hospitals.

**Categories of records in the system:** Individual physician's name and address.

**Authority for maintenance of the system:** Title VI of the Civil Rights Act of 1964 (42 USC 2000d, 45 CRF Part 80), under court order.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See Departmental Regulations (45 CFR Part 5b) Appendix B. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

fectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Cards in Room 4528-G HEW North.

**Retrievability:** Card file is used in data processing.

**Safeguards:** Card file is in locked room.

**Retention and disposal:** Indeterminate.

**System manager(s) and address:**

Assistant Director (Administration and Management)  
Office for Civil Rights  
330 Independence Avenue, S.W.  
Room 3557 - North Building  
Washington, D.C. 20201

**Notification procedure:** System Manager (above).

**Record access procedures:** System Manager (above).

**Contesting record procedures:** System Manager (above).

**Record source categories:** Data were provided by New Orleans, Louisiana Hospitals.

**Systems exempted from certain provisions of the act:** None.

09-90-0058

**System name:** Freedom of Information Case File and Correspondence Control Index, HEW OS-ASPA-FOIA.

**Security classification:** None.

**System location:**

Room 618C South Portal Building  
200 Independence Avenue, S.W.  
Washington, D.C. 20201  
(See Appendix 1 following)

**Categories of individuals covered by the system:** Individuals or organizations requesting access to inspect and/or copy records of the Department under provisions of the Freedom of Information Act.

**Categories of records in the system:** Name, address, and other individually identifying information about the requestor and the records sought.

**Authority for maintenance of the system:** Freedom of Information Act, P.L. 93-502 (5 U.S.C. 552) HEW Public Information Regulation (45 CFR, 5).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information will be released for the purposes cited in HEW proposed regulations, Appendix B, parts 3, 8, and 9. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Original or copy of incoming request and written response maintained in case file jackets and corresponding control log.

**Retrievability:** For the most part records are indexed by name of individual requestor. Records are available to FOI staff involved in correspondence and investigative processes, including appeals officials and members of the Office of General Counsel.

**Safeguards:** Records are maintained in Conserva-File cabinets in the offices of the Freedom of Information Officers and public affairs officers throughout the Department with limited access.

**Retention and disposal:** Individual case files are maintained for two years and then disposed of.

**System manager(s) and address:**

Freedom of Information Officer, PA  
Room 618C, South Portal Building  
200 Independence Avenue, S.W.

Washington, D.C. 20201  
(See Appendix 1 following)

**Notification procedure:** System Managers. Addresses same as above with the exception of Food and Drug Administration, contact:

FDA Privacy Coordinator (HF-50)  
Food and Drug Administration  
5600 Fishers Lane  
Rockville, Md. 20852

**Record access procedures:** Access to these records may be obtained by request in writing or in person to FOI Officer and public affairs officers throughout the Department, addresses same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Individuals and organizations making requests under the Freedom of Information Act or from components of the Department reporting on the handling of such requests for inclusion in the annual report to Congress.

**Systems exempted from certain provisions of the act:** None.

## Appendix 1

Public Affairs Officer  
Alcohol, Drug Abuse, and Mental Health Administration  
Room 1695, 5600 Fishers Lane  
Rockville, Maryland 20852

Public Affairs Officer  
Center for Disease Control  
Room 221, Building B  
1600 Clifton Road  
Atlanta, Georgia 30333

Public Affairs Officer  
Food and Drug Administration  
Room 15B41, 5600 Fishers Lane  
Rockville, Maryland 20852

Public Affairs Officer  
Health Resources Administration  
Room 10A31, 5600 Fishers Lane  
Rockville, Maryland 20852

Public Affairs Officer  
Health Services Administration  
Room 14A55, 5600 Fishers Lane  
Rockville, Maryland 20852

Public Affairs Officer  
National Institute of Education  
Room 717, Brown Building  
1200 - 19th Street, N.W.  
Washington, D.C. 20036

Public Affairs Officer  
National Institutes of Health  
Room 309, Building 01  
9000 Rockville Pike  
Bethesda, Maryland 20014

Public Affairs Officer  
Office of Education  
Room 4159, FOB 06  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

Public Affairs Officer  
Health Care Financing Administration  
Room 5218, Mary E. Switzer Building  
330 C Street, S.W.  
Washington, D.C. 20201

Public Affairs Officer  
Social Security Administration  
Room 100, 6401 Security Boulevard  
Baltimore, Maryland 21235

Public Affairs Officer

Department of Health, Education, and Welfare  
John F. Kennedy Federal Building  
Government Center  
Boston, Massachusetts 02203

Public Affairs Officer  
Department of Health, Education, and Welfare  
Federal Building  
26 Federal Plaza  
New York, New York 10007

Public Affairs Officer  
Department of Health, Education, and Welfare  
3535 Market Street  
Philadelphia, Pennsylvania 19101

Public Affairs Officer  
Department of Health, Education, and Welfare  
50 Seventh Street, N.E.  
Atlanta, Georgia 30323

Public Affairs Officer  
Department of Health, Education, and Welfare  
300 South Wacker Drive  
Chicago, Illinois 60606

Public Affairs Officer  
Department of Health, Education, and Welfare  
1114 Commerce Street  
Dallas, Texas 75202

Public Affairs Officer  
Department of Health, Education, and Welfare  
601 East 12th Street  
Kansas City, Missouri 64106

Public Affairs Officer  
Department of Health, Education, and Welfare  
1961 Stout Street  
Denver, Colorado 80202

Public Affairs Officer  
Federal Office Building  
50 United Nations Plaza  
San Francisco, California 94102

Public Affairs Officer  
Department of Health, Education, and Welfare  
Arcade Plaza  
1321 Second Avenue  
Seattle, Washington 98101

09-90-0059

**System name:** Federal Advisory Committee Membership Files, HEW OS - ASPER-DCMO.

**Security classification:** None.

**System location:** System location is determined by nature of advisory committee. See Appendix 1.

**Categories of individuals covered by the system:** Individuals who have been or are presently members of or are being considered for membership on advisory committees within the jurisdiction of the Department of Health, Education, and Welfare. Additionally the system of records contains information about members of the public who have requested that they receive various publications through the inclusion of their names and addresses on various mailing lists.

**Categories of records in the system:** Information maintained on those individuals who have requested participation on mailing lists is limited to name and mailing address. Information maintained on individuals who are past, present, or recommended members of advisory committees subject to this notice consists of one or more of the following: name, title, sex, place and date of birth, home address, business address, organizational affiliation, phone number, degrees held, general educational background, ethnic background, resume, curriculum vitae, dates of term on advisory committee, status on advisory committee, reason for leaving advisory committee, previous or current membership on other advisory committees, special qualifications of the individual for the advisory committee membership, source who recommended the individual for membership.



ship on advisory committee and miscellaneous correspondence. Additionally, memoranda justifying the individual's selection are included in the file in cases in which the individual has served repetitively on advisory committees, has not had a one-year break in service on advisory committees, or where various statutory or other requirements for advisory committee membership cannot be met.

**Authority for maintenance of the system:** Federal Advisory Committee Act (5 U.S.C. App. I et seq.).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Annual Report to the President; administrative reports to OMB and GSA. In accordance with Appendix B Departmental Regulations (45 CFR Part 5b) Items 01.3. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in hard-copy filed in file cabinets, on index cards, on magnetic tape, or in computer storage.

**Retrievability:** For the most part records are maintained in an alphabetical index by name of the individual. Certain files are based on other factors, e.g. Advisory Committee name, with a cross index based on an alphabetical listing of individuals. Certain other records are retrievable by individually identifiable computer identification codes. Certain of the mailing lists which are maintained are indexed by ZIP Code and within zone by alphabetical listing by name of the individual. Records from the system are available to the staffs of the respective Advisory Committees, the Committee Management Officers, the Departmental Committee Management Officer and other Departmental staff on a need-to-know basis. Uses include special administrative reports; quarterly alphabetical listings of past, present, and recommended members of Advisory Committees; computer lists of vacancies, acceptances, separations, active members, statistical reports by sex, youth, geographic location, etc.; documentation of nominations; and other administrative needs.

**Safeguards:** Direct access to records is restricted to authorized personnel through locked files, rooms, and buildings as well as building pass and security guard sign-in systems. Certain facilities are also protected by closed circuit television systems. Computer systems are secured through locked magnetic tape libraries as well as lockword-password computer access systems.

**Retention and disposal:** Retention is variable from one year to permanent retention depending upon the type of record, e.g., names of former members of advisory committees are retained permanently. Certain records are disposed of by referral to the Federal Records Center. Others are disposed of as trash by the system manager or office of security depending upon the confidentiality of the information contained on the record.

**System manager(s) and address:** See Appendix I. Federal Advisory Committee Membership Files.

**Notification procedure:** Same as above with the exception of Food and Drug Administration, contact:

FDA Privacy Coordinator (HF-50)  
Food and Drug Administration  
5600 Fishers Lane  
Rockville, Md. 20852

Verification of identification of individuals inquiring as to information contained in this System of Record shall be in accordance with the procedures outlined in regulations published by the Department of Health, Education, and Welfare to implement the Privacy Act.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** The vast majority of information contained in records on individuals is obtained directly from the individual. Other information in the form of references and recommendations is obtained from other private individuals, program personnel, biographical reference books, private organizations, former

employers, regional offices of HEW, Members of Congress, and other government sources.

**Appendix Number 1 Federal Advisory Committee Membership Files**

Department of Health, Education, and Welfare  
Department Committee Management Officer  
Departmental Policy Coordinator  
Room 4357N  
330 Independence Avenue, S.W.  
Washington, D.C. 20201

Alcohol, Drug Abuse, and Mental Health Administration  
Office of the Administrator  
Committee Management Officer  
Room 13-103  
5600 Fishers Lane  
Rockville, Maryland 20857

Center for Disease Control  
Committee Management Officer  
Management Analysis Branch  
Room 111  
255 E. Paces Ferry Road, N.E.  
Atlanta, Georgia 30305

Department of Health, Education, and Welfare  
Office of the Secretary  
Committee Management Officer  
Room 4357N  
330 Independence Avenue, S.W.  
Washington, D.C. 20201

Food and Drug Administration  
Office of Science  
Committee Management Officer  
Room 7-79  
5600 Fishers Lane  
Rockville, Maryland 20857  
Health Care Financing Administration  
Records Committee Management Officer  
Room 4200-B, M.E. Switzer Building 330 C Street, S.W.  
Washington, D.C. 20201

Health Resources Administration and  
Health Services Administration  
Division of Management Services  
Committee Management Officer  
Room 10-A-25  
5600 Fishers Lane  
Rockville, Maryland 20857

National Institutes of Health  
Committee Management Officer  
National Institutes of Health,  
Building 01, Room 303  
Bethesda, Maryland 20014

Office of Education  
Office of Management  
Committee Management Officer  
Committee Management Staff  
Room 4156  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

Social Security Administration  
OMA, Management Policy and Programs Branch  
Committee Management Officer  
Room 4-R-22, Operations Building  
6401 Security Boulevard  
Woodlawn, Maryland 21235

09-90-0060

**System name:** Complaint Files on Nursing Homes. HEW R RD  
OLTC

**Security classification:** None.

**System location:**

Region I, Office of Regional Director  
John F. Kennedy Federal Building  
Government Center  
Boston, Massachusetts 02203

Regional IX, Office of Regional Director  
Federal Office Building  
50 Fulton Street  
San Francisco, California 94102

**Categories of individuals covered by the system:** Persons who make complaints on nursing homes certified under Titles XVIII (Medicare) and XIX (Medicaid) of the Social Security Act.

**Categories of records in the system:** Correspondence from complainant, copies of HEW response, or notation of referral to relevant State agency.

**Authority for maintenance of the system:** Titles XVIII and XIX, Social Security Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** In accordance with Appendix B Departmental Regulations (45 CFR Part 5b) Item 05. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper files.

**Retrievability:** Indexed alphabetically by name of complainant. Used by staffs of the Office of Long Term Care Standards and Enforcement to answer correspondence, to check on complaints, and to initiate corrective action as necessary. Statistical information submitted to SSA, Baltimore.

**Safeguards:** Authorized personnel only.

**Retention and disposal:** Retained two years or until complaint file closed, whichever is longer. Destroyed by shredding or incinerating.

**System manager(s) and address:** Director, OLTCE at the address given under location.

**Notification procedure:** Same as above. Individual should contact Regional Office serving State in which nursing home about which a complaint was filed is located.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Letters from complainants, state agencies handling follow-up, staff investigative reports on nursing home.

09-90-0061

**System name:** Claims for Damage, Injury, or Death.  
HEW/RO3/ASD

**Security classification:** None.

**System location:**

Department of Health, Education, and Welfare  
Regional III  
Room 3300  
3535 Market Street  
Philadelphia, PA. 19104

**Categories of individuals covered by the system:** Federal employees and non-Federally employed individuals submitting claims for financial remuneration due to damage, injury or death which are Government related.

**Categories of records in the system:** 1. Personal information about claimant: name, address, age, marital status, name and address of spouse, insurance coverage. 2. Data relative to incident generating claim: date, time and place of occurrence. Type of incident (property damage, personal injury). Name of witnesses and other information relating to the case.

**Authority for maintenance of the system:** E.O. 11807, 11654, P.L. 91-596, Section 19(a), Section 7902, Title 5 U.S.C.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To claimant's insurance representative and/or legal counsel. In accordance with Appendix B Departmental Regulations (45 CFR Part 5b) Item 1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders.

**Retrievability:** Records are indexed by the name of the individual claimant. Records may be accessed by Regional Claims Officer and Office of General Counsel.

**Safeguards:** Maintained in a locked metal cabinet.

**Retention and disposal:** Records are destroyed after a five (5) year retention period.

**System manager(s) and address:**

Regional Engineer  
HEW/Region III  
Room 5400, Gateway Bldg.  
3535 Market Street  
Philadelphia, PA. 19104

**Notification procedure:** For inquiries: system manager and address as above. Identification needed. For retrieval: name, relationship to claim/claimant.

**Record access procedures:** Contact System Manager.

**Contesting record procedures:** Contact System Manager.

**Record source categories:** Claimant, investigative reports and statement of witnesses.

**Systems exempted from certain provisions of the act:** None.

09-90-0062

**System name:** Administrative Claims. HEW/OS/OGC.

**Security classification:** None.

**System location:** See Appendix.

**Categories of individuals covered by the system:** HEW employees, recipients of Federal assistance under HEW funded programs, and members of the public who have a claim against HEW or against whom HEW has a claim -- Federal Torts Claims Act, Military Personnel and Civilian Employees Claims Act, Federal Claims Collection Act, Federal Medical Care Recovery Act, Act for Waiver of Overpayment of Pay.

**Categories of records in the system:** Information that is pertinent to the particular claim being asserted, including accident reports, hospital records, charges for medical services; certifications of overpayments, audits of payroll accounts during periods of overpayment, earning and leave statements; claims officers memorandum, final determinations made on claims, identity of debtors and information pertaining to how debts arose.

**Authority for maintenance of the system:** Federal Tort Claims Act, 28 U.S.C. 2671-2680, 1346(b); Waiver of Overpayment of Pay Act, 5 U.S.C. 5584; Military Personnel and Civilian Employees Claims Act, 31 U.S.C. 240 et seq.; Federal Claims Collection Act, 31 U.S.C. 951-953; Federal Medical Care Recovery Act, 42 U.S.C. 2651-2653.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Routine uses of these records are primarily for adjudicating claims between the U.S. and private parties. Records are used in communicating with, among others, Federal, State, and local law enforcement agencies, private individuals, private and public hospitals, allegedly negligent parties, private attorneys, insurance companies, the United States Attorney



and other Federal officials and agencies, individual law enforcement officers, and tribal officials. These communications are all for the purpose of investigating, settling, or litigating claims. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected. See also Appendix B, of Departmental Regulations, (45 CFR Part 5b), items: (1), (3), (4), (5), (8), (100).

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Legal size files in filing cabinets.

**Retrievability:** Retrieved by name of the non-Government party, whether claimant, plaintiff, or alleged debtor. In some instances, these records are retrievable by cross reference to index cards, containing name of the party involved and the subject matter.

**Safeguards:** Office buildings in which files are kept are locked after the close of the business day. These files are only accessible to General Counsel staff.

**Retention and disposal:** The records are maintained for an indefinite duration.

**System manager(s) and address:** The agency official responsible for the system policies and practices outlined above is:

The General Counsel  
Department of Health, Education, and Welfare  
Office of the General Counsel  
Room 722A, South Portal Building  
200 Independence Avenue, S. W.  
Washington, D. C. 20201

**Notification procedure:** Any inquiries regarding these systems of records should be addressed to the System Manager. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** The information in this system comes from a number of sources including private individuals, private and public hospitals, doctors, law enforcement agencies and officials, private attorneys, accident reports, third parties, claimants or beneficiaries and their relatives, other Federal agencies, State and local governments, agencies and instrumentalities.

**Appendix**

Office of the General Counsel-Headquarters Offices.  
Department of Health, Education, and Welfare  
South Portal Building, Room 722A  
200 Independence Avenue, S. W.  
Washington, D. C. 20201

Office of the General Counsel  
Regional Attorney - Region I  
Department of Health, Education, and Welfare

John F. Kennedy Federal Building  
Government Center  
Boston, Massachusetts 02203

Office of the General Counsel  
Regional Attorney - Region II  
Department of Health, Education, and Welfare  
Room 3914  
26 Federal Plaza  
New York, New York 10007

Office of the General Counsel  
Regional Attorney - Region III  
Department of Health, Education, and Welfare  
P. O. Box 13716  
Philadelphia, Pennsylvania 19104

Office of the General Counsel  
Regional Attorney - Region IV  
Department of Health, Education, and Welfare  
Room 323 (Location); Room 131 (Mailing)  
Peachtree Seventh Street, N. E.  
Atlanta, Georgia 30323

Office of the General Counsel  
Regional Attorney - Region V  
Department of Health, Education, and Welfare  
300 South Wacker Drive  
18th Floor  
Chicago, Illinois 60606

Office of the General Counsel  
Regional Attorney - Region VI  
Department of Health, Education, and Welfare  
Room 1330  
1200 Main Tower Building  
Dallas, Texas 75202

Office of the General Counsel  
Regional Attorney - Region VII  
Department of Health, Education, and Welfare  
Room 601  
601 East 12th Street  
Kansas City, Missouri 64106

Office of the General Counsel  
Regional Attorney - Region VIII  
Department of Health, Education, and Welfare  
Room 11443  
Federal Office Building  
19th and Stout Streets  
Denver, Colorado 80294

Office of the General Counsel  
Regional Attorney - Region IX  
Department of Health, Education, and Welfare  
50 Fulton Street  
San Francisco, California 94102

Office of the General Counsel  
Regional Attorney - Region X  
Department of Health, Education, and Welfare  
MS 624 Arcade Plaza Building  
1321 Second Avenue  
Seattle, Washington 98101

09-90-0063

**System name:** OGC Directory. HEW-OS-OGC.

**Security classification:** None.

**System location:** See Appendix on the Administrative Claims system - 09900062.

**Categories of individuals covered by the system:** Current Employees in the Office of the General Counsel.

**Categories of records in the system:** The OGC Directory consists of the name, home address, and telephone number of attorneys and other employees in the immediate office of the General Counsel, the various divisions of the Office of the General Counsel, and the ten offices of Regional Attorney.

**Authority for maintenance of the system:** 5 U.S.C. 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The Directory is maintained in a loose-leaf binder, categorized by division and region, and alphabetized by name.

**Retrievability:** Retrieved by name.

**Safeguards:** Office buildings in which the Directory is maintained are locked after the close of the business day. The Directory is only accessible to General Counsel staff.

**Retention and disposal:** The Directory is maintained indefinitely.

**System manager(s) and address:** The agency official responsible for the system policies and practices is:

The General Counsel  
Department of Health, Education, and Welfare  
Office of the General Counsel  
South Portal Building, Room 722A  
200 Independence Avenue, S. W.  
Washington, D. C. 20201

**Notification procedure:** Any inquiries regarding this system of records should be addressed to the System Manager.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Information in this system of records is obtained from the individual to whom it applies and personnel records.

09-90-0064

**System name:** Litigation Files, Administrative Complaints, and Adverse Personnel Actions. HEW/OS/OGC

**Security classification:** None.

**System location:** See Appendix on the Administrative Claims system, 09900062.

**Categories of individuals covered by the system:** The individuals on whom records are maintained in this system are individuals who are involved in litigation with the Department or the United States (regarding matters within the jurisdiction of the Department) either as plaintiffs or as defendants in both civil and criminal matters, and individuals who either file administrative complaints with the Department or are the subjects of administrative complaints initiated by the Department, except claims which are the subjects of records maintained in the Administrative Claims System, 09900062.

**Categories of records in the system:** These records contain information pertaining to the subject matter of the litigation, administrative complaint, or adverse personnel action. Such records would include complaints, litigation reports, administrative transcripts, various litigation documents, investigative materials, correspondence, briefs, court orders and judgments, and in cases where personnel injury is involved, principally malpractice cases, evaluations by physician specialists (Public Health Service, Armed Forces, Institute of Pathology).

**Authority for maintenance of the system:** The authority for maintaining this system are the various statutes, regulations, rules or or-

ders pertaining to the subject matter of the litigation, administrative complaint or adverse personnel action, (e.g., Public Health Service Act, Social Security Act, Civil Rights Act, Federal Food, Drug and Cosmetic Act).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected. See Appendix B, Departmental Regulations, (45 CFR Part 5b), items: (1), (3), (4), (5), (8), (100).

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** These records consist of legal size files stored in file cabinets.

**Retrievability:** These records are retrievable by name of the plaintiff or the first plaintiff if there is more than one, or by the name of the first defendant if the plaintiff is the United States. In the case of adverse personnel actions, records are retrievable by name of the individual involved.

**Safeguards:** Office buildings in which these records are maintained are locked after the close of the business day. These records are only accessible by General Counsel staff.

**Retention and disposal:** These records are maintained for an indefinite duration.

**System manager(s) and address:** The agency official responsible for the system policies and practices outlined above is:

The General Counsel  
Department of Health, Education, and Welfare  
Office of the General Counsel  
South Portal Building, Room 722x  
200 Independence Avenue, S. W.  
Washington, D. C. 20201

**Notification procedure:** Any inquiries regarding these systems of records should be addressed to the System Manager. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** The information for this system is obtained through a number of sources including the exchange of legal pleadings, documents, formal and informal discovery, program offices and component agencies, private attorneys, State and local governments, their agencies and instrumentalities, and officers of other Federal agencies and the individuals involved.

09-90-0065

**System name:** Conflict of Interest - Standards of Conduct Records. HEW/OS/OGC

**Security classification:** None.

**System location:** See Appendix on the Administrative Claims system -- 09900062.



**Categories of individuals covered by the system:** Information about current and past HEW employees who are or have been the subject of conflict of interest or standards of conduct inquiries or determinations.

**Categories of records in the system:** These records include information relating to acceptance or offer of gifts, entertainment and favors, outside employment; financial interests; use of government funds, property or official information; partisan political activity; or other matters relating to ethical standards of conduct.

**Authority for maintenance of the system:** 18 U.S.C. 202, 203, 205, 207, 208, 209; Executive Order 11222; and, 5 CFR 735.104, 45 CFR Part 73.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected. See Appendix B, Departmental Regulations (45 CFR Part 5b) items: (1), (3), (4), (5), (8), (100).

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** These records are kept in legal size files in filing cabinets.

**Retrievability:** These records are retrievable by name in most cases. In some instances, these records are retrievable by cross reference to index cards containing the name of the party involved and the subject matter.

**Safeguards:** These records are only accessible to General Counsel staff. Office buildings in which these records are maintained are locked after the close of the business day.

**Retention and disposal:** The records are maintained for an indefinite duration.

**System manager(s) and address:** The agency official responsible for the systems policies and practices outlined above is:

The General Counsel  
Department of Health, Education, and Welfare  
Office of the General Counsel  
South Portal Building, Room 722A  
200 Independence Ave., S.W.  
Washington, D. C. 20201

**Notification procedure:** Any inquiries regarding these systems of records should be addressed to the System Manager.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** The information contained in this system comes from the individuals involved and from appropriate Department officials.

09-90-0066

**System name:** OGC-Attorney Applicant Files HEW-OS-OGC.

**Security classification:** None.

**System location:** See Appendix on the Administrative Claims System - 09900062

**Categories of individuals covered by the system:** Current Attorney Applicants for positions in the Office of the General Counsel.

**Categories of records in the system:** The Attorney Applicant system consists of a variety of records relating to persons applying for attorney positions. These records contain information about an individual's birth date; home address; telephone number; social security number; educational background (e.g., law schools attended and grades); past work experience; writing samples furnished on request; recommendations from past employers and academic officials.

**Authority for maintenance of the system:** 5 U.S.C. 3301 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** These records are maintained in file folders, alphabetized by name, and in some cases the records are separated by individual law school affiliation and by the date the application is received. In some instances records are located in lockable conservator file cabinets and in a locked secured room with access limited to those officials whose duties require access. In other instances records are maintained in file rooms or with other Office of the General Counsel files.

**Retrievability:** These records are retrievable by name.

**Safeguards:** Access is limited to those HEW officials whose duties require access.

**Retention and disposal:** These records are retained in a current system for one year, and in some instances two years, after which time they are discarded.

**System manager(s) and address:** The agency official responsible for the systems policies and practices outlined above is:

The General Counsel  
Department of Health, Education, and Welfare  
Office of the General Counsel  
South Portal Building, Room 722A  
200 Independence Avenue, S.W.  
Washington, D. C. 20201

**Notification procedure:** Any inquiries regarding these systems of records should be addressed to the System Manager.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Information in this system of records comes from the individual to whom it applies, law school officials and past employers.

09-90-0067

**System name:** Invention reports submitted to the Department of Health, Education, and Welfare by its employees, grantees, fellowship recipients, and contractors. HEW-OS-OGC.

**Security classification:** None.

**System location:**

Office of the General Counsel  
Patent Branch  
Westwood Building - Room 5A03  
5333 Westbard Avenue  
Bethesda, Maryland 20016

**Categories of individuals covered by the system:** Department employees, investigators funded under HEW research grants, fellowship awardees, investigators funded under HEW research contracts.

**Categories of records in the system:** Invention reports.

**Authority for maintenance of the system:** 45 CFR Parts 6-8.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

Department of Justice Claims Section for purpose of defending the Government in litigation.

Scientific personnel, both in this agency, and other Government agencies, and in non-Governmental organizations (such as Universities), who possess the expertise to understand the invention and evaluate its importance as a scientific advance.

Contract patent counsel and their employees and foreign contract personnel retained by the Department for patent searching and prosecution in both the United States and foreign Patent Offices.

All other Government agencies whom we contact regarding possible use, interest in, or ownership rights in our inventions.

Prospective licensees or technology finders who may further make the invention available to the public through sale, use or publication.

Parties, such as supervisors of inventors, whom we contact to determine ownership rights, and those parties contacting us to determine the Government's ownership.

The United States and foreign Patent Offices for our filing of patent applications. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** These records are kept in individual file folders.

**Retrievability:** Indexed by both inventor's name and case identification number.

**Safeguards:** During normal business hours a member of the staff of the Patent Section regulates the availability of the files. During evening and weekend hours, the building is closed, with a guard at the front entrance, and only personnel authorized to be in the building are permitted entry.

**Retention and disposal:** The records are maintained here for the life of any patent issued (seventeen years), for seven years for any invention which is not patented, and they are sent to the Federal Records Center for retention when they are no longer required here.

**System manager(s) and address:**

Patent Counsel  
Department of Health, Education, and Welfare  
Westwood Building - Room 5A03  
5333 Westbard Avenue  
Bethesda, Maryland 20016

**Notification procedure:** An individual is required to provide his own name together with that of any other individual who contributed to the making of an invention, on which the system contains a record. Any inquiries regarding these systems of records should be addressed to the System Manager.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** The information comes from the inventors, their supervisors, other scientists with expertise in the particular area of the invention, scientific publications, newspapers, contract patent counsel who have searched and/or prosecuted the invention, and commercial organizations.

09-90-0068

**System name:** Federal Private Relief Legislation. HEW/OS/OGC.

**Security classification:** None.

**System location:** This system is located in the:

Division of Legislation  
Office of the General Counsel  
Office of the Secretary  
Room 427 D, South Portal Building  
Department of Health, Education, and Welfare  
200 Independence Ave., S.W.  
Washington, D.C. 20201

**Categories of individuals covered by the system:** Private individuals, groups, or institutions for whom a United States Congressman or Senator has introduced a private relief bill.

**Categories of records in the system:** Background which gives rise to the individual's, group's, or institution's claim for private relief legislation.

**Authority for maintenance of the system:** 5 U.S.C. 301; OMB Circular A-19.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The information is used to prepare reports to the Congress, most commonly to the Judiciary Committees of the Senate and the House of Representatives, which reports are thereafter made available to the public under the provisions of 5 U.S.C. 552. In connection with the preparation of those reports, the information contained in this system of records will, as a routine use, be disclosed to officers and employees of the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at various stages of the legislative coordination and clearance process as set forth in that Circular, and may, as a routine use, be disclosed to officers or employees of agencies (as defined in 5 U.S.C. 551(i) and 552(e)) other than the agency that maintains the record. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records in file folders kept in legal size filing cabinets.

**Retrievability:** By bill number using card systems maintained by name and by subject.

**Safeguards:** Immediate access to these records are only by authorized staff. Building is locked at close of business.

**Retention and disposal:** Retained indefinitely either at System Location or at Federal Record Center where files are sent on a regular, predetermined schedule.

**System manager(s) and address:**

Chief, Legislative Reference and Control Service  
Division of Legislation  
Office of the General Counsel  
Department of Health, Education, and Welfare  
Room 427 D, South Portal Building  
200 Independence Avenue, S.W.

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Washington, D. C. 20201

**Notification procedure:** Any inquiries regarding the records in question should be made to the System Manager.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** The information in this system comes from the principal operating components of the Department, the Public Health Service Agencies, the Education Agencies, the Office of the Secretary, Congressional Committees, individual Congressmen and Senators, and, in some cases, the subject individual, group, or institution.

**Systems exempted from certain provisions of the act:** None.

09-90-0069

**System name:** Unfair Labor Practice Records. HEW/OS/ASPER/PT.

**Security classification:** None.

**System location:** Personnel Offices of the Department shown in Applicants for Employment Records, HEW System 09900006, Appendix I and offices of operating officials in organizational units serviced by those Personnel Offices.

**Categories of individuals covered by the system:** Current HEW employees and union officials.

**Categories of records in the system:** This system of records consists of a variety of records relating to an unfair labor practice charge. Examples of information which may be included in this system are the employee's name, Social Security Number, grade, job title, employment history and a variety of work and personnel records associated with the charges and required under proceedings established by Executive Order 11491 and Department of Labor Regulations.

**Authority for maintenance of the system:** Executive Order 11491, as amended.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information in this system may be released to:

1. The Department of Labor.
2. In accordance with Items 1,3,4,5,6,7,8,9 of Departmental Regulations, (45 CFR Part 5b), Appendix B.
3. The Federal Labor Relations Council.
4. To the Civil Service Commission in carrying out its functions under Executive Order 11491.
5. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
6. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders.

**Retrievability:** Records are retrievable by name. They are used to make a determination on and to document a decision made on an unfair labor practice charge filed by an employee or union official. Information from this system may be used by Department officials for preparing statistical summary or management reports.

**Safeguards:** When not in use by authorized persons, these records are stored in lockable metal file cabinets. Access to and use of these records are limited to personnel who have a need for the records in performance of official duties.

**Retention and disposal:** The case files are maintained as long as they may be pertinent for purposes of precedent or as management information devices. When no longer useful for such purposes, they are destroyed.

**System manager(s) and address:** Personnel Officer shown in Appendix I of Applicants for Employment Records, HEW System 09900006, who services the organizational unit in which the individual is employed.

**Notification procedure:** Contact the systems manager and provide name, approximate date of record, the unfair labor practice charge as specified by the complainant, and management component in which the charge was filed.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Information in this system of records is:

1. Supplied directly by the individual, or
2. Derived from information supplied by the individual, or
3. Supplied by testimony of witnesses, or
4. Supplied by union officials, or
5. Supplied by Department officials.

**Systems exempted from certain provisions of the act:** None.

09-90-0070

**System name:** Motor Vehicle Accident Reports - HEW/OS/OGC.

**Security classification:** None.

**System location:**

Office of the Regional Attorney  
Department of Health, Education, and Welfare  
19th and Stout Streets  
Denver, Colorado 80294

**Categories of individuals covered by the system:** Individuals involved in automobile accidents concerning Federal motor vehicles or while on Federal business; this includes both Federal and non-Federal employees.

**Categories of records in the system:** The information in this record relates to the circumstances of the accident.

**Authority for maintenance of the system:** 44 U.S.C. Section 3101

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Routine uses include requests to law enforcement agencies and officers for accident reports, to public or private hospitals, to private attorneys and insurance companies, to private citizens involved in the accident, to other Federal agencies, to State and local governments, their agencies and instrumentalities, all for purposes incident to resolution of responsibility for the accident. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** These records are kept in legal size files in filing cabinets.

**Retrievability:** Retrievable by name. Records are used to determine the appropriate cause of action in ascertaining the responsibility and liability for the accident in question.

**Safeguards:** Offices in which these files are kept are locked after the close of the business day.

**Retention and disposal:** Retained indefinitely at system location or at Federal Records Center where files are sent on a regular predetermined schedule.

**System manager(s) and address:** The agency official responsible for the system policies and practices outlined above is:

Regional Attorney  
Department of HEW  
19th and Stout Streets  
Denver, Colorado 80294

**Notification procedure:** Any inquiries regarding the records in question should be made at the above address where the records are kept. Required identifying information will be in keeping with Department requirements.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Federal Motor Vehicle Accident Reports, accident reports from law enforcement agencies and officers, hospital and insurance company reports, statements from employees and private parties.

**Systems exempted from certain provisions of the act:** None.

09-90-0071

**System name:** Social Security Code Cards. HEW/OS/OGC.

**Security classification:** None.

**System location:**

Office of the Regional Attorney  
Department of Health, Education, and Welfare  
19th and Stout Streets  
Denver, Colorado 80294

**Categories of individuals covered by the system:** Individuals referred to in this system are Social Security claimants or wage-earners who have been the subject of Social Security precedent opinions.

**Categories of records in the system:** The information in this system consists of the name of the individual on a 3 x 5 card and a code which cross-references to the location of the actual opinion. These cards are separate and distinct from the digest cards which are distributed nationally by the Office of the General Counsel.

**Authority for maintenance of the system:** 44 U.S.C. Section 3101

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The subject information is kept on 3 x 5 cards which are kept in an office locked after the close of the business day. The opinions which are cross-referenced by the cards are kept in the files in the same office.

**Retrievability:** Retrievable by name. These cards are used to enable the researcher to obtain the appropriate social security precedent opinion which may then be cited in subsequent opinions distributed within OGC and SSA.

**Safeguards:** Office locked at the close of the business day.

**Retention and disposal:** Retained indefinitely at system location or at Federal Records Center where files are sent on a regular predetermined schedule.

**System manager(s) and address:** The agency official responsible for the system policies and practices outlined above is:

Regional Attorney  
Department of HEW  
19th and Stout Streets  
Denver, Colorado 80294

**Notification procedure:** Any inquiries regarding the records in question should be made at the above address where the records are kept. Required identifying information will be in keeping with Departmental requirements.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** The information on the cards is gleaned from precedent opinions nationwide as well as those issued from Region VIII.

**Systems exempted from certain provisions of the act:** None.

09-90-0072

**System name:** Congressional Grants Notification Unit. HEW/OS/ASL

**Security classification:** None.

**System location:**

Room 435G South Portal Bldg. Building  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

**Categories of individuals covered by the system:** Members of Congress.

**Categories of records in the system:** Notification form of grants or contract awards made by HEW. The form contains the name and address of the project director, the purpose of the grant or contract, and the HEW program involved.

**Authority for maintenance of the system:** 5 USC 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper files are maintained in standard file cabinets.

**Retrievability:** Files are indexed by State Congressional Districts with the name of the Congressional Representative of that District on the file.

**Safeguards:** These records are public information and available on request.

**Retention and disposal:** Grant notification files are discarded after two calendar years.

**System manager(s) and address:**

Director, Congressional Liaison  
Office of the Assistant Secretary for Legislation  
Room 435G South Portal Bldg. Building  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

**Notification procedure:** Same as above. The Congressional District or name of the Congressional Representative of that district and the approximate date of the award must be provided.

**Record access procedures:** Address same as above.

**Contesting record procedures:** Address same as above.

**Record source categories:** Agencies within the Department making the grant/contract awards.

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Systems exempted from certain provisions of the act: None.

09-90-0074

System name: Federal Parent Locator System. HEW OCSE.

Security classification: None.

System location:

Office of Child Support Enforcement  
Department of Health, Education, and Welfare  
330 C. Street, S.W.  
Washington, D.C. 20201

Categories of individuals covered by the system: Records are maintained on parents being sought for the purpose of establishing or enforcing support obligations against such a parent.

Categories of records in the system: Name of Absent Parent, Social Security Number (when available), date of birth, place of birth, mother's maiden name, father's full name, State case identification number, local identification number (State use only), State originating request, date of origination, type of case (AFDC, non-AFDC full service, non-AFDC locate only), type of military service (Army, Navy, Marines, Air Force, Coast Guard, not in service), retired military (yes or no), Veteran's Benefits (yes or no), recent employer's address, known alias (last name only), date requests sent to Federal departments (SSA, IRS, DOD, NPRC), date of Federal departments' responses, and indication of the type of information received; such as last home or employer address was returned, and/or a Social Security Number was returned from the Social Security Administration, or no address information was returned. The actual information returned pursuant to a requis retained in a separate file long enough to communicate that information to the State. (See Retention and Disposal section below).

Authority for maintenance of the system: Public Law 93-647.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Federal Parent Locator Service will use the records maintained in the system to: (1) Request the most recent home address and/or place of employment from any department, agency, or instrumentality of the Federal government or State which might have such records in its files; (2) Provide the most recent home address, most recent place of employment, and Social Security Number to the appropriate IV-D agency for its use in locating absent parents to establish or enforce a child support obligation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: PLS records are maintained on disk and magnetic tape, and hard copy. The record is defined as a request for address information.

Retrievability: System records can be accessed by either a State assigned case identification number or Social Security Number.

Safeguards: All requests must be certified by the State IV-D Agency such that: (1) they are being made to locate an absent parent for the purpose of establishing paternity or securing child support and for no other purpose; (2) the State IV-D agency has made diligent and reasonable efforts to find the absent parent and cannot locate the person. (See 45 CFR 303.3); (3) the State IV-D agency has in effect protective measures to safeguard the personal information being transferred and received from the Federal Parent Locator Service; and (4) the State IV-D agency will use or disclose this information for the purposes prescribed in 45 CFR 302.18. All personnel, Federal employees and contractor, are required to take a non-disclosure of information oath. All input documents will be inventoried and accounted for. All inputs and outputs will be stored in a locked receptacle in a locked room. All outputs will be labeled 'For Official Use Only' and treated accordingly. Operations control will be vested under a single system manager. Every State using the system will be verified via three levels of user ID's. All data files will be protected by unique passwords and security codes. Remote users have 'write only' system access capabilities. They cannot read any master file or perform any other function on the system. The system complies with the security measures in IPS PUB 3 and has been reviewed by the HEW ADP Systems Security Task Force.

Retention and disposal: Records of address information provided in response to requests from IV-D agencies are maintained only long enough to communicate them to the State. After this time they are destroyed. A record of the request only which includes information provided by the State, Federal agencies contacted, and an indication of the type of information so returned is stored on a his-

tory tape and hardcopy. All history data will be retained for five years.

System manager(s) and address:

Director, Parent Locator Service Division  
Office of Child Support Enforcement  
Department of Health, Education, and Welfare  
330 C. Street, S.W.  
Washington, D.C. 20201

Notification procedure: Contact the system manager in writing at the above address and provide your name and address. Additional information, such as your Social Security Number, date of birth or mother's maiden name, may be requested by the system manager in order to distinguish between individuals having the same or similar names.

Record access procedures: Same as above.

Contesting record procedures: Individuals that feel the information provided through the above procedures is inaccurate should inform the Federal Parent Locator Service at the address listed for Notification Procedures. The Federal Parent Locator Service will acknowledge this request within ten (10) work days and indicate one of the following: a) the error has been corrected; b) the State child support agency that submitted the original information; c) other steps the individual must follow to correct the inaccuracy.

Record source categories: Information is obtained from departments, agencies, or instrumentalities of the United States or of any State.

Systems exempted from certain provisions of the act: None.

09-90-0075

System name: MBTA Prepaid Pass Program Participants. Hew-ROI-ARD.

Security classification: None.

System location:

HEW, Office of ARD for Administration and Management  
Room 1503, JFK Federal Building  
Boston, Massachusetts 02203

Categories of individuals covered by the system: Any HEW employee who is participating in the MBTA Pass Program.

Categories of records in the system: Name, Department, SSN, Credit Union Account Number, Type of Plan, Sex, Signature of Employee, and Pass Number.

Authority for maintenance of the system: Executive Order 011491.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Used as basis of requesting MBTA Pass and as a control of Pass numbers in case of replacement by Massachusetts Bay Transportation Authority, Forrest Hills Station, Boston, Massachusetts. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Storage--3x5 cards in file box.

Retrievability: Retrievability--By name.

Safeguards: Safeguards--Office doors locked during non-working hours.

Retention and disposal: Retention and Disposal--Kept as long as employee is a participant in the Program. Cancellation cards are kept for six months after month cancelled; then destroyed.

System manager(s) and address:

Secretary to ARD for Administration and Management  
HEW, Room 1503, JFK Federal Building  
Boston, Massachusetts 02203

09-90-0077

System name: Placement and Career Development Service Program for Indo-Chinese Refugees, Jewish Federation of Metropolitan Chicago (Contractor).

Security classification: None.

System location:

Jewish Federation of Metropolitan Chicago  
One South Franklin Street  
Chicago, Illinois 60606  
See Appendix A for location of subcontracting agencies.

Categories of individuals covered by the system: Indo-Chinese refugees applying for, and/or receiving public assistance or otherwise manifesting signs of economic insufficiency in the Chicago Metropolitan area.

Categories of records in the system: Employment history and associated social, medical and economic information.

Authority for maintenance of the system: 5 U.S.C. 3109.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: 45 CFR 5b, Appendix B, (1), (2), (3), (4), (5), (6), (8), (101), (102), and (103). Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Routine uses for disclosure of information kept in the records may be directed to: (a) Illinois Department of Public Aid, in regard to information which would affect the alien's present or future eligibility for public assistance; (b) Prospective employees and/or employment agencies for the purpose of enabling clients to obtain employment; (c) Vocational training or education programs to increase the alien's employability; (d) Other professional boards, associations, private agencies or government departments directly related to increasing the client's chances to obtain employment; (e) Participating subcontractors which have joint responsibilities for assessing clients by making appropriate referrals for casework services and career counseling; (f) All members and participants taking part in the program Steering Committee, including the contractor and subcontractors and concerned Federal, State and Local government agencies, i.e., Department of Health, Education, and Welfare, Illinois Department of Public Aid, Governor's Resettlement Office, etc.; (g) National voluntary resettlement agencies participating on the Steering Committee. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on magnetic tape and on computer discs, printouts, in file cabinets, file folders, and recording forms.

Retrievability: The purpose of this system is to evaluate the need and suitability of the refugee for employment and/or vocational training. A continuing record of activities, including referrals and placements, is needed. Records may be retrieved by name or identification number.

Safeguards: Offices are either locked after office hours or have security guard service. In addition, depending on location, file cabinets and other storage facilities are locked when not in use.

Retention and disposal: Records are retained for five years after closing, after which paper records are shredded and computer tapes erased.

System manager(s) and address:

Government Project Officer  
Department of Health, Education, and Welfare, Region V  
300 South Wacker Drive, 35th Floor  
Chicago, Illinois 60606

Notification procedure: Same address as above. Identifying information should include the name of the person inquired about and the alien identification number.

Notification procedure: Address: Same as above. Identifying information: Name, Social Security Number (on a purely voluntary basis).

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Supplied by employee.

Systems exempted from certain provisions of the act: None.

09-90-0076

System name: Persons Authorized to Represent a State Agency in Acquisition, Maintenance, and Donation of Surplus Property. HEW-RO9.

Security classification: None.

System location:

112 McAllister Street  
Room 2  
San Francisco, CA 94102

Categories of individuals covered by the system: Persons who have been delegated by the appropriate State Agency to act for the agency in locating, inspecting and reporting on surplus property usable and needed for health, education, or civil defense purposes and other duties in connection with screening, pick up, or shipment of such surplus personal property as may be appropriate.

Categories of records in the system: Name of individuals, Agency represented, job title, physical description (age, height, weight, color eyes, color hair), social security number.

Authority for maintenance of the system: The Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: A current list of persons who are authorized to represent a State Agency in the acquisition, maintenance, and donation of available Federal surplus personal property is disclosed to prospective users and donors of the surplus property. List includes physical descriptors. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained in hard copy filed in standard file cabinet.

Retrievability: Records are maintained by State and within state alphabetically by representatives name. Records are retrieved directly by the name of the individual. Used to compile current list of persons authorized to represent State Agencies in acquisition, maintenance, and donation of available Federal surplus personal property.

Safeguards: Access is restricted to authorized OFPA staff.

Retention and disposal: Records are maintained for the duration of the individual's authority to act. When an individual's authority is revoked records are moved to inactive portion of file.

System manager(s) and address:

Director, OFPA  
112 McAllister Street, Room 2  
San Francisco, CA 94102

Notification procedure: Systems manager for all types of inquiries. Address is same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Supplied by Head of State Agency who delegates individuals to act for the Agency.

Systems exempted from certain provisions of the act: None.



**Record access procedures:** Address and identifying information same as above.

**Contesting record procedures:** Same as notification procedure.

**Record source categories:** Information obtained from client interviews, vocational testing, employer records, medical and social reports from hospitals and other social agencies and information received from Federal, State and Local government agencies, i.e., Illinois Department of Public Aid, U.S. Office of Immigration and Naturalization, etc.

**Systems exempted from certain provisions of the act:** None.

#### Appendix A

##### Subcontractors--Name and Address

Lutheran Child and Family Services  
7620 Madison Street  
River Forest, Illinois 60305

Catholic Charities of Chicago  
645 W. Randolph Street  
Chicago, Illinois 60606

Travelers Aid of Metropolitan Chicago  
4753 North Broadway  
Chicago, Illinois 60640

Jewish Family and Community Service  
One South Franklin Street  
Chicago, Illinois 60606

Jewish Vocational Service  
One South Franklin Street  
Chicago, Illinois 60606 /\*

09-80-0001

**System name:** Manpower Resources Contractual Services for Reviewing and Evaluating ORD-MR Projects HEW OHD AOA ORD.

**Security classification:** None.

##### **System location:**

Room 3139 Donohoe Building  
400 - 6th Street, S.W.  
Washington, D.C. 20201

**Categories of individuals covered by the system:** Professionals with expertise who review and evaluate research, demonstrations and training proposals.

**Categories of records in the system:** Name, address, and professional background of individual.

**Authority for maintenance of the system:** Older Americans Act, 1965, as amended.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The records are maintained in paper folders in standard file cabinets.

**Retrievability:** Indexed by name, used by ORDMR staff to select reviews. Folders are available to Division Chiefs responsible for setting up review panels.

**Safeguards:** Direct access is restricted to authorized ORDMR staff, records are kept in locked file cabinets.

**Retention and disposal:** The list will be reviewed periodically, prior to establishing review periods. Persons not used will be deleted from files.

**System manager(s) and address:**

Director, ORDMR Office  
Room 3139, Donohoe Building  
400 - 6th Street, S.W.  
Washington, D.C. 20201

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** The individual and/or professional directories.

**Systems exempted from certain provisions of the act:** None.

09-80-0002

**System name:** Developmental Disabilities Complaints and Correspondence Files HEW OHD DDO R07.

**Security classification:** None.

##### **System location:**

Room 564  
601 East 12th Street  
Kansas City, Missouri 64106

**Categories of individuals covered by the system:** Individuals who have made inquiries regarding complaints or requested information regarding services from Developmental Disabilities program; and those who have commented to the Department on its proposed rules and practices.

**Categories of records in the system:** Name and address of individuals submitting correspondence, responses and exchanges of material associated with investigations of complaints or relaying information to appropriate State or local Developmental Disabilities agencies.

**Authority for maintenance of the system:** Developmental Disabilities Services and Construction Act (P.L. 91-517).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To members of Congress who inquire on behalf of a constituent; to a State or local agency or institution against which a complaint has been made; See Departmental Regulations, (45 CFR Part 5b) Appendix B Items 1,8. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The records are maintained in hard-copy filed in standard file cabinets.

**Retrievability:** For the most part records are indexed according to State and within each State by alphabetical name of inquirer. Records are available to DDA staff involved in correspondence and investigative processes, including members of the Office of General Counsel. Occasionally, personnel with special expertise in other programmatic areas or responsible persons at State or local agencies may be given records for the purpose of assisting DDA staff in resolution of issues.

**Safeguards:** Direct access is restricted to authorized DDA staff; access to room in which file cabinets are maintained is limited during non-working hours to those with keys to room.

**Retention and disposal:** Inquiry records are maintained three years; complaint and investigative records are maintained five years past date of case closing.

##### **System manager(s) and address:**

Director, Developmental Disabilities Office  
601 East 12th Street, 5th Floor  
Kansas City, Missouri 64106

**Notification procedure:** System manager; for general inquiries name and date of previous correspondence, if known; for complaint/investigative material, name and any I.D. number assigned. Address is same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.



Department	Billing Code
National Institute of Education	4110-39
National Mediation Board	7550-01
National Labor Relations Board	7545-01
National Science Foundation:	
Administration	7555-01
OSTP	7555-02
Navy Department:	
DCPA U 8	3810-01
OSD SD 0859	3810-70
Navy Judge Advocate General	3810-71
Nuclear Regulatory Commission	7590-01
Occupational Safety and Health Review Commission	7600-01
Overseas Private Investment Corporation	3210-01
Panama Canal Company	3640-01
Pennsylvania Avenue Development Corporation	7630-01
Pension Benefit Guaranty Corporation	7708-01
Postal Rate Commission	
Postal Service	7710-12
Railroad Retirement Board	7905-01
Renegotiation Board	7910-01
Securities and Exchange Commission	8010-01
Selective Service System	8015-01
Small Business Administration	8025-01
Smithsonian Institution	8030-01
State Department	4710-01
Susquehanna River Basin Commission	7040-01
Technical Assessment, Office of	1830-01
Telecommunications Policy Office	3160-01
Tennessee Valley Authority	8120-01

Department	Billing Code
Transportation Department:	
Office of Secretary	4910-01
Federal Railroad Administration	4910-06
Federal Aviation Administration	4910-13
Coast Guard	4910-14
Federal Highway Administration	4910-22
Urban Mass Transportation Administration	4910-57
National Transportation Safety Board	4910-58
National Highway Traffic Safety Administration	4910-59
Materials Transportation Board	4910-60
St. Lawrence Seaway Development Corporation	4910-61
Treasury Department:	
Customs Service	4810-22
Administrative Programs	4810-25
Revenue Sharing	4810-28
Alcohol, Tobacco and Firearms	4810-31
Federal Law Enforcement Training Center	4810-32
Comptroller of the Currency	4810-33
Engraving and Printing	4810-34
Government Finance Operations	4810-35
Mint, Bureau	4810-37
Public Debt	4810-40
Secret Service	4810-42
Internal Revenue Service	4830-01
U.S. Information Agency	8230-01
Veterans Administration	8320-01
Water Resources Council	8410-01
White House Office	3195-01

If your agency's name does not appear above, GPO may not have received your printing and binding requisition (Standard Form 1). Your documents can not be printed in the FEDERAL REGISTER without a billing code.

INFORMATION AND ASSISTANCE: Mr. William Rose, 202-275-2867.

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NEW BILLING PROCEDURES FOR AGENCIES

As part of the new billing procedures announced in the FEDERAL REGISTER of August 24, 1977, and to insure that each agency is correctly billed for only its own documents, the Office of the Federal Register requests agencies to insert the proper billing code on all of their documents. The six-digit billing code should be typed or handwritten in ink at the top of the first page on all three copies of documents submitted to the Office of the Federal Register for publication, as follows:

BILLING CODE: 0000-00

The list of agency billing codes assigned by the Government Printing Office follows:

Department	Billing Code	Department	Billing Code
Action	6050-01	Federal Maritime Commission	6730-01
Administrative Conference of the United States	6110-01	Federal Mediation and Conciliation Service	6732-01
Agency for International Development	4710-02	Federal Power Commission	6740-02
Agriculture Department:		Federal Reserve System Board of Governors	6210-01
Agricultural Marketing Service	3410-02	Federal Trade Commission	6750-01
Agricultural Research Service	3410-03	Fine Arts Commission	6330-01
Agricultural Stabilization and Conservation Service	3410-05	Foreign Claims Settlement Commission	6770-01
Farmer Cooperative Service	3410-06	General Services Administration:	
Farmer's Home Administration	3410-07	OAS	6820-14
Federal Crop Insurance Corporation	3410-08	Administrative Management Division, Public Buildings	
Extension Service	3410-09	Service	6820-22
Forest Service	3410-11	Public Buildings Service	6820-23
Rural Electrification Administration	3410-15	Federal Supply Service	6820-24
Soil Conservation Service	3410-16	Automated Data and Telecommunications Service	6820-25
Economic Research Service	3410-18	NAA	6820-26
Statistical Reporting Service	3410-20	NARS	6820-27
Cooperative State Research Service	3410-22	Office of Stockpile Disposal, Federal Preparedness	
Food and Nutrition Service	3410-30	Agency	6820-28
Rural Development Service	3410-32	Executive Director, Federal Preparedness Agency	6820-29
Animal and Plant Health Inspection Service	3410-34	Office of Personnel	6820-30
Economic Management Support Center	3410-35	Government Printing Office	1505-01
Food Safety and Quality Service	3410-37	Health, Education and Welfare Department:	
WFAO	3410-38	Office of Education	4110-02
Office of Management and Finance	3410-90	Food and Drug Administration	4110-03
Office of Automated Data Systems	3410-94	National Institutes of Health	4110-08
Office of Personnel	3410-96	Health Resources Administration	4110-83
Office of Operations	3410-98	Health Services Administration	4110-84
Air Force Department	3910-01	Office of Assistant Secretary for Health	4110-85
American Battle Monuments Commission	6120-01	Center for Disease Control	4110-86
Arms Control and Disarmament Agency	6820-32	CSC-NIOSH	4110-87
Army Adjutant General Center	3710-08	Alcohol, Drug Abuse and Mental Health Administration	4110-88
Defense Command	3710-04	Social Security Administration	4110-07
Chief of Engineers/Civil Works	3710-92	Housing and Urban Development Department	4210-01
Blind and Other Severely Handicapped Committee	6820-12	Indian Claims Commission	7030-01
Civil Aeronautics Board	6320-01	Interior Department:	
Civil Rights Commission	6325-01	Office of Secretary	4310-10
Civil Service Commission	6325-01	Indian Affairs Bureau	4310-02
Commerce Department:		Outdoor Recreation Bureau	4310-03
Maritime Administration	3510-03	Surface Mining, Office of	4310-05
National Technical Information Service	3510-04	Reclamation Bureau	4310-09
Bureau of Economic Analysis	3510-06	Bonneville Power Administration	4310-11
Census Bureau	3510-07	Solicitor	4310-17
U.S. Travel Service	3510-11	Geological Survey	4310-31
National Oceanic and Atmospheric Administration	3510-12	Mines Bureau	4310-53
Standards, National Bureau	3510-13	Fish and Wildlife Service	4310-55
Patents and Trademark Office	3510-16	National Park Service	4310-70
Office of Secretary	3510-17	Land Management Bureau	4310-84
Office of Secretary	3510-18	Water Research and Technology Office	4310-49
Office of Secretary	3510-19	Mine Enforcement and Safety Administration	4310-68
Economic Development Administration	3510-24	International Broadcasting, Board for	6155-01
Domestic and International Business Administration	3510-25	International Trade Commission	7020-02
National Fire-Prevention and Control Administration	3510-49	Interstate Commerce Commission	7035-01
Telecommunications Office	3510-60	Justice Department	4410-01
Commodity Futures Trading Commission	6351-01	Labor Department:	
Community Services Administration	6315-01	Employment and Training Administration	4510-01
Consumer Product Safety Commission	6355-01	Secretary (Administrative Law Judges)	4510-20
Cost Accounting Standards Board	1610-01	Secretary (Audit and Investment)	4510-21
Defense Logistics Agency	3620-01	Secretary (Office of Information)	4510-22
Energy Research and Development Administration	6170-01	Secretary	4510-23
Environmental Protection Agency	6560-01	Labor Statistics	4510-24
Environmental Quality Council	3125-01	OSHA (Standards)	4510-26
Equal Employment Opportunity Commission	6570-06	Employment Standards Administration	4510-27
Export-Import Bank of the United States	6690-01	International Labor Affairs Bureau	4510-28
Farm Credit Administration	6705-01	Labor-Management Service Administration	4510-19
Federal Communications Commission	6712-01	Libraries and Information Science, National Commission	7527-01
Federal Deposit Insurance Corporation	6714-01	Management and Budget Office	3110-01
Federal Election Commission	6715-01	Marine Mammal Commission	6820-31
Federal Energy Administration	3128-01	National Capital Planning Commission	7515-01
Federal Home Loan Bank Board	6720-01	National Credit Union Administration	7535-01

(Continued on inside back cover)

Vol. 42—No. 189  
9-28-77  
BOOK 2:  
PAGES  
51979-52362

BOOK 2 OF 2 BOOKS

THURSDAY, SEPTEMBER 29, 1977

PART X



PRIVACY ACT ISSUANCES,  
ANNUAL PUBLICATION

Department/ Agency	FR Page Numbers	Systems of Records	Rules
Health, Education and Welfare Department		51922	52348

federal register

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Record source categories: Incoming correspondence, responses and material obtained during course of any investigation, individuals themselves.

Systems exempted from certain provisions of the act: None.

09-80-0003

System name: OCD Project Staff Lists HEW-OHD-CCD-IX

Security classification: None.

System location:

Room 113, Federal Office Building  
50 Fulton Street  
San Francisco, Calif. 94102  
and at Regional Federal Records Centers

Categories of individuals covered by the system: Directors and staff of Child Abuse and Neglect, Handicapped Cluster Head Start, Head Start, Head Start Supplementary Training, and Home Start programs and Parent Child Centers, and State Regional Training Offices in Region IX.

Categories of records in the system: Name, business address, business telephone number, biographies, employees with salaries above certain level.

Authority for maintenance of the system: Community Services Act of 1974 (42 USC 2701).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The files are routinely used externally in handling inquiries from members of Congress; used in handling inquiries from other federal agencies; used as a resource by consultants contracted by OCD; used in handling inquiries from general public. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in folders in standard legal-sized file cabinets.

Retrievability: The files are indexed alphabetically. Records are available to OCD staff involved in correspondence and funding processes, including staff members with HEW, i.e.: General Counsel.

Safeguards: Direct access is restricted to OHD personnel; access to room in which file cabinets are maintained is limited during non-working hours to those with keys to room.

Retention and disposal: Files are maintained three fiscal years and are removed to the Federal Records Disposal Center thereafter.

System manager(s) and address:

Director, OCD, Region IX  
Room 117  
50 Fulton Street  
San Francisco, CA 94102

Notification procedure: System Manager; upon written, telephone, or personal request, the public may make appointments to view requested data.

Record access procedures: See above.

Contesting record procedures: See above.

Record source categories: Incoming correspondence, responses, and materials obtained during course of program, Individuals themselves.

Systems exempted from certain provisions of the act: None.

09-80-0004

System name: Parent Council Advisory Members HEW-OHD-OCD-IX-2

Security classification: None.

System location:

Room 113, Federal Office Building  
50 Fulton Street  
San Francisco, CA 94102

Categories of individuals covered by the system: Directors, Consultants, Staff, Board & Committee Members.

Categories of records in the system: Name, Business & Home Address, Business & Home Telephone Numbers, Title, Biographies, Employees with salaries above certain level.

Authority for maintenance of the system: Community Services Act of 1974 (42 USC 2701).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The files are routinely used externally in handling inquiries from members of Congress; used in handling inquiries from other federal agencies; used as a resource by consultants contacted by OCD; used in handling inquiries from general public and Parent Council Advisory grantees. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in folders in standard legal-size file cabinets.

Retrievability: The files are indexed alphabetically. Records are available to OCD staff involved in correspondence and funding processes, including staff members within HEW, i.e.: General Counsel.

Safeguards: Director access is restricted to OHD personnel; access to room in which file cabinets are maintained is limited during non-working hours to those with keys to room.

Retention and disposal: Files are maintained three fiscal years and are removed to the Federal Records Disposal Center thereafter.

System manager(s) and address:

Director, OCD, Region IX  
Room 117  
50 Fulton Street  
San Francisco, CA 94102

Notification procedure: System manager; upon written telephone, or personnel request, the public may make appointments to view requested data.

Record access procedures: See above.

Contesting record procedures: See above.

Record source categories: Incoming correspondence, responses, and materials obtained during course of Parent Council Advisory programs, individuals themselves.

Systems exempted from certain provisions of the act: None.

09-80-0005

System name: Education for Parenthood Mailing List. HEW OHD OCD CB.

Security classification: None.

System location:

Room 5155  
400 - 6th Street, S.W.  
Washington, D.C. 20201

Categories of individuals covered by the system: Individuals interested in the Education for Parenthood programs.

Categories of records in the system: Names, title, addresses.

Authority for maintenance of the system: 42 USC 626.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

sary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Addressograph plates, paper files.

Retrievability: Indexed alphabetically.

Safeguards: Available only to authorized persons.

Retention and disposal: Names kept on file indefinitely. May be removed by request.

System manager(s) and address:

Program Planning Specialist  
Room 5155  
400 - 6th Street, S.W.  
Washington, D.C. 20201

Notification procedure: Same as above; written requests only.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Grant files, letters, telephone calls, individuals themselves.

Systems exempted from certain provisions of the act: None.

09-80-0006

System name: National Center on Child Abuse and Neglect Mailing List. HEW OHD OCD CB.

Security classification: None.

System location:

Room 5863  
400 - 6th Street, S.W.  
Washington, D. C. 20201

Categories of individuals covered by the system: Persons interested in the National Centers publications, interested in making grant applications, project directors, social workers and others interested in information on child abuse and neglect.

Categories of records in the system: Names, titles, addresses.

Authority for maintenance of the system: PL 93-247, The Child Abuse Prevention and Treatment Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Addressograph plates, paper files.

Retrievability: Indexed alphabetically. Various categories of institutions, agencies, organizations are cross-indexed.

Safeguards: Available only to authorized personnel.

Retention and disposal: Names are kept indefinitely; may be removed on request.

System manager(s) and address:

Administrative Assistant  
Room 5564  
400 - 6th Street, S.W.  
Washington, D.C.

Notification procedure: See above; written requests only.

Record access procedures: See above.

Contesting record procedures: See above.

Record source categories: Grant applications, letters, telephone calls, other OCD mailing lists, individuals themselves.

Systems exempted from certain provisions of the act: None.

09-80-0007

System name: National Center for Child Advocacy Mailing List. HEW OHD OCD CB.

Security classification: None.

System location:

Room 5819  
400 - 6th Street, S.W.  
Washington, D. C. 20201

Categories of individuals covered by the system: Persons interested in Child Advocacy activities including social workers, foster parents, juvenile court judges, Community Coordinated Child Care program directors, various Federal staff and members of the general public who have requested information.

Categories of records in the system: Names, titles, addresses.

Authority for maintenance of the system: Children's Bureau Act of 1912.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Addressograph plate, paper file.

Retrievability: Indexed alphabetically cross-indexed by area of subject interest.

Safeguards: Available only to authorized personnel.

Retention and disposal: Names kept on file indefinitely; may be removed on request.

System manager(s) and address:

Chief, NCCA  
Room 5819  
400 - 6th Street, S.W.  
Washington, D. C. 20201

Notification procedure: See above; written requests only.

Record access procedures: See above.

Contesting record procedures: See above.

Record source categories: Other OCD mailing lists grant applications, letters, telephone calls, individuals themselves.

09-80-0008

System name: OCD Research and Development Program Mailing Lists. HEW OHD OCD R&E.

Security classification: None.

System location:

Room 5524  
400 - 6th Street, S.W.  
Washington, D. C. 20201

Categories of individuals covered by the system: Persons interested in OCD Research and Demonstration program or in applying for research or demonstration programs, project directors of funded programs, university and research organization staff.

Categories of records in the system: Names, titles, addresses.

Authority for maintenance of the system: 42 USC 626.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files.

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**Retrievability:** Indexed alphabetically.  
**Safeguards:** Available only to authorized personnel.  
**Retention and disposal:** Names are kept on file indefinitely; may be removed by request.  
**System manager(s) and address:**  
 Administrative Assistant  
 Room 5524  
 400 - 6th Street, S.W.  
 Washington, D. C. 20201  
**Notification procedure:** See above for address; written requests only.  
**Record access procedures:** See above for address.  
**Contesting record procedures:** See above for address.  
**Record source categories:** Applications for grants, telephone and written requests.  
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 None.

## 09-80-0009

**System name:** OCD Mailing List HEW OHD OCD R10.  
**Security classification:** None.  
**System location:**  
 GSA - Federal Building  
 915 2nd Avenue  
 Seattle, Washington 98104  
**Categories of individuals covered by the system:** OCD grantees, affiliates, persons requesting information on OCD programs.  
**Categories of records in the system:** Mailing Key contains persons' names, titles, and addresses only.  
**Authority for maintenance of the system:** Community Services Act of 1974 (42 USC 2710).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** On 3 x 5 index cards and metal plates.

**Retrievability:** Indexed by code using letters and numbers; used for correspondence, to distribute program information and bimonthly newsletter.

**Safeguards:** Access by authorized personnel only.

**Retention and disposal:** Information is kept as long as accurate and persons are still interested in receiving information, then they are destroyed.

**System manager(s) and address:**

Director  
 Office of Child Development  
 710 2nd Avenue, Room 1490  
 Seattle, Wash. 98104

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Source of information is directly from grantees and interested persons wanting to receive information.

**Systems exempted from certain provisions of the act:** None.

## 09-80-0010

**System name:** Mailing list for ONAP publications. OHD-ONAP  
**Security classification:** None.  
**System location:**  
 Room 4152 Donohoe Building  
 400 - 6th St., S.W.  
 Washington, D.C. 20201

**Categories of individuals covered by the system:** Individuals who request information on Native American Programs.

**Categories of records in the system:** Name and address of individuals or organizations who request information.

**Authority for maintenance of the system:** P.L. 93-644 'Headstart, Economic Opportunity, and Community Partnership Act, 1974', Title VIII-Native American Programs.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The addresses are kept in card index file box.

**Retrievability:** Indexed by individual or organizational name.

**Safeguards:** Access to authorized personnel only.

**Retention and disposal:** List will be permanent mailing list.

**System manager(s) and address:**

Public Information Officer  
 Room 4829 Donohoe Bldg.  
 400 - 6th St., S.W.  
 Washington, D.C. 20201

**Notification procedure:** System manager address same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Incoming correspondence, individuals themselves.

**Systems exempted from certain provisions of the act:** None.

## 09-80-0011

**System name:** Consultants for Federal Technical Assistance Program, Vocational Rehabilitation Services. HEW OHD ORS IX.

**Security classification:** None.

**System location:**

Room 463, Federal Office Building  
 50 Fulton Street  
 San Francisco, CA 94102  
 and Regional Federal Record Center

**Categories of individuals covered by the system:** Technical Assistance Consultants.

**Categories of records in the system:** Name, address, education, experience (general business resume of qualifications).

**Authority for maintenance of the system:** P.L. 93-112, Sec. 304C.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper files, standard metal file cabinets.

**Retrievability:** Indexed alphabetically. Copies to Central Office for consolidation into 'Roster of Federal Technical Assistance Consultants Directory.'

**Safeguards:** Access limited to ORS staff. Rooms in which file cabinets are located are locked during non-duty hours.

**Retention and disposal:** Files maintained for two years then retired to Federal Records Center.

**System manager(s) and address:**

Director ORS  
 Room 463, Federal Office Building  
 50 Fulton Street  
 San Francisco, CA 94102

**Notification procedure:** System Manager; require name and professional affiliation.

**Record access procedures:** Same as above.

**Contesting record procedures:**

ARD, OHD  
 Room 441, Federal Office Building  
 50 Fulton Street  
 San Francisco, CA 94102

**Record source categories:** Individual or project agency official.

**Systems exempted from certain provisions of the act:** None.

## 09-80-0012

**System name:** Office of Rehabilitation Services Mailing Lists. OHD-ORS-R10

**Security classification:** None.

**System location:**

Department of Health, Education and Welfare  
 Office of Rehabilitation Services  
 Room 1001, Arcade Plaza Building  
 1321 Second Avenue  
 Seattle, Washington 98101

**Categories of individuals covered by the system:** Providers of rehabilitation services in Region X individuals who have requested that they receive program information, grantees, grant applicants.

**Categories of records in the system:** Name, address, title, phone numbers.

**Authority for maintenance of the system:** P.L. 93-112.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Card files.

**Retrievability:** Indexed by name. Used by ORS staff to disseminate program information.

**Safeguards:** Access by authorized personnel only.

**Retention and disposal:** Retained indefinitely.

**System manager(s) and address:**

Director, Office of Rehabilitation Services  
 OHD, HEW, M.S. 137  
 Arcade Plaza Building  
 1321 Second Avenue  
 Seattle, Washington 98101

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Individuals themselves, from grant applications.

**Systems exempted from certain provisions of the act:** None.

## 09-80-0014

**System name:** Runaway Youth Act Mailing Lists HEW OHD OYD.

**Security classification:** None.

**System location:**

Room 1618 Donahoe Building  
 400 6th St. S.W.  
 Washington, D.C. 20201

**Categories of individuals covered by the system:** Individuals who make inquiries regarding publications, grant programs and other matters related to the Runaway Youth Act.

**Categories of records in the system:** Names, addresses and titles of individuals and agencies.

**Authority for maintenance of the system:** The Juvenile Justice and Delinquency Prevention Act of 1974. P.L. 93-415, Title III. 42 USC 5701 Regulations; Vol. 40 No. 78 45 CFR 1351.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To members of Congress; to agencies in the youth field; to Colleges and to other Federal agencies on request. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The mailing lists are maintained in metal file cabinets and on cards.

**Retrievability:** Mailing lists are indexed with OYD code numbers and indexed alphabetically.

**Safeguards:** Direct access restricted to authorized OYD staff.

**Retention and disposal:** Mailing lists are maintained indefinitely.

**System manager(s) and address:**

Head, OYD Office  
 Room 1651, Donahoe Building  
 400 6th St. S.W.  
 Washington, D.C. 20201

**Notification procedure:** System manager.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** From individuals requesting by phone or letter to be placed on list.

**Systems exempted from certain provisions of the act:** None.

## 09-80-0015

**System name:** National Clearing House on Aging-Mailing Keys HEW AOA NCA.

**Security classification:** None.

**System location:**

Room 3544 Donohoe Building  
 400 6th Street, S.W.  
 Washington, D. C. 20201

**Categories of individuals covered by the system:** Individuals interested in the field of aging.

**Categories of records in the system:** Name, title, and address of individual or organization.

**Authority for maintenance of the system:** Older Americans Act of 1965, as amended.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The records are maintained in a card index file and computer storage. A listing of the various lists by type of organization

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or purpose and the number of addresses on each list, plus the number of copies to be distributed, is maintained.

**Retrievability:** Indexed by name of individual or organization used by staff for mailing AOA publications, fact sheets, and press releases.

**Safeguards:** Card index may be inspected on demand but general use restricted to authorized personnel.

**Retention and disposal:** Lists are circularized yearly as required by the Joint Committee on Printing, and individuals not responding are dropped from list.

**System manager(s) and address:**

Chief, Public Information Division  
400 - 6th Street, S.W., Rm. 3544  
Washington, D.C. 20201

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** From individuals themselves, professional directories, grant files.

**Systems exempted from certain provisions of the act:** None.

09-80-0016

**System name:** Children's Bureau General Mailing list HEW OHD OCD CB.

**Security classification:** None.

**System location:**

Room 4109  
400 - 6th Street, S.W.  
Washington, D. C. 20201

**Categories of individuals covered by the system:** Individuals interested in Children's Bureau programs, OCD consultants.

**Categories of records in the system:** Names, addresses, titles.

**Authority for maintenance of the system:** Children's Bureau Act of 1912.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Addressograph plates, paper files.

**Retrievability:** Indexed alphabetically.

**Safeguards:** Available only to authorized personnel.

**Retention and disposal:** Records kept indefinitely. Names are removed on request.

**System manager(s) and address:**

Publications Coordinator  
Room 4109  
400 - 6th St., S.W.  
Washington, D.C. 20201

**Notification procedure:** See above; written requests only.

**Record access procedures:** See above.

**Contesting record procedures:** See above.

**Record source categories:** Individuals themselves.

09-80-0017

**System name:** Children Today Mailing List HEW OHD OCD CB.

**Security classification:** None.

**System location:**

Room 4109  
400 - 6th Street, S.W.  
Washington, D.C. 20201

**Categories of individuals covered by the system:** Subscribers and contributors to Children Today

**Categories of records in the system:** Names and addresses of subscribers and contributors.

**Authority for maintenance of the system:** Children's Bureau Act of 1912.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Addressograph plates, paper files.

**Retrievability:** Indexed alphabetically.

**Safeguards:** Available to authorized persons only.

**Retention and disposal:** Records are retained indefinitely, names removed by request.

**System manager(s) and address:**

Publications Coordinator  
Room 4109  
400 - 6th Street, S.W.  
Washington, D. C.

**Notification procedure:** Same as above; written requests only.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Incoming correspondence, telephone calls, individuals themselves.

**Systems exempted from certain provisions of the act:** None.

09-80-0018

**System name:** Mailing keys. HEW/OHD/RSA.

**Security classification:** None.

**System location:**

Mailing Distribution Unit, Division of Printing  
Room G320 North Building  
330 Independence Avenue, S.W.  
Washington, D.C. 20201

**Categories of individuals covered by the system:** State vocational rehabilitation agencies (general and blind), rehabilitation facilities, persons interested in statistics, persons interested in the deaf.

**Categories of records in the system:** Name of agency or individual, and address.

**Authority for maintenance of the system:** The Rehabilitation Act of 1973 (P.L. 93-112) and the Rehabilitation Amendments of 1974 (P.L. 93-516).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** IBM Master Cards are stored in file drawers.

**Retrievability:** These IBM cards are filed by key number, City and State and Zip Code.

**Safeguards:** Only authorized persons allowed access.

**Retention and disposal:** Maintained as long as necessary and then destroyed.

**System manager(s) and address:**

Director, Administrative Services, RSA  
Room 3122, MES Building  
330 C Street, S.W.  
Washington, D.C. 20201

**Notification procedure:** System Manager. Address same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** From agencies or individuals themselves.

**Systems exempted from certain provisions of the act:** None.

09-80-0019

**System name:** Correspondence Files. HEW/OHD/RSA.

**Security classification:** None.

**System location:**

Room 5114, MES Building  
330 C Street, S. W.  
Washington, D. C. 20201

**Categories of individuals covered by the system:** Members of Congress, The White House, departments and agencies of Federal, State and local government, private voluntary groups and the general public.

**Categories of records in the system:** Name and address of individuals submitting correspondence, responses and exchanges of information associated with the Federal-State vocational rehabilitation program.

**Authority for maintenance of the system:** The Rehabilitation Act of 1973 (P.L. 93-112) and the Rehabilitation Amendments of 1974 (P.L. 93-516).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The records are maintained in file cabinets.

**Retrievability:** Congressional correspondence filed by name of Congressman. Other correspondence filed in alphabetical order by name of signer.

**Safeguards:** Access to authorized individuals only.

**Retention and disposal:** Inquiry records are maintained five years and sent to the Federal Records Disposal Center.

**System manager(s) and address:**

Commissioner of Rehabilitation Services  
Room 5114, MES Building  
330 C Street, S. W.  
Washington, D. C. 20201

**Notification procedure:** Inquirer should provide name and address.

**Record access procedures:**

Commissioner of Rehabilitation Services  
Room 5114, MES Building  
330 C Street, S. W.  
Washington, D. C. 20201

**Contesting record procedures:** Same as above.

**Record source categories:** Incoming correspondence, responses and material provided by individual.

**Systems exempted from certain provisions of the act:** None. /\*

09-40-0002

**System name:** Registry of Deaf-Blind Children - Regional-National. HEW E.

**Security classification:** None.

**System location:** See Appendix 1.

**Categories of individuals covered by the system:** Deaf-blind children enrolled in Title VI-C supported programs or for whom services are being planned by each state under the 10 regional deaf-blind centers are indicated in the registry by name, or code as determined by state and local regulations. The registry contains information on children by sex, demographic data, and service status of child.

**Categories of records in the system:** Name, address, service category, i.e., service being provided to the child, fiscal data such as state, local, or federal funding received by each program under the regional deaf-blind center.

**Authority for maintenance of the system:** 20 USC 1422.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Authorized staff of regional deaf-blind centers, state and local education agencies and participating agencies for the purpose of planning and developing appropriate programs to meet short and long term needs of deaf-blind children have access to statistical aggregate data only through authorized center staff. Registry data will be coordinated with a joint national registry in cooperation with the National Center for Deaf-Blind Youths and Adults. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Card index, paper files in metal file cabinets in each regional center office, computer discs and magnetic tapes under management of one regional center and the National Deaf-Blind Center.

**Retrievability:** Registries are indexed by name, or code, for each child reported by programs serving deaf-blind children and maintained only by the regional center staff. Statistical aggregate data is available for planning purposes to center staff, regional advisory committee members, state and local education agencies, participating agencies and National Center for Deaf-Blind Youth and Adults.

**Safeguards:** Direct access to regional registries is controlled by each regional center and statistical data are made available only to authorized officials as indicated above. Regional and national registries maintained under lock and key; and code for data on computer tapes known only to authorized staff responsible for their management. Exception: subject to disclosure requirements of the Privacy Act.

**Retention and disposal:** Regional and national registries are maintained throughout educational and rehabilitation lifetime of the individual, or removed upon request by parents or the client.

**System manager(s) and address:**

Chief, Special Services Branch/BEH  
Room 4046 Donohoe Building  
400 Maryland Avenue  
Washington, D.C. 20202

**Notification procedure:** System manager for general inquiries; for specific information contact regional center serving state which child is from. See Appendix 1. Provide child's name and/or any I.D. number or code assigned to regional center.

**Record access procedures:** Contact system manager.

**Contesting record procedures:** Contact system manager.

**Record source categories:** Parents, referrals by states and participating agencies serving deaf-blind children, to the regional deaf-blind center. All data are provided on a voluntary basis.

**Systems exempted from certain provisions of the act:** None

09-40-0003

**System name:** Student Participants in Deaf-Blind Programs under Centers and Services for Deaf-Blind Children -- HEW E.

**Security classification:** None.

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System location: See Appendix I.

**Categories of individuals covered by the system:** General intake data including name and address of child, medical, sociological and educational data relevant to the child in order to determine child's eligibility for services and plan prescribed program to meet child's needs.

**Categories of records in the system:** Name, address, general intake data as described above and maintained in file record of program in which child is enrolled. All information is provided by consent and knowledge of parents of child.

**Authority for maintenance of the system:** 20 USC 1422.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Authorized officials and staff of immediate program in which child is enrolled. Regional Center staff for planning short and long term program alternatives for the child. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper files stored in file cabinets of individual programs in which child is enrolled. Only authorized staff have access to records with approval of administrative official of said program.

**Retrievability:** Files are indexed by child's name and are retrievable only by authorized staff of program in which child is enrolled, and by parent of child.

**Safeguards:** Files are maintained under lock and key and cannot be removed without approval of authorized official of program in which child is enrolled. Exception: subject to disclosure requirements of Privacy Act.

**Retention and disposal:** Files are maintained as long as child is enrolled in program. File may follow child, as child moves to another program or state.

**System manager(s) and address:**

Chief, Special Services Branch/BEH  
Room 4046 Donohoe Building  
400 Maryland Avenue  
Washington, D.C. 20202

**Notification procedure:** System manager for general inquiries; for specific information see Appendix I. Provide child's name and/or code number for information regarding specific program child is enrolled in. Regional Center will provide name and address from which parent can request specific information.

**Record access procedures:** Contact system manager.

**Contesting record procedures:** Contact system manager for general information.

**Record source categories:** Parents of child enrolled in program, all data are provided on a voluntary basis.

09-40-0004

**System name:** Parent participants in deaf-blind programs provided by Regional Centers for Deaf-Blind Children. HEW E.

**Security classification:** None.

**System location:** See Appendix I.

**Categories of individuals covered by the system:** Parents of deaf-blind children enrolled in programs provided by Regional Centers for Deaf-Blind Children.

**Categories of records in the system:** Name, address, general intake data as determined by administrative officials of programs in which child is enrolled. All information requested is provided with knowledge and consent of the parent.

**Authority for maintenance of the system:** 20 USC 1422.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Authorized officials and staff of immediate program in which child is enrolled to communicate with parents regarding child's progress. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper files stored in file cabinets of individual program in which child is enrolled. Only authorized staff have access to records with approval of administrative official of said program.

**Retrievability:** Files are indexed by child's name and are retrievable only by authorized staff of program in which child is enrolled; and, by parent of child.

**Safeguards:** Files are maintained under lock and key and cannot be removed without approval of authorized official of program in which child is enrolled. Exception: subject to disclosure requirements of Privacy Act.

**Retention and disposal:** Files are maintained as long as child is enrolled in program. File may follow child, as child moves to another program or state.

**System manager(s) and address:**

Chief, Special Services Branch/BEH  
Room 4046 Donohoe Building  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

**Notification procedure:** System manager for general inquiries; for specific information see Appendix I. Provide child's name and/or code number for information regarding specific program child is enrolled in. Regional Center will provide name and address from which parents can request specific information.

**Record access procedures:** Contact system manager.

**Contesting record procedures:** Contact system manager.

**Record source categories:** Parents of child enrolled in program all data are provided on a voluntary basis.

#### APPENDIX I (for 09400002, 09400003, 09400004)

##### REGIONAL DEAF-BLIND CENTERS

Director's Office  
New England Deaf-Blind Center  
c/o Perkins School for the Blind  
175 North Beacon St.  
Watertown, Mass. 02172

Director's Office  
Mid-Atlantic (North) and Caribbean Deaf-Blind Center  
c/o New York Institute for the Blind  
999 Pelham Parkway  
Bronx, New York 10469

Director's Office  
South-Atlantic Deaf-Blind Center  
c/o N. Carolina Dept. of Public Instruction  
Division of Exceptional Children  
Education Building - Room 449  
Raleigh, North Carolina 27611

Director's Office  
Southeast Deaf-Blind Center  
c/o Alabama Institute for Deaf and Blind  
Box 698  
Talladega, Ala. 35160

Director's Office  
Midwest Regional Deaf-Blind Center

c/o Michigan Department of Education  
5th Floor, Davenport Building  
Ottawa & Capitol  
Lansing, Michigan 48933

Director's Office  
South Central Deaf-Blind Center  
c/o Callier Hearing and Speech Center  
1966 Inwood Road  
Dallas, Texas 75235

Director's Office  
Texas-Deaf-Blind Center  
Texas Education Agency  
c/o Special Education Division  
9th & Jacinto  
Austin, Texas 78701

Director's Office  
Mountain-Plains Regional Deaf-Blind Center  
1345 Lincoln Street  
Denver, Colorado 80203

Director's Office  
Southwest Deaf-Blind Center  
1500 5th Street  
Sacramento, California 95814

Director's Office  
Northwest Deaf-Blind Center  
3411 South Alaska Street  
Seattle, Washington 98118

09-40-0005

**System name:** Participant waiting list for projects serving severely handicapped children and youth. HEW E.

**Security classification:** None.

**System location:** See Appendix II.

**Categories of individuals covered by the system:** Severely handicapped children and youth waiting to be included in services provided by project.

**Categories of records in the system:** Name, address, and telephone numbers of children and youth; student educational, social, psychological and relevant medical information.

**Authority for maintenance of the system:** Education of the Handicapped Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To State and local educational agencies for coordinating services to potential participants; to other relevant State and local public and private agencies providing services to such potential participants, for coordination of services; to members of the project advisory boards and parent-teacher type organizations for coordinating and augmenting services to potential participants. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information is in folders and stored in file cabinets.

**Retrievability:** Filed alphabetically by potential student surname. Records are cross indexed with listings of students by county/district. Records are available to project staff involved in planning for services to be provided.

**Safeguards:** Direct access is restricted to authorized project staff; access to room in which file cabinets are maintained is limited during non-working hours to those with keys to room. Exception: subject to disclosure requirements of Privacy Act.

**Retention and disposal:** Student files are maintained in potential student category until the enrollment of a student, or for two years following possible enrollment age of student. Disposal-records put into trash.

**System manager(s) and address:**

Chief, Special Services Branch/BEH  
Room 4046 Donohoe Building  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

**Notification procedure:** System manager; for general inquiries, provide name and possible matriculation date of student. Address is project director as cited in Appendix II.

**Record access procedures:** Contact project director.

**Contesting record procedures:** Contact project director.

**Record source categories:** Names and addresses referred from public and private educational and health agencies. Student information provided through review of records available on potential students from other public and private agencies.

09-40-0006

**System name:** Participants of Projects Serving Severely Handicapped Children and Youth. HEW E.

**Security classification:** None.

**System location:** See Appendix II.

**Categories of individuals covered by the system:** Severely handicapped children and youth participating in Special Services Branch-funded projects, and the parents of such children and youth.

**Categories of records in the system:** Name, address, and telephone numbers of children, youth and their parents; student educational, social, psychological and relevant medical information; student attendance, progress and testing records.

**Authority for maintenance of the system:** 44 USC 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To State and local educational agencies for coordinating services to participants; to other relevant state and local public agencies providing services to such participants, for coordination of services to them; to members of project advisory boards and parent-teacher type organizations for coordinating and augmenting services to participants. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper files maintained in standard file cabinets.

**Retrievability:** Filed alphabetically by student/parent surname. Records are cross-indexed with listings of students by county/school district. Records are available to project staff involved in the provision of services to the students/parents. Occasionally, personnel in State and local educational departments may be given some information from the files for the purpose of coordinating and strengthening services to the students/parents.

**Safeguards:** Direct access is restricted to authorized project staff; access to room in which file cabinets are maintained is limited during non-working hours to those with keys to room. Exception: subject to disclosure requirements of Privacy Act.

**Retention and disposal:** Student and parent files are maintained for two years following the participation of a student. Disposal-records put into trash.

**System manager(s) and address:**

Chief, Special Services Branch/BEH  
Room 4046 Donohoe Building  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

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**Notification procedure:** System manager; for general inquiries, name and matriculation dates of students. Address is project director as cited in Appendix II.

**Record access procedures:** Contact Systems Manager.

**Contesting record procedures:** Contact Systems Manager.

**Record source categories:** Names and addresses referred from public and private educational and health agencies. Student information provided through review of records of students previously receiving services from other agencies.

#### APPENDIX II (for 09400005 and 09400006)

##### PROGRAMS FOR SEVERELY HANDICAPPED CHILDREN AND YOUTH

###### ARIZONA - Program

Arizona Department of Health Services  
Bureau of Child Development  
200 N. Curry Road  
Tempe, Arizona 85281

###### CALIFORNIA - Program

California State Department of Education  
Diagnostic School for the Neurologically Handicapped  
Los Angeles, California 90012

###### CONNECTICUT - Program

Oak Hill School  
120 Holcomb Street  
Hartford, Connecticut 06112

###### FLORIDA - Program

Mailman Center for Child Development  
Debbie School  
Post Office Box 52006  
Miami, Florida 33152

###### ILLINOIS - Program

University of Illinois at Chicago Circle  
Box 4348  
Chicago, Illinois 60608

Northern Illinois University  
DeKalb, Illinois 60115

###### INDIANA - Program

Indiana University Foundation  
Developmental Training Center  
Bloomington, Indiana 47401

###### IOWA - Program

The University of Iowa  
Division of Child Psychiatry  
Iowa City, Iowa 52240

###### KANSAS - Program

Kansas Neurological Institute  
3107 W. 21st Street  
Topeka, Kansas 66604

University of Kansas Medical Center  
39th and Rainbow Blvd.  
Kansas City, Kansas 66103

University of Kansas - Public Schools  
Lawrence, Kansas 66045

###### LOUISIANA - Program

Lafayette Parish School Board  
Post Office Drawer 2158  
Lafayette, Louisiana 70502

###### MAINE - Program

Dept. of Mental Health & Corrections  
State Office Building  
Augusta, Maine 04333

Elizabeth Levinson Center  
159 Hogan Road  
Bangor, Maine 04401

###### MARYLAND - Program

Maryland State Department of Education  
William S. Baer School  
2001 Warwick Avenue  
Baltimore, Maryland 21216

Baltimore City Public Schools  
Harford Heights School  
North Avenue and Broadway  
Baltimore, Maryland 21213

JFK Institute  
Baltimore, Maryland 21205

Holly Center  
P.O. Box 2358  
Snow Hill Road  
Salisbury, Maryland 21801

###### MASSACHUSETTS - Programs

Psycho-Educational Center  
Beverly School for the Deaf  
6 Echo Avenue  
Beverly, Massachusetts 01915

###### MICHIGAN - Program

Muskegon Public Schools  
Vanderclass School  
756 Emerald Avenue  
Muskegon, Michigan 49440

###### MINNESOTA - Program

St. Paul Independent School District 0625  
Special Education Department  
360 Colborne Street  
St. Paul, Minnesota 55102

###### New York - Program

New York University  
Washington Square Center  
New York, New York 10003

Syracuse University  
Division of Special Education and Rehabilitation  
Syracuse, New York 13210

###### OHIO - Programs

The Children's Hospital of Akron  
Buchtel at Bowery  
Akron, Ohio 44308

###### OREGON - Program

Oregon State Teachers Research Division  
Oregon State System of Higher Education  
Monmouth, Oregon 97361

Portland State University  
Portland, Oregon 97207

###### PENNSYLVANIA - Program

Upsal Day School for Blind Children/ Center for the Blind  
220 West Upsal Street

Philadelphia, Pennsylvania 19119

The Pennsylvania State University  
212 J. O. Keller Building

University Park, Pennsylvania 16802

The Developmental Center for Autistic Children  
120 North Street  
Philadelphia, Pennsylvania 19139

Luzerne Intermediate Unit 018  
Kingston, Pennsylvania 18704

Appalachia Intermediate Unit 018  
Cresson Center  
Cresson, Pennsylvania 16630

###### RHODE ISLAND - Program

Meeting Street School  
667 Waterman Avenue  
E. Providence, Rhode Island 02914

###### SOUTH CAROLINA - Program

Department of Mental Retardation  
Whitten Village Piedmont Region  
Post Office Drawer 239  
Clinton, South Carolina 29325

###### TENNESSEE - Program

George Peabody College  
Institute for Youth and Social Development  
Post Office Box 43  
Nashville, Tennessee 37203

George Peabody College  
302 Mental Retardation Lab.  
Post Office Box 326  
Nashville, Tennessee 37203

###### TEXAS - Programs

Capitol Area Rehabilitation Center  
919 West 28 1/2 Street  
Austin, Texas 78705

The Governor's Coordinating Office for the Visually  
Handicapped  
Suite 1004, Westgate Station  
1112 Colorado  
Austin, Texas 78711

University of Texas at Dallas  
Richardson, Texas 75080

###### UTAH - Program

Utah State University  
Logan, Utah 84322

###### VIRGINIA - Program

Fairfax County Public Schools  
Fairfax, Virginia 22030

WASHINGTON - Program  
Washington State Department of Public Instruction  
Olympia, Washington 98504

University of Washington  
Seattle, Washington 98105

###### WEST VIRGINIA - Program

Shawnee Hills Regional Center  
Department of Mental Health  
P.O. Box 338  
Institute, West Virginia 25112

##### TERMINATED TELECOMMUNICATIONS PROJECTS FOR SEVERELY HANDICAPPED

###### INDIANA - Telecommunication

Telecommunication for Severely Handicapped Children &  
Youth  
Purdue Research Foundation  
West Lafayette, Indiana 47907

###### KENTUCKY - Telecommunication

University of Kentucky Research Foundation  
305 Kihthead Hall, East Wing  
Lexington, Kentucky 40506

###### NEW YORK - Telecommunication

Regents of the University of the State of New York  
55 Elk  
Albany County Albany, New York 12224

Teaching Resource Center  
City University of New York  
144 West 125th Street  
New York, New York 10027

###### UTAH - Telecommunication

Exceptional Child Center  
Utah State University  
Logan, Utah 84322

09-40-0007

**System name:** Participants in Workshops Concerning Severely Handicapped Children and Youth. HEW E.

**Security classification:** None.

**System location:**

Room 4046 Donohoe Building  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

**Categories of individuals covered by the system:** Professionals and non-professionals attending BEH sponsored or supported national and regional workshops which deal with severely handicapped children and youth.

**Categories of records in the system:** Name and address of workshop participants.

**Authority for maintenance of the system:** 44 USC 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To national organizations of professionals working with severely handicapped children and youth for sharing of information and coordination of activities; to State and local educational agencies directing attention to this special field of services. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File Cabinet storage, paper files.

**Retrievability:** Indexed and filed by name of conference-workshop location of conference, and topic(s) discussed. Cross-indexed by name of participant in alphabetical listings.

**Safeguards:** Direct access is restricted to authorized program staff; access to room in which file cabinets are maintained is



limited during non-working hours to those with HEW passes to building. Exception: Subject to the disclosure requirements of the Privacy Act.

**Retention and disposal:** Workshop Participants files are maintained for two years following the completion of a conference/workshop. Disposal-records put into trash.

**System manager(s) and address:**

Chief, Special Services Branch/BEH  
Room 4046 Donohoe Building  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

**Notification procedure:** System manager; for general inquiries, name and address of participant. Address is Program Officer, cited above.

**Record access procedures:** Contact System Manager directly.

**Contesting record procedures:** Contact System Manager.

**Record source categories:** Names and addresses obtained from the participants attending national or regional meetings concerning severely handicapped children and youth.

09-40-0011

**System name:** Upward Bound Information System. HEW E.

**Security classification:** None.

**System location:**

Room 3319-C, GSA - Regional Office Building 03  
7th & D Streets, S. W.  
Washington, D. C. 20202

**Categories of individuals covered by the system:** Current and former participants in the Upward Bound Program.

**Categories of records in the system:** The student's: name, system identifier number, social security number, sex, date of birth, ethnic background, home address, dates of entry into and departure from Upward Bound, income eligibility data, need for program services, veteran's status, current enrollment status and grade level, high school and expected date of graduation, high school academic program and grade point average at times of entry into and departure from the program, Scholastic Aptitude Test and American College Test Score data (if applicable), reason for leaving program, postsecondary school enrollment data and adequacy of financial aid or reason for not pursuing a postsecondary education, and, employment status.

**Authority for maintenance of the system:** Title IV-A of the Higher Education Act of 1965, as amended.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** For the routine uses set forth in Appendix B to 45 Code of Federal Regulations Part 5b. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are stored on magnetic tape files at OE's contractor site, 5185 MacArthur Blvd., N.W., Washington, D.C. 20016.

**Retrievability:** Records are accessed primarily by a student number assigned by the Upward Bound computer system. Individual student information is used by program officers for program monitoring and for verifying student eligibility. Summary statistics, excluding any personal information, are produced to develop profile information regarding program participants for program evaluation, planning, and reporting purposes. Summary statistics concerning the postsecondary placement, enrollment and graduation of former participants are produced for project and program monitoring and evaluation. Exception: Subject to disclosure requirements of Privacy Act.

**Safeguards:** Only designated personnel are authorized to have access to the files.

**Retention and disposal:** Current records are maintained indefinitely.

**System manager(s) and address:**

Chief, Data Collection, Analysis and Dissemination Section  
Division of Student Services and Veterans Programs, BHCE  
Room 4662, ROB-3  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

**Notification procedure:** Contact system manager.

**Record access procedures:** Contact system manager.

**Contesting record procedures:** Contact system manager.

**Record source categories:** Information is submitted by the institution's program director who obtains it directly from the individual students. Information regarding the enrollment and graduation of former participants is also obtained from college registrars.

09-40-0012

**System name:** Migration and Refugee Assistance Act of 1962-- United States Loan Program for Cuban Students. HEW E.

**Security classification:** None.

**System location:**

7th & D Streets, S.W. Room 4018  
Washington, D.C. 20202

**Categories of individuals covered by the system:** Cuban refugees who have borrowed money under the program to finance their education at eligible institutions of higher education.

**Categories of records in the system:** (1) All individual student files contain the following personal data: name, address, institution, OE ID No.; sex, date of birth, marital status, dependents; place of birth, immigration status, Social Security number; name and address of parents and relatives; employment record for past five years; educational pursuits, career objective; financial information (relatives); date of separation, total amount borrowed; repayment schedule, collections, deferments, cancellations; (2) Additional information on those who request a postponement of repayment on ground of hardship: place of employment, income; regular expenses, lists of debts giving name and address of creditor, nature of indebtedness, total cost, balance owed, frequency of payment and amount of each payment; (3) Additional information on those who request cancellation of loan on ground of permanent and total disability: nature of disability, date symptoms first appeared; name, address of doctor or hospital providing examination(s) and treatment; history of disability, present condition, diagnosis, treatment, progress, prognosis.

**Authority for maintenance of the system:** Migration and Refugee Assistance Act of 1962, Section 2, Public Law 87-510 (22 U.S.C. 2601).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To contractor providing billing and collection services for purposes of maintaining accurate and current records of participating students; to students who request a record of their account; to Internal Revenue Service and Immigration and Naturalization Service for purposes of skip-tracing lost borrowers; and to the General Accounting Office or the Department of Justice for legal action against delinquent borrowers and for the routine uses set forth in Appendix B to 45 Code of Federal Regulations Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in hard-copy filed in a lektreiver and standard (locked) filed cabinets.

**Retrievability:** Records are indexed by individual name and OE identification number. Records are available to DSFA staff involved in correspondence with Cuban refugee borrowers, contractor personnel if necessary and members of the Office of General Counsel. Records are available to Public Health Service for determinations on requests for medical postponement of repayment of loan or permanent and total disability.

**Safeguards:** Direct access is restricted to authorized program officials and contractor personnel. Physically safeguarded by use of lektreiver and standard file cabinets which are locked during non-working hours. Exception: Subject to disclosure requirements of Privacy Act.

**Retention and disposal:** Records maintained indefinitely.

**System manager(s) and address:**

Director, Division of Student Financial Aid  
Room 4018, GSA - Regional Office Building  
7th & D Streets, S.W.  
Washington, D.C. 20202

**Notification procedure:** System manager (see above) will respond to inquiries. Inquiries must contain system identification number and system name; name and address of borrower concerned; and date of previous correspondence, if any.

**Record access procedures:** Contact system manager.

**Contesting record procedures:** Contact system manager.

**Record source categories:** Original information is submitted by the institution's program director who obtains it directly from the individual students; additional information in the case of requests for hardship postponements or cancellations on the grounds of total and permanent disability is obtained from the student, a doctor and/or a hospital; and if a borrower dies before completion of repayment, proof of death is obtained from appropriate source.

09-40-0013

**System name:** National Defense Student Loan Program -- Request for Cancellation of Loan on Ground of Permanent and Total Disability. HEW E.

**Security classification:** None.

**System location:**

Room 4004 GSA - Regional Office Building  
7th and D Streets, S.W.  
Washington, D.C. 20202

**Categories of individuals covered by the system:** Student borrowers under the National Defense Student Loan Program requesting loan cancellation because of permanent and total disability.

**Categories of records in the system:** Information on borrowers requesting disability cancellation of loans includes name, address, Social Security number, medical records, name and address of lending institution, and other information needed to process such cancellation requests.

**Authority for maintenance of the system:** Title IV-E of the Higher Education Act of 1965, as amended.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** For the routine uses set forth in Appendix B to 45 Code of Federal Regulations Part 5b. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records in hard copy form are maintained in standard file cabinets.

**Retrievability:** Records are accessed by individual's name only. Program officials use the records to secure appropriate information on which the Commissioner of Education may make a determina-

tion to cancel a National Defense Student Loan for reasons of permanent and total disability. Public Health Service physicians serve as the Program's Medical Review Board to make final determinations as to the validity of claims.

**Safeguards:** Only program officials are authorized to have access to the files. Exception: Subject to disclosure requirements of the Privacy Act.

**Retention and disposal:** The file is a cumulative one. To date, all individual case records are maintained as initially filed; none have been deleted, removed, or stored elsewhere.

**System manager(s) and address:**

Director, Division of Student Financial Aid  
Room 4100 ROB  
7th and D Streets, S.W.  
Washington, D.C. 20202

**Notification procedure:** System manager (see above).

**Record access procedures:** Contact system manager.

**Contesting record procedures:** Contact system manager.

**Record source categories:** Information is submitted by the borrower requesting cancellation and by his physician(s), through the lending institution.

09-40-0014

**System name:** Basic Grant Application File. HEW-E.

**Security classification:** None.

**System location:**

Room 4717  
GSA-Regional Office Building 03  
Washington, D.C. 20202

Basic Grant Processing Center  
Iowa City, Iowa 52240

**Categories of individuals covered by the system:** Students applying for and receiving Basic Grant assistance.

**Categories of records in the system:** Name, address, birthdate, Social Security number, and financial data necessary to identify applicants and calculate their eligibility index for Basic Grants.

**Authority for maintenance of the system:** Title IV-A, of the Higher Education Act of 1965.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Identifying information and eligibility index of applicants is provided to those institutions of postsecondary education in which the applicants plan to enroll or are enrolled. The same data are provided to State scholarship agencies having agreements with the Commissioner for purposes of coordinating State aid with the Basic Grant Program. On request, information is provided to members of Congress who inquire on behalf of a constituent and for the routine uses set forth in Appendix B to 45 Code of Federal Regulations Part 5b. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Original applications are maintained in standard file cabinets in Basic Grant processing center. Micro-fiche records are maintained in Washington office in standard file cabinets.

**Retrievability:** Records are indexed by name of applicant with a cross-index file by Social Security number. Records are available to all Division of Basic and State Student Grant staff (including appropriate contract support).

**Safeguards:** Only designated program officials and contract staff have access to file. Exception: Subject to disclosure requirements of Privacy Act.



**Retention and disposal:** Original records are maintained until end of academic year and then stored in Federal Records Center.

**System manager(s) and address:**

Director, Division of Basic and State Student Grants  
Room 4717, ROB-3  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

**Notification procedure:** System Manager; provide name. Address same as above.

**Record access procedures:** Contact system manager.

**Contesting record procedures:** Contact system manager.

**Record source categories:** Applications.

09-40-0015

**System name:** Basic Grant Student Eligibility Report Sub-system. HEW-E.

**Security classification:** None.

**System location:**

Room 4717  
GSA-Regional Office Building 03  
Washington, D.C. 20202

**Categories of individuals covered by the system:** Basic Grant recipients.

**Categories of records in the system:** Name, address, birthdate, Social Security number, financial data and status of award for Basic Grant recipients.

**Authority for maintenance of the system:** Title IV-A, of the Higher Education Act of 1965.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To prepare annual student validation roster for submission to schools in order to verify payments made to students. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Original Student Eligibility Reports and hard copy are maintained in standard file cabinet.

**Retrievability:** Records are indexed by institution and by name and Social Security number within school. Records are used to verify and reconcile institutional expenditures.

**Safeguards:** Direct access is restricted to authorized staff. Exception: Subject to disclosure requirements of Privacy Act.

**Retention and disposal:** Original copies are maintained until fiscal year funds are closed out and then stored at Federal Records Center.

**System manager(s) and address:**

Director, Division of Basic and State Student Grants  
Room 4717, ROB-3  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

**Notification procedure:** System manager; provide name. Address same as above.

**Record access procedures:** Contact system manager.

**Contesting record procedures:** Contact system manager.

**Record source categories:** Student Eligibility Report.

09-40-0016

**System name:** Basic Educational Opportunity Grant Alternate Disbursement System. HEW-E.

**Security classification:** None.

**System location:**

Room 4717

GSA-Regional Office Building 03  
Washington, D.C. 20202

**Categories of individuals covered by the system:** Eligible applicants who are paid directly by Federal government since they are enrolled in eligible non-participating schools.

**Categories of records in the system:** Name, address, birthdate, Social Security number, financial data, and enrollment status of Basic Grant recipients paid through this system.

**Authority for maintenance of the system:** Title IV-A, of the Higher Education Act of 1965.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** For routine uses set forth in Appendix B to 45 Code of Federal Regulations Part 5b. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in standard file cabinet.

**Retrievability:** Records are indexed by name of applicant. Records are available to Division of Basic and State Student Grant staff.

**Safeguards:** Direct access is restricted to authorized staff.

**Retention and disposal:** Original copies are maintained until fiscal year funds are closed out and then stored at Federal Records Center.

**System manager(s) and address:**

Director, Division of Basic and State Student Grants  
Room 4717, ROB-3  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

**Notification procedure:** System manager; name and Social Security number. Address same as above.

**Record access procedures:** Contact system manager.

**Contesting record procedures:** Contact system manager.

**Record source categories:** Student Eligibility Reports and Requests for Payment from applicants.

09-40-0017

**System name:** Basic Educational Opportunity Grant Student Validation File. HEW-E.

**Security classification:** None.

**System location:**

Room 4717 Regional Office Bldg. 03  
Washington, D.C. 20202

**Categories of individuals covered by the system:** Basic Educational Opportunity Grant student recipients.

**Categories of records in the system:** Basic Educational Opportunity Grant application information.

**Authority for maintenance of the system:** Title IV-A, of the Higher Education Act of 1965.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** For routine uses, set forth in Appendix B to 45 Code of Federal Regulations Part 5b. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the

Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in locked file cabinet.

**Retrievability:** Records are indexed by name and are available only to specifically designated staff involved in validation process.

**Safeguards:** Access is restricted to authorized staff only and files are maintained in locked cabinet. Exception: Subject to disclosure requirements of Privacy Act.

**Retention and disposal:** Records are maintained until resolved and then stored in Federal Records Center.

**System manager(s) and address:**

Director, Division of Basic and State Student Grants  
Room 4717, ROB-3  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

**Notification procedure:** System manager; name. Address same as above.

**Record access procedures:** Contact system manager.

**Contesting record procedures:** Contact system manager.

**Record source categories:** Application data, incoming correspondence and related material, obtained during course of investigation.

09-40-0018

**System name:** Mutual Educational and Cultural Exchange Act Teacher Exchange Grantees and Applicants. HEW E.

**Security classification:** None.

**System location:**

Room 3069, Regional Office Building  
7th and D. Streets, S.W.  
Washington, D.C. 20202

**Categories of individuals covered by the system:** Individuals who have been selected to teach abroad under the Teacher Exchange Program. Individuals who have applied to teach abroad under the Teacher Exchange Program.

**Categories of records in the system:** Name, address, telephone number, date and place of birth, citizenship, dependents, educational background, employment background, languages, membership in clubs and organizations of the individuals, personal references including reports of interviews, administrative approval, and language proficiency when required.

**Authority for maintenance of the system:** The Mutual Educational and Cultural Exchange Act of 1961, as amended (22 USC 2451-2458).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** For routine uses set forth in Appendix B to 45 Code of Federal Regulations Part 5b. U.S. binational commissions, the board of foreign scholarships and concerned country educational authorities to determine suitability of candidate for teaching position in their country. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The records are maintained in hard-copy filed in standard file cabinets.

**Retrievability:** Records are accessed by individual names only by authorized OE staff for the purposes of determining eligibility for teacher exchange grants, for selection of teacher exchange grantees, and to develop profile information regarding recipients of grants for program evaluation, planning, and reporting purposes.

**Safeguards:** Direct access is restricted to authorized OE staff. Exception: Subject to disclosure requirements of Privacy Act.

**Retention and disposal:** Records are maintained for three years.

**System manager(s) and address:**

Division Director, Division of International Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

**Notification procedure:** Contact system manager.

**Record access procedures:** Contact system manager.

**Contesting record procedures:** Contact system manager.

**Record source categories:** Information is submitted by the individual on approved application forms.

09-40-0019

**System name:** National Defense Education Act Foreign Language and Area Studies Fellowship Program -- Fellows and Alternates. HEW E.

**Security classification:** None.

**System location:**

7th and D. Streets, S.W. Room 3727  
Washington, D.C. 20202

**Categories of individuals covered by the system:** Individuals who have been nominated by their institution of higher education to be a recipient or alternate recipient of a fellowship.

**Categories of records in the system:** Name, address, telephone number, citizenship, career goal, language competency, educational background, oath or affirmation of allegiance, previous awards held and statement of crimes on all individuals.

**Authority for maintenance of the system:** National Defense Education Act of 1958, as amended, Title VI, Section 601(b); Title X, Section 1001(f)(1), (2).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** For routine uses set forth in Appendix B to 45 Code of Federal Regulations Part 5b. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The records are maintained in hard-copy filed in standard file cabinets.

**Retrievability:** Records are accessed by individual names or by educational institution only by authorized OE staff members for the purposes of determining eligibility for fellowships, for establishing allowances for stipends and dependents, and for developing profile information regarding recipients of fellowships for program evaluation, planning, and reporting purposes.

**Safeguards:** Direct access is restricted to authorized OE staff. Exception: Subject to disclosure requirements of Privacy Act.

**Retention and disposal:** Records are maintained three years.

**System manager(s) and address:**

Division Director, Division of International Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

**Notification procedure:** Contact system manager.

**Record access procedures:** Contact system manager.

**Contesting record procedures:** Contact system manager.

**Record source categories:** Information is submitted by the individual on approved application forms.

09-40-0020

**System name:** Mutual Educational and Cultural Exchange Act-Doctoral Dissertation Research Abroad and Faculty Research Abroad, Fellows and Alternates. HEW E.

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Security classification: None.

**System location:**

7th and D Streets, S.W. Room 3727  
Washington, D.C. 20202

**Categories of individuals covered by the system:** Individuals who have been selected to be a recipient or alternate recipient of a fellowship.

**Categories of records in the system:** Name, address, educational institution, date and place of birth, veterans status, educational background, health statement, language references, personal references for all individuals, project descriptions. In addition, the annualized salary figure for all faculty fellows and alternates.

**Authority for maintenance of the system:** The Mutual Educational and Cultural Exchange Act of 1961, as amended (22 USC 2451-2458).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** For the routine uses set forth in Appendix B to 45 Code of Federal Regulations Part 5b, U.S. embassies, binational commissions, the board of foreign scholarships, and in some cases foreign governments, and to Field Readers to determine eligibility and suitability to undertake research abroad. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The records are maintained in hard-copy filed in standard file cabinets.

**Retrievability:** Records are accessed by individual names and educational institution only by authorized OE staff and Field Readers for the purposes of determining eligibility and suitability to undertake research abroad, establishing allowances for travel, maintenance, and dependents, and for developing profile information regarding recipients of fellowships for program evaluation, planning, and reporting purposes.

**Safeguards:** Direct access is restricted to authorized OE staff. Exception: Subject to disclosure requirements of Privacy Act.

**Retention and disposal:** Records are maintained three years.

**System manager(s) and address:**

Division Director, Division of International Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

**Notification procedure:** Contact system manager.

**Record access procedures:** Contact system manager.

**Contesting record procedures:** Contact system manager.

**Record source categories:** Information is submitted by the individual on approved application forms.

09-40-0021

**System name:** Guaranteed Student Loan Program -- Compliance Files. HEW E.

**Security classification:** None.

**System location:**

Room 4636, GSA-Regional Office Building  
7th and D Streets, S.W.  
Washington, D.C. 20202

**Categories of individuals covered by the system:** Student borrowers and loan applicants, personnel of GSLP, regional offices, participating schools, and lenders, who are involved in complaints or allegations of program irregularities, noncompliance, or misconduct.

**Categories of records in the system:** Contains written documentation of the alleged or proven act(s) of misconduct including name,

address, social security and claim numbers (if appropriate) of the complainant, name of the student borrower, school or lender, and the results of investigative action, prosecution or non-prosecution intent and results.

**Authority for maintenance of the system:** Higher Education Act of 1965, Title IV-B, as amended (20 U.S.C. 1071-1087-1).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To schools and lenders for investigative activities. For uses 1,3,4,5,6,8 and 103 in Appendix B of the Departmental Regulations (45 CFR Part 5b). Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The records are maintained in hard-copy filed in standard file cabinets.

**Retrievability:** The records are filed and indexed alphabetically by name and address. Intradepartmental users of these records are the HEW Office of General Counsel (OGC), HEW Office of Investigations and Security (OIS), and the OE Regional Offices (OERO). OGC usage is for the purpose of providing background data in obtaining legal rulings and opinions. OIS usage is for the purpose of obtaining documentation necessary for the investigation. OERO usage is for the purpose of coordinating actions between various regional offices.

**Safeguards:** Direct access is restricted to authorized GSLP staff; file cabinets are locked. Exception: subject to disclosure requirements of Privacy Act.

**Retention and disposal:** Records are maintained three years; compliance and investigative records are maintained five years past date of case closing. Destroyed by maceration.

**System manager(s) and address:**

Director, Division of Program Development  
Office of Guaranteed Student Loans  
Room 4636, GSA-Regional Office Building  
7th and D Streets, S.W.  
Washington, D.C. 20202

**Notification procedure:** System manager; for general inquiries, name and date of previous correspondence, if known; for compliance/investigative material, name and any I.D. number assigned. Address is same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Contact system manager, above.

**Record source categories:** Incoming correspondence, responses and material obtained during course of any investigation.

**Systems exempted from certain provisions of the act:** None.

09-40-0022

**System name:** Guaranteed Student Loan Program--Student Complaint Files. HEW E.

**Security classification:** None.

**System location:**

Room 4636, GSA-Regional Office Building  
7th and D Streets, S.W.  
Washington, D.C. 20202

**Categories of individuals covered by the system:** Student borrowers and applicants for student loans in the Guaranteed Student Loan Program who have made complaints or allegations of irregularities by schools or lenders.

**Categories of records in the system:** Contains written documentation of student complaints including name, address, social security and claim numbers (if appropriate) of the complainant, name of school and lender, and the results of investigative action.

**Authority for maintenance of the system:** Higher Education Act of 1965, Title IV-B, as amended (20 U.S.C. 1071-1087-1).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To schools and lenders for investigative activities. For uses 1,3,5,6,8 and 103 in Appendix B of the Departmental Regulations (45 CFR Part 5b). Regulations (45 Code of Federal Regulations Part 5b). Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The records are maintained in hard-copy filed in standard file cabinets.

**Retrievability:** The records are filed and indexed alphabetically by name and address. Authorized intradepartmental employees review action taken.

**Safeguards:** Direct access is restricted to authorized GSLP staff; file cabinets are locked. Exception: subject to disclosure requirements of Privacy Act.

**Retention and disposal:** Records are maintained three years; compliance and investigative records are maintained five years past date of case closing. Destroyed by maceration.

**System manager(s) and address:**

Director, Division of Program Development  
Office of Guaranteed Student Loans  
Room 4636, GSA-Regional Office Building  
7th and D Streets, S.W.  
Washington, D.C. 20202

**Notification procedure:** System manager; for general inquiries, name and date of previous correspondence, if known; for complaint/investigative material, name and any I.D. number assigned. Address is same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Contact system manager, above.

**Record source categories:** Incoming correspondence, responses and material obtained during course of any investigation.

09-40-0023

**System name:** Guaranteed Student Loan Program--Defaulted Loans Submitted to General Accounting Office. HEW E.

**Security classification:** None.

**System location:**

Room 4636, GSA-Regional Office Building  
7th and D Street, S.W.  
Washington, D.C. 20202

Room 5471, 441 G Street, N.W.

Washington, D.C. 20548

**Categories of individuals covered by the system:** Student borrowers for whom defaulted claims have been paid on Federal Insured Student Loans and subsequently submitted to General Accounting Office (GAO) for further action.

**Categories of records in the system:** Contains borrower's name, demographic background, educational and lender information, family financial information, credit data, and collection history.

**Authority for maintenance of the system:** Higher Education Act of 1965, Title IV-B, as amended (20 U.S.C. 1071-1087-1).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** For uses 1,3,4,5,6,8 and 9 in Appendix B of the Departmental Regulations (45 CFR Part 5b). Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components;

tion where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The records are maintained on microfilm filed in standard file cabinets.

**Retrievability:** Data indexed by name and date. Data utilized by collection staff to compile GSLP statistics and management reports; to implement write-off of files transferred to GAO; to provide additional information in response to GAO/Justice Department inquiries.

**Safeguards:** Direct access is restricted to authorized GSLP staff; file cabinets are locked. Exception: subject to disclosure requirements of Privacy Act.

**Retention and disposal:** Held indefinitely.

**System manager(s) and address:**

Director, Division of Operational Support  
Office of Guaranteed Student Loans  
Room 4636, GSA-Regional Office Building  
7th and D Streets, S.W.  
Washington, D.C. 20202

**Notification procedure:** System manager; for general inquiries, name and date of previous correspondence if known; for defaulted loans submitted to General Accounting Office, name, social security number and any I.D. number assigned. Address is same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Contact system manager, above.

**Record source categories:** Information is obtained from applications, correspondence and reports from borrowers and their families, lenders, schools, employers, credit agencies, and governmental agencies.

**Systems exempted from certain provisions of the act:** None

09-40-0024

**System name:** Guaranteed Student Loan Program -- Lender's Report. HEW E.

**Security classification:** None.

**System location:**

Room 4636, GSA-Regional Office Building  
7th and D Streets, S.W.  
Washington, D.C. 20202

5700 Thurston Ave.  
Virginia Beach, VA 23455

**Categories of individuals covered by the system:** Student borrowers who have applied for educational loans under the Guaranteed Student Loan Program.

**Categories of records in the system:** Contains written documentation of application including demographic background, loan and educational status, name of guarantor and lender and data on credit and family.

**Authority for maintenance of the system:** Higher Education Act of 1965, as amended (20 U.S.C. 1071-1087-1).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To contractors for updating computer records and correction of errors. For uses 1,3,5,6,8 and 9 in Appendix B of the Departmental Regulations (45 CFR Part 5b). Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components;



or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The records are maintained in hard-copy filed in standard records cartons.

**Retrievability:** Records are indexed by borrower's name. Used by GLSP personnel either to retrieve needed information on an individual, a school, a lender or as part of a random statistical sampling or review.

**Safeguards:** Direct access is restricted to authorized GLSP staff and contract employees; stored in records cartons in rooms locked during non-business hours. Exceptions: subject to disclosure requirements of Privacy Act.

**Retention and disposal:** Records of individual loans are destroyed three years after final repayment of loan. Destroyed by maceration.

**System manager(s) and address:**

Director, Division of Operational Support  
Office of Guaranteed Student Loans  
Room 4636, GSA-Regional Office Building  
7th & D Streets, S.W.  
Washington, D.C. 20202

**Notification procedure:** System manager for all inquiries, name and social security number. Address is same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Contact system manager, above.

**Record source categories:** Incoming application forms from guaranteed agencies and private non-profit agencies approved by the Commissioner. Information supplied by student, student's family and lender.

**Systems exempted from certain provisions of the act:** None.

09-40-0025

**System name:** NDSL Student Loan Files. From certain institutions that are no longer in operation. HEW.

**Security classification:** None.

**System location:**

Room 4618, Regional Office Building 03  
7th and D Streets, S.W.  
Washington, D.C. 20202

**Categories of individuals covered by the system:** Student borrowers who have obtained loans under the National Direct (formerly Defense) Student Loan Program from institutions which are either endorsing defaulted notes to the U.S. government or which are no longer in operation.

**Categories of records in the system:** Contains borrower's name, demographic background, educational and lender information, family financial information, borrower credit and financial data, and collection history.

**Authority for maintenance of the system:** Higher Education Act of 1965, Title IV-E as amended (20 USC 1087aa-ff).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** For uses 1,3,4,5,6,8 and 9 in Appendix B of the Departmental Regulations (45 CFR 5b). To various billing services under contract with OE for continued servicing of loans from institutions no longer in operation. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The records are maintained in hard-copy and microfilm filed in standard file cabinets.

**Retrievability:** Data indexed by name. Data utilized to compile NDSL statistics and management reports for NDSL staff; and used by the collection staff to collect monies owed to U.S. Government.

**Safeguards:** Direct access is restricted to authorized O.E. staff. Exception: subject to disclosure requirements of Privacy Act.

**Retention and disposal:** Hard copies destroyed by maceration after microfilming; microfilm maintained three years after repayment or cancellation of loan, and destroyed by chemical processing.

**System manager(s) and address:**

Director, Division of Student Financial Aid  
Room 4100, Regional Office Building 03  
7th and D Streets, S.W.  
Washington, D.C. 20202

**Notification procedure:** Contact system manager.

**Record access procedures:** Contact system manager.

**Contesting record procedures:** Contact system manager.

**Record source categories:** Information is obtained from applications, correspondence and reports submitted by borrowers and their families, institutions of postsecondary education, employers, credit agencies, and governmental agencies.

09-40-0026

**System name:** Guaranteed Student Loan Program--Paid Claims File. HEW E.

**Security classification:** None.

**System location:**

Room 4636, GSA-Regional Office Building  
7th and D Streets, S.W.  
Washington, D.C. 20202

**Categories of individuals covered by the system:** Student borrowers for whom claims have been paid on Federal Insured Student Loans.

**Categories of records in the system:** Contains borrower's name, demographic background, educational and lender information, family financial information, credit data, loan data, legal documents, medical reports, and collection history.

**Authority for maintenance of the system:** Higher Education Act of 1965, Title IV-B as amended (20 U.S.C. 1071-1087-1).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To contractors for issuance of collection letters; to credit company contractors for skip tracing, in-file history information, assets and ability to pay; to Internal Revenue Service for last known address; to Postal Service for last known address; to General Accounting Office for possible pre-litigation collection service and audit; to Department of Justice for possible legal action; to Federal Bureau of Investigation in performance of investigation into possible fraud cases; to State Department of Motor Vehicles for last known address; to State Bureau of Vital Statistics for verification of death; to mortgage companies for credit checks; to educational agencies or institutions against which a complaint has been made; to other lenders in the program making inquiries about the defaulted students who may have been denied additional loans; to other Federal agencies requesting information as to the repayment history of the defaulted account; to the State Department for last known address abroad; to contractors to update records and correct errors; to state guarantee agencies requesting student borrower information; and for uses 1,3,4,5,6,8 and 9 in Appendix B of the Departmental Regulations (45 CFR Part 5b). Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The records are maintained in hard-copy filed in standard file cabinets and lektriever.

**Retrievability:** Data indexed by name. Claims classified into special categories: bankruptcies; death; disabilities; repurchases by lenders; paid-in-full; and defaulted claims. Defaulted claims are separated into sub-categories: skip files, suspension files, foreign files, forbearance files, and prison files. Data utilized to compile GSLP statistics and management reports for system manager; used by collection staff to collect monies owed to U.S. Government and to perform post-audits on paid claims; to provide data to the Office of Investigations and Security in cases of possible fraud and irregularities; and to provide data to compliance staff associated with violation of the laws.

**Safeguards:** Direct access is restricted to authorized GSLP staff; file cabinets and lektriever are locked. Exception: subject to disclosure requirements of Privacy Act.

**Retention and disposal:** Records destroyed by maceration after microfilming; microfilm maintained three years after repayment or cancellation of loan, and destroyed by chemical processing.

**System manager(s) and address:**

Director, Division of Operational Support  
Office of Guaranteed Student Loans  
Room 4636, Regional Office Building  
7th and D Streets, S.W.  
Washington, D.C. 20202

**Notification procedure:** Systems manager; for general inquiries, name and date of previous correspondence, if known; for paid claim, name, social security number and any I.D. number assigned. Address is same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Contact system manager, above.

**Record source categories:** Information is obtained from applications, correspondence and reports from borrowers and their families, acquaintances, lenders, schools, employers, credit agencies, and governmental agencies.

**Systems exempted from certain provisions of the act:** None.

09-40-0027

**System name:** Guaranteed Student Loan Program--Claims and Collections Master File. HEW E.

**Security classification:** None.

**System location:**

115 Evergreen Heights Dr.  
Pittsburgh, PA 15229

**Categories of individuals covered by the system:** Defaulted student borrowers for whom the claims have been paid on Federal Insured Student Loans.

**Categories of records in the system:** Contains names, social security numbers, addresses of defaulted borrowers. Contains claim numbers, amounts of claim to include interest and lender/school identifications.

**Authority for maintenance of the system:** Higher Education Act of 1965, Title IV-B, as amended, (20 U.S.C. 1071-1087-1).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To contractors for issuance of collection letters; to credit company contractors for skip tracing, in-file history information, assets and ability to pay; to Internal Revenue Service for last known address; to Postal Service for last known address; to General Accounting Office for possible pre-litigation collection service and audit; to Department of Justice for possible legal action; to Federal Bureau of Investigation in performance of investigation into possible fraud cases; to State Department of Motor Vehicles for last known address; to State Bureau of Vital Statistics for verification of death; to mortgage companies for credit checks; to educational agencies or institutions against which a complaint has been made; to other lenders in the program making inquiries about the defaulted students who may have been denied additional loans; to other Federal agencies requesting information as to the repayment history of the defaulted account; to the State Department for last known address abroad; to contractors to update files and correct errors; to state guarantee agencies requesting student borrower information; and for uses 1,3,4,5,6,8 and 9 in Appendix B of the Departmental Regulations (45 CFR Part 5b). Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the

event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The file is maintained on magnetic tape/disk packs in a library room area at the above named locations.

**Retrievability:** The file is indexed by social security number. Data are utilized to provide OGSL program staff with statistical and managerial reports; to provide the DHEW - Office of General Counsel and the DHEW - Office of Investigations and Security with data in possible cases of fraud or irregularities. Other uses by OGSL staff are to identify student borrowers indebted to the U.S. Government who have defaulted on their student loan; reimburse lending institution for claim against a guaranteed student loan; generate and maintain financial records for OE Finance Division; maintain accounting records of collection activity for borrowers repaying loans to U.S. Government; generate managerial and statistical reports; determine a borrower's default status; verify payments applied toward defaulted student loans; update file and correct errors.

**Safeguards:** OGSL screening of authorized contractual personnel. Exception: subject to disclosure requirements of the Privacy Act.

**Retention and disposal:** Retained indefinitely.

**System manager(s) and address:**

Director, Program Systems Division  
Office of Guaranteed Student Loans  
Room 4636, GSA-Regional Office Building  
7th and D Street, S.W.  
Washington, D.C. 20202

**Notification procedure:** Contact system manager for general inquiries, supplying name, social security number and date of birth (at the above address).

**Record access procedures:** Same as above.

**Contesting record procedures:** Contact system manager, above.

**Record source categories:** Information is obtained from applications, correspondence, medical records, necessary legal documentation, and reports from borrowers and their families, lenders, schools, medical reports, employers, credit agencies, and Federal and State governmental agencies.

**Systems exempted from certain provisions of the act:** None.

09-40-0028

**System name:** Guaranteed Student Loan Program--Collection Letters. HEW E.

**Security classification:** None.

**System location:**

115 Evergreen Heights Dr.  
Pittsburgh, PA 15229

**Categories of individuals covered by the system:** Defaulted student borrowers for whom claims have been paid on Federal Insured Student Loans.

**Categories of records in the system:** Contains names, social security numbers, addresses of defaulted borrowers. Contains claim numbers, amounts of claim to include interest and lender/school identifications.

**Authority for maintenance of the system:** Higher Education Act of 1975, Title IV-B, as amended, (20 U.S.C. 1071-1087-1).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To contractors for issuance of collection letters; to credit company contractors for skip tracing, in-file history information, assets and ability to pay; to Internal Revenue Service for last known address; to Postal Service for last known address; to General Accounting Office for possible re-litigation collection service and audit; to Department of Justice for possible legal action; to Federal Bureau of Investigation in per-



formance of investigation into possible fraud cases; to State Department of Motor Vehicles for last known address; to State Bureau of Vital Statistics for verification of death; to mortgage companies for credit checks; to educational agencies or institutions against which a complaint has been made; to other lenders in the program making inquiries about the defaulted students who may have been denied additional loans; to other Federal agencies requesting information as to the repayment history of the defaulted account; to the State Department for last known address abroad; to contractors to update records and correct errors; to state guarantee agencies requesting student borrower information; and for uses 1,3,4,5,6,8 and 9 in Appendix B of the Departmental Regulations (45 CFR Part 5b). Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The file is maintained on magnetic tape/disk packs in a library room area at the above named locations.

**Retrievability:** The file is indexed by social security number. Data are utilized to provide OGSL program staff with statistical and managerial reports; to provide the DHEW - Office of General Counsel and the DHEW - Office of Investigations and Security with data in possible cases of fraud or irregularities. Other uses by OGSL staff are to identify defaulted claims in delinquent status; to contact defaulted borrowers to encourage repayment of claim disbursed by U.S. Government; to take follow-up action on delinquent defaulted accounts; to update records and correct errors.

**Safeguards:** OGSL screening of authorized contractual personnel. Exception: subject to disclosure requirements of the Privacy Act.

**Retention and disposal:** Retained indefinitely.

**System manager(s) and address:**

Director, Program Systems Division  
Office of Guaranteed Student Loans  
Room 4636, GSA-Regional Office Building  
7th and D Streets, S.W.  
Washington, D.C. 20202

**Notification procedure:** Contact system manager for general inquiries supplying name, date of birth and social security number (at the above address).

**Record access procedures:** Same as above.

**Contesting record procedures:** Contact system manager, above.

**Record source categories:** Information is obtained from applications, correspondence, medical records, necessary legal documentation, and reports from borrowers and their families, acquaintances, lenders, schools, medical reports, employers, credit agencies, and federal and state governmental agencies.

**Systems exempted from certain provisions of the act:** None.

09-40-0029

**System name:** Guaranteed Student Loan Program--Inactive Loan Control Master File. HEW E.

**Security classification:** None.

**System location:**

115 Evergreen Heights Dr.  
Pittsburgh, PA 15229

**Categories of individuals covered by the system:** Students having participated in Guaranteed Student Loan Program and purged from primary Loan Control Master File.

**Categories of records in the system:** Contains name, social security number, demographic background, educational status, loan status and family financial information of individual for whom the record was maintained.

**Authority for maintenance of the system:** Higher Education Act of 1965, Title IV-B, as amended, (20 U.S.C. 1071-1087-1).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To contractors for issuance of collection letters; to credit company contractors for skip tracing, in-file history information, assets and ability to pay; to Internal Revenue Service for last known address; to Postal Service for last known address; to General Accounting Office for possible pre-litigation collection service and audit; to Department of Justice for possible legal action; to Federal Bureau of Investigation in performance of investigation into possible fraud cases; to State Department of Motor Vehicles for last known address; to State Bureau of Vital Statistics for verification of death; to mortgage companies for credit checks; to educational agencies or institutions against which a complaint has been made; to other lenders in the program making inquiries about the defaulted students who may have been denied additional loans; to other Federal agencies requesting information as to the repayment history of the defaulted account; to the State Department for last known address abroad; to requesting student borrower information; and for uses 1,3,4,5,6,8 and 9 in Appendix B of the Departmental Regulations (45 CFR Part 5b). Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The file is maintained on magnetic tape/disk packs in a library room area at the above named locations.

**Retrievability:** The file is indexed by social security number. Data are utilized to provide OGSL program staff with statistical and managerial reports. Other uses by OGSL staff are to obtain loan data on former student loan borrowers; update records and correct errors.

**Safeguards:** OGSL screening of authorized contractual personnel. Exception: subject to disclosure requirements of the Privacy Act.

**Retention and disposal:** Retained indefinitely.

**System manager(s) and address:**

Director, Program Systems Division  
Office of Guaranteed Student Loans  
Room 4636, GSA-Regional Office Building  
7th and D Streets, S.W.  
Washington, D.C. 20202

**Notification procedure:** Contact system manager for general inquiries supplying name, date of birth, and social security number (at the above address).

**Record access procedures:** Same as above.

**Contesting record procedures:** Contact system manager, above.

**Record source categories:** Information is obtained from applications, correspondence, medical records, necessary legal documentation, and reports from borrowers and their families, acquaintances, lenders, schools, medical reports, employers, credit agencies, and Federal and State governmental agencies.

**Systems exempted from certain provisions of the act:** None.

09-40-0030

**System name:** Guaranteed Student Loan Program--Loan Control Master File. HEW E.

**Security classification:** None.

**System location:**

115 Evergreen Heights Dr.  
Pittsburgh, PA 15229

**Categories of individuals covered by the system:** Students applying for guaranteed student loans or having received educational loans under the provisions of the Guaranteed Student Loan Program.

**Categories of records in the system:** Contains name, social security number, demographic background, educational status, loan

status and family financial information of individual for whom the record is maintained. Contains lender and school identification.

**Authority for maintenance of the system:** Higher Education Act of 1965, Title IV-B, as amended, (20 U.S.C. 1071-1087-1).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To schools and lenders for loan status information and record reconciliation; to borrowers and applicants for status of loan applications; to contractors for updating program records and processing documents; to State Guarantee Agencies for loan status information. To an educational agency or lending institution against which a complaint has been made; and for uses 1,3,4,5,6,8 and 9 in Appendix B of the Departmental Regulations (45 CFR Part 5b). Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The file is maintained on magnetic tape/disk packs in a library room area at the above named location.

**Retrievability:** The file is indexed by social security number. Data are utilized to provide OGSL program staff with statistical and managerial reports. Other uses by OGSL staff are to identify students participating in the Guaranteed Student Loan Program; determine eligibility of loan application; reflect eligibility for interest benefits; determine loan status of borrower; compute insurance premium for Federally Insured Loans; compile and generate managerial and statistical reports; research records for inquiry responses; reflect interest rates for individual loans; update file and correct errors.

**Safeguards:** OGSL screening of authorized contractual personnel. Exception: subject to disclosure requirements of the Privacy Act.

**Retention and disposal:** Retained indefinitely.

**System manager(s) and address:**

Director, Program Systems Division  
Office of Guaranteed Student Loans  
Room 4636, GSA-Regional Office Building  
7th and D Streets, S.W.  
Washington, D.C. 20202

**Notification procedure:** Contact system manager for general inquiries supplying name with date of birth, and social security number (at the above address).

**Record access procedures:** Same as above.

**Contesting record procedures:** Contact system manager, above.

**Record source categories:** Information is obtained from applications, correspondence, medical records, necessary legal documentation, and reports from borrowers and their families, lenders, schools, medical reports, employers, credit agencies, and Federal and State governmental agencies.

**Systems exempted from certain provisions of the act:** None.

09-40-0031

**System name:** Guaranteed Student Loan Program--Pre Claims Assistance. HEW E.

**Security classification:** None.

**System location:**

5000 Arlington Centre Blvd.  
Columbus, Ohio 43220

115 Evergreen Heights Dr.  
Pittsburgh, PA 15229

**Categories of individuals covered by the system:** Students reported by lending institutions to be delinquent on their educational loans.

**Categories of records in the system:** Contains name of student, social security number, address, amount of outstanding loans including interest. Name and address of parent or nearest relative, record of actions taken.

**Authority for maintenance of the system:** Higher Education Act of 1965, Title IV-B, as amended, (20 U.S.C. 1071-1087-1).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To contractors for issuance of collection letters; to credit company contractors for skip tracing, in-file history information, assets and ability to pay; to Internal Revenue Service for last known address; to Postal Service for last known address; to General Accounting Office for possible pre-litigation collection service and audit; to Department of Justice for possible legal action; to Federal Bureau of Investigation in performance of investigation into possible fraud cases; to State Department of Motor Vehicles for last known address; to State Bureau of Vital Statistics for verification of death; to mortgage companies for credit checks; to educational agencies or institutions against which a complaint has been made; to other lenders in the program making inquiries about the defaulted students who may have been denied additional loans; to other Federal agencies requesting information as to the repayment history of the defaulted account; to the State Department for last known address abroad; to contractors to update records and correct errors; to State Guarantee Agencies requesting student borrower information; and for uses 1,3,4,5,6,8 and 9 in Appendix B of the Departmental Regulations (45 CFR Part 5b). Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The file is maintained on magnetic tape/disk packs in a library room area at the above named locations.

**Retrievability:** The file is indexed by social security number. Data are utilized to provide OGSL program staff with statistical and managerial reports; to provide the DHEW - Office of Investigations and Security with data in possible cases of fraud or irregularities. Other uses by OGSL staff are to identify delinquent borrowers; locate and contact delinquent borrowers; maintain current address of delinquent borrowers; assist lending institutions in having delinquent borrowers commence repayment of educational loan; update records and correct errors.

**Safeguards:** OGSL screening of authorized contractual personnel. Exception: subject to disclosure requirements of the Privacy Act.

**Retention and disposal:** Retained indefinitely.

**System manager(s) and address:**

Director, Program Systems Division  
Office of Guaranteed Student Loans  
Room 4636, GSA-Regional Office Building  
7th and D Streets, S.W.  
Washington, D.C. 20202

**Notification procedure:** Contact system manager for general inquiries supplying name with date of birth and social security number (at the above address).

**Record access procedures:** Same as above.

**Contesting record procedures:** Contact system manager, above.

**Record source categories:** Information is obtained from applications, correspondence, medical records, necessary legal documentation, and reports from borrowers and their families, lenders, schools, medical reports, employers, credit agencies, and Federal and State governmental agencies.

**Systems exempted from certain provisions of the act:** None.

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09-40-0032

**System name:** Record of advances of funds for employees traveling for the Office of Education -- (SF-1038, Application and Account for Advance of Funds). HEW E.

**Security classification:** None.

**System location:**

Room 3105, Federal Office Building  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

**Categories of individuals covered by the system:** Employees of the Office of Education (including consultants) who have requested advances of funds for travel on official business.

**Categories of records in the system:** Name, social security number, home and/or business address, amount of travel advance requested, amount actually paid, and unliquidated balance, if any.

**Authority for maintenance of the system:** 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** For audit by U.S. General Accounting Office (GAO). Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The records are maintained in card format and are stored in file cabinets.

**Retrievability:** Records are indexed by name of individual requesting advance of funds. Records are available to employees of the Finance Division, Office of Education in performance of accounting functions and to the individual to whom funds were advanced.

**Safeguards:** Direct access is restricted to authorized agency staff in performance of official duties. Maintained in locked file cabinets. Exception: Subject to disclosure requirements of the Privacy Act.

**Retention and disposal:** Retained four years or until audit by the U.S. General Accounting Office, whichever is earlier. Disposed of by maceration.

**System manager(s) and address:**

Director, Finance Division  
U.S. Office of Education  
Room 3105, Federal Office Building  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

**Notification procedure:** System Manager (see above) will respond to inquiries.

**Record access procedures:** Same as above.

**Contesting record procedures:** Contact system manager, above.

**Record source categories:** Travelers who complete Form OE 1038. (see system name, above).

**Systems exempted from certain provisions of the act:** None.

09-40-0033

**System name:** Office of Education Financial Management Information System. HEW E.

**Security classification:** None.

**System location:**

Room 3105, Federal Office Building  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

**Categories of individuals covered by the system:** Office of Education employees, consultants, contractors, advisory committee members and other individuals performing personal services for the Office.

**Categories of records in the system:** Name, address, social security number of individuals and employer identification number of companies; indicating the cost of service(s) provided.

**Authority for maintenance of the system:** 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Maintained on magnetic tape and microfilm and stored in file cabinets.

**Retrievability:** Records are indexed by social security and employer identification number. Records are available to employees of the Finance Division, Office of Education in performance of accounting-related functions.

**Safeguards:** Direct access restricted to authorized agency staff in performance of official duties. Exception: Subject to disclosure requirements of the Privacy Act.

**Retention and disposal:** File constantly updated. Records maintained for ten years.

**System manager(s) and address:**

Director, Finance Division  
U.S. Office of Education  
Room 3105, Federal Office Building  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

**Notification procedure:** System Manager (see above) will respond to inquiries.

**Record access procedures:** Same as above.

**Contesting record procedures:** Contact System Manager, above.

**Record source categories:** Office of Education employees and others, including consultants, performing personal services for the Office.

**Systems exempted from certain provisions of the act:** None.

09-40-0034

**System name:** Teacher Corps Application File. HEW E.

**Security classification:** None.

**System location:**

311 South Spring Street  
Los Angeles, California 90013

2978 West Grand Boulevard  
Detroit, Michigan 48202

1411 K Street N.W., Suite 420  
Washington, D.C. 20005

**Categories of individuals covered by the system:** People who submit applications to be members (interns and team leaders) of Teacher Corps projects.

**Categories of records in the system:** An application form containing basic demographic data, education and employment histories and motivation statements, and any other information provided by the applicant is filed alphabetically by name in the Center to which it is sent by the applicant.

**Authority for maintenance of the system:** 20 U.S. Code, Sections 1101 through 1107a.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To Teacher Corps project grantees who are considering the applicants for selection as interns or team leaders. To State departments of education for verification of eligibility of the applicant for teacher certification programs.

grams. When requested by applicant, to potential employers or managers of other teacher training or social service programs. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The profile sheets are kept in a file cabinet.

**Retrievability:** Files are established when each application is received and placed alphabetically in file cabinets. Recruitment Center staff analyze the data on the application forms, prepare a summary sheet, and either notify applicant of ineligibility for Teacher Corps membership, or refer them to the local selection panels for which they would qualify. These Center staff refer to these files in answering subsequent inquiries concerning application status from Teacher Corps projects and from applicants.

**Safeguards:** Direct access is limited to Recruitment and Technical Resources Center staff and to national office Teacher Corps staff. Access to room in which file cabinet is maintained is limited during non-working hours to those with keys to the room. Exception: subject to disclosure requirements of the Privacy Act.

**Retention and disposal:** Applications are held for one year, being disposed of when selections are completed annually by all new Teacher Corps projects. Disposal is through regular refuse services.

**System manager(s) and address:**

Chief, Management Branch, Teacher Corps  
U.S. Office of Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

**Notification procedure:** System manager (see above) will respond to inquiries, or applicants can write directly to the Center to which the application was originally sent. Requesters should list their name and address and the date of their application for membership in Teacher Corps.

**Record access procedures:** See above.

**Contesting record procedures:** See above.

**Record source categories:** All information on the application form is provided by the applicant.

**Systems exempted from certain provisions of the act:** None.

09-40-0036

**System name:** Oral History of the Office of Education as dictated by former Commissioners of Education. HEW E.

**Security classification:** None.

**System location:**

400 Maryland Avenue, S.W.  
Washington, D.C. 20202

**Categories of individuals covered by the system:** Living former U.S. Commissioners of Education.

**Categories of records in the system:** Information about the individual's life as commissioner and about OE during his term of office.

**Authority for maintenance of the system:** 44 USC 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To those involved in publishing (including the Government Printing Office) for production of final document; to the Department of Justice for Freedom of Information Act consultation; under subpoena by any administrative agency. To answer inquiries from the National Archives, and from government libraries. For uses 1,2,3,5,6,8,9,101,102 in Appendix B of the Departmental Regulations (45 Code of Federal Regulations Part 5b). Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

dividual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The records are maintained on paper and on magnetic tape and are filed in a standard file cabinet.

**Retrievability:** By name by the system manager or staff for the purpose of obtaining the approval of former commissioners; after approval and release by former commissioners the records may be retrieved as historical documents by system manager or staff.

**Safeguards:** Records may be placed in the National Archives under seal upon threat of disclosure. Exceptions: Subject to disclosure requirements of Privacy Act.

**Retention and disposal:** All background material will be disposed of 5 years after publication of the final document. The records may be destroyed by maceration, burning, or other appropriate means.

**System manager(s) and address:**

Assistant Commissioner for Legislation  
Office of Legislation  
400 Maryland Avenue, SW, Room 4131  
Washington, D.C. 20202

**Notification procedure:** System manager (see above) will respond to inquiries. Individual must provide system I.D. number and name.

**Record access procedures:** Contact system manager.

**Contesting record procedures:** Same as above.

**Record source categories:** Information provided by the individual himself and records and documents provided by him during interviews. Information is transcribed as approved by individual.

**Systems exempted from certain provisions of the act:** None.

09-40-0044

**System name:** Insurance Claim File Guaranteed Student Loan Program. HEW E.

**Security classification:** None.

**System location:** See Appendix EOE 2.

**Categories of individuals covered by the system:** GSLP student loan borrowers on whose accounts the Federal Government has been requested to pay a claim by lenders, because of default, bankruptcy, death or disability.

**Categories of records in the system:** Loan history, including name, social security number, and last known address of borrower, date borrower ceased at least half-time study, reason for claim, date first payment due, date and amount of loan, and amount of claim. Loan documents, including Promissory Notes, disclosure statements, repayment agreements, payment history, student loan application and copies of correspondence between lender and borrower.

**Authority for maintenance of the system:** P.L. 89-329 and P.L. 89-508 (20 U.S.C. 1071 through 1089).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To the Department of Justice for possible legal action, to the Department of Justice for Freedom of Information Act consultation; and to General Accounting Office auditors checking program operation. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.



**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in paper files, in file cabinets.

**Retrievability:** By name and batch number the files are used by the Claims Examiners to provide documentation on insurance claims by lenders on the Federal Government. The copies are retained for recordkeeping and cross-referencing purposes. Records are available to regional collection staff to aid them in locating borrowers and setting up repayment schedules. They are also available to HEW auditors checking program operation.

**Safeguards:** Records are stored in locked file cabinets or in locked rooms after working hours with access by authorized agency personnel. Exception: Subject to disclosure requirements of Privacy Act.

**Retention and disposal:** Claim files are retained pending payment of claims which usually takes 60 to 90 days. When paid, the files are transferred to the collection staff in the appropriate regional office, depending on the present location of the borrower. The alphabetical and batch files are retained for five (5) years beyond payment of claim. Disposal by maceration.

**System manager(s) and address:** See Appendix EOE 2.

**Notification procedure:** See System manager; address as indicated to Appendix EOE 2, inquiries should be addressed to the System Manager in the region in which the inquirer resides (e.g., Florida resident will address Region IV System Manager). Provide System ID number and System name. Also provide the name, address and social security number of the individual inquiring about his/her record.

**Record access procedures:** Contact system manager.

**Contesting record procedures:** Contact system manager.

**Record source categories:** Participating lenders and individual borrowers.

**Systems exempted from certain provisions of the act:** None.

#### APPENDIX E OE 2

Guaranteed Student Loan Program, Claim and Collection  
Record Location and System Manager

Region I: Connecticut, Maine, Massachusetts, New  
Hampshire, Rhode Island, Vermont

Director, Guaranteed Student Loan Program  
P. O. Box 8370  
Boston, Massachusetts 02114

Region II: New Jersey, New York, Puerto Rico, Virgin Islands

Director, Guaranteed Student Loan Program  
Office of Education/DHEW  
26 Federal Plaza Room 406  
New York, New York 10007

Region III: Delaware, Maryland, Pennsylvania, Virginia,  
Washington, D.C., West Virginia

Director, Guaranteed Student Loan Program  
Office of Education/DHEW  
3535 Market Street Room 16200  
Philadelphia, Pennsylvania 19104

Region IV: Alabama, Florida, Georgia, Kentucky, Mississippi,  
North Carolina, South Carolina, Tennessee

Director, Guaranteed Student Loan Program  
Office of Education/DHEW  
50 Seventh Street, N.E. Room 513  
Atlanta, Georgia 30323

Region V: Illinois, Indiana, Michigan, Minnesota, Ohio,  
Wisconsin

Director, Guaranteed Student Loan Program  
Office of Education/DHEW  
300 South Wacker Drive, 32nd Floor  
Chicago, Illinois 60606

Region VI: Arkansas, Louisiana, New Mexico, Oklahoma,  
Texas

Director, Guaranteed Student Loan Program  
Office of Education/DHEW  
1114 Commerce Street  
Dallas, Texas 75202

after November 1, 1975

Director, Guaranteed Student Loan Program 1200 Main Street  
Dallas, Texas 75202

Region VII: Iowa, Kansas, Missouri, Nebraska

Director, Guaranteed Student Loan Program  
Office of Education/DHEW  
Federal Office Building, Room 360  
601 East 12th Street  
Kansas City, Missouri 64106

Region VIII: Colorado, Montana, North Dakota, South  
Dakota, Utah, Wyoming

Director, Guaranteed Student Loan Program  
Office of Education/DHEW  
Federal Office Bldg., Room 3444A  
1961 Stout Street  
Denver, Colorado 80202

Region IX: Arizona, California, Hawaii, Nevada, American  
Samoa, Trust Territory of the Pacific, Guam, Wake Islands

Director, Guaranteed Student Loan Program  
Office of Education/DHEW, Room 240  
50 Fulton Street  
San Francisco, California 94102

Region X: Alaska, Idaho, Oregon, Washington

Director, Guaranteed Student Loan Program  
Office of Education/DHEW  
Arcade Plaza Building Room 515  
1321 Second Avenue  
Seattle, Washington 98101

09-40-0045

**System name:** Guaranteed Student Loan Program Collection Files.  
HEW E.

**Security classification:** None.

**System location:** See Appendix EOE 2.

**Categories of individuals covered by the system:** Defaulted borrowers under the Guaranteed Student Loan Program by regional office.

**Categories of records in the system:** Name, address, social security number, postsecondary school, student application, collection and repayment history with both lender and Office of Education, skip tracing information, borrower's financial ability and willingness to pay, claim for insurance reimbursement, disclosures, forbearance and deferment documents, promissory notes; correspondence between lender and borrower, borrower and OE, borrower and school, OE and school, and between OE and relatives; collector's notes, Department of Motor Vehicles reports, IRS listing of last known address, and reports of credit investigations.

**Authority for maintenance of the system:** P.L. 89-329 and P.L. 89-508. (20 U.S.C. 1071 through 1089).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To computer contractors for issuance of computerized collection letters; to credit company contractors for skip tracing, in-file history information, assets and ability to pay; to U.S. Internal Review Service for last known address; to U.S. Postal Service for last known address; to U.S. General Accounting Office for possible pre-litigation collection service; to U.S. Department of Justice for possible legal action; to U.S. Federal Bureau of Investigation in performance of investigation into possible fraud cases; to State Department of Motor Vehicles for last known address; to State Bureaus of Vital Statistics for verification of death; to mortgage companies for credit checks, to educational agencies or institutions against which a complaint has been made; to other guaranteed student loan lenders making inquiries concerning the defaulted students who may have been denied additional loans; to other Federal agencies requesting information as to the repayment history of the defaulted account; to General Accounting Office for discharge of authorized functions and routine uses as set forth in Appendix B 1, 3, 4, 5, 6, 7, 8, 9, and 103, 45 Code of Federal Regulations, Part 5 B. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department,

any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The records are maintained on paper and on magnetic tape and are stored in locked metal filing cabinets.

**Retrievability:** Student name and ID number are kept in one file. In a separate file, the data base itself is kept; data are indexed by Student ID number only. These data contain further identifiers based on district, school building, grade and classroom. A separate file will indicate what kinds of data were collected on the total student population at different points in time. The data base file consists of computer tapes. Test instruments will be kept stored separately, indexed by type of data, district, school building, grade and classroom. Retrieval by Contractor for purposes of analysis and further data collection. Retrieval may be done by Contractor for System Manager for purposes consistent with this evaluation and the Privacy Act.

**Safeguards:** The student name and ID number 'link' file is kept separately from the data base. Access to this file, which is kept under lock, is restricted to the data base manager and to senior project staff, i.e., the project director and the principal investigator. The 'link' file will be utilized only during the data-collection and data-analysis phases and will be destroyed once the data analysis for the study has been completed. Exception: Subject to disclosure requirements of the Privacy Act. Before any data are released by the Contractor to the Government, not only will the link file be destroyed, but entirely new randomly assigned code numbers will be applied to each student data record. It will be done in such a way that not even the district from which the student's record comes will be identifiable. This will eliminate any possible remaining connection between student name on the one hand and the student records provided to the Government on the other hand.

**Retention and disposal:** All data will be destroyed upon completion of contract requirements. Paper files will be destroyed by maceration and magnetic tapes will be erased.

**System manager(s) and address:**

Program Officer  
Bilingual Impact Evaluation  
U.S. Office of Education  
Room 3044 FOB-6, 400 Maryland Avenue, S.W.  
Washington, D.C. 20202

**Notification procedure:** System manager (see above) will respond to inquirers. Individual must provide student name, district name, school, name of teacher, dates on which student was a participant in project, system name and ID number.

**Record access procedures:** Contact System Manager.

**Contesting record procedures:** Contact system manager.

**Record source categories:** Data are obtained from tests administered to students.

**Systems exempted from certain provisions of the act:** None.

09-40-0049

**System name:** Interpreters of the Deaf, National Advisory Committee on the Handicapped. HEW E.

**Security classification:** None.

**System location:**

Room 4121 Donohoe Building  
400 6th Street, S.W.  
Washington, D.C. 20202

**Categories of individuals covered by the system:** Interpreters of the Deaf used by the Office of Education.

**Categories of records in the system:** Name, address, social security number (for pay purposes), phone number, correspondence, background information, requisition of services.

**Authority for maintenance of the system:** Section 12(b) of the Federal Advisory Committee Act (P.L. 92-463).



**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** This system is used by authorized agency officials and employees as a reference file of available interpreters for the deaf for use at meetings. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** System is maintained in paper files and stored in file cabinet.

**Retrievability:** This system is accessed by area of expertise and then by name and is used to obtain the necessary interpreters for the deaf person(s) attending meetings.

**Safeguards:** System is available only to Office of Education staff briefed on use of system. Exception: Subject to disclosure requirements of Privacy Act.

**Retention and disposal:** Continuing records, updated periodically.

**System manager(s) and address:**

Executive Secretary  
National Advisory Committee on the Handicapped  
Bureau of Education for the Handicapped  
Room 4121 Donohoe Building  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

**Notification procedure:** System manager (see above) will respond to inquiries. Requestor should provide name, address, system I.D., and system name.

**Record access procedures:** Contact System Manager.

**Contesting record procedures:** Contact System Manager.

**Record source categories:** Individual data subject himself (interview by phone) and by other interpreters of the deaf.

**Systems exempted from certain provisions of the act:** None.

09-40-0050

**System name:** Presidential Scholars Files of Selected Participants. HEW E.

**Security classification:** None.

**System location:**

Room 3831 Donohoe Building  
6th and D, S.W.  
Washington, D.C. 20202

**Categories of individuals covered by the system:** Selected Participants for the Presidential Scholars Program 1964-1975.

**Categories of records in the system:** Name, address, biographical information supplied by student.

**Authority for maintenance of the system:** Executive Order No. 11155, Sec. 4.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To Commission on Presidential Scholars for historical archives and current data to be used for annual selection of scholars; to authorized agency officials and employees as well as contracting officers which change yearly for arrangements for Presidential Scholars activities during their visit to Washington, D.C. to authorized agency officials and employees for public affairs, press releases, etc. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any De-

partment employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are kept in file cabinets in paper files.

**Retrievability:** By name, state, and year of selection.

**Safeguards:** Used only by authorized personnel for specific purposes with permission of individual whose name is on file.

**Retention and disposal:** Records are maintained indefinitely.

**System manager(s) and address:**

Deputy Director, Office of Gifted and Talented  
Office of Education  
Room 3831 Donohoe Building  
400 Maryland Avenue S.W.  
Washington, D.C. 20202

**Notification procedure:** Contact system manager. Requester should provide name, address, system I.D., and system name.

**Record access procedures:** Contact system manager.

**Contesting record procedures:** Contact system manager.

**Record source categories:** Individual data subject himself by questionnaire. Records of College Entrance Examination Board containing information about the data subject individual from their test performance and their answers to questionnaires. Recommendations from school principal with permission of data subject.

**Systems exempted from certain provisions of the act:** None. forms. References are submitted on approved forms.

**Systems exempted from certain provisions of the act:** None.

09-40-0070

**System name:** Alcohol and Drug Education Program--List of National Action Committee for Drug Abuse Education Consultants. HEW E.

**Security classification:** None.

**System location:**

National Action Committee for Drug Education  
110 Wilder Tower  
University of Rochester  
Rochester, New York 14627

**Categories of individuals covered by the system:** Experts in the field of drug and alcohol education who are available to provide technical assistance to USOE projects, upon request from the National Action Committee (technical assistance contractor to OE).

**Categories of records in the system:** Name, address and title of individual, brief description of area of special expertise.

**Authority for maintenance of the system:** Alcohol and Drug Abuse Education Act, P.L. 9-527 as amended (20 U.S.C. 1001).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Routine use of records maintained in the system, including categories of users and the purposes of such uses: For uses 1, 3, 5, 6, 8 and 9 of Appendix of Routine Uses. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The list of consultants is maintained in a paper file in a standard file cabinet.

09-40-0077

**System name:** Institutional Application to Participate in Federal Student Financial Aid Programs Regional Review Panel HEW-E.

**Security classification:** None.

**System location:**

26 Federal Plaza, Rm. 3954  
New York, New York 10007

**Categories of individuals covered by the system:** Practicing Financial Aid Officers and other Experts in the field of Student Financial Aid.

**Categories of records in the system:** Field Reader Contracts, Vitas and Travel Vouchers.

**Authority for maintenance of the system:** Higher Education Act of 1965, as amended 20 USC 1070b-3.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To Convene for purposes of review of applications submitted by post-secondary institutions and submitting recommendations to the Regional Office. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper files maintained in standard file cabinet.

**Retrievability:** Name. By authorized Program Officers.

**Safeguards:** Stored in locked room.

**Retention and disposal:** Destroyed at the end of two (2) year panelists service cycle.

**System manager(s) and address:**

Senior Program Officer, Student Financial Aid  
U.S. Office of Education  
26 Federal Plaza  
New York, NY 10007

**Notification procedure:** System manager (see above) will respond to inquiries.

**Record access procedures:** (See above).

**Contesting record procedures:** System Manager.

**Record source categories:** Educational Institutions.

**Systems exempted from certain provisions of the act:** None.

09-40-0078

**System name:** Fellowships for Indian Students--Applications and Awards. HEW E.

**Security classification:** None.

**System location:**

Room 2160, FOB-6  
7th and D Streets SW  
Washington, D.C. 20202

**Categories of individuals covered by the system:** American Indians who have been accepted by institutions of higher education in a program leading to a professional or graduate degree in law, medicine, engineering, business, forestry, or a related field, and who have applied to OE's Office of Indian Education for a fellowship.

**Categories of records in the system:** Name, address, phone number, date and place of birth, tribal affiliation, tribal roll number, social security number, sex, marital status, citizenship, names of dependents, educational background, employment background, educational transcripts, references, language abilities, admission test scores.

**Authority for maintenance of the system:** Indian Education Act of 1972, as amended, P.L. 92-318, Part B, Section 423.

**Retrievability:** On the roster, names are listed alphabetically. The list is available to in-house program staff involved in correspondence with and monitoring of National Action Committee contract.

**Safeguards:** Direct access is limited to Drug Education Program Staff; access to room in which file cabinet is maintained is limited during non-working hours to those with keys to the room.

**Retention and disposal:** List of consultants is updated annually; names of individuals no longer available to act as consultants are no longer maintained.

**System manager(s) and address:**

Director, Alcohol and Drug Education Program  
Room 2049, FOB 6  
400 Maryland Avenue, S. W.  
Washington, D. C. 20202

**Notification procedure:** System manager will respond to inquirers.

**Record access procedures:** See above.

**Contesting record procedures:** Contact system manager above.

**Record source categories:** Individuals are contacted by the NAC to determine their interest and willingness to act as NAC consultants. All data are submitted voluntarily by those interested individuals.

**Systems exempted from certain provisions of the act:** None.

09-40-0075

**System name:** Women in Executive Positions in Higher Education.

**Security classification:** None.

**System location:**

Room 3060  
GSA-Regional Office Building 03  
Washington, D. C. 20202

**Categories of individuals covered by the system:** Possible consultants and position applicants.

**Categories of records in the system:** Records include: vitae on all women who qualify for positions in or concerning higher education.

**Authority for maintenance of the system:** Title IX, Education Amendments of 1972.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** For routine uses set forth in Appendix B to 45 Code of Federal Regulation, Part 5b. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in hard copy in standard file cabinets.

**Retrievability:** Records are indexed by name and by academic field and are available only to specifically designated staff.

**Safeguards:** Access is restricted to authorized OE Staff.

**Retention and disposal:** Records are maintained indefinitely.

**System manager(s) and address:**

Director, College and University Unit  
400 Maryland Avenue, S. W.  
Washington, D. C. 20202

**Notification procedure:** Contact System Manager.

**Record access procedures:** Contact System Manager.

**Contesting record procedures:** Contact System Manager.

**Record source categories:** Information is obtained directly from individuals wishing to be included in the Directory.

**Systems exempted from certain provisions of the act:** None.

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**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** For routine uses set forth in Appendix B to 45 Code of Federal Regulations Part 5b, numbers one through nine; for Field Readers for the purposes of determining eligibility and recommending awardees; selected data for developing brochures describing the fellows and their career goals for public information purposes; and to congressional offices in response to inquiries from those offices made at the request of individuals on whom records are kept. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The records are maintained in hard-copy filed in locked standard file cabinets.

**Retrievability:** Records are accessed by individual names only by authorized OE staff and Field Readers for the purposes of: determining eligibility; selecting fellows; establishing allowances for stipends, dependents, tuition, and other expenses; determining continued eligibility; and developing profile information regarding recipients of fellowships for program evaluation, planning, reporting and publicity purposes.

**Safeguards:** Direct access is restricted to authorized OE staff. Exception: Subject to disclosure requirements of Privacy Act.

**Retention and disposal:** Records on fellowship holders are sent to the Federal Records Center six months after final payment. They are destroyed by the Federal Records Center three years after final payment. Records on alternatives are maintained for two years. They are then sent to the Federal Records Center where they are destroyed one year later. Application forms from applicants not selected as fellows or alternates are returned to the applicant. Other records on these applicants, containing information on the selection procedure, are maintained for one year, and then thrown away.

**System manager(s) and address:**

Director, Division of Special Projects and Programs  
Office of Indian Education  
400 Maryland Avenue SW  
Room 2160, FOB-6  
Washington, D.C. 20202

**Notification procedure:** Contact system manager.

**Record access procedures:** Contact system manager.

**Contesting record procedures:** Contact system manager.

**Record source categories:** Information is submitted by the individual applicant on approved forms. References are submitted on approved forms.

**Systems exempted from certain provisions of the act:** None.

09-40-0079

**System name:** Potential and Actual Consultant, Field Reader, and Site Visitor Files, Indexes, and Lists HEW E OE.

**Security classification:** None.

**System location:** See Appendix I.

**Categories of individuals covered by the system:** Actual and prospective consultants, field readers, or site visitors used by the Office of Education to evaluate grant proposals, performance of grantees or contractors.

**Categories of records in the system:** Names of consultant, field reader, and site visitor addresses, position, institutional affiliation (if any), curriculum vitae (where necessary), social security number for reimbursement purposes reimbursement information, areas of individual expertise, tracking of assignments and appraisal of effort.

**Authority for maintenance of the system:** (20 USC 1221e-3). Information is provided by persons interested in participating on a voluntary basis.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To general public, on

request, list of names and business addresses of potential and/or actual consultants, field readers, or site visitors. For uses 1,3,4,5,6, 7,8 and 9 as stated in Appendix B, 45CFR Part 5b. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders in file cabinets or card files with pertinent data, and (in limited locations) computer data base tapes and disks.

**Retrievability:** By name, expertise, or social security number of potential or actual consultant, reader, or site visitor. Records are used to ensure that a fair, equal, and qualified group of consultants, readers, or site visitors is selected to review proposals or evaluate performances.

**Safeguards:** Direct access is restricted to persons designated by systems managers to be responsible for maintenance of file or selection of panels of consultants, readers, or site visitors. Automated locations are protected by password protect and key lock on terminal.

**Retention and disposal:** Destroy after five years (Item 25 OE Records Control Schedule).

**System manager(s) and address:** See Appendix I.

**Notification procedure:** Contact system manager of pertinent organizational component(s). Provide name and approximate date of previous correspondence. Additional verifying data (such as birthdate, home address) may be requested.

**Record access procedures:** Contact system manager as above.

**Contesting record procedures:** Contact system manager as above.

**Record source categories:** Information forwarded voluntarily by individuals interested in serving as consultants, readers, or site visitors, obtained by contacting individuals with specific expertise in the pertinent discipline of each system manager.

**Systems exempted from certain provisions of the act:** None.

# APPENDIX I

Director, Office of Gifted and Talented  
Room 3831 Donohoe Building  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

Program Manager, Handicapped Research Program  
Room 3165 Donohoe  
400 6th Street, S.W.  
Washington, D.C. 20202

Program Manager, Learning Disabilities Program  
Room 3127 Donohoe Building  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

Executive Officer, Bureau of Education for the Handicapped  
Room 4030, Donohoe Building  
400 Maryland Avenue, S.W. Washington, D.C. 20202

Director, Division of Local Educational Agency Assistance  
Room 2167, FOB-6  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

Director, Division of Special Projects and Programs  
Room 2161, FOB-6  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

Director, Division of Training and Facilities  
Room 3066, ROB-3  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

Director, Division of International Education  
Room 3907, ROB-3  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

Director, Division of Institutional Development  
Room 3052, ROB-3  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

Director, Community College Unit  
Room 3044, ROB-3  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

Director, Office of Environmental Education  
Room 2025  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

Director, Program Operations Division  
Room 2007, FOB-6  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

Associate Commissioner, Equal Educational Opportunity Programs  
Room 2001  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

Division Director, Division of Education Replication  
Room 3616, ROB-3  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

Chief, Library Education and Postsecondary Resources Branch  
Room 3622, ROB-3  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

Chief, Library Research and Demonstration Branch  
Room 3124, ROB-3  
Washington, D.C. 20202

Chief, Educational Broadcasting Facilities Branch  
Room 3122-A, ROB-3  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

Director, Division of Educational Technology  
Room 3116, ROB-3  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

Executive Officer, Bureau of Occupational and Adult Education  
Room 5636, ROB-3  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

Program Manager, Metric Education Program Staff  
Room 5640, ROB-3  
400 Maryland, S.W.  
Washington, D.C. 20202

Director, Women's Program Staff  
Room 3121, FOB-6  
400 Maryland Avenue, S.W. Washington, D.C. 20202

Privacy Coordinator  
P.O. Box 8370  
Boston, Massachusetts 02114

Deputy Director, Office of Career Education

Room 3100  
7th and D Streets, S.W.  
Washington, D.C. 20202

Privacy Coordinator  
Room 406  
26 Federal Plaza  
New York, New York 10007

Privacy Coordinator  
3535 Market Street Room 16200  
Philadelphia, Pennsylvania 19104

Privacy Coordinator  
Room 513  
50 Seventh Street, N.E.  
Atlanta, Georgia 30323

Privacy Coordinator  
32nd Floor  
300 South Wacker Drive  
Chicago, Illinois 60606

Privacy Coordinator  
1114 Commerce Street  
Dallas, Texas 75202

Privacy Coordinator  
Room 360, FOB  
601 East 12th Street  
Kansas City, Missouri 64106

Privacy Coordinator  
Room 3444A, FOB  
1961 Stout Street  
Denver, Colorado 80202

Privacy Coordinator  
50 Fulton Street  
San Francisco, California 94102

Privacy Coordinator  
Room 515  
Arcade Plaza Building  
1321 Second Avenue  
Seattle, Washington 98101

09-42-0001

**System name:** NIE Project Management System -- HEW E.

**Security classification:** None.

**System location:**

Room 700-B  
1200 19th Street, N.W.  
Washington, D.C. 20208

**Categories of individuals covered by the system:** Principal Investigator in any proposal submitted to NIE and on all awards.

**Categories of records in the system:** Data consist of name institution, Social Security number, title, mailing address, phone number, congressional district, academic discipline, present position, ethnicity, birthday, sex, per cent time of project.

**Authority for maintenance of the system:** Section 405(e)(1) General Education Provisions Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To contractors for services and analysis of the records by authorized personnel. For routine uses set forth in Appendix B to 45 Code of Federal Regulations Part 5b. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.



Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The data are stored on computer disk.

Retrievability: The records are retrievable on any field. Records are used to determine distribution of awards, to generate transaction for the DHEW Contract and Grant Information Systems, to relate data to Institute Financial System and DHEW Central Registry System, to generate entries for NIE Mailing Label System.

Safeguards: Retrievals on personal data can only be requested by authorized individuals. Exception: subject to disclosure requirements of Privacy Act.

Retention and disposal: Indefinite.

System manager(s) and address:

Chief, Management and Data Systems Division  
Room 604-B  
1200 19th Street, N.W.  
Washington D. C. 20208

Notification procedure: Written inquiries must be made to the System Manager and must include the inquirer's name and address, the system identification number and name.

Record access procedures: See above.

Contesting record procedures: See above.

Record source categories: Proposals submitted to NIE, data collected during contracting process.

Systems exempted from certain provisions of the act: None.

09-42-0004

System name: Life Plans Study: The Impact of the Women's Movement on Educational and Occupational Behavior and Attitudes of Married Women. HEW E.

Security classification: None.

System location:

Room 816 Brown Building  
1200 19th Street, N.W.  
Washington, D.C. 20208

Categories of individuals covered by the system: The subjects are married women, formerly of the Boston area.

Categories of records in the system: The records consist of demographic data, including early family background and adolescent relationship with parents; educational and occupational history, plans and aspirations; a variety of attitudinal measures; present family relationships, including data on husband and children; and information on current life situation. It is a longitudinal study.

Authority for maintenance of the system: Sec. 405(e)(1) of the General Education Provisions Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained on disc, tape, and IBM cards.

Retrievability: The records are indexed by I.D. number. Records are used for statistical research or reporting purposes, in a non-personally identifiable format.

Safeguards: Names of individuals included in the study are stored separately from the records; are to be used solely for administering a follow-up questionnaire; and are accessible only to authorized personnel. This will also apply to the follow-up. Exception: subject to disclosure requirements of the Privacy Act.

Retention and disposal: The records are maintained indefinitely.

System manager(s) and address:

Head, Women's Research Staff  
Room 816 Brown Building  
1200 19th Street, N.W.

Washington, D. C. 20208

Notification procedure: Inquiry must be made in writing to the system manager (address above) and must include the inquirer's name, address, dates of previous correspondence, if known, and any system I.D. number and name.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Data were collected from wives of graduate students in the Boston area on questionnaires administered through the mail.

Systems exempted from certain provisions of the act: None.

09-42-0005

System name: Safe School Study. HEW E.

Security classification: None.

System location:

Research Triangle Institute  
Research Triangle Park, North Carolina 27709

Categories of individuals covered by the system: The subjects are school principals or their designees.

Categories of records in the system: Data consist of crimes committed on school grounds, prevention measures used by the school, background information on the school, its programs and personnel.

Authority for maintenance of the system: Sec. 405(e)(1) of the General Education Provisions Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To contractors for services and analysis of the records by authorized personnel. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained on magnetic tape.

Retrievability: The records are indexed by I. D. number. They will be used for a large scale statistical evaluation of the effectiveness of school crime prevention measures and a description of prevention measures reported classified by school type.

Safeguards: Names are stored on separate tapes and are accessible only to authorized personnel. Exception: subject to disclosure requirements of the Privacy Act.

Retention and disposal: The magnetic tapes will be erased, and therefore the names destroyed, in August, 1977, when the project ends.

System manager(s) and address:

Head, School Discipline Studies Staff  
Room 832 Brown Building  
1200 19th Street, N.W.  
Washington, D.C. 20208

Notification procedure: Inquiry must be made in writing to the system manager (address above) and must include the inquirer's name, address, dates of previous correspondence, if known, and any system I.D. number and name.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Data were collected by questionnaires administered through the mail.

Systems exempted from certain provisions of the act: None.

09-42-0012

System name: Manpower Economic Education and the Transition from School to Work--HEW E.

Security classification: None.

System location:

National Institute of Education  
1200 19th St., N.W.

Washington, D.C. 20208

Categories of individuals covered by the system: Sample of students in 8th grade (1967-68) in Lancaster and Zanesville, Ohio and same students 5 years later.

Categories of records in the system: Age; sex; social security number; pupil information forms, achievement test series; information test series; opinions of the world of work; family background; address, date and place of birth; scholastic record; test record.

Authority for maintenance of the system: Section 405(e)(1) of the General Education Provisions Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To contractors for services and analysis of records by authorized personnel. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information is maintained in individual files and on cards.

Retrievability: Records can be retrieved by I.D. number, name, social security number, address, date and place of birth and are used for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual.

Safeguards: Access limited to authorized personnel and protected by building security. Exception: subject to disclosure requirements of the Privacy Act.

Retention and disposal: Records to be retained indefinitely.

System manager(s) and address:

Associate Director for Education and Work  
National Institute of Education  
Washington, D.C. 20208

Notification procedure: Written inquiries must be made to the system manager, address above, and must include inquirer's name, address, dates of previous correspondence, the assigned system I.D. number and system name.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information reported by students and their teachers.

Systems exempted from certain provisions of the act: None.

09-42-0016

System name: Northwest Regional Educational Laboratory, Experienced Based Career Education Record System--HEW E.

Security classification: None.

System location:

333 Oak Street  
Portland, Oregon

CE2 Project Office  
King City, Oregon

1947 Center Street  
Berkeley, California

Categories of individuals covered by the system: Students, parents, employers, adopters, potential adopters involved with the EBCE program.

Categories of records in the system: System includes information on aptitude, achievement, student background, family background, attitudinal data, interest, opinion, descriptive data on employer businesses, descriptive data on school districts, activity records.

Authority for maintenance of the system: Section 405(e)(1) of the General Education Provisions Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For transfer to cooperating school districts and to program participants (individually identifiable information for themselves only). To contractors for services and analysis of records by authorized personnel. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are kept in standard file containers, punch cards and magnetic tape.

Retrievability: Records can be retrieved by name (hard copy files) or assigned ID number (computer files) and are for monitoring progress of project/product development and for research, development, evaluation, and analysis of educational materials, projects, programs, including study of medium and long term program effects.

Safeguards: Access limited to authorized personnel; locked file cabinets and building security are procedures used. Exception: subject to disclosure requirements of the Privacy Act.

Retention and disposal: Not yet determined how long records will be kept in individually identifiable format.

System manager(s) and address:

Associate Director for Education and Work  
National Institute of Education  
Washington, D.C. 20208

Notification procedure: Written inquiries must be made to the system manager, address above, and must include inquirer's name, address, dates of previous correspondence, the assigned system I.D. number and system name.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Students, parents, school district, employers, adopters and potential adopters of EBCE program.

Systems exempted from certain provisions of the act: None.

09-42-0017

System name: Research for Better Schools Experienced Based Career Education Record System--HEW E.

Security classification: None.

System location:

Olney High School  
Front & Duncannon Streets  
Philadelphia, Pennsylvania

Career Education Program  
1700 Market Street  
Philadelphia, Pennsylvania

Census and Data System  
Raub Hall  
University of Delaware  
Newark, Delaware

1947 Center Street  
Berkeley, California

710 S.W. Second Avenue  
Portland, Oregon

Categories of individuals covered by the system: Students, parents, employers, potential adopters involved in the EBCE Program.

Categories of records in the system: System includes information on aptitude, achievement, student background, family background, attitudinal data, interest data, opinion, descriptive data on employer businesses, descriptions of school districts, activity records.

Authority for maintenance of the system: Section 405(e)(1) of the General Education Provisions Act.

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**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** For transfer to cooperating school districts and to program participants (individually identifiable information for themselves only). To contractors for services and analysis of records by authorized personnel. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are kept in standard file containers (hard copy), and on magnetic tape.

**Retrievability:** Records can be retrieved by name (hard copy file) or assigned ID number (hard copy and computer files) and are for monitoring progress of project/product development and for research, development, evaluation and analysis of educational materials, projects, programs, including study of medium and long term program effects.

**Safeguards:** Access limited to authorized personnel; records kept in locked cabinets and buildings with controlled access 24 hours a day. Exception: subject to disclosure requirements of the Privacy Act.

**Retention and disposal:** Not yet determined how long records will be kept in individually identifiable format.

**System manager(s) and address:**

Associate Director for Education and Work  
National Institute of Education  
Washington, D.C. 20208

**Notification procedure:** Written inquiries must be made to the system manager, address above, and must include inquirer's name, address, dates of previous correspondence, the assigned system I.D. number and system name.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Students, parents, school districts, employers, adopters and potential adopters of EBCE Program.

**Systems exempted from certain provisions of the act:**

09-42-0018

**System name:** Appalachia Educational Laboratory Experienced Based Career Education Record System--HEW E.

**Security classification:** None.

**System location:**

P.O. Box 1348  
Charleston, West Virginia  
(At both 19th & McCorkle SE and 1031 Quarrier Street address)

1947 Center Street  
Berkeley, California

Research Department  
Educational Testing Service  
Princeton, New Jersey

710 S.W. Second Avenue  
Portland, Oregon

**Categories of individuals covered by the system:** Students, parents, employers, visitors, adopter personnel.

**Categories of records in the system:** Achievement, aptitude, student and family background, attitude, interest, opinion, descriptive data on employer businesses and on school districts, student activity records.

**Authority for maintenance of the system:** Section 405(e)(1) of the General Education Provisions Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** For transfer to cooperating school districts and to program participants (individually identifiable information for themselves only). To contractors for services and analysis of records by authorized personnel. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are kept in standard file containers (hard copy), and on punch cards and magnetic tape.

**Retrievability:** Records can be retrieved by name (hard copy file) or assigned ID number (hard copy and computer files) and are for monitoring progress of project/product development and for research, development, evaluation and analysis of educational materials, projects, programs, evaluation including study of medium and long term program effects.

**Safeguards:** Access limited to authorized personnel; records kept in buildings with controlled access. Exception: subject to disclosure requirements of the Privacy Act.

**Retention and disposal:** Not yet determined how long records will be kept in individually identifiable format.

**System manager(s) and address:**

Associate Director for Education and Work  
National Institute of Education  
Washington, D.C. 20208

**Notification procedure:** Written inquiries must be made to the system manager, address above, and must include inquirer's name, address, dates of previous correspondence, the assigned system I.D. number and system name.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Students, parents, school districts, employers, adopters and potential adopters of EBCE Program.

**Systems exempted from certain provisions of the act:** None.

09-42-0019

**System name:** Far West Laboratory Experienced Based Career Education Records System--HEW E.

**Security classification:** None.

**System location:**

1855 Folsom Street  
San Francisco, California

1947 Center Street  
Berkeley, California

Human Factors Research  
Santa Barbara, California

**Categories of individuals covered by the system:** Students, parents, employers, potential adopters, adopters.

**Categories of records in the system:** Aptitude, achievement, student background, family background, attitudinal, interest, opinion, descriptive data on employer businesses, descriptive data on school districts, activity records.

**Authority for maintenance of the system:** Section 405(e)(1) of the General Education Provisions Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** For transfer to cooperating school districts and to program participants (individually identifiable information for themselves only). To contractors for services and analysis of records by authorized personnel. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the

Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are kept in standard file containers (hard copy), and on punch cards and magnetic tape.

**Retrievability:** Records can be retrieved by name (hard copy file) or assigned ID number (computer files) and are for monitoring progress of project/product development and for research, development, evaluation and analysis of educational materials, projects, programs, including study of medium and long term program effects.

**Safeguards:** Access limited to authorized personnel; records kept in locked cabinets and buildings with controlled access 24 hours a day. Exception: subject to disclosure requirements of the Privacy Act.

**Retention and disposal:** Not yet determined how long records will be kept in individually identifiable format.

**System manager(s) and address:**

Associate Director for Education and Work  
National Institute of Education  
Washington, D.C. 20208

**Notification procedure:** Written inquiries must be made to the system manager, address above, and must include inquirer's name, address, dates of previous correspondence, the assigned system I.D. number and system name.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Students, parents, school districts, employers, adopters and potential adopters of EBCE Program.

**Systems exempted from certain provisions of the act:** None.

09-42-0020

**System name:** Educational Testing Service Experienced Based Career Education Record System--HEW E.

**Security classification:** None.

**System location:**

1947 Center Street  
Berkeley, California

**Categories of individuals covered by the system:** Students, parents, employers, EBCE Lab staff.

**Categories of records in the system:** Achievement, student background, family background, attitudinal, interest, opinion, descriptive data on employer businesses, activity records.

**Authority for maintenance of the system:** Section 405(e)(1) of the General Education Provisions Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To contractors for services and analysis of records by authorized personnel. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are kept in standard file containers (hard copy), on punched cards and magnetic tape.

**Retrievability:** Records can be retrieved by project, category and ID number (hard copy file) or assigned ID number (computer files) and are for monitoring progress of project/product development

and for research, development, evaluation and analysis of educational materials, projects, programs, including study of medium and long term program effects.

**Safeguards:** Access limited to authorized personnel; records kept in locked cabinets and buildings with controlled access. Exception: subject to disclosure requirements of the Privacy Act.

**Retention and disposal:** Not yet determined how long records will be kept in individually identifiable format.

**System manager(s) and address:**

Associate Director for Education and Work  
National Institute of Education  
Washington, D.C. 20208

**Notification procedure:** Written inquiries must be made to the system manager, address above, and must include inquirer's name, address, dates of previous correspondence, the assigned system I.D. number and system name.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Students, parents, employers, EBCE staff, EBCE projects.

**Systems exempted from certain provisions of the act:** None.

09-42-0045

**System name:** NIE Child Study Center. HEW E.

**Security classification:** None.

**System location:**

400 Maryland Avenue, S.W.  
Washington, D.C.

**Categories of individuals covered by the system:** Children enrolled in NIE Child Study Center and their parents.

**Categories of records in the system:** Application forms giving background data on parents and children.

**Authority for maintenance of the system:** Section 405(e)(1) of the General Education Provisions Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained on application forms.

**Retrievability:** System is indexed by name alphabetically.

**Safeguards:** Records are maintained in a locked file cabinet. Exception: Subject to disclosure requirements of the Privacy Act.

**Retention and disposal:** Records are maintained in the active files while a child is enrolled in the Center. Upon leaving the center, their application is put in an inactive file.

**System manager(s) and address:**

Associate Director for Basic Skills  
Room 819  
1200 19th Street, N.W.  
Washington, D.C. 20208

**Notification procedure:** Written inquiries must be made to the system manager at the address above and must include the inquirer's name and address, dates of any previous correspondence and the system ID number and name.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Application forms completed by parents. All data are furnished voluntarily.

**Systems exempted from certain provisions of the act:** None.

09-42-0056

**System name:** National Institute of Education, Sources and Effects of Teacher Expectations. HEW E.



Security classification: None.

**System location:**

1200 19th St., NW  
Washington, D.C. 20208

**Categories of individuals covered by the system:** Seven first grade teachers and their 196 students in the Washington, D.C. area.

**Categories of records in the system:** Cross sectional and longitudinal records on teachers' expectations, background, behaviors, and students' interactions, grades, SES, parental involvement. For use in determining the effects of teacher expectations on student achievement gains.

**Authority for maintenance of the system:** Section 405(e)(1) of the General Education Provisions Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To contractors for services and analysis of the records to authorized personnel. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The data are stored on magnetic tape which is stored in a locked filing cabinet.

**Retrievability:** The data are indexed by teachers', students' and principals' names. Identifiers are coded, and kept separate in a locked file from the master tapes. The data are used by members of the program staff to identify effective teacher behaviors. They are collected for statistical purposes only, and not for the determination of any individual's benefits or entitlements.

**Safeguards:** Tapes and coded list are kept in a locked room. Access is to authorized personnel only. Exception: Subject to disclosure requirements of Privacy Act.

**Retention and disposal:** List of names will be kept until study is completed in 1977 and then will be destroyed by burning.

**System manager(s) and address:**

Associate Director for Basic Skills  
Room 819  
1200 19th St., N.W.  
Washington, D.C. 20208

**Notification procedure:** Written inquiries must be made to the system manager at the address above and must include the inquirer's name and address, dates of previous correspondence and the system ID number and name.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Interviews, questionnaires of participants in the sample and observations during testing. All data were furnished voluntarily.

**Systems exempted from certain provisions of the act:** None.

09-42-0065

**System name:** NIE Outside Experts. HEW E.

**Security classification:** None.

**System location:**

Room 720, Brown Building  
1200 19th Street, N.W.  
Washington, D.C. 20208

**Categories of individuals covered by the system:** Individuals who have been used as outside experts.

**Categories of records in the system:** Name, department or title, institution, address, institutional category, academic discipline, type of work, year of birth, academic degrees and experience of individuals who have been used as outside experts, together with task(s) performed.

**Authority for maintenance of the system:** Section 405(e)(1) of the General Education Provisions Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The data are used to prepare periodic lists of outside experts and the tasks they have performed and aggregate figures on categories of persons used. These lists and figures are used internally to monitor and improve NIE efforts to involve men and women covering a wide variety of institutions, disciplines, type of work, ethnic background, geographical location, and ages, in development and evaluation of its program. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The records are maintained in computer disc files, with printouts as appropriate.

**Retrievability:** These lists and figures may be released as a matter of public interest; lists of names that may be made public do not indicate sex or ethnicity of individuals.

**Safeguards:** Code number keys protect access to sensitive data. Exception: subject to disclosure requirements of Privacy Act.

**Retention and disposal:** Retained indefinitely.

**System manager(s) and address:**

Science Adviser  
Room 720, Brown Building  
1200 19th Street, N.W.  
Washington, D.C. 20208

**Notification procedure:** System manager; for general inquiries, name, system name and I.D. number and date of previous correspondence if applicable. Address is same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Data compiled from published biographies or curriculum vitae provided voluntarily or as a condition for obtaining a contract or temporary personnel appointment. Sex and ethnicity are included when known.

**Systems exempted from certain provisions of the act:** None.

09-42-0078

**System name:** Travel - Official Travel of NIE Personnel. HEW E.

**Security classification:** None.

**System location:**

National Institute of Education  
1200 19th Street NW  
Washington, D.C. 20208

**Categories of individuals covered by the system:** NIE Personnel.

**Categories of records in the system:** Names of personnel on official travel, including points of travel, purpose and expenses.

**Authority for maintenance of the system:** 405 (e)(1) of the General Education Provisions Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** General Accounting Office. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Data are stored in cabinet files.

**Retrievability:** Data are indexed by name. Records are available to NIE Personnel.

**Safeguards:** Data are for use of authorized personnel only. Exception: subject to disclosure requirements of Privacy Act.

**Retention and disposal:** Travel materials are maintained for 3 years or until auditing.

**System manager(s) and address:**

Chief, Finance Division  
Room 711-M  
1832 M Street NW  
Washington, D.C. 20208

**Notification procedure:** Written inquiries must be made to the system manager at the address above and must include the inquirer's name and address, the system ID number and name.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Materials obtained during course of travel pertaining to authorization of travel, expenses incurred, and other fiscal data.

**Systems exempted from certain provisions of the act:** None.

09-42-0079

**System name:** NIE Controlled Correspondence.

**Security classification:** None.

**System location:**

Room 720  
1200 19th Street, N.W.  
Washington, D.C. 20208

**Categories of individuals covered by the system:** Members of the general public, members of Congress, members of the educational community and others who correspond on a variety of matters with the Institute.

**Categories of records in the system:** Correspondence on a variety of matters including general inquiries, Congressional inquiries on behalf of constituents, unsolicited proposals, requests for program information, requests for staff assistance, inquiries on employment opportunities, and other matters.

**Authority for maintenance of the system:** Section 405(e)(1) of the General Education Provisions Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** For uses 1 through 9 of the Departmental Regulations (45 Code of Federal Regulations 5b). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Data are stored in cardex form and in folders in file cabinets.

**Retrievability:** Indexed by name, by state, and by subject matter. Data are utilized by authorized staff within the Institute in the performance of their duties.

**Safeguards:** Access is limited to authorized personnel. Exception: Subject to disclosure requirements of Privacy Act.

**Retention and disposal:** All files are retained for two years and then boxed and forwarded to the.

**System manager(s) and address:**

Correspondence Control Unit  
Room 720, Brown Building  
1200 19th Street, N.W.  
Washington, D.C. 20208

**Notification procedure:** Written inquiries must be made to the system manager, and must include inquirer's name, address, dates of previous correspondence, the system name and I.D. number.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Data are obtained from correspondence addressed to the Institute from a variety of sources including the general public, prospective contractors, members of Congress, and others.

**Systems exempted from certain provisions of the act:** None.

09-42-0081

**System name:** Compensatory Education Study. HEW E.

**Security classification:** None.

**System location:** See Appendix A and Appendix B.

**Categories of individuals covered by the system:** The subjects are school children in the elementary and intermediate grades (1-9); parents of such children; teachers and paraprofessionals involved in compensatory education programs; administrators at the local, district, state, and federal levels and lawyers and auditors involved in Title I cases. Additionally, subjects include community leaders; other teachers and administrators (i.e., principals, superintendents, analysts, evaluators) at the local, district, state and federal levels; and persons in educational research, both past and currently.

**Categories of records in the system:** The records consist of data regarding children's involvement in compensatory education or other school programs, including background information and achievement data; parents', teachers' and other staffs' perceptions regarding education programs and their administration; administrators' perceptions and problems regarding compensatory education programs; and researchers' views, both empirically based and intuitive.

**Authority for maintenance of the system:** Sec. 821 of the Education Amendments of 1974 (P. L. 93-380).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The records will be available to contractors for services and analysis by authorized personnel. Achievement and other program data in personally-identifiable form will be available only to the school in which it was collected for purposes of planning and evaluation by school personnel. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The records are maintained on disc, tape, IBM cards, and in hard copy filed in standard file cabinets.

**Retrievability:** The records are indexed by age, grade, agency, geographic location, time sequence, topics, codes, or ID number. They will be used for reporting purposes or statistical research, in a non-personally identifiable format.

**Safeguards:** The records are safeguarded by permission and involvement of parents, teachers, administrators, and researchers. Names of individuals are primarily stored separately from the records and are accessible only to authorized personnel. Exception: Subject to disclosure requirements of the Privacy Act.

**Retention and disposal:** The records are maintained indefinitely.

**System manager(s) and address:**

Chief, Compensatory Education Division  
1200 19th Street, N.W., Room 808  
Washington, D. C. 20208

**Notification procedure:** Inquiry must be made in writing to the system manager (address above) and must include the inquirer's name, address, dates of previous correspondence, if known, and any system ID number and name.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Data were collected by observation, interview, questionnaires administered both personally and through the mail, conference notes, testing, and re-analysis of previously collected data.

**Systems exempted from certain provisions of the act:** None.

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## Appendix A

District Survey I

Stanford Research Institute  
Menlo Park, California

Demonstration Projects  
Colorado Department of Education  
Denver, Colorado

Kansas State Department of Education  
Topeka, Kansas

New Mexico Department of Education  
Santa Fe, New Mexico

Arizona Department of Education  
Phoenix, Arizona

Oklahoma Department of Education  
Oklahoma City, Oklahoma

North Carolina Department of Public Instruction  
Raleigh, North Carolina

State Education Department  
Albany, New York

West Virginia Department of Education  
Charleston, West Virginia

Texas Education Agency  
Austin, Texas

California Department of Education  
Sacramento, California

Wisconsin Department of Public Instruction  
Madison, Wisconsin

Massachusetts Department of Education  
Boston, Massachusetts

Rhode Island Department of Education  
Providence, Rhode Island

Research Syntheses

Stanford Research Institute  
Menlo Park, California

Harvard Graduate School of Education  
Cambridge, Massachusetts

International Reading Association  
Newark, Delaware

Contract Research Corporation  
Belmont, Massachusetts

Ohio State University  
Columbus, Ohio

Alternative Designs to Compensatory Education

UCLA Graduate School of Education  
Los Angeles, California

Stanford Research Institute  
Menlo Park, California

University of Kansas Department of Human Development  
Lawrence, Kansas

Fanon Research & Development Center  
Los Angeles, California

Research on Demonstration Projects

Abt Associates, Inc.  
Cambridge, Massachusetts

Individualized Instruction Designs

Learning Research & Development Center  
University of Pittsburgh  
Pittsburgh, Pennsylvania

Education Turnkey Systems  
Washington, D.C.

Research for Better Schools  
Philadelphia, Pennsylvania

Contemporary Research Incorporated  
Los Angeles, California

Survey of Legal Standards

Lawyers' Committee for Civil Rights under Law  
Washington, D.C.

## Appendix B

Contractors for following projects:  
Study of Individualization Implementation  
Relationships between Theory & Practice in Reading  
Study of State Administration, Title I and State Programs  
Poverty Measures Study  
Achievement Measures Study  
Calculation of Effects of Eligibility Criteria  
Testing Synthesis  
Effects of Alternative Procedures for Allocating Title I Funds  
Study of State Testing and Accountability Programs  
Research on Relationship between Poverty & Achievement  
Study of Subcounty Allocation  
Study of Individualized Lesson Plans  
Study of Teacher Training  
Study of Districts with High Concentration of Funds  
Study of Programs Regulations

09-42-0082

**System name:** National Council on Educational Research Mailing Lists. HEW E.

**Security classification:** None.

**System location:**

Room 729, Brown Building  
1200 - 19th Street, N.W.  
Washington, D.C. 20208

**Categories of individuals covered by the system:** Members of various governmental agencies and the public.

**Categories of records in the system:** Names and addresses of individuals receiving: minutes of Council meetings, resolutions adopted by the Council, lists of names and addresses of Council members (current), annual report of the Council, miscellaneous materials available for dissemination.

**Authority for maintenance of the system:** Section 405(b) of the General Education Provisions Act (20 U.S.C. 1221e(b)).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Dissemination of information resulting from the meetings of the National Council on Educational Research. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Correspondence files and the mailing lists are maintained in file folders in unlocked area.

**Retrievability:** Records are filed by name of correspondent and are used by authorized staff to disseminate information on Council activities.

**Safeguards:** Access to mailing lists available only to authorized personnel. Exception: subject to disclosure requirements of Privacy Act.

**Retention and disposal:** Records maintained as long as mailing lists are active.

**System manager(s) and address:**

Chief, Policy and Administrative Coordination  
National Council on Educational Research  
Room 722, Brown Building  
1200 - 19th Street, N.W.  
Washington, D.C. 20208

**Notification procedure:** Written inquiries must be made to the system manager, address above, and must include inquirer's name, address, dates of previous correspondence, the assigned system I.D. number and system name.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** From the correspondents themselves.

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-No-nc.

09-42-0083

**System name:** National Council on Educational Research Current and Past Information on Members of the Council and Consultants. HEW E.

**Security classification:** None.

**System location:**

Room 729, Brown Building  
1200 - 19th Street, N.W.  
Washington, D.C. 20208

**Categories of individuals covered by the system:** Current and past members of the National Council on Educational Research and consultants.

**Categories of records in the system:** Current and past records of the Council pertaining to: Personnel matters (personal records, biographical data, etc.), lists of names and addresses of members, records on Council nominees, Council fiscal records.

**Authority for maintenance of the system:** Section 405(b) of the General Education Provisions Act (20 U.S.C. 1221e(b)).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To contractors for services and analysis of the records by authorized personnel. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records maintained in file folders and kept in locked file cabinets.

**Retrievability:** Records are indexed by name - some by date. Records available only to authorized personnel on a 'need-to-know' basis (working files and reference, estimating future budget needs, current names and addresses of Council members provided to individuals upon request).

**Safeguards:** File cabinets are locked during nonworking hours. Access is limited to authorized personnel. Exception: subject to disclosure requirements of Privacy Act.

**Retention and disposal:** Records are maintained indefinitely.

**System manager(s) and address:**

Chief, Policy and Administrative Coordination  
National Council on Educational Research

Room 722, Brown Building  
1200 - 19th Street, N.W.  
Washington, D.C. 20208

**Notification procedure:** Written inquiries must be made to the system manager, address above, and must include inquirer's name, address, dates of previous correspondence, the assigned system I.D. number and system name.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Information from Council members and other areas of the agency.

**Systems exempted from certain provisions of the act:** None.

09-42-0084

**System name:** National Council on Educational Research Attendance Lists. HEW E.

**Security classification:** None.

**System location:**

Room 729, Brown Building  
1200 - 19th Street, N.W.  
Washington, D.C. 20208

**Categories of individuals covered by the system:** Individuals from the private sector and various state and federal agencies.

**Categories of records in the system:** Names, addresses and telephone numbers of individuals who plan to attend and those who actually attend Council meetings.

**Authority for maintenance of the system:** Section 405(b) of the General Education Provisions Act (20 U.S.C. 1221e(b)).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** For uses 1 through 9 in Appendix B of the Departmental Regulations (45 CFR Part 5b). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Lists of attendees are made a part of the official record of the Council meeting.

**Retrievability:** Lists are filed under date of Council meetings. Used to provide information to Director of agency and Chairman of Council, and agency staff for provision of adequate facilities to accommodate attendees at meetings of the Council. Provides information regarding attendees if any should request permission to address the Council during meeting. Provides information needed if materials must be mailed to attendees.

**Safeguards:** Council files are kept in locked file cabinets and are accessible only to authorized personnel. Exception: subject to disclosure requirements of Privacy Act.

**Retention and disposal:** Records are maintained indefinitely.

**System manager(s) and address:**

Chief, Policy and Administrative Coordination  
National Council on Educational Research  
Room 722, Brown Building  
1200 - 19th Street, N.W.  
Washington, D.C. 20208

**Notification procedure:** Written inquiries must be made to the system manager, address above, and must include inquirer's name, address, dates of previous correspondence, the assigned system I.D. number and system name.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Information provided by attendees.

**Systems exempted from certain provisions of the act:** None.

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09-44-0010

**System name:** Support for Improvement of Postsecondary Education; Field Readers to Review Proposals for FIPSE.

**Security classification:** None.

**System location:**

Fund for the Improvement of Postsecondary Education  
Room 3141, 400 Maryland Avenue, S. W.  
Washington, D. C. 20202

**Categories of individuals covered by the system:** Individuals with backgrounds and experience in postsecondary education.

**Categories of records in the system:** Resumes indicating name, position, work experience, and general personnel information.

**Authority for maintenance of the system:** 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** For uses 1 through 8 in Appendix B of the Departmental Regulations (45 Code of Federal Regulations 5b).

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders in cabinet.

**Retrievability:** The file is organized by individuals who have read for FIPSE by year, program and name; and by individuals who request to read for FIPSE by name.

**Safeguards:** Administrative use by authorized agency personnel. Exception: subject to disclosure requirements of Privacy Act.

**Retention and disposal:** Information is retained until an annual review of post field readers is conducted.

**System manager(s) and address:**

Deputy Director, FIPSE  
Room 3141, 400 Maryland Avenue, S. W.  
Washington, D. C. 20202

**Notification procedure:** System manager; for general inquiries, name and date of previous correspondence, if known; for complaint/investigative material, name and any I.D. number assigned. Address is same as above.

**Record access procedures:** Contact system manager, listed above.

**Contesting record procedures:** Same as above.

**Record source categories:** Information forwarded to FIPSE by individuals interested in serving as field readers; information obtained by contacting individuals with specific expertise in postsecondary education.

**Systems exempted from certain provisions of the act:** None. / \*

09-37-0001

**System name:** Assistant Secretary for Health Correspondence Control System HEW/OASH/OPI

**Security classification:** None.

**System location:**

Public Health Service  
Room 17B08  
5600 Fishers Lane  
Rockville, Md. 20857

**Categories of individuals covered by the system:** Individuals who have contacted the Assistant Secretary for Health or have been contacted in writing by him.

**Categories of records in the system:** Hard copies of the Assistant Secretary for Health's correspondence and computer printout and tape control system records of that correspondence.

**Authority for maintenance of the system:** 5 U.S.C. 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

fectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Correspondence records maintained in hard copy; control records maintained on computer printout, tape, and disc.

**Retrievability:** Hard copy records indexed alphabetically by name and date of outgoing correspondence and also by subject. Detailed cross-referencing on computer.

**Safeguards:** Records are maintained in file cabinets in a secure location. Access to computer system limited to specific individuals through use of passwords. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Hard copy records are retired to Archives after two years; control records are retired at the same time.

**System manager(s) and address:** Executive Secretary, Public Health Service (address as above).

**Notification procedure:** Inquiries should indicate the name of the individual with whom the Assistant Secretary for Health corresponded, the date of the incoming correspondence and the date of the outgoing correspondence. Inquiries should be addressed to the Executive Secretary at the address above.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Records are derived from incoming correspondence and the outgoing correspondence of the Assistant Secretary for Health.

**Systems exempted from certain provisions of the act:** None.

09-37-0002

**System name:** PHS Commissioned Officer Personnel Data System.

HEW/OASH/OAM

**Security classification:** None.

**System location:**

Office of the Director, Commissioned Personnel Operations  
Division  
Office of Personnel Management/OAM/PHS  
Room 4A-15, Parklawn Building  
5600 Fishers Lane  
Rockville, Maryland 20857

**Categories of individuals covered by the system:** Commissioned Officers, former commissioned officers, and applicants to the Commissioned Corps of the Public Health Service, with dependents and survivors of the above.

**Categories of records in the system:** ADP tapes covering training, personnel actions, payroll, applicant and officer qualifications, minority group designator files, references, medical data, and similar personnel data.

**Authority for maintenance of the system:** Public Health Service Act Section 201 et seq. (42 U.S.C. 202 et seq.). Social Security Act Section 301 et seq. (42 U.S.C. 410(m) et seq.).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information from these records may be transmitted for official purposes: to U.S. Congress; to Office of Management and Budget for budgetary or management oversight purposes; and to Federal agencies and departments to which information may be provided from the records system entitled 'PHS Commissioned Corps General Personnel Files and Records' (09-37-0007), for the same purposes stated there. Disclosed to prospective employers or other organizations, at the request of the individual. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

ployee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Various on disc, mag-tape, and some hard copy reports.

**Retrievability:** Alphabetically by name, by Public Health Service serial number, and by social security number in accordance with Section 7(a)(2)(B) of the Privacy Act. Used by HEW employees who process personnel operations and in the preparation of the Commissioned Officer Roster and Promotion Seniority.

**Safeguards:** Physical systems are in restricted areas with building guard protection. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Indefinite retention.

**System manager(s) and address:** Director, Commissioned Personnel Operations Division (see system location).

**Notification procedure:** Write System Manager giving Social Security Number, if known, and name of the Officer.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** From individual officers, references and applicants; and from personnel files.

**Systems exempted from certain provisions of the act:** Individuals will be provided information from the above record system except, when in accordance with the provisions of 5 U.S.C. 552a(k)(5), 1) disclosure of such information would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or 2) if the information was obtained prior to the effective date of Section 3, P. L. 93-579, disclosure of such information would reveal the identity of a source who provided information under an implied promise that the identity of the source would be held in confidence. (45 CFR 5b.11)

09-37-0003

**System name:** PHS Commissioned Corps Medical Records.

HEW/OASH/OAM.

**Security classification:** None.

**System location:**

Office of the Director, Commissioned Personnel Operations  
Division  
Office of Personnel Management/OAM/PHS  
Room 4A-15, Parklawn Building  
5600 Fishers Lane  
Rockville, Maryland 20857

**Categories of individuals covered by the system:** Commissioned Officers; applicants to the Commissioned Corps; deceased officers; retired and terminated officers; annuitants from the Commissioned Corps of the Public Health Service.

**Categories of records in the system:** Medical files and records on individuals covered; medical board records; death case files and supporting documents; and correspondence relating to the above.

**Authority for maintenance of the system:** Public Health Service Act 201 et seq. (42 U.S.C. 202 et seq.).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Provided to Veterans

Administration in event of post-service claims or continued medical care while still on active duty. These records or information therefrom may also be provided to Department of Defense to assure continuity of medical care. Copies of medical and personnel records may be provided to Department of Justice, Department of Transportation, Department of State, Environmental Protection Agency and other agencies covering Commissioned Officers assigned to those agencies. Copies of medical records may be provided to private physicians in emergency situations. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:**

Locked Lektiever and Conserv-a-Files  
Federal Records Center

**Retrievability:** By name of officer or applicant listed alphabetically and by social security number in accordance with section 7(a)(2)(B) of the Privacy Act. Death case file used in social security processing. Used by HEW employees who make eligibility decisions; adjudications of entitlements; budgetary estimates; statistical data; and provide continuity of care between medical facilities.

**Safeguards:** Locked containers and building guard system.

**Retention and disposal:** Medical records retained indefinitely; non-selected applicant files destroyed after five years.

**System manager(s) and address:** Director, Commissioned Personnel Operations Division (See System location above).

**Notification procedure:** An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** From individual officers; applicants; private and governmental physicians; hospitals and clinics; investigative reports; official personnel folder; death certificates and reports of death; from survivors and executors of estates and other Commissioned Corps officials.

**Systems exempted from certain provisions of the act:** None.

09-37-0004

**System name:** PHS Commissioned Corps Training Files and Materials. HEW/OASH/OAM.

**Security classification:** None.

**System location:**

Office of the Director, Commissioned Personnel Operations  
Division  
Office of Personnel Management/OAM/PHS  
Room 4A-15, Parklawn Building  
5600 Fishers Lane  
Rockville, Maryland 20857



**Categories of individuals covered by the system:** Commissioned Officers and applicants to the Commissioned Corps of the Public Health Service.

**Categories of records in the system:** Applications for and records of continued professional training; applications for and records of Commissioned Officers Student Training and Extern Programs (COSTEP), Commissioned Officer Residency Deferment Program (CORD), and Delayed Call To Active Duty Program (DCAD); references; and correspondence relating to the above.

**Authority for maintenance of the system:** Public Health Service Act section 218a and Section 201 et seq. (42 U.S.C. 202 et seq.).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records kept in locked metal file cabinets in locked room.

**Retrievability:** By officer's name in alphabetical order and by social security number in accordance with Section 7(a)(2)(B) of the Privacy Act. Used by HEW employees who process these records for the purposes of eligibility review, record maintenance, budgetary estimates, and statistical data.

**Safeguards:** Locked containers and locked room, protected by building guard force.

**Retention and disposal:** Files retained in permanent PHS Commissioned Corps files and transferred to Official Personnel Folder when employee becomes inactive. Files maintained permanently within PHS.

**System manager(s) and address:** Director, Commissioned Personnel Operations Division (See System location above).

**Notification procedure:** Write System Manager.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** From officers and applicants concerned, from references, and from official personnel folders.

**Systems exempted from certain provisions of the act:** Individuals will be provided information from the above record system except, when in accordance with the provisions of 5 U.S.C. 552a(k)(5), 1) disclosure of such information would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or 2) if the information was obtained prior to the effective date of Section 3, P. L. 93-579, disclosure of such information would reveal the identity of a source who provided information under an implied promise that the identity of the source would be held in confidence. (45 CFR 5b.11)

09-37-0005

**System name:** PHS Commissioned Corps Officer Board Proceedings. HEW/OASH/OAM.

**Security classification:** None.

**System location:**

Office of the Director, Commissioned Personnel Operations Division

Office of Personnel Management/OAM/PHS  
Room 4A-15, Parklawn Building  
5600 Fishers Lane  
Rockville, Maryland 20857

**Categories of individuals covered by the system:** Commissioned Officers and applicants to the Commissioned Corps of the Public Health Service.

**Categories of records in the system:** Commissioned Officers Awards Board files consisting of nominations, citations and related documents. Records of board proceedings relating to appointment, promotion, separation, reduction in grade, retirement, and special pay (Variable Incentive and Continuation Pay) and supportive material.

**Authority for maintenance of the system:** Public Health Service Act Section 201 et seq. (42 U.S.C. 202 et seq.); 5 USC 4501.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Metal file cabinets in locked room.

**Retrievability:** Alphabetical files by names of persons. Used by HEW employees who process or participate in Board actions which recommend or decide on appropriate actions in the categories listed and in the preparation of the Commissioned Officer Roster and Promotion Seniority.

**Safeguards:** Building guard force.

**Retention and disposal:** Indefinitely retained.

**System manager(s) and address:** Director, Commissioned Personnel Operations Division (See System location above).

**Notification procedure:** Write System Manager.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** From individuals themselves or their service records, including efficiency and progress reports, from references, and from supervisors.

**Systems exempted from certain provisions of the act:** Individuals will be provided information from the above record system except, when in accordance with the provisions of 5 U.S.C. 552a(k)(5), 1) disclosure of such information would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or 2) if the information was obtained prior to the effective date of Section 3, P. L. 93-579, disclosure of such information would reveal the identity of a source who provided information under an implied promise that the identity of the source would be held in confidence. (45 CFR 5b.11) Pursuant to 5 U.S.C. 552a(k)(6) all material and information in this system of records about an individual that meet the criteria stated in 5 U.S.C. 552a(k)(6) are exempt from the requirements of 5 U.S.C. 552a(c)(3); (d); (e)(4)(G), (H), and (I); and (f) relating to access and contest, making an accounting of disclosure to the individual named in the record, maintenance of information in records, publication annually in the ————, and provisions regarding agency rules in that

portions of this system relate to testing and examination materials that are used solely to determine individual qualifications for appointment or promotion in the U.S. Public Health Service Commissioned Corps. The specific material that is exempted is as follows:

- Answer keys.
- Ratings given for the purpose of validating examinations.
- Rating sheets.
- Rating schedules, including crediting plans.
- Transmutation tables.
- Test booklets.
- Test item files. (45 CFR 5b.11)

09-37-0006

**System name:** PHS Commissioned Officer Grievance; Equal Employment Opportunity; and Non-Board and Pre-Board Involuntary Retirement, Involuntary Separation and Disciplinary Files. HEW/OASH/OAM.

**Security classification:** None.

**System location:**

Office of the Director, Commissioned Personnel Operations Division  
Office of Personnel Management/OAM/PHS  
Room 4A-15, Parklawn Building  
5600 Fishers Lane  
Rockville, Maryland 20857  
except for equal employment opportunity files for covered individuals, see Public Health Service listings in Personnel Appendix 1 to System Notice 09-90-0009.

**Categories of individuals covered by the system:** Commissioned officers and applicants to the Commissioned Corps of the Public Health Service.

**Categories of records in the system:** Files concerning grievances filed by or against commissioned officers; disciplinary actions, involuntary retirements and involuntary separations (non-board or pre-board actions) taken against commissioned officers; EEO complaints filed by commissioned officers; and correspondence related thereto.

**Authority for maintenance of the system:** Public Health Service Act Section 201 et seq. (42 U.S.C. 202 et seq.).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Locked metal cabinet.

**Retrievability:** Alphabetically by officer's name Used by HEW officials who decide or process grievances, Equal Employment Opportunity complaints, involuntary retirements, involuntary separations, or disciplinary actions or those assisting in these actions.

**Safeguards:** Locked cabinet in area under building guard surveillance.

**Retention and disposal:** Grievance files destroyed after two years. Others kept indefinitely.

**System manager(s) and address:** Director, Commissioned Personnel Operations Division, except for equal employment opportunity files (see System locations above).

**Notification procedure:** Write System Manager.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** From the individuals themselves, from reports of investigations by Commissioned Personnel Operations Division, and from reports of review boards.

**Systems exempted from certain provisions of the act:** None.

09-37-0007

**System name:** PHS Commissioned Corps General Personnel Files and Records. HEW/OASH/OAM.

**Security classification:** None.

**System location:**

Office of the Director, Commissioned Personnel Operations Division  
Office of Personnel Management/OAM/PHS  
Room 4A-15, Parklawn Building  
5600 Fishers Lane  
Rockville, Maryland 20857

**Categories of individuals covered by the system:** Commissioned Officers, former Commissioned Officers, applicants to the Commissioned Corps of the Public Health Service with dependents and survivors of the above.

**Categories of records in the system:** These records contain information such as application forms for appointment, references and other documents relating to qualifications or suitability for appointment and assignment; Service Record Cards (summarizing personnel actions); efficiency and progress reports; career development and training records; documents relating to promotion, retention, separation, and other personnel actions; applications and records of Service action relating to pay, travel, and allowances (including overseas educational allowances for dependents); applications and records of Service action relating to Commissioned Officer Residency Deferment Program (CORD) and Commissioned Officer Student Training and Extern Programs (COSTEP); survivor benefits; selection system applications; non-board terminations and reprimands, after final administrative action; identification and privilege card records; leave records; awards and authorizations; Official Personnel Folders; and correspondence relating to the above.

**Authority for maintenance of the system:** Public Health Service Act Section 201 et seq. (42 U.S.C. 202 et seq.). E.O. 10450.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records may be disclosed as indicated below: To prospective employers or other organizations at the request of the individual; to other Federal agencies in the event of appointment of former officers; to other Federal agencies to the extent necessary to obtain suitability and security investigation reports; to DOD in event of national emergency. FHA and VA may obtain information in event of employment claims and benefits; Bureau of Prisons (Department of Justice), Coast Guard (Department of Transportation), and Environmental Protection Agency may obtain copies of personnel documents relating to Commissioned Officer assignments to those agencies. Records may be disclosed to individuals and organizations deemed qualified by the Secretary to carry out specific research solely for the purpose of carrying out such research (45 CFR, Part 5b, Appendix B, Item 101). Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

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**Storage:** Records kept in Iektrievers and Conserv-a-Files in secured area. Derogatory information kept in locked safe.

**Retrievability:** Alphabetically indexed by name of person and by social security number in accordance with Section 7(a)(2)(13) of the Privacy Act. Used by HEW officials for the purpose of review in connection with determining qualifications and suitability for appointment, selection, career development and training, transfers, promotions, obligations, retention, eligibility for rights, benefits and privileges, and other personnel actions; and in the preparation of the Commissioned Officer Roster and Promotion Seniority.

**Safeguards:** Secured area, safes, and building guard force.

**Retention and disposal:** Applicant files destroyed after two years if not used; other files retained indefinitely. Identification and privilege cards and records disposed of when officer is no longer entitled to use.

**System manager(s) and address:** Director, Commissioned Personnel Operations Division. (See System location above.)

**Notification procedure:** Write only System Manager.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact System Manager.

**Record source categories:** Information furnished by subject, references, reports of supervisors and other officials, personnel actions, and doctors.

**Systems exempted from certain provisions of the act:** Individuals will be provided information from the above record system except, when in accordance with the provisions of 5 U.S.C. 552a(k)(5), 1. disclosure of such information would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or 2) if the information was obtained prior to the effective date of Section 3, P. L. 93-579, disclosure of such information would reveal the identity of a source who provided information under an implied promise that the identity of the source would be held in confidence. (45 CFR 5b.11)

09-37-0008

**System name:** PHS Commissioned Corps Unofficial Personnel Files and Other Station Files.

**Security classification:** None.

**System location:** Operating Offices of the Department responsible for the individual's employment.

**Categories of individuals covered by the system:** Commissioned Officers, former Commissioned Officers, with their dependents assigned to the subject installation.

**Categories of records in the system:** Duplication of any personnel records contained in 09-37-0007. In addition, there may be training records, billet descriptions, financial management documents, specialty board examination requests, medical residency (intern) evaluations, leave records, and identification and privilege card records. Correspondence relating to individuals covered.

**Authority for maintenance of the system:** Public Health Service Act Section 201, et seq., (42 U.S.C. 202 et seq.); 10 U.S.C. 1071 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records kept in secured area.

**Retrievability:** Alphabetically indexed by name of person. Used by DHEW officials who conduct personnel operations for the Commissioned Corps.

**Safeguards:** Records kept in secured area.

**Retention and disposal:** Station personnel files destroyed after two years if not used; leave records destroyed five years after separation; other files retained indefinitely. Identification and privilege cards and records disposed of when officer is no longer entitled to use.

**System manager(s) and address:** Administrative Officers where individual is employed.

**Notification procedure:** Individuals should contact their supervisors or the administrative offices of the organization unit in which employed regarding records pertaining to them.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Information furnished by reports of supervisors and other officials, personnel actions, and the individual.

**Systems exempted from certain provisions of the act:** None. /\*

09-30-0001

**System name:** Record of follow-up study of NIMH-supported trainees and fellows - HEW/ADAMHA/NIMH.

**Security classification:** None.

**System location:**

National Institute of Mental Health  
5600 Fishers Lane  
Rockville, Maryland 20857

**Categories of individuals covered by the system:** Former NIMH-supported trainees and fellows in the various fields and disciplines of Mental Health.

**Categories of records in the system:** Employment history, types of work activities, general demographic data.

**Authority for maintenance of the system:** Public Health Service Act Sections 301, 303, 455, 472 (42 U.S.C. 241, 242a, 289 K-1, 289 L-1).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic tape.

**Retrievability:** By ID number, retained in program office. Data were collected for study needed for purposes of program management and review.

**Safeguards:** Tape files are stored in computer facility, organizationally and physically separated from program office. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Records may be retired to a Federal Records Center and subsequently disposed of in accordance with

the ADAMHA Records Control Schedule. The disposal standard for these records may be obtained by writing the system manager at the address below.

**System manager(s) and address:**

Chief, Manpower and Analytic Studies Branch  
Division of Manpower and Training Programs  
National Institute of Mental Health, ADAMHA  
5600 Fishers Lane  
Rockville, Maryland 20857

**Notification procedure:** Write the system manager, address as above, specifying training institution through which NIMH support was received, the period (dates) of support, and the field of support (psychiatry, social work, etc).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Questionnaire response of individual trainee or fellow.

**Systems exempted from certain provisions of the act:** None.

09-30-0002

**System name:** Statistical research data on adolescent runaways in Prince Georges County, Md., 1962-65  
HEW/ADAMHA/NIMH.

**Security classification:** None.

**System location:**

Mental Health Study Center  
2340 University Boulevard, East  
Adelphi, Maryland 20783

**Categories of individuals covered by the system:** Adolescent runaways in Prince Georges County, Md., 1962-65.

**Categories of records in the system:** Information obtained from interviews with subject individuals and parents or guardians.

**Authority for maintenance of the system:** Public Health Service Act Section 301(42 U.S.C. 241).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Field notes, transcribed interviews, audio tapes of interviews, and punch cards.

**Retrievability:** Retrieved by number. Used for research purposes only by researcher.

**Safeguards:** Kept in locked filing cabinets. Indexes kept in separate locked cabinet. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The disposal standard for these records may be obtained by writing the system manager at the address below.

**System manager(s) and address:**

Chief, Mental Health Study Center  
2340 University Boulevard, East  
Adelphi, Maryland 20783

**Notification procedure:** An individual may have access to his/her record upon written request, with notarized signature, addressed to the System Manager identified above. The request should include the name of the researcher, if possible.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** From the subject individuals themselves, and their parents or guardians, with their approval, cooperation and participation.

**Systems exempted from certain provisions of the act:** None.

09-30-0003

**System name:** Medical record files of patients seen in therapy in programs of the Mental Health Study Center - HEW/ADAMHA/NIMH.

**Security classification:** None.

**System location:**

Mental Health Study Center  
2340 University Boulevard, East  
Adelphi, Maryland 20783  
and at contractor facilities. A list of contractor locations is available from the system manager.

**Categories of individuals covered by the system:** Patients seen in therapy in programs of the Mental Health Study Center.

**Categories of records in the system:** Consultation Record Form, intake questionnaire, progress notes, Patient Service Record Form, psychophysiological and developmental tests, medical and social histories, physical examinations, clinical and behavioral observations and interview questionnaires, correspondence with community agencies, professionals on cases, and consent forms.

**Authority for maintenance of the system:** Public Health Service Act Section 301(42 U.S.C. 241).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Medical record forms, case notes, logs, files and indexes.

**Retrievability:** Retrieved by case number and name. Used for clinical intervention by therapists and, with individual consent, for behavioral and basic research.

**Safeguards:** Only authorized research and service staff have access to records which will be kept in locked file drawers. Index records kept in separate locked cabinets. Contractors will comply with the provisions of the Privacy Act and with the Departmental Regulations.

**Retention and disposal:** Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The disposal standard for these records may be obtained by writing the system manager at the address below.

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**System manager(s) and address:**

Chief, Mental Health Study Center  
2340 University Boulevard, East  
Adelphi, Maryland 20783

**Notification procedure:** An individual may have access to his/her record upon written request, with notarized signature, addressed to the System Manager identified above. The request should include the name of the researcher, as well as the name of the study, if it is a named study. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.). A parent or guardian who requests notification of or access to a minor's record shall at the time the request is made designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The designate will receive the record in all cases and upon review will determine whether the record should be made available to the parent or guardian.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** From the patients themselves with their approval, cooperation, and participation.

**Systems exempted from certain provisions of the act:** None.

09-30-0004

**System name:** Intramural research program records of research performed on in- and out-patients with various types of mental illness - HEW/ADAMHA/NIMH.

**Security classification:** None.

**System location:**

National Institutes of Health  
9000 Rockville Pike  
Bethesda, Maryland 20014

Saint Elizabeths Hospital  
Washington, D. C. 20032

**Categories of individuals covered by the system:** In- and out-patients with emotional, psychiatric, and neurophysiological disability, normal subjects, and research subjects.

**Categories of records in the system:** Research data of wide variety including biochemical measures, psychophysiological and psychological tests, questionnaires, clinical and behavioral observations and interviews, physical examinations, and correspondence.

**Authority for maintenance of the system:** Public Health Service Act Sections 301, 302, and 303 (42 USC 241, 242, 242a).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to approved collaborating national, state, international, and non-government researchers. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** In original state; files, indexes, magnetic and other tapes.

**Retrievability:** Retrieved by name (coded). These records are used for diagnosis and treatment of patients with neuropsychiatric illnesses, and behavioral research relating to the causes, diagnoses, and treatment of neuropsychiatric disorders, and basic research on behavioral processes and personality development.

**Safeguards:** Only authorized medical and research staff have access to these records. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The disposal standard for these records may be obtained by writing the system manager at the address below.

**System manager(s) and address:**

Director, Intramural Research Program  
National Institute of Mental Health  
Building 36, Room 1A-07  
9000 Rockville Pike  
Bethesda, Maryland 20014

**Notification procedure:** An individual may have access to his/her record upon written request, with notarized signature, addressed to the system manager identified above. The request should include as much of the following information as possible: (a) Full name; (b) Nature of illness (if any); (c) Ward or laboratory; (d) Title of study; (e) Name of researcher conducting study. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.). A parent or guardian who requests notification of or access to a minor's record shall at the time the request is made designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The designate will receive the record in all cases and upon review will determine whether the record should be made available to the parent or guardian.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information gathered from individuals under study, either patient or normal subject, contract surveys, hospital records, medical and nursing staff notes.

**Systems exempted from certain provisions of the act:** None.

09-30-0005

**System name:** Saint Elizabeths Hospital Research Subjects Data Record - HEW/ADAMHA/NIMH.

**Security classification:** None.

**System location:**

Saint Elizabeths Hospital  
Washington, D. C. 20032  
and Federal Records Center  
Suitland, Maryland

**Categories of individuals covered by the system:** Persons participating in approved research studies at Saint Elizabeths Hospital in the following categories: 1) in-patients, out-patients, former patients, and relations of patients; 2) hospital staff including stipended trainees; and 3) non-hospital related subjects.

**Categories of records in the system:** Record categories include: data from interviews, medical and non-medical test and laboratory data, self-report information, informant observation data, and data from previous records. These data are contained in written documents, photographs, audio tapes, video tapes, and computerized records.

ments, photographs, audio tapes, video tapes, and computerized records.

**Authority for maintenance of the system:** Public Health Service Act Section 301 (42 U.S.C. 241).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Records are routinely disclosed to the following third parties outside HEW: 1) authorized researchers for purposes of basic research, program evaluation, and historical research; and 2) qualified physicians for the purpose of obtaining medical background data. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders and filing cabinets; audio and video tape reels and storage cabinets.

**Retrievability:** System is filed by name, code, and/or hospital case number of subject, dates when research was conducted, research program area, and primary investigator. Immediate purposes include: data analysis, case study illustration, hypothesis generating study, and subject reimbursement. Long-range purposes include: diagnosing and treating mental disorders, and improving diagnostic and treatment methods; generating new knowledge about the nature and causes of mental and emotional illnesses, and about rehabilitating the mentally ill; generating new knowledge about human behavior; program evaluation and assessment; and historical research.

**Safeguards:** Records are maintained in monitored offices and are only available to persons authorized to use records for purposes for which they were collected. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The disposal standard for these records may be obtained by writing the system manager at the address below.

**System manager(s) and address:**

Director, Hoffman Division of Research  
Saint Elizabeths Hospital  
Washington, D.C. 20032

**Notification procedure:** Individuals in this system of records may have access to their records upon written request, with notarized signature if request is by mail, or with suitable identification if request is made in person, directed to:

Privacy Act Coordinator  
Office of the Director, Hoffman Division of Research  
Saint Elizabeths Hospital  
Washington, D.C. 20032

All of the following data must be provided when requesting access:

- Full name, and date and place of birth;
- Inclusive dates of participation in the research study;
- Type of research study;
- Location of the unit where research was conducted;
- Name or primary investigator;
- The status of the requestor with respect to the hospital, e.g., in-patient, out-patient, former patient, staff or trainee, or non-hospital related subject;
- If possible, in the case of patients, the hospital number.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

partment Regulations (45 CFR 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Write the Privacy Act Coordinator, Office of the Director, Hoffman Division of Research, Saint Elizabeths Hospital, Washington, D.C. 20032. Reasonably identify the record and specify the information to be contested in accordance with Department regulations, Federal Register, October 8, 1975, page 47411 (45 C.F.R. Part 5b.7).

**Record source categories:** Information is obtained from research subjects, observers, previous records, and test results.

**Systems exempted from certain provisions of the act:** None.

09-30-0006

**System name:** The Saint Elizabeths Hospital Medical-Surgical Support Program File System - HEW/ADAMHA/NIMH.

**Security classification:** None.

**System location:**

Saint Elizabeths Hospital  
Medicine & Surgery, and Laboratory Branches  
Washington, D.C. 20032

Federal Records Center  
Suitland, Maryland

**Categories of individuals covered by the system:** All present and past patients and employees of Saint Elizabeths Hospital who received medical treatment and laboratory services.

**Categories of records in the system:** The Division of Medical-Surgical Support Programs is made up of two branches: (1) Medicine and Surgery Branch; and (2) Laboratory Branch. Listed below are records and logs peculiar to the Division of Medical-Surgical Support Programs only (not used outside the Division). The Medical-Surgical Support Program File System does not include any material which is located in a patients medical record.

**Medicine and Surgery Branch Records**

- Dental Department: X-ray films
- Neurology Department: electroencephalographs and echoencephalographs
- Department of Ophthalmology: photographs of eyes, interesting cases (card file)
- Department of Radiology: X-ray films
- Department of Surgery: cancer registry
- Department of Rehabilitation Medicine: physical therapy treatment files and blind rehabilitation records

**Medicine and Surgery Branch Logs**

- Evening-Night Physicians' Logs: Abstract of the cases handled during the tour of duty 5:00 p.m. to 8:30 a.m.
- Death Information Book: Abstract of information regarding death of patient, notification of relatives, medical examiner and/or other third party.
- Clinic Appointment Logs: Patients, employees, and (casually) visitors with identifying number and reason for appointment to 15 specialty clinics.
- Admission and Transfer Logs in Eldridge Building and in Rehabilitation Medicine Building: identifies patient by name, case number, psychiatric service, date of admission, ward admitted to, date of discharge, and psychiatric service returned to.
- X-ray Admission and Examination Log: daily record of patients examined and diagnostic findings.
- Register of Operations: daily record of patients operated, type of surgery, participating staff, type of anesthesia, and postoperative condition.

**Laboratory Branch Record Book:** record of date of photograph and location of patients.

**Authority for maintenance of the system:** 24 USC 161, et seq.; 21 DC Code 562.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

- To insure continuity of care by providing information to outside physicians, dentists, laboratories, physical therapists, vocational rehabilitation therapists, etc. who are taking an active role in the further treatment of patients seen at the Medicine and Surgery and/or Laboratory Branches of Saint Elizabeths Hospital.

V 42-189 SEP 29 77 UMI



- Information from the cancer registry is provided to the District of Columbia Cancer Registry as required by law.
- Disclosure to members of Professional Standards Review Organization for health care evaluation.
- To the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Departmental Regulations, 45 CFR 5(b), Item 100).
- To organizations deemed qualified by the Secretary to carry out quality assessment, medical audits or utilization review. (Appendix B, Departmental Regulations, 45 CFR 5(b), Item 102).
- Disclosures in the course of employee discipline or competence determination proceedings. (Appendix B, Departmental Regulations, 45 CFR 5(b), Item 103).
- Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
- In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:**

- Dental X-ray films - file cabinets in the Main Dental Clinic Area.
- Electroencephalographs and echoencephalographs - file cabinet in the Neurology Department Record Room.
- Photographs of eyes of patients-file cabinet in the Eye Clinic.
- Unusual Eye Case File - in a 5 x 3-inch card file in the Eye Clinic.
- X-ray Film Files - open shelf files and filing cabinets in the X-ray Department.
- Cancer Registry - file cabinets in the Department of Surgery.
- Physical Therapy Treatment Files - file cabinets in the Rehabilitation Medicine Department.
- Blind Rehabilitation Records - file cabinets in the Rehabilitation Medicine Department.

**Retrievability:**

- Dental X-ray films - hospital case number and name. For purposes of dental management and dental teaching.
- Electroencephalograph and echoencephalograph - name, case number and date of examination. For purposes of examination and diagnosis of brain waves and lesions; teaching rounds, and graphic comparison of time of brain changes.
- Unusual eye case file - by disease or condition name. For purposes of determination of extent of changes in eye conditions and teaching material.
- X-ray films - patients name and case number or employee's name, social security number (terminal digit system.) For purposes of epidemiological study reference for teaching rounds.
- Cancer Registry - name and case number. For purposes of compliance with law, management of patients, research and teaching.
- Physical Therapy Treatment Files - name and date of evaluation. For purposes of continuity of physical therapy, treatment record and patient management.
- Blind rehabilitation Records - name and case number. For purposes of departmental administration and planning.

**Safeguards:**

- Dental X-ray films - supervision by personnel during day, locked at night.

- Electroencephalograms and echoencephalographs - locked record room.
- Photographs of eyes of patients - personnel supervision day, locked at night.
- Unusual eye case file - personnel by day, locked night.
- Cancer Registry - authorized personnel by day, locked night.
- Physical Therapy Treatment Files - locked office.
- Blind Rehabilitation Records - authorized personnel and locked office.

**Retention and disposal:** Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The disposal standard for these records may be obtained by writing the system manager at the address below.

**System manager(s) and address:**

Director of Medical-Surgical Support Programs  
W. W. Eldridge Building  
Saint Elizabeths Hospital  
Washington, D. C. 20032

**Notification procedure:** An individual may have access to his/her record upon written request, with notarized signature if request is made by mail, or with suitable identification if request is made in person, directed to:

Privacy Act Coordinator  
Office of the Director of the Medicine and Surgery Branch  
W. W. Eldridge Building  
Saint Elizabeths Hospital  
Washington, D.C. 20032

All of the following information must be provided when requesting access:

- Full name;
- Approximate dates of enrollment or employment at St. Elizabeths Hospital;
- The nature of the material desired.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Write the Privacy Act Coordinator, Office of the Director of the Medicine and Surgery Branch, W. W. Eldridge Building, Saint Elizabeths Hospital, Washington, D.C. 20032. Reasonably identify the record and specify the information to be contested in accordance with Department regulations, Federal Register, October 8, 1975, page 47411 (45 C.F.R. Part 5b).

**Record source categories:**

- Dental X-ray films - Patients: inpatients and outpatients within hospital records and/or outside facility.
- Electroencephalographic and echoencephalographic - graphs are derived electronically from the patient's brain.
- Photographs of eyes of patients - photographs taken during internal or external examination of patients' eyes.
- Unusual eye case file - result of examination in Eye Clinic.
- X-ray films - films obtained during patients or employees' term in hospital and/or from outside sources; i.e., private physician or hospital.
- Cancer Registry - clinical records private physicians, outside hospital.
- Physical Therapy Treatment Files - physical therapist's notes, doctor's notes, prescription records.
- Blind Rehabilitation Records - staff observation of progress.

Systems exempted from certain provisions of the act: None.

09-30-0008

**System name:** Saint Elizabeths Hospital Clinical Support Services Record System - HEW/ADAMHA/NIMH.

**Security classification:** None.

**System location:** This is a widely decentralized system of records at Saint Elizabeths Hospital. Records are kept in the offices of the various clinical support services operating at the Hospital. Included in this system are:

- Occupational Therapy Section-Atkins Hall
- Educational Rehabilitation Unit-Atkins Hall
- Speech and Audiology Branch-Rehabilitation Medicine Building
- Industrial Therapy Section-Atkins Hall
- Dance Therapy Section-William A. White Building

- Recreational Therapy-Hagen Hall
- Musicology Unit-Dix Pavilion
- Chaplaincy Program-Chapel
- Psychodrama Unit - Hitchcock Hall
- Individual Psychotherapists Offices-In various Divisions, Saint Elizabeths Hospital, Washington D.C. 20032 Records are stored at Federal Records Center, Suitland, Maryland.

**Categories of individuals covered by the system:** All past and present patients of Saint Elizabeths Hospital.

**Categories of records in the system:** Patient demographic data; records of patient participation in each of the above-named clinical support programs; therapists' informal notes of observations and evaluations of patient activities; clinical impressions; attendance records, test results, abstracts of notes and observations taken from the patient's medical record.

**Authority for maintenance of the system:** 24 USC 161, et seq.; 21 DC Code 562.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information is routinely disclosed to persons not employees of SEH, who have a responsibility for the examination and/or treatment of SEH patients:

- To the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Departmental Regulations, 45 CFR 5(b), Item 100).
- To organizations deemed qualified by the Secretary to carry out quality assessment, medical audits or utilization review. (Appendix B, Departmental Regulations, 45 CFR 5(b), Item 102).
- Disclosures in the course of employee discipline or competence determination proceedings. (Appendix B, Departmental Regulations, 45 CFR 5(b), Item 103).
- Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
- In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders, index cards, punchcards, record logs and file cabinets.

**Retrievability:** Name, hospital number, dates of activities, location of activity.

**Records are used:**

- To facilitate the treatment of patients at Saint Elizabeths Hospital.
- To assess the physical, educational, vocational, recreational and psychological needs of patients at Saint Elizabeths Hospital and to provide for those needs.
- To evaluate the effectiveness of the clinical support programs and to provide a basis for their continuing improvement.
- To facilitate clinical support services teaching programs and scientific research.

**Indexes based on the clinical support services record system are used for the following purposes:**

- speedy identification and location of specific patients;
- monitoring the completeness of patient records;
- monitoring the changing status of patients either in terms of transfers within the Hospital or outside the Hospital;
- easy identification of basic demographic data used for statistical and/or research purposes; and
- quick review of current treatment regimen.

**Safeguards:**

- Available only to properly trained and screened personnel.

- Access limited to authorized personnel only. Enforced by security guards; rooms are locked when unoccupied.

**Retention and disposal:** Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The disposal standard for these records may be obtained by writing the system manager at the address below.

**System manager(s) and address:**

Acting Director  
Division of Clinical Support Programs  
A Building  
Saint Elizabeths Hospital  
Washington, D.C. 20032

**Notification procedure:** A patient or former patient may have access to his/her record upon written request, with notarized signature if request is made by mail or with suitable identification if request is made in person, directed to:

Privacy Act Coordinator  
Office of the Director of Clinical Support Program  
A Building  
Saint Elizabeth's Hospital  
Washington, D. C. 20032

All of the following information must be provided when requesting access:

- Full name;
- Approximate dates of enrollment at St. Elizabeths Hospital;
- The name of the division where the requestor resided, or received treatment as an outpatient;
- The identity of the clinical support service and the approximate dates of participation in the program;
- If possible, the name of the individual therapist;
- If possible, the patient's hospital number.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Write the Privacy Act Coordinator, Office of the Director of Clinical Support Programs, A Building, Saint Elizabeths Hospital, Washington, D.C. 20032. Reasonably identify the record and specify the information to be contested in accordance with Department regulations, Federal Register, October 8, 1975, page 47411 (45 C.F.R. Part 5b.7).

**Record source categories:** Past and present patients of Saint Elizabeths Hospital, various employees of the Hospital and the patients' medical/clinical record.

Systems exempted from certain provisions of the act: None

09-30-0008

**System name:** Saint Elizabeths Hospital Social Services Record System - HEW/ADAMHA/NIMH.

**Security classification:** None.

**System location:** A widely decentralized system at Saint Elizabeths Hospital. Individual records are kept in the offices of social workers responsible for patients on the rolls of the various Hospital Divisions. Social workers' offices are located in each inpatient and outpatient division or clinic at Saint Elizabeths Hospital.

Saint Elizabeths Hospital  
Washington, D.C. 20032  
and Federal Records Center  
Suitland Maryland

**Categories of individuals covered by the system:** All past and present patients on the rolls of Saint Elizabeths Hospital; home sponsors; caretakers; owners and operators of facilities providing services to patients.

**Categories of records in the system:** Files on inpatients and outpatients containing demographic data; Social Worker's contact with families and the community including social, marital and family status, job status; identifying information containing name, address, telephone numbers, social security numbers, Medicaid numbers, date of birth, legal status, financial information hospital number, V.A. numbers, Health Insurance numbers, Civil Service Numbers, family composition; Statement on background, names of relatives conservators with addresses and telephone numbers; correspondence sent other agencies; information regarding psychiatric and



medical condition; Social histories; progress notes (carbon copies of notes placed in chart) hand written progress notes not in chart, return to hospital notes, interval histories, placement and planning notes; information regarding psychiatric and medical condition, financial resources, treatment plans, correspondence to relatives, friends other agencies, etc. Telephone interviews or conversations incident reports and copies of reportable occurrences, group therapies and individual therapies by social workers, daycare status and group activities, religious histories; intra-agency evaluative and assessment data and reports received from other sources, outside agencies that provide supportive services; essential information regarding services sought or received.

**Authority for maintenance of the system:** 24 USC 161, et seq.; 21 DC Code 562.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information is routinely disclosed to the following sources for the purposes of obtaining financial assistance for patients, locating community recreation resources, providing job placement and training for patients, securing alternative placements in other institutions, providing education, securing living and care arrangements and aiding in follow-up care, and providing required reports to court, state government or Federal government agencies:

1. Foster home sponsors, caretakers, owners and operators of facilities providing services to patients
2. Agencies of the District of Columbia Government
3. The Superior Court for the District of Columbia
4. The United States District Court for the District of Columbia
5. The Veteran's Administration
6. The U.S. Civil Service Commission
7. Anchor Mental Health Association
8. State Departments of Social Services throughout the United States; Information disclosed routinely to persons, who are not employees of SEH, on a need to know basis, who have a responsibility for the care and treatment of patients of SEH.

**9. Under Appendix B, Departmental Regulations, 45 CFR 5(b):**

- (1) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

- (3) In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

- (4) A record from this system of records may be disclosed as a 'routine use' to a federal, state or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

- (5) In the event that a system of records maintained by this agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether state or local charged with the responsibility of investigating or prosecuting such violation

or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

- (6) Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

- (8) Where the appropriate official of the Department, pursuant to the Department's Freedom of Information Regulation determines that it is in the public interest to disclose a record which is otherwise exempt from mandatory disclosure, disclosure may be made from this system of records.

- (9) The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

- (100) To the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual.

- (101) To individuals and organizations, deemed qualified by the Secretary to carry out specific research solely for the purpose of carrying out such research.

- (102) To organizations deemed qualified by the Secretary to carry out quality assessment, medical audits or utilization review.

- (103) Disclosures in the course of employee discipline or competence determination proceedings.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

10. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Index cards, folders, notebooks, file cabinets, desk drawers, Rolodex, Kardex, index boxes, logs, file folders, boxes, hanging desk file, manilla folders, wooden box, and vertical file.

**Retrievability:** By patient's name and staff's name. Records are used for:

1. Information used in planning to assess the patient's overall ability to be placed and to adjust or function in the type of environment for which he has referred.
2. Accountability to other hospital personnel and reference for recording or sharing information with staff and other necessary persons upon request.
3. To share information with team, reference for casework services and reference for completing forms.
4. To monitor patient's progress and periodically assess placement situations in outplacement facilities. To monitor outplacement facilities outside the hospital and assist in placement of patients by providing accurate up-to-date information regarding available facilities; and to determine the status of compliance of a facility with certain standards through appropriate licensing agencies. To familiarize staff with outplacement facilities. Used to assess outplacement operators, administrators or owners ability to provide the level of care needed by individual patients. To share patient's background and appropriate information with outplacement owners, operators and sponsors.
5. To expedite family involvement in planning patient care and to expedite mobilization of community resources on behalf of the patient.
6. Resource in diagnosis, treatment, planning, prognosis goals and communication with other disciplines.

**Record source categories:** Past and present patients of Saint Elizabeths Hospital, home sponsors, caretakers, owners, and operators of facilities providing services to Saint Elizabeths patients, other employees of Saint Elizabeths Hospital, employees of various agencies of the District of Columbia and the United States.

**Systems exempted from certain provisions of the act:** None.

09-30-0009

**System name:** Saint Elizabeths Hospital Multidisciplinary Raw Data Consultation Files - HEW/ADAMHA/NIMH.

**Security classification:** None.

**System location:** Widely decentralized at Saint Elizabeths Hospital. Raw data is stored according to location of the consulting discipline.

Saint Elizabeths Hospital  
Washington, D.C. 20032  
and Federal Records Center  
Suitland, Maryland

**Categories of individuals covered by the system:** Past and present patients at Saint Elizabeths Hospital.

**Categories of records in the system:** Raw test data, plus a copy of formal reports based on the data which are included in patient's medical/clinical record.

**Authority for maintenance of the system:** 24 USC 161, et seq.; 21 D.C. Code 562.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders and index cards, file cabinets.

**Retrievability:** Each consulting discipline stores and manages its own files. Some are stored by patient's names alphabetized, some by patient's numbers, some by other types of categorizing, such as disease categories, year consultation was performed, referring clinical service, or an arbitrary numerical sequence. The latter usually involve a cross-indexing card file by patient name and/or patient number. Records are used for:

1. Detailed reference by consultants, following clinical requests for reassessment or more detailed information of patients previously tested.
2. Detailed comparison of test-retest results in cases where clinically indicated or requested.
3. Occasional compilations of specific clinical characteristics of statistical groupings, such as by disease entity, age, sex, etc. for clinical research and improvement of clinical reporting.

**Safeguards:** Files usually accessible only to qualified members of the consulting staff of the particular discipline, kept in staffed or otherwise locked offices.

**Retention and disposal:** Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The disposal standard for these records may be obtained by writing the system manager at the address below.

**System manager(s) and address:**

Superintendent  
A Building  
Saint Elizabeths Hospital  
Washington, D.C. 20032

**Notification procedure:** A patient or former patient may have access to his/her record upon written request, with notarized signature if request is made by mail or with suitable identification if request is made in person, directed to:

7. Resource material gathered by the social workers used to prepare narrative summaries for the patient's medical records.

8. To keep informed about social services provided patients; patients problem areas in the unit for purpose of evaluating services provided and need for action, and for reporting to the Clinical Directors or person in charge of service.

9. Identifying information concerning outplacement facilities given to patients periodically who request help in locating place to live.

10. Resource material used for purpose of diagnostic planning and implementation of treatment plan - documentation of services offered.

11. For reference in order to complete summaries for medical records; to have readily available pertinent information with which to respond to personal and telephone contacts; to provide needed information to hospital staff, officials of other agencies responsible for the provision of adjunct services.

12. Provide inservice training for continued professional development.

13. Provide Hospital staff and patients with essential information for selecting appropriate living arrangements for patients in the community.

14. To expedite family involvement in planning patient care and to expedite mobilization of community resources on behalf of patients.

15. Provide nutritional information to community placement service social workers; provide nutritional guidance and support to foster home sponsors and to advise staff of dietary practices in outplacement facilities and of nutritional (above 021) and historical purposes.

16. Provide information to placing workers of approved resources in order to facilitate the matching process of patient and outplacement operator as to insure the patient's optimum adjustment to community living.

17. A uniform system for location of staff, indication of qualification and areas of responsibility.

**Safeguards:** Offices locked, File cabinets locked, desk drawers locked. Material available to appropriately trained staff:

**Retention and disposal:** Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The disposal standard for these records may be obtained by writing the system manager at the address below.

**System manager(s) and address:**

Director of Social Services  
A Building  
Saint Elizabeths Hospital  
Washington, D.C. 20032

**Notification procedure:** Active or discharged patients in this system of records may have access to their records upon written request, with notarized signature if request is made by mail or with suitable identification if request is made in person, directed to:

Privacy Act Coordinator  
Office of the Director of Social Services  
A Building  
Saint Elizabeths Hospital  
Washington, D.C. 20032

All of the following information must be provided when requesting access:

- (a) Full name;
- (b) The approximate dates of contact with the hospital;
- (c) The nature of the material desired.
- (d) Hospital number, if possible.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Write the Privacy Act Coordinator, Office of the Director of Social Services, A Building, Saint Elizabeths Hospital, Washington, D.C. 20032. Reasonably identify the record and specify the information to be contested in accordance with Department regulations, Federal Register, October 8, 1975, page 47411 (45 C.F.R. Part 5b.7)



Privacy Act Coordinator  
Office of Superintendent  
A Building  
Saint Elizabeths Hospital  
Washington, D.C. 20032

All of the following information must be provided when requesting access:

- (a) Full name;
- (b) Approximate dates of enrollment at St. Elizabeth's Hospital;
- (c) The nature of the material desired;
- (d) If possible, the name of the person who collected the data.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Write the Privacy Act Coordinator, Office of Superintendent, A Building, Saint Elizabeths Hospital, Washington, D.C. 20032. Reasonably identify the record and specify the information to be contested in accordance with Department regulations, Federal Register, October 8, 1975, page 47411 (45 C.F.R. Part 5b).

**Record source categories:** Clinical testing of patients referred for consultation.

**Systems exempted from certain provisions of the act:** None.

09-30-0010

**System name:** Saint Elizabeths Hospital Juvenile Education Monitoring System - HEW/ADAMHA/NIMH.

**Security classification:** None.

**System location:**

Administration Building  
Saint Elizabeths Hospital  
Washington, D.C. 20032

**Categories of individuals covered by the system:** All patients under 18 years of age on rolls of Saint Elizabeths Hospital.

**Categories of records in the system:** Inpatient and outpatient educational records. The educational records contain identifying data, name, date, and place of birth, age, sex, race legal category, leave and residential status, admission, discharged date, identification or relative and hospital identification, educational information, current functional level, educational achievement, medical neurological and/or psychological problems with significant influence, patient adjustment to educational program, past/present academic educational plan or program. Reports or notes of others who contribute to a patients educational development.

**Authority for maintenance of the system:** 24 U.S.C. 161 and Mills v. Bd. of Education of the Dist. of Columbia, 348 F. Supp 866 (D.C. D.C. 1972).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

1. Disclosures in prepared reports for D.C. School Board personnel who are not employees of Saint Elizabeths Hospital.
2. Disclosures of information on patient's behalf in matters such as educational achievement needs to third parties whose involvement would be of benefit to the patient.
3. Disclosures in mandatory reports under Federal and local law.
4. Disclosures derived from St. Elizabeth's Hospital monitoring of educational programs for school-aged children to assure that all children are served and provided the Office of the Assistant Superintendent of the Public Schools of the District of Columbia as required under Mills v. Board of Education of D.C., 348 F. Supp 866 (D.C.: D.C. 1972).
5. Transmittals of, information to the Department of Special Education of the District of Columbia Public School System, to assist in coordinating educational efforts as mandated by Mills v. Board of Education of D.C., 348 F. Supp. 866 (D.C. D.C. 1972).
9. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any

employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components, or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are in the Administration on Building Room 118 and Room 308. File folders with general educational record and correspondence files are kept in metal file cabinets. Index cards, monitoring cards, karex are in their appropriate containers.

**Retrievability:** Index by patient's name, Hospital number division. The records are used as follows:

1. To monitor academic educational programs of patients under 18 years of age on rolls of Saint Elizabeths Hospital.
2. Documentation of a patient's educational achievement to provide for continuous monitoring and distribution by division.
3. To provide a continuous educational program, both medical and psychiatric, for the individual patient, including a follow-up program for reference upon future hospitalization.
4. Use by agency personnel for periodic assessment of the quality of educational achievement review.
5. To assist the staff in providing for a patient's educational needs.
6. To occasionally provide the basis for action in the Course of employee discipline or competence determination proceedings.
7. To facilitate teaching programs and scientific research; to further knowledge in the areas of diagnosis and treatment, comparative studies and special educational programs.
8. Indexes based on the educational records are routinely used for: a. speedy identification and location of specific patients; b. monitoring the completeness of patient-educational records, particularly those under 18; c. monitoring the changing status of patients, either in terms of transfers within the Hospital or outside the Hospital; d. easy identification of basic demographic data used for statistical and/or research purposes; e. quick review of current treatment regimen in individual cases.

**Safeguards:**

1. Available only to properly trained and screened personnel.
2. Access limited to authorized personnel only. Enforced by security personnel. Rooms are locked when unoccupied.

**Retention and disposal:** Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The disposal standard for these records may be obtained by writing the system manager at the address below.

**System manager(s) and address:**

Associate Director for Psychology  
Administration Building, Room 308  
Saint Elizabeths Hospital  
Washington, D.C. 20032

**Notification procedure:** An individual may have access to his/her record upon written request, with notarized signature if request is made by mail or with suitable identification if request is made in person, directed to:

Privacy Act Coordinator  
Office of the Associate Director for Psychology  
A Building  
Saint Elizabeths Hospital  
Washington, D.C. 20032

All of the following information must be provided when requesting access:

- (a) Full name and home address
- (b) Approximate dates of enrollment at Saint Elizabeths Hospital
- (c) Division where treatment is or was provided, and education level
- (d) The nature of the material desired

Saint Elizabeths Hospital  
Washington, D.C. 20032

All of the following information must be provided when requesting access: a. full name; b. approximate date the person sought admission; c. the nature of the material desired.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Write the Privacy Act Coordinator, Office of the Director, Central Admissions Service, Saint Elizabeths Hospital, Washington, D.C. 20032. Reasonably identify the record and specify the information to be contested in accordance with Department regulations, Federal Register, October 8, 1975, page 47411 (45 C.F.R. Part 5b.7)

**Record source categories:** Interviews with persons applying for admission but ultimately not admitted, hospital records of prior admissions, and information provided by other persons related to or interested in the person seeking admission.

**Systems exempted from certain provisions of the act:** None.

09-30-0012

**System name:** Saint Elizabeths Hospital Pre-Service Education Records - HEW/ADAMHA/NIMH.

**Security classification:** None.

**System location:**

Saint Elizabeths Hospital  
Washington, D.C. 20032  
and Federal Records Center  
Suitland, Maryland

**Categories of individuals covered by the system:** Students and trainees in medical and non medical mental health education programs, including persons who receive stipends and those who do not.

**Categories of records in the system:** Record categories include: (1) application data including transcripts, references, special health records where indicated, evaluation of prior training or education; (2) assessment and evaluation data regarding educational experiences at SEH; and (3) correspondence. Data are contained in written documents, audio tapes, and video tapes.

**Authority for maintenance of the system:** Public Service Act Section 301(42 U.S.C. 241).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Records are routinely disclosed to the following third parties outside HEW: professional certifying and credentialing organizations, other training and teaching professionals or professional groups, and authorized researchers. Purposes of disclosure are for professional reference, professional education, program evaluation. Also disclosures in the course of employee discipline or competence determination proceedings. (Appendix B, Departmental Regulations, 45 CFR 5(b), Item 103). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders and filing cabinets; audio and video tape reels in storage cabinets.

**Retrievability:** System is filed by name of individual, dates of training, disciplinary area in which training was received, primary supervisor, and whether the training was stipended or non-stipended. Records are used for: evaluation for selection and appointment; supervisory guidance and assessment; reference requests; specialized teaching resources, program evaluation and historical research.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Write the Privacy Act Coordinator, Office of the Associate Director, A Building, Saint Elizabeths Hospital, Washington, D.C. 20032. Reasonably identify the record and specify the information to be contested in accordance with Department regulations, Federal Register, October 8, 1975, page 47411 (45 C.F.R. Part 5b.7)

**Record source categories:** Educational records: a compilation of sociological, medical and historical data of a patient. The information recorded as given by the patient, his relatives, or other third persons interested in the patient; from existing records used as reference; from educational tests, such as physicians, psychiatrists, teachers, social worker; other therapists who entered their observations and assessment by means of progress notes, reports etc.

**Systems exempted from certain provisions of the act:** None.

09-30-0011

**System name:** Saint Elizabeths Hospital Central Admission Service Non-Admission File System - HEW/ADAMHA/NIMH.

**Security classification:** None.

**System location:**

Central Admission Service  
Dix Building  
Saint Elizabeths Hospital  
Washington, D.C. 20032

**Categories of individuals covered by the system:** Individuals who have presented themselves at the Central Admission Service but who were not admitted to the rolls of Saint Elizabeths Hospital.

**Categories of records in the system:** Personal identifying data collected during admissions screening interview, information from previous hospitalizations of clinic enrollment, and information about individuals collected from telephone conversations with interested persons.

**Authority for maintenance of the system:** 24 USC 161, et seq.; 21 D.C. Code 501, et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File cabinets.

**Retrievability:** Filed alphabetically by name. To provide additional screening material in cases of repeated applications for admission of the same patient.

**Safeguards:** Access limited to authorized personnel only, enforced by security force, rooms locked when unoccupied.

**Retention and disposal:** Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The disposal standard for these records may be obtained by writing the system manager at the address below.

**System manager(s) and address:**

Director, Central Admissions Service  
Saint Elizabeths Hospital  
Washington, D.C. 20032

**Notification procedure:** A person denied admission may have access to his/her record upon written request, with notarized signature if request is made by mail or with suitable identification if request is made in person, directed to:

Privacy Act Coordinator  
Office of the Director  
Central Admissions Service



**Safeguards:** Records are maintained in monitored offices and are only available to persons authorized to use records for the purposes for which they were collected.

**Retention and disposal:** Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The disposal standard for these records may be obtained by writing the system manager at the address below.

**System manager(s) and address:**

Director, Overholser Division of Training  
Saint Elizabeths Hospital  
Washington, D.C. 20032

**Notification procedure:** Individual student or trainee may have access to his/her personal pre-service education record upon written request, with notarized signature if request is made by mail or with suitable identification if request is made in person, directed to:

Privacy Act Coordinator  
Office of Director  
Overholser Division of Training, Saint Elizabeths Hospital  
SEH  
Washington, D.C. 20032

All the following identifying information must be provided when requesting access: a) full name; b) inclusive dates of training; c) specific disciplinary area in which training was received and organizational unit where assigned; d) name of primary supervisor; e) status in terms of stipended or non-stipended.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Write the Privacy Act Coordinator, Office of the Director, Overholser Division of Training, Saint Elizabeths Hospital, Washington, D.C. 20032. Reasonably identify the record and specify the information to be contested in accordance with Department regulations, Federal Register, October 8, 1975, page 47411 (45 C.F.R. Part 5b.7).

**Record source categories:** Information is secured from the individual trainee or student, persons supplying reference data, supervisory and administrative personnel, and other persons directly involved with the individual's educational program.

Systems exempted from certain provisions of the act: None.

09-30-0013

**System name:** Saint Elizabeths Hospital Training Videotape Records - HEW/ADAMHA/NIMH.

**Security classification:** None.

**System location:**

Saint Elizabeths Hospital  
Washington, D.C. 20032

**Categories of individuals covered by the system:** SEH patients, trainees and staff of SEH.

**Categories of records in the system:** Videotapes of interviews, activities, or other interactions between SEH patients and professional trainees and staff of SEH; authorizations (informed consent) signed by patients.

**Authority for maintenance of the system:** Public Health Service Act Section 301(42 U.S.C. 241).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To approved persons and organizations for program evaluation and/or research. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Videotape reels, authorizations retained in file folders.

**Retrievability:** Name of patient, name of interviewer. This record is used for training and education purposes.

**Safeguards:** Locked files in monitored offices.

**Retention and disposal:** Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The disposal standard for these records may be obtained by writing the system manager at the address below.

**System manager(s) and address:**

Director, Overholser Division of Training  
Saint Elizabeths Hospital  
Washington, D.C. 20032

**Notification procedure:** An individual may have access to his/her record upon written request, with notarized signature if request is made by mail or with suitable identification if request is made in person, directed to:

Privacy Act Coordinator  
Office of the Director, Overholser Division of Training  
Saint Elizabeths Hospital  
Washington, D.C. 20032

All of the following information must be provided when requesting access: (a) full name; (b) approximate data of videotaping; (c) name of interviewer; (d) the capacity in which the requester had contact with the hospital; e.g., patient, staff member, trainee. (e) if possible, in the case of patients, the hospital number; (f) location of unit where videotaping occurred.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Write the Privacy Act Coordinator, Office of the Director, Overholser Division of Training, Saint Elizabeths Hospital, Washington, D.C. 20032. Reasonably identify the record and specify the information to be contested in accordance with Department regulations, Federal Register, October 8, 1975, page 47411 (45 C.F.R. Part 5b.7).

**Record source categories:** SEH patients, trainees and staff.

Systems exempted from certain provisions of the act: None.

09-30-0014

**System name:** Saint Elizabeths Hospital Financial System - HEW/ADAMHA/NIMH.

**Security classification:** None.

**System location:**

Finance Office  
Saint Elizabeths Hospital  
Washington, D.C. 20032  
and Federal Records Center  
Suitland, Maryland

**Categories of individuals covered by the system:** Present and former employees and patients.

**Categories of records in the system:** Deposits; receipts; disbursements; balances; NCR ledger cards; vouchers; travel; education; billings; background history; and reimbursement claims; Industrial Therapy Program data, Internal Revenue Service Form W-4 and D.C. Government Form D-4, Payroll Summary sheets and individual patient ledger cards for patients and other patient worker's Industrial Therapy (PWITP) data and indebtedness letters.

**Authority for maintenance of the system:** Hospitalization of the Mentally Ill Act, 21 DC Code 511 et seq.; 24 USC 165 and 166; 31 USC 66A and 628a.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. To pay travel claims, educational institutions; to collect from the D.C. Government and Federal agencies for care and treatment and collect for quarters, lost or damaged property & other indebtedness to the Government. References for

outside employment, referral source for determining if job placement meets a patient's therapeutic needs or if a referral to an outside agency is needed. To determine amount of pay a patient earns for his Industrial Therapy assignment, and followup reasons for a patient's absence from his Industrial Therapy assignments. (Patients' Payroll) for printing time sheets, payroll summary sheets, and income tax withholding forms and monthly or quarterly earnings and tax returns as required. Also, Appendix B of DHEW Regulations, as follows:

(1) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(5) In the event that a system of records maintained by this agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether state or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(6) Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders in metal filing cabinets, index cards, and IBM cards.

**Retrievability:** Voucher date and number; numerically (receipts for patient's funds); alphabetically by name; Health Insurance Number and Hospital Case Number (Health Insurance records); bill number (for billings). Records are used to record expenditures and reimbursements for services and goods and all other financial transactions consistent with the management of the Hospital.

**Safeguards:** Access is limited to personnel who process the data respectively. Offices are locked.

**Retention and disposal:** Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The disposal standard for these records may be obtained by writing the system manager at the address below.

**System manager(s) and address:**

Finance Officer  
Administration Building  
St. Elizabeths Hospital  
Washington, D.C. 20032

**Notification procedure:** An individual may have access to his/her record upon written request, with notarized signature if request is made by mail or with suitable identification if request is made in person, directed to:

Privacy Act Coordinator  
Finance Office  
Saint Elizabeths Hospital Washington, D.C. 20032

All of the following information must be provided when requesting access: (a) full name; (b) dates of the contact with Saint Elizabeths Hospital; (c) the Branch, Division, or Office with which the requestor had contact; (d) the capacity in which the requestor had contact with the hospital, e.g., patient, employee, vendor, representative of professional organization, etc.; (e) the nature of the material desired.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Write the Privacy Act Coordinator, Finance Office, Saint Elizabeths Hospital, Washington, D.C. 20032. Reasonably identify the record and specify the information to be contested in accordance with Department regulations, Federal Register, October 8, 1975, page 47411 (45 C.F.R. Part 5b).

**Record source categories:** Patient name plates, patient's accounts, receipts for patients' funds (generated when cash or other funds are accepted from a patient), patients' payroll data from the Industrial Therapy Section.

Patients' clinical records, interviews with ward staff, patient and work supervisor. Patient vouchers from patient, employees, Finance Section, Personnel Branch, Agency Cashier, patients' relatives, committees, conservators and other Government agencies. Patients' account data from the Agent Cashier.

Health Insurance data from the Patient's Medical Record, Social Security Administration, relatives and conservators, and Registrar.

Billings for care and treatment, quarters, etc. and indebtedness to the Government, Biometrics Branch, Housekeeping Section, Agent Cashier, and Administrative Services Section.

Systems exempted from certain provisions of the act: None.

09-30-0015

**System name:** Saint Elizabeths Hospital General Security System - HEW/ADAMHA/NIMH.

**Security classification:** None.

**System location:**

Security Headquarters  
Allison-B Building  
St. Elizabeths Hospital  
Washington, D.C. 20032  
and Federal Records Center  
Suitland, Maryland

**Categories of individuals covered by the system:** Former and Current Patients and Employees, Relatives, Volunteers and Visitors.

**Categories of records in the system:** Identifying information including one or more of name, hospital number, photo, key number, vehicle sticker number, authorization to admit, dates and times of visits, addresses and other personal data.

**Authority for maintenance of the system:** 24 USC 161, et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** 1. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (Appendix B, Departmental Regulations, 45 CFR 5(b), Item 1).

2. In the event that a system of records maintained by this agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether state or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (Appendix B, Departmental Regulations, 45 CFR 5(b), Item 5).



3. To the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Departmental Regulations, 45 CFR 5(b), Item 100).

4. Disclosures in the course of employee discipline or competence determination proceedings. (Appendix B, Departmental Regulations, 45 CFR 5(b), Item 103).

5. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Index cards, file folders, picture files.

**Retrievability:** Name, hospital number, sticker and key number, and chronologically. The purpose of this record is to monitor authorized access and exit of individuals and vehicles to and from Buildings and grounds of Hospital: accountability of building and room key assignments and vehicle sticker assignments; identification for search of missing persons.

**Safeguards:** 24 hour security guard.

**Retention and disposal:** Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The disposal standard for these records may be obtained by writing the system manager at the address below.

**System manager(s) and address:**

Captain Security Force  
St. Elizabeths Hospital  
Washington, D.C. 20032

**Notification procedure:** A patient, former patient, employee, former employee, relative, volunteer or visitor may have access to his/her record, upon written request, with notarized signature if request is made by mail or with suitable identification if request is made in person, directed to:

Privacy Act Coordinator  
Security Force  
St. Elizabeths Hospital  
Washington, D.C. 20032

All of the following information must be provided when requesting access: (a) full name; (b) the capacity in which the requestor had contact with St. Elizabeths Hospital; (c) the approximate dates of contact with the hospital; (d) the nature of the material desired.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Write the Privacy Act Coordinator, Security Force, Saint Elizabeths Hospital, Washington, D.C. 20032. Reasonably identify the record and specify the information to be contested in accordance with Department regulations, Federal Register, October 8, 1975, page 47411 (45 C.F.R. Part 5b).

**Record source categories:** Hospital Staff, Medical Records, patients and relatives.

**Systems exempted from certain provisions of the act:** None.

09-30-0016

**System name:** Saint Elizabeths Hospital Patients Personal Property Record System -- HEW/ADAMHA/NIMH.

**Security classification:** None.

**System location:**

Patients Property Unit  
Glenside Building

Saint Elizabeths Hospital  
Wash., D.C. 20032  
and Federal Records Center  
Suitland, Maryland

**Categories of individuals covered by the system:** Former & Current Patients.

**Categories of records in the system:** 1. Inventory of patients private property on admission, newly acquired property, released property, and unclaimed property. 2. Comments on condition of private property, damages, lost and storage status. 3. Receipts of authorizations for purchases & vendors receipts.

**Authority for maintenance of the system:** 24 USC 161, et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

1. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (Appendix B, Departmental Regulations, 45 CFR 5(b), Item 1).

2. In the event that a system of records maintained by this agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether state or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (Appendix B, Departmental Regulations, 45 CFR 5(b), Item 5).

3. Where the appropriate official of the Department, pursuant to the Department's Freedom of Information Regulation determines that it is in the public interest to disclose a record which is otherwise exempt from mandatory disclosure, disclosure may be made from this system of records. (Appendix B, Departmental Regulations, 45 CFR 5(b), Item 8).

4. Disclosures in the course of employee discipline or competence determination proceedings. (Appendix B, Departmental Regulations, 45 CFR 5(b), Item 103). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Folders and cards.

**Retrievability:** By name, alphabetized. This record is used for: documenting entries and releases of personal property; accounting and verifying documented inventories & purchases; for internal referrals by patient property office staff and legally appointed administrators.

**Safeguards:** Only patient property staff use files. At night office is locked.

**Retention and disposal:** Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The disposal standard for these records may be obtained by writing the system manager at the address below.

**System manager(s) and address:**

Supervisory Storage Management Specialist  
Patients Property Unit  
Glenside Building

Saint Elizabeths Hospital  
Washington, D.C. 20032

**Notification procedure:** A patient or former patient may have access to his/her record upon written request, with notarized signature if request is made by mail or with a suitable identification if request is made in person, directed to:

Privacy Act Coordinator  
Property Unit  
Glenside Building  
Saint Elizabeths Hospital  
Washington, D.C. 20032

All of the following data must be provided when requesting access: (a) full name; (b) approximate dates of enrollment at Saint Elizabeths Hospital; (c) if possible, the patient's hospital number; (d) the nature of the material desired.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Write the Privacy Act Coordinator, Property Unit, Glenside Building, Saint Elizabeths Hospital, Washington, D.C. 20032. Reasonably identify the record and specify the information to be contested in accordance with Department regulations, Federal Register, October 8, 1975, page 47411 (45 C.F.R. Part 5b).

**Record source categories:** Admission report lists, ward reports, patients' correspondence files.

**Systems exempted from certain provisions of the act:** None.

09-30-0017

**System name:** Saint Elizabeths Hospital Legal Office Record System -- HEW/ADAMHA/NIMH.

**Security classification:** None.

**System location:**

Legal Advisors Office  
Administration Building  
Saint Elizabeths Hospital  
Wash., D.C. 20032

**Categories of individuals covered by the system:** Former and Current Patients and Employees.

**Categories of records in the system:** Information concerning the legal status and aspects of former and current patients and employees.

**Authority for maintenance of the system:** 42 U.S.C. 3504.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Negotiations with U.S. Attorneys Office, D.C. Courts, Mental Health Commission, Corporation Counsel, Justice Department, attorneys and other concerned with the legal considerations of patients and employees. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders and index cards.

**Retrievability:** Patient or employee name. The purpose of this record is to determine, monitor, and follow up legal status, rights, and problems of individual employees and patients. Used as resource material in preparation for civil actions or proceedings.

**Safeguards:** Access restricted to Legal Office staff. Locked at night.

**Retention and disposal:** Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The disposal standard for these records may be obtained by writing the system manager at the address below.

**System manager(s) and address:**

Legal Advisor  
Administration Building  
Saint Elizabeths Hospital  
Washington, D.C. 20032

**Notification procedure:** An individual may have access to his/her record, subject to the limitations of 5 USC 552a(d)(5), upon written request, with notarized signature if the request is made by mail or with suitable identification if request is made in person, directed to:

Privacy Act Coordinator  
Legal Advisor's Office  
Saint Elizabeths Hospital  
Washington, D.C. 20032

All of the following information must be provided when requesting access: (a) full name; (b) the capacity in which the requestor had contact with St. Elizabeths Hospital; (c) the approximate dates of contact with the hospital; (d) the nature of the material desired.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Write the Privacy Act Coordinator, Legal Advisor's Office, Saint Elizabeths Hospital, Washington, D.C. 20032. Reasonably identify the record and specify the information to be contested in accordance with Department regulations, Federal Register, October 8, 1975, page 47411 (45 C.F.R. Part 5b).

**Record source categories:** Patient records, commitment folders, staff reports, Auditors Office of D.C. Superior Court, Court System of D.C., Mental Health Commission U.S. Attorney's Office, Corporation Counsel and private attorneys.

**Systems exempted from certain provisions of the act:** None.

09-30-0018

**System name:** Saint Elizabeths Hospital Area D Community Mental Health Center Citizens Advisory Groups Records--HEW/ADAMHA/NIMH.

**Security classification:** None.

**System location:**

Community Mental Health Center  
Saint Elizabeths Hospital  
Washington, D.C. 20032

**Categories of individuals covered by the system:** Members of Citizens Advisory Committee, agencies, organizations, school students and citizens interested in CMHC activities.

**Categories of records in the system:** Names, addresses, telephone numbers, occupations, transmittal letters and various memoranda.

**Authority for maintenance of the system:** Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 (42 U.S.C. 2661 et seq.).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Mailing list with name and addresses are exchanged with Area D citizens groups. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders, index cards and paper tapes in cabinets.

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**Retrievability:** By name. This is used to maintain a directory of persons and organizations and a file of communications with those who act in an advisory capacity to Mental Health Area D.

**Safeguards:** Access is limited to authorized personnel only.

**Retention and disposal:** Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The disposal standard for these records may be obtained by writing the system manager at the address below.

**System manager(s) and address:**

Associate Director for Community Liaison and Public Education  
Area D - CMHC, R Building  
St. Elizabeths Hospital  
Washington, D.C. 20032

**Notification procedure:** An individual in this system of records may have access to his/her record upon written request directed to:

Privacy Act Coordinator  
Assoc. Director for Community Liaison and Public Education  
Community Mental Health Center  
St. Elizabeths Hospital  
Washington, D.C. 20032

the following information must be provided when requesting access: (a) full name; (b) capacity in which requestor had contact with the CMHC Area D Citizen Advisory group; (c) nature of information desired.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Write the Privacy Act Coordinator, Associate Director for Community Liaison and Public Education, CMHC, Saint Elizabeths Hospital, Washington, D.C. 20032. Reasonably identify the record and specify the information to be contested in accordance with Department regulations, Federal Register, October 8, 1975, page 47411 (45 C.F.R. Part 5b).

**Record source categories:** Information is voluntarily written on sign-in sheets at various community meetings and solicited through surveys.

**Systems exempted from certain provisions of the act:** None.

09-30-0019

**System name:** Saint Elizabeths Hospital Court-Ordered Forensic Investigatory Materials File--HEW/ADAMHA/NIMH.

**Security classification:** None.

**System location:** Active Patients:

Saint Elizabeths Hospital  
John Howard Pavilion  
Washington, D.C. 20032

**Discharged patients:** The court-ordered forensic investigatory materials files of discharged or expired patients are located in the Administration Building, Saint Elizabeths Hospital; the basement of that building; and inactive records older than four years are stored in the Federal Records Center in Suitland, Maryland.

**Categories of individuals covered by the system:** Past and present patients committed to Saint Elizabeths Hospital pursuant to the District of Columbia and United States Criminal Codes. Included are alleged criminal offenders sent for pre-trial examination; persons committed after having been found not guilty by reason of insanity; and mentally ill sentenced prisoners transferred from penal institutions.

**Categories of records in the system:** Court orders; criminal records; police reports; reports from the FBI and the Secret Service; prison records; reports from the United States Attorney and/or Corporation Counsel; correspondence from courts, defense attorneys and prosecutors; probation and parole reports; and, correspondence from Saint Elizabeths Hospital to the Courts, prosecution, defense and correctional authorities.

**Authority for maintenance of the system:** 24 D.C. Code Sections 301(a), 301(b), 301(d), 302; 24 U.S.C. 161 and 211 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Psychiatric evaluations

based in part on this record are forwarded to referring courts, pursuant to order, with copies to defense and prosecuting attorneys. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Stored in file folders in file cabinets.

**Retrievability:** Retrieved by name and hospital number. Records are used to aid in evaluation of patients regarding their competency and criminal responsibility, to aid in treatment of criminally committed patients, and to comply with court-ordered reporting.

**Safeguards:** Available only to properly trained and screened personnel. Access limited to authorized individuals only. Enforced by security personnel. Rooms are locked when unoccupied.

**Retention and disposal:** Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The disposal standard for these records may be obtained by writing the system manager at the address below.

**System manager(s) and address:**

Chief, Pre-trial Section or  
Chief, Post-trial Section  
Division of Forensic Programs  
Saint Elizabeths Hospital  
Washington, D.C. 20032

**Notification procedure:** None.

**Record access procedures:** None.

**Contesting record procedures:** None.

**Record source categories:** Courts, police department, FBI, Secret Service, prisons, U. S. Attorney, Corporation Counsel, defense attorneys, prosecuting attorneys, and correctional authorities.

**Systems exempted from certain provisions of the act:** Exemption from notification, record access and contest provisions granted under (j)(2) of the Privacy Act. Exemption notice published in the Federal Register of August 14, 1975.

09-30-0020

**System name:** Administrative records on civilly committed drug abusers under the Narcotic Addict Rehabilitation Act--HEW/ADAMHA/NIDA.

**Security classification:** None.

**System location:**

Division of Community Assistance  
National Institute on Drug Abuse  
Room 712, Rockwall Building  
11400 Rockville Pike  
Rockville, Md. 20852

**Categories of individuals covered by the system:** Civilly committed narcotic addicts.

**Categories of records in the system:** Administrative records of rehabilitation status, court orders and other legal documents.

**Authority for maintenance of the system:** Narcotic Addict Rehabilitation Act, Titles I and III (28 U.S.C. 290 et seq. and 42 U.S.C. 3411 et seq.).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the

Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records stored in file folders within open shelves.

**Retrievability:** Filed alphabetically by patient name. Used to monitor patient progress from time of entrance into-treatment program until discharge.

**Safeguards:** Only authorized Federal staff have access to these files. Files are not allowed to be taken off the premises. File room is locked after business hours.

**Retention and disposal:** Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The disposal standard for these records may be obtained by writing the system manager at the address below.

**System manager(s) and address:**

Medical Records Administrator  
Division of Community Assistance  
National Institute on Drug Abuse  
Room 761, Rockwall Building  
11400 Rockville Pike  
Rockville, Md. 20852

**Notification procedure:** An individual may have access to his/her record upon written request, with notarized signature, addressed to the System Manager identified above.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Patients; drug treatment programs; courts.

**Systems exempted from certain provisions of the act:** None.

09-30-0021

**System name:** Patient medical records on PHS beneficiaries and civilly committed narcotic addicts treated at the PHS hospitals at Lexington, Kentucky and Fort Worth, Texas--HEW/ADAMHA/NIDA.

**Security classification:** None.

**System location:**

Division of Community Assistance  
Room 761, Rockwall Building  
11400 Rockville Pike  
Rockville, Md. 20852

**Categories of individuals covered by the system:** PHS beneficiaries treated prior to 1967 and civilly committed narcotic addicts treated after 1966.

**Categories of records in the system:** Medical records.

**Authority for maintenance of the system:** Public Health Service Act Sections 321-326, 341(a) and (c), (42 U.S.C. 248-253, 257(a) and (c)); Narcotic Addict Rehabilitation Act, Titles I and II, (28 U.S.C. 2901 et seq. and 42 U.S.C. 3411 et seq.).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the De-

partment may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Hard copy--file folders within file boxes; microfilm--within enclosed file cabinet.

**Retrievability:** Filed by patient hospital number.

**Safeguards:** Only authorized Federal staff trained in record retrieval are allowed access to these files. Files may not be taken off premises.

**Retention and disposal:** Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The disposal standard for these records may be obtained by writing the system manager at the address below.

**System manager(s) and address:**

Medical Record Administrator  
Division of Community Assistance  
National Institute on Drug Abuse  
Room 761, Rockwall Building  
11400 Rockville Pike  
Rockville, Md. 20852

**Notification procedure:** An individual may have access to his/her record upon written request, with notarized signature, addressed to the System Manager identified above.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Patients, drug treatment programs, and courts.

**Systems exempted from certain provisions of the act:** None.

09-30-0022

**System name:** National Institute on Drug Abuse Addiction Research Center Federal Prisoner and non-prisoner Patient Files--HEW/ADAMHA/NIDA.

**Security classification:** None.

**System location:**

NIDA Addiction Research Center  
P. O. Box 12390  
Leestown Road  
Lexington, KY 40511

**Categories of individuals covered by the system:** Federal prisoners and non-prisoner volunteers in drug addiction research program.

**Categories of records in the system:** Research, medical, and pharmacy records.

**Authority for maintenance of the system:** Public Health Service Act, Sections 301, 341(a)(2) U.S.C. 241, 257(a)); Drug Abuse Office and Treatment Act Section 501(21) U.S.C. 1191).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.



**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders within locked file cabinets.

**Retrievability:** Filed alphabetically by patient name and project number. Records are used to evaluate and monitor patients' health; to record results of clinical experiments for analysis, presentation and publication of statistical reports.

**Safeguards:** Only authorized Federal staff are allowed access to these files. Files may not leave the premises. Files and fileroom are locked after business hours.

**Retention and disposal:** Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The disposal standard for these records may be obtained by writing the system manager at the address below.

**System manager(s) and address:**

Program Assistant  
NIDA Addiction Research Center  
P.O. Box 12390  
Leestown Road  
Lexington, KY. 40511

**Notification procedure:** An individual may have access to his/her record upon written request, with notarized signature, addressed to the System Manager identified above. The request should include the patient's register number and the number of years of incarceration. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.). A parent or guardian who requests notification of or access to a minor's record shall at the time the request is made designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The designate will receive the record in all cases and upon review will determine whether the record should be made available to the parent or guardian.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Patients; drug treatment programs; Bureau of Prisons; case workers; psychiatrists; research laboratories; and pharmacies and hospitals. Many of these records are confidential and privileged communications as guaranteed under Section 344(d) of the PHS Act.

**Systems exempted from certain provisions of the act:** None.

09-30-0023

**System name:** Records of Contracts Awarded to Individuals.

**Security classification:** None.

**System location:**

National Institute on Drug Abuse  
Contracts Management Branch  
Room 209, Rockwall Building  
11400 Rockville Pike  
Rockville, MD 20852

National Institute on Alcohol Abuse and Alcoholism  
Contracts Management Branch  
14-C-04, Parklawn Building  
5600 Fishers Lane  
Rockville, MD 20857

National Institute of Mental Health  
Grants and Contracts Management Branch, OPA  
Room 7-C-02, Parklawn Building  
5600 Fishers Lane  
Rockville, MD 20857

**Categories of individuals covered by the system:** Contractors and contractors' personnel.

**Categories of records in the system:** Curriculum vitae, salary information, evaluations of contractors by contract review committees.

**Authority for maintenance of the system:** Public Health Service Act Section 301 (42 U.S.C. 241 and 41 U.S.C. 252(c)). NIDA: Drug Abuse Office and Treatment Act Sections 410 and 501 (21 U.S.C. 1177 and 1191). NIAAA: Community Mental Health Centers Act, Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 Sections 101, 311 (42 U.S.C. 4551, 4577). NIMH: Public Health Service Act Section 455.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Documents filed in folder in enclosed file cabinets.

**Retrievability:** By contract number and cross-indexed by name, except for NIMH. Used by contract review committee members in assessing a proposal.

**Safeguards:** Released only to authorized staff. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The disposal standard for these records may be obtained by writing the system manager at the address below.

**System manager(s) and address:**

National Institute on Drug Abuse  
Chief, Contracts Management Branch, OPS  
Room 209, Rockwall Building  
11400 Rockville Pike  
Rockville, Md. 20852

National Institute on Alcohol Abuse and Alcoholism  
Chief, Contracts Management Branch  
Room 14-C-04, Parklawn Building  
5600 Fishers Lane  
Rockville, Md. 20857

National Institute of Mental Health  
Chief, Grants and Contracts Branch  
Room 7-C-02, Parklawn Building  
5600 Fishers Lane  
Rockville, Md. 20857

**Notification procedure:** Write to the system manager at the above address.

**Record access procedures:** Same as the above. Give number of contract under which employed.

**Contesting record procedures:** Same as the above.

**Record source categories:** Contract proposals and supporting documents, contract review committees, site visitors.

**Systems exempted from certain provisions of the act:** None.

09-30-0024

**System name:** Saint Elizabeths Hospital General Administrative Record Systems - HEW/ADAMHA/NIMH.

**Security classification:** None.

**System location:**

Office of the Superintendent  
Saint Elizabeths Hospital  
2700 Martin Luther King, Jr. Ave. S.E.

Washington, D.C. 20032  
and Federal Records Center  
Suitland, Maryland

**Categories of individuals covered by the system:** Former, current, and potential patients and employees.

**Categories of records in the system:** (1) Data having potential legal consequences included in investigation reports; (2) letters; (3) memos; (4) minutes of meetings and conferences; (5) organizational charts and assignments; (6) copies of disclosures of medical, biographical, employment, and educational information made from said investigation reports, letters, etc.

**Authority for maintenance of the system:** 24 USC 161, 21 DC Code 1501, 21 DC Code 562, 5 USC 7902, Executive Order 11807, 9/28/74 and Presidential Safety Policy 10/24/1969.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Data are used for professional and medical and psychiatric consultations, examination by professional accrediting organizations, evaluation of potential patients for admission and employees for hiring, responses to Congressional requests and inquiries, reporting treatment provided pursuant to 24 USC 168a to the following federal and local agencies: the District of Columbia, The United States Bureau of Prisons, The Veterans Administration, The United States Soldiers Home, and The State Department, news releases subject to HEW guidelines, under Appendix B, Departmental Regulations 45 CFR 5(b), as follows:

1. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (Item 1).

2. A record from this system of records may be disclosed as a 'routine use' to a federal, state or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter. (Item 4).

3. In the event that a system of records maintained by this agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether state or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (Item 5).

4. Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available. (Item 6).

5. Where a contract between a component of the Department and a labor organization recognized under E.O. 11491 provides that the agency will disclose personal records relevant to the organization's mission, records in this system of records may be disclosed to such organization. (Item 7).

6. To the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Item 100).

7. To organizations deemed qualified by the Secretary to carry out quality assessment, medical audits or utilization review. (Item 102).

8. Disclosures in the course of employee discipline or competence determination proceedings. (Item 103).

9. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders, index cards, subject record book, punch cards, mag tape, charts.

**Retrievability:** Chronological, name, hospital case number, grade, criminal case number. System is used to facilitate the management of the daily administrative functions within the hospital. These functions include the management of the Safety Program, the Fire Department, the House-Keeping Section, the Public Information Office, the Clinical Program; administration of medical, legal and criminal investigations, accident reports, conservator files, court calendars, evaluation and program assessment of the adequacy of the therapeutic activity, employee performance, conference procedures, organization charts, patient and employee assignments, and source material for Congressional and other requests approved by the record system manager.

**Safeguards:** Restricted access, personnel surveillance, locked files.

**Retention and disposal:** Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The disposal standard for these records may be obtained by writing the system manager at the address below.

**System manager(s) and address:**

Superintendent  
Saint Elizabeths Hospital  
Washington, D.C. 20032

**Notification procedure:** An individual may have access to his/her record upon written request, with notarized signature if request is made by mail or with suitable identification if request is made in person, directed to: Privacy Act Coordinator, Office of the Superintendent, Saint Elizabeth's Hospital, Washington, D.C. 20032. All of the following information must be provided when requesting access: (a) full name; (b) dates of the contact with Saint Elizabeths Hospital; (c) the Branch, Division, or Office with which the requestor had contact; (d) the capacity in which the requestor had contact with the hospital, e.g., patient, employee, vendor, representative of professional organization, etc; (e) the nature of the material desired.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Write the Privacy Act Coordinator, Office of the Superintendent, Saint Elizabeths Hospital, Washington, D.C. 20032. Reasonably identify the record and specify the information to be contested in accordance with Department regulations, Federal Register, October 8, 1975, page 47411 (45 C.F.R. Part 5b).

**Record source categories:** Patient and Employee records, HEW, ADAMHA, NIMH, and SEH forms, correspondence, Public Media, Staff Consultants, Relatives, Auditors Reports, Conservators, U.S. Postal Service, U.S. and D.C. Courts, Public Defenders Service, D.C. Mental Health Commission, other persons or outside Agencies and Organizations offering information or initiating requests, volunteers offering services, interviews, minutes of conferences, seminars and meetings.

**Systems exempted from certain provisions of the act:** None.



09-30-0025

**System name:** Maryland Psychiatric Case Register-HEW/ADAMHA/NIMH.

**Security classification:** None.

**System location:**

Division of Biometry and Epidemiology  
NIMH  
and  
Parklawn Computer Center  
5600 Fishers Lane  
Rockville, Maryland 20852

**Categories of individuals covered by the system:** Persons who received care in psychiatric facilities in Maryland, and Maryland residents who received care in psychiatric facilities in the District of Columbia during the period July 1, 1961 - June 30, 1968.

**Categories of records in the system:** Information contained on admission, termination, and patient movement forms reported to Maryland Department of Mental Hygiene, including demographic, social, and psychiatric data pertaining to diagnosis, nature of problem and type of treatment. Also, death data (e.g., cause) from Baltimore and State of Maryland death certificate records. Period covered: July 1, 1961 - June 30, 1968.

**Authority for maintenance of the system:** Public Health Service Act Sections 301, 433(a), 455(42 U.S.C. 241, 289k, 289k-1).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Authorized representatives of agencies and organizations to process data for epidemiologic and service utilization research studies and analyses based on data contained within the register or by relating or matching of register data to information from other data systems; develop methodological techniques. Results of studies and analyses appear only in group data form. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic tapes, punch cards, computer printouts.

**Retrievability:** By register identification number, name. The records are currently being used to develop grouped statistical data relating to: (1) social security earnings; (2) information collected in a special 1963 population census of the residents of Washington County, Maryland; (3) information from the Baltimore public school system; and (4) information from Prince Georges and Montgomery Counties' Family Service Agencies in Maryland.

**Safeguards:** Only authorized research and computer staff have access to files. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The disposal standard for these records may be obtained by writing the system manager at the address below.

**System manager(s) and address:**

Chief, Applied Biometrics Research Branch  
Division of Biometry and Epidemiology  
National Institute of Mental Health  
5600 Fishers Lane  
Rockville, Maryland 20857

**Notification procedure:** None.

**Record access procedures:** None.

**Contesting record procedures:** None.

**Record source categories:** Forms submitted by psychiatric facilities to Maryland Department of Mental Hygiene, and Maryland death certificate records. Also from (1) Social Security Administra-

tion aggregate data; (2) The Johns Hopkins University (Washington County (Md.) Census Data); (3) Baltimore Public School System; and (4) Family Service Agencies of Prince Georges and Montgomery Counties (Md.).

**Systems exempted from certain provisions of the act:** An exemption from notification access and contest as a statistical record system under Section 3 (f)(4) of the Privacy Act has been granted.

09-30-0026

**System name:** Saint Elizabeths Hospital Research Project Record-HEW/ADAMHA/NIMH.

**Security classification:** None.

**System location:**

Behavioral Studies Building  
Saint Elizabeths Hospital  
Washington, D.C. 20032  
and Federal Records Center  
Suitland, Maryland

**Categories of individuals covered by the system:** Persons who seek approval or who have obtained approval to conduct research projects at Saint Elizabeths Hospital.

**Categories of records in the system:** Written documents pertaining to research project proposals and/or results obtained from approved research studies, research protocols, and curriculum vitae of research applicants.

**Authority for maintenance of the system:** 24 U.S.C. 161, Public Health Service Act Section 301(42 U.S.C. 241).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Records are routinely disclosed for purposes of program evaluation and historical research to approved investigators by the Saint Elizabeths Hospital Research Review Board. Also under Appendix B, Departmental Regulations 45 CFR 5(b), as follows: A record from this system of records may be disclosed as a 'routine use' to a federal, state or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit (Item 4). To the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual (Item 100); Disclosures in the course of employee discipline or competence determination proceedings (Item 100). Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders and filing cabinets.

**Retrievability:** System is filed by name of primary investigator, and date of research proposal submission, title of research project, and date of research completion. The purposes of this record are to: (1) evaluate research proposals for official approval; (2) disseminate results obtained from approved research studies; (3) program evaluation and historical research.

**Safeguards:** Records are kept in monitored offices and are only available to persons authorized to use records for the purposes for which they were collected.

**Retention and disposal:** Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The disposal standard

for these records may be obtained by writing the system manager at the address below.

**System manager(s) and address:**

Director, Hoffman Division of Research  
Saint Elizabeths Hospital  
Washington, D.C.

**Notification procedure:** Individual may have access to his/her personal research project record upon written request with notarized signature if request is made by mail or with suitable identification if request is made in person, to Privacy Act Coordinator, Office of Director, Hoffman Division of Research, SEH, Washington, D.C. 20032. All of the following information must be provided: (a) full name; (b) dates when research project was proposed, approved or disapproved and completed; (c) staff position held in terms of staff, trainees, or outside investigator; (d) title of research project.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410).

**Contesting record procedures:** Write the Privacy Act Coordinator, Office of Director, Hoffman Division of Research, Saint Elizabeths Hospital, Washington, D.C. 20032. Reasonably identify the record and specify the information to be contested in accordance with Department regulations, Federal Register, October 8, 1975, page 47411 (45 C.F.R. Part 5b).

**Record source categories:** Information is obtained from the primary research investigator, and supervisory and administrative personnel.

**Systems exempted from certain provisions of the act:** None.

09-30-0027

**System name:** Grants: Research, Research Training, Fellowships, Clinical Training, Community Services - HEW/ADAMHA/OA.

**Security classification:** None.

**System location:**

National Institute on Drug Abuse  
Grants Management Branch  
Room 849, Rockwall Building  
11400 Rockville Pike  
Rockville, Maryland 20852

National Institute on Alcohol Abuse and Alcoholism  
Grants Management Branch  
Room 14C-04, Parklawn Building  
5600 Fishers Lane  
Rockville, Maryland 20857

National Institute of Mental Health  
Grants and Contracts Management Branch, OPS  
Room 7C-02, Parklawn Building  
Rockville, Maryland 20857

**Categories of individuals covered by the system:** Principal investigators, project directors, trainees, fellows, Research Scientist Development awardees, and other employees of applicant or grantee institutions.

**Categories of records in the system:** Grant applications and review history, including curriculum vitae, salary information, summary of review committee deliberations, progress reports, financial records, National Research Services Act awardee payback records and related documents.

**Authority for maintenance of the system:** NIDA: Public Health Service Act Section 301(42 U.S.C. 241); Section 251 (42 U.S.C. 2688k) Community Mental Health Centers Act Section 410 (21 U.S.C. 1177); and the Drug Abuse Office and Treatment Act of 1972. NIAAA: Public Health Service Act Section 301 (42 U.S.C. 241); Comprehensive Alcohol Abuse and Alcoholism Treatment and Rehabilitation Act of 1970 Sections 101, 311 (42 U.S.C. 4551, 4577). NIMH: Public Health Service Act Section 301, 303(a), 433(a), 455, and 472(a)(1)(A), (42 U.S.C. 241, 242a 289c, 289k-1, and 289l-1).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Records contained in the Official Grant File may be released:

1. to the Smithsonian Science Information Exchange for dissemination of science information.
2. to qualified experts for opinion during the review process.

3. to individuals and organizations deemed qualified by the Secretary to carry out specific research solely for the purpose of carrying out such research.

4. to organizations deemed qualified by the Secretary to carry out quality assessment, medical audits, or utilization review.

5. to the Cognizant Audit Agency and the General Accounting Office for auditing.

6. to the Department of Justice or other law enforcement agencies as required for litigation.

7. to either House of Congress, or to the extent of matter within its jurisdiction, to any committee or subcommittee.

8. to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

9. Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available. (Appendix B, Departmental Regulations, 45 CFR 5(b), Item 6).

10. Where the appropriate official of the Department, pursuant to the Department's Freedom of Information Regulation determines that it is in the public interest to disclose a record which is otherwise exempt from mandatory disclosure, disclosure may be made from this system of records. (Appendix B, Departmental Regulations, 45 CFR 5(b), Item 8).

11. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

12. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Documents filed in folders in enclosed file cabinets. Information on 3 x 5 cards in file cabinets.

**Retrievability:** By grant numbers and cross-indexed by name. Used by staff program and management specialists for purpose of awarding and monitoring grant funds. Information is also used to maintain communication with former trainees/fellows who have incurred an obligation through the National Research Award Program.

**Safeguards:** Only authorized personnel have access to the files and the files themselves may not leave the premises. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The disposal standard for these records may be obtained by writing the system manager at the address below.

**System manager(s) and address:**

National Institute on Drug Abuse  
Chief, Grants Management Branch, OPS  
Room 854, Rockwall Building  
11400 Rockville Pike  
Rockville, Md. 20852

National Institute on Alcohol Abuse and Alcoholism  
Chief, Grants Management Branch  
Room 16-86, Parklawn Building  
5600 Fishers Lane  
Rockville, Md. 20857

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National Institute of Mental Health  
Chief, Grants and Contracts Management Branch  
Room 7C-02, Parklawn Building  
5600 Fishers Lane  
Rockville, Md. 20857

**Notification procedure:** Write to the system manager at the applicable address above.

**Record access procedures:** Same as above. Requesters should also reasonably specify the record contents being sought, and should provide the official grant or fellowship number when possible.

**Contesting record procedures:** Same as above.

**Record source categories:** Applicants, grantees, fellows, trainees, personnel at grantee institution on whom the record is maintained, Federal advisory committees, site visitors, consultants, references.

**Systems exempted from certain provisions of the act:** None.

09-30-0028

**System name:** Saint Elizabeths Hospital General Medical/Clinical Records System and Related Indexes--HEW/ADAMHA/NIMH.

**Security classification:** None.

**System location:** This is a widely decentralized system of records. The medical/clinical records of active patients on the rolls of the Hospital, which were written after July 1, 1973, are located in the specific division where an individual patient is residing or, in the case of outpatients, at the location of the specific outpatient clinic where they receive treatment. The medical/clinical records of active patients who were admitted to Saint Elizabeths Hospital prior to July 1, 1973, and which were written prior to that date, are located in A Building, Room 121 and in the basement of that building, with duplicate copies of those records located in the clinical division where the patient resided or was served as an outpatient. The medical/clinical records of discharged or deceased patients are located in A Building, Room 121 and the basement of that building, and inactive records older than four years are stored in the Federal Records Center in Suitland, Maryland. In addition to the medical/clinical records themselves, SEH maintains numerous card files which contain limited information relating to identification of past and present patients taken from the medical/clinical record and used for management and monitoring purposes. These card files are located throughout the Hospital. Records are located at Saint Elizabeths Hospital, Washington, D.C. 20032, and Federal Records Center, Suitland, Maryland.

**Categories of individuals covered by the system:** All past and present patients of Saint Elizabeths Hospital.

**Categories of records in the system:** Inpatient and outpatient psychiatric medical/clinical records. The medical/clinical record contains identifying data (name, date and place of birth, age, sex, race, marital status, legal category, social security number, leave and residential status, admission and discharge dates, identification of relatives and Hospital identification number) and medical/clinical information (physician's admission note, results of physical examinations, descriptions of patient's present and past physical and mental health, diagnosis, prognosis, consultant's opinions, social history, treatment plan, results of diagnostic tests and procedures, notes of patient's response to treatment, progress notes, nurses notes, incident reports, and reports or notes of others who contributed to a patient's treatment and/or social work efforts, and correspondence with Saint Elizabeths Hospital concerning such a patient.

**Authority for maintenance of the system:** 24 USC 161, et seq.; 21 DC Code 562.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made:

1. To facilitate treatment of patient when admitted to other facilities; to send records to new physicians.
2. To personnel who are not employees of the hospital for accreditation or licensure of the hospital.
3. Of impersonal documents (i.e. with personal identifiers removed) to facilitate teaching programs and scientific research, to further knowledge in the area of diagnosis and treatment.
4. Of reports to a referring source such as a physician or a court; to give out to authorized parties, who have legitimate

interests in the patient, who are not an employee by or connected with Saint Elizabeths Hospital.

5. To help satisfy a patient's medicolegal needs.
6. To be disclosed to Professional Standards Review Organizations for health care evaluation.
7. To the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Departmental Regulations, 45 CFR 5(b), Item 100).
8. To individuals and organizations, deemed qualified by the Secretary to carry out specific research solely for the purpose of carrying out such research. (Appendix B, Departmental Regulations, 45 CFR 5(b), Item 101).
9. To organizations deemed qualified by the Secretary to carry out quality assessment, medical audits or utilization review. (Appendix B, Departmental Regulations, 45 CFR 5(b), Item 102).
10. Disclosures in the course of employee discipline or competence determination proceedings. (Appendix B, Departmental Regulations, 45 CFR 5(b), Item 103).
11. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
12. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:**

1. At Division level (Active Patients) - File folders with general medical record and correspondence file are kept in metal file cabinets. Index cards, monitoring cards, karex and addressograph plates are kept in their appropriate containers.
2. At Administration level (Discharged and Deceased Patients) - Clinical and correspondence records are filed in separate coded folders with unit numbering system. Patients index - 3x5 card file of all patients hospitalized or treated at SEH in a Kardvexer; Diagnostic Indexes - a 5x7 separate index card file stored in a Visu-Triver.

**Retrievability:**

Data to be retrieved by patient's name and hospital number.

**Purposes of the system are:**

1. To document a patient's illness, chief complaint, history, physical examination, diagnostic test and procedure reports, to plan treatment either as an inpatient or an outpatient.
2. To promote continuity of care for follow-up of treatment; for reference upon future treatment and care.
3. To provide basis for reports mandatory under Federal and local laws.
4. In some instances, to provide as a basis for action in the course of employee discipline or competence determination proceedings.
5. To transact hospital business in filing insurance claims, verification of patient's competency, disability, or retirement benefits, verification of leave status and residence.

6. To serve as a basis for hospital administrative planning and evaluation of its programs.

7. To serve as impersonal documents for the hospital staff continuing education and studies.

8. To be used by hospital staff for assessment of the quality of treatment, for medical audit and utilization review.

9. To be used for the legal defense of the hospital and its staff in cases where a claim is based on patient's mental or physical conditions and arising from the patient's treatment at Saint Elizabeths Hospital.

10. To be used for statistical reports, monthly analysis of clinical division services, monthly, quarterly, annual reports.

11. To serve as a basis for reports to accrediting agencies, Joint Commission on Accreditation of Hospitals, American Hospital Association, American Psychiatric Association, Medicare Licensure, etc.

12. Indexes based on the medical/clinical record are routinely used for: (a) speedy identification and location of specific patients; (b) monitoring the completeness of patient records, particularly those discharged or deceased; (c) to monitor the changing status of patients either in terms of transfers within the Hospital or outside the Hospital; (d) easy identification of basic demographic data used for statistical and/or research purposes; and, (e) quick review of current treatment regimen in some cases.

**Safeguards:**

1. Available only to properly trained and screened personnel.
2. Access limited to authorized individuals only. Enforced by Security personnel. Room are locked when unoccupied.

**Retention and disposal:** Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The disposal standard for these records may be obtained by writing the system manager at the address below.

**System manager(s) and address:**

I. Primary (Administration)

Superintendent  
Room 105, Administration Building  
Saint Elizabeths Hospital  
Washington, D.C. 20032

Chief, Medical Records Librarian  
Administration Building  
Saint Elizabeths Hospital  
Washington, D.C. 20032

II. Secondary (Division Level)

Director  
Area D Community Mental Health Center  
Dix Building

Director  
Noyes Division  
Noyes 7

Director  
Forensic Division  
John Howard Pavilion

Director  
Goddard Division  
Goddard 6

Director  
Haydon Division  
Geriatric Building

Director  
Nichols Division  
Nichols Building

Director  
Mental Health Program for the Deaf  
L Building

Director  
Medicine and Surgery Branch  
W W Eldridge Bldg.

Director  
O'Malley Division  
Q Building

Director  
Richardson Division  
P Building

Clinical Director  
William A. White Division  
William A. White Building

**Notification procedure:** A patient or former patient may have access to his/her record upon written request, with notarized signature if request is made by mail or with suitable proof of identity if request is made in person, directed to, as appropriate:

**Active Patients:**  
Privacy Act Coordinator  
Office of the Director (Division where person receives treatment; see list under 'System Manager')  
Saint Elizabeths Hospital  
Washington, D.C. 20032

**Discharged Patients:**  
Privacy Act Coordinator  
Office of Medical Records Branch  
A Building  
Saint Elizabeths Hospital  
Washington, D.C. 20032

All of the following information must be provided when requesting access: (a) full name; (b) for discharged patients, approximate dates of enrollment at Saint Elizabeths Hospital; (c) if possible, the patient's hospital number; (d) the nature of the material desired.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Same as Notification. Reasonably identify the record and specify the information to be contested in accordance with Department regulations, Federal Register, October 8, 1975, page 47411 (45 CFR Part 5.b.7).

**Record source categories:** Medical records are a compilation of sociological, medical, clinical and historical data of a patient. They are a complete report of an illness resulting in an accumulation of a large amount of information about a patient. The information recorded was given by the patient, his/her relatives, or other third persons interested in the patient, from existing records used as reference, from clinical tests (different departments such as lab, X-ray, EEG, etc.), physicians, psychiatrists, nurses, social workers, other therapists who entered their observations and assessments by means of progress notes, reports, etc.

**Systems exempted from certain provisions of the act:** None.

09-30-0029

**System name:** Record of Guest Workers - HEW/ADAMHA/OA.

**Security classification:** None.

**System location:**

Alcohol, Drug Abuse, and Mental Health Administration  
Division of Personnel Management  
5600 Fishers Lane  
Rockville, Md. 20857

**Categories of individuals covered by the system:** Individuals using ADAMHA facilities who are not employees.

**Categories of records in the system:** Personal information including name, address, date and place of birth, education, employment, purpose for which ADAMHA facilities are desired, outside sponsor and ADAMHA sponsor.



Authority for maintenance of the system: 42 USC 241.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to the Civil Service Commission for program evaluation purposes and to institutions providing support for subject individual. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Stored in file folders.

**Retrievability:** Retrieved by name. Records are used to document individual's presence at ADAMHA and as a record that the individual is not performing services for ADAMHA and is therefore not an employee.

**Safeguards:** Locked file accessible only to authorized individuals.

**Retention and disposal:** Retained for three years after completion of sojourn, then destroyed.

**System manager(s) and address:**

Director  
Division of Personnel Management, ADAMHA  
5600 Fishers Lane  
Rockville, Md 20857

**Notification procedure:** Write to the system manager at the above address.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Subject individual and ADAMHA sponsor.

**Systems exempted from certain provisions of the act:** None.

09-30-0030

**System name:** Record of Visiting Fellows - HEW/ADAMHA/OA.

**Security classification:** None.

**System location:**

Alcohol, Drug Abuse, and Mental Health Administration  
Division of Personnel Management  
5600 Fishers Lane, Parklawn Building  
Rockville, Md. 20857

**Categories of individuals covered by the system:** Individuals undergoing training - not employees.

**Categories of records in the system:** Personal information including name, address, date and place of birth, education, qualifications for training.

**Authority for maintenance of the system:** 42 USC 241 and 42 U.S.C. 4821-1.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to the Civil Service Commission for program evaluation purposes and to the General Accounting Office for fund disbursement determinations. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department

in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Stored in file folders.

**Retrievability:** Retrieved by name. Records are used to refer candidates to selecting officials and to locate Fellow after placement.

**Safeguards:** Kept in locked file accessible only to authorized individuals.

**Retention and disposal:** Retained for three years after completion of fellowship, then destroyed.

**System manager(s) and address:**

Director  
Division of Personnel Management, ADAMHA  
5600 Fishers Lane  
Rockville, Md. 20857

**Notification procedure:** Write to the system manager at the above address.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Fellowship applicant.

**Systems exempted from certain provisions of the act:** None.

09-30-0031

**System name:** St. Elizabeths Hospital Biometrics System - DHEW/ADAMHA/NIMH

**Security classification:** None.

**System location:**

Biometrics Branch  
St. Elizabeths Hospital  
Administration Building  
Washington, D.C. 20032

**Categories of individuals covered by the system:** Former & Current Patients.

**Categories of records in the system:** Patient name, hospital number, demographic and individual characteristics, tracking or patient movement and billing information.

**Authority for maintenance of the system:** 24 USC 161, et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information is disclosed to D.C. Mental Health Areas for continuity of care, after care and community follow-up. Data is provided to researchers when approved by the Superintendent and the legal office. Data is also provided to volunteers involved in the treatment process of the Hospital. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** St. Elizabeths Hospital Forms, File Folders, punch cards and magnetic tape.

**Retrievability:** Hospital case number, name, pre-determined codes. Some subsystems kept in chronological order. This record is used for distribution of publications. Patient billing. To generate special and recurring reports for Administrators, Health Professionals, Managers, and Researchers for program management, Planning, Analysis, Evaluation and Research.

**Safeguards:** Employee training, restricted access, locked at night.

**Retention and disposal:** Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The disposal standard for these records may be obtained by writing the system manager at the address below.

**System manager(s) and address:**

Director, Biometrics Branch  
St. Elizabeths Hospital  
Wash., D.C. 20032

**Notification procedure:** A patient or former patient may have access to his/her record upon written request, with notarized signature, directed to:

Privacy Act Coordinator  
Biometrics Branch  
Saint Elizabeths Hospital  
Washington, D.C. 20032

All of the following information must be provided:

- (a) Full name;
- (b) Approximate dates of enrollment at Saint Elizabeths Hospital;
- (c) The nature of the material desired.

**Record access procedures:** Same as notification. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Same as notification. Reasonably identify the record and specify the information to be contested in accordance with Department regulations, Federal Register, October 8, 1975, page 47411 (45 CFR Part 5b.7).

**Record source categories:** Saint Elizabeths Hospital forms prepared by staff.

**Systems exempted from certain provisions of the act:** None.

09-30-0032

**System name:** Records of Research on Alcohol Abusers and Addicts. HEW/ADAMHA/NIAAA.

**Security classification:** None.

**System location:**

Laboratory of Basic Alcohol Sciences, Division of Extramural Research  
National Institute on Alcohol Abuse and Alcoholism  
Rm. 493, Wm. A. White Building  
Saint Elizabeths Hospital  
Washington, D.C. 20032

**Categories of individuals covered by the system:** Alcohol abusers and addicts.

**Categories of records in the system:** Case studies, medical records of individuals involved in studies between 1969 and 1973 in the Intramural Research Laboratory pertaining to alcohol abuse and alcoholism; medical, non-medical, test and laboratory data, observation data, data from interviews, data from previous records, data from epidemiological, biochemical, and behavioral areas, and other data from investigations in medical and related sciences. This includes material contained on video tapes.

**Authority for maintenance of the system:** Public Health Service Act, Sections 301,303 (42 U.S.C. 241, 242(a), 4551).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To individuals and organizations, deemed qualified by the Secretary to carry out specific research solely for the purpose of carrying out such research.

(Appendix B, Departmental Regulations, 45 CFR 5(b), Item 101). Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Documents filed in metal file cabinets and in cardboard boxes.

**Retrievability:** By case study number and/or by patient's last name.

**Safeguards:** Only authorized personnel have access to the files and the files themselves may not leave the premises.

**Retention and disposal:** Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The disposal standard for these records may be obtained by writing the system manager at the address below.

**System manager(s) and address:**

Director, Laboratory of Basic Alcohol Sciences, Division of Extramural Research  
National Institute on Alcohol Abuse and Alcoholism  
Rm. 493, Wm. A. White Building  
Saint Elizabeths Hospital  
Washington, D.C. 20032

**Notification procedure:** An individual may have access to his/her record upon written request, with notarized signature, addressed to the System Manager identified above. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.) A parent or guardian who requests notification of or access to a minor's record shall at the time the request is made designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The designate will receive the record in all cases and upon review will determine whether the record should be made available to the parent or guardian.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Directly from the individual and from observation during research studies.

**Systems exempted from certain provisions of the act:** None.

09-30-0033

**System name:** Correspondence Files - HEW/ADAMHA/OA

**Security classification:** None.

**System location:**

ADAMHA Executive Secretariat  
Room 12-C-04, Parklawn Building  
5600 Fishers Lane  
Rockville, Md. 20857

Executive Secretariat, National Institute on Drug Abuse  
Room 844, Rockwall Building

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11400 Rockville Pike  
Rockville, Md. 20852

Executive Secretariat, National Institute of Alcohol Abuse and Alcoholism  
Room 16-C-02, Parklawn Building  
5600 Fishers Lane  
Rockville, Md. 20857

Executive Secretariat, National Institute of Mental Health  
Room 17-C-25, Parklawn Building  
5600 Fishers Lane  
Rockville, Md. 20857

**Categories of individuals covered by the system:** Individuals who request information on ADAMHA programs.

**Categories of records in the system:** Correspondence.

**Authority for maintenance of the system:** 21 U.S.C. 1191; 42 U.S.C. Sections 289k-1, 3511, 4551

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Maintained in standard file folders, enclosed in steel file standing cabinets.

**Retrievability:** Retrieved alphabetically by name. Used by Institute staff for reference purposes, and to assure correction of problems and follow-up.

**Safeguards:** Maintained in steel cabinets and accessed only by Executive Secretariat personnel.

**Retention and disposal:** Retained for two years (current year and preceding one), then destroyed.

**System manager(s) and address:** Same as location.

**Notification procedure:** Same as location. Write to the system manager at the above address and give name and approximate date of data requested.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Records are derived from incoming and outgoing correspondence.

**Systems exempted from certain provisions of the act:** None. /

09-20-0000

**System name:** Cooperative Mycoses Study - HEW/CDC/OCD.

**Security classification:** None.

**System location:**

Federal Records Center  
East Point, Georgia

**Categories of individuals covered by the system:** Histoplasmosis, blastomycosis, coccidioidomycosis, aspergillosis, and other miscellaneous fungal infected patients who participated in the cooperative mycoses study conducted between 1947 and 1973 at the former CDC Kansas City Field Station, Ecological Investigations Division, Kansas City, Kansas

**Categories of records in the system:** Medical records and related papers.

**Authority for maintenance of the system:** Public Health Service Act, Section 301 (42 U.S.C. 241).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Cooperating facilities as follows:

Ohio State University Hospital  
Tuberculosis Service  
Columbus, Ohio

San Antonio State Chest Hospital  
San Antonio, Texas

East Texas Chest Hospital  
Tyler, Texas

Missouri State Chest Hospital  
Mt. Vernon, Missouri

Mt. Vernon State Tuberculosis Sanatorium  
Mt. Vernon, Illinois

**Bureau of Health Services**  
Department of Human Resources  
Frankfort, Kentucky Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual. Disclosure may be made to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition or is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Departmental Regulations (45 CFR, part 5b) Appendix B, Item 100.) In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders and Approved FRC boxes.

**Retrievability:** The purpose of the study was evaluation of the treatment of systemic fungal diseases by the U. S. Public Health Service and clinicians in selected hospitals and sanatoriums. Records retrieved by name.

**Safeguards:** Electronic Anti-Intrusion Devices.

**Retention and disposal:** Schedule for disposal pending.

**System manager(s) and address:**

Assistant Director for Program  
CDC  
Bldg. 1, Room 224  
Atlanta, Ga. 30333

**Notification procedure:** To determine if a file exists, write the Assistant Director for Program, Building 1, Room 224, Center for Disease Control, Atlanta, Georgia 30333, and provide the following information: (1) approximate date(s) and place of treatment or questionnaire administration, (2) name of study, if known; (3) an individual who requests notification of or access to a medical record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the representative's discretion (these notification and access procedures are requirements of the Department Regulations, 45 CFR, Part 4.6, Federal Register, October 8, 1975, page 47411). A parent or guardian who requests notification of or access to a minor's record shall at the time the request is made designate a family physician or

other health professional (other than a family member) to whom the record, if any, will be sent. The designee will receive the record in all cases and upon review will determine whether the record should be made available to the parent or guardian.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Part 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Write the Privacy Act Coordinator, Management Analysis Office, Center for Disease Control, Atlanta, Georgia 30333. Reasonably identify the record and specify the information to be contested in accordance with Department Regulations, Federal Register, October 8, 1975, page 47411 (45 CFR, Part 5b.7).

**Record source categories:** Participating hospitals and sanatoriums listed above.

**Systems exempted from certain provisions of the act:** None.

09-20-0001

**System name:** Certified Interpreting Physician File -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Respiratory Disease Studies, NIOSH  
944 Chestnut Ridge Road  
Morgantown, West Virginia 26505

**Categories of individuals covered by the system:** Physicians who have been certified to interpret x-rays under the Federal Coal Mine Health and Safety Act of 1969.

**Categories of records in the system:** Physician's qualifications.

**Authority for maintenance of the system:** Coal Mine Health and Safety Act Section 203(30) U.S.C. 843).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

1. Name and address supplied to coal operators and x-ray facilities so that they may contact physician to do work for them.
2. Name, address and social security number supplied to Department of Labor to be used in approving Title IV Benefits under the Act. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer printouts, microfilm, computer tape, computer disk.

**Retrievability:** The main purpose is to provide certified physicians to read x-rays. Data is provided to the Social Security Administration to be used in approving Title IV Benefits under the Act. Name or social security number is the index used to retrieve records. Social security numbers which are supplied on a voluntary basis are used for retrieval.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked computer room and computer tape vaults  
Locked file cabinets  
Computer tapes are password protected For computerized records, safeguards established in accordance with

Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Records are retained indefinitely unless disposal of a record is requested by the individual physician. Disposal methods include erasing computer tapes and burning or shredding printouts.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Information is obtained directly from the individual.

**Systems exempted from certain provisions of the act:** None.

09-20-0002

**System name:** Study of workers exposed to talc -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH  
5555 Ridge Avenue  
Cincinnati, Ohio 45213

Southwest Ohio Regional Computer Center  
Medical Sciences Building  
University of Cincinnati  
Cincinnati, Ohio 45202

**Categories of individuals covered by the system:** Talc-exposed workers from several locations.

**Categories of records in the system:** Occupational histories, demographic data.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20(29) U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United

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States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer tape, microfilm, microfiche, computer listings, manual files.

**Retrievability:** The purpose of this system is to determine the cause and prevention of occupationally-related diseases. Name is the index used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked computer room and computer tape vaults  
Locked file cabinets  
Computer tapes are password protected For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding printouts.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Information is obtained from employer records. Vital status information is obtained from Federal, State and Local governments and other available sources.

**Systems exempted from certain provisions of the act:** None.

**APPENDIX I Potential Sources for Determination of Vital Status**

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections, Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies

Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0003

**System name:** Study of Workers Exposed to Bladder Carcinogens -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH  
5555 Ridge Avenue  
Cincinnati, Ohio 45213

Southwest Ohio Regional Computer Center  
Medical Sciences Building  
University of Cincinnati  
Cincinnati, Ohio 45202

**Categories of individuals covered by the system:** Dichlorobenzidine Exposed Workers.

**Categories of records in the system:** Demographic Data, Physical Exam, Medical Questionnaires, Urine Tests, and Occupational History.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20(29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally-related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer Tape, Microfilm, Microfiche, manual files.

**Retrievability:** The purpose of this system is to determine the cause and prevention of occupationally-related diseases. Name and Assigned Number are indexes used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked computer room and computer tape vaults  
Locked file cabinets  
Computer tapes are password protected For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards

guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding printouts.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Vital status information is obtained from Federal, State and Local governments and other available sources. Information is obtained from the individual and employer records.

**Systems exempted from certain provisions of the act:** None.

**APPENDIX I Potential Sources for Determination of Vital Status**

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections, Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0004

**System name:** Beta-Naphthylamine workers study -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH  
5555 Ridge Avenue

Cincinnati, Ohio 35213

Southwest Ohio Regional Computer Center  
Medical Sciences Building  
University of Cincinnati  
Cincinnati, Ohio 45202

**Categories of individuals covered by the system:** Selected plants having workers using beta-naphthylamine.

**Categories of records in the system:** Occupational history and demographic data.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20(29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally-related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer tape, microfilm, microfiche, computer printouts, manual files.

**Retrievability:** The purpose of this system is to determine the cause and prevention of occupationally-related diseases. Name is the index used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked computer room and computer tape vaults  
Locked file cabinets  
Computer tapes are password protected For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding printouts.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)



**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information is obtained from employer records. Vital status information is obtained from Federal, State and Local governments and other available sources.

**Systems exempted from certain provisions of the act:** None.

#### APPENDIX I Potential Sources for Determination of Vital Status

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections, Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0005

**System name:** Study of Columbus Coated Fabrics workers -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH  
5555 Ridge Avenue  
Cincinnati, Ohio 45213

Southwest Ohio Regional Computer Center  
Medical Sciences Building  
University of Cincinnati  
Cincinnati, Ohio 45202

**Categories of individuals covered by the system:** Employees of Columbus Coated Fabrics, Columbus, Ohio.

**Categories of records in the system:** Medical questionnaire, demographic data.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20(29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the

Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer tape, microfilm, microfiche, computer printouts, manual files.

**Retrievability:** The purpose of this system is to determine the cause and prevention of occupationally-related diseases. Name is the index used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building: locked rooms  
Personnel screening  
Locked computer room and computer tape vaults  
Locked file cabinets  
Computer tapes are password protected For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding printouts.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Vital status information is obtained from Federal, State and Local governments and other available sources. Other information is obtained from the individual and from employer records.

**Systems exempted from certain provisions of the act:** None.

#### APPENDIX I Potential Sources for Determination of Vital Status

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:

Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections, Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0006

**System name:** Study of phosphate fertilizer industry -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH  
5555 Ridge Avenue  
Cincinnati, Ohio 45213

Southwest Ohio Regional Computer Center  
Medical Sciences Building  
University of Cincinnati  
Cincinnati, Ohio 45202

**Categories of individuals covered by the system:** Phosphate fertilizer workers.

**Categories of records in the system:** Occupational histories, demographic data.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20(29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer tape, computer printout, microfilm, microfiche, manual files.

**Retrievability:** The purpose of this system is to determine the cause and prevention of occupationally-related diseases. Name is the index used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building, locked rooms  
Personnel screening  
Locked computer room and computer tape vaults

Locked file cabinets  
Computer tapes are password protected For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding printouts.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information is obtained from employer records. Vital status information is obtained from Federal, State and Local governments and other available sources.

**Systems exempted from certain provisions of the act:** None.

#### APPENDIX I Potential Sources for Determination of Vital Status

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections, Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0007

**System name:** Study of Union Carbide, Charleston, W.Va. Plant -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH  
5555 Ridge Avenue  
Cincinnati, Ohio 45213

Southwest Ohio Regional Computer Center  
Medical Sciences Building  
University of Cincinnati



Cincinnati, Ohio 45202

**Categories of individuals covered by the system:** A limited number of plant employees.

**Categories of records in the system:** Personnel records.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20(29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer tape, microfilm, microfiche, manual files.

**Retrievability:** The purpose of this system is to determine the cause and prevention of occupationally-related diseases. Name is the index used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked computer room and computer tape vaults  
Locked file cabinets  
Computer tapes are password protected For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding printouts.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Information is obtained from employer records. Vital status information is obtained from Federal, State and Local governments and other available sources.

**Systems exempted from certain provisions of the act:** None.

#### APPENDIX I Potential Sources for Determination of Vital Status

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections, Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0008

**System name:** Coal miner workers' study -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Cincinnati, Ohio 45213

Southwest Ohio Regional Computer Center  
Medical Sciences Building  
University of Cincinnati  
Cincinnati, Ohio 45202

**Categories of individuals covered by the system:** Coal miners from selected coal mines.

**Categories of records in the system:** Occupational and demographic histories, X-rays, pulmonary function data, medical questionnaires.

**Authority for maintenance of the system:** Federal Coal Mine Health and Safety Act Section 501(30 U.S.C. 951).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful,

ful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer tape, computer printout, microfilm.

**Retrievability:** The purpose of this system is to assess the cause and prevention of disease(s) of coal mining origin. Assigned number is the index used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked computer room and computer tape vaults  
Locked file cabinets  
Computer tapes are password protected For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding printouts.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Vital status information is obtained from Federal, State and Local governments and other available sources. Information is obtained from the individual and from employer records.

**Systems exempted from certain provisions of the act:** None.

#### APPENDIX I Potential Sources for Determination of Vital Status

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections, Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance

Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0009

**System name:** Study of workers exposed to methyl butyl ketone -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH  
5555 Ridge Avenue  
Cincinnati, Ohio 45213

Southwest Ohio Regional Computer Center  
Medical Sciences Building  
University of Cincinnati  
Cincinnati, Ohio 45202

**Categories of individuals covered by the system:** Workers exposed to methyl butyl ketone from selected plants.

**Categories of records in the system:** Medical questionnaire, demographic data, physical exam forms.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20(29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual files.

**Retrievability:** The purpose of this system is to determine the cause and prevention of occupationally-related diseases. Name is the index used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked file cabinets



**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding printouts.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Vital status information is obtained from Federal, State and Local governments and other available sources. Information is obtained from the individual and employer records.

**Systems exempted from certain provisions of the act:** None.

**APPENDIX I Potential Sources for Determination of Vital Status**

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections, Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0010

**System name:** Study of Mineral Wool Workers -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH  
5555 Ridge Avenue  
Cincinnati, Ohio 45213

Southwest Ohio Regional Computer Center  
Medical Sciences Building  
University of Cincinnati  
Cincinnati, Ohio 45202

**Categories of individuals covered by the system:** Mineral Wool Workers from several plants.

**Categories of records in the system:** Occupational histories, demographic data.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer tape, microfilm, microfiche, computer printouts, manual files.

**Retrievability:** The purpose of this system is to assess cause and prevention of disease of industrial origin. Name is the index used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked computer room and computer tape vaults  
Locked file cabinets  
Computer tapes are password protected For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding printouts.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably

identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information is obtained from employer records. Vital status information is obtained from Federal, State and Local governments and other available sources.

**Systems exempted from certain provisions of the act:** None.

**APPENDIX I Potential Sources for Determination of Vital Status**

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections, Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0011

**System name:** Study of Metal Mine Workers -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH  
5555 Ridge Avenue  
Cincinnati, Ohio 45213

Southwest Ohio Regional Computer Center  
Medical Sciences Building  
University of Cincinnati  
Cincinnati, Ohio 45202

**Categories of individuals covered by the system:** Mine Workers from Several Mines.

**Categories of records in the system:** Demographic Data, Occupational Histories, X-rays, Medical Histories.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20(29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful,

ful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer Tape, Computer Printouts, Microfiche, Manual Files.

**Retrievability:** The purpose of this system is the assessment of cause and prevention of disease of industrial origin. Name, Number, Mine Number are indexes used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked computer room and computer tape vaults  
Locked file cabinets  
Computer tapes are password protected For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding printouts.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Vital status information is obtained from Federal, State and Local governments and other available sources. Information is obtained from the individual and from employer records.

**Systems exempted from certain provisions of the act:** None.

**APPENDIX I Potential Sources for Determination of Vital Status**

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,

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Food Stamp Program, Child Support, Board of Corrections, Aging,  
 Indian Affairs, Workman's Compensation, Disability Insurance  
 Retail Credit Association Follow up  
 Veteran's Administration Files  
 Appropriate employee union or association records  
 Appropriate company pension or employment records  
 Company group insurance records  
 Appropriate State Vital Statistics Offices  
 Life Insurance Companies  
 Railroad Retirement Board  
 Area Nursing Homes  
 Area Indian Trading Posts  
 Mailing List Correction Cards (U.S. Postal Service)  
 Letters and telephone conversations with relatives  
 Letters and telephone conversations with former employees of the same establishment as cohort member  
 Appropriate local newspaper (obituaries)

09-20-0012

**System name:** Study of Colloids, Inc. Workers -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH  
 5555 Ridge Avenue  
 Cincinnati, Ohio 45213  
 Southwest Ohio Regional Computer Center  
 Medical Sciences Building  
 University of Cincinnati  
 Cincinnati, Ohio 45202

**Categories of individuals covered by the system:** Colloids, Inc. Workers.

**Categories of records in the system:** Occupational Histories, Demographic Data.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20(29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer Tape, Computer Printouts, Microfiche, Manual File.

**Retrievability:** The purpose of this system is to determine the cause and prevention of diseases of industrial origin. Name is the index used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
 Locked building; locked rooms  
 Personnel screening  
 Locked computer room and computer tape vaults  
 Locked file cabinets

Computer tapes are password protected. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding printouts.

**System manager(s) and address:**

Director  
 National Institute for Occupational Safety and Health  
 5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
 Rockville, Maryland 20857

**Notification procedure:**

Director  
 National Institute for Occupational Safety and Health  
 5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
 Rockville, Maryland 20857

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Information is obtained from employer records. Vital status information is obtained from Federal, State and Local governments and other available sources.

**Systems exempted from certain provisions of the act:** None.

**APPENDIX I Potential Sources for Determination of Vital Status**

Military Records  
 Appropriate State Motor Vehicle Registration Departments  
 Appropriate State Drivers License Departments  
 Appropriate State Government Divisions of:  
 Assistance Payments (Welfare), Social Services, Medical Services,  
 Food Stamp Program, Child Support, Board of Corrections, Aging,  
 Indian Affairs, Workman's Compensation, Disability Insurance  
 Retail Credit Association Follow up  
 Veteran's Administration Files  
 Appropriate employee union or association records  
 Appropriate company pension or employment records  
 Company group insurance records  
 Appropriate State Vital Statistics Offices  
 Life Insurance Companies  
 Railroad Retirement Board  
 Area Nursing Homes  
 Area Indian Trading Posts  
 Mailing List Correction Cards (U.S. Postal Service)  
 Letters and telephone conversations with relatives  
 Letters and telephone conversations with former employees of the same establishment as cohort member  
 Appropriate local newspaper (obituaries)

09-20-0013

**System name:** Gold Mine (Home Stake) Silicosis Study -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH  
 5555 Ridge Avenue  
 Cincinnati, Ohio 45213

**Categories of individuals covered by the system:** Workers in Home Stakes Mines.

**Categories of records in the system:** X-Ray, Sputum Cytology, Pulmonary Function Studies, Questionnaires.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20(29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual Files.

**Retrievability:** The purpose of this system is to determine the cause and prevention of disease of industrial origin. Name is the index used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
 Locked building; locked rooms  
 Personnel screening  
 Locked file cabinets

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include burning or shredding printouts.

**System manager(s) and address:**

Director  
 National Institute for Occupational Safety and Health  
 5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
 Rockville, Maryland 20857

**Notification procedure:**

Director  
 National Institute for Occupational Safety and Health  
 5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
 Rockville, Maryland 20857  
 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations

(45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Vital status information is obtained from Federal, State and Local governments and other available sources. Information is obtained from the individual and from employer records.

**Systems exempted from certain provisions of the act:** None.

**APPENDIX I Potential Sources for Determination of Vital Status**

Military Records  
 Appropriate State Motor Vehicle Registration Departments  
 Appropriate State Drivers License Departments  
 Appropriate State Government Divisions of:  
 Assistance Payments (Welfare), Social Services, Medical Services,  
 Food Stamp Program, Child Support, Board of Corrections, Aging,  
 Indian Affairs, Workman's Compensation, Disability Insurance  
 Retail Credit Association Follow up  
 Veteran's Administration Files  
 Appropriate employee union or association records  
 Appropriate company pension or employment records  
 Company group insurance records  
 Appropriate State Vital Statistics Offices  
 Life Insurance Companies  
 Railroad Retirement Board  
 Area Nursing Homes  
 Area Indian Trading Posts  
 Mailing List Correction Cards (U.S. Postal Service)  
 Letters and telephone conversations with relatives  
 Letters and telephone conversations with former employees of the same establishment as cohort member  
 Appropriate local newspaper (obituaries)

09-20-0014

**System name:** Respirable Insulation Fibers Study -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH  
 5555 Ridge Avenue  
 Cincinnati, Ohio 45213

**Categories of individuals covered by the system:** Workers Exposed to Respirable Fibers.

**Categories of records in the system:** X-ray, Sputum Cytology, Pulmonary Function Studies and Questionnaires.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20(29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of

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Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual Files.

**Retrievability:** The purpose of this system is the assessment of cause and prevention of disease of industrial origin. Name is the index used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked file cabinets

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include burning or shredding printouts.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Vital status information is obtained from Federal, State and Local governments and other available sources. Information is obtained from the individual and from employer records.

**Systems exempted from certain provisions of the act:** None.

#### APPENDIX I Potential Sources for Determination of Vital Status

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections, Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)

Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0015

**System name:** Bakers (White Lung) Study -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH  
5555 Ridge Avenue  
Cincinnati, Ohio 45213

**Categories of individuals covered by the system:** Bakery Employees from Selected Manufacturing Companies.

**Categories of records in the system:** X-ray, Sputum Cytology, Pulmonary Function Studies and Questionnaires.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20(29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual File.

**Retrievability:** The purpose of this system is the assessment of cause and prevention of disease of industrial origin. Name is the index used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked file cabinets

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include burning or shredding printouts.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05

Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Vital status information is obtained from Federal, State and Local governments and other available sources. Information is obtained from the individual and from employer records.

**Systems exempted from certain provisions of the act:** None.

#### APPENDIX I Potential Sources for Determination of Vital Status

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections, Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0016

**System name:** Study of Bakers and Confection Workers, and Other Associated Industries -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH  
5555 Ridge Avenue  
Cincinnati, Ohio 45213

Southwest Ohio Regional Computer Center  
Medical Sciences Building  
University of Cincinnati  
Cincinnati, Ohio 45202

**Categories of individuals covered by the system:** Bakers and Confection and Grain Workers.

**Categories of records in the system:** Medical Disability Forms.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20(29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer Tape, Microfilm, Computer Printouts, Manual Files.

**Retrievability:** The purpose of this system is to determine the cause and prevention of disease of industrial origin. Name is the index used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked computer room and computer tape vaults  
Locked file cabinets  
Computer tapes are password protected For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding printouts.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations



(45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Vital status information is obtained from Federal, State and Local governments and other available sources. Information is obtained from the individual and from employer records.

**Systems exempted from certain provisions of the act:** None.

#### APPENDIX I Potential Sources for Determination of Vital Status

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections, Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0017

**System name:** Silicosis (Brick Layers) Study - North Carolina -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH  
5555 Ridge Avenue  
Cincinnati, Ohio 45213

**Categories of individuals covered by the system:** Brick Layers Exposed to Dust.

**Categories of records in the system:** Sputum Cytology, Pulmonary Function, X-ray, and Questionnaires.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20(29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of

Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual Files.

**Retrievability:** The purpose of this system is the assessment of cause and prevention of disease of industrial origin. Name and Case Number are the indexes used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked file cabinets

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include burning or shredding printouts.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Vital status information is obtained from Federal, State and Local governments and other available sources. Information is obtained from the individual and from employer records.

**Systems exempted from certain provisions of the act:** None.

#### APPENDIX I Potential Sources for Determination of Vital Status

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections, Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts

Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0018

**System name:** Control Study Group from the University of Utah for the Cosmetology Study -- HEW/CDC/NIOSH.

**System location:**

Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH  
5555 Ridge Avenue  
Cincinnati, Ohio 45213

**Security classification:** None.

**Categories of individuals covered by the system:** Individuals from the University of Utah being used as a sample from the general population.

**Categories of records in the system:** Questionnaires, X-ray, Sputum Cytology, and Pulmonary Function.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20(29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File Drawer and Computer Tape.

**Retrievability:** The purpose of this system is the cause and prevention of disease of occupational origin. Name is the index used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked file cabinets For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding printouts.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible

representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Vital status information is obtained from Federal, State and Local governments and other available sources. Information is obtained from the individual and from employer records.

**Systems exempted from certain provisions of the act:** None.

09-20-0019

**System name:** Study of Selected Environmental Protection Agency Employees in Cincinnati for Respiratory Disease -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH  
5555 Ridge Avenue  
Cincinnati, Ohio 45213

Southwest Ohio Regional Computer Center  
Medical Sciences Building  
University of Cincinnati  
Cincinnati, Ohio 45202

**Categories of individuals covered by the system:** Individuals working for the Environmental Protection Agency.

**Categories of records in the system:** Medical Questionnaires, X-ray, Sputum Cytology, and Pulmonary Function.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20(29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual Files and Computer Tape.

**Retrievability:** The purpose of this system is the cause and prevention of disease of industrial origin. Name is the index used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked computer room and computer tape vaults



Locked file cabinets  
Computer tapes are password protected For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding printouts.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Vital status information is obtained from Federal, State and Local governments and other available sources. Information is obtained from the individual and from employer records.

**Systems exempted from certain provisions of the act:** None.

09-20-0020

**System name:** Workers Exposed to Bis(chloromethyl) Ether and Chloromethyl methyl ether -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH  
5555 Ridge Avenue  
Cincinnati, Ohio 45213

Southwest Ohio Regional Computer Center  
Medical Sciences Building  
University of Cincinnati  
Cincinnati, Ohio 45202

**Categories of individuals covered by the system:** Workers exposed to Bis(chloromethyl) Ether and Chloromethyl Methyl Ether.

**Categories of records in the system:** Sputum Cytology, Smoking, and Occupational History.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20(29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection

with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer Tape, Computer Printouts, Microfilm, and Microfilm.

**Retrievability:** The purpose of this system is for the cause and prevention of disease of industrial origin. NIOSH. Name is the index used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked computer room and computer tape vaults  
Locked file cabinets  
Computer tapes are password protected For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding printouts.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Vital status information is obtained from Federal, State and Local governments and other available

sources. Information is obtained from the individual and from employer records.

**Systems exempted from certain provisions of the act:** None.

**APPENDIX I Potential Sources for Determination of Vital Status**

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections, Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0021

**System name:** Study of Workers Exposed to Benzene -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH  
5555 Ridge Avenue  
Cincinnati, Ohio 45213  
Southwest Ohio Regional Computer Center  
Medical Sciences Building  
University of Cincinnati  
Cincinnati, Ohio 45202

**Categories of individuals covered by the system:** Workers in the Chemical Industry Exposed to Benzene.

**Categories of records in the system:** Occupational Histories, Demographic Data.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20(29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of

Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer Tape, Computer Printout, Microfiche, and Microfilm.

**Retrievability:** The purpose of this system is to determine the cause and prevention of disease of occupational origin. Name is the index used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked computer room and computer tape vaults  
Locked file cabinets  
Computer tapes are password protected For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding printouts.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Vital status information is obtained from Federal, State and Local governments and other available sources. Information is obtained from the individual and from employer records.

**Systems exempted from certain provisions of the act:** None.

**APPENDIX I Potential Sources for Determination of Vital Status**

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections, Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives

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Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0022

**System name:** Uranium Miner Study in Far West -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH  
5555 Ridge Avenue  
Cincinnati, Ohio 45213

Computer Center  
University of Utah  
Salt Lake City, Utah 84108

**Categories of individuals covered by the system:** Uranium Miners in Far West (1950-1973).

**Categories of records in the system:** Physical Exams, sputum cytology tests, demographic information, smoking history, occupational history.

**Authority for maintenance of the system:** Public Health Service Act, Section 301 (42 U.S.C. 241).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual files, computer printouts, computer cards, computer tapes, Cardex files, microfilm.

**Retrievability:** The main purpose of this study is to conduct a mortality and morbidity study of Uranium miners. This data is sent to other NIOSH divisions for health research. Name and case number are the indexes used to retrieve records from this system.

**Safeguards:**

Locked building  
Locked rooms  
Personnel screening  
Locked computer room and computer tape vaults  
Locked file cabinets for computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding printouts.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47411.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information is obtained directly from the individual.

**Systems exempted from certain provisions of the act:** None.

#### APPENDIX I Potential Sources for Determination of Vital Status

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections,  
Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0023

**System name:** Bureau of Mines Study in Morgantown, West Virginia -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Respiratory Disease Studies, NIOSH  
944 Chestnut Ridge Road  
Morgantown, West Virginia 26505

**Categories of individuals covered by the system:** Employees of the Bureau of Mines in Morgantown, West Virginia.

**Categories of records in the system:** Medical and Occupational Histories.

**Authority for maintenance of the system:** Coal Mine Health and Safety Act Section 501 (30 U.S.C. 951); Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual files, computer cards, microfilm.

**Retrievability:** The purpose of this system is to conduct medical research in occupational respiratory diseases. Name and Case Number are the indexes used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked file cabinets for computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include burning or shredding paper materials.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested.

(These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information is obtained directly from the individual.

**Systems exempted from certain provisions of the act:** None.

#### APPENDIX I Potential Sources for Determination of Vital Status

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections,  
Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0024

**System name:** Workers Exposed to Benzidine - (Bladder Cancer) -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH  
5555 Ridge Avenue  
Cincinnati, Ohio 45213

Southwest Ohio Regional Computer Center  
Medical Sciences Building  
University of Cincinnati  
Cincinnati, Ohio 45202

Johns Hopkins University  
School of Hygiene and Public Health  
618 N. Wolfe Street  
Baltimore, MD 21205

**Categories of individuals covered by the system:** Employees at selected plants using benzidine. A list of selected plant sites will be made available to the public upon request to the system manager.

**Categories of records in the system:** Occupational History, Demographic Data.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20(29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information from studies will be used by Johns Hopkins epidemiologists to conduct a medical screening program for early detection of possible bladder cancer in this group of workers. Also, see Appendix B of HEW Regulation (45 CFR, part 5b), item 100. Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if

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successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer Tape, Microfilm, Microfiche, Computer Printouts.

**Retrievability:** The purpose of this system is to determine the cause and prevention of disease of industrial origin. Name is the index used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked computer room and computer tape vaults  
Locked file cabinets  
Computer tapes are password protected For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding printouts.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:** To determine if a file exists, write the Director, National Institute for Occupational Safety and Health, 5600 Fishers Lane, Parklawn Bldg. Rm. 8-05, Rockville, Maryland 20857, and provide the following information: (1) approximate date(s) and place of treatment or questionnaire administration; (2) name of study if known; (3) an individual who requests notification of or access to a medical record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the representative's discretion (these notification and access procedures are requirements of the Departmental Regulations, 45 CFR, Part 5b.6, Federal Register, October 8, 1975, page 47411).

**Record access procedures:** Same as notification procedures. Requester should also reasonably specify the record contents being sought.

**Contesting record procedures:** Write the Director, National Institute for Occupational Safety and Health, 5600 Fishers Lane, Parklawn Building Rm. 8-05, Rockville, Maryland 20857. Reasonably identify the record and specify the information to be contested in accordance with Departmental Regulations, Federal Register, October 8, 1975, page 47411 (45 CFR Part 5b.7).

**Record source categories:** Information is obtained from employer records. Vital status information is obtained from Federal, State and Local governments and other available sources. Information is obtained from the individual and employer records.

**Systems exempted from certain provisions of the act:** None.

**APPENDIX I Potential Sources for Determination of Vital Status**

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections,  
Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up

Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0025

**System name:** Mine Enforcement Safety Administration (MESA)  
Dust Measurement -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Respiratory Disease Studies, NIOSH  
944 Chestnut Ridge Road  
Morgantown, West Virginia 26505

**Categories of individuals covered by the system:** U.S. Coal Miners who have been examined at least twice with 30 month intervals or more between exams.

**Categories of records in the system:** Medical data, dust sample measurements.

**Authority for maintenance of the system:** Coal Mine Health and Safety Act Section 501 (30 U.S.C. 951).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer tape, computer listings.

**Retrievability:** The purpose of this system is to conduct epidemiological statistical analysis. Name and miner number are the indexes used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked file cabinets  
Locked computer room and computer tape vaults  
Computer tapes are password protected For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding paper materials.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information is obtained directly from the individual.

**Systems exempted from certain provisions of the act:** None.

**APPENDIX I Potential Sources for Determination of Vital Status**

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections,  
Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0026

**System name:** Respiratory Infections Study in Guyan Valley, West Virginia -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Respiratory Disease Studies, NIOSH  
944 Chestnut Ridge Road  
Morgantown, West Virginia 26505

**Categories of individuals covered by the system:** Guyan Valley, West Virginia households.

**Categories of records in the system:** Employment and Medical History.

**Authority for maintenance of the system:** Coal Mine Health and Safety Act Section 501 (30 U.S.C. 951).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Questionnaires, computer cards, laboratory log books.

**Retrievability:** The purpose of this system is to determine if coal miners are more susceptible to respiratory infections than the general population. Case number is the index used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked file cabinets  
Locked computer room and computer tape vaults  
Computer tapes are password protected For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include burning or shredding paper materials.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents



being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Information is obtained directly from the individual.

**Systems exempted from certain provisions of the act:** None.

#### APPENDIX I Potential Sources for Determination of Vital Status

##### Military Records

Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections,  
Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0027

**System name:** Radiation exposure records for NIOSH Employees in Morgantown -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Respiratory Disease Studies, NIOSH  
944 Chestnut Ridge Road  
Morgantown, West Virginia 26505

**Categories of individuals covered by the system:** Present and past NIOSH employees located at Morgantown, W. Va.

**Categories of records in the system:** Name, X-Ray exposure levels.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 19 (29 U.S.C. 668).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual files.

**Retrievability:** The purpose of this system is to maintain X-Ray exposure records to prevent toxic exposure to harmful rays. Name is the index used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked file cabinets

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include burning or shredding paper materials.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Information is obtained directly from the individual.

**Systems exempted from certain provisions of the act:** None.

09-20-0028

**System name:** Silicosis Study in 30 Metal Mines 1958-1962 -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Respiratory Disease Studies, NIOSH  
944 Chestnut Ridge Road  
Morgantown, West Virginia 26505

Computer Center, University of Utah  
Salt Lake City, Utah 84108

Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH  
5555 Ridge Avenue  
Cincinnati, Ohio 45213

**Categories of individuals covered by the system:** Men employed in 30 different metal mines from 1958 to 1962.

**Categories of records in the system:** Demographic data, smoking histories, occupational information, physical examination data, including X-ray films.

**Authority for maintenance of the system:** Public Health Service Act, Section 301 (42 U.S.C. 241).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the

request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual files, computer tapes.

**Retrievability:** The purpose of this system is to study the prevalence of silicosis in 1960, and to conduct subsequent mortality studies. Name is the index used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked file cabinets  
Locked computer room and computer tape vaults  
Computer tapes are password protected For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding paper materials.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested.

(These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Information is obtained directly from the individual.

**Systems exempted from certain provisions of the act:** None.

#### APPENDIX I Potential Sources for Determination of Vital Status

##### Military Records

Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections,  
Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0029

**System name:** Byssinosis Study at Cordova, North Carolina, Klopman Steele Plant -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Respiratory Disease Studies, NIOSH  
944 Chestnut Ridge Road  
Morgantown, West Virginia 26505

**Categories of individuals covered by the system:** Cotton-Textile Mill employees and a sample of the general population.

**Categories of records in the system:** Medical history, employment history, and industrial environmental records.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.



**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual files, computer tape, computer cards.

**Retrievability:** The main purpose is to conduct medical research on byssinosis. Name and code numbers are the indexes used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked computer room and computer tape vaults  
Locked file cabinets  
Computer tapes are password protected For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Records are retained for 17 years. Disposal methods include erasing computer tapes and burning or shredding printouts.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information is obtained directly from the individual.

**Systems exempted from certain provisions of the act:** None.

#### APPENDIX I Potential Sources for Determination of Vital Status

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections, Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives

Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0030

**System name:** Byssinosis Research at Burlington Industries -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Respiratory Disease Studies, NIOSH  
944 Chestnut Ridge Road  
Morgantown, West Virginia 26505

**Categories of individuals covered by the system:** Textile Workers.

**Categories of records in the system:** Medical and Occupational Histories, Respiratory Test Results.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20(29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Data may be sent to State Vital Statistics Divisions to obtain death certificates, and to Missing Person Location Agencies to find those individuals who cannot otherwise be located. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual files, Computer Cards, Computer Tape, Microfilm.

**Retrievability:** The purpose of this system is to conduct medical research and statistical analysis of Byssinosis. Name and case number are the indexes used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked computer room and computer tape vaults  
Locked file cabinets  
Computer tapes are password protected For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding printouts.

**System manager(s) and address:**

Director

National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information is obtained directly from the individual, from industry and trade union records and from death certificates.

**Systems exempted from certain provisions of the act:** None.

#### APPENDIX I Potential Sources for Determination of Vital Status

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections, Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0031

**System name:** Histocompatibility Association of Pneumoconiosis (Black Lung) in Coal Workers -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Respiratory Disease Studies, NIOSH  
944 Chestnut Ridge Road  
Morgantown, West Virginia 26505

Bowman Gray Medical School  
Winston-Salem, North Carolina 27103

**Categories of individuals covered by the system:** Coal Workers in the NIOSH National Coal Study.

**Categories of records in the system:** Medical and employment histories, medical research questionnaires and permission forms, report forms.

**Authority for maintenance of the system:** Federal Coal Mine Health and Safety Act Section 501(30 U.S.C. 951); Sec. (501)(a)(5).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual records, computer cards.

**Retrievability:** The main purpose is to conduct medical research in pneumoconiosis. Name and code numbers are the indexes used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked computer room and computer tape vaults  
Locked file cabinets  
Computer tapes are password protected For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Records are retained for 17 years. Disposal methods include erasing computer tapes and burning or shredding printouts.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested.



(These procedures are in accordance with Department Regulations (45 CFR Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Information is obtained directly from the individual.

**Systems exempted from certain provisions of the act:** None

#### APPENDIX I Potential Sources for Determination of Vital Status

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections, Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0032

**System name:** National Coal Miner Study -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Respiratory Disease Studies, NIOSH  
944 Chestnut Ridge Road  
Morgantown, West Virginia 26505

**Categories of individuals covered by the system:** Coal Miners.

**Categories of records in the system:** Occupational and Medical Histories, X-Ray, Respiratory Test Results.

**Authority for maintenance of the system:** Coal Mine Health and Safety Act Section 501(30) U.S.C. 951).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Data is sent to the Mining Enforcement and Safety Administration, Dept. the Interior to report incidence of pneumoconiosis. See PHS appendix, item 100. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Microfilm, Computer Tape, Computer disk, manual files.

**Retrievability:** The primary purpose is to conduct medical and epidemiological research on coal miners. Name or social security number is the index used to retrieve records from this system. Social Security numbers which are supplied on a voluntary basis are used for retrieval.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked computer room and computer tape vaults  
Locked file cabinets  
Computer tapes are password protected For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding printouts.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Information is obtained directly from the individual.

**Systems exempted from certain provisions of the act:** None.

#### APPENDIX I Potential Sources for Determination of Vital Status

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections, Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board

Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0033

**System name:** Vibration Laboratory Studies (Experimental Group) -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Biomedical and Behavioral Science, NIOSH  
Robert A. Taft Laboratories  
4676 Columbia Parkway  
Cincinnati, Ohio 45226

**Categories of individuals covered by the system:** Voluntary, Human Experimental Subjects from the general population.

**Categories of records in the system:** Physical Examinations, Results of Laboratory Tests (e.g., Physiological, Acceleration Measures, Performance Tests).

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20(29) U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual files, Computer Tape.

**Retrievability:** The purpose of this system is to assist in the development of workplace standards. Name, case number and study number are the indexes used to retrieve records from this system.

**Safeguards:**

Locked building; locked rooms  
Personnel screening  
Locked computer room and computer tape vaults  
Locked file cabinets For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding printouts.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05

Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Information is obtained directly from the individual.

**Systems exempted from certain provisions of the act:** None.

09-20-0034

**System name:** Occupational Vibration Field Studies (Experimental Group) -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Biomedical and Behavioral Science, NIOSH  
Robert A. Taft Laboratories  
4676 Columbia Parkway  
Cincinnati, Ohio 45226

**Categories of individuals covered by the system:** Bus and Truck Drivers, Heavy Equipment Operators, Farm Workers, Foundry and Metal Workers, Wood Cutters and Wood Workers. All are volunteers.

**Categories of records in the system:** Medical Test Results.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20(29) U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer Tape, Manual files.

**Retrievability:** The purpose of this system is to assist in the development of standards for the workplace. Name and case number are the indexes used to retrieve records from this system.

**Safeguards:**

Locked building; locked rooms  
Personnel screening  
Locked computer room and computer tape vaults  
Locked file cabinets For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

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**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding printouts.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected. discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information is obtained directly from the individual.

**Systems exempted from certain provisions of the act:** None.

09-20-0035

**System name:** Indicators of Physiological and Psychological Strain - HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Biomedical and Behavioral Science, NIOSH  
Robert A. Taft Laboratories  
4676 Columbia Parkway  
Cincinnati, Ohio 45226

176 West McMillan  
Cincinnati, Ohio 45219

**Categories of individuals covered by the system:** Volunteer Human Laboratory Subjects.

**Categories of records in the system:** Physical Examination Data, Results of Laboratory Data.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20(29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending

claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer Cards, Laboratory Data Paper.

**Retrievability:** The purpose of this system is to assist in the development of standards in the workplace. Name and case number are the indexes used to retrieve records from this system.

**Safeguards:**

Locked building; locked rooms  
Personnel screening For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include burning or shredding paper materials.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information is obtained directly from the individual.

**Systems exempted from certain provisions of the act:** None.

09-20-0036

**System name:** Effects of carbon monoxide on vigilance performance of College Students -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Biomedical and Behavioral Science, NIOSH  
Robert A. Taft Laboratories  
4676 Columbia Parkway  
Cincinnati, Ohio 45226

**Categories of individuals covered by the system:** Volunteer Students at the University of Cincinnati.

**Categories of records in the system:** Medical History, Biological Data, Physiological Data, Psychomotor Data.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20(29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer Cards, Manual files.

**Retrievability:** The purpose of this system is to assist in the development of standards for the workplace. Name and case number are the indexes used to retrieve records from this system.

**Safeguards:**

Locked building; locked rooms  
Personnel screening  
Locked file cabinets For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include burning or shredding printouts.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information is obtained directly from the individual.

**Systems exempted from certain provisions of the act:** None.

09-20-0038

**System name:** Epidemiological Study of United States Surface Coal Miners -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Respiratory Disease Studies, NIOSH  
944 Chestnut Ridge Road  
Morgantown, West Virginia 26505

**Categories of individuals covered by the system:** Surface Coal Miners.

**Categories of records in the system:** Medical and Occupational Histories, Respiratory Test Results, X-Ray.

**Authority for maintenance of the system:** Coal Mine Health and Safety Act Section 501(30 U.S.C. 951).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer Cards, Computer Tape and Disk, Microfilm, File Cabinets.

**Retrievability:** The purpose of this system is to perform medical and epidemiological research and statistical analyses on respiratory diseases of surface coal miners. Name and Case Number are the indexes used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked computer room and computer tape vaults  
Locked file cabinets  
Computer tapes are password protected For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding printouts.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health

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5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

#### Notification procedure:

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information is obtained directly from the individual.

**Systems exempted from certain provisions of the act:** None.

#### APPENDIX I Potential Sources for Determination of Vital Status

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections, Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0039

**System name:** Study of workers in Tyler, Texas asbestos plants -- HEW/CDC/NIOSH.

**Security classification:** None.

#### System location:

Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH  
5555 Ridge Avenue  
Cincinnati, Ohio 45213

Southwest Ohio Regional Computer Center  
Medical Sciences Building  
University of Cincinnati  
Cincinnati, Ohio 45202

Texas Chest Foundation  
P.O. Box 2003  
Tyler, Texas 75701

**Categories of individuals covered by the system:** Employees of Tyler, Texas Asbestos Plant.

**Categories of records in the system:** Occupational histories, demographic data.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20(29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Data is supplied to the Texas Chest Foundation in order to permit them to contact asbestos workers for follow-up medical studies. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer tape, microfilm, microfiche, computer printouts, manual files.

**Retrievability:** The purpose of this system is to determine the cause and prevention of occupationally-related diseases. Name is the index used to retrieve records from this system.

#### Safeguards:

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked computer room and computer tape vaults  
Locked file cabinets  
Computer tapes are password protected For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding printouts.

#### System manager(s) and address:

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

#### Notification procedure:

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information is obtained from employer records. Vital status information is obtained from Federal, State and Local governments and other available sources.

**Systems exempted from certain provisions of the act:** None.

#### APPENDIX I Potential Sources for Determination of Vital Status

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections, Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0040

**System name:** Pennsylvania Coal Miners' Study -- HEW/CDC/NIOSH.

**Security classification:** None.

#### System location:

Division of Respiratory Disease Studies, NIOSH  
944 Chestnut Ridge Road  
Morgantown, West Virginia, 26505

**Categories of individuals covered by the system:** Pennsylvania Coal Miners.

**Categories of records in the system:** Demographic data, medical and employment histories, mortality data, including death certificates.

**Authority for maintenance of the system:** Federal Coal Mine Health and Safety Act Section 501(30 U.S.C. 951).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Data may be sent to State Vital Statistics Divisions to obtain death certificates, and to Missing Person Location Agencies to find those individuals who cannot otherwise be located. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer tapes, computer cards, manual files.

**Retrievability:** The main purpose is to conduct a mortality study on Pennsylvania coal miners. Survey number is the index used to retrieve records from this system.

#### Safeguards:

Guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked computer room and computer tape vaults  
Locked file cabinets  
Computer tapes are password protected For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding printouts.

#### System manager(s) and address:

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

#### Notification procedure:

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information is obtained directly from the individual and from death certificates.

**Systems exempted from certain provisions of the act:** None.

#### APPENDIX I Potential Sources for Determination of Vital Status

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections, Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member



Appropriate local newspaper (obituaries)

09-20-0041

**System name:** Purselove Mine (West Virginia) Shift Study -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Respiratory Disease Studies, NIOSH  
944 Chestnut Ridge Road  
Morgantown, West Virginia 26505

**Categories of individuals covered by the system:** Coal Miners at Purselove Mine, West Virginia.

**Categories of records in the system:** Occupational and medical history, respiratory test results.

**Authority for maintenance of the system:** Federal Coal Mine Health and Safety Act, Section 501(30) U.S.C. 951).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual files, computer cards, computer tape, microfilm.

**Retrievability:** The main purpose of this system is to determine effects of shift work on occupational respiratory diseases. Name and case numbers are the indexes used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked computer room and computer tape vaults  
Locked file cabinets  
Computer tapes are password protected For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Records are retained for 20 years. Disposal methods include erasing computer tapes and burning or shredding printouts.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05

Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information is obtained directly from the individual.

**Systems exempted from certain provisions of the act:** None.

#### APPENDIX I Potential Sources for Determination of Vital Status

##### Military Records

Appropriate State Motor Vehicle Registration Departments

Appropriate State Drivers License Departments

Appropriate State Government Divisions of:

Assistance Payments (Welfare), Social Services, Medical Services,

Food Stamp Program, Child Support, Board of Corrections,

Aging,

Indian Affairs, Workman's Compensation, Disability Insurance

Retail Credit Association Follow up

Veteran's Administration Files

Appropriate employee union or association records

Appropriate company pension or employment records

Company group insurance records

Appropriate State Vital Statistics Offices

Life Insurance Companies

Railroad Retirement Board

Area Nursing Homes

Area Indian Trading Posts

Mailing List Correction Cards (U.S. Postal Service)

Letters and telephone conversations with relatives

Letters and telephone conversations with former employees of the same establishment as cohort member

Appropriate local newspaper (obituaries)

09-20-0042

**System name:** Study of Workers Exposed to Chlorinated Hydrocarbons -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH  
5555 Ridge Avenue  
Cincinnati, Ohio 45213

Southwest Ohio Regional Computer Center

Medical Sciences Building

University of Cincinnati

Cincinnati, Ohio 45202

**Categories of individuals covered by the system:** Trichloroethylene, polychlorinated biphenols, ethylene biondiomine, and chloroprene exposed workers in selected plants.

**Categories of records in the system:** Questionnaires, Physical Examinations, Occupational History, and Sputum Cytology.

**Authority for maintenance of the system:** Occupational Safety and Health Act, Section 20 (29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

ment of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Microfilm, microfiche, computer tape, computer printouts.

**Retrievability:** The purpose of this system is to determine the cause and prevention of occupationally-related diseases. Name is the index used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked computer room and computer tape vaults  
Locked file cabinets  
Computer tapes are password protected For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding printouts.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations

(45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Vital status information is obtained from Federal, State and local governments and other available sources. Information is obtained from the individual and from employer records.

**Systems exempted from certain provisions of the act:** None.

#### APPENDIX I Potential Sources for Determination of Vital Status

##### Military Records

Appropriate State Motor Vehicle Registration Departments

Appropriate State Drivers License Departments

Appropriate State Government Divisions of:

Assistance Payments (Welfare), Social Services, Medical Services,

Food Stamp Program, Child Support, Board of Corrections,

Aging,

Indian Affairs, Workman's Compensation, Disability Insurance

Retail Credit Association Follow up

Veteran's Administration Files

Appropriate employee union or association records

Appropriate company pension or employment records

Company group insurance records

Appropriate State Vital Statistics Offices

Life Insurance Companies

Railroad Retirement Board

Area Nursing Homes

Area Indian Trading Posts

Mailing List Correction Cards (U.S. Postal Service)

Letters and telephone conversations with relatives

Letters and telephone conversations with former employees of the same establishment as cohort member

Appropriate local newspaper (obituaries)

09-20-0043

**System name:** Pre-Test Cosmetology Convention Study -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH  
5555 Ridge Avenue  
Cincinnati, Ohio 45213

**Categories of individuals covered by the system:** Cosmetologists.

**Categories of records in the system:** Medical Questionnaires, X-Rays, Sputum Cytologies, Pulmonary Functions.

**Authority for maintenance of the system:** Occupational Safety and Health Act, Section 20 (29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

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party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual file drawers.

**Retrievability:** The purpose of this system is to determine the cause and prevention of occupationally-related diseases. Name is the index used to retrieve records from this system.

**Safeguards:**

- 24-hour guard service in building
- Locked building; locked rooms
- Personnel screening
- Locked file cabinets

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include burning or shredding printouts.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Vital status information is obtained from Federal, State and local governments and other available sources. Information is obtained from the individual and employer records.

**Systems exempted from certain provisions of the act:** None.

#### APPENDIX I Potential Sources for Determination of Vital Status

##### Military Records

Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections,  
Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives

Letters and telephone conversations with former employees of the same establishment as cohort member

Appropriate local newspaper (obituaries)

09-20-0044

**System name:** Study of Cincinnati Fireworkers -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH  
5555 Ridge Avenue  
Cincinnati, Ohio 45213

Southwest Ohio Regional Computer Center  
Medical Sciences Building  
University of Cincinnati  
Cincinnati, Ohio 45202

**Categories of individuals covered by the system:** Cincinnati, Ohio Firefighters.

**Categories of records in the system:** Occupational histories, medical histories, demographic information.

**Authority for maintenance of the system:** Occupational Safety and Health Act, Section 20 (29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer tape, microfilm, microfiche, source documents, computer printouts.

**Retrievability:** The purpose of this system is to assess the cause and prevention of diseases of occupational origin. Name and number are the indexes used to retrieve records from this system.

**Safeguards:**

- 24-hour guard service in building
- Locked building; locked rooms
- Personnel screening
- Locked computer room and computer tape vaults
- Locked file cabinets
- Computer tapes are password protected For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed

consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding printouts.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information is obtained from employer records. Vital status information is obtained from Federal, State and local governments and other available sources.

**Systems exempted from certain provisions of the act:** None.

#### APPENDIX I Potential Sources for Determination of Vital Status

##### Military Records

Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections,  
Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0045

**System name:** Study of Pottstown, Pennsylvania Chemical Plant Workers -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH  
5555 Ridge Avenue  
Cincinnati, Ohio 45213

Southwest Ohio Regional Computer Center  
Medical Sciences Building  
University of Cincinnati  
Cincinnati, Ohio 45202

**Categories of individuals covered by the system:** Employees of Vinyl Chloride, Rubber, and Plastics Plant in Pottstown, Pennsylvania.

**Categories of records in the system:** Medical questionnaires, occupational history and results of medical tests, demographic information.

**Authority for maintenance of the system:** Occupational Safety and Health Act, Section 20 (29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer tape, microfilm, microfiche, x-rays, computer printouts, manual files.

**Retrievability:** The purpose of this system is to determine the cause and prevention of occupationally-related diseases. Name is the index used to retrieve records from this system.

**Safeguards:**

- 24-hour guard service in building
- Locked building; locked rooms
- Personnel screening
- Locked computer room and computer tape vaults
- Locked file cabinets
- Computer tapes are password protected For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding printouts.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the

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representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Vital status information is obtained from Federal, State and local governments and other available sources. Information is obtained from the individual and employer records.

**Systems exempted from certain provisions of the act:** None.

#### APPENDIX I Potential Sources for Determination of Vital Status

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections, Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0046

**System name:** Union Pacific Railroad Workers - Carbon Monoxide Study -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Respiratory Disease Studies, NIOSH  
944 Chestnut Ridge Road  
Morgantown, West Virginia 26505

Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH  
5555 Ridge Avenue  
Cincinnati, Ohio 45213

**Categories of individuals covered by the system:** Selected Union Pacific Railroad workers exposed to carbon monoxide.

**Categories of records in the system:** Questionnaires, x-rays, sputum cytology, pulmonary function.

**Authority for maintenance of the system:** Occupational Safety and Health Act, Section 20 (29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45

CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual files.

**Retrievability:** The purpose of this system is to determine the cause and prevention of occupationally-related diseases. Name is the index used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked file cabinets

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include burning or shredding printouts.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Vital status information is obtained from Federal, State and local governments and other available sources. Information is obtained from the individual and employer records.

**Systems exempted from certain provisions of the act:** None.

#### APPENDIX I Potential Sources for Determination of Vital Status

Military Records  
Appropriate State Motor Vehicle Registration Departments

Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections, Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0047

**System name:** Studies of Workers in Asbestos Related Industries -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH  
5555 Ridge Avenue  
Cincinnati, Ohio 45213

Southwest Ohio Regional Computer Center  
Medical Sciences Building  
University of Cincinnati  
Cincinnati, Ohio 45202

**Categories of individuals covered by the system:** Employees in selected asbestos related industries.

**Categories of records in the system:** Pulmonary function, x-rays, medical questionnaires, smoking histories, and occupational histories.

**Authority for maintenance of the system:** Occupational Safety and Health Act, Section 20 (29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer tape, microfilm, microfiche, computer printouts, and manual files.

**Retrievability:** The purpose of this system is to determine the cause and prevention of occupationally-related diseases. Name is the index used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked computer room and computer tape vaults  
Locked file cabinets  
Computer tapes are password protected For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding printouts.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Vital status information is obtained from Federal, State and local governments and other available sources. Information is obtained from the individual and employer records.

**Systems exempted from certain provisions of the act:** None.

#### APPENDIX I Potential Sources for Determination of Vital Status

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections, Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives



Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0048

**System name:** Study of workers exposed to fibrous glass -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH  
5555 Ridge Avenue  
Cincinnati, Ohio 45213

Southwest Ohio Regional Computer Center  
Medical Sciences Building  
University of Cincinnati  
Cincinnati, Ohio 45202

**Categories of individuals covered by the system:** Employees exposed to fibrous glass from several plants.

**Categories of records in the system:** Occupational history, demographic data, drivers licence data.

**Authority for maintenance of the system:** Occupational Safety and Health Act, Section 20 (29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer tape, microfilm, microfiche, computer printouts, manual files.

**Retrievability:** The purpose of this system is to determine the cause and prevention of occupationally-related diseases. Name is the index used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked computer room and computer tape vaults  
Locked file cabinets  
Computer tapes are password protected For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding printouts.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health

5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Information is obtained from employer records. Vital status information is obtained from Federal, State and local governments and other available sources.

**Systems exempted from certain provisions of the act:** None.

#### APPENDIX I Potential Sources for Determination of Vital Status

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections,  
Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0049

**System name:** Workers Exposed to Cotton Dust - Byssinosis -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH  
5555 Ridge Avenue  
Cincinnati, Ohio 45213

Southwest Ohio Regional Computer Center  
Medical Sciences Building  
University of Cincinnati  
Cincinnati, Ohio 45202

Division of Respiratory Disease Studies, NIOSH  
944 Chestnut Ridge Road  
Morgantown, West Virginia 26505

**Categories of individuals covered by the system:** Workers from selected plants in the cotton industry.

**Categories of records in the system:** Medical questionnaires, x-ray, sputum cytology, pulmonary function.

**Authority for maintenance of the system:** Occupational Safety and Health Act, Section 20 (29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in

response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer tape, microfilm, microfiche, computer printouts.

**Retrievability:** The purpose of this system is to determine the cause and prevention of disease of industrial origin. Name is the index used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked computer room and computer tape vaults  
Locked file cabinets  
Computer tapes are password protected For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding printouts.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably

identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Vital status information is obtained from Federal, State and local governments and other available sources. Information is obtained from the individual and from employer records.

**Systems exempted from certain provisions of the act:** None.

#### APPENDIX I Potential Sources for Determination of Vital Status

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections,  
Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0050

**System name:** Appalachian Coal Miner Study (1963-1966) -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Respiratory Disease Studies, NIOSH  
944 Chestnut Ridge Road  
Morgantown, West Virginia 26505

**Categories of individuals covered by the system:** Coal miners.

**Categories of records in the system:** Medical and occupational histories.

**Authority for maintenance of the system:** Public Health Service Act, Section 301 (42 U.S.C. 241).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Data may be sent to State Vital Statistics Divisions to obtain death certificates, and to Missing Person Location Agencies to find those individuals who cannot otherwise be located. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity



where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer cards.

**Retrievability:** The purpose of this system is to research Black lung in coal miners. Name and case number are the indexes used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked file cabinets For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include burning or shredding paper materials.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information is obtained directly from the individual and from death certificates.

**Systems exempted from certain provisions of the act:** None.

**APPENDIX I Potential Sources for Determination of Vital Status**

**Military Records**

Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections, Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies

Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0051

**System name:** Kaiser Aluminum Employees at Ravenswood, West Virginia Study -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Respiratory Disease Studies, NIOSH  
944 Chestnut Ridge Road  
Morgantown, West Virginia 26505

**Categories of individuals covered by the system:** Employees of Kaiser Aluminum at Ravenswood, West Virginia.

**Categories of records in the system:** Occupational history, medical test results.

**Authority for maintenance of the system:** Federal Coal Mine Health and Safety Act, Section 501 (30 U.S.C. 951).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual files, computer tape, computer cards.

**Retrievability:** The purpose of this system is the research of respiratory disease. Name and case number are the indexes used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked file cabinets  
Locked computer room and computer tape vaults  
Computer tapes are password protected For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding paper materials.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information is obtained directly from the individual.

**Systems exempted from certain provisions of the act:** None.

**APPENDIX I Potential Sources for Determination of Vital Status**

**Military Records**

Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections, Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0052

**System name:** West Virginia Pulp and Paper Company Study -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Respiratory Disease Studies, NIOSH  
944 Chestnut Ridge Road  
Morgantown, West Virginia 26505

**Categories of individuals covered by the system:** Employees of West Virginia Pulp and Paper Company.

**Categories of records in the system:** Medical and employment histories, medical test results.

**Authority for maintenance of the system:** Occupational Safety and Health Act, Section 20 (29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the

request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual files and computer cards.

**Retrievability:** The purpose of this system is to survey respiratory illnesses of carbon electrode workers. Name and case number are the indexes used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked file cabinets For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include burning or shredding paper materials.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information is obtained directly from the individual.

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Systems exempted from certain provisions of the act: None.

#### APPENDIX I Potential Sources for Determination of Vital Status

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections, Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0053

System name: Coal Miner Medical Information Processing System -- HEW/CDC/NIOSH.

Security classification: None.

System location:

Division of Respiratory Disease Studies, NIOSH  
944 Chestnut Ridge Road  
Morgantown, West Virginia, 26505

Categories of individuals covered by the system: Coal miners.

Categories of records in the system: Medical and occupational histories.

Authority for maintenance of the system: Coal Mine Health and Safety Act, Section 203 (30 U.S.C. 843).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Report to Mining Enforcement and Safety Administration on pneumoconiosis findings. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Microfilm, computer tape, computer disk, x-rays.

Retrievability: The main purpose is to maintain results of x-rays of coal miners to substantiate claims for Black Lung Benefits and to conduct medical research. Data are given to other NIOSH units for epidemiological research and statistical analysis. Name and social security number are the indexes used to retrieve records from this system. Retrieval by social security number is in accordance with Section 7(a)(2)(B) of the Privacy Act.

Safeguards:

24-hour guard service in building

Locked building; locked rooms  
Personnel screening  
Locked file cabinets  
Locked computer room and computer tape vaults  
Computer tapes are password protected For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

Retention and disposal: Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding paper materials.

System manager(s) and address:

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

Notification procedure:

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

Contesting record procedures: Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

Record source categories: Information is obtained directly from the individual.

Systems exempted from certain provisions of the act: None.

09-20-0054

System name: New Mexico Potash Miner Study -- HEW/CDC/NIOSH.

Security classification: None.

System location:

Division of Respiratory Disease Studies, NIOSH  
944 Chestnut Ridge Road  
Morgantown, West Virginia 26505

Categories of individuals covered by the system: Men employed in New Mexico potash mines.

Categories of records in the system: Company personnel records (employment history, application for employment).

Authority for maintenance of the system: Public Health Service Act, Section 301 (42 U.S.C. 241).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring.

curing. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computer tapes, microfilm, manual files.

Retrievability: The main purpose is to conduct mortality studies. Name is the index used to retrieve records from this system.

Safeguards:

Locked building; locked rooms  
Personnel screening  
Locked file cabinets  
Locked computer rooms and computer tape vaults For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

Retention and disposal: Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding paper materials.

System manager(s) and address:

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

Notification procedure:

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

Contesting record procedures: Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

Record source categories: Company personnel records.

Systems exempted from certain provisions of the act: None.

#### APPENDIX I Potential Sources for Determination of Vital Status

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections, Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts

Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0055

System name: Research/Demonstration, and Training Grants, Application Files -- HEW/CDC/NIOSH.

Security classification: None.

System location:

Division of Research Grants, NIH  
Westbark Bldg.  
Westbark Ave.  
Bethesda, Maryland, 20014

Grants Administration and Review Branch, NIOSH  
Parklawn Bldg., Rm. 8-63  
5600 Fishers Lane  
Rockville, Maryland 20857

Division of Training and Manpower Development, NIOSH  
4676 Columbia Pkwy.  
Cincinnati, Ohio 45226

Grants Management Officer, NIOSH  
Parklawn Bldg., Rm. 8-35  
5600 Fishers Lane  
Rockville, Maryland 20857

Categories of individuals covered by the system: Applicants for occupational safety and health research and demonstration grants, and training grants.

Categories of records in the system: Grant application and review history, awards, financial records and progress reports and related correspondence.

Authority for maintenance of the system: Occupational Safety and Health Act, Sections 20 and 21 (29 U.S.C. 669, 670).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To the Smithsonian Science Information Exchange for dissemination of science information (applies to research grants only and is in the form of abstracts). (2) To the cognizant audit agency for auditing. (3) In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected. (4) To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. (5) To qualified experts not within the definition of Department employees as prescribed in Department regulations (45 CFR, Part 5b.2) for opinions as a part of the application review process. (6) To a Federal agency, in response to its request, in connection with the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter. (7) To individuals and organizations deemed qualified by PHS to carry out specific research related to the review and award processes of PHS. (8) To organizations in the private sector with whom PHS has contracted for the purpose of collating, analyzing, aggregating, or otherwise refining records in a system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records. (9) To the grantee institution relative to performance or administration under the terms and conditions of the award.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 5X8 cards, computer tapes and discs, notebooks and file folders.

Retrievability: The purpose of this system is to review grant applications for research and training and to administer funded grants.



This information is provided to NIH and to other components of NIOSH for review. Name is the index used to retrieve information.

**Safeguards:** The records are maintained in locked cabinets with access limited to authorized personnel (system manager, principal investigator assigned to the project, project officer). For computerized records, safeguards are established in accordance with Departmental standards and National Bureau of Standards guidelines, e.g., security codes will be used limiting access to authorized personnel.

**Retention and disposal:** Information is kept while grant is active and for 3 years beyond termination. Then it is sent to the Federal Records Center in Dayton. Applications reviewed and not funded are kept for 2 years. Disposed records are discarded in the trash.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information is obtained directly from the individual.

**Systems exempted from certain provisions of the act:** None.

09-20-0056

**System name:** Metabolic Costs and Physiological Responses to Heat in Industrial work -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Biomedical and Behavioral Science, NIOSH  
Robert A. Taft Laboratories  
4676 Columbia Parkway  
Cincinnati, Ohio 45226

**Categories of individuals covered by the system:** Volunteer industrial workers.

**Categories of records in the system:** Results of measurements of physiological responses during occupational work.

**Authority for maintenance of the system:** Occupational Safety and Health Act, Section 20 (29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer cards, manual files.

**Retrievability:** The purpose of this system is to assist in developing standards for the workplace. Name is the index used to retrieve records from this system.

**Safeguards:**

Guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked file cabinets For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include burning or shredding paper materials.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information is obtained directly from the individual.

**Systems exempted from certain provisions of the act:** None.

09-20-0057

**System name:** Kennecott Sulfur Dioxide Study -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Respiratory Disease Studies, NIOSH  
944 Chestnut Ridge Road  
Morgantown, West Virginia 26505

**Categories of individuals covered by the system:** Employees at Kennecott Copper Smelter and at Kennecott/Bingham Mine Shops between 1972 - 1975.

**Categories of records in the system:** X-ray films, health questionnaire, pulmonary function measurements.

**Authority for maintenance of the system:** Occupational Safety and Health Act, Section 20 (29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection

with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer tapes, computer printouts.

**Retrievability:** Purpose is to investigate the relationship between sulfur dioxide and pulmonary diseases. Name is the index used to retrieve records from this system.

**Safeguards:**

Locked building; locked rooms  
Personnel screening  
Locked file cabinets  
Locked computer rooms and computer tape vaults For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding paper materials.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information is obtained directly from the individual.

**Systems exempted from certain provisions of the act:** None.

APPENDIX I Potential Sources for Determination of Vital Status

**Military Records**  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections, Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0058

**System name:** Potential Grant Applicant File -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Office of Extramural Activities, NIOSH  
U.S. Post Office & Courthouse  
Cincinnati, Ohio 45202

**Categories of individuals covered by the system:** Potential applicants for occupational safety and health research, demonstration, or training grants.

**Categories of records in the system:** Correspondence, draft proposals.

**Authority for maintenance of the system:** Occupational Safety and Health Act, Sections 20 and 21 (29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual files.

**Retrievability:** The purpose of this system is to maintain information about potential grant applicants. Name is the index used to retrieve information from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked file cabinets  
Locked computer room and computer tape vaults  
Computer tapes are password protected

**Retention and disposal:** Information is kept until formal application is made. Then the information is discarded. If formal application is not made within two years, the information is discarded. Records are thrown in the trash when disposed.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05



Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Information is obtained directly from the individual.

**Systems exempted from certain provisions of the act:** None.

09-20-0059

**System name:** Division of Training Mailing List -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Training, NIOSH  
4676 Columbia Parkway  
Cincinnati, Ohio 45226

Parklawn Computer Center  
5600 Fishers Lane  
Rockville, Maryland 20857

American Advertising Company  
Cincinnati, Ohio

**Categories of individuals covered by the system:** Persons who have taken a NIOSH Training Course or who ask to be placed on the list.

**Categories of records in the system:** Name and address.

**Authority for maintenance of the system:** Occupational Safety and Health Act, Section 21 (29 U.S.C. 670).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer tapes, addressograph plates.

**Retrievability:** The purpose of this system is to advise prospective students of upcoming NIOSH training courses. Name and Student Number are the indexes used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked file cabinets  
Locked computer room and computer tape vaults  
For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding paper materials.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Information is obtained directly from the individual.

**Systems exempted from certain provisions of the act:** None.

09-20-0060

**System name:** Study of Metals Industry Workers -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH  
5555 Ridge Avenue  
Cincinnati, Ohio 45213

Southwest Ohio Regional Computer Center  
Medical Sciences Building  
University of Cincinnati  
Cincinnati, Ohio 45202

Division of Respiratory Disease Studies, NIOSH  
944 Chestnut Ridge Road  
Morgantown, West Virginia 26505

**Categories of individuals covered by the system:** Beryllium workers, cadmium workers, antimony workers, and lead workers.

**Categories of records in the system:** Occupational history, medical questionnaires.

**Authority for maintenance of the system:** Occupational Safety and Health Act, Section 20 (29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee

of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer tape, computer printout, microfilm, and microfiche.

**Retrievability:** The purpose of this system is to determine the cause and prevention of disease(s) resulting from exposures of various metals. Name is the index used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel Screening  
Locked computer room and computer tape vaults  
Locked file cabinets  
Computer tapes are password protected. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding printouts.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Vital status information is obtained from Federal, State and local governments and other available sources. Information is obtained from the individual and employer records.

**Systems exempted from certain provisions of the act:** None.

**APPENDIX I Potential Sources for Determination of Vital Status**

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:

Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections,

Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0061

**System name:** Cosmetology Workers Study (Thesaurus) -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH  
5555 Ridge Avenue  
Cincinnati, Ohio 45213

**Categories of individuals covered by the system:** Workers exposed to cosmetic aerosols.

**Categories of records in the system:** Medical questionnaires, X-ray, Sputum Cytology, and Pulmonary Function.

**Authority for maintenance of the system:** Occupational Safety and Health Act (PL 91-595) Section 20 (29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File drawers and computer tape.

**Retrievability:** The purpose of this system is the cause and prevention of disease of occupational origin. Name is the index used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening



Locked file cabinets For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding printouts.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Vital status information is obtained from Federal, State and Local governments and other available sources. Information is obtained from the individual and employer records.

**Systems exempted from certain provisions of the act:** None.

**APPENDIX I Potential Sources for Determination of Vital Status**

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections,  
Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0062

**System name:** Study of workers exposed to polyvinyl chloride in the plastics industry at Ashtabula, Ohio; Avon Lake, Ohio and Louisville, Kentucky -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH  
5555 Ridge Avenue  
Cincinnati, Ohio 45213

Southwest Ohio Regional Computer Center  
Medical Sciences Building  
University of Cincinnati  
Cincinnati, Ohio 45202

**Categories of individuals covered by the system:** Workers in the plastic industry at selected plants.

**Categories of records in the system:** Occupational history and demographic data.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer tape, microfilm, microfiche, computer printouts.

**Retrievability:** The purpose of this system is to determine cause and prevention of disease of industrial origin. Name is the index used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked computer room and computer tape vaults  
Locked file cabinets  
Computer tapes are password protected For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding printouts.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Vital status information is obtained from Federal, State and Local governments and other available sources. Information is obtained from the individual and from employer records.

**Systems exempted from certain provisions of the act:** None.

**APPENDIX I Potential Sources for Determination of Vital Status**

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections,  
Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0063

**System name:** Biochemical Data System -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Respiratory Disease Studies, NIOSH  
944 Chestnut Ridge Road  
Morgantown, West Virginia 26505

**Categories of individuals covered by the system:** Coal miners, beryllium workers, pulmonary outpatient clinic patients.

**Categories of records in the system:** Analyses of biochemical data.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 22(d) (29 U.S.C. 671(d)); Federal Coal Mine Health and Safety Act Section 427(b) (30 U.S.C. 937(b)).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death cer-

tificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File cabinet.

**Retrievability:** The main purpose is to identify early indicators of diseases (biochemical indices). Data is given to other NIOSH units for biochemical and epidemiological studies. Case number and name are the indexes used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked computer room and computer tape vaults  
Locked file cabinets  
Computer tapes are password protected

**Retention and disposal:** Records are retained for 20 years. Disposal methods include erasing tapes and burning or shredding printouts.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information is obtained directly from the individual.

**Systems exempted from certain provisions of the act:** None.

**APPENDIX I Potential Sources for Determination of Vital Status**

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections,  
Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up

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Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0064

System name: Textile Workers Audiogram Results -- HEW/CDC/NIOSH.

Security classification: None.

System location:

Division of Biomedical and Behavioral Science, NIOSH  
Robert A. Taft Laboratories  
4676 Columbia Parkway  
Cincinnati, Ohio 45226

Categories of individuals covered by the system: Southeastern U.S. Textile Mill Workers.

Categories of records in the system: Results of hearing tests.

Authority for maintenance of the system: Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Microfilm and computer cards.

Retrievability: The purpose of this system is to assist in developing standards for the workplace. Name is the index used to retrieve records from this system.

Safeguards:

Guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked file cabinets For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

Retention and disposal: Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include burning or shredding paper materials.

System manager(s) and address:

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

Notification procedure:

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the

time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

Contesting record procedures: Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

Record source categories:

Doctor's Memorial Hospital Hearing and Speech Center  
Atlanta, Georgia.

Systems exempted from certain provisions of the act: None.

09-20-0065

System name: Noise-induced Temporary Threshold Shift Data -- HEW/CDC/NIOSH.

Security classification: None.

System location:

Division of Biomedical and Behavioral Sciences, NIOSH  
4576 Columbia Parkway  
Cincinnati, Ohio 45226

Categories of individuals covered by the system: Volunteer Subjects in Cincinnati, Ohio.

Categories of records in the system: Hearing acuity tests.

Authority for maintenance of the system: Occupational Safety Health Act Section 20 (29 U.S.C. 669).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computer cards, index audiogram files.

Retrievability: The purpose of this system is to assist in developing standards for the workplace. Name is the index used to retrieve records from this system.

Safeguards:

Service in building  
Locked building; locked rooms  
Personnel screening  
Locked file cabinets

Retention and disposal: Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include burning or shredding paper materials.

System manager(s) and address:

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

Notification procedure:

Director

System manager(s) and address:

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

Notification procedure:

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

Contesting record procedures: Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

Record source categories: Information is obtained directly from the individual.

Systems exempted from certain provisions of the act: None.

Appendix

Jandy Coal: Eureka  
090 Mine  
Windmen, Pennsylvania

Barnes and Tucker  
Lancashire 025 Mine  
Barnesboro, Pennsylvania

Fawn Mine  
Saxonburg, Pennsylvania

Russellton Mine  
Russellton, Pennsylvania

Lundale 01 Mine  
Lundale, West Virginia

Bethlehem Mines  
116 Mine  
Eunice, West Virginia

Olsa Mine  
Coalwood, West Virginia

U.S. Steel  
032 Mine  
Lynch, Kentucky

International Harvester  
010 Mine  
Benham, Kentucky

White Ash  
01 Mine  
River, Kentucky

Star Mine  
Central City, Kentucky

Division of Laboratories and Criteria Development  
National Institute for Occupational Safety and Health  
1014 Broadway  
Cincinnati, Ohio 45202

National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

Contesting record procedures: Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

Record source categories: Information is obtained directly from the individual.

Systems exempted from certain provisions of the act: None.

09-20-0067

System name: Coal Mine Hearing Study -- HEW/CDC/NIOSH.

Security classification: None.

System location: See Appendix.

Categories of individuals covered by the system: Union Coal Mine Workers employed in Mines East of the Mississippi River.

Categories of records in the system: Hearing Test Results.

Authority for maintenance of the system: Coal Mine Health and Safety Act Section 501 (30 U.S.C. 951).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual files and computer cards.

Retrievability: The purpose of this system is to assist in the development of standards for the workplace. Name is the index used to retrieve records from this system.

Safeguards:

Guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked file cabinets For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

Retention and disposal: Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include burning or shredding paper materials.

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09-20-0068

**System name:** Individuals listed in the 1960 American Dental Association Directory -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH  
5555 Ridge Avenue  
Cincinnati, Ohio 45213

Parklawn Computer Center  
5600 Fishers Lane, Rm. 2A80  
Rockville, Md. 20857

Dept. Com. Dentistry  
School of Dentistry  
Temple University  
Philadelphia, Pa.

NIOSH  
944 Chestnut Ridge Rd.  
Morgantown, West Virginia 26505

**Categories of individuals covered by the system:** Individuals listed in the 1960 American Dental Association Directory.

**Categories of records in the system:** Demographic data, including follow-up questionnaires.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer tapes, computer disk, computer listings, computer cards.

**Retrievability:** The purpose of this system is to analyze the mortality patterns of American dentists. Name and record number are the indexes used to retrieve records from this system.

**Safeguards:**

Guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked file cabinets  
Locked computer room and computer tape vaults For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding paper materials.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:**

1960 and 1968 Directories of the American Dental Association  
State Boards of Dental Examiners  
Local Dental Societies  
NIH Division of Dentistry  
Local Postmaster  
directly from individual  
dental supply houses  
directories

**Systems exempted from certain provisions of the act:** None.

#### APPENDIX I Potential Sources for Determination of Vital Status

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections, Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0069

**System name:** Coal Miner Study in Charleston-Beckley, West Virginia -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Respiratory Disease Studies, NIOSH  
944 Chestnut Ridge Road  
Morgantown, West Virginia 26505

**Categories of individuals covered by the system:** West Virginia coal miners.

**Categories of records in the system:** Medical history, death certificates.

**Authority for maintenance of the system:** Coal Mine Health and Safety Act Section 501 (30 U.S.C. 951).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Data may be sent to State Vital Statistics Divisions to obtain death certificates, and to Missing Person Location Agencies to find those individuals who cannot otherwise be located. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer tapes, computer cards, questionnaires, X-rays.

**Retrievability:** The purpose of this system is to conduct an epidemiological study of coal miners in West Virginia. Name and Identification Number are the indexes used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked file cabinets  
Locked computer room and computer tape vaults  
Computer tapes are password protected For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding paper materials.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information is obtained directly from the individual and from death certificates.

**Systems exempted from certain provisions of the act:** None.

#### APPENDIX I Potential Sources for Determination of Vital Status

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections, Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0070

**System name:** Study of New Jersey Motor Vehicle Examiners exposed to Carbon Monoxide -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH  
5555 Ridge Avenue  
Cincinnati, Ohio 45213

Southwest Ohio Regional Computer Center  
Medical Sciences Building  
University of Cincinnati  
Cincinnati, Ohio 45202

**Categories of individuals covered by the system:** New Jersey Motor Vehicle Examiners.

**Categories of records in the system:** Occupational History, Medical Questionnaires, Blood Test, Driver's License.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.



pose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer tape, microfilm, microfiche, computer printouts.

**Retrievability:** The purpose of this system is to determine the cause and prevention of disease of industrial origin. Name is the index used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked computer room and computer tape vaults  
Locked file cabinets  
Computer tapes are password protected For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding printouts.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:**

**Systems exempted from certain provisions of the act:** None.

**APPENDIX I Potential Sources for Determination of Vital Status**

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments

Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections, Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)  
Vital status information is obtained from Federal, State and Local governments and other available sources.  
Information is obtained from the individual and from employer records.

09-20-0071

**System name:** Determination of Normal Baseline Pulmonary Values -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Biomedical and Behavioral Science, NIOSH  
Robert A. Taft Laboratories  
4676 Columbia Parkway  
Cincinnati, Ohio 45226

**Categories of individuals covered by the system:** Male volunteers (18-21).

**Categories of records in the system:** Medical history and pulmonary function values.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer cards, computer tape, and laboratory log sheets.

**Retrievability:** The purpose of this system is to assist in the development of standards criteria for the workplace. Initials and case number are the indexes used to retrieve records from this system.

**Safeguards:**

Guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked file cabinets

Locked computer room and computer tape vaults For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding paper materials.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information is obtained directly from the individual.

**Systems exempted from certain provisions of the act:** None.

09-20-0073

**System name:** Hearing and Noise Study of Industrial Workers -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Biomedical and Behavioral Science, NIOSH  
Robert A. Taft Laboratories  
4676 Columbia Parkway  
Cincinnati, Ohio 45226

**Categories of individuals covered by the system:** See Appendix.

**Categories of records in the system:** Hearing test results.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

partment of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Audiogram questionnaire forms, computer cards.

**Retrievability:** The purpose of this system is to assist in determining standards for the workplace. Name is the index used to retrieve records from this system.

**Safeguards:**

Guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked file cabinets For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include burning or shredding paper materials.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information is obtained directly from the individual.

**Systems exempted from certain provisions of the act:** None.

**Appendix**

Employees of the following companies:  
Steel Fabricating & Processing  
Ashland, Kentucky

Paper-Bag Making  
Florence, Kentucky

Printing  
Glendale, Maryland

Aluminum Fabricating & Processing  
Richmond, Virginia

Quarry  
Elberton, Georgia

Woodworking  
Louisville, Kentucky

V  
4  
2  
1  
8  
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S  
E  
P  
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7  
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M  
I



Hydro-Electric Power  
Knoxville, Tennessee

Steel Fabricating  
Bethlehem, Pennsylvania

Tunnel Patrol  
Baltimore, Maryland

Printing and Engraving  
Washington, D.C.

Printing  
Washington, D.C.

Tunnel Patrol New York, New York

Trucking  
Hamilton County, Ohio

09-20-0074

System name: Fireman Hearing Study -- HEW/CDC/NIOSH.

Security classification: None.

System location:

Division of Biomedical and Behavioral Science, NIOSH  
Robert A. Taft Laboratories  
4676 Columbia Parkway  
Cincinnati, Ohio 45226

Categories of individuals covered by the system: Firemen from Cincinnati, Ohio.

Categories of records in the system: Results of hearing tests.

Authority for maintenance of the system: Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Audiogram cards and computer cards.

**Retrievability:** The purpose of this system is to assist in developing standards for the workplace. Name is the index used to retrieve records from this system.

**Safeguards:**

Guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked file cabinets For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include burning or shredding paper materials.

**System manager(s) and address:**

Director

National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information is obtained directly from the individual.

**Systems exempted from certain provisions of the act:** None.

09-20-0075

System name: Hard Rock Miner Mortality Study -- HEW/CDC/NIOSH.

Security classification: None.

System location:

Division of Respiratory Disease Studies, NIOSH  
944 Chestnut Ridge Road  
Morgantown, West Virginia 26505

Computer Center  
University of Utah  
Salt Lake City, Utah 84108

Categories of individuals covered by the system: Men who worked underground in copper mines between 1940 and 1965.

Categories of records in the system: Abstracts from personnel records.

Authority for maintenance of the system: Public Health Service Act, Section 301 (42 U.S.C. 241).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual files, computer tapes.

**Retrievability:** The main purpose of this study is to conduct a mortality study. Name and case number are the index used to retrieve records.

**Safeguards:**

Locked building; locked rooms  
Personnel screening  
Locked file cabinets  
Locked computer room and computer tape vaults For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding paper materials.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Company personnel records.

**Systems exempted from certain provisions of the act:** None.

#### APPENDIX I Potential Sources for Determination of Vital Status

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections, Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0076

System name: Uranium Mill Worker Study in Colorado -- HEW/CDC/NIOSH.

Security classification: None.

System location:

Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH  
5555 Ridge Avenue

Cincinnati, Ohio 45213

Computer Center  
University of Utah  
Salt Lake City, Utah 84108

Categories of individuals covered by the system: Uranium mill workers for Climax Uranium Company or, Union Carbide Nuclear in Grand Junction, Colorado.

Categories of records in the system: Personnel records (employment records, previous work histories, application for employment).

Authority for maintenance of the system: Public Health Service Act, Section 301 (42 U.S.C. 241).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Microfilm, computer cards, computer tape.

**Retrievability:** The main purpose of this study is to conduct a mortality study of uranium mill workers. Name is the index used to retrieve records.

**Safeguards:**

Locked building; locked rooms  
Personnel screening  
Locked file cabinets  
Locked computer room and computer tape vaults For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding paper materials.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably



identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Company personnel records.  
**Systems exempted from certain provisions of the act:** None.

#### APPENDIX I Potential Sources for Determination of Vital Status

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections,  
Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0077

**System name:** Survey of Arizona Asbestos Miners and Mill Workers (1969) -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Respiratory Disease Studies, NIOSH  
944 Chestnut Ridge Road  
Morgantown, West Virginia 26505

**Categories of individuals covered by the system:** Persons working in Arizona asbestos operations in 1969.

**Categories of records in the system:** Medical examinations, occupational histories, demographic information, results of chest X-rays.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** This data may be transferred to the Environmental Protection Agency for continued health research. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

sary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual files.

**Retrievability:** The main purpose of this study is to assess the health status of Arizona asbestos workers. Name is the index used to retrieve records.

**Safeguards:**

Locked building; locked rooms  
Personnel screening  
Locked file cabinets

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Printouts are discarded as trash.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857  
An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information is obtained directly from the individual.

**Systems exempted from certain provisions of the act:** None.

#### APPENDIX I Potential Sources for Determination of Vital Status

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections,  
Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0078

**System name:** Berylliosis/Sarcoidosis Study of Beryllium Plant Workers -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Respiratory Disease Studies, NIOSH  
944 Chestnut Ridge Road  
Morgantown, West Virginia 26505

**Categories of individuals covered by the system:** Beryllium plant workers, sarcoid registry, sample of general population.

**Categories of records in the system:** Medical, employment and industrial-environment records.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Report form, computer tape, computer cards, medical research questionnaire and permission forms.

**Retrievability:** The main purpose is to conduct medical research. Name and code numbers are the indexes used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked file cabinets  
Locked computer room and computer tape vaults  
Computer tapes are password protected For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Records are retained for 17 years. Disposal methods include erasing computer tapes and burning or shredding paper materials.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05

Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information is obtained directly from the individual.

**Systems exempted from certain provisions of the act:** None.

#### APPENDIX I Potential Sources for Determination of Vital Status

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections,  
Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0079

**System name:** Medical Records of Patients Examined at NIOSH in Morgantown, West Virginia -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Respiratory Disease Studies, NIOSH  
944 Chestnut Ridge Road  
Morgantown, West Virginia 26505

**Categories of individuals covered by the system:** Individuals at excess risk to occupational respiratory diseases, plus a sample of the general population.

**Categories of records in the system:** Occupational and medical histories and results of medical tests.

**Authority for maintenance of the system:** Coal Mine Health and Safety Act Section 501 (30 U.S.C. 951), Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45



CFR Part 5b), item 100). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual files, computer tapes, computer disks, computer cards, microfilm.

**Retrievability:** The purpose of this system is to perform medical and epidemiological research and statistical analyses. Name and case number are the indexes used to retrieve records from this system.

**Safeguards:**

- 24-hour guard service in building
- Locked building; locked rooms
- Personnel screening
- Locked file cabinets
- Locked computer room and computer tape vaults
- Computer tapes are password protected For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding paper materials.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information is obtained directly from the individual.

**Systems exempted from certain provisions of the act:** None.

09-20-0080

**System name:** Miner/Neighbor Study in Pineville, West Virginia -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Respiratory Disease Studies, NIOSH  
944 Chestnut Ridge Road

Morgantown, West Virginia 26505

**Categories of individuals covered by the system:** Coal miners, lumber employees and white collar workers in Pineville, West Virginia.

**Categories of records in the system:** Medical histories, demographic data, X-rays.

**Authority for maintenance of the system:** Coal Mine Health and Safety Act Section 501 (30 U.S.C. 951), Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer tapes, manual files.

**Retrievability:** The main purpose is to conduct an epidemiological study of coal miners and lumber workers. Case number is the index used to retrieve records.

**Safeguards:**

- 24-hour guard service in building
- Locked building; locked rooms
- Personnel screening
- Locked file cabinets
- Locked computer room and computer tape vaults
- Computer tapes are password protected For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding paper materials.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and

inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information is obtained directly from the individual.

**Systems exempted from certain provisions of the act:** None.

**APPENDIX I Potential Sources for Determination of Vital Status**

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections, Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0082

**System name:** Diagnosis of occupational disease by analysis of body fluids or tissues through biochemical or clinical chemical analysis -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Biomedical and Behavioral Science, NIOSH  
Robert A. Taft Laboratories  
4676 Columbia Parkway  
Cincinnati, Ohio 45226

**Categories of individuals covered by the system:** Industrial workers.

**Categories of records in the system:** Medical records.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20(29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Test results furnished to physician who requests analysis. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is

likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual files.

**Retrievability:** The main purpose is to identify occupational diseases. Name or code is used to retrieve records from this system.

**Safeguards:**

- Building guards
- Personnel screening

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Private and Industrial physicians.

**Systems exempted from certain provisions of the act:** None.

09-20-0083

**System name:** Diagnostic methods for identification of occupational diseases through biopsy and/or autopsy specimens -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Biomedical and Behavioral Science, NIOSH  
Robert A. Taft Laboratories  
4676 Columbia Parkway  
Cincinnati, Ohio 45226

**Categories of individuals covered by the system:** Industrial workers.

**Categories of records in the system:** Medical records.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20(29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Test results are furnished to the physician who requests analysis. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending



claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual files.

**Retrievability:** The main purpose is to identify occupational diseases. Name or code is used to retrieve records from this system.

**Safeguards:**

Building guards  
Personnel screening

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Private and Industrial physicians.

**Systems exempted from certain provisions of the act:** None.

#### APPENDIX I Potential Sources for Determination of Vital Status

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:

Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections, Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0084

**System name:** Metal Mining Mortality Survey System -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Respiratory Disease Studies, NIOSH  
944 Chestnut Ridge Road  
Morgantown, West Virginia 26505

**Categories of individuals covered by the system:** Metal miners.

**Categories of records in the system:** Medical histories, death certificates.

**Authority for maintenance of the system:** Federal Metal and Non-metallic Mine Safety Act Section 4(30 U.S.C. 723).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Data may be sent to State Vital Statistics Bureau to obtain death certificates. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer tapes, questionnaires, computer cards, manual files.

**Retrievability:** The main purpose is to obtain death certificates of deceased miners. Survey number and name are the indexes used to retrieve records.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked file cabinets

Locked computer room and computer tape vaults  
Computer tapes are password protected For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding paper materials.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information is obtained directly from the individual.

**Systems exempted from certain provisions of the act:** None.

#### APPENDIX I Potential Sources for Determination of Vital Status

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections, Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries) /\*

09-20-0085

**System name:** Children's Pulmonary Function Study -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH  
5555 Ridge Avenue  
Cincinnati, Ohio 45213

Southwest Ohio Regional Computer Center  
Medical Sciences Building  
University of Cincinnati  
Cincinnati, Ohio 45202

**Categories of individuals covered by the system:** Elementary School Children (6 Year Olds) in Salt Lake City, Utah

**Categories of records in the system:** Spirometry Results.

**Authority for maintenance of the system:** Public Health Service Act, Section 301(42 U.S.C. 241).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer tape.

**Retrievability:** The purpose of this system is to establish standards for baseline pulmonary function in unimpaired lungs. Number and name are the indexes used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked computer room and computer tape vaults  
Locked file cabinets  
Computer tapes are password protected For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding printouts.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05



Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Vital status information is obtained from federal, state and local governments and other available sources. Information is obtained from the individual.

**Systems exempted from certain provisions of the act:** None.

#### APPENDIX I Potential Sources for Determination of Vital Status

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections, Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0086

**System name:** Surveillance of Persons on Isoniazid Preventive Treatment for Tuberculosis -- HEW/CDC/BSS.

**Security classification:** None.

#### System location:

TB Control Division  
Building 6, Room 224, CDC  
Atlanta, GA 30333  
and Regional Federal Records Center

**Categories of individuals covered by the system:** Health Department Patients.

**Categories of records in the system:** Medical records.

**Authority for maintenance of the system:** Public Health Service Act, Section 301 (42 U.S.C. 241).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Records may be disclosed to Health Departments and other public health or cooperating medical authorities. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual. Disclosure may be made to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual.

(Departmental Regulations (45 CFR, part 5b) Appendix B, Item 100.) In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Cards, file folders, and magnetic tape.

**Retrievability:** Statistical aggregate use. To determine extent of isoniazid-related hepatitis in persons taking isoniazid as preventive therapy against tuberculosis. Retrievable by name and I.D. number.

**Safeguards:** Source documents and tapes of current projects are kept in locked building with security guards during non-business hours. For computerized records, safeguards, established in accordance with Department standards and National Bureau of Standards guidelines (e.g., security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Transfer to Federal Records Center when no longer needed for evaluation and analysis. Destroy when 20 years old unless needed for further study. How destroyed: paper shredded or burned; scratch tape.

**System manager(s) and address:**

Director  
Bureau of State Services  
Building 1, Room 2047, CDC  
Atlanta, GA 30333

**Notification procedure:** To determine if a file exists, write the Director, Bureau of State Services, Building 1, Room 2047, Center for Disease Control, Atlanta, Georgia 30333, and provide the following information: (1) approximate date(s) and place of treatment or questionnaire administration, (2) name of study, if known; (3) an individual who requests notification of or access to a medical record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the representative's discretion (these notification and access procedures are requirements of the Department Regulations, 45 CFR, Part 4.6, Federal Register, October 8, 1975, page 47411). A parent or guardian who requests notification of or access to a minor's record shall at the time the request is made designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The designee will receive the record in all cases and upon review will determine whether the record should be made available to the parent or guardian.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Part 5b.5(a)(2) Federal Register, October 8, 1975, page 47410).

**Contesting record procedures:** Write the Privacy Act Coordinator, Management Analysis Office, Center for Disease Control, Atlanta, Georgia 30333. Reasonably identify the record and specify the information to be contested in accordance with Department Regulations, Federal Register, October 8, 1975, page 47411 (45 CFR, Part 5b.7).

**Record source categories:** State and Local Health Departments.

**Systems exempted from certain provisions of the act:** None.

09-20-0087

**System name:** Surveillance of Accidental Rubella Vaccination of Pregnant Women -- HEW/CDC/BSS.

**Security classification:** None.

#### System location:

Immunization Division, Building 1, Room 4054, CDC  
Atlanta, GA 30333

**Categories of individuals covered by the system:** Women who were vaccinated against rubella immediately preceding pregnancy or accidentally vaccinated during pregnancy.

**Categories of records in the system:** Epidemiological and serological.

**Authority for maintenance of the system:** Public Health Service Act, Section 301, 361 (42 U.S.C. 244, 264).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual. Disclosure may be made to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Departmental Regulations (45 CFR, part 5b) Appendix B, Item 100.) In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Filing cabinets.

**Retrievability:** The data are used in the form of statistical summaries to maintain surveillance on pregnant women who receive rubella vaccine; the identifiers are used to add additional or corrective data to the master file. Records are retrievable by identifying code number.

**Safeguards:** Routine office and building security.

**Retention and disposal:** Number years held at CDC: indefinitely.

**System manager(s) and address:**

Director  
Bureau of State Services  
Building 1, Room 2047, CDC  
Atlanta, GA 30333

**Notification procedure:** To determine if a file exists, write the Director, Bureau of State Services, Building 1, Room 2047, Center for Disease Control, Atlanta, Georgia 30333, and provide the following information: (1) approximate date(s) and place of treatment or questionnaire administration, (2) name of study, if known; (3) an individual who requests notification of or access to a medical record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the representative's discretion (these notification and access procedures are requirements of the Department Regulations, 45 CFR, Part 4.6, Federal Register, October 8, 1975, page 47411). A parent or guardian who requests notification of or access to a minor's record shall at the time the request is made designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The designee will receive the record in all cases and upon review will determine whether the record should be made available to the parent or guardian.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Part 5b.5(a)(2) Federal Register, October 8, 1975, page 47410).

**Contesting record procedures:** Write the Privacy Act Coordinator, Management Analysis Office, Center for Disease Control, Atlanta, Georgia 30333. Reasonably identify the record and specify the information to be contested in accordance with Department Regulations, Federal Register, October 8, 1975, page 47411 (45 CFR, Part 5b.7).

**Record source categories:** Private Physicians.

**Systems exempted from certain provisions of the act:** None.

09-20-0088

**System name:** Subacute Sclerosing Panencephalitis Surveillance -- HEW/CDC/BSS.

**Security classification:** None.

#### System location:

Immunization Division  
Building 1, Room 4054, CDC  
Atlanta, GA 30333

**Categories of individuals covered by the system:** Patients with diagnosis of SSPE.

**Categories of records in the system:** Epidemiological and clinical histories.

**Authority for maintenance of the system:** Public Health Service Act, Section 301 (42 U.S.C. 241).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual. Disclosure may be made to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Departmental Regulations (45 CFR, part 5b) Appendix B, Item 100.) In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic tape.

**Retrievability:** The data are used in the form of an aggregate summary to further define the epidemiology of the disease; the identifiers are used only to complete records as additional and corrective information becomes available. Records are retrievable by identifying code number.

**Safeguards:** Routine office and building security. For computerized records, safeguards, established in accordance with Department standards and National Bureau of Standards guidelines (e.g., security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Number years held at CDC: 10 years.

**System manager(s) and address:**

Director  
Bureau of State Services  
Building 1, Room 2047, CDC  
Atlanta, GA 30333

**Notification procedure:** To determine if a file exists, write the Director, Bureau of State Services, Building 1, Room 2047, Center for Disease Control, Atlanta, Georgia 30333, and provide the following information: (1) approximate date(s) and place of treatment or questionnaire administration, (2) name of study, if known; (3) an individual who requests notification of or access to a medical record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the representative's discretion (these notification and access procedures are requirements of the Department Regulations, 45 CFR, Part 4.6, Federal Register, October 8, 1975, page 47411). A parent or guardian who requests notification of or access to a minor's record shall at the time the request is made designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The designee will receive the record in all cases and upon review will determine whether the record should be made available to the parent or guardian.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Part 5b.5(a)(2) Federal Register, October 8, 1975, page 47410).

**Contesting record procedures:** Write the Privacy Act Coordinator, Management Analysis Office, Center for Disease Control, Atlanta,



Georgia 30333. Reasonably identify the record and specify the information to be contested in accordance with Department Regulations. Federal Register, October 8, 1975, page 47411 (45 CFR, Part 5.b.7).

Record source categories: Private physicians.

Systems exempted from certain provisions of the act: None.

09-20-0089

System name: Study of Short-course Chemotherapy of Pulmonary Tuberculosis -- HEW/CDC/BSS.

Security classification: None.

System location:

TB Control Division  
Building 6, Room 211, CDC  
Atlanta, GA 30333

and Regional Federal Records Center

Categories of individuals covered by the system: Selected patients with TB being treated by participating health departments, clinics, and hospitals.

Categories of records in the system: Medical records.

Authority for maintenance of the system: Public Health Service Act, Section 301 (42 U.S.C. 241)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records may be disclosed to Health Departments and other public health or cooperative medical authorities. Research data are made available to approved or collaborating researchers, including HEW contractors and grantees. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual. Disclosure may be made to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Departmental Regulations (45 CFR, part 5b) Appendix B, Item 100.) In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Card, file folders, and magnetic tape.

Retrievability: The purpose of the system is to determine the efficacy of self-administered rifampin and isoniazid, given daily for six months under close surveillance in selected patients with pulmonary tuberculosis. Data is used in statistical, aggregate form only. Study to commence approximately September 1975. Data retrievable by name and I.D. number.

Safeguards: Source documents and tapes of current projects are kept in locked building with security guards during non-business hours. For computerized records, safeguards, established in accordance with Department standards and National Bureau of Standards guidelines (e.g., security codes) will be used, limiting access to authorized personnel.

Retention and disposal: Transfer to Federal Records Center when no longer needed for evaluation and analysis. Destroy when 20 years old unless needed for further study. How destroyed: paper shredded or burned. Tape scratched.

System manager(s) and address:

Director  
Bureau of State Services  
Building 1, Room 2047, CDC  
Atlanta, GA 30333

Notification procedure: To determine if a file exists, write the Director, Bureau of State Services, Building 1, Room 2047, Center for Disease Control, Atlanta, Georgia 30333, and provide the following information: (1) approximate date(s) and place of treatment

or questionnaire administration, (2) name of study, if known; (3) an individual who requests notification of or access to a medical record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the representative's discretion (these notification and access procedures are requirements of the Department Regulations, 45 CFR, Part 4.6, Federal Register, October 8, 1975, page 47411). A parent or guardian who requests notification of or access to a minor's record shall at the time the request is made designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The designee will receive the record in all cases and upon review will determine whether the record should be made available to the parent or guardian.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Part 5b.5(a)(2) Federal Register, October 8, 1975, page 47410).

Contesting record procedures: Write the Privacy Act Coordinator, Management Analysis Office, Center for Disease Control, Atlanta, Georgia 30333. Reasonably identify the record and specify the information to be contested in accordance with Department Regulations, Federal Register, October 8, 1975, page 47411 (45 CFR, Part 5.b.7).

Record source categories: Individuals, Local Health Departments, Hospitals, and Clinics.

Systems exempted from certain provisions of the act: None.

09-20-0090

System name: Study of Tuberculin Testing -- HEW/CDC/BSS.

Security classification: None.

System location:

TB Control Division  
Building 6, Room 255, CDC  
Atlanta, GA 30333

and Regional Federal Records Center

Categories of individuals covered by the system: Hospital Employees.

Categories of records in the system: Medical Records.

Authority for maintenance of the system: Public Health Service Act, Section 301 (42 U.S.C. 241).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Test results will be returned to the collaborating physician or responsible hospital official. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual. Disclosure may be made to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Departmental Regulations (45 CFR, part 5b) Appendix B, Item 100.) In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Cards, file folders, and magnetic tape.

Retrievability: Statistical aggregate use. To study the 'Booster Effect', the phenomenon whereby the first tuberculin test in a series has a stimulating effect upon subsequent tuberculin tests. Records retrievable by name and I.D. number.

Safeguards: Source documents and tapes of current projects are kept in locked building with security guards during non-business hours. For computerized records, safeguards, established in ac-

cordance with Department standards and National Bureau of Standards guidelines (e.g., security codes) will be used, limiting access to authorized personnel.

Retention and disposal: Transfer to Federal Records Center when no longer needed for evaluation and analysis. Destroy when 20 years old unless needed for further study. How destroyed: Paper shredded or burned. Tape scratched.

System manager(s) and address:

Director  
Bureau of State Services  
Building 1, Room 2047, CDC  
Atlanta, GA 30333

Notification procedure: To determine if a file exists, write the Director, Bureau of State Services, Building 1, Room 2047, Center for Disease Control, Atlanta, Georgia 30333, and provide the following information: (1) approximate date(s) and place of treatment or questionnaire administration, (2) name of study, if known; (3) an individual who requests notification of or access to a medical record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the representative's discretion (these notification and access procedures are requirements of the Department Regulations, 45 CFR, Part 4.6, Federal Register, October 8, 1975, page 47411). A parent or guardian who requests notification of or access to a minor's record shall at the time the request is made designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The designee will receive the record in all cases and upon review will determine whether the record should be made available to the parent or guardian.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Part 5b.5(a)(2) Federal Register, October 8, 1975, page 47410).

Contesting record procedures: Write the Privacy Act Coordinator, Management Analysis Office, Center for Disease Control, Atlanta, Georgia 30333. Reasonably identify the record and specify the information to be contested in accordance with Department Regulations, Federal Register, October 8, 1975, page 47411 (45 CFR, Part 5.b.7).

Record source categories: Individuals and hospitals.

Systems exempted from certain provisions of the act: None.

09-20-0091

System name: Rifampin in Initial Treatment of Pulmonary Tuberculosis -- HEW/CDC/BSS.

Security classification: None.

System location:

TB Control Division  
Building 6, Room 211, CDC  
Atlanta, GA 30333

and Federal Records Center, East Point, GA.

Categories of individuals covered by the system: Tuberculosis hospital patients.

Categories of records in the system: Medical records.

Authority for maintenance of the system: Public Health Service Act, Section 301 (42 U.S.C. 241).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records may be disclosed to Health Departments and other public health or cooperative medical authorities. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual. Disclosure may be made to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Departmental Regulations (45 CFR, part 5b) Appendix B, Item 100.) In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or

her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Cards, file folders, and magnetic tape.

Retrievability: Statistical aggregate use. To determine the effectiveness of rifampin in the initial treatment of pulmonary tuberculosis. Records are retrievable by name and I.D. number.

Safeguards: Source documents and tapes of current projects are kept in locked building with security guards during non-business hours. For computerized records, safeguards, established in accordance with Department standards and National Bureau of Standards guidelines (e.g., security codes) will be used, limiting access to authorized personnel.

Retention and disposal: Transfer to Federal Records Center when no longer needed for evaluation and analysis. Destroy when 20 years old unless needed for further study. How destroyed: paper shredded or burned. Tape scratched.

System manager(s) and address:

Director  
Bureau of State Services  
Building 1, Room 2047, CDC  
Atlanta, GA 30333

Notification procedure: To determine if a file exists, write the Director, Bureau of State Services, Building 1, Room 2047, Center for Disease Control, Atlanta, Georgia 30333, and provide the following information: (1) approximate date(s) and place of treatment or questionnaire administration, (2) name of study, if known; (3) an individual who requests notification of or access to a medical record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the representative's discretion (these notification and access procedures are requirements of the Department Regulations, 45 CFR, Part 4.6, Federal Register, October 8, 1975, page 47411). A parent or guardian who requests notification of or access to a minor's record shall at the time the request is made designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The designee will receive the record in all cases and upon review will determine whether the record should be made available to the parent or guardian.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Part 5b.5(a)(2) Federal Register, October 8, 1975, page 47410).

Contesting record procedures: Write the Privacy Act Coordinator, Management Analysis Office, Center for Disease Control, Atlanta, Georgia 30333. Reasonably identify the record and specify the information to be contested in accordance with Department Regulations, Federal Register, October 8, 1975, page 47411 (45 CFR, Part 5.b.7).

Record source categories: Individuals, Hospitals, and local Health Departments.

Systems exempted from certain provisions of the act: None.

09-20-0092

System name: Rifampin-Isoniazid in Initial Treatment of Pulmonary Tuberculosis -- HEW/CDC/BSS

Security classification: None.

System location:

TB Control Division  
Building 6, Room 211, CDC  
Atlanta, GA 30333  
and Regional Federal Records Center

Categories of individuals covered by the system: Tuberculosis hospital and clinic patients.

Categories of records in the system: Medical records.

Authority for maintenance of the system: Public Health Service Act, Section 301 (42 U.S.C. 241).

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**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Records may be disclosed to Health Departments and other public health or cooperating medical authorities. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual. Disclosure may be made to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Departmental Regulations (45 CFR, part 5b) Appendix B, Item 100.) In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Cards, file folders, and magnetic tape.

**Retrievability:** Statistical aggregate use. To determine the optimum dosage of rifampin in initial treatment of pulmonary tuberculosis, and to determine the optimum duration of treatment after bacteriologic conversion. Records are retrievable by name and I.D. number.

**Safeguards:** Source documents and tapes of current projects are kept in locked building with security guards during non-business hours. For computerized records, safeguards, established in accordance with Department standards and National Bureau of Standards guidelines (e.g., security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Transfer to Federal Records Center when no longer needed for evaluation and analysis. Destroy when 20 years old unless needed for further study. How destroyed: paper shredded or burned. Tape scratched.

**System manager(s) and address:**

Director  
Bureau of State Services  
Building 1, Room 2047, CDC  
Atlanta, GA 30333

**Notification procedure:** To determine if a file exists, write the Director, Bureau of State Services, Building 1, Room 2047, Center for Disease Control, Atlanta, Georgia 30333, and provide the following information: (1) approximate date(s) and place of treatment or questionnaire administration, (2) name of study, if known; (3) an individual who requests notification of or access to a medical record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the representative's discretion (these notification and access procedures are requirements of the Department Regulations, 45 CFR, Part 4.6, Federal Register, October 8, 1975, page 47411). A parent or guardian who requests notification of or access to a minor's record shall at the time the request is made designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The designee will receive the record in all cases and upon review will determine whether the record should be made available to the parent or guardian.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Part 5b.5(a)(2) Federal Register, October 8, 1975, page 47410).

**Contesting record procedures:** Write the Privacy Act Coordinator, Management Analysis Office, Center for Disease Control, Atlanta, Georgia 30333. Reasonably identify the record and specify the information to be contested in accordance with Department Regulations, Federal Register, October 8, 1975, page 47411 (45 CFR, Part 5b.7).

**Record source categories:** Individuals, Hospitals, Clinics, and local Health Departments.

**Systems exempted from certain provisions of the act:** None.

09-20-0093

**System name:** Tuberculosis Prophylaxis Studies - Alaska and Puerto Rico -- HEW/CDC/BSS.

**Security classification:** None.

**System location:**

TB Control Division, BSS  
225 Eagle Street  
Anchorage, Alaska 99501

819 27 So. Street  
Las Lomas, Rio Piedras  
Puerto Rico  
and Alaska Activity, Bureau of Epidemiology  
225 Eagle Street  
Anchorage, Alaska 99501  
and Regional Federal Records Center  
TB Control Division, BSS, CDC  
Building 6, Room 221  
Atlanta, Georgia 30333

**Categories of individuals covered by the system:** Study participants.

**Categories of records in the system:** Medical records.

**Authority for maintenance of the system:** Public Health Service Act, Section 301(42) U.S.C. 241).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual. Disclosure may be made to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Departmental Regulations (45 CFR, part 5b) Appendix B, Item 100.) In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Cards and file folders.

**Retrievability:** Statistical aggregate use. To determine the effectiveness and safety of isoniazid therapy in various population groups at high risk of developing tuberculosis. Records retrievable by name.

**Safeguards:** Source documents are kept in locked building with security guards during non-business hours. Data in Alaska is kept in a locked CDC facility during non-business hours.

**Retention and disposal:** Transfer to Federal Records Center when no longer needed for evaluation and analysis. Destroy when 20 years old unless needed for further study. How destroyed: shredded or burned.

**System manager(s) and address:**

Director  
Bureau of State Services  
Building 1, Room 2047, CDC  
Atlanta, GA 30333

**Notification procedure:** To determine if a file exists, write the Director, Bureau of State Services, Building 1, Room 2047, Center for Disease Control, Atlanta, Georgia 30333, and provide the following information: (1) approximate date(s) and place of treatment or questionnaire administration, (2) name of study, if known; (3) an individual who requests notification of or access to a medical record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the

representative's discretion (these notification and access procedures are requirements of the Department Regulations, 45 CFR, Part 4.6, Federal Register, October 8, 1975, page 47411). A parent or guardian who requests notification of or access to a minor's record shall at the time the request is made designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The designee will receive the record in all cases and upon review will determine whether the record should be made available to the parent or guardian.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Part 5b.5(a)(2) Federal Register, October 8, 1975, page 47410).

**Contesting record procedures:** Write the Privacy Act Coordinator, Management Analysis Office, Center for Disease Control, Atlanta, Georgia 30333. Reasonably identify the record and specify the information to be contested in accordance with Department Regulations, Federal Register, October 8, 1975, page 47411 (45 CFR, Part 5b.7).

**Record source categories:** Participants and/or family members of participants.

**Systems exempted from certain provisions of the act:** None.

09-20-0094

**System name:** Tuberculosis Primary Drug Resistance Study -- HEW/CDC/BSS.

**Security classification:** None.

**System location:**

TB Control Division  
Building 6, Rooms 249, 259 and 243, CDC  
Atlanta, GA 30333  
and Regional Federal Records Center.

**Categories of individuals covered by the system:** Health Department Patients.

**Categories of records in the system:** Medical records.

**Authority for maintenance of the system:** Public Health Service Act, Section 301(42) U.S.C. 241).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Records may be disclosed to Health Departments and other public health or cooperating medical authorities. Research data are made available to approved or collaborating researchers, including HEW contractors and grantees. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual. Disclosure may be made to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Departmental Regulations (45 CFR, part 5b) Appendix B, Item 100.) In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders and magnetic tape.

**Retrievability:** Statistical aggregate use. To determine over time if the trends in resistant tubercle bacilli organisms of newly diagnosed and previously untreated cases of tuberculosis are changing. Records are retrievable by I.D. number.

**Safeguards:** Source documents and tapes of current projects are kept in locked building with security guards during non-business hours. For computerized records, safeguards, established in accordance with Department standards and National Bureau of Standards guidelines (e.g., security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Transfer to Federal Records Center when no longer needed for analysis and evaluation. Destroy when 20 years old unless needed for further study. How destroyed: paper shredded or burned. Tape scratched.

**System manager(s) and address:**

Director  
Bureau of State Services  
Building 1, Room 2047, CDC  
Atlanta, GA 30333

**Notification procedure:** To determine if a file exists, write the Director, Bureau of State Services, Building 1, Room 2047, Center for Disease Control, Atlanta, Georgia 30333, and provide the following information: (1) approximate date(s) and place of treatment or questionnaire administration, (2) name of study, if known; (3) an individual who requests notification of or access to a medical record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the representative's discretion (these notification and access procedures are requirements of the Department Regulations, 45 CFR, Part 4.6, Federal Register, October 8, 1975, page 47411). A parent or guardian who requests notification of or access to a minor's record shall at the time the request is made designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The designee will receive the record in all cases and upon review will determine whether the record should be made available to the parent or guardian.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Part 5b.5(a)(2) Federal Register, October 8, 1975, page 47410).

**Contesting record procedures:** Write the Privacy Act Coordinator, Management Analysis Office, Center for Disease Control, Atlanta, Georgia 30333. Reasonably identify the record and specify the information to be contested in accordance with Department Regulations, Federal Register, October 8, 1975, page 47411 (45 CFR, Part 5b.7).

**Record source categories:** State and local Health Departments, and Laboratories.

**Systems exempted from certain provisions of the act:** None.

09-20-0095

**System name:** Zoster Immune Globulin Records on High Risk Immunosuppressed Children Exposed to Chickenpox -- HEW/CDC/BSS.

**Security classification:** None.

**System location:**

Immunization Division  
Bldg. 1, Rm. 4034, CDC  
Atlanta, GA 30333

**Categories of individuals covered by the system:** High risk immunosuppressed children who are exposed to chickenpox

**Categories of records in the system:** Epidemiological and clinical histories.

**Authority for maintenance of the system:** Public Health Service Act, Section 301(42) U.S.C. 241).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual. Disclosure may be made to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Departmental Regulations (45 CFR, part 5b) Appendix B, item 100.) In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to ef-

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fectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected. The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records. (Departmental Regulations (45 CFR, part 5b) Appendix B, Item 9).

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Filing cabinets

**Retrievability:** These data are used in an aggregate form to determine the effectiveness of ZIG in the prevention or modification of chickenpox in high-risk immunosuppressed children; the identifiers are used to add additional and corrective data to the master file as it becomes available. Records are retrievable alphabetically by name.

**Safeguards:** Metal file cabinets; routine building security.

**Retention and disposal:** Number years held at CDC: indefinitely.

**System manager(s) and address:**

Director, BSS  
Bldg. 1, Rm. 2047, CDC  
Atlanta, GA 30333

**Notification procedure:** To determine if a file exists, write the Director, Bureau of State Services, Building 1, Room 2047, Center for Disease Control, Atlanta, Georgia 30333, and provide the following information: (1) approximate date(s) and place of treatment or questionnaire administration, (2) name of study, if known; (3) an individual who requests notification of or access to a medical record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the representative's discretion (these notification and access procedures are requirements of the Department Regulations, 45 CFR, Part 4.6, Federal Register, October 8, 1975, page 47411). A parent or guardian who requests notification of or access to a minor's record shall at the time the request is made designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The designee will receive the record in all cases and upon review will determine whether the record should be made available to the parent or guardian.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Part 5b.5(a)(2) Federal Register, October 8, 1975, page 47410).

**Contesting record procedures:** Write the Privacy Act Coordinator, Management Analysis Office, Center for Disease Control, Atlanta, Georgia 30333. Reasonably identify the record and specify the information to be contested in accordance with Department Regulations, Federal Register, October 8, 1975, page 47411 (45 CFR, Part 5b.7).

**Record source categories:** Private Physicians.

09-20-0096

**System name:** Tuskegee Study of Untreated Syphilis Medical Care Program -- HEW/CDC/BSS

**Security classification:** None.

**System location:**

Bureau of State Services  
Bldg. 1, Room 2047, CDC  
Atlanta, GA 30333

**Categories of individuals covered by the system:** Participants in the study, which began in the early 1930's.

**Categories of records in the system:** Medical records and related study data.

**Authority for maintenance of the system:** Public Health Service Act, Section 301 (42 U.S.C. 241).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to individuals and organizations deemed qualified by the Secretary to carry out specific research solely for the purpose of carrying out such research. Information may be furnished to courts of competent jurisdiction and to attorneys for legal purposes. Records may be disclosed to Health Departments and other public health or cooperating medical authorities. Disclosure may be made to a con-

gressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual. Disclosure may be made to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Departmental Regulations (45 CFR, part 5b) Appendix B, Item 100.) In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File Folders.

**Retrievability:**

Information from the files is used by DHEW officials to:

1. Determine eligibility for medical care for those participants eligible for such services in accordance with DHEW policy;
2. Determine status of participants in litigation.

Records are retrievable alphabetically by name.

**Safeguards:** Records are kept in locked building with security guards during non-business hours. Access to management officials and staff who review and approve payments of medical costs.

**Retention and disposal:** Number of years held at CDC: indefinite.

**System manager(s) and address:**

Director  
Bureau of State Services  
Bldg. 1, Rm 2047, CDC  
Atlanta, Georgia 30333

**Notification procedure:** To determine if a file exists, write the Director, Bureau of State Services, Building 1, Room 2047, Center for Disease Control, Atlanta, Georgia 30333, and provide the following information: (1) approximate date(s) and place of treatment or questionnaire administration, (2) name of study, if known; (3) an individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Part 5b.5(a)(2) Federal Register, October 8, 1975, page 47410).

**Contesting record procedures:** Write the Privacy Act Coordinator, Management Analysis Office, Center for Disease Control, Atlanta, Georgia 30333. Reasonably identify the record and specify the information to be contested in accordance with Department Regulations, Federal Register, October 8, 1975, page 47411 (45 CFR, Part 5b.7).

**Record source categories:** Participants and family members of participants entitled to medical care; Social Security Administration for Medicare information; and State Welfare Departments for information on Medicaid.

**Systems exempted from certain provisions of the act:** None.

09-20-0097

**System name:** Studies of the Effects of BCG Vaccinations for Tuberculosis. HEW/CDC/BSS.

**Security classification:** None.

**System location:**

TB Control Division  
819 27 So. Street  
Las Lomas, Rio Piedras, Puerto Rico  
and

TB Control Division  
Research & Development Branch  
Bldg. 6 - Room 222, CDC  
Atlanta, Georgia 30333  
and  
Program Control de Tuberculosis  
Antiguo Hospital - San Patricio  
Puerto Nuevo, Puerto Rico 00901

**Categories of individuals covered by the system:** Persons who received BCG vaccinations at county health clinics in Muscogee County, Georgia, and Russell County, Alabama, and the local public health clinic in Las Lomas, Rio Piedras, Puerto Rico.

**Categories of records in the system:** Medical Records.

**Authority for maintenance of the system:** Public Health Service Act, Section 301 (42 U.S.C. 241).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Records may be disclosed to Health Departments and other public health or cooperating medical authorities. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual. Disclosure may be made to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Departmental Regulations (45 CFR, part 5b) Appendix B, Item 100.) Disclosure may be made to individuals and organizations deemed qualified by the Secretary to carry out specific research solely for the purpose of carrying out such research. (45 CFR, Part 5b) Appendix B Item (101). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Cards and file folders.

**Retrievability:** Statistical aggregate use. To test the effectiveness and safety of BCG vaccinations in reducing the incidence of tuberculosis in non-reactors to the tuberculin skin tests. Information from these records will be used by the National Cancer Institute to determine any relationship between BCG vaccination and cancer. Records are retrievable by name.

**Safeguards:** All data is kept in a building that is locked during non-business hours.

**Retention and disposal:** Transfer to Federal Records Center when no longer needed for evaluation and analysis. Destroy when 20 years old unless needed for further study. How destroyed: Shredded or burned.

**System manager(s) and address:**

Director  
Bureau of State Services  
Building 1, Room 2047, CDC  
Atlanta, GA 30333

**Notification procedure:** To determine if a file exists, write the Director, Bureau of State Services, Building 1, Room 2047, Center for Disease Control, Atlanta, Georgia 30333, and provide the following information: (1) approximate date(s) and place of treatment or questionnaire administration, (2) name of study, if known; (3) an individual who requests notification of or access to a medical record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the representative's discretion (these notification and access procedures are requirements of the Department Regulations, 45 CFR, Part 4.6, Federal Register, October 8, 1975, page 47411). A parent or guardian who requests notification of or access to a minor's record shall at the time the request is made designate a family physician or other health professional (other than a family member) to whom the

record, if any, will be sent. The designee will receive the record in all cases and upon review will determine whether the record should be made available to the parent or guardian.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Part 5b.5(a)(2) Federal Register, October 8, 1975, page 47410).

**Contesting record procedures:** Write the Privacy Act Coordinator, Management Analysis Office, Center for Disease Control, Atlanta, Georgia 30333. Reasonably identify the record and specify the information to be contested in accordance with Department Regulations, Federal Register, October 8, 1975, page 47411 (45 CFR, Part 5b.7).

**Record source categories:** Participants and family members of participants, Commonwealth of Puerto Rico.

**Systems exempted from certain provisions of the act:** None.

09-20-0098

**System name:** Congenital Rubella Registry -- HEW/CDC/BSS.

**Security classification:** None.

**System location:**

Immunization Division  
Building 1, Room 4054, CDC  
Atlanta, GA 30333

**Categories of individuals covered by the system:** Patients with diagnosis of rubella at birth.

**Categories of records in the system:** Epidemiological and clinical histories.

**Authority for maintenance of the system:** Public Health Service Act, Section 301 (42 U.S.C. 241).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual. Disclosure may be made to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Departmental Regulations (45 CFR, part 5b) Appendix B, Item 100.) In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Filing cabinets.

**Retrievability:** The data are used in the form of aggregate summary to maintain surveillance on CRS and to identify changing trends of disease patterns resulting from rubella vaccine programs; the identifiers are used to add additional or corrective data to the master file as it becomes available. Records are retrievable by identifying code number.

**Safeguards:** Routine office and building security.

**Retention and disposal:** Number years held at CDC: indefinitely.

**System manager(s) and address:**

Director  
Bureau of State Services  
Building 1, Room No. 2047, CDC  
Atlanta, GA 30333

**Notification procedure:** To determine if a file exists, write the Director, Bureau of State Services, Building 1, Room 2047, Center for Disease Control, Atlanta, Georgia 30333, and provide the following information: (1) approximate date(s) and place of treatment or questionnaire administration, (2) name of study, if known; (3) an individual who requests notification of or access to a medical

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record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the representative's discretion (these notification and access procedures are requirements of the Department Regulations, 45 CFR, Part 4.6, Federal Register, October 8, 1975, page 47411). A parent or guardian who requests notification of or access to a minor's record shall at the time the request is made designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The designee will receive the record in all cases and upon review will determine whether the record should be made available to the parent or guardian.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Part 5b.5(a)(2) Federal Register, October 8, 1975, page 47410).

**Contesting record procedures:** Write the Privacy Act Coordinator, Management Analysis Office, Center for Disease Control, Atlanta, Georgia 30333. Reasonably identify the record and specify the information to be contested in accordance with Department Regulations, Federal Register, October 8, 1975, page 47411 (45 CFR, Part 5.b.7).

**Record source categories:** Private Physicians.

**Systems exempted from certain provisions of the act:** None

09-20-0102

**System name:** Alien Mental Waiver Program -- HEW/CDC/BE.

**Security classification:** None.

**System location:**

International Health Information and Visa Medical Activity  
Quarantine Division, Building 6, Room 265  
Atlanta, GA 30333  
& Regional Federal Records Center

**Categories of individuals covered by the system:** Immigrant aliens with Mental Waivers.

**Categories of records in the system:** Medical history files (Forms I-601 Application for Waiver; FS-398 Medical Report).

**Authority for maintenance of the system:** Public Health Service Act Section 325 (42 U.S.C. 252); Immigration and Nationality Act Section 212(g) (8 U.S.C. 1182(g)).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Department of State (DOS) or Immigration and Naturalization Service (INS) obtains initial medical examinations and submits to Quarantine Division of CDC. Final diagnosis returned to submitter. Alien or sponsor furnishes copy of medical file to local health care facility in U.S. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual. Disclosure may be made to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Departmental Regulations (45 CFR, part 5b) Appendix B, Item 100.) In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Individual file folders.

**Retrievability:** Aliens granted mental waivers by U.S. Department of State or the Immigration and Naturalization Service, are subject to up to five years of supervision upon entering the U.S. Initial and followup reports are maintained in medical history file. Records are retrievable by name.

**Safeguards:** Only persons having access to files are Quarantine Division personnel. Files are maintained in that office in metal file cabinets. Any request for medical information in the case file must be made in writing, and signed by alien, parent, or sponsor.

**Retention and disposal:** Number years held at CDC: 5. Number years held at Federal Records Center before disposal: 5. How destroyed: Shredded and made into pulp.

**System manager(s) and address:**

Director  
Bureau of Epidemiology  
Room 5009, Bldg. 1, CDC  
Atlanta, GA 30333

**Notification procedure:** To determine if a file exists, write the Director, Bureau of Epidemiology, Building 1, Room 5009, Center for Disease Control, Atlanta, Georgia 30333, and provide the following information: (1) approximate date(s) and place of treatment or questionnaire administration, (2) name of study, if known; (3) an individual who requests notification of or access to a medical record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the representative's discretion (these notification and access procedures are requirements of the Department Regulations, 45 CFR, Part 4.6, Federal Register, October 8, 1975, page 47411). A parent or guardian who requests notification of or access to a minor's record shall at the time the request is made designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The designee will receive the record in all cases and upon review will determine whether the record should be made available to the parent or guardian.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Part 5b.5(a)(2) Federal Register, October 8, 1975, page 47410).

**Contesting record procedures:** Write the Privacy Act Coordinator, Management Analysis Office, Center for Disease Control, Atlanta, Georgia 30333. Reasonably identify the record and specify the information to be contested in accordance with Department Regulations, Federal Register, October 8, 1975, page 47411 (45 CFR, Part 5.b.7).

**Record source categories:** Prior to alien's arrival in the U.S., medical information is submitted by Department of State and/or Justice Department (INS); after arrival, medical reports submitted by medical specialists, schools, or institutions.

**Systems exempted from certain provisions of the act:** None.

09-20-0103

**System name:** Alien Tuberculosis Follow-up Program -- HEW/CDC/BE.

**Security classification:** None.

**System location:**

International Health Information and Visa Medical Activity  
Quarantine Division, Building 6, Room 265  
Atlanta, GA 30333

**Categories of individuals covered by the system:** Immigrant Aliens with Tuberculosis.

**Categories of records in the system:** Medical history. (Forms CDC 4.451 and CDC 4.447).

**Authority for maintenance of the system:** Public Health Service Act Section 325 (42 U.S.C. 252); Immigration and Nationality Act Section 212(g)(8 U.S.C. 1182(g)).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Statistical data may be used for Tuberculosis Conferences, meetings or publications. Form CDC 4.451, 'Report on Alien with Tuberculosis Waiver,' and form CDC 4.447 'Report on Alien with Tuberculosis not considered active' are distributed from port of entry in the United States to: the alien, local health department, State health department, the physician or health facility that will provide the medical care, and to the Quarantine Division of CDC. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual. Disclosure may be made to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental

or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Departmental Regulations (45 CFR, part 5b) Appendix B, Item 100.) In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Card file.

**Retrievability:** Purpose is to provide medical care. Retrievable alphabetically, and by week of arrival.

**Safeguards:** Only persons having access to files are staff members of Quarantine Division, and Tuberculosis Control Division. Files are stored in metal file cabinets.

**Retention and disposal:** Number months held at CDC: 3. How destroyed: shredded.

**System manager(s) and address:**

Director, Bureau of Epidemiology  
Room 5009, Bldg. 1, CDC  
Atlanta, GA 30333

**Notification procedure:** To determine if a file exists, write the Director, Bureau of Epidemiology, Building 1, Room 5009, Center for Disease Control, Atlanta, Georgia 30333, and provide the following information: (1) approximate date(s) and place of treatment or questionnaire administration, (2) name of study, if known; (3) an individual who requests notification of or access to a medical record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the representative's discretion (these notification and access procedures are requirements of the Department Regulations, 45 CFR, Part 4.6, Federal Register, October 8, 1975, page 47411). A parent or guardian who requests notification of or access to a minor's record shall at the time the request is made designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The designee will receive the record in all cases and upon review will determine whether the record should be made available to the parent or guardian.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Part 5b.5(a)(2) Federal Register, October 8, 1975, page 47410).

**Contesting record procedures:** Write the Privacy Act Coordinator, Management Analysis Office, Center for Disease Control, Atlanta, Georgia 30333. Reasonably identify the record and specify the information to be contested in accordance with Department Regulations, Federal Register, October 8, 1975, page 47411 (45 CFR, Part 5.b.7).

**Record source categories:** Information obtained from alien's visa medical documents at port of entry by Quarantine Inspectors.

**Systems exempted from certain provisions of the act:** None.

09-20-0106

**System name:** Microbiology Specimen Handling for Testing and Related Data -- HEW/CDC/BL.

**Security classification:** None.

**System location:**

Bureau of Laboratories, Scientific Services  
Bldg. 4 - Room 35, CDC  
Atlanta, GA 30333

**Categories of individuals covered by the system:** Patients whose specimens have been submitted to CDC for testing.

**Categories of records in the system:** Diagnostic test results.

**Authority for maintenance of the system:** Public Health Service Act, Section 301(42 U.S.C. 241).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Return of test results to the submitting physician. Records may be disclosed to Health Departments and other public health or cooperating medical authorities. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual. Disclosure may be made to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Departmental Regulations (45 CFR, part 5b) Appendix B, Item 100.) In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Original Form - file folders; microfilm copies - computer storage.

**Retrievability:** Used between specialty units for research purposes; and for epidemiological investigations for epidemic causes, prevention, family groupings of diseases, and geographical location of specific diseases; also, used by epidemiologists and researchers in determining drug resistance of specific organisms. Retrievable by: name or designated number furnished by the submitter, CDC identifying number, microfilm number.

**Safeguards:** Restrictive use of the terminal; without knowledge of computer access codes, no one can obtain specific patient information. Microfilm is stored in locked cabinet. For computerized records, safeguards, established in accordance with Department standards and National Bureau of Standards guidelines (e.g., security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Number years held at CDC: 5. How destroyed: Shredded or burned.

**System manager(s) and address:**

Director  
Bureau of Laboratories  
Bldg. 1 - Room 1007, CDC  
Atlanta, GA 30333

**Notification procedure:** To determine if a file exists, write the Director, Bureau of Laboratories, Building 1, Room 1007, Center for Disease Control, Atlanta, Georgia 30333, and provide the following information: (1) approximate date(s) and place of treatment or questionnaire administration, (2) name of study, if known; (3) an individual who requests notification of or access to a medical record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the representative's discretion (these notification and access procedures are requirements of the Department Regulations, 45 CFR, Part 4.6, Federal Register, October 8, 1975, page 47411). A parent or guardian who requests notification of or access to a minor's record shall at the time the request is made designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The designee will receive the record in all cases and upon review will determine whether the record should be made available to the parent or guardian.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Part 5b.5(a)(2) Federal Register, October 8, 1975, page 47410).

**Contesting record procedures:** Write the Privacy Act Coordinator, Management Analysis Office, Center for Disease Control, Atlanta, Georgia 30333. Reasonably identify the record and specify the information to be contested in accordance with Department Regulations, Federal Register, October 8, 1975, page 47411 (45 CFR, Part 5.b.7).

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**Record source categories:** Approved Public Health Laboratories, Federal Medical Facilities, some private physicians.

**Systems exempted from certain provisions of the act:** None.

09-20-0107

**System name:** Dengue and Schistosomiasis Research Studies -- HEW/CDC/BL.

**Security classification:** None.

**System location:**

San Juan Laboratories  
San Juan, Puerto Rico

**Categories of individuals covered by the system:** Individuals living in Puerto Rico.

**Categories of records in the system:** Demographic and health behavioral information on individuals in study community.

**Authority for maintenance of the system:** Public Health Service Act, Section 301(42 U.S.C. 241).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information transferred to Puerto Rico Health Department. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual. Disclosure may be made to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Departmental Regulations (45 CFR, part 5b) Appendix B, Item 100.) In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** IBM punch cards and computer listings.

**Retrievability:** Epidemiological studies for the evaluation of schistosomiasis and dengue control. Special statistical analyses are performed on information. Retrievable by code number.

**Safeguards:** Under lock and key - only researchers have availability. For computerized records, safeguards, established in accordance with Department standards and National Bureau of Standards guidelines (e.g., security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Number years held at CDC: 10 years.

**System manager(s) and address:**

Director  
Bureau of Laboratories  
Building 1, Room 1007  
San Juan Laboratories  
San Juan, Puerto Rico

**Notification procedure:** To determine if a file exists, write the Director, Bureau of Laboratories, Building 1, Room 1007, Center for Disease Control, Atlanta, Georgia 30333, and provide the following information: (1) approximate date(s) and place of treatment or questionnaire administration, (2) name of study, if known; (3) an individual who requests notification of or access to a medical record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the representative's discretion (these notification and access procedures are requirements of the Department Regulations, 45 CFR, Part 4.6, Federal Register, October 8, 1975, page 47411). A parent or guardian who requests notification of or access to a minor's record shall at the time the request is made designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The designee will receive the record in all cases and upon review will determine whether the record should be made available to the parent or guardian.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Part 5b.5(a)(2) Federal Register, October 8, 1975, page 47410).

**Contesting record procedures:** Write the Privacy Act Coordinator, Management Analysis Office, Center for Disease Control, Atlanta, Georgia 30333. Reasonably identify the record and specify the information to be contested in accordance with Department Regulations, Federal Register, October 8, 1975, page 47411 (45 CFR, Part 5b.7).

**Record source categories:** Directly from participants in the studies.

**Systems exempted from certain provisions of the act:** None.

09-20-0108

**System name:** Diagnosis Program for Detection of Chromosomal Abnormalities in High Risk Patients -- HEW/CDC/BL.

**Security classification:** None.

**System location:**

Bureau of Laboratories Pathology Division  
Building 1, Room 2303, CDC  
Atlanta, GA 30333  
and Regional Federal Records Center

**Categories of individuals covered by the system:** Referred patients.

**Categories of records in the system:** Cytogenetic and clinical data.

**Authority for maintenance of the system:** Public Health Service Act, Section 301(42 U.S.C. 241).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Results referred to patients' physician. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual. Disclosure may be made to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Departmental Regulations (45 CFR, part 5b) Appendix B, Item 100.) In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File cabinet.

**Retrievability:** To provide cytogenetic services, used as source of training and quality control. Used by BL/Pathology Div. and Bureau of Epidemiology. Records are retrievable alphabetically and by lab number.

**Safeguards:** Locked cabinets.

**Retention and disposal:** Number years held at CDC: 5. Number years held at Federal Records Center before disposal: 10. How destroyed: Shredded or burned.

**System manager(s) and address:**

Director  
Bureau of Laboratories  
Bldg. 1, Room 1007, CDC  
Atlanta, GA. 30333

**Notification procedure:** To determine if a file exists, write the Director, Bureau of Laboratories, Building 1, Room 1007, Center for Disease Control, Atlanta, Georgia 30333, and provide the following information: (1) approximate date(s) and place of treatment or questionnaire administration, (2) name of study, if known; (3) an individual who requests notification of or access to a medical record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the

representative's discretion (these notification and access procedures are requirements of the Department Regulations, 45 CFR, Part 4.6, Federal Register, October 8, 1975, page 47411). A parent or guardian who requests notification of or access to a minor's record shall at the time the request is made designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The designee will receive the record in all cases and upon review will determine whether the record should be made available to the parent or guardian.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Part 5b.5(a)(2) Federal Register, October 8, 1975, page 47410).

**Contesting record procedures:** Write the Privacy Act Coordinator, Management Analysis Office, Center for Disease Control, Atlanta, Georgia 30333. Reasonably identify the record and specify the information to be contested in accordance with Department Regulations, Federal Register, October 8, 1975, page 47411 (45 CFR, Part 5b.7).

**Record source categories:** Directly from patient's physician.

**Systems exempted from certain provisions of the act:** None.

09-20-0109

**System name:** Coronary Drug Project Files -- HEW/CDC/BL.

**Security classification:** None.

**System location:**

Clinical Chemistry Division  
Building 1, Rm. 1225  
and Computer Systems Branch  
Building 1, Rm. 6066, CDC  
Atlanta, GA 30333  
and Regional Federal Records System

**Categories of individuals covered by the system:** Coronary Drug Project Patients.

**Categories of records in the system:** Clinical Chemistry Test Data From Coronary Drug Project Patients.

**Authority for maintenance of the system:** Public Health Service Act, Section 301, 412(42 U.S.C. 241, 287a).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual. Disclosure may be made to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Departmental Regulations (45 CFR, part 5b) Appendix B, Item 100.) In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer magnetic tape, punched cards, and hard copy. Specimen entry cards.

**Retrievability:** (1) Internal file reviews for verification of test data; (2) quality control studies; (3) statistical analyses of data related to risk, drug treatment, study endpoints, etc. Purposes: research in quality control, improvement of health care, management of heart patients, improvement of clinical laboratory science, and primary study objectives. Users: authorized persons from Center for Disease Control of National Heart and Lung Institute associated with the Coronary Drug Project. Retrieved by numeric identifier and patient's initials.

**Safeguards:** Only persons trained and experienced in the workings of the Coronary Drug Project system can use the system.

Only authorized persons are allowed complete access. All name containing records are in long-term storage at the East Point Records Center. For computerized records, safeguards, established in accordance with Department standards and National Bureau of Standards guidelines (e.g., security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Number years held at CDC: duration of study. Number years held at Federal Records Center before disposal: 10 (reviewed at 10 yrs.). How destroyed: fire or shredder.

**System manager(s) and address:**

Director  
Bureau of Laboratories  
Building 1, Room 1007, CDC  
Atlanta, GA 30333

**Notification procedure:** To determine if a file exists, write the Director, Bureau of Laboratories, Building 1, Room 1007, Center for Disease Control, Atlanta, Georgia 30333, and provide the following information: (1) approximate date(s) and place of treatment or questionnaire administration, (2) name of study, if known; (3) an individual who requests notification of or access to a medical record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the representative's discretion (these notification and access procedures are requirements of the Department Regulations, 45 CFR, Part 4.6, Federal Register, October 8, 1975, page 47411). A parent or guardian who requests notification of or access to a minor's record shall at the time the request is made designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The designee will receive the record in all cases and upon review will determine whether the record should be made available to the parent or guardian.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Part 5b.5(a)(2) Federal Register, October 8, 1975, page 47410).

**Contesting record procedures:** Write the Privacy Act Coordinator, Management Analysis Office, Center for Disease Control, Atlanta, Georgia 30333. Reasonably identify the record and specify the information to be contested in accordance with Department Regulations, Federal Register, October 8, 1975, page 47411 (45 CFR, Part 5b.7).

**Record source categories:** (1) Information from 53 CDP Clinical Centers pertaining to the patient's blood and urine specimens, and (2) laboratory (CDC) generated chemical test data.

**Systems exempted from certain provisions of the act:** None.

09-20-0110

**System name:** Clinical Associates Roster -- HEW/CDC/BSS.

**Security classification:** None.

**System location:**

TB Control Division  
Building 1, Room 3013  
CDC  
Atlanta, Ga. 30333

**Categories of individuals covered by the system:** Clinical associates.

**Categories of records in the system:** Academic, professional, and locating data.

**Authority for maintenance of the system:** Public Health Service Act, Section 301(42 U.S.C. 241).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively

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represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** List is maintained as a source group of tuberculosis experts. Retrievable by name.

**Safeguards:** Source documents are kept in file cabinets in locked building with security guards during non-business hours. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Number years held at CDC: 20. How destroyed: Shredded or burned.

**System manager(s) and address:**

Director  
Bureau of State Services  
Building 1, Room 2047  
CDC  
Atlanta, Ga. 30333

**Notification procedure:** To determine if a file exists, write the Director, Bureau of State Services, Building 1, Room 2047, Center for Disease Control, Atlanta, Georgia 30333, and provide the following information: (1) approximate date(s) and place of treatment or questionnaire administration, (2) name of study, if known; (3) an individual who requests notification of or access to a medical record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the representative's discretion (these notification and access procedures are requirements of the Department Regulations, 45 CFR, Part 4.6, Federal Register, October 8, 1975, page 47411). A parent or guardian who requests notification of or access to a minor's record shall at the time the request is made designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The designee will receive the record in all cases and upon review will determine whether the record should be made available to the parent or guardian.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Part 5b.5(a)(2) Federal Register, October 8, 1975, page 47410).

**Contesting record procedures:** Write the Privacy Act Coordinator, Management Analysis Office, Center for Disease Control, Atlanta, Georgia 30333. Reasonably identify the record and specify the information to be contested in accordance with Department Regulations, Federal Register, October 8, 1975, page 47411 (45 CFR, Part 5b.7).

**Record source categories:** Individuals.

**Systems exempted from certain provisions of the act:** None.

09-20-0111

**System name:** Machinists Exposed to Cutting Oil Mist 1938-1967 -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Department of Occupational & Environmental Health  
School of Medicine  
Wayne State University  
Detroit, Michigan

Parklawn Bldg.  
5600 Fishers Lane  
Rockville, Maryland 20857

Division of Computer Research & Technology  
National Institutes of Health  
Building 12  
Bethesda, Maryland

**Categories of individuals covered by the system:** Male machinists employed between 1938 and 1967 in an industrial plant in Michigan.

**Categories of records in the system:** Pulmonary function test results, medical histories, employment histories, and demographic data.

**Authority for maintenance of the system:** Public Health Service Act, Section 301(42 U.S.C. 241).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Coding Sheets, Computer Cards, Pulmonary Function Graphs, Computer Listings, Computer Tape, and Computer Disk.

**Retrievability:** The purpose of this system is to investigate the health effect associated with exposure to cutting oil mists. Name and study number are the indexes used to retrieve records from this system.

**Safeguards:**

Guard Service in building  
Locked building; locked rooms  
Personnel screening  
Locked file cabinets  
Locked computer room and computer tape vaults For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding paper materials.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents

being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Information is obtained directly from the individual, and from plant employment and medical records.

**Systems exempted from certain provisions of the act:** None.

#### APPENDIX I Potential Sources for Determination of Vital Status

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections,  
Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0112

**System name:** CDC Exchange Visitor and Guest Researcher Records -- HEW/CDC/OAM.

**Security classification:** None.

**System location:**

CDC, Personnel Management Office  
Commissioned Corps & Fellow Program Section  
Bldg. 1, Room 1042, CDC  
Atlanta, GA 30333

**Categories of individuals covered by the system:**

Visiting Fellows  
Visiting Associates  
Visiting Scientists  
Staff Fellows  
Guest Researchers

**Categories of records in the system:** Applications, request for appointment, bibliography, curriculum vitae, letters of reference.

**Authority for maintenance of the system:** Public Health Service Act Section 207(g),(h), 208 and 301 (42 U.S.C. 209(g),(h), 210 and 301).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual. Disclosure may be made to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Departmental Regulations (45 CFR, part 5b) Appendix B, Item 100.) In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the

Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File cabinet.

**Retrievability:** This system is utilized by Center officials for the purpose of review of applications and supporting documents in order to award fellowships; and for the determinations regarding salary or stipend increase. The system is accessed by name of the individual, exchange visitor or guest researcher.

**Safeguards:** Files are kept in locked file room.

**Retention and disposal:** Number years held at CDC: 2. How destroyed: shredded or burned.

**System manager(s) and address:**

Director, Personnel Management Office  
Commissioned Corps & Fellow Program  
Bldg. 1, Room 1042, CDC  
Atlanta, GA. 30333

**Notification procedure:** To determine if a file exists, write the Director, Personnel Management Office, Building 1, Room 1042, Center for Disease Control, Atlanta, Georgia 30333, and provide the following information: (1) approximate date(s) and place of treatment or questionnaire administration, (2) name of study, if known; (3) an individual who requests notification of or access to a medical record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the representative's discretion (these notification and access procedures are requirements of the Department Regulations, 45 CFR, Part 4.6, Federal Register, October 8, 1975, page 47411). A parent or guardian who requests notification of or access to a minor's record shall at the time the request is made designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The designee will receive the record in all cases and upon review will determine whether the record should be made available to the parent or guardian.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Part 5b.5(a)(2) Federal Register, October 8, 1975, page 47410).

**Contesting record procedures:** Write the Privacy Act Coordinator, Management Analysis Office, Center for Disease Control, Atlanta, Georgia 30333. Reasonably identify the record and specify the information to be contested in accordance with Department Regulations, Federal Register, October 8, 1975, page 47411 (45 CFR, Part 5b.7).

**Record source categories:** Secured from applicant.

**Systems exempted from certain provisions of the act:** None

09-20-0113

**System name:** Epidemic Investigation Case Records -- HEW/CDC/BE.

**Security classification:** None.

**System location:**

Bureau of Epidemiology/CDC  
Rockville, Maryland 20857

**Categories of individuals covered by the system:** Patients with disease, their contacts, others with possible exposure and appropriate controls.

**Categories of records in the system:** Medical histories, case reports, line listings, hand sort cards.

**Authority for maintenance of the system:** Public Health Service Act, Section 301, 361(42 U.S.C. 241, 264).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records are considered to be the records of State and/or local health departments and are left with them at the end of the investigations. These health departments may then identify persons with disease and/or others contacted during the investigations to control, prevent, or treat disease, or for follow-up evaluation including collection of appropriate bodily specimens. CDC may or may not request duplicate copies of

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these records for further analysis following completion of the field investigation. Private physicians may also be supplied pertinent medical information from these records. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual. Disclosure may be made to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Departmental Regulations (45 CFR, part 5b) Appendix B, Item 100.) In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** Collection of individual case histories, including epidemiological, medical and laboratory information is essential in virtually all epidemic field investigations. These data serve as the basis for all analyses that lead to understanding the etiology of disease occurrence and subsequent prevention and control. Retrieval alphabetic by name.

**Safeguards:** Information is in files available only to medical epidemiologists, their clerical help, or their specifically designated paramedical personnel and only for duration of the investigation.

**Retention and disposal:** No. years held at CDC - 2. No. years held at FRC - 5. How destroyed - Burned.

**System manager(s) and address:**

Director  
Bureau of Epidemiology  
Bldg 1, Rm 5009, CDC  
Atlanta, Georgia 30333  
and  
Director, Bureau of State Services  
Building 1, Room 2047, CDC  
Atlanta, Georgia 30333

**Notification procedure:** To determine if a file exists, write the Director, Bureau of Epidemiology, Building 1, Room 5009, or Director, Bureau of State Services, Building 1, Room 2047, Center for Disease Control, Atlanta, Georgia 30333, and provide the following information: (1) approximate date(s) and place of treatment or questionnaire administration, (2) name of study, if known; (3) an individual who requests notification of or access to a medical record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the representative's discretion (these notification and access procedures are requirements of the Department Regulations, 45 CFR, Part 4.6, Federal Register, October 8, 1975, page 47411). A parent or guardian who requests notification of or access to a minor's record shall at the time the request is made designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The designee will receive the record in all cases and upon review will determine whether the record should be made available to the parent or guardian.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Part 5b.5(a)(2) Federal Register, October 8, 1975, page 47410).

**Contesting record procedures:** Write the Privacy Act Coordinator, Management Analysis Office, Center for Disease Control, Atlanta, Georgia 30333. Reasonably identify the record and specify the information to be contested in accordance with Department Regulations, Federal Register, October 8, 1975, page 47411 (45 CFR, Part 5b.7).

**Record source categories:** Patients, state and local health departments, and private physicians.

**Systems exempted from certain provisions of the act:** None.

**Systems exempted from certain provisions of the act:** None.

09-20-0114

**System name:** Supervisory effects on worker safety in the roofing industry -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Respiratory Disease Studies, NIOSH  
944 Chestnut Ridge Road  
Morgantown, West Virginia 26505

Management Sciences Company  
724 Ninth St.  
San Pedro, California

2 Embarcadero Center (2775)  
San Francisco, California

**Categories of individuals covered by the system:** Workers in the roofing industry.

**Categories of records in the system:** Occupational history, demographic data, attitudinal questionnaires.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20 (29 U.S.C. 669)

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual files, computer cards, computer tapes, computer listings.

**Retrievability:** The main purpose of this system is to provide information to recommend policies to improve the safety of workers in the roofing industry. Name and case number are the indexes used to retrieve records from this system.

**Safeguards:**

Evening guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked computer room and computer tape vaults  
Locked file cabinets For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Personal identifiers will be removed from the file at the end of the study, as only statistical summaries are needed. Computer tapes are erased; paper records are shredded or burned.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information is obtained directly from the individual.

**Systems exempted from certain provisions of the act:** None.

09-20-0115

**System name:** Study of Noise and Hearing in Paper Working Industry -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Biomedical and Behavioral Science, NIOSH  
Robert A. Taft Laboratories  
4676 Columbia Parkway  
Cincinnati, Ohio 45226

**Categories of individuals covered by the system:** Paper workers in Ohio.

**Categories of records in the system:** Occupational history, medical history, results of medical tests, demographic data.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual files, computer cards, computer tapes, computer listings.

**Retrievability:** The purpose of this system is to develop composite data to support the creation of standards to improve safety and health conditions in the workplace. Name and case number are the indexes used to retrieve records from this system.

**Safeguards:**

Evening guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked computer room and computer tape vaults  
Locked file cabinets For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** This information will be kept for about four years. Computer tapes are erased; paper records are shredded or burned.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

**Director**

National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05

Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information is obtained directly from the individual and from employee records.

**Systems exempted from certain provisions of the act:** None.

09-20-0116

**System name:** Study of workers exposed to heavy metals (lead, cadmium, etc.) -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH  
5555 Ridge Avenue  
Cincinnati, Ohio 45213

**Categories of individuals covered by the system:** Employees exposed to heavy metals at various industrial plants.

**Categories of records in the system:** Occupational histories, medical histories, demographic data, results of medical tests.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual files, microfilm, microfiche, computer tape.

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**Retrievability:** The purpose of this system is to determine the cause and prevention of occupationally-related diseases. Name and assigned number are the indexes used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked computer room and computer tape vaults  
Locked file cabinets  
Computer tapes are password protected For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding paper materials.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information is obtained directly from the individual. Vital status information is obtained from Federal, State, and Local governments and other available sources. Other information is obtained from employer records.

**Systems exempted from certain provisions of the act:** None.

**APPENDIX I Potential Sources for Determination of Vital Status**

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections, Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)

Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0117

**System name:** Medical and test record results of individuals involved in NIOSH laboratory studies -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Biomedical and Behavioral Sciences  
Robert A. Taft Laboratories  
4676 Columbia Parkway  
Cincinnati, Ohio 45226

**Categories of individuals covered by the system:** Volunteer subjects from the general population.

**Categories of records in the system:** Occupational history, medical history, results of medical tests, demographic data.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual files, computer cards, computer tapes, computer listings, microfilm.

**Retrievability:** The purpose of this system is to develop composite data summaries to support the development of criteria for occupational safety and health standards, and to provide other recommendations for improving worker safety and health. Name and case number are the indexes used to retrieve records from this system.

**Safeguards:**

Evening guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked computer room and computer tape vaults  
Locked file cabinets For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Personal identifiers are destroyed as soon as they are no longer necessary for the protection of the individuals involved. Computer tapes are erased; paper records are shredded or burned.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the

time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information is obtained directly from the individual.

**Systems exempted from certain provisions of the act:** None.

09-20-0118

**System name:** Study at work-sites where agents suspected of being occupational hazards exist -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Biomedical and Behavioral Science, NIOSH  
Robert A. Taft Laboratories  
4676 Columbia Parkway  
Cincinnati, Ohio 45226

**Categories of individuals covered by the system:** Volunteer subjects employed at specific sites under study.

**Categories of records in the system:** Occupational history, medical history, results of medical tests, demographic data, employee records.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual files, computer cards, computer tapes, computer listings, microfilm.

**Retrievability:** The purpose of this system is to determine the relationship between worker exposure to hazardous agents or stressors, and occupational disease. This information will be used to recommend procedures to reduce the incidence of occupational disease. Name and case number are the indexes used to retrieve records from this system.

**Safeguards:**

Evening guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked computer room and computer tape vaults

Locked file cabinets For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Personal identifiers are destroyed as soon as the system has stabilized, and statistical summaries can be run. Computer tapes are erased; paper records are shredded or burned.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information is obtained directly from the individual and from employee records.

**Systems exempted from certain provisions of the act:** None.

09-20-0119

**System name:** Mortality and morbidity study among oil shale workers -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Respiratory Disease Studies, NIOSH  
944 Chestnut Ridge Road  
Morgantown, West Virginia 26505

**Categories of individuals covered by the system:** U.S. Bureau of Mines employees from 1948 to 1956 in Rifle, Colorado; employees at five oil companies in Rifle, Colorado between 1966 and 1969; employees in retort process at Bureau of Mines in Laramie, Wyoming.

**Categories of records in the system:** Occupational and medical histories, demographic data, results of medical tests.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring.

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curing. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual files, computer cards, computer tapes, computer listings.

**Retrievability:** The purpose of this system is to determine the cause and prevention of occupationally-related diseases. NIOSH. Name and case number are the indexes used to retrieve records from this system.

**Safeguards:**

Locked building; locked rooms  
Personnel screening  
Locked computer room and computer tape vaults  
Locked file cabinets For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding paper materials.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20852

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information is obtained directly from the individual and from employer records.

**Systems exempted from certain provisions of the act:** None.

**APPENDIX I Potential Sources for Determination of Vital Status**

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections, Aging,

Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0120

**System name:** Equipment field test studies -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Physical Sciences and Engineering, NIOSH  
5555 Ridge Avenue  
Cincinnati, Ohio 45213

Division of Biomedical and Behavioral Science, NIOSH  
Robert A. Taft Laboratories  
4676 Columbia Parkway  
Cincinnati, Ohio 45226

**Categories of individuals covered by the system:** Volunteer subjects.

**Categories of records in the system:** Medical history, results of medical tests, demographic data, individual's description of his experience with the equipment.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual files.

**Retrievability:** The purpose of this study is to determine the suitability of particular pieces of personal protective equipment in the hazards of the workplace. Name and case number are the indexes used to retrieve records from this system.

**Safeguards:**

Evening guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked file cabinets For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** All personal identifiers are destroyed at the end of the study (which takes approximately one year). Paper records are shredded or burned.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information is obtained directly from the individual.

**Systems exempted from certain provisions of the act:** None.

09-20-0122

**System name:** Study of workers exposed to inorganic chemicals -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH  
5555 Ridge Avenue  
Cincinnati, Ohio 45213

**Categories of individuals covered by the system:** Employees exposed to inorganic chemicals at various industrial plants.

**Categories of records in the system:** Occupational histories, medical histories, demographic data, results of medical tests.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual files, microfilm, microfiche, computer tape.

**Retrievability:** The purpose of this system is to determine the cause and prevention of occupationally-related diseases. Name and assigned number are the indexes used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked computer room and computer tape vaults  
Locked file cabinets  
Computer tapes are password protected For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding paper materials.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information is obtained directly from the individual. Vital status information is obtained from Federal, State, and Local governments and other available sources. Other information is obtained from employer records.

**Systems exempted from certain provisions of the act:** None.

**APPENDIX I Potential Sources for Determination of Vital Status**

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections, Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies

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Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0123

**System name:** Study of workers exposed to airborne carcinogens in woodworking shops -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH  
5555 Ridge Avenue  
Cincinnati, Ohio 45213

**Categories of individuals covered by the system:** Wood workers exposed to sawdust and other wood shop environments.

**Categories of records in the system:** Occupational and medical histories, demographic data, results of medical tests.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual files, computer cards, computer tapes, computer listings.

**Retrievability:** The purpose of this system is to determine the cause and prevention of occupationally-related diseases. Name and case number are the indexes used to retrieve records from this system.

**Safeguards:**

Locked building; locked rooms  
Personnel screening  
Locked computer room and computer tape vaults  
Locked file cabinets For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding paper materials.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information is obtained directly from the individual and from employer records.

**Systems exempted from certain provisions of the act:** None.

#### APPENDIX I Potential Sources for Determination of Vital Status

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections, Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0124

**System name:** Study of workers exposed to toluene diisocyanate (TDI) -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Respiratory Disease Studies  
944 Chestnut Ridge Road  
Morgantown, West Virginia 26505

**Categories of individuals covered by the system:** Male volunteers at the Olin Chemical Company at Lake Charles, Louisiana.

**Categories of records in the system:** Occupational history, medical history, results of medical tests, demographic data, employee records.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in

09-20-0126

**System name:** Study of workers exposed to organic chemicals -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH  
5555 Ridge Avenue  
Cincinnati, Ohio 45213

**Categories of individuals covered by the system:** Employees exposed to organic chemicals at various industrial plants.

**Categories of records in the system:** Occupational histories, medical histories, demographic data, results of medical tests.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual files, microfilm, microfiche, computer tape.

**Retrievability:** The purpose of this system is to determine the cause and prevention of occupationally-related diseases. Name and assigned number are the indexes used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked computer room and computer tape vaults  
Locked file cabinets  
Computer tapes are password protected authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal include erasing computer tapes and burning or shredding materials.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05

response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual files, computer cards, computer tapes, computer listings, microfilm.

**Retrievability:** The purpose of this system is to determine the effect of TDI exposure in the workplace. This information will be used in the development of an occupational standard for TDI exposure. Name and case number are the indexes used to retrieve records from this system.

**Safeguards:**

Evening guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked computer room and computer tape vaults  
Locked file cabinets  
Computer tapes are password protected For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Personal identifiers will be retained only as long as needed to protect the individuals exposed, or as required by statute or regulation. Computer tapes are erased; paper records are shredded or burned.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information is obtained directly from the individual and from employee records.

**Systems exempted from certain provisions of the act:** None.



Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information is obtained directly from the individual. Vital status information is obtained from Federal, State, and Local governments and other available sources. Other information is obtained from employer records.

Systems exempted from certain provisions of the act: None.

#### APPENDIX I Potential Sources for Determination of Vital Status

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections, Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0127

**System name:** Pilot agricultural noise study -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Respiratory Disease Studies, NIOSH  
944 Chestnut Ridge Road  
Morgantown, West Virginia 26505

**Categories of individuals covered by the system:** 100 tractor operators at several locations, and 100 individuals from the general population between 40 and 50 years old.

**Categories of records in the system:** Occupational and medical histories, demographic data, results of medical tests.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45

CFR Part 5b), item 100). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual files, computer cards, computer tapes, computer listings.

**Retrievability:** The purpose of this system is to determine the cause and prevention of occupationally-related diseases. Name and case number are the indexes used to retrieve records from this system.

**Safeguards:**

Locked building; locked rooms  
Personnel screening  
Locked computer room and computer tape vaults  
Locked file cabinets. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding paper materials.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. - Room 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information is obtained directly from the individual.

Systems exempted from certain provisions of the act: None.

09-20-0128

**System name:** Mortality study of Tennessee Valley Authority (TVA) workers exposed to coal handling processes -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Respiratory Disease Studies, NIOSH  
944 Chestnut Ridge Road  
Morgantown, West Virginia  
Medical Division of TVA

Ednuy Building  
Chattanooga, Tennessee

**Categories of individuals covered by the system:** TVA workers exposed to coal handling processes from 1955 to 1965.

**Categories of records in the system:** Occupational histories, medical histories, medical records obtained with individual's permission.

**Authority for maintenance of the system:** Coal Mine Health and Safety Act Section 501 (30 U.S.C. 951).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Data may be sent to Medical Division, Tennessee Valley Authority, in line with an Inter-Agency Agreement, to State Vital Statistics Divisions to obtain death certificates, and to Missing Person Location Agencies to find those individuals who cannot otherwise be located. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual files, computer cards, computer tapes, computer listings.

**Retrievability:** The purpose of this system is to determine the mortality of individuals exposed to coal handling processes. (Most of the information comes from TVA). Name and code number are the indexes used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked computer room and computer tape vaults  
Locked file cabinets. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** All personal identifiers will be destroyed by June, 1977, when the system is stabilized and statistical summaries can be run. Disposal methods include the erasing of computer tape and the burning or shredding of paper materials.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible

representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information is obtained directly from the individual, from Tennessee Valley Authority records, and from certificates of death.

Systems exempted from certain provisions of the act: None.

#### APPENDIX I Potential Sources for Determination of Vital Status

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections, Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0129

**System name:** Health effects study of dust and diesel exhaust on non-coal underground miners -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Respiratory Disease Studies, NIOSH  
944 Chestnut Ridge Road  
Morgantown, West Virginia 26505

**Categories of individuals covered by the system:** Metal and non-metal underground miners (excluding coal miners).

**Categories of records in the system:** Medical histories, occupational histories, demographic data, results of medical tests.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a

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determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual files, X-rays, microfilm, computer tapes, computer cards, computer listings.

**Retrievability:** The purpose of this system is to conduct occupational respiratory research leading to the establishment of rules governing exposure to diesel exhaust. Name and case number are the indexes used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked computer room and computer tape vaults  
Locked file cabinets  
Computer tapes are password protected. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Records will be retained for a period not to exceed 30 years. Disposal methods include the erasing of computer tapes and the burning or shredding of paper materials.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857  
An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Information is obtained directly from the individual and from employer records.

**Systems exempted from certain provisions of the act:** None.

**APPENDIX I Potential Sources for Determination of Vital Status**

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments

Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections, Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0130

**System name:** Study of workers exposed to mineral fibers -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH  
5555 Ridge Avenue  
Cincinnati, Ohio 45213

**Categories of individuals covered by the system:** Employees exposed to mineral fibers at various industrial plants.

**Categories of records in the system:** Occupational histories, medical histories, demographic data, results of medical tests.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual files, microfilm, microfiche, computer tape.

**Retrievability:** The purpose of this system is to determine the cause and prevention of occupationally-related diseases. Name and assigned number are the indexes used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms

Personnel screening  
Locked computer room and computer tape vaults  
Locked file cabinets  
Computer tapes are password protected. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding paper materials.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857  
An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Information is obtained directly from the individual. Vital status information is obtained from Federal, State, and Local governments and other available sources. Other information is obtained from employer records.

**Systems exempted from certain provisions of the act:** None.

**APPENDIX I Potential Sources for Determination of Vital Status**

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections, Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0131

**System name:** Study of health hazards in animal confinement housing -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH  
555 Ridge Avenue  
Cincinnati, Ohio 45213  
Salt Lake City, Utah 84108

**Categories of individuals covered by the system:** Persons working in settings where many animals are confined.

**Categories of records in the system:** Occupational and medical histories, demographic data, results of medical tests.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual files, computer cards, computer tapes, computer listings.

**Retrievability:** The purpose of this system is to determine the cause and prevention of occupationally-related diseases. Name and case number are the indexes used to retrieve records from this system.

**Safeguards:**

Locked building; locked rooms  
Personnel screening  
Locked computer room and computer tape vaults  
Locked file cabinets. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding paper materials.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. - Room 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05

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Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information is obtained directly from the individual.

**Systems exempted from certain provisions of the act:** None.

#### APPENDIX I Potential Sources for Determination of Vital Status

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections, Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0132

**System name:** Early warning indicators of pesticides exposure -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Biomedical and Behavioral Sciences, NIOSH  
Robert A. Taft Laboratories  
4676 Columbia Parkway  
Cincinnati, Ohio 45226

**Categories of individuals covered by the system:** Pesticides formulators.

**Categories of records in the system:** Occupational and medical histories, demographic data, results of medical tests, eye/hand coordination test results, attitudinal data.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45

CFR Part 5b), item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual files, computer cards, computer tapes, computer listings.

**Retrievability:** The purpose of this system is to determine the cause and prevention of occupationally-related diseases. Name and case number are the indexes used to retrieve records from this system.

**Safeguards:**

Locked building; locked rooms  
Personnel screening  
Locked computer room and computer tape vaults  
Locked file cabinets For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding paper materials.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information is obtained directly from the individual and from employer records.

**Systems exempted from certain provisions of the act:** None.

#### APPENDIX I Potential Sources for Determination of Vital Status

Military Records

Appropriate State Motor Vehicle Registration Departments

Appropriate State Drivers License Departments

Appropriate State Government Divisions of:

Assistance Payments (Welfare), Social Services, Medical Services,

Food Stamp Program, Child Support, Board of Corrections, Aging,

Indian Affairs, Workman's Compensation, Disability Insurance

Retail Credit Association Follow up

Veteran's Administration Files

Appropriate employee union or association records

Appropriate company pension or employment records

Company group insurance records

Appropriate State Vital Statistics Offices

Life Insurance Companies

Railroad Retirement Board

Area Nursing Homes

Area Indian Trading Posts

Mailing List Correction Cards (U.S. Postal Service)

Letters and telephone conversations with relatives

Letters and telephone conversations with former employees of the same establishment as cohort member

Appropriate local newspaper (obituaries)

09-20-0133

**System name:** Alaska pipeline cold stress study -- HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Biomedical and Behavioral Science, NIOSH  
Robert A. Taft Laboratories  
4676 Columbia Parkway  
Cincinnati, Ohio 45226

**Categories of individuals covered by the system:** Persons exposed to cold weather working directly on the Alaska pipeline.

**Categories of records in the system:** Occupational and medical histories, demographic data, results of medical tests.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual (45 CFR Part 5b, Appendix B, Item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual files, computer cards, computer tapes, computer listings.

**Retrievability:** The purpose of this system is to determine the cause and prevention of occupationally-related diseases. Name and

case number are the indexes used to retrieve records from this system.

**Safeguards:**

Locked building; locked rooms  
Personnel screening  
Locked computer room and computer tape vaults  
Locked file cabinets For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding paper materials.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information is obtained directly from the individual and from employer records.

**Systems exempted from certain provisions of the act:** None.

#### APPENDIX I Potential Sources for Determination of Vital Status

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections, Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0134

**System name:** Byssinosis Study -- HEW/CDC/NIOSH.



Security classification: None.

**System location:**

Division of Respiratory Disease Studies, NIOSH  
944 Chestnut Ridge Road  
Morgantown, West Virginia 26505

**Categories of individuals covered by the system:** Employees at cotton textile mills and a sample of people from the general population.

**Categories of records in the system:** Medical histories, occupational histories, results of medical tests.

**Authority for maintenance of the system:** Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual (45 CFR Part 5B, Appendix B, Item 100). Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, state, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual files, computer tape, computer cards, computer listings.

**Retrievability:** The purpose of this system is to conduct research in occupational respiratory disease. Name and case numbers are the indexes used to retrieve records from this system.

**Safeguards:**

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked computer room and computer tape vaults  
Locked file cabinets For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

**Retention and disposal:** This information will be retained for approximately seventeen years. Disposal methods include erasing computer tape and burning or shredding paper materials.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857 An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the

representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** The information is obtained directly from the individual.

**Systems exempted from certain provisions of the act:** None.

**APPENDIX I Potential Sources for Determination of Vital Status**

Military Records  
Appropriate State Motor Vehicle Registration Departments  
Appropriate State Drivers License Departments  
Appropriate State Government Divisions of:  
Assistance Payments (Welfare), Social Services, Medical Services,  
Food Stamp Program, Child Support, Board of Corrections, Aging,  
Indian Affairs, Workman's Compensation, Disability Insurance  
Retail Credit Association Follow up  
Veteran's Administration Files  
Appropriate employee union or association records  
Appropriate company pension or employment records  
Company group insurance records  
Appropriate State Vital Statistics Offices  
Life Insurance Companies  
Railroad Retirement Board  
Area Nursing Homes  
Area Indian Trading Posts  
Mailing List Correction Cards (U.S. Postal Service)  
Letters and telephone conversations with relatives  
Letters and telephone conversations with former employees of the same establishment as cohort member  
Appropriate local newspaper (obituaries)

09-20-0136

**System name:** Epidemiologic Studies and Surveillance of Special Disease Problems - HEW/CDC/BE

**Security classification:** None.

**System location:**

Bureau of Epidemiology  
Center for Disease Control  
Bldg. 1 - Room 5009  
Atlanta, Georgia 30333

**Categories of individuals covered by the system:** Individuals with reported diseases and other preventable conditions of public health significance; also included are control group participants.

**Categories of records in the system:** Case reports, line listings, hand sort cards

**Authority for maintenance of the system:** Public Health Service Act, Sec. 301 (42 U.S.C. 241)

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Records may be disclosed to Health Departments and other public health or cooperating medical authorities. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual. Disclosure may be made to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Departmental Regulations (45 CFR, part 5b) Appendix B, Item 100.) In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** To show status of passports of CDC employees who travel to foreign countries on official business. Retrievable by name.

**Safeguards:** Accessible to Financial Management Office personnel. File is in custody of designated employee.

**Retention and disposal:** Number years held at CDC: 5. How destroyed: Shredded.

**System manager(s) and address:**

Director  
Financial Management Office  
PFy Building, Room 200, CDC  
Atlanta, GA 30333

**Notification procedure:** To determine if a file exists, write the Director, Financial Management Office, PFy Building, Room 200, Center for Disease Control, Atlanta, Georgia 30333, and provide the following information: (1) approximate date(s) and place of treatment or questionnaire administration, (2) name of study, if known; (3) an individual who requests notification of or access to a medical record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the representative's discretion (these notification and access procedures are requirements of the Department Regulations, 45 CFR, Part 4.6, Federal Register, October 8, 1975, page 47411). A parent or guardian who requests notification of or access to a minor's record shall at the time the request is made designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The designee will receive the record in all cases and upon review will determine whether the record should be made available to the parent or guardian.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Part 5b.5(a)(2) Federal Register, October 8, 1975, page 47410).

**Contesting record procedures:** Write the Privacy Act Coordinator, Management Analysis Office, Center for Disease Control, Atlanta, Georgia 30333. Reasonably identify the record and specify the information to be contested in accordance with Department Regulations, Federal Register, October 8, 1975, page 47411 (45 CFR, Part 5b.7).

**Record source categories:** CDC employees.

**Systems exempted from certain provisions of the act:** None.

09-20-0138

**System name:** Epidemic Intelligence Service Officers Files -- HEW/CDC/BE.

**Security classification:** None.

**System location:**

Bureau of Epidemiology  
OD, Bldg. 1, Rm. 5014 (1967 to present), CDC  
Atlanta, GA 30333  
and Regional Federal Records Center (1954-1966)

**Categories of individuals covered by the system:** EIS Officers - Current, alumni & rejected applicants.

**Categories of records in the system:** Applications, interview materials, letters of recommendations, call to duty papers.

**Authority for maintenance of the system:** Public Health Service Act Sections 203, 207 (42 U.S.C. 204 and 209).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively

States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer tapes or file folders, lockable cabinets.

**Retrievability:** By name of individual identification number.

**Safeguards:** Personnel screening during working hours; secured building with guard after working hours.

**Retention and disposal:** Record copy of study reports maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed by program official. Personal identifiers may be deleted from records when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate.

**System manager(s) and address:**

Director, Bureau of Epidemiology  
Center for Disease Control  
Bldg. 1 - Room 5009  
Atlanta, Georgia 30333

**Notification procedure:** To determine if a file exists, write the Director, Bureau of Epidemiology, Building 1, Room 5009, Center for Disease Control, Atlanta, Georgia 30333, and provide the following information: (1) approximate date(s) and place of treatment or questionnaire administration; (2) name of study if known; (3) an individual who requests notification of or access to a medical record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the representative's discretion (these notification and access procedures are requirements of the Department Regulations, 45 CFR, Part 5b.6, Federal Register, October 8, 1975, page 47411).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Individuals, private physicians, State and local health departments, and other health providers.

**Systems exempted from certain provisions of the act:** None.

09-20-0137

**System name:** Passport file -- HEW/CDC/FMO.

**Security classification:** None.

**System location:**

Financial Management Office  
PFy Building, Room 210, CDC

**Categories of individuals covered by the system:** CDC employees.

**Categories of records in the system:** Status of passports.

**Authority for maintenance of the system:** 5 U.S.C. 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

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represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File cabinets & records center

**Retrievability:** Used by Bureau personnel to write letters of recommendation for future employment; reference letters, and maintaining professional contact with these individuals. Retrievable by name.

**Safeguards:** Locked door.

**Retention and disposal:** Number years held at CDC: 10. Number years held at Federal Records Center before disposal: 10. How destroyed: shredding.

**System manager(s) and address:**

Director  
Bureau of Epidemiology  
Bldg. 1, Rm. 5009, CDC  
Atlanta, GA 30333

**Notification procedure:** To determine if a file exists, write the Director, Bureau of Epidemiology, Building 1, Room 5009, Center for Disease Control, Atlanta, Georgia 30333, and provide the following information: (1) approximate date(s) and place of treatment or questionnaire administration, (2) name of study, if known; (3) an individual who requests notification of or access to a medical record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the representative's discretion (these notification and access procedures are requirements of the Department Regulations, 45 CFR, Part 4.6, Federal Register, October 8, 1975, page 47411). A parent or guardian who requests notification of or access to a minor's record shall at the time the request is made designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The designee will receive the record in all cases and upon review will determine whether the record should be made available to the parent or guardian.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Part 5b.5(a)(2) Federal Register, October 8, 1975, page 47410).

**Contesting record procedures:** Write the Privacy Act Coordinator, Management Analysis Office, Center for Disease Control, Atlanta, Georgia 30333. Reasonably identify the record and specify the information to be contested in accordance with Department Regulations, Federal Register, October 8, 1975, page 47411 (45 CFR, Part 5b.7).

**Record source categories:** Educational institutions, previous employers.

**Systems exempted from certain provisions of the act:** None.

09-20-0139

**System name:** Respiratory Disease Studies Involving Persons of West Virginia Coal Mining Communities HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Respiratory Disease Studies, NIOSH  
944 Chestnut Ridge Road  
Morgantown, West Virginia 26505  
and  
Ian T. Higgins, M.D.  
School of Public Health  
Dept. Epidemiology  
University of Michigan  
109 Observatory Street  
Ann Arbor, MI 48104

**Categories of individuals covered by the system:** Miners, non-miners, wives of miners, and wives of non-miners living in Richwood, Mullens, and Marion Counties, West Virginia.

**Categories of records in the system:** Medical, occupational, and smoking histories; results of medical tests; demographic data.

**Authority for maintenance of the system:** Federal Coal Mine Health and Safety Act, Section 501 (30 U.S.C. 951).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made

to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. To the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual (Appendix B of HEW Regulation, 45 C.F.R., part 5b, item 100). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders, computer tape, computer discs, computer cards, computer printouts.

**Retrievability:** The purpose of this system is to perform medical and epidemiological research and statistical analysis on the respiratory disease of coal miners and other workers in coal mining communities in West Virginia. The data is retrieved by name or case number.

**Safeguards:** For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

24-hour guard service in building  
Locked building; locked rooms  
Personnel screening  
Locked computer room and computer tape vaults  
Locked file cabinets  
Computer tapes are password protected.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding printouts or paper forms.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. - Room 8-05  
Rockville, Maryland 20857

**Notification procedure:** To determine if a file exists, write the Director, National Institute for Occupational Safety and Health, 5600 Fishers Lane, Parklawn Bldg. Rm. 8-05, Rockville, Maryland 20857, and provide the following information: (1) approximate date(s) and place of treatment or questionnaire administration, (2) name of study, if known; (3) an individual who requests notification of or access to a medical record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the representative's discretion (these notification and access procedures are in accordance with Department Regulations, 45 C.F.R., Part 5b.6, Federal Register, October 8, 1975, page 47411).

**Record access procedures:** Same as notification procedure. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Write the Director, National Institute for Occupational Safety and Health, 5600 Fishers Lane, Parklawn Bldg., Rm. 8-05, Rockville, Maryland 20857. Reasonably identify the record and specify the information to be contested in accordance with Department Regulations, Federal Register, October 8, 1975, page 47411 (45 C.F.R., Part 5b.7).

**Record source categories:** Information is obtained directly from individuals.

**Systems exempted from certain provisions of the act:** None.

09-20-0140

**System name:** Medical Records of Vinyl Chloride and Carcinogen Workers-HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Surveillance  
Hazard Evaluations, and Field Studies  
National Institute for Occupational Safety and Health  
U.S. Post Office and Courthouse  
5th and Walnut, Cincinnati, Ohio 45202

**Categories of individuals covered by the system:** Workers who are exposed to vinyl chloride and other carcinogens.

**Categories of records in the system:** Occupational histories, medical histories, demographic data, results of medical tests.

**Authority for maintenance of the system:** Occupational Safety and Health Act, Section 20 (29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Records may be released to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual (45 CFR Part 5B, Appendix B, Item 100). Portions of a record pertaining to an individual may also be disclosed to a Congressional office in response to an inquiry from that office made at the request of that individual. Portions of records (name, social security number, date of birth, and last known address) may be disclosed to Federal, state, and local agencies, and to other sources, solely for determining whether or not an individual has died. This is done in order to obtain death certificates to determine cause of death for the purpose of occupational health research (i.e. to determine if there is occupationally related excess mortality). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Locked file cabinets, microfilm, computer tapes, computer disks, computer printouts, file folders.

**Retrievability:** The purpose of this system is to determine the cause and prevention of disease of industrial origin. Name is the identifier which is used to retrieve records from this system.

**Safeguards:** Locked building, locked rooms, locked file cabinets. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** This information will be kept indefinitely, because it takes cancers a long time to develop, and because there may be other cancerous substances discovered in the future. Any data which is disposed of will be shredded (paper records), or computer tapes will be erased.

**System manager(s) and address:** Director, National Institute for Occupational Safety and Health, 5600 Fishers Lane, Parklawn Bldg., Rm. 8-05, Rockville, MD 20857

**Notification procedure:** To determine if a file exists, write the:

Director,  
National Institute for Occupational  
Safety and Health,  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05,  
Rockville, Maryland 20857 and provide the following  
information: (1) approximate date(s) and place of treatment  
or questionnaire administration (2) name of study if known;  
(3) an individual who requests notification of or access to a  
medical record shall, at the time the request is made,  
designate a responsible representative in writing who will be  
willing to review the record and inform the subject individual

of its contents at the representative's discretion. (These notification and access procedures are requirements of the Department regulations, 45 CFR, Part 5b.6, Federal Register, October 8, 1975, page 47411).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

**Contesting record procedures:** Write the:

Director,  
National Institute for Occupational  
Safety and Health,  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05,  
Rockville, Maryland 20857 Reasonably identify the record and  
specify the information to be contested in accordance with  
Department regulations, Federal Register, October 8, 1975,  
page 47411 (45 CFR Part 5b7).

**Record source categories:** Information is obtained directly from the individual and from employee records.

**Systems exempted from certain provisions of the act:** None.

09-20-0141

**System name:** Coal Handlers' Study-HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Respiratory Disease Studies  
National Institute for Occupational Safety and Health  
944 Chestnut Ridge Road  
Morgantown, WV 26505

**Categories of individuals covered by the system:** Volunteers for the study who are employed as coal handlers.

**Categories of records in the system:** Occupational histories, medical histories, results of medical tests and chest X-rays, and spirometry test results.

**Authority for maintenance of the system:** Coal Mine Health and Safety Act, Sec. 501 (30 U.S.C. 951).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** 1. Records may be released to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual (45 CFR Part 5B, Appendix B, Item 100).

2. Records may be disclosed to a Congressional office in response to an inquiry from that office made at the request of that individual.

3. Certain infectious diseases will be reported to state and local governments, if required by state and local law. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders, computer tapes, computer disks, microfilm, computer printouts.

**Retrievability:** Name or case number are the identifiers used to retrieve a record from this system. The purpose of this system of records is to evaluate the medical effects of environmental exposure to coal dust in a non-mining group of coal handlers.

**Safeguards:** 24-hour guard service in building. Locked building; locked rooms. Personnel screening. Locked computer room and computer tape vaults. Locked file cabinets. Computer tapes are password protected. For computerized records, safeguards are established in accordance with Departmental standards and National Bureau of Standards guidelines, e.g., security codes will be used limiting access to authorized personnel.

**Retention and disposal:** Seventy-two years. Records are shredded, erased, or burned.



**System manager(s) and address:** Director, National Institute for Occupational Safety and Health, 5600 Fishers Lane, Parklawn Bldg. Room 8-05, Rockville, Maryland 20857

**Notification procedure:** To determine if a file exists, write the Director, National Institute for Occupational Safety and Health, 5600 Fishers Lane, Parklawn Bldg. Rm. 8-05, Rockville, Maryland 20857

and provide the following information: (1) approximate date(s) and place of treatment or questionnaire administration; (2) name of study if known; (3) an individual who requests notification of or access to a medical record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the representative's discretion (these notification and access procedures are requirements of the Department regulations, 45 CFR, Part 5b.6, Federal Register, October 8, 1975, page 47411).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

**Contesting record procedures:** Write the:

Director,  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Bldg. Rm. 8-05  
Rockville, Maryland 20857

Reasonably identify the record and specify the information to be contested in accordance with Department regulations, Federal Register, October 8, 1975, page 47411 (45 CFR Part 5b.7).

**Record source categories:** Information is obtained directly from the individual.

**Systems exempted from certain provisions of the act:** None.

09-20-0142

**System name:** Medical Health Surveillance of Grain Handlers--HEW/CDC/NIOSH.

**Security classification:** None.

**System location:** A system of records will be maintained by the principal investigator(s) or the respondent institution(s) awarded contract. Duplicate copies of records will also be maintained at the Division of Respiratory Disease Studies NIOSH, 944 Chestnut Ridge Road, Morgantown, WV 26505.

**Categories of individuals covered by the system:** Multiple samples of workers in the grain industry and selected control subjects chosen from the general population.

**Categories of records in the system:** Occupational and medical histories, demographic data, results of medical tests.

**Authority for maintenance of the system:** Occupational Safety and Health Act, Section 20 (29 USC 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Records may be released to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual (45 CFR Part 5B, Appendix B, Item 100). Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Disclosure may be made to officials and employees of local and state governments and agencies in the performance of their official duties pursuant to the laws and regulations governing control of communicable diseases and other public health programs. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Report form, computer tape or disks, computer cards, computer printouts, medical research questionnaire and permission forms, and file folders.

**Retrievability:** The main purpose is to conduct a medical health surveillance on workers in the industrial environment(s) of grain handlers. This system will primarily be maintained by the contractor(s) with indirect supervision by the National Institute for Occupational Safety and Health (NIOSH). Name and identifier code numbers are the indexes used to retrieve records from this system. As an addendum to the final report(s) of the study said contractor(s) shall provide the Division of Respiratory Disease Studies (DRDS) with a copy of all data obtained on each participant with sufficient identification (personal identifiers) to permit DRDS to contact the participant if such contact is in the further research interests of DRDS.

**Safeguards:** The records are maintained in locked cabinets with access limited to authorized personnel (system manager, principal investigator and his staff assigned to the project, project officer, contracting officer). For computerized records, safeguards are established in accordance with Departmental standards and National Bureau of Standards guidelines, e.g., security codes will be used limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Records are shredded, burned, or erased.

**System manager(s) and address:**

Director, National Institute for Occupational Safety and Health  
5600 Fishers Lane  
Parklawn Building, Room 8-05  
Rockville, Maryland 20857

**Notification procedure:** To determine if a file exists, write the Director, National Institute for Occupational Safety and Health, 5600 Fishers Lane, Parklawn Bldg. Rm. 8-05, Rockville, Maryland 20857, and provide the following information: (1) Approximate date(s) and place of treatment or questionnaire administration (2) Name of study if known; (3) An individual who requests notification of or access to a medical record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the representative's discretion (these notification and access procedures are requirements of the Department regulations, 45 CFR, Part 5b.6, Federal Register, October 8, 1975, page 47411).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

**Contesting record procedures:** Write the Director, National Institute for Occupational Safety and Health, 5600 Fishers Lane, Parklawn Bldg., Rm. 8-05, Rockville, Maryland 20857. Reasonably identify the record and specify the information to be contested in accordance with Department regulations, Federal Register, October 8, 1975, page 47411 (45 CFR Part 5b.7).

**Record source categories:** Information is obtained directly from the individual participants in the study and employee records.

**Systems exempted from certain provisions of the act:** None.

09-20-0143

**System name:** Occupational Hearing Loss in Coal Mining Regions - HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Biomedical and Behavioral Science  
National Institute for Occupational Safety and Health  
1014 Broadway  
Cincinnati, Ohio 45202

**Categories of individuals covered by the system:** Coal Miners and volunteer subjects used as a control group.

**Categories of records in the system:** Occupational histories, medical histories, results of hearing tests, related anamnestic information, demographic data.

**Authority for maintenance of the system:** Federal Coal Mine Safety and Health Act (30 U.S.C. 669 Section 20 (1970)) and Occupational Safety and Health Act, Sec. 20 (29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Records may be released to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual (45 CFR Part 5B, Appendix B, Item 100). Portions of a record pertaining to an individual may also be disclosed to a Congressional office in response to an inquiry from that office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual file folders, computer cards, computer tape.

**Retrievability:** The purpose of this system is to assist in the development of health and safety standards for the workplace. Name is the identifier used to retrieve records from this system.

**Safeguards:** Locked building, locked rooms, personnel screening, locked computer room, locked file cabinets. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. For those records which are destroyed, disposal methods include burning or shredding of paper materials and the erasing of computer tape.

**System manager(s) and address:**

Director, National Institute for Occupational Safety and Health,  
5600 Fishers Lane, Room 8-05 Parklawn Building  
Rockville, Md. 20857

**Notification procedure:** To determine if a file exists, write the Director, National Institute for Occupational Safety and Health, 5600 Fishers Lane, Parklawn Bldg. Rm. 8-05, Rockville, Maryland 20857, and provide the following information: (1) approximate date(s) and place of treatment or questionnaire administration; (2) name of study if known; (3) an individual who requests notification of or access to a medical record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the representative's discretion (these notification and access procedures are requirements of the Department regulations, 45 CFR, Part 5b.6, Federal Register, October 8, 1975, page 47411).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

**Contesting record procedures:** Write the Director, National Institute for Occupational Safety and Health, 5600 Fishers Lane, Parklawn Bldg., Rm. 8-05, Rockville, Maryland 20857. Reasonably identify the record and specify the information to be contested in accordance with Department regulations, Federal Register, October 8, 1975, page 47411 (45 CFR Part 5b.7).

**Record source categories:** Information is obtained directly from the individual, although in some cases supplementary data may be collected or verified by work supervisors or employee records.

**Systems exempted from certain provisions of the act:** None.

09-20-0144

**System name:** Mortality of Pesticide Formulators--HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Surveillance, Hazard Evaluations, and Field Studies  
National Institute for Occupational Safety and Health  
U.S. Post Office and Courthouse  
5th and Walnut  
Cincinnati, Ohio 45202

**Categories of individuals covered by the system:** 20,000 individuals who have been employed as pesticide formulators for a minimum of 12 months from 1940 to the present.

**Categories of records in the system:** Occupational and medical histories, demographic data.

**Authority for maintenance of the system:** Occupational Safety and Health Act, Section 20 (U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** 1. Records may be released to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual (45 CFR Part 5B, Appendix B, Item 100).

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

3. Portions of records (usually name, date of birth, last known address, and social security number) may be disclosed to Federal, state, and local authorities, and to other sources capable of locating individuals, solely for the purpose of following individuals in the study and obtaining death certificates of those who have died. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual files, computer cards, computer tapes, computer listings.

**Retrievability:** The purpose of this system is to determine the cause, and therefore, lead toward future prevention of occupationally related diseases. Name and case number are the identifiers used to retrieve records from this system.

**Safeguards:** The records are maintained in locked cabinets with access limited to authorized personnel (system manager, principal investigator and his staff assigned to the project, project officer, contracting officer). For computerized records, safeguards are established in accordance with Departmental standards and National Bureau of Standards guidelines, e.g., security codes will be used limiting access to authorized personnel.

**Retention and disposal:** Records are scheduled for destruction ten years following completion of the study. Disposal methods include erasing computer tapes and burning or shredding paper materials.

**System manager(s) and address:**

Director, National Institute for Occupational Safety and Health  
5600 Fishers Lane, Room 8-05  
Parklawn Building  
Rockville, Maryland 20857

**Notification procedure:** To determine if a file exists, write the Director, National Institute for Occupational Safety and Health, 5600 Fishers Lane, Parklawn Bldg. Rm. 8-05, Rockville, Maryland 20857, and provide the following information: (1) approximate date(s) and place of treatment or questionnaire administration; (2) name of study if known; (3) an individual who requests notification of or access to a medical record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the representative's discretion (these notification and access procedures are requirements of the Department regulations, 45 CFR, Part 5b.6, Federal Register, October 8, 1975, page 47411).

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**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

**Contesting record procedures:** Write the Director, National Institute for Occupational Safety and Health, 5600 Fishers Lane, Parklawn Bldg., Rm. 8-05, Rockville, Maryland 20857. Reasonably identify the record and specify the information to be contested in accordance with Department regulations, Federal Register, October 3, 1975, page 47411 (45 CFR Part 5b.7).

**Record source categories:** Information is obtained from pesticide formulating companies as well as individual employees and their relatives.

**Systems exempted from certain provisions of the act:** None.

#### 09-20-0145

**System name:** Pulmonary Function Standards Study--HEW/CDC/NIOSH.

**Security classification:** None.

**System location:**

Division of Respiratory Disease Studies  
944 Chestnut Ridge Road  
Morgantown, West Virginia 26505

**Categories of individuals covered by the system:** 2000 Non-exposed to any harmful or potentially harmful dust, gases or fumes, Blue Collar Workers in North Carolina.

**Categories of records in the system:** Descriptive data, medical, smoking, and work histories, x-ray and pulmonary function data.

**Authority for maintenance of the system:** Occupational Safety and Health Act, Section 20 (29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Records may be released to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual (45 CFR Part 5B, Appendix B, Item 100). Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual files, computer tapes, computer listings.

**Retrievability:** The purpose of this system is to provide a comparison for other studies. Name, case number, and social security number (if provided voluntarily) are the indexes used to retrieve records from this system.

**Safeguards:**

Locked building; locked rooms.  
Security guard.  
Locked computer room and computer tape cabinets.

**Retention and disposal:** Records are kept for five years and either the personal identifiers are removed or the tapes are erased and manual files shredded or burned.

**System manager(s) and address:**

Director, National Institute for Occupational Safety and Health,  
5600 Fishers Lane, Parklawn Bldg., Rm. 8-05  
Rockville, Maryland 20857

**Notification procedure:** To determine if a file exists, write the Director, National Institute for Occupational Safety and Health, 5600 Fishers Lane, Parklawn Bldg. Rm. 8-05, Rockville, Maryland 20857, and provide the following information: (1) approximate date(s) and place of examination; (2) an individual who requests notification of or access to a medical record shall, at the time the

request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its content at the representative's discretion (45 CFR, Part 5b.6, Federal Register, October 8, 1975, page 47411).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

**Contesting record procedures:** Write the Director, National Institute for Occupational Safety and Health, 5600 Fishers Lane, Parklawn Bldg., Rm. 8-05, Rockville, Maryland 20857. Reasonably identify the record and specify the information to be contested in accordance with Department Regulations, Federal Register, October 8, 1975, page 47411 (45 CFR, Part 5b.7).

**Record source categories:** Information is obtained directly from the individual participants in the study.

**Systems exempted from certain provisions of the act:** None.

#### 09-20-0146

**System name:** Health Effects of Sulfur Oxides and Sulfuric Acid, Nitrogen Oxides, and Nitric Acid -- HEW/CDC/NIOSH

**Security classification:** None.

**System location:**

Epidemiological Investigations Branch, Division of Respiratory Disease Studies  
National Institute for Occupational Safety and Health  
944 Chestnut Ridge Road  
Morgantown, West Virginia 26505

**Categories of individuals covered by the system:** Approximately 1000 - 1500 workers exposed to sulfur oxides, sulfuric acid, nitrogen oxides, and nitric acid, at sulfuric acid plants (e.g., in Missouri), battery plants (in Pennsylvania), and certain food processing plants which utilize sulfur dioxide (e.g., in the Washington, Oregon area).

**Categories of records in the system:** Occupational histories, demographic data, chest x-rays, results of medical tests.

**Authority for maintenance of the system:** Occupational Safety and Health Act, Section 20 (29 U.S.C. 669).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Records may be released to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual (45 CFR Part 5B, Appendix B, Item 100). Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer tape, manual files, analog tape.

**Retrievability:** The purpose of this system is to determine the cause and prevention of occupationally-related diseases. Name and assigned number are indexes used to retrieve records from this system.

**Safeguards:** The records are maintained in locked cabinets with access limited to authorized personnel (system manager, principal investigator and his staff assigned to the project, project officer, contracting officer). For computerized records, safeguards are established in accordance with Departmental standards and National Bureau of Standards guidelines, e.g., security codes will be used limiting access to authorized personnel.

**Retention and disposal:** Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as

determined by the system manager, and as provided in the signed consent forms as appropriate. Records will be shredded, burned, or erased.

**System manager(s) and address:**

Director  
National Institute for Occupational Safety and Health  
5600 Fishers Lane, Parklawn Building - Room 8-05  
Rockville, Maryland 20857

**Notification procedure:** To determine if a file exists, write the Director, National Institute for Occupational Safety and Health, 5600 Fishers Lane, Parklawn Bldg. Rm. 8-05, Rockville, Maryland 20857, and provide the following information: (1) approximate date(s) and place of treatment or questionnaire administration; (2) name of study if known; (3) an individual who requests notification of or access to a medical record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the representative's discretion (these notification and access procedures are requirements of the Department regulations, 45 CFR, Part 5b.6, Federal Register, October 8, 1975, page 47411).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

**Contesting record procedures:** Write the Director, National Institute for Occupational Safety and Health, 5600 Fishers Lane, Parklawn Bldg., Rm. 8-05, Rockville, Maryland 20857.

Reasonably identify the record and specify the information to be contested in accordance with Department regulations, Federal Register, October 8, 1975, page 47411 (45 CFR Part 5b.7).

**Record source categories:** Information is obtained directly from workers at sulfuric acid plants in Missouri, battery plants in Pennsylvania and certain food processing plants which utilize sulfur dioxide in the Washington - Oregon area.

**Systems exempted from certain provisions of the act:** None. /

#### 09-10-0001

**System name:** Quality Assurance Program--HEW/FDA/HFO

**Security classification:** None.

**System location:** Each FDA Field/District Office (see Appendix A).

**Categories of individuals covered by the system:** FDA employees who conduct inspections.

**Categories of records in the system:** Contains name, supervisor's evaluation of inspection reports, and notes of conversations or observations.

**Authority for maintenance of the system:** Section 704 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374) authorizes inspections; 1968 directive of Executive Director of Regional Operations, FDA, requires program to assure uniform, high quality inspections.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Not released outside the Agency, except disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Maintained in letter-size manila folders in supervisor's files.

**Retrievability:** Indexed by name, used to inform employee of results of the review of Establishment Inspection Reports.

**Safeguards:** Maintained in locked containers in secured area. Building secured when not occupied.

**Retention and disposal:** Records are retained as long as individual is an employee. Held 1 year then destroyed.

**System manager(s) and address:** Individual Supervisor (investigational) at Field/District Offices (see Appendix A).

**Notification procedure:** FDA Privacy Coordinator (HFC-18), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

**Record access procedures:** Same as notification procedure. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with FDA Regulations (21 CFR 21.40), published in the Federal Register March 22, 1977, Page 15629.).

**Contesting record procedures:** Write to the official at the address specified under 'Notification Procedure' above and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with FDA Regulations (21 CFR 21.50) published in the Federal Register of March 22, 1977, Page 15631.).

**Record source categories:** Supervisor, based on review of Establishment Inspection Reports completed by individual inspector.

**Systems exempted from certain provisions of the act:** None.

**Appendix A--Addresses and working hours of the Food and Drug Administration Field Offices.**

The following is a list of the Food and Drug Administration Field Offices, their addresses and working hours where individuals may have access to records in Food and Drug Administration Privacy Act Record Systems:

Boston District Office, Region I, 585 Commercial St., Boston, Massachusetts 02109, Office hours: 8 a.m. to 4:30 p.m.

New York District Office, Region II, 850 3rd Ave., Brooklyn, New York 11232, Office hours: 8 a.m. to 4:30 p.m.

Buffalo District Office, Region II, 599 Delaware Ave., Buffalo, New York 14202, Office hours: 8 a.m. to 4:30 p.m.

Newark District Office, Region II, 20 Evergreen Place, East Orange, New Jersey 07018, Office hours: 8 a.m. to 4:30 p.m.

San Juan District Office, Region II, P. O. Box S-4427, San Juan Station, San Juan, Puerto Rico 00905, Office hours: 8:30 a.m. to 4:30 p.m.

Philadelphia District Office, Region III, 2nd and Chestnut St., Rm. 900, Philadelphia, Pennsylvania 19106, Office hours: 8 a.m. to 4:30 p.m.

Baltimore District Office, Region III, 900 Madison Ave., Baltimore, Maryland 21201, Office hours: 8 a.m. to 4:30 p.m.

Atlanta District Office, Region IV, 880 Peachtree St., NW., Atlanta, Georgia 30309, Office hours: 8 a.m. to 4:30 p.m.

Nashville District Office, Region IV, 297 Plus Park Blvd., Nashville, Tennessee 37127, Office hours: 8 a.m. to 4:30 p.m.

Orlando District Office, Region IV, P. O. Box 118, Orlando, Florida 32802, Office hours: 8 a.m. to 4:30 p.m.

Chicago District Office, Region V, 433 W. Van Buren St., Rm. 1222, Chicago, Illinois 60607, Office hours: 8 a.m. to 4:30 p.m.

Cincinnati District Office, Region V, 1141 Central Pkwy., Cincinnati, Ohio 45202, Office hours: 8 a.m. to 4:30 p.m.

Detroit District Office, Region V, 1560 E. Jefferson Ave., Detroit, Michigan 48207, Office hours: 8 a.m. to 4:30 p.m.

Minneapolis District Office, Region V, 240 Hennepin Ave., Minneapolis, Minnesota 55401, Office hours: 8 a.m. to 4:30 p.m.



Dallas District Office, Region VI, 3032 Bryan St., Dallas, Texas 75204; Office hours: 8 a.m. to 4:30 p.m.

New Orleans District Office, Region VI, 423 Canal St., Rm. 222, New Orleans, Louisiana 70130, Office hours: 8 a.m. to 4:30 p.m.

Kansas City Field Office, Region VII, 1009 Cherry St., Kansas City, Missouri 64106, Office hours: 8 a.m. to 4:30 p.m.

Denver Field Office, Region VIII, 721 19th St., U.S. Customhouse, Denver, Colorado 80202, Office hours: 8 a.m. to 4:30 p.m.

San Francisco District Office, Region IX, 50 Fulton St., Rm. 518, San Francisco, California 94102, Office hours: 8 a.m. to 4:30 p.m.

Los Angeles District Office, Region IX, 1521 W. Pico Blvd., Los Angeles, California 90015, Office hours: 8 a.m. to 4:30 p.m.

Seattle Field Office, Region X, 909 1st Ave., Rm. 5003, Seattle, Washington 98104, Office hours: 8 a.m. to 4:30 p.m.

Winchester Engineering and Analytical Center, 109 Holton Street, Winchester, Mass. 01890, Office hours: 8 a.m. to 4:30 p.m.

#### 09-10-0002

**System name:** Regulated Industry Employee Enforcement Records--HEW/FDA/HFA.

**Security classification:** None.

**System location:** Administrative Services Branch, Associate Commissioner for Administration, 5600 Fishers Lane, Rockville, MD 20857 Field/District Offices (see Appendix on Quality Assurance Program - FDA 0001.00 system).

**Categories of individuals covered by the system:** Employees of enterprises regulated by FDA and other individuals subject to FDA enforcement actions.

**Categories of records in the system:** Includes correspondence, memoranda, inspection reports, and other documents that are investigatory material compiled for law enforcement purposes, including criminal law enforcement purposes.

**Authority for maintenance of the system:** Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.), the Public Health Service Act (42 U.S.C. 201 et seq.), and authority delegated to the Commissioner, 21 Part 5.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Records that indicate violation or potential violation of law may be (1) referred for investigation and possible enforcement action under the Federal, State, or foreign laws to the Department of Justice, an appropriate State food and drug enforcement health agency or licensing authority, or the government of a foreign country or (2) disclosed in administrative or court proceedings. Records in the system may be the subject of discretionary disclosures under the Freedom of Information Act (5 U.S.C. 552). Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual files are maintained in letter-size folders. Part of FDA's general records on regulated establishments.

**Retrievability:** Indexed by company or subject, sometimes with individual name in card cross-index. Automated index to system

now being implemented. Records are used by FDA employees in investigations of possible violations of the law. FDA regulatory records lacking individual name indexes, such as its case file, and administrative files (AF), are not part of this system.

**Safeguards:** All files are stored in locked cabinets in a secured area. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Records are retained indefinitely.

**System manager(s) and address:** Chief, Administrative Services Branch, Associate Commissioner for Administration, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

**Notification procedure:** FDA Privacy Coordinator (HFC-18), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

**Record access procedures:** Same as notification procedure (some material is exempt from access and contest). Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with FDA Regulations (21 CFR 21.40), published in the Federal Register March 22, 1977, page 15629).

**Contesting record procedures:** Write to the official at the address specified under 'Notification Procedure' above and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with FDA Regulations (21 CFR 21.50) published in the Federal Register of March 22, 1977, Page 15631.).

**Record source categories:** Individual on whom the record is maintained, from third parties such as consumers, scientists, representatives of other companies, State agencies, or developed by FDA during investigations for law enforcement purposes.

**Systems exempted from certain provisions of the act:** This system is exempt from access and contest and certain other provisions of the Privacy Act (5 U.S.C. 552a(c)(3), (d)(1) to (4), (e)(3), (e)(4)(G) to (H) and (f) to the extent that it includes investigatory material compiled for law enforcement purposes, including criminal law enforcement purposes.

#### 09-10-0003

**System name:** FDA Credential Holder File--HEW/FDA/HFO.

**Security classification:** None.

**System location:** FDA Employees: Services Management Section, Associate Commissioner for Administration, Rm. 4C-03, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857; office Services Section, Associate Commissioner for Administration, Rm. B-002, FB-8, 200 C St., SW., Washington, D. C. 20204; and Administrative Branches at Field/District Offices (see Appendix A). State Employees: Division of Federal-State Relations (HFO-300), Rm. 12-57, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857 and Administrative Branches at Field/District Offices (see Appendix A on Quality Assurance Program-FDA 0001.00 system).

**Categories of individuals covered by the system:** FDA employees and State and local government employees who have been issued FDA credentials for enforcement activities.

**Categories of records in the system:** Contains name, job title, social security number, sex, height, weight, date of birth, color of eyes and hair, duty status, and for State and local government employees, professional qualifications.

**Authority for maintenance of the system:** Sections 702 to 704, the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 372 to 374).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Providing assurance to regulated enterprises that an individual is a duly designated enforcement officer and, in the case of State employees, an officer commissioned as an officer of the Department. Used to gain entry to regulated establishments. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department

of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Maintained in letter-size manila folders or card files.

**Retrievability:** Indexed by name, used to issue or reissue credentials.

**Safeguards:** Masterfile is in locked containers in secured area.

**Retention and disposal:** Records are retained as long as individual is a duly designated or commissioned official; inactive files destroyed after 6 months.

**System manager(s) and address:** FDA Employees: Chief, Services Management Section, Associate Commissioner for Administration, Rm. 4C-03, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857; Chief, Office Services Section, Associate Commissioner for Administration, Rm. B-002, FB-8, 200 C St., SW., Washington, DC 20204; and A on Quality Assurance Program-FDA 0001.00 system). State Officers of Field/District Offices (see Appendix A on Quality Assurance Program FDA 001.01 System. State Employees: Director, Division of Federal-State Relations (HFO-300), Rm. 12-57, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857 and Administrative Officers at Field/District Offices (see Appendix A on Quality Assurance System. FDA 0001.00).

**Notification procedure:** FDA Privacy Coordinator (HFC-18), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. State officials should provide State of employment.

**Record access procedures:** Same as notification procedure. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with FDA Regulations (21 CFR 21.40), published in the Federal Register March 22, 1977, Page 15629.).

**Contesting record procedures:** Write to the official at the address specified under 'Notification Procedure' above and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with FDA Regulations (21 CFR 21.50) published in the Federal Register of March 22, 1977, Page 15631.).

**Record source categories:** Individual on whom the record is maintained.

**Systems exempted from certain provisions of the act:** None.

#### 09-10-0004

**System name:** Communications (oral and written) with the public. HEW/FDA/HFA.

**Security classification:** None.

**System location:** Administrative Services Branch, Associate Commissioner for Administration; Office of Legislative Services; 5600 Fishers Lane, Rockville, MD 20857; FDA Field/District Offices (see Appendix A on Quality Assurance Program-FDA 0001.00 system).

**Categories of individuals covered by the system:** Individuals, other than employees of enterprises regulated by FDA, who communicate with FDA or, in some cases, are the subject of communications by others with FDA; for example, correspondence by members of Congress writing to FDA on their behalf.

**Categories of records in the system:** Generally initiated by individuals outside the agency. Includes correspondence from and to individuals, summaries of conversations prepared by FDA employees, and records prepared by FDA as a follow-up to consumer complaints, oral and written.

**Authority for maintenance of the system:** Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.); the Public Health Service Act (42 U.S.C. 201 et seq.), and authority delegated to the Commissioner (21 CFR 5.1).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** All correspondence to and from members of the public, members of Congress, organization or company officials, or other persons except members of the Executive Branch and special government employees is available for public disclosure except to the extent that the correspondence concerns confidential information (21 CFR 4.102); individual names are generally deleted prior to disclosure. Records that indicate violation or potential violation of law may be (1) disclosed in administrative or court proceedings; (2) In the event that a system of records maintained by this agency to carry out its functions in-

dicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (45 CFR Part 5b, Appendix B(1)); (3) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether state or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (45 CFR Part 5b, Appendix B(5)). Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual files are maintained in letter-size folders.

**Retrievability:** Used by FDA employees in carrying out their responsibilities, e.g., responding to follow-up correspondence on complaints, requests for information, etc. Administrative Services Branch files include copies of correspondence received from public and FDA reply. Records are arranged by company or by subject. A card index gives correspondent's name, date of letter, subject and location. An automated index is being implemented. The Office of Legislative Services maintains duplicates of letters FDA sends to members of Congress and summaries of oral inquiries in files organized by members' names. The Office of Legislative Services maintains a manual control system and the Executive Secretariat, Office of the Commissioner, maintains an automated control system of pending correspondence needing reply. Field offices file consumer complaints by complainants' names. Other FDA units have correspondence files but these are not retrieved by individual name or personal identifiers.

**Safeguards:** All files are stored in locked cabinets in secured areas.

**Retention and disposal:** Records are retained indefinitely.

**System manager(s) and address:** Chief, Administrative Services Branch, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857; Director, Office of Legislative Services, 5600 Fishers Lane, Rockville, MD 20857; Regional or Deputy Regional Food and Drug Directors in FDA Field/District Offices (see Appendix A on Quality Assurance Program-FDA 0001.00 system).

**Notification procedure:** FDA Privacy Coordinator (HFC-18), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

**Record access procedures:** Same as notification procedure. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with FDA Regulations (21 CFR 21.40), published in the Federal Register March 22, 1977, Page 15629.).

**Contesting record procedures:** Write to the official at the address specified under 'Notification Procedure' above and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with FDA Regulations (21 CFR 21.50) published in the Federal Register of March 22, 1977, Page 15631.).

**Record source categories:** Individual on whom the record is maintained or others (generally members of Congress) who write to FDA about them.

**Systems exempted from certain provisions of the act:** None.



09-10-0005

**System name:** State Food and Drug Official File--HEW/FDA/HFO.

**Security classification:** None.

**System location:** Division of Federal-State Relations, Rm. 12-57, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857.

**Categories of individuals covered by the system:** State Officials who have responsibilities related to those of the Food and Drug Administration.

**Categories of records in the system:** Contains name, date of birth, education and professional experience.

**Authority for maintenance of the system:** Section 702(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 372(a)).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Maintained in letter-size manila folders.

**Retrievability:** Indexed by name and State.

**Safeguards:** Maintained in locked files with correspondence by States.

**Retention and disposal:** Records are retained as long as individual is a State employee or until updated by the individual.

**System manager(s) and address:** Director, Division of Federal-State Relations, Rm. 12-57, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857.

**Notification procedure:** FDA Privacy Coordinator (HFC-18), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Provide name and State of employment.

**Record access procedures:** Same as notification procedure. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with FDA Regulations (21 CFR 21.40), published in the Federal Register, March 22, 1977, page 15629.)

**Contesting record procedures:** Write to the official at the address specified under 'Notification Procedure' above and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with FDA Regulations (21 CFR 21.50), published in the Federal Register, March 22, 1977, Page 15631.)

**Record source categories:** Individual on whom the record is maintained.

09-10-0006

**System name:** Radiation Registry of Physicians--HEW/FDA/HFX.

**Security classification:** None.

**System location:** Division of Biological Effects, Bureau of Radiological Health, Rm. 38, Twinbrook Research Laboratory, 12709 Twinbrook Pkwy., Rockville, MD 20852.

**Categories of individuals covered by the system:** Radiologists and Pathologists who were members of American College of Radiology or College of American Pathologists between 1961 and 1972.

**Categories of records in the system:** Contains ID number, name, demographic characteristics, radiation exposure history, medical history of conditions affected by radiation, and date and cause of death, if deceased.

**Authority for maintenance of the system:** Section 356 of the Public Health Service Act (42 U.S.C. 263d) as amended by Pub. L. 90-602, the Radiation Control for Health and Safety Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used for (1) records

matched with outside agencies/educational institutions to obtain additional epidemiological, medical, and mortality information, or (2) information exchanged with qualified research scientists. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Maintained in letter-size manila folders, magnetic tape, and punch cards.

**Retrievability:** Indexed by ID number. An individual identifier index is maintained separate from the data. Used for statistical analysis of compiled data for epidemiologic studies of long term effects of chronic exposure to low levels of ionizing radiation.

**Safeguards:** Basic data identified by number only are stored in unlocked cabinets in a secured file area. The individual identifier index is stored in a locked cabinet.

**Retention and disposal:** Records are retained as long as there is a foreseeable need for additional research and data analysis.

**System manager(s) and address:** Chief, Biometric Section, Division of Biological Effects, Bureau of Radiological Health, Rm. 38, Twinbrook Research Laboratory, 12709 Twinbrook Pkwy., Rockville, MD 20852. Mailing address: 5600 Fishers Lane, Rockville, MD 20857.

**Notification procedure:** FDA Privacy Coordinator (HFC-18), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

**Record access procedures:** Same as notification procedure. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with FDA Regulations (21 CFR 21.40), published in the Federal Register, March 22, 1977, Page 15629.)

**Contesting record procedures:** Write to the official at the address specified under 'Notification Procedure' above and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with FDA Regulations (21 CFR 21.50), published in the Federal Register, March 22, 1977, Page 15631.)

**Record source categories:** Individual on whom the record is maintained and death certificates.

**Systems exempted from certain provisions of the act:** None

09-10-0007

**System name:** Science Advisor Research Associate Program (SARAP)--HEW/FDA/HFO.

**Security classification:** None.

**System location:** Field Sciences Branch, Division of Field Operations, Executive Director of Regional Operations, 5600 Fishers Lane, Rockville, MD 20857.

**Categories of individuals covered by the system:** FDA field personnel who have applied to participate in full-time research effort under the program.

**Categories of records in the system:** Contains name, curriculum vitae, description of research proposal, budget, and statement of career goals.

**Authority for maintenance of the system:** Guidelines for Implementation and Operation of the Science Advisor Research Associate Program and Field Research Program, dated July 1, 1974.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Not released outside the agency, except disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the

Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Maintained in letter-size manila folders.

**Retrievability:** Indexed by name, used to monitor the progress of research objectives of approved individual SARAP research projects. Used by the SARAP Committee and knowledgeable persons in the specific field. Released on a need-to-know basis to authorized personnel.

**Safeguards:** Files are maintained in secured file containers or in secured file area.

**Retention and disposal:** Records are presently retained indefinitely.

**System manager(s) and address:** Director, Field Sciences Branch, Division of Field Operations, Executive Director of Regional Operations, (HFO-130), Rm. 13-86, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857.

**Notification procedure:** FDA Privacy Coordinator (HFC-18), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

**Record access procedures:** Same as notification procedure. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with FDA Regulations (21 CFR 21.40), published in the Federal Register, March 22, 1977, page 15629.)

**Contesting record procedures:** Write to the official at the address specified under 'Notification Procedure' above and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with FDA Regulations (21 CFR 21.50), published in the Federal Register, March 22, 1977, Page 15631.)

**Record source categories:** Individual on whom the record is maintained.

**Systems exempted from certain provisions of the act:** None

09-10-0008

**System name:** Radiation Protection Program Personnel Monitoring System--HEW/FDA/HFX.

**Security classification:** None.

**System location:** Division of Radioactive Materials and Nuclear Medicine, Bureau of Radiological Health, Rm. 320, Chapman Bldg., 1901 Chapman Ave., Rockville, MD 20857.

**Categories of individuals covered by the system:** Personnel in clinics, laboratories, hospitals, industrial plants, etc., who work with ionizing radiation sources required to be monitored by Nuclear Regulatory Commission regulations.

**Categories of records in the system:** Contains name, date of birth, job code, effective date, and place of business.

**Authority for maintenance of the system:** Atomic Energy Act of 1954 (68 Stat. 919 et seq.). Nuclear Regulatory Commission Regulations, 10 CFR Part 20.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Results are disclosed to employers, i.e., clinics, laboratories, etc., or employee. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Maintained in letter-size manila folders and on IBM cards.

**Retrievability:** Indexed by name and by facility. Used to monitor incremental and accumulated exposure to ionizing radiation for radiation protection purposes.

**Safeguards:** Filed in secured containers or in secured file area. Released on a need-to-know basis.

**Retention and disposal:** Records are retained as long as individual is a part of the program. Held 1 year in an inactive status. Held in storage thereafter indefinitely.

**System manager(s) and address:** Radiation Safety Officer, FDA, Rm. 320, Chapman Bldg. Mailing Address: 5600 Fishers Lane, Rockville, MD 20857.

**Notification procedure:** FDA Privacy Coordinator (HFC-18), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

**Record access procedures:** Same as notification procedure. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with FDA Regulations (21 CFR 21.40), published in the Federal Register, March 22, 1977, Page 15629.)

**Contesting record procedures:** Write to the official at the address specified under 'Notification Procedure' above and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with FDA Regulations (21 CFR 21.50), published in the Federal Register, March 22, 1977, Page 15631.)

**Record source categories:** Individual on whom the record is maintained.

**Systems exempted from certain provisions of the act:** None.

09-10-0009

**System name:** Individual and Household Statistical Surveys and Special Studies on FDA-Regulated Products--HEW/FDA/HFA.

**Security classification:** None.

**System location:** Negotiated Contracts Branch, Rm. 5B-37, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857.

**Categories of individuals covered by the system:** Individuals, specialty groups, e.g., physicians, and households participating voluntarily in FDA-sponsored surveys and studies.

**Categories of records in the system:** Data collected vary with each survey. Normal standard information for individuals or household members could, but not necessarily, include name, age, sex, marital status, address or locale of residence, etc. Nondemographic items would relate to experience with or opinions about a particular product.

**Authority for maintenance of the system:** Section 701(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Data released in statistical form only, except disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Questionnaires are filed in standard filing equipment. Statistical data are stored on magnetic tape.

**Retrievability:** Accessed by ID number assigned by contractor during collection process. Individual files are maintained in agency and contractor's custody until all collection procedures are completed.

**Safeguards:** Questionnaires are maintained in locked containers in secured area. Magnetic tapes are maintained in secure computer facility with access limited to program analysts only. All employees

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are subject to the restrictions, penalties, and prohibitions of applicable FDA regulations governing the confidentiality of the data.

**Retention and disposal:** Questionnaires are retained until all statistical problems are resolved then destroyed. Statistical records are maintained as long as they can be used validly.

**System manager(s) and address:** Chief, Negotiated Contracts Branch, (HFA-510), Rm. 5B-37 Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857

**Notification procedure:** FDA Privacy Coordinator (HFC-18), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857

**Record access procedures:** Same as notification procedure. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with FDA Regulations (21 CFR 21.40), published in the Federal Register, March 22, 1977, Page 15629.)

**Contesting record procedures:** Write to the official at the address specified under 'Notification Procedure' above and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with FDA Regulations (21 CFR 21.50), published in the Federal Register, March 22, 1977, Page 15631.)

**Record source categories:** Individual on whom the record is maintained or patient's medical records, depending on the type of survey or study.

**Systems exempted from certain provisions of the act:** None.

09-10-0010

**System name:** Clinical Investigator Records--HEW/FDA/HFD.

**Security classification:** None.

**System location:** Scientific Investigations Staff, Bureau of Drugs, Rm. 18B-31, 5600 Fishers Lane, Rockville, MD 20857

**Categories of individuals covered by the system:** Clinical investigators who are conducting or have conducted clinical studies of new drugs under investigational new drug exemption requests.

**Categories of records in the system:** Automated file is maintained on all clinical investigators; contains name, education, professional qualifications, and background, and information on studies being conducted. Manual file contains, in addition to that same information, investigatory material collected or developed by FDA, during investigations of possible violations of statutes and regulations governing new drug studies.

**Authority for maintenance of the system:** Section 505(i)(3), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)(3)); 21 CFR Part 312 (New drugs for investigational use).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Records that indicate violation or potential violation of law may be (1) referred for investigation and possible enforcement action under the Federal, State, or foreign laws to the Department of Justice, an appropriate State food and drug enforcement agency or licensing authority, or the government of a foreign country where studies are being or have been conducted, or (2) disclosed in administrative or court proceedings. Records in the system may be (1) the subject of discretionary disclosures under the Freedom of Information Act (5 U.S.C. 522) where the Commissioner finds the public interest in disclosure outweighs the impact on the investigator's personal privacy, or (2) disclosed to drug companies seeking information on whether a given investigator is qualified to receive investigational drugs. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Three hundred to five hundred files compiled of investigations of possible violations of statutes and regulations are maintained in letter-size manila folders. Automated file (approximately 30,000 investigators) is maintained on magnetic tape.

**Retrievability:** Indexed by name, used to provide controls to assure that investigators meet requirements of statute or regulations.

**Safeguards:** All files are stored in locked cabinets in secured area. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Records retained indefinitely.

**System manager(s) and address:** Director, Scientific Investigations Staff (HFD-108), Bureau of Drugs, Rm. 18B-31, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857

**Notification procedure:** FDA Privacy Coordinator (HFC-18), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857

**Record access procedures:** Same as notification procedure (some material is exempt from access and contest). Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with FDA Regulations (21 CFR 21.40), published in the Federal Register, March 22, 1977, Page 15629.)

**Contesting record procedures:** Write to the official at the address specified under 'Notification Procedure' above and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with FDA Regulations (21 CFR 21.50) published in the Federal Register, March 22, 1977, Page 15631.)

**Record source categories:** Individual on whom the record is maintained. Some material is obtained from third parties, e.g., drug companies, publications, or is developed by FDA.

**Systems exempted from certain provisions of the act:** This system is exempt from access and contest and certain other provisions of the Privacy Act (5 U.S.C. 552a(c)(3), (d)(1) to (4), (e)(3), (e)(4)(G) to (H) and (f) to the extent that it includes investigatory material compiled for law enforcement purposes, including criminal law enforcement purposes.

09-10-0011

**System name:** Certified Retort Operators--HEW/FDA/HFF.

**Security classification:** None.

**System location:** Division of Food Technology, Bureau of Foods, Rm. 4029, FB-8, 200 C St., SW, Washington, DC 20204.

**Categories of individuals covered by the system:** Food industry employees who have attended courses of instruction relating to operation of retorts.

**Categories of records in the system:** Contains name and training records.

**Authority for maintenance of the system:** Section 404 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 344); 21 CFR 128b.10.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Records showing that low-acid canned food establishment did not have canning operations under the supervision of certified retort operator may be (1) referred for investigation and possible enforcement action against the company and responsible officials, to the Department of Justice, or appropriate State food and drug law enforcement agencies, or (2) disclosed in administrative or court proceedings. Most records in the system may be disclosed (1) under the Freedom of Information Act (5 U.S.C. 522), or (2) a food company may be advised whether an individual has satisfied FDA requirements. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

fectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Maintained in standard filing equipment and magnetic tape.

**Retrievability:** Indexed by name, used to ascertain program progress.

**Safeguards:** Magnetic tapes are stored in locked containers in secured area. Individual printouts/original hard copy records are stored in regular administrative files, maintained in secured file area or secured file containers.

**Retention and disposal:** Retained indefinitely.

**System manager(s) and address:** Director, Division of Food Technology (HFF-400), Rm. 4029, FB-8, 200 C St., SW., Washington, DC 20204.

**Notification procedure:** FDA Privacy Coordinator (HFC-18), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857

**Record access procedures:** Same as notification procedure. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with FDA Regulations (21 CFR 21.40), published in the Federal Register, March 22, 1977, Page 15629.)

**Contesting record procedures:** Write to the official at the address specified under 'Notification Procedure' above and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with FDA Regulations (21 CFR 21.50), published in the Federal Register, March 22, 1977, page 15631.)

**Record source categories:** Educational institutions that conduct re-tort operator training.

**Systems exempted from certain provisions of the act:** None.

09-10-0012

**System name:** Association of Official Analytical Chemists (AOAC) Member File--HEW/FDA/HFS.

**Security classification:** None.

**System location:** FDA Liaison Office for AOAC, Rm. 3848, FB-8, 200 C St., SW, Washington, DC 20204.

**Categories of individuals covered by the system:** AOAC Committee members, Subcommittee members, Referees and Associate Referees (employed by FDA, related Federal or State agencies, universities, or regulated industry). Shows individuals involved in AOAC scientific activities, e.g., developing methods for determining adulteration of food, drugs, etc.

**Categories of records in the system:** Contains name, address, telephone number, and area of study.

**Authority for maintenance of the system:** Section 702(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 372(a)); section 301 of the Public Health Service Act (42 U.S.C. 241).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Provided to Department of Agriculture, Environmental Protection Agency, and the various State agencies that have an interest in development of official analytical methods. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Maintained in letter-size manila folders, card file, and magnetic tape.

**Retrievability:** Indexed by name, used to provide a service for AOAC on its committees. Primary use of the system is the prepara-

tion of an annual publication listing AOAC projects; used as mailing list and to identify individuals who may be asked to assist FDA.

**Safeguards:** Masterfile is in locked containers in secured area. Individual files are maintained with other administrative files. All information in the records is required to be disclosed under the Freedom of Information Act.

**Retention and disposal:** Records are retained as long as an individual is a participating member, then destroyed.

**System manager(s) and address:** FDA Liaison Officer for AOAC (HFS-56), Rm. 3848, FB-8, 200 C St., SW, Washington, DC 20204.

**Notification procedure:**

FDA Privacy Coordinator (HFC-18)  
Food and Drug Administration  
5600 Fishers Lane  
Rockville, MD 20857

**Record access procedures:** Same as notification procedure. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with FDA Regulations (21 CFR 21.40), published in the Federal Register, March 22, 1977, Page 15629.)

**Contesting record procedures:** Write to the official at the address specified under 'Notification Procedure' above and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with FDA Regulations (21 CFR 21.50), published in the Federal Register, March 22, 1977, Page 15631.)

**Record source categories:** Individual on whom the record is maintained.

**Systems exempted from certain provisions of the act:** None.

09-10-0013

**System name:** Employee Conduct Investigative Records--HEW/FDA/HFA.

**Security classification:** None.

**System location:**

Policy Management Staff, FDA  
Room 10-90, 5600 Fishers Lane  
Rockville, MD 20857

Review Panel For New Drug Regulation Staff  
Room 3139, NHEW  
330 Independence Ave., S.W.  
Washington, D.C. 20201.

**Categories of individuals covered by the system:** Employees or former employees, or special Government employees of FDA who are alleged to have violated FDA or Departmental regulations and/or Federal statutes.

**Categories of records in the system:** This system includes records relating to correspondence concerning an individual's employment status or conduct while employed by FDA. Examples of these records include: correspondence from employees, Members of Congress, and members of the public alleging misconduct by an official of FDA. It also contains reports of investigation to resolve allegation of misconduct or violation of statute, with related exhibits of statements, affidavits or records obtained during the investigation; reports of action taken by management deciding action on any misconduct substantiated by the investigation; and reports of legal action resulting from violations of statutes referred for prosecution.

**Authority for maintenance of the system:** 5 U.S.C. 301; Title 18, U.S.C. (e.g., 18 U.S.C. 201, 203, 205, 207, 208, 209, 1905); 21 U.S.C. 331; 28 U.S.C. 535(b); 44 U.S.C. 3101; E.O. 10450 and 11222; 45 CFR Part 73.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (45 CFR Part 5b, Appendix B(1)).

(2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential viola-

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tion of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether state or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (45 CFR Part 5b, Appendix B(5)). Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records, in folders, in file cabinets.

**Retrievability:** Alphabetical by name. Used within FDA for providing management with information needed to take action on complaints or alleged violations. May be referred to Office of Investigations and Security, Office of the Secretary, HEW, and disclosures may be made by that office.

**Safeguards:** Records are maintained in locked file cabinets within a locked file room or in a safe within a secured area.

**Retention and disposal:** Records are retained until death of subject individual.

**System manager(s) and address:**

Director, Policy Management Staff  
HFA-20, Room 10-90  
Food and Drug Administration  
5600 Fishers Lane  
Rockville, Maryland 20857  
Executive Secretary, Review Panel on New Drug Education  
Room 3510, NHEW  
330 Independence Ave., S.W.  
Washington, D.C. 20201.

**Notification procedure:**

FDA Privacy Act Coordinator (HFC-18)  
Food and Drug Administration  
5600 Fishers Lane  
Rockville, MD 20857

**Record access procedures:** Same as notification procedure (some material is exempt from access and contest). Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with FDA Regulations (21 CFR 21.40), published in the Federal Register, March 22, 1977, page 15629.

**Contesting record procedures:** Write to the official at the address specified under 'Notification Procedure' above and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with FDA Regulations (21 CFR 21.50), published in the Federal Register, March 22, 1977, page 15631 (Some material is exempt from access and contest).

**Record source categories:** Information in this system of records is obtained from FDA personnel and records, subjects of investigations, complaints, witnesses, other Federal agencies, State and local agencies, and personal observation by the investigator.

**Systems exempted from certain provisions of the act:** This system is exempt from access and contest and certain other provisions of the Privacy Act (5 U.S.C. 552a(c)(3), (d)(1) to (4), (e)(3), (e)(4)(G) to (H), and (f)) to the extent that it includes investigatory material compiled for law enforcement purposes, including criminal law enforcement purposes, or investigatory material that would reveal confidential sources compiled solely for the purpose of determining suitability, eligibility, or qualification for Federal civilian employment, military service, Federal contracts, or access to classified information.

09-10-0014

**System name:** Service Contractor Employee Investigative Records. HEW/FDA/HFA.

**Security classification:** None.

**System location:**

Policy Management Staff, FDA  
Room 10-90  
5600 Fishers Lane  
Rockville, MD 20857

**Categories of individuals covered by the system:** Employees of service contractors who must have access to FDA secured areas or FDA file material; employees of contractors who provide janitorial, guard and maintenance services for FDA facilities.

**Categories of records in the system:** This system includes records of pre-employment checks of individuals who will have access to FDA facilities during security hours and correspondence concerning an individual's employment status or conduct while having such access. Examples of such correspondence include Reports of Investigations to resolve allegations of misconduct or of violations of law, with related exhibits of statements, affidavits or records obtained during the investigation; reports of action taken by management deciding action on any misconduct substantiated by the investigation; and reports of legal action resulting from violations of statutes referred for prosecution.

**Authority for maintenance of the system:** 5 U.S.C. 301; Title 18, U.S.C. (e.g., 18 U.S.C. 1905); 21 U.S.C. 331; 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (45 CFR Part 5b, Appendix B(1)).

(2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether state or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (45 CFR Part 5b, Appendix B(5)). Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records, in folders, in file cabinets.

**Retrievability:** Alphabetical by name. Used by the Food and Drug Administration to determine if the employees of service contractors shall have access to FDA facilities. Used within FDA for providing management with information to take action on complaints or alleged violations. May be referred to the Office of Investigations and Security, Office of the Secretary, HEW, and disclosures may be made by that Office.

**Safeguards:** Records are maintained in locked file cabinets within a locked file room or in a safe within a secured area.

**Retention and disposal:** Records are retained until death of subject individual.

**System manager(s) and address:**

Director, Policy Management Staff  
HFA-20, Room 10-90  
Food and Drug Administration  
5600 Fishers Lane  
Rockville, Maryland 20857

**Notification procedure:**

(HFC-18) Food and Drug Administration  
5600 Fishers Lane  
Rockville, MD 20857

**Record access procedures:** Same as notification procedures (some material is exempt from access and contest). Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with FDA Regulations (21 CFR 21.40), published in the Federal Register, March 22, 1977, page 15629.

**Contesting record procedures:** Write to the official at the address specified under 'Notification Procedure' above and reasonably identify the record and specify the information to be contested. (21.50) March 22, 1977, page 15631). (These procedures are in accordance with FDA Regulations (21 CFR (Some material is exempt from access and contest)).

**Record source categories:** Information in this system of records is obtained from industrial, employment and police records, subjects of investigations, complaints, witnesses, other Federal agencies, State and local agencies, and personal observation by the investigator.

**Systems exempted from certain provisions of the act:** This system is exempt from access and contest and certain other provisions of the Privacy Act (5 U.S.C. 552a(c)(3), (d)(1) to (4), (e)(3), (e)(4)(G) to (H), and (f)) to the extent that it includes investigatory material compiled for law enforcement purposes, including criminal law enforcement purposes, or investigatory material that would reveal confidential sources compiled solely for the purpose of determining suitability, eligibility, or qualification for Federal civilian employment, military service, Federal contracts, or access to classified information. /

09-35-0001

**System name:** Applied Statistics Training Institute Applicants and Students. HEW/HRA/NCHS.

**Security classification:** None.

**System location:**

Center Building  
3700 East-West Highway  
Hyattsville, Maryland 20782

**Categories of individuals covered by the system:** Applicants for and students of concentrated, intensive short-term courses related to health statistics. They are employees of Federal, State, and local governments and other persons in health-related fields engaged in collecting and analyzing vital and health statistics.

**Categories of records in the system:** Applied Statistics Training Institute applicant form which contains brief education information, current employment and courses in which applicant is interested.

**Authority for maintenance of the system:** Public Health Service Act Section 304(6)(1) (42 USC 242b).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Alphabetically filed in file cabinet.

**Retrievability:** Used to set up courses, notify applicants of acceptance or non-acceptance, acceptance for a future course if necessary, and to plan for future courses not currently given in order to meet statistical needs of the health and health-related fields. Used exclusively within the NCHS. Retrievable by name.

**Safeguards:** Routine building security.

**Retention and disposal:** File destroyed six months after each course is completed.

**System manager(s) and address:**

Director  
National Center for Health Statistics  
Center Building  
3700 East-West Highway  
Hyattsville, Maryland 20782

**Notification procedure:** Through System Manager.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Voluntary submission of Application Form by person wishing to take the ASTI courses.

**Systems exempted from certain provisions of the act:** None.

09-35-0002

**System name:** National Center for Health Services Research Grants Records System HEW/HRA/NCHSR.

**Security classification:** None.

**System location:**

National Center for Health Services Research, HRA, HEW  
Center Building  
3700 East-West Highway  
Hyattsville, Maryland 20782  
and Regional Federal Records Center

**Categories of individuals covered by the system:** Principal investigators and associated research and administrative personnel.

**Categories of records in the system:** Grant files, summary reports.

**Authority for maintenance of the system:** Public Health Service Act Sections 304, 305, 308, and 1205 (42 U.S.C. 242b, 242c, 242m, and 300d-4).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Where the appropriate official of the Department, pursuant to the Department's Freedom of Information Regulation determines that it is in the public interest to disclose a record which is otherwise exempt from mandatory disclosure, disclosure may be made from this system of records. (45 CFR, Part 5b, Appendix B, Item 8). (2) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual files.

**Retrievability:** Retrievable by name and grant number. The information in this system is used for review and analysis for planning and policy formulation by NCHSR staff members and by other components of DHEW.

**Safeguards:** Locked file cabinets; general building security.



**Retention and disposal:** Approved grant applications and their respective files are retained at HRA for two years beyond the termination date of the project. Rejected grant applications are held for one year. The grant files are then maintained at a Federal Records Center indefinitely.

**System manager(s) and address:**

Chief, Grants Administration Branch  
Center Building  
Room 7-41  
3700 East-West Highway  
Hyattsville, Maryland 20782

**Notification procedure:** Same as above.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Applications from research community.

**Systems exempted from certain provisions of the act:** None.

09-35-0005

**System name:** Cycle II Dentist Survey HEW/HRA/BHM.

**Security classification:** None.

**System location:**

Division of Computer Research and Technology, Building 12  
9000 Rockville Pike  
Bethesda, Md. 20014

**Categories of individuals covered by the system:** All U. S. Dentists.

**Categories of records in the system:** 1. Name; 2. Practice location; 3. Practice characteristics; 4. Professional history.

**Authority for maintenance of the system:** Public Health Service Act Section 301(42 U.S.C. 241).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic Tape.

**Retrievability:** The system is used to study the supply and distribution of dentists in each State. System is indexed by name within state.

**Safeguards:** For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Number of years held at HRA: indefinitely.

**System manager(s) and address:**

Chief, Manpower Analysis Branch, DD  
Center Building  
Room 3-22  
3700 East-West Highway  
Hyattsville, Maryland 20782

**Notification procedure:** Same as above.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** American Association of Dental Examiners.

**Systems exempted from certain provisions of the act:** None.

09-35-0007

**System name:** Public Health Service Scholarship Program HEW/HRA/BHM.

**Security classification:** None.

**System location:**

Center Building  
Room 5-44  
3700 East-West Highway  
Hyattsville, Maryland 20782  
Div of Computer Research & Tech.  
Bldg 12  
Bethesda, Md 20014  
and Regional Federal Records Center

**Categories of individuals covered by the system:** Students - Health Professionals as specified in 42 CFR 62: 1) Applicants, 2) Recipients.

**Categories of records in the system:** Application and associated forms; recipient records also contain progress reports, payroll forms, deferment and placement data.

**Authority for maintenance of the system:** P.L. 92-585.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Name of scholarship recipient, professional school he or she is attending, and date of graduation are made available to health professions associations and other interested health professions groups who have responsibility for coordinating funds paid to students from Federal and other sources. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File Cabinets; ADP - Tapes.

**Retrievability:** The records in this system are used in the following manner: 1) Application - for the selection process by HRA and HSA 2) Recipient - Payroll, tuition and fees, tracking, deferment, defaults, & placement by HRA, HSA, central payroll and PHS claims office. **Retrievability:** Name, Award No., University, or by Social Security Number in accordance with section 7 (a)(2)(B) of the Privacy Act.

**Safeguards:** Locked file units.

**Retention and disposal:** Number of years held at HRA: 12. Number of years held at Federal Record Center before disposal: 3. How destroyed: shredder (non-selected applicant files destroyed: after six months from deadline due date).

**System manager(s) and address:**

Chief, Scholarship Section, Student Assistance Staff  
Center Building  
Room 5-44  
3700 East-West Highway  
Hyattsville, Maryland 20782

**Notification procedure:** Same as above.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:**

Evaluation forms from school faculty - requested by student applicant  
Educational Institution attended  
Internship and/or residency training site  
HSA and CPD, OPM/H

**Systems exempted from certain provisions of the act:** None.

09-35-0009

**System name:** Chattanooga Incremental Care Program HEW/HRA/BHM.

**Security classification:** None.

**System location:**

Division of Computer Research and Technology  
NIH Bldg. 12  
9000 Rockville Pike  
Bethesda, Md. 20014

**Categories of individuals covered by the system:** Elementary School Children under treatment in Dental Care Program.

**Categories of records in the system:** Patient's Dental Records.

**Authority for maintenance of the system:** Public Health Service Act Section 301(42 U.S.C. 241).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic Tape.

**Retrievability:** Provide timely, accurate, and easy-to-use response to program managers in Tennessee. Retrievable by system assigned I.D. Number.

**Safeguards:** For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Number of years held at HRA: indefinitely.

**System manager(s) and address:**

Chief, Delivery Systems Branch, D.D.  
Center Building  
3700 East-West Highway  
Hyattsville, Maryland 20782

**Notification procedure:** Same as above.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably

identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Tennessee Department of Public Health.

**Systems exempted from certain provisions of the act:** None.

09-35-0013

**System name:** Indo-China Refugee Physicians and Medical Students HEW/HRA/BHM.

**Security classification:** None.

**System location:**

Division of Computer Research and Technology  
9000 Rockville Pike  
Bethesda, Md. 20014

Division of Medicine  
Center Building  
Room 4-42  
3700 East West Highway  
Hyattsville, Maryland 20782

**Categories of individuals covered by the system:** Indo-China physicians and medical students seeking certification on the Educational Commission for Foreign Medical Graduates or the National Board of Medical Examiners.

**Categories of records in the system:** Education and Demographic data.

**Authority for maintenance of the system:** 22 USC 2601.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To establish qualification regarding the ECFMG and the National Board of Medical Examiners exams to be used by persons responsible for admittance of these candidates to training courses. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual files and magnetic tape.

**Retrievability:** To establish credentials and eligibility for training. To be used by individuals assisting refugee physicians and medical students to obtain qualifications re the ECFMG and the National Board of Medical Examiners examination. Indexed by names.

**Safeguards:** Locked file cabinet. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Held for three years then sent to Federal Records Center.

**System manager(s) and address:**

Chief, International Programs Office  
Center Building  
Room 4-42  
3700 East-West Highway  
Hyattsville, Maryland 20782

**Notification procedure:** Same as above.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably

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identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Questionnaires completed by Indo-China physicians and medical students.

**Systems exempted from certain provisions of the act:** None.

09-35-0014

**System name:** Special Nursing Research Fellowship Grants HEW/HRA/BHM.

**Security classification:** None.

**System location:**

Center Building  
Room 3-50  
3700 East-West Highway  
Hyattsville, Maryland 20782  
and Regional Federal Records Center

**Categories of individuals covered by the system:** Applicants for fellowships, recipients of fellowships.

**Categories of records in the system:** Biographical data, education & employment history, reference reports, research background, progress of res. training, transcripts.

**Authority for maintenance of the system:** Public Health Service Act Section 301(42 U.S.C. 241).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** The purpose of the information in this file is for review and evaluation for fellowship support. Data is retrieved by name and application number.

**Safeguards:** All records are kept in locked files in a room locked during non-business hours. Only authorized personnel have access.

**Retention and disposal:** Number of years held at HRA: 3 after termination. Number of years held at Federal Records Center before disposal: 20 (recommended; approval pending). How destroyed: Standard disposal methods of FRC.

**System manager(s) and address:**

Chief, Nursing Research Br., DN  
Center Building  
Room 3-50  
3700 East-West Highway  
Hyattsville, Maryland 20782

**Notification procedure:** Same as above.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Applicants; references (supplied by applicant); sponsoring faculty member.

**Systems exempted from certain provisions of the act:** None.

09-35-0016

**System name:** Professional Nurse Traineeships -- HEW/HRA/BHM.

**Security classification:** None.

**System location:**

Center Building  
Room 3-50  
3700 East-West Highway  
Hyattsville, Maryland 20782

Division of Computer Research and Technology  
Bldg. 12, 9000 Rockville Pike  
Bethesda, Md. 20014

**Categories of individuals covered by the system:** Registered nurses who have received traineeship awards.

**Categories of records in the system:** U.S. citizenship verification; nursing licensure verification; education & employment history; post-traineeship employment.

**Authority for maintenance of the system:** Public Health Service Act Section 821 (42 U.S.C. 297).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information requests from participating schools regarding length of allowable support for a particular applicant. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders and magnetic tapes.

**Retrievability:** The purpose of the information in this file is for the preparation of statistical tables and reports, and program review and evaluation. Data may be retrieved by name and I.D. number.

**Safeguards:** All records are kept in locked files in a room locked during non-business hours. Only authorized personnel have access. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Number of years held at HRA: 3 after termination of program. How destroyed: Standard disposal methods of FRC. Number of years held at Federal Records Center before disposal: 20 (recommended; approval pending).

**System manager(s) and address:**

Chief, Nursing Education Branch  
Center Building  
Room 3-50  
3700 East-West Highway  
Hyattsville, Maryland 20782

**Notification procedure:** Same as above.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Participating school only.

**Systems exempted from certain provisions of the act:** None.

09-35-0017

**System name:** Health and demographic surveys conducted in probability samples of the U.S. population. HEW/HRA/NCHS.

**Security classification:** None.

**System location:**

Center Building  
3700 East-West Highway  
Hyattsville, Maryland 20782

**Categories of individuals covered by the system:** Individuals and members of households selected by probability sampling techniques to be representative of the civilian noninstitutionalized population of the United States.

**Categories of records in the system:** Statistical records containing information on: (1) the incidence of illness and accidental injuries, prevalence of diseases and impairments, the extent of disability, the utilization and cost of health care services, and other health characteristics of individuals obtained in household interviews and from their named health care providers and insurers; or (2) the nutritional status, prevalence levels of specially defined chronic diseases, growth and development patterns and distributions of various health related measurements and related data obtained in a survey involving health examinations, tests, and other measurement procedures; or (3) marital and child bearing history and intended future births, the use of prenatal care, and the family planning practices of individual women obtained by interview. Demographic and socioeconomic characteristics such as age, marital status, education, occupation, and family income are also obtained for individuals in this system of statistical records.

**Authority for maintenance of the system:** Public Health Service Act Section 306(b) (42 U.S.C. 242k).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The data are disseminated for purposes of statistical research and analysis outside HEW in forms which do not permit the identification of individuals, such as publications of statistical tables, specially requested tabulations, and public use computer tapes. These are communicated to interested persons outside HEW, such as members of Congress and their staffs, other executive branch agencies, universities, States, cities, private foundations, etc. The findings are used by demographers, sociologists, health statisticians, epidemiologists, other scholars and concerned citizens, to evaluate health matters, make determinations on needs for legislation, appropriations, new service programs, and the like. Data collection, processing, and analysis are from time to time conducted for NCHS by private contractors, under guarantees by the contractors of confidentiality. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The records are transferred onto magnetic tapes without name and address information and are maintained on magnetic tapes for an indefinite period.

**Retrievability:** A serial number tied to the selection process of successively smaller geographic areas is assigned to each record on magnetic tape. This serial number also appears on the original record. Each magnetic tape containing records in this system has a unique identification number and title. Original survey records are reviewed for accuracy, edited, and data (without personal identifiers such as name or SSN) are transferred to magnetic tape. Then the original records and/or microfilms are stored at the Federal Records Center. The tape is used for statistical purposes only. These uses include the preparation of aggregated data in the form of statistical tables for publication, analysis, and interpretation, to meet the legislative mandates of P.L. 93-353, to determine levels of illness and disability and their effects on the population, the use of health care facilities, trends in family formation and dissolution, and the like. Users consist of health planners, statisti-

cians, epidemiologists, demographers, and others concerned with the problems of health and health care.

**Safeguards:** All employees of NCHS, as a condition of employment, sign an affidavit binding them to nondisclosure of identifiable individual information. Since the magnetic tapes have no name and address information, users of the tape could only identify specific individuals by relating the serial number on the tape to the original record. Only employees of NCHS are permitted access to the magnetic tapes with the serial numbers described above or to the files containing the original records or microfilms. Magnetic tapes with personal identifiers of individual records removed are made available for public use.

**Retention and disposal:** The original records are retained in office files of NCHS until the process of conversion to magnetic tape and verification of information is completed. This process is completed within approximately nine months. The original records are then sent to the Federal Records Center where they are stored for 5 years for interview survey records and 10 years for examination records. Microfilm copies of examination records are retained at the Federal Records Center for 40 years.

**System manager(s) and address:**

Director  
National Center for Health Statistics, HRA  
Center Building  
3700 East West Highway  
Hyattsville, Maryland 20782

**Notification procedure:** None.

**Record access procedures:** None.

**Contesting record procedures:** None.

**Record source categories:** Respondents included in the survey samples.

**Systems exempted from certain provisions of the act:** With respect to this system of records, exemption has been granted from the requirements contained in subsections 552a(c)(3), (d)(1) through (4), and (e)(4)(G) and (H) in accordance with the provision of subsection 552a(k)(4) of the Privacy Act of 1974. The reason this system has been exempted is that this system contains only records required by statute to be maintained and used solely as statistical records.

09-35-0021

**System name:** Disability Claims of the Nursing Student Loan Program--HEW/HRA/BHM.

**Security classification:** None.

**System location:**

Center Building  
Room 5-50  
3700 East-West Highway  
Hyattsville, Maryland 20782

**Categories of individuals covered by the system:** Applicants for cancellation due to disability.

**Categories of records in the system:** Letter requests claiming disability, correspondence, payment determinations and medical records or reports.

**Authority for maintenance of the system:** Public Health Service Act Section 836(42 U.S.C. 297b).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual files. Medical records or reports are temporarily held during medical evaluation and then returned to and retained by nursing schools upon final determination of claim validity.



**Retrievability:** Determination of validity of claims. Retrieved by name.

**Safeguards:** Locking file cabinets with access by authorized personnel only; general building security.

**Retention and disposal:** Number of years held at HRA: Indefinite.

**System manager(s) and address:**

Chief, Operations Section  
Student Assistance Staff  
Center Building  
Room 5-50  
3700 East-West Highway  
Hyattsville, Maryland 20782

**Notification procedure:** Same as above. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Individual claimants.

**Systems exempted from certain provisions of the act:** None.

09-35-0022

**System name:** Disability Claims in the Health Professions Student Loan Program--HEW/HRA/BHM.

**Security classification:** None.

**System location:**

Center Building  
Room 5-50  
3700 East-West Highway  
Hyattsville, Maryland 20782

**Categories of individuals covered by the system:** Applicants for cancellation due to disability - medicine, dentistry, osteopathy, optometry, pharmacy, podiatry, veterinary medicine.

**Categories of records in the system:** Letter requests claiming disability, correspondence, payment determinations and medical records or reports.

**Authority for maintenance of the system:** Public Health Service Act Section 741(f)(42 U.S.C. 294a).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual files. Medical records or reports are temporarily held during medical evaluation and then returned to and retained by nursing schools upon final determination of claim validity.

**Retrievability:** Determination of validity of claim. Retrieved by name.

**Safeguards:** Locking file cabinets with access by authorized personnel only; general building security.

**Retention and disposal:** Number of years held at HRA: Indefinite.

**System manager(s) and address:**

Chief,  
Operations Section, Student Assistance Staff  
Center Building  
Room 5-50  
3700 East-West Highway  
Hyattsville, Maryland 20782

**Notification procedure:** Same as above

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Individual claimants.

**Systems exempted from certain provisions of the act:** None.

09-35-0023

**System name:** Health Professions Student Loan Repayment Program--HEW/HRA/BHM.

**Security classification:** None.

**System location:**

Center Building  
Room 5-50  
3700 East-West Highway  
Hyattsville, Maryland 20782

**Categories of individuals covered by the system:** Applicants for repayment of health professions educational loans - medicine, dentistry, osteopathy, optometry, pharmacy, podiatry, veterinary medicine.

**Categories of records in the system:** Application and related documents, correspondence.

**Authority for maintenance of the system:** Public Health Service Act Section 741(f)(42 U.S.C. 294a(f)).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual files and computer tapes.

**Retrievability:** Justification of educational loans, certification of shortage area, legal agreement, payment, and completion of agreement. Retrieved by name.

**Safeguards:** Locking file cabinets with access by authorized personnel only; general building security. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Number of years held at HRA: Indefinite.

**System manager(s) and address:**

Chief,  
Operations Section, Student Assistance Staff  
Center Building  
Room 5-50  
3700 East-West Highway

**Record source categories:** Applicant, school and State Health Authority.

**Systems exempted from certain provisions of the act:** None.

09-35-0025

**System name:** Physician Shortage Area Scholarship Program--HEW/HRA/BHM.

**Security classification:** None.

**System location:**

Center Building  
Room 5-50  
3700 East-West Highway  
Hyattsville, Maryland 20782

Div. of Computer Research & Tech.

Building 12

Bethesda, Md. 20014

and Regional Federal Records Center

**Categories of individuals covered by the system:** Applicants and recipients of Physician Shortage Area grants. Medicine and osteopathic students.

**Categories of records in the system:** Physician shortage area, grant applications, awards, and correspondence.

**Authority for maintenance of the system:** Health Professions Educational Assistance Act of 1976, Section 409(b) (42 USC 295g)

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual files and computer storage.

**Retrievability:** This system is utilized for awarding, tracking, and placement to fulfill service obligation. Retrieved by name and program I.D. number.

**Safeguards:** Locking file cabinets with access by authorized personnel only; general building security. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Number of years held at HRA: 12. Number of years held at Federal Records Center before disposal: 3. How destroyed: by Federal Records Center.

**System manager(s) and address:**

Chief, Operations Section,  
Student Assistance Staff  
Center Building  
Room 5-50  
3700 East-West Highway  
Hyattsville, Maryland 20782

**Notification procedure:** Same as above.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Applicants' health profession school.

**Systems exempted from certain provisions of the act:** None.

Hyattsville, Maryland 20782

**Notification procedure:** Same as above.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Applicant's health professions school, lending institutions.

**Systems exempted from certain provisions of the act:** None.

09-35-0024

**System name:** Health Professions Student Loan Cancellation--HEW/HRA/BHM.

**Security classification:** None.

**System location:**

Center Building  
Room 5-50  
3700 East-West Highway  
Hyattsville, Maryland 20782

**Categories of individuals covered by the system:** Applicants for health professions student loan cancellation.

**Categories of records in the system:** Application and related documents, correspondence.

**Authority for maintenance of the system:** Public Health Service Act Section 741(f)(42 U.S.C. 294a(f)).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual files.

**Retrievability:** The system is used for approval, statistical and audit purposes. Retrieved by name.

**Safeguards:** Locking file cabinets with access by authorized personnel only; general building security.

**Retention and disposal:** Number of years held at HRA: Indefinitely.

**System manager(s) and address:**

Chief,  
Operations Section, Student Assistance Staff  
Center Building  
Room 5-50  
3700 East-West Highway  
Hyattsville, Maryland 20782

**Notification procedure:** Same as above.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

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09-35-0026

System name: Cuban Loan Program-HEW/HRA/BHM.

Security classification: None.

System location:

Center Building  
Room 5-50  
3700 East-West Highway  
Hyattsville, Maryland  
and Regional Federal Records Center

Categories of individuals covered by the system: Applicants and recipients of Cuban Loan for medical students.

Categories of records in the system: Application and related documents, correspondence.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual file.

Retrievability: This system is used for awarding and tracking and collection of student loan. Retrieved by name.

Safeguards: Files are stored in locking file cabinets with access by authorized personnel only; general building security.

Retention and disposal: Number of years held at HRA: 10. Number of years held at Federal Records Center before disposal: 5. How destroyed: by Federal Records Center.

System manager(s) and address:

Chief,  
Operations Section, Student Assistance Staff  
Center Building  
Room 5-50  
3700 East-West Highway  
Hyattsville, Maryland 20782

Notification procedure: Same as above.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

Contesting record procedures: Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

Record source categories: Applicant's health profession school.

Systems exempted from certain provisions of the act: None.

09-35-0027

System name: Consultant Roster for Office of Health Resources Opportunity - HEW/HRA/OHRO.

Security classification: None.

System location:

Center Building  
3700 East-West Highway  
Hyattsville, Maryland 20782

Categories of individuals covered by the system: Private citizens employed as consultants by OHRO.

Categories of records in the system: Name, address, phone number, academic history, period of appointment, duties to be performed for OHRO.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computer tape.

Retrievability: Resource list to be used by OHRO employees when consultants are needed. Retrievable by name.

Safeguards: For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

Retention and disposal: Number of years held at HRA: indefinitely.

System manager(s) and address:

Administrative Officer  
OHRO  
5600 Fishers Lane  
Rockville, Maryland 20852

Notification procedure: Same as above.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

Contesting record procedures: Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

Record source categories: Individuals, peer referrals, previous employers, meetings.

Systems exempted from certain provisions of the act: None.

09-35-0034

System name: Health manpower inventories and surveys. HEW/HRA/NCHS.

Security classification: None.

System location:

Center Building  
3700 East-West Highway  
Hyattsville, Maryland 20782

Categories of individuals covered by the system: Individuals trained in specific health occupation, such as dentists, nurses, pharmacists, optometrists, dental hygienists, and other providers of health care services.

Categories of records in the system: Statistical records containing information on educational attainment, place of education, activity status, place and setting of employment or practice, place of residence, date of birth, sex, and marital status.

Authority for maintenance of the system: Public Health Service Act Section 306(b) (42 U.S.C. 242k).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The data are made available to Health Systems Agencies and the State Agency designated under P.L. 93-641 for statistical purposes only for developing and evaluating health plans and to the Bureau of Health Manpower for providing information and analyses that could be used in developing alternative strategies for the education of health manpower. The data are also disseminated for purpose of statistical

Contesting record procedures: None.

Record source categories: Health practitioners, state licensing agencies, or professional associations.

Systems exempted from certain provisions of the act: With respect to this system of records, exemption has been granted from the requirements contained in subsections 552a(c)(3), (d)(1) through (4), and (e)(4)(G) and (H) in accordance with the provision of subsection 552a(k)(4) of the Privacy Act of 1974. The reason that the system has been exempted is that this system contains only records required by statute to be maintained and used solely as statistical records.

09-35-0035

System name: Vital Statistics for births, deaths, fetal deaths, marriages and divorces occurring in the United States during each year. HEW/HRA/NCHS.

Security classification: None.

System location:

Center Building  
3700 East-West Highway  
Hyattsville, Maryland 20782

Categories of individuals covered by the system: Individuals who are born and their parents; individuals who die; individuals who are married or divorced; and parents experiencing fetal deaths.

Categories of records in the system: The records include microfilm images of State records or machine-readable data prepared by the State from records collected under the laws of each State for births, deaths, fetal deaths, marriages and divorces. The records contain the demographic characteristics of individuals associated with each event. In addition, the birth records include information on the characteristics of each live birth, the health status of the infant, and socioeconomic characteristics of the parents. The death records contain medical information relating to cause of death and to socioeconomic characteristics of the deceased; the fetal death record contains medical information relating to cause of death and socioeconomic characteristics of the parents. Marriages and divorces include demographic and socioeconomic characteristics of both parties to the event and legal information regarding the event.

Periodically the National Center for Health Statistics conducts followback surveys, collecting information on random samples of births and deaths through mail questionnaires. The followback surveys are designed primarily to expand the scope of data that can be collected from the national registration system, to make the registration system more responsive to changing needs for data, and to evaluate the quality of data collected on the birth and death records. The content of questionnaires for the followback surveys varies. Past surveys have collected information on such topics as hospital utilization in the last year of life, smoking habits of the deceased, health status of infants, and pregnancy and employment histories of mothers.

Authority for maintenance of the system: Public Health Service Act Section 306(h) (42 USC 242 k).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The processed data are disseminated for public use in forms that do not permit identification of individuals, such as published statistical tables, special unpublished tabulations, and public use computer tapes, which carry no individual identifiers. They are used by members of Congress and their staffs, other executive branch agencies, State and city governments, public and private research institutions, life insurance companies, faculty and students of universities, physicians, workers in health information, newspaper reporters and feature writers, etc. The findings are used to make determinations on needs for legislation, appropriations, and programs in the health field; to pinpoint health problems, measure progress of national health programs, and make population estimates; for epidemiological studies, marketing research, sociological studies, and studies of the family; and for other research directed at understanding our society. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that



Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The records are transferred onto magnetic tapes without name and address information and are maintained on magnetic tapes for an indefinite period.

**Retrievability:** The State file number is assigned to each record on magnetic tape linking it to the original certificate on file in the State vital statistics office. Data from the microfilm copies of certificates of births, deaths, fetal deaths, marriages and divorces submitted by some States are transferred to magnetic tape in coded form (without names or addresses) and are merged with the machine-readable data tapes furnished by States providing data through the Cooperative Health Statistics System. The tape is used for statistical purposes only. These uses include the preparation of aggregated data in the form of statistical tables for publication, analysis, and interpretation, to meet the legislative mandates of Public Law 93-353, i.e., to determine the extent and nature of illness and disability of the population of the U.S., including life expectancy and levels of infant and maternal mortality, environmental and other health hazards, trends in family formation, growth, and dissolution, and other related matters. Users consist of health planners, statisticians, epidemiologists, demographers, and others concerned with the problems of health, health care, and health hazards.

**Safeguards:** All employees of NCHS, as a condition of employment, sign an affidavit binding them to nondisclosure of identifiable individual information. Only employees of NCHS or employees of contractors who have signed similar affidavits are permitted access to the magnetic tapes containing the certificate numbers or to the files containing the microfilm copies of the certificates. The certificate numbers of the individual records and the geographic code identification of cities with less than 250,000 population, are removed before the data tapes are released for public use. No identifying number appears on the public use tape that would link a record on that tape to any individual, to the NCHS master tape, to the microfilm file, or to the original certificate in the State vital statistics office.

**Retention and disposal:** The microfilm copies of the records are retained in office files of NCHS until the process of conversion to magnetic tape and verification of information is completed. The death records are sent to the Federal Records Center ten years after tabulation for deaths occurring during the three-year period surrounding census years and one year after tabulation for other years. They are held until disposed of, 15 years after tabulation for deaths of the census years, and five years after tabulation for other years. Records of births, fetal deaths, marriages, and divorces are disposed of two years after tabulation. The questionnaires for the followback surveys are destroyed after conversion to magnetic tape, tabulation, and analyses have been completed.

**System manager(s) and address:**

Director  
National Center for Health Statistics, HRA  
Center Building  
3700 East-West Highway  
Hyattsville, Maryland 20782

**Notification procedure:** None.

**Record access procedures:** None.

**Contesting record procedures:** None.

**Record source categories:** Vital statistics records are obtained from state vital statistics offices or, in rare instances, from other state or county repositories of marriage or divorce data. Information in follow-back surveys is obtained from hospitals, physicians, or relatives of the infants or the deceased.

**Systems exempted from certain provisions of the act:** With respect to this system of records, exemption has been granted from the requirements contained in subsections 552a(c)(3), (d)(1) through (4), and (e)(4)(G) and (H), in accordance with the provision of subsection 552a(k)(4) of the Privacy Act of 1974. The reason that the system has been exempted is that this system contains only records required by statute to be maintained and used solely as statistical records.

09-35-0037

**System name:** Dental Residency Program -- HEW/HRA/BHM.

**Security classification:** None.

**System location:**

Center Building  
Room 3-22  
3700 East-West Highway  
Hyattsville, Maryland 20782  
and Regional Federal Records Center

**Categories of individuals covered by the system:** Commissioned dental officers of the PHS and other dental officers of the uniformed services.

**Categories of records in the system:** Name, address, title of project, date and place where residency was conducted.

**Authority for maintenance of the system:** Public Health Service Act Section 301 (42 U.S.C. 241).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File jacket.

**Retrievability:** This system is used as a record of previous research projects for Board review and approval. Retrieval is alphabetical by name of resident in training.

**Safeguards:** Locked file cabinet - key retained in Division Security vault.

**Retention and disposal:** Number of years held at HRA: 3. Number of years held at Federal Records Center before disposal: 3.

**System manager(s) and address:**

Director  
Division of Dentistry, BHM  
Center Building  
Room 3-22  
3700 East-West Highway  
Hyattsville, Maryland 20782

**Notification procedure:** Same as above.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Residency Training Applicant.

**Systems exempted from certain provisions of the act:** None.

09-35-0041

**System name:** Health Resources Utilization Statistics. DHEW/HRA/NCHS.

**Security classification:** None.

**System location:**

Center Building  
3700 East-West Highway  
Hyattsville, Maryland 20782

**Categories of individuals covered by the system:** Recipients of medical care included in statistical surveys and reports of the National Center for Health Statistics (NCHS), including: (1) staff and residents of nursing homes selected by random sampling techniques to be representative of nursing homes in the U.S.; (2) physicians providing office based medical care and patients visiting such

physicians; (3) medical records from selected short-stay hospitals; and (4) persons visiting the family planning facilities participating in the National Reporting System for Family Planning Services.

**Categories of records in the system:** Statistical records containing information on: (1) the utilization of nursing home care through data on residents (demographic and social characteristics, health status, and charges paid for care) and the facility (general characteristics, certification, services offered, and expense); (2) the demographic characteristics, medical and other problems of persons visiting physicians' offices, and the physicians' diagnoses, treatment, and disposition decisions made during such visits as obtained from physicians during randomly assigned one-week survey periods; (3) the demographic characteristics, administrative information (admission and discharge dates, discharge status, and medical record number), and medical information (diagnoses and surgical procedures abstracted from the face sheet of short stay hospital medical records); and (4) family planning medical services provided by the clinics participating in a nationwide sample survey reporting system, the demographic and socioeconomic characteristics, including education and welfare status, of the recipients of these services, and the extent to which these services (excluding physicians' offices) are funded by Federal grants. In many cases, these records do not contain individual identifiers when they come under control of the National Center for Health Statistics; they carry only sequence numbers, which only the originating agency would be able to translate into a personal identifier--and even then, not in all cases. Names of residents and staff of nursing homes and patients of physicians are listed on separated forms for sampling purposes only and are not included in the final statistical records.

**Authority for maintenance of the system:** Public Health Service Act, Section 306(b)(42 U.S.C. 242k).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The data are disseminated for: (1) purposes of statistical research and analysis, and in the case of family planning statistics, for executing national family planning programs; (2) outside of DHEW in forms which do not permit the identification of individuals, such as publications of statistical tables, specially requested tabulations, and public use computer tapes. These are communicated to interested persons outside DHEW, such as members of Congress and their staffs, other executive branch agencies, universities and medical schools, State and local health planning agencies, private foundations, etc. The findings are used by demographers, sociologists, health statisticians, epidemiologists, medical educators, health planners, other scholars, and concerned citizens, to evaluate health matters, make determinations on needs for legislation, appropriations, new service programs, and the like. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The records are transferred onto magnetic tapes without name and address information and are maintained on magnetic tapes for an indefinite period.

**Retrievability:** Data are retrieved by individual identifier only in the editing stage of data processing and only for the purpose of correcting errors in the recording of information. Original survey records are reviewed for accuracy and edited, then data (without personal identifiers such as name or social security number) are transferred to magnetic tape. The original records are stored at the Federal Records Center. The tape is used for statistical purposes only, as specified by statute, Section 308(d) of Public Law 93-353. These uses include the preparation of aggregated data in the form of statistical tables for publication, analysis and interpretation to meet the legislative mandates of Public Law 93-353, i.e., collection of statistics on the utilization of health services, including the utilization of: (1) nursing home facilities to determine levels of illness and disability, effects on the institutionalized population, and the costs of care; (2) ambulatory health services by specialties and

types of practice of the health professionals providing such services; (3) short-stay hospitals to determine characteristics of patients, length of stay, diagnosis and surgical operations, and patterns of use of care in hospitals of different size and ownership; (4) family planning facilities to provide statistics on the size of and services dispensed by these facilities, the numbers and characteristics of family planning patients, the overall proportion of the 'target population' which is being reached by family planning programs on a national scale, and the like. The family planning data are distributed to the Deputy Assistant Secretary for Population Affairs, DHEW, the Bureau of Community Health Services, and others for the purpose of executing national family planning programs.

**Safeguards:** All employees of the National Center for Health Statistics, as a condition of employment, sign an affidavit binding them to nondisclosure of identifiable individual information. Since the magnetic data tapes have no name and address information, users of the tape could only identify specific individuals by relating the identification number on the tape to the original record. Only employees of NCHS, NCHS contractors, the agency supplying the information in the first instance, or third parties with the written permission of the agency supplying the information are permitted access to the magnetic tapes with the identifying numbers described above or to the files containing the original reporting instruments. Magnetic tapes with identification numbers removed are made available to the public for statistical uses.

**Retention and disposal:** The original records are retained in office files of NCHS or NCHS contractors for two years. The procedure for family planning records differs in that the original documents are retained in office files for only two months. In all instances, the original records are then sent to the Federal Records Center where they are stored for five years.

**System manager(s) and address:**

Director, National Center for Health Statistics, HRA  
Center Building  
3700 East-West Highway  
Hyattsville, Maryland 20782

**Notification procedure:** None.

**Record access procedures:** None.

**Contesting record procedures:** None.

**Record source categories:** Hospitals, physicians, clinics, nursing homes, and other providers of health care.

**Systems exempted from certain provisions of the act:** With respect to this system of records, exemption has been granted from the requirements contained in Subsections 552a, (c)(3), (d)(1) through (4), and (e)(4)(G) and (H), in accordance with provisions of Subsections 552a(k)(4) of the Privacy Act of 1974. The reason for this exemption is that this system contains only records required by statute to be maintained and used solely as statistical records.

09-35-0042

**System name:** Transfer of U.S. Students in Foreign Medical Schools to U.S. Schools-DHEW/HRA/BHM

**Security classification:** None.

**System location:**

International Programs Staff  
Division of Medicine  
Bureau of Health Manpower  
Center Building, 4th Floor  
3700 East-West Highway  
Hyattsville, Md. 20782

**Contractor location** will be available upon request directed to the System Manager.

**Categories of individuals covered by the system:** Citizens of the United States enrolled in foreign medical schools before October 12, 1976.

**Categories of records in the system:** Applications from U.S. citizens enrolled in foreign medical schools who wish to be identified by the Secretary for transfer to U.S. medical schools, copies of birth certificates and naturalization papers.

**Authority for maintenance of the system:** Section 771(b)(3) of the Public Health Service Act (42 U.S.C. 295f-1) as amended by The Health Professions Educational Assistance Act of 1976, Pub. L. 94-484.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The Department contem-

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plates that it will contract with a private organization for the purpose of 'matching' eligible students with the medical schools to which they have applied. Relevant records will be disclosed to such contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records. Disclosure may be made to U.S. medical schools which apply for capitation grants under section 770 of the Public Health Service Act, as amended by the Health Professions Educational Assistance Act of 1976. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual files and computer tape.

**Retrievability:** Data will be retrieved by student name or assigned ID number. The records in this system will be used: (1) to identify citizens of the United States who are enrolled in foreign medical schools and are eligible to transfer to United States medical schools under the provisions of section 771 of the Public Health Service Act, as amended by the Health Professions Educational Assistance Act of 1976; (2) to 'match' eligible students with those United States medical schools which apply for 'capitation' grants under section 770 of the Public Health Service Act, as amended by the Health Professions Educational Assistance Act of 1976.

**Safeguards:** Manual files in this system of records will be stored in locking file units. Only authorized personnel will have access to application materials. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** The records in this system will be held by the Health Resources Administration for three years, the full length of the enabling legislation. They will then be held at the Federal Records Center for three additional years before disposal.

**System manager(s) and address:**

Chief, International Programs Staff  
Division of Medicine  
Bureau of Health Manpower  
Center Building, 4th Floor  
3700 East-West Highway  
Hyattsville, Maryland 20782

**Notification procedure:**

Chief, International Programs Staff Division of Medicine  
Bureau of Health Manpower  
Center Building  
4th Floor  
3700 East-West Highway  
Hyattsville, Maryland 20782

Information needed consists of name of applicant. This notification procedure is in accordance with the Department Regulations, as published in the Federal Register of October 8, 1975, page 4710 (45 CFR, Part 5b.5).

**Record access procedures:** Same as notification procedures. Requestors should also reasonably specify the record contents being sought. (These access procedures are in accordance with the Department Regulations (45 CFR, Part 5b.5(a)(2) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Write to the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Part 5b.7) Federal Register, October 8, 1976, page 47411.)

**Record source categories:** The student applicants will provide most of the information in this system directly to the International Programs Staff. The remainder of the data will be provided by U.S. medical schools in those instances when student applicants are ad-

mitted directly to the schools without sending applications to the International Programs Staff. The schools will provide this data in order to receive credit toward receipt of 'capitation' grants.

**Systems exempted from certain provisions of the act:** None.

09-35-0043

**System name:** Curricula Vitae of Consultants to the National Center for Health Statistics (NCHS DHEW/HRA/NCHS).

**Security classification:** None.

**System location:**

Center Building  
3700 East-West Highway  
Hyattsville, Maryland 20782

In offices of contractors employed to develop and maintain curricula vitae on consultants to NCHS. Contractor location will be available upon request directed to the System Manager.

**Categories of individuals covered by the system:** Persons who are current or potential consultants to NCHS. These are persons with special expertise who may be able to assist NCHS on a consultant basis in the planning and conducting of surveys, studies, statistical reporting programs, statistical analyses of data, or in providing training and technical assistance, or assisting in conducting conferences.

**Categories of records in the system:** Information relating to the professional training and experience of the consultant. This includes address, current position, employer, duties, place, time, and length of education, degrees received, honors received, former positions and work experiences, memberships in professional organizations, special committee and task force assignments, offices held, publications, references, health condition, availability for, and interest in travel and accepting certain assignments, compensation required, etc.

**Authority for maintenance of the system:** Public Health Service Act, Section 304(b) (42 U.S.C. 242b).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The following routine uses from Appendix B of the Department Regulations (45 CFR Part 5b) published in the Federal Register, October 8, 1975, page 47415, are applicable to this system of records:

(1) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(2) Where federal agencies having the power to subpoena other federal agencies records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

(3) The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in contractor shall be required to maintain Privacy Act safeguards with respect to such records.

(100) To the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual.

(101) To individuals and organizations, deemed qualified by the Secretary to carry out specific research solely for the purpose of carrying out such research.

(102) To organizations deemed qualified by the Secretary to carry out quality assessments, medical audits or utilization review. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the

Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The information is contained on paper records although computer-readable tape may be employed in the future.

**Retrievability:** Information is retrieved by name, address, specialty, and by other characteristics. The data is used by staff of NCHS or its contractors for selecting consultants to assist in projects or conducted or sponsored by NCHS.

**Safeguards:** Records are kept in locked metal cabinets or in a locked room when not in use. Records will be used only by staff authorized to use them for the purpose for which they were obtained. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Records are maintained indefinitely. Records may be removed and destroyed upon the consultant's death, disability for consultant work, or request that his/her records be removed from the file.

**System manager(s) and address:**

Director, National Center for Health Statistics  
Health Resources Administration  
Center Building  
3700 East-West Highway Hyattsville, Maryland 20782

**Notification procedure:**

Director, National Center for Health Statistics  
Health Resources Administration  
Center Building  
3700 East-West Highway  
Hyattsville, Maryland 20782

Information needed consists of name of individual. This

notification procedure is in accordance with the Department Regulations, as published in the Federal Register of October 8, 1975, page 4710 (45 CFR, Part 5b.5).

**Record access procedures:** Same as notification procedures. Requestors should also reasonably specify the record contents being sought. (These access procedures are in accordance with the Department Regulations (45 CFR, Part 5b.5(a)(2) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Write to the Official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Part 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Records are obtained from the consultants themselves, except that references may be obtained from present and former employers or supervisors of the consultants, or from individuals given as references by the consultants.

**Systems exempted from certain provisions of the act:** None. /

09-15-0001

**System name:** Division of Federal Employee Health, Employee Health Records HEW/HSA/BMS.

**Security classification:** None.

**System location:** See Appendix and Regional Federal Records Center.

**Categories of individuals covered by the system:** Federal employees enrolled in PHS/DFEH Health Units.

**Categories of records in the system:** Health records.

**Authority for maintenance of the system:** 5 USC 7901, 5 USC 8101, OMB Circular No. A-72.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose: Access to those files of persons claiming compensation benefits due to personal injury while on the job. Certain records may be disclosed to medical laboratories, medical consultants, or computer processing firms under a service contract agreement. In the event of a change in sponsorship of a PHS/DFEH health care unit or in a case of mass transfer of employees covered by a PHS/DFEH health care unit to one served by a non-departmental organization, the health records

will be transferred to the custodianship of the new organization. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected. Users: U. S. Department of Labor, Office of Worker's Compensation Program.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Folders.

**Retrievability:** Purpose: employees are provided occupational health services (on a voluntary basis). The data resulting from these services are included in the employee health records. Users: physicians, nurses, other health professionals. Retrievability: alphabetically by last name.

**Safeguards:** Stored in locked cabinets; access limited to authorized personnel.

**Retention and disposal:** Number of years held at HSA - Period of service or 6 years if inactive. How destroyed: shredded and disposed if inactive more than 6 years.

**System manager(s) and address:**

Director, Division of Federal Employee Health  
FOB 03, 6525 Belcrest Road  
Hyattsville, Maryland 20782

**Notification procedure:** Same as above. Individuals must provide treatment location. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

**Record access procedures:** See appendix for appropriate address. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2) and 5b.6) Federal Register, October 8, 1975, page 47410 and 47411.)

**Contesting record procedures:** Write to the official at the appropriate address specified in the appendix, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Data resulting from the clinical and preventive services offered by the PHS/DFEH Health Unit and data obtained from individual.

**Systems exempted from certain provisions of the act:** None.

**Appendix Location and Access**

Washington, D.C. area  
Medical Officer in Charge  
PHS/DFEH Health Unit  
Energy Research and Development Administration  
Room A-075  
Germantown, Maryland 20767

Nurse in Charge  
PHS/DFEH Health Unit  
Brown Building, Room 559  
1200 - 19th Street, NW  
Washington, D.C. 20036

Medical Officer in Charge  
PHS/DFEH Health Unit



Bureau of Engraving & Printing  
Room 320  
14th and C Streets, SW  
Washington, D.C. 20226

Nurse in Charge  
PHS/DFEH Health Unit  
Capitol Mall North Building  
Room 325  
500 N. Capitol Street, NW  
Washington, D.C. 20549

Nurse in Charge  
PHS/DFEH Health Unit  
Columbia Plaza Bldg., Rm. 4061  
2401 E Street, NW  
Washington, D.C. 20506

Nurse in Charge  
PHS/DFEH Health Unit  
E Street Building, Rm. 908  
1201 E Street, NW  
Washington, D.C. 20226

Nurse in Charge  
PHS/DFEH Health Unit  
Federal Office Bldg. 06, Rm. A-039  
400 Maryland Avenue, SW  
Washington, D.C. 20202

Nurse in Charge  
PHS/DFEH Health Unit  
FOB 07, New Executive Office Bldg.  
Room 6101  
726 Jackson Place, NW  
Washington, D.C. 20503

Nurse in Charge  
PHS/DFEH Health Unit  
Federal Office Bldg. 08, Room 1010  
200 C Street, SW  
Washington, D.C. 20204

Nurse in Charge  
PHS/DFEH Health Unit  
Franconia Warehouse, Bldg. A  
Federal Supply Service, GSA  
Springfield, Virginia 22150

Nurse in Charge  
PHS/DFEH Health Unit  
Franklin Square North Building  
Room 824  
1325 K Street, NW  
Washington, D.C. 20225

Medical Officer in Charge  
PHS/DFEH Health Unit  
General Accounting Office Building  
Room 1455  
441 G Street, NW  
Washington, D.C. 20548

Nurse in Charge  
PHS/DFEH Health Unit  
GSA Main Building, Rm. 1008  
18th and F Streets, NW  
Washington, D.C. 20405

Nurse in Charge  
PHS/DFEH Health Unit  
GSA Region III Building, Rm. 4114  
7th and D Streets, SW  
Washington, D.C. 20407

Medical Officer in Charge  
PHS/DFEH Health Unit  
HEW-North Building, Rm. 1165-A  
4th Street & Independence Avenue, SW  
Washington, D.C. 20201

Medical Officer in Charge  
PHS/DFEH Health Unit  
HEW-Switzer Bldg., Rm. 3050  
4th and C Streets, SW  
Washington, D.C. 20201

Medical Officer in Charge  
PHS/DFEH Health Unit  
Dept. of Housing & Urban Development  
Room 7239  
7th and D Streets, SW  
Washington, D.C. 20410

Nurse in Charge  
PHS/DFEH Health Unit  
Imperial Building, Room 202  
1441 L Street, NW  
Washington, D.C. 20416

Medical Officer in Charge  
PHS/DFEH Health Unit  
Internal Revenue Service Bldg.  
Room 1302  
12th and Constitution Avenue, NW  
Washington, D.C. 20224

Nurse in Charge  
PHS/DFEH Health Unit  
Justice Department Main Bldg.  
Room 1410  
10th and Constitution Avenue, NW  
Washington, D.C. 20530

Nurse in Charge  
PHS/DFEH Health Unit  
U.S. Customs Service Bldg., Rm. 5126  
14th and Constitution Avenue, NW  
Washington, D.C. 20210

Nurse in Charge  
PHS/DFEH Health Unit  
810 Vermont Avenue, NW  
Washington, D.C. 20420

Nurse in Charge  
PHS/DFEH Health Unit  
Liberty Loan Building, Room 546  
(Check Claims Division)  
401 - 14th Street, SW  
Washington, D.C. 20226

Nurse in Charge  
PHS/DFEH Health Unit  
'M' Street 02 Building (F.C.C.)  
Room 529  
1919 'M' Street, NW  
Washington, D.C. 20554

Nurse in Charge  
'M' Street Building  
Room 2121  
2000 'M' Street, NW  
Washington, D.C. 20461

Nurse in Charge  
PHS/DFEH Health Unit  
Maiatico Building, Room 1220  
806 Connecticut Avenue, NW  
Washington, D.C. 20525

Nurse in Charge  
PHS/DFEH Health Unit  
Matomic Building (USIA)  
Room 433  
1717 H Street, NW  
Washington, D.C. 20547

Nurse in Charge  
PHS/DFEH Health Unit  
National Archives & Records Service  
Room G-2

8th and Pennsylvania Avenue, NW  
Washington, D.C. 20408

Nurse in Charge  
PHS/DFEH Health Unit  
National Labor Relations Board Bldg.  
Room 360  
1717 Pennsylvania Avenue, NW  
Washington, D.C. 20570

Nurse in Charge  
PHS/DFEH Health Unit  
National Technical Information Service  
Room 1225  
5285 Port Royal Road  
Springfield, Virginia 22161

Nurse in Charge  
PHS/DFEH Health Unit  
Northwestern Federal Bldg., Rm. 700  
1405 'I' Street, NW  
Washington, D.C. 20537

Nurse in Charge  
PHS/DFEH Health Unit  
One McPherson Square Bldg., Rm. 1040  
1425 K Street, NW  
Washington, D.C. 20525

Medical Officer in Charge  
PHS/DFEH Health Unit  
Parklawn Building, Room 5B-16  
5600 Fishers Lane  
Rockville, Maryland 20857

Nurse in Charge  
PHS/DFEH Health Unit  
Patrick Henry Bldg., Room 5509  
601 D Street, NW  
Washington, D.C. 20213

Medical Officer in Charge  
PHS/DFEH Health Unit  
Phillips Building, Room P-132  
7920 Norfolk Avenue  
Bethesda, Maryland 20545

Nurse in Charge  
PHS/DFEH Health Unit  
Public Debt Bldg., Room 709  
13th and C Streets, SW  
Washington, D.C. 20226  
Nurse in Charge  
PHS/DFEH Health Unit  
Rock-Wall Building, Room 729  
11400 Rockville Pike  
Rockville, Maryland 20852

Nurse in Charge  
PHS/DFEH Health Unit  
Thomas Circle - South Building  
Room 605  
1121 Vermont Avenue, NW  
Washington, D.C. 20425

Nurse in Charge  
PHS/DFEH Health Unit  
Todd Building, Room 803  
550 - 11th Street, NW  
Washington, D.C. 20530

Nurse in Charge  
PHS/DFEH Health Unit  
Treasury Dept. - Main Building  
Room 1445  
15th and Pennsylvania Avenue, NW  
Washington, D.C. 20220

Nurse in Charge  
PHS/DFEH Health Unit  
Twinpark Building 01, Suite 142

12720 Twinbrook Parkway  
Rockville, Maryland 20852

Nurse in Charge  
PHS/DFEH Health Unit  
Union Center Plaza, Room 3101  
825 North Capitol Street, NE  
Washington, D.C. 20426

Nurse in Charge  
PHS/DFEH Health Unit  
Universal Building North  
Room 540 (CAB Mail Room)  
1875 Connecticut Avenue, NW  
Washington, D.C. 20428

Nurse in Charge  
PHS/DFEH Health Unit  
U.S. Tax Court Bldg., Room G-64  
400 Second Street, NW  
Washington, D.C. 20217

Nurse in Charge  
PHS/DFEH Health Unit  
Washington National Records Center  
Room 126  
Washington, D.C. 20409

Nurse in Charge  
PHS/DFEH Health Unit  
U. S. Geological Survey National Center  
Room 1B-418  
12201 Sunrise Valley Drive  
Reston Virginia 22092

Nurse in Charge  
PHS/DFEH Health Unit  
Richmond Federal Building  
Room 1210  
400 North Eight Street  
Richmond, Virginia 23240

Nurse in Charge  
PHS/DFEH Health Unit  
Federal Center Building 02  
Room 1-17  
3700 East-West Highway  
W: Hyattsville, Maryland 20782

Nurse in Charge  
PHS/DFEH Health Unit  
HEW South Portal Building  
Room 215G  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

Nurse in Charge  
PHS/DFEH Health Unit  
Federal Trade Commission Building  
Room 105  
6th and Pennsylvania Avenue, N.W.  
Washington, D.C. 20580

Nurse in Charge  
PHS/DFEH Health Unit  
Federal Depot  
Basement  
2800 Eastern Avenue  
Middle River, Maryland 21220

Nurse in Charge  
PHS/DFEH Health Unit  
Union Center Plaza North Building  
Room 6302  
941 North Capitol Street, N.E.  
Washington, D.C. 20426

Alaska

Nurse in Charge  
PHS/DFEH Health Unit



52166

## PRIVACY ACT ISSUANCES

Federal Building  
Box A-69  
709 West 9th Street  
Juneau, Alaska 99802

## Arizona

Nurse in Charge  
PHS/DFEH Health Unit  
Federal Building - Room 3400  
230 North 1st Avenue  
Phoenix, Arizona 85003

## Arkansas

Nurse in Charge  
PHS/DFEH Health Unit  
Federal Office Building  
700 West Capital Street  
Little Rock, Arkansas 72201

## California

Nurse in Charge  
PHS/DFEH Health Unit  
Federal Building and Courthouse  
Room 2304  
1130 O Street  
Fresno, California 93721

Medical Officer in Charge  
PHS/DFEH Health Unit  
New Federal Building, Room 5008  
300 N. Los Angeles Street  
Los Angeles, California 90012

Medical Officer in Charge  
PHS/DFEH Health Unit  
U.S. Courthouse, Room 1005  
312 N. Spring Street  
Los Angeles, California 90012

Nurse in Charge  
PHS/DFEH Health Unit  
U.S. Courthouse and Federal Bldg.  
Room 6515  
650 Capitol Mall  
Sacramento, California 95814

Nurse in Charge  
PHS/DFEH Health Unit  
FOB-Cottage Way, Room E-1720  
2800 Cottage Way  
Sacramento, California 95825

Medical Officer in Charge  
PHS/DFEH Health Unit  
New Federal Building  
Room 5210, Box 36115  
450 Golden Gate Avenue  
San Francisco, California 94102

Nurse in Charge  
PHS/DFEH Health Unit  
Tishman Building, 32nd Floor  
525 Market Street  
San Francisco, California 94105

Nurse in Charge  
PHS/DFEH Health Unit  
Appraisers Stores Building  
Room 1123  
630 Sansome Street  
San Francisco, California 94111

Nurse in Charge  
PHS/DFEH Health Unit  
Federal Office Building, Room 40  
50 United Nations Plaza  
San Francisco, California 94102

Nurse in Charge  
PHS/DFEH Health Unit  
Federal Building & Custom House  
Room 1519  
300 South Ferry Street  
Terminal Island  
San Pedro, California 90731

Nurse in Charge  
PHS/DFEH Health Unit  
Federal Building - Room 619  
34 Civic Center Plaza  
Santa Ana, California 92701

Nurse in Charge  
PHS/DFEH Health Unit  
Federal Building - Room 2N4  
6230 Van Nuys Boulevard  
Van Nuys, California 91408

## Colorado

Medical Officer in Charge  
PHS/DFEH Health Unit  
Denver Federal Center  
Building 040  
Denver, Colorado 80225

Medical Officer in Charge  
PHS/DFEH Health Unit  
Denver Federal Center  
Building 025  
Denver, Colorado 80225

Nurse in Charge  
PHS/DFEH Health Unit  
Federal Building & U.S. Courthouse  
Room 8028  
1961 Stout Street  
Denver, Colorado 80202

## Connecticut

Nurse in Charge  
PHS/DFEH Health Unit  
Federal Building and U.S. Courthouse  
Room G-1  
450 Main Street  
Hartford, Connecticut 06103

## Florida

Nurse in Charge  
PHS/DFEH Health Unit  
Federal Office Building, Room 1310  
51 S.W. First Avenue  
Miami, Florida 33130

Nurse in Charge  
PHS/DFEH Health Unit  
Federal Building and U.S. Courthouse - Rm.  
80 N. Hughey Avenue  
Orlando, Florida 32801

## Georgia

Medical Officer in Charge  
PHS/DFEH Health Unit  
Peachtree-7th Street Bldg., Rm. 517  
50 - 7th Street, NE  
Atlanta, Georgia 30323

Medical Officer in Charge  
PHS/DFEH Health Unit  
Room 535  
730 Peachtree Street, NE  
Atlanta, Georgia 30308

Medical Officer in Charge  
PHS/DFEH Health Unit  
Room 218

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

52167

## Louisiana

Nurse in Charge  
PHS/DFEH Health Unit  
Hale Boggs Federal Building and U.S. Courthouse  
500 Camp Street  
New Orleans, Louisiana 70130

Nurse in Charge  
PHS/DFEH Health Unit  
Federal Office Building  
600 South Street  
New Orleans, Louisiana 70130

## Massachusetts

Nurse in Charge  
PHS/DFEH Health Unit  
Post Office & Court House Building  
Room 1805  
Boston, Massachusetts 02109

Medical Officer in Charge  
PHS/DFEH Health Unit  
John F. Kennedy Building, Room E-120  
Government Square  
Boston, Massachusetts 02203

Nurse in Charge  
PHS/DFEH Health Unit  
Waltham Federal Center  
424 Trapelo Road  
Waltham, Massachusetts 02154

## Michigan

Nurse in Charge  
PHS/DFEH Health Unit  
Federal Office Building and U.S. Courthouse, Rm. 1050  
231 W. Lafayette Street  
Detroit, Michigan 48226

Nurse in Charge  
PHS/DFEH Health Unit  
Patrick V. McNamara Federal Bldg.  
Room 1170  
447 Michigan Avenue  
Detroit, Michigan 48226

## Minnesota

Nurse in Charge  
PHS/DFEH Health Unit  
Federal Office Building, Rm. 248  
Fort Snelling, Minnesota 55111

Nurse in Charge  
PHS/DFEH Health Unit  
Federal Building & U.S. Courthouse  
Room 167  
316 Robert Street  
St. Paul, Minnesota 55101

## Missouri

Medical Officer in Charge  
PHS/DFEH Health Unit  
Federal Office Building, Rm. 1211  
911 Walnut Street  
Kansas City, Missouri 64106

Nurse in Charge  
PHS/DFEH Health Unit  
Federal Building (GSA)  
Corridor 16, Sub-basement  
1150 East Bannister Road  
Kansas City, Missouri 64131

Medical Officer in Charge  
PHS/DFEH Health Unit  
Federal Building, Room 901

1371 Peachtree Street, NE  
Atlanta, Georgia 30309

Medical Officer in Charge  
PHS/DFEH Health Unit  
Room 910  
1720 Peachtree Street, NW  
Atlanta, Georgia 30309

Medical Officer in Charge  
PHS/DFEH Health Unit  
Room 155  
1776 Peachtree Street, NW  
Atlanta, Georgia 30309

Nurse in Charge  
PHS/DFEH Health Unit  
DCASR - Room 211  
805 Walker Street  
Marietta, Georgia 30060

## Idaho

Nurse in Charge  
PHS/DFEH Health Unit  
Federal Building & Courthouse  
Box 014, Room 379  
550 West Fort Street  
Boise, Idaho 83724

## Illinois

Medical Officer in Charge  
PHS/DFEH Health Unit  
Everett McKinley Dirksen Building  
Room 1419  
219 South Dearborn Street  
Chicago, Illinois 60604

Nurse in Charge  
PHS/DFEH Health Unit  
Federal Building - Room 187  
536 South Clark Street  
Chicago, Illinois 60605

Nurse in Charge  
PHS/DFEH Health Unit  
Wacker Building, Room 2046  
300 South Wacker Drive  
Chicago, Illinois 60606

Nurse in Charge  
PHS/DFEH Health Unit  
John C. Kluczynski Federal Bldg.  
Room 360  
230 S. Dearborn Street  
Chicago, Illinois 60604

## Indiana

Nurse in Charge  
PHS/DFEH Health Unit  
Federal Building - Room 614  
575 Pennsylvania Street  
Indianapolis, Indiana 46204

Nurse in Charge  
PHS/DFEH Health Unit  
Federal Office Building, Room 711  
210 Walnut Street  
Des Moines, Iowa 50309

## Kentucky

Nurse in Charge  
PHS/DFEH Health Unit  
P.O. Box 267  
Covington, Kentucky 41012

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601 E. 12th Street  
Kansas City, Missouri 64106

Nurse in Charge  
PHS/DFEH Health Unit  
U. S. Geological Survey Bldg.  
Room 902  
1400 Independence Road  
Rolla, Missouri 65401

Nurse in Charge  
PHS/DFEH Health Unit  
210 North 12th Boulevard Building  
Room 1045  
210 North 12th Boulevard  
St. Louis, Missouri 63101

Nurse in Charge  
PHS/DFEH Health Unit  
Crown Center Office Building  
Room 603  
2460 Pershing Road  
Kansas City, Missouri 64108

Nurse in Charge  
PGS/DFEH Health Unit  
Federal Complex  
Building MO-OSO1AE  
601 Hardesty Road  
Kansas City, Missouri 64124

#### Montana

Nurse in Charge PHS/DFEH Health Unit  
Federal Building & U.S. Courthouse  
316 North 26th Street  
Billings, Montana 59101

#### Nebraska

Nurse in Charge  
PHS/DFEH Health Unit  
Federal Building, Room 8408  
215 N. 17th Street  
Omaha, Nebraska 68102

#### New Jersey

Nurse in Charge  
PHS/DFEH Health Unit  
Building T-2  
Belle Mead Depot  
Belle Mead, New Jersey 08502

Nurse in Charge  
PHS/DFEH Health Unit  
Federal Office Building, Room 905  
970 Broad Street  
Newark, New Jersey 07102

#### New Mexico

Nurse in Charge  
PHS/DFEH Health Unit  
Federal Building & U.S. Courthouse  
Room 5206  
500 Gold Avenue, SW  
Albuquerque, New Mexico 87101

#### New York

Medical Officer in Charge  
PHS/DFEH Health Unit  
Federal Building, 8th Floor  
29th Street and Third Avenue  
Brooklyn, New York 11232

Nurse in Charge  
PHS/DFEH Health Unit  
Federal Building, Room 915  
111 W. Huron Street

Buffalo, New York 14202

Nurse in Charge  
PHS/DFEH Health Unit  
Astor Plaza Building  
Room 3210  
1515 Broadway  
New York, New York 10036

Medical Officer in Charge  
PHS/DFEH Health Unit  
U.S. Customs Court & Federal Bldg.  
Foley Square  
26 Federal Plaza  
New York, New York 10007

Nurse in Charge  
PHS/DFEH Health Unit  
Leo W. O'Brien Federal Building  
Room B-29  
Clinton Avenue & N. Pearl Street  
Albany, New York 12207

Nurse in Charge  
PHS/DFEH Health Unit  
Federal Building & U. S. Courthouse  
Room 709  
100 S. Clinton Street  
Syracuse, New York 13202

#### North Carolina

Nurse in Charge  
PHS/DFEH Health Unit  
Building D, Room 100  
Environmental Protection Agency  
Research Triangle Park, North Carolina 27711

#### Ohio

Nurse in Charge  
PHS/DFEH Health Unit  
National Institute for Occupational Safety and Health  
Room SB-47  
4676 Columbia Parkway  
Cincinnati, Ohio 45268

Medical Officer in Charge  
PHS/DFEH Health Unit  
Federal Office Building, Room 1515  
550 Main Street  
Cincinnati, Ohio 45202

Nurse in Charge  
PHS/DFEH Health Unit  
Environmental Protection Agency  
Room 357  
26 West Saint Clair Street  
Cincinnati, Ohio 45268

Nurse in Charge  
PHS/DFEH Health Unit  
Federal Building, Room 517  
234 Summit Street  
Toledo, Ohio 43604

#### Oklahoma

Nurse in Charge  
PHS/DFEH Health Unit  
Federal Building, U.S. Courthouse  
200 N. W. 4th Street  
Oklahoma City, Oklahoma 73101

#### Oregon

Nurse in Charge  
PHS/DFEH Health Unit  
Federal Building - Room 1173  
1220 S. W. Third Avenue  
Portland, Oregon 97204

#### Pennsylvania

Nurse in Charge  
PHS/DFEH Health Unit  
U.S. Customs House & Federal Building  
Room 111  
2nd and Chestnut Streets  
Philadelphia, Pennsylvania 19106

Nurse in Charge  
PHS/DFEH Health Unit  
William J. Green, Jr. Federal Bldg.  
Room 4306/4310  
600 Arch Street  
Philadelphia, Pennsylvania 19106

Nurse in Charge  
PHS/DFEH Health Unit  
Gateway Building, Room 1320  
3535 Market Street  
Philadelphia, Pennsylvania 19104

Nurse in Charge  
PHS/DFEH Health Unit  
Federal Office Building  
12th Floor  
1000 Liberty Avenue  
Pittsburgh, Pennsylvania 15222

Nurse in Charge  
PHS/DFEH Health Unit  
Federal Building - Room 386  
228 Walnut Street  
Harrisburg, Pennsylvania 17108

#### Puerto Rico

Nurse in Charge  
PHS/DFEH Health Unit  
Federal Building & Courthouse, Rm. 402  
Avenida Carlos Chardon  
Hato Rey, Puerto Rico 00918

#### Tennessee

Nurse in Charge  
PHS/DFEH Health Unit  
Clifford Davis Federal Building  
167 North Main Street  
Memphis, Tennessee 38103

#### Texas

Medical Officer in Charge  
PHS/DFEH Health Unit  
Earle Cabell Federal Bldg.  
Room 9-E1  
1100 Commerce Street  
Dallas, Texas 75242

Medical Officer in Charge  
PHS/DFEH Health Unit  
Federal Building, Room 13A25  
819 Taylor Street at 10th  
Fort Worth, Texas 76102

Medical Officer in Charge  
PHS/DFEH Health Unit  
Federal Center  
P.O. Box 6567  
Fort Worth, Texas 76115

Nurse in Charge  
PHS/DFEH Health Unit  
Federal Building  
Room G-159  
300 East 8th Street  
Austin, Texas 78701

Nurse in Charge

PHS/DFEH Health Unit  
Main Tower Building  
Room 1201  
1200 Main Street  
Dallas, Texas 75202

Nurse in Charge  
PHS/DFEH Health Unit  
Federal Building & Courthouse  
Room B-305  
515 Rusk Avenue  
Houston, Texas 77002  
Utah

Nurse in Charge  
PHS/DFEH Health Unit  
Federal Office Building, Room 3103  
125 South State Street  
Salt Lake City, Utah 84138

#### Washington

Nurse in Charge  
PHS/DFEH Health Unit  
Arcade Plaza Building, Room 5051  
1321 Second Avenue  
Seattle, Washington 98101

Nurse in Charge  
PHS/DFEH Health Unit  
Federal Center South Building  
Room 184  
4735 E. Marginal Way  
Seattle, Washington 98134

Nurse in Charge  
PHS/DFEH Health Unit  
New Federal Building, Room 570  
915 Second Avenue  
Seattle, Washington 98104

Nurse in Charge  
PHS/DFEH Health Unit  
GSA Building 010, Room 1020  
15th and C Streets, SW  
Auburn, Washington 98002

Nurse in Charge  
PHS/DFEH Health Unit  
Federal Building & U.S. Courthouse  
Room 481  
920 W. Riverside Avenue  
Spokane, Washington 99201

#### Wisconsin

Nurse in Charge  
PHS/DFEH Health Unit  
Federal Building & U.S. Courthouse  
Room 420  
517 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202

09-15-0002

System name: Record of Patients' Personal Valuables and Monies  
HEW/HSA/BMS.

Security classification: None.

System location: Financial Management offices - per appendix.

Categories of individuals covered by the system: Individuals admitted to PHS Hospital.

Categories of records in the system: Valuables and monies checked in for safe keeping.

Authority for maintenance of the system: Public Health Service Act Section 321 (42 U.S.C. 248).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of

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the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders in locked safe.

**Retrievability:** Purpose: safe keeping of patients' valuables. Users: cashier, HEW Audit Agency. Retrievability: by name and hospital record number.

**Safeguards:** Physical security. Access limited to authorized employees only.

**Retention and disposal:** Number of years held at HSA: Until audited. Number of years held at Federal Records Center before disposal: None. How destroyed: incinerator.

**System manager(s) and address:**

Chief, Financial Management Branch, BMS  
11th Floor, Federal Center Bldg. 03  
6525 Belcrest Rd., W. Hyattsville, MD 20782

**Notification procedure:** Financial Management offices - as listed in appendix

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Write to the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Patient.

**Systems exempted from certain provisions of the act:** None.

#### Appendix

Address all correspondence to, Director, USPHS Hospital, attn: Chief, Financial Management, at the appropriate locations:  
USPHS Hospital  
3100 Wyman Park Drive  
Baltimore, MD 21211

USPHS Hospital  
77 Warren St.  
Boston (Brighton) Mass. 02135

USPHS Hospital  
Carville, La 70721

USPHS Hospital  
4400 Avenue N  
Galveston, Texas 77550

USPHS Hospital  
210 State St.  
New Orleans, La 70118

USPHS Hospital  
6500 Hampton Blvd., Larchmont  
Norfolk, Va 23508

USPHS Hospital  
1131 14th Ave., South  
Seattle, Wash., 98114

USPHS Hospital  
Bay Street and Vanderbilt Avenue  
Staten Island, New York 10304

USPHS Hospital  
15th Ave. & Lake St.  
San Francisco, Calif. 94118

09-15-0003

**System name:** Contract Physicians and Consultants HEW/HSA/BMS.

**Security classification:** None.

**System location:**

6525 Belcrest Road, Room 1100, Presidential Building  
Hyattsville, Maryland 20782  
and 9 USPH Hospitals per appendix

**Categories of individuals covered by the system:** Medical and allied health professionals (physicians, nurses, physical therapists, etc.) who have contracted with the Bureau of Medical Services or its Divisions to provide services to beneficiaries.

**Categories of records in the system:** Duplicate of original contract and personal data qualifications.

**Authority for maintenance of the system:** Public Health Service Act Sections 321, 322 (42 U.S.C. 248, 249).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual and in accordance with the following numbered items in Appendix B of Department regulations (42 CFR Part 5b):

(5) In the event that a system of records maintained by this agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether state or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. This is in accordance with Department Regulations.

(7) Where a contract between a component of the Department and a labor organization recognized under E.O. 11491 provides that the agency will disclose personal records relevant to the organization's mission, records in this system of records may be disclosed to such organization. This is in accordance with Department Regulations. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File Folders.

**Retrievability:** Purpose: Contract compliance, review of credentials, statistical and other information required to manage the program. Users: Professional and administrative staff of the Bureau of Medical Services, its Divisions and field stations. Retrievability: Name and contract number.

**Safeguards:** Access limited to professional and administrative staff of the Bureau of Medical Services, its Divisions and field stations who need to know in order to perform their official duties.

**Retention and disposal:** Number of years held at HSA - 1-3 years dependent upon renewal. Number of years held at Federal Records Center before disposal - copy not held. How destroyed: shredded.

**System manager(s) and address:**

Chief, General Services Branch  
HEW/HSA/Bureau of Medical Services  
6525 Belcrest Road, Room 1100  
Hyattsville, Maryland 20782

**Notification procedure:**

Director, Bureau of Medical Services, Att:

Chief, General Services Branch  
6525 Belcrest Road, Room 1100, Presidential Building  
Hyattsville, Maryland 20782  
and List as under location

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Write to the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Physicians/consultants.

**Systems exempted from certain provisions of the act:** None.

#### Appendix

Director, USPHS Hospital, attn:  
General Supply Officer  
3100 Wyman Park Drive  
Baltimore, Maryland 21211

Director, USPHS Hospital, attn:  
General Supply Officer  
77 Warren Street  
Boston (Brighton), Mass. 02135

Director, USPHS Hospital, attn:  
General Supply Officer  
Carville, Louisiana 70721

Director, USPHS Hospital, attn:  
General Supply Officer  
4400 Avenue N  
Galveston, Texas 77550

Director, USPHS Hospital, attn:  
Office Services Manager  
210 State Street  
New Orleans, Louisiana 70118

Director, USPHS Hospital, attn:  
Supply Officer  
6500 Hampton Boulevard  
Norfolk, Virginia 23508

Director, USPHS Hospital, attn:  
General Services Officer  
15th Avenue and Lake Street  
San Francisco, California 94118

Director, USPHS Hospital, attn:  
General Supply Officer  
1131 14th Avenue, S.  
Seattle, Washington 98114

Director, USPHS Hospital, attn:  
Supply Management Officer  
Bay Street & Vanderbilt Avenue  
Staten Island, N.Y. 10304

09-15-0004

**System name:** Federal Employee Occupational Health Data System HEW/HSA/BMS.

**Security classification:** None.

**System location:**

FCB 03, Room 330  
6525 Belcrest Road  
W.Hyattsville, Maryland 20782

**Categories of individuals covered by the system:** Federal employees enrolled in PHS/DFEH Health Units. (See appendix to Division of Federal Employee Health (DEFH) Employee Health Records System to determine covered employees).

**Categories of records in the system:** Health Records.

**Authority for maintenance of the system:** 5 USC 7901, 5 USC 8101, OMB Circular No. A-72.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose: access to files of those persons claiming compensation benefits due to personal injury while on the job. Users: U.S. Department of Labor, Officer of Worker's Compensation Program. Certain records may be disclosed to medical laboratories, medical consultants, or computer processing firms under service contract agreement. In the event of a change in sponsorship of a PHS/DFEH health care unit or in a case of mass transfer of employees covered by a PHS/DFEH health care unit to one served by a non-departmental organization, the health records will be transferred to the custodianship of the new organization. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic tape, and disc.

**Retrievability:** Purpose: The system is designed to provide improved information to DFEH management while simultaneously reducing the administrative workload on the medical professionals in the health units. Users: physicians, nurses, other health professionals. Retrievability: name, SSNs which are supplied on a voluntary basis are used for retrieval.

**Safeguards:** Access to information limited to authorized DFEH personnel. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Number of years held at HSA - Indefinitely or until 5 years after record becomes inactive. Purged from computer and stored on computer tape for a period of 5 years after file becomes inactive.

**System manager(s) and address:**

Director  
Division of Federal Employee Health  
FCB 03 6526 Belcrest Road  
Hyattsville, Maryland 20782

**Notification procedure:** An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Write to the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Data resulting from the clinical and preventive services offered by the PHS/DFEH Health Units and data obtained from individual.

**Systems exempted from certain provisions of the act:** None.

09-15-0005

**System name:** Dental Research - Evaluation of restorative materials HEW/HSA/BMS.



Security classification: None.

**System location:**

USPHS Hospital  
15th Avenue and Lake Street  
San Francisco, California 94118  
and Regional Federal Records Center

**Categories of individuals covered by the system:** Patients in PHS Hospital participating in research project.

**Categories of records in the system:** Dental history and treatment.

**Authority for maintenance of the system:** Public Health Service Act, Section 321 (42 U.S.C. 248).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic tape and file folders.

**Retrievability:** Purpose: study to improve dental restorative material. Users: PHS Dental researchers. Information transferred to NIH and FDA. Retrievability: patient study number.

**Safeguards:** Secured in locked file cabinets; only research staff has access.

**Retention and disposal:** Number of years held at HSA - 10 years. Number of years held at Federal Record Center before disposal - 5 years.

**System manager(s) and address:**

Director, USPHS Hospital  
Attention: Research Coordinator  
Division of Hospitals and Clinics  
15th Avenue and Lake Street  
San Francisco, California 94118

**Notification procedure:** Inquiries should be addressed to the System Manager. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Write to the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Patient and Dental care team.

**Systems exempted from certain provisions of the act:** None.

09-15-0006

**System name:** Cooperative Research Studies System: Coronary Artery Disease HEW/HSA/BMS.

**Security classification:** None.

**System location:**

USPHS Hospital  
3100 Wyman Park Dr.  
Baltimore, Md. 21211

**Categories of individuals covered by the system:** Patients at Public Health Service Hospitals who have agreed to participate in the project.

**Categories of records in the system:** Medical data.

**Authority for maintenance of the system:** Public Health Service Act, Sections 301, 321 (42 U.S.C. 241, 248).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose: research. Users: qualified research personnel with approved research protocol when no identification data are abstracted. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Documents, magnetic tape, punch cards.

**Retrievability:** Purpose: medical research. Users: qualified research personnel. Retrievability: name, medical record number.

**Safeguards:** Locked files, limited access by other than research personnel. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Retained for life of the study. Destroyed by shredding.

**System manager(s) and address:**

Director, Division of Hospitals and Clinics  
Federal Center Bldg. 03, 6525 Belcrest Rd.  
Hyattsville, Md. 20782

**Notification procedure:**

Director: USPHS Hospital  
Attention: Chief, Cardiology Service  
3100 Wyman Park, Dr.  
Baltimore, Md. 21211 An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Write to the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Patient and medical care system.

**Systems exempted from certain provisions of the act:** None.

09-15-0007

**System name:** Patients Medical Record System PHS Hospitals/Clinics HEW/HSA/BMS.

**Security classification:** None.

**System location:** See appendices 1 and 2 and Regional Federal Records Center.

**Categories of individuals covered by the system:** Individuals examined/treated at Public Health Service Hospitals and Clinics.

**Categories of records in the system:** Medical examination, diagnostic and treatment data, information for proof of eligibility, social data, disease registers, treatment logs, statistical summaries, correspondence.

**Authority for maintenance of the system:** Public Health Service Act, Section 321 (42 U.S.C. 248).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose: Reporting results of medical examination, care and treatment; billing third parties for care of patient; research study; health care evaluation program; education of health professionals; contractors for duplication by a non-HEW or private duplication service for distribution to multiple users and for automating data. Users: any community health organization, or government agency, private physicians and/or company which had requested or arranged for an examination, treatment or care of an individual by the Bureau of Medical Services may upon request, be furnished clinical information regarding such examination, treatment or care. Army, Navy, Air Force for reports of uniformed service personnel and their dependents examination/treatment; Coast Guard for reports of uniformed service personnel and their dependents; Coast Guard for reports of American seamen found to be suffering from conditions that render them hazardous to themselves or to others aboard ship; NOAA for reports of uniformed service and other personnel of that agency. INS for reports of aliens examined and treated for and in behalf of that agency. Bureau for Prisons for reports of examination and treatment of patients examined and/or treated for and on behalf of the BP. Department of Health or other agency of a state or its subdivision for reports required under state law or regulation. U.S. Department of Labor, Office of Workers Compensation Programs, for persons claiming compensation benefits due to personal injury while employed by the government. Qualified research personnel with a research protocol approved by the Director, Division of Hospitals and Clinics, or when participating in an approved disease register. Accreditation and health education program agencies. Health professions students serving an affiliation at the institution. Non-agency physicians or laboratories for continued care of the patient. Veterans Administration to assist uniformed service personnel, retirees and veterans obtain medical care or benefits. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual and in accordance with the following numbered items in Appendix J of Department regulations (42 CFR Part 5b):

(9) The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

(10) To individuals and organizations, deemed qualified by the Secretary to carry out specific research solely for the purpose of carrying out such research.

(102) To organizations deemed qualified by the Secretary to carry out quality assessment, medical audits or utilization review. Such information regarding the commission of crimes or the occurrence of communicable diseases, child abuse, etc., as may be required to be disclosed by health facilities generally by the law of the State in which the facility is located. Such information regarding the commission of crimes or the occurrence of communicable diseases, child abuse, etc., as may be required to be disclosed by health facilities generally by the law of the State in which the facility is located. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders; magnetic tape, punch cards, microfilm.

**Retrievability:** Purpose: communication for patient care by health care team and related personnel. Administrative use for facility

management and medical care evaluation, by medical and related staff, administrative staff of the facility. Educational uses to educate and train medical and allied health personnel. Research, study of disease cause, treatment and methods of care delivery. Users: health care team, other medical and allied medical personnel. Medical and allied health students. Administrative personnel for determination of eligibility for care and facility management. Reports of examination/treatment of individuals at request of DHEW-OP, CPOD. Reports of adverse drug reaction and medical device malfunction to FDA. Recover cost of care - PHS Claims Officer. Retrievability: indexed by name, register number, number control register, disease and operation, uniformed services service number which is the social security number. Those records indexed by SSN are retrieved in accordance with 7 (a) (2) (B) of the Privacy Act.

**Safeguards:** Locked storage area, personnel training and instruction, PHS Policy on release of information, job description responsibility for individual employees. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Numbers of years held at HSA (since 1970) - 5 years after last activity. Number of years held at Federal Record Center before disposal - 50 years active duty uniformed service personnel, 25 years all others. Microfilmed records prior to 1970 - permanent. How destroyed: According to FRC policy.

**System manager(s) and address:**

Director, Division of Hospitals and Clinics  
Federal Center Building 03, 6525 Belcrest Road  
Hyattsville, Maryland 20782

**Notification procedure:** Same as system location, but not including Regional Federal Records Centers. Individual must contact appropriate facility directly. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Individual, health care personnel, other hospitals and physicians, employers, social agencies, maritime unions, shipping companies.

**Systems exempted from certain provisions of the act:** None.

**Appendix 1**

Director, USPHS Hospital  
3100 Wyman Park Drive  
Baltimore, Maryland 21211

Director, USPHS Hospital  
77 Warren Street  
Boston (Brighton), Massachusetts 02135

Director, USPHS Hospital  
4400 Avenue N  
Galveston, Texas 77550

Director, USPHS Hospital  
210 State Street  
New Orleans, Louisiana 70118

Director, USPHS Hospital  
6500 Hampton Boulevard  
Larchmont  
Norfolk, Virginia 23508



Director, USPHS Hospital  
15th Avenue and Lake Street  
San Francisco, California 94118

Director, USPHS Hospital  
Box 3145 or  
1131 14th Avenue South  
Seattle, Washington 98114

Director, USPHS Hospital  
Bay Street and Vanderbilt Avenue  
Staten Island, New York 10304

Director, USPHS Hospital  
Carville, Louisiana 70721

#### Appendix 2

Director  
USPHS Outpatient Clinic  
1600 Clifton Road, N.E.  
Atlanta, Georgia 30333

Director  
USPHS Outpatient Clinic  
50 High Street, R. 609  
Buffalo, New York 14203

Director  
USPHS Outpatient Clinic  
214 Federal Building  
334 Meeting Street  
Charleston, S. C. 29403

Director  
USPHS Outpatient Clinic  
1439 S. Michigan Avenue  
Chicago, Illinois 60605

Director  
USPHS Outpatient Clinic  
P. O. and Courthouse Building  
5th and Walnut Street  
Cincinnati, Ohio 45202

Director  
USPHS Outpatient Clinic  
New P. O. Building, West 216 3rd Street and Prospect Ave.  
Cleveland, Ohio 44113

Director  
USPHS Outpatient Clinic  
14700 Riverside Drive  
Detroit, Michigan 48215

Director  
USPHS Outpatient Clinic  
Box 1410 or  
591 Ala Moana Boulevard  
Honolulu, Hawaii 96807

Director  
USPHS Outpatient Clinic  
204 U. S. Customs Building  
701 San Jacinto Street  
Houston, Texas 77002

Director  
USPHS Outpatient Clinic  
Box 4788 or Room 328  
Post Office Bldg  
311 West Monroe Street  
Jacksonville, Florida 32201

Director  
USPHS Outpatient Clinic  
969 Madison Avenue

Memphis, Tennessee 38104

Director  
USPHS Outpatient Clinic  
51 S. W. 1st Avenue, Room 712  
Miami, Florida 33130

Director  
USPHS Outpatient Clinic  
125 Federal Building  
Mobile, Alabama 36602

Director  
USPHS Outpatient Clinic  
245 West Houston Street  
New York, New York 10014

Director  
USPHS Outpatient Clinic  
Room 700  
US Customs House  
2nd & Chestnut Sts  
Philadelphia, Pa. 19106

Director  
USPHS Outpatient Clinic  
U. S. Post Office and Courthouse  
7th Avenue and Grant Street  
Pittsburgh, Pa. 15219

Director  
USPHS Outpatient Clinic  
209 Federal Office Building  
5th Street and Austin Avenue  
Port Arthur, Texas 77640

Director  
USPHS Outpatient Clinic  
331 Veranda Street  
Portland, Maine 04103

Director  
USPHS Outpatient Clinic  
220 Courthouse  
Broadway and Main Street  
Portland, Oregon 97205

Director  
USPHS Outpatient Clinic  
1520 Market Street  
St. Louis, Missouri 63103

Director  
USPHS Outpatient Clinic  
2105 Fifth Avenue  
San Diego, California 92101

Director  
USPHS Outpatient Clinic  
Box 3788  
or 8 1/2 Fernandez Juncos Avenue  
San Juan, Puerto Rico 00904

Director  
USPHS Outpatient Clinic  
Box 831  
or 825 S. Beacon Street  
San Pedro, California 90731

Director  
USPHS Outpatient Clinic  
P. O. Box 9625  
or 1602 Drayton Street  
Savannah, Georgia 31402

Director  
USPHS Outpatient Clinic  
P. O. Box 1611  
or 601 Florida Avenue  
Tampa, Florida 33601

Director  
USPHS Outpatient Clinic  
Switzer Bldg.  
4th and C Streets, S.W.  
Washington, D. C. 20201

09-15-0008

System name: Emergency Non-PHS Treatment Authorization File  
HEW/HSA/BMS.

Security classification: None.

System location: See Appendices 1 and 2 to Patients Medical Record System PHS Hospitals/Clinics System

Categories of individuals covered by the system: Individuals who are eligible for emergency care paid for by the Public Health Service at non-Service medical facilities and have had such care.

Categories of records in the system: Eligibility information and reasons for emergency care.

Authority for maintenance of the system: Public Health Service Act, Section 321 (42 U.S.C. 248).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose: Proof of eligibility to authorize medical care of primary beneficiaries. Users: Non-PHS providers of medical care. Disclosure may be made to insurance companies for third party reimbursement, and to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Document files.

Retrievability: Purpose: to determine eligibility for medical care by the PHS; used to document expenditure of public funds; review and evaluation of medical care. Users: DHEW administrative officials; DHEW physicians or other DHEW health care professionals. Financial officers of the Division of Hospitals and Clinics, BMS. Retrievability: name.

Safeguards: Retained in files of authorized administrative personnel only.

Retention and disposal: Number of years held at HSA - indefinite.

System manager(s) and address:

Director, Division of Hospitals and Clinics  
FOB 03, 6525 Belcrest Road  
Hyattsville, Maryland 20782

Notification procedure: Same as system location. Individual must contact appropriate treatment facility directly.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

Contesting record procedures: Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

Record source categories: Individual or someone acting in his behalf, and providers of medical care.

Systems exempted from certain provisions of the act: None.

09-15-0009

System name: Cooperative Research Studies System: Pyelonephritis HEW/HSA/BMS.

Security classification: None.

System location: Appendix 1 to Patients Medical Record System PHS Hospitals/Clinics System.

Categories of individuals covered by the system: Patients at Public Health Service Hospitals who have agreed to participate in the project.

Categories of records in the system: Medical data.

Authority for maintenance of the system: Public Health Service Act, Section 321 (42 U.S.C. 248).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Users: qualified research personnel with approved research protocol. Contractor for automating, compiling and analysis of data. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Documents, magnetic tape, punch cards.

Retrievability: Purpose: medical research. Users: qualified research personnel. Retrievability: study number, name, hospital register number.

Safeguards: Locked files, access to study number control limited to research project personnel. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

Retention and disposal: Retained for life of research project.

System manager(s) and address:

Director, Division of Hospitals and Clinics  
Federal Center Building 0 3, 6525 Belcrest Road  
Hyattsville, Maryland 20782

Notification procedure: Give treatment location. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

Contesting record procedures: Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

Record source categories: Individual and medical care system.

Systems exempted from certain provisions of the act: None.

09-15-0010

System name: Cooperative Research Studies System: Essential Hypertension HEW/HSA/BMS.

Security classification: None.

System location: System location: Appendix 1 to Patients Medical Record System PHS Hospitals/Clinics System.

Categories of individuals covered by the system: Patients at Public Health Service Hospitals who have agreed to participate in the project.

Categories of records in the system: Medical data.

Authority for maintenance of the system: Public Health Service Act, Section 321 (43 U.S.C. 248).



**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose: research. Users: qualified research personnel with approved research protocol. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual, and in accordance with item 9 in Appendix B of Department regulations (42 CFR Part 5b): to a contractor for the purpose of collating, analyzing, aggregating or otherwise records in this system. The contractor shall be required to maintain Privacy Act safeguards with respect to such records. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Documents, magnetic tape, punch cards.

**Retrievability:** Purpose: medical research. Users: qualified research personnel. Retrievability: study number, name, hospital register number.

**Safeguards:** Locked file. Access to study number control and record limited to research project personnel. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Retained for the life of the research study.

**System manager(s) and address:**

Director, Division of Hospitals and Clinics  
Federal Center Building 0 3, 6525 Belcrest Road  
Hyattsville, Maryland 20782

**Notification procedure:** Same as above. Individuals must provide treatment location. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Individual and medical care system.

**Systems exempted from certain provisions of the act:** None.

09-15-0011

**System name:** End Stage Renal Disease (ESRD) Medical Information System (Registry) HEW/HSA/BQA.

**Security classification:** None.

**System location:**

Value Engineering Co.  
2550 Huntington Avenue  
Alexandria, Virginia 22303

**Categories of individuals covered by the system:** Individuals receiving ESRD Medicare Benefits including successful kidney transplant patient one year post-surgery.

**Categories of records in the system:** Health and medical records data

**Authority for maintenance of the system:** Social Security Act Section 226(9) (42 U.S.C. 426(g)).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

1) Development and support for improved Federal ESRD activities; coordination and monitoring of Federal/State ESRD programs; support for State and local ESRD program activities; review of appropriateness of care and services provided to ESRD patients; assurance that all identified and potential patients have access to necessary services; review of quality of care being provided to ESRD patients; planning for ESRD services and facilities and determination that existing services and facilities are effectively utilized; support for organizations and institutions conducting ESRD research and providing services to ESRD patients; projection of equipment and supply requirements for ESRD patients. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. See Appendix B of the Departmental Regulations (45 CFR, Part 5b), items 3.9, 101 and 102.

2) Purpose: To meet and operationalize statutory requirements of Sec. 2991, P.L. 92-603; to support State and local ESRD programs and legislative requirements; to support non-Federal research and service programs and effective State, local and other planning activities.

3) Users: Local Medical Review Boards; ESRD Network Coordinating Councils; organizations and institutions conducting ESRD research and providing services to ESRD patients; State and local governments; other Federal agencies involved in ESRD activities (Department of Defense, Veterans Administration and Office of Management and Budget); equipment manufacturers and suppliers.

4) Disclosures may be made to: a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual; in accordance with the following numbered items in Appendix B of Department regulations (42 CFR Part 5b):

(101) To individuals and organizations, deemed qualified by the Secretary to carry out specific research solely for the purpose of carrying out such research.

(102) To organizations deemed qualified by the Secretary to carry out quality assessment, medical audits or utilization review. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic tape and disc, hard copy forms, microfilm (anticipated).

**Retrievability:**

**HEW uses:**

1) Uses: Program monitoring, planning and evaluation; support for clinical studies and infection control programs; validation of accuracy of reported information; respond to Congressional inquiries; budget preparation; support for local review Boards and ESRD Councils; support for quality of ESRD care review; support for patient rehabilitation programs; support for Federally operated dialysis and transplant services and programs.

2) Purpose: To meet statutory requirements of Sec. 2991, P.L. 92-603 and requirements of DHEW regulations and policies.

3) Users: All DHEW units involved in the operation, evaluation and support of the national ESRD program including: Health Services Administration, Health Resources Administration; Social Security Administration, Social and Rehabilitation Services; National Institutes of Health; Center for Disease Control.

4) Retrievability: Data indexed by Health Insurance Claim number, patient name and facility number. Individual patient and statistical data provided to Social Security Administration, the National Institutes of Health and local Medical Review Boards, statistical data provided to other governmental units and the general public.

**Safeguards:** Restricted access to all areas where data are maintained and processed, hard copy data stored in locked files in secured area, terminal access controlled by user ID and keywords. Access to personal data restricted to those authorized to work with those data. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Hard copy retained 1 year; all other information, indefinitely. Hard copy destroyed by shredding; all other information, to be determined.

**System manager(s) and address:**

Director, Division of Peer Review  
Bureau of Quality Assurance  
Parklawn Building, 5600 Fishers Lane  
Rockville, Maryland 20852

**Notification procedure:** Same as system manager. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Applications for Medicare ESRD benefits, patient records at ESRD treatment facilities, Social Security Administration Medicare Master Files.

**Systems exempted from certain provisions of the act:** None.

09-15-0012

**System name:** Medicare Beneficiary Claims for Emergency Services HEW/HSA/BQA.

**Security classification:** None.

**System location:**

Parklawn Building  
5600 Fishers Lane  
Rockville, Maryland 20852

**Categories of individuals covered by the system:** Medicare beneficiaries who file for Medicare Part A emergency claim reconsideration desiring coverage of nonparticipating hospital charges.

**Categories of records in the system:** Medical information and associated charge data.

**Authority for maintenance of the system:** Social Security Act Sections 1814(d) and (f) (42 U.S.C. 1395f(d) and (f)).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made in accordance with Appendix B of the Departmental Regulations (45 CFR, Part 5b) item 3: In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

ment or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders, log book - in emergency claims file drawers.

**Retrievability:**

**HEW uses:**

1) Uses: Track file folders (which include Medicare emergency claims with associated medical record information) received from and returned to Social Security Administration, Bureau of Health Insurance, regional offices; maintain sufficient information to indicate the decisions and rationale to handle future inquiries and coordinate handling of subsequent claims by the same beneficiary for other emergency service claims; identify problems which can be corrected administratively. The Public Health Service regional offices handle the information file folders on initial consideration of the claims. Copies of documentation of case and claim decision are returned with the information file folders for both PHS and SSA regional offices, to indicate the claim decision and justification for the decision.

2) Purpose: Determine whether services were medically necessary on an immediate emergency basis.

3) Users: Information is used by fiscal intermediaries for the Medicare Program to reimburse hospitals and beneficiaries. Both information files and the documentation of case and claim decision are used by Administrative Law Judges in cases of claims appeals.

4) Retrievability: Beneficiary name, health insurance claim number, name of hospital and dates of services appear in all categories of records (information file folders which include Medicare emergency claims with associated medical record information; documentation of case and claim decision; claims review status log), and are used to identify an individual's specific claim. All records are kept in the emergency claim file drawers. The information file folders and entries in the log are in the order of receipt in the office. The documentation of case and decision are alphabetized by name.

**Safeguards:** Records are in locked file drawers. Personnel are instructed on information confidentiality. Access to claim folders restricted to authorized personnel.

**Retention and disposal:** Number of years held at HSA: information file folders are held one week to six months before being returned to originating source. Other records kept indefinitely. Number of years held at Federal Records Center before disposal: not applicable.

**System manager(s) and address:**

Director, Division of Peer Review, BQA  
5600 Fishers Lane  
Rockville, Maryland 20852

**Notification procedure:** Same as system manager. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations



(45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Medicare claim forms and supporting information; portions of medical records from nonparticipating hospitals; other pertinent medical and emergency room records; physician statements; statements of HEW personnel authorized to handle the claims; information and requests from representatives of the beneficiaries for reconsideration of claims decisions.

**Systems exempted from certain provisions of the act:** None.

09-15-0013

**System name:** Cytotechnologists Proficiency Answer Sheets and Test Results (Medicare) HEW/HSA/BQA.

**Security classification:** None.

**System location:**

Test Results:  
Parklawn Building  
5600 Fishers Lane  
Rockville, Md. 20857  
and Regional Federal Records Center

Answer Sheets:  
Professional Examination Service  
475 Riverside Drive  
New York, N.Y. 10029

**Categories of individuals covered by the system:** Cytotechnologists.

**Categories of records in the system:** Answer Sheets. Examination scores.

**Authority for maintenance of the system:** Social Security Act Sections 1123 (42 U.S.C. 1320a-2).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

Uses outside HEW:

(1) **Uses** - Lists showing by States the names and addresses of individuals who passed or failed are sent to Regional Health Administrators, PHS, Regional Offices. They are instructed to make the lists available to the appropriate State Health Department. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual; and in accordance with item 3 in Appendix B of Department regulations (42 CFR Part 5b): In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

(2) **Purpose** - These answer sheets indicate examination results and the lists indicate only pass or fail, and are used to advise an individual who failed the exam when the next examination will be given.

(3) **Users** - State Health Department.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer generated listings are filed by discipline, by State, in file folders.

**Retrievability:**

(1) **Uses** - Answer sheets are retained for revalidation and one record of all examinees is maintained for the purpose of responding to an individual examinee.

(2) **Purpose** - (1) **Pass** - To re-issue a new card to those who pass, for reasons they have lost their card, or have changed their name (upon written request). (2) **Fail** - To re-advise what their scores were by subject upon written request, or when they can take the next examination.

(3) **Users** - Systems Manager and project officers.

(4) **Retrievability** - Listings and answer sheets are by examination, State, examinee's name and address, and examination number.

**Safeguards:** Files are maintained in a combination lock file cabinet, in a locked room area. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Lists are to be retained through FY 1978. They will then be filed at Federal Records Center for a period of three years. If at the expiration of that time the records are no longer of use, FRC will be authorized to destroy by incineration or shredding. Answer sheets are retained until completion of contract and then destroyed.

**System manager(s) and address:**

Director, Division of Provider Standards and Certification  
Bureau of Quality Assurance  
Parklawn Building  
5600 Fishers Lane  
Rockville, Maryland 20857

**Notification procedure:** Same as system manager.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Scored Examinations.

**Systems exempted from certain provisions of the act:** None.

09-15-0014

**System name:** Physical Therapists Proficiency Answer Sheets and Test Results (Medicare) HEW/HSA/BOA.

**Security classification:** None.

**System location:**

Test Results:  
Parklawn Building  
5600 Fishers Lane  
Rockville, Md. 20857

Answer Sheets:  
Psychological Corporation  
757 3rd Avenue  
New York, N.Y. 10017

**Categories of individuals covered by the system:** Physical Therapists.

**Categories of records in the system:** Answer Sheets. Examination scores.

**Authority for maintenance of the system:** Social Security Act Section 1123 (42 U.S.C. 1320a-2).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

(1) **Uses** - Answer sheets are used to score results of the examination and if applicable to revalidate results. Lists showing by States the names and addresses of individuals who passed or failed are sent to Regional Health Administrators, PHS, Regional Offices. They are instructed to make the lists available to the appropriate State Health Department. Pursuant to Department Regulations (42 CFR 5b) Appendix B, Item (3): In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice. Disclosure may be made to a congressional office

5600 Fishers Lane  
Rockville, Md. 20857  
and Regional Federal Records Center

Answer Sheets:  
National League of Nursing  
10 Columbus Circle  
New York, N.Y. 10019

**Categories of individuals covered by the system:** Psychiatric technicians.

**Categories of records in the system:** Answer Sheets. Examination scores.

**Authority for maintenance of the system:** Social Security Act Section 1123 (42 U.S.C. 1320a-2).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

(1) **Uses** - Lists showing by States the names and addresses of individuals who passed or failed are sent to Regional Health Administrators, PHS, Regional Offices. They are instructed to make the lists available to the appropriate State Health Department. Pursuant to Department regulations (42 CFR Part 5b) Appendix B, Item (3): In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

(2) **Purpose** - These answer sheets indicate examination results and the lists indicate only pass or fail, and are used to advise an individual who failed the exam when the next examination will be given.

(3) **Users** - State Health Department.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer generated listings are filed by discipline, by State, in file folders.

**Retrievability:**

(1) **Uses** - One record of all examinees is maintained for the purpose of responding to an individual examinee and answer sheets are retained for revalidation.

(2) **Purpose** - (1) **Pass** - to re-issue a new card to those who pass, for reasons they have lost their card, or have changed their name (upon written request). (2) **Fail** - re-advise what their scores were by subject upon written request, or when they can take the next examination.

(3) **Users** - Systems Manager and project officer.

(4) **Retrievability** - Listings and answer sheets are by examination, State, examinee's name and address, and examination number.

**Safeguards:** Files are maintained in a combination lock file cabinet, in a locked room area. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Lists are to be retained through FY 1978. They will then be filed at Federal Records Center for a period of three years. If at the expiration of that time the records are no longer of use, FRC will be authorized to destroy by incineration or shredding.

**System manager(s) and address:**

Director, Division of Provider Standards and Certification  
Bureau of Quality Assurance

from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

(2) **Purpose** - These answer sheets indicate examination results and the lists indicate only pass or fail, and are used to advise an individual who failed the exam when the next examination will be given.

(3) **Users** - State Health Department.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer generated listings are filed by discipline, by State, in file folders.

**Retrievability:**

(1) **Uses** - Answer sheets are retained for revalidation and one record of all examinees is maintained for the purpose of responding to an individual examinee.

(2) **Purpose** - (1) **Pass** - to re-issue a new card to those who pass, for reasons they have lost their card, or have changed their name (upon written request). (2) **Fail** - re-advise what their scores were by subject upon written request, or when they can take the next examination.

(3) **Users** - Systems Manager and project officer.

(4) **Retrievability** - Listings and answer sheets are by examination, State, examinee's name and address, and examination number.

**Safeguards:** Files are maintained in a combination lock file cabinet, in a locked room area. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Lists are to be retained through FY 1978. They will then be filed at Federal Records Center for a period of three years. If at the expiration of that time the records are no longer of use, FRC will be authorized to destroy by incineration or shredding. Answer sheets are retained until completion of contract and then destroyed.

**System manager(s) and address:**

Director, Division of Provider Standards and Certification  
Bureau of Quality Assurance  
Parklawn Building  
5600 Fishers Lane  
Rockville, Maryland 20852

**Notification procedure:** Same as system manager.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Scored Examinations.

**Systems exempted from certain provisions of the act:** None.

09-15-0015

**System name:** Psychiatric Technician Proficiency Answer Sheets and Test Results (Medicare) HEW/HSA/BQA.

**Security classification:** None.

**System location:**

Test Results:  
Parklawn Building



Parklawn Building  
5600 Fishers Lane  
Rockville, Maryland 20857

**Notification procedure:** Same as system manager.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Scored Examinations.

**Systems exempted from certain provisions of the act:** None.

09-15-0016

**System name:** Clinical Laboratory Technologists Proficiency Answer Sheets and Test Results (Medicare) HEW/HSA/BQA.

**Security classification:** None.

**System location:**

Test Results:  
Parklawn Building  
5600 Fishers Lane  
Rockville, Md. 20857  
and Regional Federal Records Center

Answer Sheets:  
Professional Examination Service  
475 Riverside Drive  
New York, New York 10027

**Categories of individuals covered by the system:** Clinical laboratory technologists.

**Categories of records in the system:** Answer sheets. Examination scores.

**Authority for maintenance of the system:** Social Security Act Section 1123 (42 U.S.C. 1320a-2).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

- (1) Answer sheets are used to score results and if applicable to revalidate results. Lists showing by States the names and addresses of individuals who passed or failed are sent to Regional Health Administrators, PHS, Regional Offices. They are instructed to make the lists available to the appropriate State Health Department. Pursuant to Department regulations, (42 CFR 5b) Appendix B, Item (3): In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.
- (2) Purpose - These answer sheets indicate examination results and the lists indicate only pass or fail, and are used to advise an individual who failed the exam when the next examination will be given.
- (3) Users - State Health Department.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Storage - Computer generated listings are filed by discipline, by State, in file folders.

**Retrievability:**

- (1) Uses - One record of all examinees is maintained for the purpose of responding to an individual examinee and answer sheets are retained for revalidation.
- (2) Purpose - (1) Pass - to re-issue a new card to those who pass, for reasons they have lost their card, or have changed their name (upon written request). (2) Fail - re-advise what their scores were by subject upon written request, or when they can take the next examination.
- (3) Users - Systems Manager and project officers.
- (4) Retrievability - Listings and answer sheets are by examination, State, examinee's name and address, and examination number.

**Safeguards:** Files are maintained in a combination lock file cabinet, in a locked room area. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Lists are to be retained through FY 1978. They will then be filed at Federal Records Center for a period of three years. If at the expiration of that time the records are no longer of use, FRC will be authorized to destroy them by incineration or shredding.

**System manager(s) and address:**

Director, Division of Provider Standards and Certification  
Bureau of Quality Assurance  
Parklawn Building  
5600 Fishers Lane  
Rockville, Maryland 20857

**Notification procedure:** Same as system manager.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Scored Examinations.

**Systems exempted from certain provisions of the act:** None.

09-15-0017

**System name:** Waivered Licensed Practical Nurse Proficiency Exam Answer Sheets and Test Results (Medicare) HEW/HSA/BQA.

**Security classification:** None.

**System location:**

Test results:  
Parklawn Building  
5600 Fishers Lane  
Rockville, Md. 20857  
and Regional Federal Records Center  
Answer sheets:  
National League of Nursing  
10 Columbus Circle  
New York, N.Y. 10019

**Categories of individuals covered by the system:** Licensed Practical Nurses.

**Categories of records in the system:** Answer sheets. Examination scores.

**Authority for maintenance of the system:** Social Security Act Section 1123 (42 U.S.C. 1320a-2).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

- (1) Uses - Answer sheets are used to score results of the examination and if applicable to revalidate results. Lists showing by States the names and addresses of individuals who passed or failed are sent to Regional Health Administrators, PHS, Regional Offices. They are instructed to make the lists available to the appropriate State Health Department. Pursuant to Department regulations, (42 CFR

6b) Appendix B, Item (3): In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

- (2) Purpose - These answer sheets indicate examination results and the lists indicate only pass or fail, and are used to advise an individual who failed the exam when the next examination will be given.
- (3) Users - State Health Department.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer generated listings are filed by discipline, by State, in file folders.

**Retrievability:**

- (1) Uses - One record of all examinees is maintained for the purpose of responding to an individual examinee and answer sheets are retained for validation.
- (2) Purpose - (1) Pass - to re-issue a new card to those who pass, for reasons they have lost their card, or have changed their name (upon written request). (2) Fail - re-advise what their scores were by subject upon written request, or when they can take the next examination.
- (3) Users - Systems Manager and project officers.
- (4) Retrievability - Listings and answer sheets are by examination, State, examinee's name and address, and examination number.

**Safeguards:** Files are maintained in a combination lock file cabinet, in a locked room area. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Lists are to be retained through FY 1978. They will then be filed at Federal Records Center for a period of three years. If at the expiration of that time the records are no longer of use, FRC will be authorized to destroy them by incineration or shredding. Answer sheets are retained until completion of contract then destroyed.

**System manager(s) and address:**

Director, Division of Provider Standards and Certification  
Bureau of Quality Assurance  
Parklawn Building  
5600 Fishers Lane  
Rockville, Maryland 20857

**Notification procedure:** Same as system manager.

**Record access procedures:** Same as system manager.

**Contesting record procedures:** Same as system manager.

**Record source categories:** Scored examinations.

**Systems exempted from certain provisions of the act:** None.

09-15-0018

**System name:** Unofficial Vital Records System. HEW/HSA/IHS.

**Security classification:** None.

**System location:** Indian Health Service Area and Program Offices.

**Categories of individuals covered by the system:** American Indians and Alaskan Natives.

**Categories of records in the system:** Birth information.

**Authority for maintenance of the system:** Public Health Service Act Section 321 (42 U.S.C. 258, 2001 et seq.).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the unofficial birth record of an individual in response to an inquiry from the congressional office made at the request of that individual. Such disclosure will be made in conjunction with notification that the birth record is an unofficial copy of the State Record, thus it must be verified by the State Health Department from which the record came. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders in file cases; microfilm reels, computer cards and tapes.

**Retrievability:** Purpose: Used in health care program development, analysis, and evaluation. Birth record is an unofficial copy of the State record which is used internally for aggregate statistical and planning purposes. Users: Authorized agency personnel including maternal and child health personnel, health planners, statisticians, epidemiologists, demographers, and others concerned with problems of health, health care, and health hazards. Retrievability: Indexed by calendar year of event.

**Safeguards:** Locked areas.

**Retention and disposal:** Number of years held at IHS: Varies by IHS area from 1 year to indefinite. How destroyed: Burned or shredded.

**System manager(s) and address:** See Appendix.

**Notification procedure:** An individual or his designee who requests notification of or access to subject record is referred to State or other jurisdiction from which the record originated. Official certification of the document and contents can only be made by the State or other jurisdiction. These notification and access procedures are in accordance with Department Regulations. (45 CFR, Section 5b.5 and 5b.6, Federal Register October 8, 1975, pages 47410 and 47411).

**Record access procedures:** Same as notification procedures. Subject individual and/or his designee will have access to own record by supplying date of birth, father's name, mother's maiden name, and place of birth. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5 (a) (2) Federal Register, October 8, 1975, page 47410).

**Contesting record procedures:** Write to the official at the address specified and reasonably identify the record and specify the information to be contested. The information contested may only be changed in the unofficial vital records system and the State must be notified separately to change the official documents.

**Record source categories:** Records are obtained from State vital statistics offices and other jurisdictions.

**Systems exempted from certain provisions of the act:** None.

Appendix

Director  
Aberdeen Area Indian Health Service  
Federal Building  
115 Fourth Avenue, S. E.  
Aberdeen, South Dakota 57401  
Attn: Chief, Maternal and Child Health Branch

Director  
Albuquerque Area Indian Health Service  
Room 4005, Federal Office Building  
500 Gold Avenue, S.W.  
Albuquerque, New Mexico 87101  
Attn: Chief, Program Analysis & Statistics Br.

Director



Alaska Area Native Health Service  
P.O. Box 7-741  
Anchorage, Alaska 99510  
Attn: Chief, Office of Systems Development

Director  
Billings Area Indian Health Service  
P.O. Box 2143  
Billings, Montana 59103  
Attn: Area Program Planning and Statistics Office

Director  
Navajo Area Indian Health Service  
P.O. Box G  
Window Rock, Arizona 86415  
Attn: Chief, Maternal and Child Health Br.

Director  
Oklahoma City Area Indian Health Service  
388 Old Post Office and Court House Bldg.  
Oklahoma City, Oklahoma 73102  
Attn: Chief, Program Analysis & Statistics Br.

Director  
Phoenix Area Indian Health Service  
801 East Indian School Road  
Phoenix, Arizona 85014  
Attn: Director, Office of Program Planning

Director  
Portland Area Indian Health Service  
Room 476 Federal Building  
1220 Southwest Third  
Portland, Oregon 97204  
Attn: Chief, Program Planning & Statistics

Program Director  
United Southeastern Tribes  
Indian Health Service  
Oak Towers Bldg.  
1102 Kermit Drive  
Nashville, Tenn. 37217  
Attn: Privacy Act Coordinator

Director  
Tucson Program Area  
Indian Health Service  
P.O. Box 11340  
Tucson, Arizona 85734  
Attn: Chief, Community Health Status Surveillance

09-15-0019

**System name:** Health and Medical Records Systems.  
HEW/HSA/IHS.

**Security classification:** None.

**System location:** Indian Health Service Service Units, Area and Program Offices, and Regional Federal Records Centers.

**Categories of individuals covered by the system:** Individuals examined/treated at Indian Health Service facilities, and by contract providers including hospitals, physicians, and other health providers.

**Categories of records in the system:** Health and medical information including examination, diagnostic and treatment data, information for proof of eligibility, social data, disease registers, commitment registers, communicable diseases, special program and/or discipline patient profiles and research studies, statistical summaries, correspondence, etc.

**Authority for maintenance of the system:** Public Health Service Act Section 321 (42 U.S.C. 248); 42 U.S.C. 2001; Self Determination Act (25 U.S.C. 450); Indian Sanitation Facilities Act (42 U.S.C. 20040); Synder Act (25 USC 13); Health Care Improvement Act (25 USC 1601); and Construction of Community Hospitals (25 USC 2005).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Records may be disclosed to:

1. Authorized organizations which provide health services to American Indians and Alaskan Natives for the purpose of

planning for or providing such services; billing third parties for the payment of care, and reporting results of medical examination, care and treatment.

2. Individuals and organizations deemed qualified by the Secretary to carry out specific research solely for the purpose of carrying out such research.
3. Federal and non-federal school systems which serve American Indian and Alaskan Native children for the purpose of student health maintenance;

(102) To organizations deemed qualified by the Secretary to carry out quality assessment, medical audits or utilization review. Authorized organizations or individuals for conduct of analytical and evaluation studies sponsored by the Indian Health Service. A Congressional office in response to an inquiry from that office made at the request of the subject individual. Such information regarding the commission of crimes or the occurrence of communicable diseases, child abuse, etc., as may be required to be disclosed by health facilities generally by the law of the State in which the facility is located. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected. Users: Local, State, Federal and other Health and Welfare organizations and authorized health and welfare providers including contractors and accreditation agencies, qualified research personnel with approved research protocol; Department of Justice and other Federal, State, and Local enforcement agencies. Purposes: To operate comprehensive health program of services for eligible American Indians and Alaska Natives, provides hospital and medical care services and preventive and rehabilitative health services; develops innovative health services delivery systems, conducts tuberculosis and other communicable disease control activities as well as mental health activities, promotes self-determination of Indian people through community development and participation in program administration, encourages and assists in the development of water supply and waste disposal systems and provides training for health personnel.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders, ledgers, card files, microfilm, microfilm, computer cards and tapes, and automatic or open shelf files, automated tapes and disc files.

#### Retrievability:

**Purpose:** Medical history of the total health care and medical treatment received, supplemental health records and indexes. To assist in planning further care of patient, to serve as basis for planning future health and related programs, to serve as means of communication among members of health care team, to serve as a legal document of health care rendered, to serve as a tool in evaluating quality of health care rendered, to use in research and education, to compile aggregated statistics.

**Users:** Authorized agency personnel and authorized contractors, researchers and medical audit personnel, health care team members.

**Retrievability:** Indexed by name and record number and social security number and cross indexed. SSN is supplied on a voluntary basis.

**Safeguards:** Training of authorized personnel and locked areas. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Active records maintained in facility and basic source statistical documents maintained in Area and program offices indefinitely. Inactive records held at the facility providing services from 3 to 7 years and then transferred to the Federal Records Center for disposal - 50 years active duty uniformed services personnel, 25 years all others. According to Federal Record Center.

**System manager(s) and address:** See Appendix.

**Notification procedure:** Submit to system location but not including Federal Record Center. Individual must contact appropriate facility. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Write to the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Patient and/or family members, provider of health and related services.

**Systems exempted from certain provisions of the act:** None.

#### Appendix

Director  
Aberdeen Area Indian Health Service  
Federal Building  
115 Fourth Avenue, S.E.  
Aberdeen, South Dakota 57401  
Attn: Chief, Health Records Branch

Director  
Albuquerque Area Indian Health Service  
Room 4005, Federal Office Building  
500 Gold Avenue, S.W.  
Albuquerque, New Mexico 87101  
Attn: Chief, Health Records Branch

Director  
Alaska Area Native Health Service  
P.O. Box 7-741  
Anchorage, Alaska 99510  
Attn: Chief, Health Records Branch

Director  
Billings Area Indian Health Service  
P.O. Box 2143  
Billings, Montana 59103  
Attn: Area Program Planning and Statistics Office

Director  
Navajo Area Indian Health Service  
P.O. Box G  
Window Rock, Arizona 86415  
Attn: Chief, Health Records Branch

Director  
Oklahoma City Area Indian Health Service  
388 Old Post Office and Court House Bldg.  
Oklahoma City, Oklahoma 73102  
Attn: Chief, Records Librarian Consultant

Director  
Phoenix Area Indian Health Service  
801 East Indian School Road  
Phoenix, Arizona 85014  
Attn: Chief, Health Records Branch

Director  
Portland Area Indian Health Service  
Room 476, Federal Building  
1220 Southwest Third  
Portland, Oregon 97204  
Attn: Chief, Health Records Branch

Program Director  
United Southeastern Tribes

Indian Health Service  
Oak Towers Bldg.  
1102 Kermit Drive  
Nashville, Tenn. 37217  
Attn: Privacy Act Coordinator

Director  
Tucson Program Area  
Indian Health Service  
P.O. Box 11340  
Tucson, Arizona 85734  
Attn: Director, Sells Service Unit

Service Unit Director  
Belcourt Indian Hospital  
Belcourt, N.D. 58316

Service Unit Director  
Eagle Butte Indian Hospital  
Eagle Butte, S.D. 57625

Service Unit Director  
Fort Yates Indian Hospital  
Fort Yates, N.D. 58538

Service Unit Director  
Pine Ridge Indian Hospital  
Pine Ridge, S.D. 57770

Service Unit Director  
Rapid City Indian Hospital  
Rapid City, S.D. 57701

Service Unit Director  
Rosebud Indian Hospital  
Rosebud, S.D. 57570

Service Unit Director  
Sisseton Indian Hospital  
Sisseton, S.D. 57262

Service Unit Director  
Wagner Indian Hospital  
Wagner, S.D. 57380

Service Unit Director  
Winnebago Indian Hospital  
Winnebago, Neb. 68071

Service Unit Director  
Chamberlain Indian Health Center  
Chamberlain, S.D. 57325

Service Unit Director  
Fort Totten Indian Health Center  
Fort Totten, N.D. 58335

Service Unit Director  
Newtown Indian Health Center  
Newtown, N.D. 58763

Service Unit Director  
Cass Lake Indian Hospital  
Cass Lake, Minn. 56633

Service Unit Director  
Red Lake Indian Hospital  
Red Lake, Minn. 56671

Service Unit Director  
White Earth Indian Health Center  
White Earth, Minn. 56591

Director  
PHS Alaska Native Medical Center  
Box 7-741  
Anchorage, Alaska 99510

Service Unit Director  
Barrow Alaska Native Hospital  
Barrow, Alaska 99723

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Service Unit Director  
Bethel Alaska Native Hospital  
Bethel, Alaska 99559

Service Unit Director  
Kanakanak Alaska Native Hospital  
Kanakanak, Alaska 99576

Service Unit Director  
Kotzebue Alaska Native Hospital  
Kotzebue, Alaska 99752

Service Unit Director  
Mt. Edgecumbe Alaska Native Hospital  
Mt. Edgecumbe, Alaska 99835

Service Unit Director  
Tanana Alaska Native Hospital  
1638 Cowles Street  
Fairbanks, Alaska 99777

Service Unit Director  
Albuquerque Indian Hospital  
801 Vassar Dr., N.D.  
Albuquerque, N.M. 87106

Service Unit Director  
Mescalero Indian Hospital  
Mescalero, N.M. 88340

Service Unit Director  
Santa Fe Indian Hospital  
Cerrillos Road  
Santa Fe, N.M. 87501

Service Unit Director  
Zuni Indian Hospital  
Zuni, N.M. 87327

Service Unit Director  
Browning Indian Hospital  
Browning, Mont. 59417

Service Unit Director  
Crow Indian Hospital  
Crow Agency, Mont. 59022

Service Unit Director  
Harlem Indian Hospital  
Harlem, Mont. 59526

Service Unit Director  
Box Elder Indian Health Center  
Box Elder, Mont. 59521

Service Unit Director  
Fort Washakie Indian Health Center  
Fort Washakie, Wyo. 82514

Service Unit Director  
Lame Deer Indian Health Center  
Lame Deer, Mont. 59043

Service Unit Director  
Poplar Indian Health Center  
Poplar, Mont. 59255

Service Unit Director  
St. Ignatius Indian Health Center  
St. Ignatius, Mont. 59865

Service Unit Director  
Intermountain School Health Center  
P.O. Box 602  
Brigham City, Utah 84302

Service Unit Director  
Claremore Indian Hospital  
Claremore, Okla. 74017

Service Unit Director  
Clinton Indian Hospital  
Clinton, Okla. 73601

Service Unit Director  
Lawton Indian Hospital  
Lawton, Okla. 73501

Service Unit Director  
Pawnee Indian Hospital  
Pawnee, Okla. 74058

Service Unit Director  
W. W. Hastings Indian Hospital  
1120 Grand  
Tahlequah, Okla. 74464

Service Unit Director  
Talihina Indian Hospital  
Talihina, Okla. 74571

Service Unit Director  
Holton Indian Health Center  
Holton, Kansas 66436

Service Unit Director  
Shawnee Indian Health Center  
Shawnee, Okla. 74801

Service Unit Director  
Tishomingo Indian Health Center  
Tishomingo, Okla. 73460

Facility Director  
Haskell Junior College  
Indian School Health Center  
Lawrence, Kansas 66044

Service Unit Director  
Keams Canyon Indian Hospital  
P.O. Box 98  
Keams Canyon, Ariz. 86034

Service Unit Director  
Owyhee Indian Hospital  
P.O. Box 212  
Owyhee, Nev. 89832

Service Unit Director  
Parker Indian Hospital  
Route 1, Box 12  
Parker, Ariz. 85344

Service Unit Director  
Phoenix Indian Medical Center  
4212 North 16th St.  
Phoenix, Ariz. 85016

Service Unit Director  
Sacaton Indian Hospital  
Sacaton, Ariz. 85247

Service Unit Director  
San Carlos Indian Hospital  
San Carlos, Ariz. 85550

Service Unit Director  
Schurz Indian Hospital  
Schurz, Nev. 89427

Service Unit Director  
Whiteriver Indian Hospital  
Whiteriver, Ariz. 85941

Service Unit Director  
Fort Yuma Indian Hospital  
P.O. Box 1368  
Yuma, Ariz. 85364

Service Unit Director  
Uintah and Ouray Indian Health Center

P.O. Box 967  
Rossevelt, Utah 84066

Service Unit Director  
Colville Indian Health Center  
Nespelem, Wash. 99155

Service Unit Director  
Fort Hall Indian Health Center  
P.O. Box 317  
Ft. Hall, Idaho 83203

Service Unit Director  
Neah Bay IHS Health Center  
P.O. Box 408  
Neah Bay, Wash. 98357

Service Unit Director  
Northern Idaho Indian Health Center  
P.O. Drawer 0367  
Lapwai, Idaho 83340

Service Unit Director  
Northwest Washington Service Unit  
P.O. Box 241  
Marietta, Wash. 98268

Service Unit Director  
Taholah Indian Health Center  
P.O. Box 1148  
Taholah, Wash. 98587

Service Unit Director  
Warm Springs Indian Health Center  
Warm Springs, Ore. 97761

Service Unit Director  
Wellpinit Indian Health Center  
P.O. Box 62  
Wellpinit, Wash. 99040

Service Unit Director  
Yakima Indian Health Center  
Route 1, Box 77  
Toppenish, Wash. 98948

Service Unit Director  
Umatilla Indian Health Center  
P.O. Box 520  
Pendleton, Ore. 97801

Service Unit Director  
Puget Sound Indian Health Loc.  
1212 So. Judkins  
Seattle, Wash. 98144

Service Unit Director  
Chemawa Indian School Health Center  
5545 Chugach St., NE  
Salem, Ore. 97303

Service Unit Director  
Crownpoint Indian Hospital  
Crownpoint, N.M. 87313

Service Unit Director  
Fort Defiance Indian Hospital  
Ft. Defiance, Ariz. 86504

Service Unit Director  
Gallup Indian Hospital  
Gallup, N.M. 87301

Service Unit Director  
Shiprock Indian Hospital  
Shiprock, N.M. 87420

Service Unit Director  
Tuba City Indian Hospital  
Tuba City, Ariz. 85045

Service Unit Director  
Winslow Indian Hospital  
Winslow, Ariz. 86047

Service Unit Director  
Chinle Indian Health Center  
Chinle, Ariz. 86503

Service Unit Director  
Kayenta Indian Health Center  
Kayenta, Ariz. 86033

Service Unit Director  
Sells Indian Hospital  
Sells, Ariz. 85634

Service Unit Director  
Cherokee Indian Hospital  
Cherokee, N.C. 28719

Service Unit Director  
Philadelphia Indian Hospital  
Philadelphia, Miss. 39350

Service Unit Director  
Hollywood Indian Health Center  
Hollywood, Fla. 33024

Program Director  
Bemidji Program Office  
203 Federal Building  
Bemidji, Minn. 56601

09-15-0020

System name: Independent Laboratory Directors Proficiency  
Answer Sheets and Exam Results (Medicare).  
HEW/HSA/BQA.

Security classification: None.

System location:

Parklawn Building  
5600 Fishers Lane  
Rockville, Md. 20857  
and Regional Federal Records Center

Categories of individuals covered by the system: Independent  
laboratory directors.

Categories of records in the system: Examination scores. Answer  
Sheets.

Authority for maintenance of the system: 5 U.S.C. 301; 44 U.S.C.  
3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Uses - Lists showing by states the names and addresses of individuals who passed or failed examinations were made available to the appropriate State Health Department. Pursuant to Department regulations, (42 CFR 5b) Appendix B, Item (3): In the event the Department deems it desirable or necessary in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosures may be made to the Department of Justice for the purpose of obtaining its advice. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected. (2) Purpose - Lists indicated only pass or fail, and were used to advise an individual who failed the exam when the next examination would be given. (3) Users - State Health Department. Because of the length of time that has elapsed since the last examination was given in 1970, it is not known if State Health Departments still retain unscored records of examinees.



**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer generated listings are filed by discipline, by State, in file folders.

**Retrievability:** Retrievability - Listings are by examination, State, examinee's name and address, and examination number. (1) Uses - One record of all examinees is maintained for the purpose of responding to an individual examinee. (2) Purpose - (1) Pass - to re-issue a new card to those who pass, for reasons they have lost their card, or have changed their name (upon written request) (2) Fail - re-advise what their scores were by subject upon written request. (3) Users - Systems Manager and project officers.

**Safeguards:** Files are maintained in a combination lock file cabinet, in a locked room area. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Lists are to be retained through FY 1978. They will then be filed at Federal Records Center for a period of three years. If at the expiration of that time the records are no longer of use, FRC will be authorized to destroy by incineration or shredding.

**System manager(s) and address:**

Director  
Division of Provider Standards and Certification  
Bureau of Quality Assurance  
Parklawn Building  
5600 Fishers Lane  
Rockville, Md. 20857

**Notification procedure:** Same as above.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Write to the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Scored Examinations.

**Systems exempted from certain provisions of the act:** None.

09-15-0022

**System name:** Accounts Receivable DHEW/HSA/BMS

**Security classification:** None.

**System location:** Financial Management Offices - see attached list.

**Categories of individuals covered by the system:** Patients, Employees, Attorneys.

**Categories of records in the system:** Billing to individuals.

**Authority for maintenance of the system:** Public Health Service Act Section 321 (42 U.S.C. 248).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information may be provided to any government agency which had requested or arranged for treatment or care of an individual by the BMS. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** Retrievable by name. Purpose: To collect funds due Federal Government. Uses: Billing and collecting. Users: Billing clerk, cashier, HEW Audit Agency, HEW Claims Officer.

**Safeguards:** Physical security - financial management personnel have access.

**Retention and disposal:** Number of years held at HSA - Until audited. How destroyed: Incinerator.

**System manager(s) and address:**

Chief, Financial Management Branch, BMS  
11th Floor, Federal Center Bldg. 03  
6525 Belcrest Rd., W. Hyattsville, Md. 20782

**Notification procedure:** Financial Management Offices - as listed under location.

**Record access procedures:** Requesters Should contact the appropriate office listed under System Location and reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Write to an appropriate Financial Management Officer under System Location and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** From individual via the medical record Hospital Administrative Department.

**Systems exempted from certain provisions of the act:** None.

**Address all correspondence to:**

Chief, Financial Management, at the appropriate location

USPHS Hospital  
3100 Wyman Park Drive  
Baltimore, Md. 21211

USPHS Hospital  
77 Warren St.  
Boston (Brighton) Mass. 02135

USPHS Hospital  
Carville, La. 70721

USPHS Hospital  
4400 Avenue N  
Galveston, Texas 77550

USPHS Hospital  
210 State St.  
New Orleans, La. 70118

USPHS Hospital  
6500 Hampton Blvd., Larchmont  
Norfolk, Virginia 23508

USPHS Hospital  
1131 14th Ave. South  
Seattle, Wash. 98114

USPHS Hospital  
Bay Street and Vanderbilt Avenue  
Staten Island, New York 10304

USPHS Hospital  
15th Ave. & Lake St.  
San Francisco, Calif. 94118

USPHS Outpatient Clinic  
Switzer Bldg.  
4th & C Sts., SW  
Washington, D. C. 20201

USPHS Outpatient Clinic  
1600 Clifton Rd., NE  
Atlanta, Georgia 30333

09-15-0026

**System name:** Medical Fellowships and Educational Loans.  
DHEW/HSA/OA.

**Security classification:** None.

**System location:**

DHEW/HSA/OA/OFS - Rm. 16-23  
Parklawn Bldg.  
5600 Fishers Lane Rockville, Md. 20857  
and Regional Federal Records Center.

**Categories of individuals covered by the system:** Private Citizens (Loan Applicants).

**Categories of records in the system:** Fellowship, Grants and Loans Applications.

**Authority for maintenance of the system:** Public Health Service Act Section 301 (42 U.S.C. 241).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** Retrievable by name. Purpose: To support HSA accounting records. Users: HSA Accounting Clerks, Accountants and Auditors.

**Safeguards:** File cabinets and normal Government building security.

**Retention and disposal:** Number of years held at HSA: 2 yrs. 1 yr warehouse. Number of years held at Federal Records Center before disposal: 7 yrs. How destroyed: in accordance with current regulations.

**System manager(s) and address:**

HSA-OA (HQ) Chief Accounting & Finance Section  
5600 Fishers Lane - Parklawn Bldg. Rm. 16-23  
Rockville, Md. 20857

**Notification procedure:**

Director, Office of Management Policy, HSA  
Rm. 14A31  
5600 Fishers Lane  
Rockville, Md. 20857

**Record access procedures:** Same as System Manager. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Write to the System Manager and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Promissory note signed by the individual receiving the loan.

**Systems exempted from certain provisions of the act:** None.

09-15-0027

**System name:** National Health Service Corps (NHSC), Bureau of Medical Services (BMS) and Indian Health Services (IHS) pre-applicant recruitment and provider file HEW/HSA/BCHS.

**Security classification:** None.

**System location:**

Parklawn Building  
5600 Fishers Lane  
Rockville, Maryland 20857

**Categories of individuals covered by the system:** NHSC applicants and their spouses, if any, who wish to be assigned to critical health

manpower shortage areas; applicants who wish to be assigned to the Public Health Service Bureau of Medical Services; individuals who indicate an interest in an assignment at an Indian Health Service location.

**Categories of records in the system:** Employment data and preference for site-selection, personal and professional background information.

**Authority for maintenance of the system:** Public Health Service Act Section 329 (42 U.S.C. 254b); Section 321, 322 (42 U.S.C. 248, 249); Public Law 83-568 (42 U.S.C. 2001).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Locked file cabinets and computer tape.

**Retrievability:**

**Purpose:** Matching applicant and spouse, if any, for assignment to critical health manpower shortage areas most suited to their interests; matching applicants for assignments to PHS hospitals or to IHS locations.

**Users:** Used by Regional Offices, IHS Area Offices and Service Units to pre-negotiate assignments, and used PHS-wide for recruitment programs.

**Retrievability:** applicant name and number.

**Safeguards:** Locked file cabinets and used only by Recruitment Services Branch, NHSC staff and Regional Recruiters; BMS staff; IHS staff and Area recruiters. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Maintained for three years, then destroyed.

**System manager(s) and address:**

Chief, Recruitment Services Branch  
Division of Clinical Services, BCHS  
5600 Fishers Lane  
Rockville, Maryland 20857

**Notification procedure:** Same as above.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Letters of inquiry, NHSC Site Selection Questionnaire For Physicians, NHSC Site Selection Questionnaire For Dentists and NHSC Site Selection Questionnaire For Spouses; BMS Physician Questionnaire; IHS Medical Student and Physician Questionnaire.

**Systems exempted from certain provisions of the act:** None.

09-15-0028

**System name:** PHS Clinical Affiliation Trainee Records.  
HEW/HSA/BMS.

**Security classification:** None.

**System location:** See Appendices 1 and 2 to Patients Medical Record System PHS Hospital/Clinic System.

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**Categories of individuals covered by the system:** Students in PHS training programs or serving clinical affiliation in Public Health Service Hospitals and Clinics.

**Categories of records in the system:** Transcripts of past education application for training, training program staff and clinical supervisor evaluations and progress reports, course grades and evidence of completion of training requirements.

**Authority for maintenance of the system:** Public Health Service Act Sec. 321 (42 U.S.C. 248).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** 1. To Educational Program staff of affiliated college/university to provide reports of student trainee's progress in training.

2. To prospective employers for professional reference.  
3. To representatives of medical/allied health training program accreditation of PHS Training Programs.

4. To professional boards or associations to certify the students' progress in or completion of training as required for professional license, registration certification, etc.

5. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** Purpose: Communication between educational and supervisory staff for evaluation of trainee. Users: Director of Education at facility, Work and Staff Supervisors, Administration personnel. Retrievability: Alphabetically by last name.

**Safeguards:** Stored in locked files, access limited to authorized personnel.

**Retention and disposal:** Number of years held at HSA - indefinitely. How destroyed - shredded.

**System manager(s) and address:**

Director  
Division of Hospitals and Clinics  
FCB 03, 6525 Belcrest Road  
Hyattsville, Maryland 20782

**Notification procedure:** Same as system location. The individual should contact directly the PHS facility where training was received giving name, date of birth and approximate dates of training to allow positive identification of the record.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Individual, clinical supervisors, instructors, training program staff and administrative personnel of facility and affiliated college/university.

**Systems exempted from certain provisions of the act:** None.

09-15-0029

**System name:** PHS Beneficiary-Contract Medical/Health Care Records. HEW/HSA/BMS.

**Security classification:** None.

**System location:**

1. Director, Division of Hospitals and Clinics

Federal Center Bldg 03  
6525 Belcrest Road  
Hyattsville, MD 20782

2. Director, PHS Hospital responsible for supervision of the area (See Appendix)

**Categories of individuals covered by the system:** Individuals (primarily American seamen) who are legally entitled to medical or health care by the Public Health Service and who have received medical or health care from health professionals or facilities under contract to the Public Health Service, Bureau of Medical Services.

**Categories of records in the system:** May include any or all of the following medical history, diagnostic (laboratory/X-ray, etc.) and treatment data, sociologic information, eligibility data including employment history, master's certificate, uniformed services information (employing services, service numbers, duty station, etc.).

**Authority for maintenance of the system:** PHS Act, Sections 321, 322, 326, (42 USC 248, 249, 253) PL 88-71, Section 1 (42 USC 253a)

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

1. To a non-agency physician, medical facility or laboratory for continued care of the patient.

2. To Department of Transportation (U.S. Coast Guard), National Oceanic & Atmospheric Administration for reports of examination and/or treatment of that agency's personnel or dependents.

3. To the Veterans Administration to assist uniformed services personnel, retirees and veterans obtain medical care or benefits.

4. To the Coast Guard for reports of American seamen found suffering from medical conditions that are hazardous to themselves.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

8. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Folders in file cabinets or open shelves in locked rooms accessible only to personnel with a need-to-know.

**Retrievability:** Retrieved by name, uniformed service number which is SSN, and/or Z number. Those records indexed by SSN are retrieved in accordance with 7(a) (2) (B) of the Privacy Act. Used by contract professionals to provide medical care to the beneficiary and to report results of examination and/or treatment used by PHS personnel to verify eligibility and to audit care provided by the contracting professionals.

**Safeguards:** Filed in locked files or locked rooms in the contracting professional's office/facility. Records are accessible only to contractors or PHS professionals with a need-to-know for the performance of their official duties.

**Retention and disposal:** Retained in the contracting professional's facility files until the contract is terminated. Then turned over to the supervisory PHS facility for transmittal to a new contracting professional or storage at a Federal Records Center. When stored in a Federal Records Center, active duty uniformed services personnel records are stored for 50 years, other beneficiaries' records for 25 years. Destruction at that time is in accordance with standard practices of the Federal Records Center.

**System manager(s) and address:**

Director  
Division of Hospitals and Clinics  
Federal Center Building 03  
6525 Belcrest Road  
Hyattsville, Maryland 20782

**Notification procedure:** Inquiries should be addressed to the PHS facility supervising the area where care has been obtained from a contract source. (See listing in Appendix). Individual must provide name, beneficiary category, date of birth, service number/Z number (if applicable) and name and location of source of contract care. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Individual, employers, other medical care providers, families and social agencies.

**Systems exempted from certain provisions of the act:** None.

Appendix

**HOSPITAL STATES**  
Director, USPHS Hospital  
3100 Wyman Park Drive  
Baltimore, Maryland 21211

Delaware, District of Columbia, Illinois, Indiana, Iowa  
Maryland, Michigan, Minnesota, Ohio, Pennsylvania, West  
Virginia  
Wisconsin

Director, USPHS Hospital  
77 Warren Street  
Boston (Brighton), MA 02135

Connecticut, Maine, Massachusetts, New Hampshire, Rhode  
Island, Vermont

Director, USPHS Hospital  
4400 Avenue N  
Galveston, TX 77550

Colorado, Kansas, New Mexico, Oklahoma, Texas

Director, USPHS Hospital  
6500 Hampton Boulevard  
Larchmont  
Norfolk, VA 23508

Georgia, North Carolina, South Carolina, Virginia

Director, USPHS Hospital  
210 State Street  
New Orleans, LA 70118

Alabama, Arkansas, Canal Zone, Florida, Kentucky,  
Louisiana,  
Mississippi, Missouri, Puerto Rico, Tennessee, Virgin Islands  
Director, USPHS Hospital  
15th Ave. & Lake Street  
San Francisco, CA 94118

Arizona, California, Hawaii, Nevada, Utah

Director, USPHS Hospital

P.O. Box 3145 or  
1131 14th Avenue South  
Seattle, WA 98114

Alaska, Idaho, Montana, Nebraska, North Dakota, Oregon,  
South Dakota, Washington, Wyoming

Director, USPHS Hospital  
Bay Street & Vanderbilt Avenue  
Staten Island, NY 10304

New Jersey, New York /\*

09-25-0001

**System name:** Clinical Research: Patient Records.  
HEW/NIH/NHLBI.

**Security classification:** None.

**System location:**

Building 10, NIH  
9000 Rockville Pike  
Bethesda, Md 20014

**Categories of individuals covered by the system:** Patients of the National Heart, Lung, and Blood Institute under study at NIH.

**Categories of records in the system:** Medical histories, diagnostic studies, laboratory data, treatment.

**Authority for maintenance of the system:** 42 USC 241e, 287, 287a.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Clinical research data are made available to approved or collaborating researchers, including DHEW contractors and grantees. Certain infectious diseases are reported to State Government as required by law. Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, (Appendix B, Department Regulations 45 CFR Part 5b, item 2). Information may also be used to respond to Congressional inquiries for constituents concerning admission to the NIH Clinical Center. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders, card index, laboratory books, computer memory.

**Retrievability:** Indexed by name or patient number. HEW use: These records are used by physicians in the evaluation and treatment of patients under study at the NIH.

**Safeguards:** Access limited to authorized personnel (system manager and his staff). For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Years at NIH: indefinitely.

**System manager(s) and address:**

Administrative Officer, DIR, NHLBI  
Building 10, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Notification procedure:**

Privacy Coordinator, NHLBI  
Building 31, Room 5A50, NIH  
9000 Rockville Pike

Bethesda, MD 20014 An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the



representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Referring physicians, hospitals and medical centers, patients and families, results of procedures and tests on NIH patients.

**Systems exempted from certain provisions of the act:** None.

09-25-0002

**System name:** Clinical Research: Phonocardiogram. HEW/NIH/NHLBI.

**Security classification:** None.

**System location:**

Building 10, Room 6N258, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Categories of individuals covered by the system:** Heart surgery patients in the NIH Clinical Center with Prosthetic valves implanted.

**Categories of records in the system:** Medical records.

**Authority for maintenance of the system:** 42 USC 241.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Clinical research data are made available to approved or collaborating researchers, including DHEW contractors and grantees. Information may be used to respond to Congressional inquiries for constituents concerning admission to the NIH Clinical Center. Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange. (Appendix B, Department Regulations 45 CFR Part 5b, item 2). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored on magnetic tapes, in log books, and in file folders.

**Retrievability:** They are retrieved by name. HEW use: For research to develop non-invasive diagnostic techniques for detecting prosthetic valve dysfunction.

**Safeguards:** Access limited to authorized personnel (system manager and his staff). For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Years at NIH: indefinitely.

**System manager(s) and address:**

Senior Surgeon, Surgery Branch, NHLBI  
Building 10, Room 6N256  
9000 Rockville Pike  
Bethesda, Md. 20014

**Notification procedure:**

Privacy Act Coordinator, NHLBI  
Building 31, Room 5A50  
9000 Rockville Pike

Bethesda, Md. 20014 An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** NIH patient records.

**Systems exempted from certain provisions of the act:** None.

09-25-0003

**System name:** Administration: Authorized Radionuclide Users File. HEW/NIH/DRS.

**Security classification:** None.

**System location:**

Building 21, Room 116, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Categories of individuals covered by the system:** Research Investigators within NIH and outside holding NIH-NRC Broad License for radioactive material.

**Categories of records in the system:** Radioactive material users.

**Authority for maintenance of the system:** 42 USC 241.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Training and experience information transferred to place of new employment. Personnel exposure data transferred to place of new employment. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored in file cabinet.

**Retrievability:** They are retrieved by name. HEW use: Establish training and experience in the use of radioactive material and to estimate radiation dose to workers.

**Safeguards:** Access limited to authorized personnel (system manager and his staff).

**Retention and disposal:** Years at NIH: indefinitely.

**System manager(s) and address:**

Chief, Radiation Safety Branch  
Building 21, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Notification procedure:** Write to System Manager.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Individual, previous employers and educational institutions.

**Systems exempted from certain provisions of the act:** None.

09-25-0004

**System name:** Administration: NIH Chemical Carcinogen Registry. HEW/NIH/DRS.

**Security classification:** None.

**System location:**

Building 12  
9000 Rockville Pike  
Bethesda, MD 20014

**Categories of individuals covered by the system:** Researchers, laboratory workers and NIH employees potentially exposed to chemical carcinogens.

**Categories of records in the system:** Certain chemical carcinogens, work station locations, kinds of facilities.

**Authority for maintenance of the system:** 5 USC 7902; 29 USC 654.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored on computer tapes.

**Retrievability:** They are retrieved by name. HEW use: To determine location of work using chemical carcinogens so that a comprehensive surveillance program can be maintained and to provide information for medical examinations.

**Safeguards:** Access limited to authorized personnel (system manager and his staff). For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Years at NIH: 20. Disposal methods include burning or shredding paper materials and erasing computer tapes.

**System manager(s) and address:**

Chief, Environmental Industrial Hygiene Section, ESB  
Building 13, Room 3K-04, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Notification procedure:** Write to System Manager.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Employee and supervisor.

**Systems exempted from certain provisions of the act:** None.

09-25-0005

**System name:** Administration: NIH Library Circulation and User I.D. File. HEW/NIH/DRS.

**Security classification:** None.

**System location:**

Building 10, Room 1L25B, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Categories of individuals covered by the system:** NIH employees.

**Categories of records in the system:** Library records.

**Authority for maintenance of the system:** 42 USC 241.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (Appendix B, Departmental Regulations (45 CFR Part 5b) Item 1.). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored on computer tape and file cards.

**Retrievability:** They are retrieved by name. HEW use: Used by Library staff for library material control.

**Safeguards:** For manual records, access limited to authorized personnel (system manager and his staff). For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Years at NIH: 3. Disposal methods include burning or shredding paper materials and erasing computer tapes.

**System manager(s) and address:**

Chief, Reader Service Section  
Building 10, Room 1L21, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Notification procedure:** Write to System Manager.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Individual, NIH Library ID card data.

**Systems exempted from certain provisions of the act:** None.

09-25-0007

**System name:** Administration: NIH Safety Glasses Issuance Program. HEW/NIH/DRS.

**Security classification:** None.

**System location:**

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Building 31, Room B1C-08, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Categories of individuals covered by the system:** Applicants for safety glasses.

**Categories of records in the system:** Explanation of eye impact hazard occupation.

**Authority for maintenance of the system:** 5 USC 7902, 3.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored in file folders.

**Retrievability:** They are retrieved by name. HEW use: Request for safety glasses form used for proper distribution of safety glasses and for proof of delivery.

**Safeguards:** Access limited to authorized personnel (system manager and his staff).

**Retention and disposal:** Years at NIH: Retained until employee terminates hazardous occupation.

**System manager(s) and address:**

Chief, Occupational Safety and Health Activities Section, ESB  
Building 31, Room B1C-08  
9000 Rockville Pike  
Bethesda, MD 20014

**Notification procedure:** Write to System Manager.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Employee, supervisor, and eye examination data.

**Systems exempted from certain provisions of the act:** None.

09-25-0008

**System name:** Administration: Radiation Workers Monitoring. HEW/NIH/DRS.

**Security classification:** None.

**System location:**

Building 21, Room 134, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Categories of individuals covered by the system:** NIH workers using radioactive materials or radiation producing equipment.

**Categories of records in the system:** Radiation exposure incident reports, film badge exposure reports, urine & whole body counting reports.

**Authority for maintenance of the system:** 5 USC 7902.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Transfer radiation exposure history to new employer or to Nuclear Regulatory Commission on their request. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the

event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored in card file.

**Retrievability:** They are retrieved by name and group number. HEW use: Requirement of Nuclear Regulatory Commission to maintain internal and external radiation exposure data and any radiation incident follow-up reports.

**Safeguards:** Access limited to authorized personnel (system manager and his staff).

**Retention and disposal:** Years at NIH: indefinitely.

**System manager(s) and address:**

Radiation Safety Officer  
Building 21, Room 108, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Notification procedure:** Write to System Manager.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Previous employer and education institutions, laboratory supervisor, NIH.

**Systems exempted from certain provisions of the act:** None.

09-25-0009

**System name:** Clinical Research: Radiotherapy Patient File. HEW/NIH/DRS.

**Security classification:** None.

**System location:**

Building 21, Room 139, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Categories of individuals covered by the system:** NIH patients who have received radiotherapy doses.

**Categories of records in the system:** Radiotherapy patient records.

**Authority for maintenance of the system:** 5 USC 7902; 42 USC 241.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Nuclear Regulatory Commission upon its request. Clinical research data are made available to approved or collaborating researchers, including DHEW contractors and grantees. Information may be used to respond to Congressional inquiries for constituents concerning admission to the NIH Clinical Center. Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange. (Appendix B, Department Regulations 45 CFR Part 5b, item 2). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to ef-

fectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored in file cabinet.

**Retrievability:** They are retrieved by patient name. HEW use: Establish a record of patients receiving radiotherapy doses. Record quantity of material given, type of material, workers involved in patient handling and any radiation exposure received by workers.

**Safeguards:** Access limited to authorized personnel (system manager and his staff).

**Retention and disposal:** Years at NIH: indefinitely.

**System manager(s) and address:**

Chief, Radiation Safety Branch  
Building 21, Room 108, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Notification procedure:** Write to System Manager. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Clinical Center NIH, Radiopharmacy NIH, individual patient.

**Systems exempted from certain provisions of the act:** None.

09-25-0010

**System name:** Research Resources: Registry of Microbial Agents, Toxins, Tissue Cultures and Animals & Users. HEW/NIH/DRS.

**Security classification:** None.

**System location:**

Building 12, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Categories of individuals covered by the system:** Individuals potentially exposed to biohazardous microbial agents and toxins.

**Categories of records in the system:** Microbial agents registry.

**Authority for maintenance of the system:** 42 USC 241.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored on magnetic tape.

**Retrievability:** They are retrieved by name and SSN for verification where the latter is voluntarily provided. HEW use: To serve as a base for organizations involved in day-to-day operation of the program. To identify scientists and laboratories with expertise in

the use of particular biological agents. To identify potential hazards. To determine needs for educational programs. To provide an information base for investigators on specific programs and hazards.

**Safeguards:** For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Years at NIH: Indefinitely.

**System manager(s) and address:**

Chief, Biological Control Section  
Building 13, Room 3K04, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Notification procedure:** Write to System Manager.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Supervisor and employee.

**Systems exempted from certain provisions of the act:** None.

09-25-0011

**System name:** Clinical Research: Blood Donor Records. HEW/NIH/CC.

**Security classification:** None.

**System location:**

Building 10A, Room 1E33, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Categories of individuals covered by the system:** Donors of blood and blood components to be used in the NIH Clinical Center for patient transfusions.

**Categories of records in the system:** Past donations, blood types, phenotype.

**Authority for maintenance of the system:** 42 USC 263.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Clinical research data are made available to approved or collaborating researchers, including DHEW contractors and grantees. Certain infectious diseases are reported to State Government as required by law. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored in a computer file and on donor cards.

**Retrievability:** They are retrieved by name and SSN for verification when the latter is voluntarily provided. HEW use: Permanent medical history of all donors for the transfusion record of each blood unit. Laboratory results on each unit-record are hepatitis B antigen testing, serologic reactions on all blood samples, donations of blood or blood components.

**Safeguards:** For manual records, access limited to authorized personnel (system manager and his staff). For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

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**Retention and disposal:** Years at NIH: 7. Disposal methods include burning or shredding paper materials and erasing computer tapes.

**System manager(s) and address:**

Chief, Blood Bank, CC  
Building 10A, Room 1E33, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Notification procedure:** Write to System Manager. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:**

Director, Clinical Center  
Building 10, Room 1N212, NIH  
9000 Rockville Pike  
Bethesda, MD 20014 Requesters should also reasonably specify the record contents being sought.

**Contesting record procedures:** Write to the official at the address specified under ACCESS procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Data are collected from the individual.

**Systems exempted from certain provisions of the act:** None.

09-25-0012

**System name:** Clinical Research: Candidate Normal Volunteer Records. HEW/NIH/CC.

**Security classification:** None.

**System location:**

Building 10, Room 7D50, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Categories of individuals covered by the system:** Normally healthy individuals who volunteer to participate in NIH studies.

**Categories of records in the system:** Health Questionnaire.

**Authority for maintenance of the system:** 42 USC 241, 263.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Clinical research data are made available to approved or collaborating researchers, including DHEW contractors and grantees. Certain infectious diseases are reported to State Government as required by law. Information may be used to respond to Congressional inquiries for constituents concerning admission to the NIH Clinical Center. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored on index cards.

**Retrievability:** They are retrieved by name. HEW Uses: By Normal Volunteers Office and NIH physicians to determine suitability for admission as normal volunteers.

**Safeguards:** Access limited to authorized personnel. Records are maintained in a room that is locked when unattended.

**Retention and disposal:** Years at NIH: 3. Disposal methods include burning or shredding paper materials and erasing computer tapes.

**System manager(s) and address:**

Chief, Normal Volunteer Program  
Building 10, Room 7D50, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Notification procedure:** Write to System Manager. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:**

Director, Clinical Center  
Building 10, Room 1N212, NIH  
9000 Rockville Pike  
Bethesda, MD 20014 Requesters should also reasonably specify the record contents being sought.

**Contesting record procedures:** Write to the official at the address specified under ACCESS procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Volunteer, sponsoring contractor.

**Systems exempted from certain provisions of the act:** None.

09-25-0013

**System name:** Clinical Research: Preadmission Medical Records. HEW/NIH/CC.

**Security classification:** None.

**System location:**

Building 10, Room 1N248, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Categories of individuals covered by the system:** Potential patients.

**Categories of records in the system:** Medical history and letters from individuals and referring physicians.

**Authority for maintenance of the system:** 42 USC 241, 248.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information may be used to respond to Congressional inquiries for constituents concerning admission to the NIH Clinical Center. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored in folders.

**Retrievability:** They are retrieved by name. HEW use: Referred to appropriate NIH Institutes for determination of appropriateness of individual for participation in research projects. HEW users: Clinical staff employed by HEW.

**Safeguards:** For manual records, access limited to authorized personnel (system manager and his staff). For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Years at NIH: 3. Disposal methods include burning or shredding paper materials and erasing computer tapes.

**System manager(s) and address:**

Chief, Office of Clinical Reports & Inquiries  
Building 10, Room 1N248, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Notification procedure:** Write to System Manager. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

cordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:**

Director, Clinical Center  
Building 10, Room 1N212, NIH  
9000 Rockville Pike  
Bethesda, MD 20014 Requesters should also reasonably specify the record contents being sought.

**Contesting record procedures:** Write to the official at the address specified under ACCESS procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Referring physicians, individuals, families or members of Congress.

**Systems exempted from certain provisions of the act:** None.

09-25-0014

**System name:** Clinical Research: Student Records. HEW/NIH/CC.

**Security classification:** None.

**System location:**

Building 10, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Categories of individuals covered by the system:** Potential and accepted associates, medical students, and other students in NIH training programs.

**Categories of records in the system:** Application form, transcripts, references, evaluations.

**Authority for maintenance of the system:** 42 USC 241.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information may be used to respond to Congressional inquiries for constituents concerning admission to the program. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored in file folders.

**Retrievability:** They are retrieved by name and year. HEW use: Used by Institutes for selecting associates and medical students for elective program, and by Nursing, Social Work, Medical Records Departments in maintaining records on students in those Departments for training purposes.

**Safeguards:** Records are maintained in locked cabinets with access limited to authorized personnel (system manager and his staff).

**Retention and disposal:** Years at NIH: indefinitely.

**System manager(s) and address:**

Associate Director, CC  
Building 10, Room 1N206, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Notification procedure:** Write to System Manager. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:**

Director, CC  
Building 10, Room 1N212, NIH  
9000 Rockville Pike  
Bethesda, MD 20014 Requesters should also reasonably specify the record contents being sought.

**Contesting record procedures:** Write to the official at the address specified under ACCESS procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Applicants, universities and teachers.

**Systems exempted from certain provisions of the act:** None.

09-25-0015

**System name:** Clinical Research: Collaborative Clinical Epilepsy Research. HEW/NIH/NINCDS.

**Security classification:** None.

**System location:**

Building 12, NIH  
9000 Rockville Pike  
Bethesda, MD 20014  
and Regional Federal Records Center

**Categories of individuals covered by the system:** Patients participating in NINCDS-sponsored clinical epilepsy research.

**Categories of records in the system:** Clinical data.

**Authority for maintenance of the system:** 42 USC 241, 289a, 289c.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Clinical research data are made available to approved or collaborating researchers, including DHEW contractors and grantees. Information may be used to respond to Congressional inquiries for constituents concerning admission to the NIH Clinical Center. Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, (Appendix B, Department Regulations 45 CFR Part 5b, item 2). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored in file folders and on magnetic tape and discs.

**Retrievability:** They are retrieved by ID number. HEW Uses: Research in epilepsy including investigational new drug studies, and clinical neurophysiology to improve treatment of persons with seizures. HEW users are NIH scientists.

**Safeguards:** Access limited to authorized personnel (system manager and his staff). For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Years at NIH: 10. Years at Federal Records Center: 15.

**System manager(s) and address:**

Chief, Epilepsy Branch, NINCDS  
Federal Building, Room 114  
7550 Wisconsin Avenue  
Bethesda, MD 20014

**Notification procedure:**

Head, Admin. Mgmt. Section  
Building 31, Room 8A47  
9000 Rockville Pike  
Bethesda, MD 20014 An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).



**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Clinical treatment records from physicians, nurses, and other sources of care.

**Systems exempted from certain provisions of the act:** None.

09-25-0016

**System name:** Clinical Research: Collaborative Perinatal Project. HEW/NIH/NINCDS.

**Security classification:** None.

**System location:**

Federal Building, NIH  
7550 Wisconsin Ave.  
Bethesda, MD 20014  
and Regional Federal Records Center

**Categories of individuals covered by the system:** Women in the perinatal study of NIH during their pregnancies, their children, husbands, fathers of children and other family members.

**Categories of records in the system:** Medical histories and examinations.

**Authority for maintenance of the system:** 42 USC 241, 289a, 289c.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Clinical research data are made available to approved or collaborating researchers, including DHEW contractors and grantees. Certain infectious diseases are reported to State Government as required by law. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, (Appendix B, Department Regulations 45 CFR Part 5b, item 2). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored in file folders, on punch cards and magnetic tape, computer printouts, and on microfilm.

**Retrievability:** They are retrieved by identifying number assigned to the mother. HEW Use: Purpose: Statistical and case history, biomedical research with research findings published without identification of individuals. HEW User: Biomedical researchers employed by DHEW.

**Safeguards:** Access limited to authorized personnel (system manager and his staff). For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Years at NIH: indefinitely. Some records are sent to the Federal Records Center and held for 3 years.

**System manager(s) and address:**

Chief, Developmental Neurology Branch, NINCDS  
Federal Building, NIH  
7550 Wisconsin Ave.  
Bethesda, MD 20014

**Notification procedure:**

Head, Administration Management Section

Building 31, Room 8A47, NIH  
9000 Rockville Pike

Bethesda, MD 20014 An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Mother, child, father, biomedical examiners, hospital & clinic records, schools.

**Systems exempted from certain provisions of the act:** None.

09-25-0017

**System name:** Clinical Research: Epidemiology Studies Files. HEW/NIH/NINCDS

**Security classification:** None.

**System location:** Regional Federal Records Center

**Categories of individuals covered by the system:** 1. Persons with Multiple Sclerosis in the Comanche County study of NIH.

2. Persons with Polymyositis in the NIH study.

3. Persons with Creutzfeld-Jacob Disease in the NIH study.

4. Guam Construction Workers: Admissions to hospitals with diagnosis of stroke 1972-73.

5. Persons with Multiple Sclerosis who have a twin and who are participants in the NIH study.

6. Person with Parkinson's Disease in NIH-related studies.

7. Registered nurses in the NIH study who were exposed to infectious diseases in the course of patient treatment during their pregnancies.

8. Persons with ulcers who participated in the Veterans' Administration study.

**Categories of records in the system:** Medical findings and outcome.

**Authority for maintenance of the system:** 42 USC 241, 289a, 289c.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Clinical research data are made available to approved or collaborating researchers, including DHEW contractors and grantees. Information may be used to respond to Congressional inquiries for constituents concerning admission to the NIH Clinical Center. Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, (Appendix B, Department Regulations 45 CFR Part 5b, item 2). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored in file folders.

**Retrievability:** They are retrieved by name. HEW use: For epidemiological analyses and research. HEW users: epidemiologists and authorized staff.

**Safeguards:** Access limited to authorized personnel (system manager and his staff).

**Retention and disposal:** Years at NIH: indefinitely.

**System manager(s) and address:**

Head, Section on Epidemiology, NINCDS  
Federal Building, Room 7C10A  
7550 Wisconsin Ave.  
Bethesda, MD 20014

**Notification procedure:**

Head, Admin. Mgmt. Section  
Building 31, Room 8A47, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Hospital and physicians records.

**Systems exempted from certain provisions of the act:** None.

09-25-0019

**System name:** Clinical Research: Genetic Counseling. HEW/NIH/NINCDS.

**Security classification:** None.

**System location:**

Federal Building, NIH  
7550 Wisconsin Ave.  
Bethesda, MD 20014

**Categories of individuals covered by the system:** Individuals referred to NIH by their physicians for advice about genetic problems in their families.

**Categories of records in the system:** Family histories, medical histories, laboratory findings, physicians reports.

**Authority for maintenance of the system:** 42 USC 241, 289a, 289c.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Clinical research data are made available to approved or collaborating researchers, including DHEW contractors and grantees. Certain infectious diseases are reported to State Government as required by law. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, (Appendix B, Department Regulations 45 CFR Part 5b, item 2). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored in file folders.

**Retrievability:** They are retrieved by name. HEW use: To maintain record of advice given; to assess, in time, the efficacy and value of genetic counseling. HEW Users: biomedical researchers employed by DHEW.

**Safeguards:** Access limited to authorized personnel (system manager and his staff).

**Retention and disposal:** Years at NIH: indefinitely.

**System manager(s) and address:**

Research Geneticist, PRB  
Federal Building, NIH  
7550 Wisconsin Ave.  
Bethesda, MD 20014

**Notification procedure:**

Head, Admin. Mgmt. Section  
Building 31, Room 8A44, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Referring physicians.

**Systems exempted from certain provisions of the act:** None.

09-25-0020

**System name:** Clinical Research: Genetics of Neurological Disorders. HEW/NIH/NINCDS.

**Security classification:** None.

**System location:**

Federal Building, NIH  
7550 Wisconsin Avenue  
Bethesda, MD 20014

**Categories of individuals covered by the system:** Individuals with hereditary nervous system disorders and their unaffected relatives in the NIH study.

**Categories of records in the system:** Family histories, medical histories, laboratory findings.

**Authority for maintenance of the system:** 42 USC 241, 289a, 289c.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Clinical research data are made available to approved or collaborating researchers, including DHEW contractors and grantees. Information may be used to respond to Congressional inquiries for constituents concerning admission to the NIH Clinical Center. Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, (Appendix B, Department Regulations 45 CFR Part 5b, item 2). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored in file folders and on index cards.

**Retrievability:** They are retrieved by name and ID number. HEW use: Research in genetics of neurological disorders: determination



of mode of inheritance, epidemiologic characteristics, mutation rate, population dynamics, detection of heterozygote, metabolic defect. HEW users: biomedical researchers employed by DHEW.

**Safeguards:** Access limited to authorized personnel (system manager and his staff).

**Retention and disposal:** Years at NIH: indefinitely.

**System manager(s) and address:**

Research Geneticist, DNB  
Federal Building, NIH  
7550 Wisconsin Avenue  
Bethesda, MD 20014

**Notification procedure:**

Head, Admin. Management Section  
Building 31, Room 8A44, NIH  
9000 Rockville Pike  
Bethesda, MD 20014 An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Patients, relatives, physicians, hospital records.

**Systems exempted from certain provisions of the act:** None.

09-25-0021

**System name:** Clinical Research: Guam Patient/Control Registry. HEW/NIH/NINCDS.

**Security classification:** None.

**System location:**

Building 36, Room 5D03, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Categories of individuals covered by the system:** Research patients of NIH on Guam.

**Categories of records in the system:** Medical and demographic data.

**Authority for maintenance of the system:** 42 USC 241, 289a, 289c.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Clinical research data are made available to approved or collaborating researchers, including DHEW contractors and grantees. Certain infectious diseases are reported to Territorial authorities as required by law. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, (Appendix B, Department Regulations 45 CFR Part 5b, item 2). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored in file folders, on punch cards, magnetic tape, index cards, and print-out sheets.

**Retrievability:** They are retrieved by name, ID number. HEW use: Medical research on patients.

**Safeguards:** Access limited to authorized personnel (system manager and his staff). For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Years at NIH: indefinitely.

**System manager(s) and address:**

Director, Intramural Research, NINCDS  
Building 36, Room 5A05, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Notification procedure:**

Head, Admin. Management Section  
Building 31, Room 8A47, NIH  
9000 Rockville Pike  
Bethesda, MD 20014 An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Individuals and their families.

**Systems exempted from certain provisions of the act:** None.

09-25-0024

**System name:** Clinical Research: Medical Neurology Branch Medical Histories. HEW/NIH/NINCDS.

**Security classification:** None.

**System location:**

Building 10, Room 10D-18, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Categories of individuals covered by the system:** Patients in the Medical Neurology Branch, National Institute of Neurological and Communicative Disorders and Stroke.

**Categories of records in the system:** Medical history.

**Authority for maintenance of the system:** 42 USC 241, 289a, 289c.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Clinical research data are made available to approved or collaborating researchers, including DHEW contractors and grantees. Certain infectious diseases are reported to State Government as required by law. Information may be used to respond to Congressional inquiries for constituents concerning admission to the NIH Clinical Center. Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, (Appendix B, Department Regulations 45 CFR Part 5b, item 2). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored in file folders.

**Retrievability:** They are retrieved by name, ID number and by diagnosis. HEW use: HEW user: Chief, Medical Neurology Branch, or his authorized assistants in the Branch for research purposes.

**Safeguards:** Access limited to authorized personnel (system manager and his staff).

**Retention and disposal:** Years at NIH: indefinitely.

**System manager(s) and address:**

Chief, Medical Neurology Branch  
Building 10, Room 10D-18, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Notification procedure:**

Head, Admin. Mgmt. Section  
Building 31, Room 8A47, NIH  
9000 Rockville Pike  
Bethesda, MD 20014 An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Referring physicians.

**Systems exempted from certain provisions of the act:** None.

09-25-0026

**System name:** Clinical Research: Nervous System Studies. HEW/NIH/NINCDS.

**Security classification:** None.

**System location:**

Building 36, Room 5B20, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Categories of individuals covered by the system:** Research patients in NIH-related studies having nervous system disorders.

**Categories of records in the system:** Medical and demographic data.

**Authority for maintenance of the system:** 42 USC 241, 289a, 289c.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Clinical research data are made available to approved or collaborating researchers, including DHEW contractors and grantees. Certain infectious diseases are reported to State Government as required by law. Information may be used to respond to Congressional inquiries for constituents concerning admission to the NIH Clinical Center. Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, (Appendix B, Department Regulations 45 CFR Part 5b, item 2). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored in file folders, on magnetic tape, and on print-out sheets.

**Retrievability:** They are retrieved by name, disease and attending physician name. HEW use: Medical Research. HEW users: physicians and scientists working at the Central Nervous System Studies Lab, NINCDS/NIH.

**Safeguards:** Access limited to authorized personnel (system manager and his staff).

**Retention and disposal:** Years at NIH: indefinitely.

**System manager(s) and address:**

Chief, Central Nervous System Studies Lab.  
Building 31, Room 5B20, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Notification procedure:**

Head, Admin. Management Section  
Building 31, Room 8A47, NIH  
9000 Rockville Pike  
Bethesda, MD 20014 An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** From attending physicians.

**Systems exempted from certain provisions of the act:** None.

09-25-0028

**System name:** Clinical Research: Patient Medical Histories. HEW/NIH/NINCDS.

**Security classification:** None.

**System location:**

Building 10 & Building 31, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Categories of individuals covered by the system:** Past and present patients of the National Institute of Neurological and Communicative Disorders and Stroke, and individuals being referred for admission to the NIH Clinical Center.

**Categories of records in the system:** Medical histories.

**Authority for maintenance of the system:** 42 USC 241, 289a, 289c.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Clinical research data are made available to approved or collaborating researchers, including DHEW contractors and grantees. Certain infectious diseases are reported to State Government as required by law. Information may be used to respond to Congressional inquiries for constituents concerning admission to the NIH Clinical Center. Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, (Appendix B, Department Regulations 45 CFR Part 5b, item 2). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the

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Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored in file folders.

**Retrievability:** They are retrieved by name. HEW use: For patient care and treatment, evaluation of therapeutic procedures.

**Safeguards:** Access limited to authorized personnel (system manager and his staff).

**Retention and disposal:** Years at NIH: indefinitely.

**System manager(s) and address:**

Director of Intramural Research  
Building 36, Room 5A05, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Notification procedure:**

Head, Administrative Mgmt. Section  
Building 31, Room 8A47, NIH  
9000 Rockville Pike

Bethesda, MD 20014 An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Referring and attending physicians, hospital records.

**Systems exempted from certain provisions of the act:** None.

09-25-0031

**System name:** Clinical Research: Serological and Virus Data in Studies Related to the Central Nervous System. HEW/NIH/NINCDS.

**Security classification:** None.

**System location:**

Building 36, Room 5D04, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

and Regional Federal Records Center

**Categories of individuals covered by the system:** Patients with possible perinatal, acute or chronic diseases and normal volunteers in NIH-related studies pertaining to the central nervous system.

**Categories of records in the system:** Laboratory findings for viruses.

**Authority for maintenance of the system:** 42 USC 241, 289a, 289c.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Clinical research data are made available to approved or collaborating researchers, including DHEW contractors and grantees. Certain infectious diseases are reported to State Government as required by law. Information may be used to respond to Congressional inquiries for constituents concerning admission to the NIH Clinical Center. Referrals may be made of assignments of research investigators and project monitors

to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, (Appendix B, Department Regulations 45 CFR Part 5b, item 2). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored on papers and in file folders.

**Retrievability:** They are retrieved by name and number. HEW use: Research on role of infections and development of vaccines for CNS diseases; serological and virus data for patients.

**Safeguards:** Access limited to authorized personnel (system manager and his staff).

**Retention and disposal:** Years at NIH: 15.

Years at Federal Records Center: 20.

**System manager(s) and address:**

Chief, Infectious Diseases Branch, IR  
Building 36, Room 5D04, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Notification procedure:**

Head, Admin. Management Section  
Building 31, Room 8A47, NIH  
9000 Rockville Pike

Bethesda, MD 20014 An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Hospital records; volunteers and laboratory data.

**Systems exempted from certain provisions of the act:** None.

09-25-0033

**System name:** International Activities: Fellowships Awarded by Foreign Organizations. HEW/NIH/FIC.

**Security classification:** None.

**System location:**

Building 31, Room 2B62, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

Regional Federal Records Center

**Categories of individuals covered by the system:** U.S. citizens qualified in health-related sciences submitting applications through NIH for fellowships for study abroad.

**Categories of records in the system:** Education and employment histories; references.

**Authority for maintenance of the system:** 42 USC 2421.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** After review by the

operating agency review panel, the applications and all supporting documents are forwarded to the awarding agency. In addition, such applications may be made available to authorized employees and agents of the US including the General Accounting Office, for purposes of investigations, inspections and audits, and, in appropriate cases to the Department of Justice for proper action under civil and criminal laws. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored in file folders.

**Retrievability:** They are retrieved by name and fellowship number. HEW use: Fogarty International Center program staff collect and review the applications, after which operating agency review committees make selections. Where applicable, information is transmitted to the Office of International Health.

**Safeguards:** Access limited to authorized personnel (system manager and his staff).

**Retention and disposal:** Years at NIH: 1. Number of years held at Federal Records Center before disposal: 5.

**System manager(s) and address:**

Chief, Scholars & Fellowship Br.  
Building 31, Room 2B58, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Notification procedure:** Requests for notification of or access to records should be addressed to the system manager, as listed above. Verification of identity is required. (These notification and access procedures are in accordance with Department Regulations (45 CFR Part 5b.5) Federal Register October 8, 1975, page 47410.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Applicants and persons supplying references.

**Systems exempted from certain provisions of the act:** None.

09-25-0034

**System name:** International Activities: Scholars Program. HEW/NIH/FIC.

**Security classification:** None.

**System location:**

Building 31, Room 2B62, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

Regional Federal Records Center

**Categories of individuals covered by the system:** Distinguished U.S. science leaders and scholars invited to accept NIH scholarships.

**Categories of records in the system:** Employment and education histories; references.

**Authority for maintenance of the system:** 42 USC 2421.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information is made available to authorized employees and agents of the US, including

the General Accounting Office, for purposes of investigations, inspections and audits, and in appropriate cases, to the Department of Justice for proper action under civil and criminal laws. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored in file folders and on magnetic tapes.

**Retrievability:** They are retrieved by name. HEW use: This program was established to facilitate the exchange of ideas among distinguished science leaders and scholars who spend from 3 to 12 months in residence at NIH. Biographical information and references are assembled by Fogarty International Center (FIC) program staff for use by the operating agency review committee, and invitations are extended by the Director, FIC.

**Safeguards:** Access limited to authorized personnel (system manager and his staff). For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Years at NIH: 1. Number of years held at Federal Records Center before disposal: 5.

**System manager(s) and address:**

Chief, Scholars & Fellowships Branch  
Building 31, Room 2B62, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Notification procedure:** Requests for notification of or access to records should be addressed to the system manager, as listed above. Verification of identity is required. (These notification and access procedures are in accordance with Department Regulations (45 CFR Part 5b.5) Federal Register October 8, 1975, page 47410.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information obtained from invitees, reference sources, and persons supplying recommendations.

**Systems exempted from certain provisions of the act:** None.

09-25-0035

**System name:** International Activities: US Foreign Health Exchange Programs. HEW/NIH/FIC.

**Security classification:** None.

**System location:**

Building 31, Room 2C05, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

Regional Federal Records Center

**Categories of individuals covered by the system:** U.S. citizens applying for participation in international health exchange programs through NIH.

**Categories of records in the system:** Educational, employment, & health records.

**Authority for maintenance of the system:** 42 USC 2421.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made



to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Applications may be furnished selected evaluators. Information is furnished pertinent staffs of the relevant foreign ministry for acceptance purposes. Applications are made available to authorized employees and agents of the United States, including the General Accounting Office, for the purpose of inspections and audits, and, in appropriate cases, to the Department of Justice for proper action under civil and criminal laws. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored in file folders.

**Retrievability:** They are retrieved by name. HEW use: US citizens with backgrounds relating to the health sciences submit applications for study in countries with which the US has health exchange agreements. Fogarty International Center (FIC) staff prepares the applications for review by an operating agency review committee which makes the awards. FIC staff applies to foreign ministries for their approval. Information transmitted to Office of International Health. Reports by returnees disseminated as appropriate.

**Safeguards:** Access limited to authorized personnel (system manager and his staff).

**Retention and disposal:** Years at NIH: 1. FRC: 5.

**System manager(s) and address:**

Coordinator, US-Foreign Health Exchange Program Building  
31, Room 2C05, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Notification procedure:** Requests for notification of or access to records should be addressed to the system manager, as listed above. Verification of identity is required. (These notification and access procedures are in accordance with Department Regulations (45 CFR Part 5b.5) Federal Register October 8, 1975, page 47410).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47411.).

**Contesting record procedures:** Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information obtained from applicants and persons supplying references.

**Systems exempted from certain provisions of the act:** None.

09-25-0036

**System name:** Grants: IMPAC (Grant/Contract Information). HEW/NIH/DRG.

**Security classification:** None.

**System location:**

Westwood Building, Room 1A03B  
5333 Westbard Avenue  
Bethesda, MD 20016

**Categories of individuals covered by the system:** Applicant and Principal Investigators; Program Directors; Institutional and Individual Fellows; Research Career Awardees.

**Categories of records in the system:** Applications, awards, associated records and trainee appointments.

**Authority for maintenance of the system:** 42 USC 241c; 58 Stat. 691c & d Repealed.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) To the Smithsonian Science Information Exchange for dissemination of science information (abstracts of research grants only); (2) To the Cognizant Audit Agency for auditing; (3) To the Department of Justice as required for litigation; (4) To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual; (5) To qualified experts not within the definition of Department employees as prescribed in Department Regulations (45 CFR, Part 5b.2) for opinions as a part of the application review process; (6) To a Federal agency, in response to its request, in connection with the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter; (7) To individuals and organizations deemed qualified by the PHS to carry out specific research related to the review and award processes of the PHS; (8) To organizations in the private sector with whom PHS has contracted for the purpose of collating, analyzing, aggregating or otherwise refining records in a system. The contractor shall be required to maintain Privacy Act safeguards with respect to such records; (9) To the grantee institution in connection with performance or administration under the terms and conditions of the award. (10) In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored on discs and magnetic tapes.

**Retrievability:** They are retrieved by name, application, grant, and contract ID number. HEW use: The records are used by management and operating staff to prepare listing, tabulations, magnetic tapes and other machine processable media, microfiche and publications for administrative purposes such as fiscal operations, budgeting, program direction and planning; public information; research and analysis. Information is also used to maintain communication with former fellows who have incurred obligation through the National Research Service Award Program.

**Safeguards:** For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Years at NIH: indefinitely.

**System manager(s) and address:**

Chief, Statistics and Analysis Branch, DRG  
Westwood Building, Room 1A03B, NIH  
5333 Westbard Avenue  
Bethesda, MD 20016

**Notification procedure:**

Privacy Act Coordinator, DRG  
Westwood Building, Room 448, NIH  
5333 Westbard Avenue  
Bethesda, MD 20016

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Individual, individual's educational institution, and references.

**Systems exempted from certain provisions of the act:** None.

09-25-0037

**System name:** Clinical Research: Gerontology Research Center Longitudinal Aging Study. HEW/NIH/NIA.

**Security classification:** None.

**System location:**

Building 12, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Categories of individuals covered by the system:** Voluntary participants in the Gerontology Research Center Longitudinal Aging Study, NIH.

**Categories of records in the system:** Medical histories, psychological and physical test results.

**Authority for maintenance of the system:** 42 USC 241, 289k-2, k-4.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Clinical research data are made available to approved or collaborating researchers, including DHEW contractors and grantees. Certain infectious diseases are reported to State Government as required by law. Information may be used to respond to Congressional inquiries for constituents concerning admission to the NIH Clinical Center. Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, (Appendix B, Department Regulations 45 CFR Part 5b, item 2). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored in file folders and on computer discs.

**Retrievability:** They are retrieved by ID number. HEW use: Staff collects & analyzes data as part of a longitudinal study of the human aging process.

**Safeguards:** Access limited to authorized personnel (system manager and his staff). For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Years at NIH: indefinitely.

**System manager(s) and address:**

Chief, Clinical Physiology Branch  
Gerontology Research Center  
Baltimore City Hospitals  
Baltimore, MD 21224

**Notification procedure:** Write to System Manager. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Individuals, research staff, test results.

**Systems exempted from certain provisions of the act:** None.

09-25-0038

**System name:** Clinical Research: Patient Data. HEW/NIH/NIAMDD.

**Security classification:** None.

**System location:**

Building 10, Room 9N222, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Categories of individuals covered by the system:** Current & past patients of the National Institute of Arthritis, Metabolism, and Digestive Diseases.

**Categories of records in the system:** Patient history, demographic data, miscellaneous correspondence with patients.

**Authority for maintenance of the system:** 42 USC 241, 289a, 289c.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Clinical research data are available to approved or collaborating researchers, including DHEW contractors and grantees. Certain infectious diseases are reported to State Government as required by law. Information may be used to respond to Congressional inquiries for constituents concerning admission to the NIH Clinical Center. Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, (Appendix B, Department Regulations 45 CFR Part 5b, item 2). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored in file folders and on computer tape.

**Retrievability:** They are retrieved by name and any data element on computer tape. HEW use: Patient data are used by scientific staff to conduct laboratory experiments, clinical treatment and care of patients, and administrative functions pertaining thereto. The records are used for statistical purposes in preparation of experimental and patient data, for analysis and eventual publication of results in non-identifiable form.

**Safeguards:** Access limited to authorized personnel (system manager and his staff). For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Years at NIH: indefinitely.

**System manager(s) and address:**

Chief, Clinical Investigations  
Building 10, Room 9N222, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Notification procedure:**

Administrative Officer  
Building 31, Room 9A46, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).



**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Institute Clinical Records.

**Systems exempted from certain provisions of the act:** None.

09-25-0039

**System name:** Clinical Research: Diabetes Mellitus Research Study of Southwestern American Indians. HEW/NIH/NIAMDD.

**Security classification:** None.

**System location:**

Building 12, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Categories of individuals covered by the system:** Southwestern American Indians and Caucasian spouses of some who were participants in the NIH Diabetes Mellitus Research Study.

**Categories of records in the system:** Name, address, demographic data, patient history, and control numbers.

**Authority for maintenance of the system:** 42 USC 241, 289a, 289c.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Clinical research data are made available to approved or collaborating researchers, including DHEW contractors and grantees. Certain infectious diseases are reported to State Government as required by law. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, (Appendix B, Department Regulations 45 CFR Part 5b, item 2). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored on computer tape.

**Retrievability:** They are retrieved by name or any data element. HEW use: Used by the staff of the National Institute of Arthritis, Metabolism, and Digestive Diseases to gain information on high prevalence of diabetes, arthritis, gall bladder and related diseases among Southwestern American Indians.

**Safeguards:** Access limited to authorized personnel (system manager and his staff). For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Years at NIH: indefinitely.

**System manager(s) and address:**

Chief, Phoenix Clinical Research Section  
Phoenix Area Indian Hospital, Room 541  
Phoenix, AZ 85016

**Notification procedure:**

Administrative Officer  
Building 31, Room 9A46, NIH  
9000 Rockville Pike  
Bethesda, MD 20014 An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Institute clinical records.

**Systems exempted from certain provisions of the act:** None.

09-25-0040

**System name:** Clinical Research: Southwestern American Indian Patient Data. HEW/NIH/NIAMDD.

**Security classification:** None.

**System location:**

Phoenix Area Indian Hospital  
4214 N. 16th Street, Room 541  
Phoenix, AZ 85016

**Categories of individuals covered by the system:** Current patients of the National Institute of Arthritis, Metabolism, and Digestive Diseases being treated at the Phoenix Area Indian Hospital.

**Categories of records in the system:** Medical history, treatment schedules, diagnostic records.

**Authority for maintenance of the system:** 42 USC 241, 289a, 289c.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Clinical research data are made available to approved or collaborating researchers, including DHEW contractors and grantees. Certain infectious diseases are reported to State Government as required by law. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, (Appendix B, Department Regulations 45 CFR Part 5b, item 2). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored in file folders.

**Retrievability:** They are retrieved by name and patient number. HEW use: Used by clinicians and support staff of Phoenix Clinical Research Section for treatment of NIAMDD patients at Phoenix Area Indian Hospital. Records are forwarded to Indian Health Service which maintains records after patient discharge.

**Safeguards:** Access limited to authorized personnel (system manager and his staff).

**Retention and disposal:** Years at NIH: Records are stored and destroyed along with other medical records of the Indian Health Service at the Phoenix Area Indian Hospital.

**System manager(s) and address:**

Chief, Phoenix Clinical Research Section  
Phoenix Area Indian Hospital  
4212 N. 16th Street  
Phoenix, AZ 85016

**Notification procedure:**

Administrative Officer, NIAMDD  
Building 31, Room 9A46  
9000 Rockville Pike  
Bethesda, MD 20014 An individual who requests notification of or access to a medical/dental record shall, at the time the

**request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).**

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Clinicians of the Phoenix Clinical Research Section.

**Systems exempted from certain provisions of the act:** None.

09-25-0041

**System name:** Research Resources: Hormone Distribution. HEW/NIH/NIAMDD.

**Security classification:** None.

**System location:**

Westwood Bldg., Room 620, NIH  
5333 Westbard Ave.  
Bethesda, MD 20016

**Categories of individuals covered by the system:** Scientists requesting hormones from the National Institute of Arthritis, Metabolism, and Digestive Diseases.

**Categories of records in the system:** Justification for request for hormones, including requestor's competence.

**Authority for maintenance of the system:** 42 USC 241, 263, 289a, 289c.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referred to NIAMDD contractors for distribution of various hormones to requestors. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored in file folders.

**Retrievability:** They are retrieved by name. HEW use: Used by Hormone Distribution Officer to make a determination on request of hormones.

**Safeguards:** Access limited to authorized personnel (system manager and his staff).

**Retention and disposal:** Years at NIH: 3. Disposal methods include burning or shredding paper materials and erasing computer tapes.

**System manager(s) and address:**

Hormone Distribution Officer  
Westwood Bldg., Rm 620  
5333 Westbard Ave.  
Bethesda, MD 20016

**Notification procedure:**

Administrative Officer  
Building 31, Room 9A46, NIH  
9000 Rockville Pike

Bethesda, MD 20014 An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Data is obtained from the individual.

**Systems exempted from certain provisions of the act:** None.

09-25-0042

**System name:** Clinical Research: National Institute of Dental Research Patient Records. HEW/NIH/NIDR.

**Security classification:** None.

**System location:**

Building 10, Room 1B20, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Categories of individuals covered by the system:** NIH inpatients and other participants in current and past research projects of the National Institute of Dental Research.

**Categories of records in the system:** Medical and dental histories, dental pathologies and therapies.

**Authority for maintenance of the system:** 42 USC 241, 288a.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Clinical research data are made available to approved or collaborating researchers, including DHEW contractors and grantees. Certain infectious diseases are reported to State Government as required by law. Information may be used to respond to Congressional inquiries for constituents concerning admission to the NIH Clinical Center. Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, (Appendix B, Department Regulations 45 CFR Part 5b, item 2). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored in file folders.

**Retrievability:** They are retrieved by name and hospital ID number. HEW use: Used by staff to record medical and dental diagnoses, therapies and research data and to evaluate treatment and research procedures.

**Safeguards:** Access limited to authorized personnel (system manager and his staff).

**Retention and disposal:** Years at NIH: indefinitely.

**System manager(s) and address:**

Chief, Clinical Dental Services Section  
Building 10, Room 1B20, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Notification procedure:**

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NIDR Privacy Act Coordinator  
Room 551, Westwood Bldg.  
5333 Westbard Avenue  
Bethesda, MD 20016 An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Individual, parents or guardians.

**Systems exempted from certain provisions of the act:** None.

09-25-0043

**System name:** Clinical Research: Pharyngeal Development. HEW/NIH/NIDR.

**Security classification:** None.

**System location:**

Building 31, Room 3B10  
9000 Rockville Pike  
Bethesda, MD 20014

**Categories of individuals covered by the system:** Patients referred to the National Institute of Dental Research who have abnormalities of the mouth and pharynx.

**Categories of records in the system:** Medical records.

**Authority for maintenance of the system:** 42 USC 241, 288a.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Clinical research data are made available to approved or collaborating researchers, including DHEW contractors and grantees. Certain infectious diseases are reported to State Government as required by law. Information may be used to respond to Congressional inquiries for constituents concerning admission to the NIH Clinical Center. Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange. (Appendix B, Department Regulations 45 CFR Part 5b, item 2). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored in file folders.

**Retrievability:** They are retrieved by name and diagnosis. HEW use: Used by NIDR staff to accumulate information about diseases for clinical analysis and publication in non-identifiable form. Information is shared with Clinical Center medical records and is used in preparing the Annual Report of the institute.

**Safeguards:** Access limited to authorized personnel (system manager and his staff).

**Retention and disposal:** Disposal methods include burning or shredding paper materials and erasing computer tapes. Years at NIH - 10.

**System manager(s) and address:**

Chief, Oral and Pharyngeal Development Section

Building 31, Room 3B10, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Notification procedure:**

NIDR Privacy Act Coordinator  
Room 551, Westwood Bldg.  
5333 Westbard Avenue  
Bethesda, MD 20016 An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Individual patient or family members, referring clinician or health agency.

**Systems exempted from certain provisions of the act:** None.

09-25-0044

**System name:** Clinical Research: Sensory Testing Research Program. HEW/NIH/NIDR.

**Security classification:** None.

**System location:**

Building 31, Room 3B08, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Categories of individuals covered by the system:** Infants, children and adults participating in the Sensory Testing Program of the National Institute for Dental Research.

**Categories of records in the system:** Test results, extracts from medical records.

**Authority for maintenance of the system:** 42 USC 241, 288a.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Clinical research data are made available to approved or collaborating researchers, including DHEW contractors and grantees. Certain infectious diseases are reported to State Government as required by law. Information may be used to respond to Congressional inquiries for constituents concerning admission to the NIH Clinical Center. Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange. (Appendix B, Department Regulations 45 CFR Part 5b, item 2). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored in file folders and data books.

**Retrievability:** They are retrieved by name, date of observation, and age of subject. HEW use: Used by NIDR staff to accumulate information about normal and aberrant development and diseases for analysis and publication in non-identifiable form in the Annual Report of the institute.

**Safeguards:** Access limited to authorized personnel (system manager and his staff).

**Retention and disposal:** Years at NIH: Indefinitely.

**System manager(s) and address:**

Research Psychologist, NIDR  
Building 31, Room 3B08, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Notification procedure:**

NIDR Privacy Act Coordinator  
Room 551, Westwood Bldg.  
5333 Westbard Avenue  
Bethesda, MD 20016 An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Write to the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Cooperating Clinician or Health Agency, family member.

**Systems exempted from certain provisions of the act:** None.

09-25-0046

**System name:** Clinical Research: Catalog of Clinical Specimens. HEW/NIH/NIAD.

**Security classification:** None.

**System location:**

Building 7, Room 301 and Room 202, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Categories of individuals covered by the system:** Patients, volunteers, laboratory personnel in the National Institute of Allergy and Infectious Diseases.

**Categories of records in the system:** Clinical specimens, attendant data and laboratory results.

**Authority for maintenance of the system:** 42 USC 241, 289a, 289c.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Clinical research data are made available to approved or collaborating researchers, including DHEW contractors and grantees. Certain infectious diseases are reported to State Government as required by law. Information may be used to respond to Congressional inquiries for constituents concerning admission to the NIH Clinical Center. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored in data books.

**Retrievability:** They are retrieved by name, patient or study number. HEW uses: Used for diagnostic and epidemiologic studies. HEW users: scientific staff of the institute.

**Safeguards:** Access limited to authorized personnel (system manager and his staff).

**Retention and disposal:** Years at NIH: indefinitely.

**System manager(s) and address:**

Chief, Respiratory Viruses Section  
Building 7, Room 301, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

Chief, Hepatitis Virus Section  
Building 7, Room 202, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Notification procedure:** Write to System Manager. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Write to official named below. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

Chief, ORR and PR, NIAID  
Building 31, Room 7A32, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Contesting record procedures:** Contact the official at the address specified under access procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Hospital records, field study records and records from collaborating scientists.

**Systems exempted from certain provisions of the act:** None.

09-25-0047

**System name:** Clinical Research: Cooperative Smallpox Vaccine Study. HEW/NIH/NIAD.

**Security classification:** None.

**System location:**

Building 10, Room 11N118, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Categories of individuals covered by the system:** Recipients of smallpox vaccines in Cooperative Study of the National Institute of Allergy and Infectious Diseases.

**Categories of records in the system:** Medical records concerning reactions to smallpox vaccine.

**Authority for maintenance of the system:** 42 USC 241, 289a, 289c.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Clinical research data are made available to researchers of the 4 collaborating institutions. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. To individuals and organizations deemed qualified by the Secretary to carry out specific research solely for the purpose of carrying out such research. (Appendix B, Department Regulations, 45 CFR Part 5b, item 101). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored on magnetic tape and on punch cards.



**Retrievability:** They are retrieved by I.D. number. HEW uses: Information from 4 institutions is compiled and statistical analyses are made of these data for publication in scientific literature in non-identifiable form. HEW users: Professional staff of the Branch and cooperating scientists in the Intramural Program.

**Safeguards:** Access limited to authorized personnel (system manager and his staff). For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Years at NIH: indefinitely.

**System manager(s) and address:**

Chief, Development and Applications Branch  
Westwood Bldg., Rm. 750  
5333 Westbard Ave.  
Bethesda, MD 20014

**Notification procedure:** Write to System Manager. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Write to official named below. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

Chief, ORR and PR, NIAID  
Building 31, Room 7A32, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Contesting record procedures:** Contact the official at the address specified under access procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Research investigators.

**Systems exempted from certain provisions of the act:** None.

09-25-0048

**System name:** Clinical Research: Serology-Epidemiology Parasite Research. NEW/NIH/NIAID.

**Security classification:** None.

**System location:**

Rocky Mountain Laboratory, NIH  
Hamilton, MT 59840

**Categories of individuals covered by the system:** Blood or parasite donors participating in serology-epidemiology parasite research of the National Institute of Allergy and Infectious Diseases.

**Categories of records in the system:** Results of blood tests and possible case histories.

**Authority for maintenance of the system:** 42 USC 241, 289a, 289c.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Clinical research data are made available to approved or collaborating researchers, including DHEW contractors and grantees. Certain infectious diseases are reported to State Government as required by law. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. To individuals and organizations deemed qualified by the Secretary to carry out specific research solely for the purpose of carrying out such research (Appendix B, Department Regulations 45 CFR Part 5b, item 101). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored in file folders.

**Retrievability:** They are retrieved by name. HEW uses: Used for epidemiological studies. HEW users: scientific staff of the laboratory.

**Safeguards:** Access limited to authorized personnel (system manager and his staff).

**Retention and disposal:** Years at NIH: indefinitely.

**System manager(s) and address:**

Administrative Officer  
Rocky Mountain Laboratory, NIH  
Hamilton, MT 59840

**Notification procedure:** Write to System Manager. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Personal physician of donor & State Health Departments.

**Systems exempted from certain provisions of the act:** None.

09-25-0049

**System name:** Clinical Research: Atlanta Federal Prison Malaria Research Projects. HEW/NIH/NIAID.

**Security classification:** None.

**System location:**

Building 8, Room 326, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Categories of individuals covered by the system:** Prisoners in Atlanta Federal Prison who have volunteered to participate in malaria research studies of the National Institute of Allergy and Infectious Diseases.

**Categories of records in the system:** Medical history records.

**Authority for maintenance of the system:** 42 USC 241, 289a, 289c.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Certain infectious diseases are reported to State Government as required by law. Clinical research data are made available to individuals and organizations, deemed qualified by the Secretary to carry out specific research solely for the purpose of carrying out such research. (Appendix B, HEW Regulations, 45 CFR, Part 5b, item 101). Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored in file folders.

**Retrievability:** They are retrieved by name. HEW uses: Used for malaria research studies. HEW users: scientific staff of the laboratory.

**Safeguards:** Access limited to authorized personnel (system manager and his staff).

**Retention and disposal:** Years at NIH: indefinitely.

**System manager(s) and address:**

Head, Malaria Section, NIAID  
Building 8, Room 326, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Notification procedure:** Write to System Manager. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Write to official named below. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

Chief, ORR and PR, NIAID  
Building 31, Room 7A32, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Contesting record procedures:** Contact the official under access procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Individuals, Hospital records, referring physicians, collaborating scientists.

**Systems exempted from certain provisions of the act:** None.

09-25-0050

**System name:** Trainees Record System. HEW/NIH/NIAID

**Security classification:** None.

**System location:**

Westwood Building, Room 735, NIH  
5333 Westbard Avenue  
Bethesda, MD 20016

**Categories of individuals covered by the system:** Trainees under Training Grants of the National Institute of Allergy and Infectious Diseases.

**Categories of records in the system:** Name of trainee, grant no., amount of support, Sci. Discipline Code, level of degree, date of training.

**Authority for maintenance of the system:** 42 USC 2891-1; 58 Stat. 691d Repealed; 64 Stat. 44.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored in card files and on computer tapes.

**Retrievability:** They are retrieved by name. HEW uses: Used for reports on trainees. HEW users: branch staff.

**Safeguards:** Access limited to authorized personnel (system manager and his staff). For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Years at NIH: indefinitely.

**System manager(s) and address:**

Head, Data Control Section  
Westwood Building, Room 733, NIH  
5333 Westbard Avenue  
Bethesda, MD 20016

**Notification procedure:** Write to System Manager.

**Record access procedures:** Write to official named below. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

Chief, ORR and PR, NIAID  
Building 31, Room 7A32, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Contesting record procedures:** Contact the official at the address specified under access procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Report of appointment of trainee.

**Systems exempted from certain provisions of the act:** None.

09-25-0051

**System name:** Grants: NIH Fellowship Payroll. HEW/NIH/DFM.

**Security classification:** None.

**System location:**

Building 31, Room B1B07, NIH  
9000 Rockville Pike  
Bethesda, MD 20014  
and Regional Federal Records Center

**Categories of individuals covered by the system:** Recipients of NIH fellowships.

**Categories of records in the system:** Recipient's name, address and social security number.

**Authority for maintenance of the system:** 58 Stat. 691c Repealed; 42 USC 2891-1.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used to report income subject to tax and taxes withheld to Internal Revenue Service. The Internal Revenue Service requires the social security number to verify individual identity. Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available. (Appendix B, HEW Regulations, 45 CFR Part 5b, item 6). Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored in file folders in file cabinets.

**Retrievability:** They are retrieved by name. HEW use: Used by NIH staff to process fellowships stipend check to follow each month for preparing record of taxes withheld and stipends paid to individuals.

**Safeguards:** The records are maintained in file cabinets with access limited to authorized personnel. Offices are locked during other than normal duty hours.

**Retention and disposal:** Years at NIH: 1. Years at Federal Records Center: 9.

**System manager(s) and address:**

Chief, Federal Assistance Accounting Bch, DFM  
Building 31, Room B1B07, NIH

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9000 Rockville Pike  
Bethesda, MD 20014

Notification procedure: Write to System Manager.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

Contesting record procedures: Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

Record source categories: Notice of Fellowship Award and individual fellow.

Systems exempted from certain provisions of the act: None.

09-25-0053

System name: Clinical Research: Vision Studies. HEW/NIH/NEI.

Security classification: None.

System location:

Building 10, Room 10N325, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

Categories of individuals covered by the system: Patients of Intramural Research Clinical Studies, National Eye Institute.

Categories of records in the system: Medical history as relevant to vision research.

Authority for maintenance of the system: 42 USC 241, 289i, 289k.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Clinical research data are made available to approved or collaborating researchers, including DHEW contractors and grantees. Information may be used to respond to Congressional inquiries for constituents concerning admission to the NIH Clinical Center. Certain infectious diseases may be reported to State Government as required by law. Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange (Appendix B, Department Regulations 45 CFR Part 5b, Item 2). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: They are stored in file cabinets.

Retrievability: They are retrieved by name and cross referenced by anatomical entity. HEW use: Used by NEI staff to conduct and evaluate visual research projects.

Safeguards: Access limited to authorized personnel (system manager and his staff).

Retention and disposal: Years at NIH: indefinitely.

System manager(s) and address:

Clinical Director  
Building 10, Room 10N313, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

Notification procedure:

Executive Officer  
Building 31, Room 6A05, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual

of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

Contesting record procedures: Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

Record source categories: Medical examinations conducted by and under the direction of the research investigators.

Systems exempted from certain provisions of the act: None.

09-25-0054

System name: Administration: Property Accounting.

HEW/NIH/DES.

Security classification: None.

System location:

Building 12A, Room 4018, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

Categories of individuals covered by the system: Employees of the National Institutes of Health who are issued tools, uniforms, and safety shoes.

Categories of records in the system: Property management.

Authority for maintenance of the system: 5 USC 5901; 5 USC 7903; 42 USC 241.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (Appendix B, Department Regulations (45 CFR Part 5b) Item 1.). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: They are stored in file folders.

Retrievability: They are retrieved by name. HEW uses: Used for tool, uniform and safety shoe issuance and control.

Safeguards: Access limited to authorized personnel (system manager and his staff).

Retention and disposal: Years at NIH: indefinitely.

System manager(s) and address:

Administrative Officer, DES  
Building 12A, Room 4018, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

Notification procedure: Write to System Manager.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents

being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

Contesting record procedures: Write to the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

Record source categories: Data is obtained from the individual.

Systems exempted from certain provisions of the act: None.

09-25-0055

System name: Clinical Research: Baltimore Cancer Research Center Patients. HEW/NIH/NCI.

Security classification: None.

System location:

Baltimore Cancer Research Center  
22 South Greenstreet  
Baltimore, MD 21202

Categories of individuals covered by the system: Cancer patients treated at the Baltimore Md. Cancer Research Center.

Categories of records in the system: Medical records.

Authority for maintenance of the system: 42 USC 241, 281, 282.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Clinical research data are made available to approved or collaborating researchers, including DHEW contractors and grantees. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Disclosure may be made to a contractor when the Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records. (Appendix B, Department Regulations, (45 CFR Part 5b), item 9). Disclosure may be made to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: They are stored in file folders.

Retrievability: They are retrieved by patient number. HEW uses: Research by staff to determine survival rates based on modes of treatment.

Safeguards: Access limited to authorized personnel (system manager and his staff).

Retention and disposal: Years at NIH: indefinitely.

System manager(s) and address:

Associate Director for Baltimore Can. Res. Cent.  
Baltimore Cancer Res. Center  
22 South Greenstreet  
Baltimore, MD 21202

Notification procedure: Write to System Manager. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

Contesting record procedures: Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

Record source categories: Research Contractors of Brain Tumor Study Group.

Systems exempted from certain provisions of the act: None.

09-25-0057

System name: Clinical Research: Burkitt's Lymphoma Registry. HEW/NIH/NCI.

Security classification: None.

System location:

Building 37, Room 1B28  
9000 Rockville Pike  
Bethesda, MD 20014

Categories of individuals covered by the system: Patients with Burkitt's Lymphoma in the registry of the National Cancer Institute.

Categories of records in the system: Clinical abstracts, pathology reports, and other laboratory correspondence with attending physicians.

Authority for maintenance of the system: 42 USC 241, 281, 282.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Clinical research data are made available to approved or collaborating researchers, including DHEW contractors and grantees. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Disclosure may be made to a contractor when the Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records. (Appendix B, Department Regulations, (45 CFR Part 5b), item 9). Disclosure may be made to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: They are stored in file folders.

Retrievability: They are retrieved by name. HEW uses: Epidemiologic research by research staff.

Safeguards: Access limited to authorized personnel.

Retention and disposal: Years at NIH: indefinitely.

System manager(s) and address:

Head, Clinical Studies Section  
Medical Officer, Laboratory of Viral Carcinogenesis  
Building 37, Room 1B28  
9000 Rockville Pike  
Bethesda, MD 20014

Notification procedure: Write to System Manager. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's

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discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Hospitals, Pathology Reports, Medical Histories.

**Systems exempted from certain provisions of the act:** None.

09-25-0066

**System name:** Clinical Research: DCT Clinical Investigations. HEW/NIH/NCI.

**Security classification:** None.

**System location:** Building 10, Room 3B18, NIH

9000 Rockville Pike  
Bethesda, MD 20014  
Regional Federal Record Center

**Categories of individuals covered by the system:** All patients who have been hospitalized in the National Cancer Institute.

**Categories of records in the system:** Medical records.

**Authority for maintenance of the system:** 42 USC 241, 281, 282.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Clinical research data are made available to approved or collaborating researchers, including DHEW contractors and grantees. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Disclosure may be made to a contractor when the Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records. (Appendix B, Department Regulations, (45 CFR Part 5b), item 9). Disclosure may be made to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored on magnetic tapes and on index cards.

**Retrievability:** They are retrieved by patient name. HEW uses: Patient care and treatment and epidemiological research.

**Safeguards:** Access limited to authorized personnel. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Years at NIH: 12

Years at Federal Records Center: indefinitely.

**System manager(s) and address:**

Head, Biostatistics  
Building 10, Room 3B16  
9000 Rockville Pike  
Bethesda, MD 20014

**Notification procedure:** Write to System Manager. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Hospital medical records, referring physician, referring hospitals, patient contact, Central Tumor Registries.

**Systems exempted from certain provisions of the act:** None.

09-25-0064

**System name:** Clinical Research: Japan Hawaii Cancer Studies. HEW/NIH/NCI.

**Security classification:** None.

**System location:**

Building 12, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Categories of individuals covered by the system:** Hawaiians of Japanese descent who were/are patients and controls diagnosed with cancer of certain sites or with gastric ulcers.

**Categories of records in the system:** Medical, diet, residence & occupational history; clinical lab test results.

**Authority for maintenance of the system:** 42 USC 241, 281, 282.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Clinical research data are made available to approved or collaborating researchers, including DHEW contractors and grantees. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Disclosure may be made to a contractor when the Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records. (Appendix B, Department Regulations, (45 CFR Part 5b), item 9). Disclosure may be made to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored on magnetic tape and microfiche and in file folders and on slides.

**Retrievability:** They are retrieved by name or ID number. HEW uses: Research into the causes of cancer, including precursor conditions and factors affecting the etiology and epidemiology of the disease.

**Safeguards:** Access limited to authorized personnel (system manager and his staff).

**Retention and disposal:** Years at NIH: indefinitely.

**System manager(s) and address:**

Chief, Biometry Branch  
Landow Building, Room C503, NIH  
7910 Woodmont Avenue  
Bethesda, MD 20014

**Notification procedure:** Write to System Manager. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information obtained from interview with cancer patients or their relatives, hospitalized controls, community and hospital records.

**Systems exempted from certain provisions of the act:** None.

09-25-0067

**System name:** Clinical Research: National Cancer Incidence Surveys. HEW/NIH/NCI.

**Security classification:** None.

**System location:**

Building 12, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Categories of individuals covered by the system:** Persons diagnosed as having cancer during 1969-71 in geographical areas of the US.

**Categories of records in the system:** Medical history, insurance and hospital cost data, and death records.

**Authority for maintenance of the system:** 42 USC 241, 281, 182.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Clinical research data are made available to approved or collaborating researchers, including DHEW contractors and grantees. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Disclosure may be made to a contractor when the Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records. (Appendix B, Department Regulations, (45 CFR Part 5b), item 9). Disclosure may be made to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored in file folders and on magnetic tapes.

**Retrievability:** They are retrieved by name and study number. HEW uses: Comparison of trends in cancer incidence between the second and third national cancer surveys, i.e. between 1969-71.

**Safeguards:** Access limited to authorized personnel (system manager and his staff). For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Years at NIH: indefinitely.

**System manager(s) and address:**

Head, Demography Section  
Landow Building, Room B506, NIH  
7910 Woodmont Avenue  
Bethesda, MD 20014

**Notification procedure:** Write to System Manager. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Hospital medical records, death certificates.

**Systems exempted from certain provisions of the act:** None.

09-25-0068

**System name:** Clinical Research: National Cancer Institute/American Cancer Society National Breast Cancer Screening of Antihypertensives. HEW/NIH/NCI.

**Security classification:** None.

**System location:**

Landow Building, Room B506, NIH  
7910 Woodmont Avenue  
Bethesda, MD 20014  
and Regional Federal Records Center

**Categories of individuals covered by the system:** Women screened for breast cancer by the National Cancer Institute/American Cancer Society-sponsored screening centers.

**Categories of records in the system:** Medical history questionnaires from all individuals; treatment questionnaires from physicians of individuals on antihypertensives.

**Authority for maintenance of the system:** 42 USC 241, 281, 282.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Clinical research data are made available to approved or collaborating researchers, including DHEW contractors and grantees. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Disclosure may be made to a contractor when the Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records. (Appendix B, Department Regulations, (45 CFR Part 5b), item 9). Disclosure may be made to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the

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operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored in file folders, on computer printouts and tapes.

**Retrievability:** They are retrieved by patient name and number. HEW uses: Epidemiological research to study factors possibly related to breast cancer. Involves collaboration of National Heart, Lung, and Blood Institute and the Food and Drug Administration.

**Safeguards:** Access limited to authorized personnel (system manager and his staff). For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Years at NIH: 5. Years at Federal Records Center: 10.

**System manager(s) and address:**

Head, Demography Section  
Landow Building, Room B506, NIH  
7910 Woodmont Avenue  
Bethesda, MD 20014

**Notification procedure:** Write to System Manager. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Data is obtained from the individual, and if applicable, from the individual's physician with her permission.

**Systems exempted from certain provisions of the act:** None.

09-25-0069

**System name:** NIH Clinical Center Admissions of the NCI: HEW/NIH/NCI.

**Security classification:** None.

**System location:** Appendix I.

Landow Building, Rm. C533, NIH, DCCP  
7910 Woodmont Avenue  
Bethesda, MD 20014

Building 10, Rm 3B04, NIH, DCT  
9000 Rockville Pike  
Bethesda, MD 20014

Building 31, Room 3A05, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Categories of individuals covered by the system:** Current and former cancer patients admitted to the NIH Clinical Center.

**Categories of records in the system:** Medical histories, reports and correspondence.

**Authority for maintenance of the system:** 42 USC 241, 281, 282.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Clinical research data are made available to approved or collaborating researchers, including DHEW contractors and grantees. Disclosure may be made to a con-

gressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Disclosure may be made to a contractor when the Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records. (Appendix B, Department Regulations, (45 CFR Part 5b), item 9). Disclosure may be made to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored in file folders.

**Retrievability:** They are retrieved by name. HEW uses: National Cancer Institute physicians and supporting staff are involved in the diagnosis of disease and the treatment of patients, requiring the maintenance of working files to chart progress, responses to treatment, etc.

**Safeguards:** Access limited to authorized personnel (system manager and his staff).

**Retention and disposal:** Years at NIH: indefinitely.

**System manager(s) and address:** Appendix II

Head, Clinical Genetics Sec. DCCP  
Landow Bldg., Rm. A521, NIH  
7910 Woodmont Avenue  
Bethesda, Maryland 20014

Head, Biostatistics, DCT  
Building 10, Room 3B16  
9000 Rockville Pike  
Bethesda, MD 20014

Administrative Officer, DCBD  
Building 31, Room 3A05, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Notification procedure:** Write to system manager. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Patients' personal physicians, NIH staff treating the patients or performing tests, and patients themselves.

**Systems exempted from certain provisions of the act:** None.

09-25-0074

**System name:** Clinical Research: Veterans Administration Bladder & Prostate Cancer Clinical Trials. HEW/NIH/NCI.

**Security classification:** None.

09-25-0075

**System name:** Administration: Principal Investigators Protection from Research Risks. HEW/NIH/OD.

**Security classification:** None.

**System location:**

Westwood Building, Room 303  
5333 Westbard Avenue  
Bethesda, MD 20014

**Categories of individuals covered by the system:** Persons submitting research proposals to the National Institutes of Health involving hazards to subjects or ethical problems.

**Categories of records in the system:** Research protocol, identification of Principal Investigator, institution.

**Authority for maintenance of the system:** 42 USC 241(c) (g).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (Appendix B, Departmental Regulations (45 CFR Part 5b) Item 1.). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored on card file.

**Retrievability:** They are retrieved by name of Principal Investigator. HEW use: Used to retrieve project files for monitoring of research proposals that may involve undue hazards to subjects or ethical considerations.

**Safeguards:** Access limited to authorized personnel (system manager and his staff).

**Retention and disposal:** Years at NIH: indefinitely.

**System manager(s) and address:**

Director, OPRR  
Westwood Building, Room 303, NIH  
5333 Westbard Avenue  
Bethesda, MD 20014

**Notification procedure:** Write to System Manager.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Proposals submitted by individuals, but identified by employees or consultants of DHEW as possibly involving undue hazards.

**Systems exempted from certain provisions of the act:** None.

09-25-0077

**System name:** Research Resources: Viral Oncology Human Specimen Program. HEW/NIH/NCI.

**Security classification:** None.

**System location:**

Building 12, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Categories of individuals covered by the system:** Veterans Administration patients with bladder or prostate cancer.

**Categories of records in the system:** Medical & treatment history.

**Authority for maintenance of the system:** 42 USC 241, 281, 282.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Clinical research data are made available to approved or collaborating researchers, including DHEW contractors and grantees. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Disclosure may be made to a contractor when the Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records. (Appendix B, Department Regulations, (45 CFR Part 5b), item 9). Disclosure may be made to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored in files and on computer tapes and discs.

**Retrievability:** They are retrieved by name. HEW uses: Research by staff comparing treatments of bladder and prostate cancer, developing statistical methodology, and tracing the natural history of disease.

**Safeguards:** Access limited to authorized personnel (system manager and his staff). For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Years at NIH: indefinitely.

**System manager(s) and address:**

Computer Systems Manager  
Landow Building, Room C504, NIH  
7910 Woodmont Avenue  
Bethesda, MD 20014

**Notification procedure:** Write to System Manager. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Hospitals.

**Systems exempted from certain provisions of the act:** None.

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**System location:**

Landow Bldg., Rm. C-309  
7910 Woodmont Avenue  
Bethesda, MD 20014

**Categories of individuals covered by the system:** Cancer and other patients, and normal donors seen at clinically-oriented organizations that receive procurement contracts from the National Cancer Institute to supply for research purposes by-product material such as biopsy and tumor specimens that would normally be discarded.

**Categories of records in the system:** Medical history and diagnostic information about the donor, information on the type of specimen, location of repository (if specimen is stored before use), and distribution record.

**Authority for maintenance of the system:** 42 USC 241, 281, 282.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders, magnetic tape, discs.

**Retrievability:** Retrieved by name of donor and cross-referenced by identifying number, procurement source, and various epidemiological characteristics. HEW Use: Used for cancer research to allow interpretation of experimental results, to project future research needs, to monitor and evaluate contractor procurement performance, and to monitor and evaluate the NCI distribution system to laboratory researchers.

**Safeguards:** Access limited to authorized personnel. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Years at NIH: indefinitely.

**System manager(s) and address:**

Chief, Office of Program Resources & Logistics  
Building 37, Room 1A19  
National Institutes of Health  
9000 Rockville Pike  
Bethesda, MD 20014

**Notification procedure:** Write to System Manager. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Specimen Report Form filled out by the organization providing specimens.

**Systems exempted from certain provisions of the act:** None.

09-25-0078

**System name:** Advisory Groups: Consultant File.  
HEW/NIH/NHLBI.

**Security classification:** None.

**System location:**

Westwood Building  
5333 Westbard Avenue  
Bethesda, MD 20016

**Categories of individuals covered by the system:** List of consultants available for use in evaluation of NHLBI special grants and contracts.

**Categories of records in the system:** Names, resumes, lists of publications.

**Authority for maintenance of the system:** 42 U.S.C. 241(d), 281.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer disk and file folders.

**Retrievability:** HEW uses: Selection and referral of experts and consultants for National Heart, Lung, and Blood Institute program reviews and evaluations.

**Safeguards:** Access limited to authorized personnel (system manager and his staff). For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Held at NIH indefinitely.

**System manager(s) and address:**

Systems Analyst, DEA, NHLBI  
Westwood Building, Room 5A-15  
5333 Westbard Avenue  
Bethesda, MD 20016

**Notification procedure:**

Privacy Act Coordinator, NHLBI  
Building 31, Room 5A-50, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Subject individual.

**Systems exempted from certain provisions of the act:** None.

09-25-0084

**System name:** Biographies: Curricula Vitae. HEW/NIH/NIAMDD

**Security classification:** None.

**System location:**

Building 31, Room 9A35, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Categories of individuals covered by the system:** Consultants, scientists, advisory boards, and commission members.

**Categories of records in the system:** Employment, education, personal and achievement histories.

**Authority for maintenance of the system:** 42 USC 241(d) 289a.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Stored in file folders.

**Retrievability:** Retrieved by name. HEW use: NIAMDD staff for releases, award citations, personnel actions, presentation of papers, source of information to inquiries, and promotion reviews.

**Safeguards:** Access limited to authorized personnel (system manager and his staff).

**Retention and disposal:** Years at NIH: 5. Disposal methods include burning or shredding paper materials and erasing computer tapes.

**System manager(s) and address:**

Administrative Officer, NIAMDD  
Building 31, Room 9A24, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Notification procedure:** Write to System Manager.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Individuals.

**Systems exempted from certain provisions of the act:** None.

09-25-0087

**System name:** Biographies: Employees and Consultants.  
HEW/NIH/NIAMDD.

**Security classification:** None.

**System location:**

Building 31, Room 7A32, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Categories of individuals covered by the system:** Current and former key professional employees of the Institute and consultants.

**Categories of records in the system:** Press releases, curriculum vitae, nominations for awards and photographs.

**Authority for maintenance of the system:** 42 USC 241(d) 289a.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Stored in file folders.

**Retrievability:** Retrieved by name. HEW uses: For background records to provides drafts of public announcements. HEW users: staff of the office.

**Safeguards:** Access limited to authorized personnel (system manager and his staff).

**Retention and disposal:** Years at NIH: indefinitely.

**System manager(s) and address:**

Chief, Of. of Research Reporting & Public Response  
Building 31, Room 7A32, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Notification procedure:** Write to System Manager.

**Record access procedures:** Write to official named below. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Individuals and newspaper clippings.

**Systems exempted from certain provisions of the act:** None.

09-25-0088

**System name:** Research Resources: H-2 Soluble Antigen and H-2 Antiserum. HEW/NIH/NIAMDD.

**Security classification:** None.

**System location:**

Westwood Building, Room 7A03  
5333 Westbard Avenue  
Bethesda, Maryland 20016

**Categories of individuals covered by the system:** Scientific investigators concerned with histocompatibility typing who have applied for research materials.

**Categories of records in the system:** Applications for Research Materials.

**Authority for maintenance of the system:** 42 USC 241, 263, 289a, 289c.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Data regarding scientific investigators may be published in reagents catalogue and may be used to respond to public inquiries. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Stored in file folders.

**Retrievability:** Retrieved by name. HEW uses: Used to keep records of active investigators using the reagents and as a means of controlling scarce reagents. HEW users: branch staff.

**Safeguards:** Access limited to authorized personnel (system manager and his staff).

**Retention and disposal:** Years at NIH: indefinitely.

**System manager(s) and address:**

Chief, Research Resources Branch  
Westwood Building, Room 7A03  
5333 Westbard Avenue  
Bethesda, MD 20016

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Notification procedure: Write to System Manager.

Record access procedures: Write to official named below. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

Chief, ORR and PR, NIAID  
Building 31, Room 7A32, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

Contesting record procedures: Contact the official at the address specified under access procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

Record source categories: Individuals.

Systems exempted from certain provisions of the act: None.

09-25-0009

System name: Research Resources: HL-A Antiserum and Tray Users. HEW/NIH/NIAID.

Security classification: None.

System location:

Westwood Building, Room 7A03  
5333 Westbard Avenue  
Bethesda, MD 20016

Categories of individuals covered by the system: Scientific and clinical investigators concerned with histocompatibility typing

Categories of records in the system: Applications for Research Materials.

Authority for maintenance of the system: 42 USC 241, 263, 289a, 289c

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Data regarding investigators may be published in reagents catalogue and may be used to respond to public inquiries. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in file folders and on computer tapes.

Retrievability: Retrieved by name. HEW use: Used by NIAID staff as a record of active investigators using the research materials and as a means of controlling the scarce reagents.

Safeguards: Access limited to authorized personnel (system manager and his staff). For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

Retention and disposal: Years at NIH: indefinitely.

System manager(s) and address:

Chief, Research Resources Branch  
Westwood Building, Room 7A03  
5333 Westbard Avenue  
Bethesda, MD 20016

Notification procedure: Write to System Manager.

Record access procedures: Write to official named below. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

Chief, ORR and PR, NIAID  
Building 31, Room 7A32, NIH

9000 Rockville Pike  
Bethesda, MD 20014

Contesting record procedures: Contact the official at the address specified under access procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

Record source categories: Individuals.

Systems exempted from certain provisions of the act: None.

09-25-0091

System name: Administration: General Files. HEW/NIH/NEI.

Security classification: None.

System location:

Building 31, Room 6A03, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

Categories of individuals covered by the system: Donors of gifts, employees, correspondents of the National Eye Institute.

Categories of records in the system: Budget, Administrative Services, correspondence.

Authority for maintenance of the system: 42 USC 289i.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in file folders.

Retrievability: Retrieved by name and subject area. HEW use: In the day-to-day administrative operations of the institute. (Contain records of gifts, travel, various permits, procurement, property, employee suggestions and awards, manpower studies, letters of request for service or information, mailing lists for distribution of institute information to interested outside community.)

Safeguards: Access limited to authorized personnel (system manager and his staff).

Retention and disposal: Years at NIH: 1. Disposal methods include burning or shredding paper materials and erasing computer tapes.

System manager(s) and address:

Executive Officer, NEI  
Building 31, Room 6A05, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

Notification procedure:

Records Management Officer  
Building 31, Room 6A31, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

Contesting record procedures: Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

Record source categories: Individuals.

Systems exempted from certain provisions of the act: None.

09-25-0093

System name: Administration: Journal of the National Cancer Institute. HEW/NIH/NCI.

Security classification: None.

System location:

Blair Building, Room 2A01  
8300 Colesville Road  
Silver Spring, MD 20910

Categories of individuals covered by the system: Authors and manuscript reviewers and members of the NCI editorial board.

Categories of records in the system: Accepted, rejected and pending manuscripts and reviewing comments.

Authority for maintenance of the system: 42 USC 241, 281

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Disclosure may be made to qualified experts for opinions as a part of the review of manuscripts. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in file folders.

Retrievability: Retrieved by name and manuscript number. HEW Use: Manuscript review by NCI staff for possible publication or oral presentations.

Safeguards: Access limited to authorized personnel (system manager and his staff).

Retention and disposal: Years at NIH: 1. Disposal methods include burning or shredding paper materials and erasing computer tapes.

System manager(s) and address:

Managing Editor  
Blair Building Room 2A01  
8300 Colesville Road  
Silver Spring, MD 20910

Notification procedure: Write to System Manager.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

Contesting record procedures: Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

Record source categories: Authors and reviewers.

Systems exempted from certain provisions of the act: None.

09-25-0095

System name: Contracts: Carcinogenesis Contracts & Intramural Projects. HEW/NIH/NCI.

Security classification: None.

System location:

Building 12, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

Categories of individuals covered by the system: Principal investigators, project officers, and contract specialists.

Categories of records in the system: Projects titles and descriptors and cost data.

Authority for maintenance of the system: 42 U.S.C. 241(g), 281.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Disclosure may be made to a contractor when the Department contracts with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records. (Appendix B, Department Regulations, (45 CFR Part 5b), item 9). Disclosure may be made to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored on magnetic tape.

Retrievability: Retrieved by name. HEW use: Used by staff for general administrative purposes in compliance with program requirements.

Safeguards: For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

Retention and disposal: Years at NIH: indefinitely.

System manager(s) and address:

Coordinator, Information Activities  
Landow Building, Room C216  
7910 Woodmont Avenue  
Bethesda, MD 20014

Notification procedure: Write to System Manager.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

Contesting record procedures: Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

Record source categories: Contracts, proposals and annual reports.

Systems exempted from certain provisions of the act: None.

09-25-0096

System name: Contracts: Contract Management System. HEW/NIH/NCI.

Security classification: None.

System location:

Building 12, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

Categories of individuals covered by the system: Principal investigators, project officers, and contract specialists.

Categories of records in the system: Project titles and descriptions and cost data.

Authority for maintenance of the system: 42 U.S.C. 241(g), 281.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to a congressional office from the record of an individual in

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response to an inquiry from the congressional office made at the request of that individual. Disclosure may be made to a contractor when the Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records. (Appendix B, Department Regulations, (45 CFR Part 5b), item 9). Disclosure may be made to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Stored on magnetic tapes and on-line discs.

**Retrievability:** Retrieved by name. HEW uses: Used by staff for general administrative purposes in compliance with program requirements.

**Safeguards:** For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Years at NIH: 10. Disposal methods include burning or shredding paper materials and erasing computer tapes.

**System manager(s) and address:**

Supervisory Systems Analyst  
Blair Building, Room 1A-07  
8300 Colesville Road  
Silver Spring, MD 20910

**Notification procedure:** Write to System Manager.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Negotiated Contract and NIH 1688 Form - Project Objective and Progress Report.

**Systems exempted from certain provisions of the act:** None.

09-25-0097

**System name:** Contracts: Division of Cancer Control and Rehabilitation. HEW/NIH/NCI.

**Security classification:** None.

**System location:**

Building 12, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Categories of individuals covered by the system:** Principal investigators, project officers, and contract specialists.

**Categories of records in the system:** Project titles and descriptions and cost data.

**Authority for maintenance of the system:** 42 U.S.C. 241(g), 281.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in

response to an inquiry from the congressional office made at the request of that individual. Disclosure may be made to a contractor when the Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records. (Appendix B, Department Regulations, (45 CFR Part 5b), item 9). Disclosure may be made to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Stored on magnetic tapes.

**Retrievability:** Retrieved by name. HEW uses: Used by staff for general administrative purposes in compliance with program requirements.

**Safeguards:** For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Years at NIH: 2. Disposal methods include burning or shredding paper materials and erasing computer tapes.

**System manager(s) and address:**

Administrative Officer, DCCR  
Blair Building, Room 730  
8300 Colesville Road  
Silver Spring, MD 20910

**Notification procedure:** Write to System Manager.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Contracts, proposals and annual reports.

**Systems exempted from certain provisions of the act:** None.

09-25-0098

**System name:** Contracts: Viral Oncology Contracts. HEW/NIH/NCI.

**Security classification:** None.

**System location:**

Building 12, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Categories of individuals covered by the system:** Principal investigators, project officers, and contract specialists.

**Categories of records in the system:** Project titles and descriptions and cost data.

**Authority for maintenance of the system:** 42 U.S.C. 241(g), 281.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in

response to an inquiry from the congressional office made at the request of that individual. Disclosure may be made to a contractor when the Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records. (Appendix B, Department Regulations, (45 CFR Part 5b), item 9). Disclosure may be made to the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Stored on computer file and tapes.

**Retrievability:** Retrieved by name. HEW uses: Used by staff for general administrative purposes in compliance with program requirements.

**Safeguards:** For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Years at NIH: 5. Disposal methods include burning or shredding paper materials and erasing computer tapes.

**System manager(s) and address:**

Head, Editorial Unit  
Landow Bldg. Rm. A-913  
9000 Rockville Pike  
Bethesda, MD 20014

**Notification procedure:** Write to System Manager.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Contracts, proposals, and annual reports.

**Systems exempted from certain provisions of the act:** None.

09-25-0099

**System name:** Clinical Research: Patient Medical Records. HEW/NIH/CC.

**Security classification:** None.

**System location:**

Building 10, Room 1N116  
9000 Rockville Pike  
Bethesda, MD 20014

**Categories of individuals covered by the system:** Registered Clinical Center patients. Some individuals not registered as patients but seen in Clinical Center for diagnostic tests.

**Categories of records in the system:** Medical treatment records.

**Authority for maintenance of the system:** 42 USC 241, 248.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Clinical research data are made available to approved or collaborating researchers, including

DHEW contractors and grantees. Certain infectious diseases are reported to State Government as required by law. Information may be used to respond to Congressional inquiries for constituents concerning admission to NIH Clinical Center. Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange. (Appendix B, Department Regulations 45 CFR Part 5b, item 2). Social work department gives pertinent information to community agencies. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored in file folders and computer tapes.

**Retrievability:** They are retrieved by unit number. HEW use: To provide medical care and treatment. To conduct bio-medical research. HEW users are physicians, nurses, and other health-care personnel; DHEW scientists conducting research; students, mainly medical and nursing, assigned to NIH for training. Diagnostic Departments (X-ray), Pathology, etc.) have some records of non-registered patients, referred for testing.

**Safeguards:** For manual records, access limited to authorized personnel (system manager and his staff). For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Years at NIH: indefinitely.

**System manager(s) and address:**

Chief, Medical Record Department  
Building 10, Room 1N116  
9000 Rockville Pike  
Bethesda, Md. 20014

**Notification procedure:**

Director, Clinical Center  
Building 10, Room 1N212  
9000 Rockville Pike

Bethesda, Md. 20014 An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Referring physicians, other medical facilities (with patient's consent), patients, relatives of patients.

**Systems exempted from certain provisions of the act:** None.

09-25-0100

**System name:** Clinical Research: Neuropharmacology Studies. HEW/NIH/NINCDS.

**Security classification:** None.

**System location:**

Building 36, Room 5A06  
9000 Rockville Pike  
Bethesda, MD 20014



**Categories of individuals covered by the system:** Patients in NIH-related studies concerning aspects of neuropharmacology.

**Categories of records in the system:** Medical data.

**Authority for maintenance of the system:** 42 USC 241, 289a, 289c.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Clinical research data are made available to approved or collaborating researchers, including DHEW contractors and grantees. Information may be used to respond to Congressional inquiries for constituents concerning admission to the NIH Clinical Center. Certain infectious diseases are reported to State Government as required by law. Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange. (Appendix B, Department Regulations 45 CFR Part 5b, item 2). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored in laboratory notebooks, file folders and on index cards.

**Retrievability:** They are retrieved by name, diagnosis, data of laboratory determination. HEW use: Medical research on patients. HEW users: limited to physicians and scientists working within the laboratory unless data formatted so that individual patient identities are not discernible.

**Safeguards:** Access limited to authorized personnel (system manager and his staff).

**Retention and disposal:** Years at NIH: indefinitely.

**System manager(s) and address:**

Director, Intramural Research  
Building 36, Room 5A05, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Notification procedure:**

Head, Admin. Management Section  
Building 31, Room 8A47, NIH  
9000 Rockville Pike  
Bethesda, MD 20014 An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Other medical, scientific and educational institutions; individual physicians in private practice.

**Systems exempted from certain provisions of the act:** None.

09-25-0102

**System name:** Grants: Associates Program. HEW/NIH/DRG.

**Security classification:** None.

**System location:**

Westwood Building, Room 2A03  
5333 Westbard Avenue  
Bethesda, MD 20016

**Categories of individuals covered by the system:** Grants Associates Training Program Applicants.

**Categories of records in the system:** Application, correspondence, curriculum vitae.

**Authority for maintenance of the system:** 5 USC Part III; 42 USC 241c.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Sent to Civil Service Commission for salary approval. Sent to State Governments or Educational Institutions for assignment of accepted applicants to training position. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored in file folders.

**Retrievability:** They are retrieved by name. HEW use: Used by staff to review applications, conduct correspondence and manage the program.

**Safeguards:** Access limited to authorized personnel (system manager and his staff).

**Retention and disposal:** Years at NIH: 3. Disposal methods include burning or shredding paper materials and erasing computer tapes.

**System manager(s) and address:**

Executive Secretary, Grants Associates Program  
Westwood Building, Room 2A03, NIH  
5333 Westbard Avenue  
Bethesda, MD 20016

**Notification procedure:** Write to System Manager.

**Record access procedures:**

Privacy Act Coordinator  
Westwood Building, Room 448, NIH  
5333 Westbard Avenue  
Bethesda, MD 20016

**Contesting record procedures:** Write to the official at the address specified under ACCESS procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Individual, educational institution attended by individual, and references.

**Systems exempted from certain provisions of the act:** None.

09-25-0105

**System name:** Administration: Employee Health Records. HEW/NIH/OD.

**Security classification:** None.

**System location:**

Building 10, NIH  
9000 Rockville Pike  
Bethesda, MD 20014  
and  
Rocky Mountain Laboratory  
Hamilton, Montana 59840  
Regional Federal Records Center

**Categories of individuals covered by the system:** Employees, fellows, visiting scientists, relatives of inpatients, visitors, contractors working on site.

**Categories of records in the system:** Medical records.

**Authority for maintenance of the system:** 5 U.S.C. 7901

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** For adjudication of benefits under workman's compensation and for disability retirement and other separation actions: to District office of OFEC, Department of Labor with copies to CSC for disability retirement and other separation actions. Upon non-HEW agency request, examination to determine fitness for duty with copies to requesting agency and to CSC. Records released to family physician at request of employee. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Stored in file folders.

**Retrievability:** Retrieved by name. HEW Use: Used by physicians and health service personnel; for medical treatment; upon researcher request, and with employee's written permission, release of record for research purposes to medical personnel; upon request by DHEW personnel offices: determination of fitness for duty, with copies to DHEW personnel offices and the Civil Service Commission.

**Safeguards:** Records are maintained in locked cabinets with access limited to authorized personnel (system manager and his staff).

**Retention and disposal:** Years at NIH in Bethesda: 2. Years at FRC: 6. Years at Rocky Mountain Laboratory: Indefinitely.

**System manager(s) and address:**

Office Manager  
Occupational Medical Service  
Building 10, Room B5A06, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

Administrative Officer  
Rocky Mountain Laboratory  
Hamilton, Montana 59840

**Notification procedure:** Contact System Manager at treatment location. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:**

Medical Director  
Occupational Medical Service  
Building 10, Room B5A06, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

Administrative Officer  
Rocky Mountain Laboratory  
Hamilton, Montana 59840 Same as notification procedures.

Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Data resulting from clinical and preventive services provided at treatment location. Data received from individual.

**Systems exempted from certain provisions of the act:** None.

09-25-0106

**System name:** Correspondence: Executive Secretariat, NIH. HEW/NIH/OD.

**Security classification:** None.

**System location:**

Building 12A, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Categories of individuals covered by the system:** Individuals who request information on NIH programs.

**Categories of records in the system:** Correspondence.

**Authority for maintenance of the system:** 5 USC 301 44 USC 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored by computer index and on file folders.

**Retrievability:** They are retrieved by name, document number, date, and subject. HEW use: to locate and follow-up correspondence to assure prompt reply. Forwarded to other DHEW components when a response from them is warranted.

**Safeguards:** Formanual records, access limited to authorized personnel (system manager and his staff). For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Years at NIH: indefinitely.

**System manager(s) and address:**

Director, Executive Secretariat  
Building 1, Room 18, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Notification procedure:** Write to System Manager.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Records are derived from incoming and outgoing correspondence.

**Systems exempted from certain provisions of the act:** None.

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09-25-0108

**System name:** Personnel: Guest Workers/Visiting Fellows/Student Scientists. DHEW/NIH/DPM.

**Security classification:** None.

**System location:** Each NIH Personnel and Administrative Office.

**Categories of individuals covered by the system:** Individuals using NIH facilities who are not employees.

**Categories of records in the system:** Personal information including name, address, date and place of birth, education, employment, purpose for which NIH facilities are desired, outside sponsor, and NIH sponsor.

**Authority for maintenance of the system:** 42 USC 241.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To CSC for program evaluation purposes; to GAO for fund disbursement determinations; to institutions providing support; to persons representing the subject individual; to the U.S. State Department for matters related to its mission. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** They are retrieved by name. HEW use: To document the individuals' presence at NIH and to record that the individual is not performing a service for the government. Retrievable by name.

**Safeguards:** The records are maintained in locked file cabinets with access limited to authorized personnel.

**Retention and disposal:** Years at NIH: 3 years after visit. Disposal methods include burning or shredding paper materials and erasing computer tapes.

**System manager(s) and address:**

Assistant Director for Operations  
Bldg. 1, Rm 19  
9000 Rockville Pike  
Bethesda, MD 20014

**Notification procedure:** Chief, Personnel Communications Branch  
Building 31, Room 1C31  
9000 Rockville Pike  
Bethesda, MD 20014 Pike, Bethesda, MD 20014

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Individual, management, institution, State Department.

**Systems exempted from certain provisions of the act:** None.

09-25-0111

**System name:** Mailing List: NIH Guide to Grants & Contracts. DHEW/NIH/DRG.

**Security classification:** None.

**System location:**

Building 31, Rm 1C02  
9000 Rockville Pike

Bethesda, Md. 20014

**Categories of individuals covered by the system:** Principal investigators of research proposals, consultants, research investigators of contracts, science administrators, and general public.

**Categories of records in the system:** Mailing list.

**Authority for maintenance of the system:** 42 U.S.C. 241(a).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer tape.

**Retrievability:** HEW use: Mailing of the NIH Guide to Grants and Contracts. Retrieved by name.

**Safeguards:** Access limited to authorized personnel (system manager and his staff).

**Retention and disposal:** Number of years held at NIH: Indefinite. How destroyed: names eliminated from tape.

**System manager(s) and address:**

Director, DAS  
Bldg. 31, Rm. 1C02  
9000 Rockville Pike  
Bethesda, Md. 20014

**Notification procedure:** Write to System Manager at address above.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Requests by individuals to be on the mailing list, lists received from various other components of NIH.

**Systems exempted from certain provisions of the act:** None.

09-25-0112

**System name:** Grants: Research, Research Training, Fellowship and Construction Applications and Awards. HEW/NIH/OD.

**Security classification:** None.

**System location:** See Appendix I.

**Categories of individuals covered by the system:** Grant applicants and Principal Investigators; Program Directors; Institutional and Individual Fellows; Research Career Awardees.

**Categories of records in the system:** Grant Applications and review history, awards, financial records and progress reports and related correspondence.

**Authority for maintenance of the system:** 42 USC 241(c), (d), 276, 281, 287, 288, 289(a), (d), (e), (i), 289(k-2) 58 Stat. 691 (repealed).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) To the Smithsonian Science Information Exchange for dissemination of science information (abstracts of research grants only); (2) To the Cognizant Audit Agency for auditing; (3) To the Department of Justice as required for litigation; (4) To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual; (5) To qualified experts not within the definition of Department employees as prescribed in Department Regulations (45 CFR, Part 5b.2) for

opinions as a part of the application review process; (6) To a Federal agency in response to its request, in connection with the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter; (7) To individuals and organizations deemed qualified by the PHS to carry out specific research related to the review and award processes of the PHS; (8) To organizations in the private sector with whom PHS has contracted for the purpose of collating, analyzing, aggregating or otherwise refining records in a system. The contractor shall be required to maintain Privacy Act safeguards with respect to such records; (9) To the grantee institution in connection with performance or administration under the terms and conditions of the award. (10) In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Stored in file folders, on computer tapes and discs, cards and in notebooks.

**Retrievability:** Retrieved by name and grant number. HEW use: Information provided is used by NIH staff for review award and administration of grant programs. Information is also used to maintain communication with former fellows who have incurred an obligation through the National Research Service Award Program. Staff may also use curriculum vitae to identify candidates who may serve as ad hoc consultants or committee and council members in the grant peer review process.

**Safeguards:** Access limited to authorized personnel. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Years at NIH: 1 year after close out except for Construction Grants which are retained for 3 years after close-out. Years at FRC: 5 years except for National Research Service Awards, 9 years and Construction Awards, 12 years.

**System manager(s) and address:** See Appendix II.

**Notification procedure:** Write to official at the address specified in Appendix II.

**Record access procedures:** Write to the official at the address specified in Appendix IV. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR Part 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified in Appendix II and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Information submitted by applicant, supplemented by outside reviewers and internal staff.

**Systems exempted from certain provisions of the act:** None.

## Appendix I System Location

National Cancer Institute  
Westwood Building  
5333 Westbard Avenue  
Bethesda, MD 20016  
Room 837, 10A15, 8A18, 805, 855, 809, 848

National Heart and Lung Institute  
Westwood Building  
5333 Westbard Avenue  
Bethesda, MD 20016  
Room 5A15

National Library of Medicine  
Federal Building  
7550 Rockville Pike  
Bethesda, MD 20014  
Room 916A

National Institute of Allergy and Infectious Diseases  
Westwood Building  
5333 Westbard Avenue  
Bethesda, MD 20016  
Room 722

National Institute of Arthritis, Metabolism, and Digestive Diseases  
Westwood Building  
5333 Westbard Avenue  
Bethesda, MD 20016  
Room 610

National Institute of Child Health and Human Development  
Landow Building  
7910 Woodmont Avenue  
Bethesda, MD 20014  
Room A621

National Institute on Aging  
Building 31, 9000 Rockville Pike  
Bethesda, Maryland 20014  
Rm 5C39

National Institute of Dental Research  
Westwood Building  
5333 Westbard Avenue  
Bethesda, MD 20016  
Room 518

National Institute of Environmental Health Sciences  
Building 12  
Research Triangle Park, North Carolina 27709  
Room 1213

National Institute of General Medical Sciences  
Westwood Building  
5333 Westbard Avenue  
Bethesda, MD 20016  
Room 938

National Institute of Neurological and Communicative Disorders and Stroke  
Westwood Building  
5333 Westbard Avenue  
Bethesda, MD 20016  
Room 748

National Eye Institute  
Building 31  
9000 Rockville Pike  
Bethesda, MD 20014  
Room 6A47

Division of Research Resources  
Building 31  
9000 Rockville Pike  
Bethesda, MD 20014  
Room 5B34

Regional Federal Records Center

## Appendix II System Manager and Address

National Cancer Institute

Grants Privacy Act Coordinator  
Room 848, Westwood Building  
5333 Westbard Avenue  
Bethesda, Maryland 20016

National Heart and Lung Institute  
Administrative Officer, DEA



Room 5A15, Westwood Building

National Library of Medicine  
Associate Director for Extramural Programs  
Room 816A, Federal Building

National Institute of Allergy and Infectious Diseases  
Administrative Officer, NIAID  
Room 707, Westwood Building

National Institute of Arthritis, Metabolism, and Digestive Diseases  
Grants Management Officer  
Room 639, Westwood Building

National Institute of Child Health and Human Development  
Chief, Office of Grants & Contracts  
Room A621, Landow Building

National Institute on Aging  
Grants Management Officer  
Room 5C39, Building 31

National Institute of Dental Research  
Grants Management Officer, NIDR  
Room 518, Westwood Building

National Institute of Environmental Health Sciences  
Grants Management Officer  
Room 1213, Building 12

National Institute of General Medical Sciences  
Grants Management Officer, NIGMS  
Room 938, Westwood Building

National Institute of Neurological and Communicative Disorders and Stroke  
Grants Officer, Extramural Programs  
Room 738, Westwood Building

National Eye Institute  
Grants Management Officer  
Room 6A52, Building 31

Division of Research Resources  
Director, Office of Grants and Contracts Management  
Room 5B34, Building 31

#### Appendix III Notification Procedures

National Cancer Institute  
Chief, Grants Administration Branch  
Room 8A18, Westwood Building

National Heart and Lung Institute  
Privacy Act Coordinator, NHLI  
Room 5A50, Building 31

National Library of Medicine  
See Appendix II.

National Institute of Allergy and Infectious Diseases  
See Appendix II.

National Institute of Arthritis, Metabolism, and Digestive Diseases  
Administrative Officer  
Room 9A46, Building 31

National Institute of Child Health and Human Development  
See Appendix II.

National Institute on Aging  
See Appendix II.

National Institute of Dental Research  
See Appendix II.

National Institute of Environmental Health Sciences

See Appendix II.

National Institute of General Medical Sciences  
See Appendix II.

National Institute of Neurological and Communicative Disorders and Stroke  
See Appendix II.

National Eye Institute  
See Appendix II.

Division of Research Resources  
See Appendix II.

#### Appendix IV Record Access Procedures

National Cancer Institute  
Chief, Grants Administration Branch  
Room 8A18, Westwood Building

National Heart and Lung Institute  
See Appendix III.

National Library of Medicine  
See Appendix II.

National Institute of Allergy and Infectious Diseases  
Chief, Of. of Research Reporting & Public Response  
Room 7A32, Building 31

National Institute of Arthritis, Metabolism, and Digestive Diseases  
See Appendix III.

National Institute of Child Health and Human Development  
See Appendix II.

National Institute on Aging  
See Appendix II.

National Institute of Dental Research  
Personnel Officer, NIDR  
Room 2C23, Building 31

National Institute of Environmental Health Sciences  
See Appendix II.

National Institute of General Medical Sciences  
Privacy Act Coordinator  
Room 9A05, Westwood Building

National Institute of Neurological and Communicative Disorders and Stroke  
Head, Administration Mgmt. Section  
Room 8A47, Building 31

National Eye Institute  
Administrative Officer  
Room 6A31, Building 31

Division of Research Resources  
See Appendix II.

09-25-0113

System name: Professional Service Agreements (Medical/legal Services). HEW/NIH/DAS.

Security classification: None.

System location:

Building 31, Room 1C02, NIH  
9000 Rockville Pike  
Bethesda, MD 20014  
Regional Federal Records Center

Categories of individuals covered by the system: Medical Consultants under contract with the NIH Clinical Center and patent attorneys who provide professional services in connection with legal patent searches for the NIH.

Categories of records in the system: Contract Administration Data.

Authority for maintenance of the system: 42 USC 241 (d).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in file folders.

Retrievability: Retrieved by name. HEW Use: Official business record maintenance of contractual agreements of those individuals who are providing consultative medical services to the NIH Clinical Center. HEW user: used by procurement & financial personnel.

Safeguards: Records are maintained in locked cabinets with access limited to authorized personnel (system manager and his staff).

Retention and disposal: Years at NIH: 2. Years at FRC: 4.

System manager(s) and address:

Director, DAS  
Building 31, Room 1C02, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

Notification procedure: Write to System Manager.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

Contesting record procedures: Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

Record source categories: Individuals.

Systems exempted from certain provisions of the act: None.

09-25-0114

System name: Personal Services Contractors. HEW/NIH/NIGMS.

Security classification: None.

System location:

Westwood Building, Room 9A09  
5333 Westbard Avenue  
Bethesda, Md. 20016

Categories of individuals covered by the system: Individuals under contract with NIGMS.

Categories of records in the system: Work qualifications, description of services to be performed.

Authority for maintenance of the system: 42 USC 241(d), 289e.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in file folders.

Retrievability: Retrieved by name of contractor. HEW use: Record of agreed upon services, reference by institute staff in monitoring contractor's performance.

Safeguards: Records are kept in locked file cabinets and access limited to authorized personnel (system manager and his staff).

Retention and disposal: Years at NIH: 3. Disposal methods include burning or shredding paper materials and erasing computer tapes.

System manager(s) and address:

Administrative Officer  
Westwood Building Room 9A09  
5333 Westbard Avenue  
Bethesda, Md. 20016

Notification procedure: Write to System Manager.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

Contesting record procedures: Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

Record source categories: Individual.

Systems exempted from certain provisions of the act: None.

09-25-0115

System name: Curricula Vitae. HEW/NIH/NIAID

Security classification: None.

System location:

Building 31, Room 7A10, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

Categories of individuals covered by the system: Consultants and Clinical Investigators under NIAID Investigational New Drug Applications.

Categories of records in the system: Curriculum vitae.

Authority for maintenance of the system: 42 USC 241(d) 289a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in books.

Retrievability: Retrieved by name. HEW uses: For appointment of consultants and filing in Investigational New Drug Application. HEW users: branch staff.

Safeguards: Access limited to authorized personnel (system manager and his staff).

Retention and disposal: Years at NIH: indefinitely.

System manager(s) and address:

Chief, Clinical Studies Branch  
Building 31, Rm 7A49  
9000 Rockville Pike  
Bethesda, MD 20014

Notification procedure: Write to System Manager

Record access procedures: Write to official named below. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with De-



partment Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

Chief, Of. of Research Reporting & Public Response  
Building 31, Room 7A32, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Contesting record procedures:** Contact the official at the address specified under access procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Individuals.

**Systems exempted from certain provisions of the act:** None.

09-25-0116

**System name:** Professional Services Contracts. HEW/NIH/NIAID.

**Security classification:** None.

**System location:**

Building 31, Room 7A10, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Categories of individuals covered by the system:** Medical consultants under contract with NIAID.

**Categories of records in the system:** Administrative files, biographical data.

**Authority for maintenance of the system:** 42 USC 241(d) 289a.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Stored in card files.

**Retrievability:** Retrieved by name. HEW uses: to prepare travel orders, professional services contracts, and honorarium forms. HEW users: staff of branch.

**Safeguards:** Access limited to authorized personnel (system manager and his staff).

**Retention and disposal:** Years at NIH: indefinitely.

**System manager(s) and address:**

Chief, Development and Applications Branch  
Westwood Bldg., Rm. 750  
5333 Westbard Ave.  
Bethesda, MD 20014

**Notification procedure:** Write to System Manager.

**Record access procedures:** Write to official named below. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

Chief, Of. of Research Reporting & Public Response  
Building 31, Room 7A32, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Contesting record procedures:** Contact the official at the address specified under access procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Individuals.

**Systems exempted from certain provisions of the act:** None.

09-25-0117

**System name:** US-Japan Program. HEW/NIH/NIAID.

**Security classification:** None.

**System location:**

Westwood Building, Room 739  
5333 Westbard Avenue  
Bethesda, MD 20016

**Categories of individuals covered by the system:** Panel Members of the U.S.-Japan Cooperative Medical Science Program.

**Categories of records in the system:** Letters of appointment, curriculum vitae & correspondence.

**Authority for maintenance of the system:** 42 USC 241(d) 289a.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Stored in file folders.

**Retrievability:** Retrieved by name. HEW uses: NIAID staff in administration of program and for preparing correspondence with panel members.

**Safeguards:** Access limited to authorized personnel (system manager and his staff).

**Retention and disposal:** Years at NIH: 2. Disposal methods include burning or shredding paper materials and erasing computer tapes.

**System manager(s) and address:**

Administrative Assistant, MIDP, NIAID  
Westwood Building, Room 739  
5333 Westbard Avenue  
Bethesda, MD 20016

**Notification procedure:** Write to System Manager.

**Record access procedures:** Write to official named below. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

Chief, Of. of Research Reporting & Public Response  
Building 31, Room 7A32, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Contesting record procedures:** Contact the official at the address specified under access procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Panel members.

**Systems exempted from certain provisions of the act:** None.

09-25-0118

**System name:** Professional Services Contracts. HEW/NIH/NCI.

**Security classification:** None.

**System location:** Appendix I.

Blair Building, Room 7A07, DCCR, NIH  
8300 Colesville Road  
Silver Spring, MD 20910

Building 31, Rm. 6A09, DCT  
9000 Rockville Pike  
Bethesda, Md. 20014

Building 31, Rm. 3A22, OD

9000 Rockville Pike  
Bethesda, Md. 20014

**Categories of individuals covered by the system:** Individuals under contract with the NCI.

**Categories of records in the system:** Professional Services Contracts.

**Authority for maintenance of the system:** 42 USC 241(d), 281.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Stored in file folders.

**Retrievability:** Retrieved by name. HEW uses: Used by staff for general administrative purposes in compliance with program requirements.

**Safeguards:** Access limited to authorized personnel (system manager and his staff).

**Retention and disposal:** Years at NIH: 5. Disposal methods include burning or shredding paper materials and erasing computer tapes.

**System manager(s) and address:** Appendix II.

Chief, Office of Committee & Review Activities, DCCR  
Blair Building, Room 7A07, NIH  
8300 Colesville Road  
Silver Spring, MD 20910

Administrative Officer, DCT  
Building 31, Room 3A50, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

Administrative Officer, OD  
Building 31, Room 11A29, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

**Notification procedure:** Write to System Manager.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** None specified.

**Systems exempted from certain provisions of the act:** None.

09-25-0121

**System name:** Grants: Senior International Fellowships Program. DHEW/NIH/FIC.

**Security classification:** None.

**System location:**

Bldg. 31, Room 2B62, NIH  
9000 Rockville Pike  
Bethesda, MD, 20014  
Regional Federal Records Center

**Categories of individuals covered by the system:** Applicants for Senior International Fellowships.

**Categories of records in the system:** Employment and education histories, references.

**Authority for maintenance of the system:** 42 U.S.C. 242 c.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Each fellow's home institution receives a notice of award and funding for the fellowship. Applications are made available to authorized employees and agents of the US, including the General Accounting Office for purposes of investigations, inspections and audits, and in appropriate cases, to the Department of Justice for proper action under civil and criminal laws. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders; magnetic tapes.

**Retrievability:** Retrieved by name and fellowship number. HEW uses: These fellowships are available to outstanding faculty members in mid career from U.S. schools of medicine, osteopathy, dentistry, and public health for study abroad. Applications are submitted to Division of Research Grants (DRG), which also performs primary review. FIC performs secondary review and awards fellowships. Necessary information is made available to Division of Financial Management (DFM) for payment of awards.

**Safeguards:** Access limited to authorized personnel (system manager and his staff). For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Number of years held at NIH: 1. Number of years held at Federal Records Center before disposal: 5.

**System manager(s) and address:**

Chief, Scholars & Fellowships Branch  
Bldg. 31, Room 2B58  
9000 Rockville Pike  
Bethesda, Md. 20014

**Notification procedure:** Requests for notification of or access to records should be addressed to the system manager, listed above. Verification of identity is required. (These notification and access procedures are in accordance with Department Regulations (45 CFR 5b.5) Federal Register, October 8, 1975, 47410.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information obtained from applicants and persons supplying recommendations through DRG.

**Systems exempted from certain provisions of the act:** None.

09-25-0123

**System name:** Clinical Trials Dealing with Fertility Regulating Methods. DHEW/NIH/NICHD.

**Security classification:** None.

**System location:**

Landow Bldg., Room C625  
7910 Woodmont Ave.  
Bethesda, Md.

and at hospitals and medical centers under contract.



**Categories of individuals covered by the system:** Volunteers and patients in clinical trials dealing with male and female fertility regulating methods.

**Categories of records in the system:** Individuals, medical records of subjects participating in clinical trials.

**Authority for maintenance of the system:** 42 USC 241(g), 289d.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

2. Certain infectious diseases are reported to state governments as required by law.

3. To the Department of Justice or other appropriate Federal Agencies in defending claims against the U. S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders, computer tapes or disks.

**Retrievability:** Name or identifier codes. HEW uses: Data analysis; program management; DHEW user (Contraceptive Development Branch, Center for Population Research) will receive data extracted by principal investigators from volunteer records describing the effects of various fertility regulating approaches in male and female.

**Safeguards:** The records are maintained in locked cabinets with access limited to authorized personnel (system manager, principal investigator and his staff assigned to the project, project officer, contracting officer). For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** One year to indefinitely, depending on the requirements of the specific study. Records are shredded, burned or erased.

**System manager(s) and address:**

Chief, Contraceptive Development Branch, Center for Population Research, NICHD, NIH  
Landow Bldg., Room 7A04  
7910 Woodmont Ave.  
Bethesda, Maryland 20014

**Notification procedure:** To determine if a file exists, write to the System Manager and provide the following information:

1. Approximate dates and place of treatment.
2. Name of the study, if known.
3. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

**Contesting record procedures:** Write to system manager and reasonably identify the record and specify the information to be contested, in accordance with Department Regulations, Federal Register, October 8, 1975, page 47411 (45 CFR, Part 5b.7).

**Record source categories:** Information provided by subjects and clinical investigators.

**Systems exempted from certain provisions of the act:** None.

09-25-0124

**System name:** Pharmacology Research Associates  
HEW/NIH/NIGMS

**Security classification:** None.

**System location:**

National Institutes of Health  
5333 Westbard Avenue, Westwood Bldg., Room 919  
Bethesda, Maryland 20016

**Categories of individuals covered by the system:** Applicants for positions as Pharmacology Research Associates with the National Institute of General Medical Sciences.

**Categories of records in the system:** Individual application forms, academic transcripts and references.

**Authority for maintenance of the system:** 42 USC 209.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** By name of applicant. HEW uses: (1) for consideration of the applicant as a candidate for the Pharmacology Research Associate Training Program (PRAT). (2) for consideration of the applicant by other NIH Associate Programs at the applicant's request.

**Safeguards:** The records are maintained in locked cabinets with access limited to authorized personnel (system manager and his/her staff assigned to the program).

**Retention and disposal:** 1. Records of applicants who are admitted to the program are kept not more than 5 years. 2. Records of applicants who are not admitted to the program are kept for one year. Records are shredded. 3. All records are shredded after proper time has elapsed.

**System manager(s) and address:**

Executive Secretary, PRAT Program  
Pharmacology-Toxicology Program  
NIGMS - NIH  
Westwood Bldg., Room 919  
Bethesda, Maryland 20015

**Notification procedure:** To determine if a file exists, write to the System Manager and provide the following information: Date of Application; Applicant's Name.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

**Contesting record procedures:** Write to system manager and reasonably identify the record and specify the information to be contested, in accordance with Department Regulations, Federal Register, October 8, 1975, page 47411 (45 CFR, Part 5b.7).

**Record source categories:** Information provided by applicants, university registrars, and references.

5N-on-e.

09-25-0126

**System name:** National Heart, Lung, and Blood Institute  
Epidemiological and Biometric Studies. DHEW/NIH/NHLBI.

**Security classification:** None.

**System location:** Records included in this system are located in hospitals, universities, research centers, research foundations, and coordinating centers under contract with the National Heart, Lung, and Blood Institute, and in NHLBI facilities in Bethesda, Maryland.

**Categories of individuals covered by the system:** Participants in these studies include 1) individuals who have been or who are presently being treated by the National Heart, Lung, and Blood Institute, for diseases or conditions of the heart, lung, blood vessels and blood; 2) individuals whose physical, genetic, social, economic, environmental, behavioral or nutritional conditions or habits are being studied in relation to the incidence of heart, lung, blood vessel and blood diseases among human beings; and 3) normal volunteers who have agreed to provide control data germane to these studies.

**Categories of records in the system:** This system consists of a variety of clinical, medical, and statistical information resulting from or contained in research findings, medical histories, vital statistics, personal interviews, questionnaires, or direct observation. The system also includes records of current addresses of study participants, photographs, fingerprints, and correspondence from or about participants in these studies.

**Authority for maintenance of the system:** Sec. 412, 413 Public Health Service Act (42 U.S.C. 287a, 287b)

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

1. Research data are made available to authorized, collaborating researchers, which includes DHEW contractors and grantees.
2. See Appendix B Departmental Regulations (45 CFR Part 5b), Items: 2.3, 8.9, 100, 101, and 102. (2) Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, Inc. (3) In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosures may be made to the Department of Justice for the purpose of obtaining its advice. (8) Where the appropriate official of the Department, pursuant to the Department's Freedom of Information Regulation determines that it is in the public interest to disclose a record which is otherwise exempt from mandatory disclosure, disclosure may be made from this system of records. (9) The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records. (10) To the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (101) To individuals and organizations, deemed qualified by the Secretary to carry out specific research solely for the purpose of carrying out such research. (102) To organizations deemed qualified by the Secretary to carry out quality assessments, medical audits or utilization review.
3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
4. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Data may be stored in file folders, magnetic tapes or discs, punched cards, bound note books.

**Retrievability:** Information is retrieved by name and/or participant identification number. DHEW Uses: Summaries of data resulting from these studies are used by the National Heart, Lung, and

Blood Institute to monitor and evaluate the incidence of the diseases or the conditions under investigation and the relationship of various factors to the occurrence of these diseases, and for program planning and evaluation purposes.

**Safeguards:** Access to or disclosure of information is limited to authorized researchers, NHLBI employees whose duties require the use of such information, and subject individuals themselves whose identity has been properly verified. Data stored in computers is accessed through the use of key words known only to principal investigators or authorized personnel. All other information will be stored in locked files.

**Retention and disposal:** Records are retained by NIH indefinitely, as the documentation from scientific and medical research are normally permanent records.

**System manager(s) and address:**

Chief, Epidemiology Branch  
National Heart, Lung, and Blood Institute  
Landow Building, C825  
7910 Woodmont Avenue  
Bethesda, MD 20014

**Notification procedure:**

NHLBI Privacy Coordinator

Building 31, NIH

9000 Rockville Pike

Bethesda, MD 20014

Requestors must provide the following information in writing:

1. Full name
2. Name and location of research study
3. Approximate dates of enrollment These notification procedures are in accordance with the DHEW regulations as published in the Federal Register, October 8, 1975, p.47411 (45 CFR, Part 5b.6).

**Record access procedures:** Same as notification. Requestors should also reasonably specify the record contents being sought. These access procedures are in accordance with the DHEW regulations as published in the Federal Register, October 8, 1975, p.47411 (45 CFR, Part 5b.6).

**Contesting record procedures:** System Manager as indicated above. The contestor must reasonably specify in writing the record contents at issue.

**Record source categories:** Information contained in these records is obtained directly from individual participants and from medical and clinical research observations.

15  
None.

09-25-0127

**System name:** Clinical trials dealing with phototherapy for neonatal hyperbilirubinemia--HEW/NIH/NICHD.

**Security classification:** None.

**System location:**

Bldg. 31, Room 2A-50

9000 Rockville Pike

Bethesda, Maryland 20014

And six contract sites performing the trials (See Appendix).

**Categories of individuals covered by the system:** Patients in clinical trials dealing with phototherapy in the newborn.

**Categories of records in the system:** Individual medical and laboratory records of subjects participating in the study.

**Authority for maintenance of the system:** 42 U.S.C. 241(g), 289d.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from that office made at the request of that individual, parents, or guardian.
2. Certain infectious diseases are reported to state governments as required by law.
3. Information may be given to a primary care physician when treatment or follow-up of a condition noted during the one-year examination given each patient in the study is indicated.
4. To the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activity of the Public Health Service in connection with such individual.

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(Appendix B Departmental Regulations (45 CFR Part 5b), Item 100.) In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders, computer tapes or discs.

**Retrievability:** Name or identifier code. HEW Uses: Data analysis; program management; DHEW user (Office of the Scientific Director, NICHD) will receive unidentified, aggregate data extracted by the principal investigators from patient records describing the effects of phototherapy on the treatment of hyperbilirubinemia in newborns and the subsequent development of the patient.

**Safeguards:** The records are maintained in locked cabinets with access limited to authorized personnel (system manager, principal investigator and his staff assigned to the project, project officer, contracting officer). For computerized records, safeguards are established in accordance with Departmental standards and National Bureau of Standards guidelines, e.g. security codes will be used limiting access to authorized personnel.

**Retention and disposal:** One year to indefinitely, depending on the length of the patient follow-up required to complete the study. Records are shredded, burned or erased.

**System manager(s) and address:**

Chief, Section on Human Biochemical and Developmental Genetics, NPMB  
Intramural Research Program, NICHD, NIH  
Bldg. 10, 13N258  
9000 Rockville Pike  
Bethesda, Maryland 20014

**Notification procedure:** To determine if a file exists, write to the System Manager and provide the following information:

1. Approximate dates and place of treatment.
2. Name of the study, if known.
3. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the representative's discretion (these notification and access procedures are in accordance with Department Regulations (45 CFR, Part 5b.6), Federal Register, October 8, 1975, page 47411).

**Record access procedures:** Same as notification procedures. Requestors should also reasonably specify the record contents being sought.

**Contesting record procedures:** Write to system manager and reasonably identify the record and specify the information to be contested, in accordance with Department Regulations, Federal Register, October 8, 1975, page 47411 (45 CFR, Part 5b.7).

**Record source categories:** Information provided by subjects and clinical investigators.

**Systems exempted from certain provisions of the act:** None.

#### APPENDIX I

N01-HD-4-2818

University of Cincinnati  
College of Medicine  
Cincinnati, Ohio 45219

Principal Investigator:  
James M. Sutherland, M.D.

N01-HD-4-2819

State University of New York  
Downstate Medical Center  
450 Clarkson Avenue  
Brooklyn, NY 11203

Principal Investigator:  
Dr. Audrey K. Brown

N01-HD-4-2820

Virginia Commonwealth University  
Medical College of Virginia,  
1200 East Broad Street  
Richmond, VA 23298

Principal Investigator:  
Harold M. Maurer, M.D.

N01-HD-4-2821

Long Island Jewish Hillside Medical Center  
New Hyde Park  
New York 11041

Principal Investigator:  
Philip J. Lipsitz, M.D.

N01-HD-4-2822

Albert Einstein College of Medicine of Yeshiva University  
1300 Morris Park Avenue  
Bronx, NY 10461

Principal Investigator:  
Lawrence M. Gartner, M.D.

N01-HD-4-2823

Professional Staff Association of the LAC/USC Medical Center  
Women's Hospital, Room 919L  
1240 Mission Road  
Los Angeles, CA 90033

Principal Investigators:  
Joan E. Hodgman, M.D.  
Paul U. K. Wu, M.D.

09-25-0128

**System name:** Neural Prosthesis & Biomedical Engineering Studies.  
HEW/NIH/NINCDS.

**Security classification:** None.

**System location:**

NIH  
Federal Building, Room 120  
7550 Wisconsin Ave.  
Bethesda, Md 20014  
and at hospitals and medical centers under contract. A list of locations is available upon request from system manager.

**Categories of individuals covered by the system:** Patients and normal volunteers, males and females, participating in clinical studies to determine the feasibility of neural prostheses, and in clinical studies related to the development of instrumentation for diagnosis and treatment of neurological and sensory disorders conducted under contract for the National Institute of Neurological and Communicative Disorders and Stroke.

**Categories of records in the system:** Clinical research data as related to studies which seek to determine the feasibility of neural prostheses and to develop instrumentation for diagnosis and treatment of neurological and sensory disorders.

**Authority for maintenance of the system:** 42 U.S.C. 421, 289a, 289c.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

1. Records are made available to approved or collaborating researchers, including DHEW contractors and grantees.

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
3. To the Department of Justice or other appropriate Federal Agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged, to have arisen because of activity of the Public Health Service in connection with such individual. (Appendix B, Department Regulations (45 CFR Part 5b) Item 100.) In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored in file folders.

**Retrievability:** They are retrieved by name. HEW use: research on the feasibility and development of neural prostheses, and research related to the development of instrumentation for the diagnosis and treatment of neurological and sensory disorders. Clinical research data is used by the National Institute of Neurological and Communicative Disorders and Stroke and unidentified aggregate data may be used by other NIH scientists.

**Safeguards:** The records are maintained in cabinets with access limited to authorized personnel (system manager and members of his staff, project officer, and contracting officer).

**Retention and disposal:** Years at NIH: indefinitely.

**System manager(s) and address:**

Director, Fundamental Neurosciences Program  
Federal Building, Room 120  
7550 Wisconsin Ave  
Bethesda, MD 20014

**Notification procedure:** Write To:

Head, Administrative Management Section  
Building 31, Room 8A47  
9000 Rockville Pike  
Bethesda, MD 20014

and ask if a file exists with your name in the Neural Prosthesis or Biomedical Engineering Studies. Also, designate a responsible representative who will be willing to review the record and inform you of its contents at his/her discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Part 5b.6) Federal Register, October 8, 1975, page 47411.)

**Record access procedures:** Same as notification procedures. Requestors should also reasonably specify the record contents being sought.

**Contesting record procedures:** Write to system manager and reasonably identify the record and specify the information to be contested, in accordance with Department Regulations, Federal Register, October 8, 1975, page 47411 (45 CFR, Part 5b.7).

**Record source categories:** Patients, patients' families, hospital records and clinical investigators.

**Systems exempted from certain provisions of the act:** None.

09-25-0129

**System name:** Clinical Research Studies dealing with Hearing, Speech and Language Disorders. HEW/NIH/NINCDS.

**Security classification:** None.

**System location:**

Federal Building, NIH  
7550 Wisconsin Avenue  
Bethesda, MD 20014

And at hospitals, medical centers, universities and educational settings under contract. A list of locations is available upon request from the System Manager.

**Categories of individuals covered by the system:** Patients and normal volunteers participating in clinical research studies dealing with hearing, speech and language disorders.

**Categories of records in the system:** Medical findings, clinical research data, medical and educational histories and research data on the hearing, speech, language and cognition of subjects being tested.

**Authority for maintenance of the system:** 42 U.S.C. 241, 289a, 289c.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

1. Records are made available to approved or collaborating researchers, including DHEW contractors and grantees.
2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
3. To the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activity of the Public Health Service in connection with such individual. (Appendix B Departmental Regulations (45 CFR Part 5b) Item 100.) In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** They are stored in file folders.

**Retrievability:** Name or identifier code. HEW uses: Data analysis; program management; DHEW user (Communicative Disorders Program, National Institute of Neurological and Communicative Disorders and Stroke), will receive data extracted by principal investigators from patient and normal volunteer records on the effects of various factors on hearing, speech, language, and cognition.

**Safeguards:** The records are maintained in cabinets in offices where access is limited to authorized personnel (principal investigator and staff assigned to the project, project officer, contracting officer).

**Retention and disposal:** Years at NIH: one year to indefinitely, depending on the requirements of the specific study. Following completion of a specific study all individual identification will be removed, or the records destroyed.

**System manager(s) and address:**

Director, Communicative Disorders Program  
Federal Building, NIH  
7550 Wisconsin Avenue  
Bethesda, Md. 20014

**Notification procedure:** Write To:

Head, Administrative Management Section  
Building 31, Room 8A47  
9000 Rockville Pike  
Bethesda, Maryland 20014

To ask if a file exists with your name in studies of Communication Disorders Program. Please supply the following information:

1. Approximate date and place of examination and/or treatment.
2. Name of the study, if known.
3. A responsible representative who will be willing to review the record and inform you of its contents at his/her discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Part 5b.6) Federal Register, October 8, 1975, page 47411).



**Record access procedures:** Same as notification procedures. Requests should also reasonably specify the record contents being sought.

**Contesting record procedures:** Write to system manager and reasonably identify the record and specify the information to be contested, in accordance with Department Regulations, Federal Register, October 8, 1975, page 47411 (45 CFR Part 5b.7).

**Record source categories:** Information provided by patients, patients' families, hospital records, school records, and clinical investigators.

**Systems exempted from certain provisions of the act:** None.

09-25-0130

**System name:** Environmental Epidemiologic Studies in the Division of Cancer Cause and Prevention, HEW/NIH/NCI.

**Security classification:** None.

**System location:**

Landow Building, Room A521

7910 Woodmont Ave.

Bethesda, Md. 20014

and

Bldg. 12, NIH

9000 Rockville Pike

Bethesda, Md. 20014

and at hospitals, medical schools, universities, research institutions, commercial organizations, state agencies, and collaborating government agencies. A list of locations and contracts is available upon request from the System Manager.

**Categories of individuals covered by the system:** Patients with cancer and related diseases, (e.g., birth defects), patients with other diseases (e.g., heart disease), normal and other persons (e.g., family members) for the purpose of making comparisons.

**Categories of records in the system:** Medical records, progress reports, correspondence, epidemiological computerized data and records on biological specimens (e.g., blood, tumors, urine, etc.).

**Authority for maintenance of the system:** 42 U.S.C. 241, and 282.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

1. Disclosure may be made to DHEW contractors and collaborating researchers and their staff in the conduct of the study and in preparation of scientific reports.
2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.
3. The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records. (Appendix B, Departmental Regulations, 45 CFR Part 5(b), Federal Register, October 8, 1975, page 47415, Item 9.
4. To the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Departmental Regulations, 45 CFR Part 5(b), Federal Register, October 8, 1975, page 47415, Item 100. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders, microfilm, charts, graphs, computer tapes discs and punch cards.

**Retrievability:** By name and/or code number. HEW uses: to determine (1) factors or substances in the environment which cause cancer; (2) ways in which these factors or substances may cause cancer; and (3) characteristics of persons who may be particularly susceptible to the environmental factor(s) or substance(s) and/or to cancer.

**Safeguards:** DHEW contractors and collaborating researchers will comply with the provisions of the Privacy Act and with Department Regulations. Subjects participating in a clinical study will be advised that their identity will only be known to those who are involved in conducting the study and that any published findings will be in a format which precludes individual identification. Data will be kept in secured areas with access limited to authorized personnel (system manager, project officer, contracting officer, collaborating researchers, staff, and DHEW contractors). Data transmitted to the NCI will be in a non-personally identifiable form. For computerized records the contractor will comply, where appropriate, with Department standards and National Bureau of Standards Guidelines. For example, access is controlled by the use of security codes known only to authorized personnel.

**Retention and disposal:** One year to indefinitely depending on the project. Hard copy burned; computer tapes and discs erased.

**System manager(s) and address:**

Chief, Environmental Epidemiology Branch

National Cancer Institute

Landow Building, Room A521

7910 Woodmont Avenue

Bethesda, Maryland 20014

**Notification procedure:**

To determine if a file exists write to system manager and provide the following information:

- a. System name: Environmental Epidemiologic Studies in the Division of Cancer Cause and Prevention
- b. Complete name at time of study
- c. Facility and home address at the time the study was undertaken
- d. Date(s) at the time the information was provided (if known)
- e. Birthdate
- f. Disease type (if known)

Medical records notification procedures are in accordance with Departmental Regulations, Federal Register, October 8, 1975, page 47411 (45 CFR Part 5b.6) (See 12 below)

**Record access procedures:** The same information provided above for notification is also needed for access. (1) Non-Medical Records - written requests should be made to the System Manager providing identity verification consisting of either a notarization of the request or a certification that the individual is who he or she claims to be, and understands that the knowing and willful request for acquisition of a record pertaining to the individual under false pretenses is a criminal offense under the Act, subject to

5,000 fine. (2) Medical Records access procedures are in accordance with Departmental Regulations, Federal Register, October 8, 1975, page 47411 (45 CFR, Part 5b.6). Individuals seeking access to medical records should designate a representative (including address) who may be a physician, other health professional, or other responsible individual who would be willing to review the record and inform the subject individual of its contents, at the representative's discretion.

**Contesting record procedures:** Write to system manager and specify the record and the part(s) to be contested.

**Record source categories:** DHEW agencies, institutions under contract to the U.S. Government, universities, medical schools, hospitals, research institutions, commercial institutions, state agencies, other U.S. Government agencies, patients and normal volunteers, physicians, research investigators and other collaborating personnel.

**Systems exempted from certain provisions of the act:** None.

09-25-0131

**System name:** Clinical Epidemiologic Studies in the Division of Cancer Cause and Prevention, HEW/NIH/NCI.

**Security classification:** None.

**System location:**

Landow Building, Room A521

7910 Woodmont Ave.

Bethesda, Md. 20014

and

Bldg. 12, NIH

9000 Rockville Pike

Bethesda, Md. 20014

and at hospitals, medical schools, universities, research institutions, commercial organizations, state agencies, and collaborating government agencies. A list of locations and contracts is available upon request from the System Manager.

**Categories of individuals covered by the system:** Patients with cancer and related diseases, (e.g., birth defects), patients with other diseases (e.g., heart disease), normal and other persons (e.g., family members) for the purpose of making comparisons.

**Categories of records in the system:** Medical records, progress reports, correspondence, epidemiological computerized data and records on biological specimens (e.g., blood, tumors, urine, etc.).

**Authority for maintenance of the system:** 42 U.S.C. 241, and 282.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

1. Disclosure may be made to DHEW contractors and collaborating researchers and their staff in the conduct of the study and in preparation of scientific reports.
2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.
3. The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records. (Appendix B, Departmental Regulations, 45 CFR Part 5(b), Federal Register, October 8, 1975, page 47415, Item 9.
4. To the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Departmental Regulations, 45 CFR Part 5(b), Federal Register, October 8, 1975, page 47415, Item 100. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders, microfilm, charts, graphs, computer tapes discs and punch cards.

**Retrievability:** By name and/or code number. HEW uses: to determine (1) factors or substances in the environment which cause cancer; (2) ways in which these factors or substances may cause cancer; and (3) characteristics of persons who may be particularly susceptible to the environmental factor(s) or substance(s) and/or to cancer.

**Safeguards:** DHEW contractors and collaborating researchers will comply with the provisions of the Privacy Act and with Department Regulations. Subjects participating in a clinical study will be advised that their identity will only be known to those who are involved in conducting the study and that any published findings will be in a format which precludes individual identification. Data will be kept in secured areas with access limited to authorized personnel (system manager, project officer, contracting officer, collaborating researchers, staff, and DHEW contractors). Data transmitted to the NCI will be in a non-personally identifiable form. For computerized records the contractor will comply, where appropriate, with Department standards and National Bureau of Standards Guidelines. For example, access is controlled by the use of security codes known only to authorized personnel.

**Retention and disposal:** One year to indefinitely depending on the project. Hard copy burned; computer tapes and discs erased.

**System manager(s) and address:**

Chief, Clinical Epidemiology Branch

National Cancer Institute

Landow Building, Room A521

7910 Woodmont Avenue

Bethesda, Maryland 20014

**Notification procedure:**

To determine if a file exists write to system manager and provide the following information:

- a. System name: Clinical Epidemiologic Studies in the Division of Cancer Cause and Prevention
- b. Complete name at time of study
- c. Facility and home address at the time the study was undertaken
- d. Date(s) at the time the information was provided (if known)
- e. Birthdate
- f. Disease type (if known)

Medical records notification procedures are in accordance with

Departmental Regulations, Federal Register, October 8,

1975, page 47411 (45 CFR Part 5b.6) (See 12 below)

**Record access procedures:** The same information provided above

for notification is also needed for access. (1) Non-Medical Records

- written requests should be made to the System Manager providing

identity verification consisting of either a notarization of the

request or a certification that the individual is who he or she claims

to be, and understands that the knowing and willful request for

acquisition of a record pertaining to the individual under false

pretenses is a criminal offense under the Act, subject to

5,000 fine. (2) Medical Records access procedures are in ac-

cordance with Departmental Regulations, Federal Register, October

8, 1975, page 47411 (45 CFR, Part 5b.6). Individuals seeking access

to medical records should designate a representative (including ad-

dress) who may be a physician, other health professional, or other

responsible individual who would be willing to review the record

and inform the subject individual of its contents, at the representa-

tive's discretion.

**Contesting record procedures:** Write to system manager and speci-

fy the record and the part(s) to be contested.

**Record source categories:** DHEW agencies, institutions under con-

tract to the U.S. Government, universities, medical schools,

hospitals, research institutions, commercial institutions, state agen-

cies, other U.S. Government agencies, patients and normal volun-

teers, physicians, research investigators and other collaborating

personnel.

**Systems exempted from certain provisions of the act:** None.

09-25-0132

**System name:** Research studies dealing with prevention of dental caries, plaque, and gingivitis. HEW/NIH/NIDR.

**Security classification:** None.

**System location:**

Westwood Building, Rm 534

5333 Westbard Ave.

Bethesda, Md. 20014

and at medical/dental facilities, clinics, etc. under contract or participating in direct operations. A list of locations is available from system manager.

**Categories of individuals covered by the system:** Volunteers and patients participating in research projects involving dental caries, plaque, gingivitis, and agents and/or techniques for their prevention and control.

**Categories of records in the system:** Individual medical/dental records of participating individuals.

**Authority for maintenance of the system:** 42 U.S.C. 241, 288a.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.
2. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual



capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders, computer tapes, or discs

**Retrievability:** Name or identifier code HEW uses; data analysis; program management HEW user (National Institute of Dental Research) will receive data extracted by principal investigators from volunteer and patient research records concerning medical/dental measures of dental caries, plaque, gingivitis, and other oral health-related variables

**Safeguards:** The records are maintained in locked cabinets with access limited to authorized personnel (system manager, principal investigator and his staff assigned to the project, project officer, contracting officer). For computerized records, safeguards established in accordance with Departmental standards and National Bureau of Standards guidelines (e.g., security codes) will be used limiting access to authorized personnel.

**Retention and disposal:** One year to indefinitely depending on the requirements of the specific study. Records are shredded, burned or erased.

**System manager(s) and address:**

Chief, Biometry Section  
National Caries Program  
National Institute of Dental Research  
Westwood Building, Rm 534  
5333 Westhard Ave  
Bethesda, Md 20014

**Notification procedure:** To determine if a file exists, write to the System Manager and provide the following information:

1. approximate dates and place of examination or treatment
2. name of the study, if known
3. an individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR Part 5b.6) Federal Register, October 8, 1975, page 47411).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

**Contesting record procedures:** Write to system manager, and reasonably identify the record and specify the information to be contested, in accordance with Department Regulations, Federal Register, October 8, 1975, page 47411 (45 CFR, Part 5b.7).

**Record source categories:** Information provided by subject individuals and clinical investigators.

**Systems exempted from certain provisions of the act:** None.

09-25-0133

**System name:** Kidney Transplant Histocompatibility Study(KTHS) DHEW/NIH/NIAD

**Security classification:** None.

**System location:** Records included in this system are located in hospitals, research foundations, and universities under contract, in the Naval Medical Research Institute, and in the National Institute of Allergy and Infectious Diseases facilities in Bethesda, Md. (See Appendix I)

**Categories of individuals covered by the system:** Patients who have received kidney transplants and donors of kidneys transplanted at participating institutions (See Appendix I) during the period January 1, 1974 through December 31, 1976.

**Categories of records in the system:** Clinical and medical records containing information on clinical examinations, laboratory findings, and related research records. For kidney recipients, a demographic profile is also included.

**Authority for maintenance of the system:** 42 U.S.C. 241(g) and 289c

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.
2. Disclosure may be made to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual (Appendix B, Departmental Regulations (45 CFR Part 5b), Item 100).
3. Clinical research data are made available to authorized individuals and organizations deemed qualified to carry out specific research solely for the purpose of carrying out such research (Appendix B, Departmental Regulations (45 CFR Part 5b) Item 101).
4. Research data may be made available to organizations deemed qualified by the Secretary to carry out quality assessment, medical audits, or utilization review (Appendix B, Departmental Regulations (45 CFR Part 5b) Item 102).
5. Certain infectious diseases are reported to state governments as required by law. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components, or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders, punched cards, and magnetic tapes or discs

**Retrievability:** Information is retrieved by name and location of study and by transplant number HEW Uses. Summaries of the data developed in this study will be used to study the relevance of tissue typing to the outcome of kidney transplants. The influence or organ preservation techniques and various surgical and medical therapies will be similarly studied. As a regular part of these studies, clinical research data are made available to collaborating researchers who are part of the program. These are HEW employees and/or researchers employed by the contractors.

**Safeguards:** The records are maintained in file cabinets in offices which are locked when not attended, with access limited to authorized personnel (system manager, principal investigator and his staff assigned to the project, project officer, contracting officer). For computerized records, safeguards are established in accordance with Departmental standards and National Bureau of Standards guidelines, e.g., security codes will be used limiting access to authorized personnel.

**Retention and disposal:** Records are retained for five years to indefinitely depending on the requirements of the study. Records are burned or erased.

**System manager(s) and address:**

Chief, Transplantation and Immunology Branch  
National Institute of Allergy and Infectious Diseases, NIH  
Westwood Building, Room 750  
5333 Westhard Avenue  
Bethesda, Maryland, 20016

**Notification procedure:** To determine if a record exists, write to the System Manager and provide the following information:

1. Full name
2. Name and location of clinical trial facility
3. Approximate dates of enrollment in the research study. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the representative's discretion (these notification and access procedures are in accordance with Department Regulations (45 CFR, Part 5b.6), Federal Register, October 8, 1975, page 47411).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

**Contesting record procedures:** Write to system manager, and reasonably identify the record and specify the information to be contested, in accordance with Department Regulations, Federal Register, October 8, 1975, page 47411 (45 CFR, Part 5b.7).

**Record source categories:** Information contained in these records is obtained directly from individual participants and from medical records and clinical research observations.

**Systems exempted from certain provisions of the act:** None.

#### APPENDIX I - Location of Records

National Institute of Allergy and Infectious Diseases  
Westwood Building, Room 750  
5333 Westhard Avenue  
Bethesda, Maryland 20016

Louis D. Homer, M.D., Ph.D.  
Naval Medical Research Institute  
National Naval Medical Center  
8901 Rockville Pike  
Bethesda, Maryland 20014

And in the offices of the Kidney Transplant Histocompatibility Study Registrars at the following participating hospitals:

University of Arkansas Medical Center  
4301 W. Markham  
Little Rock, Arkansas 72201

Children's Memorial Hospital  
2300 Children's Plaza  
Chicago, Illinois 60614

Rush-Presbyterian-St. Luke's Hospital  
Chicago, Illinois 60612

Billings Hospital  
950 E. 59th Street  
Chicago, Illinois 60637

University of Illinois Hospital  
840 S. Wood  
Chicago, Illinois 60612

Veterans Administration Research Hospital  
333 East Huron  
Chicago, Illinois 60611

Veterans Administration Hospital  
Hines, Illinois 60141

Loyola University Hospital  
Maywood, Illinois 60153

Memorial Hospital  
Springfield, Illinois 62705

Children's Hospital  
300 Longwood Avenue  
Boston, Massachusetts 02115

Massachusetts General Hospital  
32 Fruit Street  
Boston, Massachusetts 02114

Peter Bent Brigham Hospital  
721 Huntington Avenue  
Boston, Massachusetts

University of Minnesota Hospital  
412 Union Street, SE  
Minneapolis, Minnesota, 55455

Albany Medical Center  
43 New Scotland Avenue  
Albany, New York 12208

Downstate Medical Center  
450 Clarkson Avenue  
Brooklyn, New York 11203

Buffalo General Hospital  
100 High Street  
Buffalo, New York 14203

Meyer Memorial Hospital  
462 Grider Street  
Buffalo, New York 14215

Strong Memorial Hospital  
260 Crittenden Blvd.  
Rochester, New York 14620

Upstate Medical Center  
766 Irving Avenue  
Syracuse, New York 13210

Cleveland Clinic  
2050 E. 93rd Street  
Cleveland, Ohio 44106

University of Oklahoma Health Sciences Center  
P.O. Box 26901  
Oklahoma City, Oklahoma 73190

Parkland Memorial Hospital  
5201 Harry Hines  
Dallas, Texas 75235

University of Texas Medical Branch  
Galveston, Texas 77550

Methodist Hospital  
6516 Bertner  
Houston, Texas 77025

University of Texas Health Sciences Center, San Antonio  
7703 Floyd Curl Drive  
San Antonio, Texas 78284

Wilford Hall Hospital  
Lackland Air Force Base  
San Antonio, Texas 78236

University of Utah Hospital  
50 North Medical Drive  
Salt Lake City, Utah 84112

09-25-0134

**System name:** Epidemiology Studies, National Institute of Environmental Health Sciences

**Security classification:** None

**System location:**

National Institute of Environmental Health Services  
Environmental Biometry Branch  
P. O. Box 12233  
Research Triangle Park  
North Carolina 27709

**Categories of individuals covered by the system:** Individuals and minors, both male and female, with known or suspected diseases, maladies, chemical or biological contaminations, as well as normal or non-suspect individuals and minors in control or study groups for the purposes of comparison. Individuals included in this system of records will normally have volunteered to participate in the study and voluntarily provided information for inclusion in the system. The participants may be, but are not limited to, patients, workers subject to specific environments; individuals selected because of social, nutritional, physical, genetic and economic conditions and behavioral characteristics; and members of the general population subject to the variety of contaminants present in the environment.

**Categories of records in the system:** This system consists of a variety of records pertinent to an individuals' current health status, medical history; occupational history and work environments, and selected items of personal data such as smoking habits, family size.

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family medical history and domiciles. Examples of information which may be included in this system, are the individual or minor's name, SSAN, date of birth, weight, height, sex, race, medical history, blood type, laboratory results, examination findings, current and previous medications received, list of employers, descriptions of the work environment, substances or compounds routinely handled or exposed to, and a history of current and previous residences.

Authority for maintenance of the system: 42 U.S.C. 241.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: A. Disclosure may be made to HEW contractors and collaborating researchers and their staff for the purposes of analyzing data and preparing scientific reports and articles.

B. Disclosure may be made to a congressional office from the record of the individual in response to an inquiry from the congressional office, made at the request of the individual, and in the case of a minor, the minor's parent or legal guardian.

C. Other HEW routine uses as published in the Federal Register, October 8, 1975, page 47415, Appendix B and (45 CFR Part 5b) are listed below:

(2) Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, Inc.

(3) In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

(8) Where the appropriate official of the Department, pursuant to the Department's Freedom of Information Regulation determines that it is in the public interest to disclose a record which is otherwise exempt from a mandatory disclosure, disclosure may be made from this system of records.

(9) The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

(100) To the Department of Justice or other appropriate Federal agencies in defining claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information will be stored in one of a combination of the following mediums: file folders, data forms, punch card, magnetic tape discs.

Retrievability: Information will be retrieved by personal identifier such as name or code number. Social security numbers which are supplied on a voluntary basis also are used for retrieval. HEW USES National Institute of Environmental Health Sciences will use the data collected to determine: factors and substances in the environment which have adverse effects on the health and well being of individuals or groups of individuals; the mechanisms by which these factors and/or substances, by themselves or in combination, produce adverse health effects; individual or group characteristics that render persons susceptible to chemical contamination, disease, or other adverse health effects from agents in the environment; general levels of environmental contamination and body burden on a national, regional, or local basis as well as within general or specific work environments; and the scientific basis for advising regulatory agencies such as the Environmental Protection Agency, the National Institute of Occupational Safety and Health

and the Department of Labor on adverse health effects of substances and conditions found in the environment.

Safeguards: Access to the information will be controlled by the Project Officer or his representative at remote locations. Contractors or collaborating researchers will, by formal agreement, comply with the provisions of the Privacy Act and Department regulations. Hard copy data will be maintained in locked file cabinets at the National Institute of Environmental Health Sciences or other remote study locations. Information stored in computer systems will be accessible only through proper sequencing of signal commands and access codes specifically assigned to the Project Officer or contractor in accordance with Departmental standards and National Bureau of Standards guidelines. Subjects directly participating in studies will be advised that their identity will be known only to those persons involved in conducting the study and that any published findings will be in a format which precludes individual identification.

Retention and disposal: The records will be maintained until they are no longer required for the research purpose(s) for which the record was established. The records will be destroyed by shredding, burning, or other appropriate means so as to render them illegible. Computer tapes and discs will be erased.

System manager(s) and address:

Chief, Environmental Biometry Branch  
National Institute of Environmental Health Sciences  
P. O. Box 12233  
Research Triangle Park  
North Carolina 27709

Notification procedure: Normally, individuals would know whether a file existed on the basis of their voluntary participation and provision of data. However, individuals may write to the systems manager to determine if a file exists. In writing, they should provide the following data:

- Complete name at the time of the study.
- Birthdate.
- Home address at the time of the study.
- The facility where the examination was given or information otherwise collected.
- Date, or approximate dates when information was collected or an examination conducted.
- Name of study if known.
- A current name, address and telephone number where they can be reached.

h. The name, address and telephone number of a responsible representative who will be willing to review the record and inform the requester of its contents at his/her discretion, in the event the file contains medical or medically related information. The representative may be a physician, other health professional, or any other responsible individual of the person's choice. These provisions for notification regarding medical records are in accordance with Department Regulation (45 CFR Part 5b.6) published in the Federal Register, October 8, 1975, page 47411.

Record access procedures: The same information as outlined under notification procedures is needed for access to records except as noted under the provisions for access to medical records. For non-medical records, the request should be addressed to the Systems Manager and accompanied by either a notarized statement that the person is who he/she claims to be or a certification that the individual is who he/she claims to be, and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense subject to a

5,000 fine. In addition, for access to medical records, as with notification, the requester must provide the name, address, and telephone number of a responsible representative who will be willing to review the record and inform the requester of its contents at his/her discretion. The representative may be a physician, other health professional, or any other responsible individual of the person's choice. These provisions for access to medical records are in accordance with Department Regulation (45 CFR, Part 5b.6) published in the Federal Register, October 8, 1975, page 47411.

Contesting record procedures: Write to the Systems Manager and specify the record and the information to be contested.

Record source categories: HEW agencies, institutions under contract to the U.S. Government, universities, medical schools, hospitals, commercial, institutions, labor and trade organizations, State agencies, international agencies, foreign governments, other

U.S. Government agencies, patients and normal volunteers, physicians, researchers and other collaborating personnel.

Systems exempted from certain provisions of the act: None.

09-25-0135

System name: PROPHET System Research Prospectuses.

Security classification: None

System location:

Bldg 31, Rm. 6A06, NIH  
9000 Rockville Pike  
Bethesda, MD 20014

Categories of individuals covered by the system: Applicants for access to the facilities and services of the PROPHET System, a unique national computer resource for the study of chemical/biological interrelationships.

Categories of records in the system:

- (a) descriptions of the research objectives of the applicant individuals or groups and their plans for use of the PROPHET system in support of their research
- (b) biographical sketches of all key individuals associated with the prospectuses
- (c) evaluation documents
- (d) related correspondence

Authority for maintenance of the system: 42 U.S.C. 241(a)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

- To the Smithsonian Science Information Exchange for dissemination of science information (abstracts of research grants only).
- To the Cognizant Audit Agency for auditing.
- To the Department of Justice as required for litigation.
- To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

5. To qualified experts not within the definition of Department employees as prescribed in Department Regulations (45 CFR, Part 5b.2) for opinions as a part of the application review process.

6. To a Federal agency, in response to its request, in connection with the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

7. To individuals and organizations deemed qualified by the PHS to carry out specific research related to the review and award processes of the PHS.

8. To organizations in the private sector with whom PHS has contracted for the purpose of collating, analyzing, aggregating or otherwise refining records in a system. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

9. To the grantee institution in connection with performance or administration under the terms and conditions of the award. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: System is indexed by name of principal individual associated with the prospectus and by program identification number HEW use: system is used exclusively in support of the Chemical/Biological Information-Handling (CBIH) Program management—i.e., technical merit review of prospectuses, allocation of PROPHET services, analysis and evaluation of ongoing activities, and program planning.

Safeguards: The records are maintained in cabinets in the office of the Program Director, CBIH. Access is limited to authorized personnel, i.e., system manager and members of his staff, review committee members.

Retention and disposal: Number of years held at NIH 2 Disposal methods include burning or shredding paper materials

System manager(s) and address:

Program Director  
Chemical/Biological Information Handling Program  
Division of Research Resources  
Bldg 31, Rm. 6A-04  
National Institutes of Health  
9000 Rockville Pike  
Bethesda, MD 20014

Notification procedure: Program Director, Chemical/Biological Information-Handling Program at address listed above and ask if a file exists with your name in the PROPHET System Research Prospectuses

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

Contesting record procedures: Write to system manager and reasonably identify the record and specify the information to be contested, in accordance with Department Regulations (45 CFR, Part 5b.7), Federal Register, October 8, 1975, page 47411.

Record source categories: The information is provided by the individuals themselves and by NIH consultants who assess the scientific and technical merit of the prospectuses.

Systems exempted from certain provisions of the act: None / \*

09-60-0001

System name: Commissioner's Correspondence File HEW SSA OC

Security classification: None.

System location:

Room 922 Altmeyer Building  
6401 Security Boulevard  
Baltimore, Maryland 21235

Categories of individuals covered by the system: Any person or group who may write directly to the Commissioner

Categories of records in the system: The Commissioner's incoming personal correspondence.

Authority for maintenance of the system: Section 205 of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components, or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper file, stored in filing cabinets

Retrievability: Indexed by the name of the correspondent.

Safeguards: Files used for answering correspondence received in the Office of the Commissioner are locked, only two people on the Commissioner's staff and the Commissioner himself have access.

Retention and disposal: Destroyed by shredding when deemed appropriate—general correspondence held 2 years.

System manager(s) and address:

Reference Aide  
Office of the Commissioner  
922 Altmeyer Building  
6401 Security Boulevard  
Baltimore, Maryland 21235

Notification procedure:

Office of the Commissioner  
922 Altmeyer Building  
6401 Security Boulevard  
Baltimore, Maryland 21235

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**Record access procedures:** Any information on a specific individual may be accessed by that individual by writing to the Office of the Commissioner, referencing the 'Commissioner's Correspondence File,' and providing return address. Requestors should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Incoming correspondence  
Systems exempted from certain provisions of the act: None

09-60-0002

**System name:** Automated Controlled Correspondence Extraction System HEW SSA CEA

**Security classification:** None

**System location:**

Office of Public Inquiries  
6401 Security Boulevard  
Baltimore, Maryland 21235

Office of the Commissioner  
6401 Security Boulevard  
Baltimore, Maryland 21235

Bureau of Health Insurance  
6401 Security Boulevard  
Baltimore, Maryland 21235

Bureau of Disability Insurance  
Dickenson Tower Building  
1500 Woodlawn Drive  
Baltimore, Maryland 21241

Bureau of Hearings and Appeals  
Ballston Center  
Tower 2  
800 North Randolph Street  
Arlington, Virginia 22204

**Categories of individuals covered by the system:** Records are maintained for individuals who forward a request for information directly to the Commissioner of the Social Security Administration and for individuals whose requests to members of Congress, the President, etc. are forwarded to the Commissioner for response.

**Categories of records in the system:** Information is maintained in the system solely to aid in the control of correspondence through the various processing steps. Information in the records includes the following: name of individual involved, social security number (if given), name of third party inquirer (if present), 1. type of correspondence (congressional or noncongressional), official to whom inquiry is directed, Congressman's name (if a congressional inquiry), address-to-code (official to whom inquiry is directed, signature code 2 official to whom inquiry is directed, 3. signature code (official whose name will appear on the reply) computer identification code (10 digit code cross referred to the name of the individual), subject matter code, 4. (3 digit code indicating the program area being inquired about), location information (component within the Social Security Administration that received the inquiry and date of receipt), and response information (type and date of Social Security Administration response).

**Authority for maintenance of the system:** Sections 205(a) and 1631 of the Social Security Act, and Section 413 of the Federal Coal Mine Health and Safety Act (Black Lung).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the opera-

tions of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The records are maintained on magnetic tape and computer discs.

**Retrievability:** The system is indexed by both name and by computer identification number, which are cross-referred. It is used to control processing of correspondence within the Social Security Administration Central Office Complex and the Bureau of Hearings and Appeals in Arlington, Virginia, and to provide management information regarding the correspondence process.

**Safeguards:** Magnetic tape and disc files are protected through standard security measures used for all of the Social Security Administration's computer records. Paper records are subject to the same safeguards as all other information in the Social Security Administration relating to claims and beneficiary records—limited access to social security offices, limited employee access to those that have a need to know, all employees receive instruction in Social Security Administration confidentiality rules in an initial orientation. Guidelines contained in the FIPS PUB 41, Computer Security Guidelines for Implementing the Privacy Act of 1974; FIPS PUB 31, Guidelines for Automatic Data Processing Physical Security and Risk Management, and FIPS PUB 3, ADP System Security Required by the Privacy Act of 1974, were taken into account in development of these safeguards.

**Retention and disposal:** Records are maintained on-line in the system from the time of control until 13 months after the final response is released. Tape records are then maintained on magnetic tape for an additional 24 months before being erased.

**System manager(s) and address:**

Director, Office of Public Inquiries  
Social Security Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:**

Chief, Office of Public Inquiries Analysis Staff  
Social Security Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235

Identifying information should include the name of the person inquired about, the person to whom the inquiry was sent, and the date of the inquiry.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Inquiries directed to the Commissioner of Social Security Administration from members of the public.

**Systems exempted from certain provisions of the act:** None.

09-60-0003

**System name:** Hearing File HEW SSA BHA.

**Security classification:** None.

**System location:**

Bureau of Hearings and Appeals  
801 North Randolph Street  
Arlington, Virginia 22203

**Categories of individuals covered by the system:** Claimants - Social Security and Black Lung.

**Categories of records in the system:** When present, this file generally contains request for hearing, notice of hearing,

'Appearance at Hearing' Card signed by claimant, correspondence to claimant representative, or other source of evidence, cassette recordings of hearing, HA-503 card (case control device), decision (or dismissal order), and any material otherwise in an Appeals File.

**Authority for maintenance of the system:** Sections 205, 1631(d)(1), and 1872 of the Social Security Act, as amended, and Section 413(b) of the Federal Coal Mine Health and Safety Act, as amended.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Routine uses for disclosure may involve beneficiaries, representatives, experts, and other participants to a hearing. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** In file drawers (when inactive).

**Retrievability:** Name and social security number. In the appeals process, the hearing file was a working file for individual cases rising to the hearing level. It was created and retained in the hearing office until final action by the presiding officer, and then retained in the Bureau of Hearings and Appeals central office until all appellate actions were completed. Preparation of new hearing files was discontinued as of May 30, 1975. Hearing files prepared prior to that date are still used, when available, by bureau employees at all appropriate work stations.

**Safeguards:** Limited access to Social Security Administration offices; limited employee access to need to know.

**Retention and disposal:** After all actions are completed, forwarded to Federal Records Center.

**System manager(s) and address:**

Director  
Bureau of Hearings and Appeals, Room 402  
3833 North Fairfax Drive  
Arlington, Virginia 22203

**Notification procedure:**

Social Security Administration  
Bureau of Hearings and Appeals  
801 North Randolph Street  
Arlington, Virginia 22203

**Record access procedures:** Written request to above address (social security number must be supplied to provide identification). Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Claimant, representative, appropriate members of the public, the Social Security Administration and other Government, State, and local agencies.

**Systems exempted from certain provisions of the act:** None.

09-60-0004

**System name:** Appeals File HEW SSA BHA.

**Security classification:** None.

**System location:**

Bureau of Hearings and Appeals  
801 North Randolph Street  
Arlington, Virginia 22203

**Categories of individuals covered by the system:** Claimant - Social Security and Black Lung.

**Categories of records in the system:** This file generally contains analyst's recommendation to the Appeals Council; copies of correspondence and replies during processing of case; requests to Medical Advisory Staff and their comments, if not entered into the record; copies of Appeals Council actions on the case; notice of denial of request for review, order of remand, notice of granting review, decisions, copies of all post-adjudicative actions or correspondence; copies of transcripts when available.

**Authority for maintenance of the system:** Sections 205, 1631(d)(1), and 1872 of the Social Security Act, as amended, and Section 413(b) of the Federal Coal Mine Health and Safety Act, as amended.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Folder in file drawers.

**Retrievability:** Name and social security number. The appeals file is an internal working file created at the Bureau of Hearings and Appeals central office (in the absence of a hearing file) upon recommendation to or action by the Appeals Council in an individual case.

**Safeguards:** Limited access to Social Security Administration Offices; employee access is limited to need to know.

**Retention and disposal:** Destroy 6 calendar months after appeals council final action where no court action is initiated. Destroy 4 calendar months after final court action in active court cases.

**System manager(s) and address:**

Director  
Bureau of Hearings and Appeals, Room 402  
3833 North Fairfax Drive  
Arlington, Virginia 22203

**Notification procedure:**

Social Security Administration  
Bureau of Hearings and Appeals  
801 North Randolph Street  
Arlington, Virginia 22203

**Record access procedures:** Written request to above address (social security number must be supplied to provide identification).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Claimant, representative, appropriate members of the public, Social Security Administration and other government, State and local agencies.

**Systems exempted from certain provisions of the act:** None.

09-60-0005

**System name:** Presiding Officer File HEW SSA BHA.

**Security classification:** None.

**System location:** All hearing offices (See Appendix G).



**Categories of individuals covered by the system:** Claimant - Social Security and Black Lung.

**Categories of records in the system:** File established in the hearing office of hearing actions taken on each particular case.

**Authority for maintenance of the system:** Sections 205, 1631(d)(1), and 1872 of the Social Security Act, as amended, and Section 413(b) of the Federal Coal Mine Health and Safety Act, as amended.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Folder.

**Retrievability:** Alphabetical. As a reference to indicate actions taken in a particular case at the hearing level, in order to permit the presiding officer or staff to reply to future correspondence.

**Safeguards:** Limited access to Social Security Administration offices, limited employee access to need to know.

**Retention and disposal:** File is destroyed two years after final action was taken.

**System manager(s) and address:**

Director, Bureau of Hearings and Appeals  
Room 402  
3833 North Fairfax Drive  
Arlington, Virginia 22203

**Notification procedure:**

Social Security Administration  
Bureau of Hearings and Appeals  
801 North Randolph Street  
Arlington, Virginia 22203

Written request to above address, providing name and address of individual.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Claimant, representative, appropriate members of the public, Social Security Administration and other government, State and local agencies.

**Systems exempted from certain provisions of the act:** None.

09-60-0006

**System name:** Storage of Hearing Records, Tape Cassettes and Audiograph Discs HEW SSA BHA.

**Security classification:** None.

**System location:**

Bureau of Hearings and Appeals  
801 N. Randolph St.  
Arlington, Virginia 22203

**Categories of individuals covered by the system:** Claimant - Social Security and Black Lung.

**Categories of records in the system:** Recording of actual hearing before a presiding officer.

**Authority for maintenance of the system:** Sections 205, 1631, and 1872 of the Social Security Act, as amended, and section 413(b) of the Federal Coal Mine Health and Safety Act, as amended.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Cassette tape and disc storage containers.

**Retrievability:** The records are indexed by name and social security number. Basic record of the hearing conducted in an individual case by the presiding officer, the source utilized in the preparation of documentary transcript, used as a working reference by Social Security Administration employees in event of subsequent correspondence and/or further appeal of the claim, and for processing of attorney fee petition when appropriate.

**Safeguards:** The containers are housed on racks in a secure storage area with access limited to employees. Access to the records is limited to employees with a job-related need to know.

**Retention and disposal:** Indefinite.

**System manager(s) and address:**

Director, Bureau of Hearings and Appeals  
Room 402  
3833 North Fairfax Drive  
Arlington, Virginia 22203

**Notification procedure:**

Social Security Administration  
Bureau of Hearings and Appeals  
801 North Randolph Street  
Arlington, Virginia 22203

Social Security number must be supplied to provide identification.

Written request to above address.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Claimant, representative, witnesses, presiding officer and staff.

**Systems exempted from certain provisions of the act:** None.

09-60-0007

**System name:** Non-Provider Overpayment Recovery File HEW SSA BHI.

**Security classification:** None.

**System location:**

Director, Bureau of Health Insurance  
6401 Security Blvd.  
Baltimore, Md. 21235

**Categories of individuals covered by the system:** The system contains the name of the beneficiary on whose account an overpayment has been made and the name of the physician to whom the overpayment was made.

**Categories of records in the system:** The file includes completed Medicare claims forms which contain patient's name, sex, claim number, address, date of birth, date of treatment, diagnosis, and summary of treatment rendered as well as other documents that were used in calculating the existence and amount of overpayment.

**Authority for maintenance of the system:** Section 3, Federal Claims Collection Act of 1966.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to the Department of Justice when civil litigation is involved, to the Internal Revenue Service for investigation of alleged tax fraud and to Professional Standards Review Organizations and State Licensing Boards for review of unethical practices or non-professional conduct. Further, SSA may request a credit report on certain physicians from whom repayment of an overpayment is requested. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper files maintained in individual folders.

**Retrievability:** The system is indexed by beneficiary name and cross-indexed by physician name. The purpose of the record is to provide documentation and control of cases in which a Medicare overpayment has been made.

**Safeguards:** Only authorized personnel are permitted in the file area.

**Retention and disposal:** The files are retained indefinitely.

**System manager(s) and address:**

Director, Bureau of Health Insurance  
6401 Security Blvd.  
Baltimore, Maryland 21235

**Notification procedure:** Inquiries and requests for system records should be addressed to the Health Care Financing Administration, Bureau of Health Insurance, Office of Program Review, Recovery Staff, E-2 Gwynn Oak Building, 1710 Gwynn Oak Avenue, Baltimore, MD 21235.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Data in these records is obtained from carrier or intermediary billing records.

**Systems exempted from certain provisions of the act:** None.

09-60-0008

**System name:** Presiding Officer's Docket HEW SSA BHA.

**Security classification:** None.

**System location:** All hearing offices (See Appendix G).

**Categories of individuals covered by the system:** Claimant - Social Security and Black Lung.

**Categories of records in the system:** A list of the cases pending before the Presiding Officer.

**Authority for maintenance of the system:** Sections 205, 1631(d)(1), and 1872 of the Social Security Act, as amended, and section 413(b) of the Federal Coal Mine Health and Safety Act, as amended.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Folder.

**Retrievability:** Social security number. Enables the presiding officer to maintain control of his caseload.

**Safeguards:** None specified.

**Retention and disposal:** As each case is disposed of, it is removed from the list.

**System manager(s) and address:**

Director  
Bureau of Hearings and Appeals, Room 402  
3833 North Fairfax Drive  
Arlington, Virginia 22203

**Notification procedure:**

Social Security Administration  
Bureau of Hearings and Appeals  
801 North Randolph Street  
Arlington, Virginia 22203

Written request to above address (social security number must be supplied to provide identification).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Presiding officers, from information on incoming cases.

09-60-0009

**System name:** Hearings and Appeals Case Control System HEW SSA BHA.

**Security classification:** None.

**System location:**

Bureau of Hearings and Appeals  
801 North Randolph Street  
Arlington, Virginia 22203  
and each of the 10 regional offices (see Appendix G).

**Categories of individuals covered by the system:** Claimant - Social Security and Black Lung.

**Categories of records in the system:** Social security number, name, type of claim, last action on case/date, location of case (office), date of receipt, hearing request (date/type/schedule date/request for review date), presiding officer, cross reference number.

**Authority for maintenance of the system:** Sections 205, 1631(d)(1), and 1872 of the Social Security Act, as amended, and section 413(b) of the Federal Coal Mine Health and Safety Act, as amended.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

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ment or any employee of the Department in his or her official capacity. (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:**

Social Security Administration  
Bureau of Data Processing  
6401 Security Boulevard  
Baltimore, Maryland 21235 (computer terminus)

**Retrievability:** Social security number. Provides case location and status for individual cases.

**Safeguards:** Limited access to Social Security Administration offices; limited employee access to specific authorization by individual.

**Retention and disposal:** Until retirement to Federal Records Center, then erased and returned to stock.

**System manager(s) and address:**

Director  
Bureau of Hearings and Appeals, Room 402  
3833 North Fairfax Drive  
Arlington, Virginia 22203

**Notification procedure:**

Social Security Administration  
Bureau of Hearings and Appeals  
801 North Randolph Street  
Arlington, Virginia 22203 Written request with social security number to provide identification.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Bureau employees.

**Systems exempted from certain provisions of the act:** None.

09-60-0010

**System name:** Hearings and Appeals Case Control Card File HEW SSA BHA

**Security classification:** None

**System location:**

801 North Randolph Street  
Arlington, Virginia 22203

**Categories of individuals covered by the system:** Claimants for social security and black lung benefits.

**Categories of records in the system:** Social security claim number; claimant wage earner; presiding officer/action/dates; Central Office/action/dates; codes hearing office/presiding officer/social security office routing.

**Authority for maintenance of the system:** Sections 205, 1631(d)(1), and 1872 of the Social Security Act, as amended, and section 413(b) of the Federal Coal Mine Health and Safety Act, as amended.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the opera-

tions of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic tape with some punchcard input.

**Retrievability:** Access is by social security number. This system is being replaced by the Hearings and Appeals Case Control System.

**Safeguards:** Data processing security site at Social Security Central Office, Baltimore, Maryland (See Appendix J(2)).

**Retention and disposal:** Indefinite.

**System manager(s) and address:**

Director, Bureau of Hearings and Appeals  
Social Security Administration, Room 503  
801 North Randolph Street  
Arlington, Virginia 22203

**Notification procedure:**

Social Security Administration  
Bureau of Hearings and Appeals  
801 North Randolph Street  
Arlington, Virginia 22203 The individual desiring access should provide social security number, name, address, and proof of identity.

**Record access procedures:** Access to this system may be made by written request to the above address, or by contacting the most convenient social security office.

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Prepared by Bureau employee.

**Systems exempted from certain provisions of the act:** None.

09-60-0012

**System name:** Listing of Vocational Experts and Medical Advisors HEW SSA BHA

**Security classification:** None

**System location:** All Hearing Offices (See Appendix G).

**Categories of individuals covered by the system:** Vocational Experts and Medical Advisors.

**Categories of records in the system:** A list of all Vocational Experts and Medical Advisors under contract to the Bureau of Hearings and Appeals who are within the area serviced by the hearing office and their usages. In addition a folder is kept for each expert containing a copy of their contract, qualifications, correspondence, travel orders, and invoices.

**Authority for maintenance of the system:** Sections 205, 1631(d)(1), and 1872 of the Social Security Act, as amended, and Section 413(b) of the Federal Coal Mine Health and Safety Act, as amended.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See 45 CFR Part 5b. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Folder and computer storage devices.

**Retrievability:** Alphabetically by expert's name - enables the presiding officer to select the needed expert on a rotational basis for utilization in individual cases from computer storage by expert's name and/or social security number.

**Safeguards:** Limited access to SSA officers; limited employee access to need to know.

**Retention and disposal:** Retain for 2 years after expiration of contract at which time the record is deleted by erasing all machine readable records and destroying all paper records.

**System manager(s) and address:**

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

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Arlington, Virginia 22203

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Presiding Officers.

**Systems exempted from certain provisions of the act:** None.

09-60-0014

**System name:** Curriculum Vitae and Professional Qualifications of Staff Physicians and Medical Advisors HEW SSA BHA

**Security classification:** None

**System location:**

Bureau of Hearings and Appeals  
801 North Randolph Street  
Arlington, Virginia 22203  
and each Hearing office (See Appendix G)

**Categories of individuals covered by the system:** Staff physicians and medical advisors.

**Categories of records in the system:** Curriculum vitae and professional qualifications.

**Authority for maintenance of the system:** Sections 205, 1631(d)(1), and 1872 of the Social Security Act, as amended, and section 413(b) of the Federal Coal Mine Health and Safety Act, as amended.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** May be disclosed to parties to a hearing - the claimant (who would be a third party in this instance). Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Folders.

**Retrievability:** Alphabetically by name. Reproduction for use as an exhibit in individual cases, enables the presiding officer or Appeals Council member to demonstrate the physician's professional background and expertise.

**Safeguards:** Limited access to Social Security Administration offices; limited employee access to need to know.

**Retention and disposal:** Maintained as long as staff physician is employed by the Bureau of Hearings and Appeals and medical advisor is under contract.

**System manager(s) and address:**

Director  
Bureau of Hearings and Appeals, Room 402  
3833 North Fairfax Drive  
Arlington, Virginia 22203

**Notification procedure:**

Social Security Administration  
Bureau of Hearings and Appeals  
801 North Randolph Street  
Arlington, Virginia 22203

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with De-

Director  
Bureau of Hearings and Appeals, Room 402  
3833 North Fairfax Drive  
Arlington, Virginia 22203  
and each hearing office (see appendix G)

**Notification procedure:**

Social Security Administration  
Bureau of Hearings and Appeals  
801 North Randolph Street  
Arlington, Virginia 22203

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Vocational Experts and Medical Advisors.

**Systems exempted from certain provisions of the act:** None.

09-60-0013

**System name:** Records of Usage of Medical Advisors HEW SSA BHA.

**Security classification:** None

**System location:**

Bureau of Hearings and Appeals  
801 North Randolph Street  
Arlington, Virginia 22203

**Categories of individuals covered by the system:** Medical Advisors.

**Categories of records in the system:** Records the occasions on which each Medical Advisor supplied advice to the presiding officer.

**Authority for maintenance of the system:** Sections 205, 1631(d)(1), and 1872 of the Social Security Act, as amended, and Section 413(b) of the Federal Coal Mine Health and Safety Act, as amended.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Folders.

**Retrievability:** Alphabetically by name-used for statistical purposes and to determine whether the contract for a Medical Advisor should be renewed.

**Safeguards:** Limited access to Social Security Administration offices; limited employee access or need to know.

**Retention and disposal:** Maintained as long as Medical Advisor is under contract. Incineration or trash disposal.

**System manager(s) and address:**

Director, Bureau of Hearings and Appeals  
Room 402  
3833 North Fairfax Drive  
Arlington, Virginia 22203

**Notification procedure:**

Social Security Administration  
Bureau of Hearings and Appeals  
801 North Randolph Street

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partment Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Staff physicians and medical advisors, medical directories.

**Systems exempted from certain provisions of the act:** None

09-60-0015

**System name:** List of Physicians utilized as Readers of Black Lung X Ray Films HEW SSA BHA

**Security classification:** None

**System location:**

Bureau of Hearings and Appeals  
801 North Randolph Street  
Arlington, Virginia 22203

each Hearing Office (See Appendix G)

**Categories of individuals covered by the system:** Physicians under contract utilized by BHA for x-ray reading in black lung cases.

**Categories of records in the system:** Copy of contract, professional qualifications and curriculum vitae of the physicians.

**Authority for maintenance of the system:** Section 413(b) of the Federal Coal Mine Health and Safety Act, as amended.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Folders

**Retrievability:** Alphabetically by name, enable the selection of an appropriate physician for reading x-rays in individual cases.

**Safeguards:** Limited access to SSA offices; limited employee access to need to know.

**Retention and disposal:** Indefinitely

**System manager(s) and address:**

Director, Bureau of Hearings and Appeals  
Room 402  
3833 North Fairfax Drive  
Arlington, Virginia 22203

**Notification procedure:**

Social Security Administration  
Bureau of Hearings and Appeals  
801 North Randolph Street  
Arlington, Virginia 22203

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Physicians themselves.

**Systems exempted from certain provisions of the act:** None.

09-60-0016

**System name:** Health Insurance Master Record--HEW SSA BHI.

**Security classification:** None.

**System location:**

Bureau of Data Processing  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** Records are maintained on the following categories: Individuals age 65 or over who currently are, or have been, entitled to health insurance benefits under Title XVIII of the Social Security Act, individuals under age 65 who have been entitled for not less than 24 consecutive months to disability benefits under Title II of the Act or under the railroad retirement system, and the spouse or dependent children of a person fully insured under social security who has chronic renal disease.

**Categories of records in the system:** The system contains information on enrollment, entitlement, Part A (Hospital) and B (Supplementary Medical) utilization, query and reply activity, health insurance bill and payment record processing and Health Insurance Master Record maintenance.

**Authority for maintenance of the system:** Section 1814 and 1833 of Title XVIII of the Social Security Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Routine disclosure may be made to:

a. The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment.

b. State Welfare Departments for determination of eligibility for Medicaid, and for quality control studies and for determining eligibility of grants-in-aid recipients under Titles IV and XIX of the Social Security Act.

c. State audit agencies for auditing State Medicaid eligibility considerations.

d. Providers and suppliers of services directly or dealing through fiscal intermediaries or carriers for administration of title XVIII.

e. A congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

f. And to contractors under contract to the Social Security Administration or under contract to another agency with funds provided by the Social Security Administration for the performance of research and statistical activities directly relating to the Social Security Act.

g. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records maintained on paper listings, microfilm, magnetic tape, disc and punchcards.

**Retrievability:** System is indexed by health insurance claim number, and is used to carry out the tasks of enrollment, query/reply activity, and health insurance bill and payment record processing.

**Safeguards:** Unauthorized personnel are denied access to the records area. Disclosure is limited to routine use. For computerized records, electronically transmitted between Central Office and field office locations (including organizations administering SSA programs under contractual agreements), systems securities are established in accordance with Departmental standards and National Bureau of Standards guidelines. Safeguards include a lock/unlock password system, exclusive use of leased telephone lines, a terminal oriented transaction matrix, and an audit trail.

**Retention and disposal:** Records are closed out at the end of the calendar year in which paid, held 2 additional years, transferred to the Federal Records Center, and destroyed after another 6 years.

**System manager(s) and address:**

Director, Bureau of Health Insurance  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** Inquiries and requests for system records should be addressed to the most convenient social security office or to the Health Care Financing Administration Bureau of Health Insurance Health Insurance Inquiries Branch, Baltimore, Maryland 21235. The individual should furnish his or her health insurance claim number and name as shown on social security records.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** The data contained in these records is furnished by the individual. There are cases, however, in which the identifying information is provided to the physician by the individual, the physician then adds the medical information and submits the bill to the carrier for payment. Updating information is also obtained from the Master Beneficiary Record.

**Systems exempted from certain provisions of the act:** None

09-60-0017

**System name:** Personnel Research and Merit Promotion Test Records HEW SSA OMA

**Security classification:** None

**System location:**

Office of Human Resources, Office of Management and Administration, SSA  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** SSA employees.

**Categories of records in the system:** These records include tests, test scores, responses to test items and questionnaires, interview data, and special ratings of employees obtained in test validation and other research.

**Authority for maintenance of the system:** Title 5, U.S. Code Sec. 3301, Sec. 1303.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Routine use includes the exchange of personnel records between SSA and the Civil Service Commission for personnel research purposes and the use of personal identifier such as employee name to identify employees included in research studies that extend over a period of time (longitudinal studies). These records may be also used as a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies, may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act (See also 45 CFR, Part 5b). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders, on punched cards, microfiche, computer tape, and computer storage.

**Retrievability:** Personnel Research Personal Information can be retrieved by name or personal identifier (such as social security number) only for certain research projects such as those that involve longitudinal studies. Confidential and/or protected information such as ratings or test materials will not be disclosed. Research data are collected on a project by project basis and are used for the construction, analysis and validation of written tests for research on personnel measurement and selection methods and techniques such as performance evaluation or productivity. No personnel decisions are made in the use of these research records. Many data are collected under conditions assuring their confidentiality. Personal information in this system of records is used by the Personnel Measurement and Research Branch in its research activities. Merit Promotion Merit promotion test records are maintained by major SSA organization component name and social security number. Merit promotion test information is used as one of the factors weighed under SSA Merit Promotion Programs.

**Safeguards:** Records are kept in locked files or locked room, and access is limited to research staff.

**Retention and disposal:** Indefinite

**System manager(s) and address:**

Director, Office of Human Resources  
Office of Management and Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** Write to the Director, Division of Policy Management and Research and provide name, name of system, identifier where required, and place of SSA employment or former employment.

**Record access procedures:** Same

**Contesting record procedures:** Same

**Record source categories:** Individual SSA employees, supervisors, assessment center assessors or data from SSA personnel files and records.

**Systems exempted from certain provisions of the act:** Under the provisions of 5 USC 552, Sec. K 161, which provides for exempting testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service, the disclosure of which would compromise the objectivity or fairness of the testing or examination process, we exempt from disclosure all Social Security Administration merit promotion tests, test item files, answer keys, completed answer sheets, transmutation tables and schedules, and ratings given for the purpose of validating tests.

09-60-0018

**System name:** Supplementary Medical Insurance Premiums Buy In Master Record--HEW SSA BHI

**Security classification:** None

**System location:**

Bureau of Data Processing  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** Health insurance beneficiaries whose supplementary medical insurance benefits and/or hospital insurance benefit premiums are paid by a third party, a State welfare agency, the Civil Service Commission, or a private organization.

**Categories of records in the system:** beneficiary's name, birth date, insurance claim number, date of birth, sex, amount of premium liability, date agency first became liable for HIB (Health Insurance Benefit) or SMIB (Supplemental Medical Insurance Benefit) premiums, last month of agency premium liability, agency identification numbers, Civil Service annuity number for Civil Service Commission recipients.

**Authority for maintenance of the system:** Sections 1840(d) and 1843 of Title XVIII of the Social Security Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** State welfare departments pursuant to agreements with the Social Security Administration for enrollment of welfare recipients for medical insurance under section 1843 of the Social Security Act. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department,

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ment, or any employee of the Department in his or her official capacity, (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components, or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic tape, microfilm.

**Retrievability:** The system is indexed by health insurance claim number.

**Safeguards:** Only authorized personnel have direct access to information in the third-Party Master Record. In addition, all personnel are advised that this information is confidential.

**Retention and disposal:** Paper records are retained for 90 days, filed for 1 year, then erased. Correspondence files are retained for 1 year, then discarded. Monthly microfilm records are destroyed after 1 year.

**System manager(s) and address:**

Director, Bureau of Health Insurance  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** Inquiries and requests for system records should be addressed to the Health Care Financing Administration, Bureau of Health Insurance, Division of Systems, Beneficiary Procedures Branch, Baltimore, Maryland 21235. The individual should furnish his or her health insurance claim number and name as shown on social security records.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** The identifying information contained in these records is obtained from third-party agencies, the Master Beneficiary Record, and the Health Insurance Master Record.

**Systems exempted from certain provisions of the act:** None.

09-60-0019

**System name:** Group Health Plan System HEW SSA BHI

**Security classification:** None

**System location:**

Bureau of Data Processing  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** Recipients of Part A (Hospital Insurance) and Part B (supplementary medical) Medicare services.

**Categories of records in the system:** The system contains information about a beneficiary's health insurance entitlement and supplementary medical benefits usage.

**Authority for maintenance of the system:** Sections 1866 and 1876 of Title XVIII of the Social Security Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity, (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components, or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

partment may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic tape and paper listing.

**Retrievability:** The system is indexed by health insurance claim number.

**Safeguards:** Only authorized personnel have direct access to information in the Group Health Plan system. In addition, Group Health Plan personnel are advised that information is confidential.

**Retention and disposal:** Health insurance materials used to support the accuracy of the charge per service billed by the plan are retained for 3 years, then destroyed.

**System manager(s) and address:**

Director, Bureau of Health Insurance  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** Inquiries and requests for system records should be addressed to the Health Care Financing Administration, Bureau of Health Insurance, Division of Direct Reimbursement, Group Practice Prepayment Plan Branch, Baltimore, Maryland 21235. The individual should furnish his or her health insurance claim number as shown on social security records.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** The identifying information contained in these records is obtained from the group health plans (which obtained the data from the individual concerned).

**Systems exempted from certain provisions of the act:** None.

09-60-0020

**System name:** Health Insurance Utilization Microfilm HEW SSA BHI.

**Security classification:** None

**System location:**

Bureau of Data Processing  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** Records are maintained of all transactions for individuals who are entitled or have been entitled to Medical benefits.

**Categories of records in the system:** The system contains transactions accepted or rejected, and the reason for such rejection. Transactions are maintenance type as well as utilization.

**Authority for maintenance of the system:** Section 1814 and 1833 of Title XVIII of the Social Security Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity, (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components, or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Microfilm.

**Retrievability:** The system is indexed by health insurance claim number. It is used primarily to document the Health Insurance master file and to respond to inquiries. The Health Insurance Utilization Microfilm is the history (audit) trail of all Health Insurance/Supplementary Medical Insurance.

**Safeguards:** Requests for microfilm must be submitted to the Bureau of Data Processing.

**Retention and disposal:** Retained indefinitely.

**System manager(s) and address:**

Director, Bureau of Health Insurance  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** Inquiries and requests for system records should be addressed to the Health Care Financing Administration, Health Insurance Inquiries Branch, Baltimore, Maryland 21235. The individual should furnish his or her health insurance claim number and name as shown on social security records.

**Record access procedures:** The individual can obtain information on the procedures for gaining access to and contesting records from the most convenient social security office (see Appendix F), or from the Health Care Financing Administration, Bureau of Health Insurance, Health Insurance Inquiries Branch, Baltimore, Maryland 21235. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** The identifying information contained in these records is obtained by the provider of services from the individual, from the individual himself or herself, or from suppliers of services (e.g., physicians).

**Systems exempted from certain provisions of the act:** None.

09-60-0021

**System name:** Reconsideration and Hearing Case Files (Part A) Hospital Insurance Program HEW SSA BHI.

**Security classification:** None.

**System location:**

Health Care Financing Administration  
Bureau of Health Insurance  
Division of Special Operations, Reconsideration Branch  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** Individuals dissatisfied with an initial determination as to the amount of benefits payable on the beneficiary's behalf under the hospital insurance program who have filed either an expressed or implied request for reconsideration.

**Categories of records in the system:** Reconsideration development and case summary; Part A - review action; complaint sheet; HA-501, Request for Hearing; SSA-561 Request for Reconsideration; and comparable forms and evidence furnished by beneficiaries or their representatives, intermediary action, correspondence, Social Security Administration determination, Administrative Law Judges' decisions, original bills, Appeals Council decisions and related correspondence.

**Authority for maintenance of the system:** Sections 1812, 1814, and 1816 of Title XVIII of the Social Security Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity, (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components, or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

actively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records maintained in file cabinets.

**Retrievability:** The system is indexed by health insurance claim number.

**Safeguards:** The file is closed to unauthorized personnel. Disclosure of records is limited to routine uses.

**Retention and disposal:** Records are placed in inactive file when final action is taken on the case and closed out at the end of the calendar year in which final action was taken. They are held 2 additional years, transferred to the Federal Records Center and destroyed after 5 years.

**System manager(s) and address:** Director, Bureau of Health Insurance, 6401 Security Blvd. Baltimore, Maryland 21235.

**Notification procedure:** Inquiries and requests for system records should be addressed to the Health Care Financing Administration, Bureau of Health Insurance, Reconsideration Branch. The individual should furnish his or her health insurance claim number and name as shown on social security records. The individual can obtain information on the procedures for gaining access to and contesting records from the most convenient social security office or from the Health Care Financing Administration, Bureau of Health Insurance, Health Insurance Inquiries Branch, Baltimore, Maryland 21235.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** The information contained in these records is furnished by the beneficiary, his representative, or other person requesting a review of the claim and from the reviewing authority (the supplementary health insurance carrier).

**Systems exempted from certain provisions of the act:** None.

09-60-0022

**System name:** Medicare Beneficiary Correspondence Files HEW SSA BHI.

**Security classification:** None.

**System location:**

Health Care Financing Administration  
Bureau of Health Insurance (or Bureau of Data Processing)  
Baltimore, Maryland 21235

All Health Insurance Regional Offices (see Appendix C, Section 2).

Intermediaries and carriers (see Appendix C, Sections 3 and 4).

**Categories of individuals covered by the system:** Beneficiaries and others who correspond with the Social Security Administration, Bureau of Data Processing or Bureau of Health Insurance, and/or its carriers and intermediaries.

**Categories of records in the system:** Correspondence containing inquiries, complaints, or suggestions received by the Social Security Administration district offices, Central Office, regional offices, intermediaries, and carriers.

**Authority for maintenance of the system:** Section 1872 of Title XVIII of the Social Security Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity, (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components, or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

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Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records maintained in file cabinets.

**Retrievability:** The system is indexed by health insurance claim number. If the correspondent has not furnished his claim number, the correspondence is filed alphabetically, using the last name of the correspondent. It is used to control correspondence in connection with Medicare.

**Safeguards:** The file area is closed to unauthorized personnel.

**Retention and disposal:** Correspondence is destroyed 1 year after the close of the year in which the records are dated, except where records are required to document a specific claim, reconsideration, appeal, or similar case, the files are treated in accordance with the instructions for the specific file.

**System manager(s) and address:**

Director, Bureau of Health Insurance  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** Inquiries and request for records should be directed to the same address as that with which the correspondence was initiated. The individual can obtain information on the procedures for gaining access to and contesting records from the Health Care Financing Administration, or Bureau of Health Insurance, (Health Insurance Inquiries Branch) Baltimore, Maryland 21235.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** The initial correspondence in these records is prepared by the beneficiary or other inquirers; the response is prepared by the appropriate Social Security Administration component.

**Systems exempted from certain provisions of the act:** None.

09-60-0023

**System name:** Alphabetical Name File (folder) of Health Insurance Program Consultants HEW SSA BHI.

**Security classification:** None.

**System location:**

Bureau of Health Insurance  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** Individuals who have contracted to provide consultant services to the Bureau.

**Categories of records in the system:** Each folder contains the consultant's name, social security number, mailing address, city and state, ZIP Code. Total amount of the consultant's contract and the amount of money billed each month for his service.

**Authority for maintenance of the system:** Social Security Act, Section 1874(b).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File Folder.

**Retrievability:** Name-Comparing actual expenditures against budget.

**Safeguards:** Office is locked during nonworking hours.

**Retention and disposal:** Retain 1 year, then discard.

**System manager(s) and address:**

Director, Division of Management  
Bureau of Health Insurance  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:**

Chief, Financial Management Branch  
Division of Management, Bureau of Health Insurance  
6401 Security Boulevard  
Baltimore, Maryland 21235  
Identification will be required.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Administrative Services Section, Division of Management, Bureau of Health Insurance: copy of original contract, amount of consultants' billings per month from the consultant.

**Systems exempted from certain provisions of the act:** None.

09-60-0024

**System name:** Carrier Medicare Claims Records HEW SSA BHI.

**Security classification:** None.

**System location:** Carriers, under contract to Social Security Administration (See Appendix C, section 4, Federal Register, September 20, 1976, page 41056).

**Categories of individuals covered by the system:** Recipients of Part B (Supplementary Medical) Medicare benefits.

**Categories of records in the system:** Request for Payment; Provider Billing for Patient Services by Physician; Prepayment Plan for Group Medicare Practices Dealing through a Carrier; Request for Claim Number Verification; Payment Record Transmittal; Statement of Person Regarding Medicare Payment for Medical Services Furnished Deceased Patient; Report of Prior Period of Entitlement; itemized bills and other similar documents from beneficiaries required to support payments to physicians and other suppliers of Part B Medicare services.

**Authority for maintenance of the system:** Sections 1842 and 1874 of title XVIII of the Social Security Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Routine uses for disclosure may be to:

a. Claimants, other than the data subject, their authorized representatives or representative payees to the extent necessary to pursue claims made under title XVIII of the Social Security Act (Medicare).

b. Third-party contacts by the Social Security Administration (without the consent of the individual to whom the information pertains) in situations where the party to be contacted has, or is expected to have information relating to the individual's capability to manage his affairs or his eligibility for or entitlement to benefits under the Medicare program when:

(1) The individual is unable to provide the information being sought (an individual is considered to be unable to provide certain types of information when any of the following conditions exist: individual is incapable or of questionable

mental capability, cannot read or write, cannot afford the cost of obtaining the information, a language barrier exists, or the custodian of the information will not, as a matter of policy, provide it to the individual), or

(2) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following: the individual's eligibility to benefits under the Medicare program, the amount of reimbursement, any case in which the evidence is being reviewed as a result of suspected abuse or fraud, concern for program integrity, or for quality appraisal, or evaluation and measurement system activities.

c. Third-party contacts by the Social Security Administration where necessary to establish or verify information provided by representative payees or payee applicants.

d. The Treasury Department for investigation alleged theft, forgery, or unlawful negotiation of Medicare reimbursement checks.

e. The United States Postal Service for investigating alleged forgery or theft of social security checks.

f. The Department of Justice for investigating and prosecuting violations of the Social Security Act to which criminal penalties attach, for representing the secretary, and for investigating issues of fraud by agency officers or employees, or violation of civil rights.

g. The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment.

h. Professional Standards Review Organization for utilization review (PSRO).

i. State Licensing Boards for review of unethical practices or nonprofessional conduct.

j. Providers and suppliers of services directly dealing through fiscal intermediaries or carriers for administration of provisions of the title XVIII.

k. Contractors under contract to the Social Security Administration for the performance of research and statistical activities directly relating to the Social Security Act.

l. State welfare departments pursuant to agreements with the Social Security Administration for administration of State supplementation payments for determinations of eligibility for Medicaid, for enrollment of welfare recipients for medical insurance under Section 1843 of the Social Security Act, and for quality control studies and for determining eligibility of grants-in-aid recipients under titles IV and XIX of the Social Security Act.

m. A congressional office from the record of an individual in response to an inquiry from the congressional office at the request of that individual.

n. State audit agencies in connection with the audit or Medicaid eligibility considerations.

o. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records maintained on paper.

**Retrievability:** System is indexed by health insurance claim number. The record is prepared by the beneficiary and is used by the carriers to determine amount of and entitlement to Part B benefits. The bills are retained by the carriers. The record is also used to update the Part B Physician/Supplier 25,000 listing. Disclosures of physician's customary charge data are made to state audit agencies in order to ascertain the correctness of Title XIX charges and payments.

**Safeguards:** Unauthorized personnel are denied access to the records area. Disclosure is limited.

**Retention and disposal:** Closed out at the end of the calendar year in which paid, two additional years, transferred to Federal Records Center and destroy after another two years.

**System manager(s) and address:**

Director, Bureau of Health Insurance  
6401 Security Boulevard

Baltimore, Maryland 21235

**Notification procedure:** Inquiries and requests for system records should be addressed to the most convenient social security office or to the Health Care Financing Administration, Bureau of Health Insurance, Health Insurance Inquiries Branch, Baltimore, Maryland 21235. The individual should furnish his or her health insurance claim number and name as shown on social security records. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

**Record access procedures:** The individual can obtain information on the procedures for gaining access to and contesting records from the most convenient social security office or from the Health Care Financing Administration, Bureau of Health Insurance, Health Insurance Inquiries Branch, Baltimore, Maryland 21235.

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** The data contained in these records is furnished by the individual. In most cases, the identifying information is provided to the physician by the individual. The physician then adds the medical information and submits the bill to the carrier for payment.

**Systems exempted from certain provisions of the act:** None.

09-60-0025

**System name:** Medicare Benefit Check Records HEW SSA BHI.

**Security classification:** None.

**System location:** Intermediaries and carriers (See Appendix C, Sections 3 and 4).

**Categories of individuals covered by the system:** Beneficiaries, physicians, and providers of services under Medicare.

**Categories of records in the system:** Cancelled checks that have been paid to beneficiaries, physicians and providers of services under Medicare.

**Authority for maintenance of the system:** Sections 1816, 1842, and 1874 of Title XVIII of the Social Security Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Cancelled check files.

**Retrievability:** Indexed by health insurance claim number. The cancelled checks are retained by the carriers and intermediaries to establish that payment has been made.

**Safeguards:** The file area is closed to unauthorized personnel.

**Retention and disposal:** Closed out at the end of the calendar year in which paid or voided, held 1 additional year and transferred to Federal Records Center. Destroyed after 5 years retention there.

**System manager(s) and address:**

Director, Bureau of Health Insurance  
6401 Security Blvd.  
Baltimore, Maryland 21235

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**Notification procedure:** Inquiries and requests for cancelled or voided check information should be directed to the most convenient social security office (see Appendix F), or to the carrier or intermediary who made the payment.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** The checks originate in the offices of the carriers and intermediaries to which they are returned after having been negotiated.

09-60-0026

**System name:** Review and Fair Hearing Case Files-- Supplementary Medical Insurance Program HEW SSA BHI.

**Security classification:** None.

**System location:** Carriers (see Appendix C, Section 4).

**Categories of individuals covered by the system:** Beneficiary, physician, provider or other supplier of service who is dissatisfied with the carrier's determination denying a request for payment, or with the amount of the payment, or with the length of time being taken to process the claim for payment.

**Categories of records in the system:** Claimants' requests for review relevant written statements or evidence, notices of adverse informal review decisions, requests for hearings to protest adverse decisions, hearings proceedings, hearings officers' final decisions and comparable papers.

**Authority for maintenance of the system:** Sections 1812 and 1842 of Title XVIII of the Social Security Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components, or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file cabinets.

**Retrievability:** The records are indexed by health insurance claim number.

**Safeguards:** Disclosure of records is limited to routine uses. The files are closed to unauthorized personnel.

**Retention and disposal:** Records are closed out at the end of the calendar year in which the action (reconsideration, hearing, court review) is completed, held 2 more years, transferred to Federal Records Center and destroyed after another 6 years.

**System manager(s) and address:**

Director, Bureau of Health Insurance  
6401 Security Blvd  
Baltimore, Maryland 21235

**Notification procedure:** Inquiries and requests for records should be directed to the most convenient social security office or to the Health Care Financing Administration Bureau of Health Insurance, Reconsideration Branch, Baltimore, Maryland 21235. The individual should furnish his or her health insurance claim number and name as shown on social security records. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform

the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** The information contained in these records is furnished by the beneficiary requesting reconsideration or his authorized representative and from the reviewing authority.

**Systems exempted from certain provisions of the act:** None.

09-60-0027

**System name:** Explanation of Medicare Benefit Records HEW SSA BHI.

**Security classification:** None.

**System location:** Intermediaries (see Appendix C, Section 3, carriers see Appendix C, Section 4).

**Categories of individuals covered by the system:** All recipients of Medicare services and supplies.

**Categories of records in the system:** Medicare hospital insurance benefits record, Part B home health benefits record, Medicare hospital insurance benefits record. These are notices of utilization and explanation of Medicare benefits. They also advise beneficiaries of remaining hospital insurance benefits and the hospital and supplementary medical deductible status.

**Authority for maintenance of the system:** Sections 205, 226, 1811, and 1832 of Title XVIII of the Social Security Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity, (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components, or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Copies of forms sent to beneficiaries are retained in file cabinets.

**Retrievability:** The records are indexed by health insurance number. These records are used to advise the beneficiary of the payments made on his or her behalf and where applicable, the benefits remaining.

**Safeguards:** Disclosure of records is limited. The file area is closed to unauthorized personnel.

**Retention and disposal:** Close out at the end of the year in which the benefit was paid or denied; held 1 year, transferred to the Federal Records Center where record is destroyed after 5 years.

**System manager(s) and address:**

Director, Bureau of Health Insurance  
6401 Security Blvd  
Baltimore, Maryland 21235

**Notification procedure:** Inquiries and requests for system records should be addressed to the most convenient social security office (see Appendix F), or to the carrier or intermediary who issued the notice.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents

being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** The identifying information is furnished by the beneficiary when requesting payment; the medical procedures are furnished by the physician or provider and the amount of payment and remaining benefits are furnished by the intermediary or carrier.

09-60-0028

**System name:** Intermediary Medicare Claims Records HEW SSA BHI.

**Security classification:** None.

**System location:** Intermediaries under contract to the Social Security Administration (see Appendix C, Section 3, Federal Register, September 30, 1976, page 41053).

**Categories of individuals covered by the system:** Recipients of Part A (hospital insurance) Medicare services.

**Categories of records in the system:** Inpatient hospital and extended care admission and other health services; inpatient admission and billing--Christian Science Sanatorium, home health agency report and billing, and other documents used to support payments to providers of service. These forms contain the beneficiary's name, sex, health insurance claim number, address, date of birth, provider name, physician's name, date of admission and discharge, other health insurance and a statement of services rendered.

**Authority for maintenance of the system:** Sections 1816 and 1874 of Title XVIII of the Social Security Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Routine uses for disclosure may be to:

a. Claimants, other than the data subject, their authorized representatives or representative payees to the extent necessary to pursue claims made under title XVIII of the Social Security Act (Medicare).

b. Third-party contacts by the Social Security Administration (without the consent of the individual to whom the information pertains) in situations where the party to be contacted has, or is expected to have information relating to the individual's capability to manage his affairs or his eligibility for or entitlement to benefits under the Medicare program when:

(1) The individual is unable to provide the information being sought (an individual is considered to be unable to provide certain types of information when any of the following conditions exist: individual is incapable or of questionable mental capability, cannot read or write, cannot afford the cost of obtaining the information, a language barrier exists, or the custodian of the information will not, as a matter of policy, provide it to the individual), or

(2) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following: the individual's eligibility to benefits under the Medicare program, the amount of reimbursement; any case in which the evidence is being reviewed as a result of suspected abuse or fraud, concern for program integrity, or for quality appraisal, or evaluation and measurement system activities.

c. Third-party contacts by the Social Security Administration where necessary to establish or verify information provided by representative payees or payee applicants.

d. The Treasury Department for investigating alleged theft, forgery, or unlawful negotiation of Medicare reimbursement checks.

e. The United States Postal Service for investigating alleged forgery or theft of social security checks.

f. The Department of Justice for investigating and prosecuting violations of the Social Security Act to which criminal penalties attach, for representing the secretary, and for investigating issues of fraud by agency officers or employees, or violation of civil rights.

g. The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment.

h. Professional Standards Review Organization for utilization review (PSRO).

i. State Licensing Boards for review of unethical practices or nonprofessional conduct.

j. Providers and suppliers of services directly dealing through fiscal intermediaries or carriers for administration of provisions of title XVIII.

k. Contractors under contract to the Social Security Administration for the performance of research and statistical activities directly relating to the Social Security Act.

l. State welfare departments pursuant to agreements with the Social Security Administration for administration of State supplementation payments for determinations of eligibility for Medicaid, for enrollment of welfare recipients for medical insurance under Section 1843 of the Social Security Act, and for quality control studies and for determining eligibility of grants-in-aid recipients under titles IV and XIX of the Social Security Act.

m. A congressional office from the record of an individual in response to an inquiry from the congressional office at the request of that individual.

n. State audit agencies in connection with the audit of Medicaid eligibility considerations. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity, (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components, or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

o. Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

**Storage:** Records maintained on paper forms, magnetic tape and microfilm.

**Retrievability:** The system is indexed by health insurance claim number. The record is prepared by the hospital or other provider with identifying information received from the beneficiary to establish eligibility for Medicare and document and support payments to providers by the intermediaries. The paid bills are forwarded to the Social Security Administration, Bureau of Data Processing, Baltimore, Maryland, where they are microfilmed and used to assist in responding to individual inquiries.

**Safeguards:** Disclosure of records is limited. The file area is closed to unauthorized personnel.

**Retention and disposal:** Records are closed out at the end of the calendar year in which paid, held 2 more years, transferred to Federal Records Center and destroyed after another 6 years.

**System manager(s) and address:**

Director, Bureau of Health Insurance  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** Inquiries and requests for system records should be addressed to the social security office nearest the requester's residence (see Appendix F, Federal Register, September 20, 1976, page 41062), or to the Health Care Financing Administration, Bureau of Health Insurance, Health Insurance Inquiries Branch, Baltimore, Maryland 21235. The individual should furnish his or her health insurance claim number and name as shown on social security records. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

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**Record source categories:** The identifying information contained in these records is obtained by the provider from the individual; the medical information is entered by the provider of medical services.

Systems exempted from certain provisions of the act: None.

09-60-0030

**System name:** Employee Housing Request Files HEW SSA OMA.

**Security classification:** None

**System location:**

Office of Human Resources, Office of Management and Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** SSA employees who have requested housing counseling services.

**Categories of records in the system:** This system of records contains the employee's name, home address, position, grade, work location, work telephone number, housing assistance requested and assistance given.

**Authority for maintenance of the system:** Executive Order 11478.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Statistical data furnished to U.S. Dept. of Housing and Urban Development. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Maintained in file folders.

**Retrievability:** Indexed by the employee's name. Information is used by housing counselors to assist employee in finding suitable housing.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access.

**Retention and disposal:** These records are maintained for 1 year and then destroyed.

**System manager(s) and address:**

Director, Office of Human Resources  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** Contact the System Manager and provide name, clerk number or other identifier, and place of SSA employment or former employment.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Information provided by the employee.

09-60-0031

**System name:** Employee Production and Accuracy Records HEW SSA OMA.

**Security classification:** None

**System location:**

Employees in Baltimore or Washington Headquarters Components  
and Alexandria, Virginia  
Director - Bureau or Office

6401 Security Boulevard  
Baltimore, Maryland 21235

Employees in Social Security Administration Program Service Centers  
(See Appendix A)  
Data Operations Centers (See Appendix H)

Employees in Field Installations:  
Social Security Administration Regional Commissioner  
(See Appendix I), Chief Administrative Law Judges, Bureau of Hearings and Appeals (See Appendix G)

**Categories of individuals covered by the system:** Social Security Administration employees.

**Categories of records in the system:** Work measurement records with the following items: employee name, grade, organization unit and shift, social security number, clerk number, Supervisor's name, production data (monthly, weekly, daily), accuracy data, backlog information, error ratio, processing time data, operating and production control codes, leave usage.

**Authority for maintenance of the system:** 5 USC 301

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Maintained on punch cards, magnetic tape, and on paper forms in file cabinets.

**Retrievability:** Indexed alphabetically and in social security number or clerk number sequence. Used by Social Security Administration management for manpower planning, production control (to identify backlogs, and systems and procedure problems, manpower utilization, budget estimations, appraisal of employees).

**Safeguards:** Released to employees or management who have a need to know. For computerized records, electronically transmitted between Central Office and field office location (including organizations administering SSA programs under contractual agreements), systems securities are established in accordance with Departmental standards and National Bureau of Standards guidelines. Safeguards include a lock/unlock password system, exclusive use of leased telephone lines, a terminal oriented transaction matrix, and an audit trail.

**Retention and disposal:** Kept for two years and destroyed.

**System manager(s) and address:**

Employees in Baltimore or Washington Headquarters Components  
Director - Bureau or Office  
6401 Security Boulevard  
Baltimore, Maryland 21235

Employees of the Bureau of Hearings and Appeals in Arlington, Virginia  
Director, Bureau of Hearings and Appeals  
801 North Randolph Street  
Arlington, Virginia 22203

Employees in Social Security Administration Program Service Centers or  
Data Operations Centers  
Director  
Appropriate Program Service Center or Data Operations Center  
Appropriate City and State

Employees in Field installations:

Social Security Administration Regional Commissioner  
(or Chief Administrative Law Judge, Bureau of Hearings and Appeals)

Appropriate address, City and State

**Notification procedure:** Contact the systems manager and provide name, clerk number or other identifier, and place of Social Security Administration employment or former employment.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Employee completed cards or records records completed by supervisor or control personnel, information furnished by time keeper.

Systems exempted from certain provisions of the act: None

09-60-0032

**System name:** Debtors, Credit Counseling and Consumer Protection HEW SSA OMA.

**Security classification:** None

**System location:**

Office of Human Resources, Office of Management and Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** Employees of SSA headquarters who request services or employees about whom the administration receives written inquiries because of employees' alleged delinquency in paying taxes and just debts.

**Categories of records in the system:** Form SSA-3048.

Employee's name  
Social Security Number  
Telephone extension  
Bureau, branch  
Grade  
Area of service  
Nature of request including personal information as to finances that the employee voluntarily provides  
Disposition, including employee's stated intentions  
Record of letters or tax forms sent as replies and referrals made to community organizations  
Copies of letters from employees to consumer agencies  
Letters from creditors or their representatives and copies of our replies  
Copies of tax levies against employees.

**Authority for maintenance of the system:** Title 45 Public Welfare, Part 73 735-702 Standards of Conduct HEW Federal Personnel Manual, 735-4-10.B1.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Consumer Credit Counseling Service, creditors, and firms or organizations involved in consumer complaints with employee's permission and in employee's presence. Justice Department, Secret Service, and U.S. Attorney (See also 45 CFR, Part 5b). Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** Alphabetically by name. These files are also used by staff members of Employee Relations Branch for work processing, perspective in counseling and possible disciplinary action when indicated.

**Safeguards:** Locked steel file cabinets.

**Retention and disposal:** Routine cases destroyed by shredding after period of one year except for tax review which are kept indefinitely. Ongoing cases in which there is in-depth counseling may be kept up to three years from date of last contact.

**System manager(s) and address:**

Director, Office of Human Resources  
Social Security Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** Inquiries should be addressed to the Director, Division of Personnel and Training Operations Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, and should include the individual's name.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Information obtained from employee, creditors, IRS, State Tax Division of various States, SSA Computer Printout 7887 Part 1 'Locator' used to find telephone extension of employees.

Systems exempted from certain provisions of the act: None.

09-60-0033

**System name:** Requests for review of proposed contracts with experts and consultants HEW SSA OMA.

**Security classification:** None

**System location:**

Office of Human Resources, Office of Management and Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** Individuals for whom personal service contracts are proposed.

**Categories of records in the system:** Form SSA-2112 Requisition for Services and related correspondence concerning review by the Division of Personnel in order to determine whether services should be obtained by the appointment or by the procurement method. Record may contain individual's name, education, work experience and qualifications, social security number, and date of birth.

**Authority for maintenance of the system:** 5 USC 3109

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File cabinet.

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**Retrievability:** Retrievable by name. Used by GAO auditors with requested information concerning the reasons for recommendations made.

**Safeguards:** Lockable file.

**Retention and disposal:** Indefinite.

**System manager(s) and address:**

Director  
Office of Human Resources  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:**

Director  
Division of Policy Management and Research  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Information furnished by individual and SSA Bureau and Office Management Component.

**Systems exempted from certain provisions of the act:** None.

09-60-0034

**System name:** Social Security Administration Contract Files HEW SSA OMA

**Security classification:** None.

**System location:**

Office of Management and Administration  
Supply Building  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** Individual contractors.

**Categories of records in the system:** Name, address, contract number, qualifications and the amount of the contract.

**Authority for maintenance of the system:** Sections 205(a), 1634 and 1842 of the Social Security Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records.

**Retrievability:** Indexed by name and contract number, and used by employees for post audits and reference.

**Safeguards:** Files are maintained in locked filing equipment.

**Retention and disposal:** Each file is maintained for a period of 6 years, 2 years at Social Security Administration and 4 years in a Federal Records Center where they are destroyed.

**System manager(s) and address:**

Associate Commissioner for Management and Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:**

Director,  
Division of Contracting and Procurement  
Supply Building  
6301 Security Boulevard  
Baltimore, Maryland 21235

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Information in the files comes directly from the individual consultant as well as bureau or office requesting the service in question.

**Systems exempted from certain provisions of the act:** None.

09-60-0037

**System name:** General Criminal Investigation Files HEW SSA OMA

**Security classification:** None

**System location:**

Office of Management and Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** Reported violators of Federal and State criminal laws on Social Security Administration property

**Categories of records in the system:** Investigative efforts to resolve reported crimes and evidence obtained for judicial prosecution.

**Authority for maintenance of the system:** Section 535 of Title 28, United States Code.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To facilitate the investigation and solution of crimes and the prosecution of offenders. Disclosures are routinely made to the Justice Department. (See 45 CFR, Part 5b, Appendix B(1) and (6)). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Heavy-weight Kraft file folders in fireproof, locked, steel cabinets.

**Retrievability:** Indexed alphabetically by names of subject of investigation.

**Safeguards:** Access limited in storage area to Protective Security Section only.

**Retention and disposal:** Seven years, then shredded.

**System manager(s) and address:**

Chief  
Protective Security Branch  
Office of Management and Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** An individual can determine if this system contains a record pertaining to him by sending a request in writing to the Systems Manager. The request should contain full name, date of birth, as well as work location in the Social Security Administration.

**Record access procedures:** Per 5 U.S.C. 552a(k)(2), the records in this system are exempt from access by the individual named in the

records. However, access to information which is a matter of public record or documents furnished by the individual will be permitted.

**Contesting record procedures:** Same.

**Record source categories:** Information in files comes from interviews of persons believed knowledgeable about crimes under investigation who furnish relevant facts which can serve to identify possible violators and secure the conviction of the guilty.

**Systems exempted from certain provisions of the act:** Exemption of this system to the access provisions is claimed under section (k)(2) of the Privacy Act inasmuch as these records are investigatory materials compiled for law enforcement in anticipation of a criminal proceeding. (See page 47413 of Federal Register of 10/8/75, Vol. 40, No. 196, Part V).

09-60-0038

**System name:** Employee Identification Card Files (Building Passes) HEW SSA OMA

**Security classification:** None.

**System location:**

Office of Management and Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** All social security employees. Non-social security employees who require continuous access to buildings (e.g. employees of vendors and contractors).

**Categories of records in the system:** Name, social security number, Bureau/Office, office telephone number, color code for type of pass.

**Authority for maintenance of the system:** Federal Property Management Regulations, 41 CFR 101-20.301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information maintained on Social Security Administration Forms 364 and 1860.

**Retrievability:** The forms are indexed by social security number. They are used for admission to social security buildings.

**Safeguards:** Forms 364 are in locked files; forms 1860 are destroyed after forms 364 are issued.

**Retention and disposal:** Forms 364 are kept during the length of service of the individual and then destroyed; picture pass is forwarded to Protective Security Office, Social Security Building, 6401 Security Boulevard, Baltimore, Maryland 21235, for destruction.

**System manager(s) and address:**

Associate Commissioner for Management and Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:**

Chief  
Facilities Branch  
Office of Management and Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235

**For replacement, individual is required to fill out Social Security Form 1860, Request for Replacement**

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Information in these files is received from the Division of Personnel as well as individual employees, contractors, or vendors.

**Systems exempted from certain provisions of the act:** None

09-60-0039

**System name:** Court Docket and Card File HEW SSA OMA

**Security classification:** None

**System location:**

Office of Management and Administration  
Social Security Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** Reported violators of Federal laws (Local Rule 70, U.S. District Court) on Social Security property

**Categories of records in the system:** U.S. Court Docket—contains name of employee, vehicle tag number (if applicable), date of offense, violation, fine, officer's name, and number of violation notice. Final disposition of cases is noted hereon. Court docket file cards contain name of employee, court docket date, page number, and disposition.

**Authority for maintenance of the system:** 41 CFR 101-20.503-2

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Flat file in standard file cabinet. Dockets amount to about 1 inch per year.

**Retrievability:** Docket sheets are filed in chronological order and grouped by month. Cards are filed alphabetically by employee name. This file is used to remind employees of their obligations in an effort to reduce the necessity of U.S. marshalls serving arrest warrants on SSA property during normal duty hours.

**Safeguards:** No one except liaison officer allowed in files. Office locked after normal duty hours. Any request for information is referred to the U.S. District Court.

**Retention and disposal:** Docket sheets destroyed after 2 years by shredding. Cards are removed after 1 year if employee is not a repeat violator. If so, card is maintained until violator does not repeat in 1 year. After 1 year, card is destroyed by shredding.

**System manager(s) and address:** There is basically a convenience file maintained by the Court Liaison Officer, Division of Management Services, 1-L-25 Operations, Social Security Building, 6401 Security Boulevard, Baltimore, Maryland 21235

**Notification procedure:** An individual should contact the system manager for access, and should provide his name and the approximate date of the alleged violation.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with De-

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partment Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** U.S. District Court docket copy  
**Systems exempted from certain provisions of the act:** None

09-60-0040

**System name:** Supplemental Security Income Quality Assurance System HEW SSA OMA.

**Security classification:** None

**System location:**

Bureau of Data Processing  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** Randomly selected individuals who have applied to the Social Security Administration for supplemental security income benefits and those who were transferred from State welfare rolls for Aid to the Aged, Blind, and Disabled to the rolls of supplemental security income beneficiaries.

**Categories of records in the system:** Quality Assurance data base, selected case file, contingency sample master file, quality assurance universe file, designated case file, designated case transmission file, designated case extract file, sample control list, and Federal fiscal liability control file. These records may contain: social security number, State and county of residence, type of claim, information regarding Federal or State administered supplementation payments, social security claim numbers, living arrangements and family composition, income information, sex, race, resources, third party contacts, and indications of processing errors.

**Authority for maintenance of the system:** Sections 205(a), 1631(d), and 1631(e) of the Social Security Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The Quality Assurance data base is used for accumulating and tabulating data to determine the accuracy of the eligibility status of beneficiaries and of benefit amounts paid under the supplemental security income program. It is also used to calculate the Federal fiscal liability case and gross dollar error rates for State supplement funds administered by the Social Security Administration. Other categories of records provide data necessary to complete the data base and to provide information to the Social Security Administration's Quality Assurance Field Staffs needed to review cases in order to obtain information on the quality of work accomplished in the supplementary security income program. Contact is had with members of the community, and local, State, and Federal agencies in order to determine the accuracy of the case decisions. (See also 45 CFR, Part 5b). Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic tape.

**Retrievability:** In sequence by social security number.

**Safeguards:** Tapes are stored in tape vault in Electronic Data Processing Operations Branch or in protected storage racks. The entire area is secured by guarded entrances, with admission limited to authorized personnel.

**Retention and disposal:** The Quality Assurance data base is retained indefinitely. Other records are erased after 3 to 6 months.

**System manager(s) and address:**

Director, Office of Quality Assurance  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** Requests may be forwarded to the Director, Division of Quality Review, Office of Quality Assurance, 6401 Security Boulevard, Baltimore, Maryland 21235. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information in the supplemental security income quality assurance system is furnished by applicants for and beneficiaries of supplemental security income, representative payees of such individuals (where appropriate), Social Security Administration offices, other Federal and State agencies, and (with prior written permission of the applicant or beneficiary) from private sources.

**Systems exempted from certain provisions of the act:** None.

09-60-0042

**System name:** Quality Assurance Casefile HEW SSA OMA.

**Security classification:** None.

**System location:** Twenty-five (25) field offices located throughout the United States (See Appendix D-4).

**Categories of individuals covered by the system:** Applicant/Beneficiary--An individual who filed a prescribed application for SSI benefits; an aged, blind, or disabled person who meets the SSI requirement.

**Categories of records in the system:** The Quality Assurance Casefile contains information from SSA records and information obtained by Quality Assurance Specialists from SSI beneficiaries and from collateral sources. This information relates to the sampled beneficiary's eligibility for SSI payments and to his payment amount. The information is used in conjunction with similar information obtained on a random basis nationwide to determine the effectiveness of SSA's administration of the SSI program and to whether or not policies and procedures relating to this program are being administered in a correct and uniform manner.

**Authority for maintenance of the system:** Sections 1631(d)(1) and 1631(e)(1)(B) of title XVI of the Social Security Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information in a file may be used to contact third-party sources to verify the beneficiary's statements, and to locate the beneficiary when his whereabouts are unknown. Disclosures are also made to State Welfare Departments pursuant to agreements with the Social Security Administration for administration of State supplementation payments. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manilla folder.

**Retrievability:** The Quality Assurance Casefiles can be retrieved if social security number, name, and address are known.

**Safeguards:** The casefiles are stored in the Quality Assurance Field Offices that have jurisdictional responsibility for the review of the selected SSI sample case either in locked cabinets and/or locked rooms or in space serviced by GSA guards.

**Retention and disposal:** The Quality Assurance Casefile is retained 18 months after the month the case was selected for QA sample case review.

**System manager(s) and address:**

Director  
Office of Quality Assurance  
Office of Management and Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** Requests may be forwarded to the Program Review Officers (See Appendix D-3). An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Information in the Supplemental Security Income Quality Assurance System is furnished by applicants for and beneficiaries of Supplemental Security Income, representative payees of such individuals (where appropriate), Social Security Administration offices, and other Federal and State agencies, and (with prior written permission of the applicant or beneficiary) from private sources, such as banks, landlords, etc.

**Systems exempted from certain provisions of the act:** None.

09-60-0043

**System name:** Daily Record of Certified Benefits HEW SSA OPO.

**Security classification:** None.

**System location:**

Bureau of Disability Insurance  
Baltimore, Maryland 21241

**Categories of individuals covered by the system:** Social security disability insurance and black lung beneficiaries.

**Categories of records in the system:** The name and address of the beneficiary(s) or the name and address of the representative payee, the social security number of the beneficiary or the individual on whose earnings record, benefits are being paid, the beneficiary identification code, the monthly benefits amount, and the amount of accrued benefits being certified via a monthly updated tape for immediate payment.

**Authority for maintenance of the system:** Section 223 of the Social Security Act (42 U.S.C. 423), and 5 U.S.C. 301, 30 U.S.C. 921.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Records are maintained daily of all benefit amounts authorized for payment and forwarded monthly to United States Treasury Department for issuance of the benefit checks. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems

desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic tapes

**Retrievability:** Access is by use of the social security number.

**Safeguards:** Only authorized personnel having a need for this information in the performance of their official duties have access to this data under stringent security measures involving guards, identity cards and photographs, etc.

**Retention and disposal:** A duplicate of the data that is transmitted to the Treasury Department is maintained on a tape file under security measures and then transferred to a Federal record center for permanent storage.

**System manager(s) and address:**

Director  
Bureau of Disability Insurance  
Baltimore, Maryland 21241

**Notification procedure:** Contact the systems manager, and furnish social security number, name, approximate date and place claim was filed, type of claim (disability, black lung, supplemental security income) and return address.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.).

**Record source categories:** Part of the information is derived from the individual and part from the computation of the benefit formula.

**Systems exempted from certain provisions of the act:** None.

09-60-0044

**System name:** Initial and Continuing Disability Determination File HEW SSA OPO.

**Security classification:** None.

**System location:** Each Disability Determination Services office. The name and address for each State is shown in Appendix B.

**Categories of individuals covered by the system:** Applicants for disability insurance and black lung benefits and applicants for Supplemental Security Income alleging a disability on whom the Disability Determination Services had made an initial determination and all such beneficiaries on whom the Disability Determination Service has made a determination of continuance (or noncontinuance) of disability.

**Categories of records in the system:** Name and social security number of wage earner, claimant's name and address, sex, date of birth, race, marital status, number of children (if applicable), alleged onset date of disability, diagnosis, beginning and ending of prescribed period of disability, quarters of coverage under Social Security Act, basis for determination, vocational background information, number of years in occupation, education level, reexamination date (if applicable), and date of application. Also, name and title of persons making or reviewing the determination, and certain administrative data. These records are snap-out type forms having multiple carbon copies. One of these copies, designated as the 'State Agency Copy' is retained by the Disability Determination Service (formerly known as State agencies).

**Authority for maintenance of the system:** 5 U.S.C. 301, 30 U.S.C. 923(b) Sections 221, 1633, or 1634 of the Social Security Act, and 42 U.S.C. 421, 1833, 1834 under which each State may enter into an agreement with the Secretary of Health, Education, and Welfare to make determinations as to disability with respect to individuals within that State.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Routine uses for disclosure may be to:



a. Disability Determination Services claims personnel after the claims file itself has left the possession of the Disability Determination Service, for responding to subsequent inquiries from the claimant, a treating physician, or a component of the Social Security Administration.

b. State vocational Rehabilitation agency or State crippled children's service agency (or another agency providing services to disabled children) for the consideration of rehabilitation services per 42 U.S.C. 422 and 1382d.

c. State audit agencies utilizing this information for verifying proper expenditure of Federal funds by the State in support of the Disability Determination Service (DDS).

d. Veterans Administration of information requested for purposes of determining eligibility for or amount of VA benefits, or verifying other information with respect thereto.

e. Railroad Retirement Board for administering the Railroad Unemployment Contributions Act.

f. Congressional offices from the record of an individual response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected. In response to legal process of interrogatories relating to the enforcement of an individual's child support or alimony obligations, as required by sections 459 and 461 of the Social Security Act.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Carbon copies of Forms SSA-831 and SSA-833 are maintained in sectionalized files.

**Retrievability:** Filed by social security number or alphabetically by the claimant or beneficiary's name depending on Disability Determination Service preference.

**Safeguards:** Accessible only to Disability Determination Service personnel and subject to the restrictions on disclosures under 5 U.S.C. 552(b)(6), 21 U.S.C. 1175, 42 U.S.C. 1306.

**Retention and disposal:** May vary from State to State according to the preference, but generally each State destroys its files over a period varying from 6 months to 36 months unless held in an inactive storage under security measures for a longer period.

**System manager(s) and address:** Assistant Regional Commissioner, Disability Insurance, at the address shown in Appendix B, Federal Register, September 20, 1976, page 41049.

**Notification procedure:** Disability Determination Services Administrator, Disability Determination Services, c/o State in which the individual resides and/or information is likely to be maintained. See Appendix B, Federal Register, September 20, 1976, page 41049. Requester should furnish identifying information, name, social security number, address. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** These records summarize information contained in the file folder, which was obtained from the individual or someone acting on the individual's behalf and from the

individual's physician, or a physician performing a consultative examination or from hospitals and other treatment sources.

**Systems exempted from certain provisions of the act:** None.

09-60-0045

**System name:** Black Lung Payment System HEW SSA OPO.

**Security classification:** None

**System location:**

Bureau of Data Processing  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** All black lung beneficiaries currently entitled to receive a black lung benefit and beneficiaries terminated because of a termination event as defined in the Federal Coal Mine Health and Safety Act.

**Categories of records in the system:** The Black Lung Master Records consist of a payment master record and a benefit master record which are matched once a month. The payment master record reflects the social security number and the payment identification code under which black lung benefits are awarded and payment data such as the monthly payment amount, the scheduled payment amount, offset information, the number of beneficiaries on the account as well as the number of beneficiaries in the payment, the month of accrual, the month of debit, credit information, future month of adjustment diary dates, cross-reference information, payee name and address information, direct deposit data, and statistical information. The benefit master record contains a benefit record for each beneficiary on the account which includes the social security number, the payment and benefit identification codes, the payment status, the monthly benefit amount, the beneficiary's name, type of benefit, date of birth, race, sex, offset information, credit information, date of filing, date of entitlement, representative payee information, and statistical information.

Only the latest action taken is reflected on these records. The records may be in the following form: Payment Master Record Computer File, Benefit Master Record Computer File, Treasury Payment Tape File, Microfiche Files, Payment Reference Listing, Benefit Reference Listing.

**Authority for maintenance of the system:** Sections 413 and 415 of Part IV of the Federal Coal Mine Health and Safety Act (Black Lung).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The data on the Black Lung Master Records is used by social security employees for responding to inquiries, computer exception processing, conversion of benefits, end of the month reconciliations, statistical studies to generate payment tapes for Treasury, and for exchanges with the Department of Labor for administering provisions of Title IV of the Black Lung Act. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic tape, paper

**Retrievability:** By social security number

**Safeguards:** Magnetic tape is protected through standard security measures used for all Social Security Administration computer records. Paper records are subject to the same safeguards as all other information in the Social Security Administration relating to claims and beneficiary records.

**Retention and disposal:** Magnetic tape records are retained up to 90 days. Paper records are usually destroyed after use, except where needed for documentation of the claims folder.

**System manager(s) and address:**

Director

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

52261

Bureau of Disability Insurance  
Baltimore, Maryland 21241

**Notification procedure:** Contact the systems manager and furnish social security number, name, approximate date and place claim was filed, type of claim (disability, black lung, supplemental security income) and return address.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** The information for the Black Lung Master Records is furnished by the beneficiary at the time of filing for benefits via the application form and necessary proofs and during the period of entitlement when notices of events such as changes of address, work, marriage, etc., are given to the Social Security Administration by the beneficiary. This information is prepared for input to this system from the Black Lung claims folders.

**Systems exempted from certain provisions of the act:** None.

09-60-0046

**System name:** Consultative Physician File HEW SSA OPO

**Security classification:** None

**System location:** Offices of the Disability Determination Services (DDS) of each State that may currently maintain this type of file. The names and addresses of each DDS are in Appendix B.

**Categories of individuals covered by the system:** Physicians who have expressed a willingness to conduct consultative examinations for the DDS and in some instances, other physicians with whom the DDS has contact. The latter are usually treating physicians.

**Categories of records in the system:** Information relative to a physician's specialty, past experience with him as to the promptness with which he submits reports, general thoroughness of his reports, etc., as well as perhaps comments on the physician's own preferences (such as appointment hours, etc.).

**Authority for maintenance of the system:** 5 U.S.C. 301, 30 U.S.C. 923(b), Sections 221, 1633, and 1634 of the Social Security Act under which each State that may enter into an agreement with the Secretary of Health, Education, and Welfare to make determinations as to disability with respect to individuals within that State.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Each DDS maintains its own records and the method of storage may vary from State to State. Generally, the information is on a file card maintained in a standard card file cabinet.

**Retrievability:** Records are filed alphabetically and are retrieved manually by authorized personnel. DDS personnel utilize this information when considering the need for additional medical evidence in claims under Titles II and XVI of the Social Security Act or Title IV of the Federal Coal Miners Health and Safety Act.

**Safeguards:** Only authorized Disability Determination Services personnel have access to these records. Personal information other than the name of the physician is subject to the disclosure restrictions of 5 U.S.C. 552(b)(6), 21 U.S.C. 1175, and 42 U.S.C. 1306.

**Retention and disposal:** Disability Determination Services policy as to retention and disposal varies from State to State, but generally the file is purged upon death, retirement, or relocation of the physician.

**System manager(s) and address:** Assistant Regional Commissioner, Disability Insurance at the address shown in Appendix B.

**Notification procedure:** Inquiries and requests by individuals should be addressed to:

Disability Determination Services Administrator  
Disability Determination Services  
c/o State in which the individual resides and/or  
information is likely to be maintained.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Most information is obtained directly from the physician. Observations of Disability Determination Services personnel about the physician, such as a doctor's general promptness in filing reports, may occasionally be found in a physician's file.

**Systems exempted from certain provisions of the act:** None.

09-60-0047

**System name:** Critical Case Processing Time HEW SSA OPO

**Security classification:** None

**System location:**

Office of Data Development  
Office of Management and Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** Social security disability beneficiaries or claimants whose application for disability benefits is pending.

**Categories of records in the system:** Social security numbers of claimants and dates requests were received and processed.

**Authority for maintenance of the system:** Section 221 of the Social Security Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic tapes

**Retrievability:** Access is by use of the social security number. Records used monthly to prepare processing time reports.

**Safeguards:** Only authorized personnel having a need for this information in the performance of their official duties have access to this data under stringent security measures involving guards, identity cards and photographs, etc.

**Retention and disposal:** Tapes are maintained until the decision is made at which time the record is erased.

**System manager(s) and address:**

Director  
Bureau of Disability Insurance  
Baltimore, Maryland 21241



**Notification procedure:** Contact the systems manager, and furnish social security number, name, approximate date and place claim was filed, type of claim (disability, black lung, supplemental security income) and return address.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Records are prepared from control sheets showing date of requests, date request was processed and type of request.

**Systems exempted from certain provisions of the act:** None.

09-60-0049

**System name:** Disability Data Record HEW SSA OPO.

**Security classification:** None.

**System location:**

Office of Data Development  
Office of Management and Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** Social security disability beneficiaries or claimants whose application for a disability benefit has been allowed or denied.

**Categories of records in the system:** Social security numbers of the claimant and other demographic and statistical information relating to the disability decision.

**Authority for maintenance of the system:** Section 221 of the Social Security Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosures are made to the Energy Resources Development Administration for their study of the long term effects of low-level radiation exposure. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic tapes.

**Retrievability:** Access is by use of the social security number. This tape is used for various special studies.

**Safeguards:** Only authorized personnel having a need for this information in the performance of their official duties have access to this data under stringent security measures involving guards, identity cards and photographs, etc. For computerized records, electronically transmitted between Central Office and field office locations (including organizations administering SSA programs under contractual agreements), systems securities are established in accordance with Departmental standards and National Bureau of Standards guidelines. Safeguards include a lock/unlock password system, exclusive use of leased telephone lines, a terminal oriented transaction matrix, and an audit trail.

**Retention and disposal:** Tapes are maintained indefinitely.

**System manager(s) and address:**

Director  
Bureau of Disability Insurance  
Baltimore, Maryland 21241

**Notification procedure:** Contact the systems manager, and furnish social security number, name, approximate date and place claim was filed, type of claim (disability, black lung, supplemental security income) and return address. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** The record contains data taken from the claim folder Determination and Transmittal which summarizes information contained in the which was obtained from the individual or someone acting on the individual's behalf.

**Systems exempted from certain provisions of the act:** None.

09-60-0050

**System name:** Completed Determination Record - Continuing Disability Determinations HEW SSA OPO.

**Security classification:** None.

**System location:**

Office of Data Development  
Office of Management and Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** Allowed disability claimants on which a continuing disability issue has occurred and a decision of continuance or cessation has been approved.

**Categories of records in the system:** Name and social security number of the individual and other data such as date of birth, District and State Agency Code, date disability began, type of claim, reasons for reopening, continuance or cessation code, date of termination (if applicable), date of completion, etc.

**Authority for maintenance of the system:** Section 221 of the Social Security Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic tapes.

**Retrievability:** Access is by use of the social security number. Used primarily to record the result of continuing disability investigations.

**Safeguards:** Only authorized personnel having a need for this information in the performance of their official duties have access to this data under stringent security measures involving guards, identity cards, and photographs, etc.

**Retention and disposal:** Tapes are maintained indefinitely.

**System manager(s) and address:**

Director  
Bureau of Disability Insurance

Baltimore, Maryland 21241

**Notification procedure:** Contact the systems manager, and furnish social security number, name, approximate date and place claim was filed, type of claim (disability, black lung, supplemental security income) and return address. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** These records summarize information contained in the claims folder which was obtained from the individual or someone acting on the individual's behalf and from this individual's physician, or a physician performing a consultative examination or from hospitals and other treatment sources.

**Systems exempted from certain provisions of the act:** None.

09-60-0051

**System name:** Administrative Disallowance Records for Technical Denials HEW SSA OPO.

**Security classification:** None.

**System location:**

Office of Data Development  
Office of Management and Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** Any disability applicant whose claim has been disallowed for technical reasons, generally for failure to meet the insured status provisions at any time.

**Categories of records in the system:** The name and social security number of the claimant together with other pertinent data such as district office code, disallowance code, date claim filed, disallowance notice number and date processed.

**Authority for maintenance of the system:** Section 205(a) of the Social Security Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic tapes.

**Retrievability:** Access is by use of the social security number. The record serves as a statistical and workload accounting source for disability decisions on applicants who never met or do not meet the insured status provisions in relation to the date disability began.

**Safeguards:** Only authorized personnel having a need for this information in the performance of their official duties have access to this data under stringent security measures involving guards, identity cards and photographs, etc.

**Retention and disposal:** Tapes are retained indefinitely.

**System manager(s) and address:**

Director  
Bureau of Disability Insurance  
Baltimore, Maryland 21241

**Notification procedure:** Contact the systems manager, and furnish social security number, name, approximate date and place claim was filed, type of claim (disability, black lung, supplemental security income) and return address.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** The information for this record is taken from Form SSA-201B, Determination of Disallowance - Disability Claim which is completed by a Social Security Administration employee to document the reason for the determination.

**Systems exempted from certain provisions of the act:** None.

09-60-0052

**System name:** Disposition of Vocational Rehabilitation Report to Social Security Administration HEW SSA OPO.

**Security classification:** None.

**System location:**

Office of Data Development  
Office of Management and Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** Disability claimants accepted for vocational rehabilitation services under the reimbursement provisions and now reported as closed (no longer receiving service).

**Categories of records in the system:** The name and social security number of the disabled beneficiary together with other statistical information such as type of claim, closure status, date of closure, State vocational rehabilitation code, date of form etc.

**Authority for maintenance of the system:** Section 222 of the Social Security Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic tapes.

**Retrievability:** Access is by use of the social security number. The record serves as a statistical and accounting source for claimants involved in the vocational rehabilitation reimbursement program. The receipt of notice of closure Form SSA-853 clears the control.

**Safeguards:** Only authorized personnel having a need for this information in the performance of their official duties have access to this data under stringent security measures involving guards, identity cards and photographs, etc.

**Retention and disposal:** Tapes are maintained indefinitely.

**System manager(s) and address:**

Director  
Bureau of Disability Insurance



Baltimore, Maryland 21241

**Notification procedure:** Contact the systems manager, and furnish social security number, name, approximate date and place claim was filed, type of claim (disability, black lung, supplemental security income) and return address. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** The data is extracted from Forms SSA-853 - Vocational Rehabilitation Report to Social Security Administration which is completed by State offices of vocational rehabilitation.

Systems exempted from certain provisions of the act: None.

09-60-0053

**System name:** Reimbursement from Trust Fund for Vocational Rehabilitation Services HEW SSA OPO.

**Security classification:** None.

**System location:**

Office of Data Development  
Office of Management and Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** Disabled claimants referred and undergoing consideration for vocational rehabilitation services; costs of such services to be reimbursed from social security trust or general funds providing a beneficiary status exists.

**Categories of records in the system:** The name and social security number of the claimant as well as vocational rehabilitation state and district office code, type of claim, amount of benefit (at time of referral), date of request for status.

**Authority for maintenance of the system:** Sections 222 and 1615 of the Social Security Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic tapes.

**Retrievability:** Access is by use of the social security number. Serves as a control and monitor of vocational rehabilitation referral activity in the disability program in order to validate the use of trust funds and general funds expended for services rendered.

**Safeguards:** Only authorized personnel having a need for this information in the performance of their official duties have access to this data under stringent security measures involving guards, identity cards and photographs, etc.

**Retention and disposal:** Records are destroyed upon notification of closure from the State agency or upon expiration of five years from date record was created, whichever occurs first.

**System manager(s) and address:**

Director  
Bureau of Disability Insurance  
Baltimore, Maryland 21241

**Notification procedure:** Contact the systems manager, and furnish social security number, name, approximate date and place claim was filed, type of claim (disability, black lung, supplemental security income) and return address.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** The basic record is prepared as the result of a written or teletyped request for benefit status from the State agency. Additional information is secured from the master beneficiary record and the supplemental security record files.

Systems exempted from certain provisions of the act: None.

09-60-0055

**System name:** Lag Period Between Initial Denial Notice and Reconsideration Study HEW SSA OPO.

**Security classification:** None.

**System location:**

Office of Data Development  
Office of Management and Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** Social security disability beneficiaries or claimants.

**Categories of records in the system:** Social security numbers of the claimant, State agency code, month-year of processing, request code.

**Authority for maintenance of the system:** Section 221 of the Social Security Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic tapes.

**Retrievability:** Access is by use of the social security number.

**Safeguards:** Only authorized personnel having a need for this information in the performance of their official duties have access to this data under stringent security measures involving guards, identity cards and photographs, etc.

**Retention and disposal:** Tapes are maintained indefinitely.

**System manager(s) and address:**

Director  
Bureau of Disability Insurance  
Baltimore, Maryland 21241

**Notification procedure:** Contact the systems manager, and furnish social security number, name, approximate date and place claim

was filed, type of claim (disability, black lung, supplemental security income) and return address.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** The data is extracted from the individual's claim record.

Systems exempted from certain provisions of the act: None.

09-60-0056

**System name:** Vocational Rehabilitation Savings Calculation HEW SSA OPO.

**Security classification:** None.

**System location:**

Office of Data Development  
Office of Management and Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** Disability beneficiaries reported by State vocational rehabilitation agency as no longer receiving vocational rehabilitation service.

**Categories of records in the system:** The name and social security number of the beneficiary and identifying information about the notice of disclosure, the date of termination or reduction in benefits, if any, amount of benefit, amount of savings and other miscellaneous data.

**Authority for maintenance of the system:** Section 222 of the Social Security Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic tapes.

**Retrievability:** Access is by use of the social security number. The record serves primarily as a source for furnishing statistical and benefit information on the vocational rehabilitation reimbursement program.

**Safeguards:** Only authorized personnel having a need for this information in the performance of their official duties have access to this data under stringent security measures involving guards, identity cards and photographs, etc.

**Retention and disposal:** Tapes are maintained indefinitely.

**System manager(s) and address:**

Director  
Bureau of Disability Insurance  
Baltimore, Maryland 21241

**Notification procedure:** Contact the systems manager, and furnish social security number, name, approximate date and place claim was filed, type of claim (disability, black lung, supplemental security income) and return address.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** The information is extracted and compiled from the vocational rehabilitation closure report, the master beneficiary record and the summary earnings record.

Systems exempted from certain provisions of the act: None.

09-60-0057

**System name:** Quality Evaluation Data Records HEW/SSA OPO.

**Security classification:** None.

**System location:** Bureau of Disability Insurance, Baltimore, Maryland 21241

**Categories of individuals covered by the system:** Individuals who have filed application for Social Security Disability Benefits and/or Supplementary Security Income Benefits.

**Categories of records in the system:** Social security numbers of claimants, demographic, diagnostic, and other types of data generated as a result of a review of the State actions on the claim.

**Authority for maintenance of the system:** Section 221 of the Social Security Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The system consists of tape, paper, disk, and card records.

**Retrievability:** The records are maintained in SSN sequence. Records are used to report monthly results of the review of the state disability determination process.

**Safeguards:** Records are subject to the same rules and safeguards as all other information in SSA relating to claims and beneficiary records. (See Appendix J).

**Retention and disposal:** The records are maintained for a period of 18 months and then destroyed.

**System manager(s) and address:**

Director  
Bureau of Disability Insurance  
Baltimore, Maryland 21241

**Notification procedure:** Contact the systems manager in writing and furnish social security number, name, approximate date, place claim was filed, type of claim (disability or supplemental security income) and return address. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Records are prepared from Form SSA 3094 and show decision, diagnosis and other information.

Systems exempted from certain provisions of the act: None.

09-60-0058

**System name:** Master files of Social Security Number Holders HEW SSA OPO.

**Security classification:** None.



**System location:**

Bureau of Data Processing  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** All individuals who have obtained social security numbers.

**Categories of records in the system:** This system contains all of the information received on original applications for social security numbers and any changes in the information on the applications that are submitted by the social security number holder. Cross-reference may be noted where multiple numbers have been issued to the same individual, an indication that benefit claim has been made under this social security number.

**Authority for maintenance of the system:** Section 205(a) of the Social Security Act, Section 205(c) (2) of the Social Security Act

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

1. Employers are notified of the social security number of an employee in order to complete their records for reporting FICA to the Social Security Administration pursuant to the Federal Insurance Contributions Act and Section 218 of the Social Security Act.
2. State welfare agencies are notified on written request, of the social security numbers of AFDC applicants or recipients.
3. The Department of Justice (Federal Bureau of Investigation and United States Attorneys) for investigating and prosecuting violations of the Social Security Act.
4. The Department of Justice (Immigration and Naturalization Service) for the identification and location of aliens.
5. The Department of Justice (Federal Bureau of Investigation) and the Department of Treasury (United States Secret Service) for national security matters and in connection with threats on the life of the President or other dignitaries.
6. The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment and for administering the railroad Unemployment Insurance Act.
7. Energy Resources Development Administration for their study of the long-term effects of low-level radiation exposure.
8. The Treasury Department for: a. collection of social security taxes; b. for verification of taxpayers' identification number; c. for administering or identifying violations of the Social Security Act, the Federal Insurance Contributions Act, the Self-Employment Contributions Act, the Federal Unemployment Tax Act; d. for administering or investigating violations of any Federal income tax law; and e. for investigating alleged theft, forgery, or unlawful negotiation of social security checks.
9. Contractors under contract to the SSA for the ongoing conversion of paper documents to machine readable form for entry into magnetic tape files.
10. A congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
11. The Department of State and the VA Regional Office, Philippines for administering provisions of the Social Security Act in foreign countries.
12. The Department of Labor for administering provisions of title IV of the Federal Coal Mine Health and Safety Act and for studies of the effectiveness of training programs to combat poverty.
13. The Veterans Administration for validation of the social security numbers of compensation/pensioners in order to provide the release of accurate pension/compensation data by the Veterans Administration to the Social Security Administration for social security program purposes.
14. The Veterans Administration of information requested for purposes of determining eligibility for or amount of VA benefits, or verifying other information with respect thereto.
15. Federal agencies who use the Social Security number as a numerical identifier in their recordkeeping systems, for the purpose of validating social security numbers. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the

Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records in this system are maintained as paper forms, paper lists, punchcards, magnetic tape, microfilm, and microfiche files.

**Retrievability:** Records in this system are indexed both by social security number and by name. This information is used for the following purposes: by Social Security Administration as basic control for retained earnings information, by Social Security Administration as a basic control and data source to prevent issuance of multiple social security numbers, as the means to correctly identify incorrectly reported names or social security numbers on earnings reports, for resolution of earnings discrepancy cases, for statistical studies, by Health, Education, and Welfare Audit Agency for auditing benefit payments under social security programs, by Social and Rehabilitation Service (HSW) for locating deserting parents, by National Institute of Occupational Safety and Health for epidemiological research studies required by the Occupational Health and Safety Act of 1974, by Social and Rehabilitation Service (HSW) for administering Cuban refugee assistance payments.

**Safeguards:** All magnetic tapes are within an enclosure attended by security guards. Anyone entering or leaving this enclosure must have special badges issued only to authorized personnel. All microfilm, microfiche, and paper files are accessible only by authorized personnel who have a need to know. For computerized records, electronically transmitted between Central Office and field office locations (including organizations administering SSA programs under contractual agreements), systems securities are established in accordance with Departmental standards and National Bureau of Standards guidelines. Safeguards include a lock/unlock password system, exclusive use of leased telephone lines, a terminal oriented transaction matrix, and an audit trail.

**Retention and disposal:** All paper forms are retained until they are filed or are entered on tape and the accuracy verified, then they are destroyed by shredding. All tape, microfilm, microfiche files are updated periodically. The out-of-date magnetic tapes are erased. The out-of-date microfiche is shredded by the application of heat.

**System manager(s) and address:**

Director  
Bureau of Data Processing  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** An individual may present a request for information as to whether this system contains records pertaining to himself by providing his name and social security number, or if the social security number is not known, date of birth, place of birth, mother's maiden name and father's name, and evidence of identity to the Assistant Bureau Director, Systems, Bureau of Data Processing, 6401 Security Boulevard, Baltimore, Maryland 21235.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Social security number applicants, or individual acting on their behalf. The social security number itself is assigned to the individual as a result of internal processes of this system.

**Systems exempted from certain provisions of the act:** None.

09-60-0059

**System name:** Earnings Recording and Self Employment Income System HEW SSA OPO.

**Security classification:** None.

**System location:**

Bureau of Data Processing  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** Any person who has been issued a social security number and who may or may not have earnings under social security or self-employment income.

**Categories of records in the system:** This contains records of all social security number holders, their name, date of birth, sex, race, a summary of their yearly earnings, quarters of coverage, special employment codes (i.e., self-employment, military, agriculture, and railroad), benefit status and employer identification.

**Authority for maintenance of the system:** Section 205(a) of the Social Security Act and section 205(c)(2) of the Social Security Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Employers or former employers, including State social security administrators for correcting and reconstructing State employee earnings records and for social security tax purposes; the Treasury Department a. for collection of social security taxes; b. for verification of taxpayers' identification numbers; c. for administering or identifying violations of the Social Security Act, the Federal Insurance Contributions Act, the Self-Employment Contributions Act, and the Federal Unemployment Tax Act; d. for administering or investigating violations of any Federal income tax law; e. for investigating alleged theft, forgery, or unlawful negotiation of social security checks; and f. for Office of Tax Analysis studies of the effects of income taxes and taxes of earnings, the Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment and for administering the Railroad Unemployment Insurance Act; the Department of Justice (Federal Bureau of Investigation and United States Attorneys) for investigating and prosecuting violations of the Social Security Act, the Department of Justice (Immigration and Naturalization Service) for the identification and location of aliens; the Department of Justice (Federal Bureau of Investigation) and the Department of Treasury (United States Secret Service) for national security matters and in connection with threats on the life of the President or other dignitaries; State Departments of Public Welfare for quality control studies of grants-in-aid recipients; Energy Research and Development Administration for their study of the long-term effects of low-level radiation exposure; the Department of Labor for administering provisions of Title IV of the Federal Coal Mine Health and Safety Act and for studies of the effectiveness of training programs to combat poverty, a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. The Department of State and the VA Regional Office Philippines for administering provisions of the Social Security Act in foreign countries through facilities and services of those agencies. The Veterans Administration for validation of the social security numbers of compensation/pensioners in order to provide the release of accurate pension/compensation data by the Veterans Administration for social security program purposes. The Veterans Administration of information requested for purposes of determining eligibility for or amount of VA benefits or verifying other information with respect thereto. State Audit agencies for auditing State supplementation payments and Medicaid eligibility considerations. The Department of Labor for Statistical studies of the relationship of private pensions and social security benefits to prior earnings. The Civil Service Commission for the study of the relationship of civil service annuities to minimum social security benefits, and the effects on the trust fund. Federal agencies who use the social security number as a numerical identifier in their recordkeeping systems, for the purpose of validating social security numbers. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected. In response to legal process or interrogatories relating to the enforcement of an individual's child support or alimony obligations, as required by sections 459 and 461 of the Social Security Act.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records in this system are maintained as paper forms, paper lists, punchcards, microfilm and magnetic tape files.

**Retrievability:** Records in this system are indexed by social security number and name. This information is used for the following purposes: As a primary working record file of all social security number holders, as a quarterly earnings record detail file to provide full data in wage investigation cases, to provide information for determining amount of benefits; to record all incorrect or incomplete earnings items, to reinstate incorrectly or incompletely reported earnings items, to record the latest employer of a wage earner; for statistical studies, for identification of possible overpayments of benefits, for identification of individuals entitled to additional benefits, provide information to employers and former employers for correcting or reconstructing earnings records and for social security tax purposes; workers and self-employed individuals in the form of earnings statements or quarters of coverage statements; provide information for locating deserting parents. To provide information to Health, Education and Welfare Audit Agency for auditing benefit payments under Social Security programs, to provide information to National Institute for Occupational Safety and Health research studies required by the Occupational Health and Safety Act of 1974.

**Safeguards:** All magnetic tapes are within an enclosure attended by security guards. Anyone entering or leaving this enclosure must have special badges which are issued only to authorized personnel. All microfilm and paper files are accessible only by authorized personnel with a need to know. For computerized records, electronically transmitted between Central Office and field office locations (including organizations administering SSA programs under contractual agreements), systems securities are established in accordance with Departmental standards and National Bureau of Standards guidelines. Safeguards include a lock/unlock password system, exclusive use of leased telephone lines, a terminal oriented transaction matrix, and an audit trail.

**Retention and disposal:** All paper forms and cards are retained until they are filed or are entered on tape and the accuracy verified, then they are destroyed by shredding. All tapes and microfilm files are updated periodically. The out of date magnetic tapes are erased. The out of date microfilm is shredded.

**System manager(s) and address:**

Director  
Bureau of Data Processing  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** Any individual may present a request for information as to whether this system contains records pertaining to himself by providing his social security number, name, signature, or other personal identification and referring to this system to Assistant Bureau Director, Systems, Bureau of Data Processing, 6401 Security Boulevard, Baltimore, Maryland 21235.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Social security number applicants, employers, self-employed individuals, Department of Justice (Immigration and Naturalization Service), Department of Treasury (Internal Revenue Service) master beneficiary record of Social Security Administration.

**Systems exempted from certain provisions of the act:** None.

09-60-0060

**System name:** Correspondence File of the Bureau of Data Processing HEW SSA OPO.

**Security classification:** None.

**System location:**

Bureau of Data Processing  
6401 Security Boulevard  
Baltimore, Maryland 21235



**Categories of individuals covered by the system:** Any individual requesting, reporting, or changing earnings information and/or inquiring about some aspect of the Social Security Act.

**Categories of records in the system:**

1. Correspondence received from individual, as well as copies of the replies to the correspondence concerning:
  - (a) general questions about the Social Security Act and/or
  - (b) adjustments of earnings, based on either the incoming correspondence or internal checks of the earnings record.
2. Minister waiver forms, i.e., forms filed by the clergy for the election or waiver of coverage under the Act.
3. Notices of deportation.

**Authority for maintenance of the system:** Title II, Section 205(c)(2) of the Social Security Act; Federal Records Act of 1950 (64 stat. 583).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manila Folders on open shelving.

**Retrievability:** Alphabetical, Employer Identification Number and Social Security Number. Reference file used to: (a) assist Social Security Administration respondents in preparing replies to subsequent inquiries; (b) house minister waiver forms thus preventing an erroneous payment of social security benefits; (c) house notices of deportation.

**Safeguards:** Only authorized personnel are permitted access to the files.

**Retention and disposal:** a. Records are maintained for periods of 1 year, 4 years or indefinitely as follows: Permanent Retention—All material which will affect the future development of claims; copies of coverage, wage and self-employment income determinations; proof documents and deportation notices. Four Years Retention—Correspondence and evidence upon which coverage, wage and self-employment income determinations are based; correspondence which must be held until statute of limitations has run. One Year Retention—General correspondence regarding returning documents to individuals, denial of confidential information, release of confidential information to a third party based on authorization and undeliverable material. b. Records are destroyed by shredding.

**System manager(s) and address:**

Director  
Bureau of Data Processing  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** a. Assistant Bureau Director, Systems, BDP 6401 Security Boulevard, Baltimore Maryland 21235 Individual should provide the Social Security Administration with their full name and social security number and return address and refer to this system when requesting information.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations

(45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Correspondence received from individuals, as well as copies of our replies to this correspondence. Also correspondence generated as a result of Social Security Administration internal checks of the earnings records.

**Systems exempted from certain provisions of the act:** None.

09-60-0061

**System name:** Record of Earnings Information Furnished for Non-Program Purposes HEW SSA OPO.

**Security classification:** None.

**System location:**

Bureau of Data Processing  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** Any individual or his survivor, or the legal representative of the individual or his estate, requesting earnings information for a non-program purpose.

**Categories of records in the system:** 1. Correspondence and/or related documents as well as copies of replies to the correspondence concerning earnings information from an individual's record. 2. Annotated index cards indicating individual case disposition.

**Authority for maintenance of the system:** Section 205 of the Social Security Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manila Folders and Index Card File

**Retrievability:** Index Card - Alphabetical; Manila Folders - Quarterly, by Social Security Number.

**Safeguards:** Only authorized personnel are permitted access to the files.

**Retention and disposal:** No specific authority. Records are maintained as a working file for a period of three to six months or until final action has been taken on the request, and then destroyed.

**System manager(s) and address:**

Director  
Bureau of Data Processing  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** a. Assistant Bureau Director (Systems), Bureau of Data Processing, 6401 Security Boulevard, Baltimore, Maryland 21235.

b. Individual should provide the Social Security Administration with his full name and social security number when obtaining information from the system.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Correspondence received from individuals or their legal representatives, and copies of subsequent replies to this correspondence.

**Systems exempted from certain provisions of the act:** None.

09-60-0063

**System name:** Total Resources and Information Management (TRIM) System of Assistant Bureau Director Systems HEW SSA OPO

**Security classification:** None

**System location:**

Bureau of Data Processing  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** All Employees of Assistant Bureau Director Systems.

**Categories of records in the system:** All systems employees by clerk number developmental project plans subdivided into tasks; task records include clerk number of the responsible employee (not all employees are assigned this type of work); operational project plans subdivided into task records which usually include clerk number of project manager; administrative functions (or projects) subdivided into task records do not include any clerk numbers, all employees by clerk numbers which are only used for printing names and reports.

**Authority for maintenance of the system:** Section 702 of the Social Security Act (42 USC Sec 902).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic tape.

**Retrievability:** Programs permit retrieval of information by many parameters including clerk number. The system is used to plan and control work within the organization. In support of this function it prepares lists of current work assignments for employees and supervisors in due date order. Information is extracted each week and furnished to employees assigned to developmental work. Regular progress reports each week by project leader are basis for updating and/or correcting information.

**Safeguards:** Information distributed only to employee and supervisor.

**Retention and disposal:** Records are accessible only when active. After that time they are retained on magnetic tape in non-retrievable format for one year.

**System manager(s) and address:**

Assistant Bureau Director  
Systems Bureau of Data Processing  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** An individual may contact the Chief, TRIM Staff Systems, 6401 Security Boulevard, Baltimore, Maryland 21235, providing his name and clerk number.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Information is obtained from the individual or internal systems managers.

**Systems exempted from certain provisions of the act:** None.

09-60-0064

**System name:** Pending Social Security Number Applications HEW SSA OPO

**Security classification:** None

**System location:** District and branch office (see Appendix F, Federal Register, September 20, 1976, Page 41062)

**Categories of individuals covered by the system:** Individuals requesting social security numbers and replacement cards for lost social security numbers.

**Categories of records in the system:** Photocopy of SS-5 (Application for Social Security Number) or roster containing individual's name, social security number. Also contains the name and telephone number of the third party (employer, bank, welfare agency) to whom the individual has requested his correct social security number be furnished. Not all offices maintain this record. Some annotate the SS-5 with the name of the third party to be contacted on the reverse side.

**Authority for maintenance of the system:** Section 205(a) of the Social Security Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** May be photocopy of SS-5 or roster with third party's name and telephone number.

**Retrievability:** By name and social security number.

**Safeguards:** Usually available on a need to know basis.

**Retention and disposal:** Photocopy or roster is destroyed when the third parties are notified.

**System manager(s) and address:**

Assistant Regional Commissioner, Field Operations  
(See Appendix F).

**Notification procedure:** District or branch manager (see Appendix F).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Applicant.

**Systems exempted from certain provisions of the act:** None.

09-60-0065

**System name:** Direct Input Source Documents HEW SSA OPO

**Security classification:** None

**System location:** District and branch office (see Appendix F, Federal Register, September 20, 1976, page 41062).

**Categories of individuals covered by the system:** Beneficiaries and applicants for retirement, survivors, or disability social security benefits, or health insurance benefits.

**Categories of records in the system:** Notices of death, annual report of earnings, change in marital status, address or student status, etc.



Authority for maintenance of the system: Section 205(a) of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Documents are stored in file cabinets.

Retrievability: By name and social security number. Information from notices is transmitted by wire to central file to make changes that affect benefits of the individual. Source documents are retained in the district office 3 - 7 months.

Safeguards: Usually available only to people on a need to know basis.

Retention and disposal: Documents are retained 3 - 7 months and then destroyed.

System manager(s) and address:

Assistant Regional Commissioner, Field Operations  
(See Appendix F).

Notification procedure: District or branch manager (see Appendix F).

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

Contesting record procedures: Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

Record source categories: Beneficiary

Systems exempted from certain provisions of the act: None

09-60-0066

System name: Claims Development Record HEW SSA OPO

Security classification: None

System location: District and branch office (see Appendix F, Federal Register, September 20, 1976, page 41062).

Categories of individuals covered by the system: Beneficiary, applicant, and inquirer for the various social security and black lung benefit programs.

Categories of records in the system: The file contains the name, address, and social security number of the individual. It also contains developmental notes concerning the requesting and receipt of documents required for processing a claim for benefits. Benefit amounts and date of entitlement may also be displayed.

Authority for maintenance of the system: Section 205(a) of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 8 X 10 and a half cards filed in standard file cabinets.

Retrievability: By name and social security number. Used as an interviewing tool, record of clearance of claims, and sometimes as a log of activity pertinent to continued entitlement to benefits.

Safeguards: Usually available to personnel on a need to know basis.

Retention and disposal: Specific destruction dates established depending on whether a claim is allowed or disallowed. Generally maintained for 6 months and then destroyed.

System manager(s) and address:

Assistant Regional Commissioner, Field Operations  
(See Appendix F).

Notification procedure: District or branch manager (see Appendix F).

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

Contesting record procedures: Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

Record source categories: Applicants, inquiries, third parties.

Systems exempted from certain provisions of the act: None.

09-60-0068

System name: Payment Record File of Supplementary Medical (Medicare) Enrollees (Statistics) HEW SSA BHI.

Security classification: None.

System location:

Bureau of Data Processing  
6401 Security Boulevard  
Baltimore, Maryland 21235

Categories of individuals covered by the system: Supplemental medical (Medicare) enrollees who have met the deductible in any calendar year and have supplemental medical reimbursement, beginning July 1, 1966.

Categories of records in the system: Beneficiary demographic characteristics, physician and supplier billing information, including charges and amount reimbursed; physician characteristics.

Authority for maintenance of the system: Section 1875 of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: All records are stored on magnetic tape.

Retrievability: All records are indexed by health insurance claim number. They are recorded in segments based on month they were processed.

Safeguards: All magnetic tape files are retained in security storage areas accessible only to authorized persons within the Bureau of Data Processing. Data are accessible only to individuals within the Division of Health Insurance Studies. All employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information on individuals.

Retention and disposal: Records are retained with identifiers as long as needed for purposes of program research.

System manager(s) and address:

Director, Bureau of Health Insurance  
6401 Security Blvd.  
Baltimore, Maryland 21235

Notification procedure: For purposes of access, write to the systems manager, he will require name of system, health insurance claim number and for verification purposes, name (woman's maiden name, if applicable), social security number, address, date of birth and sex, and to ascertain whether the individual's record is in the system, year Part B deductible was met.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

Contesting record procedures: Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

Record source categories: Medicare enrollment; Medicare payment record

Systems exempted from certain provisions of the act: None.

09-60-0069

System name: Record of Claims (Microfiche) HEW SSA OPO

Security classification: None.

System location: District and branch offices, teleservice centers, and Reconciliation and Analysis Units (see Appendix F, Federal Register, September 20, 1976, page 41062).

Categories of individuals covered by the system: Beneficiaries and denied applicants for social security and health insurance benefits, supplemental security income payments.

Categories of records in the system: Certain individual's name, address, social security number, date of birth, payment history, pertinent information concerning entitlement to health insurance benefits, representative payee data, etc.

Authority for maintenance of the system: Sections 205(a) and 1631 of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Microfiche stored in special metal cabinets.

Retrievability: By name and social security number. Used by district, branch, and teleservice center offices to answer inquiries from beneficiaries. These offices and the Reconciliation and Analysis Unit also use it as a guide in development to determine continuing eligibility to benefits.

Safeguards: Cabinets are locked at night. Usually available to personnel only on a need to know basis.

Retention and disposal: New microfiche received every 3 months. Old microfiche destroyed by application of heat.

System manager(s) and address:

Assistant Regional Commissioner, Field Operations  
(See Appendix F).

Notification procedure: District, branch and teleservice center manager (see Appendix F).

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

Contesting record procedures: Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

Record source categories: Applicants

Systems exempted from certain provisions of the act: None.

09-60-0070

System name: Chronic Renal Disease Beneficiary History -File HEW SSA BHI.

Security classification: None

System location:

Bureau of Data Processing  
6401 Security Boulevard (magnetic tape)  
Baltimore, Maryland 21235  
Office of Research and Statistics  
1500 Woodlawn Drive (hard copy)  
Baltimore, Maryland 21241

Categories of individuals covered by the system: All individuals with identified end-stage renal disease with Medicare coverage.

Categories of records in the system: Health and supplemental medical Medicare billing information, including charges and amounts reimbursed, physician characteristics, demographic data on beneficiaries, medical data.

Authority for maintenance of the system: Section 1875 of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: All records stored on magnetic tape with a hard copy back-up also available.

Retrievability: All records are indexed by social security number.

Safeguards: All magnetic tape files are retained in secure storage areas accessible only to authorized persons within the Bureau of Data Processing. All employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information on individuals. Data are accessible only to individuals within the Division of Health Insurance Studies, and hard copy records are stored in secure areas with access limited to authorized individuals.

Retention and disposal: Records are retained with identifiers as long as needed for purposes of program research.

System manager(s) and address:

Director, Bureau of Health Insurance  
6401 Security Blvd.  
Baltimore, Maryland 21235

Notification procedure: For purposes of access, write the systems manager; he will require name of system, health insurance claim



number, and for verification purposes, name (woman's maiden name, if applicable), social security number, address, date of birth and sex, and to ascertain whether the individual's record is in the system, date (month and year) on which treatment costs were first reimbursed under Medicare. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Master beneficiary record; Medicare enrollment records; Medicare bill records; Medicare payment records.

**Systems exempted from certain provisions of the act:** None

09-60-0071

**System name:** Medicare Physician Supplier Master File HEW SSA BHI.

**Security classification:** None.

**System location:** Carriers under contract to Social Security Administration. (See Appendix C, Section 4.)

**Categories of individuals covered by the system:** Physicians and suppliers who provide medical services or supplies to Medicare beneficiaries.

**Categories of records in the system:** A compilation of all charges submitted by a physician or supplier for services and supplies to: (1) derive "reasonable charge" information; (2) determine economic indexes; and (3) to substantiate the basis for payment to beneficiaries, physicians, suppliers and hospitals.

**Authority for maintenance of the system:** Sections 1833, 1835, 1842 and 1874 of title XVIII of the Social Security Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Records from this system may be disclosed to a provider, the claimant or a prospective claimant, the name of a physician who has been found ineligible to submit claims under Section 1814(h) (Payment for Posthospital Extended Care Services) or Section 1814(i) (Payment for Posthospital Home Health Services) of Title XVIII of the Social Security Act. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Disclosure may be made to the title XIX State agency or the title XIX fiscal agents of the customary and prevailing charge screens and whatever other information is contained in the file and would be required to determine "reasonable charges" as required under section 1903(v)(1) of the Social Security Act. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained on magnetic tape, microfilm, and hard copy paper.

**Retrievability:** The records are indexed by physician provider numbers and supplier EIN (employer's identification number). The records are prepared and updated daily by carriers as a basis for determining reasonable charges and area prevailing charges.

**Safeguards:** Disclosure of records is limited to carrier personnel on a need-to-know basis. The files are closed to unauthorized personnel. The determination as to which personnel are authorized will vary slightly in different carrier installations. All carriers have guards at the building entrance to prevent intrusion by individuals not employees or not having business with the carrier. One or more of the following security measures are used within the building: color coded identification cards are used to establish the right of an employee to be in a specific area; cipher locks are used to protect files and computer areas; magnetic identification cards are used to gain access to security sensitive areas; videomonitoring of sensitive areas is constant.

**Retention and disposal:** Records are closed out the first quarter following the close of the previous calendar year. Files are retained indefinitely.

**System manager(s) and address:**

Director, Bureau of Health Insurance  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** Inquiries and requests for records information should be directed to the carrier servicing the physician's or supplier's geographical area. Individuals who want to determine if they have a record in this system must provide their full name and address.

**Record access procedures:** Same as Notification.

**Contesting record procedures:** Same as Notification.

**Record source categories:** Information contained in these records is furnished in part by the individual physician or supplier and in part abstracted from Medicare Part B billing records.

09-60-0073

**System name:** SSA Health Insurance Program Review Team Case Files HEW SSA BHI.

**Security classification:** None.

**System location:**

SSA, BHI, Program Integrity Branch  
Baltimore, Maryland 21235  
Health Insurance Regional Representative in the HI Regional Offices located in Boston, New York, Philadelphia, Atlanta, Chicago, Dallas, Kansas City, Denver, San Francisco, and Seattle.

**Categories of individuals covered by the system:** Beneficiaries whose medical treatment in connection with Title XVIII of the Social Security Act (Medicare) is suspected as being unnecessary, harmful, or inferior or whose charges are substantially in excess of customary.

**Categories of records in the system:** Statements, medical records, payment records, complaints from beneficiaries and others, including correspondence and forms, to document complaints and reports of medical review committees.

**Authority for maintenance of the system:** Section 205, Title II of the Social Security Act, Section 1106 and 1107, Title XI, Sections 1862 and 1866, Title XVIII.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Routine disclosure to program review teams. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper files maintained in locked file cabinets.

**Retrievability:** Filed alphabetically by last name of subject within region of investigation.

**Safeguards:** File cabinets are kept locked and are located in a room that is locked after office hours. Access to the files is limited to Program Integrity Staff members.

**Retention and disposal:** Records are placed in inactive file after final action on the case. The inactive file is closed out at the end of the calendar year in which final action was taken, held 2 additional years, transferred to the Federal Records Center, and destroyed after 3 additional years.

**System manager(s) and address:**

Director, Bureau of Health Insurance  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** Inquiries should be directed to SSA, Bureau of Health Insurance Program Integrity Branch, Baltimore, Maryland 21235. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Complainants, other informants, statements of subject, investigative records, utilization review committee reports, peer review committee reports.

**Systems exempted from certain provisions of the act:** None.

09-60-0075

**System name:** Congressional Bills File HEW SSA OPP.

**Security classification:** None.

**System location:**

Office of Program Evaluation and Planning  
6401 Security Blvd  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** Members of Congress.

**Categories of records in the system:** Listing of bills to amend the Social Security Act. Includes bill number, sponsor's name, state and party affiliation, date of introduction of bill, and a 3-digit subject code.

**Authority for maintenance of the system:** 5 U.S. Code 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure to the public upon request of information contained in the file is mandatory under the Freedom of Information Act. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer terminal (magnetic tape), and paper listings.

**Retrievability:** Bill number, subject matter, name of sponsor.

**Safeguards:** Information is accessed on a limited need-to-know basis by staff of the Legislative Reference Office.

**Retention and disposal:** Retained for duration of each Congress. (Listing by subject matter is retained indefinitely.)

**System manager(s) and address:**

Legislative Reference Officer  
Room 400 Altmeyer Building  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** Systems Manager.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Congressional Record.

**Systems exempted from certain provisions of the act:** None.

09-60-0077

**System name:** Congressional Inquiry File HEW SSA OPO.

**Security classification:** None.

**System location:** District and branch office (see Appendix F, Federal Register, September 20, 1976, page 41062).

**Categories of individuals covered by the system:** Congressional representative.

**Categories of records in the system:** Correspondence to and from congressional representative.

**Authority for maintenance of the system:** Section 205(a) of the Social Security Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Maintained in manila type folders.

**Retrievability:** Usually by name in alphabetical order.

**Safeguards:** Usually available to personnel on a need to know basis.

**Retention and disposal:** Generally retained for 6 months and may be retained longer.

**System manager(s) and address:**

Assistant Regional Commissioner, Field Operations  
(See Appendix F).

**Notification procedure:** District or branch manager (see Appendix F).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Congressional representative.

**Systems exempted from certain provisions of the act:** None.



09-60-0073

System name: Public Inquiry Correspondence File HEW SSA OPO

Security classification: None

System location: District and branch office (see Appendix F, Federal Register, September 20, 1976, page 41062)

Categories of individuals covered by the system: General public.

Categories of records in the system: Inquiries usually for benefit information

Authority for maintenance of the system: Section 205(a) of the Social Security Act

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Folders in standard file cabinets

Retrievability: By name. File is retained in event inquirer requests additional information or files a formal application and the correspondence from the individual can be used as a filing date for benefit purposes.

Safeguards: Usually available only to personnel on a need to know basis.

Retention and disposal: Destroyed after 1 year.

System manager(s) and address:

Assistant Regional Commissioner, Field Operations  
(See Appendix F).

Notification procedure: District or branch manager (see Appendix F).

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

Contesting record procedures: Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

Record source categories: Information furnished by inquirer

Systems exempted from certain provisions of the act: None.

09-60-0079

System name: Wage item file HEW SSA OPO

Security classification: None.

System location: District and branch office (see Appendix F, Federal Register, September 20, 1976, page 41062).

Categories of individuals covered by the system: Workers who paid Federal Insurance Contribution Act and Self-employment taxes.

Categories of records in the system: Notices sent to district offices concerning individual's earnings were reported (either by employer or himself) using an incorrect social security number or failing to show any number. Some notices involve coverage questions of self-employment income.

Authority for maintenance of the system: Section 205(a) of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Contacts are made with the employer or wage earner to reconcile the data on the earnings report in order that the earnings can be credited to the correct social security number. Disclosure may be made to a congressional

office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Punch cards

Retrievability: By name and social security number

Safeguards: Non-sensitive material, generally available only on a need to know basis.

Retention and disposal: Retained only until the data is reconciled. It is then forwarded to the Bureau of Data Processing and subsequently destroyed by shredding.

System manager(s) and address: Director, Bureau of Field Operations, 6401 Security Boulevard.

Notification procedure:

Assistant Regional Commissioner, Field Operations  
(See Appendix F)

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

Contesting record procedures: Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

Record source categories: Employers tax returns and self-employment tax return of individual

Systems exempted from certain provisions of the act: None.

09-60-0080

System name: Problem Case File HEW SSA OPO

Security classification: None.

System location: District and branch office (see Appendix F, Federal Register, September 20, 1976, page 41062)

Categories of individuals covered by the system: Beneficiaries and applicants for social security benefits, health insurance, and black lung benefits.

Categories of records in the system: Beneficiary's name, address, social security number, nature of problem, and action being taken.

Authority for maintenance of the system: Sections 205(a) of the Social Security Act, and section 413(b) of the Federal Coal Mine Health and Safety Act (Black Lung).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Material is placed in manila type folders and stored in file drawers.

Retrievability: By name, may be in alphabetical order. Notes may be kept on difficult or continuing problem cases and maintained in a separate file. (This file is maintained by only a few offices).

Safeguards: File drawers are locked at night time.

Retention and disposal: File is broken down upon completion of the development. Pertinent documentation is sent to the reviewing office for permanent filing as a part of the claims folder.

System manager(s) and address:

Assistant Regional Commissioner, Field Operations  
(See Appendix F).

Notification procedure: District or branch manager (see Appendix F).

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

Contesting record procedures: Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

Record source categories: Beneficiary or authorized representative.

Systems exempted from certain provisions of the act: None.

09-60-0081

System name: Problem Case File (Supplemental Security Income) HEW SSA OPO

Security classification: None.

System location: Reconciliation and Analysis Units located in regional offices (see Appendix F).

Categories of individuals covered by the system: Applicants for supplemental security income payments.

Categories of records in the system: Listing of cases with date of eligibility in 1974 contains individual's name, social security number and in some cases additional information pertaining to factors of eligibility such as income, resources, and living arrangements. Claims folder containing application and documentation of factors of eligibility may also be in the file.

Authority for maintenance of the system: Section 1631 of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Claims material is maintained in manila type folders. Also computerized paper listing.

Retrievability: By name and social security number. Complex cases requiring special expertise to process are controlled by this listing.

Safeguards: Available on a need to know basis.

Retention and disposal: Retained indefinitely.

System manager(s) and address:

Assistant Regional Commissioner, Field Operations  
(See Appendix F).

Notification procedure: Reconciliation and Analysis Manager (see Appendix F).

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

Contesting record procedures: Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

Record source categories: Applications for supplemental security income as provided by applicant.

Systems exempted from certain provisions of the act: None.

09-60-0082

System name: Forced Payment File (Supplemental Security Income) HEW SSA OPO

Security classification: None.

System location: Reconciliation and Analysis Units located in regional offices (see Appendix F, Federal Register, September 20, 1976, page 41062).

Categories of individuals covered by the system: Applicants for supplemental security income payments.

Categories of records in the system: Paper listing containing name, social security number, and type of action being taken on the case.

Authority for maintenance of the system: Section 1631 of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper listing.

Retrievability: By name and social security number. Mainly used for control of cases requiring a special procedure for processing a claim for supplemental security income payments.

Safeguards: Available on a need to know basis.

Retention and disposal: Retained indefinitely.

System manager(s) and address:

Assistant Regional Commissioner, Field Operations  
(See Appendix F).

Notification procedure: Reconciliation and Analysis Unit Manager (see Appendix F).

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

Contesting record procedures: Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

Record source categories: Applications for supplemental security income payments as provided by applicant.

Systems exempted from certain provisions of the act: None.

09-60-0083

System name: One Time Payment File HEW SSA OPO

Security classification: None.

System location: Reconciliation Analysis Units located in regional offices (see Appendix F, Federal Register, September 20, 1976, page 41062).

Categories of individuals covered by the system: Applicants for supplemental security income.

Categories of records in the system: File contains name of applicant, social security number, amount paid, months for which paid. Some records may also include other data pertaining to eligibility factors such as income, resources, living arrangement, etc.

Authority for maintenance of the system: Section 1631 of the Social Security Act.

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**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual and to State audit agencies pursuant to agreement with HEW for auditing State supplementation payments. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** 5 X 8 card, tally strips or copies of form SSA-8110 (SSI One-Time Payment). Records, except for tally strips which are housed on a large drum type holder, are kept in file cabinets.

**Retrievability:** By name and social security number. Used in cases where one time payments are made, to insure that duplicate payments are not made.

**Safeguards:** Access limited to employees on a need to know basis. Area secured at night—doors locked.

**Retention and disposal:** Retained indefinitely.

**System manager(s) and address:**

Assistant Regional Commissioner, Field Operations  
Bureau of Field Operations  
(See Appendix F).

**Notification procedure:** Reconciliation and Analysis Unit Manager (see Appendix F).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Applications for supplemental security income as provided by applicant.

**Systems exempted from certain provisions of the act:** None.

09-60-0084

**System name:** Control File for Cases Before Presiding Officers HEW SSA OPO.

**Security classification:** None.

**System location:** Reconciliation and Analysis Units located in regional offices (see Appendix F, Federal Register, September 20, 1976, page 41062).

**Categories of individuals covered by the system:** Applicants for supplemental security income payments.

**Categories of records in the system:** Card file contains individual's name, social security number, and chronological record of case processing. Claims file (if present) contains, in addition, factors of eligibility such as income, resources, living arrangements, etc.

**Authority for maintenance of the system:** Section 1631 of the Social Security Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the

Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** 5 X 8 card or SSA-250 (Development Worksheet). Claims material maintained in manila type folders.

**Retrievability:** By name and social security number. Informational purposes to answer inquiries from the applicant, social security district offices, and Bureau of Hearings and Appeals.

**Safeguards:** Available on a need to know basis.

**Retention and disposal:** Card files destroyed 4 months after effectuation takes place to make payments to applicant. Cases retained for at least 35 days from date of receipt from Presiding Officer to facilitate appeals process before forwarding for storage.

**System manager(s) and address:**

Assistant Regional Commissioner, Field Operations  
(See Appendix F).

**Notification procedure:** Reconciliation and Analysis Manager (see Appendix F).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Applications for supplemental security income as provided by applicant.

**Systems exempted from certain provisions of the act:** None.

09-60-0085

**System name:** Claims Leads HEW SSA OPO.

**Security classification:** None.

**System location:** District and branch office (not maintained by all offices) (see Appendix F, Federal Register, September 20, 1976, page 41062).

**Categories of individuals covered by the system:** Individuals potentially eligible for benefits under Titles II, XVI, XVIII of the Social Security Act.

**Categories of records in the system:** Leads from mental hospital admissions, welfare, Internal Revenue Service, Veterans Administration, etc., who may be eligible for benefits under the various social security programs. Lead forms generally contain name and address of individual, date of birth, existence of a mental or physical impairment, data on dependents, last date worked, etc.

**Authority for maintenance of the system:** Section 205(a) of the Social Security Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Letter size forms usually maintained in manila type folders and interfiled with pending claims and postentitlement file.

**Retrievability:** Filed by name in alphabetical order in claims pending file. Used to initiate contact with individuals to determine their eligibility for benefits.

**Safeguards:** File drawers locked at night. Usually only available to personnel on a need to know basis.

**Retention and disposal:** Leads maintained until claim is taken or 6 months from date inquirer is invited by letter to file a claim, whichever is earliest.

**System manager(s) and address:**

Assistant Regional Commissioner, Field Operations  
(See Appendix F).

**Notification procedure:** District or branch manager (see Appendix F).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Inquirer or third parties.

**Systems exempted from certain provisions of the act:** None.

09-60-0089

**System name:** Claims Folders and Post-Adjudicative Records of Applicants and Beneficiaries for Social Security Administration Benefits HEW SSA OPO.

**Security classification:** None.

**System location:** Retirement and Survivors Insurance Claims: Claims folders are maintained primarily in the Program Service Centers and the Division of International Operations (see Appendix A). Disability Insurance Claims: Bureau of Disability Insurance (see Appendix B) or Division of International Operations (see Appendix A). Black Lung Claims: Bureau of Disability Insurance (see Appendix B). Supplemental Security Income Claims: Claims for benefits based on age - Program Service Centers (see Appendix A). Claims for Disability or Blind Benefits: Bureau of Disability Insurance (see Appendix B). In addition, claims folders are transferred to numerous other locations throughout the Social Security Administration, and infrequently may be temporarily transferred to other Federal agencies (Department of Justice, or Office of the General Counsel, Department of Health, Education, and Welfare). The disability claims folders are also transferred to State agencies for disability and vocational rehabilitation determinations (see Appendix B). The claims folders are generally set up in district or branch offices when claims for benefits are filed. They are retained there until all development has been completed, then are transferred to the appropriate reviewing office as set out above. Supplemental security income claims folders are held in district or branch offices pending establishment of a payment record, or until the appeal period, in a denied claim situation, has expired. The folders are then transferred to the reviewing office. For district or branch office information, see Appendix F.

**Categories of individuals covered by the system:** Claimants for retirement, survivors, disability, health insurance, or black lung benefits or supplemental security income payments.

**Categories of records in the system:** The claims folder is established when a claim for benefits is filed. It contains applications for benefits, earnings record information established and maintained by the Social Security Administration, documents supporting factors of entitlement and continuing eligibility, payment documentation, and correspondence to and from claimants and/or representatives. It may also contain data collected as a result of inquiries or complaints; and evaluation and measurement study of effectiveness of claims policies. Separate files may be maintained of certain actions which are entered directly into the computer processes. These relate to reports of changes of address, work status, and other post-adjudicative reports.

**Authority for maintenance of the system:** Payment of benefits is directed by the following sections: Sections 202(a)-(i), 223, 226, 228, and 1611 of the Social Security Act and Section 411 of the Federal Coal Mine and Health Safety Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Routine uses for disclosure may be to:

a. Third party contacts by the Social Security Administration (without the consent of the individual to whom the information pertains) in situations where the party to be contacted has, or is expected to have, information relating to the individual's capability to manage his affairs or his eligibility for or entitlement to benefits under the social security program when:

(1) The individual is unable to provide the information being sought (an individual is considered to be unable to provide certain types of information when any of the following conditions exist: individual is incapable or of questionable mental capability, cannot read or write, cannot afford the cost of obtaining the information, a language barrier exists, or the custodian of the information will not, as a matter of policy, provide it to the individual); or

(2) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following: the individual's eligibility to benefits under a social security program, the amount of a benefit payment, any case in which the evidence is being reviewed as a result of suspected abuse or fraud, concern for program integrity, or for quality appraisal, or evaluation and measurement system activities.

b. Third party contacts by the Social Security Administration where necessary to establish or verify information provided by representative payees or payee applicants.

c. A person (or persons) on the rolls when a claim is filed by an individual which is adverse to the person on the rolls, that is:

(1) An award of benefits to a new claimant precludes an award to a prior claimant, or

(2) An award of benefits to a new claimant will reduce the benefit payments to the individual(s) on the rolls, but only for information concerning the facts relevant to the interests of each party in a claim.

d. Employers or former employers for correcting or reconstructing earnings records and for social security tax purposes only.

e. The Treasury Department for collecting social security taxes or as otherwise pertinent to tax and benefit payment provisions of the Social Security Act, (including social security number verification services) and for investigating alleged theft, forgery, or unlawful negotiation of social security checks.

f. The United States Postal Service for investigating alleged forgery or theft of social security checks.

g. The Department of Justice for investigating and prosecuting violations of the Social Security Act to which criminal penalties attach, for representing the Secretary, and for investigating issues of fraud by agency officers or employees, or violation of civil rights.

h. The Department of State and the Veterans' Administration Regional Office Philippines for administering provisions of the Social Security Act in foreign countries through facilities and services of those agencies.

i. The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Act relating to railroad employment and for administering the Railroad Unemployment Insurance Act.

j. The Veterans' Administration for the purpose of administering 38 U.S.C. 412 (special payments to certain survivors of uninsured persons who die after 1956 while on active duty, active duty for training, or inactive duty training, or who die after 1956 due to a service-connected disability incurred after September 15, 1940).

k. The Department of Labor for administering provisions of Title IV of the Federal Coal Mine Health and Safety Act.

l. The Bureau of Census when it performs as a collecting agent or data processor for research and statistical purposes directly relating to the Social Security Act.

m. The Department of the Treasury, Office of Tax Analysis, for studying the effects of income taxes and taxes on earnings.

n. The Civil Service Commission for study of the relationship of civil service annuities to minimum social security benefits, and the effects on the trust fund.



- o. State social security administrators for administration of agreements pursuant to section 218 (State and local).
- p. State Welfare Departments for administering Sections 205(c)(2)(B)(i)(II) and 402(a)(25) of the Social Security Act requiring information about assigned social security numbers for Aid to Families with Dependent Children program purposes only.
- q. State Welfare Departments pursuant to agreements with the Social Security Administration for administration of State supplementation payments, for determinations of eligibility for Medicaid per section 1634, and for enrollment of welfare recipients for medical insurance under Section 1843 of the Social Security Act, and for conducting independent quality assurance reviews of supplemental security income recipient records, provided that the agreement for federal administration of the supplementation provides for such an independent review.
- r. State Vocational Rehabilitation agency, or State crippled children's service agency (or another agency providing services to disabled children) for consideration of rehabilitation services per U.S.C. and 1382d.
- s. State audit agencies for auditing State supplementation payments and Medicaid eligibility considerations.
- t. Professional Standards Review Organizations (PSRO) and State Licensing Boards for review of unethical practices or nonprofessional conduct as provided in section 1165.
- u. Providers and suppliers of services directly or dealing through fiscal intermediaries or carriers for administration of provisions of title XVIII.
- v. Private medical and vocational consultants for use in making preparation for, or evaluating the results of, consultative medical examinations or vocational assessments which they were engaged to perform by the Social Security Administration or a State agency acting in accord with sections 221 or 1633.
- w. Energy Resources Development Administration for their study of the long-term effects of low-level radiation exposure.
- x. Specified business and other community members and Federal, State, and local agencies for verification of eligibility for benefits under section 1631(e).
- y. Institutions or facilities approved for treatment of drug addicts or alcoholics as a condition of the individual's eligibility for payment under section 1611e and as authorized by regulations issued by the Special Action Office for Drug Abuse Prevention.
- z. Contractors under contract to the Social Security Administration for the performance of research and statistical activities directly relating to the Social Security Act. (See also 45 CFR, Part 5b). Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
- aa. Applicants, claimants, prospective applicants or claimants, other than the data subject, their authorized representatives or representative payees to the extent necessary to pursue social security claims and receive an account of benefit payments.
- bb. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
- cc. State audit agencies for verifying proper expenditures of Federal funds by the State in support of the Disability Determination Service (DDS).
- dd. The Veterans Administration of information requested for purposes of determining eligibility for or amount of VA benefits or verifying other information with respect thereto. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components, or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected. In response to

legal process or interrogatories relating to the enforcement of an individual's child support or alimony obligations, as required by sections 459 and 461 of the Social Security Act.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Claims folders are maintained in file cabinets by service area as set out in location above.

**Retrievability:** Filed in numerical sequence by social security number. The folders are used throughout the Social Security Administration for the purposes of determining, organizing, and maintaining documents for making normal determination as to eligibility to benefits, the amount of benefits, reviewing continuing eligibility, holding hearings or administrative review processes, and to ensure that proper adjustments are made based on events affecting entitlement. The folder may be referred to State Disability Determination Sections or Vocational Rehabilitation Agencies in disability cases. They may also be used for quality review, evaluation, and measurement studies, and other statistical and research purposes.

The claims folder constitutes the basic record for payments and determinations under the Social Security Act and the Federal Coal Mine Health and Safety Act (black lung). Data are used to produce and maintain the master beneficiary record system (see Systems Notice) which is the automated payment system for retirement, survivors, and disability benefits, the supplemental security income automated system for the aged, blind, and disabled payments, the black lung payment process for black lung claims, and the Health Insurance and Billing and Collection Master record systems for Hospital and supplementary medical (medicare) insurance benefits.

This paper file is controlled by the Social Security Administration Claims Control System while the claim is pending development for adjudication in the district or branch office, and by the Case Control System once the folder has been transferred to the reviewing office (program service centers, Division of International Operations, or the Bureau of Disability Insurance).

**Safeguards:** Claims folders are protected through limited access to Social Security Administration records, limited employee access to need to know. All employees are instructed in Social Security Administration confidentiality rules as a part of their initial orientation training.

**Retention and disposal:** The claims folder is initially maintained in the reviewing office. Later, both active and inactive folders are transferred to the Federal Archives and Records Center for storage and inactive (no one is entitled to benefits) folders are scheduled for destruction. The time for retention prior to destruction is 5-year retention - no record of surviving potential beneficiaries, 20-year retention - withdrawn claims, claims disallowed or lump-sum death payments only, and 55-year retention - potential future claimants indicated in the file. When a subsequent claim is filed on the social security number, the claims file is recalled from the Records Center. Similarly, the claims files may be recalled from the Records Center at any time by the Social Security Administration as necessary in the administration of the social security programs.

**System manager(s) and address:**

Director  
Bureau of Retirement and Survivors Insurance  
6401 Security Boulevard  
Baltimore, Maryland 21235

Director  
Bureau of Supplemental Security Income  
6401 Security Boulevard  
Baltimore, Maryland 21235

Director  
Bureau of Disability Insurance  
6401 Security Boulevard  
Baltimore, Maryland 21235

Director  
Bureau of Health Insurance  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** Contact the most convenient social security office (see Appendix F for address and telephone information). An individual who requests notification of or access to a medical

record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

**Record access procedures:** In order to find out if this system contains information about him, an individual may contact the most convenient social security office in person or in writing. The inquirer should provide his name, social security number, identify the type of claim he filed (retirement, survivors, disability, health insurance, black lung, special minimum payments, or supplemental security income) if more than one claim was filed, each should be identified, whether he is or has been receiving benefits, whether payments are being received under his own social security number, and if not, the name and social security number under which received, if benefits have not been received, the approximate date and the place the claim was filed, and his return address or his telephone number.

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** This information is obtained from the claimants accumulated by the Social Security Administration from reports of employers or self-employed individuals, various local, State, and Federal agencies, claimant representatives and other sources to support factors of entitlement and continuing eligibilities.

Systems exempted from certain provisions of the act: None

69-60-0090

System name: Master Beneficiary Record HEW SSA OPO

Security classification: None

System location:

Bureau of Data Processing  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** All social security beneficiaries currently entitled to receive retirement, survivors, disability and special minimum social security benefits, records for beneficiaries whose entitlement has been terminated because of a termination event as defined in the Social Security Act, and denied and disallowed cases.

**Categories of records in the system:** The master beneficiary data contains data applicable to all beneficiaries maintained on the record within a particular account and reflects the social security number under which benefits are awarded, the primary insurance amount (insured) or quarters of coverage required and earned (uninsured), provides information regarding benefit computation, insured status, use of railroad or military credits, and information for statistical and control purposes, contains the effective date of onset of disability for disability cases or date and proof of death for death cases, contains information pertinent to all beneficiaries receiving payment on the record and the name and address (including ZIP Code) of the payee, the servicing social security district office code and the amount of the monthly check payable; reflects any special status of a payment being made, contains statistical and identifying information for each individual on the record such as the beneficiary's subscript, beneficiary name, date of birth, date of entitlement, sex, race, and benefit payment status, contains information for those beneficiaries enrolled in the health or supplemental medical insurance provision of the Social Security Act, contains information relating to annual reports of earnings, representative payee data, and cross-reference data pertinent to any other account on which the beneficiary may be entitled to benefits, and a chronological sequence of payment history for each beneficiary. The records may be in the following form: Master Beneficiary Record Computer File, Online Data Base (Query and Response); Various Microform Files as follows: Master File - a master record in account number order, Alpha File - an alphabetic list of beneficiaries, Transaction File - monthly supplement (accretions, deletions, and changes) to the master file, in social security number order, Offline Query and Response, Treasury Payment Tape Files and Related Transaction Files, and Returned and Cancelled Check Files, and payment reference listing. Various One-Time Work Tape Files used in computer sorting of records and in subsystems

processing of the master beneficiary record. After use they are returned to stock.

**Authority for maintenance of the system:** Payment of benefits is directed by the following sections: Sections 202a, 205, 223, 226, 228, 1611 and 1840 and of the Social Security Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Routine uses for disclosure may be to:

- a. Applicants or claimants, prospective applicants or claimants other than the data subject, their authorized representatives or representative payees to the extent necessary to pursue social security claims and receive an account of benefit payments.
- b. Third party contacts by the Social Security Administration (without the consent of the individual to whom the information pertains) in situations where the party to be contacted has, or is expected to have, information relating to the individual's capability to manage his affairs or his eligibility for or entitlement to benefits under the social security programs when:
  - (1) The individual is unable to provide the information being sought (an individual is considered to be unable to provide certain types of information when any of the following conditions exist: individual is incapable or of questionable mental capability, cannot read or write, cannot afford the cost of obtaining the information, a language barrier exists, or the custodian of the information will not, as a matter of policy, provide it to the individual); or
  - (2) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following: the individual's eligibility to benefits under a social security program, the amount of a benefit payment, any case in which the evidence is being reviewed as a result of suspected abuse or fraud, concern for program integrity, or for quality appraisal, or evaluation and measurement system activities.
- c. Third party contacts by the Social Security Administration where necessary to establish or verify information provided by representative payees or payee applicants.
- d. A person (or persons) on the rolls when a claim is filed by another individual which is adverse to the person on the rolls.
  - (1) An award of benefits to a new claimant precludes an award to a prior claimant, or
  - (2) An award of benefits to a new claimant will reduce the benefit payments to the individual(s) on the rolls, but only for information concerning the facts relevant to the interests of each party in a claim.
- e. The Treasury Department for collecting social security taxes or as otherwise pertinent to tax and benefit payment provisions of the Social Security Act, including social security number verification services, and for investigating alleged theft, forgery, or unlawful negotiation of social security checks.
- f. The United States Postal Service for investigating alleged forgery or theft of social security checks.
- g. The Department of Justice for investigating and prosecuting violations of the Social Security Act to which criminal penalties attach, for representing the Secretary, and for investigating issues of fraud by agency officers or employees, or violation of civil rights.
- h. The Department of State and the Veterans Administration Regional Office Philippines for administering provisions of the Social Security Act in foreign countries through facilities and services of those agencies.
- i. The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment and for administering the Railroad Unemployment Insurance Act.
- j. The Veterans Administration for the purpose of administering 38 U.S.C. 412 (special payments to certain survivors of uninsured persons who die after 1956 while on active duty, active duty for training, or inactive duty training, or who die after 1956 due to a service-connected disability incurred after September 15, 1940).
- k. The Bureau of Census when it performs as a collecting agent or data processor for research and statistical purposes directly relating to the Social Security Act.

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- l. The Department of the Treasury, Office of Tax Analysis, for studying the effects of income taxes and taxes on earning.
- m. The Civil Service Commission for the study of the relationship of civil service annuities to minimum social security benefits, and the effects on the trust fund.
- n. State social security administrators for administration of agreements pursuant to section 218 (State and local).
- o. State Welfare Departments for administering Sections 203(c)(2) (B)(ii)(I) and 402(a)(25) of the Social Security Act requiring information about assigned social security numbers for Aid to Families with Dependent Children program purposes and for determining a recipient's eligibility under the AFDC and Medicaid programs.
- p. Energy Resources Development Administration for their study of the long-term effects of low-level radiation exposure (See also 45 CFR, Part 5b) q. A congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
- r. Contractors under contract to the Social Security Administration or under contract to another agency with funds provided by the Social Security Administration for the performance of research and statistical activities directly relating to the Social Security Act.
- s. Veterans Administration of information requested for purposes of determining eligibility for or amount of VA benefits or verifying other information with respect thereto.
- t. The Department of Labor, for statistical studies of the relationship of private pensions and social security benefits to prior earnings. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity, (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components, or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected. In response to legal process or interrogatories relating to the enforcement of an individual's child support or alimony obligations, as required by sections 459 and 461 of the Social Security Act.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic tape, magnetic disk, microform, and paper.

**Retrievability:** Based on social security number on magnetic tape, microform readers and printers, listings, and online computer terminals. Master beneficiary record data are used by a broad range of social security employees for responding to inquiries, generating followups on beneficiary reporting events, computer exception processing, statistical studies, conversion of benefits, and to generate payment records for Treasury. Data are received from the States regarding health insurance third party premium payment/buy-in information. Data are made available to the Inspector General for use in the performance of his duties.

**Safeguards:** All magnetic tapes and discs are within an enclosure attended by security guards. Anyone entering or leaving this enclosure must have special badges which are issued only to authorized personnel. All microfilm and paper files are accessible only by authorized personnel with a need to know. For computerized records, electronically transmitted between Central Office and field office locations (including organizations administering SSA programs under contractual agreements), systems securities are established in accordance with Departmental standards and National Bureau of Standards guidelines. Safeguards include a lock/unlock password system, exclusive use of leased telephone lines, a terminal oriented transaction matrix, and an audit trail.

**Retention and disposal:** Magnetic tape records are used to update the disc files and then are retained up to 90 days, the majority of magnetic tape reels are erased and returned to stock after processing is completed, while the disc files are continuously updated and retained indefinitely. Microfilm is disposed of by shredding after periodic replacement of a complete file. Paper records are usually destroyed after use, by shredding, except where

needed for documentation of the claims folder, in which case they are retained therein indefinitely (see notices for claims folders and post-judicative records of applicants and beneficiaries for social security benefits).

**System manager(s) and address:**

Director  
Bureau of Retirement and Survivors Insurance  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** Contact the most convenient social security office (see Appendix F). The social security claim number (social security number plus alphabetic symbols), and name and address must be furnished with proper identification.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** The information for the master beneficiary record comes primarily from the claims folder and/or is furnished by the beneficiary at the time of filing for benefits, via the application form and necessary proofs, and during the period of entitlement when notices of events such as changes of address, work, marriage, are given the Social Security Administration by the beneficiary from States regarding health insurance buy-in cases.

**Systems exempted from certain provisions of the act:** None

09-60-0091

**System name:** Social Security Administration Claims Control System HEW SSA OPO

**Security classification:** None

**System location:**

Bureau of Data Processing  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** A control record is established when a claim(s) for Retirement, Survivors, Disability, and/or Health Insurance Benefits is filed on a particular social security number (SSN). Only one record is established for each social security number even though more than one claim may be filed simultaneously—e.g., claims for the wage earner, his wife, and children on one social security number.

**Categories of records in the system:** The record content is: social security number and wage earner's name, the date the application was filed—for a few cases it is not included because it is not known when the record is established, the type of action—i.e., Retirement, Survivors, Disability, and/or Health Insurance Benefits, the potential month of entitlement—for monthly benefits this will be the first month for which benefits may be paid, the code for the district office that processed the application, the district office that released the claim to the State agency or program center, the present location of the claim, the date the claim was released by one office and received by another.

**Authority for maintenance of the system:** Section 204 of the Social Security Act—This provision necessitates a systems control of claims to ensure payment within prescribed time parts.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity, (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components, or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic tape and disk for online and offline retrieval.

**Retrievability:** Indexed by social security number. Controlling claims from the point they originate in a district office until they are finally processed to completion enables the Administration to identify those claims for which inordinate delays occur. Once identified, expeditious processing is initiated. Moreover, the data present in the system is useful in the reconstruction of a claim if the application were to be lost.

**Safeguards:** Magnetic tape and disk records protected through standard security measures used for all SSA's computer records—limited access to Social Security Administration offices—limited employee access to computer facilities based on specific authorization. For computerized records, electronically transmitted between Central Office and field office locations (including organizations administering SSA programs under contractual agreements), systems securities are established in accordance with Departmental standards and National Bureau of Standards guidelines. Safeguards include a lock/unlock password system, exclusive use of leased telephone lines, a terminal oriented transaction matrix, and an audit trail.

**Retention and disposal:** The records on the magnetic tapes are purged when the decision of award or disallowance is made on the social security number or at 1 year from the date the record is established, whichever occurs first. The old versions of tapes are erased and returned to stock. The disk files are continuously updated and retained indefinitely.

**System manager(s) and address:**

Director  
Bureau of Retirement and Survivors Insurance  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** Social Security District Offices and Branch Offices (See Appendix F.)

**Record access procedures:** Social Security District Offices and Branch Offices. The data in this system are extremely limited since the system is a mechanism used by the agency to control and expedite the processing of claims. An individual may access the information about him in the system by contacting the most convenient social security office, referencing the system, providing name, social security number, approximate date and place claim was filed, type of claim (retirement, survivors, disability, or health insurance), and return address or phone number.

**Contesting record procedures:** It is maintained that little of the data in this system is contestable; however, should an individual wish to contest it upon review, he may discuss the matter with the social security office staff. If he decides to contest, he should reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Sec. 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** The data are derived from the information furnished by the claimant on his application and by control data that is received as the claim is sent from the district office to other social security offices.

**Systems exempted from certain provisions of the act:** None.

09-60-0092

**System name:** Automated Control System for Case Folders HEW SSA OPO

**Security classification:** None.

**System location:** Program Service Centers (See Appendix A), Division of International Operations, Bureau of Disability Insurance (See Appendix B).

**Categories of individuals covered by the system:** All claimants who have a social security number, have filed a claim under Titles II, retirement, survivors, and disability insurance; XVI, supplemental security income, and XVIII, health insurance, of the Social Security Act, and whose claims have been processed through to a decision of award, disallowance, withdrawal, or termination such claims are in the adjudication process for reaching the aforementioned decisions.

**Categories of records in the system:** A control record by social security number containing data relative to the location of the claim serviced by one of the offices maintaining jurisdictional responsibility.

**Authority for maintenance of the system:** The payment provisions of the Social Security Act and Federal Coal Mine Health and Safety Act, Sections 202, 223, 226, 228, and 1611 of the Social Security Act and 411 of the Federal Coal Mine Health and Safety Act. The information for this system is derived from the claims filing process and duplicates, in fact, that set out in the Claims Folder Systems Notice.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity, (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components, or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic disk storage files and magnetic tape files.

**Retrievability:** Social security number. Control records containing social security numbers are used by the offices to identify the location of claims as well as enabling them to associate and process incoming material in a timely fashion. The identification and exact location feature assists Social Security Administration in meeting the standards of service to the public in processing and deciding claims for benefits. Data are also used to identify where operating weaknesses are to facilitate corrective action by management. Management data is also derived from the control records to provide statistical data relative to workloads, staffing, and manpower usage.

**Safeguards:** Disk and tape files protected through standard security measures used for all of Social Security Administration's computer records—limited access to social security offices, and limited employee access to computer facilities based on specific authorizations.

**Retention and disposal:** The control records are maintained indefinitely. No provisions have been made to dispose of the control records nor is any contemplated as of now. When disk files are rewritten, the old disks are erased and returned to stock.

**System manager(s) and address:**

Director  
Bureau of Retirement and Survivors Insurance  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:**

1. Director for one of the program service centers (See Appendix A)
2. Director, Division of International Operations, Professional Building for foreign claims
3. Director, Bureau of Disability Insurance, Baltimore, Maryland 21241 for disability claims

**Record access procedures:** The data in this file are extremely limited since the system is a mechanism used by the agency to locate claims folders and claims in process. Information in the system about an individual may be accessed by writing to the appropriate official set out under Notification above, referencing the system, providing name, social security number and related address. (These access procedures are in accordance with Department Regulations (45 CFR, Sec. 5b.5(a)(2)) Federal Register, October 8, 1975, Page 47410.)

**Contesting record procedures:** It is maintained that little of the data here is contestable; however, should an individual wish to contest it upon review, he may do so by writing to the official who was initially requested to furnish the information, indicating which data are contested, the reason it is contested, and providing social



security number, name and related address. (These procedures are in accordance with Department Regulations (45CFR, Sec 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** The control records are developed from recordings of cards containing social security numbers and coded location identifiers. Also, magnetic tape files prepared in Baltimore containing social security numbers and location identifiers are provided to the jurisdictional offices to reflect the location of claims wherever located in Social Security Administration offices.

**Systems exempted from certain provisions of the act:** None.

09-60-0093

**System name:** Billing and Collection Master Record System HEW SSA OPO

**Security classification:** None.

**System location:**

Bureau of Data Processing  
6401 Security Boulevard  
Baltimore, Maryland 21235

Bureau of Retirement and Survivors Insurance  
6401 Security Boulevard  
Baltimore, Maryland 21235

Social Security Administration Program Service Centers  
Division of International Operations (see Appendix A)

Bureau of Disability Insurance  
Baltimore, Maryland 21241

**Categories of individuals covered by the system:** This system contains records of all retirement, survivors, disability, or health insurance beneficiaries entitled to hospital insurance and/or supplementary medical insurance who are, or have been, subject to direct billing for insurance premiums. This includes individuals who: (1) are currently being billed directly for insurance premiums; (2) are not currently in direct billing status but have either a premium arrearage (or overpayment) of record or were at one time in direct billing status. It does not contain a record of any hospital or supplementary medical insurance enrollee who has had premiums deducted from monthly benefits or paid through a third party payer arrangement continuously from the initial month of entitlement.

**Categories of records in the system:** It contains identifying information as well as information regarding entitlement to hospital or supplementary medical insurance, current address information, individual records of premium payments, premium adjustments, refunds of excess payments, and current amounts due.

**Authority for maintenance of the system:** Sections 1840(c) and 1871 of the Social Security Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Primary record storage is by magnetic tape and disk. Monthly updates of the record are also provided to the Social Security Administration program service centers, the Division of International Operations, Bureau of Retirement and Survivors Insurance, and the Division of Benefit Payments, Bureau of Disability Insurance in microform records.

**Retrievability:** Magnetic tape, disk and microform records are indexed by social security number, or claim account number. It is used to: (1) generate monthly and quarterly premium billing notices; (2) record and process premium payments and adjustments; (3) refund excess premium payments; (4) terminate hospital and/or

supplementary medical insurance coverage for non-payment of premiums; (5) reverse termination actions; (6) maintain a history of premium payments, adjustments, or other events which alter the billing status; (7) provide up-to-date premium and billing information to Social Security Administration clerical and electronic operations. Information is used to respond to specific beneficiary inquiries or to facilitate the proper adjustment of social security benefit payments. Information is also accessed electronically by social security benefit programs for the proper adjustment of payment amounts.

**Safeguards:** Magnetic tape, and disk records are protected through standard security measures used for all of Social Security Administration's computer records, microform records are subject to the same rules and security as all other information in Social Security Administration relating to claims and beneficiary records; limited access to Social Security Administration offices, limited employee access to need to know.

**Retention and disposal:** Microform and tape records can routinely be sent to the Federal Records Center after 2 years. However, since this record is updated monthly, even though the physical records are released to the Federal Records Center, current record will contain full history of all transactions. An inactive tape file, i.e., a file containing the records of cases where the enrollee has died, been in payment status for 2 or more years, etc., is maintained in each program center. This file currently has no disposal schedule.

**System manager(s) and address:**

Director  
Bureau of Retirement and Survivors Insurance  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** In order to ascertain whether or not this system contains information about him/her, an individual should contact the most convenient social security office and provide health insurance claim number as shown on Medicare health insurance card (see Appendix F).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** The identification and entitlement/termination information for this system is extracted from Social Security Administration's Master Beneficiary Record. All other information is compiled from the individual's premium billing and payment histories.

**Systems exempted from certain provisions of the act:** None.

09-60-0094

**System name:** Recovery Accounting for Overpayments HEW SSA OPO

**Security classification:** None

**System location:**

Bureau of Data Processing  
6401 Security Boulevard  
Baltimore, Maryland 21235

Social Security Administration Program Service Centers (see Appendix A)

Bureau of Disability Insurance  
Baltimore, Maryland 21241

Division of International Operations  
6401 Security Boulevard  
Baltimore, Maryland 21235

Lists of overpaid individuals, which are produced by this computer system, are maintained at each district or branch office (see Appendix F).

**Categories of individuals covered by the system:** All social security beneficiaries who received an overpayment of benefits. All persons holding conserved (accumulated) funds received on behalf of a social security beneficiary. All persons who received social security payments on behalf of a beneficiary and were found to have misused those payments.

**Categories of records in the system:** Identifying characteristics of each overpayment or instance of misused or conserved funds. Name and address of the individual(s) involved. Recovery efforts made and the date of each action. Planned future actions.

**Authority for maintenance of the system:** Section 204(a) of the Social Security Act (42 United States Code 404(a)).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic tape, magnetic disk and microfiche in the Bureau of Data Processing. Microfiche in program service centers, the Bureau of Disability Insurance and the Division of International Operations. Paper listings in district and branch offices.

**Retrievability:** Magnetic tape, magnetic disk and microfiche indexed by social security number. The users of this system are employees of social security district and branch offices, as well as selected personnel of the Social Security Administration Program Service Centers, the Bureau of Disability Insurance, and the Division of International Operations. The data are used to maintain control of overpayments and misused or conserved funds from the time of discovery to the final resolution and for the proper adjustments of payment and refund amounts. Data also used to produce accounting and statistical reports at specified intervals.

**Safeguards:** Magnetic tape, magnetic disk, microfiche and paper records are protected through standard security measures used for all of the Social Security Administration's records—limited access to Social Security Administration offices—limited access to files to employees on a need to know basis.

**Retention and disposal:** Magnetic tape files are updated daily and retained for 10 days, after which the tapes are erased and returned to stock. The magnetic tape file produced in the last operation of the month is retained in security storage for a period of 30 days, after which the tapes are erased and returned to storage. The microfiche records are updated monthly, retained for one month after the month they are produced, and then destroyed by application of heat. Paper listings are destroyed when overpayment issue is resolved or updated listing is received. The disk files are continuously updated and retained indefinitely.

**System manager(s) and address:**

Director  
Bureau of Retirement and Survivors Insurance  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** In order to find out if this system contains information about him, an individual may contact the most convenient social security office (see Appendix F) or program center (see Appendix A). Provide name, social security number, the address, reference this system, and any other information which will assist in locating the materials (e.g., data about a prior or current overpayment).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** The information for the computer files is received directly from beneficiaries, from district and branch offices, and as the result of earnings enforcement operations. The paper listings are updated as a result of the computer operations.

**Systems exempted from certain provisions of the act:** None.

09-60-0095

**System name:** Health Insurance Overpayment Ledger Cards HEW SSA OPO

**Security classification:** None

**System location:**

Social Security Administration  
Program Service Centers

Division of International Operations (See Appendix A)

Bureau of Disability Insurance  
6401 Security Boulevard  
Baltimore, Maryland 21241

**Categories of individuals covered by the system:** All social security health and supplemental medical insurance enrollees who received incorrect medicare payments or services, who are determined liable, and against whom it is not possible to adjust subsequent Part A (Hospital) or Part B (Supplementary Medical) benefits.

**Categories of records in the system:** A clerical record of each overpaid medicare benefit, name and address of the individual(s) involved. Recovery efforts made and the date of each action. Planned future actions.

**Authority for maintenance of the system:** Sections 1814, 1833 and 1870 of the Social Security Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Card stock in metal cabinets.

**Retrievability:** By social security number. The users of this system are selected employees of both social security program centers as well as Division of International Operations and Bureau of Disability Insurance. The information recorded by the program centers is used to maintain control of medicare overpayments referred to the program center from Bureau of Health Insurance for recovery action. In these cases, Bureau of Health Insurance is unable to recoup the overpayment by adjusting subsequent medicare benefits. The information on the ledger cards is also used to produce periodic accounting, management, and statistical reports.

**Safeguards:** Records protected through standard security means for all of the Social Security Administration's clerical records, limited access to buildings and limited access by employees on a need to know basis.

**Retention and disposal:** Retained in the program center for a period of one year after collection efforts terminated and then transferred to the Federal Records Center where they are retained for 3 years, then destroyed.

**System manager(s) and address:**

Director  
Bureau of Retirement and Survivors Insurance  
6401 Security Boulevard



**Baltimore, Maryland 21235****Notification procedure:**

Social Security Administration Program Service Centers

Division of International Operations (See Appendix A)

Bureau of Disability Insurance  
6401 Security Boulevard  
Baltimore, Maryland 21241

**Record access procedures:** An individual may access any information maintained about him in this system. He should write to the appropriate office (based on social security number) as set out in Appendix A, providing his social security number, and referencing this system of records. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Sec 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** The information is received indirectly from the providers of Medicare services through the Bureau of Health Insurance and directly from the Bureau of Health Insurance as a result of their audit.

**Systems exempted from certain provisions of the act:** None procedures.

09-60-0096

**System name:** Control System for Delayed, Critical or Sensitive Case Inquiries HEW SSA OPO

**Security classification:** None**System location:**Bureau of Retirement and Survivors Insurance Critical Case Staff  
6401 Security Boulevard  
Baltimore, Maryland 21235Inquiry and Expediting Staffs of the Social Security Administration  
Program Service Centers (see Appendix A for addresses)  
the Division of International Operations' Sensitive Case Staff  
6401 Security Boulevard  
Baltimore, Maryland 21235

Copies of individual files are also maintained by the district or branch office at which an inquiry of this nature originates (see Appendix F).

**Categories of individuals covered by the system:** Social security beneficiaries or persons inquiring on their behalf who are reporting failure to receive a check or checks which they believe are due or are inquiring about other matters which have been determined to be of a critical or sensitive nature (e.g., failure to receive a check).

**Categories of records in the system:** The name and social security number of the individual and identifying information about the source of the inquiry (e.g., the individual, congressman, authorized representatives), the problem involved, and its subsequent resolution.

**Authority for maintenance of the system:** Section 205(i) of the Social Security Act (42 U.S.C. 405(i)).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Respond to the inquirer; may include contact with the Treasury Department to determine if payment was issued or check returned for cash. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the De-

partment may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Control cards and inquiry sheets, copies of letters to individuals or persons writing on their behalf (e.g., congressmen, authorized representatives) advising them of the resolution of their inquiries.

**Retrievability:** By name and/or social security number.

**Safeguards:** The control records are subject to the same rules and safeguards as all other information in Social Security Administration relating to claims and beneficiary records—limited access to the Social Security Administration offices, and limited employee access based on need to know.

**Retention and disposal:** Control cards are maintained for 6 months after which they are destroyed by shredding. Inquiry sheets are destroyed after 1 year by shredding. Letters are maintained for 2 years and then destroyed by shredding, except those originating in the program centers and the Division of International Operations. They are maintained in the claims folder as part of the file. District and branch office copies are destroyed after the investigation has been completed.

**System manager(s) and address:**

Director  
Bureau of Retirement and Survivors Insurance  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** In order to ascertain whether or not this system contains information about him/her, an individual should contact the most convenient social security office and provide the system name, social security number, and return address, or phone number.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** The information is derived from the individual or someone on his behalf, the individual's claims record and the contacts within the Social Security Administration or outside the Social Security Administration (e.g., Treasury Department) needed to obtain the information.

**Systems exempted from certain provisions of the act:** None.

09-60-0097

**System name:** Program Integrity Case Files HEW SSA OPO

**Security classification:** None**System location:**Bureau of Retirement and Survivors Insurance  
6401 Security Boulevard  
Baltimore, Maryland 21235  
and its program service centers (see Appendix A)Bureau of Disability Insurance  
Baltimore, Maryland 21241  
its regional office locations (see Appendix B)

Regional Commissioners Office (see Appendix D.2.)

**Categories of individuals covered by the system:** Persons suspected of having violated the criminal provisions of the Social Security Act where substantial basis for criminal prosecution exists, and defendants in criminal prosecution cases.

**Categories of records in the system:** Information maintained in each record includes the identity of the suspect, the nature of the alleged offense, documentation of the investigation into the alleged offense, and the disposition of the case by the Social Security Administration or the United States Attorney.

**Authority for maintenance of the system:** Sections 206, 208, 221, 222, 1106, 1107, 1631(d)(3), 1632, 1633, 1816, 1842, 1872, 1874, 1876, 1877 of the Social Security Act, and sections 413 and 427 of the Federal Coal Mine Health and Safety Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Material in this system of records is routinely used by SSA staff to determine if a violation of the penal provisions of the Social Security Act or related provisions of the United States Code has been committed. If so, such material is used as the basis for referral of the case to the Department of Justice for consideration of prosecution, and is disclosed to that agency. The material is also used to determine the direction of investigation of potential fraud situations, which includes contact with third parties for the purpose of establishing or negating a violation. Some such information is disclosed to officers or employees of State governments as well as the CHAMPUS program for use in conducting investigations of possible fraud or abuse against the title XIS or CHAMPUS programs, as well as States Attorneys in connection with State programs involving the Social Security Administration. Cases involving fraudulent tax returns or forgery of social security checks are disclosed to the Treasury Department. (See also 45 CFR, Part 5B). Disclosure may also be made to: The U.S. Postal Service for investigating alleged forgery or the theft of social security checks; State and local police authorities for the purpose of investigating the loss, theft, and/or forgery of Medicare checks; to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual system, records maintained in manila folders and stored in filing cabinets.

**Retrievability:** Records are indexed and retrieved by social security number or by name of the subject of the investigation. The information in this record system pertains to suspected violations and fraud investigations. Cases may move through several levels of the Social Security Administration organization at the district, regional and/or central office locations during the course of documenting a suspected fraudulent situation.

**Safeguards:** Records are maintained in locked filing cabinets and are accessed only by employees with a job-related need for the information.

**Retention and disposal:** Records may be retained 3 - 5 years after final disposition of the case. At the end of the retention period, the records are destroyed by shredding. (Supplemental security income cases are scheduled for 5 year retention, all others 3 years; once experience has been gained with the former types of case, it may be possible to reduce it to 3 years.)

**System manager(s) and address:** For Supplemental Security Income records, the Regional Commissioner Offices (see Appendix D.2.)

Director  
Bureau of Disability Insurance  
Baltimore, Maryland 21241Director,  
Bureau of Retirement and Survivor's Insurance  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** An individual can determine if this system contains a record pertaining to him by requesting such information in writing from the appropriate program center for retirement and survivors cases (see Appendix A); Bureau of Disability Insurance for disability, black lung, or Supplemental Security Income disabled or blind cases; Regional Commissioner Office for Supplemental Security Income (see Appendix D.2.). The request should include

the individual's name and social security number, any social security number on which he has filed for or received benefits, the type of such claim, and current claim status. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

**Record access procedures:** Per 5 United States Code 522a (k)(2), the records in this system are exempt from access by the individual named in the records. However, access to information which is a matter of public record or documents furnished by the individual will be permitted.

**Contesting record procedures:** Same.

**Record source categories:** The information contained in this record system is the result of criminal investigation and may be derived from such sources as the suspect, witnesses, or Social Security Administration employees with a knowledge of the case.

**Systems exempted from certain provisions of the act:** Exemption of this system to the access provisions is claimed under section k(2) of the Privacy Act inasmuch as these records are investigatory materials compiled for program (law) enforcement in anticipation of a criminal proceeding. (See page 47413 of Federal Register of 10/8/75, Vol. 40, No. 196, Part V.)

09-60-0100

**System name:** Litigation Activity File HEW SSA OPO.

**Security classification:** None**System location:**Bureau of Retirement and Survivors Insurance  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** Plaintiffs who have filed court actions against the Secretary of HEW.

**Categories of records in the system:** Basically, the file is used as a reference and control vehicle for analysts involved in litigation activity. The records contain documentation concerning specific litigation cases. For example, documentation includes copies of suggested replies to interrogatories and factual summaries, copies of memoranda to implement court decisions, requests for information from Office of General Counsel and in response to the Office of General Counsel's requests for information, etc. Also included is documentation regarding telephone calls, personal contacts, and letters concerning routine activity on a particular litigation case.

**Authority for maintenance of the system:** Section 205(g) of the Social Security Act, 42 U.S.C. 402(g).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information is stored in file cabinets.

**Retrievability:** File maintained in alphabetical order by plaintiff's last name, and is used by analysts working with the Office of the General Counsel and the reviewing offices for maintaining knowledge of the status of individual court cases.

**Safeguards:** Limited access based on need to know.

**Retention and disposal:** Files are maintained until all final actions are completed. After final actions are completed, files are destroyed by shredding.

**System manager(s) and address:**

Director



Bureau of Retirement and Survivors Insurance  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** Contact the systems manager in writing, and provide name, social security number, return address, and system name.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Information is recorded from the complaint received from the Office of General Counsel and other correspondence, decisions, recommendations, etc.

**Systems exempted from certain provisions of the act:** None

09-60-0103

**System name:** Court Case Record File HEW SSA OPO

**Security classification:** None

**System location:**

Bureau of Retirement and Survivors Insurance  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** Plaintiffs who have filed court actions against the Secretary of HEW.

**Categories of records in the system:** Record contains: Plaintiff's name, wage earner's name, Social Security number, the date the complaint was filed, the issue involved (e.g., plaintiff contesting HEW's date of birth determination), action taken on complaint, cross reference to litigation folder (see systems notice regarding Litigation Activity File).

**Authority for maintenance of the system:** Section 205(g) of the Social Security Act, 42 U.S.C. 402(g).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity, (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components, or (c) any Department employee in his or her individual capacity where the Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Cards are stored in a file cabinet.

**Retrievability:** They are filed alphabetically by plaintiff's last name. Information from the court case record cards are used for the statistical portion of the Civil Litigation Report sent to the Commissioner of Social Security Administration. Also, these cards are used as reference cards and locator cards to find the litigation material.

**Safeguards:** Limited access to Social Security Administration offices, limited employee access based on need to know.

**Retention and disposal:** Never destroyed. Closed cases after litigation report is completed are placed in boxes in alphabetical order.

**System manager(s) and address:**

Director  
Bureau of Retirement and Survivors Insurance  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** Contact the systems manager in writing and provide name, social security number, return address, and system name.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Information is recorded from the complaint received from the Office of the General Counsel and other correspondence, decisions, recommendations, etc.

**Systems exempted from certain provisions of the act:** None

09-60-0102

**System name:** Fee Ledger System for Representatives HEW SSA OPO

**Security classification:** None

**System location:** Records pertaining to representatives in retirement, survivors, disability, health insurance, supplemental security income and black lung benefit claims are maintained at the following locations:

Bureau of Retirement and Survivors Insurance  
6401 Security Boulevard  
Baltimore, Maryland 21235  
(For all claims involving retirement, survivors, and supplemental security for the aged)

Bureau of Disability Insurance  
6401 Security Boulevard  
Baltimore, Maryland 21241  
(For all claims involving disability benefits, black lung and supplemental security income for the blind and disabled)

Bureau of Hearings and Appeals  
801 North Randolph Street  
Arlington, Virginia 22203  
(For all claims that involve a hearing for disability, retirement, survivors benefits, health insurance, black lung, or supplemental security income)

Bureau of Supplemental Security Income  
6401 Security Boulevard  
Baltimore, Maryland 21235  
(For claims involving only supplemental security income benefits)

**Categories of individuals covered by the system:** Attorneys and non-attorney representatives of claimants before the Social Security Administration.

**Categories of records in the system:** Name and address of representative, firm affiliation, if any, claimant's social security number, fee requested by representative, amount of fee approved by the Social Security Administration, amount withheld from claimant's past-due benefits, date the fee was approved, type of services rendered, reviewing and approving offices.

**Authority for maintenance of the system:** Sections 206 and 1631(d) of the Social Security Act, and section 413(b) of the Federal Coal Mine Health and Safety Act of 1969.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party provided such disclosure is compatible with the purpose for which the records were collected.

**Record source categories:** All information is extracted and compiled from Forms SSA-1560, Petition to Obtain Approval of a Fee for Representing a Social Security Claimant, which is completed by the representative and Form SSA-1560A, Authorization to Charge and Receive a Fee, which is prepared by the Social Security Administration.

**Systems exempted from certain provisions of the act:** None.

09-60-0103

**System name:** Supplemental Security Income Record HEW SSA OPO.

**Security classification:** None

**System location:**

Bureau of Data Processing  
6401 Security Boulevard  
Baltimore, Maryland 21235  
District Offices, Branch Offices and BSSI Regional Offices  
(See Appendices D and F)

**Categories of individuals covered by the system:** This file contains a record for each aged, blind, or disabled individual who has applied for supplemental security income payments.

**Categories of records in the system:** This file contains data regarding eligibility, citizenship, residence, eligibility for other benefits, alcoholism or drug addiction data (if applicable), income data, resources, payment amounts and living arrangements for all persons who have applied for SSI payments.

**Authority for maintenance of the system:** Section 1631 of Title XVI of the Social Security Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information from this file is used by the Treasury Department to prepare supplemental security income benefit checks, and by the States to establish the minimum income level for computation of State supplement. Minimum information necessary to identify SSI applicants and recipients to the following Federal and State agencies for their use in preparing information for verification of eligibility for benefits under section 1631(e): Bureau of Indian Affairs, Civil Service Commission; Department of Agriculture, Department of Labor; Immigration and Naturalization Service, Internal Revenue Service, Railroad Retirement Board, State Pension Funds, State Welfare Offices; State Workmen's Compensation, Department of Defense, United States Coast Guard, and Veterans Administration. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. State Vocational Rehabilitation agency, or State crippled children's agency (or another agency providing services to disabled children) for the consideration of rehabilitation services per 42 U.S.C. 422 and 1382d. Contractors under contract to the Social Security Administration or under contract to another agency with funds provided by the Social Security Administration for the performance of research and statistical activities directly relating to the Social Security Act, State audit agencies for auditing State supplementation payments and Medicaid eligibility consideration. The Veterans Administration of information requested for purposes of determining eligibility for or amount of VA benefits or verifying other information with respect thereto, the Railroad Retirement Board for administering the Railroad Unemployment Insurance Act. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components, or (c) any Department employee in his or her individual capacity where the Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected. In response to legal process or interrogatories relating to the enforcement of an individual's child support or alimony obligations, as required by sections 459 and 461 of the Social Security Act.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic Tape, microfiche.

**Retrievability:** Magnetic tape and Microfiche indexed by social security number. Supplemental security income records begin in the

partment may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The central reference files are maintained by the Bureau of Retirement and Survivors Insurance on ledger cards, and kept in metal file cabinets. In addition, when the ledger cards are destroyed, an alphabetic listing, which is manually maintained, is prepared to indicate that the representative has appeared before the Social Security Administration in the past. The Bureau of Disability Insurance, Health Insurance, and Supplemental Security Income may maintain carbon copies of the Petition to obtain approval of a fee for representing a social security claimant. These copies, when maintained, may include a copy of the Social Security Administration's authorization to charge and receive a fee, and are filed in metal filing cabinets, in the case of the Bureau of Hearings and Appeals, they are maintained in file books.

**Retrievability:** Records are generally indexed alphabetically by name of the representative. If the representative is an attorney and no specific name is furnished the record is filed according to the name of the firm. The Bureau of Hearings and Appeals, however, maintains its file based on social security number of the claimant.

**Safeguards:** Normal security measures are imposed. Only those Social Security Administration employees with a job-related need for the information can have access to the records in this system.

**Retention and disposal:** Ledger records are retained for a period of 5 years from the date of the latest entry. If no entries are recorded within this period the record is destroyed. When the ledger is destroyed, the name, address of the representative, and at least one social security number of an involved claim, is recorded and indexed for indefinite retention. Copies of the representatives petition are maintained in the Bureau of Retirement and Survivors Insurance until pertinent data are transferred to the ledger cards; then the copies are destroyed by shredding. Records in the Bureau of Disability Insurance, Supplemental Security Income, and Hearings and Appeals are maintained indefinitely.

**System manager(s) and address:** See location for appropriate manager to contact.

Director, Bureau of Retirement and Survivors Insurance  
6401 Security Boulevard  
Baltimore, Maryland 21235

Director, Bureau of Disability Insurance  
6401 Security Boulevard  
Baltimore, Maryland 21241

Director, Bureau of Hearings and Appeals  
801 North Randolph Street  
Arlington, Virginia 22203

Director, Bureau of Supplemental Security Income  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** An individual can determine if this system contains a record pertaining to him by writing to the appropriate system manager. When the appropriate manager cannot be identified, the individual may contact the Director, Bureau of Retirement and Survivors Insurance. All requests should include the representative's name and address, type of claim, date the fee was approved, and social security number under which the claim was filed.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

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social security district office where an individual files an application for supplemental security income payments. This application contains data which may be used to prove the identity of the applicant, determine his eligibility for SSI payments and in cases where eligibility is determined, to compute the amount of the payment. Information from the application in addition to data used internally to control and process SSI cases is used to create the Supplemental Security Income Record. The Supplemental Security Income Record is also used as a means of providing a historical record of all activity on a particular individual. In addition, statistical data is derived from the Supplemental Security Income Record for actuarial and management information purposes.

**Safeguards:** The magnetic tape records are protected through standard security measures used for all computer records housed within the Social Security Administration. The microfiche are stored in a locked rack, kept in a locked room, and only personnel having a need for information have access. For computerized records, electronically transmitted between Central Office and field office locations (including organizations administering SSA programs under contractual agreements), systems securities are established in accordance with Departmental standards and National Bureau of Standards guidelines. Safeguards include a lock/unlock password system, exclusive use of leased telephone lines, a terminal oriented transaction matrix, and an audit trail.

**Retention and disposal:** Original input transaction tapes received which contain initial claims and posteligibility actions are retained indefinitely although these are processed as received and incorporated into processing tapes which are updated to the master supplemental security income tape file on a monthly basis.

**System manager(s) and address:**

Director, Bureau of Supplemental Security Income  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** Social Security District Offices and Branch Offices (See Appendix F). An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** The information contained within the Supplemental Security Record is obtained for the most part from the applicant for SSI payments and is derived from the claims folder.

Systems exempted from certain provisions of the act: None.

09-60-0104

**System name:** Supplemental Security Income Claims Data HEW SSA OPO.

**Security classification:** None.

**System location:**

Bureau of Data Processing  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** This file contains a record for each aged, blind, or disabled individual who has applied for supplemental security income payments.

**Categories of records in the system:** This file contains data regarding eligibility, citizenship, residence, eligibility for other benefits, alcoholism or drug addiction data (if applicable), income data, resource, payment amounts and living arrangements for all persons who have applied for SSI payments.

**Authority for maintenance of the system:** Section 1631 of Title XVI of the Social Security Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information from this file is used by the Treasury Department to prepare supplemental security income benefit checks, and by the States to establish the minimum income level for computation of State supplement. Minimum information necessary to identify SSI applicants and recipients to the following Federal and State agencies for their use in preparing information for verification of eligibility for benefits under section 1631(c): Bureau of Indian Affairs, Civil Service Commission, Department of Agriculture, Department of Labor, Immigration and Naturalization Service, Internal Revenue Service, Railroad Retirement Board, State Pension Funds, State Welfare Offices, State Workmen's Compensation, Department of Defense, United States Coast Guard, and Veterans Administration. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual, State Vocational Rehabilitation agency, or State crippled children's agency (or another agency providing services to disabled children) for the consideration of rehabilitation services per 42 U.S.C. 422 and 1382d. Contractors under contract to the Social Security Administration or under contract to another agency with funds provided by the Social Security Administration for the performance of research and statistical activities directly relating to the Social Security Act, State audit agencies for auditing State supplementation payments and Medicaid eligibility consideration. The Veterans Administration of information requested for purposes of determining eligibility for or amount of VA benefits or verifying other information with respect thereto. The Railroad Retirement Board for administering the Railroad Unemployment Insurance Act. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components, or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic disc.

**Retrievability:** Magnetic disc indexed by social security number. The online claims data are used to expeditiously provide supplemental security income data, upon request, to social security field offices around the nation.

**Safeguards:** The magnetic disc records are protected through standard security measures used for all computer records housed within the Social Security Administration-limited employee access to specific authorization by individual. For computerized records electronically transmitted between Central Office and field office locations (including organizations administering SSA programs under contractual agreements), systems securities are established in accordance with Departmental standards and National Bureau of Standards guidelines. Safeguards include a lock/unlock password system, exclusive use of leased telephone lines, a terminal oriented transaction matrix, and an audit trail.

**Retention and disposal:** The online claims data are retained for an indefinite period.

**System manager(s) and address:**

Director, Bureau of Supplemental Security Income  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** Social security district offices and branch offices (see Appendix F). An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** From materials in the appropriate claims file.

Systems exempted from certain provisions of the act: None.

09-60-0105

**System name:** Claims Currently in Process File (Supplemental Security Income) HEW SSA OPO.

**Security classification:** None.

**System location:**

Bureau of Data Processing  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** This file contains a record for each aged, blind, or disabled individual who has applied for supplemental security income payments.

**Categories of records in the system:** The Cases Currently in Process File contains eligibility, alcoholism and drug addiction data (if applicable), case folder location and appellate decisions.

**Authority for maintenance of the system:** Sections 1602, 1611, 1615, 1616 and 1631 of Title XVI of the Social Security Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components, or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic tape.

**Retrievability:** Magnetic tape records are indexed by social security number. The Cases Currently in Process file is created from the supplemental security income master record. It contains primarily eligibility and case folder location data for internal control purposes within the Social Security Administration.

**Safeguards:** The magnetic tape records are protected through standard security measures used for all computer records housed within the Social Security Administration-limited employee access for specific authorization on an individual basis.

**Retention and disposal:** Data contained within the Cases Currently in Process file are retained indefinitely.

**System manager(s) and address:**

Director  
Bureau of Supplemental Security Income  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** Contact the Systems Manager and provide name, social security number, identify the systems name, and pertinent information about your case. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Information contained within the cases currently in process file is derived from the supplemental security income master record which for the most part, is provided by applicants for supplemental security income payments.

Systems exempted from certain provisions of the act: None.

09-60-0107

**System name:** Claims Index File (Supplemental Security Income) HEW SSA OPO.

**Security classification:** None.

**System location:**

Bureau of Data Processing  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** The Claims Index File contains a record for each identifying number relating to any aged, blind, or disabled individual who has applied for supplemental security income payments.

**Categories of records in the system:** The Claims Index File contains identifying data including type of eligibility, internal location data and social security numbers which may be used to identify a particular individual.

**Authority for maintenance of the system:** Section 1631 of Title XVI of the Social Security Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components, or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic Tape

**Retrievability:** Magnetic Tape indexed by social security number. Since many records enter the supplemental security income system under an identifying number other than the correct supplemental security income case number, the system must have the capability of locating the correct case number in order to properly process the case. The Index File provides this capability in addition to eliminating the possibility of the accretion of duplicate numbers on the supplemental security income master record.

**Safeguards:** The magnetic tape records are protected through standard security measures used for all computer records housed within the Social Security Administration-limited employee access to specific authorization by individual.

**Retention and disposal:** Magnetic tape records are maintained for an indefinite period.

**System manager(s) and address:**

Director, Bureau of Supplemental Security Income  
Social Security Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** Contact the Systems Manager and provide name, social security number, identify the systems name, and pertinent information about your case.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

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**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** The claims index file contains information which is provided by applicants for supplemental security income payments on the initial claims applications.

**Systems exempted from certain provisions of the act:** None

09-60-0108

**System name:** Advance Payment File (Supplemental Security Income) HEW SSA OPO.

**Security classification:** None.

**System location:**

Bureau of Data Processing  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** The Advance Payment File contains a record for each aged, blind, or disabled individual who has applied for supplemental security income payments and has requested an advance payment.

**Categories of records in the system:** The Advance Payment File contains identifying data including the type of eligibility, internal location data and the amount and date of the advance payment.

**Authority for maintenance of the system:** Sections 1602, 1611, and 1631(a) of Title XVI of the Social Security Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic disc.

**Retrievability:** Magnetic disc is indexed by social security number. The Advance Payment File is used as a preventive measure against the issuance of duplicate advance supplemental security income payments to an individual.

**Safeguards:** The magnetic disc records are protected through standard security measures used for all computer records housed within the Social Security Administration—limited employee access by specific authorization on an individual basis.

**Retention and disposal:** The Advance Payment File is retained for an indefinite period.

**System manager(s) and address:**

Director  
Bureau of Supplemental Security Income  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** Contact the Systems Manager and provide name, social security number, identify the systems name, and pertinent information about your case.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** The advance payment file contains information which is provided by applicants for supplemental security income advance payments.

**Systems exempted from certain provisions of the act:** None.

09-60-0109

**System name:** Overpayment File (Supplemental Security Income) HEW SSA OPO.

**Security classification:** None.

**System location:**

Bureau of Data Processing  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** Any supplemental security income payment recipient having a potential supplemental security income overpayment.

**Categories of records in the system:** The Supplemental Security Income Overpayment File contains data regarding eligibility, citizenship, residence, eligibility for other benefits, alcoholism and drug addiction data (if applicable), income data, resources, payment amounts, overpayment amounts, and living arrangements for persons who have applied for supplemental security income payments.

**Authority for maintenance of the system:** Sections 1602 and 1631(b) of Title XVI of the Social Security Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The Supplemental Security Overpayment File is used to maintain a historical record of overpayment data for all supplemental security income recipients, and in processing bills to the respective States for their share of supplemental security income overpayments. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual and to State audit agencies pursuant to agreements with HEW for auditing state supplementation payments. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic tape.

**Retrievability:** Magnetic tape is accessed by social security number. Within the Social Security Administration, the file is used to alert the social security district offices of potentially overpaid supplemental security income recipients.

**Safeguards:** The magnetic tape records are retained in secure storage areas accessible only to authorized persons within the Bureau of Data Processing. The storage area is controlled by Marshalls responsible for insuring that only authorized personnel are admitted. Official identification badges or passes are required to gain entrance to the storage area. All employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information on individuals.

**Retention and disposal:** The Supplemental Security Income Overpayment File is retained for an indefinite period.

**System manager(s) and address:**

Director  
Bureau of Supplemental Security Income  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** Contact the Systems Manager and provide name, social security number, identify the systems name, and pertinent information about your case. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These

notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** The data contained within the supplemental security income overpayment file is derived from the supplemental security income master record which, for the most part, is provided by applicants for supplemental security income payments.

**Systems exempted from certain provisions of the act:** None.

09-60-0110

**System name:** Supplemental Security Income File of Refunds HEW SSA OPO

**Security classification:** None

**System location:**

Bureau of Supplemental Security Income  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** This file contains refund records for any aged, blind, or disabled individual who was overpaid or not entitled.

**Categories of records in the system:** This file contains information about refunds sent in by persons who were overpaid or not entitled to Supplemental Security Income payments they received. Specific information is name of individual, social security number, date of refund, and amount of refund.

**Authority for maintenance of the system:** Sections 1602, 1611, and 1631 of Title XVI of the Social Security Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The file is established after the money received has been recorded and deposited in the Federal Reserve Bank. The money refunded is broken down into Federal share and State share for accounting purposes. The information is input to the electronic system to be matched against the same information being entered by district offices. This serves as an audit. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual and to State audit agencies pursuant to agreements with HEW for auditing State supplementation payments. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The source document is filed in standard filing cabinets by bank deposit schedule number. The cross reference listing, in social security number sequence, by month is maintained in binders. This information is keyed directly onto tape which is kept in SSA's tape library. The tapes are used to prepare the cross reference listings and to input the information into the system. The manual file is maintained in social security number sequence so that inquiries and refunds from district offices can be answered.

**Retrievability:** Listings referenced by social security number.

**Safeguards:** The source documents and listings are kept in an area which is secured at night—doors locked. Information is only furnished to other Social Security Administration components with

limited access by employees on a need-to-know basis. The magnetic tapes are retained in secure storage areas accessible only to authorized persons within the Bureau of Data Processing. The storage area is controlled by marshalls responsible for insuring that only authorized personnel are admitted. Official identification badges or passes are required to gain entrance to the storage area. All employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information on individuals.

**Retention and disposal:** The source documents and listings are being held indefinitely. Eventually they will be retired to the Federal Record Center. The tapes are stored in the Social Security tape library.

**System manager(s) and address:**

Director, Bureau of Supplemental Security Income  
Social Security Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** Contact the Systems Manager and provide name, social security number, the systems name, and pertinent information about your case.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** The receipt form completed by an employee in the social security district office plus the actual check, money order, etc., used to remit the money.

**Systems exempted from certain provisions of the act:** None

09-60-0111

**System name:** Debit Voucher File (Supplemental Security Income) HEW SSA OPO

**Security classification:** None

**System location:**

Bureau of Supplemental Security Income  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** The file contains a record for aged, blind, or disabled individuals who have negotiated two checks for the same month incorrectly or who have refunded money to the Bureau of Supplemental Security Income by check only to have their checks bounce.

**Categories of records in the system:** The GFO-5504, Debit Voucher, is sent to the Bureau of Supplemental Security Income from the Department of Treasury billing the Social Security Administration for additional monies expended on their behalf. It contains the identification of the individual, name and social security number, and amount of money involved.

**Authority for maintenance of the system:** Sections 1602, 1611 and 1631 of Title XVI of the Social Security Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** After the Bureau of Supplemental Security Income has paid the Department of Treasury for the requested funds, the overpayment data are entered into the electronic system. The original documents (photocopies of erroneously negotiated checks sent by Treasury as well as copies of bounced checks submitted by individuals in payment of overpayments) are filed for future reference by the Social Security District and Branch Offices when they attempt to collect the money from the overpaid individual. A cross-reference listing on the social security number is maintained. The money amount is allocated to the Federal share and State share for accounting purposes. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual and to State audit agencies pursuant to agreements with HEW for auditing State supplementation payments. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any em-



ployee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components, or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File cabinets and binders.

**Retrievability:** The listing is in social security number sequence.

**Safeguards:** Access limited to employees on need to know basis. Area secured at night—doors locked.

**Retention and disposal:** The records are being held indefinitely. They will eventually be retired to the Federal Records Center.

**System manager(s) and address:**

Director, Bureau of Supplemental Security Income  
Social Security Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** Contact the Systems Manager and provide name, social security number, identify the systems name, and pertinent information about your case.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Bureau of Government Financial Operations of the Department of the Treasury.

**Systems exempted from certain provisions of the act:** None.

09-60-0113

**System name:** Supplemental Security Income Priority Correspondence Staff Files HEW SSA OPO.

**Security classification:** None.

**System location:**

Bureau of Supplemental Security Income  
6401 Security Blvd  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** Aged, Blind, or Disabled—Eligibles and non-eligibles under Supplemental Security Income program. Third parties who have written on behalf of Supplemental Security Income categories, and other interested citizens.

**Categories of records in the system:** Reports, in letter form, concerning individual Supplemental Security Income and Social Security Administration Claims status.

**Authority for maintenance of the system:** Sections 1602 and 1631 of Title XVI of the Social Security Act as amended.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components, or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper - photocopy of incoming carbon copies of replies in metal file cabinets.

**Retrievability:** Index by name used as reference for files for replying to written inquiries.

**Safeguards:** Social Security Administration employees only have access. Access is cleared by Staff Chief. Office is locked during non-business hours. Staff trained in confidentiality of individual's records.

**Retention and disposal:** One year. Disposed of by paper shredding.

**System manager(s) and address:**

Director  
Bureau of Supplemental Security Income  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:**

Director  
Bureau of Supplemental Security Income  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Supplemental Security Income claims records, Social Security Administration claims records, Supplemental Security record (automated), Individual himself, Social Security Administration district offices.

**Systems exempted from certain provisions of the act:** None.

09-60-0114

**System name:** State Data Exchange System (Supplemental Security Income) HEW SSA OPO.

**Security classification:** None.

**System location:** State Data Exchange files are maintained by all State welfare agencies (see Appendix D). In addition, backup files (magnetic tape) are maintained for a limited period of time (90 days) within the Bureau of Data Processing, 6401 Security Boulevard, Baltimore, Maryland 21235. Printed copies of the State Data Exchange record are located in some district and branch offices.

**Categories of individuals covered by the system:** The State Data Exchange file contains a record for each public welfare recipient who has applied for supplemental security income payments.

**Categories of records in the system:** The State Data Exchange file for each State contains data regarding eligibility, Medicaid eligibility, eligibility for other benefits, alcoholism and drug addiction data (if applicable), income data, resources, payment amounts and living arrangements for all persons who have applied for supplemental security income payments who reside in that particular State.

**Authority for maintenance of the system:** Sections 1611, 1612, 1615, 1616, 1631(e), 1633, and 1634 of Title XVI of the Social Security Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The State Data Exchange file is created from the supplemental security income master record. It is comprised of eligibility and payment information obtained by the Social Security Administration in the administration of the supplemental security income program. The State Data Exchange file provides for timely exchange of data between the Social Security Administration and the States in order to establish and maintain State supplementation of supplemental security income payments and Medicaid rolls, and for use in the food stamp program in the States of California, Nevada and New York for locating potentially eligible individuals and for making determinations of eligibility. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the opera-

tions of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic tape, microfilm, paper listings.

**Retrievability:** Magnetic tape, microfilm and paper listings are all indexed according to social security number, State welfare identification number, category (aged, blind or disabled), county, or surname in order to supply information to the States in accordance with program administration agreements, and for the Social Security Administration management purposes. The printed copy of the State Data Exchange is used by district and branch office personnel for reference purposes and for answering inquiries.

**Safeguards:** All State Data Exchange records are protected according to agreements made between the Social Security Administration and the respective States regarding confidentiality, use, and redisclosure. Paper copies are accessible only to employees on a need to know basis.

**Retention and disposal:** Instructions provided to the States call for duplication by the States of files provided by the Social Security Administration. The period of retention of State Data Exchange files by the States is determined by the respective States.

**System manager(s) and address:**

Director, Bureau of Supplemental Security Income  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** Social Security District Offices and Branch Offices (see Appendix F); or contact State official (see Appendix D). An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** The information contained on the State Data Exchange files is derived from data on the supplemental security income master record which is obtained for the most part from applicants for supplemental security income payments. Additionally, the various States provide a limited amount of data.

**Systems exempted from certain provisions of the act:** None.

09-60-0115

**System name:** Supplemental Security Income Audit Trail Microfiche OPO.

**Security classification:** None.

**System location:** Bureau of Data Processing, Supplemental Security Income Payment Record Data Branch.

**Categories of individuals covered by the system:** This file contains a record for each aged, blind and disabled individual who has applied for supplemental security income payments.

**Categories of records in the system:** This file contains data regarding eligibility, citizenship, residence, eligibility for other benefits, alcoholism or drug addiction data (if applicable), income data, resources, payment amounts and living arrangements for all persons who have applied for supplemental security income payments. In addition, changes which are subsequently received which have an effect on any of the above categories are also maintained within this record.

**Authority for maintenance of the system:** Sections 1602 and 1631 of Title XVI of the Social Security Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual and to State audit agencies pursuant to agreements with HEW for auditing State supplementation payments. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components, or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Microfiche.

**Retrievability:** The microfiche is indexed by social security number. The Supplemental Security Income Audit Trail Microfiche is used to provide complete historical data for each Supplemental Security Income master record. This data includes transactions which effectuate changes to the Supplemental Security Income master record.

**Safeguards:** The microfiche records are stored in locked file cabinets, and are accessible to employees on a need to know basis.

**Retention and disposal:** The Supplemental Security Income Audit Trail Microfiche is retained for an indefinite period.

**System manager(s) and address:**

Director, Bureau of Supplemental Security Income  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** Inquiries should be addressed to the system manager, and should include the individual's full name and social security number. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** The information contained within the Supplemental Security Income Audit Trail Microfiche is derived from the Supplemental Security Income master record which for the most part, is obtained from the applicant for Supplemental Security Income payments.

**Systems exempted from certain provisions of the act:** None.

09-60-0117

**System name:** Age at First Payment of Retirement Insurance Benefit HEW SSA OPP.

**Security classification:** None.

**System location:**

Bureau of Data Processing  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** Recently entitled retirement insurance beneficiaries.

**Categories of records in the system:** Payment history and demographic information.

**Authority for maintenance of the system:** Section 702 of the Social Security Act. (42 USC Sec. 902).

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**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Data are stored on magnetic tape.

**Retrievability:** Individual records are identified by claim account number for statistical uses.

**Safeguards:** All magnetic tapes are retained in secure storage areas accessible only to authorized persons within the Bureau of Data Processing and Data Development. All employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information on individuals.

**Retention and disposal:** This system is updated infrequently and magnetic tapes are returned to blank stock.

**System manager(s) and address:**

Deputy Chief Actuary, Short-Range Estimates  
Office of the Actuary, Social Security Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** For purposes of access the claim account number is required, write to the systems manager.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Master benefit record.

**Systems exempted from certain provisions of the act:** None.

09-60-0118

**System name:** Non-Contributory Military Service Reimbursement System HEW SSA OPP.

**Security classification:** None.

**System location:**

Bureau of Data Processing  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** A sample of beneficiaries who have non-contributory military service credits.

**Categories of records in the system:** Covered earnings, benefit and payment status.

**Authority for maintenance of the system:** Section 217, 229, and 231 of the Social Security Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

partment may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Data are stored on magnetic tape.

**Retrievability:** The file is indexed with claim account numbers, the data are used for statistical purposes.

**Safeguards:** All mag-tape files are retained in secure storage areas accessible only to authorized persons within the Bureau of Data Processing and Data Development, Office of Management Administration and Office of the Actuary. All employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information on individuals.

**Retention and disposal:** This system is updated annually. At this time, we have no provision for the disposal of individual records.

**System manager(s) and address:**

Deputy Chief Actuary, Short-Range Estimates  
Office of the Actuary, Social Security Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** For purposes of access, the claim account number is required, write to the systems manager.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Social Security Administration master beneficiary record, Social Security Administration summary earnings record, Social Security Administration claims folder.

**Systems exempted from certain provisions of the act:** None.

09-60-0119

**System name:** Special Age 72 Benefit Trust Fund Transfer Project HEW SSA OPP.

**Security classification:** None.

**System location:**

Bureau of Data Processing  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** Includes all individuals entitled under the Prouty amendments.

**Categories of records in the system:** Benefit entitlement, demographic information, and earnings records.

**Authority for maintenance of the system:** Section 223 of the Social Security Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Data are stored on magnetic tape.

**Retrievability:** Individual records are identified by claim account number. To determine an amount of money to be transferred from

General Revenue to the Old Age and Survivors Insurance Trust Fund.

**Safeguards:** All magnetic tapes are retained in secure storage areas accessible only to authorized persons within the Bureau of Data Processing and Data Development. All employees having access to records have been notified of criminal sanctions for unauthorized disclosures of information on individuals.

**Retention and disposal:** This system is updated periodically and magnetic tapes are eventually returned to blank stock.

**System manager(s) and address:**

Deputy Chief Actuary, Short-Range Estimates  
Office of the Actuary, Social Security Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** For purposes of access the claim account number is required, write to the systems manager.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Master beneficiary record, earnings record.

**Systems exempted from certain provisions of the act:** None.

09-60-0120

**System name:** Health Insurance Benefit and Actuarial Sample Control System HEW SSA OPP.

**Security classification:** None.

**System location:**

Bureau of Data Processing  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** A sample of persons who have received Medicare benefits.

**Categories of records in the system:** Record contains a limited number of fields from bill files.

**Authority for maintenance of the system:** Section 702 of the Social Security Act (42 USC Sec. 902).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Data are stored on magnetic tape.

**Retrievability:** Individual records are identified by claim account number. Data are used for statistical purposes.

**Safeguards:** All magnetic tapes are retained in secure storage areas accessible only to authorized persons within the Bureau of Data Processing and Data Development. All employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information on individuals.

**Retention and disposal:** Data are prepared monthly and magnetic tapes are returned to blank stock.

**System manager(s) and address:**

Director of Health Insurance Studies

Office of the Actuary, Social Security Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** For purposes of access, the claim account number is required; write to the systems manager.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Health Insurance Master File.

**Systems exempted from certain provisions of the act:** None.

09-60-0121

**System name:** Actuarial Sample Health Insurance and Supplementary Medical Insurance (Medicare) HEW SSA OPP.

**Security classification:** None.

**System location:**

Office of the Actuary  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** A 01

sample of persons who have received Medicare benefits.

**Categories of records in the system:** Health Insurance inpatient hospital and extended care admission and other health services, inpatient admission and billing—Christian Science Sanatorium; home health agency report and billing; and other documents used to support payments to providers of service. These forms contain the beneficiary's name, sex, health insurance claim number, date of admission and discharge, other health insurance data and a statement of services rendered. Supplemental medical insurance request for payment; provider billing for patient services by physician, prepayment plan for group Medicare practices dealing through a carrier; itemized bills and other similar documents required to support payments to physicians and other suppliers of Part B Medicare services.

**Authority for maintenance of the system:** Section 1875 of the Social Security Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Forms are kept in manila folders in the Office of the Actuary (Medicare).

**Retrievability:** The manila folders containing forms are filed in claim account number sequence.

**Safeguards:** The filing system is retained behind closed doors and is accessible only to authorized persons. All employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information on individuals.

**Retention and disposal:** The claims folder is maintained in file until the death of the individual. Once a year the file is purged and inactive folders are stored in the Federal Record Center. No provision has been made to destroy inactive folders.

**System manager(s) and address:**

Director of Health Insurance Studies



Office of the Actuary, Social Security Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** For purposes of access the claim account number is required; write to the systems manager.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** The identifying information contained in these records is obtained by the provider from the individual; the medical information is entered by the provider of medical services.

**Systems exempted from certain provisions of the act:** None.

09-60-0122

**System name:** Actuarial Sample Hospital Stay Record Study HFW SSA OPP

**Security classification:** None

**System location:**

Bureau of Data Processing  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** A 01

sample of persons who have received hospital insurance benefits

**Categories of records in the system:** Information is obtained from inpatient hospital and extended care admission, and inpatient admission and billing forms

**Authority for maintenance of the system:** Section 1875 of the Social Security Act

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity, (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components, or (c) any Department employee in his or her individual capacity where the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Data are stored on magnetic tape

**Retrievability:** The file is indexed with claim account numbers, the data are used for statistical purposes.

**Safeguards:** All mag-tape files are retained in secure storage areas—accessible only to authorized persons within the Bureau of Data Processing and Data Development, Office of Management and Administration. All employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information on individuals

**Retention and disposal:** The file is updated quarterly and the old tape goes to blank stock.

**System manager(s) and address:**

Director of Health Insurance Studies  
Office of the Actuary, Social Security Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** For purposes of access the claim account number is required; write to systems manager.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** The identifying information contained in these records is obtained by the provider from the individual; the medical information is entered by the provider of medical services.

**Systems exempted from certain provisions of the act:** None

09-60-0123

**System name:** Actuarial Sample of Supplementary Medical Insurance Payments HFW SSA OPP

**Security classification:** None

**System location:**

Bureau of Data Processing  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** A sample of records for persons who have received benefits under the supplemental medical insurance provisions of the Medicare program.

**Categories of records in the system:** The record contains only the information included in a payment record

**Authority for maintenance of the system:** Section 702 of the Social Security Act (42 USC Sec. 902)

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity, (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components, or (c) any Department employee in his or her individual capacity where the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Data are stored on magnetic tape

**Retrievability:** The file is indexed with claim account number, these data are used for statistical purposes

**Safeguards:** All magnetic tapes are retained in secure storage areas accessible only to authorized persons within the Bureau of Data Processing and Data Development. All employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information on individuals.

**Retention and disposal:** This file is updated on a quarterly basis. The tape files are returned to blank stock after three years.

**System manager(s) and address:**

Director of Health Insurance Studies  
Office of the Actuary, Social Security Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** For purposes of access the claim account number is required; write to the systems manager.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Supplemental medical insurance payment record.

**Systems exempted from certain provisions of the act:** None.

09-60-0128

**System name:** Retirement, Survivors and Disability Insurance Claims Study HFW SSA OPP.

**Security classification:** None.

**System location:**

Bureau of Data Processing  
6401 Security Boulevard  
Baltimore, Maryland 21235

Evaluation and Measurement Staff  
6300 Security Blvd  
Baltimore, Md 21235

Social Security Administration Program Service Centers and Division of International Operations (see Appendix A).

Bureau of Disability Insurance  
Baltimore, Maryland 21241

**Categories of individuals covered by the system:** National stratified probability sample (900 cases per month) of individuals allowed or denied benefits as well as those awarded lump sum death benefits, beginning November 1964 for retirement and survivors claims, May 1966 for disability claims.

**Categories of records in the system:** Demographic characteristics of beneficiary, description of allegations, evidence and findings, and case control data.

**Authority for maintenance of the system:** Section 205 of the Social Security Act

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Contacting third parties for verification of information given by claimants. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** All information is recorded on magnetic tape and claims folders are returned to program centers.

**Retrievability:** Identification sequence number. This is a study to evaluate the effectiveness of retirement, survivors, and disability insurance program policies. Data from this study are compiled for evaluative purposes, and subsequently stored in the claims folders. Adverse data received in the conduct of this study may be used to review earlier claims or post adjudicative decisions.

**Safeguards:** All folders are kept in secure areas, accessible only to Evaluation and Measurement Staff personnel (i.e. statisticians, analyst and programmer). For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Disposal of file folders is conducted in accordance with Social Security Administration guidelines for Title II claims, while magnetic tapes are held for 5 years before being erased.

**System manager(s) and address:**

Chief, Evaluation and Measurement Staff, OPP  
Social Security Administration  
6300 Security Boulevard  
Baltimore, Md. 21235

**Notification procedure:** For purposes of access, write the systems manager; he will require name of system, social security number, and, for verification purposes, name (woman's maiden name, if applicable), address, date of birth and sex, and to ascertain whether the individual's record is in the system, the month and year in which the individual was allowed or denied benefits (retirement or disability).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations

(45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Master beneficiary record, summary earnings record, supplemental security record, Title II claims folders, survey data collected by Social Security Administration employees.

**Systems exempted from certain provisions of the act:** None.

09-60-0129

**System name:** Adjudication of Supplemental Security Income Claims Study HFW SSA OPP.

**Security classification:** None.

**System location:**

Bureau of Data Processing  
6401 Security Boulevard  
Baltimore, Maryland 21235

Evaluation and Measurement Staff  
Office of Research and Statistics  
6300 Security Boulevard  
Baltimore, Maryland 21235

Social Security Administration Program Service Centers and Division of International Operations (see Appendix A)

Bureau of Disability Insurance  
Baltimore, Maryland 21241

**Categories of individuals covered by the system:** National stratified probability sample of individual allowed or denied supplemental activity income benefits since January 1975.

**Categories of records in the system:** Demographic characteristics of the beneficiary, description of allegations, evidence and findings, and case control data.

**Authority for maintenance of the system:** Sections 205 and 1631 of the Social Security Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Contacting third parties for verification of information given by claimants. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** All records are stored on magnetic tape

**Retrievability:** Identification sequence number. This is a study to evaluate the effectiveness of supplemental security income program policies. Data from this study are compiled for evaluation purposes and subsequently stored in the claims folders. Adverse data received in the conduct of this study may be used to review earlier claims or post adjudicative decisions.

**Safeguards:** All folders are kept in secure areas, accessible only to Evaluation and Measurement Staff personnel (i.e. statisticians, analyst and programmer). For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Disposal of file folders is conducted in accordance with Social Security Administration guidelines for Title XVI claims, while magnetic tapes are held for 5 years before being erased.

**System manager(s) and address:**

Chief, Evaluation and Measurement Staff, OPP  
Social Security Administration  
6300 Security Boulevard  
Baltimore, Md. 21235

**Notification procedure:** For purposes of access, write the systems manager; he will require name of system, social security number, and, for verification purposes, name (woman's maiden name, if applicable), address, date of birth and sex, and to ascertain whether the individual's record is in the system, the month and year in which the individual was allowed or denied supplemental security income benefits.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

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**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Master beneficiary record, summary earnings record, supplemental security record, Title II, XVI claims folders, survey data collected by Social Security Administration employees.

Systems exempted from certain provisions of the act: None

09-60-0130

**System name:** Quality of Service Measurement Program Based Upon Consumer Opinions HEW SSA OPP.

**Security classification:** None

**System location:**

Bureau of Data Processing  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** This system will contain data to be taken at periodic intervals from samples of recipients of social security (including Medicare) and supplemental security income benefits, applicants for benefits, and visitors and callers to the social security local offices and teleservice centers.

**Categories of records in the system:** Consumer opinions and perceptions of services provided to the public.

**Authority for maintenance of the system:** Section 702 of the Social Security Act (42 USC Sec. 902).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To contractor for performance of research and statistical operations as required by contract.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer records on magnetic tape, sample listings and questionnaires.

**Retrievability:** Records will be indexed by social security number or name.

**Safeguards:** For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Identifiers will be removed from all records as soon as data collection process is complete.

**System manager(s) and address:**

Chief, Evaluation and Measurement Staff, OPP  
Social Security Administration  
6300 Security Boulevard  
Baltimore, Md. 21235

**Notification procedure:** For purposes of access, write the systems manager; he will require name of system, social security number, and for verification purposes, name (woman's maiden name, if applicable), address, date of birth and sex, and to ascertain whether the individual's record is in the system, an indication of whether or not the individual had ever filed for social security benefits and if so, when, and whether the individual had ever contacted local social security offices or telecenters.

**Record access procedures:** Same.

**Contesting record procedures:** Same.

**Record source categories:** Master beneficiary record, supplemental security record, administrative disallowance list prepared within the program center, denial record (831), continuing disability investigation form (833), data to be collected by contractor, case folders.

09-60-0134

**System name:** Medicare Bill File (Statistics) HEW SSA OPP.

**Security classification:** None

**System location:**

Bureau of Data Processing  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** Persons enrolled in health or supplemental medical benefits parts of the Medicare program.

**Categories of records in the system:** Bill data, demographic data on the beneficiary, diagnosis and surgery codes on a sampling of the population, hospital characteristics, when applicable, on a sample of persons treated as inpatients, skilled nursing home characteristics.

**Authority for maintenance of the system:** Section 1875 of the Social Security Act (42 USC Sec. 1395L1).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. To the Bureau of Census for use in processing research and statistical data directly related to the administration of Social Security programs. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components, or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** All records are stored on magnetic tape.

**Retrievability:** All records are indexed by health insurance claim number and by hospital provider number.

**Safeguards:** For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Records are maintained with identifiers as long as needed for program research.

**System manager(s) and address:**

Assistant Administrator for Policy, Planning and Research  
Health Care Financing Administration  
Room 5090 HEW South Building  
330 C Street SW  
Washington, D.C. 20201

**Notification procedure:** For purposes of access, write the systems manager; he will require name of system, health insurance claim number and for verification purposes, name (woman's maiden name, if applicable), social security number, address, date of birth and sex; and to ascertain whether the individual's record is in the system, utilization and date of utilization under Part A or Part B of Medicare services, home health agency, hospital (inpatient), hospital (outpatient) or skilled nursing facility.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Medicare enrollment records, Medicare bill records; Medicare provider records for a sample of persons treated as hospital patients (inpatient and outpatient) and skilled nursing facility patients.

Systems exempted from certain provisions of the act: None.

09-60-0135

**System name:** Medicare Enrollment Records (Statistics) HEW SSA OPP.

**Security classification:** None.

**System location:**

Bureau of Data Processing  
6401 Security Boulevard  
Baltimore, Maryland 21235

**System location:**

Bureau of Data Processing  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** All persons who are eligible for Supplementary Medical Insurance coverage but have declined such coverage.

**Categories of records in the system:** Limited demographic data (sex, date of birth, State and county of residence).

**Authority for maintenance of the system:** Section 1875 of Title XVIII of the Social Security Act (42 USC Sec. 1395LL).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components, or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** All records are stored on magnetic tape.

**Retrievability:** All records are indexed by health insurance claim number.

**Safeguards:** For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Tapes are retained with identifiers as long as needed for program research.

**System manager(s) and address:**

Assistant Administrator for Policy, Planning and Research  
Health Care Financing Administration  
Room 5090 HEW South Building  
330 C Street SW  
Washington, D.C. 20201

**Notification procedure:** For purposes of access, write to the Systems Manager. He will require system name and social security number and for verification purposes, name (woman's maiden name, if applicable), address, date of birth and sex.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Health Insurance Master Beneficiary File.

Systems exempted from certain provisions of the act: None.

09-60-0137

**System name:** Supplementary Medical Sample Bill Summary File of Medicare Utilization (Statistics) HEW SSA OPP.

**Security classification:** None.

**System location:**

Bureau of Data Processing  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** A 5 percent sample of Medicare beneficiaries who have received any supplementary medical (Medicare) services January 1, 1975, or later.

**Categories of records in the system:** Physician and supplier billing information.

**Categories of individuals covered by the system:** All persons enrolled for hospital or supplemental medical benefits under the Medicare program. The file contains 27,000,000 persons including subsets of 2.4 million enrollees for whom the State has paid the premiums and 400,000 enrollees who are members of direct dealing group practice pre-payment plans.

**Categories of records in the system:** Enrollment characteristics of the beneficiaries, demographic characteristics.

**Authority for maintenance of the system:** Section 1875 of the Social Security Act (42 USC Sec. 1395L1).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. To the Bureau of Census for use in processing research and statistical data directly related to the administration of Social Security programs. To an organization under contract with the Social Security Administration, information necessary to enable the contractor to comply with the conditions of the agreement to perform research and statistical functions. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components, or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** All records are stored on magnetic tape.

**Retrievability:** All records are accessible by claim number. Subfiles are indexed also by group practice pre-payment plan number or by State buy-in number.

**Safeguards:** For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Records are retained with identifiers as long as needed for program research analysis.

**System manager(s) and address:**

Assistant Administrator for Policy, Planning and Research  
Health Care Financing Administration  
Room 5090 HEW South Building  
330 C Street SW  
Washington, D.C. 20201

**Notification procedure:** For purposes of access, write to the systems manager; he will require name of system, health insurance claim number, social security number, and for verification purposes, name (woman's maiden name, if applicable), address, date of birth and sex, and to ascertain whether the individual's record is in the system, enrollment in Medicare health or supplemental medical, participation in a direct dealing group practice pre-payment plan, or payment of premium by State.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Master beneficiary record, Medicare enrollment records.

Systems exempted from certain provisions of the act: None.

09-60-0136

**System name:** Health Insurance Enrollment Statistics-General Enrollment Period HEW SSA OPP.

**Security classification:** None.



Authority for maintenance of the system: Section 1875 of the Social Security Act (42 USC Sec.1395LL).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: All records are stored on magnetic tape.

Retrievability: All records are indexed by claim number.

Safeguards: For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

Retention and disposal: Records are retained with identifiers as long as needed for purposes of program research.

System manager(s) and address:

Assistant Administrator for Policy, Planning and Research  
Health Care Financing Administration  
Room 5090 HEW South Building  
330 C Street SW  
Washington, D.C. 20201

Notification procedure: For purposes of access, write the systems manager; he will require name of system, health insurance claim number, and for verification purposes, name (woman's maiden name, if applicable), social security number, address, date of birth and sex, and to ascertain whether the individual's record is in the system, date (month and year) on which supplementary medical services were received.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

Contesting record procedures: Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

Baltimore, Maryland 21235

Record source categories: Medicare claims submitted to carriers.

Systems exempted from certain provisions of the act: None.

09-60-0138

System name: Group Practice Prepayment Plan Line Item Sample of Medicare Utilization (Statistics) HEW SSA OPP.

Security classification: None

System location:

Office of Data Development  
6401 Security Blvd  
Baltimore, Maryland 21235

Categories of individuals covered by the system: Members of the Group Practice Prepayment Plans which deal directly with the Social Security Administration, sample sizes for individual plans are based on size of the plan.

Categories of records in the system: Beneficiary identification data, type and place of service, physician specialty.

Authority for maintenance of the system: Section 1875 of the Social Security Act (42 USC Sec. 1395LL).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to a congressional office from the record of an individual in

response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: All records are stored on magnetic tape.

Retrievability: All records are indexed by health insurance claim number.

Safeguards: For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

Retention and disposal: Tapes are retained with identifiers as long as needed for purposes of program research.

System manager(s) and address:

Assistant Administrator for Policy, Planning and Research  
Health Care Financing Administration  
Room 5090 HEW South Building  
330 C Street SW  
Washington, D.C. 20201

Notification procedure: For purposes of access, write the systems manager; he will require name of system, health insurance claim number, and for verification purposes, name (woman's maiden name, if applicable), address, social security number, date of birth and sex, and to ascertain whether the individual's record is in the system, name of the Group Practice Prepayment Plan of which he is a member.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

Contesting record procedures: Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

Record source categories: Data obtained from Form SSA-1590, Group Practice Plan Utilization Listing of Social Security Medical Insurance Services, and Form SSA-1591, Group Practice Plan Individual Patient Utilization Request of Social Security Medical Insurance Services.

Systems exempted from certain provisions of the act: None.

09-60-0141

System name: Current Medicare Survey (Statistics) HEW SSA OPP

Security classification: None.

System location:

Bureau of Data Processing  
6401 Security Boulevard  
Baltimore, Maryland 21235

Office of Research and Statistics  
6300 Security Boulevard  
Baltimore, Maryland 21235

Wilkes Barre Punching Branch  
Social Security Administration, VA Building  
19 N. Main Street  
Wilkes Barre, Pennsylvania 18701

Bureau of Census  
Washington, DC

Categories of individuals covered by the system: Sample of aged (since 1966) and disability (since 1971) beneficiaries entitled to Medicare, and interview status.

Categories of records in the system: Demographic characteristics; health services (types and costs) used by Medicare beneficiaries; and interview status.

Authority for maintenance of the system: Section 1875 of the Social Security Act (42 USC Sec.1395LL).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosures from this system are made to the Bureau of Census when it performs as a collecting agent or data processor for research and statistical purposes directly relating to the Social Security Act. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: All records are stored on magnetic tape and disk files. Hard copies of the interview forms through 1974 were placed on microfilm. Starting with 1975, hard copies of the interview forms will be retained for 4 years. Interview status check-in card and disk files are also stored. Microfilm and magnetic tapes are in secured storage at SSA. Check-in cards are stored in file cabinets.

Retrievability: All interview records are identified by health insurance claim number.

Safeguards: Initial collection and processing performed by the Census Bureau. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

Retention and disposal: Through 1974, hard copy was routinely destroyed six months after the record was placed on microfilm. Starting with 1975, hard copy will be retained for 3 years, and upon receipt of the fourth year data, the earliest year will be destroyed. Computer and card records and interview status check-in cards are maintained with identifiers as long as needed for purposes of program research. All records are reviewed annually for continued program need.

System manager(s) and address:

Assistant Administrator for Policy, Planning and Research  
Health Care Financing Administration  
Room 5090 HEW South Building  
330 C Street SW  
Washington, D.C. 20201

Notification procedure: For purposes of access, write the systems manager; he will require name of system, health insurance claim number, and for verification purposes, name (woman's maiden name, if applicable), social security number, address, date of birth and sex, and to ascertain whether the individual's record is in the system, type of social security benefit (old age or disability) received.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

Contesting record procedures: Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

Record source categories: Medicare beneficiary records; survey type data collected by Census Bureau for the Social Security Administration.

Systems exempted from certain provisions of the act: None.

09-60-0142

System name: Evaluation of the Impact of Surgical Screening Based Upon Union Member Utilization of the Pre-Surgical Consultant benefit (Statistics) HEW SSA OPP.

Security classification: None

System location:

Contractor to the Social Security Administration  
Cornell University Medical College  
1300 York Avenue  
New York, New York 10021

Categories of individuals covered by the system: Sample of those members of five unions in the Greater New York and Northern New Jersey who have used the pre-surgical consultation benefit in their union health contract.

Categories of records in the system: Demographic characteristics, medical diagnosis and surgical procedures, physician sociological characteristics, health insurance coverage, health status.

Authority for maintenance of the system: Section 1875 of the Social Security Act (42 USC Sec. 1395LL).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosures from this system are made to contractors for research and statistical activities directed by the Social Security Administration. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files

Retrievability: Records filed in alphabetical order.

Safeguards: Safeguards are provided by contract. Identifiable data are accessible only to the contractor and members of his staff.

Retention and disposal: Records will be retained with identifiers by the contractor only as long as is needed for purposes of program research and then destroyed.

System manager(s) and address:

Assistant Administrator for Policy, Planning and Research  
Health Care Financing Administration  
Room 5090 HEW South Building  
330 C Street SW  
Washington, D.C. 20201

Notification procedure: For purposes of access, write the Systems Manager; he will require name of system, health insurance claim number, and, for verification purposes, name (woman's maiden name, if applicable), address, date of birth and sex, and to ascertain whether the individual's record is in the system, the name of the union of which he is a member.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

Contesting record procedures: Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

Record source categories: Union records retained by each union in the survey area.

Systems exempted from certain provisions of the act: None.

09-60-0146

System name: Study of Medical Use Under the United Medical Clinic Plan or the Kaiser Health Plan (Statistics) HEW SSA

Security classification: None.

System location:

Palo Alto Medical Research Foundation  
860 Bryant Street

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Palo Alto, California 94301

**Categories of individuals covered by the system:** Stanford University employees (2,800) enrolled in one of the above prepaid health plans during the period January 1971-June 1974.

**Categories of records in the system:** Health services utilized and expenditures for health care.

**Authority for maintenance of the system:** Section 702 of the Social Security Act (42 USC Sec. 1395LL).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosures from this system are made to contractors for research and statistical activities directed by the Social Security Administration.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Folders, punchcards, magnetic tape.

**Retrievability:** Identification number based upon a scrambled social security number.

**Safeguards:** All records are kept in locked cabinet within a locked room. All persons having access to the data—project director, research associate, coding coordinator, research assistant, secretary, programmer and clerk assistant—are made aware of the confidentiality requirements when dealing with public records. All records are maintained on the premises of the contractor. All employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information on individuals. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Retention and disposal:** Within one year after final reports are written, all identifiers will be removed.

**System manager(s) and address:**

Assistant Administrator for Policy, Planning and Research  
Health Care Financing Administration  
Room 5090 HEW South Building  
330 C Street SW  
Washington, D.C. 20201

**Notification procedure:** For purposes of access, write to the systems manager. He will require name of system, social security number, and for verification purposes, name (woman's maiden name, if applicable), address, date of birth and sex, and to ascertain whether the individual's record is in the system, name of health plan in which individual was enrolled and the dates of such enrollment.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Survey data collected under contract by Palo Alto Medical Research Foundation through West Coast Community Surveys.

**Systems exempted from certain provisions of the act:** None.

09-60-0147

**System name:** Annual 5 Percent Summary File of Services Reimbursed Under the Medicare Program (Statistics) HEW SSA OPP.

**Security classification:** None.

**System location:**

Bureau of Data Processing  
6401 Security Boulevard

Baltimore, Maryland 21235

**Categories of individuals covered by the system:** Sample of Medicare enrollees with reimbursement services prior to January 1, 1975.

**Categories of records in the system:** Demographic characteristics, amount of reimbursement by type of service.

**Authority for maintenance of the system:** Section 1875 of the Social Security Act (42 USC Sec. 1395LL).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** All records are stored on magnetic tape.

**Retrievability:** All records are indexed by claim number.

**Safeguards:** For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g., security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** Records are retained with identifiers as long as needed for purposes of program research.

**System manager(s) and address:**

Assistant Administrator for Policy, Planning and Research  
Health Care Financing Administration  
Room 5090 HEW South Building  
330 C Street SW  
Washington, D.C. 20201

**Notification procedure:** For purposes of access, write the system manager. He will require name of system, health insurance claim number, and for verification purposes, name (woman's maiden name, if applicable), address, social security number, date of birth and sex, and to ascertain whether the individual's record is in the system, whether any reimbursable services prior to 1974 and the date (month and year) of such services.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Medicare enrollment records, Medicare bill records.

**Systems exempted from certain provisions of the act:** None.

09-60-0148

**System name:** Matches of Internal Revenue Service and Social Security Administration Data with Census Survey Data (Joint Social Security Administration/Census Statistics Development Project) HEW/SSA/OPP.

**Security classification:** None.

**System location:**

Social Security Administration  
6401 Security Blvd.  
Baltimore, Maryland 21235

Social Security Administration  
1875 Connecticut Avenue, N.W.  
Washington, D.C. 20009

Bureau of the Census  
Suitland, Maryland 20233

HEW Data Management Center

330 Independence Avenue, S.W.  
Washington, D.C. 20201

**Categories of individuals covered by the system:** Samples of United States civilian population and those Armed Forces personnel residing with their families as of March 1973, 1975, 1976 and subsequent periods to be determined.

**Categories of records in the system:** Basic demographic characteristics from Census survey-labor force, work experience and income items from the survey; Social Security Administration earnings and benefit record information, selected Internal Revenue Service tax return items.

**Authority for maintenance of the system:** Section 702 of the Social Security Act (42 USC, Section 902), Title 13 U.S. Code (authority for Census Participation).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made (through the Census Bureau) to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are stored on magnetic tape.

**Retrievability:** Records are indexed by social security number during the matching steps at the Social Security Administration and Census but identifiers are not retained at the Social Security Administration after matching is completed.

**Safeguards:** Magnetic tapes or other files with personal identifiers are retained in secure storage areas accessible only to authorized persons. During those matching steps which occur at the Social Security Administration, identifiable data is solely under the control of a limited number of social security employees who are sworn to uphold the Census and IRS statutes as well as the confidentiality restrictions of the Social Security Administration. Similar provisions are made for the handling of identifiable data from the project at the census Bureau. Employees having access to records are notified of criminal sanctions for unauthorized disclosure of information about individuals. Microdata files prepared for research purposes outside the research staff will be stripped of personal identifiers. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, (such as the use of passwords, locked-files, etc.) restricting access to authorized personnel.

**Retention and disposal:** Following the match, all identifiers are removed from the records kept at the Social Security Administration. The Census Bureau retains identifiers for possible longitudinal updating. Records with identifiers will be held in secure storage areas at the Census Bureau and will be disposed of as soon as they are determined to be no longer needed for Census or SSA analysis. Means of disposal will be appropriate to the record storage medium, e.g., erasure of tapes, shredding of printouts, etc. As long as identifiable records exist, a periodic review will be made at least every two years to determine the need for their retention.

**System manager(s) and address:**

Assistant Commissioner for Research and Statistics  
Social Security Administration  
Universal North Building/Room 1121  
1875 Connecticut Avenue, N.W.  
Washington, D.C. 20009

**Notification procedure:** For purposes of access, write to the system manager. He will request name of the system and social security number (on a voluntary basis). Also to verify identity, provide name (woman's maiden name, if applicable), address, date of birth, and sex.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Write the system manager at the address above and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Social Security Administration master beneficiary record, Social Security Administration earnings recordings and self-employment income system, Internal Revenue Service tax returns, Census surveys, Social Security Administration Supplemental Security Income record.

**Systems exempted from certain provisions of the act:** None.

09-60-0149

**System name:** Matches of Internal Revenue Service and Social Security Administration Data (Joint Social Security Administration/Treasury Department Statistics Development Project) HEW/SSA/OPP.

**Security classification:** None.

**System location:**

Social Security Administration  
6401 Security Blvd.  
Baltimore, Maryland 21235

Social Security Administration  
1875 Connecticut Avenue, N.W.  
Washington, D.C. 20009

**Treasury Department**

15th & Pennsylvania Ave., N.W. Washington, D.C. 20220

HEW Data Management Center  
330 Independence Ave., S.W.  
Washington, D.C. 20201

**Categories of individuals covered by the system:** Samples of persons filing Federal Income Tax returns for 1970, 1972, 1975, and selected subsequent years.

**Categories of records in the system:** Social Security Administration demographic data; Social Security Administration earnings and benefit record information, tax return data.

**Authority for maintenance of the system:** Section 702 of the Social Security Act (42 USC, Section 902) and Treasury Regulations.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made (through the Treasury Department) to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Disclosure to the Treasury Department in connection with statistical studies conducted for Social Security Administration and Treasury Department purposes. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are stored on magnetic tape.

**Retrievability:** Records are indexed by social security number during the matching steps at the Social Security Administration, but identifiers are not retained at the Social Security Administration. The major matching step is carried out entirely at Treasury.



**Safeguards:** Safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, (such as the use of passwords, locked-files, etc.) restricting access to authorized personnel. Employees having access to records are notified of criminal sanctions for unauthorized disclosure of information about individuals. Microdata files prepared for research purposes outside the research staff will be stripped of personal identifiers.

**Retention and disposal:** Identifiable data are retained by the Social Security Administration only during the match process. Once matching is complete all computer tapes are turned over to the Treasury Department. A matched SSA-Treasury file is provided to Social Security for its research use. The Social Security Administration does not have detailed Internal Revenue Service data with identifiers at any point in the matching process. The minimum amount of Internal Revenue Service data with identifiers needed to validate the processing is used by the Social Security Administration. Identifiers may be retained on the Treasury copies of intermediate and matched files. The retention of these identifiers is needed for possible further matching; for example, with similar data for different years.

**System manager(s) and address:**

Assistant Commissioner for Research and Statistics  
Social Security Administration  
Universal North Building/Room 1121  
1875 Connecticut Avenue, N.W.  
Washington, D.C. 20009

**Notification procedure:** For purposes of access, write to the system manager. He will request name of the system and social security number (on a voluntary basis). Also to verify identity, provide name (woman's maiden name, if applicable), address, date of birth, and sex.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Write the system manager at the address above and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Social Security Administration master beneficiary record. Social Security Administration earnings recordings and self-employment income system. Internal Revenue Service Federal tax returns.

**Systems exempted from certain provisions of the act:** None

09-60-0159

**System name:** Continuous Work History Sample (Statistics) HEW SSA OPP

**Security classification:** None.

**System location:**

Bureau of Data Processing  
6401 Security Boulevard  
Baltimore, Maryland 21235

Bureau of Census  
Washington, DC 20233

**Categories of individuals covered by the system:** A sample of persons with social security numbers issued through the cutoff date of the file. Included are those working for the Federal government and those covered by the Railroad Retirement Act, as well as those covered under social security.

**Categories of records in the system:** Demographic characteristics; employer information; type of work information; earnings information; self-employment information; insured status information; benefit status; geography information (residence).

**Authority for maintenance of the system:** Section 702 of the Social Security Act (42 USC Sec. 902).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosures are made to: (1) Energy Research and Development Administration for their study of the long-term effects of low-level radiation exposure;

(2) Department of Labor for administering provisions of Title IV of the Federal Coal Mine Health and Safety Act and for studies on the effectiveness of training programs to combat poverty;

(3) Civil Service Commission for the study of the relationship of civil service annuities to minimum social security benefits, and the effects on the trust fund.

(4) Bureau of Census when it performs as a collecting agent or data processor for research and statistical purposes directly relating to the Social Security Act.

(5) A congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

(6) A Federal or State agency (or its agent) lawfully charged with the administration of a Federal or State unemployment compensation law or contribution or tax levied in connection therewith, for the purpose of such administration but solely for use in compiling statistics to be used in aggregated or anonymous forms.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Data are stored on magnetic tape.

**Retrievability:** The file is indexed with social security numbers.

**Safeguards:** Initial processing is performed by Census Bureau. During the matching steps which occur at the Social Security Administration, identifiable data is under the control of a limited number of social security employees who have sworn to uphold the Census statute. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:** This is a longitudinal sample. Records with identifiers will be retained as long as needed to permit addition of future earnings and other Social Security Administration program data for individuals in sample.

**System manager(s) and address:**

Assistant Commissioner, Office of Research and Statistics  
Social Security Administration, Room 1121  
1875 Connecticut Avenue, NW  
Washington, D.C. 20009

**Notification procedure:** For purposes of access, write the systems manager; he will require name of system, social security number, and for verification purposes, name (woman's maiden name, if applicable), address, date of birth and sex, and to ascertain whether the individual's record is in the system, years during which covered earnings were reported and years of self-employment, if any.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Master beneficiary record; earnings summary record; quarterly earnings items file; employer identification file; 'Notification of Personnel Action' (SF-50); Railroad Retirement Board master file; Internal Revenue Service name and address file.

09-60-0180

**System name:** Survey of Physicians' Administrative and Practice Costs and Medicaid Participation HEW SSA OPP.

**Security classification:** None.

**System location:**

Aht Associates  
55 Wheeler Street  
Cambridge, Mass.

**Categories of individuals covered by the system:** A national and regional sample of 2000 office-based physicians.

**Categories of records in the system:** Education, professional background, age, and demographic information about physicians, to be merged with administrative and practice cost data, practice characteristics in terms of specialty, type, size, etc., and participation in Medicaid.

**Authority for maintenance of the system:** Section 1875 of the Social Security Act, and section 222(a) of the Social Security Act amendments of 1972. (42 USC Sec. 1395LL).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** None.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** AMA background information will be maintained on a master sheet, and individually in each interview folder. Interview information will be maintained on questionnaires prior to conversion to magnetic tape. Resulting tapes will contain no personal identifiers.

**Retrievability:** Until each interview is completed and verified, the contractor will maintain questionnaires and background information in folders labeled with the physician's name. After the information is removed from the folders, there can be no retrieval of individual records.

**Safeguards:** All identifiers will be removed from data as soon as the collection and matching is complete and verified. All persons having access to records have been notified of criminal sanctions for unauthorized disclosure of information about individuals. Since the tapes will contain no personal identifiers, no special safeguards will be required.

**Retention and disposal:** Master sheets will be retained indefinitely. Folder identification link will be destroyed. Tapes without personal identifiers will be maintained indefinitely.

**System manager(s) and address:**

Assistant Administrator for Policy, Planning and Research  
Health Care Financing Administration  
Room 5090 HEW South Building  
330 C Street SW  
Washington, D.C. 20201

**Notification procedure:** To access AMA background master sheets, name and address are required by the system manager.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Responses from 1000 physicians nationwide and 1000 physicians in two Census regions, both for a single time use: background information from the American Medical Association Directory of Physicians.

**Systems exempted from certain provisions of the act:** None.

09-60-0181

**System name:** Ambulatory Surgery Research Project HEW SSA OPP.

**Security classification:** None.

**System location:**

The Orkand Corporation  
8630 Fenton Street  
Silver Spring, Md. 20910

The Orkand Corporation  
0A420  
5131 North Fortieth Street  
Phoenix, Arizona 82018

**Categories of individuals covered by the system:** Patients in selected ambulatory and hospital surgical facilities; selected physicians.

**Categories of records in the system:** Patient interview questionnaires containing demographic, financial, medical, and family information; physician questionnaires with demographic and financial information.

**Authority for maintenance of the system:** Section 1875 of the Social Security Act and Section 222(b) of the Social Security Amendments of 1972. (42 USC Sec. 1395LL).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To contractor under contract with the Social Security Administration to perform research and statistical activities related to this study.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Hard copy questionnaires, hard copy patient identification forms, punched card decks, and magnetic tapes at contractor's locations. Magnetic tapes in non-individually identifiable form in the Bureau of Data Processing.

**Retrievability:** By name, indexed to case number. At completion of the study, patient identification index will be destroyed and retrieval of individual information will no longer be possible.

**Safeguards:** All records containing personal identifiers will be processed and handled at contractor's location. This installation has Department of Defense approval at SECRET CLEARANCE level, and has on-site security personnel 24 hours a day at primary location. The patient identifier forms will be retained in a safe at that site until they are destroyed at completion of the study.

**Retention and disposal:** Records will be retained only as long as required for records management purposes. All patient identification will be destroyed at the conclusion of the study. Magnetic tapes in non-individually identifiable form will be retained indefinitely.

**System manager(s) and address:**

Assistant Administrator for Policy, Planning and Research  
Health Care Financing Administration  
Room 5090 HEW South Building  
330 C Street SW  
Washington, D.C. 20201

**Notification procedure:** For purposes of notification and access, name of system and name of individual; for purposes of verification, address, sex, and date of birth. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Patient and physician interview forms, patient medical records.

**Systems exempted from certain provisions of the act:** None.

09-60-0182

**System name:** Physician/Supplier 1099 File (Statement for Recipients of Medical and Health Care Payments) HEW SSA BHI.

**Security classification:** None.

**System location:** Carriers and intermediaries under contract to Social Security Administration (See Appendix C, Section 3 and Section 4).

**Categories of individuals covered by the system:** Physician/suppliers to whom Medicare payments have been made by carriers or intermediaries.

**Categories of records in the system:** A record of total Medicare payments made to physicians and suppliers during each calendar year. It contains the name, address and social security number of the physician/provider number or supplier EIN (employer identification number).

**Authority for maintenance of the system:** 26 USC Code 6041 (Internal Revenue Code).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** This record is disclosable to the Internal Revenue Service in connection with the determina-



tion of the individual's self-employment income. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The records are maintained on magnetic tape and paper.

**Retrievability:** The system is indexed by physician/provider numbers and supplier EIN (employer's identification numbers).

**Safeguards:** Records are maintained in secure storage areas accessible only to authorized personnel.

**Retention and disposal:** The records are retained for 5 years.

**System manager(s) and address:**

Director, Bureau of Health Insurance  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** Inquiries and requests for systems records should be directed to the intermediary or carrier who made Medicare payments to the physician/supplier.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** The record of total annual payments made to each physician/supplier is derived from the individual Medicare bill payments.

**Systems exempted from certain provisions of the act:** None. \*

09-60-0183

**System name:** Matches of Social Security Administration, Department of Defense and Veterans Administration Data Relating Earnings to Armed Forces Training Experience. (Statistics) HEW/SSA/OPP

**Security classification:** None.

**System location:**

Social Security Administration  
6401 Security Blvd  
Baltimore, Maryland 21235

Social Security Administration  
1875 Connecticut Avenue, N.W.  
Washington, D.C. 20009

**Categories of individuals covered by the system:** Samples of enlisted men who separated from active duty during fiscal 1969 after having satisfactorily completed one term of service.

**Categories of records in the system:** Social Security Administration earnings information, selected Department of Defense socio-demographic and post-service data, and limited Veterans Administration program participation information.

**Authority for maintenance of the system:** Section 702 of the Social Security Act (42 USC, Section 902).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are stored on magnetic tape.

**Retrievability:** Records are indexed by social security number during the matching steps at the Social Security Administration. Identifiers are not made available outside SSA.

**Safeguards:** Safeguards established in accordance with Department standards and National Bureau of Standards guidelines are being employed (such as the use of passwords, locked-files, etc.) restricting access to authorized personnel. Employees having access to identified records are notified of criminal sanctions for unauthorized disclosure of information about individuals. Microdata files prepared for research purposes outside the research staff will be stripped of personal identifiers.

**Retention and disposal:** Computer records with identifiers will be held in secure storage areas and will be disposed of (by degaussing) as soon as they are determined to be no longer needed for SSA analysis. As long as identifiable records exist, a periodic review will be made at least every two years to determine the need for their retention.

**System manager(s) and address:**

Assistant Commissioner for Research and Statistics  
Social Security Administration  
Universal North Building/Room 1121  
1875 Connecticut Avenue, N.W.  
Washington, D.C. 20009

**Notification procedure:** For purposes of access, write to the system manager. He will request name of the system and social security number (on a voluntary basis). Also to verify identity, provide name, address, and date of birth.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Write the system manager at the address above and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Social Security Administration earnings recordings and self-employment income system and Department of Defense Manpower Research and Data Analysis Center post-service file, veterans entitlement and program participation data from VA.

**Systems exempted from certain provisions of the act:** None.

09-60-0184

**System name:** Hearing Office Master Calendar HEW SSA BHA.

**Security classification:** None.

**System location:** All Hearing Offices (See Appendix G).

**Categories of individuals covered by the system:** Claimants - Social Security and Black Lung.

**Categories of records in the system:** A list of all cases pending in the hearing office.

**Authority for maintenance of the system:** Sections 205, 1631(d)(1) and 1872 of the Social Security Act, as amended, and Section 41(b) of the Federal Coal Mine Health and Safety Act, as amended.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Folder

**Retrievability:** Social security number. Enables the hearing office to ascertain and maintain control of the pending case load.

**Safeguards:** Limited access to SSA offices, limited employee access to need to know.

**Retention and disposal:** As each case is disposed of, it is removed from the master calendar.

**System manager(s) and address:**

Director  
Bureau of Hearings and Appeals, Room 402  
3833 North Fairfax Drive  
Arlington, Virginia 22203

**Notification procedure:**

Social Security Administration  
Bureau of Hearings and Appeals  
801 North Randolph Street  
Arlington, Virginia 22203

**Written request to above address (social security number must be supplied to provide identification).**

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Hearing office personnel, from information on incoming cases.

**Systems exempted from certain provisions of the act:** None.

09-60-0185

**System name:** Service Officer Demonstration Project--HEW, SSA, OEA.

**Security classification:** None.

**System location:** Service Officers' offices, Boston, Massachusetts; Atlanta, Georgia; Seattle, Washington; Dallas, Texas. Office of the contractor name and address not yet determined.

**Categories of individuals covered by the system:** Members of the public who contact the Service officers about their social security related problems or complaints or who call to ask questions about social security.

**Categories of records in the system:** Detailed record of contact, relevant information assembled by the Service Officer, survey questionnaires administered to persons contacting the Service Officers and to eligible persons who don't use their services.

**Authority for maintenance of the system:** Section 205(a), Social Security Act (42 USC 405(a)).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Records maintained by the Service Officer will be used to documents contacts, and resulting follow-up activities by the Service Officer in regards to these contacts. A contractor will conduct surveys of probability samples of users, non-users, etc. The survey data collected will be for statistical reasons. Also, the contractor will process Service Officer generated forms for historical data, statistical and sampling purposes. Therefore, routine disclosure will be made to the contractor. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Service Officer generated forms, survey, questionnaires, computer tape and cards.

**Retrievability:** By name and/or social security number, date of contact with Service Officer.

**Safeguards:** The records are subject to the same rules and safeguards as all other records created and maintained by SSA. Information collected by the Service Officers can be made available to SSA personnel on a need-to-know basis. All personnel having access to records will be notified of criminal sanctions for unauthorized disclosure on individuals. The contractor will delete identifying information from statistical data tapes. Statistical survey information collected by the contractor will in no way influence a person's entitlement to present or future benefits. The contractor will permit authorized personnel to have access to the data.

**Retention and disposal:** If a claims folder exists for an individual, duplicates of any Service Officer generated records for that person will be put into his or her claims folder. In all other instances, information containing a personal identifier which may be retained by the Service Officer will be destroyed at the conclusion of the demonstration period.

**System manager(s) and address:**

Director, Office of Intergovernmental Relations and Public Concerns  
Office of External Affairs  
Social Security Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** For purposes of notification, write the systems manager. He will need name, social security number and date of contact with the Service Officer and compliance with regulations on verification of identity. Furnishing the social security number is voluntary but it will make searching for the individual's record easier and avoid delay.

**Record access procedures:** Same as notification procedure in item 11.

**Contesting record procedures:** Same as notification procedure in item 11.

**Record source categories:** The Master Beneficiary Record, the Supplemental Security Income Record, persons contacting the Service Officer, collateral sources, statistical surveys, as well as claims folders and other records maintained by SSA Program Service Centers, District Offices, and other SSA components.

**Systems exempted from certain provisions of the act:** None.

09-60-0186

**System name:** Litigation Master Record File--HEW, SSA, OPP.

**Security classification:** None.

**System location:**

Social Security Administration  
OPR Litigation Workgroup  
Room 403 WHR  
Baltimore, MD 21235

**Categories of individuals covered by the system:** Individuals who are involved, as plaintiffs or defendants, in civil litigation concerning one or more of the programs administered by SSA.

**Categories of records in the system:** Complaints filed by individuals against the Secretary, HEW Court orders and decisions regarding cases in litigation. Related litigation materials.

**Authority for maintenance of the system:** Section 205(a) Social Security Act (42 USC 405(a)).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** On paper files in filing cabinets.



**Retrievability:** Records maintained by the OPR Litigation Workgroup will be used by the Workgroup in the course of their responsibilities for formulating and coordinating responses to interrogatories and recommendations regarding the appeal of adverse court decisions. The records will also be maintained to enable Workgroup personnel to review and analyze court decisions and to direct the implementation of interim and final court orders. The records will be stored alphabetically by plaintiff's name.

**Safeguards:** The file will be maintained in locked file cabinets and staff personnel will limit access only to authorized personnel. All personnel having access to the records will be informed of criminal sanctions for unauthorized disclosure on individuals.

**Retention and disposal:** Normally, records will be retained for two years after the expiration of the appeal period. Certain cases in which constitutional/policy issues are involved (e.g., Supreme Court cases) will be retained indefinitely by Litigation Workgroup. All other records will be transferred to OPR Reference Room to be retained for history purposes.

**System manager(s) and address:** Director, Office of Policy and Regulations

Social Security Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** For purposes of access, write the system manager; he will need name, and for verification purposes, social security number, address, date of birth, and sex. Furnishing the SSN is voluntary but it will make searching for the individual's record easier and avoid delay.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) FEDERAL REGISTER, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** The social security claims folder, the Master Beneficiary Record, the Supplemental Security Record, the Social Security Administration Data Access and Retrieval System, plaintiff's complaints, court orders, court decisions, and court directives.

**Systems exempted from certain provisions of the act:** None

09-60-0187

**System name:** Clinical Psychology/Expanded Ment. HEW/SSA/HI.

**Security classification:** None

**System location:**

Social Security Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235

Colorado Blue Cross and Blue Shield  
700 Broadway  
Denver, Colorado 80203

**Office of the Contractor, name and address not yet determined,** but when the determination is made the name and address will be available from the system manager upon request.

**Categories of individuals covered by the system:** Beneficiaries (approximately 50 per year) who receive outpatient mental health services from independently practicing clinical psychologists in Colorado under Medicare.

**Categories of records in the system:** Patient's medical information, including mental health treatment, objectives, and procedures.

**Authority for maintenance of the system:** Section 402(a) of the 1967 Amendments to the Social Security Act, as amended by Section 222(b)(1) of the 1972 Amendments to the Social Security Act, P.L. 92-603.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (a) To the Colorado Psychological Association, peer review consultants, and Blue Shield of Colorado, under contract with the Social Security Administration, for the performance of research and statistical func-

tions, and to an organization under contract with the Social Security Administration and consultants to that organization for the evaluation of the peer review process in compliance with the conditions of the agreement. (b) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. (c) In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Stored in a locked filing cabinet.

**Retrievability:** By name and health insurance claim number.

**Safeguards:** All records will be locked up when not in use. Only authorized personnel of Colorado Blue Shield and the Colorado Psychological Association will be granted access to the documents. Colorado Blue Shield currently reviews and processes all Part B Medicare claims in Colorado, and will apply similar safeguards to the records in this system.

**Retention and disposal:** All materials will be retained until December 31, 1980. All identifiable material will then be destroyed.

**System manager(s) and address:**

Assistant Commissioner for Research and Statistics, Social Security Administration,  
Room 1121  
Universal North Building  
1875 Connecticut Avenue, N.W.  
Washington, D.C. 20009

**Notification procedure:** Provide the system manager with the name of the system, and the name, home address, and health insurance claim number of the person requesting notification. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR Sections 5b.5 and 5b.6) Federal Register, October 8, 1975, page 47410, 11.)

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR Sections 5b.5 and 5b.6) Federal Register, October 8, 1975, page 47410, 11.)

**Contesting record procedures:** Contact the official at the address specified under SYSTEM MANAGER above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Provider records collected from the subject individuals by the participating psychologist.

**Systems exempted from certain provisions of the act:** None

09-60-0188

**System name:** Medicare Clinic Physician Supplier Master File HEW/SSA/HI.

**Security classification:** None

**System location:** Carriers under contract to Social Security Administration (See Appendix C, Section 4.)

**Categories of individuals covered by the system:** Physicians and suppliers in a clinic who provide medical services or supplies to Medicare beneficiaries.

**Categories of records in the system:** A compilation of all charges submitted by a clinic physician or supplier for services or supplies to (1) derive "reasonable charge" information, (2) determine economic indexes, and (3) to substantiate the basis for payment to beneficiaries, physicians, suppliers, and hospitals.

**Authority for maintenance of the system:** Sections 1833, 1835, 1842 and 1874 of title XVIII of the Social Security Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Professional Standards Review Organizations and State Licensing Boards for review of unethical practices or nonprofessional conduct; contractors under contract to SSA for the performance of specific research and statistical activities directly relating to the Social Security Act. SSA health insurance program review teams. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained on magnetic tape, microfilm, and hard copy paper.

**Retrievability:** The records are indexed for individual identification by clinic physician provider numbers and supplier EIN (employer's identification number). The records are prepared and updated daily by carriers as a basis for determining reasonable charges and area prevailing charges.

**Safeguards:** Disclosure of records to carrier personnel is limited to a need-to-know basis. The files are closed to unauthorized personnel. The determination as to which personnel are authorized will vary slightly in different carrier installations. All carriers have guards at the building entrance to prevent intrusion by individuals not employees or not having business with the carrier. One or more of the following security measures are used within the building: Color coded identification cards are used to establish the right of an employee to be in a specific area; cipher locks are used to protect files and computer areas; magnetic identification cards are used to gain access to security sensitive areas; videomonitoring of sensitive areas is constant.

**Retention and disposal:** Records are closed out the first quarter following the close of the previous calendar year. Files are retained indefinitely.

**System manager(s) and address:**

Director, Bureau of Health Insurance  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** Inquiries and requests for records information should be directed to the carrier servicing the clinic physician's or supplier's geographical area. Individuals who want to determine if they have a record in this system must provide their full name and address.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5 and 5b.6) Federal Register, October 8, 1975, page 47410, 11.)

**Contesting record procedures:** Contact the official at the address specified under System Manager above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Information contained in these records is furnished in part by the individual clinic physician or supplier and in part abstracted from Medicare Part B billing records.

**Systems exempted from certain provisions of the act:** None.

09-60-0189

**System name:** Durable Medical Equipment Experimentation, HEW, SSA/HI.

**Security classification:** None.

**System location:**

Social Security Administration

Office of Research and Statistics  
Program Experimentation Branch  
Room 3-E-6  
Meadows East Building  
Baltimore, Maryland 21235

**Office of the Contractor, name and address not yet determined**

**Categories of individuals covered by the system:** Medical Part B Beneficiaries acquiring durable medical equipment (DME) under Title XVIII of the Social Security Act. Geographic locations are to be determined on contract award date.

**Categories of records in the system:** Administrative, billing, and descriptive information involving the purchase and/or rental of durable medical equipment under Title XVIII (Medicare Part B).

**Authority for maintenance of the system:** Section 245 of Public Law 92-603 (Social Security Amendments of 1972).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Routine disclosure of the records maintained in the system will be made to an organization under contract with the Social Security Administration for the performance of the research and statistical functions as prescribed by the contract. The data collected will be utilized by the Contractor for statistical purposes in determining the results of the experimental program. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic computer tape.

**Retrievability:** To be specified by Contractor. (Most probable index will be individual Health Insurance Account Number and Part B Medicare Carrier Code Number.)

**Safeguards:** Magnetic computer tapes are to be kept in GSA approved containers with combination locks. The containers are to be located in a controlled access area where all nonemployees and nonauthorized personnel must identify themselves, state the nature of their business, and be logged in before gaining entry. All employees of the Contractor are subject to the penalties prescribed by the Privacy Act for unauthorized disclosure of personnel data. These safeguards are in accordance with Departmental standards limiting access to authorized personnel only.

**Retention and disposal:** All raw data, draft reports, correspondence, and reports generated during this experiment (including tapes, computer programs, position indices, etc.) shall be the property of the Government and shall be delivered to the SSA Project Officer not later than 15 calendar days after contract completion date. Should the Project Officer request any of the above-mentioned material during the conduct of the experiment, the Contractor shall present such material to the Project Officer with 30 days of a written request. The material presented by the Contractor shall be as current as possible, relevant to the request. All tapes and final reports will be delivered to the Social Security Administration and will be retained by the Social Security Administration as long as necessary for program purposes.

**System manager(s) and address:**

Assistant Commissioner for Research and Statistics  
Social Security Administration  
Room 1121  
Universal North Building  
1875 Connecticut Avenue, N.W.  
Washington, D.C. 20009

**Notification procedure:** For purposes of notification, provide the Systems Manager with the name, address, and Health Insurance Account Number of the person requesting access.

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**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Departmental Regulations (45 CFR, Part 5b.5(a)(2) Federal Register, October 8, 1975, page 47410.)

**Contesting record procedures:** Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Departmental Regulations (45 CFR Part 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Requests from Medicare Part B Beneficiaries for reimbursement for the rental/purchase of durable medical equipment under title XVIII of the Social Security Act, including charges and descriptive material from suppliers of durable medical equipment administrative and billing information for the reimbursement of durable medical equipment from Part B Medicare Carriers.

**Systems exempted from certain provisions of the act:** None

09-60-0190

**System name:** Medicare Hospital Discharge Validation File HEW SSA HI.

**Security classification:** None

**System location:**

Health Care Financing Administration  
HEW South Bldg  
330 C St S W  
Washington, D.C. 20201

National Academy of Sciences  
Institute of Medicine  
Watergate Office Building  
2600 Virginia Avenue  
Washington D.C. 20418

**Categories of individuals covered by the system:** Medicare beneficiaries (aged only) whose hospital bills were included in a 20 percent sample of beneficiaries during 1974 and 1975.

**Categories of records in the system:** Each record contains (1) patient identification data (name, HI number, sex, age) from the Medicare master enrollment file, and (2) hospitalization data (hospital name, admission and discharge date, primary diagnosis, primary surgical procedure performed) from both the Medicare hospital discharge billing file and the hospital medical record.

**Authority for maintenance of the system:** 42 U.S.C. Section 139511

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (a) To contractor for the performance of specific research and statistical activities directly related to the performance of this study.

(b) To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

(c) In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Record lists, completed reabstract forms, and keypunched cards are stored in locked file cabinets. Magnetic tape files of patient records are stored in a tape library. All codes for numeric data on the tape files are stored in locked file cabinets. All of these storage facilities are located in the contractor's offices.

**Retrievability:** By beneficiary name, HI number, and birth date.

**Safeguards:** The contractor will be required to comply with Departmental safeguard procedures. All persons having access to the system of records have been notified of the criminal sanctions for

unauthorized disclosure of information about individuals. The contractor maintains controlled access to computer files. As tape file records are created, individuals' names are eliminated and their HI numbers replaced with anonymous assigned record numbers. The master list for the assigned numbers is stored in locked file cabinets. There is controlled access to this list as all other stored files.

**Retention and disposal:** All re-abstract forms, filing records and other data collection forms will be returned to SSA with all patient identifiers removed. Keypunch cards and magnetic tape files will be retained by the contractor for 6 months following contract termination and will then be destroyed by standard disposal procedures.

**System manager(s) and address:**

Acting Assistant Administrator for Policy and Research,  
HCFA  
Room 4090  
HEW South Bldg  
330 C St S W  
Washington, D.C. 20201

**Notification procedure:** For purposes of notification, the system manager will need to know the name of the system, and the name and health insurance number of the person requesting notification. An individual who requests notification of or access to a medical record shall, at the time the request is made designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Sections 5b.5 and 5b.6) Federal Register, October 8, 1975, page 47410, 11).

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5 and 5b.6) Federal Register, October 8, 1975, page 47410, 11).

**Contesting record procedures:** Contact the official at the address specified under System Manager above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR Section 5b.7) Federal Register, October 8, 1975, page 47411.)

**Record source categories:** Records derived from Medicare master enrollment file, Medicare 20 percent hospital discharge record file, hospital medical records, and hospital Medicare claims forms.

**Systems exempted from certain provisions of the act:** None.

09-60-0194

**System name:** Direct Deposit Survey (Statistics) HEW SSA OPP.

**Security classification:** None

**System location:**

Evaluation and Measurement Staff  
Office of Program Policy & Planning  
6300 Security Blvd.  
Baltimore, Maryland 21235

Bureau of Data Processing  
6401 Security Blvd.  
Baltimore, Maryland 21235

**Contractor Site—unknown—when known, this information will be available from Systems Manager upon request.**

**Categories of individuals covered by the system:** A sample of individuals from these groups:

a. Individuals who are receiving social security benefits and having them deposited directly in financial institutions.

b. Individuals receiving social security benefits who have not elected to have their benefits deposited directly in financial institutions.

c. Individuals receiving social security benefits who had elected the direct deposit option but who subsequently elected to stop using it.

**Categories of records in the system:** Selected Survey Responses reflecting individuals' knowledge of and experience with the Direct Deposit option, Social Security Administration program benefit and demographic data.

**Authority for maintenance of the system:** Section 702 of the Social Security Act (42 U.S.C., Section 902).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. An organization under contract with the Social Security Administration of information necessary to enable the contractor to comply with the conditions of the agreement to perform research and statistical functions.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Completed data tape and questionnaire hard copy with identifiers will be kept by EMS Project Officer. The questionnaire hard copy in a locked file, the tape in a secure computer facility.

**Retrievability:** Records from the survey data tape and questionnaire hard copy will be retrievable by name and social security number until after merger with SSA program data, i.e., until end of calendar year 1979.

**Safeguards:** During field survey and editing, identification of tapes and documentation of tape data contents are restricted to the SSA Project Staff and the contractor's project staff. Hard copy of questionnaires are kept in locked storage cabinets located in locked rooms and can only be accessed with the permission of the project manager. All persons using tape data or having access to hard copy are notified of criminal penalties for unauthorized disclosures of information about individuals. Similarly, the contractor's staff operates under the same sanctions. Contractor transmits all survey data to SSA Project Staff at the end of field survey. Access to completed data tape is controlled by the SSA Project Officer. Security measures have been incorporated in the software specifications of the system that were designed to prevent accidental and intentional unauthorized disclosure.

**Retention and disposal:** Questionnaire hard copy and completed tape with identifiers will be retained until the end of calendar year 1979 at which time both will be destroyed. Retrieval will then no longer be possible.

**System manager(s) and address:**

Chief, Evaluation and Measurement Staff, OPP  
6300 Security Blvd.  
Baltimore, Maryland 21235

**Notification procedure:** Provide system manager with name of system, name and social security account number, on a voluntary basis.

**Record access procedures:** Same as notification procedure. Requestor should also reasonably specify the record contents being sought. These access procedures are in accordance with DHEW Regulations (45 CFR, Section 5b.5(a)(2)), Federal Register, October 8, 1975, page 47410.

**Contesting record procedures:** Contact the systems manager at the address specified, and reasonably identify the record and specify the information to be contested. These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7), Federal Register, October 8, 1975, page 47411.

**Record source categories:** Interview data completed with individuals in the survey sample, SSA program information and demographic data from social security records.

**Systems exempted from certain provisions of the act:** None.

09-60-0195

**System name:** Professional Qualification Files, HEW SSA HI.

**Security classification:** None.

**System location:** (1) Regional Medicare Directors (See Appendix C, Sect. 2, Federal Register, September 20, 1976, page 41053).

(2) The State Agencies listed below for the indicated file categories:

Department of Public Health  
State Office Building  
Montgomery, AL 36130 (1) (2) (9)

Department of Health and Social Services  
Pouch H, Space 06-G  
Juneau, AK 99811  
(1) (2)

Department of Health Services  
1740 West Adams  
Room 201  
Phoenix, AZ 85007

(1) (2) (3)

Bureau of Health Facilities Services  
4815 West Markham  
Little Rock, AR 72201  
(1) (2)

Department of Health  
2151 Berkeley Way  
Berkeley, CA 94704  
(1) (3)

State Department of Health  
4210 East 11th Street  
Denver, CO 80220  
(1) (2) (11)

State Department of Health  
79 Elm Street  
Hartford, CT 06115 (1) (16)

Division of Public Health  
2634 Kirkwood Highway  
Newark, DE 19711  
(1) (2) (3)

Department of Health and Rehabilitative Services  
P.O. Box 210  
Jacksonville, FL 32201  
(1) (3)

Standards and License Unit  
618 Ponce de Leon Avenue, NE  
Atlanta, GA 30308  
(1) (2) (3) (8)

State Department of Health  
P.O. Box 33787  
Honolulu, HI 96801  
(1) (3) (4)

Department of Health and Welfare  
Statehouse  
Boise, ID 83707  
(1) (2)

Office of Health Facilities and Quality of Care  
525 West Jefferson Street  
Springfield, IL 62706 (1) (2)

Medical Care Administration  
1330 West Michigan  
Indianapolis, IN 46202  
(1) (2)

Division of Health Facilities  
State Office Building  
Des Moines, IA 50319  
(1) (2) (3) (4)

State Department of Health and Environment  
Topeka, KA 66620  
(1) (2)

Louisiana Health and Human Resources Administration  
P.O. Box 3767  
Baton Rouge, LA 70821  
(1) (2) (3)

Department of Human Services  
221 State Street  
Augusta, ME 04333  
(1) (2) (3)

Department of Public Health  
80 Boylston Street  
Boston, MA 02116  
(1) (2)

Division of Laboratory Improvement  
3500 North Logan

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Lansing, MI 48914  
(1) (3)

Division of Health Facilities  
717 Delaware Street SE  
Minneapolis, MN 55440 (1) (2) (3)

State Board of Health  
2423 North State Street  
Jackson, MS 39205

State Division of Health  
State Office Building  
Jefferson City, MO 65102 (1) (3)

Department of Health and Environmental Services  
Capitol Station  
Helena, MT 59601  
(1) (2) (4) (5) (6) (7) (8) (9) (12) (13) (14)

State Health Department  
1000 O Street  
Lincoln, NE 68508  
(1) (2)

Bureau of Health Facilities  
505 East King Street  
Carson City, NV 89710  
(1) (2) (3) (5)

Division of Public Health Services  
61 South Spring Street  
Concord, NH 03301  
(1) (2) (3)

Department of Health  
Room 401  
Box 1540  
Trenton, NJ 08625  
(2)

State Health and Social Services Department  
725 St. Michael's Drive  
Santa Fe, NM 87503  
(1) (2) (3)

Department of Health  
Tower Building  
Empire State Plaza  
Albany, NY 12237  
(1) (3)

State Department of Health  
1200 Missouri Avenue  
Room 302  
Bismarck, ND 58508  
(1) (2) (9)

Department of Health  
450 East Town Street  
Columbus, OH 43215  
(1) (2)

Licensure and Certification Division  
Northeast 10th and Stonewall  
Oklahoma City, OK 73105  
(1) (2) (3)

State Health Division  
P O Box 231  
Portland, OR 97207  
(1) (2)

Department of Health and Environmental Control  
2600 Bull Street  
Columbia, SC 29201  
(1) (2) (3) (7) (8) (10) (14)

Department of Public Health  
Nashville, TE 37219  
(1) (2)

State Department of Health Resources  
4902 Grover Street  
Austin, TX 78756  
(1) (2) (3)

Division of Health  
44 Medical Drive  
Salt Lake City, UT 84113  
(1) (2) (4) (5) (6) (7) (8) (9) (14) (15)

Department of Health  
115 Colchester Avenue  
Burlington, VT 05401  
(1) (2) (4) (5) (6) (7) (8) (9)

Department of Health  
James Madison Building  
109 Governor Street  
Richmond, VA 23219  
(1) (2) (3)

Department of Social and Health Services  
P O Box 1788  
Alypina, WA 98504  
(3)

State Health Department  
601 Morris Street  
Suite 405  
Charleston, WV 25301  
(1) (2)

Division of Health  
One West Wilson Street  
Madison, WI 53703  
(1) (2)

**Categories of individuals covered by the system:** Certain professional individuals who are employed in hospitals and clinical laboratories, or who are self-employed providing therapy and medical services who have taken HEW proficiency examinations.

**Categories of records in the system:** The system contains information on the academic and experience qualifications and social security numbers of individuals working in hospitals or clinical laboratories; the names, addresses and license numbers of professional self-employed persons providing therapy and other medical services and their eligibility to participate in the Medicare program; whether individuals who took HEW proficiency examinations have passed or failed. Records maintained differ from State to State. The State agencies listed under System Location are followed by numbers indicating which of the following categories are recorded:

- Physical Therapists (1)
- Chiropractors (2)
- Laboratory Personnel (3)
- Licensed Practical Nurses (4)
- Licensed Administrators (5)
- Registered Nurses (6)
- Occupational Therapists (7)
- Dieticians (8)
- Consultant Physicians (9)
- Pharmacists (10)
- Clinical Psychologists (11)
- Audiologists (12)
- Speech Pathologists (13)
- Social Work Consultants (14)
- Dentists (15)
- Portable X-Ray Providers (16)

**Authority for maintenance of the system:** 42 USC 1395 x and 42 USC 1320 a-2

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (a) To contractors under contract to SSA for the performance of specific research and statistical activities directly related to the Social Security Act.

(b) To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

(c) To State officials and employees to the extent necessary or appropriate to carry out their functions under agreements with the

**Social Security Administration.** In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records maintained on paper files in metal filing cabinets.

**Retrievability:** System is indexed by name of individual, listed alphabetically.

**Safeguards:** Disclosure of records is limited to State agency and Medicare personnel on a need-to-know basis. The files are closed to unauthorized personnel. File cabinets where records are stored are locked when not in use and at close of business. Keys are kept by authorized personnel only.

**Retention and disposal:** Records are maintained for 5 years after becoming inactive, and are then destroyed.

**System manager(s) and address:**

Director, Bureau of Health Insurance  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** Inquiries and requests for records should be directed to the Regional Medicare Director (See Appendix C, Section 2) or the appropriate State agency (See System Location.) The individual should furnish his or her name, address, social security number, and the specific category file he wishes to access. Information on the procedures for gaining access to and contesting records may be obtained from the Regional Medical Director.

**Record access procedures:** Same as notification procedures. (These access procedures are in accordance with the Department Regulations (45 CFR, Section 5b.5(a)(2) Federal Register, October 8, 1975, page 47410).)

**Contesting record procedures:** Contact the official at the address specified under notification procedures, above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with the Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411).

**Record source categories:** The information contained in these records is furnished by the individual or his employing entity (hospital or medical clinic).

**Systems exempted from certain provisions of the act:** None.

09-60-0196

**System name:** Disability Studies Survey Records, (Statistics) HEW SSA/OPP

**Security classification:** None.

**System location:**

Social Security Administration  
6401 Security Blvd.  
Baltimore, Maryland 21235

Bureau of the Census  
Washington, D.C.  
Jeffersonville, Indiana

**Contractor sites:** Addresses may be obtained by writing to the system manager (see below).

**Categories of individuals covered by the system:** Sample groups of adults who are current or potential recipients of Social Security disability payments.

**Categories of records in the system:** Socio-economic, demographic, medical and disability characteristics, attitudes, earnings and employment history, benefits, and use of medical and rehabilitative services.

**Authority for maintenance of the system:** Section 702 of the Social Security Act (42 USC, Section 902)

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. To contractor under contract to the Social Security Administration (SSA), or under contract to another agency with funds provided by SSA, for the performance of research and statistical activities directly related to the Social Security Act.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Data may be stored on hard copy questionnaire forms, microfilm, punch cards, magnetic tape, disc, or printouts.

**Retrievability:** Files based on SSA sample populations are indexed by SSA-assigned case numbers or social security numbers. Files based on Census sample populations are indexed by Census-assigned case numbers cross-referenced to social security numbers.

**Safeguards:** Magnetic tapes or other files with personal identifiers are retained in secure storage areas accessible only to authorized persons. Employees having access to records are notified of criminal sanctions for unauthorized disclosure of information about individuals. Microdata files prepared for research purposes for use outside of the research staff will be stripped of personal identifiers. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, (such as the use of passwords, locked files, etc.) restricting access to authorized personnel.

**Retention and disposal:** Hard copy questionnaires will be destroyed when survey reports are completed. Records with identifiers will be held in secure storage areas and will be retained only as long as needed for SSA analysis. Identifiers will be removed at the earliest possible time after data collection is completed. The need to retain identifiers will be evaluated at the time each survey is completed. Records with identifiers will be disposed of as soon as they are determined to be no longer needed. Means of disposal will be appropriate to the record storage medium, e.g., erasure of tapes, shredding of printouts, etc. As long as identifiable records exist, a periodic review will be made at least every two years to determine the need for their retention. In longitudinal studies, working files are stripped of identifiers and given randomly assigned case numbers. A separate link file will be maintained in secure storage for updating with individual identifiers.

**System manager(s) and address:**

Assistant Commissioner for Research and Statistics  
Social Security Administration  
Universal North Building/Room 1121  
1875 Connecticut Avenue, N.W.  
Washington, D.C. 20009

**Notification procedure:** For purposes of access, write to the system manager. He will request name of the system and social security number (on a voluntary basis). Also to verify identity, provide name (woman's maiden name, if applicable), address, date of birth, and sex.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, pg.47410).

**Contesting record procedures:** Write the system manager at the address above and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, pg.47411).

**Record source categories:** SSA administrative records (Master Beneficiary Record, earnings recordings and self-employment income system, disability case folders, etc.) and/or survey data collected by contractor. Bureau of the Census records may be used to create sampling frame.

**Systems exempted from certain provisions of the act:** None.

09-60-0197

**System name:** Disability Studies Records and Extracts (Statistics) - HEW/SSA/OPP

**Security classification:** None.

**System location:**

Social Security Administration  
6401 Security Blvd.



Baltimore, Maryland 21235

Contractor sites: Addresses may be obtained by writing to the systems manager (see below).

**Categories of individuals covered by the system:** Samples of applicants and recipients of disability benefits, including specifically selected subsets of each category also applicants/participants in State Vocational Rehabilitation Programs.

**Categories of records in the system:** Socio-economic, demographic, medical and disability characteristics, earnings, employment history, benefits, and use of medical and rehabilitative services.

**Authority for maintenance of the system:** Section 702 of the Social Security Act (42 USC Sec. 902).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. To contractor under contract to the Social Security Administration (SSA), or under contract to another agency with funds provided by SSA, for the performance of research and statistical activities directly related to the Social Security Act.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Data may be stored on hard copy forms, microfilm, magnetic tape, disc, punch cards, or printouts.

**Retrievability:** Files are indexed by social security number. Data are used within the Office of Research and Statistics for program planning and evaluation purposes such as participation in and relative effectiveness of rehabilitation programs, determination of the characteristics of program applicants and benefit recipients, etc.

**Safeguards:** Magnetic tapes or other files with personal identifiers are retained in secure storage areas accessible only to authorized persons. Employees having access to records are notified of criminal sanctions for unauthorized disclosure of information about individuals. Microdata files prepared for research purposes outside the research staff will be stripped of personal identifiers. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, (such as the use of passwords, locked-files, etc.) restricting access to authorized personnel.

**Retention and disposal:** Records with identifiers will be held in secure storage areas and will be disposed of as soon as they are determined to be no longer needed for SSA analysis. Means of disposal will be appropriate to the record storage medium, e.g., erasure of tapes, shredding of printouts, etc. As long as identifiable records exist, a periodic review will be made at least every two years to determine the need for their retention.

**System manager(s) and address:**

Assistant Commissioner for Research and Statistics  
Social Security Administration  
Universal North Building/Room 1121  
1875 Connecticut Avenue, N.W.  
Washington, D.C. 20009

**Notification procedure:** For purpose of access, write to the system manager. He will request name of the system and social security number (on a voluntary basis). Also, to verify identity, provide name (woman's maiden name, if applicable), address, date of birth, and sex.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with DHEW Regulation (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, pg.47410).

**Contesting record procedures:** Write the system manager at the address specified above and reasonably identify the record and specify the information contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, pg.47411).

**Record source categories:** Master beneficiary record, earnings recordings and self-employment income system, disability claims folder, disability data record, case service reports of the Vocational Rehabilitation Agencies (R-300), Bureau of Hearings and Appeals record locator, Health Insurance Master File and related files, and SSA Administrative Awards File.

**Systems exempted from certain provisions of the act:** None.

**System name:** Extramural Research Administrative File  
HEW/SSA/OPP

**Security classification:** None

**System location:**  
Social Security Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Categories of individuals covered by the system:** Personnel described in research project proposals submitted for grant or contract consideration.

**Categories of records in the system:** Professional qualifications and other relevant information about project personnel. Direct or indirect information on individual salaries may be included.

**Authority for maintenance of the system:** Section 702 of the Social Security Act (42 USC 902). Section 1110 of the Social Security Act (42 USC 1310).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. To the court or to a party in connection with any civil or criminal action to which the Secretary is a party or otherwise involving a program administered by the Social Security Administration. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity, (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components, or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems necessary to the Department of Justice to enable that Department to effectively represent such party provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Data may be stored on hard copy forms, magnetic tape, disc, punch cards, or printouts.

**Retrievability:** Files are indexed by HEW assigned number. Data are used within HEW for administrative analyses.

**Safeguards:** Magnetic tapes or other files with personal identifiers are retained in secure storage areas accessible only to authorized persons. Employees having access to records are notified of criminal sanctions for unauthorized disclosure of information about individuals. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, (such as the use of passwords, locked-files, etc.) restricting access to authorized personnel.

**Retention and disposal:** Records with identifiers will be held in secure storage areas and will be disposed of as soon as they are determined to be no longer needed for analysis. Means of disposal will be appropriate to the record storage medium, e.g., erasure of tapes, shredding of printouts, etc. As long as identifiable records exist, a periodic review will be made at least every two years to determine the need for their retention.

**System manager(s) and address:**

Assistant Commissioner for Research and Statistics  
Social Security Administration  
Universal North Bldg./Rm.1121  
1875 Connecticut Avenue, N.W.  
Washington, D.C. 20009

**Notification procedure:** For purposes of access, write to the systems manager. He will need to know the project title and number, name of contractor or grantee organization and the name of the person requesting notification.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with DHEW Regulation (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, pg.47410).

**Contesting record procedures:** Write the system manager at the address specified above and reasonably identify the record and specify the information contested. (These procedures are in ac-

cordance with Department Regulations (45 CFR, Section 5b.7) Federal Register October 8, 1975, pg.47411).

**Record source categories:** Project proposals submitted for grant or contract consideration.

**Systems exempted from certain provisions of the act:** None.

09-60-0199

**System name:** Extramural Surveys (Statistics) HEW/SSA/OPP

**Security classification:** None.

**System location:**  
Social Security Administration  
6401 Security Blvd  
Baltimore, Maryland 21235

Contractor sites: Addresses may be obtained by writing to the system manager (see below).

**Categories of individuals covered by the system:** Samples of individuals who are current or potential recipients of benefits from Social Security and related programs, personnel administering SSA and related programs.

**Categories of records in the system:** Socio-economic, demographic, medical and disability characteristics; attitudes concerning subjects such as health, work experience, and family relationships; earnings and employment history, benefits, use of medical and rehabilitative services.

**Authority for maintenance of the system:** Section 702 of the Social Security Act (42 USC, Section 902). Section 1110 of the Social Security Act (42 USC, Section 1310).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. To contractor under contract to the Social Security Administration (SSA), or under contract to another agency with funds provided by SSA, for the performance of research and statistical activities directly related to the Social Security Act.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Data may be stored on hard copy questionnaire forms, microfilm, punch cards, magnetic tape, disc, or printouts.

**Retrievability:** Files based on SSA sample populations are indexed by SSA-assigned case numbers or social security numbers. Files based on contractor sample populations are indexed by contractor-assigned case numbers which may be cross-referenced to social security numbers.

**Safeguards:** Magnetic tapes or other files with personal identifiers are retained in secure storage areas accessible only to authorized persons. Employees having access to records are notified of criminal sanctions for unauthorized disclosure of information about individuals. Microdata files prepared for research purposes for use outside of the research staff will be stripped of personal identifiers. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, (such as the use of passwords, locked files, etc.) restricting access to authorized personnel.

**Retention and disposal:** Hard copy questionnaires will be destroyed when survey reports are completed. Records with identifiers will be held in secure storage areas and will be retained only as long as needed for analysis. Identifiers will be removed at the earliest possible time after data collection is completed. The need to retain identifiers will be evaluated at the time each survey is completed. Records with identifiers will be disposed of as soon as they are determined to be no longer needed. Means of disposal will be appropriate to the record storage medium, e.g., erasure of tapes, shredding of printouts, etc. As long as identifiable records exist, a periodic review will be made at least every two years to determine the need for their retention. In longitudinal studies, working files are stripped of identifiers and given randomly assigned case numbers. A separate link file will be maintained in secure storage for updating with individual identifiers.

**System manager(s) and address:**

Assistant Commissioner for Research and Statistics  
Social Security Administration  
Universal North Building/Room 1121  
1875 Connecticut Avenue, N.W.  
Washington, D.C. 20009

**Notification procedure:** For purposes of access, write to the system manager. He will request name of the system and social security number (on a voluntary basis). Also to verify identity, provide name (woman's maiden name, if applicable), address, date of birth, and sex.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, pg.47410).

**Contesting record procedures:** Write the system manager at the address above and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, pg.47411).

**Record source categories:** Survey data obtained by the contractor; SSA administrative records.

**Systems exempted from certain provisions of the act:** None.

09-60-0200

**System name:** Retirement and Survivors Studies Survey Records (Statistics) - HEW/SSA/OPP

**Security classification:** None.

**System location:**  
Social Security Administration  
6401 Security Blvd.  
Baltimore, Maryland 21235

Bureau of the Census  
Washington, D.C.  
Jeffersonville, Indiana

Social Security Administration  
1875 Connecticut Avenue, N.W.  
Washington, D.C. 20009

Contractor sites: Addresses may be obtained by writing to the system manager (see below).

**Categories of individuals covered by the system:** Sample groups of adults or children who are current, past or potential recipients of Social Security payments, or pension or survivor benefits from public or private sources.

**Categories of records in the system:** Socio-economic, demographic, medical, insurance, welfare, attitudes, earnings, employment, and benefits.

**Authority for maintenance of the system:** Section 702 of the Social Security Act (42 USC, Section 902).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. To contractor under contract to the Social Security Administration (SSA), or under contract to another agency with funds provided by SSA, for the performance of research and statistical activities directly related to the Social Security Act.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Data may be stored on hard copy questionnaire forms, microfilm, punch cards, magnetic tape, disc, or printouts.

**Retrievability:** Files based on SSA sample populations are indexed by SSA-assigned case numbers. Files based on Census sample populations are indexed by Census-assigned case numbers. Cross-reference to social security numbers may exist during data collection.

**Safeguards:** Magnetic tapes or other files with personal identifiers are retained in secure storage areas accessible only to authorized persons. Employees having access to records are notified of criminal sanctions for unauthorized disclosure of information about individuals. Microdata files prepared for research purposes for use outside of the research staff will be stripped of personal identifiers. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, (such as the use of passwords, locked files, etc.) restricting access to authorized personnel.



**Retention and disposal:** Hard copy questionnaires will be destroyed when survey reports are completed. Records with identifiers will be held in secure storage areas and will be retained only as long as needed for SSA analysis. Identifiers will be removed at the earliest possible time after data collection is completed. The need to retain identifiers will be evaluated at the time each survey is completed. Records with identifiers will be disposed of as soon as they are determined to be no longer needed. Means of disposal will be appropriate to the record storage medium, e.g., erasure of tapes, shredding of printouts, etc. As long as identifiable records exist, a periodic review will be made at least every two years to determine the need for their retention. In longitudinal studies, working files are stripped of identifiers and given randomly assigned case numbers. A separate link file will be maintained in secure storage for updating with individual identifiers.

**System manager(s) and address:**

Assistant Commissioner for Research and Statistics  
Social Security Administration  
Universal North Building/Room 1121  
1875 Connecticut Avenue, N.W.  
Washington, D.C. 20009

**Notification procedure:** For purposes of access, write to the system manager. He will request name of the system and social security number (on a voluntary basis). Also to verify identity, provide name (woman's maiden name, if applicable), address, date of birth, and sex.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, pg. 47410).

**Contesting record procedures:** Write the system manager at the address above and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, pg. 47411).

**Record source categories:** SSA administrative records (e.g. Master Beneficiary Record, earnings recordings and self-employment income systems and/or survey data collected by contractor Bureau of the Census records may be used to create sampling frame).

**Systems exempted from certain provisions of the act:** None.

09-60-0201

**System name:** Retirement and Survivors Studies Records and Extracts (Statistics) HEW/SSA/OPP

**Security classification:** None.

**System location:**

Social Security Administration  
6401 Security Blvd.  
Baltimore, Maryland 21235

Social Security Administration  
1875 Connecticut Avenue, N.W.  
Washington, D.C. 20009

**Contractor sites:** Addresses may be obtained by writing to the system manager (see below).

**Categories of individuals covered by the system:** Sample groups of adults or children who are current, past, or potential recipients of Social Security payments, or pension or survivor benefits from public or private sources.

**Categories of records in the system:** Socio-economic, demographic, medical, insurance, welfare, earnings, employment, benefits.

**Authority for maintenance of the system:** Section 702 of the Social Security Act (42 USC, Sec. 902).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. To contractor under contract to the Social Security Administration (SSA), or under contract to another agency with funds provided by SSA, for the performance of research and statistical activities directly related to the Social Security Act.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Data may be stored on hard copy forms, microfilm, magnetic tape, disc, punch cards, or printouts.

**Retrievability:** Files are indexed by social security number. Data are used within the Office of Research and Statistics for program planning and evaluation purposes to identify changes in the beneficiary populations and to evaluate benefit adequacy, etc.

**Safeguards:** Magnetic tapes or other files with personal identifiers are retained in secure storage areas accessible only to authorized persons. Employees having access to records are notified of criminal sanctions for unauthorized disclosure of information about individuals. Microdata files prepared for research purposes outside the research staff will be stripped of personal identifiers. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used (such as the use of passwords, locked files, etc.) restricting access to authorized personnel.

**Retention and disposal:** Records with identifiers will be held in secure storage areas and will be disposed of as soon as they are determined to be no longer needed for SSA analysis. Means of disposal will be appropriate to the record storage medium, e.g., erasure of tapes, shredding of printouts, etc. As long as identifiable records exist, a periodic review will be made at least every two years to determine the need for their retention.

**System manager(s) and address:**

Assistant Commissioner for Research and Statistics  
Social Security Administration  
Universal North Building/Room 1121  
1875 Connecticut Avenue, N.W.  
Washington, D.C. 20009

**Notification procedure:** For purpose of access, write to the system manager. He will request name of the system and social security number (on a voluntary basis). Also, to verify identity, provide name (woman's maiden name, if applicable), address, date of birth, and sex.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with DHEW Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, pg. 47410).

**Contesting record procedures:** Write the system manager at the address specified above and reasonably identify the record and specify the information contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, pg. 47411).

**Record source categories:** Master beneficiary record, earnings recordings and self-employment income system.

**Systems exempted from certain provisions of the act:** None.

09-60-0202

**System name:** Old Age, Survivors and Disability Beneficiary and Worker Records and Extracts (Statistics) HEW/SSA/OPP

**Security classification:** None.

**System location:**

Social Security Administration  
6401 Security Blvd.  
Baltimore, Maryland 21235

**Contractor sites:** Addresses may be obtained by writing to the system manager (see below).

**Categories of individuals covered by the system:** Groups of applicants for and recipients of social security old age, survivors, disability and black lung benefits, persons with taxable earnings, persons issued social security numbers. Most files are samples of selected subgroups.

**Categories of records in the system:** Socio-economic, demographic, medical and disability characteristics, earnings, employment history, benefits, and use of medical and rehabilitative services.

**Authority for maintenance of the system:** Section 702 of the Social Security Act (42 USC, Section 902).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. To contractor under contract to the Social Security Administration (SSA), or under contract to another

agency with funds provided by SSA, for the performance of research and statistical activities directly related to the Social Security Act.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Data may be stored on hard copy forms, magnetic tape, microfilm, disc, punch cards, or printouts.

**Retrievability:** Files are indexed by social security number. Data are used within the Office of Research and Statistics for statistical purposes related to the administration and evaluation of old-age, survivors, disability and black lung benefit programs.

**Safeguards:** Magnetic tapes or other files with personal identifiers are retained in secure storage areas accessible only to authorized persons. Employees having access to records are notified of criminal sanctions for unauthorized disclosure of information about individuals. Microdata files prepared for research purposes outside the research staff will be stripped of personal identifiers. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used (such as the use of passwords, locked files, etc.) restricting access to authorized personnel.

**Retention and disposal:** Records with identifiers will be held in secure storage areas and will be disposed of as soon as they are determined to be no longer needed for SSA analysis. Means of disposal will be appropriate to the record storage medium, e.g., erasure of tapes, shredding of printouts, etc. As long as identifiable records exist, a periodic review will be made at least every two years to determine the need for their retention.

**System manager(s) and address:**

Assistant Commissioner for Research and Statistics  
Social Security Administration  
Universal North Building/Room 1121  
1875 Connecticut Avenue, N.W.  
Washington, D.C. 20009

**Notification procedure:** For purposes of access, write to the system manager. He will request name of the system and social security number (on a voluntary basis). Also, to verify identity, provide name (woman's maiden name, if applicable), address, date of birth, and sex.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with DHEW Regulation (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, pg. 47410).

**Contesting record procedures:** Write the system manager at the address specified above and reasonably identify the record and specify the information contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, pg. 47411).

**Record source categories:** Master beneficiary record, earnings recordings and self-employment income system, and other SSA records related to earnings and applications for, or payment of benefits. For selected employers, lists of persons working in covered employment.

**Systems exempted from certain provisions of the act:** None.

09-60-0203

**System name:** Supplementary Security Income (SSI) Studies Survey Records (Statistics) HEW/SSA/OPP

**Security classification:** None.

**System location:**

Social Security Administration  
6401 Security Blvd.  
Baltimore, Maryland 21235

Social Security Administration  
1875 Connecticut Avenue, N.W.  
Washington, D.C. 20009

Bureau of the Census  
Washington, D.C.  
Jeffersonville, Indiana

**Contractor sites:** Addresses may be obtained by writing to the system manager (see below).

**Categories of individuals covered by the system:** Sample groups of persons and families receiving or potentially eligible to receive welfare assistance under the SSI and related Federal/State welfare programs, including Aid to Families with Dependent Children, General Assistance, Emergency Assistance and Food Stamps, other persons or families, regardless of SSI or poverty status, for use within the same system of records for companion purposes with persons or families in the above categories. Federal/State personnel responsible for the administration of SSI and related welfare programs.

**Categories of records in the system:** Socio-economic, demographic, medical and disability characteristics, living conditions, attitudes, earnings and employment history, benefits, use of medical and rehabilitative services, participation on SSI and related Federal/State welfare programs.

**Authority for maintenance of the system:** Section 702 of the Social Security Act (42 USC, Section 902).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. To contractor under contract to the Social Security Administration (SSA), or under contract to another agency with funds provided by SSA, for the performance of research and statistical activities directly related to the Social Security Act.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Data may be stored on hard copy questionnaire forms, microfilm, punch cards, magnetic tape, disc, or printouts.

**Retrievability:** Files based on SSA sample populations are indexed by SSA assigned case numbers or social security numbers. Files based on Census sample populations are indexed by Census assigned case numbers cross-referenced to social security numbers.

**Safeguards:** Magnetic tapes or other files with personal identifiers are retained in secure storage areas accessible only to authorized persons. Employees having access to records are notified of criminal sanctions for unauthorized disclosure of information about individuals. Microdata files prepared for research purposes for use outside of the research staff will be stripped of personal identifiers. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used (such as the use of passwords, locked files, etc.) restricting access to authorized personnel.

**Retention and disposal:** Hard copy questionnaires will be destroyed when survey reports are completed. Records with identifiers will be held in secure storage areas and will be retained only as long as needed for SSA analysis. Identifiers will be removed at the earliest possible time after data collection is completed. The need to retain identifiers will be evaluated at the time each survey is completed. Records with identifiers will be disposed of as soon as they are determined to be no longer needed. Means of disposal will be appropriate to the record storage medium, e.g., erasure of tapes, shredding of printouts, etc. As long as identifiable records exist, a periodic review will be made at least every two years to determine the need for their retention. In longitudinal studies, working files are stripped of identifiers and given randomly assigned case numbers. A separate link file will be maintained in secure storage for updating with individual identifiers.

**System manager(s) and address:**

Assistant Commissioner for Research and Statistics  
Social Security Administration  
Universal North Building/Room 1121  
1875 Connecticut Avenue, N.W.  
Washington, D.C. 20009

**Notification procedure:** For purposes of access, write to the system manager. He will request name of the system and social security number (on a voluntary basis). Also to verify identity, provide name (woman's maiden name, if applicable), address, date of birth, and sex.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, pg. 47410).

**Contesting record procedures:** Write the system manager at the address above and reasonably identify the record and specify the information to be contested. (These procedures are in accordance



with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, pg. 47411).

**Record source categories:** SSA administrative records (e.g. the Supplemental Security Income Record, SSI applications, Master Beneficiary Record, earnings recordings and self-employment income system disability case folders, etc.), program records for related Federal/State welfare programs, and/or survey data collected by contractor Bureau of the Census records may be used to create sampling frame.

**Systems exempted from certain provisions of the act:** None.

09-60-0204

**System name:** Supplementary Security Income (SSI) Studies Records and Extracts (Statistics) HEW/SSA/OPP

**Security classification:** None

**System location:**

Social Security Administration  
6401 Security Blvd  
Baltimore, Maryland 21235

Social Security Administration  
1875 Connecticut Avenue, N.W.  
Washington, D.C. 20009

Contractor sites. Addresses may be obtained by writing to the systems manager (see below).

**Categories of individuals covered by the system:** Samples of applicants and recipients of benefits under the SSI program, samples of applicants and recipients of welfare assistance under related programs, including Aid to Families with Dependent Children (AFDC), General Assistance, Emergency Assistance and Food Stamps, specially selected subsets of applicants/recipients from the above programs.

**Categories of records in the system:** Socio-economic, demographic, medical and disability characteristics; earnings, employment history, participation in and benefits received under the SSI and related welfare programs, and use of medical and rehabilitative services.

**Authority for maintenance of the system:** Section 702 of the Social Security Act (42 USC, Section 902).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. To contractor under contract to the Social Security Administration (SSA), or under contract to another agency with funds provided by SSA, for the performance of research and statistical activities directly related to the Social Security Act.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Data may be stored on hard copy forms, microfilm, magnetic tape, disc, punch cards, or printouts.

**Retrievability:** Files are indexed by social security number. Data are used within the Office of Research and Statistics for program planning and evaluation purposes such as participation in and relative effectiveness of the SSI and related welfare programs, determination of the characteristics of program applicants and benefit recipients, etc.

**Safeguards:** Magnetic tapes or other files with personal identifiers are retained in secure storage areas accessible only to authorized persons. Employees having access to records are notified of criminal sanctions for unauthorized disclosure of information about individuals. Microdata files prepared for research purposes outside the research staff will be stripped of personal identifiers. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used. (such as the use of passwords, locked-files, etc.) restricting access to authorized personnel.

**Retention and disposal:** Records with identifiers will be held in secure storage areas and will be disposed of as soon as they are determined to be no longer needed for SSA analysis. Means of disposal will be appropriate to the record storage medium, e.g., erasure of tapes, shredding of printouts, etc. As long as identifiable records exist, a periodic review will be made at least every two years to determine the need for their retention.

**System manager(s) and address:**

Assistant Commissioner for Research and Statistics  
Social Security Administration  
Universal North Building/Rm 1121  
1875 Connecticut Avenue, N.W.  
Washington, D.C. 20009

**Notification procedure:** For purposes of access, write to the system manager. He will request name of the system and social security number (on a voluntary basis). Also, to verify identity, provide name (woman's maiden name, if applicable), address, date of birth, and sex.

**Record access procedures:** Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, pg. 47410).

**Contesting record procedures:** Write the system manager at the address specified above and reasonably identify the record and specify the information contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, pg. 47411).

**Record source categories:** Supplemental Security Income Record, SSI applications, State supplied SSI data, program records of other Federal/State welfare programs, master beneficiary record, earnings recordings and self-employment income system, disability claims folder, disability data record, Health Insurance Master file and related files, and other SSA administrative records, case service reports of the Vocational Rehabilitation Agencies.

**Systems exempted from certain provisions of the act:** None.

(1) (2) (3) (4) (5) (7) (8) (9) (10) (13) (14)

09-60-0205

**System name:** Indochina Refugee and Sponsor System, HEW-OS-IRTF (Indochina Refugee Task Force) VOLAG Billing and Validation System, VOLAG Program Progress Reporting System, HEW/SRS Refugee Financial Assistance System HEW SSA OFA

**Security classification:** None

**System location:**

Donohoe Bldg., HEW/SSA/OFA/Special Programs Staff  
400 6th Street, S.W.  
Washington, D.C.  
and at HEW Computer Center, HEW/DMC-DSP  
330 Independence Ave., S.W.  
Washington, D.C.

**Categories of individuals covered by the system:** Individuals who are refugees from Indochina as defined in the authorizing legislation and individuals and voluntary resettlement agencies (VOLAGS) who have sponsored refugees.

**Categories of records in the system:** Names and addresses of individuals and voluntary resettlement agencies (VOLAGS) who sponsored refugees. Names of refugees, resettlement camp ID Numbers, INS Alien Number, Age, Sex, English-speaking capability, Education, Occupational skills, Health status, and Administrative data (e.g., arrival date, camp assignment, camp departure date, destination). VOLAG billing and validation data including progress reports on status of refugees, HEW/SRS refugee financial assistance data.

**Authority for maintenance of the system:** The Indochina Migration and Refugee Assistance Act of 1975 (P.L. 94-23).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** In accord with the Privacy Act of 1974 (P.L. 93-579), as listed in Departmental Regulations (45 CFR Part 5b), Appendix B, items 1, 3, 4, 5, 6, 8, 9. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components, or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in electromagnetic form (disk and tape) in a dedicated IBM 370/165 computer located at:

HEW/DMC-DSP  
330 Independence Ave., S.W.  
Washington, D.C.

**Hard copy (printouts) are maintained at:**

HEW/SSA/OFA/Special Programs Staff, Donohoe Building,  
Room 1123  
400 6th Street, S.W.  
Washington, D.C.

Dept of State, D/HA-ORM  
Universal North Bldg., Room 604 and 912  
1875 Connecticut Ave., N.W.  
Washington, D.C.

Red Cross Refugee Locator Service  
4th Floor  
18th and D Sts., N.W.  
Washington, D.C.

**Retrievability:** Records concerning refugees are indexed by name and cross indexed by A (Alien) number. Records are available to HEW on a need to know basis in the performance of their official duties; to other persons and organizations pursuant to the Privacy Act.

**Safeguards:** Direct access is restricted to the authorized staff, specified above. Hardcopy and folders are maintained in limited access space. Direct access to the computer site is restricted to authorized operating personnel.

**Retention and disposal:** Authorization for the program terminates on September 30, 1977. HEW/SSA/OFA/Special Programs Staff will maintain records until that date, or until work is completed, whichever comes first, at which time another component of HEW will maintain these records.

**System manager(s) and address:**

Director  
Special Programs Staff/OFA/SSA/HEW  
Donohoe Building - Room 1124  
Dept of Health, Education and Welfare  
330 Independence Ave., S.W.  
Washington, D.C. 20201

**Notification procedure:** Systems Manager - use mailing address above.

**Record access procedures:** Systems Manager.

**Contesting record procedures:** Systems Manager.

**Record source categories:** Evacuee file from IATR (Inter-agency Task Force), progress reports from VOLAGS, financial assistance reports from state welfare agencies.

**Systems exempted from certain provisions of the act:** None.

09-60-0206

**System name:** Repatriate Records System, HEW SSA/OFA.

**Security classification:** None.

**System location:**

Social Security Administration, HEW  
Office of Family Assistance  
Special Projects Staff  
Repatriate Program  
330 C Street, S.W. Room 4115  
Washington, D.C. 20201

**Categories of individuals covered by the system:** U.S. Citizens and their dependents returned from foreign countries by the Department of State because of mental or physical illness, destitution, war threat of war or international crisis.

**Categories of records in the system:** Identifying data such as name, date and place of birth, Social Security number, resources, employment, eligibility for other Federal, State or local programs and related data. Other categories include State and Regional reports, correspondence and accounting data, fund accounting data, educational data, and employment records and skills, financial reports, military service and civil and/or criminal records.

**Authority for maintenance of the system:** Public Law 86-571, Public Law 87-64 (Title XI of the Social Security Act, Section 1113).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Provides a basis for the

expenditure of Federal funds. Information is used for the administration of the programs, by HEW regional staff. State and local health and welfare agencies and other private and public agencies as required. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components, or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in individual case folders by program office. Records are indexed by name and stored in locked metal cabinets. Files are confidential. Records are maintained for five years prior to retirement to the Federal Records Center, Suitland, Md.

**Retrievability:** Records are indexed by name and are maintained in alphabetical order. Active and closed files are maintained. State expenditure funds are maintained.

**Safeguards:** Files are stored in metal cabinets with lock and key. Files are of a confidential nature and other personnel would not normally have access to their contents.

**Retention and disposal:** The policy is to maintain records for five years and then send them to the Federal Records Center in Suitland, Maryland. Some records are maintained in the active files for considerably longer periods.

**System manager(s) and address:**

Repatriation Program Officer  
Office of Family Assistance/SSA HEW  
330 C Street, S.W.  
Washington, D.C. 20201

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Information is secured from the individual or his relative and submitted to HEW by the Department of State.

09-60-0207

**System name:** Cuban Refugee Registration Records, HEW SSA/OFA.

**Security classification:** None.

**System location:**

U.S. Cuban Refugee Emergency Center  
747 Ponce de Leon Boulevard  
Miami, Florida 33134

**Categories of individuals covered by the system:** Cuban refugees who, on their own initiative, have registered at the Cuban Refugee Emergency Center in order to qualify for Federal benefits under the Cuban Refugee Program (Registration is not required).

**Categories of records in the system:** Name, names of family members, places and dates of birth, occupation, and related data.

**Authority for maintenance of the system:** Migration and Refugee Assistance Act of 1962.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

1. Voluntary resettlement agencies working under contract with Federal Government in connection with possible resettlement of refugees from Miami to other locations.
2. Cuban Refugee Assistance Program, Florida Division of Family Services, to verify eligibility of refugee to apply for Cuban refugee assistance.
3. State welfare agencies to verify eligibility under Cuban Refugee Program and to enable State to claim Federal reimbursement for assistance provided.
4. HEW Regional Offices in order to provide information to State welfare agencies.



5 Federal law enforcement and security agencies, including the Federal Bureau of Investigation and the Immigration and Naturalization Service, when requested.

6 Courts, when subpoenaed.

7 Statistical research and reporting, provided the record will be used solely as a statistical research or reporting record and is to be transferred in a form that is not individually identifiable

8 In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape and punched card.

Retrievability: Name, Center file number, alien registration number.

Safeguards: Locked areas, access only by record and data processing personnel to record areas, or accompanied by such personnel; guard service during non-office hours.

Retention and disposal: Records will be maintained permanently for the duration of the Program.

System manager(s) and address:

Administrator  
Cuban Refugee Emergency Center  
Post Office Box 342057  
Miami, Florida 33134

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual who is subject of record.

#### APPENDIX A Retirement and Survivors Insurance Claims

##### 1. Determining Appropriate Office to Contact

Records relating to retirement and survivor insurance claims are maintained primarily in six program service centers across the country. The responsibility for the payment of benefits and the maintenance of records is assigned to each office according to the first three digits of the social security number.

However, if the only individual entitled to survivor's monthly benefits on one claim number is also entitled to a retirement benefit on another claim number, the office which is assigned the responsibility for the retirement benefit claim also handles the survivor claim. If the only individual on the record is entitled to a survivor benefit which has been reduced because the survivor is under age 65, and the individual is also entitled to a disability benefit (which is higher), on another record, the Bureau of Disability Insurance certifies the payments and maintains both records (see Appendix B). The Bureau of Disability Insurance is also responsible for payment certification and record maintenance if the only survivor on a record is entitled as a childhood disability beneficiary and the survivor is also entitled to a disability benefit on another record.

In addition, when one of the individuals in the record resides outside the United States or its possessions, the responsibility for payment certification and record maintenance is assigned to the Division of International Operations without reference to the social security claim number or the type of benefit.

With the exceptions noted above, the appropriate program service center to contact can be determined by checking the first three (left side) digits of the social security number and comparing to the

chart below. For example, if the first three digits are 076, the appropriate program service center to contact will be the Northeastern Program Service Center; similarly, if the first three digits were 437, the appropriate office would be Mid-America Program Service Center, and if they are 728, the appropriate office would be the Great Lakes Program Service Center.

If the first three digits fall within the range of:

001 - 134 contact the Northeastern Program Service Center;  
135 - 222 the Mid-Atlantic Program Service Center;  
223 - 231 the Southeastern Program Service Center;  
232 - 236 the Mid-Atlantic Program Service Center;  
237 - 267 the Southeastern Program Service Center;  
268 - 302 the Great Lakes Program Service Center;  
303 - 315 the Mid-America Program Service Center;  
316 - 399 the Great Lakes Program Service Center;  
400 - 428 the Southeastern Program Service Center;  
429 - 500 the Mid-America Program Service Center;  
501 - 504 the Western Program Service Center;  
505 - 515 the Mid-America Program Service Center;  
516 - 524 the Western Program Service Center;  
525 the Mid-America Program Service Center;  
526 - 576 the Western Program Service Center;  
577 - 584 the Mid-Atlantic Program Service Center;  
585 the Mid-America Program Service Center;  
586 the Western Program Service Center;  
587 the Southeastern Program Service Center; or  
700 - 729 the Great Lakes Program Service Center.

##### 2. Office Addresses

Regional Commissioner, RSI  
Northeastern Program Service Center  
96-05 Horace Harding Expressway  
Flushing, New York 11368

Regional Commissioner, RSI  
Mid-Atlantic Program Service Center  
P. O. Box 3579  
Philadelphia, Pennsylvania 19123

Regional Commissioner, RSI  
Southeastern Program Service Center  
2001 Twelfth Avenue, North  
Birmingham, Alabama 35285

Regional Commissioner, RSI  
Great Lakes Program Service Center  
165 North Canal Street  
Chicago, Illinois 60606

Regional Commissioner, RSI  
Mid-America Program Service Center  
601 East Twelfth Street  
Kansas City, Missouri 64106

Regional Commissioner, RSI  
Western Program Service Center  
P. O. Box 2000  
Richmond, California 94802

Director  
Division of International Operations  
P. O. Box 1756  
Baltimore, Maryland 21203

##### 3. Office Hours

Northeastern Program Service Center - 8:20 - 4:50  
Mid-Atlantic Program Service Center - 8:30 - 5:00  
Southeastern Program Service Center - 8:00 - 4:30  
Great Lakes Program Service Center - 8:05 - 4:35  
Mid-America Program Service Center - 8:00 - 4:30  
Western Program Service Center - 8:00 - 4:30  
Division of International Operations - 8:15 - 4:45

##### Appendix B Disability Insurance Claims

##### 1. Central Reviewing Office Address

Records relating to claims for disability insurance are maintained primarily by the:

Bureau of Disability Insurance  
Baltimore, Maryland 21241  
Office Hours are: 8:20-4:50

When one of the individuals in the claim resides outside of the United States, or its possessions, the record is maintained by the Division of International Operations, P. O. Box 1756, Baltimore, Maryland 21203.

##### 2. Disability Insurance Regional Commissioner Addresses and Office Hours

Assistant Regional Commissioner, DI  
DHEW, SSA, Room 1200  
JFK Federal Building  
Boston, Massachusetts 02203

Office Hours 8:30-5:00

Assistant Regional Commissioner, DI  
DHEW, SSA  
Federal Bldg., Room 4008, 26 Federal Plaza  
New York, New York 10007

Office Hours 8:30-4:30

Assistant Regional Commissioner, DI  
DHEW, SSA  
P.O. Box 8788  
Philadelphia, Pennsylvania 19108

Office Hours 8:30-5:00

Assistant Regional Commissioner, DI  
DHEW, SSA  
50 Seventh Street, NE, Room 628  
Atlanta, Georgia 30323

Office Hours 8:30-4:30

Assistant Regional Commissioner, DI  
DHEW, SSA  
Room 712, New Post Office Building  
300 South Wacker Drive, 12th Floor  
Chicago, Illinois 60606

Office Hours 8:15-4:45

Assistant Regional Commissioner, DI  
DHEW, SSA  
Room 436, Federal Bldg.  
601 East 12th Street  
Kansas City, Missouri 64106

Office Hours 8:00-4:45

Assistant Regional Commissioner, DI  
DHEW, SSA  
1200 Main Tower Bldg.  
1114 Commerce Street  
Dallas, Texas 75202

Office Hours 8:00-4:30

Assistant Regional Commissioner, DI  
DHEW, SSA  
100 Van Ness Ave.  
San Francisco, California 94102

Office Hours 8:00-4:30

Assistant Regional Commissioner, DI  
DHEW, SSA  
Federal Building, Room 11037  
19th and Stout Street  
Denver, Colorado 80202

Office Hours 8:30-4:30

Assistant Regional Commissioner, DI  
DHEW, SSA  
Arcade Plaza Building, M/S M-1  
1321 Second Avenue  
Seattle, Washington 98101

Office Hours 8:00-4:30

##### 3. Related State Office Addresses

The disability claims files may be temporarily transferred to State Disability Determination Sections for initial or continuing disability determinations to be made. Vocational Rehabilitation Agencies in the States may also be involved with a disability claim from the training aspects. The State agency addresses are as follows:

##### Alabama

State Department of Education  
Disability Determination Unit  
Clairmont Office Plaza  
2800 8th Avenue, South  
Birmingham, Alabama 35233

##### Alaska

Disability Adjudicator  
Disability Determination Unit  
Office of Vocational Rehabilitation  
830 MacKay Building  
338 Denali Street  
Anchorage, Alaska 99501

##### Arizona

Disability Certification Office  
Rehabilitation Services Bureau  
Department of Economic Security  
P.O. Box 11980  
Phoenix, Arizona 85061

##### Arkansas

Director  
Disability Determination for Social Security Administration  
Suite 700  
1515 West Seventh Street  
Little Rock, Arkansas 72202

##### California

##### Oakland Region

Department of Health  
Disability Evaluation Branch  
P.O. Box 24225  
Oakland, California 94623

##### Los Angeles North Region

Department of Health  
Disability Evaluation Program  
P.O. Box 3819  
Terminal Annex  
Los Angeles, California 90051

##### San Diego Region

Department of Health  
Disability Evaluation Branch



P.O. Box 81326  
San Diego, California 92138

#### Sacramento Region

Department of Health  
Disability Evaluation Branch  
P.O. Box 1827  
Sacramento, California 95809

#### Fresno Region

Department of Health  
Disability Evaluation Branch  
P.O. Box 1072  
Fresno, California 93724

#### Los Angeles South Region

Department of Health  
Disability Evaluation Program  
P.O. Box 60999  
Terminal Annex  
Los Angeles, California 90060

#### Colorado

Department of Social Services  
Division of Rehabilitation  
Disability Determination Unit  
2015 S. Pontiac Way  
Denver, Colorado 80222

#### Connecticut

Bureau Chief  
Division of Vocational Rehabilitation  
Bureau of Disability Determination  
600 Asylum Avenue, 2nd floor  
Hartford, Connecticut 06105

#### Delaware

Administrator  
Disability Determination Service  
P.O. Box 988  
Wilmington, Delaware 19899

#### District of Columbia

Disability Determination Division  
Vocational Rehabilitation Administration  
Department of Human Resources  
1411 K Street, N.W., 13th Floor  
Washington, D.C. 20005

#### Florida

Program Director  
Office of Disability Determination  
Dept. of Health and Rehabilitation Services  
1309 Winewood Boulevard  
Tallahassee, Florida 32301

#### Georgia

Director  
Disability Determination Unit  
Division of Vocational Rehabilitation  
One West Court Square, Suite 300  
Decatur, Georgia 30030

#### Guam

Division of Vocational Rehabilitation  
P.O. Box 3009  
Agaña, Guam 96910

#### Hawaii

Disability Determination Branch

Vocational Rehabilitation and Service for the Blind Division  
Davies Pacific Center, Suite 1212  
841 Bishop Street  
Honolulu, Hawaii 96813

#### Idaho

Director  
Disability Determination  
1505 McKinney  
Boise, Idaho 83704

#### Illinois

Deputy Director  
Division of Vocational Rehabilitation  
Federal Disability Program  
P.O. Box 3842  
Springfield, Illinois 62708

#### Indiana

Director  
Disability Determination Division  
821 Illinois Building  
17 West Market Street  
Indianapolis, Indiana 46204

#### Iowa

Assistant Director  
Rehabilitation Education and Services Branch  
Disability Determination Division  
507 10th St., 4th Floor  
Des Moines, Iowa 50309

#### Kansas

Supervisor  
Division of Vocational Rehabilitation  
State Board of Social Welfare  
Disability Determination Unit  
Post Office Box 5057  
420 East 29th  
Topeka, Kansas 66605

#### Kentucky

Division of Disability Determinations, Department for Human Resources  
Highway 127  
South Frankfort, Kentucky 40601

#### Louisiana

Disability Determinations  
Louisiana Health and Human Resources Administration  
Division of Management  
P.O. Box 15932  
Broadview Station  
Baton Rouge, Louisiana 70815

#### Maine

Chief  
Bureau of Vocational Rehabilitation  
Division of Disability Determination  
P.O. Box 949  
Augusta, Maine 04330

#### Maryland

Assistant Director  
Disability Determination Program  
Division of Vocational Rehabilitation  
7800 York Road, 3rd Floor  
Towson, Maryland 21204

#### Massachusetts

Director

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Massachusetts Rehabilitation Commission  
Disability Determination Service  
60 Battery March Street  
Boston, Massachusetts 02110

#### Michigan

Chief  
Disability Determination Program  
Division of Rehabilitation Services  
P.O. Box 1200  
Lansing, Michigan 48904  
Services all DO's and BO's except Detroit: Downtown (Grand River), Northwest, Pontiac and Royal Oak

Division of Rehabilitation Services  
Disability Determination Program  
25,900 Greenfield Road (3rd Floor)  
Oak Park, Michigan 48237

Division Determination Program  
Division of Vocational Rehabilitation Services  
P.O. Box 1200  
Traverse City, Michigan 49684

#### Minnesota

Director  
Disability Determinations Unit  
Division of Vocational Rehabilitation  
Metro Square Building, Suite 460  
Seventh and Roberts Streets  
St. Paul, Minnesota 55101

#### Mississippi

State Supervisor  
Disability Determination Unit  
State Dept. of Education  
P.O. Box 1271  
Jackson, Mississippi 39205

#### Missouri

Director  
Section of Vocational Rehabilitation  
Disability Determination Services  
125 West Dunklin  
Jefferson City, Missouri 65101

Section of Vocational Rehabilitation  
Disability Determination Services  
1225 N. Kings Highway  
Cape Girardeau, Missouri 63701

Section of Vocational Rehabilitation  
Disability Determination Services  
8704 Manchester Road  
St. Louis, Missouri 63144

Section of Vocational Rehabilitation  
Disability Determination Services  
17221 South Glenstone  
Springfield, Missouri 65806

Section of Vocational Rehabilitation  
Disability Determination Services  
1734 East 63rd St., Room 305  
Kansas City, Missouri 64110

#### Montana

Chief  
Disability Determination Bureau  
Rehabilitative Services Division  
P.O. Box 4189  
Helena, Montana 59601

#### Nebraska

Supervisor

Division of Rehabilitation Services  
Disability Determination Section State Office Bldg., 6th Floor  
301 Centennial Mall  
South Lincoln, Nebraska 68508

Division of Rehabilitation Services  
Disability Determination Section  
Room 1410 City National Bank Building  
Omaha, Nebraska 68102

#### Nevada

Bureau of Disability Adjudication  
Rehabilitation Division  
Department of Human Resources  
505 East King St.  
Capital Complex  
Carson City, Nevada 89710

#### New Hampshire

Supervisor  
Disability Determination Unit  
Vocational Rehabilitation Division  
P.O. Box 452  
Concord, New Hampshire 03301

#### New Jersey

Director  
Division of Disability Determinations  
Department of Labor and Industry  
P.O. Box 649  
Newark, New Jersey 07101

#### New Mexico

Supervisor  
Disability Determination Unit  
P.O. Box 4588  
Albuquerque, New Mexico 87106

#### New York

Director  
Bureau of Disability Determination  
State Department of Social Services  
2 World Trade Center  
New York, New York 10047

#### North Carolina

Director  
Disability Determination Section  
Division of Social Services  
Post Office Box 243  
Raleigh, North Carolina 27602

#### North Dakota

Supervisor  
Disability Determination Section  
Division of Vocational Rehabilitation  
Russell Building, RR01, Highway 83 North  
Bismarck, North Dakota 58505

#### Ohio

Director  
Bureau of Disability Determination  
Rehabilitation Services Commission  
4574 Heaton Road  
Columbus, Ohio 43229

Director  
Bureau of Disability Determination  
Rehabilitation Services Commission  
9403 Kenwood Rd.  
Cincinnati, Ohio 45442

#### Oklahoma



Director  
Department of Institutions  
Social and Rehabilitative Services  
Attention: Disability Insurance Unit  
P.O. Box 25352  
Oklahoma City, Oklahoma 73125

## Oregon

Director  
Vocational Rehabilitation Division  
Disability Determination Operations  
2045 Silverton Road, N.E.  
Salem, Oregon 97310

## Pennsylvania

Bureau of Vocational Rehabilitation  
Disability Determination Division  
1314 North Seventh Street  
Harrisburg, Pennsylvania 17120

Bureau of Vocational Rehabilitation  
Disability Determination Division  
225 Jones Street  
Wilkes-Barre, Pennsylvania 18702

Bureau of Vocational Rehabilitation  
Disability Determination Division  
P.O. Box 2500  
Greensburg, Pennsylvania 15605

## Puerto Rico

Executive Director  
Disability Determination Program  
Call Box 71301  
San Juan, Puerto Rico 00936

## Rhode Island

Supervisor  
Vocational Rehabilitation Services  
Disability Determination Unit  
24 Mason Street  
Providence, Rhode Island 02903

## South Carolina

Disability Determination Division  
S.C. Vocational Rehabilitation  
2611 Forest Drive, Suite 200  
Columbia, South Carolina 29201

Disability Determination Division  
Department of Vocational Rehabilitation  
615 Wesley Drive, Office Center  
Charleston, South Carolina 29407

Disability Determination Division  
Department of Vocational Rehabilitation  
300 University Ridge, Suite 206  
Greenville, South Carolina 29601

South Carolina Commission for the Blind P.O. Box 11638  
Capital Section  
Columbia, South Carolina 29211

## South Dakota

Disability Determination Unit  
Division of Vocational Rehabilitation  
P.O. Box 912  
Sioux Falls, South Dakota 57101

## Tennessee

Coordinator  
Disability Determination Section  
Division of Vocational Rehabilitation

4721 Trousdale Drive  
Nashville, Tennessee 37220

## Texas

Texas Rehabilitation Commission  
Division of Disability Determination  
1 Chevy Chase  
7700 Chevy Chase Drive, Austin, Texas 78752

## Utah

Disability Determination Services  
Division of Rehabilitation Service  
Utah State Board of Education  
250 East 5th South  
Salt Lake City, Utah 84111

## Vermont

Supervisor  
Disability Determination Agency  
State Office Building  
Montpelier, Vermont 05602

## Virgin Islands

Disability Representative  
Bureau of Disability Insurance  
DHEW SSA Federal Building  
St. Thomas  
St. Thomas, Virgin Islands 00801

## Virginia

Supervisor  
Disability Determination Division  
Virginia Department of Vocational Rehabilitation  
200 West Grace Street  
Richmond, Virginia 23220

Disability Determination Div  
Virginia Department of Vocational Rehabilitation  
5205 Leesburg Pike, Suite 1000  
Falls Church, Virginia 22041

Disability Determination Division  
Virginia Department of Vocational Rehabilitation  
965 Norfolk Square  
Norfolk, Virginia 23502

Disability Determination Division  
Virginia Dept. of Vocational Rehabilitation  
4504 Starkey Road, S.W., Suite 100  
Roanoke, Virginia 24014

## Washington

Supervisor  
Department of Social and Health Services  
Disability Insurance Section, M/S 55-1  
P.O. Box 2303  
Olympia, Washington 98504

## West Virginia

Assistant Director  
Disability Determination Services  
Vocational Rehabilitation Division  
Mason Building, Second Floor  
1206 Quarrier Street  
Charleston, West Virginia 25301

Disability Determination Services  
Vocational Rehabilitation Division  
1206 Virginia Ave., East  
Charleston, West Virginia 25301

Division of Vocational Rehabilitation  
Disability Determination Section  
160 Thompson Drive

Bridgeport, West Virginia 26330

## Wisconsin

Bureau of Social Security Disability Insurance  
P.O. Box 7623  
Madison, Wisconsin 53707

## Wyoming

Department of Health and Social Services  
Division of Vocational Rehabilitation  
Disability Determination Services  
Boyd Building, 4th Floor  
1720 Carey Avenue  
Cheyenne, Wyoming 82001

## Appendix C Health Insurance Claims

## 1. Central Office Address

Medicare records are maintained by the:

Bureau of Health Insurance  
6401 Security Boulevard  
Baltimore, Maryland 21235

Office Hours are 8:15-4:45

Records are also maintained by private insurance organizations who share in administering provisions of the health insurance program. These private insurance organizations, referred to as carriers and intermediaries, are under contract to the Social Security Administration to perform specific tasks in the Medicare program. Addresses for the intermediaries may be found under section 3, and for the carriers under section 4 below.

Health insurance records of the Medicare program can be accessed through a regional representative of the Bureau of Health Insurance.

## 2. Health Insurance Regional Office Addresses

BOSTON REGION--Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont

John F. Kennedy Federal Building  
Room 1211  
Boston, Massachusetts 02203

Office Hours: 8:30-5:00

NEW YORK REGION--New Jersey, New York, Puerto Rico, Virgin Islands

26 Federal Plaza--Room 715  
New York, New York 10007

Office Hours: 8:30-5:00

PHILADELPHIA REGION--Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia

P.O. Box 8788  
Philadelphia, Pennsylvania 19101

Office Hours: 8:30-5:00

ATLANTA REGION--Alabama, North Carolina, South Carolina, Florida, Georgia, Kentucky, Mississippi, Tennessee

50 Seventh Street, NE  
Room 250  
Atlanta, Georgia 30323

Office Hours: 8:00-4:30

CHICAGO REGION--Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin

300 South Wacker Drive  
Room 2800  
Chicago, Illinois 60606

Office Hours: 8:15-4:45

DALLAS REGION--Arkansas, Louisiana, New Mexico, Oklahoma, Texas

1114 Commerce Street--Room 1024  
Dallas, Texas 75202

Office Hours: 8:00-4:30

KANSAS CITY REGION--Iowa, Kansas, Missouri, Nebraska

New Federal Office Building  
601 East 12th Street--Room 436  
Kansas City, Missouri 64106

Office Hours: 8:00-4:45

DENVER REGION--Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming

Federal Office Building  
19th and Stout Streets--Room 5416  
Denver, Colorado 80202  
(Mailing Address--Room 11037)

Office Hours: 8:00-4:30

SAN FRANCISCO REGION--American Samoa, Arizona, California, Guam, Hawaii, Nevada

Federal Office Building--Room 261A  
50 Fulton Street  
San Francisco, California 94102

Office Hours: 8:00-4:30

SEATTLE REGION--Alaska, Idaho, Oregon, Washington

1321 Second Avenue--Room 615  
Mail Stop 630  
Seattle, Washington 98101

Office Hours: 8:00-4:30

## 3. Intermediary Addresses (Hospital Insurance)

Medicare Coordinator  
Blue Cross Blue Shield of Alabama  
930 South 20th Street  
Birmingham, Alabama 35205

Medicare Coordinator  
Assoc. Hospital Service of Arizona  
POB 13466 331 West Indian School Rd.  
Phoenix, Arizona 85011

V.P. For Medicare and Medical Svcs.  
Arkansas Blue Cross Blue Shield  
P.O. Box 2181 601 Games St.  
Little Rock, Arkansas 72203

Medicare Claim Administrator  
Aetna Life & Casualty  
2600 Wilshire Blvd.

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Los Angeles, California 90057

Medicare Coordinator  
Blue Cross of Southern Calif.  
4777 Sunset Blvd  
Los Angeles, California 90027

Supply Supervisor  
B/C of Northern Calif.  
1950 Franklin St  
Oakland, Calif. 94659

Medicare Administrator  
Aetna Life & Casualty  
151 Farmington Avenue  
Hartford, Connecticut 06115

Medicare Coordinator  
Connecticut Blue Cross  
370 Bassett Rd  
North Haven, Connecticut 06473

Medicare Coordinator  
Blue Cross Blue Shield of Delaware  
201 West 14th St  
Wilmington, Delaware 19899

Medicare Coordinator  
Group Hospitalization Inc  
550 12th Street SW  
Washington, D.C. 20224

Medicare Coordinator  
Blue Cross of Florida  
532 Riverside Avenue  
Jacksonville, Florida 32201

Medicare Claim Administrator  
Aetna Life & Casualty  
121 N. Osceola Ave  
Clearwater, Florida 33517

Medicare Coordinator  
Kaiser Foundation Health Plan Inc.  
1956 Webster Street, Room 310A  
Oakland Calif. 94612

Assistant Vice President  
Blue Shield of Colorado  
700 Broadway  
Denver, Colorado 80203

Administrator, Medicare Claims Off.  
Aetna Life & Casualty  
84 Wadsworth Street  
Hartford, Connecticut 06106

Medicare Administrator  
Travelers Ins. Co.  
One Tower Square 10PB  
Hartford, Connecticut 06115

Bluecross Association  
840 North Lake Shore Dr.  
Chicago, Illinois 60611

Medicare Coordinator  
Illinois Hospital & Health Service  
227 North Wyman Street  
Rockford, Illinois 61101

Medicare Claims Admin.  
Aetna Life and Casualty  
330 Jefferson Bldg.  
531 Fulton St. 3 R  
Peoria, Illinois 61602

Medicare Coordinator  
Bluecross/Blueshield  
310 W. Polk St. 9th Floor  
Chicago, Illinois 60607

Medicare Coordinator  
Blue Cross Hospital Service  
120 W. Market St  
Indianapolis, Indiana 46204

Medicare Administrator  
Hospital Service, Inc. of Iowa  
Liberty Bldg.  
Des Moines, Iowa 50307

Coordinator, Provider Admin.  
Blue Cross of Georgia/Columbus  
2357 Warm Springs Rd  
Columbus, Georgia 31908

Blue Cross of Georgia/Atlanta  
1010 W. Peachtree St., NW  
Atlanta, Georgia 30309

Administrative Vice President  
Hawaii Medical Service Administration  
1504 Kapiolani Blvd  
Honolulu, Hawaii 96808

Medicare Coordinator  
Idaho Hospital Service, Inc.  
P.O. Box 7406 1501 Federal Way  
Boise, Idaho 83707

Medicare Coordinator  
Maine B/C B/S  
110 Free Street  
Portland, Maine 04101

Medicare Coordinator  
Maryland Blue Cross, Inc.  
700 E. Joppa Road  
Baltimore, Maryland 21204

Medicare Claims Admin.  
Aetna Life & Casualty Co.  
400 Mechanics National Tower  
Worcester, Mass. 01608

Medicare Coordinator Part A  
Massachusetts Hospital Service, Inc.  
100 Summer St  
South Boston, Massachusetts 02127

Asst. Vice Pres. Govern. Aff. Dept.  
Michigan Medical Services  
600 Lafayette East  
Detroit, Michigan 48226

Medicare Coordinator  
Minnesota Hospital Service Assoc.  
3535 Blue Cross Road  
St. Paul, Minnesota 55111

Blue Cross of Western Iowa and S. Dakota  
Third & Pierce Street  
Sioux City, Iowa 51102

Medicare Administrator  
Kansas Hospital Association, Inc.  
1133 Topeka Avenue, P.O. Box 239  
Topeka, Kansas 66601

Director, Medicare Division  
Blue Cross Hospital Plan, Inc.  
9901 Linn Station Road  
Louisville, Kentucky 40223

Medicare Coordinator  
Louisiana Hospital Service, Inc.  
10225 Florida Blvd  
Baton Rouge, La. 70815

Asst. Vice Pres. Health Insurance Benefits  
Mutual of Omaha Insurance Co.

Box 456 Downtown Station  
Omaha, Nebraska 68101

Medicare Coordinator  
Nebraska Blue Cross Hosp. Serv. Assn.  
72nd & Mercy Rd.  
Omaha, Nebraska 68103

Medicare Claims Admin.  
Aetna Life & Casualty  
P.O. Box 3077, 1535 Vassar St.  
Reno, Nevada 89502

Medicare Coordinator  
New Hampshire, Vermont Phys. Serv.  
2 Pillsbury Street  
Concord, New Hampshire 03301

Medicare Coordinator  
Hospital Service Plan of New Jersey  
33 Washington Street  
Newark, New Jersey 07102

Medicare Coordinator  
Prudential Ins. Co. of America  
P.O. Box 471  
Millville, New Jersey 08332

Medicare Coordinator  
Mississippi Hosp. & Medical Service  
1-55 North, P.O. Box 3614  
Jackson, Mississippi 39207

Vice President Government Programs  
Blue Shield of Kansas City  
201 East Armour Street  
Kansas City, Missouri 64141

Vice President  
Blue Cross Hospital Service  
8000 West Floressant Ave.  
St. Louis, Missouri 63136

Medicare Coordinator  
Blue Cross of Montana  
3360 10th Ave., South  
Great Falls, Montana 59405

Medicare Coordinator  
Rochester Hospital Service  
41 Chestnut St.  
Rochester, New York 14647

Hospital Plan, Inc.  
5 Hopper St  
Utica, New York 13501

Medicare Coordinator  
Blue Cross of Western New York, Inc.  
298 Main St., Blue Cross Bldg.  
Buffalo, New York 14202

Medicare Coordinator  
Blue Cross of Central New York, Inc.  
344 South Warren St.  
Syracuse, New York 13202

Hosp. Serv. Corp. of Jefferson Co.  
158 Stone St.  
Watertown, New York 13602

Vice President Medicare  
North Carolina B/C & B/S  
1830 Durham-Chapel Hill Blvd.  
Durham, North Carolina 27702

Hospital Service, Inc.  
12800 Indian School Road, NE  
Albuquerque, New Mexico 87112

Medicare Coordinator

B/C B/S of Greater NY  
622 Third Avenue  
New York, New York 10017

Chautauqua Region Hospital Serv. Corp.  
306 Spring Street  
Jamestown, New York 14701

Medicare  
Blue Cross of Northeastern N.Y., Inc.  
1251 New Scotland Road  
Slingerlands, New York 12159

Blue Cross Hospital Plan, Inc.  
4150 Belden Village St.  
Canton, Ohio 44718

Associated Hospital Service, Inc.  
2400 Market Street  
Youngstown, Ohio 44507

Medicare Coordinator  
Hosp. Serv. Assn. of Toledo  
3737 Sylvania Ave.  
Toledo, Ohio 43623

Medicare Coordinator  
Blue Cross of Northeast Ohio  
Rear of 823 Prospect Avenue  
Cleveland, Ohio 44115

Hospital Service, Inc.  
7 Public Square  
Lima, Ohio 45801

Director, Medicare Oper.  
Blue Cross Association  
P.O. Box 1738, 1215 South Boulder  
Tulsa, Oklahoma 74102

Medicare Coordinator  
Blue Cross of North Dakota  
301 Eighth St., South  
Fargo, North Dakota 58102

Medicare Coordinator  
Blue-Cross of Southwest Ohio  
1351 William Howard Taft Road  
Cincinnati, Ohio 45206

Medicare Systems & Procedures Div.  
Nationwide Insurance Co.  
50 W. Gay St.  
Columbus, Ohio 43215

Medicare Coordinator  
Blue Cross of Central Ohio  
255 East Main St.  
Columbus, Ohio 43216

Director, Medicare Division  
Blue Cross of Greater Philadelphia  
1333 Chestnut Street  
Philadelphia, Penna. 19107

Project Staff Medicare  
Blue Cross of Western Pennsylvania  
One Smithfield Street  
Pittsburgh, Penn. 15222

Medicare Coordinator  
Blue Cross of N.E. Pennsylvania  
15 S. Franklin St.  
Wilkes Barre, Pennsylvania 18701

Medicare Coordinator Cooperative De.  
Seguros De Vida De Puerto Rico  
Ave. Munoz Rivera 550  
Hato Rey, Puerto Rico 00900

Medicare Coordinator



Blue Cross of Rhode Island  
444 Westminster Mall  
Providence, Rhode Island 02901

Medicare Coordinator  
Blue Cross Blue Shield of S.C.  
Drawer F Forest Acres Branch  
Columbia, South Carolina 29206

Medicare Coordinator  
Blue Cross of Oregon  
100 SW Market St  
Portland, Oregon 97201

Medicare Coordinator  
Blue Cross of Lehigh Valley  
1221 Hamilton St  
Allentown, Pa 18102

Medicare Coordinator  
Capital Blue Cross  
100 Pine St (Inside Delivery)  
Harrisburg, Pennsylvania 17101

President  
Inter City Hospitalization Plan  
Foxcroft Square, 9th Floor  
Jenkintown, Penna. 19046

Medicare Coordinator  
Blue Cross of Utah  
2455 Parleys Way P.O. Box 270  
Salt Lake City, Utah 84110

B/C-B/S of Southwestern Va.  
3959 Electric Rd., SW  
Roanoke, Virginia 24045

Manager Government Programs  
Blue Cross and Blue Shield  
2015 Staples Mill Road P.O. Box 27401  
Richmond, Virginia 23279

Medicare Coordinator  
Blue Cross Washington Alaska, Inc.  
601 Broadway  
Seattle, Washington 98122

Medicare Coordinator  
Parkersburg Hospital Service, Inc.  
203 Union Trust Building  
Parkersburg, West Virginia 26101

Medicare Coordinator  
Wyoming Hospital Service  
4020 House Ave., P.O. Box 2266  
Cheyenne, Wyoming 82001

Medicare Coordinator  
Memphis Hospital Service Surgical Assn.  
85 N. Danny Thomas Blvd.  
Memphis, Tenn 38101

Medicare Coordinator  
Blue-Cross Blue Shield of Tenn.  
801 Chestnut St.  
Chattanooga, Tennessee 37402

Medicare Admin  
Aetna Life & Casualty  
161 Jefferson Ave Inside Del.  
Memphis, Tenn. 38101

Office Services  
Texas BC BS 14th Fl. Rm. 1402  
3000 Diamond Park  
Dallas, Texas 25247

Social Security Administration  
Bureau of Health Insurance  
Director, Div. of Direct Reimbursement

6401 Security Boulevard  
Room 1A5, East Building  
Baltimore, Maryland 21235

Medicare Coordinator **Blue Cross**  
Hospital Service, Inc.  
Commerce Square, P.O. Box 1353  
Charleston, West Virginia 25325

Director of Fed Programs  
West Virginia Hospital Service, Inc.  
20th & Chapline Sts.  
Wheeling, West Virginia 26003

Medicare Administration  
Aetna Life & Casualty Co.  
200 West Thomas Bldg.  
Seattle, Washington 98119

Medicare Coordinator  
Associated Hospital Service, Inc.  
4115 North Teutonia Ave.  
Milwaukee, Wisconsin 53201

#### Carrier Addresses (Supplementary Medical Insurance)

Medicare Coordinator  
Blue Cross Blue Shield of Alabama  
930 South 20th Street  
Birmingham, Alabama 35203

Medicare Claim Admin.  
Aetna Life Casualty  
3010 West Fairmount Ave.  
Phoenix, Arizona 85017

V.P. for Medicare & Medical Svcs.  
Arkansas Blue Cross Blue Shield  
P.O. Box 2181, 601 Games St.  
Little Rock, Arkansas 72203

Medicare Coordinator  
California Blue Shield  
400 Second Street  
San Francisco, Calif 94109

Medicare Coordinator  
Occidental Life Ins. Co. of Calif.  
P.O. Box 54305 Terminal Annex  
Los Angeles, California 90054

Assistant Vice President  
Blue Shield of Colorado  
700 Broadway  
Denver, Colorado 80203

Medicare Administrator  
Travelers Ins. Co.  
One Tower Square 10PB  
Hartford, Conn 06115

Medicare Administrator  
Aetna Life & Casualty  
151 Farmington Ave.  
Hartford, Connecticut 06115

Medicare Coordinator  
Connecticut General Life Insurance Co.  
200 Pratt Street  
Menden, Connecticut 06450

Medicare Coordinator  
Blue Cross Blue Shield of Delaware  
201 West 14th St.  
Wilmington, Delaware 19899

Medicare Coordinator  
Medical Service of D.C.  
550 12th Street, SW  
Washington, D.C. 20024

Medicare Coordinator  
Blue Shield of Florida, Inc.  
P.O. Box 1798  
Jacksonville, Florida 32201

Group Health Inc.  
1320 South Dixie Highway  
Coral Gables, Florida 33146

Medicare Administrator  
Prudential Ins. Co. of America  
1175 Peachtree St. NE P.O. Box 7340 Sta.  
Atlanta, Georgia 30309

Medicare Claim Admin  
Aetna Life Casualty  
1000 Bishop Street, P.O. Box 3947  
Honolulu, Hawaii 96813

Medicare  
The Equitable Life Assurance Society  
P.O. Box 8048 Hillcrest Plaza Shop.  
Boise, Idaho 83707

Supervisor Continental Casualty Co.  
Medicare Benefits Division  
310 South Michigan Ave. 22E  
Chicago, Illinois 60604

Medicare Coordinator  
Blue Cross/Blue Shield  
310 W. Polk St. 9th Floor  
Chicago, Illinois 60607

Assistant Vice Pres. Medicare Dept.  
Blue Shield of Indiana  
120 West Market St  
Indianapolis, Indiana 46204

Assistant Executive Director  
Blue Shield  
5th Floor Liberty Bldg.  
Des Moines, Iowa 50308

Medicare Administrator  
Kansas Medical Association, Inc.  
1133 Topeka Blvd. P.O. Box 239  
Topeka, Kansas 66601

Manager  
Metropolitan Life Insurance Co.  
1218 Harrodsburg Road, Suite 300  
Lexington, Kentucky 40504

Manager Medicare Liaison  
Pan American Life Insurance Co.  
2330 Canal St., 3rd Floor  
New Orleans, La. 70119

Medicare Coordinator  
Union Mutual Life Insurance Co.  
2211 Congress Street  
Portland, Maine 04112

Medicare Coordinator  
Maryland Blue Shield, Inc.  
700 E. Joppa Road  
Balto., Md 21204

Medicare Coordinator Part B  
Massachusetts Blue Shield  
100 Summer St.  
South Boston, Massachusetts 02127

Asst. Vice Pres. Govern. Aff. Dept.  
Michigan Medical Services  
600 Lafayette East  
Detroit, Mich. 48226

Vice President  
Minnesota Medical Services, Inc.

2344 Nicollet Ave.  
Minneapolis, Minn. 55404

Vice President Government Programs  
Blue Shield of Kansas City  
201 East Armour Street  
Kansas City, Missouri 64141

Dir. Medicare Admin.  
General American Life Insurance Corp.  
P.O. Box 396  
St. Louis, Missouri 63166

Montana Physicians Service  
404 Fuller  
Helena, Mont. 59601

Asst. Vice Pres. Health Insurance Benefits  
Mutual of Omaha Insurance Co.  
Box 456 Downtown Station  
Omaha, Nebraska 68101

Medicare Claims Admin.  
Aetna Life & Casualty  
P.O. Box 3077, 1535 Vassar St.  
Reno, Nevada 89502

Medicare Coordinator  
New Hampshire Vermont Phys. Serv.  
2 Pillsbury Street  
Concord, New Hampshire 03301

Medicare Coordinator  
Prudential Ins. Co. of America  
P.O. Box 471  
Millville, New Jersey 08332

Medicare  
The Equitable Life Assurance Society  
605 San Mateo SE  
Albuquerque, New Mexico 87108

Director of Med. Part B  
Blue Shield of Western New York, Inc.  
298 Main Street  
Buffalo, New York 14202

Medicare Coordinator  
Group Health Insurance, Inc.  
227 West 40th Street  
New York, New York 10018

Medicare Coordinator  
Genesee Valley Medical Care, Inc.  
41 Chestnut Street  
Rochester, New York 14604

Medicare Coordinator  
B/C B/S of Greater N.Y.  
622 Third Avenue  
New York, New York 10017

Medicare Coordinator  
The Equitable Life Assur. Soc.  
1285 Avenue of the Americas  
New York, New York 10013

Manager  
Metropolitan Life Insurance Company  
258 Genesee Street  
Utica, New York 13502

Senior Vice President  
Metropolitan Life Ins. Company  
One Madison Avenue  
New York, N.Y. 10010

Medicare Coordinator B Division  
Prudential Life Insurance Co.  
College Village Shopping Center  
Highpoint, North Carolina 27262

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Medicare Coordinator  
Blue Shield of North Dakota  
301 South Eighth Street  
Fargo, North Dakota 58102

Medicare Systems & Procedures Div.  
Nationwide Insurance Co.  
50 W. Gay St.  
Columbus, Ohio 43215

Department of Institutions  
Social & Rehabilitative Services  
Box 25352 State Capital Station  
Oklahoma City, Oklahoma 73125

Medicare Claims Admin.  
Aetna Life & Casualty  
Glenbrook Center 1140 NW 63rd St.  
Oklahoma City, Oklahoma 73116

Medicare Claims Admin.  
Aetna Life & Casualty  
1500 SW First Crown Plaza Bldg.  
Portland, Oregon 97201

Medicare Coordinator  
Pennsylvania Blue Shield  
Blue Shield Building  
Camp Hill, Pennsylvania 17011

Chief, Internal Oper. Seguros  
Deservicio Desalvd De Puerto Ri.  
Ponce De Leon Ave 104  
Hato Rey, Puerto Rico 00919

Medicare Coordinator  
R.I. Medical Society Physicians Serv.  
444 Westminister Mall  
Providence, Rhode Island 02901

Medicare Coordinator  
Blue Cross Blue Shield of S.C.  
Drawer F Forest Acres Branch  
Columbia, South Carolina 29206

Assistant Executive Director  
South Dakota Medical Service, Inc.  
711 North Lake Avenue  
Sioux Falls, South Dakota 57102

The Equitable Life Assurance Society  
First American Ctr 20th Floor  
Deaderick at Fourth Ave.  
Nashville, Tennessee 37238

Office Services  
Texas BC BS 14th Fl., Rm. 1402  
3000 Diamond Park  
Dallas, Texas 75247

Manager Part B  
Blue Shield of Utah  
2455 Parleys Way, P.O. Box 270  
Salt Lake City, Utah 84110

Asst. Administrator  
Washington Physicians Service  
220 W. Harrison  
Seattle, Washington 98119

Medicare Coordinator  
Surgical Care Blue Shield  
788 N. Jefferson St.  
Milwaukee, Wisconsin 53201

Director, Medicare Claims Dept.  
Wisconsin Physicians Service  
330 E. Lakeside St., P.O. Box 1100  
Madison Wisconsin 53701

Social Security Administration  
Bureau of Health Insurance  
Director Div. of Direct Reimbursement  
6401 Security Boulevard  
Room 1A5 East Building  
Baltimore, Maryland 21235

Field Director  
Equitable Life Assurance Soc.  
102 Indian Hills Shopping Ctr  
Cheyenne, Wyoming 82001

#### Appendix D Supplemental Security Income Claims

##### 1. Addresses for Records

Supplemental Security Income claims records are maintained in district and branch offices until a decision has been made regarding eligibility (see Appendix F). If payment has been awarded, or the appeal period has closed on claims with unfavorable determinations, the claims records are sent to the following locations:

Claims for benefits based on age are maintained in the program service centers (see Appendix A).

Claims for benefits based on disability or blindness are maintained by the Bureau of Disability Insurance (see Appendix B).

##### 2. Regional Planning office for Supplemental Security Income

Boston Region--Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont

John F. Kennedy Federal Building  
Government Center  
Boston, Massachusetts 02203

New York Region--New Jersey, New York, Puerto Rico, Virgin Islands

26 Federal Plaza  
New York, New York 10007

Philadelphia Region--Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia

3535 Market Street  
Philadelphia, Pennsylvania 19101

Atlanta Region--Alabama, North Carolina, South Carolina, Florida, Georgia, Kentucky, Mississippi, Tennessee

50 Seventh Street, NE  
Atlanta, Georgia 30323

Chicago Region--Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin

300 South Wacker Drive  
Chicago, Illinois 60606

Dallas Region--Arkansas, Louisiana, New Mexico, Oklahoma, Texas

1114 Commerce Street  
Dallas, Texas 75202

Kansas City Region--Iowa, Kansas, Missouri, Nebraska

New Federal Office Building  
601 East 12th Street  
Kansas City, Missouri 64106

Denver Region--Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming

Federal Office Building  
19th & Stout Streets  
Denver, Colorado 80202

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

52331

San Francisco Region--American Samoa, Arizona, California, Guam, Hawaii, Nevada

Federal Office Building  
50 Fulton Street  
San Francisco, California 94102

Seattle Region--Alaska, Idaho, Oregon, Washington

1321 Second Avenue  
Seattle, Washington 98101

#### 3. Program Review Officers, Quality Assurance Regional Offices

Suite 1907  
100 Summer St.  
Boston, Massachusetts 02110

Service Area includes New Hampshire, Massachusetts, Vermont and Maine

P.O. Box 7385  
Corona-Elmhurst, New York 11373

Service Area includes Connecticut, New York, Rhode Island

P.O. Box 8788  
Philadelphia, Pennsylvania 19101

Service Area includes Delaware, District of Columbia, Maryland, New Jersey, Pennsylvania, West Virginia, Virginia

P.O. Box 662  
Birmingham, Alabama 35201

Service Area includes Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee

P.O. Box 7535  
Chicago, Illinois 60680

Service Area includes Indiana, Illinois, Michigan, Ohio, Wisconsin, Minnesota

P.O. Box 15568  
Kansas City, Missouri 64106

Service Area includes Iowa, Kansas, Missouri, Nebraska

725 Dalworth  
Grand Prairie, Texas 75050  
Service Area includes Arkansas, Louisiana, New Mexico, Oklahoma, Texas

P.O. Box 42516  
San Francisco, California, 94101

Service Area includes Arizona, California, Colorado, Hawaii, Montana, Nevada, North Dakota, South Dakota, Utah, Wyoming

4735 E. Marginal Way, South  
Seattle, Wash. 98134

Service Area includes Arkansas, Louisiana, New Mexico, Oklahoma, Texas

#### 4. Quality Assurance Field Offices

##### a. Boston Service Area

Quality Assurance Field Staff  
Suite 1907  
100 Summer Street  
Boston, Massachusetts 02110

##### b. New York Service Area

Quality Assurance Field Staff  
P.O. Box 7385

Corona-Elmhurst, New York 11373

c. Philadelphia Service Area

P.O. Box 12808  
Philadelphia, Pennsylvania 19108

Quality Assurance Field Staff  
P.O. Box 8788  
Philadelphia, Pennsylvania 19101

Quality Assurance Field Staff  
2000 Century Plaza, Suite 454  
10632 Little Patuxent Parkway  
Columbia, Maryland 21044

Quality Assurance Field Staff  
Oxford Building, Suite 419  
200 Mall Boulevard  
Monroeville, Pennsylvania 15146

d. Birmingham Service Area

Quality Assurance Field Staff  
P.O. Box 662  
Birmingham, Alabama 35201

Quality Assurance Field Staff  
Suite 104  
1102 Kern Drive  
Nashville, Tennessee 37217

Quality Assurance Field Staff  
P.O. Box 24268  
Tampa, Florida 33622

Quality Assurance Field Staff  
Suite 102  
3901 Barrett Drive  
Raleigh, North Carolina 27609

Quality Assurance Field Staff  
Suite 214-D  
1568 Willingham Drive  
College Park, Georgia 30337

e. Chicago Service Area

Quality Assurance Field Staff  
P.O. Box 7535  
Chicago, Illinois 60680

Quality Assurance Field Staff  
1084 McNamara Bldg.  
477 Michigan Ave.  
Detroit, Michigan 48226

Quality Assurance Field Staff  
P.O. Box 44804  
Indianapolis, Indiana 46244

Quality Assurance Field Staff  
Federal Building  
Room 658  
316 Robert Street  
St. Paul, Minnesota 55101

Dallas Service Area

Quality Assurance Field Staff AAA Building  
3445 North Causeway Boulevard  
Metairie, Louisiana 70002

Quality Assurance Field Staff  
725 Dalworth  
Grand Prairie, Texas 75050

Quality Assurance Field Staff  
50 Penn Place Suite 1430  
Oklahoma City, Oklahoma 73118



## g. Kansas City Service Area

Quality Assurance Field Staff  
P.O. Box 15568  
Kansas City, Missouri 64106

## h. San Francisco Service Area

Quality Assurance Field Staff  
P.O. Box 42516  
San Francisco, California 94101

Quality Assurance Field Staff  
Hawthorne Building  
15000 Aviation Boulevard  
First Floor, Room 1-L-12  
Lawndale, California 90261

Quality Assurance Field Staff  
P.O. Box 2638  
Salt Lake City, Utah 84110

Quality Assurance Field Staff  
P.O. Box 15235  
Lakewood, Colorado 80215

Quality Assurance Field Staff  
Treasury State Building  
Room 310  
2906 Second Avenue, North  
Billings, Montana 59101

Quality Assurance Field Staff  
FAA Building  
Suite 807  
1833 Kalakaua Avenue  
Honolulu, Hawaii 96813

i. Quality Assurance Field Staff  
4735 E. Marginal Way, South  
Seattle, Washington 98134

5. Information exchanged between Social Security Administration and the States because of the State Supplementation and Medicaid provisions of the Supplemental Security Income program is maintained at the following State Departments of Public Welfare Agency addresses:

## Alabama

Director  
Medical Services Administration  
2500 Fairlane Dr.  
Executive Park  
Montgomery, Alabama 36111

## Alaska

Director  
Dept. of Health and Social Service  
Pouch H - 350 Main St.  
Juneau, Alaska 99801

## Arizona

Director  
Arizona Dept. of Economic Security  
P.O. Box 6123  
Phoenix, Arizona 85005

## Arkansas

Director  
Capital Mall  
Welfare-ESD Building  
Little Rock, Arkansas 72203

## California

Director  
Dept. of Benefit Payments

Tape Library MS 10-77  
744 P Street  
Sacramento, California 95814

## Colorado

Director  
Department of Social Services  
1575 Sherman Street, Room 301  
Denver, Colorado 80203

## Connecticut

Director  
Connecticut State Welfare Dept. Systems and Information  
Attn: Control Section Chief  
110 Bartholomew Ave.  
Hartford, Connecticut 06115

## Delaware

Director  
Administrator Payments Section  
Division of Business Adm. and General Services  
State Hospital Adm. Bldg.  
Third Floor Annex  
New Castle, Delaware 19720

## District of Columbia

Director  
Dept. of Human Resources  
Automatic Data Processing Div.  
801 N. Capitol Street, N. E.  
Room 627  
Washington, D. C. 20001

## Florida

Chief  
HRS Data Center  
P.O. Box 2016  
Jacksonville, Florida 32203

## Georgia

Director  
Dept. of Human Resources  
Director, Division of Benefit Payments  
Room 630-H  
47 Trinity Ave.  
Atlanta, Georgia 30334

## Hawaii

Director  
Department of Social Services  
P.O. Box 339  
Honolulu, Hawaii 96809

## Idaho

Director  
Dept. of Environmental Community Services  
Attn: Data Processing  
State House  
Boise, Idaho 83720

## Illinois

Director  
Illinois Dept. of Public Aid  
P.O. Box 1330  
Springfield, Illinois 62762

## Indiana

Director of Administrative Services  
Indiana Dept. of Public Welfare  
State Office Building

## Minnesota

Director  
Department of Public Welfare  
Systems Division  
P.O. Box 17038  
St. Paul, Minnesota 55117

## Mississippi

OMC  
State Department of Public Welfare  
Fondren Station  
Box 4321  
Jackson, Mississippi 39216

## Missouri

Director  
Department of Social Services  
Attn: 10 Control Center  
Broadway State Office Bldg.  
Jefferson City, Missouri 65101

## Montana

Director  
Social and Rehabilitation Services  
Office of Management and Budget  
Box 1723  
Helena, Montana 59601

## Nebraska

Director  
Data Processing  
Department of Public Welfare  
Fourth Floor  
1526 K Street  
Lincoln, Nebraska 68508

## Nevada

Director  
Nevada State Department of Welfare  
251 Jeanell  
Carson City, Nevada 89701

## New Hampshire

Director  
State of New Hampshire  
Department of Health and Welfare  
Division of Welfare - Claims Processing Unit  
8 Loudon Road  
Concord, New Hampshire 03301

## New Jersey

Director  
Blue Cross - Blue Shield  
Systems Division Tech Services  
2nd Floor  
33 Washington Street  
Newark, New Jersey 07102

## New Mexico

Director  
Public Assistance Agency  
Box 2348 - Supplemental Security Coordinator  
Santa Fe, New Mexico 87501

## New York

Director  
New York State - Department of Social Services  
Income Maintenance Section  
1450 Western Avenue  
Albany, New York 12203

100 North Senate Ave.  
Indianapolis, Indiana 46204

## Iowa

Director  
Dept. of Social/Rehab. Services  
4th Floor  
Lucas State Office Bldg.  
Des Moines, Iowa 50319

## Kansas

Director  
Data Processing  
Div. Social Rehab. Services  
6th Floor Rm 622-S  
State Office Bldg.  
Topeka, Kansas 66612

## Kentucky

Data Processing Manager  
Department for Human Resources  
Bureau of Administrative Operations  
Division of Management Systems  
Capitol Annex  
Room 148  
Frankfort, Kentucky 40601  
Attn: DP Tape Library S D X

## Louisiana

Director  
State of Louisiana  
Div. of Income Maintenance  
P.O. Box 44065  
Baton Rouge, Louisiana 70804

## Maine

Director  
Div. of Data Processing  
Dept. of Health & Welfare  
221 State Street  
Augusta, Maine 04330

## Maryland

Director  
Dept. of Employ. & Soc. Serv.  
Div. of Data Processing  
1100 North Eutaw Street  
Room 301  
Baltimore, Maryland 21201

## Massachusetts

Director  
Executive Office of Human Services  
Information Systems and Services  
Computer Center  
Room 801  
1 Ashburton Place  
Boston, Massachusetts 02108

Director  
Mass. Comm. For The Blind  
110 Tremont Street  
Boston, Massachusetts 02108

## Michigan

Director  
Department of Social Services  
I/O Control Unit  
4th Floor  
Lewis Cass Bldg.  
Lansing, Michigan 48926



## North Carolina

Director  
North Carolina Department of Human Resources  
Social Services Division  
Data Processing Section  
325 North Salisbury Street  
Raleigh, North Carolina 27603

## North Dakota

Social Services Board  
Capitol Grounds  
Capital Building, 16th Floor  
Bismarck, North Dakota 58501

## Ohio

Director  
Ohio Department of Public Welfare  
State Office Tower - 8th Floor  
30 East Broad Street  
Columbus, Ohio 43215  
Attention: SDX Coordinator

## Oklahoma

Director  
Department of Institutions  
Social and Rehabilitation Services  
Management Information Division  
P.O. Box 25352  
Oklahoma City, Oklahoma 73125

## Oregon

Director  
Public Welfare Division  
Public Service Building  
Salem, Oregon 97310

## Pennsylvania

Director, Bureau of Policy  
Office of Income Maintenance  
Health and Welfare Building  
6th and Forster Streets - Room 103  
Harrisburg, Pennsylvania 17120

## Rhode Island

Director  
Aime J. Forand Building  
600 New London Avenue  
Cranston, Rhode Island 02920

## South Carolina

Director  
Data Processing Operations  
South Carolina Department of Social Services  
P.O. Box 1520  
Columbia, South Carolina 29202

## South Dakota

Director  
State Department of Social Services  
Division of Social Welfare  
State Office Building No. 1  
Pierre, South Dakota 57501

## Tennessee

Director  
Department of Public Welfare  
C1 103 Central Service Building  
Nashville, Tennessee 37219

## Texas

Director  
Department of Public Welfare  
Data Processing Division  
Tape Library  
2800 South Interregional  
Austin, Texas 78704

## Utah

Director  
Office of Administrative Services  
EDP and Systems  
231 East 4th South  
Empire Building  
Salt Lake City, Utah 84111

## Vermont

AABD/ANFC Director  
Department of Social Welfare  
4 East State Street  
Montpelier, Vermont 05602

## Virginia

Director  
Bureau of Data Systems  
Data Proc. Oper. Section  
Room 107 Ratcliffe Bldg.  
1602 Rolling Hills Drive  
Richmond, Virginia 23288

## Washington

Director  
Data Audit  
Mailstop 16-2  
P.O. Box 1788  
Olympia, Washington 98504

## West Virginia

Director  
State of West Virginia Department of Welfare  
State Office Building No. 6  
1900 East Washington Street  
Charleston, West Virginia 25305

## Wisconsin

Director  
Division of Family Services  
1 West Wilson Street  
Room 341  
Madison, Wisconsin 53702

## Wyoming

Director of Finance and Accounting  
Department of Health and Social Services  
State Office Building West  
Chenenne, Wyoming 82002

## Appendix E Federal Coal Mine Health and Safety Act Claims (Black Lung)

Black lung records are maintained by the Bureau of Disability Insurance, Baltimore, Maryland 21241. Office hours: 8:20am - 4:50pm.

## Appendix F Social Security Administration Field Operations

## 1. Social Security District and Branch Offices

The addresses and telephone numbers of social security district and branch offices may be found listed in local telephone directories under Social Security Administration or under United States Government, Department of Health, Education, and Welfare, Social Security Administration

## Office Hours - varied.

## 2. Assistant Regional Commissioner (Field) Office Addresses

Boston Region--Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont

John F. Kennedy Federal Building  
Government Center - Room 1109  
Boston, Massachusetts 02203

Office Hours 8:30 - 5:00

New York Region--New Jersey, New York, Puerto Rico, Virgin Islands

26 Federal Plaza, Room 717  
New York, New York 10007

Office Hours 8:30 - 5:00

Philadelphia Region--Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia

3535 Market Street  
P.O. Box 8788  
Philadelphia, Pennsylvania 19101

Office Hours 8:00 - 4:30

Atlanta Region--Alabama, North Carolina, South Carolina, Florida, Georgia, Kentucky, Mississippi, Tennessee

50 Seventh Street, NE  
Room 217  
Atlanta, Georgia 30323

Office Hours 8:00 - 4:30

Chicago Region--Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin

300 South Wacker Drive, Room 2719  
Chicago, Illinois 60606

Dallas Region--Arkansas, Louisiana, New Mexico, Oklahoma, Texas

1200 Main Tower Bldg  
Suite 21st Floor  
Dallas, Texas 75202

Office Hours 8:00 - 4:30

Kansas City Region--Iowa, Kansas, Missouri, Nebraska

New Federal Office Building  
601 East 12th Street  
Kansas City, Missouri 64106

Office Hours 8:00 - 4:45

Denver Region--Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming

Federal Office Building  
1961 Stout Street  
Room 9017  
Denver, Colorado 80294

Office Hours 8:00 - 4:30

San Francisco Region--American Samoa, Arizona, California, Guam, Hawaii, Nevada

Federal Office Building  
100 Van Ness Avenue - 26th Floor  
San Francisco, California 94102

Office Hours 8:00 - 4:30

Seattle Region--Alaska, Idaho, Oregon, Washington

Room 6027  
1321 Second Avenue  
Arcade Plaza Building MS 201  
Seattle, Washington 98101

Office Hours 8:00 - 4:30

## 3. Reconciliation and Analysis Units

These addresses service the regions set out in 2 above.

Room 1303  
150 Causeway Street  
Boston, Massachusetts 02114

Room 1014  
199 Church Street  
New York, New York 10007

P.O. Box 8269  
3535 Market, Room 10460  
Philadelphia, Pennsylvania 19101

P.O. Box 851  
344 Goodwin Hamilton Bldg.  
Homewood, Alabama 35209

300 S. Wacker Drive  
13th Floor, South  
Chicago, Illinois 60606

6th Floor  
14600 Detroit Avenue  
Cleveland, Ohio 44107

P.O. Box 15648  
601 East 12th Street, 10th Floor  
Kansas City, Missouri 64106

Suite 420  
Bruce Towers  
2101 South Inter-Regional Highway  
Austin, Texas 78741

Drawer 3618 7th Floor  
1961 Stout St.  
Denver, Colorado 80202

Second Floor  
620 Folsom Street  
San Francisco, California 94107

915 Second Avenue  
Rm. 2344, Federal Office Bldg.  
Seattle, Washington 98174

## 4. Teleservice Centers

Atlanta

P.O. Box 54327  
Sixth Floor  
730 Peachtree Street, NE  
Atlanta, Georgia 30308

Berkeley

2000 Center Street



Room 420  
Berkeley, California 94704

Boston

Rm 1609  
100 Summer St.  
Boston, Massachusetts 02110

Chicago

4916 W Belmont  
Chicago, Illinois 60643

Cleveland

11901 Berea Road  
2nd Floor  
Cleveland, Ohio 44111

Ft. Lauderdale

P.O. Box 8888  
308 N.E. 3rd Avenue  
Ft. Lauderdale, Florida 33310

Houston

2472 Bolsover  
Houston, Texas 77005

Laurel

Stewart Village Shopping Center  
Route 198  
Laurel, Maryland 20810

Los Angeles

2309 Daly Street  
Los Angeles, California 90031

New Orleans

31st Floor  
Plaza Towers  
1001 Howard Avenue  
New Orleans, Louisiana 70113

Lodi

2nd Floor, Merchants Mall  
61 South Main Street  
Lodi, New Jersey 07644

Tampa

P.O. Box 22627  
4810 North Howard Avenue  
Tampa, Florida 33622

Upper Darby

6801 Ludlow Street  
2nd Floor  
Upper Darby, Pennsylvania 19082

Phoenix

3424 North Central Avenue  
P.O. Box 7370  
Phoenix, Arizona 85011

San Diego

P.O. Box 81387  
Suite 215  
4250 Pacific Highway  
San Diego, California 92138

Appendix G Bureau of Hearings and Appeals

The Bureau of Hearings and Appeals is charged with the responsibility for making decisions on appeals taken above the reconsideration level by claimants for retirement, survivors, disability, supplemental security, medicare, or black lung benefits.

Files for cases awaiting action by the Appeals Council based on the claimants' request for Council review and records of hearings decisions by Administrative Law Judges are maintained at the Bureau headquarters. The address is:

Bureau of Hearings and Appeals  
801 North Randolph Street  
Arlington, Virginia 22203

Files for cases awaiting hearings or decisions by Administrative Law Judges based on requests for a hearing submitted by claimants are housed in various offices depending on the type of the benefit claimed and the status of the hearing request.

When hearings are requested in claims for supplemental security income benefits or the issue involves both supplemental security income benefits and regular social security benefits, prior to forwarding the cases to the Administrative Law Judges, the cases are reviewed to assure that they are ready for the hearings at one of the following Development Centers:

In the Boston Region:

Bureau of Hearings and Appeals  
Development Center  
Room 1309  
150 Causeway Street  
Boston, Massachusetts 02114

In the New York Region:

Bureau of Hearings and Appeals  
Development Center  
15th Floor  
250 Broadway  
New York, New York 10007

In the Philadelphia Region:

Bureau of Hearings and Appeals  
Development Center  
P.O. Box 13825  
Philadelphia, Pennsylvania 19101

In the Atlanta Region:

Bureau of Hearings and Appeals  
Development Center  
Room 625  
50 Seventh Street, N.E.  
Atlanta, Georgia 30323

In the Chicago Region:

Bureau of Hearings and Appeals  
Development Center  
16th floor  
300 South Wacker Drive  
Chicago, Illinois 60606

In the Dallas Region:

Bureau of Hearings and Appeals  
Development Center  
Suite 1420  
Corrigan Tower Building  
212 North St. Paul Street  
Dallas, Texas 75201

In the Kansas City Region:

Bureau of Hearings and Appeals  
Development Center  
3rd Floor

1735 Baltimore Avenue  
Kansas City, Missouri 64108

In the Denver Region:

Bureau of Hearings and Appeals  
Development Center  
4th Floor  
Rio Grande Building  
1531 Stout Street  
Denver, Colorado 80202

In the San Francisco Region:

Bureau of Hearings and Appeals  
Development Center  
5th Floor  
111 Ellis Street  
San Francisco, California 94102

In the Seattle Region:

Bureau of Hearings and Appeals  
Development Center  
Room 1848  
915 Second Avenue  
Seattle, Washington 98174

When the Development Center has completed work on the cases, they are sent to the appropriate offices for the hearings by the Administrative Law Judges. Cases prepared for hearing by the Program Service Centers and the Division of International Operations (see Appendix A) or the Bureau of Disability Insurance (see Appendix B) are also sent to these offices. The selection of the office is based on the Region and the District Office Service Area in which the appellant claimant lives. The Regions, the addresses of the Administrative Law Judges and the District Office Service Areas from which the Judges accept cases are listed below. Correspondence should be addressed to the Bureau of Hearings and Appeals, Administrative Law Judge at the appropriate address.

In the BOSTON REGION

Room 1311  
150 Causeway Street  
Boston, Massachusetts 02114

For the following district offices

MASSACHUSETTS: Boston, Brockton, Cambridge, Chelsea, Fitchburg, Framingham, Haverhill, Lawrence, Lowell, Lynn, Malden, Norwood, Quincy, Roxbury, Salem, Waltham, Worcester

Room 331  
U.S. Post Office and Federal Building  
135 High Street  
Hartford, Connecticut 06101

For the following district offices

CONNECTICUT: Bridgeport, Hartford, Meriden, New Britain, New Haven, Stamford, Torrington, Waterbury

MASSACHUSETTS: Holyoke, Pittsfield, Springfield

25 Lowell Street  
Manchester, New Hampshire 03101

For the following district offices

MAINE: Augusta, Bangor, Lewiston, Portland, Presque Isle

NEW HAMPSHIRE: Concord, Littleton, Manchester, Nashua, Portsmouth

VERMONT: Burlington, Montpelier, Rutland

8th Floor, Howard Building  
10 Dorrance Street  
Providence, Rhode Island 02903

CONNECTICUT: New London, Willimantic

MASSACHUSETTS: Attleboro, Fall River, New Bedford

RHODE ISLAND: Pawtucket, Providence

In the NEW YORK REGION

Federal Office Bldg., Room 942  
One Clinton Square  
Albany, New York 12207

NEW YORK: Albany, Glens Falls, Gloversville, Kingston, Newburgh, Plattsburgh, Poughkeepsie, Schenectady, Troy

Room 1201  
175 Remsen Street  
Brooklyn, New York 11201

NEW YORK: Brooklyn Avenue X, Boro Hall, Bushwick, East New York, Flatbush

Room 550  
1 West Genesee Street  
Buffalo, New York 14202

NEW YORK: Batavia, Buffalo, Jamestown, Kenmore, Niagara Falls, Olean, Rochester

Room 402, Ferry Building  
1800 Davis Street, East  
Camden, New Jersey 08104

NEW JERSEY: Atlantic City, Bridgeton, Camden

Room 700, Housing  
Investment Building  
416 Ponce de Leon Avenue  
Hato Rey, Puerto Rico 00918

MAILING ADDRESS:

G.P.O. 6042  
San Juan, Puerto Rico 00936

PUERTO RICO: Arecibo, Bayamon, Caguas, San Juan

VIRGIN ISLANDS: St. Thomas

Room 704, Title Guarantee Building  
90-04 161st Street  
Jamaica, New York 11432

NEW YORK: Flushing, Freeport, Jackson Heights, Downtown, Jamaica

Room 6A, Western Federal Building  
19 West McKinley Street  
Mayaguez, Puerto Rico 00708

MAILING ADDRESS:

G.P.O. Box V  
Mayaguez, Puerto Rico 00708

PUERTO RICO: Mayaguez

Room 1230  
24 Commerce Street  
Newark, New Jersey 07102

NEW JERSEY: East Orange, Hackensack, Irvington, Jersey City, Montclair, Morristown, Newark, Passaic, Paterson

Room 3138, Federal Building  
26 Federal Plaza  
New York, New York 10007



NEW YORK Bronx: East Bronx, North Bronx, South Bronx, Manhattan, Downtown, Midtown, Uptown, Washington Heights, Staten Island

Vendrell Building  
Hostos Avenue, 11 Esq. R. Power  
Ponce, Puerto Rico 00731

PUERTO RICO Ponce

Room 200 Tinker National Bank Building  
180 East Main Street  
Smithtown, New York 11787

NEW YORK Huntington Station, Mineola, Patchogue

Room 212 Midtown Plaza Building  
700 E. Water Street  
Syracuse, New York 13210

NEW YORK Auburn, Binghamton, Elmira, Geneva, Ogdensburg, Oneonta, Oswego, Syracuse, Utica, Watertown

Room 205 Carroll  
428 E. State Street  
Trenton, New Jersey 08608

NEW JERSEY Ashbury Park, Elizabeth, New Brunswick, Perth Amboy, Trenton

Room 105  
237 Mamaroneck Avenue  
White Plains, New York 10605

NEW YORK New City, New Rochelle, White Plains, Yonkers

In the PHILADELPHIA REGION

Room 230 The Rotunda  
711 West 40th Street  
Baltimore, Maryland 21211

MARYLAND Baltimore: Downtown, Glen Burnie, Towson

14 Piedmont Street  
Bristol, Virginia 24201

TENNESSEE Johnson City

VIRGINIA Bristol

Room 1019, U.S. Courthouse and Federal Building  
Charleston, West Virginia 25301

WEST VIRGINIA Beckley, Charleston, Logan, Parkersburg

Room 202, Citizens Commonwealth Center  
300 Preston Avenue  
Charlottesville, Virginia 22901

VIRGINIA Charlottesville, Lynchburg, Staunton

1011 Sixth Avenue  
Huntington, West Virginia 25701

KENTUCKY Ashland, Pikeville

WEST VIRGINIA Huntington

Lobby, Suite One  
1100 State St.  
Erie, Pennsylvania 16501

PENNSYLVANIA Meadville, Erie  
Riverside Office Center  
Bldg. No. 3—Suite H  
2101 N. Front St.  
Harrisburg, Pennsylvania 17110

PENNSYLVANIA Lancaster, York, Carlisle, Harrisburg, Lebanon

Room 309, Fox Square Pavilion  
Old York Road at Wyncote  
Jenkintown, Pennsylvania 19046

PENNSYLVANIA Allentown, Bristol, Easton, Norristown, Philadelphia Northeast, Reading

Room 213, Federal Building  
P.O. Box 1031  
Johnstown, Pennsylvania 15901

PENNSYLVANIA Altoona, Du Bois, Greensburg, Indiana, Johnstown

1528 Walnut Street  
10th Floor  
Philadelphia, Pennsylvania 19107

DELAWARE Dover, Wilmington

PENNSYLVANIA Chester, Harrisburg, Lancaster, Philadelphia: Downtown, Germantown, West, West Chester, York

Room 2219, Federal Building  
1000 Liberty Avenue  
Pittsburgh, Pennsylvania 15222

PENNSYLVANIA Ambridge, Butler, Erie, McKeesport, New Castle, New Kensington, Oil City, Pittsburgh: Downtown, East, Sharon, Uniontown, Washington

WEST VIRGINIA Clarksburg, Morgantown, Wheeling

Room 9225, Federal Building  
400 North 8th Street  
Richmond, Virginia 23240

VIRGINIA Newport News, Norfolk, Petersburg, Richmond: Downtown

2601 Franklin Road, S.W.  
(Side Entrance)  
Roanoke, Virginia 24014

VIRGINIA Covington, Danville, Roanoke

WEST VIRGINIA Bluefield, Welch

Room 730  
1325 G Street, N.W.  
Washington, D.C. 20005

DISTRICT OF COLUMBIA Washington: Downtown,

MARYLAND Camp Springs, Cumberland, Frederick, Salisbury, Silver Spring

PENNSYLVANIA Chambersburg

VIRGINIA Alexandria, Winchester

WEST VIRGINIA FOREIGN CLAIMS except Philippine Islands

Room 3110 Penn Place  
20 N. Pennsylvania Ave.  
Wilkes-Barre, Pa. 18701

PENNSYLVANIA Hazleton, Pottsville, Scranton, Sunbury, Wilkes-Barre, Williamsport

800 Delaware Ave., Room 511  
Wilmington, Del. 19801

DELAWARE Wilmington, Dover

In the ATLANTA REGION

Suite 514  
25th Building  
1720 Peachtree Street, N.W.  
Atlanta, Georgia 30309

GEORGIA Athens, Atlanta, Downtown, Augusta, Downtown, Decatur, East Point, Gainesville, La Grange, Marietta

Room 420, Shel-Al Building  
11 West Oxmoor Road  
Birmingham, Alabama 35209

ALABAMA Anniston, Bessemer, Birmingham, Downtown, Gadsden, Tuscaloosa

285-C Meeting Street  
Charleston, South Carolina 29401

GEORGIA Savannah, Downtown

SOUTH CAROLINA Charleston

Suite 302  
901 Elizabeth Avenue  
Charlotte, North Carolina 28204

NORTH CAROLINA Asheville, Charlotte, Downtown, Gastonia, Hickory, Salisbury, (Statesville)

SOUTH CAROLINA Rock Hill

Suite 6300, 6300 Building  
Eastgate Center  
Chattanooga, Tennessee 37411

ALABAMA Huntsville

GEORGIA Rome

TENNESSEE Chattanooga

Room 221, Middleburg Plaza  
2712 Middleburg Drive  
Columbia, South Carolina 29204

SOUTH CAROLINA Columbia, Florence, Greenwood

Room 112, Shoals Office Building  
412 South Court Street  
Florence, Alabama 35630

ALABAMA Decatur, Florence

MISSISSIPPI Columbus, Tupelo

1200 West Bessemer Square Building  
1215 West Bessemer Avenue  
Greensboro, North Carolina 27408

NORTH CAROLINA Greensboro, High Point, Winston-Salem

Suite 116, The 300 Building  
University Ridge  
Greenville, South Carolina 29601

SOUTH CAROLINA Anderson, Greenville, Spartanburg

301 Humble Avenue  
Hattiesburg, Mississippi 39401

MISSISSIPPI Hattiesburg

Executive Building  
802 North State Street  
Jackson, Mississippi 39201

MISSISSIPPI Greenville, Greenwood, Jackson, Meridian, Vicksburg

Room 2809, Art Museum Drive  
Jacksonville, Florida 32207

FLORIDA Gainesville, Jacksonville, Downtown, Tallahassee

GEORGIA Thomasville, Valdosta, Waycross

East Gate Plaza  
1420B East Stone Drive  
Kingsport, Tennessee 37664

TENNESSEE Johnson City

VIRGINIA Bristol

Suite 300, Appalachian National Life Building  
318 Cumberland Avenue, S.W.  
Knoxville, Tennessee 37902

TENNESSEE Knoxville

Room 206, The Bakhaus Building  
1500 West Main Street  
Lexington, Kentucky 40505

KENTUCKY Corbin, Frankfort, Hazard, Lexington

Room 600, Bank of Louisville Building  
510 West Broadway  
Louisville, Kentucky 40202

INDIANA New Albany

KENTUCKY Campbellsville, Elizabethtown, Louisville: Downtown

Room 813, Southern Trust Building  
682 Cherry Street  
Macon, Georgia 31201

GEORGIA Albany, Columbus, Macon

407 Derman Building  
46 North 3rd Street  
Memphis, Tennessee 38103

TENNESSEE Dyersburg, Jackson, Memphis, Downtown

12th Floor, Roberts Building  
28 West Flagler Street  
Miami, Florida 33130

FLORIDA Fort Lauderdale, Downtown, Hollywood, Miami: Downtown, North Miami Beach, West Palm Beach

Room 407, Commerce Building  
118 North Royal Street  
Mobile, Alabama 36602

ALABAMA Mobile, Downtown

FLORIDA Panama City, Pensacola

MISSISSIPPI Gulfport

Room 109, McDonough Building  
770 South McDonough Street  
Montgomery, Alabama 36104

ALABAMA Dothan, Montgomery, Selma

Room 816  
1717 West End Avenue  
Nashville, Tennessee 37203

TENNESSEE Columbia, Cookeville, Nashville: Downtown

Room 206, Ambassador Building  
5800 Diplomat Circle  
Orlando, Florida 32810



FLORIDA: Daytona Beach, Melbourne, Orlando

Building 1301 Broadway  
Paducah, Kentucky 42001

ILLINOIS:

KENTUCKY: Bowling Green, Hopkinsville, Owensboro,  
Paducah

3824 Barrett Drive, Room 200  
Raleigh, North Carolina 27609

NORTH CAROLINA: Durham,  
Fayetteville, Goldsboro, Greenville, New Bern, Raleigh,  
Rocky Mount, Wilmington

707 Barnett Bank Building  
1000 North Ashley Drive  
Tampa, Florida 33602

FLORIDA: Clearwater, Fort Myers, Lakeland, St. Petersburg,  
Sarasota, Tampa; Downtown

In the CHICAGO REGION

Room 1430, Mid-Continental Plaza  
55 East Monroe Street  
Chicago, Illinois 60603

ILLINOIS: Aurora, Champaign, Chicago: Loop, Near  
Northwest, Near Southwest, South, West; Danville, Elgin,  
Elmwood Park, Harvey, Joliet, Kankakee, North Riverside

Room 406  
2376 East 71st Street  
Chicago, Illinois 60649

ILLINOIS: Chicago: East, Southeast

INDIANA: Gary, Hammond, Michigan City

MICHIGAN: Benton Harbor

Room 6409, Federal Office Building  
550 Main Street  
Cincinnati, Ohio 45202

KENTUCKY: Covington

OHIO: Cincinnati: Downtown, North; Dayton: Downtown,  
Hamilton, Portsmouth

1919 Superior Building  
815 Superior Street, N.E.  
Cleveland, Ohio 44114

OHIO: Akron: Downtown, Ashtabula, Canton; Cleveland:  
Downtown, Heights, West, East Liverpool, Lorain,  
Mansfield, New Philadelphia, Sandusky, Steubenville;  
Toledo: Downtown; Warren, Youngstown

Room 1006, LeVeque Lincoln Tower  
50 West Broad Street  
Columbus, Ohio 43215

OHIO: Chillicothe; Columbus: Downtown, Findlay, Lima,  
Marietta, Marion, Newark, Piqua, Springfield, Zanesville

Room 2600, Broderick Tower  
Woodward Avenue at Grand Circus Park  
Detroit, Michigan 48226

MICHIGAN: Ann Arbor, Dearborn; Detroit: Downtown, East,  
Southwest

Suite 490, State National Bank Building  
1603 Orrington Avenue  
Evanston, Illinois 60201

ILLINOIS: Chicago: North, Northwest; Evanston, Rockford,  
Sterling, Waukegan

Room 503, Court Bldg.  
123 N.W. Fourth St.  
Evansville, Indiana 47708

ILLINOIS: Carbondale, Harrisburg, Mount Vernon

INDIANA: Evansville, Vincennes

KENTUCKY

Room 810 Metropolitan Building 432 N. Saginaw St.  
Flint, Michigan 48502

MICHIGAN: Bay City, Flint, Port Huron, Saginaw

Room 400, Commerce Building  
127 West Berry Street  
Fort Wayne, Indiana 46802

INDIANA: Elkhart, Fort Wayne, Marion, Muncie, South Bend

OHIO: Defiance

New Federal Bldg., 2nd Fl.  
Indianapolis, Indiana 46204

INDIANA: Anderson, Bloomington, Columbus, Indianapolis;  
Downtown, Kokomo, Lafayette, Madison, Richmond, Terre  
Haute

Room 900, Washington Square Building  
109 West Michigan Avenue  
Lansing, Michigan 48933

MICHIGAN: Battle Creek, Grand Rapids, Jackson,  
Kalamazoo, Lansing, Mount Pleasant, Muskegon, Traverse  
City  
The Continental Bldg.

Room 800  
735 West Wisconsin Avenue  
Milwaukee, Wisconsin 53133

WISCONSIN: Eau Claire, Fond de Lac, Janesville, Kenosha,  
La Crosse, Madison, Milwaukee: North, South; Oshkosh,  
Racine, Sheboygan, Waukesha, Wisconsin Rapids, Appleton,  
Green Bay  
MICHIGAN: Escanaba, Marquette

830 Plymouth Building  
12 South 6th Street  
Minneapolis, Minnesota 55402

MINNESOTA: Austin, Bemidji, Duluth, Hibbing, Mankato,  
Marshall; Minneapolis: Downtown, Rochester, St. Cloud, St.  
Paul, Winona

WISCONSIN: Superior

Room 206, Leisy Building  
326 S.W. Adams Street  
Peoria, Illinois 61602

ILLINOIS: Bloomington, Decatur, Galesburg, Peoria, Peru,  
Springfield

North Park Plaza  
17117 West Nine Mile Road  
Southfield, Michigan 48075

MICHIGAN: Detroit: Highland Park, Northwest; Pontiac,  
Roseville

In the DALLAS REGION

Room 309, Patio Plaza  
500 Marble Avenue, N.E.  
Albuquerque, New Mexico 87110

NEW MEXICO: Albuquerque, Farmington, Roswell, Santa Fe

TEXAS: El Paso

3744 Government Street  
Alexandria, Louisiana 71301

LOUISIANA: Alexandria, Lafayette, Lake Charles, Monroe,  
Baton Rouge; Downtown

8th Floor  
1512 Commerce Street  
Dallas, Texas 75201

OKLAHOMA

TEXAS: Dallas: Downtown; Lufkin

Room 270, Central Mall  
5111 Rogers Avenue  
Fort Smith, Arkansas 72901

ARKANSAS: Fayetteville, Fort Smith

Room 9A35, Federal Office Building  
819 Taylor Street  
Fort Worth, Texas 76102

TEXAS: Abilene, Fort Worth, Odessa, San Angelo, Temple,  
Waco

Suite 252, Royal Gardens Bldg.  
108 30 North Central Expressway  
Dallas, Texas 75231

TEXAS: Rawlins, West Dallas,  
Longview, Paris, Greenville,  
Tyler, Sherman

Room 209, Belfort Square Building  
6711 Belfort Boulevard  
Houston, Texas 77017

TEXAS: Beaumont, Bryan, Galveston; Houston: Downtown,  
Pasadena, Port Arthur

Suite 103, Tanglewood Professional Building  
7509 Cantrell Road  
Little Rock, Arkansas 72207

ARKANSAS: El Dorado, Forrest City, Hot Springs National  
Park, Jonesboro, Little Rock, Pine Bluff

104 East Carl Albert Pkwy.  
McAlester, Oklahoma 74501

OKLAHOMA: McAlester, Muskogee

2nd Floor, Oil and Gas Building  
1100 Tulane Avenue  
New Orleans, Louisiana 70112

LOUISIANA: Houma, New Orleans: Downtown

Suite 416, 50 Penn Place  
Northwest 50th and Pennsylvania  
Oklahoma City, Oklahoma 73118

OKLAHOMA: Ardmore, Enid, Lawton, Oklahoma City

TEXAS: Amarillo, Lubbock, Wichita Falls

Room 222, Castle Hills Executive Plaza  
1015 Jackson Keller Road  
San Antonio, Texas 78213

TEXAS: Austin, Brownsville, Corpus Christi, Laredo,  
McAllen, San Antonio: Downtown, Victoria

3rd Floor, Columbia Building

2651 East 21st Street  
Tulsa, Oklahoma 74114

OKLAHOMA: Tulsa

In the KANSAS CITY REGION

Room 621, Federal Building  
210 Walnut Street  
Des Moines, Iowa 50309

ILLINOIS: Rock Island

IOWA: Burlington, Cedar Rapids, Creston, Davenport, Des  
Moines, Dubuque, Fort Dodge, Mason City, Ottumwa,  
Waterloo

Room 2  
8764 Manchester Road  
Brentwood, MO 63144

Missouri: Cape Girardeau,  
Clayton, St. Louis: Southside

Room 1201, Federal Office Building  
911 Walnut Street  
Kansas City, Missouri 64106

KANSAS: Kansas City, Topeka

MISSOURI: Independence, Jefferson City, Joplin; Kansas  
City: Moberly, St. Joseph, Sedalia, Springfield

980 South 72nd Street  
Omaha, Nebraska 68114

IOWA: Sioux City

NEBRASKA: Grand Island, Lincoln, Norfolk, North Platte,  
Omaha

Room 1427  
210 North 12th Street  
St. Louis, Missouri 63101

ILLINOIS: Alton; East St. Louis: Downtown, Quincy

MISSOURI: Hannibal, Poplar Bluff, St. Louis: Downtown,  
South Side

102 Woodlawn Building  
400 North Woodlawn  
Wichita, Kansas 67208

KANSAS: Dodge City, Hays, Hutchinson, Independence,  
Pittsburgh, Salina, Wichita

In the DENVER REGION

Suite 502, Prudential Tower  
1050 17th Street  
Denver, Colorado 80202

COLORADO: Alamosa, Colorado Springs; Denver:  
Downtown; Grand Junction, Greeley, Pueblo

MONTANA: Billings, Butte, Great Falls, Helena, Missoula

NEBRASKA: Scottsbluff

SOUTH DAKOTA: Rapid City

WYOMING: Casper, Cheyenne

Room 200, White Building  
23 Broadway  
Fargo, North Dakota 58102

MINNESOTA

NORTH DAKOTA: Bismarck, Fargo, Grand Forks, Minot



**SOUTH DAKOTA:** Aberdeen, Huron, Sioux Falls

Room 102, Denver Building  
352 Denver Street  
Salt Lake City, Utah 84111

**IDAHO:** Boise, Pocatello, Twin Falls**UTAH:** Ogden, Provo, Salt Lake City**WYOMING:** Rock Springs**In the SAN FRANCISCO REGION**

Room 313, Rowell Building  
2100 Tulare Street  
Fresno, California 93721

**CALIFORNIA:** Bakersfield: Downtown, Fresno: Downtown, Visalia

Room 505, Bishop Trust Building  
1000 Bishop Street  
Honolulu, Hawaii 96813

**AMERICAN SAMOA****HAWAII:** Honolulu

Room 210  
115 Pine Avenue  
Long Beach, California 90802

**CALIFORNIA:** Huntington Park, Long Beach, Los Angeles: Watts Torrance, Whittier

Room 13201  
11000 Wilshire Boulevard  
Los Angeles, California 90024  
(West)

**CALIFORNIA:** Canoga Park, Inglewood, Lancaster, Los Angeles: Downtown, Monterey Park, Santa Barbara, Santa Monica, Van Nuys, Ventura

Room 930, United California Bank Building  
1330 Broadway  
Oakland, California 94612

**CALIFORNIA:** Berkeley: Downtown, Hayward, Oakland: Downtown, Walnut Creek

Suite 212, Mutual Savings Building  
301 East Colorado Boulevard  
Pasadena, California 91101

**CALIFORNIA:** Glendale, Hollywood: Downtown, Pasadena

Suite 308, Mayer Central Building  
3033 North Central Avenue  
Phoenix, Arizona 85012

**ARIZONA:** Phoenix, Downtown, Prescott**NEVADA:** Las Vegas

Room E 1807  
2800 Cottage Way  
Sacramento, California 95825

**CALIFORNIA:** Chico, Modesto, Redding, Sacramento, Stockton**NEVADA:** Reno

Suite 308, Blackstone Building  
362 North Arrowhead Avenue  
San Bernardino, California 92401

**CALIFORNIA:** Palm Springs, Pomona, Riverside, San Bernardino

Suite 207  
770 B Street  
San Diego, California 92101

**ARIZONA****CALIFORNIA:** San Diego: Downtown

Suite 320  
550 Kearney Street  
San Francisco, California 94108

**CALIFORNIA:** San Francisco: Civic Center, Parkside, San Mateo**PHILIPPINE ISLANDS**

Room 404, Community Bank Building  
111 West St. John Street  
San Jose, California 95113

**CALIFORNIA:** Salinas, San Jose: Downtown, San Luis Obispo, Santa Cruz

Room 204, The Citizens Building  
950 Northgate Drive  
San Rafael, California 94903

**CALIFORNIA:** Eureka, San Rafael, Santa Rosa, Vallejo

Room 3-B, Federal Building  
301 West Congress Street  
Tucson, Arizona 85701

**ARIZONA:** Tucson: Downtown

Room 902, Federal Bldg.  
34 Civic Center Plaza  
Santa Ana, Calif. 92701

**CALIFORNIA:** Anaheim, Costa Mesa, Fullerton, Huntington Beach, Norwalk, San Juan Capistrano, Santa Ana**In the SEATTLE REGION**

Federal Bldg. & Courthouse Room 430  
211 E. Seventh Ave.  
Eugene, Oregon 97401

**OREGON:** Eugene, Klamath Falls, Medford

Room 1020, Corbett Building  
430 S.W. Morrison Street  
Portland, Oregon 97204

**OREGON:** Portland: Downtown, East, Salem**WASHINGTON:** Vancouver

Room 3162-Federal Bldg.  
915 Second Avenue  
Seattle, Washington 98174

**ALASKA:** Anchorage, Juneau**WASHINGTON:** Bellevue, Bellingham, Bremerton, Everett, Olympia, Seattle: Downtown, Tacoma, Yakima

830 Bon Marche Building  
214 North Wall Street  
Spokane, Washington 99201

**IDAHO:** Lewiston**OREGON:** La Grande**WASHINGTON:** Spokane, Walla Walla, Wenatchee

The Administrative Law Judges are independent adjudicators. However they do need certain administrative and logistical support. This support is provided by the Regional Chief Administrative Law Judges, Bureau of Hearings and Appeals whose offices are at the following addresses:

**In the BOSTON REGION**

F 310 John F. Kennedy Federal Building  
Boston, Massachusetts 02203

**In the NEW YORK REGION**

Room 4000  
26 Federal Plaza  
New York, New York 10007

**In the PHILADELPHIA REGION**

Room 8110, The Gateway Building  
36th and Market Streets  
Philadelphia, Pennsylvania 19101

**MALING ADDRESS:**

P.O. Box 8788  
Philadelphia, Pennsylvania 19101

**In the ATLANTA REGION**

Room 641  
50 Seventh Street, N.E.  
Atlanta, Georgia 30323

**In the CHICAGO REGION**

8th Floor  
300 S. Wacker  
Chicago, Illinois 60606

**In the DALLAS REGION**

Suite 1400, Corrigan Tower Bldg.  
212 North St. Paul Street  
Dallas, Texas 75201

**In the KANSAS CITY REGION**

Room 2502, Federal Office Building  
911 Walnut Street  
Kansas City, Missouri 64106

**In the DENVER REGION**

Room 5439, Federal Office Building  
1961 Stout Street  
Denver, Colorado 80202

**In the SAN FRANCISCO REGION**

21st Floor  
100 100 Van Ness Avenue  
San Francisco, California 94102

**In the SEATTLE REGION**

Mail Stop 3100  
Arcade Plaza Building  
1321 Second Avenue  
Seattle, Washington 98101

**APPENDIX H Bureau of Data Processing Electronic Data Centers**

Bureau of Data Processing  
Veterans Administration Building  
19 N. Main St.  
Wilkes Barre, Pa. 18701

Bureau of Data Processing

Albuquerque Data Operations Ctr  
933 Bradbury, S.E.  
Albuquerque, N.M. 87112

Bureau of Data Processing  
Salinas Data Operation Ctr  
6th Floor No. 8 E. Alisal  
Salinas, Calif. 93901

**APPENDIX I Availability of Records, Manuals, Etc.**

All administrative staff manuals of the Social Security Administration and instruction to staff personnel which contain policies, procedures, or interpretations that affect the public are available for inspection and copying. These manuals are generally not printed in a sufficient quantity to permit sale or other general distribution to the public, but many are maintained at district offices and field offices and may be inspected there (See Appendix F). A complete listing of staff manuals and instructions is published in Social Security Rulings which is available from the Government Printing Office, Washington, D.C. 20402.

The Social Security Act is codified at 42 U.S.C. 301 and the Federal Coal Mine Health and Safety Act may be found at 30 U.S.C. 901.

The Regulations relating to Federal retirement survivors, and disability insurance and health insurance for the aged, are published in the Code of Federal Regulations under title 20, chapter III, Part 401 et seq.:

- A. Part 401 contains Regulation No. 1, Disclosure of Official Records and Information.
- B. Part 402, which contained Regulations No. 2, has not been published in the Code beginning with the 1949 edition since Regulations No. 2 applies only to the Social Security Act in effect before 1940.
- C. Part 403, which contained Regulations No. 3, has not been published in the Code beginning with the 1965 edition since Regulations No. 3 relates to the period from 1940 to 1950. The extent to which Regulations No. 3 remains in effect is indicated in Sections 404.3(a) of Regulations No. 4.
- D. Part 404 contains Regulations No. 4, Federal Old Age, Survivors, and Disability Insurance (1950-).
- E. Part 405 contains Regulations No. 5, Federal Health Insurance for the Aged and Disabled (1965-).
- F. Part 410 contains Regulations No. 10, Federal Coal Mine Health and Safety Act of 1969, title IV, Black Lung Benefits (1969-).
- G. Part 416 contains Regulations No. 16, Supplemental Security Income (1973-).
- H. Part 422 contains Regulations No. 22, Organization and Procedures.

Title 20 of the Code of Federal Regulations (Part 400 to End, revised as of April 1, 1973), can be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

Requests for accessing an individual's own records should be directed to the systems managers listed in the foregoing notices. Requests for other records and manuals may be made to: (1) the Director, Office of Information, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, or (2) the Information Center Officer, at the Regional Offices of the Department of Health, Education, and Welfare. The locations and service areas of these offices are as follows:

**BOSTON REGION--Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont**

John F. Kennedy Federal Building  
Room 1100A  
Boston, Massachusetts 02203

Office Hours: 8:30-5:00

**NEW YORK REGION--New York, New Jersey, Puerto Rico, Virgin Islands**



Federal Building  
Room 745  
26 Federal Plaza  
New York, New York 10007

Office Hours: 8:30-5:00

PHILADELPHIA REGION--Delaware, Maryland,  
Pennsylvania, Virginia, West Virginia, District of Columbia

P.O. Box 8788  
Philadelphia, Pennsylvania 19101

Office Hours: 8:00-4:30

ATLANTA REGION--Alabama, Florida, Georgia, Kentucky,  
Mississippi, North Carolina, South Carolina, Tennessee

50 Seventh Street, NE  
Room 240  
Atlanta, Georgia 30323

Office Hours: 8:00-4:30

CHICAGO REGION--Illinois, Indiana, Michigan, Minnesota,  
Ohio, Wisconsin

300 South Wacker Drive,  
Room 2719  
Chicago, Illinois 60606

Office Hours: 8:15-4:45

DALLAS REGION--Arkansas, Louisiana, New Mexico,  
Oklahoma, Texas

Room 2535 1200 Commerce Street  
Dallas, Texas 75202

Office Hours: 8:15-4:45

KANSAS CITY REGION--Iowa, Kansas, Missouri, Nebraska

Federal Building, Room 431-A,  
601 East 12th Street,  
Kansas City, Missouri 64106

Office Hours: 8:00-4:45

DENVER REGION--Colorado, Montana, North Dakota, South  
Dakota, Utah, Wyoming

Federal Office Building  
Room 8005  
1961 Stout Street,  
Denver Colorado 80202

Office Hours: 8:00-4:30

SAN FRANCISCO REGION--Arizona, California, Hawaii,  
Nevada, Guam, Trust Territory of Pacific Islands, American  
Samoa

100 Van Ness Avenue  
26th Floor  
San Francisco, California 94102

Office Hours: 8:00-4:30

SEATTLE REGION--Alaska, Idaho, Oregon, Washington

Arcade Plaza Building, MS-614

1321 Second Avenue, Room 6027  
Seattle, Washington 98101

Office Hours: 8:00-4:30

#### APPENDIX J Social Security Administration Data Security Measures

The confidentiality of records has been a cornerstone of Social Security Administration policy from the very beginning of the agency under the mandate of Title 20, Chapter III, Part 401 of the Code of Federal Regulations issued in 1937 and Section 1106 of the Social Security Act Passed by the Congress in 1939. Data security measures begin with the thorough training of employees in the restrictions against disclosure contained in the Act and the Regulations, the criminal sanctions for unauthorized disclosure, and the procedures used to assure that disclosures authorized by statute and regulation are released to the proper parties. The physical security measures established to safeguard records are discussed below:

##### 1. Manually Maintained Records

Manually maintained records are kept in locked file cabinets or in otherwise secure areas. Access to the records is limited to those employees who require the information contained in the records to perform the duties assigned to them. In most cases, the records are selected for the employees needing access to them by other employees who are specifically charged with the maintenance of the records. This restricts the number of persons authorized to be in the storage areas and facilitates the control over the access to the information contained in the records to those who need it. Those records not handled in this manner are securely stored so that unauthorized individuals may not gain access to them.

##### 2. Automated Records

Entry into the computer rooms in the headquarters complex located in Woodlawn, Maryland is restricted to those employees whose duties require such entry. A special pass containing the employee's photograph is issued to all personnel authorized to enter this area. Marshals are stationed at each entrance to assure that only possessors of the special passes are admitted. Magnetic tape records and records stored on other automated devices are kept in a library to which entry is further restricted by a lock whose opening combination is known only to a select few authorized to enter this area. Access to the information contained in these records is controlled by various manual and automated devices. Only employees who require the information to perform their duties may obtain it.

Some automated records are maintained in program service centers located across the country (See Appendix A). Entrance to the program service center buildings is restricted to employees with building passes. In addition, special passes identify those employees whose duties require entry into the computer rooms. Access to the information contained in these records is also controlled. Only employees who require the information to perform their duties may obtain it.

Data is transmitted from field offices and program service centers to headquarters and return. For the most part, sensitive and urgent traffic is sent over lines leased by the Social Security Administration for its sole use. The remaining traffic sent directly by wire is sent via lines leased by the Federal Government for use of all Federal agencies. Sometimes the length of the record precludes direct wire transmission and magnetic tape stored on reels must be used. When this occurs, special procedures assure the delivery of the tape reels to the proper location.

Internal computer security is safeguarded by access codes, edit checks, data reformatting and return address codes. These assure that only authorized access to the computer system is permitted, that the particular data requested from the system can be released to the requester, and that control is maintained over the locations to which systems data may be sent.

#### APPENDIX K

An individual must present sufficient evidence to establish identity in order to obtain information pertaining to him from the Social Security Administration's records.

Requests for disclosure of information may be made in the following ways:

1. In Person--No special documents of identity are required if a request for disclosure of information is made in person. It is expected that documents an individual would normally carry on his person would be sufficient. The following would be acceptable although this list is not intended to be all-inclusive: credit cards, driver's license, motor vehicle registration card, building pass, voter registration cards, and selective service registration certificate. A social security number card is acceptable only when presented with other evidence.

2. Via Mail--An individual requesting disclosure of information from the Social Security Administration's records via mail must provide his name, date of birth, and address in order to establish his identity plus any additional information required (in the system notice) to access his record within a specific system.

3. Via Telephone--An individual requesting disclosure of information via telephone must furnish the same information as listed in 2 above.

09-60-0208

System name: Program Integrity Management Information and Control System HEW SSA OPO.

Security classification: None.

System location:

Bureau of Data Processing  
6401 Security Boulevard  
Baltimore, Maryland 21235

Categories of individuals covered by the system: All individuals suspected of criminal violations involving the supplemental security income (SSI) program.

Categories of records in the system: Information about the supplemental security income recipient, supplemental security income suspect, program integrity case development and information about the violation aspects of the case.

Authority for maintenance of the system: Sections 1631 (D)(2) and 1632 of Title XVI of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape.

Retrievability: In sequence by the social security number, or in alphabetical order by name of recipient and/or suspect. Information in this system is routinely used by Social Security Administration staff (1) to monitor the progress of development of individual suspected fraud cases to insure timely resolution; and (2) for statistical analysis purposes to identify (a) types of cases which occur with such frequency as to suggest the need for revision of policies and procedures relative to establishing eligibility for payments and (b) trends and averages with respect to the processing time of such cases and their disposition under the Federal judicial system. All information identifiable with a specific individual is protected from disclosure by statute (section 1106 of the Social Security Act (42 United States Code 1306).

Safeguards: All magnetic tapes are retained in secure storage areas accessible only to authorized persons within the Bureau of Data Processing. The storage area is controlled by marshalls responsible for insuring that only authorized personnel are permitted. Official identification badges or passes are required to gain entrance to the storage area. All employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information on individuals.

Retention and disposal: Indefinite retention. A procedure is available to select and delete any case that is deemed irrelevant.

System manager(s) and address:

Director  
Bureau of Supplemental Security Income  
6401 Security Boulevard  
Baltimore, Maryland 21235

Notification procedure: A request may be forward to the Director, Bureau of Supplemental Security Income, 6401 Security Boulevard, Baltimore, Maryland 21235. The social security number and/or name of recipient is needed as identifying information. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) Federal Register, October 8, 1975, page 47411.)

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2) Federal Register, October 8, 1975, page 47410.)

Contesting record procedures: Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

Record source categories: Information is provided by supplemental security income applicants, informants, Social Security Administration offices and other Federal State, or municipal agencies, by letter, telephone or in person.

Systems exempted from certain provisions of the act: None. /\*

Appendix B of Departmental Regulation (45 CFR Part 5b)  
ROUTINE USES APPLICABLE TO MORE THAN ONE  
SYSTEM OF RECORDS MAINTAINED BY HEW

(1) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(2) Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, Inc.

(3) In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

(4) A record from this system of records may be disclosed as a 'routine use' to a federal, state or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.



(5) In the event that a system of records maintained by this agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether state or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(6) Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

(7) Where a contract between a component of the Department and a labor organization recognized under E.O. 11491 provides that the agency will disclose personal records relevant to the organization's mission, records in this system of records may be disclosed to such organization.

(8) Where the appropriate official of the Department, pursuant to

the Department's Freedom of Information Regulation determines that it is in the public interest to disclose a record which is otherwise exempt from mandatory disclosure, disclosure may be made from this system of records.

(9) The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

(10)-(99) (reserved)

(100) To the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual.

(101) To individuals and organizations, deemed qualified by the Secretary to carry out specific research solely for the purpose of carrying out such research.

(102) To organizations deemed qualified by the Secretary to carry out quality assessment, medical audits or utilization review.

(103) Disclosures in the course of employee discipline or competence determination proceedings.

[FR Doc. 77-28835 Filed 9-27-77; 2:56 am]

# Title 43—Public Welfare

## SUBTITLE A—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, GENERAL ADMINISTRATION

### PART 5b—PRIVACY ACT REGULATION

Sec.	
5b.1	Definitions.
5b.2	Purpose and Scope.
5b.3	Policy.
5b.4	Maintenance of records.
5b.5	Notification of or access to records.
5b.6	Special procedures for notification of or access to medical records.
5b.7	Procedures for correction and amendment of records.
5b.8	Appeals of refusals to correct or amend records.
5b.9	Disclosure of records.
5b.10	Parents and Guardians.
5b.11	Exempt systems.
5b.12	Contractors.
5b.13	Fees.
Appendix A	Employee standards of conduct.
Appendix B	Routine uses for multiple systems of records.
Appendix C	Delegations of authority.
AUTHORITY	(5 U.S.C. 301, 5 U.S.C. 552a)

#### § 5b.1 Definitions.

As used in this Part:

(a) "Access" means availability of a record to a subject individual.

(b) "Agency" means the Department of Health, Education, and Welfare.

(c) "Department" means the Department of Health, Education, and Welfare.

(d) "Disclosure" means the availability or release of a record to anyone other than the subject individual.

(e) "Individual" means a living person who is a citizen of the United States or an alien lawfully admitted for permanent residence. It does not include persons such as sole proprietors, partnerships, or corporations. A business firm which is identified by the name of one or more persons is not an individual within the meaning of this Part.

(f) "Maintain" means to maintain, collect, use, or disseminate when used in connection with the term "record"; and, to have control over or responsibility for a system of records when used in connection with the term "system of records."

(g) "Notification" means communication to an individual whether he is a subject individual.

(h) "Record" means any item, collection, or grouping of information about

an individual that is maintained by the Department, including but not limited to the individual's education, financial transactions, medical history, and criminal or employment history and that contains his name, or an identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph. When used in this Part, record means only a record which is in a system of records.

(i) "Responsible Department official" means that officer who is listed in a notice of a system of records as the system manager for a given system of records or another individual listed in the notice of a system of records to whom requests may be made, or the designee of either such officer or individual.

(j) "Routine use" means the disclosure of a record outside the Department, without the consent of the subject individual, for a purpose which is compatible with the purpose for which the record was collected. It includes disclosures required to be made by statute other than the Freedom of Information Act, 5 U.S.C. 552. It does not include disclosures which are permitted to be made without the consent of the subject individual which are not compatible with the purpose for which it was collected such as disclosures to the Bureau of the Census, the General Accounting Office, or to Congress.

(k) "Secretary" means the Secretary of Health, Education, and Welfare, or his designee.

(l) "Statistical record" means a record maintained for statistical research or reporting purposes only and not maintained to make determinations about a particular subject individual.

(m) "Subject individual" means that individual to whom a record pertains.

(n) "System of records" means any group of records under the control of the Department from which a record is retrieved by personal identifier such as the name of the individual, number, symbol or other unique retriever assigned to the individual. Single records or groups of records which are not retrieved by a personal identifier are not part of a system of records. Papers maintained by individual employees of the Department which are prepared, maintained, or discarded at the discretion of the employee and which are not subject to the Federal Records Act, 44 U.S.C. 2901, are not part of a system of records, provided that such personal papers are not used by the employee or the Department to deter-

mine any rights, benefits, or privileges of individuals.

#### § 5b.2 Purpose and scope.

(a) This Part implements section 3 of the Privacy Act of 1974, 5 U.S.C. 552a (hereinafter referred to as the Act), by establishing agency policies and procedures for the maintenance of records. This Part also establishes agency policies and procedures under which a subject individual may be given notification of or access to a record pertaining to him and policies and procedures under which a subject individual may have his record corrected or amended if he believes that his record is not accurate, timely, complete, or relevant or necessary to accomplish a Department function.

(b) All components of the Department are governed by the provisions of this Part. Also governed by the provisions of this Part are:

(1) Certain non-federal entities which operate as agents of the Department for purposes of carrying out Federal functions, such as intermediaries and carriers performing functions under contracts and agreements entered into pursuant to sections 1816 and 1842 of the Social Security Act, 42 U.S.C. 1395h and 1395i.

(2) Advisory committees and councils within the meaning of the Federal Advisory Committee Act which provide advice to (i) any official or component of the Department or (ii) the President and for which the Department has been delegated responsibility for providing services.

(c) Employees of the Department governed by this Part include all regular and special government employees of the Department, members of the Public Health Service Commissioned Corps, experts and consultants whose temporary (not in excess of 1 year) or intermittent services have been procured by the Department by contract pursuant to 3109 of title 5, United States Code; volunteers whose acceptance of their services are authorized by law; those individuals performing gratuitous services as permitted under conditions prescribed by the Civil Service Commission; and, participants in work-study or training programs.

(d) Where other statutes mandate procedures which are inconsistent with the procedures set forth in this Part, components of the Department may issue supplementary regulations containing procedures necessary to comply with such statutes. In addition, components of the Department

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may supplement by regulation the policies and procedures set forth in this Part to meet particular needs of the programs administered by such components.

(e) This Part does not:

(1) Make available to a subject individual records which are not retrieved by that individual's name or other personal identifier

(2) Make available to the general public records which are retrieved by a subject individual's name or other personal identifier or make available to the general public records which would otherwise not be available to the general public under the Freedom of Information Act, 5 U.S.C. 552, and Part 5 of this title.

(3) Govern the maintenance or disclosure of, notification of or access to, records in the possession of the Department which are subject to regulations of another agency such as personnel records subject to the regulations of the Civil Service Commission.

(4) Apply to grantees, including State and local governments or subdivisions thereof, administering federally funded programs.

(5) Make available records compiled by the Department in reasonable anticipation of court litigation or formal administrative proceedings. The availability of such records to the general public or to any subject individual or party to such litigation or proceedings shall be governed by applicable constitutional principles, rules of discovery, and applicable regulations of the Department and any of its components.

#### § 5b.3 Policy.

It is the policy of the Department to protect the privacy of individuals to the fullest extent possible while nonetheless permitting the exchange of records required to fulfill the administrative and program responsibilities of the Department, and responsibilities of the Department for disclosing records which the general public is entitled to have under the Freedom of Information Act, 5 U.S.C. 552, and Part 5 of this title.

#### § 5b.4 Maintenance of records.

(a) No record will be maintained by the Department unless:

(1) It is relevant and necessary to accomplish a Department function required to be accomplished by statute or Executive Order;

(2) It is acquired to the greatest extent practicable from the subject individual when maintenance of the record may result in a determination about the subject individual's rights, benefits or privileges under Federal programs;

(3) The individual providing the record is informed of the authority for providing the record (including whether the providing of the record is man-

datory or voluntary, the principal purpose for maintaining the record, the routine uses for the record, what effect his refusal to provide the record may have on him), and if the record is not required by statute or Executive Order to be provided by the individual, he agrees to provide the record.

(b) No record will be maintained by the Department which describes how an individual exercises rights guaranteed by the First Amendment unless expressly authorized (1) by statute, or (2) by the subject individual, or (3) unless pertinent to and within the scope of an authorized law enforcement activity

#### § 5b.5 Notification of or access to records.

(a) *Times, places, and manner of requesting notification of or access to a record*

(1) Subject to the provisions governing medical records in § 5b.6 of this part, any individual may request notification of a record. He may at the same time request access to any record pertaining to him. An individual may be accompanied by another individual of his choice when he requests access to a record in person. *Provided*, That he affirmatively authorizes the presence of such other individual during any discussion of a record to which access is requested.

(2) An individual making a request for notification of or access to a record shall address his request to the responsible Department official and shall verify his identity when required in accordance with paragraph (b)(2) of this section. At the time the request is made, the individual shall specify which systems of records he wishes to have searched and the records to which he wishes to have access. He may also request that copies be made of all or any such records. An individual shall also provide the responsible Department official with sufficient particulars to enable such official to distinguish between records on subject individuals with the same name. The necessary particulars are set forth in the notices of systems of records.

(3) An individual who makes a request in person may leave with any responsible Department official a request for notification of or access to a record under the control of another responsible Department official. *Provided*, That the request is addressed in writing to the appropriate responsible Department official.

(b) *Verification of identity*—(1) *When required*. Unless an individual, who is making a request for notification of or access to a record in person, is personally known to the responsible Department official, he shall be required to verify his identity in accordance with paragraph (b)(2) of this section if:

(i) he makes a request for notification of a record and the responsible

Department official determines that the mere disclosure of the existence of the record would be a clearly unwarranted invasion of privacy if disclosed to someone other than the subject individual; or

(ii) he makes a request for access to a record which is not required to be disclosed to the general public under the Freedom of Information Act, 5 U.S.C. 552, and Part 5 of this title.

(2) *Manner of verifying identity*.

(i) An individual who makes a request in person shall provide to the responsible Department official at least one piece of tangible identification such as a driver's license, passport, alien or voter registration card, or union card to verify his identity. If an individual does not have identification papers to verify his identity he shall certify in writing that he is the individual who he claims to be and that he understands that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act subject to a \$5,000 fine.

(ii) Except as provided in paragraph (b)(2)(v) of this section, an individual who does not make a request in person shall submit a notarized request to the responsible Department official to verify his identity or shall certify in his request that he is the individual who he claims to be and that he understands that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act subject to a \$5,000 fine.

(iii) An individual who makes a request on behalf of a minor or legal incompetent as authorized under § 5b.10 of this Part shall verify his relationship to the minor or legal incompetent, in addition to verifying his own identity, by providing a copy of the minor's birth certificate, a court order, or other competent evidence of guardianship to the responsible Department official; *except that*, an individual is not required to verify his relationship to the minor or legal incompetent when he is not required to verify his own identity or when evidence of his relationship to the minor or legal incompetent has been previously given to the responsible Department official.

(iv) An individual shall further verify his identity if he is requesting notification of or access to sensitive records such as medical records. Any further verification shall parallel the record to which notification or access is being sought. Such further verification may include such particulars as the individual's years of attendance at a particular educational institution, rank attained in the uniformed services, date of place of birth, names of parents, an occupation or the specific

times the individual received medical treatment.

(v) An individual who makes a request by telephone shall verify his identity by providing to the responsible Department official identifying particulars which parallel the record to which notification or access is being sought. If the responsible Department official determines that the particulars provided by telephone are in sufficient, the requester will be required to submit the request in writing or in person. Telephone requests will not be accepted where an individual is requesting notification of or access to sensitive records such as medical records.

(c) *Granting notification of or access to a record*

(1) Subject to the provisions governing medical records in § 5b.6 of this part and the provisions governing exempt systems in § 5b.11 of this part, a responsible Department official, who receives a request for notification of or access to a record and, if required, verification of an individual's identity, will review the request and grant notification or access to a record, if the individual requesting access to the record is the subject individual.

(2) If the responsible Department official determines that there will be a delay in responding to a request because of the number of requests being processed, a breakdown of equipment, shortage of personnel, storage of records in other locations, etc., he will so inform the individual and indicate when notification or access will be granted.

(3) Prior to granting notification of or access to a record, the responsible Department official may at his discretion require an individual making a request in person to reduce his request to writing if the individual has not already done so at the time the request is made.

#### § 5b.6 Special procedures for notification of or access to medical records.

(a) *General*. An individual in general has a right to notification of or access to his medical records, including psychological records, as well as to other records pertaining to him maintained by the Department. This section sets forth special procedures as permitted by the Act for notification of or access to medical records, including a special procedure for notification of or access to medical records of minors. The special procedures set forth in paragraph (b) of this section may not be suitable for use by every component of the Department. Therefore, components may follow the paragraph (b) procedure for notification of or access to medical records, or may issue regulations establishing special procedures for such purposes. The special procedure set forth in paragraph (c) of this section

relating to medical records of minors, is mandatory.

(b) *Medical records procedures*—(1) *Notification of or access to medical records*

(i) Any individual may request notification of or access to a medical record pertaining to him. Unless the individual is a parent or guardian requesting notification of or access to a minor's medical record, an individual shall make a request for a medical record in accordance with this section and the procedures in § 5b.5 of this Part.

(ii) An individual who requests notification of or access to a medical record shall, at the time the request is made, designate a representative in writing. The representative may be a physician, other health professional, or other responsible individual, who would be willing to review the record and inform the subject individual of its contents at the representative's discretion.

(2) *Utilization of the designated representative*. A subject individual will be granted direct access to a medical record if the responsible official determines that direct access is not likely to have an adverse effect on the subject individual. If the responsible Department official believes that he is not qualified to determine, or if he does determine, that direct access to the subject individual is likely to have an adverse effect on the subject individual, the record will be sent to the designated representative. The subject individual will be informed in writing that the record has been sent.

(c) *Medical records of minors*—(1) *Requests by minors: notification of or access to medical records to minors*. A minor may request notification of or access to a medical record pertaining to him in accordance with paragraph (b) of this section.

(2) *Requests on a minor's behalf: notification of or access to medical records to an individual on a minor's behalf*

(i) In order to protect the privacy of a minor, a parent or guardian, authorized to act on a minor's behalf as provided in § 5b.10 of this part, who makes a request for notification of or access to a minor's medical record will not be given direct notification of or access to such record.

(ii) A parent or guardian shall make all requests for notification of or access to a minor's medical record in accordance with this paragraph and the procedures in § 5b.5 of this part. A parent or guardian shall at the time he makes a request designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent.

(iii) Where a medical record on the minor exists, it will be sent to the physician or health professional designat-

ed by the parent or guardian in all cases. If disclosure of the record would constitute an invasion of the minor's privacy, that fact will be brought to the attention of the physician or health professional to whom the record is sent. The physician or health professional will be asked to consider the effect that disclosure of the record to the parent of guardian would have on the minor in determining whether the minor's medical record should be made available to the parent or guardian. Response to the parent or guardian making the request will be made in substantially the following form.

We have completed processing your request for notification of or access to

Name of minor

medical records. Please be informed that if any medical records were found pertaining to that individual, they have not been sent to your designated physician or health professional.

In each case where a minor's medical records is sent to a physician or health professional, reasonable efforts will be made to so inform the minor.

#### § 5b.7 Procedures for correction or amendment of records.

(a) Any subject individual may request that his record be corrected or amended if he believes that the record is not accurate, timely, complete, or relevant or necessary to accomplish a Department function. A subject individual making a request to amend or correct his record shall address his request to the responsible Department official in writing; *except that*, the request need not be in writing if the subject individual makes his request in person and the responsible Department official corrects or amends the record at that time. The subject individual shall specify in each request:

(1) The system of records from which the record is retrieved;

(2) The particular record which he is seeking to correct or amend;

(3) Whether he is seeking an addition to or a deletion or substitution of the record; and,

(4) His reasons for requesting correction or amendment of the record.

(b) A request for correction or amendment of a record will be acknowledged within 10 working days of its receipt unless the request can be processed and the subject individual informed of the responsible Department official's decision on the request within that 10 day period.

(c) If the responsible Department official agrees that the record is not accurate, timely, or complete based on a preponderance of the evidence, the record will be corrected or amended. The record will be deleted without regard to its accuracy, if the record is not relevant or necessary to accom-

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plish the Department function for which the record was provided or is maintained. In either case, the subject individual will be informed in writing of the correction, amendment, or deletion and, if accounting was made of prior disclosures of the record, all previous recipients of the record will be informed of the corrective action taken.

(d) If the responsible Department official does not agree that the record should be corrected or amended, the subject individual will be informed in writing of the refusal to correct or amend the record. He will also be informed that he may appeal the refusal to correct or amend his record to the appropriate appeal authority listed in § 5b.8 of this Part. The appropriate appeal authority will be identified to the subject individual by name, title, and business address.

(e) Requests to correct or amend a record governed by the regulation of another government agency, e.g., Civil Service Commission, Federal Bureau of Investigation, will be forwarded to such government agency for processing and the subject individual will be informed in writing of the referral.

#### § 5b.8 Appeals of refusals to correct or amend records.

(a) *Processing the appeal.* (1) A subject individual who disagrees with a refusal to correct or amend his record may appeal the refusal in writing. All appeals shall be made to the following appeal authorities, or their designees, or successors in function:

(i) Assistant Secretary for Administration and Management for records of the Office of the Secretary, or where the initial refusal to correct or amend was made by another appeal authority. The appeal authority for an initial refusal by the Assistant Secretary for Administration and Management is the Under Secretary.

(ii) Assistant Secretary for Health for records of the Public Health Service including Office of Assistant Secretary for Health; Health Resources Administration; Health Services Administration; Alcohol, Drug Abuse, and Mental Health Administration; Center for Disease Control; National Institutes of Health; and Food and Drug Administration.

(iii) Assistant Secretary for Education for records of the Office of the Assistant Secretary for Education, National Center for Education Statistics, National Institute of Education, and Office of Education.

(iv) Assistant Secretary for Human Development for records of the Office of Human Development.

(v) Commissioner of Social Security for records of the Social Security Administration.

(vi) Administrator, Social and Rehabilitation Service for the records of the Social and Rehabilitation Service.

(2) An appeal will be completed within 30 working days from its receipt by the appeal authority; except that, the appeal authority may for good cause extend this period for an additional 30 days. Should the appeal period be extended, the subject individual appealing the refusal to correct or amend the record will be informed in writing of the extension and the circumstances of the delay. The subject individual's request to amend or correct the record, the responsible Department official's refusal to correct or amend, and any other pertinent material relating to the appeal will be reviewed. No hearing will be held.

(3) If the appeal authority agrees that the record subject to the appeal should be corrected or amended, the record will be amended and the subject individual will be informed in writing of the correction or amendment. Where an accounting was made of prior disclosures of the record, all previous recipients of the record will be informed of the corrective action taken.

(4) If the appeal is denied, the subject individual will be informed in writing:

(i) of the denial and the reasons for the denial;

(ii) that he has a right to seek judicial review of the denial; and,

(iii) that he may submit to the responsible Department official a concise statement of disagreement to be associated with the disputed record and disclosed whenever the record is disclosed.

(b) *Notation and disclosure of disputed records.* Whenever a subject individual submits a statement of disagreement to the responsible Department official in accordance with paragraph (a)(4)(iii) of this section, the record will be noted to indicate that it is disputed. In any subsequent disclosure, a copy of the subject individual's statement of disagreement, will be disclosed with the record. If the responsible Department official deems it appropriate, a concise statement of the appeal authority's reasons for denying the subject individual's appeal may also be disclosed with the record. While the subject individual will have access to this statement of reasons, such statement will not be subject to correction or amendment. Where an accounting was made of prior disclosures of the record, all previous recipients of the record will be provided a copy of the subject individual's statement of disagreement, as well as the statement, if any, of the appeal authority's reasons for denying the subject individual's appeal.

#### § 5b.9 Disclosure of records.

(a) *Consent to disclosure by a subject individual.*

(1) Except as provided in paragraph (b) of this section authorizing disclo-

sure of records without consent, no disclosure of a record will be made without the consent of the subject individual. In each case the consent, whether obtained from the subject individual at the request of the Department or whether provided to the Department by the subject individual on his own initiative, shall be in writing. The consent shall specify the individual, organizational unit or class of individuals or organizational units to whom the record may be disclosed, where applicable, during which time frame the record may be disclosed (e.g., during the school year, while the subject individual is out of the country, whenever the subject individual is receiving specific services). A blanket consent to disclose all of a subject individual's records to unspecified individuals or organizational units will not be honored. The subject individual's identity and, where applicable (e.g., where a subject individual gives consent to disclosure of a record to a specific individual), the identity of the individual to whom the record is to be disclosed shall be verified.

(2) A parent or guardian of any minor is not authorized to give consent to a disclosure of the minor's medical record.

(b) *Disclosures without the consent of the subject individual.*

The disclosures listed in this paragraph may be made without the consent of the subject individual. Such disclosures are:

(1) To those officers and employees of the Department who have a need for the record in the performance of their duties. The responsible Department official may upon request of any officer or employee, or on his own initiative, determine what constitutes legitimate need.

(2) Required to be disclosed under the Freedom of Information Act, 5 U.S.C. 552, and Part 5 of this title.

(3) For a routine use as defined in paragraph (j) of § 5b.1 of this Part. Routine uses will be listed in any notice of a system of records. Routine uses published in Appendix B are applicable to more than one system of records. Where applicable, notices of systems of records may contain references to the routine uses listed in Appendix B. Appendix B will be published with any compendium of notices of systems of records.

(4) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13 U.S.C.

(5) To a recipient who has provided the agency with advance written assurance that the record will be used solely as a statistical research or reporting record. *Provided*, That, the record is transferred in a form that

does not identify the subject individual.

(6) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value.

(7) To another government agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of such government agency or instrumentality has submitted a written request to the Department specifying the record desired and the law enforcement activity for which the record is sought.

(8) To an individual pursuant to a showing of compelling circumstances affecting the health or safety of any individual if a notice of the disclosure is transmitted to the last known address of the subject individual.

(9) To either House of Congress, or to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee.

(10) To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office.

(11) Pursuant to the order of a court of competent jurisdiction.

(c) *Accounting of disclosures.* (1) An accounting of all disclosures of a record will be made and maintained by the Department for 5 years or for the life of the record, whichever is longer; except that, such an accounting will not be made:

(i) for disclosures under paragraph (b) (1) and (2) of this section; and,

(ii) for disclosures made with the written consent of the subject individual.

(2) The accounting will include:

(i) the date, nature, and purpose of each disclosure; and

(ii) the name and address of the person or entity to whom the disclosure is made.

(3) Any subject individual may request access to an accounting of disclosures of a record. The subject individual shall make a request for access to an accounting in accordance with the procedures in § 5b.5 of this part. A subject individual will be granted access to an accounting of the disclosures of a record in accordance with the procedures of this part which govern access to the related record. Access to an accounting of a disclosure of a record made under paragraph (b)(7) of this section may be granted at the discre-

tion of the responsible Department official.

#### § 5b.10 Parents and guardians.

For the purpose of this part, a parent or guardian of any minor or the legal guardian or any individual who has been declared incompetent due to physical or mental incapacity or age by a court of competent jurisdiction is authorized to act on behalf of an individual or a subject individual. Except as provided in paragraph (b)(2) of § 5b.5, of this Part governing procedures for verifying an individual's identity, and paragraph (c)(2) of § 5b.6 of this part governing special procedures for notification of or access to a minor's medical records, an individual authorized to act on behalf of a minor or legal incompetent will be viewed as if he were the individual or subject individual.

#### § 5b.11 Exempt systems.

(a) *General policy.* The Act permits certain types of specific systems of records to be exempt from some of its requirements. It is the policy of the Department to exercise authority to exempt systems of records only in compelling cases.

(b) *Specific systems of records exempted.* (1) Those systems of records listed in paragraph (b)(2) of this section are exempt from the following provisions of the Act and this Part:

(i) 5 U.S.C. 552a(c)(3) and paragraph (c)(2) of § 5b.9 of this part which require a subject individual to be granted access to an accounting of disclosures of a record.

(ii) 5 U.S.C. 552a(d) (1) through (4) and (f) and §§ 5b.6, 5b.7, and 5b.8 of this part relating to notification of or access to records and correction or amendment of records.

(iii) 5 U.S.C. 552a(e)(4) (G) and (H) which require inclusion of information about Department procedures for notification, access, and correction or amendment of records in the notice for the systems of records.

(iv) 5 U.S.C. 552a(e)(3) and paragraph (a)(3) of § 5b.4 of this Part which require that an individual asked to provide a record to the Department be informed of the authority for providing the record (including whether the providing of the record is mandatory or voluntary, the principal purposes for maintaining the record, and what effect his refusal to provide the record may have on him), and if the record is not required by statute or Executive Order to be provided by the individual, he agrees to provide the record. This exemption applies only to an investigatory record compiled by the Department for criminal law enforcement purposes in a system of records exempt under subsection (j)(2) of the Act to the extent that these requirements

would prejudice the conduct of the investigation.

(2) The following systems of records are exempt from those provisions of the Act and this part listed in paragraph (b)(1) of this section.

(i) Pursuant to subsection (j)(2) of the Act:

(A) the Saint Elizabeths Hospital's Court-Ordered Forensic Investigatory Materials Files; and

(B) the Investigatory Material Compiled for Law Enforcement Purposes System, HEW.

(ii) Pursuant to subsection (k)(2) of the Act:

(A) the General Criminal Investigation Files, HEW/SSA.

(B) the Criminal Investigations File, HEW/SSA; and

(C) the Program Integrity Case Files, HEW/SSA.

(iii) Pursuant to subsection (k)(4) of the Act:

(A) the Health and Demographic Survey's Conduct in Random Samples of the U.S. Population;

(B) the Health Manpower Inventories and Surveys;

(C) the Vital Statistics for Births, Deaths, Fetal Deaths, Marriages and Divorces Occurring in the U.S. during Each Year; and,

(D) the Maryland Psychiatric Case Register.

(iv) Pursuant to subsection (k)(5) of the Act:

(A) the Investigatory Material Compiled for Security and Suitability Purposes System, HEW; and,

(B) the Suitability for Employment Records, HEW.

(v) Pursuant to subsections (j)(2), (k)(2), and (k)(5) of the Act.

(A) the Clinical Investigatory Records, HEW/FDA.

(B) the Regulated Industry Employee Enforcement Records, HEW/FDA;

(C) the Employee Conduct Investigative Records, HEW/FDA; and

(D) The Service Contractor Employee Investigative Records, HEW/FDA.

(c) *Notification of or access to records in exempt systems of records.*

(1) Where a system of records is exempt as provided in paragraph (b) of this section, any individual may nonetheless request notification of or access to a record in that system. An individual shall make requests for notification of or access to a record in an exempt system of records in accordance with the procedures of §§ 5b.5 and 5b.6 of this part.

(2) An individual will be granted notification of or access to a record in an exempt system but only to the extent such notification or access would not reveal the identity of a source who furnished the record to the Department under an express promise, and prior to September 27, 1975 an implied promise, that his identity would be held in confidence, if:

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(i) The record is in a system of records which is exempt under subsection (k)(2) of the Act and the individual has been, as a result of the maintenance of the record, denied a right, privilege, or benefit to which he would otherwise be eligible; or.

(ii) The record is in a system of records which is exempt under subsection (k)(5) of the Act.

(3) If an individual is not granted notification of or access to a record in a system of records exempt under subsections (k)(2) and (5) of the Act in accordance with this paragraph, he will be informed that the identity of a confidential source would be revealed if notification of or access to the record were granted to him.

(d) *Discretionary actions by the responsible Department official.* Unless disclosure of a record to the general public is otherwise prohibited by law, the responsible Department official may in his discretion grant notification of or access to a record in a system of records which is exempt under paragraph (b) of this section. Discretionary notification of or access to a record in accordance with this paragraph will not be a precedent for discretionary notification of or access to a similar or related record and will not obligate the responsible Department official to exercise his discretion to grant notification of or access to any other record in a system of records which is exempt under paragraph (b) of this section.

#### § 5b.12 Contractors.

(a) All contracts entered into on or after September 27, 1975 which require a contractor to maintain or on behalf of the Department to maintain, a system of records to accomplish a Department function must contain a provision requiring the contractor to comply with the Act and this part.

(b) All unexpired contracts entered into prior to September 27, 1975 which require the contractor to maintain or on behalf of the Department to maintain, a system of records to accomplish a Department function will be amended as soon as practicable to include a provision requiring the contractor to comply with the Act and this part. All such contracts must be so amended by July 1, 1976 unless for good cause the appeal authority identified in § 5b.8 of this part authorizes the continuation of the contract without amendment beyond that date.

(c) A contractor and any employee of such contractor shall be considered employees of the Department only for the purposes of the criminal penalties of the Act, 5 U.S.C. 552a(i), and the employee standards of conduct listed in Appendix A of this part where the contract contains a provision requiring the contractor to comply with the Act and this part.

(d) This section does not apply to systems of records maintained by a contractor as a result of his management discretion, e.g., the contractor's personnel records.

#### § 5b.13 Fees.

(a) *Policy.* Where applicable, fees for copying records will be charged in accordance with the schedule set forth in this section. Fees may only be charged where an individual requests that a copy be made of the record to which he is granted access. No fee may be charged for making a search of the system of records whether the search is manual, mechanical, or electronic. Where a copy of the record must be made in order to provide access to the record (e.g., computer printout where no screen reading is available), the copy will be made available to the individual without cost. Where a medical record is made available to a representative designated by the individual or to a physician or health professional designated by a parent or guardian under § 5b.6 of this Part, no fee will be charged.

(b) *Fee schedule.* The fee schedule for the Department is as follows:

(1) Copying of records susceptible to photocopying—\$ 10 per page.

(2) Copying records not susceptible to photocopying (e.g., punch cards or magnetic tapes)—at actual cost to be determined on a case-by-case basis.

(3) No charge will be made if the total amount of copying does not exceed \$25.

#### APPENDIX A

##### EMPLOYEE STANDARDS OF CONDUCT

(a) *General.* All employees are required to be aware of their responsibilities under the Privacy Act of 1974, 5 U.S.C. 552a. Regulations implementing the Act are set forth in 45 CFR 5b. Instruction on the requirements of the Act and regulation shall be provided to all new employees of the Department. In addition, supervisors shall be responsible for assuring that employees who are working with systems of records or who undertake new duties which require the use of systems of records are informed of their responsibilities. Supervisors shall also be responsible for assuring that all employees who work with such systems of records are periodically reminded of the requirements of the Act and are advised of any new provisions or interpretations of the Act.

(b) *Penalties.* (1) All employees must guard against improper disclosure of records which are governed by the Act. Because of the serious consequences of improper invasions of personal privacy employees may be subject to disciplinary action and criminal prosecution for knowing and willful violations of the Act and regulation. In addition, employees may also be subject to disciplinary action for unknowing or willful violations, where the employee had notice of the provisions of the Act and regulations and failed to inform himself sufficiently or to conduct himself in accordance with the requirements to avoid violations.

(2) The Department may be subjected to civil liability for the following actions undertaken by its employees:

(a) Making a determination under the Act and section 5b.7 and 5b.8 of the regulation not to amend an individual's record in accordance with his request, or failing to make such review in conformity of those provisions;

(b) Refusing to comply with an individual's request for notification of or access to a record pertaining to him;

(c) Failing to maintain any record pertaining to any individual with such accuracy, relevance, timeliness, and completeness as is necessary to assure fairness in any determination relating to the qualifications, character, rights, or opportunities of or benefits to the individual that may be made on the basis of such a record, and consequently a determination is made which is adverse to the individual; or

(d) Failing to comply with any other provision of the Act or any rule promulgated thereunder, in such a way as to have an adverse effect on an individual.

(3) "An employee may be personally subject to criminal liability as set forth below and in 5 U.S.C. 552a(i):"

(a) Any officer or employee of an agency, who by virtue of his employment or official position, has possession of or access to, agency records which contain individually identifiable information the disclosure of which is prohibited by the Act or by rules or regulations established thereunder, and who, knowing that disclosure of the specific material is so prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it, shall be guilty of a misdemeanor and fined not more than \$5,000.

(b) "Any officer or employee of any agency who willfully maintains a system of records without meeting the notice requirements (of the Act) shall be guilty of a misdemeanor and fined not more than \$5,000."

(c) *Rules Governing Employees Not Working With Systems of Records.* Employees whose duties do not involve working with systems of records will not generally disclose to any one, without specific authorization from their supervisors records pertaining to employees or other individuals which by reason of their official duties are available to them. Notwithstanding the above, the following records concerning Federal employees are a matter of public record and no further authorization is necessary for disclosure:

- (1) Name and title of individual
- (2) Grade classification or equivalent and annual rate of salary
- (3) Position description
- (4) Location of duty station, including room number and telephone number.

In addition, employees shall disclose records which are listed in the Department's Freedom of Information Regulation as being available to the public. Requests for other records will be referred to the responsible Department official. This does not preclude employees from discussing matters which are known to them personally and without resort to a record to official investigators of Federal agencies for official purposes such as suitability checks, Equal Employment Opportunity investigations, adverse action proceedings, grievance proceedings, etc.

(d) *Rules governing employees whose duties require use or reference to systems of records.* Employees whose official duties require that they refer to maintain, service, or otherwise deal with systems of records (hereinafter referred to as "Systems Em-

ployees") are governed by the general provisions. In addition, extra precautions are required and systems employees are held to higher standards of conduct.

(1) *Systems Employees shall:*

(a) Be informed with respect to their responsibilities under the Act;

(b) Be alert to possible misuses of the system and report to their supervisors any potential or actual use of the system which they believe is not in compliance with the act and regulation;

(c) Make a disclosure of records within the Department only to an employee who has a legitimate need to know the record in the course of his official duties;

(d) Maintain records as accurately as practicable;

(e) Consult with a supervisor prior to taking any action where they are in doubt whether such action is in conformance with the Act and regulation.

(2) *Systems Employees shall not:*

(a) Disclose in any form records from a system of records except (1) with the consent or at the request of the subject individual; or (2) where its disclosure is permitted under § 5b.9 of the regulation.

(b) Permit unauthorized individuals to be present in controlled areas. Any unauthorized individuals observed in controlled areas shall be reported to a supervisor or to the guard force.

(c) Knowingly or willfully take action which might subject the Department to civil liability.

(d) Make any arrangements for the design, development, or operation of any system of records without making reasonable effort to provide that the system can be maintained in accordance with the Act and regulation.

(e) *Contracting officers.* In addition to any applicable provisions set forth above, those employees whose official duties involve entering into contracts on behalf of the Department shall also be governed by the following provisions:

(1) *Contracts for design, or development of systems and equipment.* No contract for the design or development of a system of records, or for equipment to store, service or maintain a system of records shall be entered into unless the contracting officer has made reasonable effort to ensure that the product to be purchased is capable of being used without violation of the Act or regulation. Special attention shall be given to provision of physical safeguards.

(2) *Contracts for the operation of systems and equipment.* No contract for the design or development of a system of whom he feels appropriate, of all proposed contracts providing for the operation of systems of records shall be made prior to execution of the contracts to determine whether operation of the system of records is for the purpose of accomplishing a Department function. If a determination is made that the operation of the system is to accomplish a Department function, the contracting officer shall be responsible for including in the contract appropriate provisions to apply the provisions of the Act and regulation to the system, including prohibitions against improper release by the contractor, his employees, agents, or subcontractors.

(3) *Other service contracts.* Contracting

officers entering into general service contracts shall be responsible for determining the appropriateness of including provisions in the contract to prevent potential misuse (inadvertent or otherwise) by employees, agents, or subcontractors of the contractor.

(f) *Rules Governing Responsible Department Officials.* In addition to the requirements for Systems Employees, responsible Department officials shall:

(1) respond to all requests for notification of or access, disclosure, or amendment of records in a timely fashion in accordance with the Act and regulation;

(2) make any amendment of records accurately and in a timely fashion;

(3) inform all persons whom the accounting records show have received copies of the record prior to the amendments of the correction, and

(4) associate any statement of disagreement with the dispute record, and

(a) transmit a copy of the statement to all persons whom the accounting records show have received a copy of the disputed record, and

(b) transmit that statement with any future disclosure.

#### APPENDIX B

##### ROUTINE USES APPLICABLE TO MORE THAN ONE SYSTEM OF RECORDS MAINTAINED BY HEW

(1) In the event that a system of records maintained by this agency or carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency whether federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(2) Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, Inc.

(3) In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made of the Department of Justice for the purpose of obtaining its advice.

(4) A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license grant or other benefit.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring

or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

(5) In the event that a system of records maintained by this agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency whether state or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(6) Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

(7) Where a contract between a component of the Department and a labor organization recognized under E.O. 11491 provides that the agency will disclose personal records relevant to the organization's mission, records in this system of records may be disclosed to such organization.

(8) Where the appropriate official of the Department, pursuant to the Department's Freedom of Information Regulation determines that it is in the public interest to disclose a record which is otherwise exempt from mandatory disclosure, disclosure may be made from this system of records.

(9) The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required, to maintain Privacy Act safeguards with respect to such records.

(10)-(99) (Reserved)

(100) To the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual.

(101) To individuals and organizations, deemed qualified by the Secretary to carry out specific research solely for the purpose of carrying out such research.

(102) To organizations deemed qualified by the Secretary to carry out quality assessment, medical audits or utilization review.

(103) Disclosures in the course of employee discipline or competence determination proceedings.

#### APPENDIX C

##### DELEGATIONS OF AUTHORITY (RESERVED)

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## TITLE 21—FOOD AND DRUGS

## Chapter 1—Food and Drug Administration, Department of Health, Education, and Welfare

## PART 21—PROTECTION OF PRIVACY

## Subpart A—General Provisions

- Sec  
21.1 Scope  
21.3 Definitions  
21.10 Policy concerning records about individuals

## Subpart B—Food and Drug Administration Privacy Act Record Systems

- Sec  
21.20 Procedures for notice of Food and Drug Administration Privacy Act Record Systems  
21.21 Changes in systems and new systems.

## Subpart C—Requirements for Specific Categories of Records

- 21.30 Records of contractors  
21.31 Records stored by the General Services Administration and archival records  
21.32 Personnel records.  
21.33 Medical records.

## Subpart D—Procedures for notification and Access to Records in Privacy Act Record Systems

- 21.40 Procedures for submitting requests for notification and access  
21.41 Processing of requests  
21.42 Responses to requests  
21.43 Access to requested records.  
21.44 Verification of identity  
21.45 Fees

## Subpart E—Procedures for Requests for Amendment of Records

- 21.50 Procedures for submitting requests for amendment of records  
21.51 Responses to requests for amendment of records  
21.52 Administrative appeals of refusals to amend records  
21.53 Notation and disclosure of disputed records  
21.54 Amended or disputed records received from other agencies.

## Subpart F—Exemptions

- 21.60 Policy  
21.61 Exempt systems  
21.65 Access to records in exempt systems.

## Subpart G—Disclosure of Records in Privacy Act Record Systems to Persons Other Than the Subject Individual

- 21.70 Disclosure and intra-agency use of records in Privacy Act Record Systems: no accounting required.  
21.71 Disclosure of records in Privacy Act Record Systems: accounting required.  
21.72 Individual consent to disclosure of records to other persons  
21.73 Accuracy, completeness, timeliness, and relevance of records disclosed from Privacy Act Record Systems.  
21.74 Providing notice that a record is disputed  
21.75 Rights of legal guardians.  
AUTHORITY: Sec 201 et seq. Pub. L. 717, 52 Stat. 1040 et seq., as amended (21 U.S.C. 321 et seq.); sec. 1 et seq., Pub. L. 410, 58 Stat. 682 et seq., as amended (42 U.S.C. 201 et seq.); Pub. L. 90-23, 81 Stat. 54-56, as amended (5 U.S.C. 552); Pub. L. 93-579, 88 Stat. 1896 (5 U.S.C. 552a).  
SOURCE: 42 FR 15626 Mar 22 1977, unless otherwise noted.

## Subpart A—General Provisions

## § 21.1 Scope

(a) This part establishes procedures to implement the Privacy Act of 1974 (5 U.S.C. 552a). It applies to records about individuals that are maintained, collected, used or disclosed by the Food and Drug Administration and contained in Privacy Act Record Systems.

(b) This part does not:  
(1) Apply to Food and Drug Administration record systems that are not Privacy Act Record Systems or make available to an individual records that may include references to him but that are not retrieved by his name or other personal identifier whether or not contained in a Privacy Act Record System. Part 20 of this chapter (the public information regulations) and other regulations referred to therein determined when records are made available in such cases.

(2) Make any records available to persons other than (i) individuals who are the subjects of the records, (ii) persons accompanying such individuals under § 21.43, (iii) persons provided records pursuant to individual consent under § 21.72, or (iv) persons acting on behalf of such individuals as legal guardians under § 21.75. Part 20 of this chapter (the public information regulations) and other regulations referred to therein determine when Food and Drug Administration records are disclosable to members of the public generally. Subpart G of this part limits the provisions of Part 20 of this chapter with respect to disclosures of records about individuals from Privacy Act Record Systems to

persons other than individuals who are the subjects of the records.

(3) Make available information compiled by the Food and Drug Administration in reasonable anticipation of court litigation or formal administrative proceedings. The availability of such information to any member of the public, including any subject individual or party to such litigation or proceeding shall be governed by applicable constitutional principles, rules of discovery, and Part 20 of this chapter (the public information regulations).

(4) Apply to personnel records maintained by the Division of Personnel Management, Food and Drug Administration, except as provided in § 21.32. Such records are subject to regulations of the Civil Service Commission in 5 CFR Parts 293, 294, and 297.

## § 21.3 Definitions

As used in this part:  
(a) "Individual" means a natural living person who is a citizen of the United States or an alien lawfully admitted for permanent residence. Individual does not include sole proprietorships, partnerships, or corporations engaged in the production or distribution of products regulated by the Food and Drug Administration or with which the Food and Drug Administration has business dealings. Any such business enterprise that is identified by the name of one or more individuals is not an individual within the meaning of this part. Employees of regulated business enterprises are considered individuals. Accordingly, physicians and other health professionals who are engaged in business as proprietors of establishments regulated by the Food and Drug Administration are not considered individuals; however, physicians and other health professionals who are engaged in clinical investigations, employed by regulated enterprises, or the subjects of records concerning their own health, e.g., exposure to excessive radiation, are considered individuals. Food and Drug Administration employees, consultants, and advisory committee members, State and local officials, and consumers are considered individuals.

(b) "Records about individuals" means items, collections or groupings of information about individuals contained in Privacy Act Record Systems, including, but not limited to education, financial transactions, medical history, criminal history, or employment history that contain names or personal identifiers.

(c) "Privacy Act Record System" means a system of records about indi-

viduals under the control of the Food and Drug Administration from which information is retrieved by individual names or other personal identifiers. The term includes such a system of records whether subject to a notice published by the Food and Drug Administration, the Department, or another agency. Where records are retrieved only by personal identifiers other than individual names, a system of records is not a Privacy Act Record System if the Food and Drug Administration cannot, by reference to information under its control or by reference to records of contractors that are subject to this part under § 21.30, ascertain the identity of individuals who are the subjects of the records.

(d) "Personal identifiers" includes individual names, identifying numbers, symbols, or other identifying designations assigned to individuals. "Personal identifiers" does not include names, numbers, symbols, or other identifying designations that identify products, establishments, or actions.

(e) "Personnel records" means any personal information maintained in a Privacy Act Record System that is needed for personnel management programs or processes such as staffing, employee development, retirement, and grievances and appeals.

(f) "Department" means Department of Health, Education, and Welfare.

## § 21.10 Policy concerning records about individuals.

Information about individuals in Food and Drug Administration records shall be collected, maintained, used, and disseminated so as to protect the right to privacy of the individual to the fullest possible extent consistent with laws relating to disclosure of information to the general public, the law enforcement responsibilities of the agency, and administrative and program management needs.

## Subpart B—Food and Drug Administration Privacy Act Record Systems

## § 21.20 Procedures for notice of Food and Drug Administration Privacy Act Record Systems.

(a) The Food and Drug Administration shall issue in the Federal Register on or before August 30 of each year a notice concerning each Privacy Act Record System as defined in § 21.3(c) that is not covered by a notice published by the Department, the Civil Service Commission, or another agency.

(b) The notice shall include the following information:

- (1) The name and location(s) of the system.
- (2) The categories of individuals about whom records are maintained in the system.

(3) The categories of records maintained in the system.

(4) The authority for the system.  
(5) Each routine use of the records contained in the system (i.e., use outside the Department of Health, Education, and Welfare that is compatible with the purpose for which the records were collected and described in the notice) including the categories of users and the purposes of such use.

(6) The policies and practices of the Food and Drug Administration regarding storage, retrievability (i.e., how the records are indexed and what intra-agency uses are made of the records), access controls, retention, and disposal of the records in that system.

(7) The title and business address of the official who is responsible for the system of records.

(8) The notification procedure, i.e., the address of the FDA Privacy Coordinator, whom any individual can contact to seek notification whether the system contains a record about him.

(9) The record access and contest procedures, which shall be the same as the notification procedure except that a reference shall be included to any exemption from access and contest.

(10) Where any records in the system are subject to an exemption under § 21.61, a reference to this exemption.

(11) The categories of sources of records in the system.

## § 21.21 Changes in systems and new systems.

(a) The Food and Drug Administration shall notify the designated Department official, the Office of Management and Budget (Information Systems Division), and the Congress of proposals to change or establish Privacy Act Record Systems in accordance with procedures of the Department and the Office of Management and Budget.

(b) The Food and Drug Administration shall issue a notice, in accordance with paragraph (d) of this section and § 21.20(b), of any change in a Privacy Act Record System which:

- (1) Increases the number or types of individuals about whom records are maintained;
- (2) Expands the type or amount of information about individuals that is maintained;
- (3) Increases the number of categories of agencies or other persons who may have access to those records;
- (4) Alters the manner in which the records are organized so as to change the nature or scope of those records, such as the combining of two or more existing systems;
- (5) Modifies the way in which the system operates or its location(s) in a manner that alters the process by which individuals can exercise their rights under this part, such as the

ways in which they seek access or request amendment of a record; or

(6) Changes the equipment configuration on which the system is operated so as to create the potential for greater access, such as adding a telecommunications capability.

(c) The Food and Drug Administration shall issue a notice of its intention to establish new Privacy Act Record Systems in accordance with paragraph (d) of this section and § 21.20(b).

(d) Notices under paragraphs (b) and (c) of this section shall be published in the Federal Register for comment at least 30 days prior to implementation of the proposed changes or establishment of new systems. Interested persons shall have the opportunity to submit written data, views, or arguments on such proposed new uses or systems.

## Subpart C—Requirements for Specific Categories of Records

## § 21.30 Records of contractors.

(a) Systems of records that are required to be operated, or as a matter of practical necessity must be operated, by contractors to accomplish Food and Drug Administration functions, from which information is retrieved by individual names or other personal identifiers, may be subject to the provisions of this part. If the contract is agreed to on or after September 27, 1975, the criminal penalties set forth in 5 U.S.C. 552a(i) are applicable to such contractor, and any employee of such contractor, for disclosures prohibited in § 21.71 or for maintenance of a system of records without notice as required in § 21.20.

(b) A contract is considered to accomplish a Food and Drug Administration function if the proposal or activity it supports is principally operated on behalf of and is under the direct management of the Food and Drug Administration. Systems of records from which information is retrieved by individual names or other personal identifiers and that are operated under contracts to accomplish Food and Drug Administration functions are deemed to be maintained by the agency and shall be subject to the procedures and requirements of this part.

(c) A contract is not considered to accomplish a Food and Drug Administration function if the program or activity it supports is not principally operated on behalf of, or is not under the direct management of, the Food and Drug Administration. For example, this part does not apply to systems of records:

- (1) Operated under contract with the Food and Drug Administration by State or local government agencies, or organizations representing such agencies, when such agencies or organizations are also performing State or local government functions.



(2) Operated by contractors with the Food and Drug Administration by individuals or organizations whose primary function is delivery of health services, such as hospitals, physicians, pharmacists, and other health professionals, and that report information concerning products, e.g., injuries or product defects, to the Food and Drug Administration. Before such contractors submit information to the Food and Drug Administration, the names and other personal identifiers of patients or research subjects in any medical or similar report, test, study, or other research project shall be deleted, unless the contract provides otherwise. If the Food and Drug Administration subsequently needs the names of such individuals, a separate request will be made.

(3) Relating to individuals whom the contractor employs, or with whom the contractor otherwise deals, in the course of providing goods and services to the Food and Drug Administration.

(4) Operated under grants.

(d) The requirements of this part shall apply when a contractor who operates a system of records not subject to this part reports to the Food and Drug Administration information that is a system of records about individuals from which personal information is retrieved by names or other personal identifiers. Where the information would be a new Privacy Act Record System, or a change in an existing Privacy Act Record System of a type described in § 21.21, the Food and Drug Administration shall comply with the requirements of § 21.21.

(e) The Food and Drug Administration will review all contracts before award to determine whether operation of a system from which information is retrieved by individual names or other personal identifiers will be required of the contractor, by the terms of the contract or as a matter of practical necessity. If such operation will be required, the solicitation and contract shall include the following clause, or a clause of similar effect:

Whenever the contractor or any of his employees is required by this contract to operate a system of records from which information is retrieved by individual names or other personal identifiers in order to accomplish a Food and Drug Administration function, the contractor and every employee is considered to be an employee of the Food and Drug Administration and shall operate such system of records in accordance with the Privacy Act of 1974 (5 U.S.C. 552a), regulations of the Food and Drug Administration in 21 CFR Part 21, and rules of conduct that apply to Food and Drug Administration employees who work with such systems of records. The contractor and his employees are subject to the criminal penalties set forth in 5 U.S.C. 552a(i) for violations of the Privacy Act.

§ 21.31 Records stored by the General Services Administration and archival records.

(a) Food and Drug Administration records that are stored, processed, and serviced by the General Services Administration in accordance with 44 U.S.C. 3103 shall be considered to be maintained by the Food and Drug Administration. The General Services Administration shall not disclose the record except to authorized Food and Drug Administration employees.

(b) Each Food and Drug Administration record pertaining to an identifiable individual that was transferred to the National Archives of the United States as a record determined by the National Archives to have sufficient historical or other value to warrant its continued preservation shall be considered to be maintained by the National Archives and shall not be subject to the provisions of this part.

#### 21.32 Personnel records.

(a) Present and former Food and Drug Administration employees desiring access to personnel records about themselves should consult system notices applicable to the agency's personnel records that are published by the Civil Service Commission and the Department as well as any notice issued by the Food and Drug Administration.

(b)(1) The procedures of the Civil Service Commission at 5 CFR Parts 293, 294, and 297, rather than the procedures in § 21.33 and Subparts D through F of this part, govern systems of personnel records about Food and Drug Administration employees that are subject to notices published by the Commission, i.e., systems that:

(i) The Commission maintains.

(ii) Are maintained by the Division of Personnel Management, Food and Drug Administration.

(iii) Are maintained by Department Regional Offices, concerning field employees.

(2) The Commission's procedures may, if necessary, be supplemented in the Food and Drug Administration Staff Manual Guide. Current Food and Drug Administration employees should mail or deliver written requests under the Privacy Act for access to personnel records described in this paragraph to the Commission in accordance with 5 CFR 297.106, the Director, Division of Personnel Management (HFA-400), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, or the personnel officer in the servicing HEW Regional Personnel Office. An employee may consult with or direct his request to the FDA Privacy Coordinator (HFC-18). Requests for access to personnel records of former employees that are located in Federal records centers should be directed to the Commission. Requests under the Privacy Act for

amendment of personnel records should be directed to these same officials who are responsible for access to personnel records under this paragraph.

(3) With respect to records subject to paragraph (b)(1) of this section:

(i) Refusal to grant access to a record or refusal to amend a record upon request of an employee, shall only be made by the Associate Commissioner for Administration or his designate; and

(ii) Appeals of refusals under paragraph (b)(3)(i) of this section may be made to the Civil Service Commission in accordance with 5 CFR 297.108(g)(3) and 297.113(b).

(c) Any other Privacy Act Record Systems that contain personnel records, or records that otherwise concern agency employees, that are maintained by offices of the Food and Drug Administration rather than the Division of Personnel Management but which are not subject to the Department's notice for personnel records in operating offices are subject to this part, except that refusals under this part to grant access to or amend records about present or former employees shall be made by the Associate Commissioner for Administration rather than the Associate Commissioner for Compliance.

(d) The following procedures shall govern requests under the Privacy Act for personnel records that are maintained by the operating offices of the Food and Drug Administration in which employees work:

(1) An employee shall upon request be told whether records about him are maintained. An employee shall be given access to records about himself that are subject to this paragraph in response to an oral or written request and through informal procedures, rather than the procedures specified in §§ 21.40 through 21.43.

(2) Employee identity may be verified, if necessary, by an FDA ID card rather than in accordance with § 21.44.

(3) Generally no fee shall be charged for records requested under this paragraph. However, in cases where the records requested are voluminous, a fee may be charged in accordance with § 21.45.

(4) Records that are subject to this paragraph shall be available for access to an individual, except to the extent that access is refused by the Associate Commissioner for Administration or his designate on the ground that the record is subject to an exemption under § 21.61 or 5 CFR 297.111.

(5) Requests under the Privacy Act for amendment of records subject to this paragraph should be directed to the Director, Division of Personnel Management (HFA-400). Such requests shall be reviewed in accordance with Subpart E of this part. Refusal to

amend a record subject to this paragraph (d)(5) shall only be made by the Associate Commissioner for Administration or his designate.

(6) Appeals of refusals under paragraph (d)(4) or (5) of this section may be made to the Commissioner of Food and Drugs, except where the Associate Commissioner for Administration or his designate indicates with his refusal that the appeal should be made to the Civil Service Commission.

(7) Disclosures of records subject to this paragraph are subject to Subpart G of this part.

#### § 21.33 Medical records.

(a) In general, an individual is entitled to have access to any medical records about himself in Privacy Act Record Systems maintained by the Food and Drug Administration.

(b) The Food and Drug Administration may apply the following special procedures in disclosing medical records to an individual:

(1) The agency may review the records to determine whether disclosure of the record to the individual who is the subject of the records might have an adverse effect on him. If it is determined that disclosure is not likely to have an adverse effect on the individual, the record shall be disclosed to him. If it is determined that disclosure is very likely to have an adverse effect on the individual, he may be requested to designate, in writing, a representative to whom the record shall be disclosed. Such representative may be a physician, other health professional, or other responsible person who would be willing to review the record and discuss it with the individual.

(2) The availability of the record may be subject to any procedures for disclosure to an individual of medical records about himself under Part 20 of this chapter, in addition to or in lieu of the procedures in paragraph (b)(1), that are not inconsistent with § 21.41(f).

#### Subpart D—Procedures for Notification of and Access to Records in Privacy Act Record Systems

##### § 21.40 Procedures for submitting requests for notification and access.

(a) An individual may request that the Food and Drug Administration notify him whether a Privacy Act Record System contains records about him that are retrieved by reference to his name or other personal identifier. An individual may at the same time, or after receiving notification that such a record about him exists, request that he be given access to the record.

(b) An individual desiring notification or access to records shall mail or deliver a request for records in any

Food and Drug Administration Privacy Act Record System to the FDA Privacy Coordinator (HFC-18), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

(c) Requests shall be in writing and shall name the Privacy Act Record System or Systems concerning which the individual requests notification of whether there are records about him that are retrieved by reference to his name or other personal identifier. To help assure a prompt response, an individual should indicate that he is making a "Privacy Act Request" on the envelope and in a prominent manner in the letter.

(d) An individual who merely wishes to be notified whether a Privacy Act Record System contains a record about him ordinarily need not provide any verification of his identity other than his name. The mere fact that the Food and Drug Administration has a record about an individual in any of its Privacy Act Records Systems would not be likely to constitute a clearly unwarranted invasion of personal privacy. Where mere disclosure of the fact that a record about the individual exists would be a clearly unwarranted invasion of personal privacy, further verification of the identity of the individual shall be required.

(e) An individual who requests that he be given access to a copy of records about himself, if any exist, would indicate whether he prefers (1) to have copies of any such records mailed to him in accordance with § 21.43(a)(1), which may involve a fee under § 21.45, including information to verify his identity under § 21.44 or (2) to use the procedures for access in person under § 21.43(a)(2).

(f) A request for notification and access may be submitted under this subpart concerning any Privacy Act Record System that is exempt under § 21.61, as indicated in the notice for the system. An individual seeking access to records under § 21.65(b)(2) to investigatory records compiled for law enforcement purposes other than criminal law enforcement purposes should submit a description of the right, benefit, or privilege that he believes he was denied as the result of the Food and Drug Administration's maintenance of the records. Where the system is exempt under § 21.61, and access to the requested records is not granted under § 21.65, the request shall be handled under their provisions of Part 20 of this chapter (the public information regulations).

(g) The Public Records and Documents Center shall maintain and make available copies of the forms (OP-203, Privacy Act Request forms) to assist individuals in filing requests under § 21.40.

##### § 21.41 Processing of requests.

(a) An individual or his guardian under § 21.75 shall not be required to

show any justification or need to obtain notification under § 21.42 or access to a record under § 21.43.

(b) The Food and Drug Administration will determine whether a request by an individual for record about himself is appropriately treated as a request under this subpart, or under the provisions of Part 20 of this chapter (the public information regulations), or both. Where appropriate, the Food and Drug Administration will consult with the individual concerning the appropriate treatment of the request.

(c) The FDA Privacy Coordinator (HFC-18) in the Public Records and Documents Center shall be responsible for the handling of Privacy Act requests received by the Food and Drug Administration. Requests mailed or delivered to any other office shall be promptly redirected to the FDA Privacy Coordinator. Where this procedure would unduly delay the agency's response, however, the agency employee who received the request should consult with the FDA Privacy Coordinator and obtain advice as to whether the employee can respond to the request directly.

(d) Upon receipt of a request by the FDA Privacy Coordinator, a record shall promptly be made that a request has been received and the date.

(e) A letter in accordance with § 21.42 responding to the request for notification shall issue as promptly as possible after receipt of the request by the Food and Drug Administration. Upon determination by the Public Records and Documents Center that a request for access to records is appropriately treated as a request under Part 20 rather than this Part 21, or under both parts, the time limitations prescribed in § 21.41 of this chapter shall apply. In any case, access to available records shall be provided as promptly as possible.

(f) Except as provided in § 21.32, an individual's access to records about himself that are retrieved by his name or other personal identifiers and contained in any Privacy Act Record System may only be denied by the Associate Commissioner for Compliance or his designate. An individual shall not be denied access to any record that is otherwise available to him under this part except on the grounds that it is exempt under § 21.61 and not required to be disclosed under § 21.65(a)(2), that it was compiled in reasonable anticipation of court litigation of formal administrative proceedings, or to the extent that it is exempt or prohibited from disclosure because it includes a trade secret or commercial or financial information that is privileged or confidential information the disclosure of which would constitute a clearly unwarranted invasion of the personal privacy of another individual.

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(g) The FDA Privacy Coordinator shall assure that records are maintained of the number, status, and disposition of requests under this subpart, including the number of requests for records exempt from access under this subpart and other information required for purposes of the annual report to Congress under the Privacy Act. These temporary administrative management records shall not be considered to be Privacy Act Record Systems. All records required to be kept under this paragraph shall only include requesting individuals' names or personal identifiers for so long as any request for notification access, or amendment is pending. The identity of individuals making requests under this subpart shall be regarded as confidential and shall not be disclosed under Part 20 of this chapter (the public information regulations) to any other person or agency except as is necessary for the processing of requests under this subpart.

#### § 21.42 Responses to requests.

(a) The FDA shall respond to an individual's request for notification as to whether a Privacy Act Record System contains records about him that are retrieved by his name or other personal identifier by sending a letter under this paragraph.

(1) If there are no records about the individual that are retrieved by his name or other personal identifier in the named Privacy Act Record System, or the requester is not an "individual" under § 21.3(a), the letter shall so state. Where appropriate, the letter shall indicate that the Food and Drug Administration's public information regulations in Part 20 of this chapter prescribe general rules governing the availability of information to members of the public, and that a request may be made in accordance with Part 20 of this chapter for records that are not retrieved by the requester's name or other personal identifier from a Privacy Act Record System.

(2) If there are records about the individual that are retrieved by his name or other personal identifier and the named Privacy Act Record System is not exempt from individual access and contest under § 21.61, or the system is exempt but access is allowed or required under § 21.65, the letter shall inform him that the records exist and shall either:

(i) Enclose a copy of the records under § 21.43(a)(1) or indicate that the records will be sent under separate cover, where there has been adequate verification of the identity of the individual under § 21.44 and the fees under § 21.45 do not exceed \$25, or

(ii) Inform the individual of the procedures to obtain access to the records by mail or in person under

§ 21.43(a)(2), as well as the approximate dates by which the requested records can be provided (if the records are not then available), the locations at which access in person may be had, and the information needed, if any, to verify the identity of the individual under § 21.44.

(3) If the named Privacy Act Record System contains records about the individual that are retrieved by his name or other personal identifier, and the system is exempt from individual access and contest under § 21.61 and access is not allowed or required under § 21.65, the letter should inform him that the records are exempted from access and contest by § 21.61. The letter shall also inform him if the records sought are not available because they were compiled in reasonable anticipation of court litigation or formal administrative proceedings or are otherwise not available under § 21.41(b). Where appropriate, the letter shall also indicate whether the records are available under Part 20 of this chapter (the public information regulations), and it may disclose the records in accordance with Part 20.

(4) If the named Privacy Act Record System contains records about the individual that are retrieved by his name or other personal identifier, but a final determination has not yet been made with respect to disclosure of all of the records covered by the request, e.g., because it is necessary to consult another person or agency having an interest in the confidentiality of the records, the letter shall explain the circumstances and indicate when a final answer will be given.

(b) Except as provided in § 21.32, access to a record may only be denied by the Associate Commissioner for Compliance or his designate. If access to any record is denied, wholly or in substantial part, the letter shall state the right of the individual to appeal to the Commissioner of Food and Drugs.

(c) If a request for a copy of the records will result in a fee of more than \$25, the letter shall specify or estimate the fee involved. Where the individual has requested a copy of any records about him and copying the records would result in a fee of over \$50, the Food and Drug Administration shall require advance deposit as well as payment of any amount not yet received as a result of any previous request by the individual for a record about himself, under this subpart or Part 20 of this chapter (the public information regulations) before the records are made available. If the fee is less than \$50, prepayment shall not be required unless payment has not yet been received for records disclosed as a result of a previous request by the individual for a record about himself under this subpart or Part 20 of this chapter.

#### § 21.43 Access to requested records.

(a) Access may be granted to requested records by:

(1) Mailing a copy of the records to the requesting individual, or

(2) Permitting the requesting individual to review the record in person between 8 a.m. and 4:30 p.m. at the office of the FDA Privacy Coordinator, at the Public Records and Documents Center at the address shown in § 20.30 of this chapter, or at any Food and Drug Administration field office listed in § 5.115 of this chapter, or at another location or time upon which the Food and Drug Administration and the individual agree. Arrangements for such review can be made by consultation between the FDA Privacy Coordinator and the individual. An individual seeking to review records in person shall generally be permitted access to the file copy, except that where the records include nondisclosable information, a copy shall be made of that portion of the records, with the nondisclosable information blocked out. Where the individual is not given a copy of the record to retain, no charge shall be made for the costs of copying a record to make it available to an individual who reviews a record in person under this paragraph.

(b) An individual may request that a record be disclosed to or discussed in the presence of another individual, such as an attorney. The individual may be required to furnish a written statement authorizing the disclosure or discussion in such other individual's presence.

(c) The Food and Drug Administration will make every reasonable effort to assure that records made available under this section can be understood by the individual, such as by providing an oral or written explanation of the records.

#### § 21.44 Verification of identity.

(a) An individual seeking access to records in a Privacy Act Record System may be required to comply with reasonable requirements to enable the Food and Drug Administration to determine his identity. The identification required shall be suitable considering the nature of the records sought. No identification shall be required to receive access to information that is required to be disclosed to any member of the public under Part 20 of this chapter (the public information regulations).

(b) An individual who appears in person for access to records about himself shall be required to provide at least one document to identify himself, e.g., driver's license, passport, or alien or voter registration card to verify his identity. If an individual does not have any such document or requests access to records about himself without appearing in person under

circumstances in which his identity cannot be verified from the request itself, he shall be required to certify in writing that he is the individual he claims to be and that he understands that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense subject to a \$5,000 fine.

(c) In making requests under § 21.75, a parent of a minor child or legal guardian of an incompetent individual may be required to verify his relationship to the minor child or the incompetent individual, in addition to verifying his own identity, by providing a copy of the minor's birth certificate, a court order, or other evidence of guardianship.

(d) Where an individual seeks access to particularly sensitive records, such as medical records, the individual may be required to provide additional information beyond that specified in paragraph (b) or (c) of this section, such as the individual's years of attendance at a particular educational institution, rank attained in the uniformed services, date or place of birth, names of parents, an occupation, or the specific times the individual received medical treatment.

#### § 21.45 Fees.

(a) Where applicable, fees for copying records shall be charged in accordance with the schedule set forth in this section. Fees may only be charged where an individual has requested that a copy be made of a record to which he is granted access. No fee may be charged for making a search of a Privacy Act Record System whether the search is manual, mechanical, or electronic. Where a copy of the record must be made to provide access to the record, e.g., computer printout where no screen reading is available, the copy shall be made available to the individual without cost. Where a medical record is made available to a representative designated by the individual under § 21.33, no fee will be charged.

(b) The fee schedule is as follows:

(1) Copying of records susceptible to photocopying—\$.10 per page.

(2) Copying of records not susceptible to photocopying, e.g., punch cards or magnetic tapes—at actual cost to be determined on a case-by-case basis.

(3) No charge will be made if the total amount of copying for an individual does not exceed \$25.

(c) When a fee is to be assessed, the individual shall be notified prior to the processing of the copies, and be given an opportunity to amend his request. Payment shall be made by check or money order made payable to the "Food and Drug Administration" and shall be sent to the Accounting Operations Branch (HFA-210), Food and Drug Administration, 5600 Fishers

Lane, Rockville, MD 20857. Advance deposit shall be required where the total amount exceeds \$50.

#### Subpart E—Procedures for Requests for Amendment of Records

##### § 21.50 Procedures for submitting requests for amendment of records.

(a) An individual who received access to a record about himself under Subpart D of this part may request that the record be amended if he believes that the record or an item of information is not accurate, relevant to a Food and Drug Administration purpose, timely, or complete.

(b) Amendments under this subpart shall not violate existing statute, regulation, or administrative procedure.

(1) This subpart does not permit alteration of evidence presented in the course of judicial proceedings or Food and Drug Administration adjudicatory or rule making proceedings or collateral attack upon that which has already been the subject of any such proceedings.

(2) If the accuracy, relevancy, timeliness, or completeness of the records may be contested in any other pending or imminent agency proceeding, the Food and Drug Administration may refer the individual to the other proceeding as the appropriate means to obtain relief. If the accuracy, relevance, timeliness, or completeness of a record is, or has been, an issue in another agency proceeding, the request under this section shall be disposed of in accordance with the decision in the other proceeding, absent unusual circumstances.

(c) Requests to amend records shall be submitted in writing, to the FDA Privacy Coordinator in accordance with § 21.40(b). Such requests shall include information sufficient to enable the Food and Drug Administration to locate the record, a brief description of the items of information requested to be amended and the reasons why the record should be amended together with any appropriate documentation or arguments in support of the requested amendment. An edited copy of the record showing the described amendment may be included. Verification of identity should be provided in accordance with § 21.44.

(d) Written acknowledgement to the receipt of a request to amend a record shall be provided within 10 working days to the individual who requested the amendment. Such acknowledgement may request any additional information needed to verify identity or make a determination. No acknowledgement need be made if the request can be reviewed, processed, and the individual notified of the agency's agreement with the request or refusal within the 10-day period.

##### § 21.51 Responses to requests for amendment of records.

(a) The Food and Drug Administration shall take one of the following actions on the request for amendment of records as promptly as possible:

(1) Amend any portion of the record which the agency has determined, based upon a preponderance of the evidence, is not accurate, relevant to a Food and Drug Administration purpose, timely, or complete, and, in accordance with paragraph (d)(3) of this section, inform the individual and previous recipients of the record that has been amended of the amendment.

(2) Inform the individual of its refusal to amend any portion of the record in the manner requested, the reason for the refusal, and the opportunity for administrative appeal to the Commissioner of Food and Drugs. Except as provided in § 21.32, such refusal may only be issued by the Associate Commissioner for Compliance or his designate.

(3) Where another agency was the source of and has control of the record, refer the request to that agency.

(b) The agency may, for good cause, extend the period for taking action an additional 30 working days if notice is provided to the individual explaining the circumstances of the delay.

(c) The officials charged with reviewing a record to determine how to respond to a request to amend it, shall assess its accuracy, relevance to a Food and Drug Administration purpose, timeliness, or completeness. The determination shall be made in the light of the purpose for which the records or system is used, the agency's need for the record, and the possible adverse consequences to the individual from the record if not amended. Whenever the Food and Drug Administration receives a request for deletion of a record, or portions of a record, it shall consider anew whether the contested information in the record is relevant and necessary to a Food and Drug Administration purpose.

(d) If the Food and Drug Administration agrees with an individual's request, it shall take the following actions:

(1) So inform the individual in writing.

(2) In accordance with statute, regulation, or procedure, amend the record to make it accurate, relevant to a Food and Drug Administration purpose, timely, or complete, making note of the date and fact of the amendment.

(3) If an accounting was made under § 21.71(d) of a disclosure of the record under § 21.71(a), provide a copy of the record as amended, to all previous recipients of the record.

##### § 21.52 Administrative appeals of refusals to amend records.

(a) If an individual disagrees with a refusal under § 21.51(a)(2) to amend a



(k) The FDA Privacy Coordinator shall assure that records are maintained of the number, status, and disposition of requests under this subpart, including the number of requests for records exempt from access under this subpart and other information required for purposes of the annual report to Congress under the Privacy Act. These temporary administrative management records shall not be considered to be Privacy Act Record Systems. All records required to be kept under this paragraph shall only include requesting individuals' names or personal identifiers for so long as any request for notification access, or amendment is pending. The identity of individuals making requests under this subpart shall be regarded as confidential and shall not be disclosed under Part 20 of this chapter (the public information regulations) to any other person or agency except as is necessary for the processing of requests under this subpart.

#### § 21.42 Responses to requests.

(a) The FDA shall respond to an individual's request for notification as to whether a Privacy Act Record System contains records about him that are retrieved by his name or other personal identifier by sending a letter under this paragraph.

(1) If there are no records about the individual that are retrieved by his name or other personal identifier in the named Privacy Act Record System, or the requester is not an "individual" under § 21.3(a), the letter shall so state. Where appropriate, the letter shall indicate that the Food and Drug Administration's public information regulations in Part 20 of this chapter prescribe general rules governing the availability of information to members of the public, and that a request may be made in accordance with Part 20 of this chapter for records that are not retrieved by the requester's name or other personal identifier from a Privacy Act Record System.

(2) If there are records about the individual that are retrieved by his name or other personal identifier and the named Privacy Act Record System is not exempt from individual access and contest under § 21.61, or the system is exempt but access is allowed or required under § 21.65, the letter shall inform him that the records exist and shall either:

(i) Enclose a copy of the records under § 21.43(a)(1) or indicate that the records will be sent under separate cover, where there has been adequate verification of the identity of the individual under § 21.44 and the fees under § 21.45 do not exceed \$25, or

(ii) Inform the individual of the procedures to obtain access to the records by mail or in person under

§ 21.43(a)(2), as well as the approximate dates by which the requested records can be provided (if the records are not then available), the locations at which access in person may be had, and the information needed, if any, to verify the identity of the individual under § 21.44.

(3) If the named Privacy Act Record System contains records about the individual that are retrieved by his name or other personal identifier, and the system is exempt from individual access and contest under § 21.61 and access is not allowed or required under § 21.65, the letter should inform him that the records are exempted from access and contest by § 21.61. The letter shall also inform him if the records sought are not available because they were compiled in reasonable anticipation of court litigation or formal administrative proceedings or are otherwise not available under § 21.41(b). Where appropriate, the letter shall also indicate whether the records are available under Part 20 of this chapter (the public information regulations), and it may disclose the records in accordance with Part 20.

(4) If the named Privacy Act Record System contains records about the individual that are retrieved by his name or other personal identifier, but a final determination has not yet been made with respect to disclosure of all of the records covered by the request, e.g., because it is necessary to consult another person or agency having an interest in the confidentiality of the records, the letter shall explain the circumstances and indicate when a final answer will be given.

(b) Except as provided in § 21.32, access to a record may only be denied by the Associate Commissioner for Compliance or his designate. If access to any record is denied, wholly or in substantial part, the letter shall state the right of the individual to appeal to the Commissioner of Food and Drugs.

(c) If a request for a copy of the records will result in a fee of more than \$25, the letter shall specify or estimate the fee involved. Where the individual has requested a copy of any records about him and copying the records would result in a fee of over \$50, the Food and Drug Administration shall require advance deposit as well as payment of any amount not yet received as a result of any previous request by the individual for a record about himself, under this subpart or Part 20 of this chapter (the public information regulations) before the records are made available. If the fee is less than \$50, prepayment shall not be required unless payment has not yet been received for records disclosed as a result of a previous request by the individual for a record about himself under this subpart or Part 20 of this chapter.

#### § 21.43 Access to requested records.

(a) Access may be granted to requested records by:

(1) Mailing a copy of the records to the requesting individual, or

(2) Permitting the requesting individual to review the record in person between 8 a.m. and 4:30 p.m. at the office of the FDA Privacy Coordinator, at the Public Records and Documents Center at the address shown in § 20.30 of this chapter, or at any Food and Drug Administration field office listed in § 5.115 of this chapter, or at another location or time upon which the Food and Drug Administration and the individual agree. Arrangements for such review can be made by consultation between the FDA Privacy Coordinator and the individual. An individual seeking to review records in person shall generally be permitted access to the file copy, except that where the records include nondisclosable information, a copy shall be made of that portion of the records, with the nondisclosable information blocked out. Where the individual is not given a copy of the record to retain, no charge shall be made for the costs of copying a record to make it available to an individual who reviews a record in person under this paragraph.

(b) An individual may request that a record be disclosed to or discussed in the presence of another individual, such as an attorney. The individual may be required to furnish a written statement authorizing the disclosure or discussion in such other individual's presence.

(c) The Food and Drug Administration will make every reasonable effort to assure that records made available under this section can be understood by the individual, such as by providing an oral or written explanation of the records.

#### § 21.44 Verification of identity.

(a) An individual seeking access to records in a Privacy Act Record System may be required to comply with reasonable requirements to enable the Food and Drug Administration to determine his identity. The identification required shall be suitable considering the nature of the records sought. No identification shall be required to receive access to information that is required to be disclosed to any member of the public under Part 20 of this chapter (the public information regulations).

(b) An individual who appears in person for access to records about himself shall be required to provide at least one document to identify himself, e.g., driver's license, passport, or alien or voter registration card to verify his identity. If an individual does not have any such document or requests access to records about himself without appearing in person under

circumstances in which his identity cannot be verified from the request itself, he shall be required to certify in writing that he is the individual he claims to be and that he understands that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense subject to a \$5,000 fine.

(c) In making requests under § 21.75, a parent of a minor child or legal guardian of an incompetent individual may be required to verify his relationship to the minor child or the incompetent individual, in addition to verifying his own identity, by providing a copy of the minor's birth certificate, a court order, or other evidence of guardianship.

(d) Where an individual seeks access to particularly sensitive records, such as medical records, the individual may be required to provide additional information beyond that specified in paragraph (b) or (c) of this section, such as the individual's years of attendance at a particular educational institution, rank attained in the uniformed services, date or place of birth, names of parents, an occupation, or the specific times the individual received medical treatment.

#### § 21.45 Fees.

(a) Where applicable, fees for copying records shall be charged in accordance with the schedule set forth in this section. Fees may only be charged where an individual has requested that a copy be made of a record to which he is granted access. No fee may be charged for making a search of a Privacy Act Record System whether the search is manual, mechanical, or electronic. Where a copy of the record must be made to provide access to the record, e.g., computer printout where no screen reading is available, the copy shall be made available to the individual without cost. Where a medical record is made available to a representative designated by the individual under § 21.33, no fee will be charged.

(b) The fee schedule is as follows:

(1) Copying of records susceptible to photocopying—\$.10 per page.

(2) Copying of records not susceptible to photocopying, e.g., punch cards or magnetic tapes—at actual cost to be determined on a case-by-case basis.

(3) No charge will be made if the total amount of copying for an individual does not exceed \$25.

(c) When a fee is to be assessed, the individual shall be notified prior to the processing of the copies, and be given an opportunity to amend his request. Payment shall be made by check or money order made payable to the "Food and Drug Administration" and shall be sent to the Accounting Operations Branch (HFA-210), Food and Drug Administration, 5600 Fishers

Lane, Rockville, MD 20857. Advance deposit shall be required where the total amount exceeds \$50.

#### Subpart E—Procedures for Requests for Amendment of Records

##### § 21.50 Procedures for submitting requests for amendment of records.

(a) An individual who received access to a record about himself under Subpart D of this part may request that the record be amended if he believes that the record or an item of information is not accurate, relevant to a Food and Drug Administration purpose, timely, or complete.

(b) Amendments under this subpart shall not violate existing statute, regulation, or administrative procedure.

(1) This subpart does not permit alteration of evidence presented in the course of judicial proceedings or Food and Drug Administration adjudicatory or rule making proceedings or collateral attack upon that which has already been the subject of any such proceedings.

(2) If the accuracy, relevancy, timeliness, or completeness of the records may be contested in any other pending or imminent agency proceeding, the Food and Drug Administration may refer the individual to the other proceeding as the appropriate means to obtain relief. If the accuracy, relevance, timeliness, or completeness of a record is, or has been, an issue in another agency proceeding, the request under this section shall be disposed of in accordance with the decision in the other proceeding, absent unusual circumstances.

(c) Requests to amend records shall be submitted in writing, to the FDA Privacy Coordinator in accordance with § 21.40(b). Such requests shall include information sufficient to enable the Food and Drug Administration to locate the record, a brief description of the items of information requested to be amended and the reasons why the record should be amended together with any appropriate documentation or arguments in support of the requested amendment. An edited copy of the record showing the described amendment may be included. Verification of identity should be provided in accordance with § 21.44.

(d) Written acknowledgement to the receipt of a request to amend a record shall be provided within 10 working days to the individual who requested the amendment. Such acknowledgement may request any additional information needed to verify identity or make a determination. No acknowledgement need be made if the request can be reviewed, processed, and the individual notified of the agency's agreement with the request or refusal within the 10-day period.

##### § 21.51 Responses to requests for amendment of records.

(a) The Food and Drug Administration shall take one of the following actions on the request for amendment of records as promptly as possible:

(1) Amend any portion of the record which the agency has determined, based upon a preponderance of the evidence, is not accurate, relevant to a Food and Drug Administration purpose, timely, or complete, and, in accordance with paragraph (d)(3) of this section, inform the individual and previous recipients of the record that has been amended of the amendment.

(2) Inform the individual of its refusal to amend any portion of the record in the manner requested, the reason for the refusal, and the opportunity for administrative appeal to the Commissioner of Food and Drugs. Except as provided in § 21.32, such refusal may only be issued by the Associate Commissioner for Compliance or his designate.

(3) Where another agency was the source of and has control of the record, refer the request to that agency.

(b) The agency may, for good cause, extend the period for taking action an additional 30 working days if notice is provided to the individual explaining the circumstances of the delay.

(c) The officials charged with reviewing a record to determine how to respond to a request to amend it, shall assess its accuracy, relevance to a Food and Drug Administration purpose, timeliness, or completeness. The determination shall be made in the light of the purpose for which the records or system is used, the agency's need for the record, and the possible adverse consequences to the individual from the record if not amended. Whenever the Food and Drug Administration receives a request for deletion of a record, or portions of a record, it shall consider anew whether the contested information in the record is relevant and necessary to a Food and Drug Administration purpose.

(d) If the Food and Drug Administration agrees with an individual's request, it shall take the following actions:

(1) So inform the individual in writing.

(2) In accordance with statute, regulation, or procedure, amend the record to make it accurate, relevant to a Food and Drug Administration purpose, timely, or complete, making note of the date and fact of the amendment.

(3) If an accounting was made under § 21.71(d) of a disclosure of the record under § 21.71(a), provide a copy of the record as amended, to all previous recipients of the record.

##### § 21.52 Administrative appeals of refusals to amend records.

(a) If an individual disagrees with a refusal under § 21.51(a)(2) to amend a



record, he may appeal that refusal to the Commissioner of Food and Drugs, Rm. 14-81, 5600 Fishers Lane, Rockville, MD 20857.

(b) If, upon appeal, the Commissioner upholds the refusal to amend the record as requested, he shall inform the individual:

(1) Of his decision and the reasons for it.

(2) Of the individual's right to file with the Food and Drug Administration a concise statement of the individual's reasons for disagreeing with the agency's decision not to amend the record as requested.

(3) That the statement of disagreement will be made available to all persons listed in an accounting as having previously received the record and any person to whom the record is subsequently disclosed together with, in the discretion of the Food and Drug Administration, a brief statement summarizing its reasons for refusing to amend the record. Any individual who includes false information in the statement of disagreement filed with the Food and Drug Administration may be subject to penalties under 18 U.S.C. 1001, the False Reports to the Government Act.

(4) That the individual has a right to seek judicial review of the refusal to amend the record.

(c) If the Commissioner on administrative appeal or a court on judicial review determines that the record should be amended in accordance with the individual's request, the Food and Drug Administration shall proceed in accordance with § 21.51(d).

(d) A final determination on the individual's administrative appeal of the initial refusal to amend the record shall be concluded within 30 working days of the request for such review under paragraph (a) of this section, unless the Commissioner extends such period for good cause and informs the individual in writing of the reasons for the delay and of the approximate date on which a decision of the appeal can be expected.

#### § 21.53 Notation and disclosure of disputed records.

When an individual has filed a statement of disagreement under § 21.52(b)(2), the Food and Drug Administration shall:

(a) Mark any portion of the record that is disputed to assure that the record will clearly show that portion is disputed whenever the record is disclosed.

(b) In any subsequent disclosure under § 21.70 or § 21.71(a), provide a copy of the statement of disagreement and, if the Food and Drug Administration deems it appropriate, a concise statement of the agency's reasons for not making the amendment(s) requested. While the individual shall

have access to any such statement, it shall not be subject to a request for amendment under § 21.50.

(c) If an accounting was made under § 21.71(d) and (e) of a disclosure of the record under § 21.71(a), provide to all previous recipients of the record a copy of the statement of disagreement and the agency statement, if any.

#### § 21.54 Amended or disputed records received from other agencies.

Whenever the Food and Drug Administration is notified that a record that it received from another agency was amended or is the subject of a statement of disagreement, the Food and Drug Administration shall:

(a) Discard the record, or clearly note the amendment or the fact of disagreement in its copy of the record, and

(b) Refer persons who subsequently request the record to the agency that provided it.

(c) If an accounting was made under § 21.71 (d) and (e) of the disclosure of the record under § 21.71(a), inform all previous recipients of the record about the amendment or provide to them the statement of disagreement and the agency statement, if any.

#### Subpart F—Exemptions

##### § 21.60 Policy.

It is the policy of the Food and Drug Administration that record systems should be exempted from the Privacy Act only to the extent essential to the performance of law enforcement functions under the laws that are administered and enforced by the Food and Drug Administration or that govern the agency.

##### § 21.61 Exempt systems.

(a) Investigatory records compiled for law enforcement purposes, including criminal law enforcement purposes, in the Food and Drug Administration Privacy Act Record Systems listed in paragraph (b) of this section are exempt from the following provisions of the Privacy Act (5 U.S.C. 552a) and of this part:

(1) Such records are exempt from 5 U.S.C. 552a(c)(3) and § 21.71(e)(4), requiring that an individual be provided with the accounting of disclosures of records about himself from a Privacy Act Record System.

(2) Except where access is required under 5 U.S.C. 552a(k)(2) and § 21.65(a)(2), such records are exempt from 5 U.S.C. 552a (d)(1) through (4) and (f) and §§ 21.40 through 21.54, requiring procedures for an individual to be given notification of and access to records about himself in a Privacy Act Record System and to be allowed to challenge the accuracy, relevance, timeliness, and completeness of such records.

(3) Such records are exempt from 5 U.S.C. 552a(e)(4) (G) and (H) and § 21.20(b)(10) requiring inclusion in the notice for the system of information about agency procedures for notification, access, and contest.

(4) Such records are exempt from 5 U.S.C. 552a(e)(3) requiring that individuals asked to supply information be provided a form outlining the authority for the request, the purposes for which the information will be used, the routine uses in the notice for the Privacy Act Record System, and the consequences to the individual of not providing the information, but only with respect to records compiled by the Food and Drug Administration in a criminal law enforcement investigation where the conduct of the investigation would be prejudiced by such procedures.

(b) Records in the following Food and Drug Administration Privacy Act Record Systems that concern individuals who are subject to Food and Drug Administration enforcement action and consist of investigatory records compiled for law enforcement purposes, including criminal law enforcement purposes, are exempt under 5 U.S.C. 552a(j)(2) and (k)(2) from the provisions enumerated in paragraph (a) of this section:

(1) Clinical Investigator Records, FDA-3.

(2) Regulated Industry Employee Enforcement Records, FDA-10.

(3) Employee Conduct Investigative Records, FDA-13.

(4) Service Contractor Employees Investigative Records, FDA-14.

(c) The systems described in paragraph (b)(3) and (4) of this section include investigatory records compiled solely for the purpose of determining suitability, eligibility, or qualification for Federal civilian employment, military service, Federal contracts, and access to classified information. These records are exempt from disclosure under 5 U.S.C. 552a(k)(5) to the extent that the disclosure would reveal the identity of a source who furnished information to the Government under a promise of confidentiality, which must be an express promise if the information was furnished after September 27, 1975. Any individual who is refused access to a record that would reveal a confidential source shall be advised in a general way that the record includes information that would reveal a confidential source.

##### § 21.65 Access to records in exempt systems.

(a) Where a Privacy Act Record System is exempt and the requested records are unavailable under § 21.61, an individual may nevertheless make a request under § 21.40 for notification concerning whether any records about him exist and request access to such

records where they are retrieved by his name or other personal identifier.

(b) An individual making a request under paragraph (a) of this section:

(1) May be given access to the records where available under Part 20 of this chapter (the public information regulations) or the Commissioner may, in his discretion, entertain a request under any or all of the provisions of §§ 21.40 through 21.54, and

(2) Shall be given access upon request if the records requested are subject to 5 U.S.C. 552a(k)(2) and not to 5 U.S.C. 552a(j)(2) (i.e., because they consist of investigatory material compiled for law enforcement purposes other than criminal law enforcement purposes) and maintenance of the records resulted in denial to the individual of any right, benefit, or privilege to which he would otherwise be entitled by Federal law, or for which he would otherwise be eligible. An individual given access to a record under this paragraph (b)(2) is not entitled to seek amendment under Subpart E of this part. The FDA may refuse to disclose a record that would reveal the identity of a source who furnished information to the Government under a promise of confidentiality, which must be an express promise if the information was furnished on or after September 27, 1975. Any individual refused access to a record that would reveal a confidential source shall be advised in a general way that the record contains information that would reveal a confidential source.

(c) The Commissioner shall not make available any record that is prohibited from public disclosure under § 20.82(b) of this chapter.

(c) Discretionary disclosure of a record pursuant to paragraph (b)(1) of this section shall not set a precedent for discretionary disclosure of a similar or related record and shall not obligate the Commissioner to exercise his discretion to disclose any other record in a system that is exempt under § 21.61.

#### Subpart G—Disclosure of Records in Privacy Act Record Systems to Persons Other Than the Subject Individual

##### § 21.70 Disclosure and intra-agency use of records in Privacy Act Record Systems; no accounting required.

(a) A record about an individual which is contained in a Privacy Act Record System may be disclosed:

(1) To the individual who is the subject of the record, or his legal guardian under § 21.75;

(2) To a third party pursuant to a written request by, or with a written consent of, the individual to whom the record pertains, or his legal guardian under § 21.75;

##### (3) To any person:

(i) Where the names and other identifying information are first deleted, and under circumstances in which the recipient is unlikely to know the identity of the subject of the record;

(ii) Where disclosure is required by Part 20 of this chapter (the public information regulations); or

(4) Within the Department of Health, Education, and Welfare to officers and employees who have a need for the record in the performance of their duties in connection with the laws administered and enforced by the Food and Drug Administration or that govern the agency. For purposes of this section, officers or employees of the Department shall include the following categories of individuals, who shall thereafter be subject to the same restrictions with respect to disclosure as any Food and Drug Administration employee: Food and Drug Administration consultants and advisory committees, State and local government employees for use only in their work with the Food and Drug Administration, and contractors and their employees to the extent that the records of such contractors are subject to the requirements of this part under § 21.30.

(b) No accounting is required for any disclosure or use under paragraph (a) of this section.

##### § 21.71 Disclosure of records in Privacy Act Record Systems; accounting required.

(a) Except as provided in § 21.70, a record about an individual that is contained in a Privacy Act Record System shall not be disclosed by any method of communication except under any of the following circumstances, which are subject to the limitations of paragraphs (b) and (c) of this section and to the accounting requirement of paragraph (d) of this section:

(1) For a use described as a "routine use" in the notice for the system under § 21.20(b)(5) that is compatible with the purpose for which the record was collected.

(2) To the Bureau of Census for a census, survey, or a related activity pursuant to Title 13 of the United States Code.

(3) To a recipient who has provided advance assurance, pursuant to paragraph (c)(2) of this section that the record will be used solely as a statistical research or reporting record and will not be communicated by the recipient to any other person except in a form that is not individually identifiable.

(4) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation, or to the General Services Administration for evaluation to determine whether the record has such value.

(5) To a Federal, State, or local agency for purposes of a law enforcement activity that is authorized by law, upon written request by the head of the agency specifying the particular portion of the record that is desired and the law enforcement purpose for which the record is sought. Disclosures under this paragraph are in addition to any disclosures for law enforcement purposes described as a "routine use" in a notice for a Privacy Act Record System.

(6) To a person pursuant to a showing of compelling circumstances affecting the health and safety of an individual, not necessarily the individual to whom the record pertains. Upon such disclosure, the Food and Drug Administration shall mail a notification of the fact of disclosure to the last known address of the individual who is the subject of the record.

(7) To either House of Congress, or to any Subcommittee or Committee thereof, to the extent that the subject matter of the record falls within its jurisdiction.

(8) To the General Accounting Office.

(9) Pursuant to an order of the court of competent jurisdiction. Upon such court-ordered disclosure, the Food and Drug Administration shall make reasonable efforts to notify the individual in accordance with § 20.83(b) of this chapter.

(b) The Food and Drug Administration may in its discretion refuse to make a disclosure permitted under paragraph (a) of this section, if the disclosure would in the judgment of the agency, invade the privacy of the individual or be inconsistent with the purpose for which the information was collected.

(c) The Food and Drug Administration may require any person requesting a disclosure of a record under paragraph (a) of this section to provide:

(1) Information about the purposes to which the disclosed record is to be put, and

(2) A written statement certifying that the record will be used only for the stated purposes and will not be further disclosed without the written permission of the Food and Drug Administration.

Under 5 U.S.C. 552a(i)(3), any person who knowingly or willfully requests or obtains any record concerning an individual from an agency under false pretenses shall be guilty of a misdemeanor and fined not more than \$5,000. Such person may also be subject to prosecution under the False Reports to the Government Act, 18 U.S.C. 1001.

(d) An accounting shall be made, in accordance with paragraph (e) of this section, of any disclosure under paragraph (a) of this section of a record that is not a disclosure under § 21.70.



(e) Where an accounting is required under paragraph (d) of this section, the Food and Drug Administration shall

(1) Record the name and address of the person or agency to whom the disclosure is made and the date, nature, and purpose of the disclosure. The accounting shall not be considered a Privacy Act Record System.

(2) Retain the accounting for 5 years or for the life of the record, whichever is longer following the disclosure.

(3) Notify those recipients listed in the accounting of amendments or disputes concerning the records previously disclosed to them pursuant to §§ 21.51(d)(3), 21.53(c), or 21.54(c).

(4) Except when the record is exempt from individual access and contest under § 21.61 or to the extent that the accounting describes a transfer for a law enforcement purpose pursuant to paragraph (a)(5) of this section, make the accounting available to the individual to whom the record pertains, in accordance with procedures of Subpart D of this part.

(f) A single accounting may be used to cover disclosure(s) that consist of a continuing dialogue between two agencies over a prolonged period, such as discussion of an enforcement action between the Food and Drug Administration and the Department of Justice. In such cases, a general notation may be made that, as of a certain date, contact was initiated, to continue until resolution of the matter.

#### § 21.72 Individual consent to disclosure of records to other persons.

(a) Individuals may consent to disclosure of records about themselves to

other persons in several ways, for example:

(1) An individual may give consent at the time that the information is collected for disclosure for specific purposes or to specific persons.

(2) An individual may give consent for disclosure of his records to a specific person.

(3) An individual may request the Food and Drug Administration to transcribe a specific record for submission to another person.

(b) In each case the consent shall be in writing and shall specify the individual, organization unit, or class of individuals or organizational units to whom the record may be disclosed, which record may be disclosed, and, if applicable, for what time period. A blanket consent to release all of an individual's records to unspecified individuals or organizational units will not be honored. Verification of the identity of the individual and, where applicable, of the person to whom the record is to be disclosed shall be made in accordance with § 21.44. Consent documents shall be retained for a period of at least 2 years. If such documents are used as a means of accounting for the disclosure, they shall be retained as provided in § 21.71(e)(2).

#### § 21.73 Accuracy, completeness, timeliness, and relevance of records disclosed from Privacy Act Record Systems.

(a) The Food and Drug Administration shall make reasonable efforts to assure that a record about an individual in a Privacy Act Record System is accurate, relevant to a Food and Drug

Administration purpose, timely, and complete before such record is disclosed under § 21.71.

(b) Paragraph (a) of this section shall not apply to disclosures that are required under Part 20 of this chapter (the public information regulations) or made to other Federal Government departments and agencies. Where appropriate, the letter disclosing the information shall indicate that the Food and Drug Administration has not reviewed the record to assure that it is accurate, relevant, timely, and complete.

#### § 21.74 Providing notice that a record is disputed.

Whenever an individual has filed a statement of disagreement with the Food and Drug Administration concerning a refusal to amend a record under § 21.51(a)(2) or with another agency that provides the record to the Food and Drug Administration, the Food and Drug Administration shall in any subsequent disclosure under this subpart provide a copy of the statement of disagreement and a concise statement by the agency, if one has been prepared, of the reasons for not making the amendment(s) requested.

#### § 21.75 Rights of legal guardians.

For the purposes of this part, the parent of any individual who is a minor or the legal guardian of any individual who has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction may act on behalf of the individual.



Vol. 12—No. 190  
9-30-77

BOOK 1:  
PAGES  
52363-52671

BOOK 2:  
PAGES  
52673-52953

BOOK 3:  
PAGES  
52954-53272

BOOK 4:  
PAGES  
53273-53590

BOOK 1 OF 4 BOOKS

FRIDAY, SEPTEMBER 30, 1977



## highlights

SUNSHINE ACT MEETINGS..... 52598

### COLUMBUS DAY

Presidential proclamation..... 52363

### ADJUSTMENTS OF CERTAIN RATES OF PAY AND ALLOWANCES

Executive Order..... 52790

### SKIN TEST ANTIGENS

HEW/FDA proposes implementation of efficacy review;  
comments by 11-29-77 (Part II of this issue)..... 52674

### FLOOD INSURANCE

HUD/FIA publishes final flood elevation determinations  
and letters of map amendment for various communities  
(50 documents) (Part III of this issue)..... 52726-52747

### FISHERY PRODUCTS

Commerce/NOAA recodifies and clarifies U.S. Standards  
for Grades; effective 9-30-77 (Part IV of this issue)..... 52750

### COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Labor/ETA updates regulations for comprehensive man-  
power programs and grants to areas of high unemploy-  
ment, and amends public service jobs program to imple-  
ment Youth Employment and Demonstration Projects Act  
of 1977; effective 10-31-77 (2 documents) (Part V of  
this issue)..... 52790

### MEDICAL DEVICES

HEW/FDA proposes listing requirements; comments by  
11-29-77 (Part VI of this issue)..... 52808

### HUMAN AND ANIMAL FOODS

HEW/FDA establishes procedures for regulating con-  
taminants and naturally occurring poisonous or deleteri-  
ous substances; effective 10-31-77 (Part VII of this  
issue)..... 52813

### HEALTH CARE FINANCING

HEW recodifies regulations related to Medicaid, Medicare  
and professional standards review organizations in new  
Chapter for Health Care Financing Administration; effec-  
tive 10-1-77 (4 documents) (Part VIII of this issue)..... 52826

### MINIMUM WAGES

Labor/ESA publishes general wage determination  
decisions for Federal and federally assisted construction  
projects (Part IX of this issue)..... 52876

CONTINUED INSIDE

Selected  
Federal  
Documents

V  
4  
2  
1  
9  
0

S  
E  
P  
3  
0

7  
7

UMI



# AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/ADAMHA			HEW/ADAMHA
	HEW/CDC			HEW/CDC
	HEW/FDA			HEW/FDA
	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

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Subscription orders (GPO).....	202-783-3238
Subscription problems (GPO).....	202-275-3050
"Dial - a - Regulation" (recorded summary of highlighted documents appearing in next day's issue).....	202-523-5022
Scheduling of documents for publication.....	523-5220
Copies of documents appearing in the Federal Register.....	523-5240
Corrections.....	523-5286
Public Inspection Desk.....	523-5215
Finding Aids.....	523-5227
Public Briefings: "How To Use the Federal Register.".....	523-5282
Code of Federal Regulations (CFR).....	523-5266
Finding Aids.....	523-5227

## PRESIDENTIAL PAPERS:

Executive Orders and Proclamations.....	523-5233
Weekly Compilation of Presidential Documents.....	523-5235
Public Papers of the Presidents.....	523-5235
Index.....	523-5235

## PUBLIC LAWS:

Public Law dates and numbers.....	523-5237
Slip Laws.....	523-5237
U.S. Statutes at Large.....	523-5237
Index.....	523-5237
U.S. Government Manual.....	523-5230
Automation.....	523-5240
Special Projects.....	523-4534

## HIGHLIGHTS—Continued

### PRIVACY ACT ISSUANCES, ANNUAL PUBLICATION

USDA, CFTC, CSA, ERDA, FEA, NTSPC, PS and Telecommunications Policy Office publish rules and systems of records (Part X of this issue)..... 53182

### AMATEUR RADIO SERVICE

FCC simplifies licensing and operation of complex systems of stations, and modifies repeater subbands; effective 11-4-77..... 52418

### ANDROGEN PREPARATIONS

HEW/FDA sets forth marketing conditions and offers opportunity for hearing; requests due 10-31-77..... 52487

### ANIMAL FEED

HEW/FDA provides for ammoniated cottonseed meal in feed of ruminants; effective 9-30-77; objections by 10-31-77..... 52397

### BASIC SKILLS RESEARCH GRANTS PROGRAM

HEW/NIE proposes to add mathematics learning and literacy as new research subjects; comments by 10-31-77..... 52488

HEW/NIE announces closing date of 11-30-77 for receipt of applications..... 52491

### CABLE TELEVISION SERVICES

FCC streamlines application procedures for certificates of compliance, modifies franchise fee limitations, and deletes certain requirements; effective 11-7-77..... 52404

### CIVIL SERVICE RETIREMENT ANNUITIES

CSC allows allotments to be paid to certain employee/annuitant organizations; effective 9-30-77..... 52372

### CLASSIFIED MATERIAL AND SPECIAL NUCLEAR MATERIAL

ERDA republishes criteria and procedures for determination of eligibility for access; effective 9-30-77..... 52382

### COLOR ADDITIVES

HEW/FDA lists D&C Green No. 5 and logwood extract for certain surgical sutures, and D&C Orange No. 4 and bismuth oxychloride for externally applied drugs and cosmetics; objections by 10-31-77; effective 11-1-77 (4 documents)..... 52393-52395

### FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

CSC changes dates of open season to 11-14 thru 12-9-77; effective 9-30-77..... 52373

### FOREIGN ATOMIC ENERGY PROGRAMS

ERDA strengthens U.S. Government controls over unclassified activities of U.S. persons abroad in use of plutonium as reactor fuel; effective 9-30-77..... 52389

### EQUAL EMPLOYMENT IN APPRENTICESHIP PROGRAMS

Labor/Secy. proposes to include specific provisions requiring affirmative action for women; comments by 11-14-77..... 52441

### FURNACES

FEA proposes energy efficiency improvement target and announces hearing; comments by 11-4-77..... 52426

### INTERNATIONAL BOYCOTT

Treasury/Secy. publishes current list of countries requiring cooperation..... 52519

### 1977 CROP RICE

USDA/CCC sets forth loan and purchase program regulations; effective 9-30-77..... 52381

### OCCUPATIONAL SAFETY AND HEALTH EDUCATIONAL RESOURCE CENTERS

HEW/Secy. provides for awards of grants by NIOSH for establishment; effective 9-30-77..... 52400



**PAROLING FEDERAL PRISONERS**

Justice/Parole Commission establishes new category of offense severity ratings in decisionmaking guidelines; and enlarges definition of "absconding;" effective 11-1-77 (2 documents)..... 52398, 52399

**PUBLIC SAFETY AWARDS**

Commerce/NFPCA establishes President's Award for Outstanding Public Safety Service and Secretary's Award for Distinguished Public Safety Service available to certain public safety officers; effective 1-1-78..... 52402

**SUPPLEMENTAL SECURITY INCOME**

HEW/SSA proposes to extend scope of exclusion from countable income, of assistance based on need furnished by States or political subdivisions; comments by 11-14-77..... 52392

**TENANT MAINTENANCE**

HUD permits Public Housing Agencies to make performance of seasonal and other maintenance tasks by tenants a lease requirement; effective 10-31-77..... 52397

**PRIVACY ACT OF 1974**

FEA proposes to add and amend systems of records; comments by 10-31-77..... 52483

Interior/Secy. announces two new systems of records and proposes one new system of records; comments by 11-3-77; effective 11-3-77 (2 documents)..... 52500

ITC modifies existing system of records for employment and financial disclosure records; effective 10-31-77..... 52502

**MEETINGS—**

USDA/FS: State and Private Forestry Advisory Committee; 10-19 thru 10-20-77..... 52450

Commerce/NFPCA: National Academy for Fire Prevention and Control; 10-21-77..... 52465

HEW/FDA: Boston Regional Ad Hoc Professional and Consumer Meetings; 10-18 and 10-19-77..... 52490

NIH: Allergy and Immunology Research Committee; 11-1-77..... 52491

Animal Resources Advisory Committee; 11-2 thru 11-3-77..... 52491

Biomedical Library Review Committee; 11-16 thru 11-17-77..... 52492

Cellular and Molecular Basis of Disease Review Committee; 11-7-77..... 52492

General Research Support Program Advisory Committee; 11-17 thru 11-18-77..... 52492

Heart, Lung, and Blood Research Review Committee A; 11-11 thru 11-12-77..... 52492

Heart, Lung, and Blood Research Review Committee B; 11-11-77..... 52493

Infectious Disease Committee; 11-10 thru 11-11-77..... 52493

Maternal and Child Health Research Committee; 11-14 thru 11-15-77..... 52493

Minority Access to Research Careers Review Committee; 11-7 thru 11-8-77..... 52494

National Arthritis Advisory Board; 11-9 thru 11-10-77..... 52494

Population Research Committee; 10-27 thru 10-28-77..... 52495

Research Manpower Review Committee; 11-18-77..... 52495

Transplantation Immunology Committee; 11-17 thru 11-18-77..... 52495

Vision Research Program Committee; 11-4-77..... 52495

Interior/NPS: Indiana Dunes National Lakeshore Advisory Commission; 10-21-77..... 52498

NFAH/NEH: Research Grants Panel; 10-20 thru 10-21-77..... 52493

Research Grants Panel; 10-21-77..... 52493

NSF: Oceanography Project Support Advisory Panel; 10-17 thru 10-18-77..... 52519

Physiology, Cellular and Molecular Biology Advisory Panel, Cell Biology Subcommittee; 10-20 thru 10-22-77..... 52519

Political Science Advisory Panel; 10-17 thru 10-18-77..... 52519

SBA: Jackson District Advisory Council; 11-4-77..... 52587

VA: Station Committee on Educational Allowances; 10-31-77..... 52597

**CHANGED MEETINGS—**

HEW/FDA: Science Advisory Board, Matrix Approach Subcommittee; 10-18-77..... 52490

NIH: Study Sections; months of October and November..... 52493

**SEPARATE PARTS OF THIS ISSUE**

Part II, HEW/FDA..... 52674

Part III, HUD/FIA..... 52726

Part IV, Commerce/NOAA..... 52750

Part V, Labor/ETA..... 52970

Part VI, HEW/FDA..... 52808

Part VII, HEW/FDA..... 52813

Part VIII, HEW/HCFA..... 52826

Part IX, Labor/ESA..... 52876

Part X, Various agencies; Privacy Act issuances..... 53182

**contents****THE PRESIDENT**

Proclamations  
Columbus Day..... 52363

Executive Orders  
Pay and adjustments for certain Federal employees; increase..... 52365

**EXECUTIVE AGENCIES****AGRICULTURAL MARKETING SERVICE**

Rules  
Milk marketing orders:  
New York-New Jersey..... 52379  
Raisins produced from grapes grown in Calif..... 52374

**AGRICULTURE DEPARTMENT**

See also Agricultural Marketing Service; Animal and Plant Health Inspection Service; Commodity Credit Corporation.

Notices  
Privacy Act; systems of records; annual republication and access regulations..... 53183

**ANIMAL AND PLANT HEALTH INSPECTION SERVICE**

Rules  
Plant quarantine, domestic:  
Witchweed; correction..... 52373

**ARTS AND HUMANITIES, NATIONAL FOUNDATION**

Notices  
Meetings:  
Research Grants Panel (2 documents)..... 52587

**BLIND AND OTHER SEVERELY HANDICAPPED, COMMITTEE FOR PURCHASE FROM**

Notices  
Procurement list, 1977; additions (3 documents)..... 52467, 52846

**CIVIL AERONAUTICS BOARD**

Notices  
Hearings, etc.:  
Airport Security Council..... 52452  
Pittsburgh-Los Angeles/San Francisco/Denver service investigation et al..... 52452  
Wichita case et al..... 52452

**CIVIL SERVICE COMMISSION**

Rules  
Excepted service:  
Energy Department (2 documents)..... 52371  
Entire executive civil service, Presidential management intern program..... 52371  
Health benefits program, Federal employees:  
Open season; extension of dates..... 52373  
Retirement; allotments from civil service annuities..... 52372

**Notices**

Noncareer executive assignments:  
Defense Department..... 52454  
Interior Department (3 documents)..... 52454  
Justice Department..... 52454  
Treasury Department (3 documents)..... 52454  
United States Information Agency..... 52454

**COMMERCE DEPARTMENT**

See also Domestic and International Business Administration; National Bureau of Standards; National Fire Prevention and Control Administration; National Oceanic and Atmospheric Administration.

Notices  
Watches and watch movements; allocation of quotas:  
American Samoa..... 52466

**COMMODITY CREDIT CORPORATION**

Rules  
Loan and purchase programs:  
Rice..... 52381

**COMMUNITY SERVICES ADMINISTRATION**

Notices  
Privacy Act; systems of records; annual republication and access regulations..... 53182

**DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION**

Rules  
Defense materials and priorities systems; priority rating, mandatory use; individual delivery orders..... 52399

Proposed Rules  
Watch quotas:  
Watches and watch movements; annual rules codification..... 52433

Notices  
Fertilizers, export monitoring report for 1977:  
June..... 52455

Scientific articles; duty free entry:  
University of North Carolina et al.; correction..... 52454  
Virginia Polytechnic Institute and State University et al.; correction..... 52465

**EMPLOYMENT AND TRAINING ADMINISTRATION**

Rules  
Comprehensive Employment and Training Act:  
Manpower programs and grants to areas of high unemployment..... 52790

Public service jobs program; eligibility for participation in projects pursuant to Youth Employment and Demonstration Projects Act..... 52804

**EMPLOYMENT STANDARDS ADMINISTRATION**

Notices  
Minimum wages for Federal and federally-assisted construction; general wage determination decisions, modifications, and supersedeas decisions..... 52876

**ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION**

Rules  
Classified matter or significant quantities of special nuclear material:  
Access eligibility criteria and procedures..... 52382  
Foreign atomic energy programs; unclassified activities:  
International safeguards sensitive nuclear facilities..... 52389

Notices  
Privacy Act; systems of records; annual republication and access regulations..... 52790

**ENVIRONMENTAL QUALITY COUNCIL**

Notices  
Environmental statements; availability, etc..... 52468

**FEDERAL COMMUNICATIONS COMMISSION**

Rules  
Amateur radio service:  
Licensing and operation of complex systems of stations and modification of repeater subbands..... 52418

Cable television:  
Compliance certificate applications and Federal-State/local regulatory relationships..... 52404

Notices  
Domestic public radio services; applications accepted for filing..... 52470  
FM and TV translator applications ready and available for processing..... 52477

Rulemaking proceedings filed, granted, denied, etc.; petitions by various companies..... 52478  
Television programming exclusivity; inquiry; proceeding terminated..... 52472

**FEDERAL ENERGY ADMINISTRATION**

Proposed Rules  
Energy conservation program; appliances:  
Furnaces..... 52426

Notices  
Appeals and applications for exception, etc.; cases filed with Exceptions and Appeals Office:  
List of applicants, etc. (2 documents)..... 52479, 52480

V 42-190 SEP 30 77 UMI



# CONTENTS

Privacy Act; systems of records; annual republication and access regulations.....	52483
<b>FEDERAL INSURANCE ADMINISTRATION</b>	
<b>Rules</b>	
Flood Insurance Program, National:	
Flood elevation determinations, etc. (21 documents).....	52726-52735
Special hazard areas, map corrections (29 documents).....	52735-52747
<b>FEDERAL RESERVE SYSTEM</b>	
<b>Notices</b>	
Applications, etc.:	
Banco Exterior de Espana, S.A. First Amtenn Corp.....	52485
First National Cincinnati Corp.....	52486
Hinsdale Capital Corp.....	52486
Schroders Ltd. (2 documents).....	52487
<b>FEDERAL TRADE COMMISSION</b>	
<b>Rules</b>	
Prohibited trade practices:	
Copco, Inc.....	52391
Gulf Oil Corp.....	52391
<b>Proposed Rules</b>	
Consent orders:	
Security Pacific Mortgage Corp.....	52437
Consumers' claims and defenses preservation (holder in due course); reopening.....	52439
<b>FOOD AND DRUG ADMINISTRATION</b>	
<b>Rules</b>	
Animal drugs, feeds, and related products:	
Cottonseed meal, ammoniated.....	52397
Animal drugs, feeds, and related products and food for human consumption:	
Poisonous or deleterious substances; food contaminant levels.....	52397
Color additives:	
Aluminum powder.....	52392
Bismuth oxychloride.....	52394
Bronze and copper powder.....	52393
D&C Orange No. 4.....	52395
Logwood extract.....	52393
Color certification:	
D&C Green No. 5.....	52395
Food additives:	
Styrene block polymers; correction.....	52397
<b>Proposed Rules</b>	
Animal drugs, feeds, and related products:	
Penicillin in animal feeds; correction.....	52441
Teat dips; articles used on bovine dairy animals; extension of time.....	52440
Biological products:	
Skin test antigens; efficacy review.....	52674
GRAS or prior-sanctioned ingredients:	
Agar-agar; correction.....	52440
Medical devices:	
Device listing procedures.....	52440
<b>Notices</b>	
Animal drugs:	
Penicillin-containing premises; hearing; correction.....	52490
Food additives, petitions filed or withdrawn:	
USS Agri-Chemicals Division.....	52490
Health care services, meetings.....	52490
Human drugs:	
Androgen preparations; hearing.....	52487
Meetings:	
Science Advisory Board; Matrix Approach Subcommittee.....	52490
<b>FOREST SERVICE</b>	
<b>Notices</b>	
Environmental statements; availability, etc.:	
Kaniks National Forest, Smith Creek Planning Unit, Idaho.....	52450
Kootenai National Forest, Horner Planning Unit, Mont.....	52450
Meetings:	
State and Private Forestry Advisory Committee.....	52450
<b>HEALTH, EDUCATION, AND WELFARE DEPARTMENT</b>	
See also Food and Drug Administration; Health Care Financing Administration; Health Services Administration; National Institute of Education; National Institutes of Health; Social Security Administration.	
<b>Rules</b>	
Procurement:	
Buy Indian Act; Indian preference in training and employment.....	52400
<b>HEALTH CARE FINANCING ADMINISTRATION</b>	
<b>Rules</b>	
Aged and disabled, health insurance for:	
Transfer and recodification.....	52826
Medicaid regulations:	
Transfer and recodification.....	52827
Medicare, medical assistance, and professional standards review programs:	
Transfer and recodification.....	52826
Professional standards review organizations:	
Transfer and recodification.....	52826
<b>HEALTH SERVICES ADMINISTRATION</b>	
<b>Notices</b>	
Health maintenance organizations, qualified.....	52491
<b>HOUSING AND URBAN DEVELOPMENT DEPARTMENT</b>	
See also Federal Insurance Administration.	
<b>Rules</b>	
Low-income housing:	
Lease and grievance procedures; tenant maintenance.....	52397
<b>INTERIOR DEPARTMENT</b>	
See also Land Management Bureau.	
<b>Proposed Rules</b>	
Watch quotas:	
Watches and watch movements; annual rules codification; cross reference.....	52448
<b>Notices</b>	
Privacy Act; systems of records (2 documents).....	52500
Watches and watch movements; allocation of quotas:	
American Samoa; cross-reference.....	52502
<b>INTERNATIONAL TRADE COMMISSION</b>	
<b>Notices</b>	
Privacy Act; systems of records.....	52502
<b>INTERNATIONAL WOMEN'S YEAR OBSERVANCE, NATIONAL COMMISSION</b>	
<b>Notices</b>	
National Women's Conference; State delegates, certification.....	52519
<b>INTERSTATE COMMERCE COMMISSION</b>	
<b>Notices</b>	
Hearing assignments.....	52597
Railway company, elimination of interchange; Southern Railway Company, proceeding reopened.....	52597
<b>JUSTICE DEPARTMENT</b>	
See also Parole Commission.	
<b>Notices</b>	
Pollution control; consent judgments; U.S. versus listed companies, etc.:	
Detroit, City of.....	52503
Privacy Act; systems of records; annual republication and access regulations.....	53182
<b>LABOR DEPARTMENT</b>	
See also Employment and Training Administration; Employment Standards Administration.	
<b>Proposed Rules</b>	
Apprenticeship and training, equal employment opportunity; affirmative action for women included.....	52441
<b>Notices</b>	
Adjustment assistance:	
Aetna-Standard Engineering Co.....	52503
Bass, J. & Co.....	52510
Bunker Ramo Corp.....	52504
Cascade Steel Rolling Mills, Inc.....	52505
Central Slipper Co., Inc.....	52505
Conaway Winter, Inc.....	52506
Dov Industries, Inc.....	52507
Geilich Tanning Co.....	52507
General Motors Corp. (2 documents).....	52508, 52509
Holly Sugar Corp.....	52510
Jonart Manufacturing.....	52511
Karen Manufacturing Co., Inc.....	52511
Kensington Dress Co.....	52512
Morton's Shoe Stores, Inc.....	52512
Quanex Corp.....	52513
Republic Steel Corp.....	52513
Roxanne Fashions, Inc.....	52514
San Sue Frocks.....	52514
Slocum Dress.....	52515
Torrington Co.....	52515
Tyson Bearing Co.....	52516
U.S. Steel Corp. (4 documents).....	52506, 52516-52518

# CONTENTS

<b>LAND MANAGEMENT BUREAU</b>	
<b>Notices</b>	
Opening of public lands:	
Colorado.....	52497
Outer Continental Shelf:	
Oil and gas leasing.....	52497
Withdrawal and reservation of lands, proposed, etc.:	
California (2 documents).....	52496
<b>LEGAL SERVICES CORPORATION</b>	
<b>Notices</b>	
Grants and contracts; applications.....	52518
<b>MARITIME ADMINISTRATION</b>	
<b>Notices</b>	
Applications, etc.:	
Delta Steamship Lines, Inc.....	52465
Globe Seaways, Inc. et al.....	52465
<b>NATIONAL BUREAU OF STANDARDS</b>	
<b>Notices</b>	
Voluntary product standards:	
Chain-link fencing; steel galvanized and aluminum alloy.....	52465
<b>NATIONAL FIRE PREVENTION AND CONTROL ADMINISTRATION</b>	
<b>Rules</b>	
Public safety awards.....	52402
<b>Notices</b>	
Meetings:	
National Academy for Fire Prevention and Control.....	52465
<b>NATIONAL INSTITUTE OF EDUCATION</b>	
<b>Proposed Rules</b>	
Grants programs:	
Basic skills research.....	52448
<b>Notices</b>	
Grants programs:	
Basic skills research applications; closing date for receipt.....	52491
<b>NATIONAL INSTITUTES OF HEALTH</b>	
<b>Notices</b>	
Committees; establishment, renewals, terminations, etc.:	
Director, Advisory Committee to, et al.....	52494
Meetings:	
Allergy and Immunology Research Committee.....	52491
Animal Resources Advisory Committee.....	52491
Biomedical Library Review Committee.....	52492
Cellular and Molecular Basis of Disease Review Committee.....	52492
General Research Support Program Advisory Committee.....	52492
Heart, Lung, and Blood Research Review Committee A.....	52492
Heart, Lung, and Blood Research Review Committee B.....	52493
Infectious Disease Committee.....	52493
Maternal and Child Health Research Committee.....	52493
<b>Minority Access to Research Careers Review Committee.....</b>	<b>52494</b>
<b>National Arthritis Advisory Board.....</b>	<b>52494</b>
<b>Population Research Committee.....</b>	<b>52495</b>
<b>Research Grants Division; study sections; date and location changes.....</b>	<b>52493</b>
<b>Research Manpower Review Committee.....</b>	<b>52495</b>
<b>Transplantation Immunology Committee.....</b>	<b>52495</b>
<b>Vision Research Program Committee.....</b>	<b>52495</b>
<b>NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION</b>	
<b>Rules</b>	
Financial aid to fisheries:	
Fishing vessel obligation guarantee program procedures; administrative discretion for lower fees.....	52424
Fishery conservation and management:	
Foreign fishing; hake trawl fishery.....	52425
Fishery products, processed:	
Standards for grades; recodification.....	52750
<b>Notices</b>	
Fishery management plans, preliminary; approvals, etc.:	
Trawl; Wash., Oreg., and Calif.....	52466
<b>NATIONAL PARK SERVICE</b>	
<b>Notices</b>	
Authority delegations:	
National Capital Region, Regional Director.....	52498
National Capital Region, Superintendent, et al.....	52499
Meetings:	
Indiana Dunes National Lakeshore Advisory Commission.....	52498
<b>NATIONAL SCIENCE FOUNDATION</b>	
<b>Notices</b>	
Meetings:	
Oceanography Project Support Advisory Panel.....	52519
Physiology, Cellular and Molecular Biology Advisory Committee; Cell Biology Subcommittee.....	52519
Political Science Advisory Panel.....	52519
<b>PAROLE COMMISSION</b>	
<b>Rules</b>	
Prisoners, youth offenders, and juvenile delinquents; parole, release, etc. (2 documents).....	52398, 52399
<b>POSTAL SERVICE</b>	
<b>Notices</b>	
Privacy Act; systems of records; annual republication and access regulations.....	52890
<b>PUBLIC HEALTH SERVICE</b>	
<b>Rules</b>	
Grants for education programs in occupational safety and health:	
Educational resource centers; establishment.....	52401
<b>SMALL BUSINESS ADMINISTRATION</b>	
<b>Notices</b>	
Disaster areas:	
Alabama.....	52587
Arizona (2 documents).....	52587
California.....	52587
Florida.....	52587
Illinois (2 documents).....	52587
Iowa.....	52588
Kansas (3 documents).....	52588
Louisiana.....	52588
Maryland.....	52588
Massachusetts.....	52588
Minnesota (3 documents).....	52588
North Carolina.....	52589
Tennessee (2 documents).....	52589
Virginia.....	52589
Meetings, advisory councils:	
Jackson District.....	52589
<b>SOCIAL SECURITY ADMINISTRATION</b>	
<b>Rules</b>	
Aged, blind, and disabled; supplemental security income for:	
State supplemental provisions; fiscal liability limitations.....	52392
<b>Proposed Rules</b>	
Aged, blind, and disabled; supplemental security income for:	
Exclusion from income; assistance based on need furnished by States or political subdivisions.....	52439
<b>TELECOMMUNICATIONS POLICY OFFICE</b>	
<b>Notices</b>	
Privacy Act; system of records; annual republication.....	52890
<b>TRANSPORTATION POLICY STUDY, NATIONAL COMMISSION</b>	
<b>Notices</b>	
Privacy Act; systems of records; annual republication.....	52890
<b>TREASURY DEPARTMENT</b>	
<b>Notices</b>	
Boycotts, international:	
List of countries requiring cooperation.....	52519
<b>VETERANS ADMINISTRATION</b>	
<b>Notices</b>	
Meetings:	
Educational Allowances Station Committee.....	52597
<b>WATER RESOURCES COUNCIL</b>	
<b>Notices</b>	
Floodplain management, guidance procedures.....	52689

V  
4  
2  
1  
9  
0  
S  
E  
P  
3  
0  
7  
7  
U  
M  
I



# list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month. A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

<b>3 CFR</b>	82.....	52396	621b.....	52400
PROCLAMATIONS:	109.....	52819	631.....	52400
4527.....	177.....	52397	633.....	52400
<b>EXECUTIVE ORDERS:</b>	180.....	52821	651.....	52400
12010.....	181.....	52821		
	509.....	52821	<b>41 CFR</b>	
	573.....	52397	3-4.....	52400
<b>5 CFR</b>				
213 (3 documents).....	PROPOSED RULES:		<b>42 CFR</b>	
831.....	182.....	52440	86.....	52401
890.....	184.....	52440	101.....	52826
	207.....	52808	Ch. IV.....	52826
<b>7 CFR</b>	500.....	52440		
301.....	505.....	52441	<b>43 CFR</b>	
989.....	510.....	52441	PROPOSED RULES:	
1002.....	558.....	52441	Subtitle A.....	52448
1421.....	601.....	52674		
<b>10 CFR</b>	607.....	52808	<b>45 CFR</b>	
710.....	610.....	52674	246.....	52827
810.....	650.....	52674	248.....	52827
PROPOSED RULES:	807.....	52810	249.....	52827
430.....			250.....	52827
			251.....	52827
<b>15 CFR</b>	<b>24 CFR</b>		252.....	52827
PROPOSED RULES:	866.....	52397	2000.....	52402
303.....	1917 (21 documents).....	52726-52735		
	1920 (29 documents).....	52735-52747	PROPOSED RULES:	
<b>16 CFR</b>			1451.....	52448
13 (2 documents).....	<b>28 CFR</b>			
PROPOSED RULES:	2 (2 documents).....	52398, 52399	<b>47 CFR</b>	
13.....			76.....	52404
433.....	<b>29 CFR</b>		97.....	52418
<b>20 CFR</b>	94 (2 documents).....	52790		
405.....	95.....	52793	<b>50 CFR</b>	
416.....	96.....	52800	255.....	52424
PROPOSED RULES:	98.....	52802	261.....	52750
416.....	99.....	52804	262.....	52753
	PROPOSED RULES:		263.....	52756
	30.....	52441	264.....	52764
<b>21 CFR</b>			265.....	52776
73 (4 documents).....	<b>32A CFR</b>		266.....	52782
74 (2 documents).....	621.....	52400	611.....	52425
81 (5 documents).....	621a.....	52400		

## CUMULATIVE LIST OF CFR PARTS AFFECTED DURING SEPTEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during September.

<b>1 CFR</b>		<b>7 CFR—Continued</b>		<b>8 CFR</b>	
Ch. I.....	43959	910.....	44213,	236.....	46045
445.....	49801	45325, 46507, 47183, 48325, 48869	48869	299.....	46045
		915.....	51605	341.....	48869
<b>3 CFR</b>		917.....	43960, 44214	PROPOSED RULES:	
EXECUTIVE ORDERS:		919.....	45629	108.....	49459
11941 (Superseded by EO 12009).....	52365	926.....	45325, 49438	242.....	49459
12009.....	48267	929.....	44979		
12010.....	52365	931.....	46507	<b>9 CFR</b>	
PROCLAMATIONS:		932.....	44801, 47560	73.....	44214
4518.....	44211	944.....	47550	78.....	44215, 49438
4519.....	46265	948.....	51604	82.....	45284, 47185
4520.....	47167	967.....	45326, 46045	92.....	45895, 48327, 49440
4521.....	47545	981.....	47183, 47184	113.....	45284
4522.....	47817	989.....	52374	201.....	49926
4523.....	48865	991.....	47184	203.....	49926
4524.....	49431	993.....	44802, 49802	318.....	44217
4525.....	49433	1002.....	52379	PROPOSED RULES:	
4526.....	51557	1006.....	46914	1.....	45934
4527.....	52363	1012.....	46914	3.....	45934
MEMORANDUMS:		1013.....	46915	113.....	49462
January 2, 1973 (Amended by		1260.....	44542	381.....	48342
Memorandum of September 1,		1421.....	52381	447.....	43982
1977).....	48867	1438.....	43961		
April 26, 1973 (See Memorandum		1804.....	44669	<b>10 CFR</b>	
of September 1, 1977).....	48867	1809.....	44669	Ch. II.....	46270
December 13, 1973 (See Memorandum		1821.....	44669	20.....	43965, 46270
of September 1, 1977).....	48867	1822.....	43964	32.....	43965
October 29, 1974 (See Memorandum		1831.....	44669, 44692	70.....	43966
of September 1, 1977).....	48867	1832.....	44669	71.....	46918
May 20, 1975 (See Memorandum of		1841.....	44717	73.....	43966, 51607
September 1, 1977).....	48867	1843.....	44717	150.....	43966
August 5, 1975 (See Memorandum		1845.....	51606	211.....	44218
of September 1, 1977).....	48867	1861.....	44669, 44692, 44696, 48326	212.....	45284
April 14, 1976 (See Memorandum		1864.....	44696	215.....	48328
of September 1, 1977).....	48867	1866.....	44696, 48326	430.....	46140, 46145, 46151, 49802
November 5, 1976 (See Memorandum		1867.....	44669	710.....	52382
of September 1, 1977).....	48867	1871.....	44696	810.....	52389
August 1, 1977 (See Memorandum		1872.....	44696	871.....	48331
of September 1, 1977).....	48867	1888.....	43964, 44669, 46269	PROPOSED RULES:	
August 2, 1977.....	43957	1901.....	45893	40.....	43983, 45689
September 1, 1977.....	48867	1904.....	44669, 48327	73.....	43984
September 15, 1977.....	47169	1921.....	44692	205.....	44244, 47210
ORDERS:		1930.....	44696	211.....	44551, 46543
September 26, 1977.....	49435	1955.....	44715	212.....	48342
		1980.....	44717	214.....	46543
<b>4 CFR</b>		2852.....	44542, 45327	303.....	47210
6.....	47173	2859.....	48327	430.....	44246, 52426
331.....	45627	PROPOSED RULES:			
332.....	45627	210.....	45328, 49458	<b>12 CFR</b>	
351.....	45629	722.....	46542	2.....	48518
403.....	45629	908.....	49458	10.....	45510, 48333
<b>5 CFR</b>		910.....	45334	201.....	47185
213.....	44233,	948.....	44242	207.....	46275
44541, 44542, 45283, 45326, 45893,	45893,	966.....	47209, 47560	208.....	54289, 49441
46505, 46506, 47183, 47547, 48321-	48321-	980.....	44242, 47561	220.....	46275
48324, 49437, 52371.....		981.....	46319	221.....	46275
		987.....	45680	224.....	46275
831.....	52382	989.....	46320	1004.....	45001
890.....	52373	1004.....	45001	1036.....	48886
PROPOSED RULES:		1049.....	45335	1133.....	44243
713.....	46541	1201.....	47848	1207.....	47562
		1250.....	48889	1487.....	51609
<b>7 CFR</b>		1701.....	45337, 46542, 47209, 49459	1822.....	43980, 46320
2.....	47547	2852.....	45932, 45933		
301.....	52373			<b>PROPOSED RULES:</b>	
701.....	44213, 48324			308.....	43984
718.....	48324			541.....	46058
905.....	47547				
907.....	44801, 49437				
908.....	43959,				
	44979, 45893, 46269, 46913, 47819,				
	49437, 51603				



## FEDERAL REGISTER

## 12 CFR—Continued

## PROPOSED RULES—Continued

545.....46058  
563.....46058

## 13 CFR

113.....47186  
307.....51559

## PROPOSED RULES:

121.....45934

## 14 CFR

21.....51561  
39.....43967,

43969, 44980-44982, 45629-45631,  
46275, 46918-46923, 47819, 48871,  
51562-51565

65.....46278  
71.....43969-43971,

44542, 44543, 45632, 45633, 46276-  
46278, 46924, 47820-47822, 48872,  
48873, 51566, 51567

73.....47821, 47822  
75.....43971, 44543, 45633, 47823

93.....47823  
95.....46279

97.....45633, 46284, 48873, 51567  
121.....43973

183.....44982  
223.....44544

241.....46494  
Ch. II.....47825

302.....47826  
313.....47187

384.....47826  
387.....47825

## PROPOSED RULES:

21.....43985  
23.....44204

25.....44204  
27.....44204

29.....44204  
39.....43988,

43989, 45007, 45690, 46337, 46929  
71.....43990,

43991, 44556, 44557, 45008-45011,  
45690, 46338, 46929, 48889

73.....45011, 46930  
75.....43990, 44557, 45011

91.....44204, 46338  
241.....46339, 46345, 49462

245.....49462  
246.....49462

250.....48578  
296.....45691

399.....46345, 46546

## 15 CFR

372.....46509  
373.....46509

379.....46509  
2007.....45532

## PROPOSED RULES:

303.....52433  
369.....48556

921.....45522

## 16 CFR

1.....43973  
4.....43974

13.....48334, 48335, 52391  
433.....46509

1012.....48875  
1145.....44192

1303.....44193  
1401.....46285

## 16 CFR—Continued

1500.....44201  
1702.....44802

## PROPOSED RULES:

13.....49462, 52437  
433.....52439

705.....46546  
1115.....46720

1116.....46720  
1500.....44160

1702.....44821

## 17 CFR

200.....44807

210.....44807, 46512, 51569  
211.....44807, 44983, 49445

231.....45291, 46047, 51570  
240.....44983, 47551

241.....46047  
249.....47552

249b.....44983  
271.....44810, 45291, 46047, 47553, 51570

## PROPOSED RULES:

1.....44742, 46043  
166.....44742

210.....44972  
230.....47848

231.....44821, 47563  
239.....44964

240.....44964  
249.....44964, 47848

271.....47563

## 18 CFR

101.....47827  
141.....47827

157.....48885  
201.....47827

204.....47827  
304.....46348

## PROPOSED RULES:

2.....44558, 49813  
141.....51609

## 19 CFR

1.....47190  
4.....44810

22.....47827  
134.....49451

153.....44811

## PROPOSED RULES:

4.....46068  
113.....45338

134.....44246  
200.....51617

## 20 CFR

405.....44219, 45897, 52726  
416.....44221, 52392

621.....45899  
625.....46712

651.....45899  
655.....45900

702.....44544, 45300

## PROPOSED RULES:

405.....44558  
416.....52439

## 21 CFR

Ch. I.....46514

5.....44221, 44544  
73.....46514, 47191, 49452, 52392-52394

74.....52395  
81.....46514, 49452, 52392-52394, 52396

82.....52396

## 21 CFR—Continued

101.....45904, 47191  
109.....52819

133.....47192  
175.....44222

176.....44544, 49452  
177.....48528, 52397

178.....44222, 44544, 49452, 49453  
180.....52821

181.....52821  
184.....48335

291.....46698  
310.....45304, 48698

430.....44223  
432.....44225

436.....44223  
444.....44544

455.....44224  
509.....52821

510.....44225  
520.....44226, 47192

540.....49453  
546.....44227

548.....47192  
558.....49454

561.....45304  
570.....44227

573.....52397  
640.....44228

701.....46514  
1010.....44228

1020.....44230

## PROPOSED RULES:

16.....46028, 49612  
20.....46028

52.....49612  
71.....49612

73.....49464  
131.....47215

145.....44247  
150.....44247

170.....49612  
171.....49612

172.....44247, 49465  
173.....49465

175.....49465  
177.....49465

180.....44247  
182.....47216, 49467, 52440

184.....47216, 49467, 52440  
186.....47216, 49467

189.....44247, 49465  
207.....52808

250.....49467  
299.....45938

310.....44247, 49612  
312.....49468, 49612

314.....49612  
320.....49468, 49612

330.....49612  
430.....44247, 49612

431.....49612  
500.....49468, 52440

505.....49469, 52441  
510.....44247, 49469, 49470, 49612, 52441

511.....49612  
514.....47218, 49612

544.....47220  
558.....49469, 52441

570.....49612  
571.....49612

589.....44247  
601.....49612, 52674

607.....52808  
610.....52674

630.....49612  
650.....52674

700.....44247, 49467

## 21 CFR—Continued

## PROPOSED RULES—Continued

701.....49612  
807.....46028

860.....49612  
1010.....49612

## 22 CFR

9a.....46516

## 23 CFR

666.....49932  
810.....47338

## PROPOSED RULES:

Ch. I.....47563  
655.....46060

## 24 CFR

16.....49810  
201.....45305

570.....45768  
841.....51570

866.....52397  
888.....45772

890.....44548  
1912.....43975, 46924

1914.....46488, 46489, 47014, 49584, 51776  
1915.....44234, 45635, 46150, 46227, 49811

1916.....46490,  
46491, 47015, 47016, 51777, 51778

1917.....44662,  
44663, 44902-44917, 45120, 45636-  
45641, 46004-46011, 46234, 46235,  
48508-48515, 48996-49003, 51779-  
51788, 52726-52735

1920.....44368-44372,  
46682-46696, 47016-47023, 52735-  
52747

## PROPOSED RULES:

1917.....44148-44157,  
44666, 45121-45130, 45498-45507,  
49005-49013, 49588-49593

## 25 CFR

11.....46517  
258.....47555

261.....43976  
PROPOSED RULES:

36.....48890

## 26 CFR

1.....47192  
7.....47828

53.....46285  
54.....44388

141.....44394  
601.....46518, 48336

## PROPOSED RULES:

1.....44821, 46062, 47221, 47222, 51790  
7.....47221

31.....51790  
32.....51790

54.....44396  
177.....46352

301.....51790

## 27 CFR

170.....44757  
173.....44758

186.....44758  
194.....44758

201.....44759

## FEDERAL REGISTER

## 27 CFR—Continued

250.....44772  
251.....44772

252.....44772  
PROPOSED RULES:

290.....49471

## 28 CFR

2.....44234, 52398, 52399

## 29 CFR

94.....46728, 52790  
95.....52793

96.....52809  
97.....46728

98.....52802  
99.....52804

452.....45306  
1601.....47828

1910.....45536  
1952.....45905, 45907

1977.....47344  
2550.....44384, 45907, 47198

## PROPOSED RULES:

30.....52441  
1910.....46547, 49472

## 30 CFR

PROPOSED RULES:

55.....46930  
56.....46930

57.....46930  
77.....46367

250.....49478  
252.....48893

270.....49482  
700.....44920, 46550

710.....44920, 46550  
715.....44920, 46550

716.....44920, 46550  
717.....44920, 46550

720.....44920, 46550  
721.....44920, 46550

722.....44920, 46550  
723.....44920, 46550

725.....44920, 46550  
740.....44920, 46550

795.....44920, 46550  
830.....44920, 46550

837.....44955, 46552

## 31 CFR

51.....47988, 47994  
52.....48546

## 32 CFR

289.....47555, 48885  
706.....49875

1286.....45907

## PROPOSED RULES:

Ch. I.....47223  
286.....45935

976.....46367

## 32A CFR

621.....52400  
621a.....52400

621b.....52400  
631.....52400

633.....52400  
651.....52400

## 33 CFR

1.....48022

## 33 CFR—Continued

3.....48022  
110.....44984

117.....46302, 46925  
126.....48022

128.....48876  
160.....48022

161.....51759  
162.....51759

204.....46520  
207.....51574, 51773

222.....47204

## PROPOSED RULES:

110.....45693  
117.....44560, 46931

157.....47851, 47852  
164.....47852

207.....51618

## 35 CFR

## PROPOSED RULES:

10.....45693  
246.....44821

247.....44821  
265.....44821

## 36 CFR

17.....46302  
60.....47658

61.....47658  
63.....47661

212.....46553  
295.....46553

111.....46742

## PROPOSED RULES:

7.....46370  
111.....48349

221.....46063  
241.....44821

245.....44821

## 37 CFR

201.....45916

## PROPOSED RULES:

201.....44247



## FEDERAL REGISTER

## 40 CFR—Continued

## PROPOSED RULES—Continued

120	45339
130	44561
131	44561
148	51620
162	44174
	44176, 44189, 47565, 49484
173	47565
180	47565, 47566, 49485
204	45776, 47227, 48354
250	51625
428	48355
434	46932

## 41 CFR

1-16	45672
3-4	52400
4-4	44236, 45927
4-16	48877
Ch. IX	48878
12-1	45178
12-2	45197
12-3	45199
12-4	45205
12-5	45208
12-6	45208
12-7	45210
12-9	45249
12-10	45253
12-16	45255
12-17	45255
12-18	45256
12-26	45256
12-30	45257
12-50	45257
12-60	45259
12-70	45262
12-99	45268
101-7	48057
101-47	46305, 47205
105-53	44813

## PROPOSED RULES:

Ch. I	47223, 47228
24-1	45935
101-19	49485
101-25	44823

## 42 CFR

57	46520, 46523, 46529, 46533
86	52401
101	48336
Ch. IV	52826

## PROPOSED RULES:

121	48502
-----	-------

## 43 CFR

Ch. II	47840
423	45927
1880	51580
2850	44985
3520	44545

## PROPOSED RULES:

Subtitle A	52448
4	51626
3100	46558
3300	48898

## PUBLIC LAND ORDERS:

2508 (Incorrectly revoked by PLO 2625; corrected by PLO 5626)	48880
2608 (Revoked by PLO 5626)	48880
5625 (Corrected by PLO 5626)	48880
5626	48880

## 45 CFR

134	44961
134b	44961
176	48885
177	45307
178a	46047
192	46049
200	52826
201	51582
205	43977, 43977
246	52827
248	52827
249	52827
250	43977, 51583
251	43977, 46536
252	52827
1005	46053
1069	46053
2000	52402

## PROPOSED RULES:

166	44406
172	47228
175	49904
182	45340
205	45276
249	45276
1067	45002
1068	46063
1069	47567, 46559
1451	52448
1901	48355
1905	48355

## 46 CFR

1	49022
2	49022
24	49023
25	51607
30	49023
31	49024, 51607
32	45677, 49024
35	45677, 49024
39	49024
40	49024
42	49024
56	49024
90	49025
91	49025
96	51607
98	49025
105	49025
110	49025
151	49026
153	49027
182	48880
195	51607
252	45308
502	45677

## PROPOSED RULES:

25	45694
30	47852
31	46938
32	47852
33	45694
34	46938
38	46938
40	46938
54	46938
75	45694
94	45694
98	46938
154	48938
161	45694
164	45694
167	45694
180	45694
192	45694
502	46559

## 47 CFR

2	44986, 46927, 51584
15	44989
73	44545
	44989, 45679, 46054, 46305, 47557, 48880
76	44545, 52404
81	44991, 44992
83	44986, 44992, 51584
87	44992, 48881
89	44546
91	44546
93	44546
94	44546
97	44991, 45308, 47206, 52418

## PROPOSED RULES:

2	45342
43	45936
61	46371
64	46064
67	45937, 46372, 51628
68	47239
73	43992
	45002, 45004, 46064-46067, 46559, 46560, 47567-47570, 48357, 49486, 49487, 51629, 51630
87	45007
89	44561, 45007, 49488
90	45007
91	44561, 45007, 46372, 48899
93	44561, 45007, 48899
95	49489

## 49 CFR

1	46306
85	45800
173	46306
175	46373
179	46306
218	49812
567	46927
609	48339
801	51584
1003	46537
1033	44546
	44815, 46055, 46537, 48340, 48882, 51585
1036	48883
1038	44993
1041	51586
1047	44994
1048	44816
1049	51586
1100	48340
1307	44236, 51586
1310	44236

## PROPOSED RULES:

85	45803
170	51631
171	51631
172	43993, 51631
173	43993, 51631
174	43993, 51631
175	43993, 46373, 51631
176	43993, 51631
177	51631
178	45695, 45696, 51631
179	43993, 51631
195	48900
218	49813
581	51631
1003	44249
1080	47853
1242	45346
1301	51633

## FEDERAL REGISTER

## 50 CFR

17	45526, 46539, 47840
20	45310, 51587
26	44241, 45320
32	43977, 43977, 44547, 44816-44819, 45321-45324, 45929, 46055, 46056, 46315-46317, 46540, 46927, 47206-47209, 47569, 47845-47847, 48337, 48338, 48883, 48884, 49455-49457, 51603
33	43979, 49456
255	48338, 52424
261	52750

## 50 CFR—Continued

262	52753
263	52756
264	52764
265	52776
266	52782
611	44547, 52475

PROPOSED RULES:

17	43995, 46561, 48901
26	44250
32	47572
259	43997
611	45552

## FEDERAL REGISTER PAGES AND DATES—SEPTEMBER

Pages	Date	Pages	Date	Pages	Date
43957-44208	Sept. 1	45893-46043	13	48321-48863	23
44211-44540	2	46045-46263	14	48865-49430	26
44541-44799	6	46265-46504	15	49431-49800	27
44801-44977	7	46505-46911	16	49801-51555	28
44979-45282	8	46913-47165	19	51557-52362	29
45283-45623	9	47167-47543	20	52363-53590	30
45625-45891	12	47817-48320	22		

## reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

## Rules Going Into Effect Today

CAB—Emergency conditions; transportation of disabled persons needing assistance ..... 43828; 8-31-77  
Minimum seat size for split charters (9 documents) .....  
43827-43831; 8-31-77  
DOT/FRA—Blue signal protection of railroad workmen ..... 43853; 8-31-77  
MTB—Polyethylene drum packaging; specification 35 ..... 36261; 7-14-77  
FCC—FM radio broadcast stations, changes in Table of Assignments:  
Wrens, Ga ..... 43635; 8-30-77  
FM table of assignments; McRae, Ga ..... 43085; 8-26-77

GSA—Interest paid by contractors under terminated contracts; procedures and contract clauses ..... 43080; 8-26-77  
Procurement of selected commercial software; use of requirements-type contracts by agencies ..... 43079; 8-26-77  
Interior/BIA—Flathead Irrigation Project; lump sum assessments ..... 41116; 8-15-77  
FWS—Rights-of-way general provisions. 43916; 8-31-77

## List of Public Laws

NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of PUBLIC LAWS.



# presidential documents

## Title 3—The President

PROCLAMATION 4527

### Columbus Day, 1977

*By the President of the United States of America*

#### A Proclamation

On October 10 we once again pay tribute to the great Italian mariner and explorer whose historic voyage of discovery led to the permanent settlement of the New World by the Old.

With the support of the Spanish Crown, Columbus journeyed across uncharted waters to open the way for future generations of immigrants who would found the new nations of the Americas.

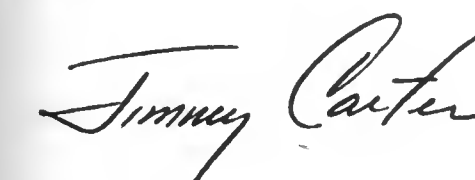
As his heirs, we take pride in commemorating the spirit of Christopher Columbus as part of our national heritage.

In tribute to the achievement of Columbus, the Congress of the United States, by joint resolution approved April 30, 1934 (48 Stat. 657), as modified by the Act of June 28, 1968 (82 Stat. 250), requested the President to proclaim the second Monday in October of each year as Columbus Day.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate Monday, October 10, 1977, as Columbus Day and invite the people of this Nation to observe that day in schools, churches, and other suitable places with appropriate ceremonies in honor of the great explorer.

I also direct that the flag of the United States be displayed on all public buildings on the appointed day in memory of Christopher Columbus.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of September, in the year of our Lord nineteen hundred seventy-seven, and of the Independence of the United States of America the two hundred and second.



[FR Doc. 77-29043 Filed 9-28-77; 4:31 pm]

EDITORIAL NOTE: The President's remarks of Sept. 28, 1977, on signing Proclamation 4527, are printed in the Weekly Compilation of Presidential Documents (vol. 13, no. 40).

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Executive Order 12010

September 28, 1977

**Adjustments of Certain Rates of Pay and Allowances**

By virtue of the authority vested in me by the Constitution and the laws of the United States of America, and as President of the United States of America, it is hereby ordered as follows:

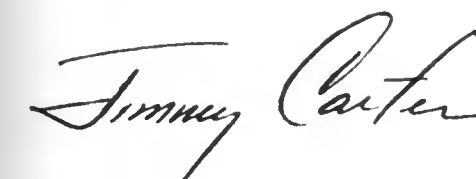
SECTION 1. *Statutory Pay Systems.* Pursuant to the provisions of subchapter I of Chapter 53 of Title 5 of the United States Code, the rates of basic pay and salaries are adjusted, as set forth at the schedules attached hereto and made a part hereof, for the following statutory pay systems:

- (a) The General Schedule (5 U.S.C. 5332(a)) at Schedule 1;
- (b) the schedules for the Foreign Service (22 U.S.C. 867 and 870(a)) at Schedule 2; and
- (c) the schedules for the Department of Medicine and Surgery, Veterans Administration (38 U.S.C. 4107) at Schedule 3.

SEC. 2. *Pay and Allowances for Members of the Uniformed Services.* Pursuant to the provisions of Section 1009 of Title 37 of the United States Code, the rates of monthly basic pay (37 U.S.C. 203(a) and (c)), the rates of basic allowances for subsistence (37 U.S.C. 402), and the rates of basic allowances for quarters (37 U.S.C. 403(a)) are adjusted, as set forth at Schedule 4 attached hereto and made a part hereof, for members of the uniformed services.

SEC. 3. *Effective Date.* The adjustments in rates of monthly basic pay and basic allowances for subsistence and quarters for members of the uniformed services shall be effective on October 1, 1977. All other adjustments of salary or pay shall be effective on the first day of the first applicable pay period beginning on or after October 1, 1977.

SEC. 4. *Superseded Orders.* Executive Order No. 11941 of October 1, 1976, is superseded.



THE WHITE HOUSE,  
September 28, 1977.

[FR Doc.77-29125 Filed 9-29-77;2:30 pm]

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## Schedule 1 - THE GENERAL SCHEDULE

	1	2	3	4	5	6	7	8	9	10
GS-1	\$6,219	\$6,426	\$6,533	\$6,840	\$7,047	\$7,254	\$7,461	\$7,668	\$7,875	\$8,082
2	7,035	7,270	7,505	7,740	7,975	8,210	8,445	8,680	8,915	9,150
3	7,930	8,194	8,458	8,722	8,986	9,250	9,514	9,778	10,042	10,306
4	8,902	9,199	9,496	9,793	10,090	10,387	10,684	10,981	11,278	11,575
5	9,959	10,291	10,623	10,955	11,287	11,619	11,951	12,283	12,615	12,947
6	11,101	11,471	11,841	12,211	12,581	12,951	13,321	13,691	14,061	14,431
7	12,336	12,747	13,158	13,569	13,980	14,391	14,802	15,213	15,624	16,035
8	13,662	14,117	14,572	15,027	15,482	15,937	16,392	16,847	17,302	17,757
9	15,090	15,593	16,096	16,599	17,102	17,605	18,108	18,611	19,114	19,617
10	16,618	17,172	17,726	18,280	18,834	19,388	19,942	20,496	21,050	21,604
11	18,258	18,867	19,476	20,085	20,694	21,303	21,912	22,521	23,130	23,739
12	21,883	22,612	23,341	24,070	24,799	25,528	26,257	26,986	27,715	28,444
13	26,022	26,889	27,756	28,623	29,490	30,357	31,224	32,091	32,958	33,825
14	30,750	31,775	32,800	33,825	34,850	35,875	36,900	37,925	38,950	39,975
15	36,171	37,377	38,583	39,789	40,995	42,201	43,407	44,613	45,819	47,025
16	42,423	43,837	45,251	46,665	48,079	49,493	50,907	52,321	53,735	
17	49,696*	51,353*	53,010*	54,667*	56,324*					
18	58,245*									

\*Basic pay is limited by Section 5308 of Title 5 of the United States Code to the rate for level V of the Executive Schedule which is, as of the effective date of this schedule, \$47,500.

## Schedule 2 - FOREIGN SERVICE SCHEDULES

## Part I - The Per Annum Salaries of Foreign Service Officers

	1	2	3	4	5	6	7
FSO-01	\$54,837*	\$56,665*	\$58,245*				
02	42,114	43,518	44,922	\$46,326	\$47,730*	\$49,134*	\$50,538*
03	32,836	33,931	35,026	36,121	37,216	38,311	39,406
04	26,022	26,889	27,756	28,623	29,490	30,357	31,224
05	20,983	21,682	22,381	23,080	23,779	24,478	25,177
06	17,231	17,805	18,379	18,953	19,527	20,101	20,675
07	14,429	14,910	15,391	15,872	16,353	16,834	17,315
08	12,336	12,747	13,158	13,569	13,980	14,391	14,802

## Part II - The Per Annum Salaries of Foreign Staff Officers and Employees

	1	2	3	4	5	6	7	8	9	10
FSO-01	\$32,836	\$33,931	\$35,026	\$36,121	\$37,216	\$38,311	\$39,406	\$40,501	\$41,596	\$42,691
02	26,022	26,889	27,756	28,623	29,490	30,357	31,224	32,091	32,958	33,825
03	20,983	21,682	22,381	23,080	23,779	24,478	25,177	25,876	26,575	27,274
04	17,231	17,805	18,379	18,953	19,527	20,101	20,675	21,249	21,823	22,397
05	15,417	15,931	16,445	16,959	17,473	17,987	18,501	19,015	19,529	20,043
06	13,802	14,262	14,722	15,182	15,642	16,102	16,562	17,022	17,482	17,942
07	12,361	12,773	13,185	13,597	14,009	14,421	14,833	15,245	15,657	16,069
08	11,076	11,445	11,814	12,183	12,552	12,921	13,290	13,659	14,028	14,397
09	9,927	10,258	10,589	10,920	11,251	11,582	11,913	12,244	12,575	12,906
10	8,902	9,199	9,496	9,793	10,090	10,387	10,684	10,981	11,278	11,575

\*Basic pay is limited by Section 5308 of Title 5 of the United States Code to the rate for level V of the Executive Schedule which is, as of the effective date of this schedule, \$47,500.

## Schedule 3 - DEPARTMENT OF MEDICINE AND SURGERY SCHEDULES, VETERANS ADMINISTRATION

Section 4103 Schedule  
 Chief Medical Director  
 Deputy Chief Medical Director  
 Associate Deputy Chief Medical Director  
 Assistant Chief Medical Director  
 Medical Director  
 Director of Nursing Service  
 Director of Pediatric Service  
 Director of Chiropractic Service  
 Director of Pharmacy Service  
 Director of Dietetic Service  
 Director of Optometric Service

	Minimum	Maximum
single rate.....	\$65,317**	
single rate.....	62,657**	
single rate.....	60,014*	
single rate.....	58,245*	
\$49,696*	56,324*	
49,696*	56,324*	
42,423	53,735*	
42,423	53,735*	
42,423	53,735*	
42,423	53,735*	
42,423	53,735*	

## Physician and Dentist Schedule

Director grade  
 Executive grade  
 Chief grade  
 Senior grade  
 Intermediate grade  
 Full grade  
 Associate grade

842,423	853,735*
39,172	50,926*
36,171	47,025
30,750	39,975
26,022	33,825
21,883	28,444
18,258	23,739

## Nurse Schedule

Director grade  
 Assistant Director grade  
 Chief grade  
 Senior grade  
 Intermediate grade  
 Full grade  
 Associate grade  
 Junior grade

\$36,171	\$47,025
30,750	39,975
26,022	33,825
21,883	28,444
18,258	23,739
15,090	19,617
12,906	16,883
11,101	14,431

## Clinical Pediatric and Optometrist Schedule

Chief grade  
 Senior grade  
 Intermediate grade  
 Full grade  
 Associate grade

\$36,171	\$47,025
30,750	39,975
26,022	33,825
21,883	28,444
18,258	23,739

\*Basic pay is limited by Section 4107(d) of Title 38 of the United States Code to the rate for level V of the Executive Schedule which is, as of the effective date of this schedule, \$47,500.  
 \*\*Basic pay is limited by Section 4107(d) of Title 38 of the United States Code to the rate for level IV of the Executive Schedule which is, as of the effective date of this schedule, \$50,000.  
 \*\*\*Basic pay is limited by Section 4107(d) of Title 38 of the United States Code to the rate for level III of the Executive Schedule which is, as of the effective date of this schedule, \$52,500.

Schedule 4 - PAY AND ALLOWANCES OF THE UNIFORMED SERVICES  
 Part I - Monthly Basic Pay  
 (Years of service computed under 37 U.S.C. 205)

## Commissioned Officers

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12
O-10 <sup>1</sup>	\$3126.30	\$3236.40	\$3236.40	\$3236.40	\$3236.40	\$3368.30	\$3368.30	\$3618.00
O-9	2770.80	2843.70	2904.00	2904.00	2904.00	2978.10	2978.10	3101.40
O-8	2509.50	2584.00	2646.30	2646.30	2646.30	2843.70	2843.70	2978.10
O-7	2085.30	2227.20	2227.20	2227.20	2227.20	2326.80	2462.10	2462.10
O-6	1545.60	1698.00	1809.00	1809.00	1809.00	1809.00	1809.00	1809.00
O-5	1236.30	1452.00	1551.90	1551.90	1551.90	1551.90	1551.90	1684.00
O-4	1042.20	1268.00	1353.60	1353.60	1353.60	1353.60	1353.60	1537.50
O-3	968.40	1082.70	1157.10	1200.40	1341.60	1390.20	1464.60	1537.50
O-2	844.20	922.20	1107.90	1145.10	1168.80	1168.80	1168.80	1168.80
O-1	732.90	762.90	922.20	922.20	922.20	922.20	922.20	922.20
Pay Grade	Over 14	Over 16	Over 18	Over 20	Over 22	Over 24	Over 26	Over 30
O-10 <sup>1</sup>	\$3618.00	\$3876.60	\$3876.60	\$4136.10*	\$4136.10*	\$4393.00*	\$4393.00*	\$4393.00*
O-9	3101.40	3360.30	3360.30	3618.00	3618.00	3876.60	3876.60	3876.60
O-8	2978.10	3101.40	3236.40	3360.30	3493.00	3493.00	3493.00	3493.00
O-7	2584.00	2843.70	3039.00	3039.00	3039.00	3039.00	3039.00	3039.00
O-6	1870.50	2166.90	2277.60	2326.80	2462.10	2670.00	2670.00	2670.00
O-5	1797.30	1932.90	2043.30	2184.80	2178.60	2178.60	2178.60	2178.60
O-4	1698.00	1772.60	1821.90	1821.90	1821.90	1821.90	1821.90	1821.90
O-3	1575.30	1575.30	1575.30	1575.30	1575.30	1575.30	1575.30	1575.30
O-2	1168.80	1168.80	1168.80	1168.80	1168.80	1168.80	1168.80	1168.80
O-1	922.20	922.20	922.20	922.20	922.20	922.20	922.20	922.20

1. While serving as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, basic pay for this grade is \$4848.00\* regardless of cumulative years of service computed under Section 205 of Title 37 of the United States Code.

2. Does not apply to commissioned officers who have been credited with over 4 years' active service as enlisted members.

\* Basic pay is limited by Section 5308 of Title 5 of the United States Code, as added by the Federal Pay Comparability Act of 1970, to the rate for level V of the Executive Schedule which is, as of the effective date of this schedule, \$3958.20 per month.

V 4 2 1 1 9 0 S E P 3 0 7 7 U M I



## THE PRESIDENT

Commissioned officers who have been credited with over 4 years' active service as enlisted members

(Years of service computed under 37 U.S.C. 205)

Pay Grade	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14
O-3	\$1200.00	\$1341.00	\$1390.20	\$1464.00	\$1537.50	\$1599.30
O-2	1145.10	1160.00	1206.00	1260.00	1317.30	1353.60
O-1	922.20	904.90	1021.50	1050.00	1095.90	1145.10
Pay Grade	Over 16	Over 18	Over 20	Over 22	Over 24	Over 26
O-3	\$1599.30	\$1599.30	\$1599.30	\$1599.30	\$1599.30	\$1599.30
O-2	1353.60	1353.60	1353.60	1353.60	1353.60	1353.60
O-1	1145.10	1145.10	1145.10	1145.10	1145.10	1145.10

## Warrant Officers

(Years of service computed under 37 U.S.C. 205)

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12
W-4	\$ 906.00	\$1058.00	\$1058.00	\$1082.70	\$1131.90	\$1181.70	\$1231.30	\$1317.30
W-3	897.00	972.90	972.90	984.90	996.00	1009.50	1131.90	1160.00
W-2	785.40	849.30	849.30	874.20	922.20	972.90	1009.50	1046.40
W-1	634.30	750.30	750.30	812.70	849.30	886.30	922.20	960.30
Pay Grade	Over 14	Over 16	Over 18	Over 20	Over 22	Over 24	Over 26	Over 28
W-4	\$1378.20	\$1427.10	\$1464.00	\$1512.90	\$1563.30	\$1604.00	\$1604.00	
W-3	1206.00	1342.00	1280.00	1329.90	1378.20	1427.10	1427.10	
W-2	1082.70	1128.50	1157.10	1193.70	1242.00	1242.00	1242.00	
W-1	996.00	1033.50	1069.50	1107.90	1167.90	1167.90	1167.90	

## Enlisted Members

(Years of service computed under 37 U.S.C. 205)

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12
E-9 <sup>1</sup>	\$0	\$0	\$0	\$0	\$0	\$0	\$1120.00	\$1144.30
E-8	0	0	0	0	0	0	966.60	992.40
E-7	656.70	708.60	735.00	760.50	786.00	811.50	837.30	863.70
E-6	567.00	618.30	644.10	671.10	696.00	721.00	748.20	786.90
E-5	490.00	541.00	568.20	592.00	631.50	657.30	683.70	708.60
E-4	478.50	505.20	534.90	576.60	599.00	599.40	599.40	599.40
E-3	460.20	485.40	504.90	525.00	525.00	525.00	525.00	525.00
E-2	443.10	443.10	443.10	443.10	443.10	443.10	443.10	443.10
E-1	397.50	397.50	397.50	397.50	397.50	397.50	397.50	397.50
Pay Grade	Over 14	Over 16	Over 18	Over 20	Over 22	Over 24	Over 26	Over 28
E-9 <sup>1</sup>	\$1172.40	\$1199.40	\$1225.80	\$1249.00	\$1315.00	\$1443.30	\$1443.30	
E-8	1018.50	1044.90	1069.20	1095.60	1159.00	1289.40	1289.40	
E-7	902.70	928.20	954.30	966.60	1031.70	1159.00	1159.00	
E-6	811.50	837.30	850.20	850.20	850.20	850.20	850.20	
E-5	721.00	721.00	721.00	721.00	721.00	721.00	721.00	
E-4	599.40	599.40	599.40	599.40	599.40	599.40	599.40	
E-3	525.00	525.00	525.00	525.00	525.00	525.00	525.00	
E-2	443.10	443.10	443.10	443.10	443.10	443.10	443.10	
E-1	397.50	397.50	397.50	397.50	397.50	397.50	397.50	

1. While serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy or Coast Guard, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps, basic pay for this grade is \$1754.00 regardless of cumulative years of service computed under Section 205 of Title 37 of the United States Code.

## THE PRESIDENT

## Part II - Basic Allowance for Subsistence Rates

## Officers:

\$59.53 per month

## Enlisted Members:

When on leave or authorized to mess separately:

\$ 2.84 per day

When rations in-kind are not available:

\$ 3.20 per day

When assigned to duty under emergency conditions where no messing facilities of the United States are available:

\$ 4.25 per day

## Part III - Monthly Basic Allowance for Quarters Rates

<u>Pay Grade</u>	<u>Without Dependents</u>		<u>With Dependents</u>
	<u>Full Rate</u> <sup>1</sup>	<u>Partial Rate</u> <sup>2</sup>	
<u>Commissioned Officers</u>			
O-10	\$339.30	\$50.70	\$424.20
O-9	339.30	50.70	424.20
O-8	339.30	50.70	424.20
O-7	339.30	50.70	424.20
O-6	304.50	39.60	371.40
O-5	280.80	33.00	338.10
O-4	249.90	26.70	301.80
O-3	219.90	22.20	271.20
O-2	190.80	17.70	241.50
O-1	148.80	13.20	193.00
<u>Warrant Officers</u>			
W-4	240.90	25.20	290.70
W-3	214.80	20.70	264.60
W-2	186.90	15.90	237.30
W-1	168.60	13.80	218.60

1. Payment of the full rate of basic allowance for quarters at these rates for members of the uniformed services to personnel without dependents is authorized by 37 U.S.C. 403 and Part IV of Executive Order No. 11157, as amended.
2. Payment of the partial rate of basic allowance for quarters at these rates to members of the uniformed services without dependents who, under 37 U.S.C. 403(b) or 403(c), are not entitled to the full rate of basic allowance for quarters, is authorized by 37 U.S.C. 1009(d) and Part IV of Executive Order No. 11157, as amended.

## Part IV - Monthly Rate of Cadet or Midshipman Pay

The rate of monthly cadet pay or midshipman pay authorized by Section 203(c) of Title 37 of the United States Code is adjusted from \$313.20 to \$332.70.<sup>1</sup>

1. Notwithstanding this adjustment under 37 U.S.C. 203(c), pursuant to Section 302(b) of Public Law 95-79 (91 Stat. 326, 37 U.S.C. 203.note) the minimum rate of monthly cadet pay or midshipman pay is \$345.00.

V421190 SEP 30 77 UMI



rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[ 6325-01 ]

Title 5—Administrative Personnel  
CHAPTER I—CIVIL SERVICE COMMISSION  
PART 213—EXCEPTED SERVICE  
Department of Energy

AGENCY: Civil Service Commission.  
ACTION: Final rule.

SUMMARY: The purpose of this amendment is to identify those positions under Schedule A that are presently in the Department of the Interior and which are being transferred to the newly established Department of Energy.

EFFECTIVE DATE: September 30, 1977.  
FOR FURTHER INFORMATION CONTACT:

William Bohling (202-632-4533).

Accordingly, 5 CFR 213.3102(m) (1) is amended, 213.3112(d) is revoked, and 213.3131 is established as set out below:  
§ 213.3102 Entire executive civil service.

(m) Nonsupervisory positions of custodial laborer (levels 1, 2, and 3) and general laborer (levels 2 and 3) in field establishments outside central office and regional office cities of the Commission where examination coverage has not been provided for the positions, as follows:

(1) For temporary, intermittent, or seasonal employment (exclusive of positions covered by paragraph (1) of this section) not to exceed 180 working days a year in the Departments of Agriculture, Commerce, Interior, and Energy, in the Federal Aviation Agency, and in the International Boundary and Water Commission; or

§ 213.3112 Department of the Interior.

(d) [Revoked]

§ 213.3131 Department of Energy.

(a) General.

(1) Temporary, intermittent, or seasonal field assistants at GS-5, or its equivalent, and below in such areas as forestry, range management, soils, engineering, fishery and wildlife management, and with surveying parties. Employment under this authority shall not exceed 130 working days a year. This authority shall not apply to positions of field assistants engaged in fishery management work in Alaska.

(b) Bonneville Power Administration.  
(1) Five Area Managers.  
(5 U.S.C. 3301, 3302; EO 19577, 3 CFR 1954-1958 Comp., 218.)

UNITED STATES CIVIL SERVICE COMMISSION,  
JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc.77-28936 Filed 9-29-77;8:45 am]

[ 6325-01 ]

PART 213—EXCEPTED SERVICE  
Entire Executive Civil Service

AGENCY: Civil Service Commission.  
ACTION: Final rule.

SUMMARY: Positions of Presidential Intern, GS-9 and 11, in the Presidential Management Intern Program are excepted under Schedule A because it is not practicable to examine for them. Employment under this authority may not exceed 2 years, and initial appointments may be made only at grade GS-9.

EFFECTIVE DATE: September 30, 1977.  
FOR FURTHER INFORMATION CONTACT:

Andrew Boesel, (202-254-7316).

Accordingly, 5 CFR 213.3102(ii) is added as set out below:

§ 213.3102 Entire Executive Civil Service.

(ii) Positions of Presidential Intern, GS-9 and 11, in the Presidential Management Intern Program. Initial appointments must be made at the GS-9 level. No one may serve under this authority for more than 2 years. Upon completion of 2 years of satisfactory service under this authority, the employee may qualify for conversion to competitive appointment under the provisions of Executive Order 12008, in accordance with requirements published in the Federal Personnel Manual. Recommendation for conversion may be submitted within 90 days before completion of the service requirement, and conversion will be effective on the date the service requirement is met. Except for the requirement concerning competitive selection from a register, appointments under this paragraph are subject to all the requirements and conditions governing career-conditional appointment, including investigation by the Commission to establish an appointee's qualifications and suitability.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,  
JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc.77-28937 Filed 9-29-77;8:45 am]

[ 6325-01 ]

PART 213—EXCEPTED SERVICE  
Department of Energy

AGENCY: Civil Service Commission.  
ACTION: Final rule.

SUMMARY: The purpose of this amendment is to reflect the establishment of the Department of Energy and to identify those positions in the new agency which are excepted under Schedule C. These positions include the following which formerly existed in other agencies but which are hereby transferred to the Department of Energy: all positions currently excepted under Schedule C in the Federal Energy Administration and the Federal Power Commission; all positions currently excepted under Schedule C for the Bonneville and the Southwestern Power Administrations within the Department of the Interior; and 71 positions in the Energy Research and Development Administration which have been filled by Limited Appointment and are now excepted under Schedule C on the basis of being confidential in nature. During the formative period when all of the foregoing positions are being absorbed into the new Department, they will be considered, for organizational purposes, to be attached to the Office of the Secretary until their permanent role in the evolving organization is more sharply delineated. At that time each of the foregoing positions will be individually listed in the FEDERAL REGISTER. In addition to absorbing existing positions into the new agency as Schedule C positions, the following newly established positions in the new Department are excepted under Schedule C because they are confidential in nature: one Motor Vehicle Operator for the Secretary; one Motor Vehicle Operator for the Deputy Secretary; two Confidential Secretaries for the Secretary; two Confidential Secretaries for the Deputy Secretary; and one Confidential Secretary each to the Undersecretary, the General Counsel, the Chairman of the Federal Energy Regulatory Commission, each of four members of the Federal Energy Regulatory Commission, the Administrator of the Energy



Information Administration, the Administrator of the Economic Regulatory Administration, the Inspector General, the Deputy Inspector General, the Director of the Office of Energy Research, the Assistant Secretary for Conservation and Solar Applications, the Assistant Secretary for Environment, the Assistant Secretary for Resource Applications, the Assistant Secretary for Energy Technology, the Assistant Secretary for Defense Programs, the Assistant Secretary for Intergovernmental and Institutional Relations, the Assistant Secretary for International Affairs, the Assistant Secretary for Policy and Evaluation, the Special Assistant to the Secretary, the Director of Administration, the Controller, the Director of Procurement and Contracts Management, the Deputy Assistant Secretary for Legislative Affairs, the Deputy Assistant Secretary for Public Affairs, and the Deputy Assistant Secretary for Governmental Affairs.

EFFECTIVE DATE: September 30, 1977.  
FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3312 (i) and (k), sections 213.3329 and 213.3388 are revoked and section 213.3331 is added as set out below:

§ 213.3312 Department of the Interior.

(i) [Revoked]

(k) [Revoked]

§ 213.3329 [Revoked]

§ 213.3331 Department of Energy.

(a) *Office of the Secretary.* (1) Two Confidential Secretaries and one Motor Vehicle Operator to the Secretary.

(2) Two Confidential Secretaries and one Motor Vehicle Operator to the Deputy Secretary.

(3) One Confidential Secretary to the Undersecretary.

(4) One Confidential Secretary to the Special Assistant to the Secretary.

(b) *Office of the General Counsel.* (1) One Confidential Secretary to the General Counsel.

(c) *Federal Energy Regulatory Commission.* (1) One Confidential Secretary to the Chairman.

(2) One Confidential Secretary to each of four Members.

(d) *Office of the Administrator of the Energy Information Administration.* (1) One Confidential Secretary to the Administrator.

(e) *Office of the Administrator of the Economic Regulatory Administration.* (1) One Confidential Secretary to the Administrator.

(f) *Office of the Inspector General.* (1) One Confidential Secretary to the Inspector General.

(2) One Confidential Secretary to the Deputy Inspector General.

(g) *Office of the Director of Energy Research.* (1) One Confidential Secretary to the Director.

(h) *Office of the Assistant Secretary for Conservation and Solar Applications.* (1) One Confidential Secretary to the Assistant Secretary.

(i) *Office of the Assistant Secretary for Environment.* (1) One Confidential Secretary to the Assistant Secretary.

(j) *Office of the Assistant Secretary for Resource Applications.* (1) One Confidential Secretary to the Assistant Secretary.

(k) *Office of the Assistant Secretary for Energy Technology.* (1) One Confidential Secretary to the Assistant Secretary.

(l) *Office of the Assistant Secretary for Defense Programs.* (1) One Confidential Secretary to the Assistant Secretary.

(m) *Office of the Assistant Secretary for Intergovernmental and Institutional Relations.* (1) One Confidential Secretary to the Assistant Secretary.

(2) One Confidential Secretary to the Deputy Assistant Secretary for Legislative Affairs.

(3) One Confidential Secretary to the Deputy Assistant Secretary for Public Affairs.

(4) One Confidential Secretary to the Deputy Assistant Secretary for Governmental Affairs.

(n) *Office of the Assistant Secretary for International Affairs.* (1) One Confidential Secretary to the Assistant Secretary.

(o) *Office of the Assistant Secretary for Policy and Evaluation.* (1) One Confidential Secretary to the Assistant Secretary.

(p) *Office of the Director of Administration.* (1) One Confidential Secretary to the Director.

(q) *Office of the Controller.* (1) One Confidential Secretary to the Controller.

(r) *Office of the Director of Procurement and Contracts Management.* (1) One Confidential Secretary to the Director.

§ 213.3388 [Revoked]

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,  
JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc. 77-28935 Filed 9-29-77; 8:45 am]

[6325-01]

#### PART 831—RETIREMENT

Allotments From Civil Service Annuities

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending its regulations to allow allotments to

be paid to employee/annuitant organizations which have collected a minimum of 2,000 allotment authorizations from interested annuitants. The purpose of this amendment is to implement Public Law 94-166 which authorized allotments to be made from civil service retirement annuities.

EFFECTIVE DATE: September 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank D. Titus, Program Analyst, Bureau of Retirement, Insurance and Occupational Health, Civil Service Commission, Washington, D.C. 20415, phone 202-632-4650.

SUPPLEMENTARY INFORMATION: On June 10, 1977, there was published in the FEDERAL REGISTER (42 FR 29880) a notice of proposed rulemaking setting forth the conditions under which the Civil Service Commission would effect allotments from civil service annuities. Interested parties were given the opportunity to submit, not later than July 11, 1977, comments regarding the proposed rules.

Other than requests for additional information, the Commission received only two letters suggesting modifications in the proposed rules. One letter recommended that the regulations be expanded to encompass allotments for savings bonds and another recommended that the number of potential allottee organizations be expanded beyond the maximum of twenty specified in § 831.1321(h) and that the requirement that an organization collect a minimum of 2,000 allotment authorizations prior to participation in the allotment program, § 831.1311(b), be reduced to 1,000 authorizations.

At this time, the Commission does not have the capability to effect annuity allotments for savings bonds. The Commission is undertaking a study to determine what types of additional allotment services, if any, are needed by its annuitants and the processing modifications required to effect such services. This study will address savings bonds allotments. The suggestion regarding savings bonds is therefore not adopted.

The restriction placed on the number of organizations which may receive allotments, twenty, contained in § 831.1321(h) is inherent in the current annuity roll processing system which will effect annuity allotments. Until such time as the Commission's annuity roll processing capacity is expanded, the allotment program must be limited to twenty organizations. Given this inherent limitation, maximum availability of allotment services is best assured by requiring a minimum participation level for each organization. The recommendation to modify § 831.1311(b) and § 831.1321(h) is therefore not adopted.

Accordingly, 5 CFR 831 is amended by adding a new subpart O as set out below.

NOTE.—The Civil Service Commission has determined that this document does not

contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107.

UNITED STATES CIVIL SERVICE COMMISSION,  
JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

Subpart O—Allotments From Civil Service Annuities

Sec.

831.1301 Definitions.

831.1311 Authorized allottees.

831.1321 Limitations.

AUTHORITY: 5 U.S.C. 831.

Subpart O—Allotments From Civil Service Annuities

#### § 831.1301 Definitions.

(a) "Allotment" means a specified deduction from the annuity payments due an annuitant voluntarily authorized by the annuitant to be paid to an allottee.

(b) "Allottee" means the institution or organization to which the allotment is paid.

(c) "Allotter" means the annuitant from whose annuity payments an allotment is deducted.

(d) "Annuity Payments" means the net monthly annuity payment due an annuitant after all authorized deductions (such as those for health benefits, Federal income tax, overpayment of annuity, payment of a government claim, etc.) have been made.

#### § 831.1311 Authorized allottees.

(a) An annuitant may make an allotment to the national office or headquarters of any of the following organizations:

(1) A labor organization recognized under Executive Order 11491, as amended;

(2) An employee organization recognized under 5 U.S.C. 8901(8);

(3) Other lawful organizations which:

(i) Are national in scope,

(ii) Are nonprofit and noncommercial, existing primarily for the purpose of representing employee or annuitant interests in their dealings with employing agencies or the Commission.

(iii) Consist primarily of Federal employees and/or annuitants, and

(iv) Existed as of December 23, 1975.

(b) The Commission, in its sole discretion, may approve the individual organizations which may receive allotments only after the organization has collected, in accordance with procedures prescribed by the Commission, a minimum of two thousand (2,000) allotment authorizations from civil service annuitants.

(c) The Commission shall permit an annuitant to make an allotment to an organization only when:

(1) The organization has been approved as an allottee by the Commission, and

(2) The organization has agreed in writing to solicit and process allotments in accordance with requirements prescribed by the Commission.

#### § 831.1321 Limitations.

(a) The amount of any allotment may not be less than one dollar (\$1) and, in the absence of compelling circumstances, shall be in whole dollars.

(b) The total amount of any allotment(s) may not exceed the net monthly annuity due the allotter.

(c) An annuitant may make only one allotment payable to the same allottee at the same time and may make no more than a total of two allotments.

(d) Payment of an allotment shall be discontinued when the allotter's annuity payments are terminated or suspended by the Commission.

(e) Allotments shall be disbursed on one of the regularly designated paydays of the allotter in accordance with the Commission's agreement with the allottee.

(f) Allottees shall agree that the Commission shall be held harmless for any authorized allotment request made by an allottee in accordance with the allottee's agreement with the Commission.

(g) Allottees shall agree that disputes regarding any authorized allotment shall be a matter between the allotter and the allottee.

(h) The total number of allottees shall be limited to twenty (20), with first preference given to those organizations participating in the Federal Employees Health Benefits Program. Thereafter, preference shall be based on the date of application and the number of annuitants who have completed allotment authorizations.

(i) The Commission, in its discretion, shall recover from the allottee, the incremental costs of making allotments.

(j) The Commission, in its sole discretion, may terminate an allottee's participation in the allotment program described by this subpart at any time in accordance with its agreement with the allottee.

[FR Doc. 77-28667 Filed 9-29-77; 8:45 am]

[6325-01]

#### PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Opportunities To Register To Enroll and Change Enrollment; Open Season

AGENCY: Civil Service Commission.

ACTION: Final rulemaking.

SUMMARY: The amendment changes the dates of the 1977 Federal Employees Health Benefits (FEHB) Program open season from November 15-30 to November 14-December 9. This extension is necessary to enable the Commission to ensure that all employees receive 1977 open season materials timely.

DATE: Effective September 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Edward G. Borchers, (202-632-4684).

SUPPLEMENTARY INFORMATION: On page 41866 of the FEDERAL REGISTER

of August 19, 1977, proposed rulemaking was published to change the 1977 FEHB open season from November 15-30 to November 14-December 9. Comments and suggestions were invited for a 30-day period, ending September 19, 1977.

Comments were received from many sources and all were favorable concerning extending the open season from two work-weeks to four work-weeks. A number of suggestions were made regarding the exact dates of the open season; most suggesting that the open season begin earlier than November 14. While beginning the open season one or two weeks earlier would provide agencies and carriers with more time to process open season forms, printing and distribution schedules make it extremely unlikely that most eligible employees will receive open season literature prior to November 14. As a result, the Commission will not change the dates proposed but will consider the possibility of earlier dates for future open seasons.

Accordingly, 5 CFR 890.301(d)(1) is amended to read as follows:

§ 890.301 Opportunities to register to enroll and change enrollment.

(d) *Open season.* (1) During the period November 14, 1977, through December 9, 1977, an employee who is not registered to be enrolled may register to be enrolled, and an enrolled employee or annuitant may change his or her enrollment from one plan or option to another, or from self only to self and family, or both.

(5 U.S.C. 8913)

NOTE.—The Civil Service Commission has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107.

UNITED STATES CIVIL SERVICE COMMISSION,  
JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc. 77-28668 Filed 9-29-77; 8:45 am]

#### Title 7—Agriculture

#### CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

#### PART 301—DOMESTIC QUARANTINE NOTICES

#### Subpart—Witchweed

#### Correction

In FR Doc. 77-24407 appearing on page 42302 in the issue for Tuesday, August 23, 1977, on page 42308, the 2nd column, the last paragraph, the 7th line should read, "... restrictions on interstate movement of ...".

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## [ 3410-02 ]

## CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

## PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

## Changes To Improve Administrative Operating Procedures

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

**SUMMARY:** This rule makes changes to improve administrative operating procedures, and makes organizational changes to facilitate reference in certain provisions established under the Federal marketing order for California raisins. Some of the changes bring the procedures and provisions in line with recent order amendments. Other changes update provisions so they are more reflective of current industry operating practices.

EFFECTIVE DATE: October 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202-447-3545).

**SUPPLEMENTARY INFORMATION:** On August 19, 1977, there was published in the FEDERAL REGISTER (42 FR 41867) a proposal to revise Subpart—Administrative Rules and Regulations (7 CFR 989.101-989.176). Subpart—Supplementary Regulations (7 CFR 989.201-989.231), Subpart—Schedule of Payments (7 CFR 989.401), Subpart—Conversion Factors (7 CFR 989.601), and to add a new Subpart—Quality Control (7 CFR 989.701-989.702). The subparts are pursuant to the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989; 42 FR 37200), regulating the handling of raisins produced from grapes grown in California (hereinafter referred to collectively as the "order"). The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal was based on a recommendation of the Raisin Administrative Committee.

Interested persons were given the opportunity to submit written data, views, or arguments on the proposal. A comment was received from a raisin handler. The comment opposes the proposal to revise § 989.210 to include Golden Seedless and Dipped Seedless raisins under a weight dockage system for immaturity. Currently, this system is applicable only to Natural (sun-dried) Seedless raisins. Under this system the quantity of raisins docked from the grower equals the quantity of immature raisins which have to be removed from the lot by the handler to bring it up to grade.

The main objection the commentator has is that Golden Seedless and Dipped Seedless raisins do not have the same

stemming characteristics as do Natural (sun-dried) Seedless raisins because they are stickier. They are therefore much less free flowing during the stemming operation, and more difficult to process in the removal of immature raisins. The commentator contends that there is no loss to the grower other than some weight loss which he would have had anyway. Because the removal of excess immature raisins from lots of Golden Seedless and Dipped Seedless raisins during normal processing is more difficult than from lots of Natural (sun-dried) Seedless raisins, there is additional cost and risk transferred to the handler. In past years, the commentator found that lots high in substandard raisins prior to processing failed the outgoing standards for processed raisins. Thus, it appears that the risk of the raisins failing the outgoing requirements is present regardless of the care in processing taken by the handler.

It is further contended that the inclusion of these two artificially dried varietal types of raisins under a weight dockage system transfers what is essentially a grower problem to the handler. He states that the problem of immaturity in these two varietal types is essentially a grower problem, because it results from the grower making raisins from immature grapes. The more the grower maturity standard is relaxed, the more likely will be the tendency to pick earlier—hence, before grapes are ready to be picked—which will have a disadvantageous market effect.

Therefore, to give the Raisin Administrative Committee opportunity to reconsider the proposal in the light of the comment, Golden Seedless and Dipped Seedless raisins will not be included under the weight dockage system. If the Committee is able to resolve the objections contained in the comment, the proposal to include these two varietal types under the weight dockage system will be reconsidered.

The terms "Order" and "Terms in the order" defined in §§ 989.101 and 989.103, respectively, are deleted because they are superfluous. The administrative rules and regulations are operative pursuant to the order, and terms used in the administrative rules and regulations have the same meaning as in the order.

The August 1, 1977, amendment of the order reduced the extensive number of varietal type categories to simplify classification of raisins used in regulating the volume and quality of raisins moved to market. Seven varietal types were established incorporating those in § 989.110. These are now set forth in § 989.10 of the order, as amended August 1. Thus, the list of vertical types in § 989.110 is deleted.

The list of varietal types with conversion factors for converting packed weight to natural condition weight in § 989.601 is revised to reflect the changes in varietal type categories. The categories Dipped Seedless and Golden Seedless were not changed by the amendment and need not be changed in the table. All of the other varietal types in the list are

changed according to the varietal types in § 989.10.

The 1977 amendment of the order also provided for the deletion of § 989.96, containing provisions dealing with Raisin Administrative Committee grower districts and representatives per district, and the transferral of these provisions from the order to the rules and regulations to facilitate reference. Producer representation is required to be reviewed every three years for equitable representation and any necessary changes made. Pursuant to this, changes were made in district boundaries and representation in 1973 and set forth in §§ 989.125 and 989.126, respectively. However, this format requires a reader to refer to the order and the rules and regulations to find the applicable provisions. To facilitate reference, the provisions in § 989.96 on districts are combined with the provisions of § 989.125 in a new § 989.122 and § 989.125 is deleted. Section 989.122 would be made applicable to the Raisin Administrative Committee, not the Raisin Advisory Board, because the Board was abolished and replaced with the Committee on August 4, 1976. The provisions in new § 989.122 would be slightly different from those in § 989.96 in that they would serve the purpose only of defining district areas and would not deal with the membership per district.

The number of members per district and provisions pertaining to change for equitable representation would continue to be specified in § 989.126. The provisions of § 989.126 are the same as the current provisions except for minor wording and conforming changes made necessary because of the establishment of § 989.122, and the establishment of the Raisin Administrative Committee in place of the Raisin Advisory Board.

The provisions in § 989.138 relating to producer districts and § 989.139 relating to producer representation per district on the Raisin Administrative Committee are moved to §§ 989.142 and 989.143, respectively, so that the numbering of these provisions conforms with the numbering of the corresponding provisions in the order. Also, these provisions are made applicable to the Executive Operations Committee, rather than the Raisin Administrative Committee. Effective August 4, 1976, the membership provisions of the order applicable to the Raisin Administrative Committee were made applicable to an Executive Operations Committee. Also, the references to "§ 989.125" in paragraphs (a) (1), (2), and (3) of § 989.138 are changed to "§ 989.122" because of the proposal to transfer the provisions in § 989.125 to § 989.122. The reference to "board" in § 989.129 relating to voting in nomination meetings is changed to "Committee".

Provisions relating to handler and dehydrator representation on the abolished Raisin Advisory Board are contained in §§ 989.127 and 989.128. These provisions are obsolete and are deleted because similar provisions were added to § 989.26 applicable to the Raisin Administrative Committee in August 1976. Handler representation provisions on the abolished

Raisin Administrative Committee in § 989.140 were moved to § 989.43 of the order and made applicable to the Executive Operations Committee by the August 1976 order amendment. Hence, § 989.140 is obsolete and is deleted. The mail and telegraph voting provisions in § 989.152 of the rules and regulations are deleted because the corresponding order provisions were deleted by the 1976 order amendment.

The provisions currently in § 989.148 on compensation for attendance at committee meetings are moved to § 989.139 so the numbering conforms with the corresponding order provisions. The title of revised § 989.139 would be the same as current § 989.148, but the provisions would contain minor changes clarifying that alternates of both the Raisin Administrative Committee and Executive Operations Committee are covered, and the reference to "§ 989.48" at the end of these provisions is changed to "§ 989.39".

The most recent amendment of the order provides for grading requirements on natural condition raisins in § 989.97 (Exhibit B) and for packed raisins in § 989.59(a) to be transferred from the order to the rules and regulations to facilitate reference. Numerous changes have been made in these requirements by rulemaking, and consequently the applicable requirements are in the order and/or Subpart—Supplementary Regulations. As a result, this format requires reference to the order and that subpart to find all applicable grading requirements.

Therefore, the grading requirements on natural condition raisins in § 989.97 (Exhibit B) and the changes in these requirements pursuant to § 989.58(b) in §§ 989.201, 989.203, and 989.211 are combined for better organization and included in a new Subpart—Quality Control. The requirements are placed in § 989.701 titled "Minimum grade and condition standards for natural condition raisins". Except for the addition of requirements on water dipped, vine sprayed, or similarly treated Muscats (including other raisins with seeds), the grade and condition requirements prescribed for the individual varietal types would be essentially the same as currently prescribed.

The requirements in § 989.59(a) for packed raisins and the changes pursuant to § 989.59(b), in § 989.204, and 989.212 are combined and placed in § 989.702, titled "Minimum grade standards for packed raisins" for the same reasons that the relocation of the natural grade condition requirements are made. The requirements are the same as currently prescribed, and minor wording changes reflecting the varietal type changes are made.

Because of this change combining provisions on grading requirements, §§ 989.201, 989.203, 989.204, 989.211, and 989.212 are obsolete and are deleted.

The desirable free tonnage concept of volume control was eliminated August 4,

1976. With the elimination of this concept § 989.224 is no longer needed and it is deleted.

Also, rules and procedures are added to § 989.158(a) (8) to implement the authority added to § 989.58(d) (1) by the August 1977 amendment giving handlers the option of eliminating the initial inspection check for infestation at the time of receipt. To the extent that handlers take advantage of this option, the unnecessary delay in completion of the inspection and certification process would be eliminated, because these activities would not be interrupted by the fumigation process. If the handler elects not to take advantage of this option, and have the raisins inspected for infestation upon receipt, he would continue to be given the opportunity to fumigate lots prior to the completion of the inspection and certification process.

Currently, § 989.159(g) (2) and 989.173 (d) (2) contain parenthetical references to the definitions of off-grade raisins, and other failing raisins which had been contained in § 989.59(f). The most recent amendment of the order moved these definitions from § 989.59(f) to § 989.24. Section 989.24 is in that portion of the order devoted to definitions. Therefore, these references are no longer needed and are deleted. Also, included in paragraph (g) (2) of § 989.159 is a parenthetical expression defining raisin residual material. The definition of this term was also moved to § 989.24. Thus, it is not needed in § 989.159(g) (2).

Section 989.166(c) (2) provides that normal and natural deterioration and shrinkage of raisins stored in portable containers be judged as if they had been stored in sweat boxes or picking boxes. Bins are now the common storage containers used by the industry. This requirement is obsolete and is deleted because deterioration and shrinkage experienced with bins has been no different from that experienced with sweat boxes or picking boxes.

Section 989.166(c) (3) is revised to bring into conformity with the corresponding order provisions on substitutions of reserve tonnage raisins. The 1977 amendment of the order brought provisions in § 989.66(c) (3) relating to the substitution of reserve tonnage raisins in line with the method of Committee application by deleting the requirement that the raisins substituted for the reserve raisins be "like quality". A literal application of this requirement was never adopted because reserve tonnage raisins only have to be standard raisins, i.e., raisins at least meeting the effective minimum grade and condition standards. Section 989.166(d) pertains to the delivery of reserve tonnage raisins by a handler to the Committee in the quantity and quality for which he has become obligated. Since a handler is obligated to deliver only standard raisins to the Committee § 989.166(d) is revised to clarify this fact.

In the August 4, 1976, amendment, the crop year was changed from a September

1, August 31 period to an August 1, July 31, period. Because of this change, the provisions in § 989.173 are amended by changing the August 31 and September 6 dates for submission of inventory reports to July 31 and August 6, respectively. The reports would be submitted by handlers for each varietal type held by him.

The provisions in § 989.401 deal with compensation of raisin handlers for services performed on reserve tonnage raisins held for the account of the Committee during and beyond the crop year of acquisition. Because the crop period was changed, minor wording changes are made in paragraphs (a) (1), (b), and (c) of § 989.401. Also, the next-to-the-last sentence in § 989.401(c) is amended by changing the word "box" to "container" wherever it appears, to clarify that the sentence deals with the weight of raisins in both boxes and bids.

After consideration of all relevant matters presented, including that in the notice, the comment received, the Committee's recommendations, and other available information, it is hereby found that the changes in the various subparts and the establishment of a new subpart hereinafter set forth, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) This action should be effective as soon as possible during the 1977-78 crop year which began August 1, 1977, so handlers can operate under the improvements in program operations and procedures provided by these changes; (2) several of the changes implement provisions recently added to the order and handlers have expressed interest in operating under these provisions as soon as possible during this crop year; (3) certain provisions on quality control and grower representation will be deleted from the order October 1, 1977, and the provisions in this action covering those matters should become effective as soon as practical in order to assure continuous regulation; (4) handlers are aware of this action and need no additional time to operate under the various changes; and (5) no useful purpose would be served by postponing the effective time hereof.

It is, therefore, ordered, That the following changes be made to improve administrative operating procedures. As revised the various subparts, and the new subpart read as follows:

## Subpart—Administrative Rules and Regulations

§§ 989.101, 989.103, 989.110 [Deleted]

1. Section 989.101 is deleted.
2. Section 989.103 is deleted.
3. Section 989.110 is deleted.
4. The center heading "RAISIN ADVISORY BOARD" immediately following § 989.110 is changed to "RAISIN ADMINISTRATIVE COMMITTEE", and a new § 989.122 is added to read:

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## RAISIN ADMINISTRATIVE COMMITTEE

## § 989.122 Producer districts for representation on Raisin Administrative Committee.

Commencing with the term of office beginning May 1, 1977, producer member districts are as follows:

(a) District No. 1—*Cloris-Sanger*. All of T. 12S., R. 20E. in Fresno County; all of T. 11S., R. 20E. in Fresno County; all of T. 11S., R. 21E. in Fresno County; all of T. 12S., R. 21E.; all of T. 12S., R. 22E.; Secs. 1, 2, 11, 12, 13, and 14 of T. 13S., R. 20E.; Secs. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, and 36 of T. 13S., R. 21E.; and Secs. 4, 5, 6, 7, 8, 9, 18, 19, 30, and 31 of T. 13S., R. 22E. The east one-half and Secs. 16, 17, 20, 21, 28, 29, 32, and 33, T. 13S., R. 22E.; all of T. 13S., R. 23E. lying north and west of the east channel of Kings River; all of T. 14S., R. 23E. lying west of the east channel of Kings River; and Secs. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 35 and 36, T. 14S., R. 22E.; all of Secs. 5 and 6, T. 15S., R. 23E., lying north of Kings River.

District No. 2—*Kerman*. All of T. 13S., R. 14E. in Fresno County; all of T. 13S., R. 15E. in Fresno County; all of T. 13S., R. 16E. in Fresno County; all of T. 13S., R. 17E. in Fresno County; Secs. 30 and 31 of T. 13S., R. 18E.; all of T. 14S., R. 14E.; all of T. 14S., R. 15E.; all of T. 14S., R. 16E.; all of T. 14S., R. 17E.; all of T. 14S., R. 18E.; the west two-thirds of T. 14S., R. 19E.; all of T. 15S., R. 14E.; all of T. 15S., R. 15E.; all of T. 15S., R. 16E.; all of T. 15S., R. 17E.; and all of T. 15S., R. 18E.

District No. 3—*Biola*. All of T. 13S., R. 18E. in Fresno County, except Secs. 30 and 31; all of T. 12S., R. 19E. in Fresno County; and all of T. 13S., R. 19E., except Secs. 25, 26, 27, 28, 33, 34, 35, and 36.

District No. 4—*Fresno*. Secs. 25, 26, 27, 28, 33, 34, 35, and 36, T. 13S., R. 19E.; all of T. 13S., R. 20E., except Secs. 1, 2, 11, 12, 13 and 14; Secs. 19, 20, 29, 30, 31 and 32 of T. 13S., R. 21E.; the east one-third of T. 14S., R. 19E.; all of T. 14S., R. 20E.; and Secs. 5, 6, and 7 of T. 14S., R. 21E.

District No. 5—*Lone Star*. All of T. 14S., R. 21E., except Secs. 5, 6, 7, and 36.

District No. 6—*Easton-Oleander*. The north one-half of T. 15S., R. 19E.; the north two-thirds of T. 15S., R. 20E., except Sec. 19; and Secs. 6, 7, 18, and 19, T. 15S., R. 21E.

District No. 7—*Fowler*. The south one-half of Sec. 1, and Secs. 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 26, 27, 28, 29, and 33, T. 15S., R. 21E.; and Sec. 18, T. 15S., R. 22E.

District No. 8—*Del Rey*. Secs. 29, 30, 31, 32, 33 and 34, T. 14S., R. 22E.; Sec. 36, T. 14S., R. 21E.; the north one-half of Sec. 1, T. 15S., R. 21E.; and Secs. 2, 3, 4, 5, 6, 7, 8, 9, 10, 16, and 17, T. 15S., R. 22E.

District No. 9—*Parlier*. All of Secs. 4, 9, 16 and 21 lying west of Kings River, and all of Secs. 5 and 6 lying west and south of Kings River, and Secs. 7, 8, 17, 18, 19, 20, 29, 30, 31, and 32, T. 15S., R. 23E.; Secs. 1, 11, 12, 13, 14, 15, 21, 22, 23, 24, 25, 26, 27, 35 and 36, T. 15S., R. 22E.; and Secs. 5 and 6, T. 16S., R. 23E.

District No. 10—*Reedley*. All of T. 13S., R. 24E., lying east and south of the east channel of Kings River; all of T. 13S., R. 23E., lying east and south of the east channel of Kings River; all of T. 14S., R. 23E., lying east and south of the east channel of Kings River; T. 14S., R. 24E.; T. 14S., R. 25E.; all of T. 15S., R. 23E., lying east of the east channel of Kings River; all of Secs. 28 and 34, T. 15S., R. 23E., lying west of Kings River; Sec. 33, T. 15S., R. 23E.; all of Sec. 4, T. 16S., R. 23E. in Fresno County; and T. 15S., R. 24E.

District No. 11—*Kingsburg*. Secs. 11, 12, 13, 14, 15, 21, 22, 23, 27, 28, and 33, T. 16S., R. 22E.;

those portions of Secs. 24, 26 and 34, T. 16S., R. 22E. within Fresno County; Sec. 7, T. 16S., R. 23E.; those portions of Secs. 8 and 18, T. 16S., R. 23E. within Fresno County; and those portions of Secs. 4, 5, 8, 9, and 17, T. 17S., R. 22E. within Fresno County.

District No. 12—*Selma*. Secs. 25, 34, 35 and 36, T. 15S., R. 21E.; Secs. 19, 20, 28, 29, 30, 31, 32, 33 and 34, T. 15S., R. 22E.; Secs. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 16, 17, 18, 19, 20, 29, 30, 31 and 32, T. 16S., R. 22E.; the east one-half of T. 16S., R. 21E.; Secs. 1 to 23, both inclusive, T. 17S., R. 21E., and that part of Secs. 24 to 30, both inclusive, T. 17S., R. 21E., within Fresno County; Secs. 6 and 7, T. 17S., R. 22E.; and those portions of Secs. 18 and 19, T. 17S., R. 22E. within Fresno County.

District No. 13—*Monmouth*. Secs. 25, 26, 27, 34, 35 and 36, T. 15S., R. 20E.; Secs. 30, 31 and 32, T. 15S., R. 21E.; and the west one-half of T. 16S., R. 21E.

District No. 14—*Caruthers*. The south one-half of T. 15S., R. 19E.; Secs. 19, 28, 29, 30, 31, 32 and 33, T. 15S., R. 20E.; T. 16S., R. 15E.; T. 16S., R. 16E.; T. 16S., R. 17E.; T. 16S., R. 18E.; T. 16S., R. 19E.; T. 16S., R. 20E.; T. 17S., R. 16E.; T. 17S., R. 17E.; T. 17S., R. 18E.; T. 17S., R. 19E.; T. 17S., R. 20E.; T. 18S., R. 16E.; T. 18S., R. 17E.; T. 18S., R. 18E.; T. 19S., R. 17E.; T. 19S., R. 18E.; T. 20S., R. 17E.; and all of T. 20S., R. 1E. within Fresno County.

District No. 15—*The Counties of Kings, Monterey and San Benito*.

(c) District No. 16—*The Counties of Tulare and Inyo*.

(d) District No. 17—*The Counties of Kern, San Bernardino, Riverside, Imperial, San Diego, Orange, Los Angeles, Ventura, Santa Barbara and San Luis Obispo*.

(e) District No. 18—*The Counties of Madera and Mono*.

(f) District No. 19—*The Counties of Merced, Tuolumne, Mariposa, Stanislaus, San Joaquin, Santa Clara, San Francisco, San Mateo, Santa Cruz, Alameda, Contra Costa, Calaveras, Alpine, Marin, Solano, Sacramento, Amador, Eldorado, Placer, Nevada, Sutter, Yolo, Napa, Sonoma, Mendocino, Lake, Colusa, Yuba, Sierra, Plumas, Butte, Glenn, Tehama, Shasta, Lassen, Modoc, Siskiyou, Del Norte, Humboldt and Trinity*.

## § 989.125 [Deleted]

5. Section 989.125 is deleted.

6. Section 989.126 is revised to read:

§ 989.126 Producer representation on Raisin Administrative Committee.

(a) Commencing with the term of office beginning May 1, 1977, apportionment of the 35 producer members of the Raisin Administrative Committee among the 19 districts set forth in § 989.122 shall be as provided in this section.

(b) Each district shall have one producer member for each quantity of raisins produced therein that represents, as nearly as possible, one thirty-fifth of the total tonnage of raisins produced in all districts; *Provided*, That each district shall have at least one member. The producer representation on the Committee shall be reviewed every 3 years after 1976 and any necessary changes made to continue such representation on the basis of one thirty-fifth of the total tonnage of raisins produced. The raisin production to be used shall be that of the then preceding crop year.

(c) Whenever any change causes a reduction in the number of producer members to represent a particular district in the ensuing terms of office, the appointment theretofore made of all in-

cumbent producer members representing that district shall be terminated. The reduced number of such members and the new members for districts gaining representation shall be nominated and selected, consistent with § 989.28(a), for the ensuing term of office.

(d) Apportionment of the 35 producer members of the Raisin Administrative Committee among the 19 districts set forth in § 989.122 on the basis of the quantity of raisins produced, as provided in paragraph (b) of this section, shall be as follows:

(1) One member for each of the 19 districts.

(2) One additional member for each of the following districts: No. 6—Easton-Oleander; No. 7—Fowler; No. 8—Del Rey; and No. 16—Tulare and Inyo Counties.

(3) Two additional members for each of the following districts: No. 2—Kerman; No. 3—Biola; No. 12—Selma; and No. 18—Madera and Mono Counties.

(4) Four additional members for District No. 14—Caruthers.

## §§ 989.127—989.128 [Deleted]

7. Section 989.127 is deleted.

8. Section 989.128 is deleted.

## § 989.129 [Amended]

9. In the first sentence of § 989.129, the word "board" is changed to the "Committee".

## §§ 989.138, 989.140 [Deleted]

10. Sections 989.138 and 989.140 are deleted, and § 989.139 is revised to read:

§ 989.139 Compensation for attendance of alternates at Committee meetings.

Whenever a member of the Raisin Administrative Committee or Executive Operations Committee has reason to believe that he will be unable to attend a Committee meeting and has so notified his alternate or the Committee manager, such notification or a request from the manager shall be held to be a request for the alternate to attend and he shall be reimbursed for reasonable expenses subject to the limitations contained in § 989.39.

11. The center heading "RAISIN ADMINISTRATIVE COMMITTEE" immediately following § 989.129 is changed to "EXECUTIVE OPERATIONS COMMITTEE" and inserted after revised § 989.139.

12. A new § 989.142 is added to read:

## EXECUTIVE OPERATIONS COMMITTEE

§ 989.142 Producer districts for representation on Executive Operations Committee.

(a) As used in § 989.143, the term "group of districts" means any one of the following:

(1) Group I districts means Districts No. 1 through 14 as set forth in § 989.122;

(2) Group II districts means Districts No. 15, 16 and 17 as set forth in § 989.122; and

(3) Group III districts means Districts No. 18 and 19 as set forth in § 989.122.

13. A new § 989.143 is added to read:

## § 989.143 Producer representation on Executive Operations Committee.

(a) Commencing with the term of office beginning June 1, 1977, apportionment of the eight producer members of the Executive Operations Committee among the three groups of districts set forth in § 989.142 shall be as provided in this section.

(b) Each group of districts shall have one producer member for each quantity of raisins produced in such districts that represents, as nearly as possible, one-eighth of the total tonnage of raisins produced in all districts; *Provided*, That each group of districts shall have at least one member. The producer representation on the Executive Operations Committee shall be reviewed every three years after 1976 and any necessary changes made to continue such producer member representation on the basis of one-eighth of the total tonnage of raisins produced. The raisin production to be used in such review or change shall be that of the then preceding crop year.

(c) Apportionment of the eight producer members of the Executive Operations Committee among the three groups of districts (as set forth in § 989.142) on the basis of the quantity of raisins produced, as provided in paragraph (b) of this section, is as follows:

(1) Six members for Group I districts;

(2) One member for Group II districts; and

(3) One member for Group III districts.

## §§ 989.148, 989.152 [Deleted]

14. Section 989.148 is deleted.

15. Section 989.152 is deleted.

16. The center heading "GRADE AND CONDITION STANDARDS" immediately preceding § 989.158 is changed to "QUALITY CONTROL" and § 989.158 (a) (8) is revised to read:

## QUALITY CONTROL

## § 989.158 Natural condition raisins.

(a) . . . (8) With respect to any lot of natural condition raisins being received and inspected at a handler's inspection point pursuant to paragraph (a) (3) of this section, the handler shall notify the inspection service if he elects to have the raisins inspected for infestation. If the handler elects not to have the raisins inspected for infestation, he shall: (i) Fumigate promptly all raisins he receives; (ii) notify the inspection service in advance of the time he plans to fumigate such raisins; (iii) permit the inspection service to monitor the fumigation; and (iv) permit the inspection service to make periodic incubation checks of his packed raisins. The inspection service shall certify the raisins received as standard raisins if they meet all other grade and condition standards. If the handler elects to have the raisins inspected for infestation, the inspector

shall afford such handler the opportunity to fumigate such raisins during the inspection and certification process. Such raisins shall remain under the supervision of the inspector during the fumigation. The inspection certificate shall not be issued until the fumigation is completed; *Provided*, That the inspection certificate shall be issued, whether or not the fumigation is completed, not later than five business days after the date the inspection and certification process is suspended by the inspector to permit fumigation.

17. In § 989.159(g), the undesignated paragraph beginning with the words "Except as authorized in this part, no handler shall ship or otherwise" following paragraph (g) (1) is corrected by placing the heading "(2) Disposition. (i)" immediately before the word "Except"; in that paragraph, the parenthetical reference "(as defined in § 989.59 (f))" and the parenthetical expression "(including defective raisins, stemmer waste, sweepings, and other residue)" are deleted; and the reference to paragraph "(g) (1) (iii)" in subdivision (e) and (ii) of that undesignated paragraph are changed to paragraph "(g) (2) (iii)".

18. In § 989.166, paragraphs (c) (2) and (3) are revised, and the second sentence of paragraph (d) is amended by deleting the words "and quality" immediately following the word "quantity". As revised, paragraphs (c) (2) and (3) read as follows:

## § 989.166 Reserve tonnage generally.

(c) . . . (2) *Conditions*. Each handler shall store reserve tonnage raisins in storage and under conditions which protect them from rain and which reasonably can be expected to maintain the raisins free of any biological or other infestation or contamination. Each handler shall, pursuant to § 989.66(b) (2), store each varietal type of reserve tonnage raisins held by him for the account of the Committee, separate and apart from all other raisins. Storage of such raisins shall be deemed "separate and apart" if the containers are so marked and placed as to be capable of ready and clear identification as to the category in which they are held. Reserve tonnage raisins shall be stored in sweatboxes, picking boxes, or other portable containers not exceeding one ton capacity.

(3) *Substitution of reserve tonnage*. A handler may, pursuant to § 989.66(b) (3), after giving the Committee reasonable advance notice in writing and under its direction and supervision, substitute standard raisins for reserve tonnage raisins.

## § 989.173 [Amended]

19. In § 989.173, paragraph (a) is amended by changing the dates August 31 and September 8 to July 31

and August 6, respectively, and paragraph (d) (2) is amended by deleting the words "(as defined in § 989.59(f))".

## Subpart—Supplementary Regulations

§§ 989.201, 989.203, 989.204, 989.211, 989.212, 989.224 [Deleted]

20. Sections 989.201, 989.203, 989.204, 989.211, 989.212 and 989.224 are deleted.

## Subpart—Schedule of Payments

22. In § 989.401, the date "September 1, 1975" in paragraph (a) (1) is changed to "August 1, 1977" and paragraphs (b) and (c) are revised to read:

§ 989.401 Payments for services performed with respect to reserve tonnage raisins.

(b) *Additional payment for raisins held beyond crop year of acquisition*. Additional payment for reserve tonnage raisins held beyond the crop year of acquisition shall be made in accordance with this paragraph. Each handler holding such raisins for the account of the Committee on August 15 and the following September 1 shall be compensated for storing, handling, and fumigating such raisins at the rate of 85 cents per ton per month, or any part thereof, for each month of the 3-month period ending November 30, and 42½ cents per ton per month, or any part thereof for each month of the next 9 months. Such services shall be completed so that the Committee is assured that the raisins are maintained in good condition.

(c) *Payment of rental on boxes and bins containing raisins held beyond crop year of acquisition*. Payment of rental on boxes and bins containing reserve tonnage raisins held beyond the crop year of acquisition shall be made in accordance with this paragraph. Each handler, producer, dehydrator, and other person who furnishes boxes or bins in which such raisins are held for the account of the Committee on August 15 and the following September 1 shall be compensated for the use of such boxes and bins. The rate of compensation shall be: For boxes, one and two-thirds cents per day, not to exceed a total payment of 50 cents per box per year, per average net weight of raisins in a sweatbox, with the equivalent rates for raisins in boxes other than sweatboxes; and for bins, thirteen and one-third cents per day per bin, not to exceed a total of \$4 per bin per year. For purposes of this paragraph, box means any container with a capacity of less than 1,000 pounds and bin means any container with a capacity of 1,000 pounds, or more. The average net weight of raisins in each type of container shall be the industry average as computed by the Committee for the container in which the raisins are so held. No further compensation shall be paid unless the raisins are so held in the boxes or bins on the succeeding September 1.

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## Subpart—Conversion Factors

22. The table in § 989.601 is revised to read:

§ 989.601 Conversion factors for raisin weight.

Varietal type	Weight taken after—	
	Passing through stemmer and blower	Completion of processing
Natural (sun-dried) seedless....	0.94	0.92
Golden seedless.....	.96	.96
Dipped seedless.....	.96	.96
Muscats (including other raisins with seeds):		
Seeded.....		.80
Unseeded.....	.94	.92
Sultana.....	.94	.92
Zante currant.....	.93	.91

## Subpart—Quality Control

23. The center heading "Subpart—Quality Control" is added after § 989.601 and a new § 989.701 is added to read:

§ 989.701 Minimum grade and condition standards for natural condition raisins.

Effective pursuant to § 989.58, raisins meeting the varietal standards set forth hereinafter shall be considered as standard raisins and those failing to meet such standards shall be considered as off-grade raisins. Where the raisins in any lot consist of two or more varietal types commingled within their containers, the lot shall be considered as a mixed lot and as standard raisins if they meet for each defect the most restrictive requirements for the defect provided in this section for the varietal types of raisins comprising the lot: *Provided*, That in the event layered Muscats (including other raisins with seeds) are commingled within their containers with loose Muscats (including other raisins with seeds) the entire lot shall be considered as loose Muscats (including other raisins with seeds) and as standard raisins if the lot as a whole meets the minimum standards for loose Muscats (including other raisins with seeds): *Provided further*, That with respect to the requirements peculiar to a varietal type such as possessing characteristic color, flavor, or odor, the raisins shall be considered as meeting such requirement if they have been properly prepared as raisins. In each category, only those raisins which have been properly dried and cured in original natural condition, are free from active infestation and are in such condition that they are capable of being received, stored and packed without undue deterioration or spoilage, shall be considered as storable raisins.

(a) *Natural (sun-dried) Seedless Raisins.* Natural condition Natural (sun-dried) Seedless Raisins shall have been prepared from sound, wholesome, matured grapes properly dried and cured, and shall meet the following additional requirements: (1) Shall be fairly free

from damage by sugaring, mechanical injury, sunburn, or other similar injury; (2) shall have a normal characteristic color, flavor, and odor of properly prepared raisins; (3) shall contain not more than 8 percent by weight of substandard raisins (raisins that show development less than that characteristic of raisins prepared from fairly well matured grapes); (4) shall not exceed 16 percent moisture as determined by the dried fruit moisture tester method; and (5) the raisins shall be of such quality and condition as can be expected to withstand storage as provided in the marketing agreement and order and that when processed in accordance with good commercial practice will meet the minimum standards for processed raisins established by the Committee.

(b) *Dipped Seedless.* Natural condition Dipped Seedless raisins shall have been prepared from sound, wholesome, matured grapes properly dried and cured, and shall meet the following additional requirements: (1) Shall be fairly free from damage by sugaring, mechanical injury, sunburn, or other similar injury; (2) shall have a normal characteristic flavor and odor of properly prepared raisins; (3) shall contain not more than 8 percent by weight of substandard raisins (raisins that show development less than that characteristic of raisins prepared from fairly well matured grapes); (4) shall not exceed 14 percent moisture as determined by the dried fruit moisture tester method, and (5) the raisins shall be of such quality and condition as can be expected to withstand storage as provided in the marketing agreement and order and that when processed in accordance with good commercial practice will meet the minimum standards for processed raisins established by the Committee.

(c) *Golden Seedless.* Natural condition Golden Seedless raisins shall have been prepared from sound, wholesome, matured grapes properly dried and cured, and shall meet the following additional requirements: (1) Shall be fairly free from damage by sugaring, mechanical injury, sunburn or other similar injury; (2) shall have a normal characteristic flavor and odor of properly prepared raisins; (3) shall contain not more than 8 percent by weight of substandard raisins (raisins that show development less than that characteristic of raisins prepared from fairly well matured grapes); (4) shall not exceed 14 percent moisture as determined by the dried fruit moisture tester method (5) the raisins shall be of such quality and condition as can be expected to withstand storage as provided in the marketing agreement and order and that when processed in accordance with good commercial practice will meet the minimum standards for processed raisins established by the Committee; and (6) shall possess a color varying from yellowish green to dark amber or dark greenish amber with not more than 15 percent, by weight, of all the raisins being definitely dark berries. "Definitely dark berries" means raisins

which are definitely darker than dark amber and characteristic of "naturally" raisined grapes.

(d) *Muscats (including other raisins with seeds).* Natural condition Muscat raisins (including other raisins with seeds) shall have been prepared from sound, wholesome, matured grapes properly dried and cured, and shall meet the following additional requirements:

(1) Shall be fairly free from damage by sugar, mechanical injury, sunburn or other similar injury; (2) shall be fairly free from immature (skinny) raisins and shall have a normal characteristic color, flavor, and odor of properly prepared raisins; (3) shall not exceed 16 percent moisture as determined by the dried fruit moisture tester method, except that water dipped, vine sprayed or similarly treated Muscats (including other raisins with seeds) shall not exceed 14 percent moisture, and that there shall be no maximum moisture content for layered Muscats (including other raisins with seeds); (4) the raisins shall be of such quality and condition as can be expected to withstand storage as provided in the marketing agreement and order, and that when processed in accordance with good commercial practice will meet the minimum standards for processed raisins established by the Committee, and that with respect to layered Muscats (including other raisins with seeds), in addition to the above requirements the raisins shall be fairly free from shattered (or loose end) berries; uniformly cured; 30 percent or more "3 Crown" or larger size; of such quality and condition that when processed in accordance with good commercial practice will, except for moisture content, meet the minimum standards for processed raisins established by the Committee.

(e) *Sultana Raisins.* Natural condition Sultana raisins shall have been prepared from sound, wholesome, matured grapes properly dried and cured, and shall meet the following additional requirements: (1) Shall be fairly free from damage by sugaring, mechanical injury, sunburn, or other similar injury; (2) shall be fairly free from immature (skinny) raisins and shall have a normal characteristic color, flavor, and odor of properly prepared raisins; (3) shall not exceed 16 percent moisture as determined by the dried fruit moisture tester method; and (4) the raisins shall be of such quality and condition as can be expected to withstand storage as provided in the marketing agreement and order, and that when processed in accordance with good commercial practice will meet the minimum standards for processed raisins established by the Committee.

(f) *Zante Currant Raisins.* Natural condition Zante Currant raisins shall have been prepared from sound, wholesome, matured grapes properly dried and cured, and shall meet the following additional requirements: (1) Shall be fairly free from damage by sugaring, mechanical injury, sunburn, or other similar injury; (2) shall be fairly free from immature (skinny) raisins and shall have a

normal characteristic color, flavor, and odor of properly prepared raisins for the varietal type; (3) shall not exceed 16 percent moisture as determined by the dried fruit moisture tester method; and (4) the raisins shall be of such quality and condition as can be expected to withstand storage as provided in the marketing agreement and order, and that when processed in accordance with good commercial practice will meet the minimum standards for processed raisins established by the Committee.

24. A new § 989.702 is added to read:

§ 989.702 Minimum grade standards for packed raisins.

Effective pursuant to § 989.59, the minimum grade standards for packed raisins shall be as follows: (a) With respect to Natural (sun-dried) Seedless, Dipped Seedless, Golden Seedless, Muscats (including other raisins with seeds), and Sultana raisins, "U.S. Grade C" as defined in effective United States Standards for Grades of Processed Raisins (§§ 52.1841-52.1858 of this title); (b) with respect to Golden Seedless raisins, the color requirements for "colored" as defined in the said standards; (c) with respect to layered Muscats (including other raisins with seeds), "U.S. Grade B" as defined for "Layer or Cluster Raisins With Seeds" in the said standards, except the provisions therein relating to moisture content; and (d) with respect to Zante Currant raisins, "U.S. Grade B" as defined in the said standards. A handler may grind raisins, which do not meet these minimum grade standards because of mechanical damage or sugaring, into a raisin paste.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: September 27, 1977.

CHARLES R. BRADER,  
Deputy Director,  
Fruit and Vegetable Division.

[FR Doc. 77-28926 Filed 9-29-77; 8:45 am]

## [ 3410-02 ]

## CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 2, Docket No. AO-71-A71]

## PART 1002—MILK IN THE NEW YORK-NEW JERSEY MARKETING AREA

## Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action amends the order based on industry proposals considered at a public hearing in February 1976. The amendments will adjust the prices for milk throughout the production area to more nearly reflect the costs incurred

by handlers in assembling milk from farms and transporting it to plants for processing. Another amendment institutes a late-payment charge on overdue payments by handlers to the market administrator to encourage prompt payments for milk. Minor changes have been made in the classification of milk according to its use to reflect current marketing practices.

EFFECTIVE DATE: November 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Willard H. Blanchard, Deputy Director, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202-447-5661).

## SUPPLEMENTARY INFORMATION:

Prior documents in this proceeding:  
Notice of hearing—Issued January 9, 1976; published January 14, 1976 (41 FR 2092).

Extension of time for filing briefs—Issued April 15, 1976; published April 21, 1976 (41 FR 18680).

Recommended decision (partial)—Issued April 5, 1977; published April 11, 1977 (42 FR 18950).

Extension of time for filing exceptions to the recommended decision (partial)—Issued May 6, 1977; published May 11, 1977 (42 FR 23841).

Final decision—Issued August 12, 1977; published August 17, 1977 (42 FR 41582).

## FINDINGS AND DETERMINATIONS

The following findings and determinations supplement those that were made when the order was first issued and when it was amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth below:

(a) *Findings upon the basis of the hearing record.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the New York-New Jersey marketing area. The hearing was held according to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and

the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

## ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the New York-New Jersey marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. In § 1002.22(m), a new subparagraph (3) is added to read as follows:

§ 1002.22 Additional duties of the market administrator.

.....

(m) .....  
(3) For the purpose of allocating receipts from other Federal order plants under § 1002.45(a)(12) and the corresponding step of § 1002.45(b), his estimate of the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in pool milk of all handlers. Such estimate shall be final for such purpose.

2. In § 1002.41(c), subparagraphs (7) and (8) are revised and new subparagraphs (9), (10), and (11) are added to read as follows:

§ 1002.41 Classes of utilization.

.....

(c) .....  
(7) In shrinkage allocated to Class II pursuant to § 1002.42;

(8) In skim milk represented by the nonfat solids added to a fluid milk product for fortification which is in excess of

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the volume included within the fluid milk product definition pursuant to § 1002.15;

(9) Contained in fluid milk products that are disposed of for animal feed;

(10) Contained in fluid milk products that are dumped, if the market administrator is notified in advance and is given the opportunity to verify such disposition; and

(11) Contained in fluid milk products that are destroyed or lost by a handler in a vehicular accident, flood, fire, or in a similar occurrence beyond his control, to the extent that the quantities destroyed or lost can be verified from records satisfactory to the market administrator.

3. In § 1002.45(a), subparagraph (12) is revised to read as follows:

§ 1002.45 Allocation of skim milk and butterfat classified.

(a) . . . .

(12) Subtract in the manner specified below from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products from other order plants not previously assigned pursuant to paragraphs (2) and (10) of this paragraph:

(i) Subject to the provisions of subdivisions (ii), (iii), and (iv) of this subparagraph, such subtraction shall be pro rata to the pounds of skim milk in each class with respect to whichever of the following quantities represents the higher proportion of Class II milk:

(a) The estimated utilization of skim milk of all handlers in each class as announced for the month pursuant to § 1002.22(m)(3); or

(b) The total pounds of skim milk remaining in each class at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler);

(ii) Should the proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk at all pool plants of the handler that are to be subtracted at this allocation step from Class II milk exceeding the pounds of skim milk remaining in Class II milk at all such plants, the pounds of such excess shall be subtracted pro rata from the pounds of skim milk remaining in Class I-A milk and Class I-B milk after such proration at the pool plants at which such other source milk was received;

(iii) Except as provided in subdivision (ii) of this subparagraph, should the computations pursuant to subdivisions (i) or (ii) of this subparagraph result in a quantity of skim milk to be subtracted from Class II milk that exceeds the pounds of skim milk remaining in such class, the pounds of skim milk in Class II milk shall be increased (to the extent of available utilization in such class at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quan-

tity to be subtracted, and the pounds of skim milk in Class I-A milk and Class I-B milk combined shall be decreased by a like amount, pro rata to remaining utilization in each such class. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(iv) Except as provided in subdivision (ii) of this subparagraph, should the computations pursuant to subdivisions (i) or (ii) of this subparagraph result in a quantity of skim milk to be subtracted from Class I-A milk or Class I-B milk that exceeds the pounds of skim milk remaining in that class, the pounds of skim milk in such class shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II milk shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

§ 1002.50a [Amended]

4. In § 1002.50a(a), the number "\$2.40" is changed to "\$2.25."

5. In § 1002.51, paragraph (c) is revised to read as follows:

§ 1002.51 Transportation differentials.

(c) The differential rates applicable at plants shall be as set forth in the following schedule:

A Freight zone (miles)	B Class I-A and I-B	C Class II
1-10.....	+26.0	+8
11-20.....	+24.2	+8
21-25.....	+32.4	+8
26-30.....	+32.4	+7
31-40.....	+30.6	+7
41-50.....	+28.8	+7
51-60.....	+27.0	+7
61-70.....	+25.2	+6
71-75.....	+23.4	+6
76-80.....	+23.4	+5
81-90.....	+21.6	+5
91-100.....	+19.8	+5
101-110.....	+18.0	+4
111-120.....	+16.2	+4
121-125.....	+14.4	+4
126-130.....	+14.4	+3
131-140.....	+12.6	+3
141-150.....	+10.8	+3
151-160.....	+9.0	+2
161-170.....	+7.2	+2
171-175.....	+5.4	+2
176-180.....	+4.6	+1
181-190.....	+3.6	+1
191-200.....	+1.8	+1
201-210.....	0	0
211-220.....	-1.8	0
221-225.....	-3.0	0
226-230.....	-3.0	-1
231-240.....	-4.6	-1
241-250.....	-6.0	-1
251-260.....	-7.5	-2
261-270.....	-9.0	-2
271-275.....	-10.8	-2
276-280.....	-10.8	-3
281-290.....	-12.0	-3
291-300.....	-13.6	-3
301-310.....	-15.0	-4
311-320.....	-16.6	-4

A Freight zone (miles)	B Class I-A and I-B	C Class II
321-325.....	-18.0	-4
326-330.....	-18.0	-5
331-340.....	-19.8	-5
341-350.....	-21.0	-5
351-360.....	-22.6	-6
361-370.....	-24.0	-6
371-375.....	-24.0	-6
376-380.....	-25.5	-7
381-390.....	-27.0	-7
391-400.....	-28.8	-7
401 and over.....	-30.0	-8

6. Section 1002.55 is revised to read as follows:

§ 1002.55 Transportation credit on bulk unit pool milk.

For pool milk received by a handler in a pool or partial pool unit, a transportation credit at the rate of 15 cents per hundredweight shall be computed.

7. In § 1002.71, a new paragraph (b-1) is added to read as follows:

§ 1002.71 Computation of the uniform price.

(b-1) Subtract an amount computed by multiplying the quantity of pool milk delivered directly from farms to pool plants and partial pool plants that was not put into a tank truck prior to such delivery, by a rate per hundredweight that is equal to the rate specified in § 1002.55.

8. In § 1002.80(a), subparagraphs (2) and (3) are revised and a new subparagraph (4) is added to read as follows:

§ 1002.80 Time and rate of payments.

(a) . . . .  
(2) Proper deductions for the month that were authorized in writing by producers from whom the handler received milk;

(3) For milk received in a bulk tank unit and for which transportation was provided by the handler or at his expense, there may be deducted, as proper and as authorized in writing by the producer, or by a cooperative association authorized to act on behalf of such producer, a tank truck service (transportation) charge of up to 15 cents per hundredweight for any farm-to-first plant transportation costs for which the handler was not reimbursed through the transportation credit pursuant to § 1002.55, except that the deduction and the transportation credit combined shall not exceed the actual transportation costs incurred. Any such deduction must be made by the handler not later than the date on which the producer is required to be paid for such milk. If authorization for such deduction is canceled by the producer or by the cooperative by notifying the handler in writing, such cancellation shall be effective on the first day of the month following its receipt by the handler; and

(4) For pool milk delivered directly from a farm to a pool plant or a par-

tial pool plant that was not put into a tank truck prior to such delivery, the handler shall pay to the producer an additional amount computed by multiplying the quantity of such milk by a rate per hundredweight that is equal to the rate specified in § 1002.55.

§ 1002.82h [Amended]

9. In § 1002.82(b), the word "five" is changed to "15."

10. In § 1002.87, paragraph (a) is revised to read as follows:

§ 1002.87 Handler's pool debit or credit.

(a) Add the amounts computed as follows:

(1) Multiply the quantity of pool milk received by each handler from dairy farmers by the uniform price; and

(2) Multiply the quantity of pool milk received by the handler at a pool plant or partial pool plant directly from farms that was not put into a tank truck prior to delivery by a rate per hundredweight that is equal to the rate specified in § 1002.55.

11. A new § 1002.88a is added to read as follows:

§ 1002.88a Charges on overdue accounts.

Any unpaid obligation of a handler pursuant to §§ 1002.85 and 1002.90 shall be increased 1 percent on the first day after the due date of such obligation and on the same day of each succeeding month until such obligation is paid.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Effective date: November 1, 1977.

The Agricultural Marketing Service has determined that this document contains a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107 and certifies that an inflation impact statement has been prepared.

Signed at Washington, D.C., on September 27, 1977.

JERRY C. HILL,  
Deputy Assistant Secretary.

[FR Doc. 76-28934 Filed 9-29-76; 8:45 am]

[3410-]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regulations, 1977 Crop Rice Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1977 Crop Rice Loan and Purchase Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to set forth the (1) final loan and purchase availability dates, (2) maturity dates, (3) loan and purchase rates, (4) premiums and discounts, and (5) location differentials under which Commodity Credit Corporation (CCC), will extend price support on 1977 crop rice. This rule is needed in order to satisfy statutory requirements which provide that price support shall be made available to rice producers who comply with provisions of the rice program. This rule will permit eligible rice producers to obtain loans and purchases on their eligible 1977 crop rice.

EFFECTIVE DATE: September 29, 1977.

ADDRESS: Grains, Oilseeds, and Cotton Division, ASCS, U.S. Department of Agriculture, 3752 South Building, P.O. Box 2415, Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Dalton Ustynik (ACSC), (202-447-9224).

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was published in the FEDERAL REGISTER on January 11, 1977, 42 FR 2328, stating that the Department of Agriculture proposed to make determinations and issue regulations relative to a loan and purchase program for 1977 crop rice. Such determinations included determining loan rates, premiums and discounts for grades, classes, other qualities, location differentials, and other provisions as may be needed to carry out the program. Interested persons were given until February 11 to submit recommendations, views, and comments. Three responses were received. All recommended that the provisions established for 1976 crop rice remain the same for 1977 crop rice.

The General Regulations Governing Price Support for the 1976 and Subsequent Crops, as amended, and the 1977 and Subsequent Crops Rice Loan and Purchase Program Regulations, as amended, are further supplemented, as stated herein, for the 1977 crop of rice. The material previously appearing in this subpart remains in full force and effect as to the crops to which it was applicable. Accordingly, the regulations in §§ 1421.325 through 1421.328 are revised to read as follows:

Sec.  
1421.325 Purpose.  
1421.326 Availability.  
1421.327 Maturity of loans.  
1421.328 Loan and purchase rates.

AUTHORITY: Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); Secs. 101, 401, 63 Stat. 1051, as amended (7 U.S.C. 1441 note and 1421).

§ 1421.325 Purpose.

This subpart contains additional program provisions which, together with the applicable provisions of the regulations specified in § 1421.300-312 of the 1976 and Subsequent Crops Rice Loan and Purchase Program Regulations, apply to loans and purchases for the 1977 crop rice.

§ 1421.326 Availability.

(a) Loans. A producer must request a loan on his 1977 crop eligible rice on or before March 31, 1978.

(b) Purchases. Producers desiring to offer eligible rice not under loan for purchase must execute and deliver to the county ASCS office prior to April 30, 1978, a purchase agreement (Form CCC-614) indicating the approximate quantity of rice they will sell to CCC.

§ 1421.327 Maturity of loans.

Unless demand is made earlier, loans on rice will mature on April 30, 1978.

§ 1421.328 Loan and purchase rates.

(a) Farm storage loans. The loan rate for farm storage rice shall be \$6.19 per hundredweight for any class. The settlement rate shall be the applicable basic rate specified in paragraph (c) of this section, adjusted in accordance with the provision of this section and §§ 1421.310 and 1421.22.

(b) Warehouse storage loans and purchases. The loan rate for rice stored modified-commingled and identity-preserved in an approved warehouse shall be the applicable basic rate specified in paragraph (c) of this section, adjusted as provided in paragraphs (e) and (f) of this section. The loan rate for rice stored commingled in an approved warehouse and for settlement for modified commingled and identity preserved loans and purchases shall be the applicable basic rate specified in paragraph (c) of this section, adjusted in accordance with the provisions of this section and §§ 1421.310 and 1421.22.

(c) Basic rates. The basic rate per 100 pounds of rice shall be computed as follows: Multiply the milling yield (in pounds per hundredweight) of whole kernels by the applicable loan value for whole kernels (as shown in the table below according to class) and round the result to the nearest hundredth. Similarly, multiply the difference between the total milling yield and the whole kernels yield (in pounds per hundredweight) by the applicable loan value for broken rice and round the result to the nearest hundredth. Add the results (as rounded) of these two computations to obtain the basic loan and purchase rate per 100 pounds of rice and express such rate in dollars and cents.

Loan value for whole kernels and broken rice

[In cents per pound]		
Rough rice class	Whole kernels	Broken rice
Long grains.....	10.90	4.70
Medium grains.....	9.40	4.70
Short grains.....	9.40	4.70

(d) Premium. The basic rate determined under paragraph (c) of this section shall be adjusted by the following premium:

Cents per 100 lbs.  
Grade U.S. No. 1..... 5



## RULES AND REGULATIONS

(e) *Discounts*—(1) *Grade*. The basic rate determined under paragraph (c) of this section shall be adjusted for grades below U.S. No. 2 by the following discounts:

	Cents per 100 lbs.
Grade U.S. No. 3.....	15
Grade U.S. No. 4.....	30
Grade U.S. No. 5.....	30

(2) *Smut damage*. The rate for rice evidencing smut damage shall be further adjusted by the following discounts:

	Cents per 100 lbs.
Trace.....	0
0.1 to 1.0.....	5
1.1 to 2.0.....	10
2.1 to 3.0.....	15
3.1 and over.....	25

(f) *Location differentials*. For rice produced in the areas specified below, discounts for location (to adjust for transportation costs of moving the rice to an area where competitive milling facilities are available) shall be applied to the basic rate determined under paragraph (c) of this section and shall be in addition to any adjustment under paragraph (d) and (e) of this section. *Provided, however*, That if such rice is transported and stored in a rice producing area where no location differential is applicable, no discount for location shall be applied.

## DIFFERENTIAL TABLE

Area:	Discount per 100 lbs.
Imperial County, California, and adjacent counties in Arizona and California.....	\$2.20
State of Florida.....	2.11
States of North Carolina and South Carolina.....	2.06
Counties of Marion, Pike, and St. Charles, Mo.....	1.42
Counties of Lafayette, Little River, and Miller, Arkansas; Bowie, Texas; McCurtain, Oklahoma; and Bossier Parish, Louisiana.....	1.14

Signed at Washington, D.C., on September 21, 1977.

KEISTER N. ADAMS,  
Acting Executive Vice President,  
Commodity Credit Corporation.

[FR Doc. 77-28651 Filed 9-29-77; 8:45 am]

[6170-01]

## Title 10—Energy

## CHAPTER III—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

## PART 710—CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO CLASSIFIED MATTER OR SIGNIFICANT QUANTITIES OF SPECIAL NUCLEAR MATERIAL

## Consolidation of Amendments

AGENCY: Energy Research and Development Administration.

ACTION: Consolidation and republication.

**SUMMARY:** The provisions of this Part with revisions have been published previously in four segments.<sup>1</sup>

In order to consolidate and incorporate all of the referenced revisions into one document, to make minor technical and editorial corrections in the publication, and to change the title, Part 710 is hereby amended and republished.

Because this republication is to reflect only technical and editorial corrections in material previously published, and because the material relates to agency procedure, the provisions of 5 U.S.C. 553 requiring advance notice of proposed rulemaking do not apply, and the document is effective upon publication.

**DATES:** Effective September 30, 1977; comments by October 31, 1977.

**ADDRESS:** Send comments to: Director, Division of Safeguards and Security, U.S. Energy Research and Development Administration, Washington, D.C. 20545.

**FOR FURTHER INFORMATION CONTACT:**

H. Laessle Taylor, Assistant Director for Security Affairs, Division of Safeguards and Security, U.S. Energy Research and Development Administration, Washington, D.C. 20545, telephone 301-353-3652.

ALFRED D. STARBIRD,  
Assistant Administrator  
for National Security.

September 22, 1977.

10 CFR Chapter III is amended as follows:

1. The heading to Part 710 is revised to read as shown above.

2. Part 710 is revised as follows:

## GENERAL PROVISIONS

Sec.	
710.1	Purpose.
710.2	Scope.
710.3	Reference.
710.4	Policy.
710.5	Definitions.

## CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO CLASSIFIED MATTER OR SIGNIFICANT QUANTITIES OF SPECIAL NUCLEAR MATERIAL

710.10	Application of the criteria.
710.11	Criteria.

## PROCEDURES

710.20	Purpose of the procedures.
710.21	Suspension of access authorization.
710.22	Notice to individual.
710.23	Additional information.
710.24	Failure of individual to request a hearing.
710.25	Selection of ERDA Hearing Counsel.
710.26	Appointment of ERDA Personnel Security Boards.
710.27	Conduct of proceedings.
710.28	Recommendation of the Personnel Security Board.
710.29	New evidence.
710.30	Actions on the recommendations.
710.31	Recommendations of the ERDA Personnel Security Review Board.

<sup>1</sup>Part 710 as republished 40 FR 36302, August 20, 1975, was amended at 41 FR 48727, November 5, 1976; 41 FR 52045, November 26, 1976; and 42 FR 7947, February 8, 1977.

Sec.	
710.32	Action by the Assistant Administrator for National Security.
710.33	Action by the Administrator.
710.34	Reconsideration of cases.

## MISCELLANEOUS

710.35	Terminations.
710.36	Attorney representation.
710.37	Certifications.
710.38	Washington area cases.

## APPENDIX

**AUTHORITY:** Sec. 145, 68 Stat. 942, as amended, 42 U.S.C. 2165; sec. 161, 68 Stat. 945, as amended; 42 U.S.C. 2201; sec. 104, 88 Stat. 1237; 42 U.S.C. 5814; sec. 105, 88 Stat. 1238; 42 U.S.C. 5815; E.O. 10450, 18 FR 2489, 4-29-53, as amended, 3 CFR 1973 comp. at p 55; E.O. 10865, 25 FR 1583, 2-24-60, as amended, 3 CFR 1973 comp. at p 83.

## GENERAL PROVISIONS

## § 710.1 Purpose

(a) This part establishes the criteria, procedures, and methods for resolving questions concerning the eligibility of individuals who are employed by or applicants for employment with ERDA contractors, agents, and access permittees of ERDA, individuals who are ERDA employees or applicants for ERDA employment and other persons designated by the Administrator of ERDA for access to Restricted Data or significant quantities of special nuclear material; pursuant to the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974 or for access to national security information.

(b) This part is published to implement Executive Orders 10865, 25 FR 1583 (February 24 1960) and 10450, 18 FR 2489 (April 27, 1954), both as amended.

## § 710.2 Scope.

The criteria and procedures outlined in this part shall be used in those cases in which there are questions of eligibility for ERDA access authorization involving:

(a) Those employees (including consultants) of, and those applicants for employment with, contractors and agents of ERDA.

(b) Access permittees of ERDA and its employees (including consultants) and applicants for employment.

(c) Employees (including consultants) of, and applicants for employment with, ERDA; and

(d) Those other persons designated by the Administrator of ERDA.

## § 710.3 Reference.

The pertinent sections of the Atomic Energy Act of 1954, as amended, which remain in effect are set forth in Appendix A.

## § 710.4 Policy

It is the policy of ERDA to carry out its responsibility for the security of the energy research and development programs in a manner consistent with traditional American concepts of justice. To this end, the Administrator has established criteria for determining eligibility for access authorization and will afford those individuals described in 710.2 the opportunity for administrative

review of questions concerning their eligibility for access authorization.

## § 710.5 Definitions.

As used in this part:

(a) "Access authorization" means an administrative determination that an individual (including a consultant) who is employed by or an applicant for employment with ERDA contractors, agents, and access permittees of ERDA is eligible for access to Restricted Data or national security information or is eligible for access to, or control over, significant quantities of special nuclear material; and an individual (including a consultant) who is an ERDA employee or applicant for ERDA employment and other persons designated by the Administrator of ERDA is eligible for security clearance.

(b) "ERDA" means the Energy Research and Development Administration as provided by Section 101 of the Energy Reorganization Act of 1974.

(c) "Administrator" means the head of the Energy Research and Development Administration (ERDA) as provided by section 102 of the Energy Reorganization Act of 1974.

(d) "ERDA Personnel Security Review Board Panel" means an advisory panel of individuals appointed by the ERDA Assistant Administrator for National Security one of whom shall be designated as the Chairman of the Personnel Security Review Board Panel.

(e) "ERDA Personnel Security Review Board" means an advisory board, consisting of three members, one of whom shall be designated as Chairman, the members of which are selected by the Chairman of the Personnel Security Review Board Panel. The Chairman of the Personnel Security Review Board shall be an attorney.

(f) "Hearing Counsel" means an ERDA attorney assigned to prepare and conduct Personnel Security Board hearings.

(g) "Manager of Operations" means the Manager of an ERDA Operations Office (and at Headquarters, the Director, Division of Safeguards and Security—see § 710.38).

(h) "Personnel Security Board" means an advisory board appointed by the Manager of Operations and consisting of three members, one of whom shall be designated as Chairman.

(i) "Significant quantity of special nuclear material" means unclassified special nuclear material, not subject to a Nuclear Regulatory Commission (NRC) license, in one facility or one shipment in the following quantities:

(1) Uranium 235 (contained in uranium enriched 20 percent or more in the Uranium 235 isotope) alone, or in combination with Plutonium and/or Uranium 233 when (multiplying the Plutonium and/or Uranium 233 content by 2½) the total is 5,000 grams or more.

(2) Plutonium and/or Uranium 233 when the Plutonium and/or Uranium 233 content is 2,000 grams or more.

## RULES AND REGULATIONS

## CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO CLASSIFIED MATTER OR SIGNIFICANT QUANTITIES OF SPECIAL NUCLEAR MATERIAL

## § 710.10 Application of the criteria.

(a) The decision as to access authorization is a comprehensive, commonsense judgment, made after consideration of all the relevant information, favorable or unfavorable, as to whether the granting of access authorization would endanger the common defense and security and would be clearly consistent with the national interest.

(b) To assist in making these determinations, on the basis of all the information in a particular case, there are set forth in this part a number of specific types of derogatory information. These criteria are not exhaustive but contain the principal types of derogatory information which create a question as to the individual's eligibility for access authorization. While there must necessarily be adherence to such criteria, ERDA is not limited thereto, nor precluded from exercising its judgment that information or facts in a case under its cognizance are derogatory although at variance with, or outside the scope of, the stated categories. These criteria are subject to continuing review and may be revised from time to time as experience and circumstances may make desirable.

(c) When the reports of investigation of an individual contain information reasonably tending to establish the truth of one or more of the items in the criteria, such information shall be regarded as substantially derogatory and shall create a question as to the individual's eligibility for access authorization. The Manager of Operations may authorize an interview with the individual, and on the basis of such interview, may authorize the grant of access authorization. If the question as to the individual's eligibility is not resolved through interview, the Manager of Operations will forward the individual's case to the Director, Division of Safeguards and Security, ERDA. The Director, Division of Safeguards and Security, ERDA, may authorize the granting of access authorization or such other investigation as he deems appropriate. Otherwise, a question concerning the eligibility of an individual for access authorization shall be resolved in accordance with the procedures set forth in § 710.20 et seq.

(d) In resolving a question concerning the eligibility or continued eligibility of an individual for access authorization, the following principles shall be applied by the ERDA Personnel Security Board:

(1) Where there are grounds sufficient to establish a reasonable belief as to the truth of one or more of the items in Category "A", these grounds shall be the basis for a recommendation by the ERDA Personnel Security Board for denying or revoking access authorization if not satisfactorily rebutted by the individual.

(2) Where there are grounds sufficient to establish a reasonable belief as to the truth of one or more of the items in Cat-

egory "B", the extent of activities, the period in which such activities occurred, the length of time which has since elapsed, and the attitudes and convictions of the individual shall be considered in determining whether the recommendation will be adverse or favorable.

## § 710.11 Criteria.

(a) Category "A" derogatory information. Category "A" includes those cases in which the individual or spouse has:

(1) Committed or attempted to commit, or aided, or abetted another who committed or attempted to commit, any act of sabotage, espionage, treason, or sedition;

(2) Knowingly established an association with espionage or sabotage agents of a foreign nation; with individuals reliably reported as suspected of espionage or sabotage; with representatives of foreign nations whose interests may be inimical to the interests of the United States, with traitors, seditionists, anarchists, or revolutionists;

(3) Knowing membership with the specific intent of furthering the aims of, or adherence to and active participation in, any foreign or domestic organization, association, movement, group, or combination of persons which unlawfully advocates or practices the commission of acts of force or violence to prevent others from exercising their rights under the Constitution or laws of the United States or of any State, which seeks to overthrow the Government of the United States or any State or subdivision thereof by unlawful means.

(4) Publicly or privately advocated revolution by force or violence to overthrow the Government of the United States or the alteration of the form of Government of the United States by unconstitutional means.

Category "A" also includes those cases in which the individual has:

(5) Deliberately omitted significant information from or falsified his Personnel Security Questionnaire or Personal History Statement concerning a significant matter;

(6) Willfully violated or disregarded security regulations to a degree which would endanger the common defense and security; or intentionally disclosed classified information to any person not authorized to receive it;

(7) Any mental illness of a nature which in the opinion of competent medical authority may cause significant defect in the judgment or reliability of the individual;

(8) Been convicted of crimes indicating habitual criminal tendencies;

(9) Been, or is, a user of narcotic or hallucinogenic drugs habitually, without adequate evidence of rehabilitation.

(b) Category "B" derogatory information. Category "B" includes those cases in which the individual or spouse has: (In evaluating items under this category, the extent of the activities, the period in which such activities occurred, the length of time which has since

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elapsed, and the attitudes and conviction of the individuals shall be considered.)

(1) Advocated totalitarian, fascist, communist, or other subversive political ideologies and has not subsequently established rejection of them.

(2) Associated with persons falling within the provisions of Category "B", paragraph (b)(1) of this section, when the individual did not establish rejection of such ideologies. (Ordinarily this will not include chance or casual meetings or contacts limited to normal business or official relations.)

(3) Affiliated with any organization, association, movement, group, or combination of persons falling within provisions of Category "A", paragraph (a)(3) of this section, provided the individual or spouse did not discontinue his affiliation when he learned of its unlawful advocacy practices or objectives referred to in such paragraph (a)(3) of this section, or did not otherwise establish rejection of such unlawful advocacy, practices, or objectives.

(4) Associated with any person affiliated with any organization, movement, group, or combination of persons falling within the provisions of Category "A", paragraph (a)(3) of this section, provided the individual or spouse did not discontinue association when learning of the person's affiliation with such organization, association, movement, group, or combination of persons, or did not otherwise establish rejection of the subversive aims of such organization, association, movement, group, or combination of persons. (Ordinarily this will not include chance or casual meetings or contacts limited to normal business or official relations.)

(5) Parent(s), brother(s), sister(s), spouse, or offspring residing in a nation whose interests may be inimical to the interests of the United States, or in satellites or occupied areas thereof (to be evaluated in the light of the risk that pressure applied through such close relatives could force the individual to reveal sensitive information or perform an act of sabotage).

Category "B" also includes those cases in which the individual:

(6) Refuses to serve in the Armed Forces when such refusal cannot be clearly shown to be due to religious convictions;

(7) Has been grossly careless in failing to protect or safeguard Restricted Data, national security information, or special nuclear material;

(8) Has abused trust, has been dishonest, or has engaged in infamous, immoral, or notoriously disgraceful conduct without adequate evidence of reformation;

(9) Is a homosexual or other sexual pervert; or has engaged in homosexual or other sexually perverted conduct without adequate evidence of rehabilitation;

(10) Is a user of alcohol habitually and to excess, or has been such without adequate evidence of rehabilitation;

(11) Refuses, upon the ground of constitutional privilege against self-incrimination, to testify before a Congressional

Committee regarding charges of alleged disloyalty or other misconduct;

(12) Has used a narcotic or hallucinogenic drug, except as prescribed or administered by a physician licensed to dispense drugs in the practice of medicine;

(13) Engaged in any other conduct, or is subject to any other circumstance, including demonstrated financial irresponsibility, which tends to show that the individual is not reliable or trustworthy, or which furnishes reason to believe that the individual may be subject to coercion, influence, or pressure which may cause him to act contrary to the best interests of the national security.

#### PROCEDURES

##### § 710.20 Purpose of the procedures.

These procedures establish methods for the conduct of Personnel Security Board hearings and administrative review of questions concerning an individual's eligibility for access authorization when it is determined that such questions cannot be favorably resolved by interview or other investigation.

##### § 710.21 Suspension of access authorization.

In those cases where information is received which raises a question concerning the continued eligibility of an individual for ERDA access authorization, the Manager of Operations shall forward to the Assistant Administrator for National Security via the Director, Division of Safeguards and Security, ERDA, recommendation as to whether the individual's access authorization should be suspended pending the final determination resulting from the operation of the procedures provided in this part. In making this recommendation the Manager of Operations shall consider such factors as the seriousness of the derogatory information developed, the possible access of the individual to classified information or significant quantities of special nuclear material, and the individual's opportunity by reason of his position to commit acts adversely affecting the national security. The access authorization of an individual shall not be suspended except by direction of the Assistant Administrator for National Security.

##### § 710.22 Notice to individual.

A notification letter, prepared by the Division of Safeguards and Security, ERDA, approved by the Office of the General Counsel, and signed by the Manager of Operations, shall be delivered to each individual whose eligibility for access authorization is in question. Where practicable, such letter shall be delivered to the individual in person. The letter shall state:

(a) That reliable information in possession of ERDA has created a substantial doubt concerning the individual's eligibility for access authorization;

(b) That the information which creates a substantial doubt regarding the individual's eligibility for access author-

ization shall be as comprehensive and detailed as the national security permits;

(c) That in the event the individual desires a Board hearing he must within twenty days of the date of receipt of the notification letter indicate in writing to the Manager of Operations from whom he received such letter that he wishes a hearing before a Personnel Security Board;

(d) That within twenty days of the date of receipt of the notification letter, the individual shall file with the Manager from whom he received such letter his written answer under oath or affirmation to each item of reported information which raises the question of the individual's eligibility for access authorization;

(e) That, if the individual so requests, a hearing will be scheduled before a Personnel Security Board with due regard for the convenience and necessity of the parties or their representatives for the purpose of affording the individual an opportunity of supporting his eligibility for access authorization;

(f) That, if the individual requests a hearing, he will be notified in writing of the membership of a Personnel Security Board when it is appointed by the Manager of Operations;

(g) That the individual will have the right to appear personally before a Personnel Security Board, and present evidence in his own behalf, through witnesses, or by documents, or both, and subject to the limitations set forth in § 710.27(f), be present during the entire hearing and be accompanied, represented and advised by counsel of his own choosing.

(h) That the individual's failure to file a written request for a hearing before a Personnel Security Board, in accordance with paragraphs (c) and (d) of this section, will be considered as a relinquishment by him of the opportunity of availing himself of the hearing and review procedure provided in this part and that in such event a recommendation as to the final action to be taken will be made by the Manager of Operations and submitted to the Assistant Administrator for National Security for decision on the basis of the information in the case without reference to a Personnel Security Board;

(i) The individual's access authorization status until further notice;

(j) The name of the designated ERDA official to contact for any further information desired.

##### § 710.23 Additional information.

A copy of this part shall be given to the individual with the notification letter.

##### § 710.24 Failure of individual to request a hearing.

(a) In the event the individual fails, within the prescribed time, to file a written request for a hearing before a Personnel Security Board, pursuant to § 710.22, a recommendation as to the final action to be taken shall be made by the Manager of Operations to the

Assistant Administrator for National Security on the basis of the information in the case;

(b) The Manager of Operations may for good cause shown, at the request of the individual, extend the time for filing a written request for a hearing or time for filing a written answer to the matters contained in the notification letter.

##### § 710.25 Selection of ERDA Hearing Counsel.

(a) Upon receipt from the individual of a written answer to the notification letter, signifying the individual's desire to appear before a Personnel Security Board and answering under oath or affirmation the allegations contained in the notification letter, an ERDA attorney shall forthwith be assigned by the Manager of Operations to act as Hearing Counsel;

(b) Hearing Counsel shall, prior to the scheduling of the Board hearing, review the information in the case and shall request the presence of witnesses and the production of physical evidence in accordance with the provisions of paragraphs (m), (n), (o), and (p) of § 710.27. When the presence of a witness is deemed by the Hearing Counsel to be necessary or desirable to a proper determination of the issues before the Board, the Manager of Operations shall make arrangements by subpoena or otherwise for such witnesses to appear, be confronted by the individual, and be subject to examination and cross-examination.

(c) Hearing Counsel is authorized to consult directly with the individual if he is not represented by counsel, or if so represented with counsel or representative, for purposes of reaching mutual agreement upon arrangements for expeditious hearing of the case. Such arrangements may include clarification of issues and stipulations with respect to testimony and contents of documents and other physical evidence. Such stipulations when entered into shall be binding upon the individual and the Administrator for the purposes of this part. Prior to such consultation the Hearing Counsel shall advise the individual of his right to Counsel or other representation and of the possibility that any statements made by the individual to the Hearing Counsel may be used in subsequent proceedings;

(d) The individual is responsible for producing witnesses in his own behalf or presenting other proof before the board to support the individual's answer and defense to the allegations contained in the notification letter. When requested, however, Hearing Counsel shall assist the individual to the extent practicable and necessary. In the Hearing Counsel's sound discretion he may request the Manager of Operations to arrange for the issuance of subpoenas for witnesses to attend the hearing in the individual's behalf, or for the production of specific documents or other physical evidence, provided a showing of the necessity for such assistance has been made.

##### § 710.26 Appointment of ERDA Personnel Security Boards.

(a) Upon receipt of advice from the Hearing Counsel that all arrangements for an expeditious hearing have been completed, the Manager of Operations shall forthwith appoint a Personnel Security Board consisting of three members, one of whom shall be designated as the Chairman of the Personnel Security Board.

(b) The personnel of such Board, when practicable as determined by the Manager, shall consist of at least one member who is an attorney and one member who is familiar with the general field of work of the individual.

(c) The personnel of the Board shall be selected from a panel of individuals possessing the highest degree of integrity, ability, and good judgment. Such panels may include employees of ERDA or its contractors but no employee of an ERDA contractor shall serve as a member of a Personnel Security Board hearing the case of an employee of, or an applicant for employment with, that contractor; nor shall any employee of ERDA serve as a member of a Personnel Security Board hearing the case of an employee of, or applicant for employment with, ERDA.

(d) All persons serving as members of Personnel Security Boards shall have an ERDA "Q" clearance.

(e) No person shall serve as a member of a Personnel Security Board who has prejudged the case to be heard; who possesses information that would make it embarrassing to render impartial recommendations or advice; or who for bias or prejudice generated for any reason would be unable to render fair and impartial recommendations or advice;

(f) Immediately upon the appointment of a Personnel Security Board, the Manager of Operations will notify the individual of the identity of the members of the Personnel Security Board and of his right to challenge any member for cause, such challenge or challenges, accompanied by the reasons therefor, to be submitted to the Manager of Operations within seventy-two hours of the receipt of the notice;

(g) In the event that the individual challenges a member or members of the Personnel Security Board, the justification of the action of the individual shall be determined by the Manager of Operations. Where the challenge of the individual is sustained, the Manager of Operations shall forthwith appoint such new members as required to constitute a full Personnel Security Board and notify the individual. The individual shall have the right to challenge such new members for cause and such challenge shall be dealt with in the same manner as an original challenge. The Manager of Operations shall also notify the individual of the rejection of any challenge. The Personnel Security Board shall convene as soon as is reasonably practicable;

(h) The Manager of Operations shall notify the individual in writing, at least one week in advance, of the date, hour, and place the Personnel Security Board

will convene. In the event the individual fails to appear at the time and place specified, a recommendation as to the final action to be taken shall be made by the Manager of Operations to the Assistant Administrator for National Security on the basis of the record in the case. However, the Manager of Operations may for good cause shown at the request of the individual, permit the individual to appear before a Personnel Security Board at a newly scheduled date, hour, and place.

##### § 710.27 Conduct of proceedings.

(a) The proceedings shall be conducted by the Chairman of the Personnel Security Board in an orderly, impartial, and decorous manner with every effort made to protect the interests of the Government and of the individual and to arrive at the truth. In no case will undue delay be tolerated or will the individual be hampered by unduly restricting the time necessary for proper preparation and presentation. In performing their duties, the members of the Board shall always bear in mind and make clear to all concerned that the proceeding is an administrative hearing and not a trial;

(b) The proceedings shall be open only to duly authorized representatives of the staff of ERDA, the individual, counsel, and such persons as may be officially authorized by the Board. Witnesses shall not testify in the presence of other witnesses;

(c) (1) Hearing Counsel shall examine and cross-examine witnesses and otherwise assist the Board in such a manner as to bring out a full and true disclosure of all facts, both favorable and unfavorable, having a bearing on the issues before the Board. In performing his duties, he shall avoid the attitude of a prosecutor and shall always bear in mind that the proceeding is an administrative hearing and not a trial;

(2) Hearing Counsel shall not participate in the deliberations of the Board, and shall express no opinion to the Board concerning the merits of the case. Hearing Counsel shall also advise the individual of his rights under these procedures when the individual is not represented by counsel of his own choosing;

(d) The Board may ask the individual, ERDA representatives and other witnesses any supplemental questions which the Board deems appropriate to assure the fullest possible disclosure of relevant and material facts. The proponent of a witness shall conduct the direct examination of that witness;

(e) During the course of the proceedings the Chairman shall rule in open session on all questions presented to the Board of its determination, subject to the objection of any member of the Board. In the event of an objection by any member of the Board, a majority vote of the Board shall be determinative and constitute the ruling of the Chairman. Voting may be either in open or closed session on all questions except recommendations to grant or deny access authorization, which shall be in closed session;

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(f) In the event it appears in the course of the hearing that Restricted Data or national security information may be disclosed, it shall be the duty of the Chairman to assure that disclosure is not made to persons who are not authorized to receive it.

(g) The Board shall admit in evidence any matters either oral or written which are material, relevant and competent in determining the issues involved, including the testimony of responsible persons concerning the integrity of the individual. The utmost latitude shall be permitted with respect to relevancy, materiality, and competency. Every reasonable effort shall be made to obtain the best evidence available. Hearsay evidence may for good cause shown be admitted without regard to technical rules of admissibility and accorded such weight as the circumstances warrant.

(h) Testimony of the individual and witness shall be given under oath or affirmation, and the individual and witnesses shall be subject to cross-examination. Attention of the individual and the witness shall be invited to 18 U.S.C. 1001 and 18 U.S.C. 1621.

(i) The individual shall be afforded the opportunity of testifying in his own behalf.

(j) The Board shall endeavor to obtain all the facts that are reasonably available in order for it to arrive at its recommendations. If, prior to or during the proceeding, in the opinion of the Board the allegations in the notification letter are not sufficient to cover all matters into which inquiry should be directed, the Board shall recommend to the Manager of Operations concerned that, in order to give more adequate notice to the individual, the notification letter should be amended. Any amendment shall be made with the concurrence of the Director, Division of Safeguards and Security, ERDA, and the Office of the General Counsel. If, in the opinion of the Board, the circumstances or such an amendment may involve an undue hardship to the individual, because of limited time to answer the new allegations in the notification letter, an appropriate adjournment shall be granted upon the request of the individual.

(k) Unless permitted by paragraphs (l), (m), (n), (o), and (p) of this section, the record may contain no information adverse to the individual on any controverted issue unless (1) the information or its substance has been made available to the individual and he offers no objection to its presentation; or (2) the information or its substance is made available to him and the individual is afforded an opportunity to cross-examine the person providing the information. Information whose admission is not prohibited by this paragraph, or by any other provision of this part, may be received and made a part of the record and may be considered by the Board or officials charged with making determinations under this part.

(l) A written or oral statement of a person relating to the characterization

in the notification letter of any organization or person other than the individual may be received and considered by the Board without affording the individual an opportunity to cross-examine the person making the statement on matters relating to the characterization of such organization, or person, provided the individual is given notice that it has been received and may be considered by the Board, and is informed of its contents provided such is not prohibited by § 710.27(f).

(m) The individual shall be afforded an opportunity to cross-examine persons who have made oral or written statements adverse to the individual relating to a controverted issue except that any such statement may be received and considered by the Board without affording such opportunity to either of the following circumstances:

(1) The head of the department supplying the statement certifies that the person who furnished the information is a confidential informant who has been engaged in obtaining intelligence information for the Government and that disclosure of the informant's identity would be substantially harmful to the national interest;

(2) The Administrator or his special designee for that particular purpose has preliminarily determined, after considering information furnished by the investigative agency as to the reliability of the person and the accuracy of the statement concerned, that the statement concerned appears to be reliable and material, and the Administrator or such special designee has determined that failure of the Board to receive and consider such statement would, in view of the access to Restricted Data, national security information, or significant quantities of special nuclear material sought, be substantially harmful to the national security and that the person who furnished the information cannot appear to testify (i) due to death, severe illness, or similar cause, in which case the identity of the person and the information to be considered shall be made available to the individual or (ii) due to some other cause determined by the Administrator to be good and sufficient;

(n) Whenever procedures under paragraph (m)(1) or (2) of this section are used (1) the individual shall be given a summary of the information which shall be as comprehensive and detailed as the national security permits, and (2) appropriate consideration shall be accorded to the fact that the individual did not have an opportunity to cross-examine such person or persons;

(o) Records compiled in the regular course of business, or other physical evidence other than investigative reports, may be received and considered subject to rebuttal without authenticating witnesses, provided that such information has been furnished to ERDA by an investigative agency pursuant to its responsibilities in connection with assisting the Administrator to safeguard Restricted Data, national security informa-

tion or significant quantities of special nuclear material;

(p) Records compiled in the regular course of business, or other physical evidence other than investigative reports, relating to a controverted issue which, because they are classified, may not be inspected by the individual, may be received and considered provided that:

(1) The Administrator or his special designee for that purpose has made a preliminary determination that such physical evidence appears to be material;

(2) The Administrator or such designee has made a determination that failure to receive and consider such physical evidence would, in view of the access to Restricted Data, national security information or significant quantities of special nuclear material sought, be substantially harmful to the national security; and

(3) To the extent that national security permits, a summary or description of such physical evidence shall be made available to the individual. In every such case, information as to the authenticity and accuracy of such physical evidence furnished by the investigative agency shall be considered.

(q) The Board may request the Manager of Operations to arrange for additional investigation on any points which are material to the deliberations of the Board and which the Board believes need extension or clarification. In this event, the Board shall set forth in writing those issues upon which more evidence is requested, identifying where possible persons sources from which evidence should be sought. The Manager of Operations shall make every effort through appropriate sources to obtain additional information upon the matters indicated by the Board;

(r) A written transcript of the entire proceedings shall be made by a person possessing appropriate ERDA clearance and, except for portions containing Restricted Data or national security information, a copy of such transcript shall be furnished the individual without cost.

#### § 710.28 Recommendations of the Personnel Security Board.

(a) The Board shall carefully consider the record and the standards set forth herein. In reaching its determination the Board shall consider the demeanor of the witnesses who have testified before the Board, the probability or likelihood of the truth of their testimony, their credibility, the authenticity and accuracy of documentary evidence, or lack of evidence upon some material points in issue. If the individual is, or may be, handicapped by the non-disclosure to him of confidential information or by lack of opportunity to cross-examine confidential informants, the Board shall take that fact into consideration. The Board may also consider as part of the record the individual's past employment in the energy research and development program, and the nature and sensitivity of the job he is or may be expected to perform. Possible impact of the loss of the individual's services upon the ERDA

program shall not be considered by the Board.

(b) The Board shall make specific findings based upon the records as to whether each of the allegations contained in the notification letter is true or false and the significance which the Board attaches to such allegations. These findings shall be supported fully by a statement of reasons which constitute the basis for such findings.

(c) The recommendation of the Board shall be predicated upon its findings. If after considering all the factors in the light of the criteria set forth in this part, the Board is of the opinion that it will not endanger the common defense and security and will be clearly consistent with the national interest to grant access authorization to the individual, it shall make a favorable recommendation; otherwise, it shall make an adverse recommendation;

(d) The recommendation of the Board shall be determined by a majority vote. In the event of a dissent from the majority, the recommendation of the minority member shall be made a matter of record together with a statement of the reasons leading to the conclusions. The recommendation of the Board shall be submitted to the Manager of Operations accompanied by a statement of the reasons leading to the Board's conclusions.

#### § 710.29 New evidence.

(a) In the event of the discovery of new evidence by the individual prior to final determination of the individual's eligibility for access authorization, such evidence shall be submitted by the individual or his representative to the Manager of Operations from whom he received the notification letter.

(b) The Manager of Operations with the advice of Hearing Counsel shall review the application for the presentation of new evidence to ascertain its materiality and relevancy and further, that the individual or his representative is without fault in failing to present the evidence before. In the event it is determined that the new evidence should be received, the Manager of Operations shall:

(1) Refer the matter to the Personnel Security Board which had been appointed in the individual's case when the Manager of Operations has not yet transmitted the record to the Assistant Administrator for National Security. The Board receiving the application for the presentation of new evidence shall determine the form in which it shall be received, whether by testimony before the Board, by deposition, or by affidavit.

(2) In those cases where the Manager of Operations has forwarded the record to the Assistant Administrator for National Security, the application for presentation of new evidence shall be referred to the Assistant Administrator for National Security with appropriate comment and recommendations. In the event the Assistant Administrator for National Security determines that the new evidence should be received, he shall determine the form in which it shall be re-

ceived, whether by testimony before a Personnel Security Board, by deposition or by affidavit.

#### § 710.30 Actions on the recommendations.

(a) The recommendations of the Board and any dissent therefrom shall be signed by the members of the Board as appropriate, and together with the record of the case, shall be transmitted with the least practicable delay to the Manager of Operations concerned;

(b) Upon receipt of the findings and recommendation of the Board and the record, the Manager of Operations shall forthwith transmit it to the Assistant Administrator for National Security through the Director, Division of Safeguards and Security. In those cases where denial of access authorization is recommended by the Board, the Manager of Operations shall forward a statement concerning the effect which denial of access authorization would have upon the energy research and development program.

(c) The Assistant Administrator for National Security may return the record to the Manager of Operations for further proceedings by the Personnel Security Board with respect to specific matters designated by the Assistant Administrator for National Security.

(d) (1) In the event a recommendation by the Board for a denial of access authorization, the individual shall be immediately notified in writing of that fact by the Assistant Administrator for National Security and shall be informed of the Board's findings with respect to each allegation contained in the notification letter. The individual shall also be notified of his right to request a review of his case by the ERDA Personnel Security Review Board and of his right to submit a brief in support of his contentions. The request for a review shall be submitted to the Assistant Administrator for National Security within five days after the receipt of the notice. The brief shall be forwarded to the Assistant Administrator for National Security through the Director, Division of Safeguards and Security, no later than 10 days after receipt of such notice, unless such time is extended by the Assistant Administrator for National Security for good cause shown;

(2) Where the individual requests a review of the adverse recommendation, the Assistant Administrator for National Security shall forthwith send the record, with all findings and recommendations, to the Personnel Security Review Board;

(3) In the event the individual fails to request a review by the ERDA Personnel Security Review Board of an adverse recommendation within the prescribed time, the final determination shall be made on the basis of the record with all findings and recommendations;

(e) Where the ERDA Personnel Security Board has made a recommendation favorable to the individual and the Assistant Administrator for National Security proposes to transmit the record to the Personnel Security Review Board for

its recommendation, the Assistant Administrator for National Security shall immediately cause the individual to be notified of that fact and of those matters contained in the notification letter concerning which he desires the advice of the Personnel Security Review Board. The Assistant Administrator for National Security shall further inform the individual that he may submit a brief concerning such matters for the consideration of the Personnel Security Review Board. Such brief shall be filed not later than 10 days from the receipt of the notice by the individual, unless extended for good cause shown. The brief shall be forwarded to the Assistant Administrator for National Security for transmission to the Personnel Security Review Board.

#### § 710.31 Recommendations of the ERDA Personnel Security Review Board.

(a) The ERDA Personnel Security Review Board shall make its deliberations based upon the record supplemented by such brief as the individual submits. The ERDA Personnel Security Review Board may request such additional briefs as it deems appropriate. In any case where the ERDA Personnel Security Review Board determines that additional evidence or further proceedings are necessary, it may return the record to the Assistant Administrator for National Security with a recommendation that the case be remanded to the Manager of Operations for appropriate action;

(b) In its deliberations, the ERDA Personnel Security Review Board shall make its findings and recommendations as to the eligibility of an individual for access authorization on the record supplemented by additional testimony or briefs, as determined by the Board. When additional testimony is taken by the ERDA Personnel Security Review Board a verbatim transcript of such testimony shall be made part of the record;

(c) The ERDA Personnel Security Review Board shall not concern itself with the possible impact of the loss of the individual's services upon the ERDA program.

(d) After its deliberations, the ERDA Personnel Security Review Board shall make its findings and recommendations on the record in writing to the Administrator.

#### § 710.32 Action by the Assistant Administrator for National Security.

(a) The Assistant Administrator for National Security, on the basis of the record accompanied by all recommendations, shall then make a final determination whether access authorization shall be granted or denied;

(b) In making the determination as to whether access authorization shall be granted or denied, the Assistant Administrator for National Security shall give due recognition to the favorable as well as the unfavorable information concerning the individual and shall take into account the value of the individual's services to the energy research and the

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development program and the operational consequences of denial of access authorization;

(c) In the event of an adverse determination, the Assistant Administrator for National Security shall notify the individual through the Manager of Operations of his decision that access authorization is being denied or revoked and of his findings with respect to each allegation contained in the notification letter for transmittal to the individual.

#### § 710.33 Action by the Administrator.

(a) Whenever an individual has not been afforded an opportunity to confront and cross-examine witnesses who have furnished information adverse to the individual under the provisions of § 710.27 (m), (n), (o), or (p) and an adverse recommendation has been made by the Assistant Administrator for National Security, the Administrator shall personally review the record and determine whether access authorization shall be granted, denied or revoked, based upon the record;

(b) When the Administrator determines to deny or revoke access authorization the individual will be notified through the Manager of Operations of his decision that access authorization is being denied or revoked and of his findings with respect to each allegation contained in the notification letter for transmittal to the individual;

(c) Nothing contained in these procedures shall be deemed to limit or affect the responsibility and powers of the Administrator to deny or revoke access to Restricted Data, national security information, or significant quantities of special nuclear material if the security of the nation so requires. The Administrator's authority may not be delegated and may be exercised only when the Administrator determines that the procedures prescribed in § 710.27 (m), (n), (o), or (p) cannot be invoked consistently with the national security and such determination shall be conclusive.

#### § 710.34 Reconsideration of cases.

(a) Where pursuant to the procedures set forth in §§ 710.20 through 710.33, the Assistant Administrator for National Security or the Administrator has made a determination granting access authorization to an individual, the individual's eligibility for access authorization shall be reconsidered only when, subsequent to the time of the prior hearing, there is new substantially derogatory information or a significant increase in the scope or sensitivity of the Restricted Data or national security information to which the individual has or will have access;

(b) Where, pursuant to those procedures, the Administrator or the Assistant Administrator for National Security has made a determination denying access authorization to an individual, the individual's eligibility for access authorization may be reconsidered when there is a bona fide offer of employment requiring access to Restricted Data, national security information or significant quantities

of special nuclear material and either material and relevant new evidence which the individual and his representatives are without fault in failing to present before, or convincing evidence of reformation or rehabilitation. Requests for reconsideration shall be submitted in writing to the Assistant Administrator for National Security through the Manager of Operations having jurisdiction over the position for which access authorization is required. Such requests shall be accompanied by an affidavit setting forth in detail the new evidence or evidence of reformation or rehabilitation. The Assistant Administrator for National Security shall cause the individual to be notified as to whether his eligibility for access authorization will be reconsidered and, if so, the method by which such reconsideration will be accomplished.

(c) Where access authorization has been granted to an individual by a Manager of Operations without recourse to the procedures set forth in § 710.20 through 710.33, the individual's eligibility for access authorization shall be reconsidered only in a case where, subsequent to the granting of access authorization, new substantially derogatory information has been received or there is a significant increase in the scope or sensitivity of the Restricted Data or national security information to which the individual has, or will have access, and in any other case only with specific prior approval of the Director, Division of Safeguards and Security, ERDA.

#### MISCELLANEOUS

#### § 710.35 Terminations.

In the event the individual is no longer an applicant for access authorization or no longer requires access authorization the procedures of this part shall be terminated without a final determination as to his eligibility for access authorization.

#### § 710.36 Attorney representation.

In the event the individual is represented by an attorney or other such representative, the individual shall file with ERDA a document designating such attorney or representative and authorizing such attorney or representative to receive all correspondence, transcripts and other documents pertaining to the proceeding under this part.

#### § 710.37 Certifications.

Whenever information is made a part of the record under the exceptions authorized by § 710.27 (m), (n), (o), and (p), the record shall contain certificates evidencing that the determinations required therein have been made.

#### § 710.38 Washington Area cases.

In those cases which may arise involving individuals within the Washington Area of ERDA operations the Director, Division of Safeguards and Security shall discharge the functions and responsibilities assigned to Managers of Operations in these procedures.

3. Part 710 is amended by adding a new Appendix A as follows:

#### APPENDIX A—SELECTED PROVISIONS OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED.

§ 141 (42 U.S.C. 2161), § 145 (42 U.S.C. 2165), § 161 (42 U.S.C. 2201)

(By authority of the Energy Reorganization acts of 1974 (42 U.S.C. 5814) the Administrator of ERDA or his designated representative is to be substituted for the "Commission" and "General Manager" as appropriate.)

Sec. 141. Policy. It shall be the policy of the Commission to control the dissemination and disclosure of Restricted Data in such a manner as to assure the common defense and security.

Sec. 145. Restriction. (a) No arrangement shall be made under section 31, no contract shall be made or continued in effect under section 141, and no license shall be issued under section 103 or 104, unless the person with whom such arrangement is made, the contractor or prospective contractor, or the prospective licensee agrees in writing not to permit any individual to have access to Restricted Data until the Civil Service Commission shall have made an investigation and report to the Commission on the character, association, and loyalty of such individual, and the Commission shall have determined that permitting such person to have access to Restricted Data will not endanger the common defense and security.

(b) Except as authorized by the Commission or the General Manager upon a determination by the Commission or General Manager that such action is clearly consistent with the national interest, no individual shall be employed by the Commission nor shall the Commission permit any individual to have access to Restricted Data until the Civil Service Commission shall have made an investigation and report to the Commission on the character, associations, and loyalty of such individual and the Commission shall have determined that permitting such person to have access to Restricted Data will not endanger the common defense and security.

(c) In lieu of the investigation and report to be made by the Civil Service Commission pursuant to subsection (b) of this section, the Commission may accept an investigation and report on the character, associations, and loyalty of an individual made by another Government agency which conducts personnel security investigations, provided that a security clearance has been granted to such individual by another Government agency based on such investigation and report.

(d) In the event an investigation made pursuant to subsections (a) and (b) of this section develops any data reflecting that the individual who is the subject of the investigation is of questionable loyalty, the Civil Service Commission shall refer the matter to the Federal Bureau of Investigation for the conduct of a full field investigation, the results of which shall be furnished to the Civil Service Commission for its information and appropriate action.

(e) If the President deems it to be in the national interest he may from time to time determine that investigations of any group or class which are required by subsections (a), (b), and (c) of this section be made by the Federal Bureau of Investigation.

(f) Notwithstanding the provisions of subsections (a), (b), and (c) of this section, a majority of the members of the Commission shall certify those specific positions which are of a high degree of importance or sensitivity, and upon such certification, the investigation, and reports required by such provisions shall be made by the Federal Bureau of Investigation.

(g) The Commission shall establish standards and specifications in writing as to the scope and extent of investigations, the reports of which will be utilized by the Commission

in making the determination, pursuant to subsections (a), (b), and (c) of this section, that permitting a person access to Restricted Data will not endanger the common defense and security. Such standards and specifications shall be based on the location and class or kind of work to be done and shall, among other considerations, take into account the degree of importance to the common defense and security of the Restricted Data to which access will be permitted.

(h) Whenever the Congress declares that a state of war exists, or in the event of a national disaster due to enemy attack, the Commission is authorized during the state of war or period of national disaster due to enemy attack to employ individuals and to permit individuals access to Restricted Data pending the investigation report, and determination required by section 145b, to the extent that and so long as the Commission finds that such action is required to prevent impairment of its activities in furtherance of the common defense and security.

Sec. 161. General provisions. In the performance of its functions the Commission is authorized to:

(a) Establish advisory boards to advise with and make recommendations to the Commission on the legislation, policies, administration, research and other matters; Provided, That the Commission issues regulations setting forth the scope, procedure, and limitations of the authority of each such board.

(b) Establish by rule, regulation, or order, such standards and instructions to govern the possession and use of special nuclear material, and byproduct material as the Commission may deem necessary or desirable to promote the common defense and security or to protect health or to minimize danger to life or property.

(c) Make such studies and investigations, obtain such information, and hold such meetings or hearings as the Commission may deem necessary or proper to assist it in the administration or enforcement of this Act, or any regulations or orders issued thereunder. For such purposes the Commission is authorized to administer oaths and affirmations, and by subpoena to require any person to appear and testify, or to appear and produce documents, or both, at any designated place. No person shall be excused from complying with any requirements under this paragraph because of his privilege against self-incrimination, but the immunity provisions of the Compulsory Testimony Act of February 11, 1953, shall apply with respect to any individuals who specifically claim such privilege. Witnesses subpoenaed, under this subsection, shall be paid the same fees and mileage as are paid witnesses in the district courts of the United States.

(i) Prescribe such regulations or orders as it may deem necessary (1) to protect Restricted Data received by any person in connection with any activity authorized pursuant to this Act, (2) to guard against the loss or diversion of any special nuclear material acquired by any person pursuant to section 53 or produced by any person in connection with any activity authorized pursuant to the Act, to prevent any use or disposition thereof which the Commission may determine to be inimical to the common defense and security, including regulations or orders designating activities, involving quantities of special nuclear material which in the opinion of the Commission are important to the common defense and security, that may be conducted only by persons whose character, associations, and loyalty shall have been investigated under standards and specifications established by the Commission

and as to whom the Commission shall have determined that permitting each person to conduct the activity will not be inimical to the common defense and security, and (3) to govern any activity authorized pursuant to this Act, including standards and restrictions governing the design, location, and operation of facilities used in the conduct of such activity in order to protect health and to minimize danger to life or property;

(n) Delegate to the General Manager or other officers of the Commission any of those functions assigned to it under this Act except those specified in sections 51, 57b, 61, 108, 123, 145b, (with respect to the determination of those persons to whom the Commission may reveal Restricted Data in the national interest), 145f, and 161a.

(p) Make, promulgate, issue, rescind, and amend such rules and regulations as may be necessary to carry out the purposes of this Act.

[FR Doc.77-28910 Filed 9-29-77;8:45 am]

#### [ 6170-01 ]

#### PART 810—UNCLASSIFIED ACTIVITIES IN FOREIGN ATOMIC ENERGY PROGRAMS

AGENCY: Energy Research and Development Administration.

ACTION: Final rules.

SUMMARY: This action is to amend ERDA's regulations on "Unclassified Activities in Foreign Atomic Energy Programs" to strengthen U.S. Government controls over the activities of U.S. persons abroad in the use of plutonium as a reactor fuel. ERDA believes these amendments are necessary because of increasing concern over the possibility of U.S. persons assisting certain sensitive nuclear facilities which are not subject to appropriate international safeguards. These amendments will assure that the U.S. Government has an opportunity to determine whether or not each such activity is inconsistent with the U.S. policy on nonproliferation, or is otherwise inimical to the interest of the United States.

EFFECTIVE DATE: This regulation shall become effective on September 30, 1977. Since this regulation involves a foreign affairs function of the United States, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553), the ERDA Administrator has found that good cause exists for making this amendment effective without the customary 30-day notice.

FOR FURTHER INFORMATION CONTACT:

Mr. Irvin L. Williams, U.S. Energy Research and Development Administration, Division of International Security Affairs, Washington, D.C. 20545 (301-353-4119).

SUPPLEMENTAL INFORMATION: On May 11, 1977, a document was published in the FEDERAL REGISTER (42 FR 23865) proposing to revise the rules governing the participation of U.S. persons

in certain unclassified activities in foreign atomic energy programs. The proposed revision: (1) withdrew the general authorization in § 810.7 presently granted for activities in the Free World involving the separation of isotopes of any source of special nuclear material and certain fuel fabrication activities involving plutonium; (2) added Cambodia, Laos and Southern Rhodesia to the country/area list in § 810.7(a)(1); (3) added a new criterion § 810.8(b) to be used in evaluating those activities requiring specific authorization by the Administrator; and (4) revised the reporting requirements in § 810.10 to conform to the other changes. Interested persons and Federal Agencies were asked to comment and a period extending from the date of publication to July 11, 1977 was allocated for such responses. All comments received, insofar as they relate to matters within the scope of the notice, were given due consideration and many of them are incorporated in this final regulation.

A. As a result of comments received, the following changes in the revised rules are made in addition to language changes for further clarification.

1. New language has been inserted in § 810.7(a)(2)(i) to clarify that the revision is directed not at activities related to uranium oxide fuel fabrication but at activities related to the fabrication of nuclear fuel containing plutonium. This language change is also applicable to subparagraphs (2) (iii), (iv), and (v) of this section. In view of the fact that some equipment and/or components for uranium oxide fuel fabrication are also used for plutonium fuel fabrication, or vice versa, this new language in Part 810 will make it necessary for the U.S. person engaging in any of the activities in the above cited paragraphs to obtain an end-use statement.

2. A new paragraph (d) is added to § 810.9 and § 810.10 to clarify that proprietary information submitted pursuant to the requirements of 10 CFR Part 810 will be protected to the maximum degree allowed by law.

3. Additional wording is added to § 810.10 (b)(1)(iv) and (b)(5) to clarify that the reporting requirement is applicable to "reactor grade" beryllium.

4. A new subparagraph (4) is added at § 810.10(b) to clarify that the removal of activities involving the transmittal of information outside the U.S. of conceptual design or performance characteristics of nuclear reactors or facilities from the activities excepted from the reporting requirements of § 810.10(c)(1) is intended to require that such activities be subject to the reporting requirements of § 810.10 (b).

5. A new subparagraph (v) is added at § 810.10(c)(1) to exclude from the reporting requirements the export of a nuclear reactor for which an export license has been issued by the U.S. Nuclear Regulatory Commission.

B. In addition to the above and the revisions previously published in the Notice of Proposed Rulemaking which remain unchanged, the following changes are also made:



1. The provisions at § 810.7(b)(4), which provides a general authorization for persons subject to 10 CFR Part 810 to transmit unclassified information which constitutes directly or indirectly engaging in the production of special nuclear material outside the United States provided they make the information available to the public in published form within 60 days after the furnishing thereof is withdrawn. Persons who prior to the effective date of this notice engaged in such activity but have not yet made the information available to the public in published form have 60 days from the date of such transmittal to do so.

2. The addition of a new criterion at § 810.8(b) is withdrawn as it was determined that this criterion is adequately covered in the existing § 810.8(b)(5). With regard to the comment received that under this criterion ERDA could reject an application even if the country involved had entered into an IAEA safeguards agreement and IAEA is satisfied with their performance, regardless of whether or not the recipient country has entered into an IAEA safeguards agreement, the agreement may not cover all its nuclear facilities. For example, non-NPT countries do not have to place all their facilities under IAEA safeguards. Therefore, if there is reason to believe the recipient country proposes to use the assistance in nuclear facilities not subject to IAEA safeguards, that information will be given appropriate consideration in the review. The Administrator must, of course, weigh the effect of each of the factors in § 810.8 in reaching a determination.

C. Other recommendations have been carefully considered but are not adopted for the reasons assigned.

1. The recommendation that "the transmittal of information relating only to conceptual design or performance characteristics of nuclear reactors or facilities" not be removed from the exception to the reporting requirements of § 810.10(c)(1)(iii) is rejected. It has been found that it is in the best interest of the Government and industry if the Government is made aware at an early stage of proposals being made to a foreign recipient. Therefore, if any problem is foreseen with regard to the activity going beyond the proposal stage, the U.S. participant can be advised before additional commitments and expenditures are made. A new subparagraph (4) is added at § 810.10(b) to clarify that such activity is subject to the reporting requirements.

2. The suggestion that the word "indirectly" is too broad, that it should be defined, and that certain activities should be expected is rejected. More specificity would be undesirable since it would introduce rigidity in an area where because of the uncertainty of the impact of the assistance, such precision is not advisable; nor is it practicable to attempt to set forth a comprehensive and meaningful list of activities that may fall within the category of "indirect" assistance. Any questions concern-

ing the applicability of this regulation to any specific activity may be directed to the Energy Research and Development Administration, Attn: Director, Division of International Security Affairs, Washington, D.C. 20545.

3. The suggestion that assistance in the overseas design of facilities for fabricating fuel that contains plutonium presupposes that the plutonium already exists and therefore does not constitute engaging directly or indirectly in the production of special nuclear material is rejected. Such activities are subject to the regulation since the fuel is for use in nuclear reactors which produce special nuclear material.

4. The suggestion that the applicability of § 810.10(b)(1) to research reactors is questionable is rejected. The Atomic Energy Act of 1954, as amended, and the ERDA implementing regulation, 10 CFR Part 810, do not limit the scope of authority to only those reactors which produce appreciable amounts of special nuclear material. The Atomic Energy Act states "... directly or indirectly engage in the production of any special nuclear material outside the United States ...".

5. It was suggested that if the words "Directly or indirectly assisting in" at the beginning of § 810.10(b)(2) are intended to broaden the reporting requirements to include the activities of their foreign licensees that fall under this section, then the accounting and administration of an effective reporting system will become burdensome on the company. This revision does not broaden the reporting requirement as it applies to whose activities must be reported. As presently promulgated this section is applicable to the activities of a foreign licensee to the extent that information under their licensing agreement with a U.S. company is being used in conducting such activities.

In consideration of the foregoing, Part 810 of Title 10, Code of Federal Regulations is amended as set forth below:

1. By revising § 810.7 (a)(1) and (2) and (b)(4) to read as follows:

§ 810.7 Generally authorized activities.

(a) \* \* \*

(1) Does not constitute directly or indirectly engaging in any such activity in any of the following countries or areas:

Albania;  
Bulgaria;  
Cambodia;  
China, including Manchuria (and excluding Taiwan (Formosa)) (includes Inner Mongolia; the provinces of Tsinghai and Sinkiang; Sinkiang; Tibet; the former Kwantung Leased Territory, the present Port Arthur Naval Base Area and Liaoning province);  
Cuba;  
Czechoslovakia;  
East Germany (Soviet zone of Germany and the Soviet Sector of Berlin);  
Estonia;  
Hungary;  
Laos;  
Latvia;  
Lithuania;  
North Korea;

Outer Mongolia;  
Poland;  
Rumania;  
Southern Rhodesia;  
Union of Soviet Socialist Republics;  
Vietnam; and

(2) \* \* \*

(i) Designing or assisting in the design of facilities for the chemical processing of irradiated special nuclear material, facilities for the production of heavy water, facilities for the separation of isotopes of any source or special nuclear material, facilities especially designed for the fabrication of nuclear fuel containing plutonium, or equipment or components especially designed, modified, or adapted for use in any of the foregoing; or

(iii) Constructing, fabricating, or furnishing equipment or components especially designed, modified, or adapted for use in such facilities; or

(iv) Training foreign personnel in the design, construction, fabrication, or operation of such facilities or equipment or components especially designed, modified, or adapted for use in such facilities; or

(v) Furnishing information not available to the public in published form for use in the design, construction, fabrication or operation of such facilities or equipment or components especially designed, modified, or adapted for use in such facilities; and

(b) \* \* \*

(4) Is limited to the furnishing of information which is available to the public in published form.

2. By revising § 810.9 to add a new paragraph (d) as follows:

§ 810.9 Contents of application.

(d) Any trade secret, commercial or financial or other proprietary information submitted by any person pursuant to this section shall be afforded the maximum degree of protection allowed by law.

3. By amending § 810.10 as follows:

a. By amending paragraph (b)(1);

b. By revising paragraph (b)(2);

c. By redesignating paragraphs (b)(4), (b)(5), and (b)(6) as (b)(5), (b)(6), and (b)(7) and adding a new (b)(4);

d. By amending paragraph (b)(5) by inserting the words "reactor grade" preceding the word "beryllium";

e. By revising paragraph (c)(1);

f. By adding a new paragraph (d).

These amendments to § 810.10 read as follows:

§ 810.10 Reports.

(b) \* \* \*

(1) Directly or indirectly assisting in the design, construction, fabrication or operation, outside the United States, of:

\* \* \*

\* Ibid.

(ii) A facility for the separation of isotopes of any source or special nuclear material; or

(iv) A facility for the production of heavy water, zirconium (hafnium-free or low-hafnium), reactor grade graphite, or reactor grade beryllium; or

(2) Directly or indirectly assisting in the design or fabrication outside the United States of any component part especially designed or fabricated for a nuclear reactor or other facility specified in paragraph (b)(1) of this section; or

(4) The transmittal outside the United States of conceptual design or performance characteristics of nuclear reactors or facilities;

(c) \* \* \*

(1) Any activity consisting only of (i) the communication of information generally available to the public in published form; or (ii) financial assistance; or (iii) the furnishing of component parts which are not especially designed and which are not intended for use in a reactor, facility or component part specified in paragraphs (b)(1) or (2) of § 810.10; or (iv) the comparative evaluation of types of reactors or facilities; or (v) the export of a nuclear reactor for which an export license has been granted by the Nuclear Regulatory Commission; or any combination of the foregoing.

(d) Any trade secret, commercial or financial or other proprietary information submitted by any person pursuant to this section shall be afforded the maximum degree of protection allowed by law.

(Secs. 57, 161, Atomic Energy Act of 1954, as amended, 68 Stat. 932, 948, as amended (42 U.S.C. 2077, 2201); secs. 104, 105, Energy Reorganization Act of 1974, 88 Stat. 1237, 1238 (42 U.S.C. 5814, 5815).)

Dated at Washington, D.C. this 26th day of September, 1977.

For the Energy Research and Development Administration.

ALFRED D. STARBIRD,  
Assistant Administrator  
for National Security.

[FR Doc. 77-28853 Filed 9-29-77; 8:45 am]

## [ 6750-01 ]

### Title 16—Commercial Practices

#### CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2900]

### PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Copco, Inc.

AGENCY: Federal Trade Commission.

ACTION: Order to cease and desist.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, requiring a N.Y.C. importer and distrib-

utor of gourmet cookware, among other things, to cease establishing, maintaining, and enforcing price maintenance agreements, and requiring such agreements as a precondition to dealing; soliciting reports of price cutters, and threatening or terminating those dealerships. Respondent is additionally required to cease withholding earned advertising credits, and restricting dealers from selling goods to unauthorized customers or classes of customers. Further, the order mandates that respondent clearly disclose in pricing materials that such prices are merely "suggested," and maintain prescribed files for a period of three years.

DATES: Complaint and order issued September 7, 1977.<sup>1</sup>  
FOR FURTHER INFORMATION CONTACT:

William M. Gibson, Director, Boston Regional Office, Federal Trade Commission, 150 Causeway St., Room 1301, Boston, Mass. 02114, (617-223-6621).

SUPPLEMENTARY INFORMATION: On Wednesday, May 11, 1977, there was published in the FEDERAL REGISTER 42 FR 23841 a proposed consent agreement with analysis in the Matter of Copco, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR, are as follows:

Subpart—Coercing and Intimidating: § 13.350 Customers or prospective customers; § 13.358 Distributors. Subpart—Combining or Conspiring: § 13.385 To boycott seller-suppliers; § 13.395 To control marketing practices and conditions; § 13.405 To discriminate unfairly or restrictively in general; § 13.425 To enforce or bring about resale price maintenance; § 13.430 To enhance, maintain or unify prices; § 13.450 To limit distribution or dealing to regular, established or acceptable channels or classes; § 13.470 To restrain or monopolize trade; § 13.497 To terminate or threaten to terminate contracts, dealings, franchises, etc. Subpart—Controlling, Unfairly, Seller-Suppliers: § 13.530 Controlling, unfairly, seller-suppliers. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533-20 Disclosures; § 13.533-45 Maintain records. Subpart—Cutting Off Access to Customers or Market: § 13.560 Interfering with distributive outlets. Subpart—Cutting Off Supplies or Service: § 13.610 Cutting off supplies or service; § 13.655 Threatening disciplinary action or otherwise. Subpart—Maintaining

<sup>1</sup> Copies of the Complaint and the Decision and Order filed with the original document.

Resale Prices: § 13.1130 Contracts and agreements; § 13.1140 Cutting off supplies; § 13.1145 Discriminations; § 13.1145-5 Against price cutters; § 13.1155 Price schedules and announcements; § 13.1160 Refusal to sell; § 13.1165 Systems of espionage; § 13.1165-80 Requiring information of price cutting.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.)

CAROL M. THOMAS,  
Secretary.

[FR Doc. 77-28838 Filed 9-29-77; 8:45 am]

[Pocket 9044]

### PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Gulf Oil Corporation

AGENCY: Federal Trade Commission.

ACTION: Order to cease and desist.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, among other things, requires a Pittsburgh, Pa. seller of petroleum and other products to cease failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Federal Reserve Board regulations.

DATES: Complaint issued July 15, 1975; Decision and Order issued September 13, 1977.<sup>1</sup>

FOR FURTHER INFORMATION CONTACT:

Lewis H. Goldfarb, Acting Assistant Director for Special Statutes, Federal Trade Commission, 6th St. and Pennsylvania Ave., NW., Washington, D.C. 20580, (202-724-1181).

SUPPLEMENTARY INFORMATION: On Tuesday, March 29, 1977, there was published in the FEDERAL REGISTER (42 FR 16673) a proposed consent agreement with analysis in the Matter of Gulf Oil Corporation, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order.

A comment was filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR 13, are as follows:

Subpart—Advertising Falsely or Misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.73 Formal regulatory and

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statutory requirements; 13.73-92 Truth in Lending Act; § 13.155 Prices; 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act; § 13.205 Scientific or other relevant facts. Subpart—Misrepresenting Oneself and Goods—Goods; § 13.1623 Formal regulatory and statutory requirements; 13.1623-95 Truth in Lending Act; § 13.1740 Scientific or other relevant facts.—Prices; § 13.1823 Terms and conditions; 13.1823-20 Truth in Lending Act. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure; § 13.1852 Formal regulatory and statutory requirements; 13.1852-75 Truth in Lending Act; § 13.1895 Scientific or other relevant facts; § 13.1905 Terms and conditions; 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 48. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601, et seq.)

CAROL M. THOMAS,  
Secretary.

[FR Doc.77-28855 Filed 9-29-77; 8:45 am]

#### [4110-07]

##### Title 20—Employees' Benefits

#### CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regulations No. 16]

#### PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

##### Subpart T—State Supplementation Provisions; Agreements; Payments

##### Agreements; Payments

##### Limitation on the Amount of the State's Fiscal Liability

AGENCY: Social Security Administration, HEW.

ACTION: Final regulation.

SUMMARY: This regulation amends the current regulations so that they will be consistent with recently enacted law. The Fiscal Year Transition Act, Pub. Law 94-274, provides for the transition to the new October 1 to September 30 fiscal year in an orderly manner. It clarifies section 401(a)(1) of Pub. L. 92-603, as amended, which currently provides that the amount which a State pays to the Secretary for any fiscal year according to its agreement under section 1616 of the Social Security Act shall not exceed the non-Federal share of expenditures as aid or assistance for quarters in calendar year 1972. Section 401(a)(2) of Pub. L. 92-603 limits the applicability of this rule (see 20 CFR 416-2080(c)). Section 102 of Pub. Law 94-274 provides that for the transition period, July through September 1976, the liability to the States shall be one-fourth of the 1972 expenditures. The regulations will now have the same provision.

EFFECTIVE DATE: September 30, 1977.  
FOR FURTHER INFORMATION CONTACT:

Clara B. Powell, Legal Assistant, Division of Regulations, Office of Policy

and Regulations, Office of Program Policy and Planning, Social Security Administration, Baltimore, Maryland 21235 (301-594-7459).

SUPPLEMENTAL INFORMATION: The Secretary has no options in implementing this change because it is mandated by law. The necessity for changing the regulations is to make them consistent with the law. For this reason, we believe good cause exists for bypassing the normal procedure of publishing a Notice of Proposed Rule Making which provides the public an opportunity to comment on the change. For these reasons we have decided to proceed with final publication of the regulation.

Accordingly, the proposed amendment to the regulations relating to the limitation on the amount of the State's Fiscal Liability for a period of less than a full fiscal year is adopted as set forth below.

(Secs. 1102, 1601, and 1616 of the Social Security Act, as amended; sec. 102 of P.L. 94-274, 49 Stat. 647, as amended, 86 Stat. 1465, and 1474; 42 U.S.C. 1302, 1381, and 1382e.) (Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program.)

NOTE: The Social Security Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 amended by Executive Order 11949 and OMB Circular A-107.

Dated: August 22, 1977.

DON WORTMAN,  
Acting Commissioner of  
Social Security.

Approved: September 26, 1977.

JOSEPH A. CALIFANO, JR.,  
Secretary of Health,  
Education, and Welfare.

Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended as set forth below:

Section 416.2080 is amended by revising paragraph (b) to read as follows:

§ 416.2080 Limitation of fiscal liability of States.

(b) *Less than full fiscal year period.* Should the agreement cover less than a full fiscal year, the limitation on the amount of the State's fiscal liability protection is the same as described in paragraph (a) of this section. The only exceptions are the fiscal liability protection for States for January through June of 1974 which will be determined by dividing the calendar year 1972 non-Federal share of expenditures as described in § 416.2082 by two and the fiscal liability protection for States for July through September of 1976 which will be determined by dividing the calendar year 1972 non-Federal share of expenditures as described in § 416.2082 by four.

[FR Doc.77-28928 Filed 9-29-77; 8:45 am]

#### [4110-03]

##### Title 21—Food and Drugs

#### CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

##### SUBCHAPTER A—GENERAL

[Docket No. 77C-0209]

#### PART 73—LISTING OF COLOR ADDITIVES EXEMPT FROM CERTIFICATION

##### PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

##### Aluminum Powder: Confirmation of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document confirms the effective date of August 30, 1977, of a regulation concerning the use of aluminum powder in coloring externally applied drugs and cosmetics, including those intended for use in the area of the eye.

DATE: Effective date confirmed: August 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Gerard L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204 (202-472-5740).

SUPPLEMENTARY INFORMATION: A regulation published in the FEDERAL REGISTER of July 29, 1977 (42 FR 38563), added §§ 73.1645 (21 CFR 73.1645) and 73.2645 (21 CFR 73.2645) to Subparts B and C, respectively, of Part 73 (21 CFR Part 73) to provide for the safe use of aluminum powder in coloring externally applied drugs and cosmetics, including those intended for use in the area of the eye. The regulation also amended § 81.1(g) (21 CFR 81.1(g)) by deleting aluminum powder from the provisionally listed colors.

Under the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c), and (d), 74 Stat. 399-403 (21 U.S.C. 376 (b), (c), and (d))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), notice is given that no objections or requests for hearing were filed in response to the regulation of July 29, 1977. Accordingly, the amendments promulgated thereby became effective on August 30, 1977.

Dated: September 22, 1977.

WILLIAM F. RANDOLPH,  
Acting Associate Commissioner  
for Compliance.

[FR Doc.77-28573 Filed 9-29-77; 8:45 am]

#### [4110-03]

[Docket No. 77C-0153]

#### PART 73—LISTING OF COLOR ADDITIVES EXEMPT FROM CERTIFICATION

##### PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

##### Bronze Powder and Copper Powder; Confirmation of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document confirms the effective date of August 2, 1977, of a regulation concerning the use of bronze powder and copper powder in coloring externally applied drugs and in coloring cosmetics generally, including those drugs and cosmetics intended for use in the area of the eye.

DATE: Effective date confirmed: August 2, 1977.

FOR FURTHER INFORMATION CONTACT:

Gerard L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204 (202-472-5740).

SUPPLEMENTARY INFORMATION: A regulation published in the FEDERAL REGISTER of July 1, 1977 (42 FR 33723), added §§ 73.1646 and 73.1647 (21 CFR 73.1646 and 73.1647) and §§ 73.2646 and 73.2647 (21 CFR 73.2646 and 73.2647) to Subparts B and C, respectively, of Part 73 (21 CFR Part 73) to provide for the safe use of bronze powder and copper powder in coloring externally applied drugs and in coloring cosmetics generally, including those drugs and cosmetics intended for use in the area of the eye. The regulation also amended § 81.1(g) (21 CFR 81.1(g)) by deleting bronze powder and copper, metallic powder from the provisionally listed colors.

Under the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c), and (d), 74 Stat. 399-403 (21 U.S.C. 376 (b), (c), and (d))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), notice is given that no objections or requests for hearing were filed in response to the regulation of July 1, 1977. Accordingly, the amendments promulgated thereby became effective on August 2, 1977.

Dated: September 22, 1977.

WILLIAM F. RANDOLPH,  
Acting Associate Commissioner  
for Compliance.

[FR Doc.77-28574 Filed 9-29-77; 8:45 am]

[Docket No. 75C-0283]

#### PART 73—LISTING OF COLOR ADDITIVES EXEMPT FROM CERTIFICATION

##### PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

##### Logwood Extract

AGENCY: Food and Drug Administration.

ACTION: Final Rule.

SUMMARY: This document issues regulations to "permanently" list logwood extract for safe use in coloring nylon and silk nonabsorbable sutures for use in general and ophthalmic surgery. Ethicon, Inc., filed a petition for such use. Certification of the color additive is not necessary.

DATES: Effective October 31, 1977; objections by October 31, 1977.

ADDRESS: Written objections to the Hearing Clerk (HFC-20), Food and Drug Administration, room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Gerard L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204 (202-472-5740).

SUPPLEMENTARY INFORMATION: A notice published in the FEDERAL REGISTER of October 17, 1975 (40 FR 48706) stated that a petition (CAP 6C0113) for the "permanent" listing of logwood extract as a color additive for coloring nylon and silk nonabsorbable sutures for use in general and ophthalmic surgery had been filed by Ethicon, Inc., Route 22, Somerville, NJ 08876. The petition was filed pursuant to section 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 376).

The Commissioner of Food and Drugs, having evaluated the data in the petition and other relevant material, concludes that logwood extract is safe and suitable for use, under the conditions prescribed in this regulation, in coloring nylon and silk nonabsorbable sutures for use in general and ophthalmic surgery, and that certification is not necessary for the protection of the public health.

With permanent listing, the provisional listing for "logwood" in § 81.1(f) (21 CFR 81.1(f)), which was extended to October 31, 1977 by a regulation published in the FEDERAL REGISTER of February 4, 1977 (42 FR 6992) will become obsolete. That entry, which provides only for the use of the form of logwood extract known by the trade name "Ade-lane 75" that was the form marketed for suture use prior to July 12, 1960, is being deleted from the regulations.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 706(b), (c), and (d), 74 Stat. 399-403 (21 U.S.C. 376 (b), (c), and (d))) and the transitional provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86-618, sec. 203, 74 Stat. 404-407 (21 U.S.C. 376 note)), and under authority delegated to the Commissioner (21 CFR 5.1), Parts 73 and 81 are amended as follows:

1. Part 73 is amended by adding new § 73.1410 to read as follows:

§ 73.1410 Logwood extract.

(a) *Identity.* The color additive logwood extract is a reddish brown-to-black solid material extracted from the heartwood of the leguminous tree *Haematoxylon campechianum*. The active colorant substance is principally hematein. The latent coloring material is the unoxidized or leuco form of hematein called hematoxylin. The leuco form is oxidized by air.

(b) *Specifications.* Logwood extract shall conform to the following specifications and shall be free from impurities other than those named to the extent that such impurities may be avoided by good manufacturing practice:

Volatile matter (at 110° C), not more than 15 percent.  
Sulfated ash, not more than 20 percent.  
Hematein, not less than 5 percent and not more than 20 percent.  
Lead (as Pb), not more than 70 parts per million.  
Arsenic (as As), not more than 4 parts per million.  
Mercury (as Hg), not more than 3 parts per million.

(c) *Use and restrictions.* Logwood extract may be safely used to color nylon 66 (the copolymer of hexamethylenediamine and adipic acid, nylon 6 (the polymer of  $\epsilon$ -caprolactam), or silk nonabsorbable sutures for use in general and ophthalmic surgery subject to the following restrictions:

(1) The quality of color additive does not exceed 1.0 percent by weight of the suture.

(2) When the sutures are used for the purposes specified in their labeling, there is no migration of the color additive to the surrounding tissue.

(3) If the suture is a new drug, an approved new drug application, pursuant to section 505 of the act, is in effect for it.

(d) *Labeling.* The label of the color additive shall conform to the requirements of § 70.25 of this chapter.

(e) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from the certification requirements of section 706(c) of the act.

§ 81.1 [Amended]

2. In Part 81, paragraph (f) of § 81.1 *Provisional lists of color additives* is deleted and designated as "Reserved."



Any person who will be adversely affected by the foregoing regulation may at any time on or before October 31, 1977, file with the Hearing Clerk (HFC-20), Food and Drug Administration, room 4-65, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto. Objections shall be filed in accordance with the requirements of § 71.30 (21 CFR 71.30). If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Four copies of all documents shall be filed and identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the office of the Hearing Clerk between 9 a.m. and 4 p.m., Monday through Friday.

**Effective date.** This regulation shall become effective October 31, 1977 except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced in the FEDERAL REGISTER.

(Sec. 706(b), (c), and (d), 74 Stat. 399-403 (21 U.S.C. 376(b), (c), and (d)); sec. 203, 74 Stat. 404-407 (21 U.S.C. 376 note))

Dated: September 27, 1977.

WILLIAM F. RANDOLPH,  
Acting Associate Commissioner  
for Compliance.

[FR Doc. 77-28798 Filed 9-29-77; 8:45 am]

#### [4110-03]

[Docket No. 77C-0233]

#### PART 73—LISTING OF COLOR ADDITIVES EXEMPT FROM CERTIFICATION

#### PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

##### Bismuth Oxychloride

AGENCY: Food and Drug Administration.

ACTION: Final Rule.

**SUMMARY:** This document "permanently" lists bismuth oxychloride for use in externally applied drugs and in cosmetics generally, including those intended for use in the area of the eye. The Cosmetic, Toiletry and Fragrance Association filed a petition for such use. The provisional listing for bismuth oxychloride is deleted.

**DATES:** Effective date: October 31, 1977; objections by October 31, 1977.

**ADDRESSES:** Written objections to the Hearing Clerk (HFC-20), Food and Drug Administration, room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

**FOR FURTHER INFORMATION CONTACT:**

Gerard L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW, Washington, D.C. 20204 (202-472-5740).

**SUPPLEMENTARY INFORMATION:** The Cosmetic, Toiletry and Fragrance Association, Inc., 1133 15th St. NW, Washington, D.C. 20005, filed a petition (CAP 6C0119) for bismuth oxychloride. The petition proposed issuance of a color additive regulation to provide for safe use and exemption from certification of bismuth oxychloride to be used in coloring externally applied drugs and in cosmetics generally, including those intended for use in the area of the eye. Notice of the petition was published in the FEDERAL REGISTER of August 19, 1977 (42 FR 41920).

The Commissioner of Food and Drugs, having evaluated the data in the petition and other relevant material, concludes that bismuth oxychloride is safe and suitable for use, under the conditions prescribed in this regulation, in coloring externally applied drugs and in coloring cosmetics generally, including drugs and cosmetics intended for use in the area of the eye, and that certification is not necessary for the protection of the public health.

Bismuth oxychloride has been provisionally listed for use in cosmetics under § 81.1(g) (21 CFR 81.1(g)). With permanent listing of bismuth oxychloride under §§ 73.1162 and 73.2162, the listing under § 81.1(g) becomes obsolete.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 706(b), (c), and (d), 74 Stat. 399-403 (21 U.S.C. 376(b), (c), and (d))) and the transitional provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86-618, sec. 203, 74 Stat. 404-407 (21 U.S.C. 376 note)) and under authority delegated to the Commissioner (21 CFR 5.1), Parts 73 and 81 are amended as follows:

1. Part 73 is amended:  
a. By adding new § 73.1162 to Subpart B, to read as follows:

§ 73.1162 Bismuth oxychloride.

(a) *Identity.* (1) The color additive bismuth oxychloride is a synthetically prepared white or nearly white amorphous or finely crystalline, odorless powder consisting principally of BiOCl.

(2) Color additive mixtures for drug use made with bismuth oxychloride may contain only those diluents that are suitable and that are listed in this subpart as safe in color additive mixtures for coloring externally applied drugs.

(b) *Specifications.* The color additive bismuth oxychloride shall conform to the following specifications and shall be free from impurities other than those named to the extent that such other impurities may be avoided by good manufacturing practice:

Volatile matter, not more than 0.5 percent.  
Lead (as Pb), not more than 20 parts per million.

Arsenic (as As), not more than 3 parts per million.

Mercury (as Hg), not more than 1 part per million.

Bismuth oxychloride, not less than 98 percent.

(c) *Uses and restrictions.* The color additive bismuth oxychloride may be safely used in coloring externally applied drugs, including those intended for use in the area of the eye, in amounts consistent with good manufacturing practice.

(d) *Labeling.* The color additive and any mixture prepared therefrom intended solely or in part for coloring purposes shall bear, in addition to any information required by law, labeling in accordance with the provisions of § 70.25 of this chapter.

(e) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from certification pursuant to section 706(c) of the act.

b. By adding new § 73.2162 to Subpart C, to read as follows:

§ 73.2162 Bismuth oxychloride.

(a) *Identity and specifications.* (1) The color additive bismuth oxychloride shall conform in identity and specifications to the requirements of § 73.1162(a) (1) and (b).

(2) Color additive mixtures of bismuth oxychloride may contain the following diluents:

(i) For coloring cosmetics generally, only those diluents listed under § 73.1001 (a) (1);

(ii) For coloring externally applied cosmetics, only those diluents listed in § 73.1001(b) and, in addition, nitrocellulose.

(b) *Uses and restrictions.* The color additive bismuth oxychloride may be safely used in coloring cosmetics generally, including cosmetics intended for use in the area of the eye, in amounts consistent with good manufacturing practice.

(c) *Labeling.* The color additive and any mixture prepared therefrom intended solely or in part for coloring purposes shall bear, in addition to any information required by law, labeling in accordance with provisions of § 70.25 of this chapter.

(d) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from certification pursuant to section 706(c) of the act.

§ 81.1 [Amended]

2. Part 81 is amended in paragraph (g) of § 81.1 *Provisional lists of color additives*, by deleting the entry "Bismuth oxychloride."

Any person who will be adversely affected by the foregoing regulation may at any time on or before October 31, 1977, file with the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md.

20857, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. Objections shall be filed in accordance with the requirements of § 71.30 (21 CFR 71.30). If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Four copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above-named office during working hours, Monday through Friday.

**Effective date:** This regulation shall become effective October 31, 1977, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 706(b), (c), and (d), 74 Stat. 399-403 (21 U.S.C. 376(b), (c), and (d)); sec. 203, 74 Stat. 404-407 (21 U.S.C. 376 note))

Dated: September 27, 1977.

WILLIAM F. RANDOLPH,  
Acting Associate Commissioner  
for Compliance.

[FR Doc. 77-28796 Filed 9-29-77; 8:45 am]

#### [4110-03]

[Docket No. 76C-0386]

#### PART 74—LISTING OF COLOR ADDITIVES SUBJECT TO CERTIFICATION

##### D&C Green No. 5

AGENCY: Food and Drug Administration.

ACTION: Final rule.

**SUMMARY:** This document amends regulations listing D&C Green No. 5 for coloring sutures to include its safe use in coloring nylon 6 [poly-(ε-caprolactam)] sutures and deletes the requirements that sutures dyed by D&C Green No. 5 conform in all respects to the requirements of the United States Pharmacopoeia. Ethicon, Inc., filed a petition for such use.

**DATES:** Effective October 31, 1977; objections by October 31, 1977.

**ADDRESSES:** Written objections to the Hearing Clerk (HFC-20), Food and Drug Administration, room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

**FOR FURTHER INFORMATION CONTACT:**

Gerard L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW, Washington, D.C. 20204 (202-472-5740).

**SUPPLEMENTARY INFORMATION:** A notice published in the FEDERAL REGISTER of October 4, 1976 (41 FR 43754) stated that a petition (CAP 6C0126) had been filed by Ethicon, Inc., Route 22, Somerville, N.J. 08876. The petition requested listing of D&C Green No. 5 under § 74.1205 (21 CFR 74.1205) as safe and suitable for coloring nylon 6 non-absorbable sutures for use in general surgery. The petition also requested the deletion of the present requirement in § 74.1205(c) (2) that nylon (the copolymer of adipic acid and hexamethylenediamine) nonabsorbable sutures colored with D&C Green No. 5 conform in all respects to the requirements of the United States Pharmacopoeia, e.g., the color may be used in new sutures designed to permit needles to be detached from suture material with less force than the U.S.P. requires. The petition was filed pursuant to section 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 376).

The Commissioner, having evaluated the data in the petition and other relevant material, concludes that D&C Green No. 5 is safe under the conditions set forth below for use in coloring nylon surgical sutures for use in general surgery and that certification is necessary for the protection of the public health. The generally recognized names, nylon 66 for the copolymer of adipic acid and hexamethylenediamine and nylon 6 for poly-(ε-caprolactam), are used to identify the types of nylon sutures that may be dyed with D&C Green No. 5.

The Commissioner also concludes that there are sufficient safeguards, other than the color additive regulations, available to ensure that the dyed sutures comply with appropriate specifications for surgical sutures, i.e., the requirements of the U.S.P. if the sutures are marketed as U.S.P. requirements of the applicable new drug applications, and the general requirements of good manufacturing practice. Accordingly, the Commissioner concludes that the U.S.P. requirement is unnecessary, and § 74.1205 is amended below to delete this provision and to include some nonsubstantive changes.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 706(b), (c), and (d), 74 Stat. 399-403 (21 U.S.C. 376(b), (c), and (d))) and under authority delegated to the Commissioner (21 CFR 5.1), Part 74 is amended by revising paragraph (c) in § 74.1205, to read as follows:

§ 74.1205 D&C Green No. 5.

(c) *Uses and restrictions.* D&C Green No. 5 may be safely used to color nylon 66 (the copolymer of adipic acid and hexamethylenediamine) and/or nylon 6 [poly-(ε-caprolactam)] nonabsorbable surgical sutures for use in general surgery, subject to the following restrictions:

(1) The quantity of the color additive does not exceed 0.6 percent by weight of the suture.

(2) When the sutures are used for the purposes specified in their labeling,

there is no migration of the color additive to the surrounding tissue.

(3) If the suture is a new drug, an approved new-drug application, pursuant to section 505 of the act, is in effect for it.

Any person who will be adversely affected by the foregoing regulation may at any time on or before October 31, 1977, file with the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. Objections shall be filed in accordance with the requirements of § 71.30 (21 CFR 71.30). If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Four copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the Hearing Clerk's office, between 9 a.m. and 4 p.m., Monday through Friday.

**Effective date:** This regulation shall become effective October 31, 1977, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 706(b), (c), and (d), 74 Stat. 399-403 (21 U.S.C. 376(b), (c), and (d)))

Dated: September 26, 1977.

WILLIAM F. RANDOLPH,  
Acting Associate Commissioner  
for Compliance.

[FR Doc. 77-28824 Filed 9-29-77; 8:45 am]

#### [4110-03]

SUBCHAPTER A—GENERAL

[Docket No. 77C-0276]

##### D&C ORANGE No. 4

AGENCY: Food and Drug Administration.

ACTION: Final rule.

**SUMMARY:** This document "permanently" lists D&C Orange No. 4 for safe use in coloring drug and cosmetic products that are applied externally. The Toilet Goods Association filed a petition for such use. Certification of the color additive is necessary. This rule will remove the color additive from provisional listing.

**DATES:** Effective October 31, 1977; objections by October 31, 1977.

**ADDRESS:** Written objections to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.



## FOR FURTHER INFORMATION CONTACT:

Gerard L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204 (202-472-5740).

**SUPPLEMENTARY INFORMATION:** A notice published in the *FEDERAL REGISTER* of November 20, 1968 (33 FR 17205) stated that a petition (CAP 35) for the "permanent" listing of D&C Orange No. 4 as a color additive for use in drugs and cosmetics that are applied externally had been filed by the Toilet Goods Association, Inc. (now the Cosmetic, Toilet, and Fragrance Association, 1133 15th Street NW., Washington, D.C. 20005); the Pharmaceutical Manufacturers Association (1155 15th Street NW., Washington, D.C. 20005), and the Certified Color Industry Committee (now the Certified Color Manufacturers Association, 900 17th Street NW., Washington, D.C. 20006), c/o Hazelton Laboratories, Inc., P.O. Box 30, Falls Church, Va. 22046. The petition was filed pursuant to section 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 376).

The Commissioner of Food and Drugs, having evaluated the data in the petition and other relevant material, concludes that D&C Orange No. 4 is safe and suitable for use, under the conditions prescribed in this regulation, in coloring drug and cosmetic products that are applied externally, and that certification is necessary for the protection of the public health.

With permanent listing, the provisional listing for "D&C Orange No. 4" in § 81.1(b) (21 CFR 81.1(b)), which was extended to October 31, 1977, by regulation published in the *FEDERAL REGISTER* of February 4, 1977 (42 FR 6992), will become obsolete, and that entry is being deleted from the regulations.

This regulation does not list D&C Orange No. 4 for use in lakes as requested in the petition. The Commissioner notes that proposed regulations related to the use of color additives in lakes were published in the *FEDERAL REGISTER* of May 11, 1965 (30 FR 6490). The Commissioner advises that new proposed regulations governing the use of color additives in lakes will be published in the *FEDERAL REGISTER* in the near future and concludes that the listing of colors for use in lakes can best be implemented by general regulations. D&C Orange No. 4 will, therefore, continue to be approved for use in lakes for coloring externally applied drugs and cosmetics under the general provisional listing for "Lakes (D&C)" under § 81.1(b).

This regulation establishes specifications for the certification of batches of D&C Orange No. 4 that are more restrictive than those currently prescribed under § 82.1254 (21 CFR 82.1254). Additionally, the identity of the color has been revised to be consistent with current chemical nomenclature. The identity

nomenclature and the specifications currently prescribed in § 82.1254 become obsolete upon the effective date of new §§ 74.1254 and 74.1254 (21 CFR 74.1254 and 74.2254). However, it is necessary to retain § 82.1254 to provide for the use of the color additive in lakes. Accordingly, § 82.1254 is revised to reference the identity nomenclature and specifications prescribed by § 74.1254.

Therefore, under the Federal Food, Drug, and Cosmetic Act, (sec. 706 (b), (c), and (d), 74 Stat. 399-403 (21 U.S.C. 376 (b), (c), and (d))) and the transitional provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86-618, sec. 203, 74 Stat. 404-407 (21 U.S.C. 376 note)), and under authority delegated to the Commissioner (21 CFR 5.1), Parts 74, 81, and 82 are amended as follows:

## PART 74—LISTING OF COLOR ADDITIVES SUBJECT TO CERTIFICATION

1. Part 74 is amended:

a. By adding new § 74.1254 to Subpart B, to read as follows:

§ 74.1254 D&C Orange No. 4.

(a) *Identity.* (1) The color additive D&C Orange No. 4 is principally the sodium salt of 4-[(2-hydroxy-1-naphthalenyl)azo]benzenesulfonic acid.

(2) Color additive mixtures for use in externally applied drugs made with D&C Orange No. 4 may contain only those diluents that are suitable and that are listed in Part 73 of this chapter for use in color additive mixtures for coloring externally applied drugs.

(b) *Specifications.* D&C Orange No. 4 shall conform to the following specifications and shall be free from impurities other than those named to the extent that such impurities may be avoided by good manufacturing practice.

Sum of volatile matter (at 135° C) and chlorides and sulfates (calculated as sodium salts), not more than 10 percent.

Water-insoluble matter, not more than 0.2 percent.

2-Naphthol, not more than 0.4 percent.

Sulfanilic acid, sodium salt, not more than 0.2 percent.

Subsidiary colors, not more than 3 percent.

Lead (as Pb), not more than 20 parts per million.

Arsenic (as As), not more than 3 parts per million.

Mercury (as Hg), not more than 1 part per million.

Total color, not less than 90 percent.

(c) *Uses and restrictions.* D&C Orange No. 4 may be safely used for coloring externally applied drugs in amounts consistent with good manufacturing practice.

(d) *Labeling.* The label of the color additive and any mixtures prepared therefrom intended solely or in part for coloring purposes shall conform to the requirements of § 70.25 of this chapter.

(e) *Certification.* All batches of D&C Orange No. 4 shall be certified in accordance with regulations in Part 80 of this chapter.

b. By adding new § 74.2254 to Subpart C, to read as follows:

§ 74.2254 D&C Orange No. 1.

(a) *Identity and specifications.* The color additive D&C Orange No. 4 shall conform in identity and specifications to the requirements of § 74.1254 (a) (1) and (b).

(b) *Uses and restrictions.* D&C Orange No. 4 may be safely used for coloring externally applied cosmetics in amounts consistent with good manufacturing practice.

(c) *Labeling.* The label of the color additive shall conform to the requirements of § 70.25 of this chapter.

(d) *Certification.* All batches of D&C Orange No. 4 shall be certified in accordance with regulations in Part 80 of this chapter.

## PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

§ 81.1 [Amended]

2. In Part 81, by amending the table in paragraph (b) of § 81.1 *Provisional lists of color additives*, by deleting the entry for "D&C Orange No. 4."

## PART 82—LISTING OF CERTIFIED PROVISIONALLY LISTED COLORS AND SPECIFICATIONS

3. Part 82 is amended by revising § 82.1254 to read as follows:

§ 82.1254 D&C Orange No. 1.

The color additive D&C Orange No. 4 shall conform in identity and specifications to the requirements of § 74.1254 (a) (1) and (b) of this chapter. D&C Orange No. 4 is restricted to use in externally applied drugs and cosmetics.

Any person who will be adversely affected by the foregoing regulation may at any time on or before October 31, 1977, file with the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. Objections shall be filed in accordance with the requirements of § 71.30 (21 CFR 71.30). If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Four copies of all documents shall be filed and identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the office of the Hearing Clerk between 9 a.m. and 4 p.m., Monday through Friday.

Effective date: This regulation shall become effective October 31, 1977, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced in the *FEDERAL REGISTER*.

(Sec. 706 (b), (c), and (d), 74 Stat. 399-403 (21 U.S.C. 376 (b), (c), and (d))).

Dated: September 22, 1977.

WILLIAM F. RANDOLPH,  
Acting Associate Commissioner  
for Compliance.

[FR Doc 77-28825 Filed 9-29-77; 8:45 am]

## [4110-03]

## SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

[Docket No. 76F-0018]

## PART 573—FOOD ADDITIVES PERMITTED IN FEED AND DRINKING WATER OF ANIMALS

## Ammoniated Cottonseed Meal

AGENCY: Food and Drug Administration.

ACTION: Final rule.

**SUMMARY:** This document provides for use of ammoniated cottonseed meal in the feed of ruminants. The National Cottonseed Products Association, Inc., filed a petition proposing safe use of the product.

**DATES:** Effective September 30, 1977; objections by October 31, 1977.

**ADDRESSES:** Written objections to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Lonnie W. Luther, Bureau of Veterinary Medicine (HFV-147), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857 (301-443-4317).

**SUPPLEMENTARY INFORMATION:** A notice published in the *FEDERAL REGISTER* of February 17, 1976 (41 FR 7148), announced that a petition (MF-3539) has been filed by the National Cottonseed Products Association, Inc., P.O. Box 12023, Memphis, Tenn. 38112, proposing that § 573.140 *Ammoniated cottonseed meal* (formerly § 121.319 prior to recodification published in the *FEDERAL REGISTER* of September 10, 1976 (41 FR 38619)) be amended to delete the restriction that the additive be used as the sole source of nonprotein nitrogen in the feed of ruminants.

The Commissioner of Food and Drugs, having evaluated the petition and other relevant material, concludes that § 573.140 should be amended as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and

under authority delegated to the Commissioner (21 CFR 5.1), § 573.140 is amended by revising paragraph (b) as follows:

§ 573.140 Ammoniated cottonseed meal.

(b) It is used or intended for use in the feed of ruminants as a source of protein and/or as a source of nonprotein nitrogen in an amount not to exceed 20 percent of the total ration.

Any person who will be adversely affected by the foregoing regulation may at any time on or before October 31, 1977, submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Effective date: This regulation shall become effective September 30, 1977.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))).

Dated: September 23, 1977.

FRED J. KINGMA,  
Acting Director, Bureau  
of Veterinary Medicine.

[FR Doc 77-28826 Filed 9-29-77; 8:45 am]

## SUBCHAPTER B—FOOD FOR HUMAN CONSUMPTION

[Docket No. 76F-0461]

## PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

## Styrene Block Polymers

## Correction

In FR Doc. 77-25093, appearing in the issue of Tuesday, August 30, 1977 on page 43621, in the 2nd column, in the 3rd paragraph, the 5th line should read, " . . . for the use of styrene block polymers . . . ."

## [4210-01]

## Title 24—Housing and Urban Development

## CHAPTER VIII—LOW-INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-77-344]

## PART 866—LEASE AND GRIEVANCE PROCEDURES

## Tenant Maintenance

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

**SUMMARY:** This final rule amends Title 24, Chapter VIII, Part 866 § 866.4(g) Tenant Maintenance, to clarify the provision of § 866.4(g) permitting Public Housing Agencies (PHAs) to incorporate into the lease a provision for the performance of seasonal and other maintenance tasks by tenants where it has been common practice for tenants of the given type of dwelling unit to perform such tasks. The Department has become aware that interested parties have interpreted this section, which permits leases to provide for tenant performance of seasonal and other maintenance tasks, as (1) being limited to tenants of projects of the specified architectural or structural types mentioned as examples in the section and (2) specifying that the option of tenant performance shall be embodied in an agreement between the Public Housing Agency (PHA) and the tenant which is separate from the lease.

This rule clarifies the intent of the original issuance which was to permit PHAs to incorporate into the lease a provision for the performance of seasonal and other maintenance tasks by tenants where it has been common practice for tenants of the given type of dwelling unit to perform such tasks.

EFFECTIVE DATE: October 31, 1977.

FOR FURTHER INFORMATION CONTACT:

Edward Whipple, Chief, Rental and Occupancy Branch, 202-755-6596, U.S. Department of Housing and Urban Development, Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Department gave notice on January 17, 1977, at 42 FR 3181, that it was proposing to amend Title 24 of the Code of Federal Regulations, Chapter VIII, § 866.4(g), Tenant Maintenance.

Five comments were received in response to the proposed amendment. The following is a discussion of the comments and suggestions and of the changes to the amendment made in response to those comments:

1. Two comments suggested that a universal application of the proposed amendment to require all tenants to perform maintenance tasks could cause serious injury or grave hardship to disabled or elderly tenants. In addition, it was suggested that hardship might result



to tenants whose employment requires them to work long hours, or who have the sole responsibility for the care and custody of young children. It was therefore suggested that the amendment of § 866.4(g) should contain a clause requiring the PHA to exempt such persons from the mandatory maintenance requirement.

Although some degree of hardship may result to those tenants for whom the demands of family life and employment are stringent, no evidence has come to the attention of the Department which would justify exempting these tenants from the requirement of the amendment. Accordingly, this suggestion has not been adopted.

With respect to the exemption of disabled tenants from the requirement of the amendment, the Department recognizes that injury or hardship could result to such public housing tenants who may be handicapped. Similar considerations exist concerning the ability of the elderly to perform maintenance work. While the Department does not wish to impose any undue burdens on the elderly or disabled, it is our position that not all elderly, disabled, or handicapped tenants are incapable or unwilling to perform maintenance tasks by reason of age or physical impairment. In this connection, the amendment has been revised in response to this comment to provide that the PHA shall exempt those tenants who are unable to perform seasonal maintenance or other maintenance tasks because of age or physical disability.

2. One comment suggested that the amendment should specifically provide that tenants who object to a mandatory maintenance requirement must be informed of their right to contest such requirement pursuant to the regulations for grievance procedures, 24 CFR Part 866, Subpart B. The regulations for grievance procedures provide in 24 CFR, § 866.50 that grievance procedures shall be "established and implemented by . . . (PHAs) to assure that PHA tenants are afforded an opportunity for a hearing if the tenant disputes within a reasonable time any PHA action or failure to act involving the tenant's lease with the PHA or PHA regulations which adversely affect the individual tenant's rights, duties, welfare, or status." Since the above-quoted language entitling tenants to the HUD grievance procedures follows and refers to all the provisions governing PHA leases in Subpart A of Part 866, it was not deemed necessary to include a specific reference to the grievance procedures in the text of the amendment.

3. One comment expressed concern over the substantive meaning of the word "customary" in the amendment. The Department has decided that a further definition of the term would be inappropriate because of the extensive variations among projects related to building type, climate and past PHA practices. It was also suggested that the amendment should be revised to clarify that public housing agencies would be

precluded from delegating maintenance tasks to tenants where such tasks were performed by management prior to the adoption of leases in accordance with Part 866. It was not deemed necessary to revise the amendment in response to this comment. The Department wishes to clarify, however, that the amendment is not intended to permit PHAs to shift to tenants under lease provisions adopted in response to this amendment those maintenance tasks which were performed by the PHA prior to the effective date of this amendment.

It was also suggested that the amendment should clarify that it is not intended to benefit those PHAs which have consistently neglected their maintenance responsibilities in contravention of State landlord-tenant laws. HUD wishes to emphasize that the responsibility for maintaining public housing projects in a decent, safe and sanitary condition rests with PHAs. However, where State laws and local custom permit landlords to require that certain tasks be performed by tenants, PHAs are also permitted to do so. The inaction of those PHAs which have been neglectful of their obligations is addressed by the clause of the amendment which states that a maintenance requirement provision in a PHA lease form shall be included "in good faith and not for the purpose of evading the obligations of the PHA," and this clause indicates that such neglect may not be continued by a shifting of responsibility for maintenance to the project tenants.

4. One comment suggested that the amendment removes the power from tenants to consent to perform maintenance responsibilities. It was not the intention of the Department to provide for tenant consent in this provision. The regulations of the Department for Lease and Grievance Procedures provide in section 866.3 that tenants shall have the right to make written comments on the PHA's proposed lease which the PHA is required to consider prior to formal adoption of the new lease by the PHA. PHAs are expected to consider all comments submitted to them pursuant to section 866.3 with care and with due concern for the Congressional admonition in the United States Housing Act requiring sound management practices. Tenants are, of course, free to petition the PHA at any time to request a change in the form of lease used by the PHA.

The same comment suggested that the amendment allows PHAs to unilaterally assign to tenants any maintenance responsibilities the PHA appropriate. The language of the amendment which empowers PHAs to include a required maintenance clause in the lease is limited, as stated in comment 3, above, to the performance of those tasks which are allowed by local custom and in accordance with applicable State law to be performed by tenants of dwelling units of a similar design and construction. Thus, the required performance of maintenance tasks by tenants could not be a unilateral assignment of "any maintenance responsibilities the PHA deemed appropriate."

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours at the Office of the Rules Docket Clerk, Office of the Secretary, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW Washington, D.C. 20410.

Accordingly, Title 24, Chapter VIII, Part 866, Subpart A, is amended as set forth below:

Section 866.4(g) is amended to read as follows:

**§ 866.4 Lease requirements.**

(g) *Tenant Maintenance.* The lease may provide that tenants shall perform seasonal maintenance tasks or other maintenance tasks, as specified in the lease, where performance of such tasks by tenants of dwelling units of a similar design and construction is customary: *Provided*, That such provision is included in the lease in good faith and not for the purpose of evading the obligations of the PHA: *And provided further*, That the PHA shall exempt those tenants who are unable to perform such tasks because of age or physical disability.

(Sec. 8, United States Housing Act of 1937 (42 U.S.C. 1408); secs. 5(b), 6(c), United States Housing Act of 1937, as amended (42 U.S.C. 1437c, 1437d); sec. 201(b), Housing and Community Development Act of 1974, 42 U.S.C. 1437 note; sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).)

NOTE: It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with Executive Order No. 11821.

Issued at Washington, D.C., September 21, 1977.

MORTON A. BARUCH,  
Deputy Assistant Secretary for  
Housing-Deputy Federal  
Housing Commissioner.

[FR Doc.77-28933 Filed 9-29-77; 8:45 am]

**Title 28—Judicial Administration**

**CHAPTER I—DEPARTMENT OF JUSTICE  
PART 2—PAROLE, RELEASE, SUPERVISION, AND RECOMMENDATION OF PRISONERS, YOUTH OFFENDERS, AND JUVENILE DELINQUENTS**

**Paroling, Recommending, and Supervising Federal Prisoners**

AGENCY: The United States Parole Commission.

ACTION: Final rule.

SUMMARY: This rule establishes a new category of offense severity ratings in the Commission's guidelines for parole decisionmaking. The rule sets specific time ranges for a number of offenses in the former "greatest" severity category, thereby narrowing the number of of-

fenses for which the Commission sets only minimum suggested times to be served. These latter offenses have been treated differently from the other listed offenses because of their relative infrequency and the extreme variations possible in each instance.

EFFECTIVE DATE: November 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Michael A. Stover, Office of the General Counsel, United States Parole Commission, 320 First Street NW., Washington, D.C. 20537, telephone 202-724-3092.

**SUPPLEMENTARY INFORMATION:** This change in the Commission's offense severity table will affect only those prisoners who receive their initial hearings on or after November 1, 1977.

Prisoners who have been initially heard previously to that date will continue to be treated in accordance with the guideline evaluation rendered at that time. For example, such prisoners will not be required to serve until they have satisfied the minimum number of months set in the new guidelines, if release is otherwise determined to be appropriate.

*Guidelines for decisionmaking*

	Parole prognosis			
	Very good	Good	Fair	Poor
<b>ADULT</b>				
Greatest I: Aggravated felony (e.g., robbery; Weapon fired—no serious injury); explosive detonation (involving potential risk of physical injury to person(s)—no serious injury occurred); robbery (multiple instances (2-3)); hard drugs (possession with intent to distribute/sale—large scale (e.g., over \$100,000)); sexual act—force (e.g., forcible rape).	40 to 55	55 to 70	70 to 85	85 to 110
Greatest II: Aggravated felony—serious injury (e.g., injury involving substantial risk of death, or protracted disability, or disfigurement); aircraft hijacking; espionage; kidnapping; homicide (intentional or committed during other crime).	Greater than above—however, specific ranges are not given due to the limited number of cases and the extreme variation possible within the category.			
<b>YOUTH/NARA</b>				
Same as above, except that the suggested ranges are as follows:	30 to 40	40 to 50	50 to 60	60 to 75
Greatest I	30 to 40	40 to 50	50 to 60	60 to 75
Greatest II	Greater than above—however, specific ranges are not given due to the limited number of cases and the extreme variation possible within the category.			

[FR Doc.77-28980 Filed 9-29-77; 8:45 am]

**PART 2—PAROLE, RELEASE, SUPERVISION, AND RECOMMENDATION OF PRISONERS, YOUTH OFFENDERS, AND JUVENILE DELINQUENTS**

**Paroling, Recommending, and Supervising Federal Prisoners**

AGENCY: The United States Parole Commission.

ACTION: Final rule.

SUMMARY: The Commission is publishing a rule which would enlarge the definition of "absconding" in an existing rule which denies sentence credit for the time a Youth Corrections Act or Narcotic Addict Rehabilitation Act parolee is in absconder status. The rule is designed to

meet the problem of a parolee who evades supervision while remaining within his district, by removing from the existing rule a requirement that the parolee abscond "from his or her district of supervision" before sentence credit could be lost.

One comment was received on this proposal, which was addressed to the classification of the drug "cocaine" as a "hard drug". While the comment was not directly related to the primary issues raised by this change, the evidence cited therein for more leniency in the Commission's evaluation of cocaine will be considered along with other information currently being developed on this subject.

Accordingly, pursuant to the provisions of 18 U.S.C. 4203(a)(1) and 4204(a)(6), 28 CFR, Chapter I, Part 2, is amended as set forth below to become effective November 1, 1977.

Dated: September 29, 1977.

GEORGE J. REED,  
Acting Vice Chairman,  
United States Parole Commission.

In the table in § 2.20:

1. In the very high severity category of both Adult and Youth/NARA guidelines, delete "sexual act—force".  
2. In both Adult and Youth/NARA guidelines, delete entire "Greatest" severity category and replace with the Greatest I and II categories set forth below.

§ 2.20 Paroling policy guidelines: statement of general policy.

**SUPPLEMENTARY INFORMATION:** A summary of the comment previously received by the Commission regarding this rule may be found in the FEDERAL REGISTER of March 2, 1977 (42 FR 12043). The rule is made effective for all parole revocation hearings conducted by the Commission on or after November 1, 1977.

Accordingly, pursuant to the provisions of 18 U.S.C. 4203(a)(1) and 4204(a)(6), 28 CFR chapter 1, Part 2, is amended as set forth below, effective November 1, 1977.

Dated: September 29, 1977.

GEORGE J. REED,  
Acting Vice Chairman,  
United States Parole Commission.

Section 2.10(c)(3) is revised to read as follows:

§ 2.10 Date service of sentence commences.

(c) Service of the sentence of a committed youth offender or a person committed under the Narcotic Addict Rehabilitation Act commences to run from the date of conviction and is interrupted only when such prisoner or parolee . . .

(3) has absconded from parole supervision; . . .

[FR Doc. 77-28981 Filed 9-29-77; 8:45 am]

**Title 32A—National Defense Appendix**

**CHAPTER VI—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE**

**Use of a Priority Rating on Individual Delivery Orders of \$2,500 or Less**

AGENCY: Domestic and International Business Administration, Commerce.

ACTION: Final rule.

SUMMARY: The Commerce Department amends the provisions of the Defense Priorities and Materials System's regulations and orders to increase to \$2,500 from \$500 the size of delivery orders which are exempt from the mandatory rating requirement for filing rated orders. Previously, the use of a priority rating was optional on delivery orders under \$500. The purpose of these amendments is to reflect the current dollar level accepted by industry in small order procurements. These amendments will result in a reduction in paperwork and expense for business and government operating under the provisions of the Defense Priorities System and the Defense Materials System.

EFFECTIVE DATE: September 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Gilbert J. Breer, Mobilization Operations and Plans Division, Office of Industrial Mobilization, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-3634).

**SUPPLEMENTARY INFORMATION:** In connection with the formulation of

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these amendments, a notice of proposed rule making was published in the *FEDERAL REGISTER* on July 27, 1977 (42 FR 38193). Interested persons were invited to file their views with the Deputy Assistant Secretary for Domestic Commerce within 30 days from the date of such publication. Views from ten persons were received and considered. All industry comments received endorsed the proposed rule. However, there were two suggestions to increase the exempt level to \$10,000. It is believed the \$2,500 exemption level is the appropriate level to cover most small order procurements. Accordingly, the suggestion to raise the limit to \$10,000 is not being implemented. Therefore, the following amendments are made in 32A CFR Chapter VI in each of the following parts:

[Amdt. 3]

**PART 621—BASIC RULES OF THE DEFENSE MATERIALS SYSTEM (DMS REG. 1)**

Sec. 7 [Amended]

1. In Sec. 7(c) change "\$500" to "\$2,500".

[Amdt. 1]

**PART 621a—SELF-AUTHORIZATION PROCEDURE FOR MRO NEEDED TO FILL MANDATORY ACCEPTANCE ORDERS (DMS REG. 1, DIR. 1)**

Sec. 5 [Amended]

In Sec. 5 change "\$500" to "\$2,500".

[Amdt. 1]

**PART 621b—CONTROLLED MATERIALS PRODUCERS AND DISTRIBUTORS (DMS REG. 1, DIR. 2)**

Sec. 6 [Amended]

3. In sec. 6 change "\$500" to "\$2,500".

[Amdt. 2]

**PART 631—IRON AND STEEL (DMS ORDER 1)**

Sec. 15 [Amended]

4. In Sec. 15 change "\$500" to "\$2,500".

[Amdt. 1]

**PART 633—ALUMINUM (DMS ORDER 3)**

Sec. 11 [Amended]

5. In Sec. 11 change "\$500" to "\$2,500".

[Amdt. 6]

**PART 651—BASIC RULES OF THE DEFENSE PRIORITIES SYSTEM (DPS REG. 1)**

Sec. 6 [Amended]

6. In Sec. 6(c) change "\$500" to "\$2,500".

(Defense Production Act of 1950, as amended (64 Stat. 816; 50 U.S.C. App. 2061 et seq.); Executive Order 10480, as amended, 3 CFR 1949-1953 Comp., p. 962; 50 U.S.C. App. 2153 (1970) (Supp. V, 1975); DMO 3, 32A CFR Part 103 (1976); Department of Commerce Organization Orders 10-3, 40 FR 59784, as amended, 41 FR 28334, and 40-1, 40 FR 8978;

and Department of Commerce, Domestic and International Business Administration Organization and Function Orders 41-1, as amended, 39 FR 2780, 39, FR 18490; 45-1, 40 FR 10217, as amended, 42 FR 3673, and 45-2, 40 FR 10218, as amended, 40 FR 42228, 41 FR 4951, 41 FR 22619, and 42 FR 3673.)

EFFECTIVE DATE: September 30, 1977.

STANLEY J. MARCUSS,  
Deputy Assistant Secretary  
for Domestic Commerce.

[FR Doc. 77-28834 Filed 9-29-77; 8:45 am]

**[4110]**

**Title 41—Public Contracts and Property Management**

**CHAPTER 3—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**

**PART 3-4—SPECIAL TYPES AND METHODS OF PROCUREMENT**

**Negotiated Procurement Under the Buy Indian Act**

AGENCY: Department of Health, Education, and Welfare.

ACTION: Final rule.

SUMMARY: The Office of the Secretary, Department of Health, Education, and Welfare is amending 41 CFR Subpart 3-4.57, Negotiated Procurement under the Buy Indian Act, by adding two contract clauses. The contract clauses, Indian Preference in Training and Employment and Use of Indian Business Concerns, are being added to Subpart 3-4.57 to fulfill the requirements set forth in section 7(b) of Public Law 93-638, the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450).

EFFECTIVE DATE: (Upon publication in the *FEDERAL REGISTER*.)

FOR FURTHER INFORMATION CONTACT:

E. S. Lanham, Division of Procurement Policy and Regulations Development, Office of Grants and Procurement, OASMB-OS, Department of Health, Education, and Welfare, Washington, D.C. 20201, (202-245-6347).

SUPPLEMENTARY INFORMATION: On June 10, 1977, the Office of the Secretary, Department of Health, Education, and Welfare published in the *FEDERAL REGISTER*, a proposed rule to add the referenced contract clauses to 41 CFR Subpart 3-4.57, Negotiated Procurement under the Buy Indian Act. A forty-five (45) day period was established in which to receive comments regarding the proposed rule. However, no public comments were received. Therefore, the clauses are to be incorporated as proposed.

This action has come about as a result of the enactment of Public Law 93-638, the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450), on January 4, 1975. The Act was intended, in part, to provide for maximum participation by Indians and Indian tribes in Federal programs for, and services to, Indians and to encourage the development of the capacity of the Indian people for self-determination.

Section 7(b), of that Act is directed at the achievement of those objectives by emphasizing preferences to, and opportunities for, Indians in training and employment under contracts and grants through the award of subcontracts and subgrants to Indian organizations and Indian-owned economic enterprises. Moreover, section 7(b) requires that any contract, subcontract, grant, or subgrant made pursuant to that Act, or any other Act authorizing Federal contracts with, or grants to, Indian organizations, or for the benefit of Indians, comply with the stipulations regarding such preferences and opportunities to the greatest extent feasible.

As a result of the impact of section 7(b) of that Act on procurements negotiated under the Buy Indian Act (25 U.S.C. 47), 41 CFR Subpart 3-4.57 is amended to add two contract clauses, Indian Preference in Training and Employment and Use of Indian Business Concerns, to fulfill those requirements.

The Department of Health, Education, and Welfare has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: September 25, 1977.

PAUL A. STONE,  
Deputy Assistant Secretary,  
for Grants and Procurement.

**Subpart 3-4.57—Negotiated Procurement Under the Buy Indian Act**

Paragraphs 3-4.5703 (c) and (e) are revised to read as follows:

**§ 3-1.5703 Requirements.**

(c) *Indian employment.* Contracts negotiated under the Buy Indian Act shall contain the following clause:

**INDIAN PREFERENCE IN TRAINING AND EMPLOYMENT**

(a) The Contractor shall give preference in employment for all work performed under the contract, including subcontracts, thereunder, to qualified Indians regardless of age, religion, or sex and, to the extent feasible consistent with the efficient performance of the contract, provide employment and training opportunities to Indians, regardless of age, religion, or sex that are not fully qualified to perform under the contract. The Contractor shall comply with any Indian preference requirements established by the tribe receiving services under the contract to the extent that such requirements are consistent with the purpose and intent of this paragraph.

(b) If the Contractor or any of its subcontractors is unable to fill its employment openings after giving full consideration to Indians as required in paragraph (a) above, these employment openings may then be filled by other than Indians under the conditions set forth in the Equal Opportunity clause of this contract.

(c) The Contractor agrees to include this clause or one similar thereto in all subcontract.

(e) *Subcontracting.* Not more than 50 percent of the work to be performed under a prime contract negotiated pur-

suant to the Buy Indian Act shall be subcontracted to one other than an Indian firm. For this purpose, work to be performed does not include the provision of materials, supplies, or equipment. Each prime contract shall incorporate the following clause.

**USE OF INDIAN BUSINESS CONCERNS**

(a) As used in this clause, the term "Indian business concern" means an Indian enterprise as defined in 42 CFR 36.204 (1).

(b) The Contractor agrees to give preference to qualified Indian business concerns in the awarding of any subcontracts entered into under the contract consistent with the efficient performance of the contract. The Contractor shall comply with any preference requirements regarding Indian business concerns established by the tribe(s) receiving services under the contract to the extent that such requirements are consistent with the purpose and intent of this paragraph.

(c) If no Indian business concerns are available under the conditions in paragraph (b) above, the Contractor agrees to accomplish the maximum amount of subcontracting, as the Contractor determines is consistent with its efficient performance of the contract, with small business concerns, labor surplus area concerns, or minority business enterprises, the definitions for which are contained in Subparts 1-1.7, 1-1.8, and 1-1.13 of the Federal Procurement Regulations. The Contractor is not, however, required to establish a small business, labor surplus, or minority business subcontracting program as described in §§ 1-1.710-3(b), 1-1.805-3(b), and 1-1.1310-2(b), respectively, of the Federal Procurement Regulations (41 CFR Chapter 1).

[FR Doc. 77-28857 Filed 9-29-77; 8:45 am]

**[4110]**

**Title 42—Public Health**

**CHAPTER 1—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**

**SUBCHAPTER G—OCCUPATIONAL SAFETY AND HEALTH RESEARCH AND RELATED ACTIVITIES**

**PART 86—GRANTS FOR EDUCATION PROGRAMS IN OCCUPATIONAL SAFETY AND HEALTH**

**Educational Resource Centers**

AGENCY: National Institute for Occupational Safety and Health, Center for Disease Control, PHS, HEW.

ACTION: Final rule.

SUMMARY: This rule amends 42 CFR Part 86 to provide for the award of grants by the National Institute for Occupational Safety and Health (NIOSH) for the establishment of occupational safety and health educational resource centers. An educational resource center grant is an award of funds to an eligible institution or agency to pay part of or all of the costs of the combination of long-term and short-term training activities in occupational safety and health. The objective of the educational resource center grants program is to provide a mechanism for combining and expanding existing activities and coordinating multidisciplinary and multilevel training and continuing education in occupational safety and health under a single grant for a geographic area.

EFFECTIVE DATE: These amendments are effective on September 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Joseph West, Grants Management Officer, NIOSH, Rockville, Md. Phone 301-443-3122 or Mr. David Thelen or Dr. Alan Stevens, Division of Training and Manpower Development, NIOSH, Cincinnati, Ohio. Phone: 513-684-8221.

SUPPLEMENTARY INFORMATION: These amendments were published as a notice of proposed rulemaking on May 17, 1977 (42 FR 25340). Interested persons were given 30 days in which to comment on the proposal. Two comments were received and have been considered in the development of this final rule.

One comment suggested that the amendments specifically require that the content of the training programs be geared to the occupational safety and health problems pertinent to the geographic area served. In response to this suggestion, subparagraph (8) of § 86.13 (c) has been revised.

The other comment requested that field experience with public health and safety agencies be accorded the appropriate importance it deserves in the review and evaluation of grant applications. The regulation adequately covers this point in § 86.13(c)(5) and (8).

Accordingly, 42 CFR Part 86 is amended as set forth below.

(Catalog of Federal Domestic Assistance Program No. 13.263, Occupational Safety and Health Training Grants.)

NOTE.—The Department of Health, Education, and Welfare has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order No. 11949, and OMB Circular A-107.

Dated: August 5, 1977.

JAMES F. DICKSON,  
Acting Assistant Secretary  
for Health.

Approved: September 27, 1977.

JOSEPH A. CALIFANO, Jr.,  
Secretary.

1. In § 86.10, a new paragraph (c) is added to read as follows:

**§ 86.10 Nature and purpose of training grants.**

(c) *Educational Resource Center Grant.* An educational resource center grant is an award of funds to an eligible institution or agency, hereinafter called the "grantee," to pay part or all of the costs of organized identifiable activities, hereinafter termed the "project," that are undertaken to provide for the combination of long-term and short-term training activities as described in § 86.13 (c).

2. In § 86.11, paragraph (b) is revised to read as follows:

**§ 86.11 Eligibility.**

(b) *Projects eligible for long-term or short-term training grants or educational resource center grants.* Any project found by the Secretary to be a long-term training project within the meaning of § 86.10(a) or a short-term training project within the meaning of § 86.10 (b) or an educational resource center grant project within the meaning of § 86.10(c) shall be eligible for a grant award. However, no applicant is eligible for assistance for a separate training project grant in any project period in which it receives an educational resource center grant. Nothing in the section shall prevent an existing training grant from being incorporated into an educational resource center grant award.

3. In § 86.13, a new paragraph (c) is added to read as follows:

**§ 86.13 Project requirements.**

(c) In addition to the requirements set forth in paragraphs (a), (b) (1), and (b) (3) (ii), (iii) and (iv) of this section, an approvable application for an educational resource center grant must contain each of the following, unless the Secretary determines that the applicant has established good cause for its omission:

(1) A description, supported by appropriate documents, of cooperative arrangements to conduct an educational resource center among a medical school (with an established program in preventive or occupational medicine), a school of nursing, a school of public health or its equivalent, and a school of engineering or its equivalent. Other schools or departments with relevant disciplines and resources—e.g., toxicology, biostatistics, environmental health, law, business administration, education—may be represented and contribute as appropriate to the conduct of the total program.

(2) The identification of an educational resource center Director who possesses a demonstrated capacity for sustained productivity and leadership in occupational safety and health training who shall oversee the general operation of the educational resource center program and shall, to the extent possible, directly participate in training activities.

(3) A description of the full-time professional staff representing various disciplines and qualifications relevant to occupational safety and health and capable of planning, establishing, and carrying out or administering training projects undertaken by the educational resource center.

(4) A description of the training and research expertise, appropriate facilities and ongoing training and research activities in occupational safety and health areas.

(5) A description of its program for conducting education and training of occupational health physicians, occupational health nurses, industrial hygienists/engineers and safety personnel.



There shall be full-time students in each of these core disciplines, with a goal of a minimum total of 30 full-time students. Training may also be conducted in other occupational safety and health career categories, e.g., industrial toxicology, biostatistics, epidemiology, and ergonomics. Training programs shall include appropriate field experience including experience with public health and safety agencies and labor-management health and safety activities.

(6) A specific plan for making an impact on the curriculum taught by relevant medical specialties, including radiology, orthopedics, dermatology, internal medicine, neurology, perinatal medicine, and pathology.

(7) A description of its program to assist other institutions or agencies located within the applicant's region including schools of medicine, nursing and engineering, among others, by providing curriculum materials and consultation for curriculum/course development in occupational safety and health, and by providing training opportunities for faculty members.

(8) A specific plan for preparing, distributing, and conducting courses, seminars and workshops to provide short-term and continuing education training courses for physicians, nurses, industrial hygienists, safety engineers and other occupational safety and health professionals, paraprofessionals and technicians, including personnel of labor-management health and safety committees, in the geographical region in which the educational resource center is located. The content and orientation of the curriculum/courses shall take into consideration and address problems relevant to the geographic region served. The goal shall be that the training be made available each year to a minimum of 200-250 trainees representing all of the above categories of personnel with priority given to providing occupational safety and health training to physicians in family practice, as well as in industrial practice, and industrial nurses. These courses shall be structured so that educational institutions, public health and safety agencies, professional societies or other appropriate agencies can utilize them to provide training at the local level to occupational safety and health personnel working in the workplace. Further, the educational resource center shall have a specific plan and demonstrated capability for implementing such training directly and through other institutions or agencies in the region including cooperative efforts with labor unions and industry trade associations where appropriate.

4. In § 86.14, paragraphs (c), (d), and (e) are redesignated as paragraphs (d), (e), and (f) respectively and a new paragraph (c) is added to read as follows:

§ 86.14 Evaluation and grant award.

(c) In the case of educational resource center grants:

- (1) the criteria set forth in paragraphs (a) and (b) of this section.
- (2) the degree to which the proposed project adequately provides for the requirements set forth in § 86.13(c).

[FR Doc. 77-28926 Filed 9-29-77; 8:45 am]

### [ 3510-49 ]

#### Title 45—Public Welfare

#### CHAPTER XX—NATIONAL FIRE PREVENTION AND CONTROL ADMINISTRATION, DEPARTMENT OF COMMERCE

#### PART 2000—PUBLIC SAFETY AWARDS TO PUBLIC SAFETY OFFICERS

AGENCY: National Fire Prevention and Control Administration.

ACTION: Final rule.

SUMMARY: This part implements section 15 of the Federal Fire Prevention and Control Act of 1974, which establishes the President's Award for Outstanding Public Safety Service and the Secretary's Award for Distinguished Public Safety Service available to certain public safety officers. This part is authorized to be issued by the Secretary of Commerce, the Secretary of Defense and the Attorney General.

EFFECTIVE DATE: January 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Joseph A. Moreland, Chief Counsel, National Fire Prevention and Control Administration, U.S. Department of Commerce, P.O. Box 19518, Washington, D.C. 20036 (202-632-9685).

**SUPPLEMENTARY INFORMATION:** Interested persons have been afforded an opportunity to participate in the making of these rules by a notice of proposed rulemaking published in the FEDERAL REGISTER on July 26, 1976 (41 FR 30792 and 30793<sup>1</sup>), and due consideration has been given to all comments received in response to the notice, insofar as they relate to matters within the scope of the notice.

Except for editorial changes, and except as specifically discussed herein, after the regulations and the reasons therefor are the same as those contained in the notice.

Several comments were addressed to the need for further definition of "public safety officer" (§ 2000.2(a)). Accordingly, § 2000.2 contains three new definitions: "firefighter," "civil defense officer (or member of a recognized civil defense preparedness organization)," and "law enforcement officer."

Another comment was addressed to the procedures for selecting the recipients. It was suggested that the head of an executive department upon reviewing a Secretary's Award nomination

<sup>1</sup> These regulations were proposed under Title 15, Part 1800, however, they are being adopted as Title 45, Part 2000.

should be able to submit it to the Joint Board for consideration for the President's Award, if merited. § 2000.7(e) was added for that purpose.

A comment argued for authorizing review by the national public safety community of Secretary's Award nominations and accompanying documentation. A similar procedure exists for the President's Award nomination, at the request of the Joint Board (§ 2000.5(e)). Accordingly, a new § 2000.7(c) was added and the old § 2000.7(c) was redesignated § 2000.7(d).

Section 2000.3(d) was modified to include the address of the nominee. This is necessary to facilitate announcement of the awards to recipients and to gain further information where it is determined to be desirable.

Finally, § 2000.10 has been added to provide an effective date for this Part.

In consideration of the foregoing, and for the reasons given in the notice of proposed rulemaking published at 41 FR 30792 and 30793, Title 45 of the Code of Federal Regulations is amended by adding a new Part 2000—Public Safety Awards to Public Safety Officers as follows:

#### PART 2000—PUBLIC SAFETY AWARDS TO PUBLIC SAFETY OFFICERS

Sec.	
2000.1	Background and purpose.
2000.2	Definitions.
2000.3	Nomination process.
2000.4	Nomination and selection criteria.
2000.5	Joint Public Safety Awards Board.
2000.6	Design and procurement of awards.
2000.7	Selection process.
2000.8	Presentation of awards.
2000.9	Funding.
2000.10	Effective Date.

**AUTHORITY:** Federal Fire Prevention and Control Act of 1974, Sec. 15, Pub. L. 93-498, 88 Stat. 1544-45 (15 U.S.C. 2214).

#### § 2000.1 Background and purpose.

The regulations in this part are issued under the authority of the Federal Fire Prevention and Control Act of 1974 [Pub. L. 93-498, 88 Stat. 1535, 15 U.S.C. 2201 et seq., 278f, 42 U.S.C. 290 (a)]. That Act establishes two classes of honorary awards for public safety officers and directs the issuance of the necessary joint regulations by the Secretary of Commerce, the Secretary of Defense, and the Attorney General. The Secretary of Commerce has delegated authority, pursuant to D.O. 25-6A, for the issuance of the required regulations to the Administrator, National Fire Prevention and Control Administration. The Administrator has obtained the approval of the Secretary of Defense and the Attorney General to issue these regulations to implement the statutory provisions on behalf of the three agencies concerned.

#### § 2000.2 Definitions.

(a) "Civil defense officer (or member of a recognized civil defense preparedness organization)" means any individual who is assigned to and is performing

the assigned tasks of the unit or organization which has been given a mission under the direction or operational control of a Civil Defense Director/Coordinator in accordance with a Federal, State or local emergency plan and sanctioned by the government concerned.

(b) "Firefighter" means a member, regardless of rank or duties, of any organization (including such Federal organizations) in any State consisting of personnel, apparatus, and equipment which has as its purpose protecting property and maintaining the safety and welfare of the public from the dangers of fire. This term includes volunteers or paid employees. The location of any such organization may include, but is not limited to, a Federal installation, a State, city, town, borough, parish, county, fire district, fire protection district, rural fire district or other special district.

(c) "Joint Board" means the Joint Public Safety Awards Board established by the Secretaries of Commerce, Defense and the Attorney General to carry out the purposes of the Federal Fire Prevention and Control Act of 1974 [Pub. L. 93-498, 88 Stat. 1535, 15 U.S.C. 2201 et seq., 278f, 42 U.S.C. 290(a)] and this part.

(d) "Law enforcement officer" means a person involved in the control or reduction of crime and juvenile delinquency or enforcement of the criminal laws. This includes, but is not limited to police, corrections, probation, parole, and court officers, and Federal officers in such capacities.

(e) "Nominating Official" means the head of a Federal government department or agency, or his delegate(s), the governor or other head of a State, or the Chief executive or executives of any general governmental unit within any State.

(f) "President's Award" means the President's Award for Outstanding Public Safety Service, presented by the President of the United States to public safety officers for extraordinary valor in the line of duty or for outstanding contributions to public safety.

(g) "Public safety officer" means a person serving a public agency with or without compensation, as a firefighter, a civil defense officer (or member of a recognized civil defense preparedness organization), or a law enforcement officer, including a corrections or court officer.

(h) "Secretary" means either the Secretary of Commerce, the Secretary of Defense, or the Attorney General, individually.

(i) "Secretaries" means the Secretary of Commerce, the Secretary of Defense and the Attorney General, collectively.

(j) "Secretary's Award" means the Secretary's Award for Distinguished Public Safety Service, presented to public safety officers for distinguished service in the field of public safety.

(k) "State" means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, the Trust Territory of the Pacific Islands and any other territory or possession of the United States.

#### § 2000.3 Nomination process.

(a) The Nominating Officials shall submit their nominations for the Secretary's Award to the appropriate Secretary depending upon the category of the nominee involved, as follows:

(1) A firefighter: U.S. Department of Commerce, Attention: Administrator, National Fire Prevention and Control Administration, P.O. Box 19518, Washington, D.C. 20036.

(2) A civil defense officer (or member of a recognized civil defense preparedness organization): Director, Defense Civil Preparedness Agency, U.S. Department of Defense, Washington, D.C. 20231.

(3) A law enforcement, corrections or court officer: Assistant Attorney General for Administration, Office of Management and Finance, U.S. Department of Justice, Washington, D.C. 20530.

(b) The Nominating Officials shall submit their nominations for the President's Award to the Executive Secretary, Joint Public Safety Awards Board, National Fire Prevention and Control Administration, P.O. Box 19518, Washington, D.C. 20036.

(c) All nominations shall be submitted in writing in accordance with the requirements prescribed in this section and § 2000.4 at the earliest practicable date after the performance of the act or acts for which the nomination is made. Nominations for each year shall be made before November 15; any received thereafter will be considered as having been made for the following year.

(d) Nominations for the President's Award or the Secretary's Award should include the name of the candidate, his/her position, title and address, the public agency served, the locale where the candidate performs his/her duties, the name of the nominating official, a summary describing the outstanding contribution, distinguished service or extraordinary valor, and the dates relating thereto. The description should be sufficiently concise and specific to justify the request for recognition of the public safety officer through the presentation of either of the awards. Copies of any published factual accounts of the nominee's accomplishments should also be attached when available.

(e) An annual invitation shall be issued by the Joint Board for nominations for the President's Award and, on behalf of the respective Secretaries, for the Secretary's Award. Such invitation shall be issued by letter or by notice in appropriate publications of interest to the public safety community. However, nominating officials need not wait for such invitation but may nominate at the most appropriate time in accordance with the other provisions of this part.

#### § 2000.4 Nomination and selection criteria.

(a) Nominations for the President's or Secretary's Award shall be made on the basis of, and in conformity with, the following uniform criteria:

(1) President's Award.—Documentation accompanying the nomination for

the President's Award must indicate not only that the nominee unquestionably meets the standards established for the Secretary's Award (see paragraph (a) (2) of this section), but also deserves greater public recognition than that afforded by the Secretary's Award because he/she has demonstrated unique qualities of courage, imagination or ability, which have resulted in outstanding contributions to the public safety.

(2) Secretary's Award.—The documentation that accompanies the nomination for the Secretary's Award must clearly show that the public safety officer's qualifying service or act is marked by courage, imagination or ability or has resulted in a significant contribution to the public safety accomplished through an originality of effort which far exceeds the expected quality of performance of the normal duties assigned to the nominee.

(b) A nomination shall specify whether it is being submitted for the President's Award or the Secretary's Award.

#### § 2000.5 Joint Public Safety Awards Board.

(a) A Joint Public Safety Awards Board (Joint Board) is hereby established to fulfill the responsibilities of the Secretaries by administering the process of nomination for the President's Award and by participating in the selection process with the Executive Office of the President. The Joint Board shall consist of nine representatives who are of appropriate rank (at or equivalent to grades GS-14 or above). Three persons shall represent each of the three Secretaries. The representatives serving on the Joint Board shall select one of their number to act as the chairperson.

(b) Representatives on the Joint Board shall serve in addition to their regular duties and without additional compensation. Consistent with the requirements of this part, the members of the Joint Board shall establish the procedures by which the selections for the President's Award shall be made to assure the timely presentation of public safety awards.

(c) A Department of Commerce employee shall act as the Executive Secretary of the Joint Board. The Executive Secretary shall perform such functions as are appropriate to the Board's responsibilities, including the receipt of all nominations, and the communication of nomination information, for the purpose of receiving comments thereon, from members of the public safety community pursuant to § 2000.5(e).

(d) The Joint Board shall review the nominations for the President's Award and shall recommend to the Secretaries by February 1 of each year, those nominees determined by it to merit consideration for the President's Award, together with the reasons therefor. The Secretaries shall then recommend to the President those nominees determined by them to merit the President's Award, together with the reasons therefor.

(e) The Joint Board may request that persons representing a cross-section of the national public safety community

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comment upon nominations made to the Board for the President's Award. Both the request for comments and the comments themselves shall be made in writing.

**§ 2000.6 Design and procurement of awards.**

(a) The Joint Board shall consult with the Department of the Treasury and the Executive Office of the President in regard to the design and procurement of the appropriate citations and medal for the President's Award in accordance with applicable laws and regulations.

(b) Insofar as practicable, the designs for the Secretary's Award of the three Departments shall be coordinated so as to avoid distinctly different recognition of the various public safety officers.

**§ 2000.7 Selection process.**

(a) President's Award.—Nominations for the President's Award shall be reviewed, and winners selected by the President (or his designee) in accordance with the requirements of § 2000.3, the criteria in § 2000.4(a)(1), and the procedures of § 2000.5.

(b) Secretary's Award.—Upon receipt of nominations for the Secretary's Award, the appropriate Secretary shall cause an evaluation and selection of the nominees in accordance with the requirements of § 2000.3 and the criteria prescribed in § 2000.4(a)(2).

(c) In reviewing a Secretary's Award nomination, the appropriate Secretary may request that persons representing the relevant segment of the national public safety community comment upon the nomination and accompanying documentation. Both the request for comments and the comments themselves shall be made in writing.

(d) Individuals nominated for the President's Award who are considered not to meet the criteria for the Award by the Joint Board or who are not recommended to or selected by the President shall be automatically considered by the appropriate Secretary for presentation of the Secretary's Award.

(e) Individuals nominated for a Secretary's Award may be considered by the Joint Board for the President's Award if the appropriate Secretary determines that consideration for the President's Award is merited.

**§ 2000.8 Presentation of awards.**

(a) Presentation of the President's Award shall be made at such time, place and circumstance as the Executive Office of the President directs. There shall not be more than twelve (12) President's Awards given out during any calendar year.

(b) Presentation of the Secretary's Award shall be made by the appropriate Secretary or a designee at such time, place and circumstance as the appropriate Secretary determines.

**§ 2000.9 Funding.**

(a) President's Award.—The costs involved in designing and striking the cast

for the medal to be presented in conjunction with the President's Award shall be prorated among the three Departments concerned. The cost of producing the medal and printing the certificate for a recipient shall be borne by the Department of Commerce if the recipient is a firefighter, by the Department of Defense if the recipient is a civil defense officer, or by the Department of Justice if the recipient is a law enforcement officer.

(b) Secretary's Award.—All expenses in connection with the Secretary's Award shall be borne by the appropriate Department.

**§ 2000.10 Effective date.**

(a) These regulations are effective on January 1, 1978.

(b) Nominations may only be submitted on or after that date for acts, service, or contributions occurring on or after January 1, 1978.

NOTE.—The National Fire Prevention and Control Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Dated: September 21, 1977.

HOWARD D. TIPTON,  
Administrator, National Fire  
Prevention and Control Administration.

[FR Doc. 77-28841 Filed 9-29-77; 8:45 am]

**[ 6712-01 ]**

**Title 47—Telecommunication**

**CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION**

[Docket No. 21002; RM-2695; RM-2723; FCC 77-530]

**PART 76—CABLE TELEVISION SERVICES**

**Applications for Certificates of Compliance and Federal-State/Local Regulatory Relationships**

AGENCY: Federal Communications Commission.

ACTION: Report and Order—Rule Amendment.

SUMMARY: In an attempt to streamline the Commission's procedures for filing cable television certificate of compliance applications and ease the regulatory burden on cable system operators and local franchising authorities, the Commission has amended Part 76 of its Rules. Section 76.13 (47 CFR 76.13) has been redrafted to eliminate the requirement for the filing of statements of consistency with the Commission's signal carriage, access and franchising rules. Additionally, each of the five franchise standards in § 76.31(a) (47 CFR 76.31(a)) has been deleted, although four of the five continue as non-mandatory guidelines. The franchise fee limitation formerly found at § 76.31(b) (47 CFR 76.31(b)) has been modified to allow franchising authorities to assess a fee on all cable service revenues, whereas the rule formerly per-

mitted fees to be assessed only on basic subscriber revenues. Cable systems which were franchised or operating prior to March 31, 1972, will not be required to comply with the franchise fee limitation until 15 years from initial franchise grant or natural expiration of the franchise, whichever occurs first.

EFFECTIVE DATE: November 7, 1977.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:**

Stephen Ross, 202-632-7480; Robert Jacobs, 202-254-3407; James Albert, 202-254-3430; or Gary Hurvitz, 202-254-3440; Certificates of Compliance Division, Cable Television Bureau.

In the matter of amendment of Subparts B and C of Part 76 of the Commission's rules pertaining to applications for Certificates of Compliance and Federal-State/Local Regulatory Relationships (42 FR 18103).

Adopted: July 22, 1977.

Released: September 30, 1977.

By the Commission: Commissioner Hooks concurring in part and dissenting in part and issuing a statement; Commissioners Washburn and Fogarty dissenting and issuing statements; Commissioner White concurring in the result.

1. By Notice of Proposed Rule Making in Docket No. 21002, FCC 76-1070, 63 FCC 2d 3 (1976), the Commission announced its intention to review and possibly modify its requirements for the filing of applications for certificates of compliance for cable television operations. This action stemmed from the Commission's desire to streamline its procedures by eliminating those provisions of its Rules that are no longer necessary, thereby easing the regulatory burden on both prospective and operating cable systems without sacrificing its goals for the industry as originally formulated in Cable Television Report and Order, FCC 72-108, 36 FCC 2d 143 (1972). Simultaneously, the Commission requested comments on whether the experience gained in the last five years would justify any modification in the franchise standards embodied in § 76.31 of the Rules.

2. Nearly 100 separate parties, representing a broad range of interests, filed comments and/or replies in this proceeding. The largest single group of respondents was composed of local governmental units, ranging from the cities of New York and Los Angeles to smaller communities such as Ithaca, New York, Kettering, Ohio and Lompoc, California. The cable industry's views were expressed by the National Cable Television Association (NCTA), the Community Antenna Television Association (CATA), and numerous individual cable companies. Also filing were several access groups, public interest organizations, and a number of individual citizens.

**SUMMARY OF ACTIONS TAKEN**

3. Based on an evaluation of the comments received and our experience, we

have decided to simplify our filing requirements for applications for certificates of compliance, as well as modify our franchise standards by deleting all but one provision of the current rules and amending that remaining standard. The actions taken today may be briefly summarized as follows:

Applications for certificates of compliance will no longer be required to include a statement explaining how carriage of all proposed television signals is consistent with the Commission's signal carriage rules; instead, the applicant will be requested to justify only the carriage of signals that do not fall within the "normal" complement envisioned by the applicable rule. Additionally, certain information on microwave delivery eventually reported through Form 325 need not be supplied at the time of certification.

Applications will no longer be required to include a statement explaining how the system's franchise is consistent with Federal standards.

In lieu of the previously required statement explaining how the system will comply with the Commission's rules on access services, the applicant will be required to state the number of usable channels actually provided to any subscriber's home, and whether, if applicable under § 76.254(b) of the Rules, the applicant has reserved at least one channel exclusively for the presentation of access programming.

Section 76.13 of the Rules is redrafted to reflect the aforementioned changes, and to require the applicant to submit all the relevant information except that which has previously been filed for each community unit.

Each of the five franchise standards in § 76.31(a) of the Rules is deleted. However, four of the five—dealing with franchise award proceedings, franchise duration, construction timetables, and complaint procedures—are continued as non-mandatory guidelines. In addition, the franchise fee limitation found at § 76.31(b) will be modified to allow inclusion of all revenues derived from cable services in the fee base. Franchising authorities will be permitted to assess a fee on all cable revenues as of the effective date of this Report and Order (if consistent with the provisions of their franchise). The fee limitation will not be applied to system community units which were franchised or commenced operation prior to March 31, 1972 until 15 years from the date of initial grant of the underlying franchise, or the end of the current franchise period, whichever occurs first. In those cases, consistent with New York State Commission on Cable Television, FCC 77-98, 62 FCC 2d 975 (1977), any "grandfathered" fee in excess of the rule limitation is permitted to continue for the pertinent period, but not to rise.

All system community units which have not previously submitted a current franchise (e.g., some systems previously certified until March 31, 1977, and some systems that have received interim au-

thorization) must do so by March 31, 1978. An existing community unit that was previously certified, whose franchise has already expired or will expire on or before March 31, 1978, will be required to file an application for certificate of compliance, including a valid local authorization, by the aforementioned date. The interim procedures adopted in the Notice herein will remain in effect for these systems until that time, thereby allowing these systems to add a signal without requiring the submission of a franchise. New systems, in lieu of an application for certification, may elect to file an application pursuant to the interim procedures, as specified above, until March 31, 1978.

Systems operating in communities where there is no local franchising authority and which have previously been granted certification until March 31, 1977, based on the submission of an acceptable alternative proposal, will be recertified automatically for 15 years until March 31, 1992. New systems commencing operations in such areas will be certified for 15 years.

4. Following is a subject-by-subject summary of the comments dealing with each of these matters, together with our analysis and conclusions. We consider first the area of application filing requirements; second, the question of federal franchise standards; next, the procedural ramifications of the rule changes. A copy of the amended rules is attached hereto as Appendix B.

**CERTIFICATE OF COMPLIANCE APPLICATIONS (SECTION 76.13)**

**Comments**

5. Although the number of parties filing comments in this proceeding was considerable, most of the interest was in possible revision of the franchise standards, rather than the certifying process. Less than a dozen commenters addressed themselves to the issue of streamlining the Commission's application processing procedures. Those who did comment, however, were largely in agreement.

6. Virtually all of the commenters, including the Minnesota Cable Communications Board, the State of New Jersey Office of Cable Television, the City of Macomb, Illinois, the Oregon Cable Communications Association (OCCA), NCTA, Cablecom-General, Inc., Warner Cable Corporation, and 72 CATV Companies filing jointly, agree that the franchise consistency statement required by § 76.13 (a) (4), (b) (3) and (c) (2) of the Rules is unnecessary. The commenters feel that a consistency statement is redundant when a copy of the franchise itself is required to be submitted and the Commission's staff routinely examines it for consistency. Only the Austin Video Users Council argues for retention of the franchise consistency statement, pointing out that the real beneficiary of the rule is the local franchising authority.

7. The commenters generally concur in the dispensability of the requirement

found in § 76.13 (a) (4), (b) (4) and (c) (3) that a certificate of compliance application contain an explanation of the cable system's access program. The consensus is that since the Commission's access rules (§§ 76.252, .254, .256 and .258) are mandatory, there is no need for an operator to describe his plan for compliance. Viacom International, Inc. and 72 CATV Companies suggest that the access rules can be adequately enforced by complaint or by petition for order to show cause. The City of Rochester, New York, states that it has no objection to deleting the access statement, so long as the Commission makes it clear that deletion of the consistency statement does not alter the operator's obligation to comply with the access rules.

8. A few commenters recommend retaining the access statement. The Austin Video Users Council asserts that cable operators do not really understand the access rules. Citizens for Cable Awareness in Pennsylvania claims that local authorities and the public are both unaware of the rules. American Broadcasting Companies, Inc. (ABC) argues that the access statement is a "nominal burden which aids Commission processing, deters the filing of misdirected objections, and promotes comprehension of complex federal requirements by the public, broadcast stations and CATV operators themselves."

9. The parties who filed comments concerning the signal carriage consistency statement required by § 76.13 (a) (5) and (b) (5) of the Rules were in nearly universal accord that it should be deleted. Only ABC would continue this requirement, on the same basis for which it recommends retention of the access statement. The other commenters feel that the statement is duplicative, since Commission personnel carefully examine signal carriage for consistency anyway.

10. The commenters expressed virtually no interest in revising any of the other individual provisions of § 76.13, but a few have submitted proposals which provide alternatives to the current certifying process. The 72 CATV Companies suggest that we replace the current process by substituting a notice procedure, similar to that found in § 76.11(a) of the Rules,<sup>1</sup> for fully consistent proposals. Under this plan, Commission authorization to commence operations or add signals would automatically take effect 30 days after notice is given to the parties named in § 76.13(a) (6) and (7). The Commission could retain the power to stay the authorization for 60 to 90 days if, after reviewing the notice given, it

<sup>1</sup>Section 76.11(a) of the Commission's Rules provides, inter alia, that an existing cable system may add certain television signals, without application or certification, by filing certain information with the parties named in § 76.13(a) (6) and (7) at least thirty days before commencing carriage, so long as no objection is filed within that period.

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determined that the proposal was not in compliance with the Rules.<sup>9</sup>

11. ABC and 19 Television Broadcast Station Licensees filing jointly propose a system of periodic licensing in lieu of the present certificating process. Those commenters contend that the certificating process provides no enforcement tools, except an awkward and time-consuming cease and desist procedure. They maintain that if cable operators were required to renew their certificates periodically, the Commission would have a structured and continuous process for reviewing questions relating to compliance and basic operation.

#### Discussion

12. At the outset, we note that certain provisions of § 76.13 are necessary to the maintenance of any federal regulatory program and, accordingly, we will continue to require filing of certain information consistent with the substance of the current rules, although we are re-drafting the Section to eliminate the separate categories of applications it currently provides for. Accordingly, we will retain, albeit in somewhat altered form, the requirements of current § 76.13 (a) (1) and (2), (b) (1) and (2), and (c) (1) regarding the filing of the operator's name and mailing address, the community and area to be served and television signals to be carried, and the date operations commenced or will commence;<sup>10</sup> current § 76.13 (a) (2) and (b) (2) requiring the filing of Form 325; a certificate of service as required by § 76.13 (a) (6), (b) (6), and (c) (4); and a statement that a copy of the completed application has been served on the local franchising authority and, if applicable, the state regulatory authority. Further, we believe we should retain our rules on the filing of equal employment opportunity programs in their present form, pending the outcome of proceedings initiated in Notice of Proposed Rule Making in Docket No. 20829, FCC 76-749, 60 FCC 2d 618 (1976).

13. Because we are retaining the franchise fee limit, and because city-operator

<sup>9</sup> A similar procedure was advocated by Penasquitas Antenna Systems, Inc. in a petition for rulemaking. In Memorandum Opinion and Order in RM-2083, FCC 77-129, 63 FCC 2d 165 (1977), the Commission dismissed the petition, and indicated that the substance of the petition would be considered in this proceeding.

<sup>10</sup> The current rules also require the applicant to state whether microwave facilities are to be used to relay one or more signals. In practice, this provision has failed to produce significant useful information, often because it is not known prior to construction exactly what signals will be delivered to the headend off-the-air at sufficient signal strength to obviate the need for microwave facilities. Further, Form 325 currently requires the operator to indicate those signals that are received via microwave relay. Accordingly, we feel that this provision no longer serves any useful purpose, and therefore, in keeping with our intent to streamline the Rules whenever possible, we will delete this requirement. Finally, to facilitate the processing of applications, we will request the applicant to supply his telephone number.

agreements also cover other areas of continuing federal interest, we will continue to require the filing of a copy of the franchise or other local authorization to provide cable service, as well as a copy of the authorization of any state regulatory body relevant to the applicant, if these documents have not previously been submitted for review by the Commission, as embodied in § 76.13 (a) (3), (b) (3), and (c) (2) of the current Rules. However, we are persuaded by the comments filed, and our own experience in the processing of applications, and particularly in light of the changes in the franchise standards we are adopting herein, that the statement of franchise consistency previously required by § 76.13 (a) (4), (b) (4) and (c) (3) of the Rules is not necessary, since all franchises are, in any case, carefully reviewed by the staff. Accordingly, we will delete this requirement.

14. The proposed deletion of the requirement of an explanation of a system's access program evoked a more diverse range of comment. As we noted above, access groups and public interest organizations have stated that problems of getting access on certain cable systems persist, and therefore it should not be stated that our educational mission on access is complete. However, we do not believe that the types of problems cited by these commenters can be overcome simply by the filing of a planned access statement at the time of certification. As previously noted at paragraph 8 of the Notice herein, our access rules are self-executing, and, through our Cable Complaint Service or by means of the filing of a petition for order to show cause directed against the offending party, we are prepared to assist in the rectification of any local problems that may arise. Another significant factor is that the access statement requirement has come to be fulfilled by a mere parroting of the language of our rules, thus raising the issue of whether any educational function is truly served by this process.<sup>11</sup> Accordingly, we will delete this requirement from the Rules. However, the Commission recently amended § 76.254(b) of the Rules to clarify that systems serving 3500 or more subscribers must have at least one channel reserved full time for the exclusive presentation of access programming, except in the case of systems operating on June 21, 1976 and having insufficient channel capability.<sup>12</sup> The access statements filed since this rule was amended have tended to indicate that many operators are not fully cognizant of their responsibilities in this regard. Accordingly, we will

<sup>11</sup> The Commission is not unmindful of its responsibility to educate cable operators, local authorities, and the public about its regulations covering the provision of access services. We believe, however, that this function can be carried out more effectively by other means, such as Cable Bureau publications explaining our rules in non-technical language.

<sup>12</sup> Memorandum Opinion and Order in Docket No. 20508, FCC 76-1122, 62 FCC 2d 399 (1976).

amend the Rules to require the applicant to state the number of usable channels actually provided to any subscriber's home, and whether, if applicable under § 76.254(b) of the Rules, the applicant has reserved at least one channel exclusively for the presentation of access programming.

15. As discussed above, many commenters viewed the signal carriage consistency statement required by § 76.13 (a) (5) and (b) (5) as unnecessary, particularly in view of the close scrutiny given the signal complement by the staff and, in some instances, local broadcasters. It is certainly true that the carriage statement is never by itself relied upon by the staff in the processing of applications, and to this extent the requirement may be considered redundant. However, a properly executed carriage statement can be of considerable aid to the processing staff, particularly in the more complex situations, such as where television markets overlap. With the foregoing in mind, we are deleting this requirement and leaving the filing of a carriage statement to the discretion of the applicant.

16. There is one area of signal carriage processing that has caused considerable delay in the handling of applications, and which we believe warrants clarification in the new rules. The difficulty arises when an application requests certification of one or more signals that fall outside the complement allowed by §§ 76.59, 76.61, and 76.63. Our present procedure is to send a letter to the applicant requesting that he justify carriage of the inconsistent signal(s), a procedure that is both time-consuming and cumbersome. Accordingly, in order to expedite this process, we will amend the Rules to require that any request for certification of signals that are not included within the normal complement outlined in the above-mentioned rules be accompanied by a statement justifying carriage of the signals. Such justification usually means submitting information showing that the signals in question were carried in the community prior to March 17, 1966; or carriage was instituted under the provisions of former § 74.1105 et seq. prior to March 31, 1972, or pursuant to a previous Commission decision; or that the signal is presently authorized for carriage by another cable system operating in the same community. Alternatively, a request for waiver of the applicable rule may be submitted.

17. Our intention in redrafting § 76.13 to eliminate the separate categories of applications is to streamline the rule and to clarify that, for the most part, an applicant should submit all the relevant information for each community unit except that which has previously been filed. We will also amend this Rule Section (and § 76.18) to reduce the number of copies required to be filed of the application and any amendments from 3 to 2. Additionally, we will continue to require the applicant to state that the filing fee prescribed in § 1.1116 of the Rules has been enclosed. However, applicants should note that the Commission has temporarily suspended collec-

tion of these fees. Suspension of Subpart G of Part 1 of the Commission's Rules, FCC 76-1197, FCC 2d \_\_\_\_\_ (released December 23, 1976). Accordingly, no fee need be submitted with an application until further Commission action in this matter.

18. Finally, we must reject the suggestion of various parties that we adopt a procedure authorizing cable operations thirty days after notice is given. True, such a procedure is embodied in the present rules for an existing system which is adding certain "must carry" signals.<sup>13</sup> However, we do not believe this procedure contains sufficient safeguards for certifying new operations, particularly when the certification process must serve as a principal means of enforcement. We also reject the suggestion that the certification process should be replaced by a system of federal licensing. We believe that the system of federal/local responsibility that was established in the 1972 Rules has worked well and should be maintained.

#### FRANCHISE STANDARDS (§ 76.31 (a))

##### Comments

19. The Commission's proposal to re-evaluate its present franchise standards generated much interest on the part of all parties concerned. However, with the sole exception of the public-interest groups—who clearly favored retention of all of the current rules—the comments, taken as a whole, fail to show any consensus on the proper role of the federal government in this area. For example, 14 parties recommended retention of all of the current rules. Typical of the comments in this group were those of the City of Macomb, Illinois, which felt that the present process is working well, and the Pocatello Citizens Committee on Cable, which stated that any reduction in the contents of § 76.31 would cripple their community's effort to amend their present "virtually useless, protection-less franchise." On the other hand, 12 parties suggested that the franchise standards should be deleted in their entirety. The National Association of Regulatory Utility Commissioners (NARUC) questions the Commission's jurisdiction in the area of franchising, given the Supreme Court's statements that FCC jurisdiction over cable is limited to that which is reasonably ancillary to its jurisdiction over broadcasting. Similarly, the National Institute of Municipal Law Officers (NIMLO) argues that franchising is an element of a state's sovereign powers, and as such it is not subject to federal regulation. Communications Properties, Inc. states its belief that, with the exception of the franchise fee limitation, the present standards are redundant, unnecessary, and/or unenforceable, and therefore are not in the public interest. As will be evident, the comments that dealt with the desirability of particular provisions of § 76.31(a) were no less diverse.

<sup>13</sup> See § 76.11(a).

20. Public proceeding requirement (§ 76.31(a)(1)).<sup>14</sup> The argument most frequently made for deletion of the existing rule was that local laws presently require a franchise to be issued only after a public proceeding, and, therefore, the current federal requirement is redundant and unnecessary. 72-CATV Companies expressed the view that the requirement is unenforceable, since the Commission is inherently unable to undertake a meaningful review of the local franchising process. This is particularly true, said OCCA, in light of the Commission's policy of presuming the regularity of the actions of local officials. The City of New York stated that, although it would not object to the adoption of voluntary guidelines similar to those in the current rule, it believes the choice of specific procedures used in the granting of franchises is a peculiarly local concern. The Borough of Conway, Pennsylvania declared this provision useless, because the vast majority of local citizens do not and will not attend these proceedings in any case.

21. Many commenters, however, supported retention of the rule. The cities of Huntington Beach, California, Rochester, New York, Bloomington, Minnesota, Westminster, California, and others stated that although this rule was redundant in light of their own laws, the rule should be retained to cover those instances where local provisions are inadequate. The City of Macomb, Illinois indicated that under its laws, a franchise could be granted in one council meeting without allowing any public comment. Pennsylvania State Representative Robert J. Butera further states that in the absence of any Commission rule, local laws alone may not ensure that an applicant's qualifications are fully investigated before the franchise is granted. Similarly, Storer Broadcasting Company points out the Commission's rule establishes a foundation for information-gathering and sets a common ground for discussion, a function for which the "myriad" of local laws do not provide a satisfactory substitute. Certain staff members of the Cable Television Information Center (CTIC) of the Urban Institute—while generally questioning the FCC's authority to set franchise standards—offered their judgment that Subsection (a)(1) has had a beneficial effect on franchise proceedings, in that it "can safely be said to have prevented completely closed-door franchise awards." They further state that without a due process requirement, the Commission may later find itself in the anomalous position of having to grant certification to a company that was se-

<sup>14</sup> Section 76.31(a)(1) provides that in order to obtain a certificate of compliance, a cable system must have a franchise containing recitations that the franchisee's legal, character, financial, technical, and other qualifications, and the adequacy and feasibility of its construction arrangements, have been approved by the franchising authority as part of a full public proceeding affording due process.

lected without notice or opportunity for public review.

22. A number of parties not only favored retention of § 76.31(a)(1), but advocated its amendment to insure due process when a franchise is revoked, cancelled, or not renewed. NCTA, Cablecom-General, Inc., and Warner Cable Corporation propose that an existing operator who has provided adequate service consistent with franchise requirements should have a presumptive right to renewal of the franchise. They further advocate that the new operator in these cases should be required to pay the existing operator the fair market value of the existing system. Cablecom-General and Warner also suggest that any operator who has his operating authority revoked should be required to obtain Commission approval before terminating service. The Commission would at that time determine whether the revocation order was made as the result of a public proceeding affording due process.

23. Construction schedule and line extensions (§ 76.31(a)(2)).<sup>15</sup> Numerous parties, including the Seattle Board of Public Works, City of Minot, North Dakota, OCCA, and Sammons Communications, Inc., have suggested that the current federal standards for construction and line extension be deleted and that these areas should be left to the discretion of the local authority. NARUC points out that the federal standards appear superfluous since enforcement of the standards is left to the local officials. Other commenters, including the City of New York, 72-CATV Companies, Liberty Communications, Inc., and CTIC, indicate that since conditions vary so much from community to community, any attempt at imposing a national standard to cover all situations becomes meaningless. For these reasons, the County of San Diego, California and Indian River Cablevision, Inc., propose that the present mandatory requirements only be retained as suggested guidelines for local officials. Fetzner Cablevision and OCCA also stated that the requirement of a construction timetable for an existing system is unnecessary. Communications Properties, Inc. went further and expressed its belief that the current federal standards have had a negative effect on the growth of cable service. It contends that the present Commission policy has kept companies from even considering construction in certain communities.

24. On the other hand, many parties, including the Cities of Kettering, Ohio and Carbondale, Illinois, the Fridley

<sup>15</sup> Section 76.31(a)(2) provides that in order to obtain a certificate of compliance, the applicant must submit a franchise containing a provision requiring the franchisee to accomplish significant construction within one year of certification, and thereafter reasonably make cable service available to a substantial percentage of its franchise area each year. The Subsection further states that any policy of construction requiring less than complete wiring of the franchise area shall be adopted only after a full public proceeding which includes specific notice of the consideration of such a policy.

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(Minnesota) Cable Commission, and William R. Friedman, view the construction standards as an essential part of the franchise, even though many of the same parties recognize that the standards are not conducive to enforcement by the Commission alone. As indicated by Representative Butera and the Minnesota Cable Communications Board, among others, the existence of the standard assures that construction issues will be addressed. According to the City of Ithaca, New York, this may not otherwise be the case, particularly in the deliberations of an inexperienced franchising authority. Other commenters, including the cities of Bloomington, Minnesota and Macomb, Illinois, and the League of Women Voters of Austin, Texas, strongly recommend retention of the rule, based on their less than satisfactory local experiences. Citizens for Cable Awareness in Pennsylvania, *et al.*, see the standard as preventing local authorities from allowing a cable system to wire only the affluent areas of a community; to this extent, they say, the standard accomplishes the legitimate federal goal of providing as much cable service to as many people as possible. Several parties recommended retention of § 76.31(a)(2), but proposed various amendments to the present provision. Viacom International, Inc., the City of Charlotte, North Carolina, and the County of Ventura, California Public Works Agency all stressed the need for greater flexibility on construction timetables. ABC suggested § 76.31(a)(2) should be strengthened to insure that service is made available to sparsely settled areas. Finally, NCTA, OCCA, CATA, and Liberty Communications, Inc., proposed that the rule be amended to clarify that any line extension policy required by local authorities must be reasonable and economically justifiable.

25. Franchise duration (§ 76.31(a)(3)). Although our Notice herein did not specifically raise the issue, several commenters took the opportunity to state their belief that the Commission should not limit franchise terms to 15 years. Almost all the parties expressing this view, including the Seattle Board of Public Works, the League of California Cities, the City of Minot, North Dakota, and Communications Properties, Inc., proposed that the length of the franchise term be left open for negotiation between local officials and the cable operator. 72 CATV Companies suggested that the Commission's desire for periodic public review of the cable operator's performance could best be accomplished by other means. The City of New York directly questioned the Commission's jurisdiction to impose limitations on a state's power to franchise.

26. On the other hand, many commenters supported retention of the 15 year limit. Viacom International, Inc. and the City of New York made the ar-

\*Section 76.31(a)(3) provides that the initial franchise period shall not exceed 15 years, and any renewal franchise period shall be of reasonable duration.

gument that 15 years may not be long enough for an operator to recoup his investment, particularly in the major urban markets. Viacom was joined by Sammons Communications, Inc., Becker Communications Associates, *et al.*, and the New Jersey Cable Television Association, in advocating that the 15 year term should be established as a minimum term to promote economic stability and development of cable services. On the other hand, Councilman Stephan J. Delano of Winona, Minnesota, Video Factory, and the City of Inglewood, California, expressed the view that the 15 year term is too long.

27. There was, however, little agreement about when existing franchises that do not comply with whatever federal standards are established herein should be reviewed. Except for Citizens for Cable Awareness in Pennsylvania, *et al.*, the Minnesota Cable Communications Board, and Rep. Butera, who believed that review should take place as soon as possible, the rest of the parties were equally divided between those who advocated review at the natural expiration of the franchise; those who suggested review in 1987 (15 years after the Commission's enactment of franchise standards); and those who proposed review 15 years after the date of initial grant of the franchise. Cablecom-General, Inc. and Warner Cable Corporation suggested that this issue could be mooted if the Commission would enforce its franchise standards by "flat" rather than require renegotiation of existing non-compliant franchises.

28. Complaint procedures (§ 76.31(a)(5)). The notice herein solicited comments on two questions relating to our current rules on subscriber complaint procedures: Is the current provision necessary in view of the fact that these matters can be and are handled at the local level; and if so, should existing franchises lacking this provision be amended to include this requirement, or would documentation of the existence of complaint procedures be a satisfactory alternative? The only three parties (Viacom, OCCA, and the New Jersey Office of Cable Television) that directly addressed the latter question were generally in agreement that existing operators should not have to amend their franchises, but should only be required to document the existence of complaint procedures. The former question, however, generated a more diverse response.

29. A common viewpoint expressed by many parties who support retention of § 76.31(a)(5), including the Carbondale,

\*Section 76.31(a)(5) provides that the franchise must specify that procedures for the investigation and resolution of all subscriber complaints have been adopted by the franchisee and franchisor; that the franchisee will maintain a local business office or agent for these purposes; that a local official responsible for continuing administration of the franchise and implementation of complaint procedures has been designated; and that notice of the procedures for reporting and resolving complaints will be given to each new subscriber.

Illinois Cable Television Commission, the Fridley, Minnesota Cable Commission, the borough of Conway, Pa., and Sea-King Media Access, is that good business practice alone does not assure the adoption of adequate procedures for the resolution of subscriber complaints. This is particularly true, according to the cities of Duluth, Minn. and Wilmington, N.C., the town of Narrows, Va., and the Pocatello Citizen's Committee on Cable, where off-the-air television service is inadequate, thereby making cable service a monopoly or "quasi-monopoly." Another oft-stated justification for maintaining the present rule, cited by the New Jersey Office of Cable Television, the Minnesota Cable Communications Board, the City of Camarillo, Calif., and 19 Television Broadcast Station Licensees, among others, is that the rule places no undue burden on cable operators, and therefore there is no compelling reason to delete this requirement. The cities of Macomb, Ill. and Milpitas, Calif. stated that they have experienced difficulties because complaint procedures were not established beforehand, and therefore they recommend retaining the current rule.

30. Several parties suggested various modifications to the present provision. Cablecom-General and Warner Cable urge deletion of § 76.31(a)(5)(iii), which requires the franchise to designate the local official that will have primary responsibility for the continuing administration of the franchise and implementation of complaint procedures. Peter Cablevision suggests requiring the specific procedures to be in the franchise; the cities of Westminster and San Diego, Calif., however, reject this proposal, because of the inherent difficulty in revising the procedures once they are in the franchise document.

31. Numerous parties took the opposite position, and recommended deletion of the rule. The Seattle Board of Public Works, NARUC, CTIC, and the League of California Cities suggest that the matter of complaint procedures is best left to the discretion of the local authorities, particularly when the local authority has the responsibility for enforcing these procedures. In a similar vein, the San Diego County Cable Television Review Committee, and the cities of Rochester and New York, N.Y., recommend maintaining the rules as voluntary guidelines. The city of Bloomington, Minn. and 72 CATV Companies express their belief that "good business practice" alone does assure the satisfactory resolution of subscriber complaints. In light of this, NCTA takes the position that the present provision is unnecessary, although it concedes it does not place an undue burden on the operator.

32. Modifications statement (§ 76.31(a)(6)). The Commission's proposal to de-

\*Section 76.31(a)(6) provides that the franchise must contain a provision which states that any modifications to the provisions of § 76.31 resulting from amendment by the Commission shall be incorporated into the franchise within one (1) year of adoption of the modification, or at the time of franchise renewal, whichever occurs first.

lete the requirement of a modifications clause in the franchise raised little concern on the part of most commenters. Only one party, the City of Macomb, Ill., suggested the rule be maintained "for the knowledge and education of the local authorities." All other parties commenting on this issue agreed that the provision is unnecessary.

#### Discussion

33. In the notice, we stated that we were reevaluating our franchise standards and we proposed three possible alternatives or some combination thereof: (a) eliminate the standards, (b) maintain the standards but delete the requirement that they be embodied in the franchise, or (c) continue the standards as they are now. The comments we received, with a few notable exceptions, such as those of the CTIC staff members and the City of New York, generally took the form of "votes" on the worthiness of individual standards, but did not focus on the crucial question of whether there is a genuine federal interest in retaining each particular standard. We have determined that there is insufficient need for any of the franchise standards presently found in § 76.31(a) of the Rules to warrant requiring their inclusion in cable operators' agreements with local authorities. All levels of government—non-Federal as well as federal—share a concern for fair procedures, fulfillment of contractual obligations, consumer protection and public participation. Five years' experience has shown that cities and states are a proper first line of such concerns and are able to regulate accordingly—usually with the added safeguard of local law. With this in mind, we encourage cable operators and franchising authorities to include in their franchise agreements terms covering the matters formerly embraced by § 76.31(a), but we shall no longer require them by rule. (See "Note" to revised rule, Appendix B). With respect to the franchise fee limit in § 76.31(b) (discussed in detail below), however, we believe that the interests of federal and non-federal levels of government are not so harmonious. While the Commission's concern is that local franchising authorities be adequately compensated for their regulatory costs while not unduly burdening the development of the cable television medium, local franchisors often see cable television as a convenient revenue-producing enterprise. With this potential for divergence of interest in mind, we think continued federal intervention in this area is justified, although we propose some modification of the current rule. Of course, we recognize that changing circumstances may justify future reevaluation of this rule.

34. Public proceeding requirement (§ 76.31(a)(1)). At paragraph 24 of the Notice, we stated our impression that local and state laws around the country assure that the process of selecting a franchise is open to the public. While most of the comments confirmed this im-

pression, others expressed doubt that the process at the local level conforms on its own to the standard set forth in § 76.31(a)(1). Our own experience in the certifying process has shown that even in the rare instances where allegations of improper procedure or conduct are made, the evidence to support such allegations has persuaded the Commission to withhold certification on this basis only once in the last five years. In general, we have deferred to the decisions of the local courts in these matters. See, e.g., *City of Valparaiso d.b.a. Valparaiso Cable Company* (Valparaiso, Florida), FCC 76-602, 61 FCC 2d 328 (1976); *Lynchburg Cablevision, Inc.* (Lynchburg, Va.), FCC 75-41, 50 FCC 2d 797 (1975). Accordingly, subsection (a)(1) will be deleted from the Rules. However, we will continue to recommend, although we no longer shall require, that parties to franchise agreements consider including the basic elements of the former rule, particularly the "due process" interest in public notice and opportunity to be heard. To those commenters viewing (a)(1) as a necessary albeit rarely used safeguard against fraud or other criminal abuse of franchising unremedied at the local level, we suggest that deletion of the subsection would not necessarily foreclose Federal relief.<sup>13</sup>

35. As we have noted, several of the commenters have recommended expansion of § 76.31(a)(1) to insure due process when a franchise is revoked, cancelled or not renewed. The Commission has been considering whether to adopt rules establishing national due process standards (Docket No. 20019), specifying procedures relating to expiration and cancellation of service (Docket No. 20022) and regulating the transfer of franchises (Docket No. 20023). Clarification, *supra*. The effect of our actions here on those pending dockets will be addressed in the near future.

36. Construction schedule—line extensions (§ 76.31(a)(2)). In § 76.31(a)(2), we have required that a franchisee accomplish significant construction of a proposed cable system within one year after receiving Commission certification and then reasonably extend service each year to a substantial percentage of its

<sup>13</sup>In *Teleprompter Cable Systems Inc. v. FCC*, 543 F. 2d, 1379, 1385 (D.C. Cir. 1976) the U.S. Court of Appeals, while holding that a cable system had sufficiently purged itself of a previous Commission bribery incident to warrant Commission certification, nevertheless stated: "Local franchising decisions are so integrally related to the federal regulatory scheme that any corruption of the local process impacts upon the federal scheme as well." While we are deleting the specific procedural standards of § 76.31(a), we will still require operators to possess appropriate local authorization before we will grant a certificate of compliance. Therefore, we feel that the certifying process remains available as a means of denying federal authorization in particularly egregious situations (e.g., when the franchise has been obtained through fraud or bribery).

franchise area. We left the exact percentage to the discretion of local authority, recognizing that the variability of local conditions precluded our devising a consistent national standard for construction timetables. Our stated intention in mandating inclusion of such timetables in franchises was to avoid the possibility that franchises would be permitted to lie fallow or become the subject of trafficking.<sup>14</sup> In 1974, we amended § 76.31(a)(2), providing that where a franchise calls for less than full wiring of the franchise area, such policy may be adopted only after a full public proceeding which includes specific notice of consideration of that policy. Our intention in adopting this latter provision was to prevent "cream-skimming"—the practice of wiring only the more profitable portions of the franchise area while leaving unserved the poorer or less populated areas. The rule was not expected to guarantee full construction of the franchise area, which we recognized in some instances might be physically impossible or financially impracticable, but to insure that any decision to leave areas unserved could only be made after the public had been informed and given the opportunity for comment.

37. Our objective of providing the fullest possible cable coverage to the nation remains vital. However, we recognize that a federal requirement that local franchises contain construction schedules does not guarantee that those schedules will be enforced. Enforcement at the federal level is unrealistic and was never contemplated by our rule, since local officials are in a better position to gauge individual community needs and be aware of applicable local law. Even when a construction schedule is part of a franchise, circumstances may develop which require adjustment to the schedule. This can only be resolved at the local level. In the end, whether inclusion of a construction schedule in the franchise is mandatory or optional, provision of the best and most extensive cable coverage to subscribers will depend on the dedication of local officials. The Commission's most appropriate role is to inform the local authorities of their responsibilities and to recommend helpful provisions. Mandatory federal standards no longer appear warranted. Therefore, we shall delete from the Rules § 76.31(a)(2), while adding a "Note" offering guidelines for the inclusion in franchises of construction schedules and specific notice to the public of line extension policies.

38. Our action today should not be interpreted as an abandonment of our ideal of prompt, full construction of franchise areas. We are merely recognizing that this ideal can be approached by issuing voluntary guidelines instead of mandatory standards. At the same time,

<sup>14</sup>Para. 181, *Cable Television Report and Order*, *supra*.

<sup>15</sup>*Report and Order in Docket No. 20020*, FCC 74-1384, 50 FCC 2d 61 (1974).

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we are satisfying our deregulatory goal by removing the cable operator from a burdensome position between two regulatory bodies—one of which promulgates a rule but leaves the other to enforce it.

39. *Franchise duration* (Section 76.31(a)(3)). Just as with subsection (a)(1) involving franchise award proceedings, we are persuaded that (a)(3) can be left to local law and/or local negotiation between the parties. Our action herein is consonant with the view expressed by many commenters that the length of the franchise term should be entirely left for local determination to permit maximum flexibility based on local conditions. Although we continue to recommend consideration of a franchise duration on the order of 15 years, we shall no longer require it. We think the recommendation for some limit to the franchise term is particularly prudent where an operator provides the only cable service to a community, including those communities where poor television reception makes cable subscription virtually essential. In such a community, a subscriber's best recourse when service is unsatisfactory is a franchise provision permitting review of the operator's qualifications at a specified interval.

40. *Complaint procedures* (§ 76.31(a)(5)). Section 76.31(a)(5) requires establishment of subscriber complaint procedures at the local level, a local business office to handle complaints, designation by the franchising authority of a local official for administering complaint procedures, and notice to new subscribers of such procedures. The first two requirements were included in the *Cable Television Report and Order*, supra, while the latter two were adopted in the *Report and Order* in Docket No. 20024, FCC 74-1381, 50 FCC 2d 43 (1974).

41. We consider procedures for resolution of subscriber complaints to be an important aspect of the cable television industry, and we are confident that good business practices will in most cases dictate their establishment, a view supported by many of the commenters. When they do not, we will continue to rely on local authorities to see that they are implemented. Although we have instituted a Cable Complaint Service at the Commission, we are ill-equipped to resolve local disputes. The design and enforcement of complaint procedures are inherently matters for local resolution. In that light, we can see no federal interest in retaining § 76.31(a)(5) and will delete it from the rules. We expect this action to have the beneficial effect of permitting local authorities greater flexibility in determining what complaint procedures are most appropriate for their communities. However, to insure that local officials are reminded of the advisability of including complaint procedures in the franchises they draft, we will recommend their adoption in our "Note" to § 76.31.

42. *Modifications statement* (§ 76.31(a)(6)). As we indicated in the *Notice*, we can see little merit in retaining this provision, which requires a state-

ment that any modifications of § 76.31 of the Commission's Rules will be incorporated into the franchise within one year of adoption of the modification, or at the time of franchise renewal, whichever occurs first. Such a requirement could create unnecessary financial and administrative burdens for local governments and cable operators by forcing them to go through a franchising process in the middle of the regular franchise term. The commenters were in near-unanimous agreement that the rule should be excised. If we should at some time amend our franchise standards, we can either mandate immediate compliance with the rule or, in rare circumstances, require amendment of franchises to reflect the rule change within a specified period of time (longer than one year). There is no need for a provision in the franchise stating that our rules will be complied with when compliance is compulsory. Therefore, § 76.31(a)(6) will be deleted.

#### FRANCHISE FEE LIMIT (§ 76.31(b))<sup>14</sup>

43. At paragraph 29 of the *Notice*, we stated that our position with respect to fees that franchisors may impose on franchisees had been addressed in the *Report and Order* in Docket 20578, FCC 76-448, 59 FCC 2d 378 (1976). Therein, we determined that a fee limitation of 3-5 percent of gross subscriber revenues (where justified) was essential to prevent unduly burdensome fees which would frustrate our national goal for the development of cable television. On the other hand, a report of the House Commerce Committee's Communications Subcommittee issued in January 1976, entitled "Cable Television: Promise versus Regulatory Performance," concluded at p. 85 that fee regulation was not a matter of federal concern, although noting at p. 83 that "the Commission has no right to protect cable television against inappropriate local requirements unless it finds such requirements reasonably likely to frustrate federal objectives." We invited comments on the concept of a franchise fee limit and on the appropriate numerical level for such a standard.

#### COMMENTS SUPPORTING RETENTION OF THE LIMIT

44. All of the industry commenters and a majority of the local government com-

<sup>14</sup> Section 76.31(b) presently reads: "Franchise fees shall be no more than 3 percent of the franchisee's gross subscriber revenues per year from cable television operations in the community (including all forms of consideration, such as initial lump sum payments). If the franchise fee is in the range of 3 to 5 percent of such revenues, the fee shall be approved by the Commission if reasonable upon showings: (i) by the franchisee, that it will not interfere with the effectuation of federal regulatory goals in the field of cable television, and (ii) by the franchising authority, that it is appropriate in light of the planned local regulatory program. With respect to a cable television system that was in operation prior to March 31, 1972, the provisions of this paragraph shall not be effective until the end of a system's current franchise period, or March 31, 1977, whichever occurs first."

menters favored retention of some fee limit, not necessarily the present 3 to 5 percent. The public-interest group comments were evenly split on the issue.

45. NCTA, with whose remarks most industry commenters agree, considers it a reality of local regulation that franchise fees are utilized to raise general revenue rather than to defray the costs of regulating the cable operation; that absent such a limit the franchise fees demanded by localities would escalate dramatically to the point of burdening cable systems, regressively taxing cable subscribers, frustrating national communications policy, and obstructing interstate commerce; that in certain named cities such franchise fees, negotiated before the current FCC limits become effective, rose to 9 percent, 10 percent, 12 percent, 36 percent and 40 percent of gross subscriber revenues and that franchise fees would rise to similar levels in many other communities if the FCC fee limit were now removed.

46. Other industry proponents warn of dire consequences if the Commission abandons its fee limitation. The California Community Television Association argues that if cable operators are forced to pay higher fees, cutbacks in maintenance, deterioration of existing services, and no expansion into new services will result. Cablevision Systems Long Island Corp. (CSLIC) predicts bidding wars among competitors for franchises which would lead to such costs being passed on to subscribers in the form of very high rates and foresees subscribers being denied their constitutional rights to a diversity of information if higher fees retard the growth of cable television. Sammons Communications, Inc., states that unlimited franchise fees could literally cripple the industry. Many industry commenters envision a significant burden to interstate commerce if fees are allowed to be increased without limit.

47. The reply comments of Sammons Communications, Inc., Becker Communications Associates, New Channels Corp., and Cox Cable Communications, Inc., argue that existing cable systems with significant capital investment are extremely vulnerable at franchise renewal time to the fee demands of the franchisors and that absent FCC fee limits those systems would be forced to accept any fee provision, no matter how onerous or burdensome.

48. Asserting that the present 3 percent (up to 5 percent if justified) limit provides sufficient revenue for the franchising authority, Liberty Communications, Inc. posits that a 3 percent fee more than accounts for the administrative costs of cable regulation in most communities. OCCA terms the 3 percent limit more than sufficient to cover regulatory costs for most communities and alleges that 1-2 percent is probably all that is necessary in most small to medium-sized communities. Contending that local governments even derive revenues from cable systems above and beyond the franchise fees paid, Indian River Cablevision, Inc., reports that some

localities charge a utilities tax" of 10 percent of revenues and TelePrompTer Corp. advises that it pays 26 percent of gross revenues of its Manhattan system to general state and municipal taxes.

49. Some industry commenters argue that in addition to retaining the 3-5 percent fee limit, fees should be based solely on the actual regulatory costs incurred by franchisor. TelePrompTer Corp. contends a 3 percent fee is too high because cities do not in fact incur any significant costs in regulating cable systems. Communications Properties, Inc., would have fees limited to the actual costs of local regulation, but not to exceed 3 percent. Councilman Stephen J. Delano stated that fees should be based on actual regulatory costs and not a desire to fill local coffers.

50. Most government commenters favor retention of some franchise fee limitation, although many argue for a fee limit of at least 5 percent based on all revenues instead of the present 3-5 percent. The City of Macomb, Ill., comments that the fee limitation is equitable. The City of Carbondale, Ill., contends that the 3 percent gross subscriber revenue limit is appropriate and necessary. The County of Ventura, Calif., argues that a limit of 5 percent of gross subscriber revenues would be reasonable. The comments of the governments of Los Angeles, Calif., Duluth, Minn., Conway, Pa., Kettering, Ohio, and Huntington Beach, Calif., support the concept of the Commission imposing franchise fee limits. The City of San Jose, Calif., reasons that if the Commission imposes a greater regulatory burden on local governments to police sections of the franchise currently cooperatively regulated with the FCC, the franchise fee limitation should be raised. The City of Wilmington, N.C., notes that to the extent localities are seriously monitoring the franchisees, a 5 percent fee limit would be adequate.

51. Various computation methods are advanced by the government commenters. The City of Lompoc, Calif., urges a limit of 3 percent of all revenues or 5 percent of gross subscriber revenues. The Town of Penfield, N.Y., favors a limit of 5 percent of all revenues. The City of Milpitas, Calif., urges a limit of 3 percent of all revenues plus the costs of local regulation. The League of California Cities has no objection to a limit of 5 percent of basic services. The City of Westminster, Calif., would retain the present 3-5 percent limit, but base that computation on all revenues.

52. The comments received from public-interest representatives are evenly divided on this issue. William R. Friedman believes the current 3 percent of gross subscriber revenues limit is sufficient. The Pocatello Citizens Committee on

<sup>15</sup> For a discussion of the utilities tax issue, see *In re Section 76.31(b) of the Commission's Rules and Regulations Relative to the Limitation Upon the Fee That a Franchising Authority May Exact From a Cable System*, FCC 74-1390, 50 FCC 2d 540 (1975).

Cable contends that the 3 percent fee limit is not unreasonable or burdensome, but that the computation base should be expanded to include revenues from pay cable and other auxiliary services. Indiana University at South Bend's "Citizens and The Cable" project urges retention of the fee limitation with provision to increase the fee to allow for establishment of local cable development funds. Sea-King Media Access urges the Commission to base the limit on all cable revenues and provide for the expenditure of a portion of the fee for access programming.

#### COMMENTS OPPOSING RETENTION OF THE LIMIT

53. Comments opposing retention of the Commission's franchise fee limit were confined to a minority of the government comments and half of the public-interest comments. None of the industry commenters opposed retaining the fee limit.

54. The Seattle Board of Public Works argues that the local franchising authority should be allowed to charge whatever it desires for use of its rights of way. NARUC believes that the present federal limitation cannot be justified. The City of Pacific Grove, Calif., contends that cable operators do not need the protection a fee limit affords. Reasoning that cable operators can easily pay increased franchise fees by increasing the rates charged subscribers, the City of Lakeland, Fla., would have the fee limit deleted. NIMLO deems fee limits unconstitutional as violative of a state's sovereign power. The City of New York contends that the franchisor has exclusive jurisdiction over fees to be charged franchisees. The CTIC commenters contend that the Commission's fee limit can be removed without fear of local governments demanding exorbitant fees.

55. Of the public-interest comments opposing retention of the fee limit, Rep. Butera contends that franchise fees should not be a matter of federal concern. The Austin Video Users Council would have the fee set locally without limitation and part of the fee used for public access. The Office of Communications of the United Church of Christ urges removal of the fee limit because of the increased supervisory responsibilities of cities over cable systems.

#### Discussion

56. When we adopted the 1972 franchise fee limitation, we held it to be essential to prevent the assessment of unduly burdensome fees, which evidence indicated ran as high as 35 percent of revenue, and the concomitant economic frustration of cable television's potential

<sup>16</sup> The pre-1972 cable franchise for Colorado Springs, Colo., provides for a fee of up to 35 percent. In addition, a 10 percent fee was imposed before 1972 by at least eight other cities, including St. Petersburg, Fla., Elkhart, Ind., Brunswick, Maine, and Sedalia, Mo.

within the national communications structure. In adopting a fee limitation, the Commission sought to balance its commitment to the development of cable with local authorities' need to obtain adequate revenues to defray the cost of local cable regulation. See *Cable Television Report and Order*, 36 FCC 2d 143, 185 (1972); *Clarification of Cable Television Report and Order*, 46 FCC 2d 175, 201 (1974); *Report and Order in Docket No. 20578*, 59 FCC 2d 378, 380-81 (1976). It is significant that nothing in our experience under this provision, nor in the comments submitted in this proceeding, has eroded the reasonableness of the underlying balance and policy objective. Indeed, a majority of local governments filing comments herein favored retention of the basic fee limitation, although offering variations of the 3 to 5 percent range and fee base. See paragraphs 50-52, supra.

57. As discussed in paragraph 33 above, our experience and the sense of the comments support our view that the public interest in orderly cable development will be protected by deferring supervision of franchise awards to responsible local governments. Certainly the evidence illustrates widespread and adequate local grasp of the essential regulatory concerns which our rules encompassed. However, federal goals and local needs are not necessarily aligned in the area of franchising fees. With this in mind, we initially intended the limit to insure that fees levied approximated the recovery of legitimate costs of local regulation and to prevent a burdensome, revenue-raising approach to fees. Since 1972, the fiscal needs of local and state governments have not lessened; and we have no reason to believe that the former propensity of some jurisdictions to assess exorbitant franchise fees, as evidenced in the comments here, has lessened; or that such fees would not be levied were we to delete our fee limitation. A significant burden was envisioned by cable interests commenting here. Since the promise of cable's abundance and diversity of services is integrally linked to its financial viability, we believe the fee limitation serves the goal of diversity and thus is within the scope of our authority. *United States v. Midwest Video Corp.*, 406 U.S. 649, 665 (1972).

58. As noted above, most cities agreed that some federal limit on fees should be retained, although expressing differing views as to the specific fee and revenue base. The range of suggested fees falls within our current 3 percent to 5 percent limit. Because we understand that no single numerical percentage of revenues can fit all cases, we have provided for a range of three to five percent, depending on the extent of the local regulatory program and the justification



for it.<sup>18</sup> Even the rule's upper limit of five percent is not immovable, but can be waived upon persuasive showing in the public interest, as is true of all other rules. Without the kind of guidance found in § 76.31(b), we fear that cable service in many instances could be stifled before getting started, to the detriment not only of cable operators and cities but, most importantly, potential subscribers. Thus, we will retain our current range of limitation. Furthermore, we believe this range makes franchising something more than a "bidding" war in which the spoils go to the applicants promising the highest fee to the locality. The setting of a fee limit, we believe, tends usefully to focus local attention on proposed consumer service rather than the price of the franchise privilege. Instead, principal attention should be given to cable's capacity to improve and extend broadcast service, and to initiate non-broadcast offerings for the benefit of the public. These considerations, we are persuaded, show § 76.31(b) to be a rule devoted to broadcast regulatory objectives.

59. It is our continuing judgment that franchise fees in the range of 3 percent to 5 percent (if justified) are fair, reasonable and ordinarily permit full reimbursement for the costs of regulation.<sup>19</sup> While we recognize that no single percentage or range of percentages can account for the multitude of local variations, we are confident that our waiver processes can deal adequately with unusual cases. We are bolstered in our decision by the apparent acceptance of the concept of a fee limit by the comments of the cities, who could be expected to be most opposed to it, and by the experience of the past five years discussed at note 18 above.

60. With respect to the justifications we will accept for allowing the maximum 5 percent fee, and in response to the numerous public comments arguing for an increase in franchise fees to fund public access programming, we must refer to our discussion of this matter at paragraph 119 of the *Clarification*.

<sup>18</sup> Our adoption of the fee limit in 1972 was based on a presumption that a franchise fee limited to 3 percent (up to 5 percent with adequate justification) is normally sufficient to defray the costs attendant to the local regulatory responsibilities of franchising authorities. The paucity of petitions we have received to allow fees above 3 percent since the limit was imposed supports our presumption of the sufficiency of the 3-5 percent fee. Our practice in the past five years has been to examine closely the justifications submitted for fees greater than 3 percent, but not to require any cost documentation for fees of 3 percent or less. Thus we have recognized that, in any given case, a 3 percent or lower fee might more than compensate for regulatory cost, and to that extent become "revenue-raising." Our assumption has been, however, that any difference between actual regulatory costs and 3 percent is small enough to fall short of being a burdensome regulation capable of inhibiting commerce or an inhibition to cable development contrary to the public interest.

<sup>19</sup> But see discussion of modification of revenue base at para. 69, *infra*.

*supra*. In *Complete Channel TV, Inc.* (Madison, Wis.), Mimeo No. 54591, 34 RR 2d 1372 (1975), we treated a well-reasoned access service package experiment as a contractual question left to the discretion of the franchisor and franchisee, limited only by our requirements that the fee not be excessive and that the plan could benefit all cable users. Similarly, in *Open Channel*, FCC 75-1344, 58 FCC 2d 1216 (1975), which cited *Complete Channel TV, supra*, we further clarified our position by enumerating various safeguards which the proposal must contain in order for us to approve the use of franchise fees above the 3 percent limit for public access purposes. Therein, we expressed as our primary concern that there be sufficient safeguards against government censorship, a problem which we considered inherent in government funding of public access facilities. Based on the concerns of the public interest commenters that using franchise fees is essential to encourage, develop, and insure a successful access program, we intend to allow the use of that portion of a franchise fee exceeding the 3 percent limit to fund public access in circumstances which are reasonably justified, without departing from our insistence on the safeguards enumerated in our past decisions.

#### REVENUE BASE FOR THE FEE

61. At paragraph 29 of the Notice, we refer to paragraph 95 of the *Clarification* describing the fee's revenue base. Section 76.31(b) of the rules provides that the franchise fee shall be based solely on gross subscriber revenues. The clarification defines such revenues and excludes from that definition per-program or per-channel charges of pay cable, leased channel revenues, and advertising revenues of the system. We further note that in a recent decision, *New York State Cable Commission*, FCC 76-599, 59 FCC 2d 1344 (1976), we stated that as long as the fee does not exceed 3 percent (or up to 5 percent with a justification) of gross subscriber revenues, the base upon which the fee is calculated need not be restricted to gross subscriber revenues. We invited comments on the appropriateness of a modification of our rules to permit franchising authorities to collect fees based upon all revenues of a cable system. We also asked if the maximum percentage fee limit should be lowered if such a broader base is adopted.

#### COMMENTS SUPPORTING RETENTION OF THE PRESENT BASE

62. With one exception, all of the industry commenters favored retention of the current base of gross subscriber revenues. Of the government commenters addressing the issue, only one favored retention of the present base. Of the three public-interest commenters addressing the issue, one would retain the gross subscriber revenue base.

63. CSLIC argues that the current fee base amply compensates the average franchisor for regulatory costs and should be retained. It warns that to tax such infant auxiliary services as pay-

cable might retard their development. To support its contention that auxiliary services are in their infancy, the commenter notes that only a handful of communities now offer pay cable, that lending institutions are skeptical of it, and that profits are small. Further, CSLIC posits that it would be inequitable to broaden the base because arguably two cable systems of the same size, in the same community being similarly regulated by the same local franchisor, would pay vastly different fees because one risked sufficient capital to develop an innovative broadband service and the other did not. CSLIC points out that, with pay cable service presently provided to 98 percent of its subscribers, it would be forced to double its off-the-top franchise payments. Additionally, concludes the commenter, this would amount to a windfall for the franchising authority because local regulation of pay cable is forbidden anyway.

64. Warner Cable Corp. submits that circumstances have not materially changed with respect to auxiliary services since the *Clarification* was issued in 1974; the present fee base should therefore be retained. NCTA argues that it is simply too soon to gauge the success of pay cable. 72 CATV Companies comment that because substantial investment funds are required for the hardware and programming of auxiliary services, taxing them now would retard their development. Storer Broadcasting Co. notes a distinction between revenues from pay cable and gross subscriber revenues. Storer states that to show a film on its pay cable channel, a system pays 40 percent of the gross revenues derived from its showing to license fees and also pays for transportation, tape equipment, cassette costs and extra promotional costs, so that its net income from pay cable is very small. Viacom International, Inc., and Cablecom-General, Inc., maintain that pay cable is in fact still in its infancy as evidenced by these statistics: of the 11.5 million homes with cable, only 8.8 percent receive pay cable and only 1 percent receive other auxiliary services.

65. The sole government commenter to argue for retention of the present base, the California League of Cities, considers it inappropriate to expand the base because the auxiliary services are locally originated and not a subject of federal concern. Their argument for retention appears to be based on their belief that no federal limitation should apply to franchise fees assessed on revenues derived from these auxiliary revenues. Of the three public-interest commenters to address the issue, only William R. Friedman urged the retention of the present base. Mr. Friedman contends that, as most communities simply do not use the franchise fees to regulate cable, to expand the fee base would burden the cable subscriber to augment the general funds of municipalities.

#### COMMENTS OPPOSING RETENTION OF THE PRESENT BASE

66. Alone among all industry commenters, Sammons Communications,

Inc., contends that there is no longer justification to exclude pay cable revenues from franchise fee computation. Rather, Sammons proposes an absolute franchise fee limit of 2 percent of all revenues, reasoning that the administrative certainty resulting would outweigh any possible adverse impact on the development of ancillary services. Two of the three public-interest commenters to address the issue favor expansion of the base to include all cable system revenues. Of those, the Pocatello Citizens Committee on Cable urges expansion of the base because pay cable does require additional regulation by the franchising authority.

67. Of the twenty-four government commenters addressing this issue, twenty-three oppose the retention of the present limited base and favor instead its expansion to include all cable revenues. The thrust of many of these comments is that pay cable is no longer in infancy, that revenues to cable systems from auxiliary services are rapidly increasing, and therefore such revenues should no longer be excluded from the computation of the fee. The City of Wilmington, N.C., contends that in the near future revenues from pay cable and similar services will exceed gross subscriber revenues. The Minnesota Commission on Cable Communications, making reference to our commitment at paragraph 96 of the *Clarification*, *supra*, not to deprive franchising authorities of access to auxiliary cable receipts once those receipts constitute the bulk of a system's revenues, contends that such time has already arrived in some communities and thus the time has come to broaden the fee base. The City of Duluth, Minn., argues that basing the franchise fee on all revenues is only fair since that city's rationale for collecting any fee at all is the use of city public ways, and the use of city property for pay cable is indistinguishable from its use for basic subscriber services. In agreement is the comment of the City of Lompoc, Calif., which contends that the same relationship exists between the franchise granted and auxiliary revenues as exists between the franchise and gross subscriber revenues.

68. The City of Bloomington, Minn., advances yet another rationale for the expansion of the fee base: because the city collects its fee based only on subscriber revenues, it expends more on administration of the franchise than it takes in. Implicit in their argument is the contention that a franchisor must expend a certain amount of time and money to administer the pay cable activities, especially in the resolution of pay cable complaints.<sup>20</sup> In concurrence is the City

<sup>20</sup> Franchisors in New York State are among those claiming inequity from the use of two different bases of computation at the federal and state levels. In New York, cable systems pay both state and local franchise fees, and our federal computation limits those combined fees to not more than 5 percent of gross subscriber revenues. The state fee, however, is 2 percent of all system revenues. Certain franchisors contend this difference in bases of computation leaves them with less than 3

of Fridley, Minn., which cites that city's inability to raise revenue from the subscriber fee base to adequately fund the city's regulatory program.

#### Discussion

69. Based on our experience with the present franchise fee base and consideration of the comments filed in this proceeding, we are persuaded that an adjustment in our rules is necessary. We are convinced that franchising authorities do in fact have a regulatory involvement with pay cable and similar auxiliary services that justifies expanding the franchise fee base to include gross revenues derived from all cable services. That regulatory involvement is comprised of the responsibility of franchisors to implement procedures for the investigation and resolution of complaints regarding cable operations including pay cable and other auxiliary service operations. Such complaint procedures in most localities include detailing a local official to the ongoing task of structuring an office procedure for the receipt of complaints from citizens and in practice investigating, expediting and negotiating in often time-consuming efforts to resolve the complaints. Mindful of the rapid growth of pay cable today and of its potential for significant continued growth in the future, it logically follows that complaints resulting from the operation of those auxiliary services are correspondingly extensive and are likely to increase in the future. For franchising authorities to expend the time and money to thus regulate that aspect of pay cable and other auxiliary services and yet be denied access to the revenues generated by those services in computation of the fee base appears inequitable.<sup>21</sup>

70. We note that the growth of pay cable during the past few years has been robust, and we anticipate that such healthy development will continue notwithstanding the adoption of an expanded fee base.<sup>22</sup> We are not persuaded that

percent of gross subscriber revenues, provides them insufficient revenue to cover their regulatory costs, and impairs their ability to regulate at the local level.

<sup>21</sup> Local and state authorities are preempted, of course, from regulating rates, terms and conditions of pay and other video auxiliary services, but are not necessarily foreclosed from regulating certain non-video services unrelated to broadcasting. See *National Association of Regulatory Utility Commissioners v. FCC*, 533 F. 2d 601 (D.C. Cir. 1976) ("NARUC II").

<sup>22</sup> Industry figures show that in March, 1973, there were only 16,100 cable subscribers receiving pay cable service. With the advent of satellite transmission of pay programming, the number of pay cable subscribers jumped to 633,250 by October, 1976. Paul Kagan Associates, Inc., now estimates that as of June 30, 1977, there are 1,169,388 pay subscribers. This firm estimates total gross pay revenues for the industry at almost \$110,000,000 per year, which represents approximately 20.8 percent of the total revenues of the systems that provide a pay cable option. See Paul Kagan Associates, "Pay TV Newsletter," No. 105, August 23, 1977.

an expanded fee base will become a barrier to cable systems entering the pay cable market, despite claims of low profitability. Since rates for pay are not subject to regulatory limit, the cost of the fee can be "passed through" to the pay subscriber. Because we feel that basic fairness requires us to allow franchisors access to pay cable revenues to defray costs which arise in some measure from oversight of pay service, and because we are convinced that an expanded fee base will not adversely affect the further development of cable television services, we are persuaded that justification no longer exists to exclude pay cable and other auxiliary service revenues from the computation. Therefore, we are expanding the base of computation of franchise fees to include gross revenues from all cable services. Taking into account our discussion of the franchise fee limit, *supra*, the new franchise fee standard will be as follows: 3 percent (up to 5 percent if justified) of gross revenues from all cable services.<sup>23</sup>

71. Although it is clear that our preemption of excessive fees applies immediately (as of the effective date of this Report and Order) to new or renegotiated franchises, a remaining question is when the fee limitation should be applied to system community units which were franchised or commenced operation prior to March 31, 1972. Since we have eliminated those standards that would have required renegotiation of these existing agreements, and more specifically, since we have deleted the fifteen year limitation on duration, without further Commission action, fees which we have found to be excessive could conceivably continue to be assessed against these systems for an indefinite period. While it might be argued that these fees should be allowed to continue until the expiration of the existing franchise, we do not believe such a position can be reconciled with our findings on the impact of excessive fees discussed above. On the other hand, imposition of an immediate preemption of these fees would not allow franchising authorities the opportunity to justify the portion of the fee that is in excess of 3 percent of gross revenues, and potentially could have a deleterious effect on the planned budgets of affected local governments. In light of these factors, as well as maintaining consistency with our suggestions on franchise duration, we believe that the proper course is to allow these "grandfathered" fees to continue until 15 years from the date of initial grant of the underlying franchise, or the end of the current franchise period, whichever occurs first.

<sup>23</sup> As discussed at note 18 and para. 59, *supra*, we are not asserting that a 3 percent fee levied on a base of total cable revenues exactly meets regulatory costs in all cases. Again, no single number can account for all possible variations. Instead, we are saying that if 3 percent more than recovers regulatory costs, it will not do so, in our judgment, by such an amount as to burden interstate commerce or cable development in contravention of the public interest.



72. A related issue is how we will apply our revised fee limitation to existing post-1972 systems. In general, franchising authorities will be permitted to assess a fee on all cable revenues as of the effective date of this Report and Order (if consistent with the provisions of their franchise).<sup>24</sup> The application of the new limitation can best be explained by means of the following examples.

73. If a franchise called for a fee of 4 percent of gross subscriber (basic) revenues, and no justification for this fee was presented, we had previously voided that portion of the fee that exceeded 3 percent of gross subscriber revenues.<sup>25</sup> In light of our action herein, the franchising authority may now assess a fee of 4 percent of basic revenues, so long as the fee collected does not amount to more than 3 percent of total revenues.<sup>26</sup> If, however, the franchise provided for a fee of 4 percent of total revenues, the local authority, absent justification, may still only collect 3 percent of total revenues. Similarly, an imposed fee of 2 percent of total revenues, which we had previously voided to the extent that the fee collected would amount to more than 3 percent of basic revenues, can now be collected in its entirety.<sup>27</sup>

#### PROCEDURAL MATTERS

74. The significant amendments we are making to the Rules today necessitate our clarifying the procedures we will adopt in processing applications.

Category 1. A system community unit that was previously certified, whose franchise has already expired or will expire on or before March 31, 1978, will be required to file an application for certificate of compliance, including a valid local authorization, by the aforementioned date.

Category 2. A system community unit that has been granted interim authorization pursuant to the procedures adopted in the Notice herein, as well as any system previously certified until March 31, 1977, must file a valid local authorization with the

Commission by March 31, 1978, unless a franchise was previously submitted in the application for interim authorization or certification. The interim procedures adopted in the Notice will remain in effect for systems in categories 1 and 2 until that time, thereby allowing such systems to add a signal without requiring the submission of a franchise, although the authorization granted will be conditioned upon the systems possessing all necessary state and local authority. Of course, any franchise submitted for review will no longer be required to comply with former § 76.31(a)(1)-(6).

Category 3. In lieu of an application for certification pursuant to § 76.13, a new system proposing to commence operations may elect to file an application under interim procedures, as specified above, until March 31, 1978; by that date, however, it will be required to file a valid franchise.

75. Those systems discussed above in Category 2 that are only required to file a

Applicant is—	Certificate expires—	Applicant must file (for full certification)—	Filing date
Certificate	Mar. 31, 1977 (substantial compliance, alternative proposed).	Nothing	Not available.
Do	Mar. 31, 1977 (system in operation before Mar. 31, 1972, and has received certification to add signal since that date but has not submitted franchise).	Franchise	By Mar. 31, 1978.
Do	Between Mar. 31, 1977 and Mar. 31, 1978 (because franchise expires during that period).	CAC application with new franchise.	Do
Interim authorization (franchise not submitted with application).	Not available	CAC application with franchise (unless no franchising authority exists).	By expiration date of certificate. By Mar. 31, 1978.
Interim authorization (franchise submitted, but had problem). No authorization (new system, franchise granted before Mar. 31, 1978).	Do	Nothing	Not available
No authorization (new system, franchise granted after Mar. 31, 1978).	Do	CAC application with franchise (for interim authorization application without franchise until Mar. 31, 1978).	Anytime.
No authorization (new system, no franchising authority exists).	Do	CAC application with franchise.	After Mar. 31, 1978.
		CAC application without franchise, but with proof that no franchising authority exists.	Anytime.

77. The net result of the procedures we are adopting here is that no operator will be required to submit a franchise until March 31, 1978, although he may do so at any time before that date.<sup>28</sup> We believe that this will give operators and local authorities sufficient time in which to complete all necessary local negotiations, particularly since these parties have been aware of our intentions in this area since 1972 and since federal standards to be met will be fewer now than at the earlier date.

#### ALTERNATIVE PROPOSALS

78. As we previously indicated in the Notice, the Commission had been following a policy of certifying cable systems to March 31, 1977, in those instances where no regulatory authority exists to grant franchises. These authorizations stem from paragraph 116 of the Reconsideration of the Cable Television Report and Order, supra at 366, and paragraph

<sup>24</sup> This is consistent with our previous statement at paragraph 36 of the Notice herein. Further, § 76.11(b) of the Rules will be amended to reflect this change.

franchise (as distinguished from a full application for certification pursuant to § 76.13), will be required to serve a copy of the submission only on the local franchising authority (and the state regulatory agency, if applicable). Those operators who were previously granted certification through March 31, 1977, based on a substantially compliant franchise, and those operators who were granted interim authorization because the franchise submitted was not fully consistent with former § 76.13(a)(1)-(6) (both described in Category 2, above), will be issued a new certificate that will terminate on the date the franchise under which the community unit is operating will expire.

76. The procedures described in paragraph 74 are illustrated by the following diagram:

46 of the Clarification of Rules and Notice of Proposed Rule Making, supra at 189, which provided for case by case consideration of such applications pursuant to the special relief provisions of § 76.7 of the Rules. Applicants in these situations filed alternative proposals pledging in detail to adhere to the franchise provisions of § 76.31.

79. Nothing in these documents limited the certification date to March 31, 1977. This date evolved from the early Commission decisions in this area. At that time there was a belief that 1977 was a reasonable date to review this situation. It was also assumed that by 1977 regulatory authority would exist to grant appropriate franchises. See Sun Valley Cable Communications (Sun City, Arizona), FCC 73-27, 39 FCC 2d 105 (1973), and Mahoning Valley Cablevision, Inc. (Liberty Township, Ohio), FCC 73-243, 39 FCC 2d 939 (1973). This policy helped foster cable development in these communities and we have not had any problems with operators failing to adhere to the alternative proposals. However, in most instances state laws have not been

changed or clarified to create the appropriate regulatory authority. We are, therefore, faced with deciding what to do with respect to these systems seeking recertification in 1977 and also with new operations faced with the same regulatory dilemma.

80. Although none of the comments specifically addressed this issue, we believe that a reasonable resolution of this problem is as follows. Community units which had previously been granted certification until March 31, 1977, based upon the submission of an acceptable alternative proposal, automatically will be recertified until March 31, 1992.<sup>29</sup> Community units operating in those areas which were granted interim authorization pursuant to the procedures adopted in the Notice herein will be required to supplement their applications by March 31, 1978, by filing a showing establishing that there is in fact no local franchising authority in the areas where this has not been previously demonstrated. In the future, systems proposing to commence operations in these areas will be required to file a like showing with their applications for certification, but they will no longer be required to submit an alternative proposal.<sup>30</sup> These systems will then be certified for fifteen years.<sup>31</sup>

#### CONCLUSION

81. We believe that the changes in the Rules adopted herein will expedite and simplify the applications procedure by streamlining the filing requirements for applications for certificates of compliance, ease the burden on operators and local governments by deleting most of the franchise standards heretofore imposed on local cable franchises, and correct an inequity by expanding the base upon which to compute franchise fees to include all revenues derived from cable operations. Therefore, for those reasons, we have determined that the adoption of these changes is in the public interest.

Authority for adoption of the rules herein is contained in Sections 2, 4(i), 4(j), and 303 of the Communications Act of 1934, as amended.

Accordingly, it is ordered, That effective November 15, 1977, Part 76 of the Commission's Rules and Regulations is amended as set forth below.

<sup>29</sup> The Commission will issue a certificate of compliance showing the corrected date of expiration upon the request of the operator. Otherwise, no further submissions will be required for systems in this category.

<sup>30</sup> Although we are no longer requiring the applicant to specifically state that complaint procedures have been adopted, we are confident that good business practices will suggest their establishment. Of course, our Cable Complaint Service will be available to assist in the resolution of subscriber problems if the need should arise.

<sup>31</sup> As stated in the new "Note" to § 76.31, while the former limit of 15 years no longer has the force of a rule, we think that limit is an appropriate one and we will apply it to those systems operating where there are no franchising authorities when, in the absence of such local franchise, the choice is entirely ours.

It is further ordered, That the proceeding in Docket 21002 is terminated. (Sees. 2, 4, 303; 48 Stat., as amended, 1064, 1066, 1082; 47 U.S.C. 152, 154, 303.)

FEDERAL COMMUNICATIONS COMMISSION,  
VINCENT J. MULLINS,  
Secretary.

#### APPENDIX A

Following is an alphabetical listing of parties filing comments and/or reply comments in this proceeding:

American Broadcasting Companies, Inc. (ABC)  
American Civil Liberties Union of Georgia (ACLU)  
Austin (Texas) Community Television  
Austin Video Users Council  
Becker Communications Associates  
Berkeley, California, City of  
Bloomington, Minnesota, City of  
Boulder, Colorado, City of  
Brighton, New York, Town of  
Butera, Hon. Robert J.; Pennsylvania House of Representatives  
Cablecom-General, Inc.  
Cablevision Systems Long Island Corporation (CSLIC)  
California Community Television Association (CCTA)  
Camarillo, California, City of  
Carbondale, Illinois Cable Television Commission  
Charlotte, North Carolina, City of  
Citizens for Cable Awareness in Pennsylvania (CCAP)/Philadelphia Community Cable Coalition (PCCC)  
Communications Properties, Inc. (CPI)  
Community Antenna Television Association (CATA)  
Conway, Pennsylvania, Borough of  
Council of Mayors, San Mateo County, California  
Cox Cable Communications, Inc.  
Daytona Beach, Florida, City of  
Delano, Hon. Stephen J.; Winona, Minnesota City Council  
Derezhinski, Hon. Anthony J.; Michigan State Senate  
Dodge City, Kansas  
Dopmeyer, Raymond  
Duluth, Minnesota, City of  
Emco CATV, Inc./Granville Cablevision, Inc.  
Eugene, Oregon, City of  
Fetzer Cablevision  
Fridley, Minnesota, City of  
Fridley Cable Commission  
Friedman, William R.  
Huntington Beach, California, City of  
Indiana University at South Bend, "The Citizens and the Cable" project  
Indian River Cablevision, Inc.  
Inglewood, California, City of  
Ithaca (New York) Advisory Committee on CATV  
Jacobsen, Robert E.  
Kettering, Ohio, City of  
Lakeland, Florida, City of  
League of California Cities  
League of Women Voters of Austin (Texas)  
Liberty Communications, Inc.  
Lockport, New York, City of  
Lompoc, California, City of  
Los Angeles, California, City of  
Los Angeles County, California  
Macomb, Illinois, City of  
Massachusetts Community Antenna Television Association

Mendez, Jr., Luis A.  
Milpitas, California, City of  
Minnesota Cable Communications Board  
Minot, North Dakota, City of  
Morality in Media, Inc.  
Narrows, Virginia, Town of  
National Association for the Advancement of Colored People (NAACP), Atlanta, Georgia branch  
National Association of Regulatory Utility Commissioners (NARUC)  
National Cable Television Association (NCTA)  
National Institute of Municipal Law Officers (NIMLO)  
New Channels Corporation  
New Jersey Cable Television Association  
New Jersey Department of Public Utilities  
New York, New York, City of  
New York State Commission on Cable Television  
19 Television Broadcast Station Licensees  
North Mankato, Minnesota, City of  
Oregon Cable Communications Association  
Pacific Grove, California, City of  
Penfield, New York, Town of  
People for Public Access  
Pizzuto, Anthony E.  
Pleasant Hill, California, City of  
Pocatello (Idaho) Citizens Committee on Cable  
Public Broadcasting Service (PBS)  
Richardson, Grosvenor H. L.  
Rochester, New York, City of  
San Diego, California, City of  
San Diego County, California  
Sammons Communications, Inc.  
San Jose, California, City of  
Sea-King Media Access  
Seattle Board of Public Works, Office of Cable Communications  
72 CATV Companies  
South Boston, Virginia, City of  
Stockton, California, City of  
Storer Broadcasting Company  
TelePrompTer Corporation  
United Church of Christ, Office of Communication  
The Urban Institute, Cable Television Information Center (CTIC), certain staff members  
Ventura County, California, Public Works Agency  
Viacom International, Inc.  
Video Factory  
Warner Cable Corporation  
Westminster, California, City of  
Wilmington, North Carolina, City of

Part 76 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

#### § 76.11 [Amended]

1. In Section 76.11, paragraph (a) is amended to delete the references to "§ 76.13(a)(1)" and "§ 76.13(a)(6) and (7)" and substitute "§ 76.13(a)" and "§ 76.13(f) and (g)," respectively; paragraph (b) is amended to delete "June 1, 1977" and substitute "March 31, 1978;" and paragraphs (c) and (d) are amended to delete "at least thirty (30) days prior to" and substitute "on or before."

2. Section 76.13 is revised to read as follows:

#### § 76.13 Filing of applications.

No standard form is prescribed in connection with the filing of an application for a certificate of compliance; however, two (2) copies of the following information must be provided for each system community unit:

(a) The name, mailing address, and



telephone number of the operator of the existing or proposed community unit, community or area served or to be served, television signals being carried or proposed to be carried (other than those permitted to be carried pursuant to § 76.61(b)(2) or § 76.63(a) as it relates to § 76.61(b)(2)), television signals authorized or certified to be carried but not being carried, date on which operations commenced or will commence, and date on which the current franchise expires;

(b) A copy of FCC Form 325, "Annual Report of Cable Television Systems," supplying the information requested as though the unit were already in operation as proposed. If parts of this form have already been submitted for this unit or another unit of the same cable system within one year of the date of filing the application, and the information remains the same, these parts need not be re-submitted;

(c) A copy of the local franchise, license, permit, or certificate under which the community unit operates or will operate upon Commission certification, unless a copy has previously been filed with the Commission. If no franchising authority exists, a showing which establishes that fact must be submitted;

(d) A statement which provides the justification for carriage of television signals which would otherwise be inconsistent with Subpart D of this part (e.g., notifications filed pursuant to former § 74.1105 of this chapter, waivers of the Rules granted by the Commission to permit carriage, proof of grandfathered status), unless such statement has previously been submitted for the community unit;

(e) A statement indicating the number of usable channels actually provided to all subscribers' homes, and whether, if required by § 76.254(b), the applicant has reserved at least one channel exclusively for the presentation of access programming;

(f) A certificate of service of the information described in paragraph (a) of this section on the licensee or permittee of any television broadcast station within whose predicted Grade B contour or specified zone the cable community is located, in whole or in part, the licensee or permittee of any 100-watt or higher power television translator station licensed to the cable community, the superintendent of schools in the cable community, and any local or state educational television authorities.

(g) A statement that a copy of the completed application has been served on any local or state agency or body asserting authority to franchise, license, certify, or otherwise regulate cable television, and that if such application is not made available by any such authority for public inspection in the cable community, the applicant will provide for public inspection of the application at any accessible place (such as a public library, public registry for documents, or an attorney's office) in the cable community, at any time during regular business hours;

(h) A statement of the proposed community unit's equal employment oppor-

tunity program, as described in § 76.311, unless such program has previously been filed for the community unit. However, if the operator of a proposed community unit believes that the unit will (continuously during January, February, and March of the year following commencement of operations) satisfy the conditions in § 76.311(c)(1)(i)(b), he may submit a statement justifying that conclusion in lieu of a statement of the proposed unit's equal employment opportunity program;

(i) A statement that the filing fee prescribed in § 1.1116 of this Chapter is attached.

#### § 76.18 [Amended]

3. In § 76.18, the term "three (3)" is deleted and "two (2)" is substituted.

#### § 76.29 [Amended]

4. In § 76.29, paragraph (b)(7) is amended to delete the reference to "§ 76.13(a)(6)" and substitute "§ 76.13(f)".

5. Section 76.31 is revised to read as follows:

#### § 76.31 Franchise standards.

Franchise fees shall be no more than 3 percent of the franchisee's gross revenues per year from all cable services in the community (including all forms of consideration, such as initial lump sum payments). If the franchise fee is in the range of 3 to 5 percent of such revenues, the fee shall be approved by the Commission if reasonable upon showings: (a) by the franchisee, that it will not interfere with the effectuation of federal regulatory goals in the field of cable television, and (b) by the franchising authority, that it is appropriate in light of the planned local regulatory program. With respect to a system community unit that was franchised or in operation prior to March 31, 1972, the provisions of this paragraph shall not be effective until the end of the system's current franchise period, or until 15 years from the date of initial grant of the franchise, whichever occurs first.

NOTE.—The following procedures and provisions are recommended for adoption as part of the local franchising process, but are not mandatory: (1) The franchisee's legal, character, financial, technical, and other qualifications and the adequacy and feasibility of its construction arrangements should be approved by the franchising authority as part of a full public proceeding affording due process;

(2) The initial franchise period should not exceed fifteen (15) years; any renewal period should be of reasonable duration, not to exceed fifteen (15) years, such renewal to be granted after a public proceeding affording due process;

(3) The franchise should specify that the franchisee shall accomplish significant construction within one (1) year after receiving Commission certification, and shall thereafter reasonably make cable service available to a substantial percentage of its franchise area each year (such percentage to be determined by the franchising authority);

(4) Where a franchise contains a policy of construction requiring less than complete

wiring of the franchise area, such policy should be adopted only after a full public proceeding, which includes specific notice of the consideration of such a policy;

(5) The franchise should: (i) specify that procedures have been adopted by the franchisee and franchisor for the investigation and resolution of all complaints regarding cable television operations; (ii) require that the franchisee maintain a local business office or agent for these purposes; (iii) designate, by title, the office or official of the franchising authority that has primary responsibility for the continuing administration of the franchise and implementation of complaint procedures; and (iv) specify that notice of the procedures for reporting and resolving complaints will be given to each subscriber at the time of initial subscription to the cable system.

JULY 22, 1977.

#### DISSENTING STATEMENT OF COMMISSIONER ABBOTT WASHBURN

Re: Applications for Certificates of Compliance and Federal-State/Local regulatory relationships, Cable Franchise Standards

I cannot agree with the majority's decision to delete the public proceeding requirement of our cable franchise rules. As the U.S. Court of Appeals said: "... local franchising decisions are so integrally related to the federal regulatory scheme that any corruption of the local process impacts upon the federal scheme as well \* \* \*." *TelePrompter Cable Systems, Inc. v. FCC*, 543 F.2d 1379, 1385 (D.C. Cir. 1976).

Events of the past several years have revealed, again and again, the danger of favoritism in proceedings involving public officials, and certainly the cable-TV local franchising process is not immune from improper influence. That is why mere guidelines are not enough. Rather there is a compelling need for a Commission requirement which will let local authorities know that they must give adequate public notice for and then conduct a proceeding which is open to the public and in which all applicants will have an equal opportunity to obtain the franchise.

Our rule requiring a full public proceeding affording due process was a good rule which served a useful purpose and I would retain it.

#### STATEMENT OF COMMISSIONER JOSEPH R. FOGARTY CONCURRING IN PART; DISSENTING IN PART

In Re: *Report and Order in Docket No. 21002*, Cable Television Franchise Standards

I concur in that part of the Commission's decision to delete the mandatory franchise standards of § 76.31(a) because they clearly intrude upon the prerogatives and responsibilities of local franchising authorities. Cable franchising is (by its very subject and function) in my view uniquely a matter of local concern. With this decision the Commission begins at least to recognize the limits of our authority at the federal level in attempting to regulate the development of a technology as dynamic as cable without the benefit of a more specific Congressional mandate. At the same time, I be-

lieve it desirable for this Commission to continue to offer the local authorities the benefit of our views in the form of voluntary guidelines for their consideration while establishing or modifying their own franchise standards and process.

While I concur therefore in the Commission's withdrawal of the mandatory franchise standards of § 76.31(a), the same legal logic compels my dissent to the retention of the § 76.31(b) limitation on franchise fees which may be imposed by local authorities. The majority's retention of this fee limitation fails again to recognize the limited nature of the Commission's jurisdiction over cable and, fails, I believe, to meet judicially established standards for the valid assertion and exercise of our limited jurisdiction in this area.

The Congress has never explicitly defined the powers and duties of this Commission as they pertain to the regulation of cable television. In *United States v. Southwestern Cable Co.*, 392 U.S. 157 (1968), the Supreme Court upheld the Commission's authority to restrict the carriage of broadcast signals by cable systems while at the same time holding the Commission's jurisdiction over cable to be limited only to that which is "reasonably ancillary to the effective performance of the Commission's various responsibilities for the regulation of television broadcasting." 392 U.S. at 178. The limited nature of the Commission's jurisdiction over cable was emphasized again by the decision of the Court in *United States v. Midwest Video Corp.*, 406 U.S. 649 (1972), which upheld the Commission's origination rules in a divided opinion. The four Justices who formed the majority reasoned that the nexus between program origination and the Commission's broadcast regulatory goal of providing for programming diversity was established sufficiently to uphold the cable cast origination requirement as reasonably ancillary to broadcasting. But yet, the Chief Justice, who cast the fifth and deciding vote, concurred only in the result of the decision, finding that the origination requirement "strains the outer limits" of the Commission's jurisdiction and powers. 406 U.S. 338-39.

These decisions of the Supreme Court indicate that the Commission's jurisdiction over cable is not plenary. The Commission has no broad "public interest" mandate to regulate cable but, instead, must support any exercise of jurisdiction with a sufficient showing of a reasonable relationship between the particular cable regulation or policy in question and the attainment of a goal or the performance of a responsibility involving its jurisdiction over broadcasting. As the Court of Appeals for the District of Columbia has stated:

"... the Court's reasoning in both *Southwestern* and *Midwest* compels the conclusion that the cable jurisdiction \* \* \* is really incidental to, and contingent upon, specifically delegated powers under the Act \* \* \*. The Court thus was not recognizing any sweeping authority over the entity as a whole, but was commanding that each

and every assertion of jurisdiction over cable television must be independently justified as reasonably ancillary to the Commission's power over broadcasting." *NARUC v. FCC* (NARUC II), 533 F.2d 601, 612 (D.C. Cir. 1976) (Emphasis of the opinion).

passed on to subscribers, there is still no evidence that such pass-throughs would have a significant impact on the demand for cable service. As the Court of Appeals has recently reminded this Commission, "... regulation perfectly reasonable and appropriate in the face of a given problem is highly capricious if that problem does not exist." *Home Box Office, Inc. v. FCC*, Slip. Op. March 25, 1977, \_\_\_ F.2d \_\_\_ (D.C. Cir. 1977), cert. pending, quoting *City of Chicago v. FPC*, 458 F.2d 731, 742 (D.C. Cir. 1971), cert. denied, 405 U.S. 1074 (1972). Without the necessary factual predicate, the Commission's assertion of jurisdiction fails to satisfy the test of *Southwestern* and *Midwest*. Clearly, there is no sufficient showing here that the imposition of a franchise fee limitation is "reasonably ancillary" to the broadcast goal of diversity.

The decision of the Court of Appeals in *NARUC II*, supra, appears directly on point. There the court invalidated the Commission's pre-emption of state common carrier regulation over the use of cable system leased access channels for two-way, point-to-point, non-video communications. In so holding, the court rejected as "highly speculative" the argument that such services would not be able to develop and provide seed-profits for other cable services without federal pre-emption designed to insure favorable economics of operation. 533 F.2d at 614. The Commission's argument now for pre-emption in the area of franchise fees is just as speculative and must fail as well for lack of evidentiary support.

Perhaps the Commission's jurisdictional statement is nothing more than the assertion that because cable's potential contribution to diversity of communications is "integrally linked" to the industry's "financial viability," any Commission regulation ostensibly designed to maximize the financial position of the industry is valid under the test of *Southwestern* and *Midwest*. Moreover, it might be argued here that since the Commission has a broadcast objective fostering the various broadcast services, it also has the authority to promulgate rules devoted to a like objective of fostering cable service. If this is the essence of the Commission's jurisdictional statement, the argument simply proves too much for it is tantamount to the assertion of plenary "public interest" jurisdiction over cable and as such cannot be reconciled with the limitations on the Commission's authority outlined in *Southwestern* and *Midwest* and clarified in *NARUC II*.

Moreover, as I read our broadcast rules and policies, any financial protection

"I believe that the factual record necessary to meet the 'reasonably ancillary' test must be comprised of something more than the recitation that 'a majority of local governments filing comments herein favored retention of the basic fee limitation.' Report and Order, par. 56, or that 'A significant burden was envisioned by cable interests commenting here [if the fee limitation were deleted].'" Id.



tion we afford the broadcast services in the name of "fostering" their development must be predicated on a factual showing that absent such protection the public interest will suffer. As the Court of Appeals stated in affirming the Commission in *Carroll Broadcasting Co. v. FCC*, 258 F. 2d 440 (D.C. Cir. 1958):

[E]conomic injury to an existing station, while not in and of itself a matter of moment, becomes important when on the facts it spells diminution or destruction of service. At that point the element of injury ceases to be a matter of purely private concern 258 F. 2d at 443.

Thus even if a cable analogy to the broadcast objective of "fostering" broadcast services is considered valid, its assertion here still fails for lack of a record.

The requirement of a supporting factual record is especially critical where Commission regulation intrudes the federal government into an area of primarily local jurisdiction and concern. As a number of comments in this proceeding have observed, the taxing power of state and local authorities is inherent and virtually unlimited unless it can be shown specifically to impose an unreasonable burden on interstate commerce or otherwise conflict with federal interests or objectives. While it may be a good thing as a matter of general policy for local authorities to limit franchise fees to recover only the costs of their cable regulation programs, this objective alone cannot satisfy the "reasonably ancillary" test of Southwestern and Midwest. Despite the decision's protestations to the contrary, I also see considerable inconsistency in the Commission's findings that while local authorities are fully competent to establish their own standards with respect to due process hearings, construction timetables, complaint procedures, and franchise duration and modification, nevertheless they are either incompetent or untrustworthy when it comes to the imposition of franchise fees.<sup>3</sup> The regularity and validity of local regulation should be presumed and deferred to unless there is factual evidence of conflict with a clearly defined and established federal interest. No such factual evidence has ever been presented to this Commission to justify federal pre-emption of franchise fees in excess of 3 percent. The availability of a procedure involving approval or waiver of fees in excess of 3 percent upon "adequate cost justification" fails to fill this evidentiary void.

While I recognize the possibility that "exorbitant" franchise fees could hinder cable's development, something more than mere speculation must provide the basis for Commission pre-emption in

<sup>3</sup> The cynic might suggest that if the Commission were truly serious about promoting the maximum expansion of cable services to the public, it would have also retained the construction timetable requirements to ensure that the profits protected by the fee limitation would in fact contribute to that objective.

this area given both our limited cable jurisdiction and appropriate deference to local responsibility and authority.

The Commission has had since 1972 to support pre-emption of franchise fee limitations with a record of probative, factual evidence. It has failed to do so. Five years is long enough.

Therefore, I dissent.

[FR Doc 77 28817 Filed 9 29 77, 8 45 am]

#### [6712-01]

[Docket No. 21033; RM 2664; RM 2780; FCC 77-651]

#### PART 97—AMATEUR RADIO SERVICE

##### Simplifying the Licensing and Operation of Complex Systems of Stations and Modifying Repeater Subbands in the Amateur Radio Service

AGENCY: Federal Communications Commission.

ACTION: Final rules.

SUMMARY: The FCC is revising its amateur radio rules to eliminate separate licenses for repeater, auxiliary link, and control stations. We are also allocating additional frequencies for amateur repeater operation, and we are making minor revisions of the rules concerning logging and identification for stations in repeater operation and remotely controlled stations. Adoption of these rules will afford amateur licensees greater flexibility in their operations.

EFFECTIVE DATE: November 4, 1977.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Gregory M. Jones, Personal Radio Division, 202-632-7175.

SUPPLEMENTARY INFORMATION: In the matter of Deregulation of Part 97 of the Commission's Rules to simplify the licensing and operation of complex systems and stations and modify repeater subbands in the Amateur Radio Service (Docket 21033, RM-2664, RM-2780). Report and Order (Proceeding Terminated).

Adopted: September 21, 1977.

Released: September 27, 1977.

#### WHAT IS THE BACKGROUND OF THIS PROCEEDING?

1. In a Notice of Inquiry and Notice of Proposed Rule Making in Docket 21033 released January 6, 1977, 42 FR 2089 (1977), the Commission acted partially in response to rule making petitions RM-2664 and RM-2780, submitted by Messrs. Gordon Schlesinger and William F. Kelley and The Middle Atlantic FM and Repeater Council (T-MARC), respectively, and partially on its own motion. The Commission proposed substantial revisions to Part 97 of its Rules, 47 C.F.R. 97.1, et. seq., concerning the licensing and operation of repeater, auxiliary link, and control stations in the Amateur Ra-

dio Service. Other proposals concerned the licensing and operation of remotely controlled stations in the Amateur Service. Comments on our proposals were due no later than April 1, 1977. Reply comments were due no later than April 15, 1977. The deadline for the submission of reply comments was subsequently extended by the Chief of the Commission's Safety and Special Radio Services Bureau to April 29, 1977. We are now prepared to take action on our proposals in this proceeding.

#### WHAT WERE THE COMMISSION'S SPECIFIC PROPOSALS?

2. In our Notice of Inquiry and Notice of Proposed Rule Making in this proceeding, we made a number of proposals concerning the licensing and operation of complex systems of stations in the Amateur Service, which, if adopted in their entirety, would have had a significant impact on amateur licensing. Briefly summarized, our proposals in Docket 21033 were as follows:

a. We proposed to eliminate separate licenses for repeater, auxiliary link, and control stations. Operations now conducted by such stations would be permitted all remaining amateur stations without prior Commission approval under new forms of station operation to be known as "repeater operation" and "auxiliary operation".

b. We proposed no longer to require that an applicant wishing to operate a radio remotely controlled station obtain prior Commission authorization.

c. We proposed to permit portable and mobile operation by stations in auxiliary operation. (Auxiliary link stations are presently restricted to operation from a fixed location.)

d. We proposed to discontinue the issuance, in most instances, of call signs with "WR" prefixes to stations in repeater operation.

e. We proposed to require that stations in repeater and auxiliary operation transmit distinctive station identifications.

f. We proposed to increase the minimum interval at which stations in repeater operation must identify from five to ten minutes.

g. We proposed to delete the current requirement that transmissions from stations in repeater operation under automatic control either be recorded or monitored in real time by a duty control operator.

h. We proposed to require that the logs of all remotely controlled stations contain a list of all authorized control operators.

i. We proposed to require that a photocopy of the remotely controlled station license and a list of authorized control operators be posted conspicuously at the remotely controlled transmitter site and the station location of each control operator and be carried by each control operator operating a remotely controlled station from a portable or mobile control point.

j. We proposed to require that the antenna or mast associated with a remotely controlled transmitter bear a durable tag, marked with the remotely controlled station call sign, and the names of the station licensee and all authorized control operators.

k. We proposed to make all authorized amateur frequencies, except 435 to 438 MHz, available for repeater and auxiliary operation.

l. We proposed a new rule stating that a station occupying a frequency has priority in its use over other stations, and that all frequencies in the Amateur Service must be shared.

m. Finally, we requested comments concerning present and future anticipated interference patterns, the adequacy of current techniques for keeping interference to a minimum, and the adequacy of present voluntary spectrum management systems. We also asked for comments concerning the utility of the limitations on the effective radiated power (ERP) of stations in repeater operation contained in Section 97.67 of the Rules.

#### WHY DID WE MAKE THESE PROPOSALS?

3. Our purpose in issuing the Notice of Proposed Rule Making in this proceeding was to continue the relaxation of amateur regulations governing the licensing and operation of complex systems of stations. We stated in our Notice that since adoption in 1972 of regulations governing the licensing and operation of repeater and associated stations, (Report and Order, Docket 18803, 37 FCC 2d 225 (1972)), we have become increasingly convinced that amateur licensees could develop and operate complex systems of stations with a minimum of Commission regulation. Accordingly, in 1974 we began reducing the unnecessary burdens imposed on licensees of repeater and associated stations. In a series of rulemaking proceedings, we deleted the requirements that certain technical data be submitted with applications for repeater and remotely controlled stations and relaxed the rules to permit the linking, automatic control, and crossband operation of repeater stations. This proceeding is, in part, an attempt to provide amateur operators even greater flexibility in their operations and to create a more favorable regulatory atmosphere for the Amateur Radio Service.

#### WHO COMMENTED ON OUR PROPOSALS?

4. We received 86 timely comments in response to our Notice of Proposed Rule Making. Of these, 24 were submitted by clubs or other organizations. We received two timely reply comments. Twenty-four comments and one reply comment were received too late to be considered in this proceeding.<sup>1</sup> A list of those submitting

<sup>1</sup> The Commission's practice of informally accepting comments in rule making proceedings after the comment due date was recently held to be a violation of Section 1.415 of the Rules. *Home Box Office, Inc. v. Federal Communications Commission*, — F.2d — (D.C. Cir. 1977).

timely comments in response to our Notice is contained in Appendix I.

#### WHAT DID THOSE COMMENTING ON OUR PROPOSALS SAY?

5. The number of comments we received makes it impossible to discuss each comment individually. Each comment has been read and carefully evaluated by the Commission's staff, however. Most of the comments received supported some aspects of our proposals but opposed others. In general, opposition was greatest to the major proposals. The less significant proposals were generally favored. In capsule form, the comments on our proposals were along these lines—

a. Most respondents argued that separate licenses for repeater stations should be retained. To eliminate separate repeater station licenses would, it was alleged, encourage "pirate" or "fly-by-night" repeater stations, and, in the words of T-MARC, permit "any amateur to, on a moment's notice, decide [sic] to operate as a repeater." Comments, The Mid-Atlantic FM and Repeater Council at 1. Others stated that operation of a repeater station is a serious and often expensive matter, and that effective spectrum management planning and coordination require that an amateur be placed on notice, by means of a separate repeater station license application, that "something more than the grant of a simple application is required." Comments, American Radio Relay League, Incorporated (ARRL) at 15.<sup>2</sup> On the other hand, our proposal to delete separate licenses for auxiliary link and control stations and create another form of amateur operation known as "auxiliary operation" met with general approval. Few comments specifically addressed the proposed deletion of the requirement that authorization from the Commission be obtained before remote control operation is undertaken, but of those that did, most approved.

b. Our proposal to permit auxiliary operation from control points in portable and mobile operation was nearly unanimously accepted. Operators of remotely controlled base stations were particularly enthusiastic, because adoption of this proposal would permit them to operate their remotely controlled stations from portable and mobile locations, a practice not currently allowed.

c. Most of our respondents wished to retain distinctive call signs for stations in repeater operation and requested that the practice of issuing call signs prefixed by the letters "WR" to such stations be continued, whether or not such stations are actually licensed as repeater stations. The ARRL, among others, argued that a distinctive call sign for a station in repeater operation is necessary to let those monitoring know a station in repeater operation is on the frequency. Because most comments favored distinctive call

<sup>2</sup> The ARRL's Comments in this proceeding were filed late but were accompanied by a Motion to Accept Late Filed Comments. We are granting the ARRL's Motion.

signs for stations in repeater operation, they opposed any other form of special identification for stations in repeater operation, although there was some support for requiring a station in auxiliary operation to transmit a distinctive identification. Our proposal to increase from five to ten minutes the minimum inter-operation to transmit a distinctive identification must identify was widely supported in the comments.

d. The vast majority of our respondents urged the Commission to adopt the proposal to delete the requirement that transmissions from open access automatically controlled stations in repeater operation either be recorded or monitored in real time. Many of the comments went further, however, and offered a suggestion outside the scope of this proceeding, namely, that stations in repeater operation be exempted from the third party traffic logging requirements of Section 97.103(b)(2) of the Rules. Not to modify third party traffic logging requirements for open access automatically controlled stations in repeater operation would, in the words of the ARRL, "render the Commission's proposed relaxation . . . a nullity in terms of practical application . . ." Reply Comments, ARRL at 6.

e. Our proposals to modify slightly the logging requirements for remotely controlled stations, to require the posting of certain information at the remotely controlled transmitter site, and to require that a durable tag bearing certain data be attached to the remotely controlled transmitter antenna were relatively uncontroversial. Opposition was expressed to the durable tag proposal, however. The Northern Amateur Relay Council (NARC) of California, for example, stated that such tags are easily stolen or lost and that a requirement of this sort would be an unfair burden on licensees operating stations at truly "remote" locations.

f. Our proposal to make all amateur frequencies available for repeater and auxiliary operation was the subject of intense criticism by nearly all respondents. Although a few groups, such as NARC, welcomed the opportunity to experiment with the possibilities such a relaxation would have offered, the vast majority of the comments opposed such a radical change. Virtually all those commenting opposed any expansion of the repeater subbands below 28 MHz. They stated that there is no demonstrated need for repeater operation in the high frequency range, and that such an expansion would create many more problems than the increased flexibility in repeater operation would justify. Similarly, the majority of those submitting comments opposed making all very high frequency (VHF) and ultra high frequency (UHF) bands available for repeater operation. Concern was especially acute over opening all frequencies in the two meter band (144-148 MHz) to repeater operation. Respondents such as the Radio Amateur Satellite Corporation (AMSAT) stated that certain amateur



activity in the two meter band must be provided protection from repeater operation. This activity, which typically involves the reception of weak signals, is said to be incompatible with channelized repeater operation. Many other respondents, such as T-MARC, agreed that weak signal work must be protected but argued that there is a definite need for additional two meter frequencies for repeater operation. The ARRL said that it may well be desirable to increase the allocation for repeater operation in the amateur two meter band but urged that any such expansion be the subject of a separate rule making proceeding.

g. Our proposed new rule concerning priority in usage of a frequency was overwhelmingly opposed. Most respondents said the proposed rule was inherently (if necessarily) vague and that its adoption would create more problems than it would solve. The general belief appeared to be that existing rules and practices are working reasonably well, and that, absent a compelling indication to the contrary, the Commission should take no action in this area at the present time.

h. In response to our inquiries concerning the adequacy of the current system of voluntary spectrum management and the necessity for the limitations on the effective radiated power of stations in repeater operation contained in Section 97.67 of the Rules, we received many informative and helpful responses. These comments indicated, generally, a widespread dissatisfaction with the ERP limitations on repeater operation, as well as a belief that the Amateur Service's voluntary spectrum management system functions with considerable effectiveness in most instances.

#### WHAT RULES ARE WE ADOPTING AND WHY?

6. After a careful analysis of our proposals and the comments submitted in response to our proposals, we have decided that the public interest will be best served by the following action—

a. We are eliminating separate repeater, auxiliary link, and control station licenses, as proposed. Operations now conducted by such stations will be authorized other stations without prior Commission approval under new forms of amateur operation to be known as "repeater operation" and "auxiliary operation." We believe the contention that elimination of separate repeater station licenses will encourage "fly-by-night" repeater operation is frivolous. As the Iowa Repeater Council noted in its Comments, "[r]epeters are expensive. They take a lot of hard work . . . ." Comments, Iowa Repeater Council at 6. We doubt very much whether anyone willing to expend the time and effort necessary to place a station in repeater operation will do so on the spur of the moment. We simply do not believe that the incidence of so-called "ego-trip" repeaters will be any greater under the new rules than it is presently. The assertion made by T-MARC (and others) that elimination of

separate licenses for stations in repeater operation will permit a licensee to decide "on a moment's notice" to engage in repeater operation is no more tenable now than it was before the adoption of rules for repeater stations in Docket 18803 in 1972. (Moreover, as NARC observed in its comments, absence of a repeater station license does not necessarily inhibit repeater operation under the existing rules. A licensee wishing to put a repeater station in operation need only find the licensee of an existing repeater station willing to share the responsibility of repeater operation from a portable location. The first licensee then operates a portable repeater station under the authority of the existing repeater station license.)

Further, processing and issuing repeater, auxiliary link, and control station licenses is much more complex than processing and issuing simple primary station licenses. Different data bases must be maintained, and FCC staff must be detailed to perform these specific functions. In sum, although repeater stations are relatively few, in comparison with the population of the Amateur Radio Service as a whole, their impact on the processing of other amateur licenses is far out of proportion to their number. Elimination of separate repeater, auxiliary link and control stations will enable us to provide the public with better service in other, more important areas, such as the processing of Novice Class and other classes of operator license applications.

Accordingly, beginning with the effective date of this Report and Order, no more licenses for repeater, auxiliary link, or control stations will be issued. Existing repeater, auxiliary link, and control stations may continue to be operated until expiration of their station licenses. Such licenses will not be renewed. Further, in order to continue the efficient processing of other amateur radio license applications, effective with the adoption of this Report and Order by the Commission we are imposing a "freeze" on the filing of applications for new, modified or renewed repeater, auxiliary link, and control station license applications. The freeze will continue until the date the regulations adopted in the Report and Order become effective.

We find that the public interest will be best served if the applications for new repeater station licenses presently on file are dismissed, and we hereby do so. Pending applications for renewed repeater station licenses or modified repeater station licenses will be processed, however.

b. We are authorizing auxiliary operation from control points in portable and mobile operation. This amendment, which was unopposed by the comments, will afford operators of remotely controlled stations much greater flexibility in their operations. It will permit operators of remotely controlled stations to operate their stations as they would locally controlled stations, without many

of the previous restrictions placed on them.<sup>3</sup>

c. We are discontinuing our practice of issuing call signs prefixed by the letters "WR" to stations in repeater operation. We do not believe "WR"-prefixed call signs are a necessary aspect of repeater operation in the Amateur Service, any more now than they were before the regulations adopted in Docket 18803. We are aware, however, of the desire of many of those submitting comments in this proceeding, such as the ARRL, for rules ensuring that those monitoring a frequency know there is a station in repeater operation using that frequency. For this reason, we are adopting regulations as proposed requiring distinctive identification for stations in repeater and auxiliary operation. Stations in repeater operation will be required to transmit the letters "RPT" after the station call sign if identifying by telegraphy, or the word "repeater" if identifying by telephony. Stations in auxiliary operation will be required to transmit the letters "AUX" after the station call sign if identifying by telegraphy, or the word "auxiliary" if identifying by telephony. Finally, there was no opposition to our proposal to increase from five to ten minutes the minimum interval at which stations in repeater operation must identify, and we are adopting it as proposed.

d. We are eliminating as proposed the requirement that transmissions from open access automatically controlled stations in repeater operation be either monitored in real time or recorded. There was no opposition in the comments to our proposed relaxation. Our purpose in adopting this regulation originally was simply to ensure that licensees possess adequate means to determine whether their automatically controlled stations were being operated properly. Licensees of such stations continue to be responsible for the proper operation of their stations, but we believe we should provide amateurs with sufficient flexibility to enable them to determine compliance with our regulations in other ways. In addition, several respondents asked that the regulation be extended to exempt stations in repeater operation from third party traffic logging requirements entirely. Of course, our proposal to delete the monitoring/recording requirement had nothing whatsoever to do with third party traffic logging requirements, nor did we intend it to have. Although we do wish to relieve our licensees of unnecessary burdens, such as the monitoring/recording requirement, we do not believe at this time that stations in repeater operation should be exempt from third party traffic logging requirements. We recognize that as a practical matter many sta-

<sup>3</sup> We do not believe separate regulations for so-called "remote base" stations are necessary or desirable at this time. As long as the auxiliary functions of such stations comply with the regulations for auxiliary operation, remote bases may be operated in the same manner as other amateur stations.

tions in repeater operation will continue to have to record their transmissions to ensure compliance with the third party traffic logging requirements. We also recognize these requirements may be a burden on certain stations in repeater operation, particularly those with telephone interconnection ("autopatch") capabilities. In our 1972 Report and Order in Docket 18803, however, amateur licensees were warned about use of autopatch equipment in violation of Section 97.114 of the rules, to facilitate the regular business affairs of any party. Since 1972, autopatch abuse has become, if anything, more widespread. The Amateur Radio Service is not now, and has never been, a common carrier, and third party traffic of all types must, under normal circumstances, constitute a very small part of amateur activity. We again warn the Amateur Service of unlawful use of telephone interconnection facilities and stress that unless voluntary compliance with our third party traffic regulations increases significantly, we may have to take action to curb the transmission of all third party traffic in the Amateur Radio Service. We are therefore eliminating the monitoring/recording requirement contained in Section 97.111(g) (2) of the rules but are retaining all existing third party traffic regulations.

e. We are requiring that a photocopy of the remotely controlled station license be posted in a conspicuous place at the remotely controlled transmitter site and placed in the log of the station of each authorized control operator of the remotely controlled station. We will also require that the name and telephone number of the station licensee and at least one control operator be posted in a conspicuous place at the remotely controlled transmitter location. We are aware that many licensees consider requirements of this sort to be unjustifiable burdens, but we believe it essential that there be adequate procedures to ensure that the Commission is able to contact the licensee or control operators of a remotely controlled station in the event of station malfunction. We agree with respondents, such as NARC, that in our proposal to require attachment of a durable tag containing certain information to the antenna or antenna feedline of a remotely controlled station would serve no useful purpose, and we decline to adopt it. Our proposal to require the log of a remotely controlled station to contain a list of authorized control operators was generally supported in the comments, and we are adopting it as proposed.

f. We are making an additional one megahertz of spectrum available for repeater operation in the amateur two meter band. It is clear from the comments that amateurs engage in a wide variety of activities and that repeater operation is but one of these activities. It is also clear that many amateurs believe their activities must be protected from possible encroachment by stations in repeater operation. For this reason, we will not

adopt our proposal to make all amateur frequencies available for repeater and auxiliary operation. The pervasive opposition to our proposed relaxation convinces us that the Amateur Service is not fully prepared to assume responsibility for complete management of its own spectrum. We are therefore not allocating any additional frequencies for repeater operation or auxiliary operation below 144 MHz. Many comments, however, stated that there is a definite, immediate need for additional frequencies for repeater operation in the two meter band and above. At the suggestion of T-MARC, we are allocating an additional one megahertz of spectrum, 144.5 to 145.5 MHz, for repeater operation. We are also increasing Technician Class operator privileges to include 144.5-145.0 MHz, to permit Technician Class licensees to take advantage of the new allocation for repeater operation. We believe this additional allocation will meet the future need for frequencies in the two meter band for repeater operation, while providing adequate protection for weak signal and other activity in that frequency range. We do not agree with the ARRL that this allocation requires a new rule making proceeding. In our Notice of Proposed Rule Making in this proceeding we proposed to make the entire two meter band available for repeater operation. Our licensees were put on notice that we were actively considering additional frequencies for repeater operation in the two meter band. The claim that adequate notice has not been given that 144.5-145.5 MHz, might be allocated for repeater operation cannot be supported. We are also making all amateur frequencies above 220 MHz, except 435-438 MHz, available for both repeater and auxiliary operation.<sup>4</sup> There was little, if any, opposition to an increase in the frequencies available for repeater operation above the two meter band, and we believe that in making all amateur frequencies above 220 MHz available for repeater and auxiliary operation we are providing amateur licensees with a great deal of flexibility while at the same time continuing to protect the "weak signal" two meter activity. We will continue to evaluate the spectrum requirements for repeater and auxiliary operation, however.

g. We are taking no action at this time on our proposed new rule concerning priority in usage of amateur frequencies. We may, however, take action at some time in the future if certain spectrum management problems within the amateur community are not settled by the amateurs themselves. As detailed in a recent Public Notice on this subject, we are increasingly concerned about malicious interference to, and from, certain

<sup>4</sup> Our decision to make the entire 420-450 MHz amateur band, except 435-438 MHz, available for repeater operation moots the "blanket" waiver granted by the Chief, Safety and Special Radio Services Bureau to permit fast-scan amateur television repeater operation in that band. That waiver is hereby terminated.

amateur service "monitoring nets". If amateurs cannot solve these conflicts and others arising from competing demands for spectrum, then the Commission must consider additional regulations to resolve these matters. We are also not taking any action at this time on changing repeater ERP limits. Any action in this area will be done in a separate rulemaking proceeding.

7. Accordingly, it is ordered, pursuant to authority contained in Sections 4(1), 5(e), and 303 of the Communications Act of 1934, as amended, That Part 97 of the Commission's Rules is amended as set forth below effective November 4, 1977. It is further ordered, That all pending applications for new repeater station licenses in the Amateur Radio Service are dismissed. It is further ordered, That the Motion to Accept Late Filed Comments submitted by the American Radio Relay League, Incorporated is granted, and that the Motion to Accept Late Filed Reply Comments submitted by the Empire Radio Club is granted. It is further ordered, That to the extent RM-2664 and RM-2780 have not been granted herein, they are denied. It is further ordered, That this proceeding is terminated.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303.)

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>5</sup>  
VINCENT J. MULLINS,  
Secretary.

#### APPENDIX I

COMMENTS SUBMITTED IN DOCKET 21033

Christian G. Schulz  
John H. Ferguson  
Gary David Gray  
Pacific Communication Society  
Western Reserve Radio Association  
Muncie Repeater Association  
Howard O. McCall  
Norbert Piotrowski  
Northern Amateur Relay Council (NARC) of California  
T. M. Kulas  
Eric R. Wolfe  
Clarence J. Larkin, Jr.  
M. Blank  
Iowa Repeater Council  
James E. Cullen  
I. L. McNally  
Kelly J. Drake  
Ohio Area Repeater Council  
Gary L. Campbell  
Scott C. Lewis  
Charles Dwyer  
William S. W. Freitas III  
Stephen J. Powlshen  
Adria M. Gillihan  
Bernard A. Wambsgaans  
John Butrovich  
Gerald B. Walker  
Frank Kirby  
Texas VHF-FM Society  
Carlos M. Pinkston  
Lorna J. Pinkston  
Franklin Wm. Noguez  
Charles R. Mathis

<sup>5</sup> By the Commission: Chairman Wiley concurring in the result; Commissioner Quello dissenting; Commissioner White concurring in part and dissenting in part and issuing a statement.



Robert J. Russell  
Missoula Amateur Repeater Klub  
Western Pennsylvania Repeater Council  
Austin D. Wetherell, Sr.  
Dorrance P. Cook  
William H. Thompson  
George F. Swetnam, Jr.  
J. Buchanan  
Warren E. and Marilyn R. Holland  
Jeffrey K. Chapman  
David J. Stephens  
Carol Blank  
Charles E. Shoemaker  
Chicago FM Club  
John E. Kent  
Willis R. Cooke  
Richmond B. Shreve  
Amateur Radio Technical Associates  
Peter Wang  
Southern Peninsula Amateur Radio Klub, Inc.  
Nevada UHF Experimental Society, Inc.  
Louisiana Council of Amateur Radio Clubs, Inc.  
Neil F. Dunn  
Walter L. Peterson  
Portland Amateur Radio Club  
Morris Rosenfield  
Tri-State Repeater Council  
Dorothy R. Ammann  
Robert Mudra  
Southern California Repeater and Remote Base Association  
Constance Smith  
Panasonic Amateur Radio Club  
W. F. Smith  
Ronald Richey  
William O. Presley, Jr.  
John O. Allen  
Jerold R. Johnson  
Carolina-Virginia Repeater Association, Inc.  
D. L. Robinson  
Robert E. Ammann  
Benjamin Clark  
Wisconsin Association of Repeaters  
Empire Radio Club  
James H. Scott  
Gordon Schlesinger and William F. Kelsey  
Roland D. Cummings  
Long Island Mobile Amateur Radio Club, Inc.  
Wayne A. Perzan  
William M. Pasternak  
Radio Amateur Satellite Corporation  
William K. Cheverton  
Southern Maryland Amateur Radio Club  
The Middle Atlantic FM and Repeater Council  
The American Radio Relay League, Inc.

REPLY COMMENTS SUBMITTED IN DOCKET 21031

Raymond E. Heimberger  
The American Radio Relay League, Inc.  
Empire Radio Club

Part 97 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

1. In § 97.3, paragraph (i), the definitions of additional station, secondary station and special event station are amended, the definitions of control station, auxiliary link station and repeater station are deleted; in paragraph (m), the definition of amateur radio operation is amended, and new definitions of repeater operation and auxiliary operation are added; and in paragraph (n), the definitions of control and automatic control are amended to read as follows:

**§ 97.3 Definitions.**

(i) **Additional station.** An amateur radio station, other than a primary station, including the following:

**Secondary station.** An amateur radio station licensed for a land location other than the primary station location.

**Special event station.** An amateur radio station licensed for a specific land location for operation designed to bring public notice to the Amateur Radio Service and related to the celebration of an event, past or present, which is unique and of general interest to either the public at large or amateur radio operators.

(m) **Amateur radio operation.** Amateur radio communication conducted by amateur radio operators from amateur radio stations, including the following:

**Mobile operation.** Radiocommunication conducted while in motion or during halts at unspecified locations.

**Repeater operation.** Radiocommunication, other than auxiliary operation, for retransmitting automatically the radio signals of other amateur radio stations.

**Auxiliary operation.** Radiocommunication for remotely controlling other amateur radio stations, for automatically relaying the radio signals of other amateur radio stations in a system of stations, or for intercommunicating with other amateur radio stations in a system of amateur radio stations.

(n) **Control.** Techniques used for accomplishing the immediate operation of an amateur radio station.

**Automatic control.** The use of devices and procedures for control so that a control operator does not have to be present at the control point at all times. (Only rules for automatic control of stations in repeater operation have been adopted.)

2. Section 97.7(d) is amended to read, as follows:

**§ 97.7 Privileges of operator licenses.**

(d) **Technician Class.** All authorized amateur privileges on the frequencies 50.1-54.0 MHz, 144.5-148.0 MHz, and all amateur frequencies above 220.0 MHz. Technician Class licensees may operate with all privileges available to Novice Class licensees.

3. In § 97.40, paragraphs (d) and (e) are deleted, and paragraph (c) is revised, as follows:

**§ 97.40 Station license required.**

(c) An amateur radio operator may be issued one or more additional station licenses. A secondary station license shall not be issued to an amateur radio operator for a land location where a primary station license has been issued to the same amateur radio operator.

4. In § 97.41, paragraph (c) is deleted, paragraphs (d), (e), (f), and (g) are redesignated paragraphs (c), (d), (e),

and (f), respectively, and paragraph (b) is revised, as follows:

**§ 97.41 Application for station license.**

(b) Except for applications for club stations and military recreation stations, each application shall state whether the proposed station is a primary or additional station. If the proposed station is an additional station, the application shall state the type of additional station.

5. § 97.43 is revised to read, as follows:

**§ 97.43 Location of station.**

Every amateur radio station shall have one land location, the address of which appears on the station license, and at least one control point.

6. In § 97.61, paragraphs (a) and (c) are revised and a new paragraph (d) is added, as follows:

**§ 97.61 Authorized frequencies and emissions.**

(a) The following frequency bands and associated emissions are available to amateur radio stations for amateur radio operation, other than repeater and auxiliary operation, subject to the limitations listed in paragraph (b) of this section and § 97.65:

(c) All amateur frequency bands above 29.5 MHz are available for repeater operation, except 50.0-52.0 MHz, 144.0-144.5 MHz, 145.5-146.0 MHz, and 435.0-438.0 MHz. Both the input (receiving) and output (transmitting) frequencies of a station in repeater operation shall be frequencies available for repeater operation.

(d) All amateur frequency bands above 220.0 MHz, except 435-438 MHz, are available for auxiliary operation.

7. In § 97.63, the headnote is revised and the text amended, as follows:

**§ 97.63 Selection and use of frequencies.**

(a) An amateur station may transmit on any frequency within any authorized amateur frequency band.

(b) Sideband frequencies resulting from keying or modulating a carrier wave shall be confined within the authorized amateur band.

(c) The frequencies available for use by a control operator of an amateur station are dependent on the operator license classification of the control operator and are listed in § 97.7.

8. In § 97.67, paragraph (c) is revised to read, as follows:

**§ 97.67 Maximum authorized power.**

(c) Within the limitations of paragraphs (a) and (b) of this section, the effective radiated power of an amateur radio station in repeater operation shall not exceed the power specified for the antenna height above average terrain in the following table:

Antenna height above average terrain	Maximum effective radiated power for frequency bands above—			
	52 MHz	141.5 MHz	430 MHz	1,215 MHz
Below 50 ft.	100 watts.	800 watts.	Paragraphs (a) and (b).	
50 to 99 ft.	do.	400 watts.	do.	
100 to 499 ft.	50 watts.	do.	800 watts.	Paragraphs (a) and (b).
500 to 999 ft.	25 watts.	200 watts.	do.	Do.
Above 1,000 ft.	do.	do.	400 watts.	Do.

9. Section 97.83 is redesignated § 97.82, as follows:

**§ 97.82 Availability of operator license.**

10. Section 97.85 is redesignated § 97.83, as follows:

**§ 97.83 Availability of station license.**

11. Section 97.87 is redesignated § 97.84, and paragraphs (c), (d), and (e) are revised, as follows:

**§ 97.84 Station identification.**

(c) An amateur radio station in repeater operation or a station in auxiliary operation used to relay automatically the signals of other stations in a system of stations shall be identified by radiotelephony or radiotelegraphy at a level of modulation sufficient to be intelligible through the repeated transmission at intervals not to exceed ten minutes.

(d) When an amateur radio station is in repeater or auxiliary operation, the following additional identifying information shall be transmitted:

(1) When identifying by radiotelephony, a station in repeater operation shall transmit the word "repeater" at the end of the station call sign. When identifying by radiotelegraphy, a station in repeater operation shall transmit the fraction bar DN followed by the letters "RPT" at the end of the station call sign.

(2) When identifying by radiotelephony, a station in auxiliary operation shall transmit the word "auxiliary" at the end of the station call sign. When identifying by radiotelegraphy, a station in auxiliary operation shall transmit the fraction bar DN followed by the letters "AUX" at the end of the station call sign.

(e) A station in auxiliary operation may be identified by the call sign of its associated station.

12. A new § 97.85 is added, as follows:

**§ 97.85 Repeater operation.**

(a) Emissions from a station in repeater operation shall be discontinued within five seconds after cessation of radio communications by the user station. Provisions to limit automatically the access to a station in repeater operation may be incorporated but are not mandatory.

(b) Except for operation under automatic control, as provided in paragraph (e) of this section, the transmitting and receiving frequencies used by a station in repeater operation shall be continuously monitored by a control operator immediately before and during periods of operation.

(c) A station in repeater operation shall not concurrently retransmit ama-

teur radio signals on more than one frequency in the same amateur frequency band, from the same location.

(d) A station in repeater operation shall be operated in a manner ensuring that it is not used for one-way communications, except as provided in § 97.91.

(e) A station in repeater operation, either locally controlled or remotely controlled, may also be operated by automatic control when devices have been installed and procedures have been implemented to ensure compliance with the rules when a duty control operator is not present at a control point of the station. Upon notification by the Commission of improper operation of a station under automatic control, operation under automatic control shall be immediately discontinued until all deficiencies have been corrected.

13. A new § 97.86 is added, as follows:

**§ 97.86 Auxiliary operation.**

(a) A station in auxiliary operation, either locally controlled or remotely controlled, may also be operated by automatic control when it is operated as part of a system of stations in repeater operation operated under automatic control.

(b) If a station in auxiliary operation is relaying signals of another amateur radio station(s) to a station in repeater operation, the station in auxiliary operation may use an input (receiving) frequency in frequency bands reserved for auxiliary operation, repeater operation, or both.

(c) A station in auxiliary operation shall be used only to communicate with stations shown in the system network diagram.

14. In § 97.88, the headnote, introductory paragraph, paragraphs (a), (b), (c) and (e) are amended to read as follows:

**§ 97.88 Operation of a station by remote control.**

An amateur radio station may be operated by remote control only if there is compliance with the following:

(a) A photocopy of the remotely controlled station license shall be:

(1) posted in a conspicuous place at the remotely controlled transmitter location, and

(2) placed in the log of each authorized control station.

(b) The name, address, and telephone number of the remotely controlled station licensee and at least one control operator shall be posted in a conspicuous place at the remotely controlled transmitter location.

(c) Except for operation under automatic control, a control operator shall be on duty when the station is being remotely controlled. Immediately before

and during the periods the remotely controlled station is in operation, the frequencies used for emission by the remotely controlled station shall be monitored by the control operator. The control operator shall terminate all transmissions upon any deviation from the rules.

(c) A station in repeater operation shall be operated by radio remote control only when the control link uses frequencies other than the input (receiving) frequencies of the station in repeater operation.

15. § 97.89 [Amended]

In § 97.89, paragraphs (c) and (d) are deleted.

16. § 97.95(a)(1) is revised to read, as follows:

**§ 97.95 Operation away from the authorized fixed operation station location.**

(a) . . .

(1) When there is no change in the authorized fixed operation station location, an amateur radio station, other than a military recreation or special event station, may be operated portable or mobile under its station license anywhere in the United States, its territories or possessions, subject to § 97.61.

17. In § 97.103, paragraph (c)(5) is deleted, paragraphs (c), (c)(1), (c)(2), (c)(3), (c)(4), (d), (e), (e)(1), (e)(2), (e)(3), (e)(4), (e)(5) are amended, and (e)(6) and (e)(7) are added; paragraph (f) as amended, is redesignated as paragraph (g), and a new paragraph (f) is added to read as follows:

**§ 97.103 Station log requirements.**

(c) In addition to the other information required by this section, the log of a remotely controlled station shall have entered the names, addresses, and call signs of all authorized control operators and a functional block diagram of, and a technical explanation sufficient to describe the operation of the control link. Additionally, the following information shall be entered:

(1) A description of the measures taken for protection against access to the remotely controlled station by unauthorized persons;

(2) A description of the measures taken for protection against unauthorized station operation, either through activation of the control link, or otherwise;

(3) A description of the provisions for shutting down the station in the case of control link malfunction; and

(4) A description of the means used for monitoring the transmitting frequencies.

(d) When a station has one or more associated stations, that is, stations in repeater or auxiliary operation, a system network diagram shall be entered in the station log.

(e) In addition to the other information required by this section the log of a station in repeater operation trans-



mitting with an effective radiated power greater than the minimum effective radiated power listed in § 97.67(c) for the frequency band in use shall contain the following:

(1) The location of the station transmitting antenna, marked upon a topographic map having a scale of 1:250,000 and contour intervals;<sup>1</sup>

(2) The antenna transmitting height above average terrain;<sup>2</sup>

(3) The effective radiated power in the horizontal plane for the main lobe of the antenna pattern, calculated for maximum transmitter output power;

(4) The transmitter output power;

(5) The loss in the transmission line between the transmitter and the antenna, expressed in decibels;

(6) The relative gain in the horizontal plane of the transmitting antenna; and

(7) The horizontal and vertical radiation patterns of the transmitting antenna, with reference to true north (for horizontal pattern only), expressed as relative field strength (voltage) or in decibels, drawn upon polar coordinate graph paper, and the method used in determining these patterns.

(f) In addition to the other information required by this section, the log of a station in auxiliary operation shall have the following information entered:

(1) A system network diagram for each system with which the station is associated;

(2) The station transmitting band(s);

(3) The transmitter input power;

(4) If operated by remote control, the information required by paragraph (c) of this section.

(g) Notwithstanding the provisions of § 97.105, the log entries required by paragraphs (c), (d), (e), and (f) of this section shall be retained in the station log as long as the information contained in those entries is accurate.

18. Section 97.109 [Deleted]

Section 97.109 is deleted.

19. Section 97.110 [Deleted]

Section 97.110 is deleted.

20. Section 97.111 [Deleted]

Section 97.111 is deleted.

21. Section 97.126 is revised to read, as follows:

§ 97.126 Retransmitting radio signals.

(a) An amateur radio station, except a station in repeater operation or auxiliary operation, shall not automatically retransmit the radio signals of other amateur radio stations.

(b) A remotely controlled station, other than a remotely controlled station in repeater operation or auxiliary operation, shall automatically retransmit only the radio signals of stations in auxiliary operation shown on the remotely controlled station's system network diagram.

<sup>1</sup>Indexes and ordering information for suitable maps are available from the U.S. Geologic Survey, Washington, D.C. 20242, or from the Federal Center, Denver, Colo. 80255. See Appendix 5.

22. Section 97.181(b) is amended to read as follows:

§ 97.181 Availability of RACES station license and operator licenses.

(b) In addition to the operator license availability requirements of § 97.82, a photocopy of the control operator's amateur radio operator license shall be posted in a conspicuous place at the control point of the RACES station.

STATEMENT OF COMMISSIONER MARGITA E. WHITE CONCURRING IN PART AND DISSENTING IN PART

As a strong proponent of deregulation, I feel it is important that I explain why in this particular instance I find it necessary to disagree with the Commission's decision to no longer require separate licensing of repeater stations. It should be noted, however, that I do concur in the remainder of the Commission's proposals to deregulate Part 97 of the Commission's rules.

I was impressed, after reading the comments in this proceeding personally, that almost all the comments opposed the elimination of separate repeater station licenses. The Commission believes that the contentions of various repeater organizations including T-MARC, petitioner in RM-2780, that elimination of separate repeater station licenses will encourage more casual and haphazard operation are frivolous. I respectfully disagree. The elimination of separate repeater station licenses will make the voluntary coordination, frequency management, and voluntary enforcement of repeater operation much more difficult, thus increasing the probability of increasing interference—a probability recognized by several repeater associations as well as by the American Radio Relay League (ARRL).

The Commission is adopting the proposed rules to decrease the administrative burden associated with the processing and issuing of separate repeater station licenses. However, this burden which I do not view as substantial, since presently there are only approximately 3,000 authorized repeater stations and recently only about an average of two applications a day are received for repeater stations, must be weighed against the likelihood of increased Commission involvement in enforcement problems. It is quite likely that the potential enforcement problems will prove to be more costly than the savings to be gained by elimination of the separate processing of repeater station licenses. Moreover, I agree with the ARRL comment that by requiring a separate application for a repeater station license "the applicant is placed on notice that something more than the grant of a simple application is required." Comments, ARRL, p. 15. I also believe that repeater licensees have a special responsibility to serve the public interest and the requirement of a separate license places the licensee on notice and assists in keeping the licensee accountable.

Therefore, for the above reasons, I dissent.

[FR Doc. 77-28655 Filed 9-29-77; 8:45 am]

## [ 3510-12 ]

### Title 50—Wildlife and Fisheries

#### CHAPTER II—NATIONAL MARINE FISHERIES SERVICES, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

#### PART 255—FISHING VESSEL OBLIGATION GUARANTEE PROGRAM PROCEDURES

##### Refinancing or Assumption Fees

AGENCY: National Oceanic and Atmospheric Administration, Commerce

ACTION: Amendment of procedures.

SUMMARY: Section 255.4 (f) (3) of Fishing Vessel Obligation Guarantee program procedures was amended June 24, 1977, (42 FR 32249; June 24, 1977) to establish for the first time a fee for the refinancing or assumption of obligations guaranteed under the program. The new fee, set at 1/4 of 1 percent of the guaranteed obligation's unpaid principal balance, was established to cover the considerable cost of substituting a new obligor for an old obligor (i.e., the cost of credit and feasibility analysis in addition to document preparation and closing). Situations have since occurred, however, which involved substantially less work, such as the incorporation of a previously unincorporated obligor. The purpose of this amendment, consequently, is to establish administrative discretion for lower refinancing or assumption fees in cases such as the above. This amendment applies retroactively to June 24, 1977.

EFFECTIVE DATE: This amendment will be effective September 30, 1977. It is not being proposed for public comment since it involves only a relaxation of minor fees.

FOR FURTHER INFORMATION CONTACT:

Michael L. Grable, Chief, Financial Assistance Division, National Marine Fisheries Service, Washington, D.C. 20235, (202-634-7496).

SUPPLEMENTARY INFORMATION: The Fishing Vessel Obligation Guarantee program provides a Federal guarantee of obligations financing up to 75 percent of the cost of constructing, reconstructing, or refinancing fishing vessels. The program is authorized by Title XI of the Merchant Marine Act, 1936 (46 U.S.C. 1271-1279), as amended, and its procedures are codified as 50 CFR 255.

Accordingly, 50 CFR 255.4(f)(3) is amended to read as follows:

§ 255.4 Applications.

(f) . . . . .

(3) *Refinancing or assumption fee.* The fee for refinancing or assuming previously guaranteed obligations shall be 1/4 of 1 percent of the principal amount of the guaranteed obligation to be refinanced or assumed. This fee must accompany the application for refinancing or assumption and will be retained by the Secretary regardless of the application's

disposition. Where a refinancing or assumption serves mainly to protect the Secretary's interest (rather than principally as a convenience to the parties involved) the assumption fee may, in the Secretary's discretion, be waived. Where a refinancing or assumption does not involve the substitution of one wholly different obligor for another (such as, for example, the incorporation of a previously unincorporated obligor rather than the substitution of wholly different obligors which necessitate new credit and feasibility analysis), the refinancing or assumption fee may be in an amount equal to the Secretary's full actual cost (but in no event less than \$250).

By order of the Administrator, National Oceanic and Atmospheric Administration.

Dated: September 23, 1977.

THEODORE P. GLEITER,  
Assistant Administrator for  
Administration.

[FR Doc. 77-28828 Filed 9-29-77; 8:45 am]

#### CHAPTER VI—FISHERY CONSERVATION AND MANAGEMENT, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

##### PART 611—FOREIGN FISHING

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION. Final regulations.

SUMMARY: This document amends the final regulations which relates to foreign fishing vessels participating in the hake trawl fishery in the area seaward of the States of Washington, Oregon, and California over which the United States exercises exclusive fishery management authority. This amendment will enable fishing vessels of the U.S.S.R.

to harvest their total 1977 allocation of Pacific hake, by revising upward the limitation on vessel days.

FOR FURTHER INFORMATION CONTACT:

Mr. Donald R. Johnson, National Marine Fisheries Service, NOAA, 1700 Westlake Avenue, Seattle, Wash.

SUPPLEMENTARY INFORMATION: On February 11, 1977, the National Marine Fisheries Service published in the FEDERAL REGISTER (42 FR 8812) final regulations implementing conditions and restrictions contained in a Preliminary Management Plan (PMP) for the trawl fisheries of Washington, Oregon, and California (42 FR 8577). The PMP was authorized by section 201(g) of the Fishery Conservation and Management Act of 1976, 16 U.S.C. 1801-1882.

This PMP contained effort restrictions which were designed to assure compliance with the catch quotas. Effort restrictions for the U.S.S.R., expressed in terms of vessel-days on the primary hake fishing grounds, were published on March 3, 1977 (42 FR 12176) in footnote 4 of Table 2 as "105,200 metric tons or 7,514 vessel days, whichever occurs first."

The figure of 7,514 vessel days was based on observations made during the 1976 season which indicated that the U.S.S.R. fleet harvested hake at an average rate of 14 metric tons per day. The catch rate in the early part of the 1977 hake season, however, was observed to be approximately 33 metric tons per day and, accordingly, the figure of 7,514 vessel days was revised downward to 3,188 vessel days by amendment published in the FEDERAL REGISTER on September 6, 1977, (42 FR 44547).

A more precise estimation of the catch-rate based on actual reported catches now indicates that the 33 metric ton average daily rate was approximately 4

metric tons too high since 3,120 vessel days had produced a harvest of only 91,072 metric tons by September 20, which is 14,128 metric tons less than the 105,200 metric tons which were originally allocated to the Soviet Union. The actual average catch rate has been calculated to be 29.1 metric tons per vessel day.

Therefore, the available number of vessel days for the Soviet Union is adjusted to 3,615 vessel days.

This final regulation falls within the foreign affairs exemption of the Administrative Procedure Act and consequently, advance notice is not necessary.

This amendment will become effective on September 27, 1977, and will remain in effect until amended or terminated by appropriate public notice.

Signed at Washington, D.C., this 27th day of September, 1977.

WINFRED H. MEIBOHM,  
Associate Director,  
National Marine Fisheries Service.

Title 50 CFR, Part 611, is amended as follows:

§ 611.20 [Amended]

1. In paragraph (c) of Footnote 4 of Table 2 is hereby amended by striking "3,188" and substituting "3,615."

2. Paragraph (b)(2)(i) of § 611.70 is amended by striking subparagraph (1) and substituting therefor the following:

§ 611.70 Washington, Oregon, California trawl fishery.

(b) . . . . .  
(2) . . . . .

(i) Landward of 125° 40' W. long., and north of 39° 00' N. lat.—

Soviet: hake quota: 29.1 mt/day = vessel days.  
Others: hake quota: 33 mt/day = vessel days.

[FR Doc. 77-28832 Filed 9-27-77; 2:30 pm]

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## proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[ 3128-01 ]

### FEDERAL ENERGY ADMINISTRATION

[ 10 CFR Part 430 ]

#### ENERGY CONSERVATION PROGRAM FOR APPLIANCES

##### Proposed Rulemaking and Public Hearing Regarding Energy Efficiency Improve- ment Target for Furnaces

AGENCY: Federal Energy Administration.

ACTION: Proposed rule.

**SUMMARY:** The Federal Energy Administration hereby proposes an energy efficiency improvement target for furnaces, under the Energy Policy and Conservation Act, as amended by the Energy Conservation and Production Act. This legislation requires that energy efficiency improvement targets be prescribed for certain types of appliances. The intended effect of this proposal is to solicit public comments before these targets are prescribed.

**DATES:** Comments by November 4, 1977; requests to speak by October 25, 1977; statements by November 4, 1977. Hearing to be held on November 8, 1977, at 9:30 a.m.

**ADDRESSES:** Comments and requests to speak at hearing to: Executive Communications, Federal Energy Administration, Box PP, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461. Statements to: Regulations Management, Federal Energy Administration, Room 2214, 2000 M Street NW., Washington, D.C. 20461. Hearing location: Room 2105, 2000 M Street NW., Washington, D.C. 20461.

##### FOR FURTHER INFORMATION CON- TACT:

James A. Smith (Office of Conservation), Room 307, Old Post Office Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461 (202-566-4635).

Robert C. Gillette (Hearing Procedures), 2000 M Street NW., Room 2222A, Washington, D.C. 20461 (202-254-5001).

Jim Merna (Media Relations), 12th and Pennsylvania Avenue NW., Room 3104, Washington, D.C. 20461 (202-566-9833).

William J. Dennison (Office of General Counsel), 12th and Pennsylvania Avenue NW., Room 7148, Washington, D.C. 20461 (202-566-9750).

##### SUPPLEMENTARY INFORMATION:

- I. Introduction.
- II. Technological analysis.

- III. Economic analysis.
- IV. Request for particular comments.
- V. Comment procedures:
  - A. Written comments.
  - B. Public hearing.
  - VI. Environmental and inflationary review.

#### I. INTRODUCTION

Part B (42 U.S.C. 6291-6309) of Title III of the Energy Policy and Conservation Act (Act) (Pub. L. 94-163), as amended by section 161 of the Energy Conservation and Production Act (Pub. L. 94-385), requires the implementation of an energy conservation program for consumer products other than automobiles. Section 325(a) of the Act requires that the Federal Energy Administration (FEA) direct the National Bureau of Standards (NBS) to develop, and that FEA by rule prescribe, energy efficiency improvement targets for covered products, which are types of appliances specified in section 322(a) in the Act. The targets are required to be designed so as to identify the maximum improvement in the energy efficiency of appliances determined by FEA to be technologically and economically feasible by 1980. Covered products are the following types of products (including their functional equivalents):

- (1) Refrigerators and refrigerator-freezers.
- (2) Freezers.
- (3) Dishwashers.
- (4) Clothes dryers.
- (5) Water heaters.
- (6) Room air conditioners.
- (7) Home heating equipment, not including furnaces.
- (8) Television sets.
- (9) Kitchen ranges and ovens.
- (10) Clothes washers.
- (11) Humidifiers and dehumidifiers.
- (12) Central air-conditioners.
- (13) Furnaces.

Targets for the product types listed in (1) through (10) above were proposed on July 8, 1977 (42 FR 36648, July 15, 1977). Targets for the product types listed in (11) and (12) above were proposed on August 4, 1977 (42 FR 40701, August 11, 1977). This notice proposes a target for furnaces.

Section 323 of the Act requires FEA to prescribe test procedures for covered products. The test procedures to be prescribed in Subpart B of Part 430 will be used in monitoring the progress of manufacturers toward meeting the energy efficiency improvement targets, which will be prescribed in Subpart C. The test procedures will also be used by the Federal Trade Commission (FTC) under section 324 of the Act, which requires FTC to prescribe product labeling rules designed to provide consumers with energy information which will assist them in making purchasing decisions concerning appliances.

Under section 325(a)(4) of the Act, FEA will require manufacturers of covered products to submit such reports as FEA determines may be necessary to ascertain whether the energy efficiency improvement target for a type of covered product will be met. If FEA then determines that a particular target is not likely to be met, FEA is required to commence a proceeding to prescribe an energy efficiency standard for the particular type of product or a class thereof.

These proposed targets were established by first identifying design options having a potential for improving the energy efficiency of a product type, and then analyzing those options to determine whether they were technologically feasible. The energy savings of individual technologically feasible design options were combined to provide a single target for each product, and the economic feasibility of the energy efficiency improvement targets thus derived was then evaluated.

#### II. TECHNOLOGICAL ANALYSIS

The determination of a technologically feasible energy efficiency improvement target for a product type required a thorough analysis to identify the design characteristics of currently available products which affect their energy efficiency. The Act requires that the target for furnaces be designed to achieve the maximum improvement in energy efficiency which is technologically and economically feasible in 1980. This necessitated an iterative process whereby various design improvement options and combinations of these options were studied to determine their technological feasibility, their effects on improving the efficiency of the product type, and their economic feasibility.

The design options referred to in this notice are being used to demonstrate the technological and economic feasibility of the 1980 target but are not intended to dictate future product design. There may be other design options or combinations of design options which could be used by a given manufacturer to achieve the 1980 energy efficiency improvement target being proposed today, but no greater efficiency improvement is technologically and economically feasible for the furnace industry as a whole.

NBS analyzed various design options to determine their contributions to improving the annual fuel utilization efficiency of furnaces and boilers. A computer model, DEPAF-Design and Performance Analysis of Furnaces, was used for these studies. The first step was to establish a reference furnace for the base year 1975. Data collected by NBS were used to determine the steady state effi-

ciency of a reference gas and oil furnace. Using the reference furnaces, the DEPAF computer model was used to evaluate the annual fuel utilization efficiency at two locations, Washington, D.C. (4,224 degree days) and Syracuse, N.Y. (6,756 degree days). The annual fuel utilization efficiencies computed for these two cities were interpolated to determine the annual fuel utilization efficiencies for the national average number of heating load hours, 2,080 (equivalent to 5,200 degree days). This national average was determined by NBS during the development of the test procedure for furnaces. The annual fuel utilization efficiencies of the reference furnaces with various design options or combinations of design options were determined in an identical manner, and an average efficiency improvement was computed for each design option and combinations of options.

The technological feasibility analysis then identified design options that would improve the energy efficiency of a product. Once these design options were identified, they were evaluated by NBS to determine their contribution to improving the energy efficiency of the product, their impact on increased retail cost, and their impact on material usage. In order for a design option to be considered technologically feasible, it had to be an available technology that could be incorporated into production by 1980 without significant hardship. Increased materials required by the implementation of each design change had to be readily available, so that incorporation of the design change would not be limited by the lack of materials.

The contribution of each design improvement to the product's efficiency was evaluated by NBS using the DEPAF computer model. The increased costs were estimated using industrial engineering techniques or catalogues for those design features which already existed in the marketplace. A simple payback analysis which compared increased retail costs to operating cost savings was used by NBS as the criterion for selecting a design option for further evaluation. Where the increased cost exceeded the savings, an option was rejected. Of course, the target incorporating these options still had to meet the further economic feasibility test discussed below.

After individual technologically feasible design options were identified, combinations of design options were evaluated using the DEPAF computer model to determine the maximum technologically feasible energy efficiency improvement for furnaces. The energy savings of each design option was then production-weighted.

Annual fuel utilization efficiencies for these products were determined using the proposed FEA test procedures.

The combination of design improvement options chosen to demonstrate the technological feasibility of the 1980 target for furnaces was then subjected to an economic analysis to determine their economic feasibility. As described in detail below, this economic feasibility analysis

relied on NBS estimates of the design improvements' effects on efficiency improvements, increased retail costs, and increased material usage. The efficiency improvement targets for gas furnaces and boilers and for oil furnaces and boilers were combined by a simple weighted average approach using their estimated 1975 energy consumption.

A detailed discussion of the target determination procedure is contained in a separate technical paper prepared by NBS. As provided later in this notice, the paper is available for inspection by interested persons.

The proposed energy efficiency improvement target for furnaces is 23 percent. To arrive at this target, the determination was made that gas boilers and furnaces could be improved by 25 percent, and oil boilers and furnaces could be improved by 14 percent. Electric furnaces are considered to be 100 percent efficient at point of end use.

The gas furnace and boiler design options that were selected to demonstrate the technological feasibility of the proposed target are: improved heat transfer, electric ignition, installation of stack dampers, and an increase in the incorporation of power burners on furnaces. The oil furnace and boiler design options that were selected to demonstrate the technological feasibility of the proposed target are: improved heat transfer and the installation of stack dampers.

The production-weighted energy savings of these design options, and the estimated lead-time required for its implementation, are presented in tables 1 and 2. The data in table 3 were used in the methodology discussed above to determine the proposed energy efficiency improvement target of 23 percent for furnaces.

TABLE 3.—Furnace and boiler efficiency improvement target

	1975 energy consumption X10 <sup>6</sup> Btu	Percent of energy savings	Energy- efficiency improve- ment target (percent)	1975 annual fuel utilization efficiency (percent)	1980 annual fuel utilization efficiency (percent)
Gas boilers and furnaces	122.7	20	25	61	80
Oil boilers and furnaces	21.6	12	14	77	88
Furnaces and boilers	147.3	19	23		

#### III. ECONOMIC ANALYSIS

**A. Methodology for Determining Economic Feasibility.** The economic feasibility analysis of today's proposal is complex because the analysis touches upon a vast array of demand-supply relationships which affect consumers not only in their purchasing decisions but also in their daily use of furnaces. In performing the analysis, a comprehensive methodology for examining all significant and relevant economic effects was used in order to insure that the proposed target maximizes benefits, especially in the area of energy conservation, while minimizing any adverse consequences.

The analytical procedures used both to project trends and to quantify economic

TABLE 1.—Summary of 1980 energy efficiency improvement (EEI) target calculations for gas furnaces and boilers

Design option	Estimated production- weighted energy savings (percent)	Leadtime for imple- mentation (years)
1. Improved heat transfer	5	1.2
2. Electric ignition	6	1.2
3. Stack dampers	6	1.2
4. Power burners	3	2
Aggregate	20	

$$1980 \text{ energy efficiency improvement target} = \frac{20}{100-20} = 25 \text{ pct.}$$

$$1975 \text{ annual fuel utilization efficiency (AFUE)} = 61 \text{ pct.}$$

$$1980 \text{ AFUE} = 80 \text{ pct.}$$

$$1980 \text{ AFUE} - 1975 \text{ AFUE} \times \frac{100 + \text{percentage EEI}}{100}$$

TABLE 2.—Summary of 1980 energy efficiency improvement (EEI) target calculations for oil furnaces and boilers

Design option	Estimated production- weighted energy savings (percent)	Leadtime for imple- mentation (years)
1. Improved heat transfer	6	1
2. Stack dampers	6	1
Aggregate	12	

$$1980 \text{ energy efficiency improvement target} = \frac{12}{100-12} = 14 \text{ pct.}$$

$$1975 \text{ annual fuel utilization efficiency (AFUE)} = 77 \text{ pct.}$$

$$1980 \text{ AFUE} = 88 \text{ pct.}$$

$$1980 \text{ AFUE} - 1975 \text{ AFUE} \times \frac{100 + \text{percentage EEI}}{100}$$

factors consisted of the application of econometrics, statistics and other mathematical methods. In assessing the role of consumer products within the economy, a micro-economic analysis was relied upon, as much as possible, to project trends and simulate changes which the proposed targets might induce. However, where either the lack of data or limited model structure prevented strict adherence to econometrics, the expertise of FEA played a large role.

Most economic factors are quantified in terms of 1980 prices and quantities because 1980 is the year in which impacts of the targets will generally first occur. The projection of prices and quantities in 1980 relies upon a combination of analytical procedures. One essential feature

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of these procedures is that the outcome, both for energy savings and for cost-benefit impacts, is not significantly altered by variance around these projections. The forecast of shipments, price and other economic factors relating to 1980 provides a base case for quantifying possible impacts. If these projections were to shift, the quantified impacts for various costs and benefits would shift in a proportional manner. For example, variations in projected 1980 sales yield similar net benefits for consumers with negligible impact on long term energy trends.

Various data sources were used in quantifying economic factors and in the analysis of economic possibilities. Primary data sources were Federal Government publications, including the Census of Manufacturers (U.S. Bureau of the Census, Industry Series, 1975) and Current Industrial Reports (U.S. Bureau of the Census, 1973), together with private sector publications, such as Appliance Manufacturer (Dana Chase Publications, Inc., 1975-77) and Merchandising Week (Billboard Publication, Inc., 1972-77). Another source of data was testimony submitted at May and June 1976 hearings on Subpart C as previously proposed (41 FR 19977, May 14, 1976), as well as the written comments received in response to that proposal.

The methodology consists of establishing a test of economic feasibility, and conducting a four-stage analysis which quantifies all relevant economic factors. Use of this methodology by FEA should not preclude interested parties from suggesting the use of different methodologies, but such suggestions should include a clearly defined methodology along with verified quantifications. Presentations from respondents are encouraged, since a thorough understanding of all relevant economic factors is necessary in prescribing economically feasible targets for consumer products.

A proposed energy efficiency improvement target for a particular consumer product is economically feasible when:

1. Appropriate economic resources are available for production and shipment of the more energy-efficient consumer product, and

2. Either benefits exceed costs of implementing the proposed targets, or negative impacts are not of substantial consequence.

Economic resources are considered available when manufacturers can obtain necessary scarce or imported materials to implement energy efficiency improvements, and can secure sufficient capital to finance the required investment in plant and equipment, and to finance other costs, including materials. In addition, when costs of implementing and utilizing more energy-efficient consumer products are outweighed by the dollar value of benefits, the target is considered to be economically feasible. Where, however, costs exceed benefits, and both energy savings are substantial and economic impact on overall economic trends is not of substantial consequence,

then the proposed target remains economically feasible. An economic impact is not of substantial consequence when it does not alter a reasonable projected path of stable growth by an appreciable margin in a manner which causes undue stress or burden to some sector of the economy.

FEA applied this test to each type of product, including furnaces. The first criterion on the definition, which involves an examination of scarce material supply and investment requirements, is analyzed in stage two of the analysis. The second criterion, which involves the quantification of costs and benefits associated with proposed targets, is analyzed in stages three and four of the analysis, where effects on employment, production, prices, demand, energy, investment, and market structure are also quantified. The first stage of the analysis relates energy saving design options to basic economic factors upon which the other stages depend.

**Stage I—Integration of Design Options with Economic Impacts.**—Certain technological engineering factors are accepted as given for the purpose of the economic analysis. These technological factors include the set of design options discussed in Part II above, with corresponding material requirements and resulting energy efficiency improvements for each consumer product. The economic analysis derives a cost estimate for implementing each design option by pricing required materials along with costs for labor and overhead when these are considered important elements in the redesign. The energy savings attributable to the individual design options, and their costs, are combined so as to account for any overlapping energy savings, in order to arrive at an overall energy improvement and total cost increase. The increase in total cost is then translated into an increase in purchase price. Evidence of current price differentials for products already incorporating energy efficient design options was used where appropriate. In this manner, the price increase per unit is directly linked to technological design options and energy efficiency improvements.

The per unit price increase is further adjusted in two ways. First, the per unit price increase is production-weighted, as are energy efficiency improvements, according to 1975 and 1980 shipment characteristics. For each consumer product, the percentage of 1975 shipments incorporating the same design option, resulting in the percentage increase in products marketed with a specific design option in 1980 over 1975. This net increase in production of improved products between base period and target date is multiplied by the appropriate design option price increase, yielding a production-weighted price increase by design option. The production-weighted price increase for each design option is summed for all design options to arrive at a production-weighted price increase for the consumer product.

The second adjustment is the calculation of the production-weighted price

increase expressed in 1980 prices. Because recent available retail prices were most often 1975 prices, a price increase rate of about 3 percent per year, compounding to 15.9 percent, was used to convert 1975 prices into 1980 prices. An annual price rise of 3 percent is in line with past consumer product price trends.

Projected unimproved consumer product prices multiplied by base-case projected 1980 shipments yields an initial unimproved purchase cost that is compared to the increased purchase cost of improved products for evaluating the impact on demand and supply relationships.

**Stage II—Availability of Economic Resources.**—This stage of the analysis evaluates the sufficiency of economic resources, including materials and capital, to permit the manufacture and shipment of the more energy-efficient consumer products. The particular investment requirements described in this evaluation are not meant to prescribe for manufacturers a necessary investment or financial procedure. Although particular manufacturing and financial factors are presented along with their impacts, the purpose of this analysis is only to demonstrate one economically feasible approach in the achievement of the proposed energy target.

This evaluation relies essentially upon the given technological factors to define material requirements. Each design option is related to the number of pounds of material per unit. Per unit material requirements are aggregated by using production-weighted percentages such as were used for price increases. The total change in each material resulting from incorporation of a particular design option is the product of the number of projected 1980 shipments and the production-weighted material change for each unit. Total material changes are expressed as a percent of the total U.S. production of each material in order to assess the potential impact. If the material impact is judged to be nonsignificant then it is considered to be an available economic resource.

Investment requirements are also analyzed in stage two. First, investment requirements are estimated for a typical size manufacturing firm. A typical size firm is considered to be one which has a market share equal to or better than the average market share of all firms manufacturing the product. The necessary investment resources are considered to be available if the financial status of a typical firm manufacturing the particular production is adequate to undertake the investment. Second, the availability of sufficient funds for the entire industry is evaluated by aggregating the investment requirements of all firms in the industry. The aggregation of investment at the industry level is calculated by multiplying the investment required by a typical firm times the number of firms estimated to account for a major portion of the market. The additional investment for the industry is compared to recent investment trends

by the industry itself to assess the possible burden. Also, the availability of funds in the financial market is evaluated by contrasting the additional industry needs with manufacturers' performance in terms of growth and profitability. If the financial position of manufacturers of a consumer product is adequate to obtain necessary funds, then the investment requirements are considered to be an available resource.

**Stage III—Cost-Benefit Tradeoffs and Energy Consumption.**—This stage of the analysis examines the cost-benefit trade-off confronting consumers of household appliances along with corresponding energy savings. The tradeoff is essentially a measurement of net life cycle benefits from the perspectives of both an individual purchaser and all household sector purchasers. These purchases decisions determine net energy savings, which are quantified by comparing the reduced energy consumption in the normal operation of the product and the possible greater energy consumed in the manufacture of a more efficient product.

First, costs and benefits to the household sector are evaluated. Net life cycle benefits are derived both for individual purchases of a more energy-efficient product and for total consumer purchases of the product. The premise underlying both perspectives is that a more energy-efficient consumer product typically sells for a higher price but operates at a lower cost, since less energy is required to perform the same task. Future dollar savings from lower operating costs are accumulated over the life of the product and expressed in present dollars by discounting future dollar flows. The discounting formula is based on a 10 percent interest rate and an engineering estimate of product life. In this manner, a rational consumer can compare, dollar for dollar, the current value of future operating savings with the increase in purchase price of the more energy-efficient product.

The present value of net life cycle benefits for individual purchasers is aggregated by using a projection of 1980 shipments. The 1980 shipment projection is assumed to equal all household purchases and provides the basis for quantifying reduced energy consumption, household savings and increased expenditures resulting from the household sector purchase and use of more efficient products which sell at a slightly higher price but operate at a lower energy cost.

However, total energy savings is even greater than the amount of reduced consumption by the household sector. Reduced energy consumption is measured first at household end use in cubic feet of natural gas and barrels of fuel oil and second at utility plants in Btu's. The measurement of energy consumed by the utility is the actual energy content of fuel consumed in order ultimately to operate the consumer product in the home.

The measurement of energy consumed by the utility is further converted into barrels of crude petroleum by using a conversion factor of 5.6 million Btu's per

barrel. However, simply because reduced energy consumption is equivalently measured in quantity of crude petroleum, this does not imply that either imports or domestic production of petroleum will decline by a similar amount, since this is only an equivalent measure of the savings for gas furnaces and boilers. But overall reduction in household energy consumption will proportionately make available for more productive use supplies of petroleum, coal, and natural gas, especially in industry.

**Stage IV—Assessment of Negative Impacts on Demand and Employment.**—The last stage of the analysis quantifies impacts within and between household and manufacturing sectors. This stage is primarily an evaluation of possible substantial negative impacts but, where appropriate, costs are offset by benefits. The analysis examines the potential impact of shifts in household demand on production and employment. Other areas of potential negative impacts include industry structure and income groups.

The purpose of this stage is to examine changes in demand-supply relationships in terms of economic feasibility. The study of the interaction of demand-supply relationships within and between the household and manufacturing sectors yields costs, benefits, and impacts of energy efficiency targets. The extent to which costs, benefits and impacts vary depends essentially upon two factors:

1. The extent to which manufacturing costs, including substituted materials, new investment in plant and equipment, and additional financing costs, increase purchase price.
2. The degree to which household demand for consumer products varies with respect to higher prices on the one hand but lower operating costs on the other.

The higher the manufacturing cost requirements to implement the proposed target, the greater the negative impact from higher prices on household demand, employment, production, inflation, and market structure. Negative impacts are, however, viewed in relative terms since, although they may be significant, such impacts may also be outweighed by favorable benefits consisting of either reduced energy consumption on the demand side or innovative manufacturing techniques on the supply side. In contrast, the lower the manufacturing cost requirements, the greater the opportunity for energy savings, enhanced household purchasing power, and negligible negative impacts.

This fourth stage of the analysis initially evaluates the possible changes in aggregate demand along with the resulting impact on production, employment and market structure. The analysis examines possible deviations from the 1980 base case shipment projection in order to assess possible substantial negative impacts resulting from the achievement of the proposed energy efficiency improvement target. The 1980 base case projection of shipments and purchases was used as the most reasonable basis and best approximation for quantifying material and energy impacts along with

life cycle benefits discussed in stages two and three. Thus, even though possible negative impacts might cause a deviation around the base case projection, the previously quantified impacts would not be substantially altered. The reasonableness of using 1980 base case projections in stages two and three stems, in part, from an assumption that between 1975 and 1980 manufacturers will have introduced higher-priced more efficient products in a progressive manner so that households are not suddenly faced with a one-time jump in prices of more energy-efficient products in 1980. If this assumption holds true, the negative impacts would not be of material consequence because they would be spread over a number of years and in essence diluted by other economic factors.

However, in order to measure the possibility of more substantial negative impacts, this methodology in stage four further analyzes an alternative case in which households react to a sudden jump in 1980 prices of more energy-efficient products. The extent to which demand shifts in response to a sudden jump in prices is subject to continuing fluctuation as the relative prices of purchasing and operating a product change, along with changes in awareness and perception of future price trends. For these reasons, a plausible maximum-minimum range of household response to higher prices is presented. For example, where rational consumers compare life cycle operating savings to increased purchase price and the positive impact from operating savings outweigh the negative impact from higher purchase price then demand could, in fact, exceed the 1980 base case projections. Where life cycle operating savings are ignored, however, demand could fall below the base case projection. It is these two plausible consumer perceptions which are described in the maximum-minimum range.

FEA has determined that minimum negative impact is the most plausible case for several reasons. First, the quantification of shifts in both demand and employment does not fully consider the positive effect that a successful consumer education and labeling program might have on increasing consumer preference for low energy usage products with the ultimate effect of outweighing the negative effects of purchase price elasticity. Also, recent structural changes in consumer preferences between purchase price and operating cost have not been given appropriate weighting, since time series used in this analysis of relative price elasticities primarily reflect attitudes before the 1973 energy crisis. On this basis, it is concluded that the fall in demand with attendant employee layoffs may approach the minimum negative impact but that it is temporary (probably less than one year).

In order to examine the responsiveness of households to higher-priced, more energy-efficient products, a demand function was developed for each of the consumer products. Historical time series were relied upon to quantify changes in



household purchases with respect to changes in product prices, energy prices, real income, housing starts, household stock and other relevant economic factors. These equations, correlated in log form, measure the responsiveness between quantity purchased as it relates to product purchase price on the one hand and quantity purchased as it relates to energy usage price on the other. Correlation analysis of the logarithm of quantity purchased (the dependent variable) together with the logarithm of purchase price, energy price, and other related parameters yields coefficients which are the pertinent elasticities. The two key elasticities are purchase price and energy price.

A product price elasticity of one indicates that for every 1 percent increase in product purchase price, quantity purchased declines by 1 percent. If product purchase price elasticity is less than one, then a 1 percent increase in product purchase price generates something less than a 1 percent decrease in quantity purchased. If price elasticity is greater than one, however, then a 1 percent increase in product purchase price generates something greater than a 1 percent decrease in quantity purchased.

The relationship between the number of units purchased and operating cost elasticity of a particular product is the reverse of the demand elasticity. It is assumed that energy price elasticity derived from regression analysis is similar to operating cost elasticity. Large savings in operating costs are directly correlated with lower energy usage prices. For an energy price (or operating cost) elasticity larger than one, a reduction in the operating cost of a particular product will result in a greater increase in the quantity purchased than would result if the energy price elasticity were one less. The lower the energy usage price elasticity (less than one), the less will be the positive effect of increased efficiency on the quantity purchased. The positive effect on quantity purchased due to higher prices, are netted to derive a corresponding increase or decrease in quantity purchased by households.

The impact of shifting household demand on employment is the direct consequence of a net increase or decrease in quantity purchased. The net change in quantity purchased is expressed as a percent of 1980 projections of sales. The percent increase or decrease in quantity purchased is expressed as a percent of 1980 projections of sales. The percent increase or decrease in quantity purchased is assumed to equal the corresponding percent increase or decrease in direct employment. This is an assumption based on available information. Direct employment is the number of production workers in the appropriate industry. If the industry SIC category of production workers according to Bureau of Census Standard Industrial Code does not match the consumer product being evaluated, then the ratio of dollar value of shipments of a consumer product to

shipments of the SIC industry as a whole is used to apportion industry production workers to correspond to the consumer product classification.

Two other concerns which are examined in terms of potential negative impact are industry structure and income groups. With respect to industry structure, typical size firms are compared to smaller firms in order to evaluate possible bias against smaller firms. Smaller firms are examined in light of their cost structure and market share. If the investment requirements or other factors do not appear to cause dramatic shifts in industry structure, then the negative impact on small firms is not considered to be of substantial consequence.

With respect to income groups, the burden on lower income purchasers is examined for possible unfavorable bias. If the percentage increase in purchase price for lower income groups does not appear to exceed that for higher income groups by a significant amount, then the negative impact is not considered to be of substantial consequence.

FEA used this methodology to evaluate the economic feasibility of the proposed energy efficiency improvement target for furnaces. The entire economic analysis is available for inspection by interested persons, as provided for later in this notice. A summary of the analysis follows:

#### GAS FURNACES

FEA, in a manner consistent with the methodology presented above, has determined that the proposed energy efficiency improvement for gas furnaces is the maximum improvement which is technologically and economically feasible. A summary of economic findings for gas furnaces follows:

*Stage I*—The total price increase resulting from implementation of the selected design options is \$233 per unit, which yields a production-weighted price increase of \$161 in current prices and \$187 in 1980 prices.

*Stage II*—Both scarce material supplies and investment funds are sufficiently available to permit the implementation of the proposed target for gas furnaces.

The scarce materials primarily affected by the proposed target are steel, for which demand increases by 2600 tons, cast iron, for which demand increases by 2400 tons, aluminum, for which demand increases by 152 tons, and copper, for which demand increases by 88 tons. All of these material changes are a negligible percent of the total U.S. production, and the respective industries will be able to meet demand shifts without limiting domestic supplies or significantly increasing imports.

Profitability and growth of the major manufacturers is adequate to finance the total gas furnace industry investment of \$1.3 million, which amounts to about \$124 thousand per firm in additional research and development along with capital costs. The investment requirement per firm is the cumulative cost for each design option. Alternative investment to

produce an amount of energy equivalent to that which will be saved by the design options is \$187.3 million.

*Stage III*—Benefits exceed costs for the household sector in the purchase and use of higher-priced, more efficient gas furnaces, resulting in measurable energy savings.

The purchase and use of projected 1980 shipments of 1,600,000 gas furnaces complying with the proposed target initially costs households an additional \$296 million but lowers life cycle operating costs by \$691 million, yielding a net benefit of \$395 million calculated on a present value basis.

Achievement of proposed operating efficiency for projected 1980 shipments results in an annual energy savings of 30.2 billion cubic feet of natural gas, equivalent to 33.9 trillion Btu's of utility energy supply. Total energy savings of these 1980 shipments is 600 billion cubic feet of natural gas, equivalent to 674 trillion Btu's over the 20-year life of an average gas furnace.

*Stage IV*—Negative impacts resulting from implementation of the proposed gas furnace target are not of substantial consequence.

Demand in 1980 might reasonably increase by 10.1 percent, or 161,600 gas furnaces, because the improvement in energy efficiency, which translates into lower operating costs, more than offsets the increase in purchase price.

Employment might temporarily increase 438 production workers, or about 10 percent of gas furnace employment, in response to increased demand.

The threat of shifts in industry market structure which might affect the existence of small firms apparently does not exist for gas furnace manufacturers, since a revenue base of about \$5 million, or 1 percent of market share, is sufficient to finance investment requirements of the stated design options. Such a revenue base is typical of the small firms.

The lowest income quartile will not pay a proportionately larger price increase than higher income groups for more efficient gas furnaces, because available information suggests that all income groups pay approximately the same price for gas furnaces.

#### OIL FURNACES

FEA, in a manner consistent with the methodology presented above, has determined that the proposed energy efficiency improvement for oil furnaces is the maximum improvement which is technologically and economically feasible. A summary of economic findings for oil furnaces follows:

*Stage I*—The total price increase resulting from implementation of the selected design options is \$113 per unit, which yields a production-weighted price increase of \$113 in current prices and \$131 in 1980 prices.

*Stage II*—Both scarce material supplies and investment funds are sufficiently available to permit the implementation of the proposed target for oil furnaces. The scarce materials primarily

affected by the proposed target are steel, for which demand increases by 575 tons, cast iron, for which demand increases by 688 tons, aluminum, for which demand increases by 100 tons, and copper, for which demand increases by 75 tons. All of these material changes are a negligible percent of the total U.S. production, and the respective industries will be able to meet demand shifts without limiting domestic supplies or significantly increasing imports.

Profitability and growth of the major manufacturers is adequate to finance total furnace industry investment of \$300 thousand, which amounts to about \$30 thousand per firm in additional research and development along with capital costs. The investment requirement per firm is the cumulative cost of each design option. Alternative investment required to produce an amount of energy equivalent to that which will be saved by the design options is \$15.3 million.

*Stage III*—Benefits exceed costs for the household sector in the purchase and use of higher-priced, more efficient oil furnaces, resulting in measurable energy savings.

The purchase and use of projected 1980 shipments of 250 thousand oil furnaces complying with the proposed target initially costs households an additional \$32.7 million but lowers life cycle operating costs by \$88.8 million, yielding a net benefit of \$56.1 million calculated on a present value basis.

Achievement of proposed operating efficiency for projected 1980 shipments results in an annual energy savings of 18.0 million gallons of fuel oil, which is equivalent to 2.7 trillion Btu's of energy. Total energy savings of these 1980 shipments is 360 million gallons of fuel oil, equivalent to 54 trillion Btu's, over the 20-year life of an average oil furnace.

*Stage IV*—Negative impacts resulting from implementation of the proposed oil furnace target are not of substantial consequence. In order to quantify the impacts of the target on demand and employment FEA used the purchase price elasticity and the energy price elasticity previously estimated for gas furnaces. This assumption was made due to the absence of shipment data sufficient to determine elasticities for oil furnaces. Given the similarities in market demand for all classes of furnaces, FEA believes that the assumption is valid. The resulting conclusions are that:

Demand in 1980 might reasonably increase by 8.7 percent, or 21,800 oil furnaces, because the improvement in energy efficiency, which translates into lower costs, more than offsets the increase in purchase price.

Employment might temporarily increase by 220 production workers, or about 9 percent of oil furnace employment, in response to higher demand.

The threat of shifts in industry market structure which might affect the existence of small firms apparently does not exist for oil furnace manufacturers, since a revenue base of about \$1.4 million, or 1 percent of market share, is sufficient to

finance investment requirements of the stated design options. Such a revenue base is typical of the small firms.

The lowest income quartile apparently will not pay a proportionately larger price increase than higher income groups for more efficient oil furnaces, because available information suggests that all income groups pay approximately the same price for oil furnaces.

#### GAS BOILERS

FEA, in a manner consistent with the methodology presented above, has determined that the proposed energy efficiency improvement for gas boilers is the maximum improvement which is technologically and economically feasible. A summary of economic findings for gas boilers follows:

*Stage I*—The total price increase resulting from implementation of the selected design options is \$233 per unit, which yields a production-weighted price increase of \$161 in current prices and \$187 in 1980 prices.

*Stage II*—Both scarce material supplies and investment funds are sufficiently available to permit the implementation of the proposed target for boilers.

The scarce materials primarily affected by the proposed target are steel, for which demand increases by 211 tons, cast iron, for which demand increases by 195 tons, aluminum, for which demand increases by 7.8 tons, and copper, for which demand increases by 11.7 tons. All of these material changes are a negligible percent of the total U.S. production, and the respective industries will be able to meet demand shifts without limiting domestic supplies or significantly increasing imports.

Profitability and growth of the major manufacturers are adequate to finance the total gas boiler industry investment of \$643,068, which amounts to about \$71 thousand per firm in additional research and development along with capital costs. Investment requirement per firm is the cumulative cost for each design option. Alternative investment to produce an amount of energy equivalent to that which will be saved by the design options is \$13 million.

*Stage III*—Benefits exceed costs for the household sector in the purchase and use of higher-priced, more efficient gas boilers, resulting in measurable energy savings.

The purchase and use of projected 1980 shipments of 130,000 gas boilers complying with the proposed target initially costs households an additional \$24.3 million but lowers life cycle operating costs by \$56.3 million, yielding a net benefit of \$32 million calculated on a present value basis.

Achievement of proposed operating efficiency for projected 1980 shipments results in an annual energy savings of 2.46 billion cubic feet of natural gas, which is equivalent to 2.8 trillion Btu's of utility energy supply. Total energy savings of these 1980 shipments is 49.1 billion cubic feet of natural gas, or 55.2

trillion Btu's, over the 20 year life of an average gas boiler.

*Stage IV*—Negative impacts resulting from implementation of the proposed gas boiler target are not of substantial consequence. In order to quantify the impacts of the target on demand and employment FEA used the purchase price elasticity and the energy price elasticity previously estimated for gas furnaces. This assumption was made due to the absence of shipment data sufficient to determine elasticities for gas boiler. Given the similarities in market demand for all classes of furnaces, FEA believes that the assumption is valid. The resulting conclusions are that:

Demand in 1980 might reasonably increase by 34 percent, or 44,200 gas boilers, because the improvement in energy efficiency, which translates into lower operating costs, more than offsets the increase in purchase price.

Employment might temporarily increase by 402 production workers, or about 34 percent of the gas boiler industry employment, in response to higher demand.

The threat of shifts in industry market structure which might affect the existence of small firms apparently does not exist for gas boiler manufacturers, since a revenue base of about \$1.3 million, or 1 percent of market share, is sufficient to finance investment requirements of the stated design options. Such a revenue base is typical of the small firms. Alternatively, smaller firms could achieve the target by choosing other design options which require smaller investments.

The lowest income quartile apparently will not pay a proportionately larger price increase than higher income group for more efficient gas boilers, because available information suggests that all income groups pay approximately the same price for gas boilers.

#### OIL BOILERS

FEA, in a manner consistent with the methodology presented above, has determined that the proposed energy efficiency improvement for oil boilers is the maximum improvement which is technologically and economically feasible. A summary of economic findings for oil boilers follows:

*Stage I*—The total price increase resulting from implementation of the selected design options is \$113 per unit, which yields a production-weighted price increase of \$113 in current prices and \$131 in 1980 prices.

*Stage II*—Both scarce material supplies and investment funds are sufficiently available to permit the implementation of the proposed target for oil boilers. The scarce materials primarily affected by the proposed target are steel, for which demand increases by 244 tons, cast iron, for which demand increases by 231 tons, aluminum for which demand increases by 14 tons, and copper, for which demand increases by 25 tons. All of these material changes are a negligible percent of the total U.S. production, and the respective industries will be able to meet



demand shifts without limiting domestic supplies or significantly increasing imports.

Profitability and growth of the major manufacturers is adequate to finance total boiler industry investment of \$594 thousand, which amounts to about \$66 thousand per firm in additional research and development along with capital costs. The investment requirement per firm is the cumulative cost of each design option. Alternative investment required to produce an amount of energy equivalent to that which will be saved by the design options is \$19.2 million.

**Stage III—Benefits exceed costs** for the household sector in the purchase and use of higher-priced, more efficient oil boiler, resulting in measurable energy savings.

The purchase and use of projected 1980 shipments of 140 thousand oil boilers complying with the proposed target initially costs households an additional \$18.3 million but lowers life cycle operating costs by \$49.8 million, yielding a net benefit of \$31.5 million calculated on a present value basis.

Achievement of proposed operating efficiency for projected 1980 shipments results in an annual energy savings of 9.9 million gallons of fuel oil, which is equivalent to 1.3 trillion Btu's of energy. Total energy savings of these 1980 shipments is 199 million gallons of fuel oil or 30 trillion Btu's over the 20 year life of an average oil boiler.

**Stage IV—Negative impacts** resulting from implementation of the proposed oil boiler target are not of substantial consequence. In order to quantify the impacts of the target on demand and employment FEA used the purchase price elasticity and the energy price elasticity previously estimated for gas furnaces. This assumption was made due to the absence of shipment data sufficient to determine elasticities for oil boilers. Given the similarities in market demand for all classes of furnaces, FEA believes that the assumption is valid. The resulting conclusions are that:

Demand in 1980 might reasonably increase by 20.2 percent, or 28,300 oil boilers, because the improvement in energy efficiency, which translates into lower operating costs, more than offsets the increase in purchase price.

Employment might temporarily increase by 393 production workers, or about 20 percent of oil boiler employment, in response to greater demand.

The threat of shifts in industry market structure which might affect the existence of small firms apparently does not exist for oil boiler manufacturers, since a revenue base of about \$1.4 million, or 1 percent of market share, is sufficient to finance investment requirements of the stated design options. Such a revenue base is typical of the small firms. Alternatively, smaller firms could achieve the target by choosing other design options which require smaller investments.

The lowest income quartile apparently will not pay a proportionately larger

price increase than higher income groups for more efficient oil boilers, because available information suggests that all income groups pay approximately the same price for oil boilers.

#### IV. REQUEST FOR PARTICULAR COMMENTS

While FEA is soliciting comments on all aspects of this proposed energy efficiency improvement target, FEA is particularly interested in receiving comments on the following matters:

1. Information relating to the number of furnaces manufactured in 1975, by capacity, and their corresponding steady state efficiencies.
2. Information relating to the number of furnaces manufactured in 1975 that incorporated any of the design options suggested in the technological analysis presented above.
3. Information relating to the reasons for recent annual growth in shipments of gas and oil boilers.

In addition, FEA is interested in receiving comments on all definitions previously promulgated or proposed in section 430.2 as these provisions might affect the efficiency improvement target. Comments with respect to the efficiency improvement target regarding provisions in previously promulgated or proposed section 430.2 are timely until the close of the written record. It is expected that definitions for this product type will be made final before the prescription of the target.

For the convenience of the reviewer, the proposed definitions directly related to the efficiency improvement target for furnaces are as follows:

"Furnace" means a device designed to be the principal heating source for the living space of a residence having a heat input rate less than 400,000 Btu's per hour, and includes forced air central furnace, gravity central furnace, electric central furnace, electric boiler, and low pressure steam or hot water boiler (42 FR 40829, August 11, 1977).

"Forced air central furnace" means a gas or oil burning furnace designed to supply heat through a system of ducts with air as the heating medium. The heat generated by combustion of gas or oil is transferred to the air within a casing by conduction through heat exchange surfaces and is circulated through the duct system by means of a fan or blower (42 FR 40829, August 11, 1977).

"Gravity central furnace" means a gas fueled furnace which depends primarily on natural convection for circulation of heated air and which is designed to be used in conjunction with a system of ducts (42 FR 40829, August 11, 1977).

"Electric central furnace" means a furnace designed to supply heat through a system of ducts with air as the heating medium, and in which heat is generated by one or more electric resistance heating elements and the heated air is circulated by means of a fan or blower (42 FR 40829, August 11, 1977).

"Direct vent system" means a system supplied by a manufacturer which provides outdoor air directly to a furnace

for combustion and draft relief, if the unit is so equipped (42 FR 40830, August 11, 1977).

"Electric boiler" means an electrically powered furnace designed to supply low pressure steam or hot water for space heating application. A low pressure steam boiler operates at or below 15 psig steam pressure; a hot water boiler operates at or below 160 psig water pressure and 250° F water temperature (42 FR 40830, August 11, 1977).

"Low pressure steam or hot water boiler" means a gas or oil burning furnace designed to supply low pressure steam or hot water for space heating application. A low pressure steam boiler operates at or below 15 psig steam pressure; a hot water boiler operates at or below 160 psig water pressure and 250° F water temperature (42 FR 40830, August 11, 1977).

#### V. COMMENT PROCEDURES

##### A. WRITTEN COMMENTS

Interested persons are invited to participate in this rulemaking by submitting data, views, or arguments with respect to the proposed energy efficiency improvement targets set forth in this notice to Executive Communications, Room 3317, Federal Energy Administration, Box PP, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on the documents submitted to FEA Executive Communications with the designation "Proposed Efficiency Improvement Targets—Furnaces." Fifteen copies should be submitted. All comments received by November 4, 1977, before 4:30 p.m., and all other relevant information will be considered by FEA before final action is taken on the proposed regulations.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

##### B. PUBLIC HEARING

1. **Request Procedures.** A public hearing in this proceeding will be held beginning at 9:30 a.m. on November 8, 1977, in Room 2105, 2000 M Street, NW., Washington, D.C. 20461, in order to receive comments from interested persons on the matter set forth herein.

Any person who has an interest in the proposed rulemaking issued today, or who is a representative of a group or class or persons that has an interest in today's proposed rulemaking, may request in writing an opportunity to make an oral presentation. Such a request should be directed to the address indicated at the beginning of this preamble, and must be received before 4:30 p.m. on October 25, 1977. Such a request may be hand-delivered to such address, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. A request should be labeled both on the document

and on the envelope "Proposed Efficiency Improvement Target—Furnaces."

The person making the request should briefly describe the interest concerned; or appropriate, state why she or he is a proper representative of a group or class of persons that has such an interest; and give a concise summary of the proposed oral presentation and a telephone number where he or she may be contacted through October 25, 1977. Each person selected to be heard will be so notified by FEA before 4:30 p.m., October 28, 1977, and must submit 50 copies of his or her statement to the address and by the date given in the beginning of this preamble. In the event any person wishing to testify cannot meet the 50 copy requirement, alternative arrangements can be made with the Office of Regulations Management in advance of the hearing by so indicating in the letter requesting an oral presentation or by calling the Office of Regulations Management at 202-254-3345.

2. **Conduct of hearing.** FEA reserves the right to select the persons to be heard at this hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. This will not be a judicial or evidentiary-type hearing. Except as provided below, questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. At the conclusion of all initial oral statements, each person will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested persons may submit questions to be asked of any person making a statement at the hearing, the Executive Communications, Box PP, FEA, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, November 4, 1977. FEA will determine whether the question is relevant, and whether the time limitations permit to be presented for answer. Any decision made by FEA with respect to the subject matter of the hearing will be based on all information available to FEA.

Further questioning will be permitted by FEA pursuant to section 336(a)(1) (B) of the Act. Any interested person will have the opportunity to question (1) other interested persons who have made oral presentations, and (2) employees of the United States who have made written or oral presentations, with respect to disputed issues of material fact. Such an opportunity will be afforded to the extent FEA determines that questioning pursuant to such procedures is likely to result in a more timely and effective resolution of the issues of material fact. Such opportunity with regard to oral presentations of interested persons and employees of the United States,

will be provided at the public hearing. If this opportunity alone is sufficient or inconvenient for any interested person and/or employee, FEA will consider affording an additional opportunity for questioning at a convenient time. An opportunity to question employees of the United States who have made written presentations may be availed of by submission of written questions which must be received by Executive Communications, Box PP, FEA, by November 22, 1977. Questions must pertain to disputed issues of material fact regarding the target for furnaces.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by FEA and made available for inspection at the FEA Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter. Technical and economic papers related to today's proposal will also be available for inspection by interested persons at the FEA Freedom of Information Office.

In addition to the information available at the Freedom of Information Office, FEA will make available background materials concerning the assumptions and data which were used in the analysis of economic feasibility. These background materials are classified by class and by fuel type, and are available to any person who submits a written request to James A. Smith, Room 307, Old Post Office Building, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

#### VI. ENVIRONMENTAL AND INFLATIONARY REVIEW

As required in section 7(c)(2) of the FEA Act, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator has no comments.

The National Environmental Policy Act of 1969 requires that FEA review Agency proposals to determine whether they constitute "major Federal actions significantly affecting the quality of the human environment" within the meaning of section 102(2)(c) of that Act. Since the targets proposed today are voluntary, compliance with these targets is a voluntary private action. This type of Compliance is not a "Federal action" within the meaning of the statutory language. Since any compliance with the targets is entirely at the initiative of affected manufacturers and not FEA, it is virtually impossible for FEA to undertake meaningful analysis of the nature or scope of any environmental effects

which might indirectly flow from the targets. Moreover, the goal of these targets is to induce reductions in energy consumption, as well as the environmental residuals of energy consumption and, thus, to improve environmental quality. On this basis, FEA has determined that, with respect to prescribing efficiency improvement targets under the conservation program for appliances, no environmental impact statement is required.

This proposed target has been reviewed in accordance with Executive Order 11821 as amended by Executive Order 11949, and OMB Circular No. A107, and has been determined to be a major proposal, but only on the assumption that manufacturers will in fact implement the measures which the economic feasibility analysis has found to be reasonable and achievable and that, therefore, they will fully comply with the target. The target, however, is voluntary in nature and since FEA cannot predict the actual degree of compliance it cannot, accordingly, predict the target's actual economic impact. An economic impact evaluation, based upon the assumptions contained in the economic feasibility analysis rather than on actual economic impact, has been completed and is available for public review, as provided above.

(Energy Policy and Conservation Act, Pub. L. 94-163, as amended by Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended by Pub. L. 94-385; E.O. 11790, 39 FR 23185.)

On consideration of the foregoing, it is proposed to amend Chapter II of Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., September 23, 1977.

ERIC J. FYGI,  
Acting General Counsel,  
Federal Energy Administration.

1. Section 430.32 is amended by adding paragraph (n), to read as follows:

§ 430.32 Energy efficiency improvement targets.

(n) The energy efficiency improvement target for furnaces shall be a 23 percent increase in energy efficiency for the total number of fueled furnaces manufactured by all manufacturers in calendar year 1980, when compared with the energy efficiency on the total number of furnaces manufactured by all manufacturers in calendar year 1975.

[FR Doc. 77-28830 Filed 9-29-77; 8:45 am]

#### DEPARTMENT OF COMMERCE

Domestic and International Business Administration

[15 CFR Part 303]

#### WATCHES AND WATCH MOVEMENTS

Proposal To Codify Annual Rules

AGENCY: Domestic and International Business Administration, Commerce.

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**ACTION:** Proposed Codification of Annual Rules with General Applicability and Future Effect.

**SUMMARY:** It is proposed to combine into a single part not only annual rules, which have previously been published on a yearly basis and have general applicability and future effect, but also special rules, previously published separately in the FEDERAL REGISTER or in the Code of Federal Regulations and which relate to the Secretaries' responsibility to allocate duty-free quota for watches and watch movements assembled in the U.S. insular possessions under Public Law 89-805 (19 U.S.C. 1202).

**DATE:** Comments due October 31, 1977.

**ADDRESS:** Any written communication in connection with this notice should be addressed to: Special Import Programs Division, Attention: R. M. Seppa, Room 6895, U.S. Department of Commerce, Washington, D.C. 20230.

**FOR ADDITIONAL INFORMATION CONTACT:**

Mr. Seppa, who can be reached by telephone on 202-377-2925.

**SUPPLEMENTARY INFORMATION:** The Departments of Commerce and the Interior have the joint responsibility for allocating fairly and equitably among the various producers the quota which resulted from the imposition by Public Law 89-805 of a limitation on the number of watches and watch movements containing foreign components which may be imported duty-free from insular possessions of the United States. In the past proposed watch quota rules have been published each year in the FEDERAL REGISTER, with interested parties invited to comment prior to publication of the final rules, even though several sections of the rules did not change from year to year. The new Part 303 proposed below provides for the publication of annual rules as before, but brings together in the Code of Federal Regulations those provisions of the annual rules having general applicability and future effect and other rules, policies and designations previously incorporated by references in the annual rules, including:

(1) Rules restricting transfers of duty-free quotas published in the FEDERAL REGISTER on January 31, 1968 (33 FR 2399), and

(2) The codified regulations on appeals to the Secretaries found in 15 CFR Part 13.

In addition, the Secretaries' joint delegation to the Governors of the territories of authority to issue shipment permits (41 FR 37385 et seq.) is incorporated in this part.

While the proposed revisions are primarily organizational and editorial, it is also proposed to make minor substantive revisions with respect to the definitions of "producer" and "new entrant" and to the requirements for valid duty-free entry. Moreover, the proposed revisions formalize a number of procedures growing out of administrative practice in the De-

partments' exercise of their responsibility and which have regulatory effect, but which have not previously been published as rules. Accordingly, these proposed provisions will be published in final form only after consideration of any written comments received from interested parties prior to October 31, 1977.

The Departments propose to codify these regulations in 15 CFR Chapter III as follows:

#### Part 303—Watch Quotas

Sec.	Purpose.
303.1	303.2
303.2	303.3
303.3	303.4
303.4	303.5
303.5	303.6
303.6	303.7
303.7	303.8
303.8	303.9
303.9	303.10
303.10	303.11
303.11	

Authority: Public Law 89-805, 80 Stat. 1521 (19 U.S.C. 1202) as amended.

#### § 303.1 Purpose.

This part implements the responsibilities of the Secretary of Commerce and the Secretary of the Interior under Public Law 89-805, enacted November 10, 1966, which amended general headnote 3(a) of the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202), and added headnote 6 to schedule 7, part 2, subpart E. General headnote 3(a), TSUS, exempts from duty products of the insular possessions containing fifty percent or less foreign materials, with certain exceptions. Public Law 89-805 established a limitation (equal to one-ninth of apparent U.S. consumption the preceding calendar year) on the number of watches and watch movements containing foreign components which may be entered free of duty under general headnote 3(a) during any one calendar year (no provision is made for carryover of unutilized quota from one year to the next). The International Trade Commission (ITC) is responsible for determining apparent consumption and applying the percentage factors provided in the Act to determine the total duty-free quota and the distinct quotas for the Virgin Islands (87.5 percent of the total), Guam (8.33 percent) and American Samoa (4.17 percent), respectively. On or before April 1 of each year the ITC is required to publish these determinations in the FEDERAL REGISTER. The law further provides that the Secretary of Commerce and the Secretary of the Interior, acting jointly, shall allocate the annual quotas fairly and equitably among producers of watches and watch movements located in the insular possessions, and gives the Secretaries authority to issue any regulations they deem necessary to carry out their duties. Public Law 94-88, enacted August 9, 1975, further amended general headnote 3(a) to exempt from duty watches and watch movements assembled in the insular possessions which do not contain foreign materials to the value of more than 70 percent of their total value.

#### § 303.2 Definitions and forms.

(a) Unless the context otherwise indicates:

(1) "Act" means Public Law 89-805, enacted November 10, 1966, 80 Stat. 1521 (19 U.S.C. 1202) as amended by Public Law 94-88, 89 Stat. 433.

(2) "Departments" means jointly the U.S. Department of Commerce and the U.S. Department of the Interior.

(3) "Secretaries" means the Secretary of Commerce and the Secretary of the Interior or their delegates.

(4) "Director" means the Director of the Special Import Programs Division, Office of Import Programs, Domestic and International Business Administration, Department of Commerce.

(5) "Sale or transfer of a business" means the sale or transfer of control, whether temporary or permanent, over a firm to which a quota has been allocated, to any other firm, corporation, partnership, person or other legal entity by any means whatsoever, including but not limited to, by merger, transfer of stocks or assets or voting trusts.

(6) "New firm" means an entity which is completely separate from and unassociated with (in terms of ownership and control) any present quota recipient in the same territory in which the entity is requesting a quota. A "new entrant" is a new firm which has received a quota allocation.

(7) "Producer" means a quota holder performing assembly operations pursuant to a quota allocation which has maintained its eligibility for further allocations by compliance with all applicable rules and regulations issued by the Departments.

(8) "Established industry" means all producers, including new entrants, which have maintained their eligibility for further quota allocations.

(9) "Territories", "territorial" and "insular possessions" refer to the insular possessions of the United States, i.e., the U.S. Virgin Islands, Guam and American Samoa.

(10) "Quota allocation" refers to the Departments' formal act of authorizing the duty-free entry of a specified number of watches and watch movements into the customs territory of the United States by the several producers during each calendar year or portion thereof.

(11) "Initial allocation" refers to the allocation made at the beginning of each calendar year to each eligible producer. It is an interim allocation designed to permit the continuation of production and marketing operations pending issuance of the "annual allocation."

(12) "Annual allocation" refers to the full calendar year allocation made to each producer. The sum of the annual allocations, plus any amount of quota that may be set aside or reserved for allocation to new firms, equals in each territory the amount of quota available for that territory.

(13) "Supplemental allocation" refers to an allocation made between an initial allocation and an annual allocation or after an annual allocation which increases the amount of a producer's

quota. Supplemental allocations are special allocations for the purpose of allowing a producer to continue operations.

(14) A "reduced allocation" is an allocation made to supersede a producer's allocation with a smaller quota amount, whether for cause or as the result of the producer's voluntary relinquishment of quota.

(15) A "reallocation" is a process whereby quota held by one or more producers, or quota set aside for new entrants, is placed with one or more other producers. Such will generally involve reduced allocations and supplemental allocations. Reallocations are made for the purpose of facilitating maximum utilization of a territory's calendar year quota and of promoting the greatest possible economic contribution to the territory.

(b) The forms used in the administration of Public Law 89-805 are:

(1) DIB-334P, "Application for License to Enter Watches and Watch Movements into the Customs Territory of the United States (Pub. L. 89-805)." This form must be completed once annually by all producers desiring to receive an annual allocation of quota. It is also used, with appropriate special instructions for its completion, by new firms applying for quota at the time of a new entrant provision.

(2) DIB-333, "License to Enter Watches and Watch Movements into the Customs Territory of the United States (Pub. L. 89-805)." This form is issued by the Departments to producers which have received a quota allocation and constitutes the formal authorization for the issuance of specific shipment permits by the territorial governments. It is also used to record the balance of a producer's quota remaining after the issuance of each shipment permit.

(3) DIB-340, "Permit to Enter Watches and Watch Movements into the Customs Territory of the United States (Pub. L. 89-805)." This form is issued by the territorial government to producers holding a valid quota license and constitutes the authorization for the duty-free entry of an amount of watches or watch movements specified on the form at the U.S. Customs port of entry specified on the form.

(4) DIB-321P, "Quarterly Report on Watch Assembly Operations of Firms granted a Watch Quota Allocation (Pub. L. 89-805)." This form provides the Director with data on a producer's purchase, assembly and shipment activity during the quarterly report period, and scheduled delivery of components and finished movements for the remainder of the calendar year. These data are used by the Departments for program evaluation and planning purposes. Each producer is required to return the completed form to the Director on or before April 15, July 15, and October 15 of each calendar year.

#### § 303.3 Publication of annual rules.

Between November 1 and December 15 each calendar year the Departments will

publish proposed rules for the allocation of quotas for the forthcoming calendar year. Interested parties will be asked to provide written comments within the time period specified in the notice of proposed rules. As early as possible each calendar year the Departments shall publish a notice in the FEDERAL REGISTER announcing the annual rules governing the allocation of quotas for each territory for that particular year. These rules generally shall contain:

(a) Criteria or formulae which will be used by the Departments in calculating each producer's annual watch quota allocation.

(b) Such other special rules or provisions as the Departments may prescribe, e.g. notice of a new entrant provision, and

(c) Any revisions of the codified rules.

#### § 303.4 Application for quotas.

(a) Application forms (DIB-334P) shall be furnished to producers as soon as practicable, but not later than January 1, and must be completed and returned to the Departments on or before January 31 of each calendar year. Failure to supply the data required in the application form may result in the producer's ineligibility for an annual allocation of quota and in the cancellation of its initial quota allocation.

(b) All data supplied are subject to verification by the Departments and no allocation of the annual quota shall be made to a producer until the Departments are satisfied as to the accuracy of the data it has supplied. To verify the data it is necessary for representatives of the Departments to have access to relevant company records including, but not limited to:

(1) work sheets used to answer all applicable questions on the application form;

(2) original records from which such data are derived;

(3) records pertaining to ownership and control of the company and to its satisfaction of eligibility requirements for duty-free treatment of its product by the U.S. Customs Service;

(4) records pertaining to corporate income taxes paid by each producer in the territories on the basis of which a portion of each producer's annual quota is predicated;

(5) customs, bank, payroll and production records; and

(6) records on purchases of components and sales of movements, including proof of payment.

The verification of data shall be performed in the territories by the Departments' representatives as soon as practicable each calendar year, but no later than the end of March.

#### § 303.5 Allocation and reallocation of quotas.

(a) Allocation of quotas.—(1) Initial allocations. As soon as practicable after January 1 of each year the Departments shall make an initial allocation to each producer equaling 70 percent of the number of watch units it has assembled in the particular territory and entered

duty-free into the customs territory of the United States during the first eight months of the preceding calendar year, or any lesser amount requested in writing by such producer. In calculating the initial allocations, the Director shall count only those duty-free watches and watch movements verified by the U.S. Customs Service on Form DIB-340 as having been released for immediate delivery (or formally entered if such occurred simultaneously with release) on or before August 31.

(2) Annual allocations. As soon as practicable after April 1 of each year the Departments shall make the annual allocations among the several producers on the basis of the data supplied by producers in their annual application (Form DIB-334P) and verified by the Departments, and in accordance with the allocation criteria specified in the annual rules. A notice of such allocations shall be published in the FEDERAL REGISTER.

(3) Supplemental allocations. At the request of a producer, the Departments may make an allocation of quota supplementing a producer's initial allocation if the Departments determine the producer's initial allocation will be used before the Departments can issue the annual allocations. Before making such supplemental allocations, the Departments shall take into account the requesting producer's estimated annual allocation to ensure that the sum of its initial and supplemental allocations is not a disproportionate amount of the annual allocation. Allocations to supplement a producer's annual allocation shall be made under the real-location provisions prescribed below.

(b) Reallocation of quotas. Quota may become available for reallocation as a result of cancellation or reduction for cause, non-utilization of quota resulting from business failure, voluntary relinquishment or non-placement of quota set aside for new entrants. The Departments may reallocate such quotas among the remaining producers which are able to utilize additional quota in a manner which in the judgment of the Departments is best suited to contribute to the economy of the territories. In reallocating quota the Departments shall take into account such factors as the wage and income tax contributions of the respective producers during the preceding year, the nature of the producers' present assembly operations and any other factors which, in the judgment of the Departments, bear on the well being and established character of the industry itself and thereby on the economy of the territory. The Departments may determine that applications from new firms, in lieu of reallocation, should be invited for any part or all of any unused portions of quotas. Among the factors the Departments may evaluate in making this latter determination are:

(1) The ability of the established industry to utilize the available quota;

(2) Whether the available quota is sufficient to support viable operations for one or more new entrants;



(3) The market for territorial watches and watch movements in the United States;

(4) The possible impact upon the established industry of selecting any new entrant(s), particularly with respect to the effect on local employment, tax contributions to the territorial government, and on the ability of the established industry to maintain satisfactory production levels; and

(5) Whether the addition of new entrants offers the best prospect for added economic benefits accruing to the territory.

Following consideration of such factors, if the Departments determine that it would be in the best interest of the territory, they may set aside all or a portion of the quota available for reallocation and invite applications from new entrants through publication of a notice in the FEDERAL REGISTER.

The annual rules may also provide for setting aside a portion of a territory's annual quota for new entrants. In determining whether or not to do so, the Departments shall consider factors similar to those considered in determining to invite applications from new firms in lieu of reallocating unutilized quota to the established industry. If the Departments determine that inviting applications from new firms would be in the best interests of the territory, they shall set aside a portion of the annual quota for this purpose in the annual rules, set forth their reasons for doing so, and describe the kinds of information new firms will be required to submit in applying for a quota allocation, including but not limited to the applicant's financial capacity, production and marketing experience, proposed source of parts and components, affiliation with other business entities in the watchmaking and marketing industry, proposed degree of assembly, proposed wage rates by job classification, and the applicant's intentions with regard to the number of units to be assembled and shipped duty-free into the customs territory, to establishing or acquiring a local production facility and to seeking territorial tax exemptions or other local industrial incentive benefits. In such circumstances the reasons for such set-aside provision will be set forth in the annual rules.

#### § 303.6 Issuance of licenses.

(a) Concurrent with quota allocations under § 303.5, the Director shall issue a non-transferable license (Form DIB-333) to each producer. The Director shall also issue a replacement license if a producer's quota is reduced pursuant to section 303.9 of this part.

(b) Annual quota licenses shall be only for that portion of a producer's annual quota not previously licensed under an initial and initial supplemental allocation.

(c) If a producer's quota has been reduced, the Director shall not issue a replacement license for the reduced amount until the producer's previous license has been received for cancellation by the Director.

(d) A producer's licenses shall be used in their entirety, except when they expire or are cancelled, in the order of their date of issuance, e.g., an initial license must be completely used before shipment permits can be issued against an initial supplemental license.

(e) Outstanding licenses issued by the Departments automatically expire at midnight, December 31, of each calendar year. No unused quota may be carried over into the subsequent calendar year.

(f) The Director shall ensure that all licenses issued are conspicuously marked to show the type of license issued, the identity of the producer, and the year for which the license is valid, and all such licenses shall bear the signature of the Director.

(g) Each producer is responsible for the security of its licenses. The loss of a license shall be reported immediately to the Director. Defacing, tampering with or unauthorized use of a license may result in the cancellation of the producer's quota.

#### § 303.7 Issuance of shipment permits.

(a) The Governors of the respective insular possessions are authorized to issue shipment permits (Form DIB-340) against producers' quota licenses. With the prior concurrence of the Departments the Governors may delegate this authority to responsible government officials by providing the name, official title and sample signature of the designated official(s) to the Director. Such delegations shall become effective upon receipt of the Departments' written concurrence.

(b) Each permit shall, among other things, specify the number of watches and watch movements included in the shipment and the unused balance remaining on the producer's license as well as pertinent shipping information.

(c) Producers shall request and the Governors or their delegates shall issue only one shipment permit for each separate shipment or consignment.

(d) Shipment permits shall be valid only for the calendar year in which issued. In order to accomplish duty-free entry, the importer of record or his broker must present the original of the related Form DIB-340, together with other documents required by the U.S. Customs Service, to the District Director of Customs at the port of entry. No entry shall be afforded duty-free treatment unless the merchandise has been formally entered for consumption prior to midnight, December 31, of the year in which the shipment permit is issued unless the merchandise was timely presented at the port of entry together with all required entry documents and the Customs official at the port of entry certifies to the Director that formal entry could not be effected due to circumstances beyond the control of the importer of record.

(e) If a shipment permit expires before the shipment can be presented to Customs officials, due to transportation delays, carrier mishandling or other circumstance beyond the control of the

shipper, the shipment may be entered duty-free upon presentation of a new shipment permit issued against a currently valid license, provided all customs regulations and procedures are complied with. In such cases the expired shipment permit must be forwarded to the Director with a letter explaining the pertinent circumstances in the case. Such entries shall be counted as a shipment in the current year for purposes of calculating the producer's annual quota the following year.

(f) For purposes of calculating calendar year quotas as prescribed in the annual rules, any watches or watch movements shipped by a producer for duty-free entry into the customs territory of the United States, and which were lost prior to entry into the customs territory of the United States, shall nevertheless be considered as having been entered into the customs territory during the year in which they were shipped: Provided, that the Departments have been satisfied that shipment was in fact made but lost prior to entry into the customs territory. In the event time remains and parts are available in the quota year to assemble and ship a replacement shipment, the Director will upon the written request of the producer direct the issuing office in the territory to issue a replacement permit without charge against the producer's license. In such cases, credit for quota calculation purposes will be accorded the replacement shipment but not the lost shipment.

(g) If a shipment permit has been issued and thereafter is not used, the holder of the license shall notify the office which issued the shipment permit and present the permit for cancellation. The issuing office shall correct the balance shown on the producer's license and shall notify the Director of the action it has taken. If a shipment permit is lost, the shipper shall immediately notify both the issuing office and the Director. Improper utilization of shipment permits may result in the cancellation of the producer's quota.

#### § 303.8 Quarterly reporting requirements.

(a) Each producer is required to file a report (Form DIB-321P) on April 15, July 15, and October 15 of each year covering the periods January 1 to March 31, April 1 to June 30, and July 1 to September 30, respectively. No report is required for the fourth quarter (October 1 to December 31) as this data will be reflected on Form DIB-334P at the time the producer applies for an annual watch quota allocation. Copies of Form DIB-321P will be forwarded by the Director to each producer at its territorial address of record at least 15 days prior to the required reporting date. The Form DIB-321P must be completed on a timely basis and returned to the Director by registered mail.

(b) In addition to providing the Departments with specified information regarding the producer's watch movement assembly operations during the reporting period and projected opera-

tions for the remainder of the calendar year, Form DIB-321P is also to be used for reporting any changes in ownership interest and control which have occurred during the reporting period.

#### § 303.9 Maintenance of quota entitlements.

(a) The Departments may issue a show-cause order requiring a producer to show cause, within 30 days or receipt of the order, why the duty-free quota to which it would otherwise be entitled should not be cancelled or reduced by the Departments whenever:

(1) A producer has not assembled and entered duty-free into the customs territory of the United States at least 25 percent of its initial quota allocation prior to April 1;

(2) The Departments have reason to believe a producer will fail to enter by December 31 at least 90 percent of its annual allocation or, in the event the producer has voluntarily relinquished some of its quota to the Departments, 90 percent of its reduced quota;

(3) A producer has failed in the judgment of the Departments to make a meaningful contribution to the territory, for a period of two or more consecutive calendar years, when compared with the performance of the duty-free watch assembly industry in that territory as a whole. This comparison shall include the producer's utilization of quota, amount of direct labor employed in the assembly of watches and watch movements, and the amount of corporate income taxes paid to the government of the territory. If the producer fails to satisfy the Departments as to why such action should not be taken, the firm's quota shall be reduced or cancelled, whichever is appropriate under the show-cause order. The eligibility of a firm whose quota has been cancelled to receive further allocations may also be terminated.

(b) If a firm's quota is reduced or cancelled, or if a firm voluntarily relinquishes a part of its quota, the Departments may reallocate the quota involved among the remaining producers in a manner best suited to contribute to the economy of the territory, may invite applications from new firms in accordance with § 303.5(b), or may do neither of the above if deemed in the best interests of the territories and the established industry.

#### § 303.10 Restrictions on transfer of duty-free quotas.

(a) The sale or transfer of a quota from one firm to another shall not be permitted.

(b) The sale or transfer of a business together with its quota may be permitted with the prior approval of the Departments. Prior approval may be sought by submitting a written request to the Departments, setting forth all facts regarding the proposed sale or transfer, including a copy of the formal sales or transfer agreement, a current financial statement

covering the business and assets being transferred, and a detailed statement of the producer's proposed watch assembly operations subsequent to the transfer or sale. The Departments may require such additional information as they consider relevant.

(c) If the Departments make an initial determination that a firm has made a sale or transfer in violation of these rules, they shall send written notice of the initial determination by registered or certified mail to the firm's territorial address of record. The firm shall be entitled to a hearing in accordance with the procedures set forth in § 303.11 below. Failure to make written request for a hearing within 15 days from the date of receipt of an initial determination shall constitute a waiver of a firm's right to the hearing and shall result in the automatic cancellation of its quota.

(d) Any firm whose quota has been cancelled for violating the regulations in this Part may be declared ineligible for quota allocations in future years.

#### § 303.11 Appeals.

(a) Any decision or action of the Departments relative to the allocation of duty-free watch quotas may be appealed to the Secretaries by any interested party. Interested parties may also petition for relief from the application of any rule on the basis of hardship or extraordinary circumstances resulting in the inability of the petitioner to comply with the rule. Petitions shall be addressed to the Secretaries and filed in one original and two copies with the U.S. Department of Commerce, Domestic and International Business Administration, Office of Import Programs, Washington, D.C. 20230, Attention: Special Import Programs Division.

(b) Petitions shall bear the name and post office address of the petitioner and the name and address of the principal attorney or authorized representative (if any) for the party concerned. Petitions shall contain the following:

(1) A reference to the decision or action which is the subject of the petition.

(2) A short statement of the interest of the petitioner.

(3) A statement of the facts as seen by the petitioner.

(4) The petitioner's argument as to points of law, policy or fact. In cases where policy error is contended, it should be pointed out what policy of the Departments is alleged to be wrong, what is wrong with it, and what policy the submitting party advocates as the correct one.

(5) A conclusion specifying the action which the petitioner believes the Secretaries should take.

(c) The Secretaries may at their discretion schedule a hearing and invite the participation of other interested parties.

(d) Notice of the Secretaries' decision, together with their reasons, shall be communicated to the petitioner promptly

by registered mail. Decisions made by the Secretaries shall be final.

Dated: September 27, 1977.

ROBERT E. SHEPHERD,  
Deputy Assistant Secretary for  
Resources and Trade Assistance,  
U.S. Department of Commerce.

RUTH G. VAN CLEVE,  
Director, Office of Territorial  
Affairs, U.S. Department of  
the Interior.

[FR Doc. 77-28900 Filed 9-29-77; 8:45 am]

#### FEDERAL TRADE COMMISSION

[16 CFR Part 13]

[File No. 722 3241]

SECURITY PACIFIC MORTGAGE CORP.,  
AS SUCCESSOR TO KASSLER & CO.

Consent Agreement With Analysis To  
Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Provisional consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this provisionally accepted consent order, among other things, would require a Denver Colo., finance company to cease failing to provide consumers, in connection with the extension of credit, such material and disclosures as are required by Federal Reserve System regulations. Further, the company is required to make prescribed efforts to obtain information pertaining to third-party fees.

DATE: Comments must be received on or before November 28, 1977.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th and Pennsylvania Avenue NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

Samuel E. Combs, Director, Atlanta Regional Office, Federal Trade Commission, 1718 Peachtree Street NW., Room 1000, Atlanta, Ga. 30309 (404-881-4836).

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the FTC Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with section 4.9(b) (14) of the Commission's Rules of Practice (16 CFR 4.9(b) (14)).

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[Document No. 71700029, File No. 722-3241]  
 AGREEMENT CONTAINING CONSENT ORDER TO  
 CEASE AND DESIST

In the matter of security pacific mortgage corp., as successor to Kassler & Co.  
 The Federal Trade Commission having initiated an investigation of certain acts and practices of Kassler & Co., a corporation, and it now appearing that Security Pacific Mortgage Corp., as successor in interest to Kassler & Co., hereinafter sometimes referred to as proposed respondent, is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated:

It is hereby agreed by and between Security Pacific Mortgage Corp., by its duly authorized officer, and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent Kassler & Co. was, at the time of the acts alleged in the Commission's complaint, a corporation organized, existing, and doing business under and by virtue of the laws of the State of Colorado, with its office and principal place of business located at Diamond Hill Office Park, 2460 West 26th Avenue, Denver, Colo.

2. Security Pacific Mortgage Corp., is a successor and assign of Kassler & Co., having merged with Kassler in 1974, after the acts and practices alleged in the complaint. Security Pacific Mortgage Corp., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its office and principal place of business located at 2460 West 26th Avenue, Denver, Colo. Security Pacific Mortgage Corp. is thus bound by this agreement and order.

3. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

4. Proposed respondent waives:  
 a. Any further procedural steps;  
 b. The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and  
 c. All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

5. This agreement shall not become a part of the official record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released; and such acceptance may be withdrawn by the Commission if comments or views submitted to the Commission disclose facts or considerations which indicate that the order contained in the agreement is inappropriate, improper or inadequate.

6. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached.

7. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall

have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Mailing of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

8. Proposed respondent has read the proposed complaint and order contemplated hereby, and it understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order and that it may be liable for a civil penalty in the amount provided by law for each violation of the order after it becomes final.

#### ORDER

It is ordered, That respondent Security Pacific Mortgage Corp., as successor in interest to Kassler & Co., a corporation, its successors and assigns, and its officers, and respondent's agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the extension of "consumer credit" or arranging for "consumer credit" as defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (15 U.S.C. §§ 1601-65 (1970)), as amended, 15 U.S.C. §§ 1601-65(a) (Supp. IV, 1974)), do forthwith cease and desist from:

1. Failing to include in the stated finance charge, as required by section 226.4(a) of Regulation Z, any monies payable directly or indirectly by the customer to any third party who may have referred consumer loans to them or who may have assisted them in arranging for consumer credit, of which respondent is aware or should be aware through its reasonable effort.

2. Failing to disclose the amount of the finance charge accurately as required by section 226.8(d)(3) of Regulation Z.

3. Failing to disclose the amount of any "prepaid finance charge" as directed in section 226.8(d)(2) of Regulation Z.

4. Failing to state accurately the amount of credit by failing to exclude from such amount the items set forth in section 226.8(e)(1) of Regulation Z as required by section 226.8(d)(1) of Regulation Z.

5. Failing to disclose the annual percentage rate accurately to the nearest quarter of one percent, in accordance with section 226.5 of Regulation Z, as required by section 226.8(b)(2) of Regulation Z.

6. Failing to make reasonable efforts to obtain or to estimate information required for disclosures as is allowed by section 226.6(f) of Regulation Z, and thus failing to accurately disclose the finance charge as required by section 226.8(d)(3) of Regulation Z.

7. Failing in any consumer credit transaction or advertising to make all disclosures determined in accordance with sections 226.4 and 226.5 of Regulation Z at the time and in the manner, form and amount required by sections 226.6, 226.8, and 226.10 of Regulation Z.

It is further ordered, That the respondent henceforth obtain from each person receiving consumer credit from it a completed and signed statement relating to monies or obligations to pay monies which are payable, directly or indirectly, by the customer to any

third party who may have referred the customer to respondent or who may have assisted the customer in arranging for consumer credit with respondent. A sample of such a form is attached hereto as Appendix A. In each instance in which respondent has obtained such a completed form and in which a customer has indicated thereon that he is not liable for and has not paid a fee to any other person in connection with the loan, respondent shall be deemed to have made sufficient reasonable efforts as required by subparagraph 1 of this order, unless respondent otherwise has actual knowledge of monies or fees payable by the customer to any third party.

It is further ordered, That respondent shall, within sixty (60) days after service of this order upon respondent, file with the Commission a report showing the manner and form in which it has complied and is complying with each and every specific provision of this order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

#### APPENDIX A.—CUSTOMER STATEMENT OF THIRD PARTY FEES

1. Have you paid or are you liable for the payment of a fee to any person who has assisted you with or who has arranged for your application to Security Pacific Mortgage Corporation for this loan?  
 Yes ☐ No ☐

2. If your answer above was "Yes", please state the amount of the fee paid or to be paid to such person.

3. If your answer to question 1 was "Yes", please state the name and address of such person.

Name \_\_\_\_\_  
 Address \_\_\_\_\_

I have read and understand this document, and affirm that the answers given are true to the best of my knowledge.

Date \_\_\_\_\_ Customer \_\_\_\_\_  
 \_\_\_\_\_ Customer \_\_\_\_\_

#### ANALYSIS OF PROPOSED CONSENT ORDER TO AID PUBLIC COMMENT

The Federal Trade Commission has accepted an agreement to a proposed consent order from Security Pacific Mortgage Corporation, as successor in interest to Kassler & Co.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint in this matter charges a mortgage lending company with violations of the Truth in Lending Act by Pacific Mortgage Corporation is a "successor and assign" of Pacific Mortgage Corporation is a "successor and assign" of Kassler & Co., having merged with Kassler in 1974, after the acts and practices alleged in the complaint.

The consent order requires Security Pacific Mortgage Corporation to include in the finance charge any fees payable to a third party for that party's assistance in arranging consumer credit, whenever the company is aware or should be aware through reasonable effort of such fees. Security Pacific Mortgage Corporation is further required to make reasonable efforts to obtain information required to be disclosed, especially concerning any fees paid to third party loan finders. Part of this inquiry will be accomplished by the use of a questionnaire the company will present to its customers. The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

CAROL M. THOMAS,  
 Secretary.

[FR Doc 77 28856 Filed 9-29-77; 8:45 am]

[ 675-01 ]

[ 16 CFR Part 433 ]

#### PRESERVATION OF CONSUMERS' CLAIMS AND DEFENSES

##### Public Record Reopening in Proposed Amendment to Trade Regulation Rule

AGENCY: Federal Trade Commission.  
 until November 30, 1977.

ACTION: The public record has been reopened to receive additional written comment.

SUMMARY: The Federal Trade Commission hereby gives notice that the public record in the proposed amendment to the trade regulation rule, Preservation of Consumers' Claims and Defenses (Holder in Due Course), has been reopened until November 30, 1977, to receive additional written comment on the proposed amendment, the text of which was published in the FEDERAL REGISTER on November 18, 1975 (40 FR 53530).

DATES: The record has been reopened until November 20, 1977.

ADDRESSES: Send comments to C. W. Keller, Presiding Officer, Federal Trade Commission, Washington, D.C. 20580. The public record may be reviewed at the Commission's Division of Legal and Public Records, Room 132, Federal Trade Commission Building, 6th Street at Pennsylvania Avenue NW., Washington, D.C., during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Martin White, 202-523-3369, Federal Trade Commission, Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION: The Commission promulgated a final trade regulation rule on November 14, 1975 (40 FR 53506, November 18, 1975). The final rule became effective May 14, 1976, and applies to retail sellers of consumer goods and services. Concurrent with publication of the final rule, the Commission proposed an amendment to extend the coverage of the rule to creditors (40 FR 53530); see also 41 FR 4833, February 2, 1976 (correction of a text error). The closing date for submission of comments on the amendment was March 5, 1976. Public hearings on the proposed amendment were completed in April of 1976.

The Commission's decision to reopen the record is based on the chronology outlined in the previous paragraph. Because the written record on the proposed amendment was closed and hearings completed before the effective date of the original rule, May 14, 1976, the record on the proposed amendment does not include information based on experience under the rule. Over a year of such experience has now been accumulated. While ordinary procedures are adequate for the development of the record needed for decision on a proposed rule, the Commission has decided that, in the unusual situation presented by the circumstances of this proposal, it should exercise its discretion to reopen the record. This will provide an opportunity for interested parties to bring to its attention any relevant information that has been developed as a result of experience under the existing rule. In addition, comments on any aspect of the proposed amendment will be accepted.

As noted in the initial FEDERAL REGISTER notice of November 18, 1975, page 53530, the Commission is not in this proceeding reopening any issues concerning the original rule.

Issued: September 29, 1977.

CHRISTOPHER W. KELLER,  
 Presiding Officer.

[FR Doc. 77-28854 Filed 9-29-77; 8:45 am]

[ 4110-07 ]

#### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

##### Social Security Administration

[20 CFR Part 416]

[Regulations No. 16]

#### SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

##### Exclusion From Income of Assistance Based on Need Furnished by States or Political Subdivisions Thereof

AGENCY: Social Security Administration, HEW.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The proposed amendments to Subpart K of Title 20 of the Code of Federal Regulations (20 CFR) extend the scope of that assistance based on need which is excluded from countable income under the Supplemental Security Income program. The purpose of the amendments is to reflect section 505(b) of Pub. L. 94-566 which amends section 1612(b)(6) of the Social Security Act. These amendments will result in previously countable income being excluded if based on need and funded wholly by a State or by a political subdivision of such a State, including Indian tribes. The requirement that an assistance payment must be made in cash to an eligible individual in order to be excluded as assistance based on need has been abolished, and payments made to a vendor on behalf of an eligible individual can now qualify for this exclusion.

DATES: Comments must be received on or before November 14, 1977.

ADDRESSES: Prior to final adoption of these proposed amendments to the regulations, consideration will be given to any data, views, or arguments, pertaining thereto which are submitted in writing to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 5131, 339 Independence Avenue SW., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT:

Mr. Henry D. Lerner, Legal Assistant, Office of Policy and Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301-594-7336).

SUPPLEMENTARY INFORMATION: As originally enacted (Pub. L. 92-603, effective January 1, 1974), section 1612(b)(6) of the Social Security Act authorized the total exclusion from countable income, for supplemental security income purposes, of assistance described in section 1616(a) of the Act, which has based on need and furnished by any State or political subdivision of a State. In order to meet the requirements of section 1616(a) of the Act, excludable assistance payments based on need had to be made directly to an eligible individual in cash, on a regular basis, and in supplementation of such individual's supplemental security income benefits. A payment was considered to be "based on need" if the program under which the payment was made required use of the individual's or family's income (or income and resources) as a criterion for determining eligibility for and amount of payment. A payment was considered to



be "in cash" only if a cash payment was made directly to an eligible individual (and eligible spouse, if any) or to such a person's representative payee. Thus, third party vendor payments which resulted in an individual's receipt of in-kind support and maintenance, even though made by a State or a political subdivision of a State under a needs-based program, were not excluded under this provision because the payments were not made in cash directly to an eligible individual. Therefore, assistance such as a State or local government funded payment made for the foster care of an eligible individual resulted in countable income to that individual in the form of in-kind support and maintenance. Similarly, adoption subsidies paid to low-income parents who were not eligible for supplemental security income benefits to enable them to adopt a child were considered income to the parents. Consequently, if the parents applied for supplemental security income benefits, the adoption subsidies could affect their eligibility. If the adopted child was eligible for supplemental security income benefits and the parents were not, the adoption subsidy would be included in parental income to be deemed to the child under the provisions of section 1614(f) of the Act.

Section 505(b) of Pub. L. 94-566 provides that, effective October 1, 1976, assistance, furnished to or on behalf of an individual (and spouse), which is based on need and furnished by any State or political subdivision of a State shall be excluded in determining income. The payment does not have to be in supplementation of supplemental security income benefits and does not have to be paid on a regular basis. In addition, the reference to section 1616(a) of the Act has been deleted. Hence, certain State or local government payments which previously resulted in countable income (e.g., foster care payments, adoption subsidies, and other payments to providers of food, clothing, or shelter) are excluded under the amendments if they are based on need and are funded wholly by a State or by a political subdivision of a State, including Indian tribes. The amendments will permit State and local governments more freedom in deciding the best manner in which to make an assistance payment in order to help an eligible individual, since such payment no longer need be as a cash payment directly to him.

However, excludable assistance payments cannot involve any Federal or private agency funding. Consequently, payments under a needs-based program such as Aid to Families with Dependent Children, though made to or on behalf of an eligible individual and administered by a State agency, are not excluded under section 1612(b)(6) of the Act because of the Federal funding involved.

Once it is established that certain payments qualify as assistance based on need under section 1612(b)(6) of the Act, existing regulations automatically

exclude them from consideration in the deeming process under § 416.1185 (published as a Notice of Proposed Rule Making with interim effectiveness, at 42 FR 3316 on January 18, 1977) of Regulations No. 16. The result is the total exclusion from countable income of such payments, as well as of State supplementary payments which have always before been excluded under this provision.

As section 505(b) of Pub. L. 94-566 was effective October 1, 1976, operating personnel have been alerted to the change and the need to process such cases under the newly enacted legislation. That action was necessary to insure prompt recognition and equitable handling of these cases, on an interim basis, pending publication of final regulations.

(Secs. 1102, 1612, 1614, 1616, and 1631 of the Social Security Act, 49 Stat. 647, as amended, 86 Stat. 1468, 1471, 1474, and 1475; 42 U.S.C. 1302, 1382a, 1382c, 1382e and 1383.)

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program.)

NOTE: The Social Security Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: August 19, 1977.

DON WORTMAN,  
Acting Commissioner of  
Social Security.

Approved: September 26, 1977.

JOSEPH A. CALIFANO, Jr.,  
Secretary of Health,  
Education, and Welfare.

Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is proposed to be amended as follows:

1. Section 416.1145 is amended by revising paragraph (b)(2) to read as follows:

§ 416.1145 Exclusions from income: order of application.

(b) For the purpose of determining countable income in accordance with § 416.1115, the following income shall be excluded after income described in paragraph (a) of this section:

(2) Assistance based on need which is furnished by a State or political subdivision thereof (including Indian tribes), or any combination of such jurisdictions (§ 416.1151).

2. Section 416.1151 is revised to read as follows:

§ 416.1151 State assistance based on need.

(a) Prior to October 1, 1976, assistance furnished by a State or a political subdivision thereof (including Indian tribes) which is based on need and which meets the definition of State supplementation in Subpart T of this part shall not be

considered in determining countable income under § 416.1115.

(b) Effective October 1, 1976, assistance based on need furnished to or on behalf of an eligible individual (and eligible spouse, if any) shall not be considered in determining countable income under title XVI provided:

(1) The assistance is provided by a State or political subdivision (including Indian tribes) under a program which uses income, or income and resources, as criteria for determining eligibility for and amount of such assistance; and

(2) The assistance payment is funded wholly by a State or by a political subdivision of a State (including Indian tribes), or any combination of such jurisdictions. When Federal or nonpublic monies are provided for the assistance payment, e.g., when there is a specific Federal/State program of project or formula grants (such as grants-in-aid under title IV-A of the Act), the assistance payment is not funded wholly by a State or a political subdivision thereof.

(c) Assistance described in paragraph (b) of this section is excluded from countable income regardless of whether such assistance meets the definition of State supplementation in Subpart T of this part.

(d) Any payments which are excluded from countable income because such payments constitute assistance based on need under paragraph (a) or (b) of this section are also excluded from income to be deemed under § 416.1185 (published as a Notice of Proposed Rule Making with interim effectiveness at 42 FR 3316 on January 18, 1977).

[FR Doc. 77-28927 Filed 9-29-77; 8:45 am]

#### Food and Drug Administration

[21 CFR Parts 182, 184]

[Docket No. 77N-0043]

#### AGAR-AGAR

Proposed Affirmation of GRAS Status With Specific Limitations as Direct Human Food Ingredient

#### Correction

In FR Doc. 77-23980 appearing at page 41876 in the issue for Friday, August 19, 1977, the following correction should be made.

On page 41878, first column, line 8 under the chart at the top of the page, now reading "37 (a))" and under authority delegated", should read, "371 (a))" and under authority delegated".

[4110-03]

[21 CFR Part 500]

[Docket No. 76N-0286]

#### NEW ANIMAL DRUGS; BOVINE TEAT DIPS

Extension of Time for Filing Comments on Proposed Rulemaking

AGENCY: Food and Drug Administration.

ACTION: Proposed rule; extension of comment period.

SUMMARY: This document extends the comment period on a proposed rule concerning uses of bovine teat dips for an additional 60 days, as requested by the National Mastitis Council.

DATES: Comments by December 10, 1977.

ADDRESS: Written comments to the Hearing Clerk (HFC-20), Rm. 4-65, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Howard Meyers, Bureau of Veterinary Medicine (HFV-214), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, (301-443-3183).

SUPPLEMENTARY INFORMATION: A proposed rule concerning uses of bovine teat dips was published in the FEDERAL REGISTER of August 9, 1977 (42 FR 40217). The proposal provided 60 days, to October 11, 1977, for submission of comments regarding the proposal. In a letter dated August 22, 1977 (on file with the Hearing Clerk, Food and Drug Administration) the National Mastitis Council, 910 17th St. NW., Washington, D.C. 20006, has requested that the comment period be extended an additional 60 days to provide sufficient time for evaluation and submission of certain new information. Good reason therefor appearing, the time for filing comments in this matter is extended to December 10, 1977.

Interested persons may, on or before December 10, 1977, submit to the Hearing Clerk, Food and Drug Administration (address given above) written comments regarding the August 9 proposal on bovine teat dips. Four copies of all comments shall be submitted, except that individuals may submit single copies, and the comments shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above-named office between 9 a.m. and 4 p.m., Monday through Friday.

This action is taken pursuant to the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b (i))) and authority delegated to the Commissioner (21 CFR 5.1).

Dated: September 22, 1977.

WILLIAM F. RANDOLPH,  
Acting Associate Commissioner  
for Compliance.

[FR Doc. 77-28571 Filed 9-26-77; 10:30 am]

[21 CFR Parts 505, 510, 558]

[Docket No. 77N-0231]

#### PENICILLIN 'N' ANIMAL FEEDS

Proposed Rulemaking

#### Correction

In FR Doc. 77-24970 appearing at page 43770 in the issue for Tuesday, August

30, 1977, the following correction should be made.

On page 43770, second column, in line 6 of paragraph 3, the number 66 should be deleted, and replaced with quotation marks.

[4510-20]

#### DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 30]

#### EQUAL EMPLOYMENT IN APPRENTICESHIP PROGRAMS

AGENCY: Office of the Secretary of Labor.

ACTION: Proposed rulemaking.

SUMMARY: This proposed regulation would amend the Department of Labor's regulations concerning equal employment in apprenticeship programs to include specific provisions requiring affirmative action for women.

DATES: Comments on this proposal will be received until November 14, 1977.

ADDRESSES: Send comments to James P. Mitchell, Deputy Administrator, Bureau of Apprenticeship and Training, Employment and Training Administration, U.S. Department of Labor, Room 5000, Patrick Henry Building, 601 D Street NW., Washington, D.C. 20213. Comments received will be available for inspection during regular working hours at the above address.

FOR FURTHER INFORMATION CONTACT:

James P. Mitchell, Deputy Administrator, BAT, room 5000, 601 D Street NW., Washington, D.C. 20213, telephone 202-376-6585.

SUPPLEMENTARY INFORMATION: Regulations published at 29 CFR Part 30 establish policies and procedures to promote equality of opportunity in apprenticeship programs registered with the U.S. Department of Labor or with recognized state apprenticeship agencies. The regulations prohibit discrimination based on race, color, religion, national origin or sex.

They also require the adoption of written affirmative action programs including the development of goals and timetables. But while the regulations require the elimination of sex-based discrimination, they do not require that the written affirmative action plans cover women. Also, a sponsor is not required to establish and attain goals and timetables for women although goals and timetables are required for minorities.

Over the last several years the Department of Labor has received a number of requests to amend 29 CFR Part 30 to make the written affirmative action plan, including goals and timetables, applicable to women. Most recently a group of organizations petitioned the Department of Labor pursuant to 5 U.S.C. 553 (e) to initiate rulemaking proceedings to cover women in affirmative action

plans relating to registered apprenticeship programs.

The Department of Labor has examined the status of women in apprenticeship programs and has concluded, based on their participation rate, that 29 CFR Part 30 should be amended to require that written affirmative action plans for apprenticeship programs cover women, including the establishment of goals and timetables.

As the petition for rulemaking states:

The percentage of women in the civilian labor force has steadily increased from 1920 to 1976, when the percentage of the workforce which is female had climbed to a new high of 40.5 percent. However, despite a continuing climb in overall labor force participation, women are generally confined to five low-paying categories of work: clerical, domestic work, teaching, nursing and sales. Women comprised only 4.5 percent of all craft and kindred workers—"The skilled trades"—in 1975. A woman working full-time, year-around, in 1974 as a clerical had a median income of \$6,827; a domestic earned \$2,676; a salesperson \$5,168; and a teacher below the college level, not a year-round worker, could expect \$7,739. In contrast, male craft workers reached a median income of \$12,028. [Footnote and reference omitted.]

Historically, women have had only limited participation in apprenticeship programs, which is how many skilled craftworkers enter their jobs.

In 1976 of the 11 million skilled blue-collar workers, only slightly over a half million (545,038) were women. Nearly 165,000 of these women were bakers, tailors, upholsterers, and decorators and window dressers, constituting, respectively, 37.2, 32.1, 28.6, and 70.6 percent of total employed. On the other hand, the proportion of women carpenters, electricians, painters, plumbers, machinists, mechanics, stationary engineers, and a few other skilled trades ranged from less than 1 percent to about 3 percent of the total. Although the number of women apprentices increased by 74 percent in one year (1974-75), they still represented only 1.2 percent of the total number of apprentices registered.

According to the latest available data for January through June 1976, there were 3,545 women apprentices, representing 1.4 percent of the total apprentices (249,060). A further look at the number of women employed in several occupations for which apprenticeships are available shows generally that women are making very small gains, numerically and proportionately. The gains, in fact, are so small that if women are ever to be fairly representative in the skilled crafts, their entry into apprenticeship programs must be greatly accelerated. The Department of Labor's experience has shown that the use of goals and timetables is the most effective means for increasing the number of women and minorities in employment areas from which they previously have been excluded or have not been represented in proportion to their availability. Minority participation in apprenticeship and in individual construction trades, for example, has increased measurably as a result of the minority outreach program and the goals and timetables require-



ments under 29 CFR Part 30. The data for the first 6 months of 1976 indicate that minorities (who constitute 11.5 percent of the work force) are 17.7 percent of all apprentices. This is a rise from 9.1 percent in 1970, the last year before 29 CFR Part 30 was issued. During the same months in 1976, women (41.1 percent of the work force) held only 1.4 percent of all apprenticeship positions.

Based on these results, affirmative action in apprenticeship programs would appear to be particularly appropriate at this time. The petition for rulemaking states, for example, that:

Women are often discouraged from even considering skilled trades as a viable source of employment because of views about "women's role." By rule and/or by practice, young girls are excluded from such courses as auto shop, drafting and wood shop, and tracked into so-called "women's work" courses such as home economics and typing. The majority of girls and women are not even aware of possibilities of employment in male-dominated areas, or assume that they could never break into non-traditional areas of employment simply because they are of the "wrong" sex. [Footnotes omitted.]

The Department of Labor's experience and the experience of other entities have shown that when jobs traditionally associated with men have been opened to women the response has been extremely good. In this connection, it should be pointed out that the 29 CFR 30 Manual, published by the Bureau of Apprenticeship and Training, Employment Training Administration, requires each apprenticeship program sponsor to analyze the availability of female applicants and to suggest appropriate goals for women for the year 1977.

#### PROPOSED CHANGES

The regulations proposed today make conforming changes (such as acknowledging the 1972 amendments to the Civil Rights Act of 1964) and some editorial type changes. The major change, however, is to insert appropriate words to show that the written affirmative action plan requirement applies to women as well as to minorities. The basic sections affected by this change are §§ 30.4, 30.5, 30.6, 30.8, 30.11, 30.13, and 30.15. Also, the proposed regulations would allow sponsors of Federally registered programs 90 days from the effective date of the regulations to conform their written affirmative action program to the proposed regulations. State Apprenticeship Councils will be required to conform their equal opportunity plans to the revised regulation, within 60 days of the effective date. These revised state plans shall require that all state apprenticeship programs registered with the State Apprenticeship Councils comply with the revised state plans within 90 days of the effective date of these revised regulations.

The proposed procedures which the program sponsors are to use in establishing goals and timetables are similar to those set forth in the current regulations for minorities and to the procedures used in California. Under these proposed procedures, goals are based on

the percentage of minorities or women in the workforce in the program sponsor's labor market area who are qualified or have the potential to qualify for apprenticeship. The Department of Labor is concerned, however, that these criteria be properly applied in developing goals for women and that proposed goals be presented which are realistic and which demonstrate a proper application of these criteria. Thus, although the California Plan serves as a model for these amendments it is necessary for the Department of Labor to take certain precautions to ensure that the criteria are not misapplied and that realistic goals are established. In California, for example, apprenticeship goals for women in nontraditional jobs for 1977 ranged from 1 to 10 percent. The Administrative Guidelines for Implementing the Plan for Equal Employment of Apprentices in California provide that "[e]ach program sponsor shall analyze the availability of female applicants for its program and shall suggest appropriate goals for the year 1977 for women." The Division of Apprenticeship Standards' form 24B sets out the factors to be considered in ascertaining availability. They include the number of female applicants; number of qualified female applicants; total of all qualified applicants; and the estimated intake of apprentices in the following year.

These factors, when used in conjunction with others, may be appropriate to determine a goal level. When used alone, however, they tend to be subjective and exclusionary. This is particularly true when nontraditional jobs are in issue or when women and/or minorities have been excluded from specific jobs. Accordingly 29 CFR 30.4, in measuring availability, does not rely on applicant flow but rather on the number of qualified women and/or minorities who can be identified in a vigorous outreach program.

It is the Department's view that the use of goals and timetables, when combined with a vigorous outreach program, can result in attracting a substantial number of qualified women applicants to apprenticeship programs. It is therefore expected that goals for the first year will be at least one half the proportion of qualified women in the workforce in the program sponsor's labor market area. First year goals for other than the entry class should be established at a level not less than the participation rate of women currently in those classes. These goals are to be reexamined annually and revised in accordance with these principles and the procedures set forth in 29 CFR 30.4.

These proposed regulations do not amend 29 CFR 30.5(b) (4) (B) which permits school diplomas as a qualification standard. However, in recent years the courts have indicated that a high school diploma is not a valid selection standard. This issue has been broached with Apprenticeship, and that Committee may consider it at its next meeting scheduled for October 6-7, 1977. Accordingly, com-

ments are invited on the issue of whether the school diploma should be retained as an alternative selection method.

This document was prepared under the supervision of James D. Henry, Associate Solicitor for Labor Relations and Civil Rights.

In consideration of the foregoing, it is proposed to amend 29 CFR Part 30 as set forth below.

Dated: September 23, 1977.

ERNEST G. GREEN,  
Assistant Secretary, Employment and Training Administration.

#### PART 30—EQUAL EMPLOYMENT OPPORTUNITY IN APPRENTICESHIP AND TRAINING

Sec.	Scope and purpose.
30.1	Definitions.
30.2	Equal opportunity standards.
30.3	Affirmative action plans.
30.4	Selection of apprentices.
30.5	Existing lists of eligibles and public notice.
30.6	[Reserved]
30.7	Records.
30.8	Compliance reviews.
30.9	Noncompliance with Federal and State equal opportunity requirements.
30.10	Complaint procedure.
30.11	Adjustment in schedule for compliance review or complaint processing.
30.12	Sanctions.
30.13	Reinstatement of program registration.
30.14	State apprenticeship councils.
30.15	Hearings.
30.16	Intimidatory or retaliatory acts.
30.17	Nondiscrimination.
30.18	Exemptions.

AUTHORITY: The provisions of this Part 30 are issued under sec. 1, 50 Stat. 664, as amended; 29 U.S.C. 50; 40 U.S.C. 276c; 5 U.S.C. 301; Reorganization Plan No. 14 of 1950, 64 Stat. 1267, 3 CFR 1949-53 Comp., p. 1007.

##### § 30.1 Scope and purpose.

This part sets forth policies and procedures to promote equality of opportunity in apprenticeship programs registered with the U.S. Department of Labor or with state apprenticeship programs registered with recognized state apprenticeship agencies. These policies and procedures apply to the recruitment and selection of apprentices, and to all conditions of employment and training during apprenticeship. The procedures established provide for review of apprenticeship programs, for registering apprenticeship programs, for processing complaints, and for deregistering noncomplying apprenticeship programs. This part also provides policies and procedures for continuation or withdrawal of recognition of state agencies for registering of apprenticeship programs for Federal purposes. The purpose of this part is to promote equality of opportunity in apprenticeship by prohibiting discrimination based on race, color, religion, national origin, or sex in apprenticeship programs, by requiring affirmative action

to provide equal opportunity in such apprenticeship programs, and by coordinating this part with other equal opportunity programs.

##### § 30.2 Definitions.

(a) "Department" means the U.S. Department of Labor.

(b) "Employer" means any person or organization employing an apprentice whether or not the apprentice is enrolled with such person or organization or with some other person or organization.

(c) "Apprenticeship program" means a program registered by the Department and evidenced by a Certificate of Registration as meeting the standards of the Department for apprenticeship, but does not include a state apprenticeship program.

(d) "Sponsor" means any person or organization operating an apprenticeship program, irrespective of whether such person or organization is an employer.

(e) "Secretary" means the Secretary of Labor, the Assistant Secretary of Labor for Employment and Training, or any person specifically designated by either of them.

(f) "State Apprenticeship Council" means a state apprenticeship council or other state agency in any of the 50 states, the District of Columbia, or any territory or possession of the United States, which is recognized by the Department as the appropriate agency for registering programs for Federal purposes.

(g) "State apprenticeship program" means a program registered with a State Apprenticeship Council and evidenced by a Certificate of Registration or other appropriate document as meeting the standards of the State Apprenticeship Council for apprenticeship.

(h) "State program sponsor" means any person or organization operating a State apprenticeship program, irrespective of whether such person or organization is an employer.

##### § 30.3 Equal opportunity standards.

(a) *Obligations of sponsors.* Each sponsor of an apprenticeship program shall:

(1) Recruit, select, employ, and train apprentices during their apprenticeship, without discrimination because of race, color, religion, national origin, or sex; and

(2) Uniformly apply rules and regulations concerning apprentices, including but not limited to, equality of wages, periodic advancement, promotion, assignment of work, job performance, rotation among all work processes of the trade, imposition of penalties or other disciplinary action, and all other aspects of the apprenticeship program administration by the program sponsor; and

(3) Take affirmative action to provide equal opportunity in apprenticeship, including adoption of an affirmative action plan as required by this part.

(b) *Equal opportunity pledge.* Each sponsor of an apprenticeship program shall include in its standards the following equal opportunity pledge:

#### PROPOSED RULES

The recruitment, selection, employment, and training of apprentices during their apprenticeship, shall be without discrimination because of race, color, religion, national origin, or sex. The sponsor will take affirmative action to provide equal opportunity in apprenticeship and will operate the apprenticeship program as required under Title 29 of the Code of Federal Regulations, Part 30.

(c) *Programs presently registered.* Each sponsor of a program registered with the Department as of the effective date of this part shall within 90 days following that effective date take the following action:

(1) Include in the standards of its apprenticeship program the equal opportunity pledge prescribed by paragraph (b) of this section;

(2), or (3) shall prepare, and have available by § 30.4; and

(3) Adopt a selection procedure required by § 30.5. A sponsor adopting a selection method under § 30.5(b) (1), (2), or (3) shall prepare, and have available for submission upon request, copies of its amended standards, affirmative action plans, and selection procedure. A sponsor adopting a selection method under § 30.5(b) (4) shall submit to the Department copies of its standards, affirmative action plan and selection procedure in accordance with the requirements of § 30.5(b) (4) (i) (A).

(d) *Sponsors seeking new registration.* A sponsor of a program seeking new registration with the Department shall submit copies of its proposed standards, affirmative action plan, selection procedures, and such other information as may be required. The program shall be registered if such standards, affirmative action plan, and selection procedure meet the requirements of this part.

(e) *Programs subject to approved equal employment opportunity plans.* A sponsor shall not be required to adopt an affirmative action plan under § 30.4 or a selection procedure under § 30.5 if it submits to the Department satisfactory evidence that it is in compliance with an equal employment opportunity program providing for the selection of apprentices and for affirmative action in apprenticeship which has been approved as meeting the requirements of title VII of the Civil Rights Act of 1964, as amended, (42 U.S.C. 2000e et seq.) or Executive Order 11246, as amended, and the implementing regulations published in Title 29 of the Code of Federal Regulations, Chapter XIV, and Title 41 of the Code of Federal Regulations, Chapter 60 except to the extent that the goals and timetables in such program are less than would be required under this part.

(f) *Program with fewer than five apprentices.* A sponsor of a program in which fewer than five apprentices are indentured shall not be required to adopt an affirmative action plan under § 30.4 or a selection procedure under § 30.5 provided that such program was not adopted to circumvent the requirements of this part.

##### § 30.4 Affirmative action plans.

(a) *Adoption of affirmative action plans.* A sponsor's commitment to equal

opportunity in recruitment, selection, employment, and training of apprentices shall include the adoption of a written affirmative action plan.

(b) *Definition of affirmative action.* Affirmative action is not mere passive nondiscrimination. It includes procedures, methods, and programs for the identification, positive recruitment, training, goals, and timetables and motivation of present and potential minority and female (minority and nonminority) apprentices. It is action which will equalize opportunity in apprenticeship so as to allow full utilization of the work potential of minorities and women. The overall result to be sought is equal opportunity in apprenticeship for all individuals participating in or seeking entrance to the Nation's labor force.

(c) *Outreach and positive recruitment.* An acceptable affirmative action plan must also include adequate provision for outreach and positive recruitment that would reasonably be expected to increase minority and female participation in apprenticeship by expanding the opportunity of minorities and women to become eligible for apprenticeship selection. In order to achieve these objectives, sponsors shall undertake activities such as those listed below. It is not contemplated that each sponsor necessarily will include all the listed activities in its affirmative action program. The scope of the affirmative action program will depend on all the circumstances including the size and type of the program and its resources. However, the sponsor will be required to undertake a significant number of appropriate activities in order to enable it to meet its obligations under this part. The affirmative action plan shall set forth the specific steps the sponsor intends to take in the areas listed below. Whenever special circumstances warrant, the Department may provide such financial or other assistance as it deems necessary to implement the requirements of this paragraph.

(1) Dissemination of information concerning the nature of the apprenticeship, requirements for admission to apprenticeship, availability of apprenticeship opportunities, sources of apprenticeship applications, and the equal opportunity policy of the sponsor. For programs accepting applications only at specified intervals, such information shall be disseminated at least 30 days in advance of the earliest date for application at each interval. For programs customarily receiving applications throughout the year, such information shall be regularly disseminated but not less than semiannually. Such information shall be given to the Department, local schools, employment service offices, women's centers, outreach programs and community organizations which can effectively reach minorities and women, and shall be published in newspapers which are circulated in the minority community and among women, as well as in the general areas in which the program sponsor operates.

(2) Participation in annual workshops conducted by employment service agencies for the purpose of familiarizing



school, employment service and other appropriate personnel with the apprenticeship system and current opportunities therein.

(3) Cooperation with local school boards and vocational education systems to develop programs for preparing students to meet the standards and criteria required to qualify for entry into apprenticeship programs.

(4) Internal communication of the sponsor's equal opportunity policy in such a manner as to foster understanding, acceptance, and support among the sponsor's various officers, supervisors, employees, and members and to encourage such persons to take the necessary action to aid the sponsor in meeting its obligations under this part.

(5) Engaging in programs such as outreach for the positive recruitment and preparation of potential applicants for apprenticeships; where appropriate and feasible, such programs shall provide for pretesting experience and training. If no such programs are in existence the sponsor shall seek to initiate these programs, or, when available, to obtain financial assistance from the Department. In initiating and conducting these programs, the sponsor may be required to work with other sponsors and appropriate community organizations. The sponsor shall also initiate programs to prepare women and encourage women to enter traditionally male programs.

(6) To encourage the establishment and utilization of programs of preapprenticeship, preparatory trade training, or others designed to afford related work experience or to prepare candidates for apprenticeship, a sponsor shall make appropriate provision in its affirmative action plan to assure that those who complete such programs are afforded full and equal opportunity for admission into the apprenticeship program.

(7) Utilization of journeymen to assist in the implementation of the sponsor's affirmative action program.

(8) Granting advance standing or credit on the basis of previously acquired experience, training, skills, or aptitude for all applicants equally.

(9) Admitting to apprenticeship, persons whose age exceeds the maximum age for admission to the program, where such action assists the sponsor in achieving its affirmative action obligations.

(10) Other appropriate action to ensure that the recruitment, selection, employment, and training of apprentices during apprenticeship shall be without discrimination because of race, color, religion, national origin, or sex, (e.g., general publication of apprenticeship opportunities and advantages in advertisements, industry reports, articles, etc.; use of present minority and female apprentices and mechanics as recruiters; career counseling; periodic auditing of affirmative action programs and activities; and development of reasonable procedures between the sponsor and employers of apprentices to ensure that equal employment opportunity is being granted, including reporting systems,

onsite reviews, briefing sessions, etc.) The affirmative action program shall set forth the specific steps the sponsor intends to take, in the above areas, under this paragraph (c). Whenever special circumstances warrant, the Department may provide such financial or other assistance as it deems necessary to implement the above requirements.

(d) *Goals and timetables.* (1) A sponsor adopting a selection method under § 30.5(b)(1) or (2) which determines on the basis of the analysis described in paragraph (c) of this section that it has deficiencies in terms of underutilization of minorities and or women (minority and nonminority) in the craft or crafts represented by the program shall include in its affirmative action plan percentage goals and timetables for the admission of minority and or female (minority and nonminority) applicants into the eligibility pool.

(2) A sponsor adopting a selection method under § 30.5(b)(3) or (4) which determines on the basis of the analysis described in paragraph (c) of this section that it has deficiencies in terms of the underutilization of minorities or women in the craft or crafts represented by the program shall include in its affirmative action plan percentage goals and timetables for the selection of minority and female (minority and nonminority) applicants for the apprenticeship program.

(3) "Underutilization" as used in this paragraph refers to the situation where there are fewer minorities and/or women (minority and nonminority) in the particular craft or crafts represented by the program than would reasonably be expected in view of an analysis of the specific factors in subparagraphs (1) through (5) in paragraph (c) of this section. Where, on the basis of the analysis, the sponsor determines that it has no deficiencies, no goals and timetables need be established. However, where no goals and timetables are established, the affirmative action plan shall include a detailed explanation why no goals and timetables have been established.

(4) Where the sponsor fails to submit goals and timetables as part of its affirmative action plan or submits goals and timetables which are unacceptable, and the Department determines that the sponsor has deficiencies in terms of underutilization of minorities and/or women (minority and nonminority) within the meaning of this section, the Department shall establish goals and timetables applicable to the sponsor for the admission of minority and female (minority and nonminority) applicants into the eligibility pool or selection of apprentices, as appropriate. The sponsor shall make good faith efforts to attain these goals and timetables in accordance with the requirements of this section.

(e) *Analysis to determine if deficiencies exist.* The sponsor's determination as to whether goals and timetables shall be established, shall be based on an

analysis of at least the following factors, which analysis shall be set forth in writing as part of the affirmative action plan.

(1) The size of the minority and female (minority and nonminority) labor force in the program sponsor's labor market area;

(2) The percentage of minority and female (minority and nonminority) participation as apprentices in the particular craft as compared with the percentage of minorities and women (minority and nonminority) in the labor force in the program sponsor's labor market area;

(3) The percentage of minority and female (minority and nonminority) participation as journey persons employed by the employer or employers participating in the program as compared with the percentage of minorities and women (minority and nonminority) in the sponsor's labor market area and the extent to which the sponsor should be expected to correct any deficiencies through the achievement of goals and timetables for the selection of apprentices; and

(5) The general availability of minorities and women (minority and nonminority) with present or potential capacity for apprenticeship in the program sponsor's labor market area.

(f) *Establishment and attainment of goals and timetables.* The goals and timetables shall be established on the basis of the sponsor's analyses of its underutilization of minorities and women and its entire affirmative action program. A single goal for minorities and a separate single goal for women is acceptable unless a particular group is employed in a substantially disparate manner in which case separate goals shall be established for such group. Such separate goals would be required, for example, if a specific minority group of women were underutilized even though the female goals generally had been achieved. In establishing the goals, the sponsor should consider the results which could be reasonably expected from its good faith efforts to make its overall affirmative action program work. Compliance with these requirements shall be determined by whether the sponsor has met its goals within its timetables, or failing that, whether it has made good faith efforts to meet its goals and timetables. Its "good faith efforts" shall be judged by whether it is following its affirmative action program and attempting to make it work, including evaluation and changes in its program where necessary to obtain the maximum effectiveness toward the attainment of its goals. However, in order to deal fairly with program sponsors, and with women who are entitled to protection under the goals and timetables requirements, during the first 12 months after the effective date of these regulations, the program sponsor would generally be expected to set a goal for women for the entering year class at a rate which is not less than one half the proportion women are of the workforce in the program sponsor's labor market area and

set a percentage goal for women in all classes beyond the entering class which is not less than the participation rate of women currently in those classes. At the end of the first 12 months after the effective date of these regulations, sponsors are expected to make appropriate adjustments in goal levels. See 29 CFR 30.8(b).

(g) *Data information.* The Secretary of Labor, or a person or agency designated by the Secretary, shall make available to program sponsors data and information on minority and female (minority and nonminority) labor force characteristics for each Standard Metropolitan Statistical Area and for other special areas as appropriate.

#### § 30.5 Selection of apprentices.

(a) *Obligations of sponsors.* In addition to the development of a written affirmative action plan to ensure that minorities and women have an equal opportunity for selection as apprentices and otherwise ensure the prompt achievement of full and equal opportunity in apprenticeship, each sponsor shall further provide in its affirmative action program that the selection of apprentices shall be made under one of the methods specified in the following paragraphs (b) (1) through (4) of this section.

(b) *Selection methods.* The sponsor shall adopt one of the following methods for selecting apprentices:

(1) *Selection on basis of rank from pool of eligible applicants—(i) Selection.* A sponsor may select apprentices from a pool of eligible applicants created in accordance with the requirements of subdivision (iii) of this subparagraph on the basis of the rank order of scores of applicants on one or more qualification standards where there is a significant statistical and practical relationship between rank order of scores and performance in the apprenticeship program. In demonstrating such relationship, the sponsor shall follow the procedures set forth in Guidelines on Employee Selection Procedures published at 41 CFR Part 60-3, effective December 23, 1976 (41 FR 51744).

(ii) *Requirements.* The sponsor adopting this method of selecting apprentices shall meet the requirements of subdivisions (iii) through (vii) of this subparagraph.

(iii) *Creation of pool of eligibles.* A pool of eligibles shall be created from applicants who meet the qualifications of minimum legal working age; or from applicants who meet qualification standards in addition to minimum legal working age: *Provided,* That any additional qualification standards conform with the following requirements:

(A) *Qualification standards.* The qualification standards, and the procedures for determining such qualification standards, shall be stated in detail and shall provide criteria for the specific factors and attributes to be considered in evaluating applicants for admission to the pool. The score required under each

qualification standard for admission to the pool shall also be specified. All qualification standards, and the score required on any standard for admission to the pool, shall be directly related to job performance, as shown by a significant statistical and practical relationship between the score and the standards, and the score required for admission to the pool, and performance in the apprenticeship program. In demonstrating such relationships, the sponsor shall follow the procedures set forth in 41 CFR Part 60-3 (effective December 23, 1976). Qualifications shall be considered as separately required so that the failure of an applicant to attain the specified score under a single qualification standard shall disqualify the applicant from admission to the pool.

(B) *Aptitude tests.* Any qualification standard for admission to the pool consisting of aptitude test scores shall be directly related to job performance, as shown by significant statistical and practical relationships between the score on the aptitude tests, and the scores required for admission to the pool, and performance in the apprenticeship program. In determining such relationships, the sponsor shall follow the procedures set forth in 41 CFR Part 60-3 effective December 23, 1976. The requirements of this subparagraph (B) shall also be applicable to aptitude tests utilized by a program sponsor which are administered by a state employment agency, or any other person, agency, or organization engaged in the selection or evaluation of personnel. A national test developed and administered by a national joint apprenticeship committee will not be approved by the Department unless such test meets the requirements of this subsection.

(C) *Educational attainments.* All educational attainments of achievement as qualifications for admission to the pool shall be directly related to job performance as shown by a significant statistical and practical relationship between the score required for admission to the pool and performance in the apprenticeship program. In demonstrating such relationships, the sponsor shall meet the requirements of 41 CFR Part 60-3 (effective December 23, 1976). School records or the results of general education development tests recognized by the state or local public institution authority shall be evidence of educational achievement. Education requirements shall be applied uniformly to all applicants.

(iv) *Oral interviews.* Oral interviews shall not be used as a qualification standard for admission into an eligibility pool. However, once an applicant is placed in the eligibility pool, and prior to selection for apprenticeship from the pool, he or she may be required to submit to an oral interview. Oral interviews shall be limited to such objective questions as may be required to determine the fitness of applicants to enter the apprenticeship program, but shall not include questions relating to qualifications previously determined in gaining en-

trance to the eligibility pool. When an oral interview is used, each interviewer shall record the questions and the general nature of the applicant's answers, and shall prepare a summary of any conclusions. Each applicant rejected from the pool of eligibles on the basis of an oral interview shall be given a written statement of such rejection, the reasons therefor, and the appeal rights available to the applicant.

(v) *Notification of applicants.* All applicants who meet the requirements for admission shall be notified and placed in the eligibility pool. The program sponsor shall give each rejected applicant notice of his or her rejection, including the reasons for the rejection, the requirements for admission to the pool of eligibles, and the appeal rights available to the applicant.

(vi) *Goals and timetables.* The sponsor shall establish, where required by § 30.4(d), percentage goals and timetables for the admission of minorities and women (minority and nonminority) into the pool of eligibles, in accordance with the provisions of § 30.4 (d), (e), and (f).

(vii) *Compliance.* A sponsor shall be deemed to be in compliance with its commitments under subdivision (vi) of this subparagraph if it meets its goals or timetables or if it makes a good faith effort to meet these goals and timetables. In the event of the failure of the sponsor to meet its goals and timetables, it shall be given an opportunity to demonstrate that it has made every "good faith effort" to meet its commitments (see § 30.4(f)). All the actions of the sponsor shall be reviewed and evaluated in determining whether such good faith efforts have been made.

(2) *Random selection from pool of eligible applicants (i) Selection.* A sponsor may select apprentices from a pool of eligible applicants on a random basis. The method of random selection is subject to approval by the Department. Supervision of the random selection process shall be by an impartial person or persons selected by the sponsor, but not associated with the administration of the apprenticeship program. The time and place of the selection, and the number of apprentices to be selected, shall be announced. The place of the selection shall be open to all applicants and the public. The names of apprentices drawn by this method shall be posted immediately following the selection at the program sponsor's place of business.

(ii) *Requirements.* The sponsor adopting this method of selecting apprentices shall meet the requirements of subdivisions (iii) through (v) of subparagraph (1) of this paragraph relating to the creation of pool of eligibles, oral interviews, and notification of applicants.

(iii) *Goals and timetables.* The sponsor shall establish, where required by § 30.4(d), percentage goals and timetables for the admission of minorities and women (minority and nonminority) into the pool of eligibles in accordance



with the provisions of § 30.4(d), (e), and (f).

(iv) *Compliance.* Determinations as to the sponsor's compliance with its obligations under these regulations shall be in accordance with the provisions of subdivision (vii) of subparagraph (1) of this paragraph (b).

(3) *Selection from pool of current employees.*—(i) *Selection.* A sponsor may select apprentices from an eligibility pool of the workers already employed by the program sponsor in a manner prescribed by a collective bargaining agreement where such exists, or by the sponsor's established promotion policy. The sponsor adopting this method of selecting apprentices shall establish goals and timetables for the selection of minority and female apprentices, unless the sponsor concludes, in accordance with the provisions of § 30.4 (d), (e), and (f) that it does not have deficiencies in terms of underutilization of minorities and/or women (minority and nonminority) in the apprenticeship of journeymen crafts represented by the program.

(ii) *Compliance.* Determinations as to the sponsor's compliance with its obligations under these regulations shall be in accordance with the provisions of subdivision (vii) of subparagraph (1) of this paragraph (b).

(4) *Alternative selection methods.*—(i) *Selection.* A sponsor may select apprentices by means of any other method including its present selection method: *Provided,* That the sponsor meets the following requirements:

(A) *Selection method and goals and timetables.* Within 60 days of the effective date of this amendment, the sponsor shall complete development of the revised selection method it proposes to use along with the rest of its written affirmative action program including, where required by § 30.4(d), its percentage goals and timetables for the selection of minority and/or female (minority and nonminority) applicants for apprenticeship and its written analysis, upon which such goals and timetables, or lack thereof, are based. The establishment of goals and timetables shall be in accordance with the provisions of § 30.4 (d), (e) and (f).

(B) *Qualification standards.* Apprentices shall be selected on the basis of objective and specific qualification standards. Examples of such standards as fair aptitude tests, school diplomas, occupationally essential health requirements, fair interviews, school grades, and previous work experience. Where interviews are used, adequate records shall be kept including a brief summary of each interview and the conclusions on each of the specific factors, e.g., motivation, ambition, and willingness to accept direction which are part of the total judgment.

(ii) *Compliance.* Determinations as to the sponsor's compliance with its obligations under these regulations shall be in accordance with the provisions of subdivision (vii) of subparagraph (1) of this paragraph (b). Where a sponsor, despite its good faith efforts, fails to meet its goals and timetables within a

reasonable period of time, the sponsor may be required to make appropriate changes in its affirmative action program to the extent necessary to obtain maximum effectiveness towards the attainment of its goals. The sponsor may also be required to develop and adopt an alternative selection method, including a method prescribed by the Department, where it is determined that the failure of the sponsor to meet its goals is attributable in substantial part to the selection method. Where the sponsor's failure to meet its goals is attributable in substantial part to its use of a qualification standard which has adversely affected the opportunities of minorities and/or women (minority and nonminority) for apprenticeship, the sponsor may be required to demonstrate that such qualification standard is directly related to job performance, in accordance with the provisions of subparagraph (1)(iii)(A) of this paragraph.

#### § 30.6 Existing lists of eligibles and public notice.

A sponsor adopting a selection method under § 30.5(b) (1) or (2) and a sponsor adopting a selection method under § 30.5 (b) (4) who determines that there are fewer minorities and/or women (minority and nonminority) on its existing lists of eligibles than would reasonably be expected in view of the analysis described in § 30.4(e) shall discard all existing eligibility lists upon adoption of the selection methods required by this part. New eligibility pools shall be established and lists of eligibility pools shall be posted at the sponsor's place of business. Sponsors shall establish a reasonable period of not less than 2 weeks for accepting applications for admission to an apprenticeship program. There shall be at least 30 days of public notice in advance of the earliest date for application for admission to the apprenticeship program (see § 30.4(c) on affirmative action with respect to dissemination of information). Applicants who have been placed in a pool of eligibles shall be retained on lists of eligibles subject to selection for a period of 2 years. Applicants may be removed from the list at an earlier date by their request or following their failure to respond to an apprentice job opportunity given by registered return receipt mail notice. Applicants who have been accepted in the program shall be afforded a reasonable period of time in light of the customs and practices of the industry for reporting for work. All applicants shall be treated equally in determining such period of time. It shall be the responsibility of the applicant to keep the sponsor informed of his or her current mailing address. Upon request, a sponsor may restore to the list of eligibles applicants who have been removed from the list or who have failed to respond to an apprenticeship job opportunity.

(ii) *Compliance.* Determinations as to the sponsor's compliance with its obligations under these regulations shall be in accordance with the provisions of subdivision (vii) of subparagraph (1) of this paragraph (b). Where a sponsor, despite its good faith efforts, fails to meet its goals and timetables within a

#### § 30.7 [Reserved]

#### § 30.8 Records.

(a) *Obligations of sponsors.* Each sponsor shall keep adequate records including a summary of the qualifications

of each applicant, the basis for evaluation and for selection or rejection of each applicant, the records pertaining to interviews of applicants, the original application for each applicant, information relative to the operation of the apprenticeship program, including but not limited to job assignment, promotion, demotion, layoff, or termination, rates of pay, or other forms of compensation or conditions of work, and any other records pertinent to a determination of compliance with these regulations, as may be required by the Department. The records pertaining to individual applicants, whether selected or rejected, shall be maintained in such manner as to permit identification of minority and female (minority and nonminority) participants.

(b) *Affirmative action plans.* Each sponsor must retain a statement of its affirmative action plan required by § 30.4 for the prompt achievement of full and equal opportunity in apprenticeship, including all data and analyses made pursuant to the requirements of § 30.4. Sponsors shall review their affirmative action plans annually and update them where necessary, including the goals and timetables, until minority and female workforce parity is achieved.

(c) *Qualification standards.* Each sponsor must maintain evidence that its qualification standards have been validated in accordance with the requirements set forth in § 30.5(b).

(d) *Records of State Apprenticeship Councils.* State Apprenticeship Councils shall keep adequate records, including registration requirements, individual program standards and registration records, program compliance reviews and investigations, and any other records pertinent to a determination of compliance with this part, as may be required by the Department, and shall report to the Department as may be required by the Department.

(e) *Maintenance of records.* The records required by this part and any other information relevant to compliance with these regulations shall be maintained for 5 years and made available upon request to the Department or other authorized representative.

#### § 30.9 Compliance reviews.

(a) *Conduct of compliance reviews.* The Department will regularly conduct systematic reviews of apprenticeship programs in order to determine the extent to which sponsors are complying with these regulations and will also conduct compliance reviews when circumstances, including receipt of complaints not referred to a private review body pursuant to § 30.11(b) (1), so warrant, and take appropriate action regarding programs which are not in compliance with the requirements of this part. Compliance reviews will consist of comprehensive analyses and evaluations of each aspect of the apprenticeship program, including on-site investigations and audits.

(b) *Reregistration.* Sponsors seeking reregistration shall be subject to a com-

pliance review as described in paragraph (a) of this section by the Department as part of the reregistration process.

(c) *New registrations.* Sponsors seeking new registration shall be subject to a compliance review as described in paragraph (a) of this section by the Department as part of the registration process.

(d) *Voluntary compliance.* Where the compliance review indicates that the sponsor is not operating in accordance with this part, the Department shall notify the sponsor in writing of the results of the review and make a reasonable effort to secure voluntary compliance on the part of the program sponsor within a reasonable time before undertaking sanctions under § 30.13. In the case of sponsors seeking new registration, the Department will provide appropriate recommendations to the sponsor to enable it to achieve compliance for registration purposes.

#### § 30.10 Noncompliance with Federal and State equal opportunity requirements.

A pattern or practice of noncompliance by a sponsor (or where the sponsor is a joint apprenticeship committee, by one of the parties represented on such committee) with Federal or state laws or regulations requiring equal opportunity may be grounds for the imposition of sanctions in accordance with § 30.13 if such noncompliance is related to the equal employment opportunity of apprentices and/or graduates of such an apprenticeship program under this part. The sponsor shall take affirmative steps to assist and cooperate with employers and unions in fulfilling their equal employment opportunity obligations.

#### § 30.11 Complaint procedure.

(a) *Filing.* (1) Any apprentice or applicant for apprenticeship who believes that he or she has been discriminated against on the basis of race, color, religion, national origin, or sex with regard to apprenticeship or that the equal opportunity standards with respect to his or her selection have not been followed in the operation of an apprenticeship program may, personally or through an authorized representative, file a complaint with the Department, or, at the apprentice's or applicant's election, with a private review body established pursuant to subparagraph (3) of this paragraph. The complaint shall be in writing and shall be signed by the complainant. It must include the name, address, and telephone number of the person allegedly discriminated against, the program sponsor involved, and a brief description of the circumstances of the failure to apply the equal opportunity standards provided for in this part.

(2) The complaint must be filed not later than 180 days from the date of the alleged discrimination or specified failure to follow the equal opportunity standards; and, in the case of complaints filed directly with review bodies designated by program sponsors to review such complaints, any referral of such complaint by the complainant to the De-

partment must occur within the time limitation stated above or 30 days from the final decision of such review body, whichever is later. The time may be extended by the Department for good cause shown.

(3) Sponsors are encouraged to establish fair, speedy, and effective procedures for a review body to consider complaints of failure to follow the equal opportunity standards. A private review body established by the program sponsor for this purpose should number three or more responsible persons from the community serving in this capacity without compensation. Members of the review body should not be directly associated with the administration of an apprenticeship program. Sponsors may join together in establishing a review body to serve the needs of programs within the community.

(b) *Processing of complaints.* (1) (i) When the sponsor has designated a review body for reviewing complaints, the Department, unless the complainant has indicated otherwise or unless the Department has determined that the review body will not effectively enforce the equal opportunity standards, shall upon receiving a complaint refer it to the review body.

(ii) The Department shall, within 30 days following the referral of a complaint to the review body, obtain reports from the complainant and the review body as to the disposition of the complaint. If the complaint has been satisfactorily adjusted and there is no other indication of failure to apply equal opportunity standards, the case shall be closed and the parties appropriately informed.

(iii) When a complaint has not been resolved by the review body within 90 days or where, despite satisfactory resolution of the particular complaint by the review body, there is evidence that equal opportunity practices of the apprenticeship program are not in accordance with this part, the Department may conduct such compliance review as found necessary, and will take all necessary steps to resolve the complaint.

(2) Where no review body exists, the Department may conduct such compliance review as found necessary in order to determine the facts of the complaint, and obtain such other information relating to compliance with these regulations as the circumstances warrant.

(3) Sponsors shall provide written notice of the above complaint procedure to all applicants for apprenticeship and all apprentices.

#### § 30.12 Adjustments in schedule for compliance review or complaint processing.

If, in the judgment of the Department, a particular situation warrants and requires special processing and either expedited or extended determination, it shall take the steps necessary to permit such determination if it finds that no person or party affected by such determination will be prejudiced by such special processing.

#### § 30.13 Sanctions.

(a) Where the Department, as a result of a compliance review or other reason, determines that there is reasonable cause to believe that an apprenticeship program is not operating in accordance with this part and voluntary corrective action has not been taken by the program sponsor, the Department shall institute proceedings to deregister the program or it shall refer the matter to the Equal Employment Opportunity Commission or to the Attorney General with recommendations for the institution of a court action under Title VII of the Civil Rights Act of 1964, as amended, or to the Attorney General for other court action as authorized by law.

(b) Deregistration proceedings shall be conducted in accordance with the following procedures:

(1) The Department shall notify the sponsor, in writing, that a determination of reasonable cause has been made under paragraph (a) of this section and that the apprenticeship program may be deregistered unless, within 15 days of the receipt of the notice, the sponsor requests a hearing. The notification shall specify the facts on which the determination is based.

(2) If within 15 days of the receipt of the notice provided for in subparagraph (1) of this paragraph the sponsor mails a request for a hearing, the Secretary shall convene a hearing in accordance with § 30.16.

(3) The Secretary shall make a final decision on the basis of the record, which shall consist of the compliance review file and other evidence presented and, if a hearing was conducted pursuant to § 30.16, the proposed findings and recommended decision of the hearing officer. The Secretary may allow the sponsor a reasonable time to achieve voluntary corrective action. If the Secretary's decision is that the apprenticeship program is not operating in accordance with this part, the apprenticeship program shall be deregistered. In each case in which deregistration is ordered, the Secretary shall make public notice of the order and shall notify the sponsor and the complainant, if any.

#### § 30.14 Reinstatement of program registration.

Any apprenticeship program deregistered pursuant to this part may be reinstated upon presentation of adequate evidence to the Secretary that the apprenticeship program is operating in accordance with this part.

#### § 30.15 State Apprenticeship Councils.

(a) *Adoption of consistent state plans.*

(1) The Department shall encourage State Apprenticeship Councils to adopt and implement the requirements of this part.

(2) Within 60 days of the effective date of these regulations, each State Apprenticeship Council shall complete development of a revised equal opportunity plan which shall be consistent with this part. The revised state plan



shall require all state apprenticeship programs registered with the State Apprenticeship Council to comply with the requirements of the revised State plan within 90 days of the effective date of these regulations. No State Apprenticeship Council shall continue to be recognized by the Department if it has not adopted within 60 days of the effective date of these regulations a plan implementing the requirements of this part.

(3) The Department retains authority to conduct compliance reviews to determine whether the state plan or any state apprenticeship program registered with a State Apprenticeship Council is being administered or operated in accordance with this part.

(4) It shall be the responsibility of the State Apprenticeship Council to take the necessary action to bring a noncomplying program into compliance with the state plan. In the event the State Apprenticeship Council fails to fulfill this responsibility, the Secretary may withdraw the recognition for Federal purposes of any or all state apprenticeship programs, in accordance with the procedures for deregistration of programs registered by the Department, or refer the matter to the Equal Employment Opportunity Commission or to the Attorney General with a recommendation for the institution of a court action under title VII of the Civil Rights Act of 1964, as amended, or to the Attorney General for other court action as authorized by law.

(5) Each State Apprenticeship Council shall notify the Department of any state apprenticeship program deregistered by it.

(6) Any state apprenticeship program deregistered by a State Apprenticeship Council for noncompliance with requirements of this part may, within 15 days of the receipt of a notice of deregistration, appeal to the Department to set aside the determination of the State Apprenticeship Council. The Department shall make its determination on the basis of the record. The Department may grant the state program sponsor, the State Apprenticeship Council and the complainant(s), if any, the opportunity to present oral or written argument.

(b) *Withdrawal of recognition.* (1) Whenever the Department determines that reasonable cause exists to believe that a State Apprenticeship Council has not adopted or implemented a plan in accordance with the equal opportunity requirements of this part, it shall give notice to such State Apprenticeship Council and to appropriate state sponsors of this determination, stating specifically wherein the state's plan fails to meet such requirements and that the Department proposes to withdraw recognition for Federal purposes, from the State Apprenticeship Council unless within 15 days of the receipt of the notice, the State Apprenticeship Council complies with the provisions of this part or mails a request for a hearing to the Secretary.

(2) If within 15 days of the receipt of the notice provided for in subparagraph

(1) of this paragraph the State Apprenticeship Council neither complies with the provisions of this part, nor mails a request for a hearing, the Secretary shall notify the State Apprenticeship Council of the withdrawal of recognition.

(3) If within 15 days of the receipt of the notice provided for in subparagraph (1) of this paragraph the State Apprenticeship Council mails a request for a hearing, the Secretary shall proceed in accordance with § 30.16.

(4) If a hearing is conducted in accordance with § 30.16, the Secretary upon receipt of the proposed findings and recommended decision of the hearing officer shall make a final decision whether the State Apprenticeship Council has adopted or implemented a plan in accordance with the equal opportunity requirements of this part.

(5) If the Secretary determines to withdraw recognition for Federal purposes, from the State Apprenticeship Council, the Secretary shall notify the State Apprenticeship Council of this determination. The Secretary shall also notify the State sponsors that within 30 days of the receipt of the notice the Department shall cease to recognize, for Federal purposes, each State apprenticeship program unless the State program sponsor requests registration with the Department. Such registration may be granted contingent upon finding that the State apprenticeship program is operating in accordance with the requirements of this part.

(6) A State Apprenticeship Council whose recognition has been withdrawn pursuant to this part may have its recognition reinstated upon presentation of adequate evidence to the Secretary that it has adopted and implemented a plan carrying out the equal opportunity requirements of this part.

#### § 30.16 Hearings.

(a) Within 10 days after receiving a request for a hearing, the Secretary shall designate a hearing officer. The hearing officer shall give reasonable notice of such hearing by certified mail, return receipt requested, to the appropriate sponsor (Federal or State registered), the State Apprenticeship Council, or both, as the case may be. Such notice shall include (1) a reasonable time and place of hearing, (2) a statement of the provisions of this part, pursuant to which the hearing is to be held, and (3) a concise statement of the matters pursuant to which the action forming the basis of the hearing is proposed to be taken.

(b) The hearing officer shall regulate the course of the hearing. Hearings shall be informally conducted. Every party shall have the right to counsel, and a fair opportunity to present his or her case including such cross-examination as may be appropriate in the circumstances. Hearing officers shall make their proposed findings and recommended decisions to the Secretary upon the basis of the record before them.

#### § 30.17 Intimidatory or retaliatory acts.

Any intimidation, threat, coercion, or retaliation by or with the approval of any sponsor against any person for the purpose of interfering with any right or privilege secured by title VII of the Civil Rights Act of 1964, as amended or Executive Order 11246, as amended, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation proceeding, or hearing under this part shall be considered noncompliance with the equal opportunity standards of this part. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this part, including the conduct of any investigation, hearing or judicial proceeding arising therefrom.

#### § 30.18 Nondiscrimination.

The commitments contained in the sponsor's affirmative action program are not intended and shall not be used to discriminate against any qualified applicant or apprentice on the basis of race, color, religion, national origin, or sex.

#### § 30.19 Exemptions.

Requests for exemption from these regulations, or any part thereof, shall be made in writing to the Secretary, and shall contain a statement of reasons supporting the request. Exemptions may be granted for good cause. State Apprenticeship Councils shall notify the Department of any such exemptions granted affecting a substantial number of employers and the reasons therefor.

[FR Doc.77-28827 Filed 9-29-77; 8:45 am]

### DEPARTMENT OF THE INTERIOR

Office of the Secretary

[43 CFR Subtitle A]

#### WATCHES AND WATCH MOVEMENTS

##### Proposal to Codify Annual Rules

CROSS REFERENCE: For a document issued jointly by the Departments of Commerce and Interior proposing to codify annual and special rules on duty-free quotas for watches and watch movements, see FR Doc. 77-28900 published under the Commerce Department, Domestic and International Business Administration in the Proposed Rules section of this issue of the FEDERAL REGISTER.

[4110-39]

### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education

[45 CFR Part 1451]

#### BASIC SKILLS RESEARCH GRANTS PROGRAM

AGENCY: National Institute of Education, Department of Health, Education, and Welfare.

ACTION: Proposed rule.

SUMMARY: The proposed rules would amend the Basic Skills Research Grants

Program by adding mathematics learning and literacy (writing skills and reading comprehension) as new research subjects. Editorial changes have been made to simplify the description of eligible research areas and to provide applicants with an address from which application information may be secured.

DATES: Comments must be received on or before October 31, 1977.

ADDRESSES: Comments should be sent to the Office of Administration and Management, National Institute of Education, 1200 19th Street NW., Washington, D.C. 20208.

#### FOR FURTHER INFORMATION CONTACT:

Dr. Laurence G. Goebel, Basic Skills Group, National Institute of Education, 1200 19th Street NW., Washington D.C. 20208, telephone 202-254-5766.

SUPPLEMENTARY INFORMATION: It is anticipated that approximately \$2 million in FY 1978 will be available for grants in this program. Based on previous funding experience, it is expected that about 35 awards will be made.

NOTE.—The National Institute of Education has determined that this document does not contain a major proposal requiring preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Catalog of Federal Domestic Assistance Number 13.950, Educational Research and Development.)

Dated: August 26, 1977.

JOHN W. CHRISTENSEN,  
Acting Director,  
National Institute of Education.

Approved: September 26, 1977.

JOSEPH A. CALIFANO, Jr.,  
Secretary, Health,  
Education, and Welfare.

It is proposed that Title 45, Subchapter B of Chapter XIV, Part 1451, of the Code of Federal Regulations be amended as follows:

1. Section 1451.5 is amended to read as follows:

#### § 1451.5 Eligible research projects.

(a) *Eligible research areas.* An application submitted for a grant under this part must involve research in one of the following selected areas:

(1) *Teaching.* Investigations on the nature of teaching and ways to improve teaching effectiveness.

(2) *Literacy.* Investigations on writing skills, written materials, and reading comprehension.

(3) *Mathematics learning.* Investigations of the nature of mathematical tasks and on the development of mathematical concepts and processes.

(4) *Measurement.* Investigations to improve measurement procedures in basic skills.

(5) *Methodology.* Investigations to improve the quality of results in educa-

tional research through studies of methodological problems.

(6) *Law and education.* Investigations of the influence of judicial and legislative activities on educational quality.

(b) *Eligible research processes.* Projects that involve research in one of the selected areas described in paragraph (a) of this section may be carried out using any research process other than those specified in § 1451.6.

2. Section 1451.6(c) is amended to correct a typographical error and shall read as follows:

#### § 1451.6 Ineligible projects.

(c) Course development through the production of a new curriculum or the improvement of an existing curriculum, including the preparation of new instructional material or the modification of instructional material already in existence.

3. Section 1451.7 is amended to read as follows:

#### § 1451.7 Application requirements.

(a) Applicants must submit an application in the form, and containing the detailed information, prescribed by the Director.

(b) Applicants for grants under this part may obtain application information from the Basic Skills Group, National Institute of Education, 1200 19th Street NW., Washington D.C. 20208.

[FR Doc.77-28929 Filed 9-29-77; 8:45 am]



# **notices**

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## [ 3410-11 ] **DEPARTMENT OF AGRICULTURE** **Forest Service** **ADVISORY COMMITTEE ON STATE AND PRIVATE FORESTRY** **Meeting**

The Advisory Committee on State and Private Forestry will meet in Houghton Lake, Michigan, October 19-20, 1977. The meeting will convene at 8:30 a.m. at The King's Table Restaurant, Prudenville, Michigan.

This Committee, comprised of 15 members from a broad spectrum of geographic and interest areas, advises the Secretary of Agriculture and various agencies of the Department on the protection, management and development of the Nation's non-Federal forest land and resources. Dr. James Nielson, Deputy Assistant Secretary for Conservation, Research and Education, will chair the meeting. He and representatives of the Forest Service, Farmers Home Administration, Extension Service, Soil Conservation Service, and the Agricultural Stabilization and Conservation Service will attend from the Department of Agriculture.

The discussion will center on technology transfer and working relationships among agencies and cooperators at the State and local levels. The meeting is structured to provide members of the Committee ample time for participation.

The meeting will be open to the public. Persons who wish to attend, should notify the Committee's Executive Secretary, Dr. Charles F. Krebs, USDA-Forest Service, P.O. Box 2417, Washington, D.C. 20013 telephone 202-447-7065. Written statements may be filed with the Committee before or after the meeting.

PHILIP L. THORNTON,  
*Acting Deputy Chief.*

[FR Doc 77-28865 Filed 9-29-77;8:45 am]

## [ 3410-11 ] **Forest Service** **LAND MANAGEMENT PLAN—HORNET PLANNING UNIT** **Availability of Final Environmental Statement**

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Land Management Plan—Hornet Planning Unit, Forest Service Report Number USDA-FS-R1(14)-DES-Adm-77-10.

The environmental statement concerns the proposed implementation of a revised Land Management Plan for the Hornet Planning Unit, Fisher River Ranger District, Kootenai National Forest, Lincoln County, Mont. About 27,444 acres of National Forest land are affected. The planning unit is divided into eight subunits of similar resource potential and limitations to management. Significant values, management direction, and specific statements to guide land management have been developed for each subunit.

This final environmental statement was transmitted to CEQ on September 22, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3230, 12th Street and Independence Avenue SW., Washington, D.C. 20250.  
 USDA, Forest Service, Northern Region, Federal Building, Missoula, Mont. 59801.  
 USDA, Forest Service, Kootenai National Forest, P.O. Box AS, Libby, Mont. 59923.  
 USDA, Forest Service, Canoe Gulch Ranger Station, Libby, Mont. 59923.

A limited number of single copies are available upon request to:

USDA, Forest Service, Kootenai National Forest, P.O. Box AS, Libby, Mont. 59923.  
 USDA, Forest Service, Canoe Gulch Ranger Station, Libby, Mont. 59923.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

EINAR L. ROGET,  
*Associate Deputy Chief.*

SEPTEMBER 22, 1977.

[FR Doc.77-28863 Filed 9-29-77;8:45 am]

## [ 3410-11 ] **SMITH CREEK PLANNING UNIT** **Availability of Final Environmental Statement**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Smith Creek Planning Unit, Forest Service Report Number USDA-FS-R1(04)-FES-ADM-76-2.

The environmental statement concerns the proposed implementation of a land management plan for the Smith Creek Planning Unit, Bonners Ferry Ranger District, Kootenai National Forest, Boundary County, Idaho. The majority of the 92,130 acres, over 86 percent or 79,830 acres, are National Forest land. The land management plan allocates resources, mitigates impacts, and specifies land uses for National Forest land only; however, the resource information could be of use to owners of the other 13+ percent (12,300 acres) within the planning unit and may be used at their option.

This final environmental statement was transmitted to CEQ on September 22, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3230, 12th Street and Independence Avenue SW., Washington, D.C. 20250.  
 USDA, Forest Service, Northern Region, Federal Building, Missoula, Mont. 59801.  
 USDA, Forest Service, Idaho Panhandle National Forests, P.O. Box 310, Coeur d'Alene, Idaho 83814.  
 USDA, Forest Service, Bonners Ferry Ranger District, Bonners Ferry, Idaho 83805.

A limited number of single copies are available upon request to: USDA Forest Service, Idaho Panhandle National Forests, P.O. Box 310, Coeur d'Alene, Idaho 83814.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

EINAR L. ROGET,  
*Associate Deputy Chief.*

SEPTEMBER 22, 1977.

[FR Doc.77-28864 Filed 9-29-77;8:45 am]

## [ 6320-01 ] **CIVIL AERONAUTICS BOARD** **AIRPORT SECURITY COUNCIL** **Order Granting Discussion Authority**

Issued under delegated authority September 23, 1977.

The Airport Security Council, on behalf of the domestic and foreign airlines providing service at the three major New York airports (JFK, LaGuardia, and Newark), has filed an application for renewed authority to conduct inter-carrier discussions aimed at dealing with, on a joint basis, the problems which are expected to arise with respect to air cargo security, traffic and storage should a dock strike occur this fall. Comparable discussions were authorized by the Board

in 1971 by Order 71-8-15 when a similar strike was imminent.<sup>1</sup>

In support of its request, the Council<sup>2</sup> states that there is a strong likelihood of a dock strike this fall on the East Coast—possibly as early as October 1, 1977; that such a strike would result in major increases in the cargo volumes handled at the three New York metropolitan area airports; and that as a consequence inter-carrier discussions are needed to establish various guidelines and procedures to cope with the security problems which are expected to be attendant with the sudden increases in the amount of air cargo handled at these facilities. The Council notes that no precautionary measures were taken prior to the dock strike in 1969, and that, as a consequence, there was substantial confusion, and significant losses of cargo. However, when the next dock strike became imminent in 1971, the Council states that, as a result of this previous experience, it sought, and was granted, the authority mentioned above to enable its members to plan in advance for the strike. The Council believes that these discussions, and the agreement which resulted from them, were of major value to the industry and the public in enabling them to deal with the strike.

Because the current longshoremen's labor contract expires on September 30, 1977—and because, as indicated, a strike could occur as early as October 1—the Council has requested expedited action on its application. The Council states that it would like to hold its first discussions on September 27, 1977.

The Council anticipates that the discussions will result in an agreement in the form of guidelines similar to those which were reached in 1971, and that the agreement would then be submitted to the Board for prior approval.

No comments relative to this application or requests for hearing have been received.

Upon consideration of all relevant facts, it has been concluded that the Council's request for renewed discussion authority should be granted subject to the conditions noted herein. These conditions are comparable to those which were imposed by the Board when it authorized the earlier discussions in 1971 under similar circumstances.

The Council has indicated that there is a strong likelihood of a dock strike

<sup>1</sup> By Order 71-10-8, the Board approved the agreement (CAB 22706) which resulted from these earlier discussions. This agreement established various guidelines to assist the carriers in dealing with the strike.

<sup>2</sup> The Airport Security Council was established pursuant to an agreement among 23 foreign and domestic air carriers (Agreement CAB 20374) which the Board approved by Order 68-7-126. The Council's mission has been to organize and implement a cooperative program to take effective action against crime and pilferage at the major New York airports. A list of the current members of the Council is attached hereto in the appendix.

occurring this fall which would affect coastal ports in the New York area. As the Board found in Order 71-8-15, the occurrence of such a strike in the New York area presents extraordinary circumstances which warrant intercarrier action. Specifically, the Board found that without adequate planning and preparation on the part of the carriers serving the metropolitan New York airports, such a strike can cause major cargo inundation at these airports, and also result in substantial security, storage and traffic problems. It would appear then that a renewal of the earlier grant of discussion authority by the Board would be in the public interest. Moreover, assuming the discussions are limited to the topical areas authorized herein, and the other conditions of this order are complied with, it does not appear that these discussions will present any significant anticompetitive constraints.

The conditions set forth in the ordering paragraphs of this order should be self-explanatory. As indicated, these conditions are comparable to those which the Board set forth in Order 71-8-15. Basically, these conditions are designed to delineate those areas in which discussion will be authorized and not authorized; to stipulate those individuals or representatives who have a right to participate in the discussions; to ensure that there will be advance notice of all meetings and minutes will be taken; to ensure that all agreements subject to section 412 of the Act reached as a result of the discussions are submitted to the Board for prior approval; and to limit the duration of the discussion authorization.

Accordingly, pursuant to authority duly delegated by the Board in its regulations, 14 CFR 385.3 and 385.13,<sup>3</sup> it is found that the request of the Airport Security Council for renewed discussion authority in Docket 23629 should be granted.

Accordingly, it is ordered, That:

1. The members of the Airport Security Council and the other air carriers and foreign air carriers providing air transportation from or to John F. Kennedy International Airport, La Guardia Airport or Newark Airport be authorized to hold discussions to reach agreement on procedures to be followed to alleviate cargo security problems at the aforementioned airports in the event of a dock strike in the metropolitan New York area, subject to the following conditions:

(a) The purpose of these discussions shall be to seek solutions to the serious cargo security, traffic and storage problems which may occur at the metropolitan New York airports if a dock strike affecting the waterports in the metropolitan New York area takes place in the fall of 1977;

<sup>3</sup> Renewals or extensions of prior discussion authorizations have previously been granted under delegation. (See, for instance, Order 76-4-6.)

(b) The discussions and any agreements resulting therefrom shall be limited to those cargo security problems which will arise at the three metropolitan New York airports in the event of a dock strike in the metropolitan New York area, and cargo traffic acceptance, customs, and storage procedures necessary to deal with such problems.

(c) Eligibility to participate in the discussions authorized herein shall extend to all U.S. certificated air carriers and all foreign air carriers authorized to engage in air transportation from or to JFK, La Guardia, or Newark Airports.

(d) In addition, representatives of the Board and all interested Federal, State, or local departments and agencies; of the Port of New York Authority; and of any trade, shipping, or consumer association or group shall be permitted to participate in the meetings;

(e) A notice of the date, time and location of any meeting called pursuant to this order shall be served on the Director, Bureau of Operating Rights, Civil Aeronautics Board, and all carriers referred to in subparagraph (c), supra, and those other persons and agencies referred to in paragraph 3, infra, at least 48 hours prior to such meetings; a detailed report (or complete and accurate minutes of all discussions) will be made and copies thereof shall be served on each of the above persons upon whom a meeting notice must be served and two copies thereof shall be filed with the Board within five working days after the conclusion of each discussion meeting or at the same time that copies are served upon the carriers whichever is earlier;

(f) The discussants shall not discuss matters other than those directly related to cargo traffic acceptance procedures, cargo customs and storage facilities and cargo security;

(g) Except to the extent granted herein, the authorization granted herein shall not be construed as authorizing discussions of rates, fares, charges or inflight and other service in connection with air transportation; and

(h) The approval granted herein shall not be construed as approval of any agreement subject to section 412 of the Act which is entered into pursuant to any meetings or action of the discussants; all such agreements shall be filed with the Board for approval under section 412 of the Act, and shall be effective only upon receipt of Board approval.

2. The authorization granted herein expires on December 31, 1977, if a dock strike in the metropolitan New York area has not commenced prior to such date; or, in the event such a dock strike does occur prior to such date, such authorization shall expire within 15 days after the date of termination of such dock strike; in addition this order may be revoked or amended earlier at any time at the discretion of the Board; and

3. A copy of this order shall be served upon the Airport Security Council; each certificated air carrier; each foreign air carrier holding a foreign air carrier per-

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mit; the Departments of the Treasury, Transportation and Justice; the Bureau of Customs; the Federal Aviation Administration; the Port of New York Authority; and the American Importers Association.

This order will be published in the FEDERAL REGISTER.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within 10 days of the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

JAMES A. SALTSMAN,  
Deputy Director,  
Bureau of Operating Rights.

PHYLLIS T. KAYLOR,  
Secretary.

APPENDIX—Members carriers of the airport security council

Air carriers	Foreign air carriers
Allegheny	Aeroflot
American	Aerolineas Argentina
Braniff	Air Afrique
Delta	Air Canada
Eastern	Air France
National	Air India
Northwest	Air Jamaica
Pan American	Alitalia
Trans World	Aero Mexico
United	Avianca
	British Airways
	BWI
	Iberia
	Irish
	JAL
	KLM
	Lan Chile
	Loftleidir Icelandic
	Lufthansa
	Nigeria
	Olympic
	Pakistan
	SAS
	South African
	Swissair
	Varig
	Vlasya

[FR Doc 77-28872 Filed 9-29-77; 8:45 am]

[ 6320-01 ]

[Docket Nos. 28848, etc.]

IMPROVED AUTHORITY TO WICHITA CASE  
Oral Argument

Additional Dallas/Ft. Worth-Kansas City nonstop service case (Docket 28778) Phoenix-Des Moines/Milwaukee route proceeding (Docket 28800) Sacramento-Denver nonstop case (Docket 28961) Memphis-Twin Cities/Milwaukee case (Docket 29186).

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument on the issues (a) with respect to the subsidy condition to be imposed on authority granted a local service carrier and (b) whether the authority should be permissive or not, which are being

considered in the above-entitled cases, will be held before the Board on October 12, 1977, at 10 a.m. (local time), in room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

These issues are more fully described on page 3 of Order 77-8-148. The respective views of the local service carriers, the trunkline carriers, the civic parties, and any other groups of parties which may wish to appear shall be presented by a common spokesman for each group of interests. Each of these groups which wishes to participate in the oral argument shall provide the name of the person selected, in writing, to be received in this office on or before September 30, 1977.

Dated at Washington, D.C., September 23, 1977.

HENRY M. SWITKAY,  
Acting Chief Administrative  
Law Judge.

[FR Doc 77-28867 Filed 9-29-77; 8:45 am]

[ 6320-01 ]

[Docket Nos. 31413, etc.; Order 77-9-74]  
UNITED AIR LINES, INC.

Order Regarding Pittsburgh-Los Angeles/San Francisco/Denver Service Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 20th day of September 1977.

This order (Docket Nos. 31413, 30455, 30117) deals with two related applications concerning service to Pittsburgh. The first is United's application requesting that the Board amend its certificate of public convenience and necessity pursuant to Subpart N of the Board's Rules of Practice (14 CFR Part 302, Subpart N) to authorize nonstop service between Pittsburgh and Denver. The second is the Pittsburgh Parties' petition asking the Board to institute an investigation of the need for authorization of first competitive nonstop air service in the Pittsburgh-Denver/Los Angeles/San Francisco markets.

UNITED'S APPLICATION

On December 7, 1976, United filed its Subpart N application in Docket 30167 requesting nonstop authority between Pittsburgh and Denver. On December 17, 1976, TWA filed a statement requesting dismissal of United's application.<sup>1</sup> On May 11, 1977, United filed a Motion For Leave To File An Otherwise Unauthorized Document and reply to TWA's May 2 response. On May 18, 1977, United filed a Motion For Leave To File An Otherwise Unauthorized Document and a copy of its answer to a TWA complaint filed in Docket 30703.

Board Order 77-2-100, February 22, 1977, stated that United's application was not in compliance with section 1404 of Subpart N and directed the carrier to

<sup>1</sup> On April 28, 1977, TWA filed an amended statement requesting dismissal.

submit revised exhibits that would correct the deficiencies. In allowing United to revise its exhibits we expressed our dissatisfaction with the carrier's failure to comply with the provisions of Subpart N in several recent cases,<sup>2</sup> a practice that causes unnecessary procedural delays and increases the staff's workload. Furthermore, the order explicitly stated that the Board would expect United's revised exhibits to set forth the necessary data on a fully responsive basis, and that failure to do so would result in dismissal of its application. The Board directed United to submit the following data:<sup>3</sup>

(1) All present and proposed schedules relating to the proposal. This should, of course, reflect all changes in affected markets. Existing schedules which would be continued should be clearly identified, as should new, deleted, or changed schedules;

(2) Estimates of self-diversion and diversion from other carriers. These estimates should reflect the complete effect of the proposal, including any self-diversion/diversion of revenues in beyond markets;

(3) Anticipated operating revenues which reflect the gross increase in all markets, less self-diversion; and

(4) Estimates of operating expenses which reflect the entire impact of the proposal, including the effect of any related off-segment changes in direct or indirect expenses.

The Board is of the opinion that United's supplement to its original application, filed April 18, 1977, is not fully responsive to Order 77-2-100. In computing self-diversion, the carrier omitted data showing its total market share, which makes it impossible to make the computation. Moreover, the Board's order specifically directed United to estimate revenues and expenses in beyond markets. However, United's Exhibit UA-202 shows proposed Pittsburgh-Chicago flights that would serve "a point west of Chicago but not Denver" and proposed Denver-Chicago flights that would serve "a point east of Chicago but not Pittsburgh." Nowhere does United indicate what beyond points would be served by these flights or what revenues, expenses, diversion and self-diversion would occur as a result of these proposed services.

Because of these deficiencies United's application in Docket 30167 will not be given expedited treatment under Subpart N. Instead it will be consolidated with the Pittsburgh Parties' petition and processed under Subpart A.

PETITION OF THE PITTSBURGH PARTIES<sup>4</sup>

By petition dated February 9, 1977, Docket 30455, the Pittsburgh Parties requested that the Board institute an in-

<sup>2</sup> See, Orders 76-8-129, August 24, 1976, and 76-3-108, March 18, 1976.

<sup>3</sup> These are a restatement of the requirements set forth in section 1404 of Subpart N.

<sup>4</sup> The Pittsburgh Parties are the County of Allegheny and the Pittsburgh Airport Advisory Committee.

vestigation of the need for authorization of the first competitive nonstop air service in the Pittsburgh-Denver/Los Angeles/San Francisco markets.

An answer supporting the petition was filed by United on February 18, 1977. On February 25, 1977, TWA filed an answer opposing the petition. On April 18, 1977, the Pittsburgh Parties filed a Motion For Leave To File A Late Document, a Motion For Leave To File An Unauthorized Document, and the document itself—a reply to TWA's answer. On May 2, 1977, TWA filed a Motion For Leave To File An Unauthorized Document and a response to the Pittsburgh Parties' April 18 reply. On May 11, 1977, United filed a Motion For Leave To File An Otherwise Unauthorized Document and reply to TWA's May 2 response. On May 18, 1977, United filed a Motion For Leave To File An Otherwise Unauthorized Document and a copy of its answer to a TWA complaint filed in Docket 30703.

The Board will deny all motions to file late or unauthorized documents, except TWA's May 2, 1977, motion and United's May 11, 1977, motion, which will be granted in part. The Board will accept those unauthorized documents to the extent that they discuss the effect of the President's then recent messages regarding fuel conservation. TWA requests that the Board consider fuel conservation issues in deciding whether to institute this route proceeding. United argues that if such issues are to be considered at all, it should be done at the hearing. The Board is of the opinion that it need not consider the complex issues surrounding fuel conservation at this preliminary stage of the proceeding. The parties will have ample opportunity to adduce evidence and to make arguments on these issues.

The remainder of the motions to file unauthorized documents amount to little more than the parties' attempts to have the last word. They contain no facts or arguments that could not have been included in the original pleadings. While the Board has previously been lenient in granting such motions, the number of unauthorized replies is beginning to impose an unreasonable burden on the Board's staff. Therefore, except as discussed above, we will deny the motions.

In each of the three markets at issue TWA is the only carrier with unrestricted nonstop authority. The Pittsburgh Parties argue that Pittsburgh-Los Angeles is Pittsburgh's largest revenue passenger-mile market without nonstop competition. Pittsburgh-San Francisco, they argue, is the fourth largest such market. Additionally, the Pittsburgh Parties contend that all three markets at issue can support competitive nonstop service. TWA argues that the markets are not very large, and that the authorization of competitive nonstop service would jeopardize their profitability.

The Board has decided to institute an investigation to consider the need for competitive nonstop service in the Pitts-

burgh-Denver/Los Angeles/San Francisco markets.

The Pittsburgh-Los Angeles market generated 146,790 O&D plus interline connecting passengers, or about 402 passengers per day during the year ended March 31, 1978. As of May 15, 1977, TWA operated only one daily nonstop round trip in the market. Pittsburgh-Los Angeles is a large market, and, with TWA providing only one daily nonstop round trip, clearly qualifies for consideration of the authorization of first competitive nonstop service.

The Pittsburgh-San Francisco market had 85,550 O&D plus interline connecting passengers, or about 234 passengers per day during the year ended March 31, 1978. TWA has served the market intermittently, providing only one nonstop round trip per day for 4½ months in 1976. Moreover, there is a pronounced directional imbalance in the service offered in the market: the preponderance of single-plane service between Pittsburgh and San Francisco is offered eastbound. In view of the size of the Pittsburgh-San Francisco market, this pattern of service indicates that the market may be receiving deficient service. We will therefore examine in this case the need for first competitive nonstop service in the market.

In the Pittsburgh-Denver market (the subject of United's application) there were 68,830 O&D plus interline connecting passengers, or about 189 passengers per day during the year ended March 31, 1978. Again, as of May 15, 1977, TWA was operating only one daily nonstop round trip. Its 1976 load factor was 67 percent. Although United offers only one-stop service in the market, it carried 38 percent of the traffic in the market in 1976.<sup>5</sup> Considering TWA's high load factors, and United's large market share, the Board finds that the Pittsburgh-Denver market should be included in the Pittsburgh-Los Angeles/San Francisco/Denver Service Investigation for consideration of first competitive nonstop service.

We note that we have not received any air carrier applications for authority in the Pittsburgh-Los Angeles/San Francisco markets. We have instituted this investigation on the assumption that such applications will be filed shortly. However, if no applications seeking authority in these markets are filed within the prescribed period, the Board will issue an order excluding those markets from the case. While we are fully prepared to go forward with an investigation of the need for competitive service in these markets, to do so without a willing carrier would result in a waste of the Board's resources.

<sup>5</sup> TWA alleges that certain United routings are illegal, and that the Board should not here consider United traffic carried over such routings. However, even ignoring the allegedly illegal traffic, United's market share is 19 percent.

United submitted an environmental evaluation with its application, and all other applicants should submit, with their applications, environmental evaluations pursuant to section 312.12 of the Board's Procedural Regulations.

Accordingly, it is ordered that: 1. A proceeding to be known as the Pittsburgh-Los Angeles/San Francisco/Denver Service Investigation, Docket 31413 be instituted, and shall be set down for hearing before an administrative law judge of the Board at a time and place to be designated later, as the orderly administration of the Board's docket permits;

2. The application of United Air Lines in Docket 30167 be consolidated into the Pittsburgh-Los Angeles/San Francisco/Denver Service Investigation, Docket 31413;

3. The issues in said proceeding shall include the following:

(a) Do the public convenience and necessity require the certification of an air carrier or carriers to engage in additional nonstop air transportation between Pittsburgh, Pennsylvania, on the one hand, and Los Angeles and San Francisco, California, and Denver, Colorado, on the other hand?

(b) If the answer to (a) is in the affirmative which air carrier(s) should be authorized to engage in such transportation; and

(c) What terms, conditions, and limitation, if any, should be placed on the operations of such carrier(s)?

4. All authority awarded in this proceeding shall be subsidy-ineligible;

5. Trans World Airlines, United Air Lines, the County of Allegheny, and the Pittsburgh Airport Advisory Committee be made parties to this proceeding;

6. The motion of Trans World Airlines, filed May 2, 1977, in Docket 30455, and the motion of United Air Lines, filed May 11, 1977 in Dockets 30455 and 30167 be granted to the extent that the unauthorized documents discuss the question of energy conservation, and denied in all other respects;

7. All other motions to file unauthorized documents be denied;

8. All applicants in this proceeding shall file, with their applications, environmental evaluations pursuant to section 312.12 of the Board's Procedural Regulations; and

9. Applications, motions to consolidate, and petitions for reconsideration of this order shall be filed within 20 days from the date of service of this order, and answers thereto shall be filed within 10 days thereafter.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,  
Alternate Secretary.

All members concurred.

[FR Doc. 77-28871 Filed 9-29-77; 8:45 am]

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## [ 6325-01 ]

**CIVIL SERVICE COMMISSION  
DEPARTMENT OF DEFENSE****Revocation of Authority To Make Noncareer  
Executive Assignment**

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary of Defense (Regional Programs), Office of the Assistant Secretary of Defense (Program Analysis and Evaluation), Office of the Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION,  
JAMES C. SPRY,  
*Executive Assistant  
to the Commissioners.*

[FR Doc 77-28633 Filed 9-29-77; 8:45 am]

## [ 6325-01 ]

**DEPARTMENT OF THE INTERIOR****Grant of Authority To Make Noncareer  
Executive Assignment**

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Deputy Director for Planning, Office of the Director, Bureau of Outdoor Recreation.

UNITED STATES CIVIL SERVICE COMMISSION,  
JAMES C. SPRY,  
*Executive Assistant  
to the Commissioners.*

[FR Doc 77-28630 Filed 9-29-77; 8:45 am]

## [ 6325-01 ]

**DEPARTMENT OF THE INTERIOR****Grant of Authority To Make Noncareer  
Executive Assignment**

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Deputy Director for Programming, Office of the Director, Bureau of Outdoor Recreation.

UNITED STATES CIVIL SERVICE COMMISSION,  
JAMES C. SPRY,  
*Executive Assistant  
to the Commissioners.*

[FR Doc 77-28629 Filed 9-29-77; 8:45 am]

## [ 6325-01 ]

**DEPARTMENT OF THE INTERIOR****Revocation of Authority To Make Noncareer  
Executive Assignment**

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil

Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Deputy Director, Bureau of Outdoor Recreation, Assistant Secretary—Fish, Wildlife, and Parks.

UNITED STATES CIVIL SERVICE COMMISSION,  
JAMES C. SPRY,  
*Executive Assistant  
to the Commissioners.*

[FR Doc 77-28631 Filed 9-29-77; 8:45 am]

## [ 6325-01 ]

**DEPARTMENT OF JUSTICE****Grant of Authority To Make a Noncareer  
Executive Assignment**

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Attorney General, Land and Natural Resources Division.

UNITED STATES CIVIL SERVICE COMMISSION,  
JAMES C. SPRY,  
*Executive Assistant  
to the Commissioner.*

[FR Doc 77-28201 Filed 9-29-77; 8:45 am]

## [ 6325-01 ]

**DEPARTMENT OF THE TREASURY****Grant of Authority To Make a Noncareer  
Executive Assignment**

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Treasury to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary (State and Local Finance), Office of the Assistant Secretary (Domestic Finance), Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,  
JAMES C. SPRY,  
*Executive Assistant  
to the Commissioners.*

[FR Doc 77-28627 Filed 9-29-77; 8:45 am]

## [ 6325-01 ]

**DEPARTMENT OF THE TREASURY****Grant of Authority To Make a Noncareer  
Executive Assignment**

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Treasury to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary (Capital Markets Policy), Office of the Assistant Secre-

tary (Domestic Finance), Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,  
JAMES C. SPRY,  
*Executive Assistant  
to the Commissioners.*

[FR Doc 77-28628 Filed 9-29-77; 8:45 am]

## [ 6325-01 ]

**DEPARTMENT OF THE TREASURY****Grant of Authority To Make a Noncareer  
Executive Assignment**

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Treasury to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Assistant Secretary (Economic Policy) on Energy Matters, Office of the Assistant Secretary (Economic Policy), Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,  
JAMES C. SPRY,  
*Executive Assistant  
to the Commissioners.*

[FR Doc 77-28631 Filed 9-29-77; 8:45 am]

## [ 6325-01 ]

**UNITED STATES INFORMATION AGENCY****Grant of Authority To Make Noncareer  
Executive Assignment**

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the United States Information Agency to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Director (Africa), Office of the Assistant Director (Africa).

UNITED STATES CIVIL SERVICE COMMISSION,  
JAMES C. SPRY,  
*Executive Assistant  
to the Commissioners.*

[FR Doc 77-28632 Filed 9-29-77; 8:45 am]

## [ 3512-24 ]

**DEPARTMENT OF COMMERCE****Domestic and International Business  
Administration****UNIVERSITY OF NORTH CAROLINA,  
ET AL.****Application for Duty-Free Entry of Scientific  
Articles: Correction**

In the Notice of Application for Duty-Free Entry of Scientific Articles appearing at page 39252 in the FEDERAL REGISTER of Wednesday, August 3, 1977 the following correction should be made:

Under Docket Number 77-00293, "and one (1) Sea Link Type 325 Released Transponder and accessories" should be deleted from the description of the of the article.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,  
*Director, Special Import  
Program Division.*

[FR Doc 77-28840 Filed 9-29-77; 8:45 am]

## [ 3510-25 ]

**EXPORT MONITORING REPORT FOR  
FERTILIZERS**

June 1977

United States exports of nitrogen containing fertilizers during the month of June 1977 totaled 99,578 content tons. This represents an increase of 18,669 content tons, or 23 percent, over the export level of the previous month when 80,909 content tons were exported. It is 4 percent below the export level of the same month a year ago, when 103,704 content tons of nitrogen containing fertilizer materials were shipped abroad.

Imports of nitrogen fertilizers during June amounted to 190,328 content tons. Although this constituted a decrease of 19.8 percent from the 237,231 content tons imported in May, June's imports were at a level 82.6 percent above those of the previous year, when only 104,227 content tons of nitrogen containing fertilizer materials were imported.

Ammonium phosphate was the nitrogen containing fertilizer material exported in largest quantity during June 1977. During June, 274,185 short tons of ammonium phosphate were shipped abroad. This was 33,400 short tons, or 13.8 percent, more than the 240,785 short tons exported in the preceding month, and 52,722 short tons, or 45.7 percent, above the 188,063 short tons of ammonium phosphate exported in June 1976. Anhydrous ammonia, the commodity under monitoring which was exported in second largest quantity in June, showed a decline in export level from both the previous month and from June a year ago. In June 1977, 42,658 short tons of anhydrous ammonia were exported. This was 10.3 percent, or 4,947 short tons, less than the May 1977 exports of 47,605 short tons, and 14 percent, or 6,945 short tons, lower than the June 1976 anhydrous ammonia exports of 49,603 short tons. Ammonium sulfate exports in June 1977 also declined when compared to exports during the previous month and in June 1976. In June 1977, 34,297 short tons of ammonium sulfate were exported. These June exports constitute a decrease of 14.5 percent, or 5,818 short tons, from the May 1977 ammonium

sulfate exports of 40,115 short tons; and a decrease of 13.7 percent, or 5,440 short tons, from the 39,737 short tons exported in June 1976.

Exports of mixed fertilizers, on the other hand, showed an upturn. In June of this year 33,189 short tons of mixed fertilizers were exported; a 12,748 short ton, or 62.4 percent, increase over May mixed fertilizer exports of 20,441 short tons, and 94.4 percent, or 16,116 short tons, over the 17,073 short tons exported during June of last year. The two other nitrogen containing fertilizer materials under monitoring, urea and ammonium nitrate, each reflected a decrease in exports during June. Urea exports amounted to 6,428 short tons; a decrease of 53.8 percent from May 1977 exports of 13,911 short tons, and a decrease of 83.6 percent from June 1976 exports of 39,123 short tons. Ammonium nitrate exports in June 1977 were 1,179 short tons. This was 66.5 percent below May 1977 exports of 3,521 short tons, or 19.2 percent below the 1,459 short tons of ammonium nitrate exported in June of the preceding year.

Imports of nitrogen containing fertilizer materials during June, were led by anhydrous ammonia. A total of 136,326 short tons of this commodity was entered into the United States, representing a 21.6 percent, or 24,174 short ton, increase over the May import level of 112,152 short tons, and a 165 percent, or 85,054 short tons, more than was imported in June 1976. The commodity imported in second largest quantity was urea. The 92,273 short tons of urea the United States received in June, constituted a 70 percent increase, or 37,933 short tons, over the amount imported in June 1976, but was 39.8 percent, or 61,039 short tons, below May 1977 imports, when 153,312 short tons of urea entered this country.

At the end of June 1977, contracts for the export of nitrogen containing fertilizer materials through the 1978 crop year (July 1977 through June 1978) amounted to 206,768 content tons. This was slightly above the quantity of 192,068 content tons that was contracted for future export at the end of June 1976. As spot sales have traditionally comprised a large portion of the trade in these commodities, the 14,702 content ton difference between June 1976 and June 1977 commitments for exports is not considered significant, and exports of nitrogen containing fertilizer materials throughout the 1978 crop year are expected to continue at the 1977 crop year level.

Production of nitrogen containing fertilizer materials during June 1977, was at a slightly higher level for each com-

modity monitored than it was in June 1976. Anhydrous ammonia production was 1,477 short tons in June of this year, where as in June 1976, it was 1,374 short tons. Urea production in June 1977 exceeded June's of the previous year by only 6 short tons, 360 short tons being manufactured this June. Production of ammonium nitrate totaled 696 short tons in June 1977; this compares to June 1976 output of 614 short tons. Ammonium phosphate production during June 1977 was 882 short tons, an increase of 256 short tons over the June production of a year ago.

With June being the conclusion of the 1977 crop year, industrial analysts commented that there appeared to be an ample world supply of nitrogen containing fertilizer materials for the forthcoming crop year, and that the United States would be one of the prime import markets. Net imports into this country during the 1977 crop year were over 600,000 content tons. (Imports totaled 1,884,332 content tons; exports were 1,237,250 content tons during the 1977 crop year.) This level of net imports is expected to be maintained during the 1978 crop year.

A shift in trade patterns is anticipated, however, with the commencement of imports of anhydrous ammonia from newly completed plants in the Soviet Union. Other new plants recently built or now under construction in the Soviet Union and the Peoples' Republic of China will further add to the world supply, although the new Chinese capacity will be dedicated to domestic consumption. This new Chinese production is expected to force Japan, the traditional exporter to mainland China, to look elsewhere for export markets.

Producers' prices remained stable during June, having shown no change since January of this year. When viewed from a year long vantage point, however, producers' prices for anhydrous ammonia, urea, and ammonium phosphate had declined slightly during the 1977 crop year. As of this June, industry experts began to discern new downward price pressure, although transaction prices had not changed perceptibly by the end of June from the levels prevailing since January.

Tables of exports, imports, inventories, domestic production, and prices follow:<sup>1</sup>

<sup>1</sup> World supply and demand data are not available on a monthly basis. More extensive data on world supply and demand than that contained herein will be included in the Semi-Annual Report to Congress on operations of the Office of Export Administration covering the period ending with the third quarter of 1977.

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TABLE 1

U.S. Trade in Nitrogen Fertilizer, January 1975 - June 1977  
Export Contracts for July 1977 - June 1978  
In Content Tons

		CONTRACTS											
		Jan-Jun 1975	Jul-Dec 1975	Jan-Jun 1976	July-Dec 1976	Jan-May 1977	Jun 1976	Jun 1977	Jan-Jun 1977	Jul-Sep 1977	Oct-Dec 1977	Jan-Mar. 1978	Apr-Jun 1978
<u>Imports</u>													
Nitrogenous Fertilizers in Content Tons		709,546	540,412	683,661	723,325	970,672	104,227	190,228	1,161,007				
<u>Exports</u>													
Nitrogenous Fertilizers in Content Tons		601,858	595,605	585,709	699,543	438,086	103,704	99,578	537,707	505,242	71,698	22,073	9,455

1/ Includes Nitrogen Solution, Nitrogenous Fertilizer, and Ammonium Nitrate Limestone, not listed in subsequent tables.

Source: Office of Export Administration and Bureau of the Census.

U.S. Exports of Fertilizers Containing Nitrogen, January 1975 - June 1977  
Export Contracts for July 1977 - June 1978  
(in Short Tons)

Commodity	Mar-Jun : 1975	Jul-Dec : 1975	Jan-Jun : 1976	Jul-Dec : 1976	June 1976	June 1977	Jan-Jun : 1977	Jul-Sep : 1977	Oct-Dec : 1977	Jan-Mar : 1978	Apr-Jun : 1978
1/ Anhydrous Ammonia	200,936	99,492	173,918	262,952	49,603	42,658	179,884	16,500			
Urea	272,457	234,652	295,871	235,924	39,123	6,428	132,006	44,129	87,285	15,733	
Ammonium Nitrate	24,189	31,847	8,068	4,035	1,429	1,179	7,028	-	2,861	-	
Ammonium Sulfate	282,242	426,800	325,156	318,413	39,737	34,297	172,550	5,986	100,346	7,400	
Ammonium Phosphate	1267,972	1538,368	1202,697	1620,207	188,063	274,185	1,544,968	367,582	50,855	53,119	49,608
Mixed Fertilizer	245,059	79,257	138,918	103,175	17,073	35,189	120,549	30,069	4,593	16,527	

1. Also includes non-fertilizer grades of anhydrous ammonia.

Source: Office of Export Administration and Bureau of the Census

V42-190 SEP 30 77 UMI



TABLE 3  
U.S. Imports of Fertilizers Containing Nitrogen January 1975 - June 1977  
(in Short Tons)

Commodity	:Jan-Jun : 1975	:Jul-Dec : 1975	:Jan-Jun : 1976	:Jul-Dec : 1976	:Jan-May : 1977	:June : 1976	:June : 1977	:Jan-Jun : 1977
Anhydrous Ammonia	: 415,936	: 391,003	: 375,758	: 353,895	: 477,322	: 51,212	: 136,326	: 613,648
Urea	: 434,525	: 216,677	: 307,925	: 533,702	: 840,123	: 54,280	: 92,273	: 932,396
Ammonium Nitrate	: 140,960	: 103,912	: 191,523	: 120,005	: 146,566	: 40,293	: 15,061	: 161,617
Ammonium Sulfate	: 139,903	: 78,679	: 341,646	: 224,660	: 201,626	: 58,810	: 27,847	: 229,473
Ammonium Nitrate Limestone	: 55,858	: 9,890	: 12,225	: 16,648	: 44,145	-	-	: 44,145
Ammonium Phosphate	: 141,100	: 161,860	: 177,809	: 171,555	: 206,889	: 19,362	: 13,681	: 220,570

Source: Bureau of the Census

TABLE 4  
U.S. Production of Fertilizers Containing Nitrogen, July 1974-June 1977  
(1,000 Short Tons)

Commodity	: Jul-Jun : 1974-75	: Jul-Jun : 1975-76	: % Change : 75/76	: Jul-Dec : 1976	: Jan-May : 1977	: June : 1976	: June : 1977	: Jan-Jun : 1977	: Jul-Jun : 1976-77	: % Change : 76/77
Anhydrous Ammonia	: 15,944	: 16,442	: 3.1	: 8,182	: 5,845	: 1,374	: 1,477	: 7,219	: 15,401	: -6.3
Urea	: 3,645	: 3,822	: 4.9	: 1,872	: 1,720	: 354	: 360	: 2,080	: N.A. <sup>1</sup>	: N.A.
Ammonium Nitrate	: 7,464	: 7,003	: -6.2	: 3,599	: 3,262	: 614	: 696	: 3,876	: 7,475	: 6.7
Ammonium Sulfate <sup>1/</sup>	: 2,505	: 2,463	: -13	: 1,085	: 1,016	: 2/	: N.A.	: N.A.	: N.A.	: N.A.
Ammonium Phosphate <sup>3/</sup>	: 9,695	: 8,255	: 18.5	: 4,780	: 4,067	: 626	: 882	: 4,949	: 9,729	: 17.9

- <sup>1/</sup> Includes coke oven byproduct  
<sup>2/</sup> Production data withheld by Bureau of the Census to avoid disclosing figures for individual companies  
<sup>3/</sup> Gross weight  
N.A. - Not available  
SOURCE: Bureau of the Census



TABLE 5

U.S. Producers' Inventories of Fertilizer Materials Containing Nitrogen  
(in Short Tons)

Commodity	June 1973	June 1974	June 1975	June 1976	May 1977	June 1977
Anhydrous Ammonia	622,318	615,376	1,131,500	1,427,269	1,106,565	1,077,699
Urea	N/A	N/A	N/A	N/A	N/A	N/A
Ammonium Nitrate	90,811	90,491	214,326	86,442	127,486	284,138
Ammonium Sulfate	101,508	153,496	239,753	1/	1/	N/A
Ammonium Phosphate	135,048	95,773	263,300	305,002	201,023	242,941

1/ Inventory data withheld by Bureau of the Census to avoid disclosing figures for individual companies

N/A - Not available

SOURCE: Bureau of the Census

NOTICES

TABLE 6

U.S. Producers' Prices of Nitrogen Containing Fertilizer Materials  
(in \$ Per Short Ton)

Commodity	Oct. 24 1973	Jan '75 Low High	Jan '76 Low High	Jan '77 Low High	Jun '76 Low High	Jun '77 Low High
Anhydrous Ammonia	65	190 - 210	120 - 140	120 - 140	180 - 190	120 - 140
Urea	72	160 - 175	160 - 175	130 - 140	160 - 175	130 - 140
Ammonium Nitrate	62	91 - 115	91 - 115	91 - 115	91 - 115	91 - 115
Ammonium Phosphate	75	145 - 165	135 - 135	110 - 125	-135 -	110 - 125

1/ Fertilizer prices prior to decontrol by Cost of Living Council on November 19, 1973

SOURCE: Column 1 - Cost of Living Council

Columns 2 through 6 - Chemical Marketing Reporter

NOTICES







TABLE 3 (cont'd)  
Exports and Anticipated Exports, by Commodity and Area of Destination, January-May 1977, and  
Anticipated Exports by Commodity and Area of Destination June 1977-May 1978

Commodity, and Area of Destination 1/	EXPORTS			CONTRACTS			
	Jan-May 1977	June 1977	Jan-Jun 1977	Jul-Sept 1977	Oct-Dec 1977	Jan-Mar 1977	Apr-Jun 1978
Mixed Fertilizer							
Western Hemisphere	60,300	7,901	68,201	-	3,160	2,000	-
Western Europe	4,193	880	5,073	-	-	-	-
Asia	22,663	24,351	47,014	30,069	1,433	14,031	-
Australia and Oceania	190	57	247	-	-	-	-
Africa	1	-	1	-	-	496	-
% Exported to Developing Countries	33.1%	90.0%	49.5%	-	-	-	-
Ammonium Sulfate							
Western Hemisphere	133,328	34,297	167,625	5,986	100,346	1,400	-
Western Europe	-	-	-	-	-	-	-
Asia	19	-	19	-	-	-	-
Australia and Oceania	15	-	15	-	-	-	-
Africa	-	-	-	-	-	-	-
% Exported to Developing Countries	90.2%	98.1%	90.7%	-	-	-	-
Diammonium Phosphate and other Ammonium Phosphate							
Western Hemisphere	461,253	64,281	525,534	70,835	10,069	3,511	3,511
Western Europe	406,632	117,700	544,332	158,599	26,457	49,608	49,608
Asia	329,326	39,337	368,663	89,812	14,330	-	-
Australia and Oceania	29,844	8,396	38,240	4,244	-	-	-
Africa	28,083	24,471	52,554	44,092	-	-	-
% Exported to Developing Countries	44.5%	47.5%	44.8%	-	-	-	-

1/ The data in this table with respect to "Contracts" is based on information obtained from exporters by the Office of Export Administration subject to the confidentiality provisions of the Export Administration Act of 1969, as amended. In a number of instances only one exporter is involved in exports of a stated commodity to a particular country. Therefore, the publication of the data by country of destination could effectively reveal information required to be held confidential. Accordingly, in order to maintain the confidentiality of the information supplied by exporters, this data is published by the area of destination.

2/ Includes non-fertilizer grades of anhydrous ammonia.

SOURCE: Office of Export Administration, Bureau of the Census

FRANK A. WEIL,  
Assistant Secretary for Domestic  
and International Business.

RD - 9-29-77:8:45 AM

## [ 3510-25 ]

VIRGINIA POLYTECHNIC INSTITUTE AND  
STATE UNIVERSITY, ET ALApplication for Duty-Free Entry of Scientific  
Articles: Correction

In the Notice of Application for Duty-Free Entry of Scientific Articles appearing at page 16843 in the FEDERAL REGISTER of Wednesday, March 30, 1977 the following correction should be made:

Under Docket Number 77-00143, "and 2 (two) release transponders, Model 325" should be deleted from the description of the article.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,  
Director, Special Import  
Programs Division.

[FR Doc 77 28839 Filed 9-29-77;8:45 am]

## [ 3510-03 ]

## Maritime Administration

[Docket No. S-580]

## DELTA STEAMSHIP LINES, INC.

## Application

Notice is hereby given that Delta Steamship Lines, Inc., has applied for amendment to Operating-Differential Subsidy Agreement, Contract No. MA/MSB-353, to permit ships operating on Trade Route No. 14-2 (U.S. Gulf/West Africa) to call outbound at Brazilian ports while en route to West Africa. The applicant has also requested a reduction in the minimum requirement on Trade Route No. 20 (U.S. Gulf/East Coast South America) from 43 to 26 sailings annually and retention of the current minimum on Trade Route No. 14-2 at 24 sailings annually. There are no individual maximum sailing requirements specified for each of these services, but sailings on the two services are subject to an overall maximum requirement which the applicant has requested to be reduced from 79 to 62 sailings annually.

Interested parties may inspect this application in the Office of the Secretary, Maritime Subsidy Board, room 3099-B, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20230.

Any person, firm, or corporation having any interest in such application who desires to offer views and comments thereon for consideration by the Maritime Subsidy Board should submit them in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C. 20230, by the close of business on October 12, 1977.

The Maritime Subsidy Board will consider these views and comments and take such action with respect thereto as may be deemed appropriate.

By order of the Maritime Administration.

Dated: September 27, 1977.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS).)

JAMES S. DAWSON, Jr.,  
Secretary.

[FR Doc 77 28849 Filed 9-29-77;8:45 am]

## [ 3510-03 ]

## Maritime Administration

[Docket No. S-579]

## GLOBE SEAWAYS, INC., ET AL

## Application

Globe Seaways, Inc., Intercontinental Bulk Tank Corporation, Ocean Clippers, Inc., Ocean Tankships Corporation, Ocean Transportation Company, Inc., Overseas Bulk Tank Corporation, and Overseas Oil Carriers, Inc.

The subject companies are domestic subsidiaries of Overseas Shipholding Group, Inc. (Overseas) and hold operating-differential subsidy contracts with respect to the carriage of bulk raw and processed agricultural commodities from the United States to the Union of Soviet Socialist Republics. The subject companies have an 80 percent interest in four partnerships which have recently accepted, or will shortly accept, delivery of four 90,000 DWT, U.S. flag tankers under 25-year bareboat charters. Notice is hereby given that Overseas, on behalf of the subject companies, requests written permission for the four tankers to participate in the domestic intercoastal or coastwise trade of the United States. The partnerships and their respective vessels are as follows:

First Shipmor Associates, Overseas Chicago, Second Shipmor Associates, Overseas Ohio.

Third Shipmor Associates, Overseas New York.

Fourth Shipmor Associates, Overseas Washington.

Any person, firm, or corporation having any interest (within the meaning of section 805(a) in the application and desiring to be heard on issues pertinent to section 805(a) and desiring to submit comments or views concerning the application must, by close of business on October 7, 1977, file same with the Secretary, Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the pur-

pose of which will be to receive evidence under section 805(a) relative to whether the proposed operations (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS).)

By Order of the Maritime Subsidy Board.

Dated: September 23, 1977.

JAMES S. DAWSON, Jr.,  
Secretary.

[FR Doc 77 28770 Filed 9-29-77;8:45 am]

## [ 3510-13 ]

## National Bureau of Standards

## COMMERCIAL STANDARDS

## Intent To Withdraw

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10), notice is hereby given of the intent to withdraw Commercial Standards CS 246-62, "Steel Chain Link Galvanized Fence Fabric," and CS 269-65, "Aluminum Alloy Chain Link Fencing."

This withdrawal action is being taken for the reason that CS 246-62 and CS 269-65 are adequately covered by the American Society for Testing and Materials' standards ASTM A392-74, "Zinc-Coated Steel Chain-Link Fence Fabric," and ASTM A491-74, "Aluminum-Coated Chain-Link Fence Fabric," respectively, and duplication is inappropriate and not in the public interest.

Any comments or objections concerning this intended withdrawal of these standards should be made in writing to the Standards Development Services Section, National Bureau of Standards, Washington, D.C. 20234, on or before October 31, 1977. The effective date of withdrawal will not be less than 60 days after the final notice of withdrawal. Withdrawal action terminates the authority to refer to a published standard as a voluntary standard developed under the Department of Commerce procedures from the effective date of withdrawal.

Dated: September 26, 1977.

ERNEST AMELER,  
Acting Director.

[FR Doc 77 28816 Filed 9-29-77;8:45 am]

## [ 3510-49 ]

NATIONAL FIRE PREVENTION AND  
CONTROL ADMINISTRATION  
Meeting

The National Academy for Fire Prevention and Control of the National Fire



Prevention and Control Administration (NFPCA) will hold a meeting from 9 a.m. to 5 p.m. on Friday, October 21, 1977, in Room 114 of the NFPCA, 2400 M Street NW., Washington, D.C., to present the Academy Education and Training program for fiscal year 1978 to state and local fire protection representatives.

Discussion topics will include: the proposed Academy course delivery policy, an education and training program overview, the regional course schedule, and resolution of regional delivery issues.

This meeting is directed primarily at Region III states, including Pennsylvania, West Virginia, Washington, D.C., Maryland, and Delaware.

Members of the general public who plan to attend the meeting should provide their name, affiliation, and address to Ms. Kay Shaw, National Fire Academy, National Fire Prevention and Control Administration, P.O. Box 19518, Washington, D.C. 20036, telephone 202-634-7541.

Future regional meetings are being planned for October and November 1977 and will be announced in the FEDERAL REGISTER.

Dated: September 21, 1977.

HOWARD D. TIPTON,  
Administrator, National Fire  
Prevention and Control Administration.

[FR Doc 77-28845 Filed 9-29-77; 8:45 am]

### [ 3510-12 ]

National Oceanic and Atmospheric  
Administration

TRAWL FISHERIES OF WASHINGTON,  
OREGON, AND CALIFORNIA

Revision to Preliminary Fishery  
Management Plan

Pursuant to section 201(g) of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), the Secretary of Commerce published a preliminary fishery management plan entitled "Trawl Fisheries of Washington, Oregon, and California" on February 10, 1977 (42 FR 8577). The plan, which provides proposed conservation and management measures for foreign trawl fisheries in the Washington, Oregon, and California area, was revised on August 31, 1977 (42 FR 44568). One of the changes to the plan provided for an effort limitation in vessel-days based upon a catch rate of 33 metric tons per vessel-day observed in the early part of the 1977 season.

A more precise catch-rate based upon actual reported catches of Soviet vessels now indicates that the average daily catch rate for Soviet vessels is determined to be 29.1 metric tons per vessel-day. However, the Soviet hake fishery has suspended fishing operations because its vessel-day effort limitation (based upon the 33 metric ton catch rate) has been reached without attaining its Pacific hake allocation of 105,200 metric tons. In the interest of full resource utilization, and in keeping with the specific biological

standards set forth in the preliminary fishery management plan, as revised, it has been determined appropriate to provide additional fishing days for the Soviet Pacific hake fishery.

The formula used to determine maximum number of days on the grounds for the Soviet Pacific hake fleet will be revised using a catch rate of 29.1 metric tons. This revised catch rate, when applied to the formula used to determine maximum number of days on the grounds, provides for a revised effort limitation of 3,615 vessel days.

Monitoring of the hake resource in 1977 by a larval hake survey and by observations of U.S. and foreign hake catches reveals no evidence of reduced hake abundance as was reported in 1976. The outlook for the hake resource is very encouraging. It is essential for full utilization of the Pacific hake resource that the number of Soviet fishing days be increased at the earliest practicable time in order to facilitate effective management by the United States in accordance with the Fishery Conservation and Management Act of 1976. Therefore, this provision is made effective September 27, 1977.

The Associate Administrator for Marine Resources of the National Oceanic and Atmospheric Administration has approved this document pursuant to delegations of authority in Department of Commerce Organization Order 25-5A, Section 3-01dd, Amendment 4 (dated September 30, 1976) and NOAA Directives Manual 05-57 (dated December 1, 1976).

Dated: September 27, 1977.

WINFRED H. MEIBOHM,  
Associate Director, National  
Marine Fisheries Service.

Revisions to the preliminary fishery management plan are as follows:

1. Section 3.B(e) is amended by deleting the second, fourth, and fifth sentences in their entirety.

2. A new Section 3.B(f) is added as follows:

(f) Monitoring of the hake resource in 1977 reveals no evidence of reduced hake abundance. However, U.S. fishermen have reported unusually large numbers of hake on some Pacific trawl grounds and the observed Soviet catch rate of hake is more than double that of 1976. The distribution of hake larvae observed during the March 1977 larval survey was similar to the period 1963-66 (prior to the development of the hake fishery). The extremely below-normal extent of the hake spawning area and possible hake spawning biomass implied by the 1976 hake larval survey did not persist into 1977. Therefore, the future outlook for the hake resource is very encouraging.

3. Section 5.C.1 is revised by deleting the section in its entirety and substituting the following:

1. Landward of 125° 40' W.—a. U.S.S.R.—Soviet hake quota = 29.1 mt/vessel-day on the grounds.

b. All others—Hake quota = 33 mt vessel-day on the grounds.

4. Section 9, Appendix B, Subpart E, (b)(1) is revised by deleting the section in its entirety and substituting the following:

(1) Landward of 125° 40' W.—Soviet hake quota = 29.1; Others: hake quota = 33

[FR Doc 77-28833 Filed 9-27-77; 2:30 am]

### [ 3510 ]

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

New Entrant Announcement for American Samoa

AGENCY: Office of the Secretary, Department of Commerce.

ACTION: Invitation for applications from new firms.

SUMMARY: This notice announces that the calendar year 1978 duty-free watch quota for American Samoa will be available for allocation to a new firm and invites applications from interested parties. The notice provides guidance on how to apply for the duty-free watch quota and establishes a December 9, 1977, deadline for receipt of applications.

DATE: Applications from interested parties must be received on or before December 9, 1977.

FOR ADDITIONAL INFORMATION CONTACT:

Mr. Frank Creel, who can be reached by telephone on 202-377-2197.

SUPPLEMENTAL INFORMATION: Pacific Time Corp., which received the calendar year 1977 duty-free watch quota for American Samoa pursuant to Public Law 89-805, has notified the Departments of Commerce and the Interior that it is ceasing operations and will not seek a watch quota for calendar year 1978.

New firms are therefore invited to apply for the calendar year 1978 American Samoa duty-free watch quota. The Departments have set forth their policy with respect to the allocation of the American Samoa quota in their joint notice of June 8, 1967 (32 FR 8318), noting, among other things, that the division of the American Samoa quota among two or more firms might result in a "weak and inefficient" industry; and in the judgment of the Departments this policy remains valid in the present circumstances. Accordingly, it is the intention of the Departments to allocate the calendar year 1978 American Samoa quota to the single firm which offers the best prospect of making a meaningful and long term contribution to the economy of American Samoa.

Interested parties may apply for the calendar year 1978 American Samoa quota on Form DID-334P, copies of which may be obtained from:

Special Import Programs Division, Room 6805, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

In addition to the information to be supplied on Form DIB-334P, applicants

will also be required to provide the following information:

1. A copy of a certified financial statement for (a) The applicant (principals in proposed company or parent company); (b) any company listed in answer to question No. 8 of Form DIB-334P.

2. Anticipated source of financing of capital investment required for proposed watch movement assembly operation in American Samoa (land, building, equipment, parts inventory, etc.). If proposed operation is contingent upon receiving financial or other assistance from the Federal Government, the territorial government or from other sources, give complete details, including details of any exemption from territorial taxes or customs duties sought.

3. A statement as to whether or not the applicant expects to be able to assemble and ship during calendar year 1978 and in subsequent years the total amount of American Samoa quota that becomes available. (In this respect, the Departments cannot say with certainty what amount will be available since the amount depends on total apparent U.S. consumption of watches during the current calendar year, as determined by the International Trade Commission not later than April 1, 1978. However, the amount available in 1977 was 309,000 units, and the Departments estimate that between 250,000 and 300,000 units will be available in 1978.)

4. A statement as to whether or not the applicant plans to case watch movements in American Samoa. If so, when and how many?

5. Anticipated number of local workers to be employed in American Samoa by job classification (see question No. 28 of Form DIB-334P) and proposed wage rates.

6. Estimated direct labor cost, by type of movement (see question No. 17 of Form DIB-334P) per watch movement assembled in American Samoa, exclusive of general, sales and administrative costs.

7. Once notified of selection as quota recipient, estimated time applicant would require to: (a) Establish watch movement assembly in American Samoa; (b) Begin shipment of locally assembled watch movements to the United States.

8. Applicant's experience which qualifies it to establish and operate a watch movement assembly facility in American Samoa.

9. A statement indicating how the watch movements assembled in American Samoa would be distributed in the United States market and through whom, if known.

All applications for the calendar year 1978 American Samoa quota must be filed with the Departments on or before December 9, 1977. It is the intention of the Departments to announce the successful applicant on or about January 1, 1978, and to allocate the 1978 American Samoa quota as soon as possible after April 1, 1978, when the amount of quota available must be published by the International Trade Commission. In the event the successful applicant is able to begin assembly operations and shipments prior to April 1, 1978, it is the intention of the Departments to award the successful applicant an initial quota allocation in an appropriate amount pending allocation of its annual quota.

If in the judgment of the Departments no application is received which proposes a sufficient number of assembly operations or otherwise offers the prospect of a meaningful contribution to the economy of American Samoa, the Depart-

ments shall notify such applicant(s) of the specific deficiencies and may issue a new invitation or extend the date for revised applications or applications from other firms.

The recipient of the American Samoa quota allocation will be required to comply with the applicable 1978 watch quota rules of the Departments and with United States Customs Service regulations regarding assembly operations which must be performed in the insular possession under General Headnote 3 (a), Tariff Schedules of the United States, as well as with the general requirements of the territorial government regarding the establishment and conduct of a business in American Samoa.

Dated: September 26, 1977.

ROBERT E. SHEPHERD,  
Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

RUTH G. VAN CLEVE,  
Director, Office of Territorial Affairs, U.S. Department of the Interior.

[FR Doc 77-28724 Filed 9-29-77; 8:45 am]

### COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED.

PROCUREMENT LIST 1977

Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to Procurement List 1977 commodities to be produced by and services to be provided by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: November 3, 1977.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street N., Suite 610, Arlington, Va. 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, (703-557-1145).

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities and services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities and services to Procurement List 1977, November 18, 1976 (41 FR 50975):

Class 2540

Cushion Assembly, Seat Back 2540-00-678-2966

Military Resale Items and Numbers

No. 500 Room Air Fresheners.  
No. 501 Toilet Bowl Deodorizers.  
No. 912 Brush, Lint (Plastic Filament).

SIC 7349

Janitorial Services, Lloyd Group Buildings, Portland, Ore. At the following locations:  
1. 830 N.E. Holladay; 2. 830 N.E. Holladay;  
3. 729 N.E. Oregon St.; 4. 811 N.E. Oregon St.;  
5. 827 N.E. Oregon St.

SIC None

Shrink Wrapping; United States Postal Service, Gift Packages, Items No. 825, No. 826 and No. 827, Washington, D.C.

C. W. FLETCHER,  
Executive Director.

[FR Doc 77-28652 Filed 9-29-77; 8:45 am]

### [ 6820-12 ]

PROCUREMENT LIST 1977

Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to Procurement List 1977 commodities to be produced by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: September 30, 1977.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street N., Suite 610, Arlington, Va. 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, (703-557-1145).

SUPPLEMENTARY INFORMATION: On June 24, 1977 and on July 29, 1977 the Committee for Purchase from the Blind and Other Severely Handicapped published notices (42 FR 32288) and (42 FR 38626) of proposed additions to Procurement List 1977, November 18, 1976 (41 FR 50975).

After consideration of the relevant matter presented, the Committee has determined that the commodities listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48(c), 85 Stat. 77.

Accordingly, the following commodities are hereby added to Procurement List 1977:

Class None

Safety Guard Modification Kit "A" (SH) P.S. Item No. 01075B.

Class 7110

Tables, Steel (SH), 7110-00-113-0448, 7110-00-113-0454, 7110-00-149-2044, 7110-00-149-2045, 7110-00-149-2046, 7110-00-149-2047.

C. W. FLETCHER,  
Executive Director.

[FR Doc 77-28851 Filed 9-29-77; 8:45 am]



## PROCUREMENT LIST 1977

## Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to procurement list.

SUMMARY: This action adds to Procurement List 1977 a commodity to be produced by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: September 30, 1977.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Va. 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: On August 5, 1977 the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (42 FR 39696) of proposed additions to Procurement List 1977, November 18, 1976 (41 FR 50975).

After consideration of the relevant matter presented, the Committee has determined that the commodity listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46-48(c), 85 Stat. 77.

Accordingly, the following commodity is hereby added to procurement list 1977:

Class 8465

Suspenders, Individual Equipment Belt (IB), 8465-00-001-6471.

C. W. FLETCHER,  
Executive Director.

[FR Doc. 77-28865 Filed 9-29-77; 8:45 am]

## COUNCIL ON ENVIRONMENTAL QUALITY

## ENVIRONMENTAL IMPACT STATEMENTS

## Availability

The following is a list of environmental impact statements received by the Council on Environmental Quality from September 19 to September 23, 1977. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. (November 14, 1977) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies are also available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

## DEPARTMENT OF AGRICULTURE

Contact: Mr. Errett Deck, Coordinator, Environmental Quality Activities, U.S. Department of Agriculture, Room 307A, Washington, D.C. 20250, 202-447-6827.

## NOTICES

## FOREST SERVICE

## Draft

California Region Timberplan, several counties in California, September 20: Proposed is the implementation of a timber plan for the Angeles, Cleveland, Los Padres, and San Bernardino National Forests. The plan is designed to protect or enhance recreational, watershed, wildlife, and other amenity values; silvicultural treatments included in the proposed plan will develop stand conditions which maintain an attractive, healthy forest. Adverse effects include changes in wildlife habitat, and short term alterations in the appearance of the landscape following silvicultural treatments. (ELR order No. 71170.)

Beartooth Face Unit Plan, Wyoming and Montana, September 21: Proposed are the selection and implementation of a Land Management Plan for the 239,680-acre Beartooth Face Planning Unit; Custer (Montana), Gallatin (Montana), and Shoshone (Wyoming) National Forests, Park County, Wyo., contains 10,934 acres of the Planning Unit and the remainder is in Carbon, Stillwater, Sweet Grass, and Park Counties, Mont. Five alternate plans are presently being considered. The preferred plan proposes to use both surface and subsurface resources, but to the extent possible, development would be balanced with protection of existing soil, air, and water, and visual, recreation, and wildlife values. (ELR order No. 71171.)

## Final

Rancheria Unit Plan, Sierra National Forest, Fresno County, Calif., September 19: This statement concerns a proposed land use plan for the Rancheria Management Unit within Kings River Planning Unit, Sierra National Forest. The proposed plan was selected from five alternatives; this proposal provides for dispersed recreation throughout the Unit, general wildlife habitat improvement throughout the Unit, intensive timber management on 4,442 acres and stand maintenance management on 2,035 acres. Adverse effects include loss of wilderness value on 8,600 acres, increased short-term soil loss, and short-term changes in water, air, and noise quality. Comments made by: COE, USDA, FPC, AHP, DOI, EPA, State and local agencies, concerned groups and individuals. (ELR order No. 71185.)

Smith Creek Planning Unit, Kaniksu National Forest, Boundary County, Idaho, September 22: The proposed project is the implementation of a land use plan for the 92,130-acre Smith Creek Planning Unit, Kaniksu National Forest in the State of Idaho. The plan emphasizes management of timber sites, roadless area recreation, and mountain caribou, grizzly bear, and fishery habitat. Adverse impacts include alteration of roadless areas, reduced opportunities for solitude; reduction of air quality due to logging, burning of debris, and traffic; increased sedimentation; reduced quality of grizzly bear and fish spawning habitats; disruption of unique plant habitats; increased noise; possible disturbance of historical and archeological sites; increased fire hazard; and increased chance of insects. Comments made by: USDA, COE, HUD, DOI, EPA, FPC, State agencies, concerned groups and individuals. (ELR order No. 71182.)

Hornet Unit Plan, Kootenai National Forest, Lincoln County, Mont., September 22: Proposed is a revised land management plan for the 27,444-acre Hornet Planning Unit, Fisher River Ranger District, Kootenai Forest, Mont. The eight unit plan will provide: recreational opportunities and facilities for the public; help in a continuing flow of a balanced supply of winter forage; cover and security for big game; important contributions to sustained yield of renewal timber resources; contributions to economic stability of the local communities; and reduction of fuel buildups. Development activity will result in increased erosion and sediment levels. Comments made by: COE, DOI, EPA, FEA, State and local agencies, concerned groups and individuals. (ELR order No. 71179.)

Trapper-Slouxon Unit, Gifford Pinchot National Forest, Skamania County, Wash., September 20: Proposed is the implementation of a comprehensive management plan for the 58,600-acre Trapper-Slouxon Planning Unit, Gifford Pinchot National Forest. The proposed management plan would provide for every resource use except wilderness. Adverse effects include the physical and biological impacts that would be caused by additional people on the area. Logging and roads will have the potential to cause soil compaction and disturbance, some water quality degradation, and interference with natural biological systems. Comments made by: COE, DOI, EPA, USDA, local agencies, concerned groups and individuals. (ELR order No. 71165.)

sources; contributions to economic stability of the local communities; and reduction of fuel buildups. Development activity will result in increased erosion and sediment levels. Comments made by: COE, DOI, EPA, FEA, State and local agencies, concerned groups and individuals. (ELR order No. 71179.)

Trapper-Slouxon Unit, Gifford Pinchot National Forest, Skamania County, Wash., September 20: Proposed is the implementation of a comprehensive management plan for the 58,600-acre Trapper-Slouxon Planning Unit, Gifford Pinchot National Forest. The proposed management plan would provide for every resource use except wilderness. Adverse effects include the physical and biological impacts that would be caused by additional people on the area. Logging and roads will have the potential to cause soil compaction and disturbance, some water quality degradation, and interference with natural biological systems. Comments made by: COE, DOI, EPA, USDA, local agencies, concerned groups and individuals. (ELR order No. 71165.)

## DEPARTMENT OF DEFENSE, ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Department, Att: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314 (202-693-6795).

## Final

Steele Bayou Basin Flood Protection, Washington and Bolivar Counties, Miss., September 19: The proposed plan for the Steele Bayou Basin provides for the alleviation of flooding and drainage problems in the Greenville urban area and the improvement of drainage outlets for agricultural lands in the upper drainage basin. The project consists of channel enlargement, weirs, levees, and water control structures. Adverse effects include the commitment of about 1,000 acres of forest and 1,500 acres of cleared land to various project features. Channel enlargement, induced land clearing, and intensified agriculture will increase levels of silts and pesticides, adversely affecting lakes and streams. (Vicksburg District.) Comments made by: EPA, USDA, DOI, HEW, State agencies. (ELR order No. 71149.)

## ENVIRONMENTAL PROTECTION AGENCY

Contact: Please refer to the separate notice published by EPA in this issue of the FEDERAL REGISTER for the appropriate EPA contact.

## Draft

Tisbury, W. Tisbury, and Oak Bluffs Wastewater, Massachusetts, September 21: This statement proposes several alternative approaches to the protection of water resources in Tisbury, West Tisbury, and Oak Bluffs, Mass. Its intent is to fully explore the impacts associated with wastewater disposal on water resources and to clarify the need for wastewater collection and treatment facilities in the towns of Tisbury, West Tisbury, and Oak Bluffs. The four alternatives under consideration consist of: (1) No action (2) improvements in nightsoil disposal practices, (3) small scale approaches to wastewater problems, and (4) centralized wastewater collection and treatment systems. (ELR order No. 71176.)

## Final

LVMWD-TCSA Area Wide Facilities Plan, Triunfo, Ventura, and Tuna Counties, Calif., September 22: Proposed is an Area Wide Facilities Plan for the Las Virgenes Municipal Water District (LVMWD)—Triunfo County Sanitation District (TOSD), Calif. The purpose of the plan is to assess a regional wastewater treatment and disposal system

to eliminate the existing water quality problems in the various systems and prevent future problems. The selection of an alternative will be deferred pending the completion of the comment portion of the EIS process. All proposed alternative projects would involve construction and its associated environmental impacts. (Region IX.) Comments made by: AHP, DOI, DOC, HEW, State and local agencies, concerned groups and individuals. (ELR order No. 71178.)

## FEDERAL ENERGY ADMINISTRATION

Contact: Dr. Robert Stern, Director, Office of Environmental Programs, New Post Office Bldg., Room 7119, 12th and Pennsylvania Ave. NW., Washington, D.C. 20461 (202-566-9760).

## Draft

Capline Group Salt Domes (SPR) Assumption, Iberville, and Iberia Parishes, La., September 23: Proposed are five candidate sites for Early Storage Reserve (ESR) facilities for the Strategic Petroleum Reserve (SPR) program; the sites comprise the Capline Group of salt domes located in the Gulf Coast region of south central Louisiana. Adverse effects include short-term, construction related pollution; hydrocarbon emissions associated with tanker loading the off-loading; impact on water quality from possible oil and brine spills; impact of brine disposal to the Gulf of Mexico; and resultant impact to the flora and fauna which would be affected by such oil or brine spills. (ELR No. 71188.)

## Draft

Seaway Group Salt Domes (SPR), Brazoria and Port Bend Counties, Tex., September 23: Proposed are five candidate sites for Early Storage Reserve (ESR) facilities for the strategic Petroleum Reserve (SPR) program; the sites are from the Seaway Group of salt domes located in the Gulf Coast region of Southeastern Texas. Adverse effects include short-term, construction related pollution; hydrocarbon emissions associated with tanker loading and off-loading; impact on water quality from possible oil and brine spills; impact of brine disposal to the Gulf of Mexico; and resultant impact to the flora and fauna which would be affected by such oil or brine spills. (ELR No. 71186.)

## Supplement

Strategic Petroleum Reserve (SPR) (S-1), September 23: This statement supplements a final EIS filed with CEQ in December of 1978. The Federal Energy Administration proposes to implement the Strategic Petroleum Reserve, Title I, Part B of the Energy Policy and Conservation Act of 1975. The purpose of the Reserve is to mitigate the economic impacts of any future interruptions of petroleum imports. The impacts of storing one hundred fifty million barrels (MMB) of oil by 1978 and five hundred MMB by 1982 was addressed in the final EIS and the SPR Plan. It is now proposed that the SPR be expanded to store a total of 1,000 MMB. (ELR No. 71187.)

## FEDERAL POWER COMMISSION

Contact: Dr. Jack M. Heinemann, Advisor on Environmental Quality, Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426 (202-275-4791).

## Final

TAPCO Project, Maine, September 20: The action discussed in this statement relates to a proposal by Tenneco Atlantic Pipeline Co. (TAPCO), to import natural gas at the U.S.-Canadian border near Calais, Maine. This gas would be shipped as LNG from Algeria to New Brunswick. After vaporization, the gas would be transported to the U.S.-Canada border

## NOTICES

near Calais, where it would be purchased by TAPCO. The applications discussed in this EIS would authorize the construction and operation of 608 miles of TAPCO pipeline and related appurtenance required to transport this imported gas from Calais, Maine, to Millford, Pennsylvania. This statement also proposes the sale of this gas to the Tennessee Gas Co. Comments made by: USDA, HEW, DOI, FPC, COE, DOC, STAT, EPA, State and local agencies, concerned groups and individuals. (ELR order No. 71167.)

## DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410 (202-755-6308).

## Draft

Woodridge Center Development, DuPage County, Ill., September 22: Proposed is the granting of FHA mortgage insurance to the Rossmore Illinois Development Co. for single and multifamily units in the Woodridge Center Development, Woodridge, Ill. Completed construction consists of the first stage (222 units) of a total development that is zoned for 3,256 units on 394.8 acres. The sponsor's plans contemplate a total development of about 1,300 total units. Adverse effects include the depletion of ground water resources, and construction-related pollution. (ELR order No. 71180.)

Rohrling Grove Apartments, Cook County, Ill., September 22: Proposed is the granting of FHA mortgage insurance to S.B.L. Associates and Nathaniel J. Reed Jr. for the development and construction of a planned total development for 788 units on 41.65 acres, to be built in three phases. Phase No. 1 of the proposed development consists of 312 units on 14.28 acres. Phase No. 2 of the development has already been approved by HUD based on an environmental clearance which revealed no significant environmental impacts. Adverse effects include the depletion of ground water resources, increased traffic, and construction-related pollution. (ELR order No. 71181.)

## Final

Maple Grove and Boundary Creek Additions, Hennepin County, Minn., September 21: Proposed is the provision of HUD mortgage insurance under Section 203(b) for the 1195 dwelling unit Boundary Creek Development in the city of Maple Grove, Minnesota. The development, bound on the north by the city of Chaplin, and on the east by the city of Brooklyn Park, is approximately 16 miles from the Minneapolis Central Business District, and covers an area of one square mile. A small, three-acre neighborhood shopping center is also planned to serve the residential project. Adverse effects include increased noise pollution, and an increased demand for public services and facilities. Comments made by: DOT, EPA, FPC, GSA, DOI, COE, state, and local agencies. (ELR order No. 71173.)

Punto Oro II Development, Puerto Rico, September 22: Proposed is a housing project known as Punto Oro II Development in Ponce, Puerto Rico. The project will include 1,042 lots in approximately 167 acres, and will also provide community facilities and flood control works for the area. Adverse impacts will be the negative effects on the quality of the Matilde River and temporary increases in air pollution, noise levels, and demand for public services. Comments made by: DOT, HEW, DOI, HUD, EPA, USDA, local agencies. (ELR order No. 71184.)

Golf Resort Joint Venture, Tex., El Paso County, Tex., September 20: The proposed action is for the Department of HUD to ac-

cept for HUD/FHA insurance purposes the 1500 acre Golf Resort Joint Venture project. The project site is located near the south-east limits of the City of El Paso above and adjacent to Interstate 10. Over 600 acres will be devoted to single family housing with approximately 280 acres for various commercial development. A small amount of duplex and apartments will be joined by land devoted to industrial, school, park, and ponding areas. Adverse effects include increased air pollution, increased demand on fossil fuels, and the possible disturbance of an archaeological site. Comments made by: EPA, VA, AHP, HEW, DOI, USDA, state, and local agencies interest groups. (ELR order No. 71166.)

Pebble Hills Addition, Leavell Development, El Paso County, Tex., September 21: The proposed action is for the Department of HUD to accept for HUD/FHA mortgage insurance purposes the 538 acre Pebble Hills Addition of the Leavell Development. The project site is located in the extreme northeastern most edge of the City of El Paso, Texas, adjacent to U.S. Highway 62 and 180. When completed, this project will involve a total of 1600 units developed primarily as single-family residential. Adverse effects relate directly to the El Paso International Airport noise contours, and the Archaeological survey which reports two significant concentrations of cultural material in the development area. Comments made by: EPA, AHP, SDA2, state, and local agencies interest groups. (ELR order No. 71177.)

Section 104(h): The following are Community Development Block Grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. (Copies are not available from HUD.)

## Draft

Bremerton, N. Perry, Silverdale, Wa.—Water Systems, Kitsap County, Wash., September 19: Proposed is the implementation of various improvements to the Silverdale, North Perry, and Bremerton water districts. These improvements include the provision of new wells, pumping facilities, and distribution lines, and the replacement of some existing distribution lines with a larger pipe. The project area encompasses the Manette Peninsula and adjacent areas to the north (Brownsville) and the west (Bucklin Hill and Silverdale) and also the city of Bremerton. Physical and construction impacts are expected to be minor. (ELR order No. 71146.)

Kitsap Co., Wa.—Wastewater Facilities, Kitsap County, Wash., September 19: Proposed is the extension of existing sewerage facilities in the unincorporated community of Manchester, Washington, to serve the planned 148-unit Megan Heights subdivision and surrounding land area. The proposed sewer extension potential service area is bounded by Chester Street on the north, State Route 160 on the south, Puget Drive on the east, and Nebraska Street on the west. The Kitsap County Department of Development proposes to extend the present Manchester Sewer District sewer interceptor from Hemlock Street to California Avenue. Adverse effects include the removal of trees and other vegetation. (ELR order No. 71147.)

## Final

Lehi City, Utah—Sewer Sys. Improvements, Utah County, Utah, September 20: The proposed project is construction of a sewer collection system and transmission line on the west side of Lehi City to serve approximately 120 homes presently using septic tanks. A high groundwater level in the area has caused many of the septic systems



to fail and a serious health hazard now exists. Short term adverse effects will be generated by the construction of the project and land use changes will take place as agricultural land is used for development projects. Comments made by: EPA, FEA, AHP, COE, State, and local agencies (ELR order No. 71169.)

## DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256, Interior Bldg., Department of the Interior, Washington, D.C. 20240, (202 343-3891).

## BUREAU OF LAND MANAGEMENT

## Draft

Uncompahgre Basin Resource Area Grazing, several counties in Colorado, September 21: Proposed is the implementation of a domestic livestock grazing program for the Uncompahgre Basin Resource Area (approximately 525,775 acres of national resource lands) in the Montrose District, located in west central Colorado. The overall objective of the proposed action is to increase livestock/wildlife forage by 12,645 AUMs, from a total of 51,315 AUMs existing now to a total of 63,960 AUMs by 2006. Components of the proposed action are: (1) improved management, (2) trailing on 480 acres, (3) custodial management on 29,460 acres, (4) elimination of grazing on 3,020 acres, and (5) continuation of unallotted status on 13,550 acres. (ELR order No. 71172.)

## GEOLOGICAL SURVEY

## Final

Phosphate Resources Development, SE Idaho, several counties in Idaho, September 23: Proposed is the approval of increases in mining and processing of phosphate ore and new applications for leases and prospecting permits. The action includes a regional analysis covering all or parts of 6 counties in southeastern Idaho, the applications for prospecting permits and leases, major transportation requirements, and specific mining plans through the year 2000. The land surface will be altered by pits and dumps, soils and vegetation will be removed, wildlife habitat and populations reduced, and water quality lowered. Ambient air quality will be lowered, and livestock forage will be reduced, even after reclamation. Comments made by: HEW, NRC, ERDA, EPA, DOI, State, and local agencies, concerned groups and individuals (ELR order No. 71183.)

## NATIONAL PARK SERVICE

## Final

Cedar Breaks Proposed Wilderness Classification, Iron, Garfield, and Kane Counties, Utah, September 21: Proposed as a plan for the establishment of a Wilderness Area in Cedar Breaks National Monument consisting of 4830 acres of Federal land, 78.5 percent of the monument. The principal benefit of the program is that of additional legislative protection of this natural area. Adverse effects include restrictions on back-country facility development and restrictions on local water resources development. Comments made by: AHP, USDA, HUD, DOI, EPA, EPC, and state agencies. (ELR order No. 71175.)

## DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590, (202-426-4357).

## FEDERAL AVIATION ADMINISTRATION

## Draft

The National Airport System Plan (NASP), September 23: Proposed is the preparation

and adoption of the revised National Airport System Plan (NASP) by January 1, 1978, as required by the Airport and Airway Development Act of 1970, as amended. The NASP sets forth the level of development, with estimates of implementation costs, for the National Airport System for a period of ten years. Adverse effects include the consumption of a portion of our energy resources for aviation purposes; exposure to high levels of acoustic noise by persons inhabiting areas near major airports; and a continued contribution to the air pollution problems in certain areas of the country. (ELR No. 71189.)

## FEDERAL HIGHWAY ADMINISTRATION

## Draft

North Little Rock Riverside Expressway, Pulaski County, Ark., September 21: The proposed action is the construction of a multi-lane expressway facility in North Little Rock, Arkansas. Design characteristics of the facility are four 12-foot travel lanes divided by a 16-foot curbed median. Access will be partially controlled and restricted to selected urban streets. The 45 mph facility will be approximately 7.5 miles long connecting Pike Avenue (Arkansas Highway 385) and the proposed East Belt Freeway. Adverse effects include relocation of residences and businesses, and increased noise and air pollution in the immediately vicinity of the roadway (ELR order No. 71174.)

N. Fork Payette River Hwy. (F.H. 23), Boise County, Idaho, September 19: The proposed project is to reconstruct a section of Idaho Forest Highway Route 23 (FH 23), which is coincident with Idaho State Primary Highway Route 55 (SH 55), from Banks north approximately 3.5 miles. The proposal is to provide a modern two-lane paved road adequate for diversified highway uses such as local community travel, passenger car and recreational travel, and for commercial trucking. The project is located in Boise County, Idaho, within the Boise National Forest and follows the North Fork of the Payette River. Thirty acres of land will be committed to pavement or rock cut slopes and will be lost as habitat. (Region 10.) (ELR order No. 71148.)

M-24 Extension, Caro—M-25 at Unionville, Tuscola County, Mich., September 20: Proposed is the extension of State trunkline M-24 from its existing northern terminus at M-81 in the Village of Caro, northwesterly 14.8 miles to M-25 at the Village of Unionville, Tuscola County, Michigan. The new rural roadway section would be a 2-lane, free access facility constructed to State trunkline standards within a minimum 150-foot right-of-way. Within Caro, a 5-lane section with curb and gutter would be constructed with a 100-foot right-of-way. In Unionville, the new roadway would consist of four lanes, with curb and gutter, constructed within the existing 66-foot right-of-way. Adverse effects include conversion of 20 acres of farmland to highway use. (ELR order No. 71168.)

U.S. Route 176, Union-Spartanburg Co., Spartanburg, and Union Counties, S.C., September 20: Proposed is the improvement of U.S. Route 176 from the city of Union in Union County to that point where U.S. Route 176 becomes a four-lane highway in Spartanburg County. The total length of the project is 19.6 miles. Several alternative alignments are actively being considered. Three of these alternatives consist of widening the existing highway, constructing a highway on new location, and widening the existing highway with bypasses constructed around the towns of Facolet and Jonesville. Adverse effects include displacement of residences and businesses. (ELR order No. 71163.)

Route Vermont 127, Burlington, Chittenden County, Vt., September 20: Proposed is the reconstruction of approximately 3 miles of Route Vermont 127 in the city of Burlington and the town of Colchester, Vermont, between a point on existing Vermont 127 in Burlington, known as Section 4, and the intersection of Vermont 127 and Prim Road (TH 33) in Colchester. The project also includes a new bridge over the Winooski River. Residential displacements will involve a minimum of two units and a maximum of 80 units depending on the construction alternative selected. A 4(f) statement is included concerning possible land acquisitions from Ethan Allen, Leddy, and Winooski Valley Parks (Region 1.) (ELR order No. 71164.)

NICHOLAS C. YOST,  
Acting General Counsel.

[FR Doc. 77-28818 Filed 9-29-77; 8:45 am]

[6712-01]

## FEDERAL COMMUNICATIONS COMMISSION

[Report No. 877]

## COMMON CARRIER SERVICES INFORMATION

## Applications Accepted for Filing

SEPTEMBER 26, 1977.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (See § 309(c) of the Communications Act), applications filed under Part 68, applications filed under Part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and Section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an applica-

tion which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. [See § 1.227(b)(3) and 21.30(b) of the Commission's Rules.]

FEDERAL COMMUNICATIONS COMMISSION,  
VINCENT J. MULLINS,  
Secretary.

## APPLICATIONS ACCEPTED FOR FILING

## DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21608-CD-P-77 Great Eastern Communications Company (KWU242), C.P. for additional facilities to operate on 75.42 MHz, control at Loc. No. 1: 1 mile North on Rt. 662, Waterford, VA.

22174-CD-TC-(3)-77 Cincinnati Radio,

Telephone Systems, Inc. Consent to Transfer of Control from Roger Montgomery, Transferor to Cincinnati Radio Telephone Systems, Inc. Transferee. Stations: KQK 710, KLF476, and KUO928, Cincinnati, OH.

22175-CD-MP/ML-77 Empire Mobilcomm Systems, Inc. (KOK331), Modification of C.P. and license to change the control frequency to 72.42 MHz at Loc. No. 2: 392 East 3rd Street, Eugene, OR; and change the repeater frequency to 75.92 MHz at Loc. No. 4: 1.75 miles SE of Florence, OR.

22176-CD-P-(3)-77 Two-Way Radio of Carolina, Inc. (KLY754), C.P. to delete repeater frequency operating on 459.05 MHz at Loc. No. 1 and control frequency operating on 454.05 MHz at Loc. No. 3; and to change antenna system and relocate facilities operating on 152.21 MHz from Loc. No. 1: 1500 feet NE of Hwy. No. 211, 2.7 miles SE of Aberdeen, NC to be located at Loc. No. 3: 800 feet of Hwy. 1611 and 1300 feet NE of County Line, 5 miles SE of Laurinburg, NC.

22177-CD-P-(2)-77 Miami Valley radiotelephone (KLF577), C.P. to replace transmitter operating on 35.22 MHz at Loc. No. 9: 7 miles SW of Jamestown, on Bone Road, near Jamestown, OH; and for additional facilities to operate on 72.06 MHz, standby control, to be located at a new site Loc. No. 11: 1591 Boyle Road, near Hamilton, OH.

22178-CD-P-77 Southwestern Bell Telephone Company (KAQ649), C.P. to change antenna system operating on 152.60 MHz located 6.5 miles North of Harper, KS.

22179-CD-P-77 Federated Telephone Cooperative (KAH663), C.P. for additional facilities to operate on 152.51 MHz to be located on U.S. Hwy. 59, 5.25 miles North of Holloway, MN.

22180-CD-P-(2)-77 Mobile Phone of Texas, Inc. (KLF477), C.P. to replace transmitter, change antenna system and relocate facilities operating on 152.06 and 152.18 MHz to be located on Route 209, approximately 4 miles West of Graham, TX.

22181-CD-P-77 Gulf Central Communications & Electronics (KKO352), C.P. for additional facilities to operate on 454.125 MHz to be located at Loc. No. 3: 1.64 miles NE of New Iberia, LA.

22182-CD-MP-77 Business Communications Co. (KDS727), Modification of C.P. for additional facilities to operate on 152.09 MHz located 6.5 miles North of Great Falls, MT.

22183-CD-P-(2)-77 Com Pak, Inc. d.b.a. WYMO Communications (new), C.P. for a new station to operate on 454.025 and 454.325 MHz to be located near Sacrifice Cliff, 2.5 miles SE of Billings, MT.

22184-CD-P-77 Coastal Carolina Communications, Inc. (new), C.P. for a new station to operate on 454.025 MHz to be located at 6005 Bridges Street, Wilson, NC.

22185-CD-P-77 Cook's Communications Corporation d.b.a. Sierra Communications (KRH673), C.P. for additional facilities to operate on 152.24 MHz to be located at a new site described as Loc. No. 3: At Crystal Bay Club, North Lake Blvd., Crystal Bay, NV.

22187-CD-P-(2)-77 Advanced Electronics, Inc. (KWT914), C.P. to change the antenna system operating on 152.15 MHz and change the antenna location operating on 152.09 MHz at Loc. No. 1: Sacrifice Cliff, 2 miles SE of Billings, MT.

22188-CD-P-(2)-77 General Telephone Company of Indiana, Inc. (KSA309), C.P. to change antenna system operating on 152.75 MHz and for additional facilities to operate on 152.54 MHz located at 1150 Cumberland Avenue, West Lafayette, IN.

## CORRECTIONS

21935-CD-P-77 Adams Telephone Cooperative (new), Correct entry to read: 21935-CD-P-77 Adams Telephone Cooperative (KSJ820), C.P. for additional facilities to operate on 152.84 MHz to be located 0.5 mile West of Golden, IL PN No. 872, September 22, 1977.

21994-CD-P-77 Wilson J. Trahan and Ralph E. Antles, d.b.a. Western Electronic and Communications (new), correct PN to read: "Major Amendment" to 21304-CD-P-77. All other particulars to remain as reported on PN 873 dated August 29, 1977.

## DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

## INFORMATIVE

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding Ex Parte presentations by reasons of economic competition or potential electrical interference.

21791-CD-P-77 Pueblo Telephone Secretarial Service, Inc. (new), Pueblo, CO.

22067-CD-P-77 Contact-Colorado Springs, Inc. (KWU328), Pueblo, CO.

## RURAL RADIO SERVICE

61400-CR-MP-77 The Mountain States Telephone and Telegraph Company (KPQ20), C.P. to replace transmitter operating on 152.51 MHz located 7.5 miles South of Casper, WY.

61401-CR-P/L-77 The Mountain States Telephone and Telegraph Company (new), C.P. for a new rural subscriber station to operate on 157.86 MHz to be located 2.9 miles ENE of Lost Cabin, WY.

## POINT TO POINT MICROWAVE RADIO SERVICE

OH, 3799-CF-P-77 Tower Communications Systems Corp. (WKS45), Newark, Ohio (Lat. 40°00'52" N., Long. 82°22'41" W.): C.P. to add 10855.0H MHz toward Lancaster, Ohio, on azimuth 210.6°.

OH, 3800-CF-P-77 Same (WBA744), Lancaster, Ohio (Lat. 39°43'53" N., Long. 82°35'42" W.): C.P. to add 11265.0H MHz toward Stoutsville, Ohio, on azimuth 229.8°.

OH, 3801-CF-P-77 Same (WPF49), Stoutsville, Ohio (Lat. 39°36'56" N., Long. 82°46'20" W.): C.P. to add 10775.0V MHz toward Columbus (ATC), Ohio, on azimuth 338.1°.

OH, 3802-CF-P-77 Same (WCT906), Columbus (ATC), Ohio (Lat. 39°55'36" N., Long. 82°56'07" W.): C.P. to add 11385.0H MHz toward Olenatangy, Ohio, on azimuth 313.6°.

MN, 3723-CF-P-77 First Television Corporation (new), Maple Lake, Minnesota (Lat. 45°16'02" N., Long. 93°54'04" W.): C.P. for a new station on 11035.0V MHz toward IDS Bldg., Minnesota, on azimuth 122.9°.

MN, 3724-CF-P-77 Same (new), IDS Bldg., Minnesota (Lat. 44°58'32" N., Long. 93°16'18" W.): C.P. for a new station on 11545.0H MHz toward Fridley, Minnesota, on azimuth 50 seconds.

CA, 3695-CF-P/ML-77 The Pacific Telephone and Telegraph Company (KMQ44), Within the territory of the grantee, C.P. and Mod of License to add (4) Scientific Atlanta 4602-4 and (4) 4602-6/11H transmitters.

NE, 3702-CF-P-77 Mountain Microwave (KZA62), Manchester, Nebraska (Lat. 42°38'02" N., Long. 103°06'07" W.): C.P. to add 6005.0V MHz and 6187.6V MHz toward Edgemont (Power Split), on azimuth 327.2°; increase output power.

FL, 3704-CF-77 American Television and Communications Corp. (new, Lauderdale Lakes, Florida) (Lat. 26°07'48" N., Long. 80°14'36" W.): C.P. for a new station on 6301.0V MHz toward Miami, Florida, on azimuth 181.7°.

NY, 3681-CF-P-77 Eastern Microwave, Inc. (new), Schenectady, New York (Lat. 42°48'24" N., Long. 73°54'44" W.): C.P. for a new station on 6152.8H MHz toward Heldrbg Mt., New York, on azimuth 200.0°.

NY, 3682-CF-P-77 Same (KEM58), Heldrbg Mt., New York (Lat. 42°38'12" N., Long. 73°59'45" W.): C.P. to add 6360.3V MHz toward Troy; 6360.3V MHz toward Rensselaer.

FL, 3683-CF-P-77 General Telephone Company of Florida (WAH395), 640 and Browning Road, Lithia, Florida (Lat. 27°50'49" N., Long. 82°10'33" W.): C.P. to add frequencies 3830H MHz toward Pitt City, Jacksonville, Florida on azimuth 2.5 degrees and 6375.2H MHz toward Wimauma, Florida on azimuth 227.6°.

CO, 3691-CF-P-77 The Mountain States Telephone and Telegraph Company (WHT49), Raspberry 14.5 miles NNE of Norwood, Colorado (Lat. 38°18'54" N., Long. 108°11'56" W.): C.P. to add a new point of communication on frequency 11035V MHz toward Placerville PR on azimuth 161.50 and from passive reflector to Placerville on 2°.

CO, 3692-CF-P-77 Same (new), Front Street Placerville, Colorado (Lat. 38°01'40" N., Long. 108°03'11" W.): C.P. for a new station on frequency 11485V MHz toward Placerville PR, Colorado on azimuth 219.50 from passive reflector to Raspberry on azimuth 341.6°.

MA, 3697-CF-P-77 New England Telephone and Telegraph Company (KCL85), 25 Concord Street Manchester, New Hampshire (Lat. 42°59'32" N., Long. 71°27'46" W.): C.P. to change frequency and replace transmitter on 6390.0V to 6375.2H MHz toward Nashua.

MA, 3698-CF-P-77 Same (KPP37), 1.3 miles NNW of Nashua, New Hampshire (Lat. 42°46'34" N., Long. 71°28'19" W.): C.P. to change frequency and replace transmitter on 5989.7V to 6004.5H MHz toward Manchester.

OK, 3716-CF-77 Southwestern Bell Telephone Company (WCG239), 528 Kansas Street Chickasha, Oklahoma (Lat. 35°03'01" N., Long. 97°56'20" W.): C.P. to increase structure height on frequency 6256.5V MHz toward Cement, Oklahoma.

WA, 3721-CF-P-77 United Telephone Company of the Northwest (new), First Street Mattawa, Washington (Lat. 46°44'12" N., Long. 119°54'19" W.): C.P. for a new station on frequency 11685V MHz toward Mattawa RF on azimuth 28.9° and from passive reflector to Rattlesnake Hill.



WA, 3722-CF-P-77 Same (KPP41), Rattlesnake Hill 11 miles NNE of Sunnyside, Washington (Lat. 46°27'33" N., Long. 119°53'49" W.): C.P. to add a new point of communication on frequencies 6056.4H MHz toward Hanford and 10755V MHz toward Mattawa RF on azimuth 4.5 and from passive reflector to Mattawa.

IL, 3686-CF-P-77 MCI Telecommunications (WLI71), 200 Block of West 87th Street, Chicago, IL (Lat. 41°44'08" N., Long. 87°37'52" W.): C.P. to add 6315.9V MHz towards Downers Grove, IL on azimuth 277.8.

IL, 3687-CF-P-77 Microwave Communications, Inc. (WAX65), 501 63rd Street, Downers Grove, IL (Lat. 41°46'22" N., Long. 89°59'50" W.): C.P. to add 6063.8V MHz towards Chicago South and 6093.5V MHz towards Glendale, both in Illinois on azimuth 97.6 and 327.6 respectively.

IL, 3688-CF-P-77 N-Triple-C Inc. (WOH-60), 1.5 miles NW of Glendale, IL (Lat. 41°54'24" N., Long. 88°06'30" W.): C.P. to add 6315.9V MHz towards Downers Grove, IL on azimuth 147.6.

WA, 3438-CF-P-77 Western Telecommunications, Inc. (new), 6336 1st Avenue South, Seattle, WA (Lat. 47°34'14" N., Long. 122°20'01" W.): C.P. for new station, 1077.5V MHz towards Seattle (RIS), WA on azimuth 349.9. (This entry inadvertently omitted from PN of September 12, 1977.)

IN, 3689-CF-P-77 Video Service Company (new), New Castle, Indiana (Lat. 39°56'49" N., Long. 85°21'18" W.): C.P. for a new station on 6256.5H MHz toward Richmond, Indiana on azimuth 113.2.

CA, 3725-CF-P-77 Microwave Service Company, Frank K. Spain d.b.a. (WHA77), Mt. Modjeska, California (Lat. 33°42'41" N., Long. 117°33'16" W.): C.P. to replace transmitters on existing frequencies and increase output power.

CA, 3726-CF-P-77 Same (KNM56), San Geronimo, California (Lat. 32°02'17" N., Long. 116°48'47" W.): C.P. to replace transmitters and increase power on existing frequencies.

CA, 3727-CF-P-77 Same (KNK45), Edom Hill, California (Lat. 33°51'58" N., Long. 116°26'03" W.): C.P. to replace transmitters and increase power on existing frequencies.

CA, 3728-CF-P-77 Same (KZA98), Palm Desert, California (Lat. 33°43'13" N., Long. 116°22'11" W.): C.P. to replace transmitters on existing frequencies and increase output power.

## CORRECTIONS

MI, 3530-CF-P-77 American Microwave and Communications, Inc. (KYO50), Harrison, Michigan (Lat. 44°01'46" N., Long. 84°51'01" W.): C.P. to replace transmitter and change frequency and polarity of 6212.0H MHz toward Cadillac, Michigan, via power split; to replace transmitters on 6212.0V MHz, 6182.4H MHz, and 6330.7V MHz toward Grayling, Michigan and to add 6301.0 H MHz toward Grayling, Michigan. (Correction of Public Notice of September 6, 1977)

MI, 3532-CF-P-77 Same (KQM44), Grayling, Michigan (Lat. 44°34'42" N., Long. 84°47'52" W.): C.P. to add 6078.6H MHz toward Elmira and Mt. Tom, both in Michigan, via power split.

MI, 3533-CF-P-77 Same (KQM45), Elmira, Michigan (Lat. 45°02'23" N., Long. 84°50'23" W.): C.P. to add 6301.0H MHz toward Charlevoix, and 6301.0V MHz toward Boyne City and Gaylord, all in Michigan, via power split, and to change polarity to vertical on existing frequencies (6241.7V and 6360.3V MHz) toward same locations, via power split.

[FR Doc. 77 28814 Filed 9-29-77, 8:45 am]

## [6712-01]

[FCC 77 657, Docket No. 70402]

## EXCLUSIVE PURCHASE OF TELEVISION PROGRAM PRODUCT

## Report and Order

Adopted September 21, 1977

Released September 23, 1977.

By the Commission: Chairman Wiley absent; Commissioner Fogarty concurring in the result.

In the matter of inquiry into policies and practices concerning the exclusive purchase of television program product and the ability of conventional television stations, subscription television stations, cable television systems, and subscription cable television operations to obtain programming. Report and order terminating proceeding (40 FR 51083).

## INTRODUCTION AND SUMMARY OF COMMENTS

1. This proceeding was initiated by Notice of Inquiry, 52 FCC2d 87, 40 FR 15576 (1975) on the same day the Commission adopted modified "anti-siphoning" rules restricting the use of programming by subscription television.<sup>1</sup> At the time it was felt that available programming, particularly feature films, might be further restricted by operation of exclusive contracts between conventional television interests and program producers. Thus, this inquiry was initiated to provide an in-depth exploration of the effects of exclusive contracts entered into either by conventional or subscription television interests which give one form of television service exclusive use of program material vis a vis the other, and to elicit comments of interested persons on the subject.

Comments have been received from television broadcast licensees, the three commercial television networks, cable television system owners and programmers, feature film producers, and one public interest group. In addition, the Commission has considered evidence presented during the Senate Antitrust and Monopoly subcommittee hearings in May and June of 1975, as well as information gleaned from other related Commission public proceedings including Dockets 18179 and 19554.

2. On March 25, 1977 the United States Court of Appeals for the District of Columbia Circuit issued an opinion striking down the Commission's anti-siphoning rules in their application to subscription cable television operations. In conjunction with its decision the Court ordered the Commission to "terminate" this proceeding because of the anti-trust questions presented by contract exclusivity and also "in view of the potentially deleterious effect of ex-

<sup>1</sup> The terms "subscription television" or "pay television", as used herein, include over-the-air broadcast subscription or pay television as well as pay or subscription cable television—which involves the cable television distribution of programming for an additional per-program or per-channel charge.

clusivity on the interest of viewers in having the greatest possible access to diverse sources of information". In other related proceedings, the United States Department of Justice has brought suit against the three national commercial television networks,<sup>2</sup> charging that they have violated the Sherman Act by using their control over access to broadcasting time to deny program suppliers an opportunity to market programs on a competitive basis. In connection with this litigation a Consent Decree with the National Broadcasting Company has been proposed that would prohibit NBC from obtaining any exclusive rights to theatrical feature films more than thirty days prior to the first date of availability for network exhibition. The decree would also have limited NBC to a period of two years of exclusivity between the first and last availability dates with an additional year of exclusivity allowed for each exhibition greater than two to which NBC acquires the exhibition rights. However, on May 16, 1977, after the receipt of objections to this provision of the decree, a new decree was proposed that would make no provision restricting NBC's acquisition of exclusivity of this type.

3. It is uncontested that commercial television networks in the past have obtained exclusivity from feature film suppliers against subscription television. The American Broadcasting Companies state that their general policy is to obtain exclusivity against the other networks and pay originations directed to homes for the period of time ABC has presentation rights plus an additional six month period before the film is available for broadcast. The procedure of CBS, Inc. is to obtain exclusivity against competing home television exhibition by pay cable during the entire period in which CBS has broadcast rights. It asserts that CBS obtains no exclusivity against pay during the first three years following release of a film and where the expected broadcast is shortly after the three year period, 90 days of exclusivity prior to the availability date is obtained. The National Broadcasting Company generally seeks exclusivity against pay cable commencing 60 days prior to the first date the film is available for broadcast, and throughout the time allowed for all uses or "runs" of the film. Evidence supplied by other parties not only confirms the networks' exclusivity practices, but also supports the contention that their exclusivity frequently commences during the two or three year "up front" period when, under the former anti-siphoning rules, the films were available for pay use even though they were not available for network broadcasts. Thus, pay television is precluded from films months and sometimes years in advance of any intended broadcast.<sup>3</sup> As part of its

<sup>2</sup> See, for example, *United States v. National Broadcasting Company, Inc.*, Civil Action No. 74-3601-RJK, United States District Court in the Central District of California.

<sup>3</sup> The pre-"availability" period ranges from two to six months, but it appears the interval between availability and first play may cause the total span of exclusivity before use to exceed a year or even two years.

comments Optical Systems Corporation has produced a list of 28 films which were withdrawn from pay cable availability during a nine month period, after network contracting, notwithstanding the fact that the "up front" period permitted for pay cable exhibition by the Commission's rules had not yet expired. The National Cable Television Association argues an additional point, that network exclusivity is reference to an "availability date," which bears little or no relationship to the initial "broadcast date", and thereby further encroaches on the initial, limited access period of pay cable. It provides numerous examples of "warehousing" where a film's "availability" date is months or years in advance of the first "broadcast" date of the particular film.

4. These issues were addressed in 1975, when the United States Senate Subcommittee on Antitrust and Monopoly held hearings to determine whether the growth of cable television had been retarded by these or other restraints. The Commercial networks acknowledged their general contracting practice incorporating the exclusivity described above. The subcommittee also received approximately 33 contracts between the networks and various film producers. The exclusivity clauses in these contracts indicate that exclusivity nearly always is obtained against pay operations. A further analysis reveals that often exclusivity is obtained during the "up front" period when films initially are available to pay use, and that it frequently covers a period of months if not years prior to any telecast.

5. The practice of contracting for exclusivity against pay television use is not confined to the commercial networks. Individual station licensees, both independents and network affiliates, also receive protection for their films. In their "Comments of Television Licensees" twenty network affiliated broadcast stations state that they generally obtain exclusivity against other television stations in direct competition and against pay cable operations within their service area. Metromedia, Inc., a diversified communications corporation, expresses its contention that individual stations, particularly independent ones, need "to obtain such exclusive rights for a meaningful term (at least seven years)."

6. NBC in particular responded to the allegations of excessive exclusivity and "warehousing" by stating that showings are misleading because applicable contracts were negotiated long before pay cable was actively competing for films. It submits that a more relevant measure of prevailing exclusivity practices is films acquired in later years, and notes that of the 46 films it obtained in 1974, 26 were available for telecast and of these 20 already had been shown. In 1975, 3 were available and 2 of them were shown by February of 1976.

7. The Commission expressed in its Notice the two basic concerns of this inquiry: first, whether the degree of exclusivity now contracted for is necessary

to protect conventional broadcasters, and second, whether it inhibits development of pay television as a diverse source of programming. Regarding the first issue, broadcast interests assert that contracting for exclusivity is a necessary, lawful, and accepted practice. For several reasons they vehemently oppose any elimination or restriction of their ability to obtain exclusivity. Foremost, they believe any prohibition of exclusivity could lead to a loss of quality films on conventional television through "siphoning" and de facto exclusivity by the rapidly growing pay cable interests. Now is the time, they argue, to establish business patterns necessary to prevent any disruption of programming available via conventional television and a corresponding loss of public services. Already, NBC states, few films suitable for network presentation are available and their fees are extremely high. Therefore, audiences must be maximized through exclusivity. In addition, the networks say broadcast rights are offered by the film producers while the films are still in theatrical production so that the broadcast date usually is not known. They also argue that the broadcast date should not be prematurely established so that schedule flexibility can be maintained, enabling periodic "resting". Metromedia, Inc. states that independent station licensees, dependent upon being the primary or exclusive market outlet for movies, particularly need conventional exclusivity to maintain their position and to justify acquisition of high quality programs.

8. Broadcast interests contend that their exclusivity practices are lawful as well as necessary. Belo Broadcasting Corp., licensee of two independent television stations, cites the Commission's syndicated exclusivity rules and suggests that they demonstrate Commission recognition and acceptance of exclusivity arrangements between conventional and pay television. It also is submitted that traditional exclusivity against pay is a logical extension of the exclusivity obtained by conventional television and recognized by the Commission in accordance with its limitations set forth in Sections 73.658(b) and 73.658(m) of the Rules. CBS argues another tack, averring that the existing laws of property in copyrighted works would be changed significantly if the Commission rather than the copyright proprietor (i.e., the program producer), should decide whether and under what circumstances property rights would be transferred, and whether exclusivity would be granted. Finally, the broadcast interests argue the exclusivity they obtain is "reasonable" and therefore, not in conflict with antitrust law precedent. The National Association of Broadcasters, in its comments, asserts that broadcast television stations and networks are in competition with pay cable, that the antitrust laws as applied to feature film distribution, permit reasonable restraints between competitors, that the test of reasonableness necessarily involves an analysis of the unique factors in each individual case, and that

the licensee of a film has a recognized right to protect its financial stake in the film it exhibits. *United States v. Paramount Pictures*, 66 F. Supp. 323, 70 F. Supp. 53 (S.D.N.Y. 1946) reversed and remanded in part, 334 U.S. 131 (1948), 85 F. Supp. 881 (S.D.N.Y. 1949) aff'd, 339 U.S. 974 (1950), among other cases, is cited as controlling precedent. Even if contracts become unreasonable, however, adequate remedies are available through the antitrust laws.

9. Other comments dispute claims of the broadcasters' and networks' need for exclusivity. While they have focused on estimates of cable's potential growth, NCTA argues that no effort has been made to translate any reasonable estimates into actual and substantial adverse impact on the networks or their affiliates if exclusivity is prohibited. In fact, it is suggested that pay cable exhibition would likely promote additional network viewing. Nor would there be a loss of programming through "siphoning" if exclusivity were prohibited. That allegation is characterized as a "shop worn, boilerplate threat" because the "predicted substantial losses of revenue to the networks resulting from cable operation have never occurred." NCTA further challenges the exclusivity practices as being illegal, and cites the same *Paramount* decision relied on by the broadcast interests. They argue that contrary to the broadcasters' contention, pay cable is not in substantial competition with conventional television since pay subscribers equal only 1/2 percent of total network audiences, and because broadcast revenues far exceed those of pay. Also, pay competes for its dollars from consumers while conventional television obtains revenues from advertisers. Therefore, the exclusivity is said to be illegal per se. It additionally is unreasonable and therefore illegal because the protection does not reflect the revenue requirements of the copyright owners, who obtain their best commercial reward from maximum circulation. It is argued that the Commission has a responsibility to promote competition and protect against practices such as this which are contrary to the antitrust laws.

10. As previously stated, the second concern of this inquiry is whether the degree of exclusivity presently contracted for inhibits development of pay cable as a diverse source of programming. Pay cable interests argue that the exclusivity obtained by broadcasters, as previously documented, unreasonably deprives them of substantial feature film exhibition time even if some films remain available for pay cable. And, they argue, the Commission's pay cable rules, in conjunction with the broadcasters' unreasonable practices, have served to further severely restrict the availability of films. Restricted access to films has impeded the growth of traditional pay cable services and also the use of new and other formats, such as packages of film "classics" necessary for the industry's future development. Predictably, broadcast interests disagree, asserting that the pay cable industry is developing and that

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film suppliers are aware of pay's economic potential. Several lists have been submitted indicating that a plethora of films, including premieres and "blockbusters", currently are available and are being exhibited by pay cable. They also argue that pay cable has available, in addition to films, a wide range of other, different and diverse programs in the sports, cultural, and series areas. The most compelling demonstration that pay cable development has not been inhibited by exclusivity, however, is said to be its rapid growth, "spreading like an oil slick in a hurricane" (NAB Comments, p. 14) so that producers and other copyright owners, even at the present stage of development, find it profitable to license pay exhibitions.

11. Another perspective on the necessity and effect of film exclusivity is provided by the film producers. Several have filed comments in this proceeding and their positions are not united. In joint comments MCA, Inc., and Warner Bros., Inc. argue that the disparate economic position of conventional versus pay television poses a real threat to the development of pay, and urge adoption of measures to restrict the networks' "oligopolistic" power. Columbia Pictures Industries, Inc. suggests that any Commission action is premature until the appeal of the subscription television rules is concluded, and more marketplace experience and data is obtained. Twentieth Century-Fox Film Corporation and the United Artists Corporation, in joint comments, agree that Commission action would be premature. However, they also argue that the basis of the inquiry is erroneous because economics of the marketplace will not permit "siphoning" to occur no matter how big pay cable becomes, and because normal marketplace forces have been interfered with by existing Commission regulatory programs. After a thorough analysis of the various issues Paramount Pictures Corporation concludes that no restrictive rules should be adopted because they would unduly restrict development of pay. Rather Paramount believes pay will be assimilated by the marketplace in a sequential process whereby films will be distributed to pay after theatrical distribution but before distribution to conventional television and syndication interests. For this to evolve however distribution must be left to the free interplay of market forces.

12. Although it did not file comments in this proceeding, as mentioned earlier the United States Department of Justice also has addressed the issue of network exclusivity practices. In *United States v. National Broadcasting Company, Inc.*,<sup>41</sup> supra, and similar actions against CBS and ABC the Department charged that the networks, in violation of the Sherman Act, had entered into restrictive contracts and had combined with affiliated television stations to use their control over access to television broadcast time to restrain and monopolize prime time entertainment programming. On November 17, 1976 a consent judgment between the Department and NBC was

proposed for resolution of the case against NBC. NBC would have been prohibited from acquiring exclusive exhibition rights for films against pay television except for 30 days prior to the first date the film was available for exhibition and extending for 2 years. It sanctioned an additional year of exclusivity for each network showing beyond two. In May of 1977, however, these restrictions were deleted after comments persuaded the Department that it was being misconstrued as a standard rather than a maximum term of permissible exclusivity.<sup>42</sup> In its written statement responding to comments on the pay cable exclusivity provisions of the proposed consent decree, the Department of Justice said:

The relief proposed in this provision was simply intended to establish an upper limit on terms obtained by NBC, at a level lower than the current practice, rather than a determination of what period of network exclusivity would be reasonable under the Sherman Act. Because of strong adverse comment by numerous public interest and Congressional entities, and by pay cable television operators, asserting that the provision would establish a standard which would adversely affect the pay cable industry, the Government became convinced that it would not provide meaningful relief. And, since no agreement on a more limited period for this type of exclusivity could be reached with NBC, the Government seriously considered withdrawing its consent to entry of the Judgment. However, in a recent decision the District of Columbia Court of Appeals, citing "antitrust questions," ordered the FCC to consider and resolve this problem within 180 days. Consequently, it was decided that outright removal of this provision would be appropriate and desirable as well, because its deletion would permit entry of the remainder of the Judgment. (Footnote omitted.)

#### DISCUSSION

13. The Commission has been concerned for many years with the competitive relationships between conventional advertiser supported broadcast television and developing systems for direct payment or subscription television. Our initial concern, resulting in the adoption of rules in 1968 and their subsequent expansion and modification in 1970 and 1975, was that the presumed superior economic base inherent in direct payment systems of television distribution not result in a loss of programming distributed to the public on a conventional broadcast basis. The rules adopted, among other things, restricted subscription television rights to distribute feature films to those films not under contract for broadcast exhibition and those films not likely to be broadcast even in the absence of a competing pay use.<sup>43</sup>

<sup>41</sup> 41 FR 51992 (November 24, 1976).

<sup>42</sup> 42 FR 24997, 25112-25114, 25301 25302 (May 16, 1977).

<sup>43</sup> To be more precise the rules prohibited pay use of any feature film between 3 and 10 years of age unless that film was also under contract in the market for broadcast exhibition. Films more than 10 years of age were only available for pay use if they had not been broadcast in the market during the preceding three years. See Sections 73.643(a) and 76.255(a).

Although we were concerned with the "siphoning" of feature films from conventional to pay television use, we recognized that there was also a public interest in fostering an alternative distribution system whereby film product could be made available free of commercial interruption and with the additional flexibility of viewing times which subscription operations make possible.

14. As a number of commenters have noted, the inquiry was opened in the wake of revisions to our subscription television rules in 1975 out of our concern "that the programming available to subscription television might be further restricted by operation of exclusion contracts between conventional television interests and program producers." Inquiry, supra, at paragraph 2 (emphasis supplied). We recognized that alleged "warehousing" (excessive protection of a film through contractual exclusivity) could render nugatory the additional year of initial pay availability allowed under the amended rules and that the under-contract provision would only increase access for pay showing if the broadcaster-supplier agreements were non-exclusive.

15. As noted early, as the result of a decision of the United States Court of Appeals for the District of Columbia Circuit, the pay cable television feature films rules have now been vacated and the Commission has been ordered to bring this proceeding to a conclusion.<sup>44</sup>

16. Although the legal and policy conclusions that should be drawn from this proceeding are hotly contested, there does not appear to be any serious debate as to the basic facts which resulted in commencement of the proceeding. Historically television stations have typically purchased feature films in packages. Although some contracts are longer and some shorter, the contract is typically for a 5-7 years period and allows the station to make use of a mixed number of telecasts of each film during the term of the contract. Each contract gives the stations an exclusive-right to broadcast the films in the package as against other television stations in the market and against cable television use in the market. In the larger markets almost all of the more desirable film product is usually under contract. As contracts run out, the packages may be reassembled and consolidated as age and changing fads and mores decrease the popularity of individual films. Individual stations (and particularly the stronger VHF independent stations) frequently have large inventories of films under contract.

17. The situation with respect to feature films purchased by the television networks is somewhat different. The films they purchase are far fewer, if purchased in packages at all the packages

<sup>44</sup> The feature film rules as they apply to broadcast subscription television are still in force, although the Commission has commenced a proceeding in which their deletion is also proposed. Notice of Proposed Rule Making in Docket 21311, FCC 77-436, \_\_\_\_\_ FCC 2d \_\_\_\_\_ (Adopted June 22, 1977).

are far smaller, and the duration of the contracts is shorter. The nature of the exclusivity sought by the networks is detailed in paragraph 3 above. Basically, the networks are granted exclusive use of the films under contract from the day the film is available for use until the last broadcast use permitted or until the end of the contract. The contracts also specify a fixed period, of between 60 and 180 days prior to the day when they may first be broadcast, during which time the film may not be broadcast by any other network or station, cable or pay cable television system. Although these contracts generally provide for exclusivity against other broadcast and cable television uses they generally do not appear to restrict theatrical or home video recorder use, or display in hotels, or on airplanes. Although only between 60 and 180 days of exclusivity in advance of the broadcast availability date is sought, this could mean a much greater period of time prior to actual broadcast. Up to a year or more could conceivably elapse between the time the film is contractually available for broadcast and the date it is actually broadcast.<sup>45</sup>

18. The consequences of these exclusivity practices for subscription television operations also are generally not disputed at this time. As new feature films are produced and complete their initial theatrical runs, virtually all are made available for subscription use. Although almost all films are made available for pay use, the duration of this availability is then controlled by sales of the films for network use and the exclusivity clauses of these contracts. When the network exclusivity terms come into force pay use is terminated. Thereafter, because of the influence of our former rules, be-

<sup>45</sup> These patterns of film exclusivity are taken from the comments filed in this proceeding as well as from testimony heard before the Subcommittee on Antitrust and Monopoly of the Senate Committee on the Judiciary. We note that the NCTA has asked that we obtain copies of the feature film contracts of the three national television networks for those films purchased in 1974 and those telecasts in 1974 and 1975. We have given serious consideration as to the need for an update of the information now available in order to be sure that this record in this proceeding is complete. It seems to us at this point, however, that the usefulness of this additional information would be limited. The exclusivity provisions of local station film contracts are, at least in the major television markets where our distant signal syndicated exclusivity provisions apply, available in the public inspection files of the stations seeking exclusivity and we have no indication of any change in the basic pattern of these feature film sales. As to network contracts, it seems likely that over time market forces may in fact bring about changes in the exclusivity sold, but the economic forces being brought to bear as the result of the elimination of the anti-siphoning feature film rules would not have already been reflected to any significant extent in contractual practices. Those rules were in force up until May of this year at which time it is apparent that the pattern described herein generally continued to be applied.

cause pay cable has been marketed primarily as a source of recent feature films, and because the major pay cable program supplier is nationwide in scope, the pattern is less easily known. Generally, however, it appears that feature films go from the network into the syndication market where they are sold on an exclusive basis to local stations. Some films remain unsold but these are generally the less desirable films. Sales of these older films to pay cable appear to have been limited by our former rules, by marketing problems, by the fact that a pattern of local sales in syndication makes it extremely difficult for a nationwide pay distribution such as Home Box Office to find product that is available for nationwide sale,<sup>46</sup> and, of course, by prior exclusive sales to local broadcasters.

19. As the comments in this proceeding reflect, the legal and policy judgments that should be drawn from these exclusivity practices and their consequences are contested. Cable interests find these contractual practices to be anti-competitive behavior in violation of antitrust law which results in a loss of television program diversity to the public and a retardation of the growth of the pay cable television industry. Broadcasters find the practices to be in conformity with existing antitrust precedent, necessary to protect the broadcast rights they have required, simply a reflection of the interplay of free market forces, and integrally related to the continued public interest in providing the public advertiser-supported conventional television broadcast service. Film producers view the situation somewhat differently with most believing that, over time, market forces will afford pay television operations an appropriate use of feature film product while others believe that the "oligopolistic" power of the networks prevents the market from operating freely and that the growth of pay cable will be retarded in the absence of effective regulation.

20. In our view, the best analysis of this whole issue is found in the comments filed in this proceeding by Paramount Pictures Corporation. In brief, Paramount concludes, and with this we agree, that market forces should be given an opportunity to find an appropriate place for feature films in the sequential media use of feature films, that the antitrust laws as currently interpreted and enforced should be sufficient to deter the unlawful exercise of market power, collusive behavior, and any other anti-competitive practices in the distribution of feature films to television, and that it is appropriate for the Commission to defer the adoption of rules until such time as there is some credible evidence that the structure of the marketplace, reinforced with appropriate antitrust

<sup>46</sup> An article in the May 25, 1977 issue of *Variety* (p. 1) headlined "Old Films to Ride Paycable Cycle, Rust to Index All TV License Expirations," illustrates the difficulties of purchasing older films for nationwide sale when the contract in each market has a different expiration date.

enforcement procedures, is insufficient to protect the public.

21. To impute improper motivation to current exclusivity practices would be, we believe, particularly inappropriate at this time in view of the fact that until recently our own rules, even in the absence of contractual exclusivity, provided broadcast television with a period of virtually complete "regulatory" exclusivity from subscription television feature films competition, and rules still in force, which apply in the distant signal context, continue to provide their own measure of exclusivity for syndicated television programming including feature films. See section 78.151 et seq.

22. Putting aside for the moment the purely antitrust aspects of this proceeding and concentrating on the more general public policy considerations, we are unable to conclude that there is sufficient evidence to warrant our acting either because existing exclusivity practices limit program diversity on subscription television operations or retard its growth. In this regard, we are mindful of the admonition of the Court in *Home Box Office* that "... regulation perfectly reasonable and appropriate in the face of a given problem is highly capricious if that problem does not exist."<sup>47</sup> It is not disputed that, almost without exception, every new feature film is available for subscription television use between its theatrical and network exhibitions and that the growth of the industry has been dramatic. The exclusivity purchased by the television networks does, of course, have an impact on the timing of pay exhibition. Although the question of timing clearly is of consequence, absent antitrust considerations, it provides far less reason for regulatory intervention than would the total unavailability of film product to the pay media.<sup>48</sup> Here, we believe policy grounds alone suggest that it is particularly appropriate to allow market forces a full opportunity to bring their influence to bear on distribution patterns before it is concluded that the pattern as it exists is the product of willful efforts to stifle the developing subscription industry or that the market is so burdened with concentrations of economic power that its own curative process will not take hold. We are mindful in this regard that the adoption of regulations to correct perceived deficiencies in the market brings with it its own deficiencies and penalties in the form of the rigidities of regulation and the necessity of continuing detailed oversight.

<sup>47</sup> *Home Box Office v. FCC*, supra, Slip. Op. at 52 quoting *City of Chicago v. FPC*, 458 F.2d 731, 742 (D.C. Cir. 1971), cert. denied, 405 U.S. 1074 (1972).

<sup>48</sup> In *Home Box Office v. FCC*, supra, in discussing our concern with the delay in film broadcast that might result from pay use, the Court made the following statement, after noting what it viewed as an absence of record evidence: "Moreover, we doubt that the Commission's interest in preventing delay of motion picture broadcast could be shown to be important or substantial on any record." Slip. Op. p. 81 (footnote omitted).



23. It should be noted, moreover, that the question before us when this proceeding was commenced was whether: Having restricted the use of programming of subscription television in order to conserve conventional television programming, should we then allow conventional television to further restrict the programming available to subscription television by demanding exclusive rights to programs? Or, does the public interest require, in addition to the anti-siphoning protection afforded conventional television, measures which limit or prohibit conventional television from excluding the subscription industry from access to programs which conventional television holds present or future rights to exhibit and where the danger of siphoning is not present."

24. As a result of the court's decision in *Home Box Office v. FCC*, supra, and the Commission's acquiescence in the decision insofar as it vacates the pay cable feature film's rules, a major impetus for this proceeding's commencement has been eliminated. However, in a recent pleading filed in this Docket after the close of the comment period," the NCTA warns that "as far as the broadcasters' appetite for exclusivity is concerned, the Court of Appeals' decision in the *Home Box Office* case ending the so-called anti-siphoning rules may only be expected to serve as a stimulant." In urging the Commission to "immediately convert" this inquiry to a rule-making proceeding, the NCTA claims that:

"The practical effect of broadcaster exclusivity practices is that, except during brief periods following their theatrical runs, popular feature films are simply not available on pay cable TV. (p. 3)

Referring to market-by-market, long-run exclusive sales of feature films to television stations—some of which films have been used by networks exclusively beforehand—NCTA concludes:

"Putting this much film product under restraint for so long leaves very little for pay cable to purchase. These widespread local practices not only tie up the most attractive films in most markets, but render pay cable networking of these attractive older films virtually impossible. (p. 15)

25. Whether by dint of its late filing or for other reasons, the numerous parties to this inquiry have not commented upon the NCTA pleading, and we do not intend to consider it in disposing of Docket 20402. It is worth noting, however, that the principal ground for NCTA's concern appears to have shifted over the time since its initial comments in the inquiry. In its earlier pleading, the industry group chose to limit itself "to the issue of the reasonableness of exclusivity in network contracts," explaining:

"First Report and Order in Docket 19554, FCC 75-369, 52 FCC 2d 1, paragraph 181 (1975).

"Suggestion of the National Cable Television Association for Compliance with the Court's Mandate in *Home Box Office v. FCC*," received July 14, 1977.

Under the previous [pre-1975] Commission feature film rules, pay cable's access was virtually limited to the newer films where network exclusivity was quite influential. Pay cable experience with exclusivity in syndication contracts has been minimal."

The association promised to address the latter issue in reply comments "should the exclusivity practices in syndication become apparent from comments in this proceeding." (Note 12, p. 9) However the reply comments it filed, received January 13, 1976, did not address these questions.

26. The NCTA has explained its decision to focus on network exclusivity in terms of the prior existence of FCC restraints which limited cable television's access to older films—those which had passed beyond or had been declined for network exhibition—quite apart from contractual exclusivity. Thus the industry association, in 1975, described a "minimal" experience with syndicated contractual exclusivity. We feel the same way today, even though two years have passed. That is, most of the period—until May of 1977—still has been affected by anti-siphoning rules. Now those rules are gone so far as feature films are concerned. Along with the majority of the film suppliers commenting in Docket 20402, we feel a need to look at 1977 and later developments in the absence of regulatory restraints. We would like to see whether the removal of the three- to ten-year moratorium will allow the claimed "theater-pay cable-network-syndication" sequencing foreseen by the suppliers to come into being. We would like to know whether pay cable networks, if offered films between theatrical and network or other broadcast exhibition, will be able to protect themselves contractually against premature "yanking" of those films arising from network clearance desires. Admittedly, the probable relatively slow fashioning of this sequence may not provide immediate help in gaining pay cable access to older films already in syndication and often under station contract in individual markets. But the difficulties here are partly technological, resulting in a disparity of phases in the pay cable and conventional television industries. That is, most pay cable is networked. But it is seeking to compete for older films which, so far as broadcasting is concerned, are in a post-network, syndicated, market-to-market phase of the sequence. Hence the problems described at Para. 18 and Note 9, supra, where pay cable networking may be denied access for a given film if that film already is under exclusive contract to stations in certain markets the pay network needs to reach.

27. We assume, however, that if the suppliers are right in their expectation of an immediate post-theatrical pay exhibition phase, the likely continued growth of the pay media, both cable and broadcast, will give them an increasing

"Comments of the National Cable Television Association, pp. 8-9, received December 1, 1975.

ability to bid for product in the later local marketing phase. We see no reason why a supplier or distributor of films in syndication would not take increasing account of prospective pay purchasers if the dollars were available. And that recognition of the new power in the market might affect not only price but also the means by which films are packaged and the degree of exclusivity granted for their exhibition. Present syndication practices, not surprisingly, are tailored to the needs of individual broadcast stations. But if broadcast and cable subscription television continue to grow, their needs increasingly should become important to suppliers and distributors.

28. Finding no present general public policy reason for intervention, outside of the antitrust considerations raised, we are mindful that we are not without responsibilities under these policies as well and that "competition is a relevant factor in weighing the public interest". *FCC v. RCA Communications, Inc.*, 346 U.S. 86 at 94 (1953). While the Communications Act does not empower the Commission "to decide antitrust issues as such," the Commission may under the standard of "public interest, convenience, or necessity" consider antitrust policy in the course of its regulation. *U.S. v. RCA*, 358 U.S. 334 (1959). Indeed, the relationship between the antitrust law and administrative law has been said to be a complementary one in which the "basic goal of direct governmental regulation through administrative bodies and the goal of indirect governmental regulation in the form of the antitrust law is the same." *Northern Natural Gas Co. v. F.P.C.*, 399 F.2d 953 at 959 (D.C. Cir., 1968).

29. Bearing in mind that it is not within our power to decide antitrust issues as such, it is appropriate that we pay close attention to those concepts in this proceeding. This is particularly so in view of the *Home Box Office* Court's agreement with our statement in Docket 19554, that the use of exclusivity clauses "raise[s] antitrust questions" and the statement of the Department of Justice in its response to comments on the proposed NBC consent decree that it was deleting this issue from the consent decree as a consequence of the Court's order in *Home Box Office* that the Commission consider and resolve the problem in this proceeding."

30. The focus of the commenting parties, insofar as they directed their attention to questions of antitrust policy, generally fell on the statement of the

"*Home Box Office v. FCC*, supra, footnote 4.

"See also the opinion of the Court in *U.S. v. CBS, et al.*, discussing the relationship between the Commission's role in regulating the television networks and the pending antitrust litigation. 39 RR 2d 1504 (C.D. Cal., (1977)). In this forum the networks were arguing that the problem was entirely one for Commission resolution and immune from application of the antitrust laws because subject to a pervasive scheme of agency regulation.

Court in *U.S. v. Paramount Pictures, Inc.*, 334 U.S. 131, 145, 147 (1948), which is quoted in the Notice in this proceeding, to the effect that exclusivity clearances are reasonable only "when not unduly extended in area or duration" and are not reasonable "if in excess of what is reasonably necessary to protect the licensee in the run granted." These concepts follow from application of the "Rule of Reason" to the strictures in Sections 1 and 2 of the Sherman Act against contracts in restraint of commerce and attempts to monopolize trade or commerce among the States. On the cable side of this debate the contention is heard that the contracts here in question are not of reasonable duration when compared to the exclusivity clearance clauses of a few weeks duration approved between first and subsequent run theatres in the *Paramount* case and that pay cable, having only 1/10th of 1 percent of the audience of network television and 1/10th the number of television households, is not in "substantial" competition with network broadcasting and thus exclusivity is either unreasonable or is per se unlawful without regard to the rule of reason. Moreover, it is argued that since exclusive contracts are disfavored in the law, the party seeking to justify such contracts must bear the burden of proving that his legitimate interests require such exclusivity and the networks have failed to do this and finally, that "upstream exclusivity" (exclusivity by a lower priced medium against a higher priced medium) cannot be sustained by reference to the *Paramount* standard in which the higher priced theatre sought and received protection against the lower priced theatre." Finally, the argument is made that even where restraints might otherwise be reasonable, they are not considered permissible under the antitrust laws if they result in a foreclosure of a large portion of the marketplace.

31. Network and broadcast comments focus on the issue of "reasonableness" and state that there are legitimate business reasons for the contracts entered into and, consequently, there can be no finding of unreasonableness. *Metromedia*, for example, states that stations must have exclusive right for a meaningful term (at least seven years) in order to build up an image of being the exclusive outlet for the type of product in question. In the joint comments of several television station licensees, it is said that, although free television and pay television generate revenues from different sources, they are direct competitors for audience and thus exclusivity between free television and pay television would appear to meet the test of reasonableness. ABC states that it has been advised by antitrust counsel that its

"According to calculation included in the comments of *Paramount Pictures*, the average price of a feature film on pay television is about 75 cents, from which the film producer derives about 35 cents. If \$800,000 is the average price paid by networks for feature films this translates into a value of 7 cents per home exhibition.

present exclusivity arrangements vis a vis pay television are reasonable. CBS notes that exclusivity is needed to protect the value of a broadcaster's license against dilution by previous or contemporaneous exhibition and that it might be compared to a prohibition, in a contract to sell a coal mine, against extraction of coal from the mine prior to delivery. NBC in its comments notes that the audience a network film showing can garner depends in large measure on the "glamor" and "freshness" of the product offered and that exclusivity to preserve that appeal from dilution by prior use is reasonable. The National Association of Broadcasters comments cite extensively to cases purporting to prove that exclusive contracts are legal and reasonable in the circumstances here involved. Broadcasters generally note that when feature film licenses are offered to broadcasters, the film suppliers are in absolute control of the timing.

32. However, with due regard for the learning contained in the various cases cited to us, it appears that the criteria for establishing the reasonableness of exclusivity provisions of television network and broadcast programming contracts vis a vis subscription broadcast and cable pay television are not established therein. This is so basically because the role of subscription television in its use of feature films remains to be established. In particular, it seems that much of the debate over how the law should be applied is a debate over whether pay television will end up simply as the equivalent of a slightly different type of broadcast entity or whether it will operate as a theatre that has, incidentally, been electronically extended into the homes of subscribers. Actual answers to these questions are only now beginning to be developed by a process of trial and error on the part of those actually involved in marketing subscription television services."

33. In making judgments on the reasonableness of exclusive contractual practices, such judgments must be grounded on the facts involved in the economic situation presented. In each instance, the determination of the legality of a practice alleged to restrain must rest upon factors such as (a) the conditions, marketing and other, existing or believed to exist in the industry involved, (b) the economic and business considerations leading to the adoption of the

"The magnitude of the uncertainties is made clearer when it is remembered that experiments with per-program charge systems of pay are just commencing and that the marketing of a contemplated second channel of older films has not yet commenced. It is also worth remembering that while it now seems to be conceded that it is appropriate for pay television use of feature films to follow after theatrical use, in the past it has been thought that films might have to be available "day and date" with theatrical release in order for subscription use to be attractive. Compare Fourth Report and Order in Docket 11279, FCC 68-1174, 15 FCC 2d 466, paragraphs 28-29 (1968).

practice, and (c) the end sought to be attained."

34. In view of the uncertainties as to the likely developmental path of the subscription industry, this is a singularly poor time for us to attempt to answer these questions or for us to call upon the various industries to answer them, for the result of such an exercise would inevitably involve us in speculation rather than fact finding. Accordingly, for the time being, we believe it appropriate to leave the resolution of these questions to the courts and to the marketplace. We will, therefore, terminate this proceeding at this time without further action.

35. In taking this action, however, two additional points should be made quite firmly. First, we are strongly influenced in our analysis, and in our feeling that it is not necessary to pursue the antitrust issues to their ultimate conclusion, by a belief that subscription television is developing and will continue to develop without our intervention. Evidence to the contrary would be grounds for our reopening this proceeding. Second, it is our belief that over the long run some accommodation in the marketplace will be made so that the public is provided a choice between pay and advertiser-supported television. The statement of ABC in its petition for stay of the *Home Box Office* mandate to the effect that "the free television industry may be induced to seek greater exclusivity for particular product" if the subscription product regulations are eliminated, has been cited to us as evidence that, if left unregulated, the market will restrict rather than expand the availability of product for pay use. We would find such an occurrence deeply troubling and intend to review the situation from time to time both to ascertain whether such a development is occurring and to determine whether further action on our part may be necessary.

Accordingly, it is ordered, That the proceedings in Docket 20402 are terminated, without prejudice to the proceeding, or a similar one, being reopened as future developments may warrant.

FEDERAL COMMUNICATIONS COMMISSION,  
VINCENT J. MULLINS,  
Secretary.

[FR Doc. 77-28779 Filed 9-29-77; 8:45 am]

[ 6712-01 ]

FM AND TV TRANSLATOR APPLICATIONS  
READY AND AVAILABLE FOR PROCESSING

Adopted: September 21, 1977.

Released: September 28, 1977.

Notice is hereby given pursuant to sections 1.572(c) and 1.573(d) of the Commission's rules, that on November 16, 1977, the TV and FM translator applica-

"U.S. v. Twentieth Century Fox Film Corp., 137 F. Supp. 78, 85 (1956).

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tions listed in the attached Appendix will be considered as ready and available for processing. Pursuant to section 1.227(b)(1) and section 1.519(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on November 15, 1977, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and submitted for filing at the offices of the Commission in Washington, D.C., by the close of business on November 15, 1977.

The attention of any party in interest desiring to file pleadings concerning any pending TV and FM translator application, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to section 1.580(d) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS  
COMMISSION,  
VINCENT J. MULLINS,  
Secretary.

## Attachment.

## FM TRANSLATOR APPLICATIONS

BPFT 44 (new), Wenatchee & East Wenatchee, Wash., Wenatchee Broadcasting Co., Inc. Req: Channel 244, 96.7 MHz, 10 watts. Primary: KPQ-FM, Wenatchee, Wash.  
BPFT-446 (new), St. Charles, Minn., White-water Valley Outreach, Inc. Req: Channel 224, 92.7 MHz, 10 watts. Primary: WWIB-FM, Ladysmith, Wis.  
BPFT-447 (new), Key West, Fla., Miami Christian College, Inc. Req: Channel 214, 90.7 MHz, 1 watt. Primary: WMCU FM, Miami, Fla.  
BPFT-448 (new), North Spring Valley and Victoria Mines, Nev., White Pine Television District No. 1, Req: Channel 288, 105.5 MHz, 10 watts. Primary: KSL-FM, Salt Lake City, Utah.  
BPFT-449 (new), Merrill, Wis., Wisconsin Valley Christian Radio, Inc. Req: Channel 221, 92.1 MHz, 1 watt. Primary: WRVM-FM, Suring, Wis.  
BPFT-450 (new), Batavia, Ohio, Judith A. Miller. Req: Channel 257, 99.3 MHz, 1 watt. Primary: WURD-FM, Georgetown, Ohio.  
BPFT-451 (new), Ely, Minn., Stereo Broadcasting, Inc. Req: Channel 280, 103.9 MHz, 10 watts. Primary: WAKX FM, Duluth, Minn.  
BPFT-452 (new), Durango, Colo., Durango, Colo. Req: Channel 272, 102.3 MHz, 1 watt. Primary: KOB-FM, Albuquerque, N. Mex.  
BPFT-453 (new), Chester, Westwood & Canyon Dam, Calif., The Almaror TV Club, Inc. Req: Channel 232, 94.3 MHz, 1 watt. Primary: KSUE-FM, Susanville, Calif.  
BPFT-454 (new), Riverdale, Hyattsville, Largo, Md., First Baptist Church of Riverdale, Md., Inc. Req: Channel 292, 106.3 MHz, 1 watt. Primary: WRBS-FM, Baltimore, Md.  
BPFT-455 (new), Homewood, Vestavia Hills, Cahaba Heights, Ala., Briarwood Continuing Presbyterian Church. Req: Channel 220, 91.9 MHz, 1 watt. Primary: WMBW-FM, Chattanooga, Tenn.  
BPFT-456 (new), Birmingham, Ala., Briarwood Continuing Presbyterian Church. Req: Channel 220, 91.9 MHz, 1 watt. Primary: WMBW-FM, Chattanooga, Tenn.

BPFT 458 (new), Absarokee, Mont., Absarokee Community TV Club, Inc. Req: Channel 252, 98.3 MHz, 10 watts. Primary: KURL-FM, Billings, Mont.  
BPFT-460 (new), Ellensburg, Wash., Bethel Christian Fellowship. Req: Channel 257, 99.3 MHz, 10 watts. Primary: KIAM-FM, Wenatchee, Wash.  
BPFT 461 (new), Ironton, Ohio, Christian Broadcasting Assoc., Inc. Req: Channel 217, 95.3 MHz, 1 watt. Primary: WEMM-FM, Huntington, W. Va.

## UHF TV TRANSLATOR APPLICATIONS

BPTT 3332 (new), Morongo Valley, Calif., County of San Bernardino, County Service Area 70, TV-2, Morongo Valley. Req: Channel 55, 716-722 MHz, 100 watts. Primary: KNXT-TV, Los Angeles, Calif.  
BPTT 3333 (new), Morongo Valley, Calif., County of San Bernardino, County Service Area 70, TV-2, Morongo Valley. Req: Channel 60, 746-752 MHz, 100 watts. Primary: KNBC-TV, Los Angeles, Calif.  
BPTT 3334 (new), Morongo Valley, Calif., County of San Bernardino, County Service Area 70, TV-2, Morongo Valley. Req: Channel 62, 758-764 MHz, 100 watts. Primary: KTLA-TV, Los Angeles, Calif.  
BPTT-3335 (new), Morongo Valley, Calif., County of San Bernardino, County Service Area 70, TV-2, Morongo Valley. Req: Channel 64, 770-776 MHz, 100 watts. Primary: KABC-TV, Los Angeles, Calif.  
BPTT-3336 (new), Morongo Valley, Calif., County of San Bernardino, County Service Area 70, TV-2, Morongo Valley. Req: Channel 67, 788-794 MHz, 100 watts. Primary: KHJ-TV, Los Angeles, Calif.  
BPTT-3337 (new), Morongo Valley, Calif., County of San Bernardino, County Service Area 70, TV-2, Morongo Valley. Req: Channel 69, 800-806 MHz, 100 watts. Primary: KTTV-TV, Los Angeles, Calif.  
BPTT-3341 (K77CG) Granite Falls, Minn., Minnesota Valley TV Improvement Corp., Req: Change frequency to Channel 59, 740-746 MHz, increase output power to 100 watts.  
BPTT-3342 (K79BX) Granite Falls, Minn., Minnesota Valley TV Improvement Corp., Req: Change frequency to Channel 61, 752-758 MHz.  
BPTT-3343 (K81BK) Granite Falls, Minn., Minnesota Valley TV Improvement Corp.,

Req: Change frequency to Channel 63, 764-770 MHz.  
BPTT-3344 (K83BH), Granite Falls, Minn., Minnesota Valley TV Improvement Corp., Req: Change frequency to Channel 65, 776-782 MHz.  
BPTT-3358 (W79AB), Palmerton, Slatetide & Slatington, Pa., Scranton Broadcasters, Inc. Req: Change frequency to Channel 49, 680-688 MHz.  
BPTT 3365 (K65 AI), Gold Beach-Wedderburn, Oreg., Community Television Association, Inc. Req: Change principal community to Wedderburn, Squaw Valley and Vicinity, Oreg., change primary TV station to KEET, Channel 13, Eureka, Calif.

## VHF TV TRANSLATOR APPLICATIONS

BPTTV-5878 (new), Sapphire Valley, portion of Cashlere and High Hampton, N. C., Wometco Skyway Broadcasting Co. Req: Channel 6, 82-88 MHz, 1 watt. Primary: WLOS-TV, Asheville, N. C.  
BPTTV-5879 (new), Blanco Basin, 18 mile Southeast of Pagosa Springs, Colo., Blanco Basin TV Association. Req: Channel 8, 180-186 MHz, 1 watt. Primary: KREZ-TV, Durango, Colo.  
BPTTV-5881 (K13EX) Bridgeport, Calif., Bridgeport Public Utility District. Req: Change name to Mono County Service Area No. 5, add Twin Lakes, Calif. to present principal community.  
BPTTV-5894 (new), Essex, Calif., Essex Community Television. Req: Channel 2, 54-60 MHz, 10 watts. Primary: KTAR-TV, Phoenix, Ariz.  
BPTTV-5895 (K09KK), Mobridge, S. Dak., Mobridge TV Association. Req: Change primary TV station to KXMB, Channel 12, Bismarck, N. Dak.  
BPTTV-5901 (new), Bridgeport and Twin Falls, Calif., Mono County Service Area No. 5, Req: Channel 2, 54-60 MHz, 1 watt. Primary: KCRA-TV, Sacramento, Calif.  
BPTTV-5902 (new), Lynch, Nebr., Lynch Community Club. Req: Channel 10, 192-198 MHz, 1 watt. Primary: KTIV-TV, Sioux City, Iowa.  
BPTTV-5903 (new), Lynch, Nebr., Lynch Community Club. Req: Channel 12, 204-210 MHz, 1 watt. Primary: KXON-TV, Mitchell, S. Dak.  
[FR Doc 77-28613 Filed 9-29-77; 8:45 am]

[6712-01]

[Report No. 1078]

SEPTEMBER 26, 1977.

## PETITIONS FOR RECONSIDERATION OF ACTIONS IN RULE MAKING PROCEEDINGS FILED

Docket or RM No.	Rule No.	Subject	Date received
20119	Pts. 89 and 91	Amendment of pts. 89 and 91 of the Commission's rules and regulations to make available 4175 MHz splitter frequencies to the local government and manufacturers radio services for telemetry and remote control operations. Filed by Carole C. Harris, attorney for utilities telecommunications council.	Sept. 21, 1977

NOTE.—Oppositions to petitions for reconsideration must be filed within 15 days after publication of this public notice in the FEDERAL REGISTER. Replies to an opposition must be filed within 10 days after time for filing oppositions has expired.

FEDERAL COMMUNICATIONS  
COMMISSION,  
VINCENT J. MULLINS,  
Secretary.

[FR Doc.77-28844 Filed 9-29-77; 8:45 am]

[3128-01]

FEDERAL ENERGY  
ADMINISTRATIONCASES FILED WITH THE OFFICE OF  
EXCEPTIONS AND APPEALSWeek of September 2 Through  
September 9, 1977

Notice is hereby given that during the week of September 2 through September 9, 1977, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

APPENDIX—List of cases received by the Office of Exceptions and Appeals—Week of  
Sept. 2 through 9, 1977

Date	Name and location of applicant	Case No.	Type of submission
Sept. 2, 1977	Feconizer Pump Co., Casper, Wyo. (If granted, 26 producing wells would receive an exception to the provisions of pt. 212, subpt. D in connection with a field test of the Feconizer pump.)	FEE-4779	Price exception (pt. 212, subpt. D).
Do	Moore and Miller, Oklahoma City, Okla. (If granted: The consent order issued by FEA region VI on May 6, 1977, would be modified to eliminate the requirements that interest be included in refunds to be made on overcharges in its sales of crude oil.)	FEE-4782	Exception from the consent order issued by FEA region VI on May 6, 1977.
Do	South Hampton Co., Washington, D.C. (If granted: South Hampton Co. would receive an exception from the provisions of 10 CFR 211.500-3.)	FEE-4778	Exception from the provisions of 10 CFR 211.500-3.
Do	Sun Co., Inc., Dallas, Tex. (If granted: Sun Co., Inc. would receive an extension of the exception granted in the FEA's Apr. 4, 1977, decision and order and would be permitted to increase its prices to reflect nonproduct cost increases in excess of \$4.05 per gallon for natural gas liquid products produced at its Jack, Tex., (including Fordeche, Macomber, P. 1601, and Victoria plants.)	FEE-4780- FEE-4785	Extension of the relief granted in Sun Co., Inc. case Nos. FEE-3904, 3911, 3913, 3916, 3941, 3943 (decided Apr. 4, 1977) unreported decision.
Do	Leo G. Withenell, Jr., Kansas City, Mo. (If granted: The FEA's Aug. 5, 1977, remedial order would be modified to relieve Leo G. Withenell, Jr. of the requirement that interest be paid to the Koch Oil Co. on overcharges made on sales of crude oil.)	FRA-1463	Appeal of FEA's Aug. 5, 1977, remedial order.
Sept. 6, 1977	Chevron U.S.A., Inc., San Francisco, Calif. (If granted: Chevron U.S.A., Inc. would receive an exception from special rule No. 9 and would not be required to supply Plateau with 1,800 BPD of Altamont crude during the month of September 1977.)	FEE-4786 FES-4786	Exception from the crude oil buyback program, stay request.
Do	Cotton Petroleum Corp., Tulsa, Okla. (If granted: The remedial order issued by FEA region VI on Aug. 26, 1977, would be rescinded and Cotton Petroleum Corp. would not be required to refund overcharges made in its sales of crude oil produced from the North Goose Lake unit.)	FRA-1460 FES-1460	Appeal of the remedial order issued by FEA region VI on Aug. 26, 1977; stay request.
Do	Estate of George H. Coates, Dallas, Tex. (If granted: The estate of George H. Coates would receive an extension of the relief granted in the FEA's Mar. 11, 1977, decision and order and would be permitted to increase its prices to reflect nonproduct cost increases in excess of \$3.05 per gallon for natural gas liquid products.)	FEE-4790	Extension of the relief granted in Estate of George H. Coates, case No. FEE-3647 (decided Mar. 11, 1977) (unreported decision).
Do	Martin Exploration Co., Metairie, La. (If granted: Martin Exploration Co. would be permitted to sell the crude oil produced from the Wilcox B sand unit located in Beauregard Parish, La., at prices in excess of the lower tier ceiling price.)	FEE-4789	Price exception (sec. 212.73).
Do	Victor E. Saere, Lewiston, Maine (If granted: Mr. Saere would be assigned a new, lower priced supplier of motor gasoline to replace his base period supplier, F. & M. Oil Co.)	FEE-4787	Exception to changes suppliers.
Do	Tenneco Oil Co., Houston, Tex. (If granted: Tenneco Oil Co. would be permitted to sell the crude oil produced from the State lease 3706 located in St. Mary Parish, La., at prices in excess of the lower tier ceiling price.)	FEE-4788	Price exception (sec. 212.73).

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## NOTICES

Date	Name and location of applicant	Case No.	Type of submission
Sept. 7, 1977	Farmers Gas and Oil Co., Lithia, Mich. (If granted: The FEA's Aug. 12, 1977, stay decision would be modified by eliminating the condition that certain monies be placed into an escrow account.)	FER 0125	Modification of decision and order in <i>Farmers Gas and Oil Co.</i> , 6 FEA par. — (Aug. 12, 1977).
Do	Great Western Drilling Co., Midland, Tex. (If granted: Great Western Drilling Co. would receive an extension of the exception relief granted in the FEA's Apr. 29, 1977, decision and order and would be permitted to increase its prices to reflect nonproduct cost increases in excess of \$0.05 per gallon for natural gas liquid products produced at its Permian and West Seminole plants.)	FEX 4793 FEX 4794	Extension of the relief granted in <i>Great Western Drilling Co.</i> , case No. FEX-3910 and FEX-3921 (decided Apr. 29, 1977) (unreported decision).
Do	Standard Oil Co. (Indiana), Chicago, Ill. (If granted: The Office of Private Grievances and Redress would reverse FEA region V's Aug. 23, 1977, decision and order which affirmed a Nov. 26, 1976, assignment order requiring Standard Oil Co. (Indiana) to supply Wayne Co. (Indiana) with motor gasoline.)	FSR 0455	Petition for special redress.
Sept. 8, 1977	Carter Exploration Co., Corpus Christi, Tex. (If granted: The remedial order issued by FEA region VI on Aug. 9, 1977, would be rescinded and Carter Exploration Co. would not be required to refund overcharges made in its last sales of crude oil produced from the A. Trevino lease.)	FRA 1464 FRS 1464	Appeal of the remedial order issued by FEA region VI on Aug. 9, 1977; stay request.
Do	Continental Oil Co., Houston, Tex. (If granted: The FEA's Office of Regulatory Programs order would be rescinded and Continental Oil Co. would be permitted to use multiple-allocation fractions for kerosene base jet fuel.)	FEA 1462	Appeal of FEA's Office of Regulatory Programs order.
Do	Florida Gas Co., Houston, Tex. (If granted: The FEA's Aug. 3, 1977, decision and order would be rescinded and Florida Gas Co. would be permitted to increase its prices to reflect nonproduct cost increases in excess of \$0.05 per gallon for natural gas liquid products produced at its Brookier plant.)	FEX 1159	Appeal of the decision and order in <i>Florida Gas Co.</i> , case No. FEE-3745 (decided Aug. 3, 1977) (unreported decision).
Do	Nordam and Co., San Antonio, Tex. (If granted: The remedial order issued by FEA region VI on Aug. 19, 1977, would be rescinded and Nordam and Co. would not be required to refund overcharges made in its sales of crude oil produced from the L.A. O'Connor-Thomas estate lease.)	FRA 1457 FRS 1457	Appeal of the remedial order issued by FEA region VI on Aug. 19, 1977; stay request.
Do	Sabre Refining, Inc., Bakersfield, Calif. (If granted: The July 5, 1977, decision and order would be modified to further reduce Sabre Refining's entitlement purchase obligations.)	FMR 0125	Modification of the decision and order in <i>Sabre Refining, Inc.</i> , 6 FEA par. 83,031 (July 5, 1977).
Sept. 9, 1977	Gulf Oil Corp., Washington, D.C. (If granted: The FEA's Aug. 9, 1977, information request denial would be rescinded and Gulf would receive access to the information requested in its May 20, 1977, submission.)	FEA 1463	Appeal of the FEA's information request denial.

[FR Doc 77-28620 Filed 9-29-77;8:45 am]

[3128-01]

## CASES FILED WITH THE OFFICE OF EXCEPTIONS AND APPEALS

Week of September 9 through September 16, 1977

Notice is hereby given that during the week of September 9 through September 16, 1977, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR, Part 205, any person who

will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

ERIC J. FYGI,  
Acting General Counsel.

SEPTEMBER 24, 1977.

## NOTICES

## APPENDIX—List of cases received by the Office of Exceptions and Appeals—Week of Sept. 9 through 16, 1977

Date	Name and location of applicant	Case No.	Type of submission
Sept. 9, 1977	Keweenaw Oil Co., Tulsa, Okla. (If granted: Keweenaw Oil Co. would be permitted to sell the crude oil produced from the North Welch unit at upper tier ceiling prices.)	FEE-4797	Price exception (see 212.73).
Do	W. N. McMurry, Casper, Wyo. (If granted: W. N. McMurry would receive an extension of the exception relief granted in the FEA's June 17, 1977, decision and order and would be permitted to sell crude oil produced from the Hrabec and Warner Fredricks wells in Park County, Wyo., at upper tier ceiling prices for the benefit of the working interest owners.)	FEE 4600	Extension of the relief granted in <i>W. N. McMurry</i> , 6 FEA par. 83,014 (June 17, 1977).
Sept. 12, 1977	Continental Oil Co., Houston, Tex. (If granted: The FEA's Jan. 7, 1975, decision and order would be modified to adjust Continental Oil Co.'s requirements under the crude oil buy/sell program.)	FEX 0185	Supplemental order in <i>Continental Oil Co.</i> , 2 FEA par. 80,549 (Jan. 7, 1975).
Do	Exxon Co., U.S.A., Washington, D.C. (If granted: The FEA's Apr. 25, 1977, decision and order would be modified to adjust Exxon Co.'s requirements under the crude oil buy/sell program.)	FEX 0184	Supplemental order in <i>Exxon Co., U.S.A.</i> , 5 FEA par. 80,613 (Apr. 25, 1977).
Do	Home Gas Service, Inc., Swanton, Ohio. (If granted: The remedial order issued by FEA region V on Aug. 22, 1977, would be rescinded and Home Gas Service, Inc. would not be required to refund overcharges made in its sales of propane.)	FRA-1466 FRS-1466	Appeal of the remedial order issued by FEA region V on Aug. 22, 1977; stay request.
Do	Rock Island Refining Corp., Indianapolis, Ind. (If granted: The FEA's Aug. 12, 1977, decision and order would be rescinded and Rock Island Refining Corp. would not be required to purchase additional entitlements during the period August 1977 through August 1978.)	FRA 1465	Appeal of the decision and order in <i>Rock Island Refining Corp.</i> , 6 FEA par. — (Aug. 12, 1977).
Do	Southland Oil Co., VGS Corp., Washington, D.C. (If granted: The FEA's Apr. 8, 1977, decision and order would be modified and the FEA would review the appropriateness of the inclusion of the months of October and November 1975 in calculating the level of entitlements exception relief which Southland received in 1975.)	FEX 0188	Supplemental order in <i>Southland Oil Co.</i> , 5 FEA par. 80,596 (Apr. 8, 1977).
Do	Pam Terada, Palo Alto, Calif. (If granted: The remedial order issued by FEA region IX on July 19, 1977, would be rescinded and Terada would not be required to refund overcharges made in his sales of motor gasoline.)	FRA 1464	Appeal of the remedial order issued by FEA region IX on July 19, 1977.
Sept. 13, 1977	Big Sky Propane, Inc., Billings, Mont. (If granted: The FEA region VIII's July 18, 1977, decision and order would be rescinded and Big Sky Propane, Inc. would be permitted to increase its prices for propane above the maximum levels allowed under the mandatory petroleum price regulations.)	FEA 1467	Appeal of FEA region VIII's decision and order issued July 18, 1977.
Do	Cities Service Oil Co., Braintree, Mass. (If granted: Cities Service Oil Co. would receive a stay of the supplier/wholesale purchaser-reseller relationship requirements under the FEA region I's July 8, 1977, Aug. 8, 1977, Aug. 12, 1977, and Aug. 19, 1977, remedial orders.)	FRS-0107— FRS-1443— FRS-1444 FRS-1449	Stay of the remedial order issued by FEA region I on July 8, 1977, Aug. 8, 1977, Aug. 12, 1977, and Aug. 19, 1977.
Do	Daytona Beach Aviation, Daytona Beach, Fla. (If granted: Daytona Beach Aviation would be permitted to increase its prices for 100 L. Avraas and Jet 1-A fuel above the maximum levels allowed under the mandatory petroleum price regulations.)	FEE 1800	Price exception (see 212.73).
Do	Delta Drilling Co., Dallas, Tex. (If granted: Delta Drilling Co. would receive an extension of the exception relief granted in the FEA's June 8, 1977, decision and order and would be permitted to increase its prices to reflect nonproduct cost increases in excess of \$0.05 per gallon for natural gas liquid products produced at its Etexas plant.)	FEX 4804	Extension of the relief granted in <i>Delta Drilling Co.</i> , case No. FEE-4000 (decided June 8, 1977) (unreported decision).
Do	International Oil and Gas, Inc., Plymouth Meeting, Pa. (If granted: International Oil and Gas, Inc. would receive a stay of the requirement that it make refunds in connection with its sales of crude oil pursuant to the remedial order issued by FEA region III on Aug. 31, 1977, pending a determination on the appeal which it intends to file.)	FRS 1465	Stay of the remedial order issued by FEA region III on Aug. 31, 1977.

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977

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Date	Name and location of applicant	Case No.	Type of submission
Do.....	Marshall R. Young Oil Co., Midland, Tex. (If granted: Marshall R. Young Oil Co. would be permitted to sell the crude oil produced from the Sawyer "A" well No. 1 located in Terry County, Tex. at prices in excess of the lower tier ceiling prices.)	FEE 4803	Price exception (sec. 212.73).
Do.....	McGoldrick Oil Co., Shreveport, La. (If granted: McGoldrick Oil Co. would be permitted to sell the crude oil produced from the Chaparral oil fields, and the Emboss Fisher State, Quinn and Moore West U. I. lease at prices in excess of the lower tier ceiling prices.)	FEE 4798	Do.
Do.....	McGowan Operating Co., Jackson, Miss. (If granted: McGowan Operating Co. would be permitted to sell the crude oil produced from the Arnold-Perry unit, well No. 1 located in Wilkinson County, Miss. at prices in excess of the lower tier ceiling prices.)	FEE 4799	Do.
Do.....	Oahu Gas Service, Inc., Honolulu, Hawaii. (If granted: The FEA region IX's Aug. 7, 1977, decision and order would be rescinded and Oahu Gas Service, Inc. would receive an adjustment in its base period rate of production.)	FEA 1489	Appeal of the FEA region IX decision and order issued on Aug. 7, 1977.
Do.....	Phillips Petroleum Co., Bartlesville, Okla. (If granted: Phillips Petroleum Co. would receive an extension of the relief granted in the FEA's June 9, 1977, decision and order and would be permitted to sell the crude oil produced from the Hopkins "A" lease located in Panola County, Tex. at upper tier ceiling prices.)	FEE 4802	Extension of the relief granted in Phillips Petroleum Co., 5 FEA par. 83,175 (June 9, 1977).
Do.....	Rebholz Electric and Bottle Gas Co., Edgerton, Wis. (If granted: Rebholz Electric and Bottle Gas Co. would be assigned a new supplier of propane to replace its base period supplier, Quality, Inc.)	FEE 4801	Exception to change suppliers.
Do.....	Southland Oil Co. VGS Corp., Jackson, Miss. (If granted: The FEA would review the appropriateness of the inclusion of the months of October and November 1975 in calculating the level of entitlements exception relief which Southland Oil Co. received in 1975.)	FEX 0188	Supplemental order in Southland Oil Co., 6 FEA par. — (Sept. 12, 1977).
Do.....	Sun Co., Inc., Dallas, Tex. (If granted: Sun Co., Inc. would receive an extension of the exception relief granted in the FEA's Apr. 4, 1977, decision and order and would be permitted to increase its prices to reflect nonproduct cost increases in excess of \$0.05 per gallon for natural gas liquid products produced at its Cmales and Sun plants.)	FEX 4805 FEX 4806	Extension of the relief granted to Sun Co., Inc., case Nos. FEX-3901 and FEX-3942 (decided Apr. 4, 1977) (unreported decision).
Sept. 11, 1977	Beacon Oil Co., Hanford, Calif. (If granted: The FEA's June 6, 1977, decision and order would be modified and the FEA would review the appropriateness of the inclusion of the months of October and November 1975 in calculating the level of entitlements exception relief which Beacon Oil Co. received in 1975.)	FEX 0189—	Supplemental order in Beacon Oil Co., 5 FEA par. 80,653 (June 10, 1977).
Do.....	Farmers Gas and Oil Co., Ithaca, Mich. (If granted: The FEA's Aug. 12, 1977, stay decision and order would be vacated.)	FRN 0187	Supplemental order in Farmers Gas and Oil Co., 6 FEA par. — (Aug. 12, 1977).
Do.....	Gas Del Oro, Inc., Gas Del Oro International, Inc. and El Dorado Marketing Co. of Laredo, Houston, Tex. (If granted: Gas Del Oro, Inc., Gas Del Oro International, Inc. and El Dorado Marketing Co. of Laredo would receive access to the information requested concerning Ozon's Gas Processing Plant which was deleted from the FEA's Aug. 15, 1977, information request response.)	FEA-1471	Appeal of the FEA information request denial.
Do.....	H. W. Bass and Sons, Inc., Dallas, Tex. (If granted: H. W. Bass and Sons, Inc. would receive an extension of the exception relief granted in the FEA's Mar. 4, 1977, decision and order and would be permitted to increase its prices to reflect nonproduct cost increases in excess of \$0.05 per gallon for natural gas liquid products produced at its Walnut Bend plant.)	FEX 4807	Extension of the relief granted in H. W. Bass and Sons, Inc., case No. FEE-3633 (decided Mar. 4, 1977) (unreported decision).
Do.....	Mobil Oil Corp., Valley Forge, Pa. (If granted: The FEA's Aug. 5, 1977, interpretation would be rescinded and Mobil Oil Corp. would not be required to increase its motor gasoline supply obligations to Ace Oil Co.)	FIA 1470	Appeal of the FEA's Aug. 5, 1977, interpretation.
Do.....	New York Petroleum Corp., New Orleans, La. (If granted: The New York Petroleum Corp. would receive a stay of the price reduction requirements of the remedial order issued by FEA region VI on July 29, 1977, pending a determination on its appeal.)	FRS 0108	Stay of the remedial order issued by FEA region VI on July 29, 1977.

Date	Name and location of applicant	Case No.	Type of submission
Do.....	Standard Oil Co. (Indiana) Chicago, Ill. (If granted: Standard Oil Co. (Indiana) would be permitted to increase its prices to reflect nonproduct cost increases in excess of \$0.05 per gallon for natural gas liquid products produced at its Elk Basin plant.)	FEE-4812	Price exception (sec. 212.165).
Do.....	Standard Oil Co. (Indiana) Chicago, Ill. (If granted: Standard Oil Co. (Indiana) would receive an extension of the exception relief granted in the FEA's Jan. 25, 1977, decision and order and would be permitted to increase its prices to reflect nonproduct cost increases in excess of \$0.05 per gallon for natural gas liquid products produced at its Elmwood and Monahans plants.)	FEX-4813 FEX-4814	Extension of the relief granted in Standard Oil Co., 5 FEA par. 83,057 (Jan. 25, 1977).
Do.....	Texas Pacific Oil Co., Inc., Dallas, Tex. (If granted: Texas Pacific Oil Co., Inc. would receive an extension of the exception relief granted in the FEA's Feb. 22 and Mar. 4, 1977, decisions and orders and would be permitted to increase its prices to reflect nonproduct cost increases in excess of \$0.05 per gallon for natural gas liquid products produced at its Adena, Enville, Hamlin and South Fullerton plants.)	FEX-4806— FEX-4811	Extension of the relief granted in Texas Pacific Oil Co., case Nos. FEE-3645, FEE-3616, FEE-3642 (decided Feb. 22, 1977) (unreported decision) Texas Pacific Oil Co., case No. FEE-3656 (decided Mar. 4, 1977) (unreported decision).
Sept. 15, 1977	Brown Co., Richmond, Va. (If granted: The FEA's Aug. 15, 1977 information request denial would be rescinded and Brown Co. would receive access to information concerning the issuance by FEA of prohibition orders to boiler units 9 and 10 of Brown Co.'s specialty papers division at its parchment, Mich. paper plant.)	FFA-1472	Appeal of the FEA's information request denial.
Do.....	Charter Oil Co., Jacksonville, Fla. (If granted: Charter Oil Co. would receive a stay of its entitlement purchase obligations pending a final determination on its application for exception.)	FEX-0188	Supplemental order.
Do.....	Ingram Corp./A. Johnson and Co., Washington, D.C. (If granted: The FEA would modify the Aug. 31, 1977, decision and order issued to Ingram Corp./A. Johnson and Co. with respect to the mandatory oil imports program.)	FEX 0190	Supplemental order in Ingram Corp./A. Johnson and Co., 6 FEA par. — (Aug. 31, 1977).

[FR Doc. 77-28021 Filed 9-29-77; 8:45 am]

## PRIVACY ACT OF 1974

## Proposed New and Amended Systems of Records

AGENCY: Federal Energy Administration.

ACTION: Notice of Proposed New and Amended Systems of Records.

SUMMARY: Notice is hereby given that the Federal Energy Administration (FEA) is proposing to add to its existing systems of records two additional systems to be designated as "FEA-22, Correspondence Files" and "FEA-23, Telephone Numbers of FEA Officials." In accordance with 5 U.S.C. 552a(o), Office of Management and Budget (OMB) Circular No. A-108 and the transmittal memoranda thereto, a report on these systems of records has been filed, concurrent with this publication, with the Director of the Office of Management and Budget, the Speaker of the House of Representatives, the President of the Senate, and the Privacy Protection Study Commission.

Notice is also being given of the proposal by FEA to amend the routine uses of four of its existing systems of records: FEA-8, Statements of Financial Interest; FEA-14, Employee Carpool Parking; FEA-15, Mailing Lists for Requestors of Energy Related Information; and FEA-19, Congressional Constituent In-

quiries. A Report on New Systems is not being submitted under 5 U.S.C. 552a(o) with respect to these proposed amendments since they do not alter the purposes for which the systems are maintained.

Written comments will be received with respect to these proposals; however, it is the intent of FEA to operate the proposed systems of records and the existing systems as amended at the expiration of the advance notice period if no comments to the contrary are received.

DATES: Comments by October 31, 1977. 4:30 p.m.

ADDRESS: Written comments to: Executive Communications, Room 3317, Federal Energy Administration, Box PH, Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

John Treanor, Privacy Act Officer, Room 2121, 12th and Pennsylvania Ave. NW., Washington, D.C. 20461, (202-566-9840). Susan Weinstein, Office of General Counsel, room 6144, 12th and Pennsylvania Ave., NW., Washington, D.C. 20461, (202-566-9296).

## SUPPLEMENTARY INFORMATION:

I. Narrative Statement, as required by the Privacy Act of 1974 and OMB Circular No. A-108:

A. Purposes.  
B. Authority.  
C. Potential Consequences on Individual Privacy.

D. Safeguards Against Unauthorized Access.

II. Amendments to Routine Uses:  
A. FEA-8, Statements of Financial Interests.

B. FEA-14, Employee Carpool Parking.

C. FEA-15, Mailing Lists for Requestors of Energy Related Information.

D. FEA-19, Congressional Constituent Inquiries.

III. Comment Procedures.

I. Narrative Statement, as Required by the Privacy Act of 1974 and OMB Circular No. A-108.

A. Purposes. FEA-22, Correspondence Files, is a system designed to facilitate the administrative control of FEA correspondence. Appropriate indexing permits the retrieval of pertinent information by correspondent name, date of correspondence, or assigned control number. The system is utilized to assure an efficient processing of FEA correspondence through the agency and as a reference in case of further inquiries by the original correspondent or an inquiry on a similar matter by another party.

The information contained in FEA-23, Telephone Numbers of FEA Officials, is used as a reference for the home telephone numbers of senior FEA staff members. The establishment of this system is a necessary precaution to guard against an emergency situation during which the appropriate FEA official could not be contacted.

B. Authority. The authority for the maintenance of FEA-22 and FEA-23 are as listed in the proposed system notices. Both systems are established under the authority vested in the EPA administrator contained in section 7(c) of the Federal Energy Administration Act of 1974 (Pub. L. 93-275) to promulgate such rules, regulations, and procedures as may be necessary to carry out his functions, as well as his authority under 5 U.S.C. 301 to prescribe regulations for the performance of FEA business and for the custody, use, and preservation of its records, papers, and property. In addition, FEA-22 is maintained under the authority of the Administrator under 44 U.S.C. 3101 to make and preserve records.

C. Potential Consequences on Individual Privacy. FEA does not deem that the maintenance of either FEA-22 or FEA-23 will have any substantial effect on the privacy and other personal or property rights of individuals. No information is retained in either system other than that which is given voluntarily to the agency by the individual. The use of FEA-22 is totally internal to FEA operations, with no access to the information contained therein allowed to any persons other than those with a need to know for the purpose of conducting official FEA business. Access to FEA-23 is likewise limited to those requiring the information contained therein for official purposes. With FEA's

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stringent access controls and limited use of the records contained in FEA-22 and FEA-23, the operation of these systems will have minimal effect on an individual's privacy and other personal or property rights.

Because both FEA-22 and FEA-23 are systems designed to facilitate the internal administrative operations of the agency, their operation will have no effect on the preservation of the constitutional principle of federalism and separation of power.

**D. Safeguards Against Unauthorized Access.** The risk of unauthorized access has been minimized by locating both FEA-22 and FEA-23 in lockable containers within rooms secured when authorized users or the system managers are not present. Control over these facilities is given only to the system managers and those qualifying for access under the routine uses listed in the proposed system notices. The lower risk alternative of maintaining both systems in locked cabinets within secured rooms was considered; however, the presence of responsible FEA personnel was considered to be sufficient to prevent unauthorized access to the systems. No higher risk alternatives were considered.

## II. Amendments to Routine Uses.

**A. FEA-8, Statements of Financial Interest.** The amendments to its system notices submitted by FEA concurrently with this notice enlarge the system of records designated as FEA-8 to include information collected on the form entitled "Statement of Known Financial Interests." This form was designed by FEA to satisfy the financial reporting requirement contained in section 522 of the Energy Policy and Conservation Act (Pub. L. 94-163). As such, the information contained therein is required by section 522 to be made available to the public. Accordingly, FEA proposes to amend the routine use of FEA-8 to permit public access to the information collected from employees through their filing of a "Statement of Known Financial Interest." The routine uses for other records contained in FEA-8 will not be affected by this amendment.

**B. FEA-14 Employee Carpool Parking.** FEA proposes to amend the routine uses for records contained in FEA-14 to delete the transmittal of social security numbers to the General Services Administration. Social security numbers are no longer collected by the agency for retention in FEA-14.

**C. FEA-15, Mailing Lists for Requestors of Energy Related Information.** FEA proposes to amend the routine uses for FEA-15 to delete the transmittal of information to the U.S. Treasury and the American Mailing Co., since FEA no longer contracts for printing with either of these organizations. Instead, FEA proposes to include as a routine user any contractor handling bulk or single copy mailings for FEA. The system manager will retain a current list of all contractors which will be made available to the public upon request.

**D. FEA-19, Congressional Constituent Inquiries.** FEA proposes to add to the current routine uses for information contained in FEA-19 the use of the system as a substantive reference for previous FEA responses to Congressional inquiries on behalf of constituents. Such use is necessary to permit FEA to research past responses in the event of an additional request with reference to a subject individual or a request by a member of Congress on a similar subject with reference to a new party.

## III. Comment Procedures

As provided by section 3(e)(11) of the Privacy Act of 1974 (5 U.S.C. 552a(e)(11)), interested persons are invited to submit written data, views, or arguments related to these proposals to Executive Communications, Federal Energy Administration, Box PH, Washington, D.C. 20461. Hand carried comments may be delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday, except on legal public holidays.

Comments should be identified on the outside of the envelope and on the documents submitted to FEA Executive Communications with the designation "Privacy Act System of Records" and include the appropriate system number(s). Fifteen copies should be submitted. All comments received on or before October 31, 1977, will be available for public inspection in the FEA Reading Room, Room 2107, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except on legal public holidays. These comments and all other relevant information, will be considered by FEA before the new or amended systems are adopted in their final form.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

It is the intent of the Federal Energy Administration to operate the systems of records as proposed at the expiration of the advance notice period if no comments to the contrary are received. The FEA has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107. (Privacy Act of 1974, Pub. L. 93-579; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended by Pub. L. 94-385; Executive Order 11790, 39 FR 23185.)

In consideration of the foregoing, the adoption or amendment, as appropriate, of each of the six systems of records set forth below is proposed.

Issued in Washington, D.C., September 16, 1977.

ERIC J. FYGI,  
Acting General Counsel,  
Federal Energy Administration.

### FEA-8

(Complete text, as amended, is published concurrently with this notice in the FEA annual compilation of its system notices.)  
**System name:** Statements of Financial Interest.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The "Statement of Known Financial Interest" is available to the public upon request. Other routine uses for the records in the system are as listed in Appendix B.

### FEA-14

(Complete text, as amended, is published concurrently with this notice in the FEA annual compilation of its system notices.)  
**System name:** Employee Carpool Parking.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses are those listed in Appendix B.

### FEA-15

(Complete text, as amended, is published concurrently with this notice in the FEA annual compilation of its system notices.)  
**System name:** Mailing Lists for Requestors of Energy Related Information.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The records are released to contractors handling bulk and single copy mailings for FEA. Names and addresses of such contractors may be requested from the system manager. Other routine uses are as listed in Appendix B.

### FEA-19

(Complete text, as amended, is published concurrently with this notice in the FEA annual compilation of its system notices.)  
**System name:** Congressional Constituent Inquiries.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The records are used to record Congressional inquiries on behalf of constituents, to ensure proper document control of the response; and to reference FEA responses to such inquiries. Other routine uses include those listed in Appendix B.

### FEA-22

**System name:**  
Correspondence Files.

**Security classification:**  
Unclassified.

**System location:**

For the National Office the location is: Executive Communications, Office of the Administrator, Federal Energy Administration, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461.

Records for the National Office may also be located in the organizational unit within FEA which originates the response to the correspondence or has jurisdiction over its subject matter.

For records at FEA's Regional Offices: The Regional Administrator of the appropriate Regional Office.

**Categories of individuals covered by the system:**

Individuals communicating by letter with FEA.

**Categories of records in the system:**

Name, address of correspondent, and copies of the agency response.

**Authority for maintenance of the system:**  
5 U.S.C. 301; 44 U.S.C. 3101; Federal Energy Administration Act of 1974, Executive Order 11790.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

The records are used by FEA personnel to record written communications with FEA from correspondents outside of FEA, to ensure proper document control of the FEA response, as a reference for such response, and for the routine uses listed in Appendix B.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:**

Paper records.

**Retrievability:**

Name of correspondent.

**Safeguards:**

Records are located in lockable metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

**Retention and disposal:**

Records are retained in accordance with the office's record control schedule.

**System manager(s) and address:**

For the records at the National Office:

Special Assistant, Executive Communications, Office of the Administrator, Federal Energy Administration, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461.

The Administrative Officers of the appropriate National Office organizational sub-units are also system managers.

For records at FEA's Regional Offices: The Regional Administrator of the appropriate Regional Office.

### Notification procedure:

Requests by an individual to determine if a system of records contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, or to the Privacy Act Officer at the appropriate Regional Office, at the address listed in Appendix A, in accordance with FEA's Privacy Act Regulations (10 C.F.R. 206.3, 40 F.R. 45610 (October 2, 1975)).

### Record access procedures:

Requests by an individual for access to a system of records that contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, or to the Privacy Act Officer at the appropriate Regional Office, at the address listed in Appendix A, in accordance with FEA's Privacy Act Regulations (10 C.F.R. 206.3, 40 F.R. 45610 (October 2, 1975)).

### Contesting record procedures:

Requests by an individual to correct or amend the content of a record containing information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, or to the Privacy Act Officer at the appropriate Regional Office, at the address listed in Appendix A, in accordance with FEA's Privacy Act Regulations (10 C.F.R. 206.7, 40 F.R. 45613 (October 2, 1975)).

### Record source categories:

Subject individuals and drafter of FEA response.

**Systems exempted from certain provisions of the Act:**

None.

### FEA-23

**System name:**

Telephone Numbers of FEA Officials.

**Security classification:**

Unclassified.

**System location:**

Office of the Administrator, Federal Energy Administration, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461.

**Categories of individuals covered by the system:**

FEA senior staff officials.

**Categories of records in the system:**

Name and home telephone number.

**Authority for maintenance of the system:**

5 U.S.C. 301; Federal Energy Administration Act of 1974; Executive Order 11790.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

The records are available only to FEA staff within the Office of the Administrator and the energy policy staff within the Executive Office of the President. Telephone numbers will be given out on an individual basis from the list to those FEA officials with a demonstrated need

for the information in the course of their official duties.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:**

Paper records.

**Retrievability:**

Name of FEA official.

**Safeguards:**

Records are located in lockable drawers in secured rooms with access limited to those whose official duties require access.

**Retention and disposal:**

Records are revised when appropriate, at which point the older records are destroyed.

**System manager(s) and address:**

Staff Assistant, Office of the Administrator, Federal Energy Administration, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461.

### Notification procedure:

Requests by an individual to determine if a system of records contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, in accordance with FEA's Privacy Act Regulations (10 C.F.R. 206.3, 40 F.R. 45610 (October 2, 1975)).

### Record access procedures:

Requests by an individual for access to a system of records that contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, in accordance with FEA's Privacy Act Regulations (10 C.F.R. 206.3, 40 F.R. 45610 (October 2, 1975)).

### Contesting record procedures:

Requests by an individual to correct or amend the content of a record containing information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, in accordance with FEA's Privacy Act Regulations (10 C.F.R. 206.7, 40 F.R. 45613 (October 2, 1975)).

### Record source categories:

The subject individuals.

**System exempted from certain provisions of the Act:**

None.

[FR Doc 77-28403 Filed 9-29-77; 8:45 am]

[6210-01]

### FEDERAL RESERVE SYSTEM

#### BANCO EXTERIOR DE ESPANA, S.A.

#### Formation of Bank Holding Company

Banco Exterior de Espana, S.A., Madrid, Spain, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring approximately 98

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percent of the voting shares of Century National Bank & Trust Co., New York, N.Y. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than October 21, 1977.

Board of Governors of the Federal Reserve System, September 23, 1977.

GRIFFITH L. GARWOOD,  
Deputy Secretary of the Board.

[FR Doc 77-28773 Filed 9-29-77; 8:45 am]

#### FIRST AMTENN CORP.

#### Proposed Acquisition of Lee, Robinson & Stein, Inc.

First Amtegn Corp., Nashville, Tenn., has applied, pursuant to § 4(c) (8) of the Bank Holding Company Act (12 U.S.C. § 1843(c) (8)) and § 225.4(b) (2) of the Board's Regulation Y (12 CFR § 225.4(b) (2)), for permission to acquire voting shares of Lee, Robinson & Stein, Inc., Nashville, Tenn. Notice of the application was published on August 10, 1977, in the Nashville Banner and the Tennessean, Nashville, Tenn., and the Chattanooga News-Free Press, Chattanooga, Tenn.; on August 11, 1977, in the Memphis Press-Scimitar, Memphis, Tenn., and the Knoxville News-Sentinel, Knoxville, Tenn., all newspapers circulated in those respective cities; and on August 16, 1977, in the Wall Street Journal, New York, N.Y.

Applicant states that the proposed subsidiary would engage in the activities of acting as investment or financial advisor to the extent of providing portfolio investment advice to any person or entity. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 24, 1977.

Board of Governors of the Federal Reserve System, September 26, 1977.

GRIFFITH L. GARWOOD,  
Deputy Secretary of the Board.

[FR Doc 77-28774 Filed 9-29-77; 8:45 am]

#### [ 6210-01 ]

#### FIRST NATIONAL CINCINNATI CORP.

#### Acquisition of Bank

First National Cincinnati Corp., Cincinnati, Ohio, has applied for the Board's approval under § 3(a) (3) of the Bank Holding Company Act (12 U.S.C. § 1842(a) (3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to the Third National Bank of Circleville, Circleville, Ohio. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 21, 1977.

Board of Governors of the Federal Reserve System, September 23, 1977.

GRIFFITH L. GARWOOD,  
Deputy Secretary of the Board.

[FR Doc 77-28775 Filed 9-29-77; 8:45 am]

#### [ 6210-01 ]

#### THE HINSDALE CAPITAL CORP.

#### Order Approving Formation of Bank Holding Company

The Hinsdale Capital Corp., Chicago, Ill., has applied for the Board's approval under § 3(a) (1) of the Bank Holding Company Act (12 U.S.C. § 1842(a) (1)) of formation of a bank holding company through acquisition of 80 percent or more of the voting shares of the First National Bank of Hinsdale, Hinsdale, Ill. ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the application and all comments received have been considered in light of the factors set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

Applicant is a nonoperating corporation organized for the purpose of becoming a bank holding company through the acquisition of Bank (deposits of \$71.9

million).<sup>1</sup> Upon acquisition of Bank, Applicant would control the 124th largest bank in Illinois, with approximately 0.11 percent of total deposits in commercial banks in the State.

Bank is the larger of two banks located in Hinsdale, and, within the Chicago banking market,<sup>2</sup> is the 85th largest commercial bank, with approximately 0.16 percent of the total market deposits. Principals of Applicant are associated with and exert considerable management influence over three other Illinois banks, located in Winnetka, Glencoe, and Wilmette. These three banks compete with banks in the Chicago banking market and collectively control market deposits of \$106.9 million, representing 0.24 percent of total market deposits. With the addition of Bank, the group would control total market deposits of \$178.8 million, or 0.40 percent. In view of the insubstantial increase in total deposits and the total market share of the group, it does not appear that consummation of the proposed transaction would significantly affect competition, increase the concentration of banking resources, or have any undue adverse effect on any other bank. Accordingly, competitive considerations are consistent with approval of the application.

The conditions of the other banks with which Applicant's principals are associated are generally satisfactory and suggest that such persons will conduct the operations of Applicant and Bank in a satisfactory manner. Although Applicant will incur debt in connection with the proposal, the projected income from Bank should provide sufficient revenue to service the debt without adversely affecting the financial condition of Bank. Moreover, Applicant has committed to increase the capital accounts of Bank by \$1.2 million within one year of consummation of the transaction. Therefore, considerations relating to the financial and managerial resources and future prospects of Applicant and Bank are regarded as generally satisfactory and consistent with approval.

Although it appears that Bank has been responsive to the convenience and needs of the Hinsdale community, Applicant does plan to provide additional services and to revise existing services upon approval of this proposal. Such services include lowering the minimum balance requirement on demand deposit accounts, constructing a new drive-in facility, extending the maximum term on installment loans, and increasing Bank's mortgage loan portfolio. Considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. Accordingly, it has been determined that the proposed acquisition

<sup>1</sup> All banking data are as of December 31, 1976.

<sup>2</sup> The Chicago banking market, approximated by all of Cook and Du Page Counties and the southern half of Lake County, Ill., is the relevant market for purposes of this application.

would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made before the thirtieth calendar day following the effective date of this Order, or later than three months after the effective date of this Order, unless such period is extended by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors, effective September 23, 1977.

GRIFFITH L. GARWOOD,  
Deputy Secretary of the Board.

[FR Doc 77-28770 Filed 9-29-77; 8:45 am]

#### [ 6210-01 ]

#### SCHRODERS LIMITED

#### Proposed Acquisition of Robert C. Gilkison, Inc.

Schrodgers Limited, Schroder International Limited, and Schroder International Holdings Limited, all of London, England, and Schrodgers Inc., New York, N.Y., have applied, pursuant to § 4(c) (8) of the Bank Holding Company Act (12 U.S.C. § 1843(c) (8)) and § 225.4(b) (2) of the Board's Regulation Y (12 CFR § 225.4(b) (2)), for permission to acquire the business and assets of Robert C. Gilkison, Inc., Washington, D.C. Notice of the application was published on August 1, 1977, in The Washington Post, a newspaper circulated in Washington, D.C., and on July 30, 1977, in The New York Times, a newspaper circulated in New York, N.Y.

Applicant states that the proposed acquisition would engage in the activities of acting as investment counselors and registered investment advisor under the Investment Advisors Act of 1940. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

<sup>1</sup> Voting for this action: Governors Wallach, Goldwell, Jackson, Partee, and Lilly. Absent and not voting: Chairman Burns and Governor Gardner.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 21, 1977.

Board of Governors of the Federal Reserve System, September 23, 1977.

GRIFFITH L. GARWOOD,  
Deputy Secretary of the Board.

[FR Doc 77-28777 Filed 9-29-77; 8:45 am]

#### [ 6210-01 ]

#### SCHRODERS LIMITED

#### Proposed Retention of Schroder Naess & Thomas

Schrodgers Limited, Schroder International Limited, and Schroder International Holding Limited, all of London, England, and Schrodgers Inc., New York, N.Y., have applied, pursuant to § 4(c) (8) of the Bank Holding Company Act (12 U.S.C. § 1843(c) (8)) and § 225.4(b) (2) of the Board's Regulation Y (12 CFR § 225.4(b) (2)), for permission to retain the business and assets of the Schroder Naess & Thomas Division of Schrodgers Incorporated, New York, N.Y. Notice of the application was published in The Wall Street Journal, as well as newspapers of general circulation in Baltimore, Md., Washington, D.C., New York, N.Y., and Atlanta, Ga.

Applicant states that the division would continue to engage in the activities of acting as investment counselor and registered investment advisor under the Investment Advisors Act of 1940. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System,

Washington, D.C. 20551, not later than October 21, 1977.

Board of Governors of the Federal Reserve System, September 23, 1977.

GRIFFITH L. GARWOOD,  
Deputy Secretary of the Board.

[FR Doc 77-28778 Filed 9-29-77; 8:45 am]

#### [ 4110-03 ]

#### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

#### Food and Drug Administration

Docket No. 76N-0185; DESI 3158

#### CERTAIN ANDROGEN PREPARATIONS

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

AGENCY: Food and Drug Administration.

#### ACTION: Notice

SUMMARY: This notice sets forth the conditions for marketing the androgen preparations described below for the indications for which they continue to be regarded as effective and offers an opportunity for a hearing concerning those indications reclassified as lacking substantial evidence of effectiveness.

DATES: Hearing requests due on or before October 31, 1977. Bioavailability supplements to approved new drug applications due on or before March 28, 1977. Other supplements due on or before November 29, 1977.

ADDRESSES: Communications forwarded in response to this notice should be identified with the reference number DESI 3158, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857.

Supplements (identify with NDA number): Division of Metabolic and Endocrine Drug Products (HFD-130), Rm. 14B-03, Bureau of Drugs.

Original abbreviated new drug applications and supplements thereto (identify as such): Division of Generic Drug Monographs (HFD-530), Bureau of Drugs.

Requests for Hearing (identify with Docket Number appearing in the heading of this notice): Hearing Clerk, Food and Drug Administration (HFC-20), Rm. 4-65.

Requests for the report of the National Academy of Sciences-National Research Council: Public Records and Document Center (HFC-18), Rm. 4-62.

Requests for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD-501), Bureau of Drugs.

FOR FURTHER INFORMATION CONTACT:

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John H. Hazard, Jr., Bureau of Drugs (HFD 32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857 (301-443-3850).

**SUPPLEMENTARY INFORMATION.** In a notice (DESI 3158, Docket No. PDC 1-183 (now Docket No. 76N 01851)) published in the Federal Register of August 1, 1970 (35 FR 12356), the Food and Drug Administration announced its conclusions that the androgen preparations described below are effective, probably effective, possibly effective, and lacking substantial evidence of effectiveness for their various labeled indications. The drugs are used to treat certain hormone deficiencies. No data were submitted in support of any of the less-than-effective indications and those indications now are reclassified to lacking substantial evidence of effectiveness.

The notice that follows does not pertain to the indications stated in the August 1, 1970, notice to lack substantial evidence of effectiveness. No person requested a hearing concerning them, and they are no longer allowable in the labeling. Any such product labeled for those indications is subject to regulatory action.

1. NDA 3-158; Oretol Methyl Tablets containing 10 milligrams or 25 milligrams of methyltestosterone per tablet; Bohring Corp., Gillingham Hill Rd., Kenilworth, N.J. 07033.

2. NDA 3-234; Neo-Hombreol (M) Tablets containing 10 milligrams or 25 milligrams methyltestosterone per tablet; Organon, Inc., 375 Mount Pleasant Ave., West Orange, N.J. 07052.

3. NDA 3-240; Melandren Linguets and Tablets containing 5 milligrams or 10 milligrams methyltestosterone per linguet and 10 milligrams or 25 milligrams methyltestosterone per tablet; Ciba Pharmaceutical Co., Division Ciba-Geigy Corp., 556 Morris Ave., Summit, N.J. 07901.

4. NDA 7-029; Perandren Propionate Injection, containing 25 milligrams, 50 milligrams, or 100 milligrams testosterone propionate per milliliter in sesame oil; Ciba Pharmaceutical Co.

5. NDA 9-165; Delatestryl Injection containing 200 milligrams testosterone enanthate per milliliter in sesame oil, and in disposable syringes containing 200 milligrams testosterone enanthate per syringe in sesame oil, E. R. Squibb & Sons, Post Office Box 4000, Princeton, N.J. 08540.

6. NDA 9-349; Parendren Phenylacetate Intramuscular Repository, Aqueous Suspension containing 50 milligrams testosterone phenylacetate per milliliter and 1 percent procaine hydrochloride; Ciba Pharmaceutical Co.

7. NDA 10-611; Halotestin Tablets containing 2 milligrams, 5 milligrams, or 10 milligrams fluoxymesterone per tablet; The Upjohn Co., 7171 Portage Rd., Kalamazoo, Mich. 49002.

8. NDA 11-359; Ora-Testril Tablets containing 2 milligrams or 5 milligrams fluoxymesterone per tablet; E. R. Squibb and Sons.

9. NDA 11-424; Ultandren Tablets containing 2 milligrams or 5 milligrams fluoxymesterone per tablet; Ciba Pharmaceutical Co.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug products.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, that is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.4. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Division of Drug Labeling Compliance (address given above).

**A. Effectiveness classification.** The Food and Drug Administration has reviewed all available evidence and concludes that the drugs are effective for the indications in the labeling conditions below. The drugs now lack substantial evidence of effectiveness for the indications evaluated as probably and possibly effective in the August 1, 1970 notice.

**B. Conditions for approval and marketing.** The Food and Drug Administration (FDA) is prepared to approve new drug applications under conditions described herein. The type of new drug applications required for the various products is set forth under *Marketing Status* below.

1. *Form of drug.* a. Testosterone enanthate is in solution form suitable for intramuscular administration.

b. Methyltestosterone is in tablet form suitable for oral or buccal administration.

c. Testosterone propionate is in solution form suitable for intramuscular administration.

d. Testosterone phenylacetate is in suspension form suitable for intramuscular repository administration.

e. Fluoxymesterone is in tablet form suitable for oral administration.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The indications are as follows:

*Testosterone enanthate solution for intramuscular administration: In the male:*

1. Eunuchoidism and eunuchism.
2. Climacteric symptoms when these are secondary to androgen deficiency.
3. Oligospermia.
4. Deficiency after castration.

*Methyltestosterone for oral or buccal administration: In the male:*

1. Eunuchoidism and eunuchism.
2. Climacteric symptoms when these are secondary to androgen deficiency.
3. Impotence due to androgen deficiency.
4. Postpuberal cryptorchidism with evidence of hypogonadism.

*In the female:*

1. Prevention of postpartum breast pain and engorgement. There is no satisfactory evidence that this drug prevents or suppresses lactation.

2. Palliation of androgen-responsive, advancing, inoperable mammary cancer, in women who are more than 1 year, but less than 5 years postmenopausal or who have been proven to have a hormone-dependent tumor as shown by previous beneficial response to castration.

*Testosterone propionate solution for intramuscular administration: In the male:*

1. Postpuberal cryptorchidism with evidence of hypogonadism.
2. Eunuchism and eunuchoidism.
3. Impotence due to androgen deficiency.
4. Climacteric symptoms when these are secondary to androgen deficiency.

*In the female:*

1. Prevention of postpartum breast pain and engorgement. There is no satisfactory evidence that this drug prevents or suppresses lactation.

2. Palliation of androgen-responsive, advancing, inoperable mammary cancer in women who are more than 1 year, but less than 5 years postmenopausal or who have been proven to have a hormone-dependent tumor as shown by previous beneficial response to castration.

*Testosterone phenylacetate suspension for intramuscular repository administration: In the male:*

1. Eunuchoidism and eunuchism.
2. Climacteric symptoms when these are secondary to androgen deficiency.

*In the female:*

1. Palliation of androgen-responsive, advancing, inoperable mammary cancer in women who are more than 1 year, but less than 5 years postmenopausal or who have been proven to have a hormone-dependent tumor as shown by previous beneficial response to castration.

*Fluoxymesterone for oral administration: In the male:*

The primary indication in the male is replacement therapy in conditions associated with a deficiency or absence of endogenous testicular hormone. Androgen therapy prevents the development of atrophic changes in the necessary male sex organs following castration; as long as replacement therapy is continued, these organs can be maintained in a relatively normal state.

*In the female:*

1. Eunuchoidism and eunuchism.

2. Climacteric symptoms when these are secondary to androgen deficiency.

3. Impotence due to androgen deficiency.

4. Delayed puberty, provided it has been definitely established as such, and it is not just a familial trait.

1. Eunuchoidism and eunuchism.
2. Climacteric symptoms when these are secondary to androgen deficiency.

3. Those symptoms of panhypopituitarism related to hypogonadism. Appropriate adrenal cortical and thyroid hormone replacement therapy are still necessary, however, and are actually of primary importance.

4. Impotence due to androgen deficiency.
5. Delayed puberty, provided it has been definitely established as such, and it is not just a familial trait.

*In the female:*

1. Prevention of postpartum breast pain and engorgement. There is no satisfactory evidence that this drug prevents or suppresses lactation.

2. Palliation of androgen-responsive, advancing, inoperable mammary cancer, in women who are more than 1 year, but less than 5 years postmenopausal or who have been proven to have a hormone-dependent tumor as shown by previous beneficial response to castration.

3. *Marketing status.* a. *Marketing of such drug products that are now the subject of an approved or effective new drug application may be continued provided that, on or before November 29, 1977, the holder of the application submits, if he has not previously done so,*

- (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) for all products except delayed or prolonged release dosage forms, a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD-356H (21 CFR 314.1(c)) to the extent required in abbreviated applications (21 CFR 314.1(f)), and for delayed or prolonged release dosage forms, a supplement to provide full updating information with respect to items 6, 7, and 8 of the new drug application form FD-356H.

In addition, on or before March 28, 1977, the holders of such applications for the following drugs are required to supplement their application to provide (1) for methyltestosterone tablets, evidence from in vivo studies that demonstrates the bioavailability of the tablet relative to the bioavailability of a solution containing the same amount of drug as in the tablet, and also in vitro dissolution rate data, and (2) for methyltestosterone buccal (or sublingual) tablets and fluoxymesterone tablets, only in vitro dissolution rate data. The dissolution profile shall be determined for 12 individual tablets using FDA Paddle Method at 50 revolutions per minute, 37°C and 500 milliliters of medium. Both water and 0.1N HCl are to be used as media. Twelve tablets are to be tested in each medium.

b. Approval of an abbreviated new drug application (ANDA) (21 CFR 314.1(f)) must be obtained prior to marketing such product. For preparations in delayed or prolonged release dosage forms, the application shall contain full information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD-356H.

In addition, for the following drugs the abbreviated new drug applications are to provide (1) for methyltestosterone tablets, evidence from in vivo studies that demonstrates the bioavailability of the tablet relative to the bioavailability of a solution containing the same amount of drug as in the tablet, and also in vitro dissolution rate data, and (2) for methyltestosterone buccal (or sublingual) tablets and fluoxymesterone tablets, only in vitro dissolution rate data. The dissolution profile shall be determined for 12 individual tablets using FDA Paddle Method at 50 revolutions per minute, 37°C and 500 milliliters of medium. Both water and 0.1N HCl are to be used as media. Twelve tablets are to be tested in each medium.

b. Approval of an abbreviated new drug application (ANDA) (21 CFR 314.1(f)) must be obtained prior to marketing such product. For preparations in delayed or prolonged release dosage

forms, the application shall contain full information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD-356H.

In addition, for the following drugs the abbreviated new drug applications are to provide (1) for methyltestosterone tablets, evidence from in vivo studies that demonstrates the bioavailability of the tablet relative to the bioavailability of a solution containing the same amount of drug as in the tablet, and also in vitro dissolution rate data; and (2) for methyltestosterone buccal (or sublingual) tablets and fluoxymesterone tablets, in vitro dissolution rate data. The dissolution profile shall be determined for 12 individual tablets using FDA Paddle Method at 50 revolutions per minute, 37°C and 500 milliliters of medium. Both water and 0.1N HCl are to be used as media. Twelve tablets are to be tested in each medium.

Marketing prior to approval of a new drug application will subject such products, and those persons who caused the product to be marketed, to regulatory action.

**C. Notice of opportunity for hearing.** On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR Parts 314.111(a)(5) and 300.50, demonstrating the effectiveness of the drug(s) for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice.

Notice is given to the holder(s) of the new drug application(s), and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) and all amendments and supplements thereto providing for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice, on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21

CFR 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant(s) and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn and an opportunity to raise for administrative determination, all issues relating to the legal status of a drug product named above and all identical, related, or similar drug products.

If an applicant or any person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before October 31, 1977, a written notice of appearance and request for hearing; and (2) on or before November 29, 1977, the data, information, and analyses on which he relies to justify a hearing as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of such drug product. Any such drug product labeled for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses

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in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice of opportunity for hearing shall be filed in quintuplicate. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk (address given above) between the hours of 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.82).

Dated: September 22, 1977.

J. RICHARD CROUT,  
Director, Bureau of Drugs.

[FR Doc. 77-28771 Filed 9-29-77; 8:45 am]

[Docket No. 77N-0230]

#### DIAMOND SHAMROCK CHEMICAL CO., ET AL.

##### Penicillin-Containing Premises; Opportunity for Hearing

##### Corrections

In FR Doc. 77-24971 appearing at page 43772 in the issue for Tuesday, August 30, 1977, the following corrections should be made:

1. On page 43772, second column, line 7, the citation, "21 CFR 558.78", should read, "21 CFR 558.76".
2. On page 43773, second column, line 37, the citation, "U.S.C. 349", should read, "U.S.C. 348".
3. On page 43774, first column, line 9 of paragraph 2, the designation, "(e)", should read, "(c)".
4. In the third column, line 2, the word, "advisory", should read, "discovery".
5. On page 43780, second column, line 35, the word, "translate", should read, "translocate".
6. In the third column, line 5 of reference 11, now reading, "Biology, 97: 561-515, 1975", should read, "Biology, 97: 561-575, 1975".
7. In line 3 of reference 13, influenzae type "D", should read, "B".
8. In the tables on pages 43781 and 43783, under the heading "Group", "B" should read, "B<sub>1</sub>"; "B", should read, B<sub>2</sub>"; "D", should read, "D<sub>1</sub>", and "D", should read, "D<sub>2</sub>".
9. On page 43792, first column, line 8 of paragraph (e), the word, "letter", should read, "latter".

#### [4110-03]

##### HEALTH CARE SERVICES

##### Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document announces the forthcoming Boston regional Ad Hoc Professional and Consumer Meetings to be chaired by the Commissioner of Food and Drugs.

DATES: The professional meeting will begin at 7:30 p.m., Tuesday, October 18, 1977. The consumer meeting will begin at 9 a.m. on Wednesday, October 19, 1977. Registration will begin one half hour prior to each meeting.

ADDRESS: Both meetings will be held at the Museum of Science (Morris Auditorium), Science Park, Boston, Mass. 02114.

FOR FURTHER INFORMATION CONTACT:

Yolan Harsanyi, Consumer Affairs Officer (HFR-1145), Food and Drug Administration, Department of Health, Education, and Welfare, 585 Commercial St., Boston, Mass. 02109, (167-223-5857).

SUPPLEMENTARY INFORMATION: The purpose of each meeting is to exchange views and information of mutual interest. The professional meeting will focus on medical and other scientific issues relating to the Food and Drug Administration (FDA). In addition, there will be an opportunity for practitioners to identify with the Commissioner ways in which FDA can better serve the practitioners and their patients. The consumer meeting will focus on consumer issues (i.e., food additives, over-the-counter drugs, and other FDA-related topics). It will also provide an opportunity for consumers to discuss with the Commissioner ways in which FDA can better meet their needs. Both meetings are open to all interested persons.

Dated: September 23, 1977.

JOSEPH P. HILE,  
Associate Commissioner  
for Compliance.

[FR Doc. 77-28578 Filed 9-29-77; 8:45 am]

#### [4110-03]

##### MATRIX APPROACH SUBCOMMITTEE OF THE SCIENCE ADVISORY BOARD Meeting Change

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Matrix Approach Subcommittee of the Science Advisory Board meeting scheduled for September 30, 1977 has been rescheduled for October 18, 1977.

FOR FURTHER INFORMATION CONTACT:

Ruth S. Magee, National Center for Toxicological Research, Jefferson, Ark. 72079, (501-541-4528).

SUPPLEMENTARY INFORMATION: Under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announced in a notice published in the FEDERAL REGISTER of August 12, 1977 (42 FR 40958), meetings of FDA public advisory committees and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act.

Notice is hereby given that the meeting of the Matrix Approach Subcommittee of the Science Advisory Board scheduled for September 30, 1977, has been changed to October 18, 1977. The open public hearing will begin at 9 a.m. at the National Center for Toxicological Research, Jefferson, Arkansas.

Dated: September 22, 1977.

WILLIAM F. RANDOLPH,  
Acting Associate  
Commissioner for Compliance.

[FR Doc. 77-28577 Filed 9-29-77; 8:45 am]

#### [4110-03]

[Docket No. 77F-0262]

##### USS AGRI-CHEMICALS DIVISION

##### Filing of Petition for Food Additive Permitted in Animal Feed

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: USS Agri-Chemicals Division has filed a petition proposing that the regulations for food additives permitted in animal feed be amended to provide for direct mixing of anhydrous ammonia with corn plant material.

FOR FURTHER INFORMATION CONTACT:

William D. Price, Bureau of Veterinary Medicine (HFV-123), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857 (301-443-3442).

SUPPLEMENTARY INFORMATION: Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b) (5), 72 Stat. 1786 (21 U.S.C. 348(b) (5))), notice is given that a petition (MF-3673) has been filed by USS Agri-Chemicals Division, United States Steel Corp., P.O. Box 1685, Atlanta, Ga. 30301, proposing that § 573.180 *Anhydrous ammonia* (21 CFR 573.180) be amended to provide for direct mixing of cold liquid ammonia with freshly chopped corn plant material before ensiling, as a source of nonprotein nitrogen in cattle feed.

The Commissioner of Food and Drugs has reviewed the potential environmental impact of the proposed regulation. He has concluded that the proposed action would not significantly affect the quality

of the human environment. Therefore, an environmental impact statement would not be required. Copies of the statement of exemption may be seen in the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 21, 1977.

C. D. VAN HOUWELING,  
Director, Bureau  
of Veterinary Medicine.  
[FR Doc. 77-28579 Filed 9-28-77; 8:45 am]

##### Health Services Administration QUALIFIED HEALTH MAINTENANCE ORGANIZATION

Notice is hereby given, pursuant to 42 CFR § 110.605, that in the month of August 1977 the following entity has been determined to be a qualified health maintenance organization under section 1310(d) of the Public Health Service Act (42 U.S.C. 300e-9(d)).

##### QUALIFIED HEALTH MAINTENANCE ORGANIZATION

Name, address, service area, and date of qualification

(Operational Qualified Health Maintenance Organization: 42 CFR § 110.603(a).)

1. Cooperative Health Plan of Greater Spokane (Medical Group Model, see section 1301(b)(1) of the Public Health Service Act), North 120 Stevens, Spokane, Wash. 99201. Service area: Spokane County. Date of Qualification: Aug. 30, 1977.

Files containing detailed information regarding qualified health maintenance organizations will be available for public inspection between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday, at the Office of Quality Standards, Office of the Assistant Secretary for Health, Department of Health, Education, and Welfare, Room 16A-08, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Questions about the review process or requests for information about qualified health maintenance organizations should be sent to the same office.

Dated: September 22, 1977.

WILLIAM B. MUNIER,  
Director, Office  
of Quality Standards.  
[FR Doc. 77-28595 Filed 9-29-77; 8:45 am]

#### [4110-39]

##### National Institute of Education BASIC SKILLS RESEARCH GRANTS PROGRAM

##### Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in section 405 of the General Education Provisions Act, as amended (20 U.S.C. 1221e), applications are being accepted for grants under the Basic Skills Research Grants Program.

Applications must be received by the National Institute of Education Proposal Clearinghouse on or before November 30, 1977.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: National Institute of Education, Proposal Clearinghouse, Washington, D.C. 20208. An application sent by mail will be considered to be received on time by the Clearinghouse if:

- (1) It is received at the Clearinghouse by 4:30 p.m., November 30, 1977; or
- (2) The application was sent by registered or certified mail not later than 5:00 p.m. on November 25, 1977, as evidenced by the U.S. Postal Service postmark on the wrapper or on the original receipt from the U.S. Postal Service.

B. *Hand delivered applications.* An application to be hand delivered must be brought to the Proposal Clearinghouse, Room 708, 1832 M Street NW., Washington, D.C. 20208. An application will be accepted daily between the hours of 8:00 a.m. and 4:30 p.m., Washington, D.C., time, except Saturdays, Sundays, and Federal holidays. A receipt will be issued upon acceptance of the application package. No other office in the NIE shall be authorized to accept applications for this program.

C. *Program information and forms.* Application guidelines and program information may be obtained from the Basic Skills Group, National Institute of Education, 1200 19th Street NW., Washington, D.C. 20208, or Telephone: 202-254-5766.

D. *Applicable regulations.* The regulations applicable to this program include the National Institute of Education General Provisions Regulations (45 CFR Subchapter A) published in the FEDERAL REGISTER on November 4, 1974, at (39 FR 38992); the regulations for the Basic Skills Grants Program published on September 28, 1976, at (41 FR 42661) and amendments thereto which are published in proposed form in this issue of the FEDERAL REGISTER (20 U.S.C. 1221e).

(Catalog of Federal Domestic Assistance Number 13.950, Educational Research and Development.)

Dated: September 16, 1977.

PATRICIA ALBJERG GRAHAM,  
Director,  
National Institute of Education.  
[FR Doc. 77-28930 Filed 9-29-77; 8:45 am]

#### [4110-08]

##### National Institutes of Health ANIMAL RESOURCES ADVISORY COMMITTEE

##### Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Animal Resources Advisory Committee, Division of Research Resources, November 2-3, 1977, Main Conference Room, Lovelace Inhalation Toxicology Research Institute, Kirtland Air Force Base East, Albuquerque, N. Mex. 87115.

The meeting will be open to the public on November 2 from 8:30 a.m. to 2:30

p.m., during which time there will be a brief staff presentation on the current status of the Animal Resources Program. The Committee will select future meeting dates. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c) (4) and 552b(c) (6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on November 2 from 2:30 to 5 p.m. and on November 3 from 8:30 a.m. to adjournment for the review, discussion, and evaluation of individual research grant applications, individual research service awards, and contract proposals. These applications and proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mr. James Augustine, Information Officer, Division of Research Resources, National Institutes of Health, Room 5B13, Bldg. 31, National Institutes of Health, Bethesda, Md. 20014, (301-496-5545), will provide summaries of the meeting and rosters of the Committee members. Dr. Dennis O. Johnsen, Executive Secretary of the Animal Resources Advisory Committee, Room 5B55, Bldg. 31, National Institutes of Health, Bethesda, Md. 20014, (301-496-5175), will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.306, National Institutes of Health.)

Dated: September 19, 1977.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc. 77-28802 Filed 9-29-77; 8:45 am]

#### [4110-08]

##### ALLERGY AND IMMUNOLOGY RESEARCH COMMITTEE Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Allergy and Immunology Research Committee, National Institute of Allergy and Infectious Diseases on November 7, 1977, at the National Institutes of Health, Building 31C, Conference Room 7, Bethesda, Md.

This meeting will be open to the public from 9 a.m. to 10 a.m. on November 7 to discuss program policies and issues. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c) (4) and 552b(c) (6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting of the Committee will be closed to the public from 10 a.m. to adjournment on November 7 for the review, discussion, and evaluation of individual grant applications. These applications, and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information con-

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cerning individuals associated with the applications.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, NIAID, Building 31, Room 7A32, National Institutes of Health, Bethesda, Md. 20014, telephone 301-496-5717, will provide summaries of the meeting, and rosters of the Committee members.

Dr. Luz A. Froehlich, Executive Secretary, Allergy and Immunology Research Committee, NIAID, NIH, Westwood Building, Room 703, telephone (301-496-7131), will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.855, National Institutes of Health.)

Dated: September 22, 1977.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc 77-28805 Filed 9-29-77; 8:45 am]

#### [4110-08]

##### BIOMEDICAL LIBRARY REVIEW COMMITTEE

###### Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Biomedical Library Review Committee, National Library of Medicine, on November 16-17, 1977, from 8:30 a.m. to 5 p.m. on November 16, and from 8:30 a.m. to adjournment on November 17, in the Board Room of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Md.

This meeting will be open to the public from 8:30 to 11 a.m. on November 16 for the discussion of administrative reports and program developments. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on November 16 from 11 a.m. to 5 p.m., and from 8:30 a.m. to adjournment on November 17 for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Dr. Roger W. Dahlen, Executive Secretary of the Committee, and Chief, Division of Biomedical Information Support, Extramural Programs, National Library of Medicine, 8600 Rockville Pike, Bethesda, Md. 20014, telephone No. 301-496-4191, will provide summaries of the meeting, rosters of committee members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program Nos. 13.348, 13.349, 13.351, 13.352, 13.881, National Institutes of Health.)

Dated: September 22, 1977.

/s/ SUZANNE L. FREMEAUX

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc 77-28812 Filed 9-29-77; 8:45 am]

#### [4110-08]

##### CELLULAR AND MOLECULAR BASIS OF DISEASE REVIEW COMMITTEE

###### Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Cellular and Molecular Basis of Disease Review Committee, National Institute of General Medical Sciences, November 7, 1977, National Institutes of Health, Westwood Building, Room 9A12, 5333 Westward Avenue, Bethesda, Md.

This meeting will be open to the public on November 7, 1977, from 9 a.m. to 1 p.m. and 1:30 p.m. to adjournment for background information and discussion of issues relevant to the National Institute of General Medical Sciences and its National Research Service Award training activities and research program. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Title 5, U.S. Code 552b(c)(6), the meeting will be closed to the public from 1 p.m. to 1:30 p.m. on November 7, 1977, for the review, discussion, and evaluation of a grant application. This application could reveal personal information concerning individuals associated with the application.

Mr. Paul Deming, Research Reports Officer, NIGMS, National Institutes of Health, Room 9A05, Westwood Building, Bethesda, Md. 20014 (telephone 301-496-7301), will provide summaries of the meeting and the roster of committee members.

Dr. Lee Van Lenten, Executive Secretary, CMBD Review Committee, NIGMS, National Institutes of Health, Room 907, Westwood Building, Bethesda, Md. 20014 (telephone 301-496-7621) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13-863, General Medical Sciences.)

Dated: September 19, 1977.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc 77-28804 Filed 9-29-77; 8:45 am]

#### [4110-08]

##### GENERAL RESEARCH SUPPORT PROGRAM ADVISORY COMMITTEE

###### Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the

General Research Support Program Advisory Committee, Division of Research Resources, November 17-18, 1977, from 9 a.m. to 5 p.m. in Building 31, Conference Room 9, National Institutes of Health, Bethesda, Md. 20014.

This meeting will be open to the public from 9 a.m. to 1:30 p.m. on November 17, 1977, to discuss administrative matters relating to the programs. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, the meeting will be closed to the public on November 17, 1977, from 1:30 p.m. to 5 p.m., and on November 18, 1977, from 9 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mr. James Augustine, Information Officer, Division of Research Resources, National Institutes of Health, Room 5B13, Building 31, Bethesda, Md. 20014, (301) 496-5545, will provide summaries of the meeting, and rosters of the Committee members. Dr. Sidney A. McNairy, Jr., Executive Secretary of the General Research Support Program Advisory Committee, Building 31, Room 5B33, Bethesda, Md. 20014, (301) 496-6743, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.337 and 13.375, National Institutes of Health.)

Dated: September 22, 1977.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc 77-28813 Filed 9-29-77; 8:45 am]

#### [4110-08]

##### HEART, LUNG, AND BLOOD RESEARCH REVIEW COMMITTEE A

###### Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Heart, Lung, and Blood Research Review Committee A, National Heart, Lung, and Blood Institute, November 11-12, 1977, Connecticut Room, Holiday Inn, Bethesda, Md.

This meeting will be open to the public on November 11, 1977 from 8:30 a.m. to approximately 9:30 a.m. to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public

on November 11, 1977 from 9:30 a.m. until the adjournment on November 12, 1977, for the review, discussion and evaluation of individual grant applications.

These applications and the discussions could reveal personal information concerning individuals associated with the applications.

Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, NIH, Room 5A03, Building 31, Bethesda, Md. 20014, phone (301) 496-4236, will provide summaries of the meeting and rosters of the committee members. Dr. Arthur W. Merrick, Executive Secretary, NHLBI, NIH, Room 552, Westwood Building, Bethesda, Md. 20014, phone (301) 496-7917, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, 13.838, National Institutes of Health.)

Dated: September 19, 1977.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc 77-28810 Filed 9-29-77; 8:45 am]

#### [4110-08]

##### HEART, LUNG, AND BLOOD RESEARCH REVIEW COMMITTEE B

###### Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Heart, Lung, and Blood Research Review Committee B, National Heart, Lung, and Blood Institute, November 11, 1977, New Jersey Room, Holiday Inn, Bethesda, Md.

This meeting will be open to the public on November 11, 1977 from 8:30 a.m. to approximately 9:30 a.m. to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on November 11, 1977 from 9:30 a.m. until adjournment for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications.

Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, NIH, Room 5A03, Building 31, Bethesda, Md. 20014, phone (301) 496-4236, will provide summaries of the meeting and rosters of the committee members. Dr. Henry C. Roscoe, Executive Secretary, NHLBI, NIH, Room 554, Westwood Building, Bethesda, Maryland 20014, phone (301) 496-7915, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, 13.838, 13.839, National Institutes of Health.)

Dated: September 19, 1977.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc 77-28809 Filed 9-19-77; 8:45 am]

#### [4110-08]

##### INFECTIOUS DISEASE COMMITTEE Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Infectious Disease Committee, National Institute of Allergy and Infectious Diseases on November 10-11, 1977, in Building 31C, Conference Room 7, at the National Institutes of Health, Bethesda, Md.

This meeting will be open to the public from 9 a.m. until 10:30 a.m. on November 10 to discuss program policies and issues. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting of the Committee will be closed to the public 10:30 a.m. until recess on November 10, and from 9 a.m. until adjournment on November 11, for the review, discussion, and evaluation of individual grant applications. These applications, and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, NIAID, National Institutes of Health, Building 31, Room 7A32, Bethesda, Md. 20014 (301-496-5717), will provide summaries of the meeting, and rosters of the Committee members.

Dr. James A. Ferguson, Executive Secretary, Infectious Disease Committee, NIAID, National Institutes of Health, Westwood Building, Room 706, Bethesda, Md. (301-496-7465), will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.856, National Institutes of Health.)

Dated: September 22, 1977.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc 77-28808 Filed 9-29-77; 8:45 am]

#### [4110-08]

##### MATERNAL AND CHILD HEALTH RESEARCH COMMITTEE

###### Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Ma-

ternal and Child Health Research Committee, National Institute of Child Health and Human Development, on November 14-15, 1977, in the Landow Building, Room C-418, 7910 Woodmont Avenue, Bethesda, Md.

This meeting will be open to the public on November 14 from 9 a.m. to 10:30 a.m. to discuss items relative to the Committee's activities including announcements by the Director, Center for Research for Mothers and Children, the Chiefs, Human Learning and Behavior, Pregnancy and Infancy, and Developmental Biology and Nutrition Branches and the Executive Secretary of the Committee. Concept clearance for contract programs of the Center for Research for Mothers and Children will be discussed. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Title 5, U.S. Code 552b(c)(4) and 552b(c)(6) and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on November 14 from 10:30 a.m. to adjournment on November 15 for the review, discussion, and evaluation of individual grant applications. The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Building 31, Room 2A-04, National Institutes of Health, Bethesda, Md., area code 301-496-1848, will provide a summary of the meeting and a roster of committee members. Mr. Jehu Hunter, Acting Executive Secretary, Maternal and Child Health Research Committee, NICHD, Landow Building, Room C717, National Institutes of Health, Bethesda, Md., area code 301-495-5575, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.856, National Institutes of Health.)

Dated: September 19, 1977.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc 77-28811 Filed 9-29-77; 8:45 am]

#### [4110-08]

##### National Institutes of Health

###### MEETINGS

###### Amended Notice

Notice is hereby given of a change in the meeting date or place of the following National Institutes of Health Study Sections which were published in the FEDERAL REGISTER on September 9, 1977 (42 FR 45382-84).

The Molecular Cytology Study Section was to have met at Building 31, Room 8,

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Bethesda, Md., but will meet at Building 31, Room 4, Bethesda, Md., October 27-29, 1977, at 8:30 a.m., the same dates and time for which it was originally scheduled. The meeting will be open to the public for approximately one hour at the beginning of the first session of the first day of the meeting.

The Neurology B Study Section was to have met October 27-29, 1977, but will meet October 26-29, 1977, at 8:30 a.m. at the Hyatt Regency Hotel, Washington, D.C., the same time and location for which it was originally scheduled. The meeting will be open to the public for approximately one hour at the beginning of the first session of the first day of the meeting.

The Physiological Chemistry Study Section will meet as scheduled November 3-5, 1977, at 9 a.m. at the Embassy Row Hotel, Washington, D.C. However, they will hold an additional session on November 2, 1977, at 8 p.m. until adjournment at the Embassy Row Hotel, Washington, D.C. The open portion of this meeting will be held on November 3, 1977, at 9 a.m. for approximately one hour.

The Virology Study Section was to have met at Building 31, Room 6, Bethesda, Md., but will meet at Building 31, Room 8, Bethesda, Md., October 27-29, 1977, at 8:30 a.m. the same dates and time for which it was originally scheduled. The meeting will be open to the public for approximately one hour at the beginning of the first session of the first day of the meeting.

Dated: September 21, 1977.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc.77-28800 Filed 9-29-77;8:45 am]

#### [ 4110-08 ]

##### MINORITY ACCESS TO RESEARCH CAREERS REVIEW COMMITTEE Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Minority Access to Research Careers Review Committee, National Institute of General Medical Sciences, on November 7 and 8, 1977, 9 a.m., National Institutes of Health, Building 31C, Conference Room 8.

This meeting will be open to the public on November 7, 9 to 10:30 a.m. The meeting will consist of opening remarks, discussion of procedural matters, and the annual report. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Title 5, U.S. Code 552b(c)(6), the meeting will be closed to the public on November 7 from 10:30 a.m. to 5 p.m., and on November 8 from 9 a.m. to adjournment, for the review, discussion, and evaluation of individual grant applications. These applications could reveal personal information concerning individuals associated with the applications.

Mr. Paul Deming, Research Reports Officer, NIGMS, Westwood Building, 5333 Westbard Avenue, Room 9A-05, Bethesda, Md. 20014, telephone 301-496-7301, will furnish summary minutes of the meeting and a roster of committee members.

Substantive program information may be obtained from Dr. Prince Rivers, Executive Secretary, Westwood Building, Room 9A-17, Bethesda, Md. 20014, telephone 301-496-7357.

(Catalog of Federal Domestic Assistance Programs 13-859, 13-860, 13-861, 13-862, General Medical Science.)

Dated: September 19, 1977.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc.77-28806 Filed 9-29-77;8:45 a.m.]

#### [ 4110-08 ]

##### NATIONAL ARTHRITIS ADVISORY BOARD Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the National Arthritis Advisory Board at the Twin Bridges Marriott Hotel, Arlington, Va., in the Commonwealth II Room, November 9, 8 p.m. to 12 midnight, and on November 10, 1977, 9 a.m. to 5 p.m.

The entire meeting, which will be open to the public both days, is being held to discuss the Board's activities, and to continue its evaluation of the implementation of the long-range plan to combat arthritis, formulated by the National Commission on Arthritis and Related Musculoskeletal Diseases. Attendance by the public will be limited to space available.

Messrs. James N. Fordham or Leo E. Treacy, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Md. 20014, (301-496-3583), will provide summaries of the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.846, National Institutes of Health.)

Dated: September 21, 1977.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc.77-28807 Filed 9-29-77;8:45 a.m.]

#### [ 4110-08 ]

##### NIH PUBLIC ADVISORY COMMITTEES Notice of Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-778), the National Institutes of Health announces the renewal by the Secretary, HEW, with the concurrence of the Office of Management and Budget Committee Management Secretariat, of the following committees:

Advisory Committee to the Director, National Institutes of Health  
Allergy and Immunology Study Section

Applied Physiology and Orthopedics Study Section  
Artificial Kidney-Chronic Uremia Advisory Committee

Bacteriology and Mycology Study Section  
Biochemistry Study Section  
Biomedical Library Review Committee  
Biophysics and Biophysical Chemistry A Study Section  
Biophysics and Biophysical Chemistry B Study Section

Board of Scientific Counselors, National Institute on Aging  
Board of Scientific Counselors, National Institute of Arthritis, Metabolism, and Digestive Diseases  
Board of Scientific Counselors, National Institute of Child Health and Human Development

Board of Scientific Counselors, National Institute of Environmental Health Sciences  
Cell Biology Study Section  
Developmental Behavioral Sciences Study Section

Endocrinology Study Section  
General Medicine A Study Section  
Maternal and Child Health Research Committee

Mental Retardation Research Committee  
National Advisory Child Health and Human Development Council  
National Advisory Environmental Health Sciences Council

National Arthritis, Metabolism, and Digestive Diseases Advisory Council  
Oral Biology and Medicine Study Section  
Population Research Committee

Authority for the above committee will expire on November 30, 1977, unless the Secretary formally determines that continuance is in the public interest.

Allergy and Clinical Immunology Research Committee  
Arteriosclerosis and Hypertension Advisory Committee

Blood Diseases and Resources Advisory Committee  
Board of Scientific Counselors, National Eye Institute

Board of Scientific Counselors, National Heart, Lung, and Blood Institute  
Board of Scientific Counselors, National Institute of Allergy and Infectious Diseases  
Cardiology Advisory Committee

Cardiovascular and Pulmonary Study Section  
Clinical Applications and Prevention Advisory Committee  
Clinical Trials Review Committee

Communicative Sciences Study Section  
Experimental Psychology Study Section  
Heart, Lung, and Blood Research Review Committee A

Heart, Lung, and Blood Research Review Committee B  
Immunobiology Study Section  
Lipid Metabolism Advisory Committee

Microbiology and Infectious Diseases Advisory Committee  
National Advisory Allergy and Infectious Diseases Council  
National Advisory Eye Council

National Heart, Lung, and Blood Advisory Council  
Neurology A Study Section  
Physiological Chemistry Study Section

Pulmonary Diseases Advisory Committee  
Radiation Study Section  
Research Manpower Review Committee

Sickle Cell Disease Advisory Committee  
Surgery, Anesthesiology and Trauma Study Section  
Toxicology Study Section

Transplantation Biology and Immunology Committee  
Vision Research Program Committee

Authority for the above committees will expire on December 31, 1977, unless the Secretary formally determines that continuance is in the public interest.

Dated: September 17, 1977.

DONALD S. FREDERICKSON,  
Director, NIH.

[FR Doc.77-28799 Filed 9-29-77;8:45 am]

#### [ 4110-08 ]

##### POPULATION RESEARCH COMMITTEE Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Population Research Committee, National Institute of Child Health and Human Development, on October 27-28, 1977, in the Landow Building, room C-418, 7910 Woodmont Avenue, Bethesda, Maryland.

This meeting will be open to the public from 9:00 a.m. to 10:30 a.m. on October 27 to discuss the program status, new developments and projections for population research centers, program projects and institutional fellowships. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Title 5, U.S. Code 552b(c)(4) and 552b(c)(6) and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on October 27 from 10:30 a.m. to adjournment on October 28 for the review, discussion and evaluation of individual grant applications. The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Building 31, room 2A-04, National Institutes of Health, Bethesda, Maryland, area code 301, 496-1848, will provide a summary of the meeting and a roster of committee members. Dr. William A. Sadler, Executive Secretary of the Popular Research Committee, NICHD, Landow Building, room C-733, National Institutes of Health, Bethesda, Maryland, area code 301, 496-6515, will furnish substantive program information.

Dated: September 19, 1977.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

(Catalog of Federal Domestic Assistance Program No. 13.864, National Institutes of Health.)

[FR Doc.77-28801 Filed 9-29-77;8:45 am]

#### [ 4110-08 ]

##### VISION RESEARCH PROGRAM COMMITTEE Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Vision Research Program Committee,

National Eye Institute, November 4, 1977, Building 31, Conference Room 7, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on Friday, November 4 from 8:30 a.m. to 10:00 a.m. for opening remarks and discussion of program guidelines. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92-463, the meeting will be closed to the public from 10:00 a.m. on November 4 until adjournment for the review, discussion and evaluation of individual applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mr. Julian Morris, Chief, Office of Program Planning and Scientific Reporting, will provide summaries of meetings and rosters of committee members.

Dr. Israel A. Goldberg, Review and Special Projects Officer, Extramural and Collaborative Programs, National Eye Institute, Building 31, room 6A-06, will furnish substantive program information.

Dated: September 19, 1977.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

(Catalog of Federal Domestic Assistance Program Nos. 13.867, 13.868, 13.869, 13.870, and 13.871, National Institutes of Health.)

[FR Doc.77-28803 Filed 9-29-77;8:45 am]

#### [ 4110-08 ]

##### National Institutes of Health RESEARCH MANPOWER REVIEW COMMITTEE Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Research Manpower Review Committee, National Heart, Lung, and Blood Institute, November 18, 1977, Conference Room C 428, Landow Building, 7910 Woodmont Avenue, Bethesda, Md.

This meeting will be open to the public on November 18, 1977 from 8 a.m. to approximately 9 a.m. to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on November 18, 1977, from 9 a.m. until adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications.

Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, NHLBI,

NIH, Room 5A03, Building 31, Bethesda, Md. 20014, phone 301-496-4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Charles L. Turbyfill, Executive Secretary, NHLBI, NIH, Room 553, Westwood Building, Bethesda, Md. 20014, phone 301-496-7351, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, National Institutes of Health.)

Dated: September 22, 1977.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institute of Health.

[FR Doc.77-28815 Filed 9-29-77;8:45 am]

#### [ 4110-08 ]

##### TRANSPLANTATION IMMUNOLOGY COMMITTEE Meeting

Pursuant to Pub. L. 92-463 notice is hereby given of the meeting of the Transplantation Immunology Committee, National Institute of Allergy and Infectious Diseases on November 17-18, 1977, at the National Institutes of Health, Building 31C, Conference Room 7, Bethesda, Md.

This meeting will be open to the public from 9 a.m. until 12 noon on November 17 to discuss program policies and issues. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting of the Committee will be closed to the public from 1 p.m. until recess on November 17, and from 9 a.m. to adjournment on November 18 for the review, discussion, and evaluation of individual grant applications and contract proposals. These applications, proposals, and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications and proposals.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, NIAID, Building 31, Room 7A32, National Institutes of Health, Bethesda, Md. 20014, telephone 301-496-5717, will provide summaries of the meeting, and rosters of the Committee members.

Dr. John G. Ray, Acting Executive Secretary, Transplantation Immunology Committee, NIAID, NIH, Westwood Building, Room 7A03, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.855, National Institutes of Health.)

Dated: September 22, 1977.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institute of Health.

[FR Doc.77-28814 Filed 9-29-77;8:45 am]

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**[4310]**  
**DEPARTMENT OF THE INTERIOR**  
 Bureau of Land Management  
 [CA 2642]  
**CALIFORNIA**

**Notice of Opportunity for Public Hearing  
 and Republication of Notice of Proposed  
 Withdrawal**

SEPTEMBER 23, 1977.

The Bureau of Land Management, U.S. Department of the Interior, filed application Serial No. CA 2642 on January 23, 1975, for a withdrawal in relation to the following described lands:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 30 S., R. 38 E.,  
 Sec. 34, S $\frac{1}{2}$ .  
 T. 31 S., R. 38 E.,  
 Secs. 1 to 4, inclusive;  
 Sec. 5, NE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 8, all;  
 Sec. 9, N $\frac{1}{2}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;  
 Sec. 10, all;  
 Sec. 11, N $\frac{1}{2}$  and SW $\frac{1}{4}$ ;  
 Sec. 12, all;  
 Sec. 14, all;  
 Sec. 18, N $\frac{1}{2}$  and SE $\frac{1}{4}$ ;  
 Secs. 20, 22, 24, 26, 28, 30, 32, and 34, inclusive.

The area described aggregates 12,256.99 acres.

The applicant desires that the land be reserved as a sanctuary for the desert tortoise and a reserve for the components of its habitat.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on March 6, 1975, pages 10491 and 10492, FR Doc. 75-5947.

Pursuant to sec. 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing to the State Director, Bureau of Land Management, E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, Calif. 95825, on or before November 2, 1977. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before November 2, 1977.

The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws (30 U.S.C., Ch. 2), to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will

not be affected by the temporary segregation. In accordance with section 204 (g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the undersigned, Bureau of Land Management, Department of the Interior, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, Calif. 95825.

JOAN B. RUSSELL,  
 Chief, Lands Section  
 Branch of Lands and Minerals Operations.

[FR Doc. 77-28780 Filed 9-29-77; 8:45 am]

**[4310]**

[SAC 074614]  
**CALIFORNIA**

**Notice of Opportunity for Public Hearing  
 and Republication of Notice of Proposed  
 Withdrawal**

The Bureau of Reclamation, U.S. Department of the Interior filed application Serial No. SAC 074614 on February 14, 1963, for a withdrawal in relation to the following described public lands:

MOUNT DIABLO MERIDIAN, CALIF.

T. 7 N., R. 8 E.,  
 Sec. 3, lot 10.  
 T. 7 N., R. 9 E.,  
 Sec. 5, E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$  and W $\frac{1}{2}$ SW $\frac{1}{4}$ .  
 T. 8 N., R. 9 E.,  
 Sec. 13, E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 24, lots 1, 2, and 3, new Virginia mine (M.S. 3904), and E $\frac{1}{2}$ E $\frac{1}{2}$ ;  
 Sec. 25, lots 1, 2, and 3, E $\frac{1}{2}$ NW $\frac{1}{4}$ , and W $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
 Sec. 26, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$  and NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ .  
 T. 7 N., R. 10 E.,  
 Sec. 2. That certain tract of public land near the N $\frac{1}{4}$  corner of sec. 2 being mineral land and adjoining the northeastern boundary of lot 3 of sec. 2.

T. 8 N., R. 10 E.,  
 Sec. 12, lot 5 and NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 18, lots 1, 2, 3, and 4, and E $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
 Sec. 19, lots 1, 2, 3, and 4, and E $\frac{1}{2}$ W $\frac{1}{2}$ ;  
 Sec. 22, SW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 Sec. 30, lots 1 and 2, NE $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , and SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ .  
 T. 9 N., R. 10 E.,  
 Sec. 13, lot 15 and unpatented portion of M.S. 4223;  
 Sec. 24, N $\frac{1}{2}$ NW $\frac{1}{4}$  (except M.S. 4749);  
 Sec. 25, lot 6.

T. 9 N., R. 11 E.,  
 Sec. 7, lot 3 (except east 20 acres), lot 4 except east 20 acres), E $\frac{1}{2}$ NW $\frac{1}{4}$ , and NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 18 lot 1 (except east 20 acres), lot 2 (except east 20 acres), lot 3 (except east 20 acres), lot 4 (except N $\frac{1}{2}$  of east 20 acres), and E $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
 Sec. 22, W $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
 Sec. 24, NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 27, N $\frac{1}{2}$ NE $\frac{1}{4}$  and SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 28, W $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , and E $\frac{1}{2}$ SE $\frac{1}{4}$ .

T. 9 N., R. 12 E.,  
 Sec. 14, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 15, S $\frac{1}{2}$ S $\frac{1}{2}$ ;  
 Sec. 17, E $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;  
 Sec. 18, N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$  and W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 19, lots 1 and 3 SE $\frac{1}{4}$ NW $\frac{1}{4}$ , and NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 20, E $\frac{1}{2}$ NE $\frac{1}{4}$  and NE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 Sec. 21, E $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
 Sec. 22, N $\frac{1}{2}$  and N $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
 Sec. 23, W $\frac{1}{2}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;  
 Sec. 24, lots 1 and 2, portion mineral lot 39 in sec. 24, N $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ , and NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 25, lots 1 and 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NE $\frac{1}{4}$ , and E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 26, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ , and SE $\frac{1}{4}$ NW $\frac{1}{4}$ .

T. 8 N., R. 13 E.,  
 Sec. 2, SW $\frac{1}{4}$ NW $\frac{1}{4}$  and N $\frac{1}{2}$ S $\frac{1}{2}$ ;  
 Sec. 3, lots 1, 2, and 3, and S $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
 Sec. 13, SE $\frac{1}{4}$ NE $\frac{1}{4}$  and N $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
 Sec. 14, S $\frac{1}{2}$ N $\frac{1}{2}$ ;  
 Sec. 15, SE $\frac{1}{4}$ NE $\frac{1}{4}$ .

T. 9 N., R. 13 E.,  
 Sec. 30, lots 1, 2, 3, and 4, E $\frac{1}{2}$ SW $\frac{1}{4}$ , and S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 31, N $\frac{1}{2}$ NE $\frac{1}{4}$  and SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 32, lot 1 (except portion in M.S. 6422), lots 6, 8, 9, 10, 11, and 14, portion of mineral lot 61 in NW $\frac{1}{4}$  sec. 32, mineral lot 61 (except portion in NW $\frac{1}{4}$  sec. 32), and SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 33, lots 1, 2, and 4, S $\frac{1}{2}$ NE $\frac{1}{4}$ , and SE $\frac{1}{4}$ NW $\frac{1}{4}$  (except portion in M.S. 6422);  
 Sec. 34, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , and SW $\frac{1}{4}$ SE $\frac{1}{4}$ .

T. 8 N., R. 14 E.,  
 Sec. 4, NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 7, lot 4 and SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 9, SW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 12, W $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
 Sec. 18, lot 1.  
 T. 9 N., R. 14 E.,  
 Sec. 11, all (except SE $\frac{1}{4}$ NW $\frac{1}{4}$ );  
 Sec. 12, all.

T. 9 N., R. 15 E.,  
 Sec. 7, lot 4 and SE $\frac{1}{4}$ SW $\frac{1}{4}$ .

1. The aforescribed areas aggregate approximately 7,904.40 acres of Federal land, of which approximately 3,450 acres (in T. 7 N., Rs. 34 and 14 E., and T. 9, Rs. 13, 14, and 15 E., M.D.M.) are in the Eldorado National Forest.

2. The withdrawal affects the following described patented lands, the minerals to which are reserved to the United States:

MOUNT DIABLO MERIDIAN, CALIF.

T. 9 N., R. 10 E.,  
 Sec. 25, lots 5 and 7, and SE $\frac{1}{4}$ SW $\frac{1}{4}$ .  
 T. 9 N., R. 11 E.,  
 Sec. 27, N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$  and NE $\frac{1}{4}$ NW $\frac{1}{4}$ .  
 T. 8 N., R. 13 E.,  
 Sec. 11, NE $\frac{1}{4}$ SE $\frac{1}{4}$ .

The lands aggregate approximately 195 acres.

The applicant desires that the land be reserved for the construction, operation, and maintenance of the planned facilities of the Cosumnes River Division of the Central Valley Project, Calif.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on March 21, 1963, pages 2831 and 2832, FR Doc. 63-2939.

Pursuant to sec. 204(h) of the Federal Land Policy and Management Act of

1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing to the undersigned, Bureau of Land Management, E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, Calif. 95825, on or before November 2, 1977. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before November 2, 1977.

The public lands described in Paragraph 1 are temporarily segregated from the operation of the public land laws, including the mining laws (30 U.S.C., Ch. 2), and the patented lands described in Paragraph 2 are temporarily segregated from the mining laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications in connection with the pending withdrawal application should be addressed to the undersigned, Bureau of Land Management, Department of the Interior, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, Calif. 95825.

JOAN B. RUSSELL,  
 Chief, Lands Section, Branch  
 of Lands and Minerals Operations.

[FR Doc. 77-28781 Filed 9-29-77; 8:45 am]

**[4310]**

[C-24401]  
**COLORADO**

**Order Providing for Opening of Public  
 Lands**

1. By Powersite Cancellation No. 338 of November 15, 1976, the U.S. Geological Survey cancelled Power Site Classification No. 87 of February 14, 1925, as to the following described lands:

6TH PRINCIPAL MERIDIAN, COLO.

T. 6 N., R. 98 W.,  
 Sec. 5, lots 6, 18, and 19;  
 Sec. 7, lot 9 and SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 8, lots 7 and 17;  
 Sec. 17, lot 27;  
 Sec. 18, lots 13, 14, 16, 17, 18, SE $\frac{1}{4}$ NW $\frac{1}{4}$  and E $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
 Sec. 19, lots 5, 6, 11, 12, 15, and 16;  
 Sec. 20, lots 1, 2, 7, 8, 9, and 10;

Sec. 21 lots 1, 3, 8, 10, 14, 16, and 19;  
 Sec. 22, lots 3, 4, and 6;  
 Sec. 30, lots 6, 7, 9, 10, 11, 12, 13, and SW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 T. 7 N., R. 98 W.,  
 Sec. 29, SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 32, lots 3, 5, 14, 16, and SW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 T. 6 N., R. 99 W.,  
 Sec. 22, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 24, lot 1;  
 Sec. 25, lots 9, 10, 11, 16, 18, 20, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 26, lots 16 and 18;  
 Sec. 27, lots 7, 10, 11, 15, 16, and SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 28, E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 35, NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 Sec. 36, NW $\frac{1}{4}$ NE $\frac{1}{4}$ .

The areas described aggregate 1,523.36 acres in Moffat County.

These lands are on the edges of the valleys of the Yampa and Little Snake Rivers, 20 miles west of Maybell, in northwestern Colorado. Topography is moderately rough, with generally shallow, rocky soils. Native vegetation is sagebrush and greasewood.

2. Of the lands described in paragraph 1 above, the following are patented:

SIXTH PRINCIPAL MERIDIAN

T. 8 N., R. 98 W.,  
 Sec. 18, lot 16;  
 Sec. 20, lots 1 and 2;  
 Sec. 21, lots 1, 3, 8, and 14;  
 Sec. 22, lots 3 and 4;  
 Sec. 30, lots 10 and 12;  
 T. 6 N., R. 99 W.,  
 Sec. 27, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 28, E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 35, NW $\frac{1}{4}$ NW $\frac{1}{4}$ .

3. At 10:00 a.m. October 27, 1977, the above described lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10:00 a.m. on October 27, 1977, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, 700 Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202.

ANDREW W. HEARD, JR.,  
 Acting Chief,  
 Branch of Adjudication.

SEPTEMBER 21, 1977.

[FR Doc. 77-28782 Filed 9-29-77; 8:45 am]

**[4310-]**

[Tentative Sale No. 54]

**SOUTH ATLANTIC BLAKE PLATEAU  
 OUTER CONTINENTAL SHELF**

**Call for Nominations and Comments on  
 Areas for Oil and Gas Leasing**

Pursuant to the authority prescribed in 43 CFR 3301.3 (1976), nominations are hereby requested for areas on the South Atlantic Blake Plateau Outer Continental Shelf (OCS) for possible oil and gas leasing under the Outer Conti-

mental Shelf Lands Act (43 U.S.C. 1331-1343 (1970)). Nominations will be considered for any or all of that part of the following mapped areas beginning at the northwest corner of block 6, found on OCS Official Protraction Diagram NH 18-10; thence east to the northwest corner of block 38; thence south to the northwest corner of block 214; thence west to the northwest corner of block 211; thence south to the northwest corner of block 387; thence west to the northwest corner of block 384; thence south to the northwest corner of block 604; thence west to the northwest corner of block 598; thence south to the northwest corner of block 774; thence west to the northwest corner of block 771; thence south to the northwest corner of block 195, found on OCS Official Protraction Diagram NH 18-1; thence west to the northwest corner of block 190; thence south to the northwest corner of block 938; thence west to the northwest corner of block 957, found on OCS Official Protraction Diagram NH 17-3; thence south to the northwest corner of block 649, found on OCS Official Protraction Diagram NH 17-12; thence west to the northwest corner of block 636; thence south to the northwest corner of block 988; thence west to the northwest corner of block 969; thence north to northwest corner of block 1, found on OCS Official Protraction Diagram NH 17-6; thence east to the northwest corner of block 7; thence north to the northwest corner of block 623, found on OCS Official Protraction Diagram NH 17-3; thence east to the northwest corner of block 642; thence north to the northwest corner of block 687, found on OCS Official Protraction Diagram NH 17-12; thence east to the northwest corner of block 665, found on OCS Official Protraction Diagram NH 18-10, thence north to the point of the beginning.

OCS OFFICIAL PROTRACTION DIAGRAMS

1. NH 18-1.  
 2. NH 18-10.  
 3. NH 17-12.  
 4. NH 17-3.  
 5. NH 17-6.  
 6. NH 17-9.  
 7. NH 17-12.

This area lies offshore the States of North Carolina, South Carolina, Georgia, and Florida.

All these maps may be purchased individually for \$2 each from the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, Suite 841, Hale Boggs Federal Building, 500 Camp Street, New Orleans, Louisiana 70130.

All nominations must be described in accordance with the Outer Continental Shelf Official Protraction Diagrams prepared by the Bureau of Land Management, Department of the Interior and referred to above. Only whole blocks or properly described subdivisions thereof, not less than one quarter of a block, may be nominated.

In addition to requesting nominations of tracts for possible oil and gas leasing within the specified areas, this notice also requests comments identifying par-

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ticular tracts recommended to be either specifically excluded from oil and gas leasing or leased only under special conditions because of conflicting values or environmental concerns. Particular geological, environmental, biological, archaeological, socio-economic or other information which might bear upon potential leasing and development of particular tracts is requested where available. Information on these subjects will be used in the tentative selection of tracts which precedes any final selection by the Director pursuant to 43 CFR 3301.4. This information is requested from Federal, State and local governments, industry, universities, research institutes, environmental organizations, and members of the general public. Comments may be submitted on blocks or subdivisions thereof, as required for nominations, or on all areas or portions thereof, as described above. They should be directed to specific factual matters which bear upon the Department's decision whether to make a preliminary selection of particular tracts within these areas for further environmental analysis pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347 (1970)) and possible leasing. Comments relating to general matters which would be applicable to oil and gas operations in any part of the OCS are not sought at this time.

Nominations and comments must be submitted not later than January 20, 1978, in envelopes labeled "Nominations of Tracts for Leasing in the Outer Continental Shelf South Atlantic Blake Plateau" or "Comments on Leasing in the Outer Continental Shelf South Atlantic Blake Plateau," as appropriate. They must be submitted to the Director, Attention 720, Bureau of Land Management, Department of the Interior, Washington, D.C. 20240. Copies must be sent to the Conservation Manager, Geological Survey, Eastern Region, Suite 316, 1825 K Street NW., Washington, D.C. 20006 and to the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management at his address cited above.

This call for nominations and comments does not in any way commit the Department to leasing in the South Atlantic Blake Plateau. It is an information gathering component of the Department's leasing procedure.

Final selection of tracts for competitive bidding will be made only after compliance with established Departmental procedures and all requirements of the National Environmental Policy Act of 1969. Notice of any tracts finally selected for competitive bidding will be published in the FEDERAL REGISTER stating the conditions and terms for leasing

and the place, date, and hour at which bids will be received and opened.

GEORGE L. TURCOTT,  
Acting Director, Bureau  
of Land Management.

SEPTEMBER 22, 1977.

Approved:

HEATHER L. ROSS,  
Deputy Assistant, Secretary of  
the Interior.

[FR Doc. 77 28568 Filed 9-29-77; 8:45 am]

[4310-]

National Park Service  
INDIANA DUNES NATIONAL LAKESHORE  
ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Indiana Dunes National Lakeshore Advisory Commission will be held at 10 a.m., CDT, on Friday, October 21, 1977 at the Indiana Dunes National Lakeshore, Tremont, Furnessville Visitor Center, Intersection of State Park Road and U.S. Highway 12, Chesterton, Indiana.

The Commission was established by Pub. L. 89-761 to meet and consult with the Secretary of the Interior on matters related to the administration and development of the Indiana Dunes National Lakeshore.

The members of the Commission are as follows:

Mr. Harry W. Frey (Chairman),  
Mrs. Anna R. Carlson,  
Mr. John A. Hillebrand II,  
Mr. William L. Lieber,  
Mr. Lawrence Miller,  
Mr. John R. Schurleim,  
Mr. Norman E. Tufford,  
Mr. George H. Williams (Secretarial Consultant).

Matters to be discussed at this meeting include:

1. Report on General Management Plan Study.
2. Report on Young Adult Conservation Corps Program.
3. Fly Ash Subcommittee Report.
4. Report on Lakeshore Research Programs.
5. Mt. Baldy Acquisition and Development Progress Report.
6. Report on South Shore Commuter Service.
7. Land Acquisition Report.

The meeting will be open to the public. It is expected that about 90 persons will be able to attend the session in addition to commission members. Interested persons may make written statements. Such requests should be made to the official listed below prior to the meeting.

Further information concerning this meeting may be obtained from James R.

Whitehouse, Superintendent, Indiana Dunes National Lakeshore, Route 2, Box 139-A, Chesterton, Indiana 46304, telephone area code (219-926-7561).

Minutes of the meeting will be available for public inspection three weeks after the meeting at the office of the Indiana Dunes National Lakeshore located at the intersection of State Park Road and U.S. Highway 12, Chesterton, Indiana.

Dated: September 22, 1977.

MERRILL D. BEAL,  
Regional Director,  
Midwest Region.

[FR Doc. 77 28831 Filed 9-29-77; 8:45 am]

[4310]

[Replaces Order No. 78]

REGIONAL DIRECTOR, NATIONAL  
CAPITAL REGION

Delegation of Authority

Section 1. Delegation.—The Regional Director, National Capital Region, in administration, operation, and development of areas and offices under his supervision is authorized to exercise all the authority now or hereafter vested in the Director, National Park Service, except with respect to the following:

(1) Authority to approve changes in policies and to establish new policies.

(2) Authority for final approval of Servicewide or Regionwide program and financial plans for construction, professional services, land acquisition, park operations, and other programs.

(3) Authority for final approval of the location of new roads.

(4) Authority to perform the responsibilities set forth in Title I and section 205(a) of Title II of the Historic Preservation Act of October 15, 1966, (80 Stat. 915), as amended, except that the responsibilities of the Director under section 106 of Title I as head of an undertaking agency are hereby delegated.

(5) Authority to initiate investigations of areas suggested or proposed for inclusion in the National Park System and sites under consideration for National Landmark status.

(6) Authority vested in the Secretary of the Interior by the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484) relating to evaluation of the historical significance of surplus Federal property proposed for demolition or transfer and relating to the plans for restoration, rehabilitation, maintenance, operation, and use of transferred historic monuments.

(7) Authority to execute, amend, assign, and terminate concessions contracts and permits in excess of 5 years

duration or when anticipated annual gross receipts will amount to \$100,000 or more.

(8) Authority to issue general travel authorizations as defined in 347 DM 2.2C.

(9) Authority to approve the payment of actual subsistence expenses for travel.

(10) Authority to approve attendance at meetings of societies and associations.

(11) Authority to approve acceptance of payment of travel, subsistence and other expenses incident to attendance at meetings by an organization which is tax exempt.

(12) Authority to issue rules or regulations for the Government, conduct, and discipline of the U.S. Park Police, as provided under the act of October 11, 1962 (76 Stat. 907).

(13) Authority to make certifications required in connection with reports made to the Secretary on each appropriation or fund under National Park Service control.

(14) Authority to approve Standard Form 1151, Nonexpenditure Transfer Authorization, in connection with internal transfer of funds.

(15) Authority to approve payment of dues for library membership in societies or associations.

(16) Authority to approve rates for quarters and related services.

(17) Authority over those matters for which specific authority is delegated in internal management directives and unpublished delegations of authority arising in the Washington office.

Section 2. Redelegation.—Subject to the following exceptions, the Regional Director, National Capital Region, in writing, redelegate to his officers and employees, the authority delegated in this order and may authorize written redelegations of such authority:

(1) Master plan approval authority may not be redelegated.

(2) In the Regional Office, procurement and contracting authority may be redelegated without limitation to the Associate Regional Director, Administration, and the Chief, Division of Contracting, and not to exceed \$200,000 to other contracting personnel. Authority to contract for supplies, equipment, and services, including construction, may be redelegated by the Regional Director to Superintendents and heads of offices not to exceed \$500,000. Any redelegations of this authority shall be in accordance with the requirements in Federal Procurement Regulation 1-1.404 and Interior Procurement Regulation 14-1.404. The limitations in this subsection (2) of Section 2 apply only to open market or nonmandatory sources of supply. Employees and officers who are otherwise authorized may continue to issue orders to GSA centers and sources under established Federal Supply Schedules or contracts.

(3) Authority to approve land acquisition priorities may not be redelegated. Authority to execute the land acquisition program, including contracting for acquisition of lands and related property,

and options and offers to sell related thereto, may be redelegated only to the Associate Regional Director, Cooperative Activities, National Capital Region, and field land acquisition officers.

(4) Authority to conduct archeological investigations and salvage activities may not be redelegated.

(5) Authority to approve the use of a Government-owned or leased motor vehicle between domicile and place of employment may be redelegated only to the Associate Regional Director, Administration, in the National Capital Region, and may not be redelegated.

Each redelegation shall be published in the FEDERAL REGISTER.

Dated: September 27, 1977.

WILLIAM J. WHALEN,  
Director, National Park Service.

[FR Doc. 77 28836 Filed 9-29-77; 8:45 am]

[4310]

[Order 5]

SUPERINTENDENTS, ET AL., NATIONAL  
CAPITAL REGION

Delegation of Authority

Section 1. Superintendents. The National Park Service Superintendents of National Capital Region, whose positions are allocated to Civil Service Grade GS-14 and above, in the administration, operation, and development of the areas under their supervision, are authorized to exercise all of the authority now or hereafter delegated to the Regional Director, National Capital Region, by the Director, National Park Service, except with respect to the following:

(a) Approval of Master Plans.

(b) Acceptance of an offer in settlement of a timber trespass unless (1) the trespass is an innocent one, (2) the damages therefrom do not exceed \$500 and (3) payment of the full amount of the damages is offered.

(c) Authority to execute the land acquisition program, including contracting for acquisition of lands and related property, and options and offers to sell related thereto.

(d) Authority to approve land acquisition priorities.

(e) Authority to approve contracts and purchase orders for supplies, equipment and services in excess of \$10,000.

(f) Authority to conduct archeological investigations and salvage activities.

Section 2. The National Park Service Superintendents of National Capital Region, whose positions are allocated to Civil Service Grades GS-11, GS-12, and GS-13, in the administration, operation, and development of the areas under their supervision, are authorized to exercise all of the authority now or hereafter delegated to the Regional Director, National Capital Region, by the Director, National Park Service, except with respect to the following matters:

(a) Approval of Master Plans.

(b) Acceptance of an offer in settlement of a timber trespass unless (1) the trespass is an innocent one, (2) the dam-

ages therefrom do not exceed \$500 and (3) payment of the full amount of the damages is offered.

(c) Issuance of revocable special use permits having a term of more than 5 years.

(d) Authority to execute the land acquisition program, including contracting for acquisition of lands and related property, and options and offers to sell related thereto.

(e) Authority to approve land acquisition priorities.

(f) Authority to approve contracts and purchase orders for supplies, equipment and services in excess of \$10,000.

(g) Authority to conduct archeological investigations and salvage activities.

Section 3. Associate Regional Directors, and the Chief, Division of Programming and Budget, may exercise all the authority of the Regional Director, National Capital Region, with respect to any matter which may come before them, except the authority to approve master plans and the authority to conduct archeological investigations and salvage activities.

Section 4. Chief, Division of Contracting. The Chief, Division of Contracting, National Capital Region, may execute, administer, and approve all contracts for construction, supplies, equipment, and services, except contracts for acquisition of lands and related property and options related thereto. This procurement and contracting authority may be exercised on behalf of any office or area for which National Capital Region serves as the field finance office.

Section 5. Associate Regional Director, Cooperative Activities. The Associate Regional Director, Cooperative Activities, is authorized to exercise the following authority as to land acquisition funded by Land and Water Conservation funds:

(a) Approval and acceptance of options and offers to sell to, or exchange with the United States, lands or interests in lands within areas under the jurisdiction and control of National Capital Region, National Park Service, and to execute all necessary agreements and conveyances incident thereto.

(b) Acceptance of deeds conveying to the United States lands, or interests in lands, under the jurisdiction and control of the Regional Director, National Capital Region, National Park Service.

(c) Approve on behalf of the National Park Service offers of settlement in condemnation cases. Approvals of offers of settlement by him will be communicated to the appropriate office of the Solicitor's Office of the Department of the Interior for such further action as may be proper.

Section 6. Field Land Acquisition Officers. Field Land Acquisition Officers are authorized to exercise authority, on assigned projects, with respect to the following:

(a) Approval and acceptance of options and offers to sell to or exchange with the United States, lands or interests in lands, within areas under the jurisdiction of the National Park Service within

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their respective areas, and to execute all necessary agreements and conveyances incident thereto when the amount involved does not exceed \$100,000.

(b) Acceptance of deeds conveying to the United States lands, or interests in lands, within their respective areas.

Section 7. Redlegation. Superintendents may, in writing, redelegate to any officer or employee the authority delegated to him by this order. Each redelegation shall be published in the FEDERAL REGISTER.

Section 8. Revocation. This order supersedes National Capital Region Order No. 3, as amended; however, redelegations based thereon are continued in effect to the extent that they are not in conflict with this order. (National Park Service Order 68 (36 FR 13802), dated July 24, 1971, as amended.)

Dated: September 14, 1977.

MANUS J. FISH, JR.  
Regional Director,  
National Capital Region.

[FR Doc. 77-28837 Filed 9-29-77 8:45 am]

#### [ 4310-10 ]

##### Office of the Secretary PRIVACY ACT OF 1974 New System of Records

SEPTEMBER 22, 1977.

Pursuant to the provisions of the Privacy Act of 1974, Pub. L. 93-579, 5 U.S.C. 552a, the Department of the Interior publishes for comment a new system of records.

The Department of the Interior invites public comments concerning the proposed new system of records. Any person interested in commenting may do so by submitting comments in writing to Wayne D. Garrett, Office of Aircraft Services, 3905 Vista Avenue, Boise, Idaho 83705. Comments must be submitted on or before November 3, 1977. The system will become effective within 30 days (November 3, 1977), as proposed without further notice unless comments are received which result in a contrary determination.

RICHARD R. HITE,  
Deputy Assistant Secretary  
of the Interior.

#### INTERIOR/AAS-97

##### System name:

Pilot Flight Time Report—Interior, Office of the Secretary.

##### System location:

(1) National Headquarters, Office of Aircraft Services, Division of Technical Services, 3905 Vista Avenue, Boise, Idaho 83705. (2) Regional Office—Regional Director, Office of Aircraft Services, 4343 Aircraft Drive, Anchorage, Alaska 99503.

##### Categories of individuals covered by the system:

Professional, dual-function and incidental pilots employed by Interior Bureaus, Offices.

##### Categories of records in the system:

The system contains information relative to certificates, qualifications, experience levels, currency and proficiency.

##### Authority for maintenance of the system:

5 USC 301, Reorganization Plan 3 of 1950.

##### Routine uses of records maintained in the system, including categories of uses and the purposes of such uses:

The primary use of the record is to determine pilot qualifications and to monitor compliance with OAS directives and Federal Aviation Regulations. Disclosure outside the Department of the Interior may be made, (1) to the U.S. Department of Justice when related to litigation or anticipated litigation, (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (3) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, pilot qualification card, grant or other benefit, (4) to Federal, State, local agencies or commercial business where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, pilot qualification card, grant or other benefit.

##### Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system:

##### Storage:

Manual and automated.

##### Retrievability:

Indexed Social Security Account Number, Name, Agency and Location.

##### Safeguards:

Access to and use of these records are limited to those persons whose official duties require such access.

##### Retention and Disposal:

According to approved records disposal schedules.

##### System manager(s) and address:

(1) *National Headquarters*—Chief, Technical Services Division, Office of Aircraft Services, 3905 Vista Avenue, Boise, Idaho 83705. (2) *Regional Office*—Regional Director, Office of Aircraft Services, 4343 Aircraft Drive, Anchorage, Alaska 99503.

##### Notification procedure:

Inquiries regarding the existence of records shall be addressed to the appropriate System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

##### Record access procedures:

A request for access shall be addressed to the appropriate System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

##### Contesting record procedures:

A petition for amendment shall be addressed to the appropriate System Manager and must meet the content requirements of 43 CFR 2.71.

##### Record source categories:

Information in this system comes from the individual to whom it applies and from OAS records.

[FR Doc. 77-28808 Filed 9-29-77 8:45 am]

#### [ 4310-10 ]

##### PRIVACY ACT OF 1974 New Systems Notices

SEPTEMBER 22, 1977.

The Department of the Interior by this notice announces the creation of two new systems or records. These systems are essential for assistance of users of water data supplied by the Water Resources Division, Geological Survey. The systems included with this notice are:

a. Interior/EGS-25; Water Data Sources Directory

b. Interior/EGS-26; National Water Data Exchange Users Accounting System

Comments and suggested changes should be addressed to the Privacy Act Officer, Department of the Interior, Washington, D.C. 20240, by November 3, 1977, after which date these systems become effective as published.

RICHARD R. HITE,  
Deputy Assistant  
Secretary of the Interior.

#### INTERIOR/EGS-25

##### System name:

Water Data Sources Directory.

##### System location:

National Water Data Exchange, Water Resources Division, U.S. Geological Survey, Reston, Virginia 22092.

##### Categories of individuals covered by the system:

Individuals who are sources of water or water-related data and to whom requesters can be referred to obtain water data held by them.

##### Categories of records in the system:

Contains name, address and telephone number of individuals who are sources of water or water-related data.

##### Authority for maintenance of the system:

The Water Data Sources Directory is maintained under the authority of 43 U.S.C. 31 (28 Stat. 398), OMB Cir. A-67, and 5 U.S.C. 301.

##### Routine uses of records maintained in the system, including categories of uses and the purposes of such uses:

Referenced by (1) Geological Survey and Geological Survey contractor personnel in processing requests for water or water-related data, (2) Personnel of Local Assistance Centers listed in Appendix A of the National Water Data Exchange (NAWDEX) including Geological Survey personnel and personnel of state-governmental, local-governmental, other public, and private organizations serving as NAWDEX Local Assistance Centers in processing requests for water or water-related data, and (3) Users of NAWDEX including Federal, state-governmental, local-governmental, other public, and private organizations and private citizens in identifying sources of water and water-related data and transmitting requests for the acquisition of desired data. (4) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (5) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether federal, state, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

##### Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Maintained in computerized form on punch cards, magnetic disks or magnetic tape, printed lists, and a published directory available for public dissemination.

##### Storage:

Maintained in computerized form on punch cards, magnetic disks or magnetic tape, printed lists, and a published directory available for public dissemination.

##### Retrievability:

Retrievable by name, a unique identifier, geographical identifiers, and types of data available from the individual.

##### Safeguards:

Computer files are password protected to prevent unauthorized use, and all entry of information is made by Geological Survey personnel of the NAWDEX Program Office only.

##### Retention and disposal:

Records retained indefinitely unless cancelled by a reported individual.

##### System manager and address:

Program Manager, National Water Data Exchange, U.S. Geological Survey, 421 National Center, Reston, Virginia 22092.

##### Notification procedure:

Any individual may inquire about information stored on themselves by submitting a written request to the System Manager. See 43 CFR 2.60.

##### Record access procedures:

Requests for access should be in writing and addressed to the System Manager. See 43 CFR 2.63.

##### Contesting record procedures:

A petition for amendment must be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

##### Record source categories:

Information stored may be obtained from the individual on whom the record is maintained, organizations, or other individuals, with whom the individual identified in the record is associated, NAWDEX personnel, and NAWDEX-contracted information researchers.

#### INTERIOR/EGS-26

##### System name:

National Water Data Exchange User Accounting System.

##### System location:

(1) National Water Data Exchange, NAWDEX Water Resources Division, U.S. Geological Survey, Reston, Virginia 22092.

(2) NAWDEX Local Assistance Centers listed in Appendix A.

##### Categories of individuals covered by the system:

Individuals who have requested water data from or to whom information has been sent by the National Water Data Exchange and its Local Assistance Centers.

##### Categories of records in the system:

Contains name, address, and telephone number, types of data requested, type of response made, types and volumes of data provided and appropriate cost accounting procedures.

##### Authority for maintenance of the system:

The User Accounting System is maintained under authority of 43 U.S.C. 31 (Stat. 398), OMB Cir. A-67, and 5 U.S.C. 301.

##### Routine uses of records maintained in the system, including categories of uses and purposes of such uses:

(1) By Geological Survey and Geological Survey contractor personnel in processing user requests for data, (2) By personnel of Local Assistance Centers of the National Water Data Exchange (NAWDEX) including Geological Survey personnel and personnel of state-governmental, local-governmental, other public, and private organizations serving as NAWDEX Local Assistance Centers in processing user requests for data, (3) By the personnel in (1) and (2) above for verification of responses referred to other organizations for data acquisition, program planning and accounting, cost effectiveness computations, and follow-up on quality of service provided. (4) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (5) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether federal, state, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

mental, local-governmental, other public, and private organizations serving as NAWDEX Local Assistance Centers in processing user requests for data, (3) By the personnel in (1) and (2) above for verification of responses referred to other organizations for data acquisition, program planning and accounting, cost effectiveness computations, and follow-up on quality of service provided. (4) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (5) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether federal, state, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

##### Policies and practice for storing, retrieving, accessing, retaining, and disposing of records in the system:

##### Storage:

Maintained in manual form in file folders and on magnetic computer storage devices.

##### Retrievability:

Indexed by geographic location or requester and cross-indexed by name of requester, in chronological order, and by request record number.

##### Safeguards:

Maintained in areas occupied by NAWDEX personnel during working hours with building locked and/or guarded during off-duty hours. Computer files are password protected to restrict unauthorized use.

##### Disposal:

Original hard copy destroyed after a period not to exceed two years. Computerized file copy destroyed after a period not to exceed three years. All records may be retained longer, with permission of subject individual requester transactions.

##### System manager and address:

Program Manager, National Water Data Exchange (NAWDEX), U.S. Geological Survey, 421 National Center, Reston, Virginia 22092.

##### Notification procedure:

Systems manager or manager of installation which is believed to have the request record. Installation will only provide information on records held locally. A written and signed request stating that the requester seeks information concerning records pertaining to himself or herself is required. See 43 CFR 2.60.

##### Record access procedure:

Same as above. See 43 CFR 2.63.

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**Contesting record procedure:**

A petition for amendment must be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**Record source categories:**

Individual on whom the record is maintained or individuals or organization requesting data be sent to the individual on whom the record is maintained.

[FR Doc.77-28869 Filed 9-29-77; 8:45 am]

**Office of the Secretary****WATCHES AND WATCH MOVEMENTS****New Entrant Announcement for American Samoa**

**CROSS REFERENCE:** For a document issued jointly by the Office of the Secretary, Department of the Interior and the Office of the Secretary, Department of Commerce, on the subject of the 1978 duty-free watch quota for American Samoa, see FR Doc. 77-28724, appearing in the notices section of this issue under the Department of Commerce, Office of the Secretary.

[7020-02]

**INTERNATIONAL TRADE COMMISSION****PRIVACY ACT OF 1974****Modification of Existing System of Records for Employment and Financial Disclosure Records**

**AGENCY:** United States International Trade Commission.

**ACTION:** Modification of System of Records Notice under the Privacy Act of 1974.

**SUMMARY:** This modification of the system of records for employment and financial disclosure records increases and changes the number and types of individuals on whom the records in this system are maintained. The categories of individual GS employees required to submit confidential statements of employment and financial interests is being changed from "all current employees of the U.S.I.T.C. at grade 15 and above and all GS-14's employed by the U.S.I.T.C. who are in supervisory positions" to all current employees of the U.S.I.T.C. at grade 13 and above and certain U.S.I.T.C. employees below GS-13. In addition, provision is being made for voluntary submission of confidential statements of employment and financial interests by employees not required to file such statements.

**FOR FURTHER INFORMATION CONTACT:**

Rhond R. Roth, Esq., Office of the General Counsel, U.S. International Trade Commission, Washington, D.C. 20436, telephone 202-523-0480.

**SUPPLEMENTARY INFORMATION:**  
**The United States International Trade**

Commission is taking these actions to modify its existing system of records containing the employment and financial disclosure records of certain identifiable individual Commission employees in accordance with 5 U.S.C. 552a(e)(4) and in conformity with Office of Management and Budget Circular A-108, Transmittal Memorandum No. 1, issued September 30, 1975 (See 40 FR 28949-28978 (1975)). The Commission established its system of records for employment and financial disclosure records by notice published in the *FEDERAL REGISTER* on September 9, 1975 (40 FR 41981-41983 (1975)) and provided a 30-day period for public comment on the "routine uses" of the system of records, as required by 5 U.S.C. 552a(e)(11), at that time. No new "routine uses" are being proposed by this modification of the system of records; accordingly, no additional 30-day period for public comment on "routine uses" is being provided at this time.

Pursuant to 5 U.S.C. 552a(o) and in conformity with 11 2.a.(2)(a) and 2.e. of Office of Management and Budget Circular A-108, Transmittal Memorandum No. 1, the Commission provided a minimum advance notice of 60 days to the Office of Management and Budget prior to the issuance of any data collection forms and instructions to Commission employees with respect to this system of records, as modified, in order to permit an evaluation of the probable or potential effect of such proposal on the privacy and other personal or property rights of individuals or the disclosure of information relating to such individuals, and its effect on the preservation of the constitutional principles of federalism and separation of powers (5 U.S.C. 552a(o)). In addition, a like advance notice period was also provided by the Commission to the Congress (through the Speaker of the House and the President of the Senate), as required by 5 U.S.C. 552a(o), and to the Privacy Protection Study Commission. This system of records, as modified, will be effective. The system of records for employment and financial disclosure records, as modified, is set forth as follows:

**Employment and Financial Disclosure Records—U.S.I.T.C.****Location:**

Deputy Counselor for Employee Responsibilities and Conduct (Assistant to the General Counsel), Office of the General Counsel, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436

**Category of individual:**

1. **GS Employees:** All current employees of the U.S.I.T.C. at grade 13 and above, or at a comparable pay level under other authority, and U.S.I.T.C. employees below GS-13, or at a comparable pay level under other authority, who are (1) responsible for making a decision or taking an action in regard to Commission contracting or procurement, (2) responsible for conducting investigative and research activities where the

decision to be made or action to be taken could have an impact on any non-Federal enterprise, or (3) responsible for exercising the authority of any supervisory employee in the absence of such employee. Certain Commission employees within this class may not be required to file confidential statements of employment and financial disclosure if a determination is made pursuant to 19 C.F.R. 200.735-114a that (1) the duties of the position are such that the likelihood of the incumbent's involvement in a conflict-of-interest situation is remote, or (2) that the duties of a position are at such a level of responsibility that the submission of a statement of employment and financial interests is not necessary because of the degree of supervision and review over the incumbent or the inconsequential effect on the integrity of the Government. In addition, U.S.I.T.C. employees not required to file confidential statements of employment and financial interests, but who wish to voluntarily file such statements, are included.

2. **Special Employees:** All special employees of the U.S.I.T.C. file a Confidential Statement of Employment and Financial Interests for Special Government employees. "Special Government Employee" is defined at 18 U.S.C. 202 and includes, but is not limited to, experts, consultants and advisors hired for temporary duties either on a full-time or intermittent basis.

**Category of record:**

1. **GS Employees:** This system of records consists of a confidential statement of employment and financial interests. Employees of the U.S.I.T.C. required to file this statement must list the names of all corporations, companies, firms, or other business enterprises, partnerships, non-profit organizations, and educational or other institutions: (a) With which the employee is connected as an employee, officer, owner, director, member, trustee, partner, adviser, or consultant; or (b) in which the employee has any continuing financial interests, through a pension or retirement plan, shared income, or other arrangement as a result of any current or prior employment or business or professional association; or (c) in which the employee has any financial interest through the ownership of stock, stock options, bonds, securities, or other arrangements including trusts.

An employee of the U.S.I.T.C. required to file this statement must also list the names of his creditors other than those to whom he may be indebted by reason of a mortgage on property which he occupies as a personal residence or to whom he may be indebted for current and ordinary household and living expenses such as household furnishings, automobiles, education, vacation and similar expenses.

Further, the U.S.I.T.C. employee required to file such a statement must list his interest in real property or rights in lands, other than property which he occupies as a personal residence. If any of

the above information is to be supplied by other persons, e.g., trustee, attorney, accountant, relative, the employee must also list the names and addresses of such persons, the date upon which the employee requested that the information be supplied, and the nature of the subject matter involved.

2. **Special Employees:** This system of records consists of a confidential statement of employment and financial interests for special employees. The special employee must disclose all other federal agencies and other organizational segments of the U.S.I.T.C. in which he is presently employed. He must also name all corporations, companies, firms, State or local Governmental organizations, research organizations, and educational or other institutions in which he is serving as employee, officer, member, owner, trustee, director, expert, adviser, or consultant, with or without compensation.

The Special Employee must also disclose his financial interests by listing the names of all corporations, companies, firms, or other business enterprises, partnerships, non-profit organizations, and educational or other institutions in which he has any financial interest in any amount through the ownership of stock, stock options, bonds, securities, or other arrangements including trusts.

**Authority:**

1. The Confidential Statement of Employment and Financial Interests for GS-employees is required by section 402 of Executive Order 11222, dated May 8, 1965, prescribing standards of ethical conduct for Government officers and employees.

2. The confidential statement of employment and financial interest for special Government employees is required by section 308 of Executive Order 11222.

**Routine uses:**

These records and information in these records may be used:

a. By the Deputy Counselor for Employee Responsibilities and Conduct to determine whether or not an employee has a direct or indirect financial interest which conflicts substantially, or appears to conflict substantially, with his U.S.I.T.C. duties or responsibilities.

b. By the Deputy Counselor to determine whether a U.S.I.T.C. employee has engaged in, directly or indirectly, a financial transaction as a result of, or primarily relying on, information obtained through U.S.I.T.C. employment.

c. For review by the Deputy Counselor. The Deputy Counselor is responsible for maintaining these records in confidence and may not disclose information from these records to other persons or agencies except as the Civil Service Commission or the Chairman of the U.S.I.T.C. may determine for good cause shown.

**Records management policy and practice:****Storage:**

These records are maintained in folders.

**Retrievability:**

These records are indexed by the names of the individuals on whom they are maintained.

**Safeguards:**

These records are kept in a locked filing cabinet in the office of the Deputy Counselor for Employee Responsibilities and Conduct (Assistant General Counsel), who is normally the only official with authorized access to them. However, the Statements of Employment and Financial Interest of the Deputy Counselor (Assistant General Counsel) and of his immediate superior (the General Counsel) are submitted directly to the Counselor for Employee Responsibilities and Conduct (one of the U.S.I.T.C. commissioners).

**Retention and disposal:**

These records are maintained by the Deputy Counselor while the employee is at the U.S.I.T.C. and for 5 years after the employee has left the U.S.I.T.C. Thereupon these records are destroyed.

**System manager:**

Deputy Counselor for Employee Responsibilities and Conduct (Assistant General Counsel), Office of the General Counsel, United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436.

**Notification:**

Director, Personnel Division (Same address as above).

**Access and contest:**

Director, Personnel Division (Same address as above).

**Sources:**

Information in this system is supplied by the individuals to whom the records pertain.

**By order of the Commission:**

Issued: September 26, 1977.

KENNETH R. MASON,  
Secretary.

[FR Doc.77-28870 Filed 9-29-77; 8:45 am]

[4410-01]

**DEPARTMENT OF JUSTICE****UNITED STATES v. CITY OF DETROIT****Proposed Consent Decree in Action To Enjoin Discharge of Water Pollutants**

In accordance with Departmental Policy, 28 CFR 50.7, 38 F.R. 19020, a notice is hereby given that on September 14, 1977, a consent decree in *United States v. City of Detroit*, was filed with the United States District Court for the Eastern District of Michigan. The consent decree was entered on September 14, 1977, by the Court and requires the City of Detroit to construct new sewage treatment facilities to meet secondary treatment standards by December 1, 1980, and phosphorus treatment standards by

December 31, 1981. If comments from the public warrant a change in the consent decree, the United States will take the necessary steps to request modification of the decree.

The Department of Justice will receive until October 31, 1977 written comments relating to the judgment. Comments should be addressed to the Assistant Attorney General for the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States v. City of Detroit*, E.D. Mich., D.J. Ref. 90-5-1-1-764.

The consent decree may be examined at the office of the United States Attorney, Eastern District of Michigan, United States Courthouse, Detroit, Michigan; the Clerk of the District Court, Eastern District of Michigan, United States Courthouse, Detroit, Michigan; and the Pollution Control Section, Land and Natural Resources Division, Department of Justice, Room 2625, Department of Justice Building, Ninth Street and Pennsylvania Avenue NW., Washington, D.C. A copy of the consent decree may be obtained in person or by mail from the Pollution Control Section.

JAMES W. MOORMAN,  
Acting Assistant Attorney General,  
Land and Natural Resources Division.

[FR Doc.77-28783 Filed 9-29-77; 8:45 am]

[4510-23]

**DEPARTMENT OF LABOR****Office of the Secretary**

[TA-W-2027]

**AETNA-STANDARD ENGINEERING CO., ELLWOOD CITY, PA.****Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2027: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on April 26, 1977, in response to a worker petition received on April 25, 1977, which was filed by the United Steelworkers of America on behalf of workers and former workers producing rolling mill machinery at the Aetna-Standard Engineering Co., Ellwood City, Pa.

The Notice of Investigation was published in the *FEDERAL REGISTER* on May 10, 1977 (42 FR 23655). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Aetna-Standard Engineering Co., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of



eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (4) has not been met.

The Aetna-Standard Engineering Co. manufactures durable capital equipment for rolling mills in the steel industry. The rolling mill equipment consists of heavy-duty machinery produced according to customer specifications. Domestic demand for rolling mill machinery is largely dependent on capital investment by the steel industry.

Annual sales by Aetna-Standard are characterized by wide fluctuations because of the industry-wide practice of competitive bidding on major contracts. Approximately half of Aetna-Standard's sales are exports. A review of a list of the domestic contracts on which Aetna-Standard had unsuccessfully bid in 1976 revealed that the contracts were awarded to other domestic producers of rolling mill machinery.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of articles like or directly competitive with rolling mill machinery produced by the Aetna-Standard Engineering Co., Ellwood City, Pa., did not contribute importantly to the total or partial separations of the workers at that firm.

Signed at Washington, D.C., this 12th day of September 1977.

JAMES F. TAYLOR,  
Director, Office of Management,  
Administration, and Planning.

[FR Doc.77-28874 Filed 9-29-77;8:45 am]

#### [4510-23]

[TA-W-1774]

#### BUNKER RAMO CORP. INSTRUMENTS DIVISION, JANESVILLE, WIS.

#### Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of

Labor herein presents the results of TA-W-1774: Investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 8, 1977, in response to a worker petition received on March 7, 1977, which was filed by the International Association of Machinists and Aerospace Workers on behalf of workers and former workers producing potentiometers, transducers, counting dials and trimmers at the Janesville, Wis. plant of Bunker Ramo Corp., Instruments Division.

The Notice of Investigation was published in the FEDERAL REGISTER on March 22, 1977 (42 FR 15477). No public hearing was requested and none was held.

The information upon which the determination was made was obtained from officials of Bunker Ramo Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met with respect to workers producing counting dials. Without regard to whether any other criteria has been met, criterion (4) has not been met with respect to workers producing potentiometers, transducers and trimmers.

#### A. COUNTING DIALS

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Total employment at the Janesville plant declined 18 percent in 1976 compared to 1975, and declined 27 percent in the first quarter of 1977 compared to the like period one year earlier. Officials of Bunker Ramo announced the closing of the Janesville plant on June 1, 1977. All production workers were laid off by the third week of July 1977.

#### SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales and production was combined for all products produced at the Instrument Division of the Janesville plant.

Production of all variable resistors at the Janesville plant declined 2 percent in constant dollars in 1976 from 1975 and declined 21 percent in the first quarter of 1977 compared to the like quarter in 1976.

#### INCREASED IMPORTS

Imports of variable resistors increased from 257,103 thousand units in 1972 to 295,351 thousand units in 1973 and to 338,470 thousand units in 1974. Imports declined to 192,120 thousand units in 1975, then increased to 534,401 thousand units in 1976. The ratio of imports to domestic production declined in each year from 65.8 percent in 1972 to 34.6 percent in 1975, then increased to 91.6 percent in 1976.

#### CONTRIBUTED IMPORTANTLY

The Instruments Division imported counting dials. These company imports decreased 44 percent in quantity in 1976 from 1975 and increased 45 percent in the first quarter of 1977 compared to the first quarter of 1976. The counting dials that were imported were competitive with those produced at the Janesville plant.

#### B. POTENTIOMETERS, TRANSDUCERS AND TRIMMERS

The Department contacted some customers of the Instruments Division. The overwhelming majority of customers that responded to the Department's questionnaire indicated that they purchased no imported potentiometers, transducers, or trimmers. Most of these customers stated that they knew of no import influence in Bunker Ramo's market. Only two customers accounting for 0.2 percent of the Division's annual sales purchased any imported electronic components.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with counting dials produced at the Instruments Division of Bunker Ramo Corp., Janesville, Wis., contributed importantly to the total or partial separations of workers at that plant. In accordance with the provisions of the Act, I make the following certification:

All workers of the Janesville, Wis., plant of Bunker Ramo Corp., Instruments Division, engaged in employment related to the production of counting dials who became totally or partially separated from employment on or after February 22, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

I further conclude that increases of imports of articles like or directly competitive with potentiometers, transducers, and trimmers produced at the Janesville, Wis., plant of Bunker Ramo Corp.,

Instruments Division have not contributed importantly to the total or partial separation of workers at that plant as required for certification under the Trade Act of 1974.

Signed at Washington, D.C., this 19th day of September 1977.

JAMES F. TAYLOR,  
Director, Office of Management,  
Administration, and Planning.

[FR Doc.77-28876 Filed 9-29-77;8:45 am]

#### [4510-23]

[TA-W-1508]

#### CASCADE STEEL ROLLING MILLS, INC., McMinnville, OREG.

#### Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1508: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 23, 1976, in response to a worker petition received on December 22, 1976, which was filed by the United Steelworkers of America on behalf of workers and former workers producing concrete reinforcing bars (rebars) at the McMinnville, Oreg., plant of Cascade Steel Rolling Mills, Inc.

The notice of investigation was published in the FEDERAL REGISTER on January 11, 1977 (42 FR 2371). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Cascade Steel Rolling Mills, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (4) has not been met.

All of the customers of rebars of Cascade Steel Rolling Mills who were surveyed by the Department reported that they do not buy imported rebars and/or that they increased purchases from Cascade. Some of the respondents who reduced purchases reported that the reduction was caused by the depressed construction industry. Rebars are used exclusively in reinforced concrete construction.

The response of customers is consistent with industry trends. U.S. shipments of rebars increased 5.8 percent to 3,870,400 tons in 1976. Total construction, in constant dollars, fell by 13.0 percent between 1974 and 1975 while nonresidential construction, the primary consumer of rebars, fell by 17.1 percent in the same time period.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with the concrete reinforcing bars produced at the McMinnville, Oreg. plant of Cascade Steel Rolling Mills, Inc., have not contributed importantly to the total or partial separation of workers at the plant as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 22d day of September 1977.

HARRY GRUBERT,  
Director, Office of  
Foreign Economic Research.

[FR Doc.77-28877 Filed 9-29-77;8:45 am]

#### [4510-23]

[TA-W-1969]

#### CENTRAL SLIPPER COMPANY, INC., WILKES-BARRE, PENNSYLVANIA

#### Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1969: Investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on April 11, 1977 in response to a worker petition received on April 6, 1977 which was filed by the United Shoe Workers of America on behalf of workers and former workers producing sneakers at the Wilkes-Barre, Pa. plant of the Central Slipper Company, Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on April 29, 1977 (42 FR 21872). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Central Slipper Co., Inc., its customers, the Depart-

ment of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

On December 9, 1976, the Department issued a Notice of Determination for the Wilkes-Barre, Pa. plant of Central Slipper Co., Inc. All workers in the soft-soled division were certified beginning August 25, 1975. All workers in the hard-soled division (sneakers) were denied based on increases in employment (TA-W-1053). This investigation is therefore limited to the hard-soled division.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have now been met for the hard-soled division of the plant.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers in the hard-soled division of the plant declined 29 percent from 1973 to 1974, declined 3 percent from 1974 to 1975, and then increased 3 percent from 1975 to 1976. Employment declined 48 percent in the first five months of 1977 compared to the same period of 1976. There have been steady employment declines in the hard-soled division since May, 1976. Plant-wide layoffs occurred for one week in June, 1976, two weeks in September, 1976, one week in October, 1976 and one week in December, 1976. Lay-offs occurred in April, 1977, and the entire plant was shut down for one week in May 1977.

#### SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of sneakers declined 33 percent in quantity from 1973 to 1974 and declined 5 percent from 1974 to 1975. The quantity of sales increased 12 percent from 1975 to 1976 and then declined 18 percent in the first four months of 1977 compared to the same period of 1976. Sales quantities declined 39 percent in the second quarter of 1976 compared to the first quarter of that year, and declined 31 percent in the third quarter of



1976 when compared to the second quarter of the same year.

#### INCREASED IMPORTS

Imports of rubber/canvas footwear increased absolutely each year from 1972 to 1974, declined from 1974 to 1975 and then increased 35 percent from 1975 to 1976. Imports increased 62 percent in the first quarter of 1977 compared to the first quarter of 1976. The ratio of imports to domestic production increased from 16.6 percent in the first quarter of 1976 to 34.1 percent in the first quarter of 1977.

#### CONTRIBUTED IMPORTANTLY

Retail customers accounting for approximately forty percent of Central Slipper's sales reduced their purchases of sneakers from that company and increased their import purchases from 1975 to 1976.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with sneakers produced in the hard-soled division of the Wilkes-Barre, Pa. plant of the Central Slipper Co., Inc. contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of sneakers in the hard-soled production division of the Wilkes-Barre, Pennsylvania plant of the Central Slipper Co., Inc. who became totally or partially separated from employment on or after April 4, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

Signed at Washington, D.C., this 20th day of September 1977.

HARRY GRUBERT,  
Director, Office of  
Foreign Economic Research.

[FR Doc 77-28879 Filed 9-20-77; 8:45 am]

[4510-23]

[TA-W-1431]

#### CLAIRTON WORKS, U.S. STEEL CORP., CLAIRTON, PENNSYLVANIA

#### Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1431: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 15, 1976 in response to a worker petition received on December 15, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing carbon steel structural shapes at the Clairton Works of the U.S. Steel Corporation, Clairton, Pennsylvania.

The Notice of Investigation was published in the FEDERAL REGISTER on January 7, 1977 (42 FR 1539). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the U.S. Steel Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of workers engaged in employment related to the production of carbon steel structural shapes declined 17.4 percent in the first eleven months of 1976 compared to the like 1975 period.

#### SALES OR PRODUCTION, OR BOTH, HAVE DECLINED ABSOLUTELY

Sales of carbon steel structural shapes declined 19.0 percent in quantity in the first eleven months of 1976 as compared to the like 1975 period.

#### INCREASED IMPORTS

Imports of carbon steel structural shapes declined each year from 1,614,000 tons in 1972 to 804,900 tons in 1975 before increasing 67.9 percent to 1,351,400 tons in 1976.

The ratio of imports of carbon steel structural shapes to domestic production declined each year from 34.1 percent in 1972 to 19.5 percent in 1975 before increasing to 40.0 percent in 1976.

#### CONTRIBUTED IMPORTANTLY

Some customers that bought carbon steel structural shapes from the Clairton Works, who were contacted in a survey conducted by the Department, indicated that they had reduced purchases from the Clairton Works and had increased purchases of imported structural shapes.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with the carbon steel structural shapes produced at the Clairton Works of the U.S. Steel Corporation have contributed importantly to the total or partial separation of workers at the plant as required for certification under Section 222 of the Trade Act of 1974.

In accordance with the provisions of the Act, I make the following certification:

All workers at the Clairton Works of the U.S. Steel Corporation in Clairton, Pennsylvania engaged in employment related to the production of carbon steel structural shapes who became totally or partially separated from employment on or after November 15, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 12th day of September 1977.

JAMES F. TAYLOR,  
Director, Office of Management,  
Administration, and Planning.

[FR Doc 77-28878 Filed 9-20-77; 8:45 am]

[4510-23]

[TA-W-1986]

#### CONAWAY WINTER, INC., WILLOW SPRINGS, MO.

#### Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1986: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on April 18, 1977. In response to a worker petition received on that date which was filed by the Boot and Shoe Workers Union on behalf of workers and former workers producing infants' footwear at the Willow Springs, Mo., plant of Conaway, Winter, Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on April 29, 1977 (42 FR 21872). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Willow Springs plant of Conaway Winter, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are

threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment at the Willow Springs plant of Conaway Winter increased 4.5 percent in 1976 compared to 1975 and declined 7.7 percent in the first three months of 1977 compared to the first three months of 1976. Plant employment declined steadily from December 1976 through April 1977.

#### SALES OR PRODUCTION, OR BOTH, HAVE DECLINED ABSOLUTELY

Production at the Willow Springs plant of Conaway Winter increased 12.0 percent in 1976 compared to 1975 and declined 9.1 percent in the first three months of 1977 compared to the first three months of 1976. Plant production declined steadily from December 1976 through April 1977.

#### INCREASED IMPORTS

Imports of infants' and babies' non-rubber footwear declined from 9.0 million pairs in 1972 to 7.6 million pairs in 1973 to 6.8 million pairs in 1974. In 1975, imports increased to 6.9 million pairs and increased again in 1976 to 10.7 million pairs. During the first quarter of 1976, imports totalled to 3.4 million pairs, which increased to 3.7 million pairs in the first quarter of 1977.

Imports as a percentage of domestic production and consumption increased from 28.5 percent and 22.2 percent, respectively, in 1975 to 41.0 percent and 29.1 percent, respectively, in 1976. The ratios of imports to domestic production and consumption increased from 46.6 percent and 31.8 percent, respectively, in the first quarter of 1976 to 63.8 percent and 38.9 percent, respectively, in the first quarter of 1977.

#### CONTRIBUTED IMPORTANTLY

Customers surveyed indicated that they increased purchases of imported infants' footwear either directly or relative to their purchase from the Willow Springs, Mo., plant of Conaway Winter, Inc. The recent finding of the U.S. International Trade Commission based on the very high penetration of imported shoes is that customers of domestic manufacturers such as Conaway Winter increasingly shifted from domestically produced shoes to imported shoes.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with infants' footwear produced by the Willow Springs, Mo., plant of Conaway Winter contributed importantly to the total or partial separations of the workers at that plant. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers at the Willow Springs, Mo., plant of Conaway Winter, Inc., who became totally or partially separated from employment on or after November 27, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 20th day of September 1977.

HARRY GRUBERT,  
Director, Office of  
Foreign Economic Research.

[FR Doc 77-28880 Filed 9-20-77; 8:45 am]

[4510-23]

[TA-W-2197]

#### DOV INDUSTRIES, INC., SOUTH PLAINFIELD, N.J.

#### Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2197: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 7, 1977, in response to a worker petition received on June 30, 1977, which was filed by a former employee of Dov Industries, Inc., South Plainfield, N.J. Dov Industries, Inc. is affiliated with Chera Caribe Corp., Aguadilla, P.R. The two corporations are under common ownership. All production is performed by Chera Caribe, while administrative functions are performed by Dov Industries.

The notice of investigation was published in the FEDERAL REGISTER on July 7, 1977 (42 FR 37077). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Dov Industries, Inc., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are

threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether the other criteria have been met, the investigation revealed that the second criterion has not been met.

The Department's investigation revealed that company production of washable bedroom slippers began in the fourth quarter of 1975. Company sales and production increased in every quarter of 1976 compared to the previous quarter. In the first half of 1977, sales increased 35.6 percent in value and production increased 37.3 percent in quantity compared to the first half of 1976.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that sales or production of washable bedroom slippers at Dov Industries, Inc., South Plainfield, N.J., did not decrease as required in section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 19th day of September 1977.

JAMES F. TAYLOR,  
Director, Office of Management,  
Administration, and Planning.

[FR Doc 77-28881 Filed 9-20-77; 8:45 am]

[4510-23]

[TA-W-2058]

#### GEILICH TANNING CO., TAUNTON, MASS.

#### Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2058: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on May 10, 1976 in response to a worker petition received on May 5, 1976 which was filed by three workers on behalf of workers and former workers producing tanned leather at Geilich Tanning Co., Taunton, Mass.

The Notice of Investigation was published in the FEDERAL REGISTER on May 27, 1977 (42 FR 27330). No public hearing was requested and none was held.

The information upon which the determination was made was obtained



principally from officials of Geilich Tanning Co., its customers, the U.S. International Trade Commission, the U.S. Department of Commerce, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (4) has not been met in 1976 and criterion (3) has not been met in 1977.

#### CONTRIBUTED IMPORTANTLY

The Department conducted a survey of Geilich's customers. This survey revealed that most customers increased purchases of leather from Geilich in 1976. The single customer who reduced purchases from Geilich in that year simultaneously reduced purchases of imported leather. This finding is consistent with Geilich's sales increase of 11 percent in 1976.

#### INCREASED IMPORTS

Imports of tanned and finished cattle-hides decreased in each year from 207.2 million square feet in 1972 to 82.0 million square feet in 1975, then increased to 186.2 million square feet in 1976. Imports declined from 91.7 million square feet in the first six months of 1976 to 28.6 million square feet in the first six months of 1977.

The ratio of imports to domestic production declined in each year from 25.8 percent in 1972 to 10.9 percent in 1975, then increased to 23.0 percent in 1976. In the first quarter of 1977, the imports to production ratio was 12.2 percent, a decline from the ratio of 18.5 percent in the first quarter of 1976. The imports to production ratio was not available for the first six months of 1977. Thus, any layoffs occurring in 1977 cannot reasonably be attributed to increased imports.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with tanned leather produced at the Taunton, Massachusetts plant of Geilich Tanning Co.

did not contribute importantly to the total or partial separation of workers at that plant in 1976. I further conclude that imports of articles like or directly competitive with tanned leather produced at Geilich Tanning Co. did not increase in the first six months of 1977 as required for certification under the Trade Act of 1974.

Signed at Washington, D.C., this 19th day of September 1977.

JAMES F. TAYLOR,  
Director, Office of Management,  
Administration, and Planning.

[FR Doc 77-28883 Filed 9-29-77; 8:45 am]

[4510-23]

[TA W-1940-1941]

#### GENERAL MOTORS CORP., LORDSTOWN, OHIO, WILMINGTON, DEL.

##### Certifications Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1940-1941: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 31, 1977, in response to a worker petition received on March 31, 1977, which was filed by the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW) on behalf of workers and former workers engaged in the production of subcompact cars at the Lordstown, Ohio, and Wilmington, Del., plants of General Motors Corp., Detroit, Mich.

The notice of investigation was published in the *FEDERAL REGISTER* on April 15, 1977, (42 FR 19937). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of General Motors Corp., the U.S. Department of Commerce, the U.S. International Trade Commission, the Motor Vehicle Manufacturers Association, Automotive News, Ward's Automotive Reports, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important, but not necessarily more important than any other cause.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of hourly workers employed at the Lordstown, Ohio, plant declined 14.0 percent from MY 1974 to MY 1975, increased 3.3 percent from MY 1975 to MY 1976, and then declined 30.8 percent in the first half of MY 1977 compared to the same period of MY 1976. Average hourly employment declined 17.6 percent in the period March 1976-February 1977 compared to the March 1975-February 1976 period.

Production of subcompact cars at the Wilmington, Del., plant began in the first quarter of MY 1976. Average hourly employment declined 9.2 percent, 11.2 percent, and 48.2 percent, respectively, in the second, third, and fourth quarters of MY 1976 compared to the immediately preceding quarters of the same year, and declined 53.5 percent in the first half of MY 1977 compared to the same period of MY 1976.

#### SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of subcompact cars at the Lordstown, Ohio plant declined 25.0 percent from MY 1974 to MY 1975, 5.9 percent from MY 1975 to MY 1976, and 64.0 percent in the first half of MY 1977 compared to the first half of MY 1976.

Production of subcompact cars at the Wilmington, Del. plant, which began in the first quarter of MY 1976, declined 1.9 percent, 9.2 percent and 52.4 percent, respectively, in the second, third and fourth quarters of MY 1976 compared to the immediately preceding quarters of the same year, and declined 54.4 percent in the first half of MY 1977 compared to the first half of MY 1976.

#### INCREASED IMPORTS

Imports of subcompact cars increased from 1,393.4 thousand units in MY 1974 to 1,437.9 thousand units in MY 1975 and then declined to 1,325.4 thousand units in MY 1976. In the first quarter of MY 1977, imports numbered 350.5 thousand units, up from 301.3 thousand units in the first quarter of MY 1976.

The ratio of imports to domestic production increased from 108.6 percent in MY 1974 to 180.8 percent in MY 1975 and then fell to 142.9 percent in MY 1976. The ratio of imports to domestic production increased steadily from 101.4 percent in the first quarter of MY 1976 to 260.8 percent in the first quarter of MY 1977.

#### CONTRIBUTED IMPORTANTLY

Subcompact car imports are produced by American-based companies, primarily in Canada, and by foreign-based companies in countries other than Canada. In MY 1976, 19 percent of subcompact imports were built in Canada and 81

percent were built overseas. The cars produced in Canada are indistinguishable from the same make and model cars produced at U.S. plants.

General Motors' imports of subcompact cars from Canada declined 17.7 percent from MY 1975 to MY 1976 and then increased 36.3 percent in the first half of MY 1977 compared to the same period of MY 1976.

Imports of subcompact cars from Canada by General Motors, indistinguishable from those produced at the Lordstown, Ohio plant, increased 4.3 percent from MY 1975 to MY 1976, and increased 40.5 percent in the first half of MY 1977 compared to the same period of MY 1976.

Imports have penetrated the domestic market for subcompact cars to the extent that during MY 1974-1976 more than 50 percent of all subcompacts sold domestically were imported. From the first quarter of MY 1976 to the first quarter of MY 1977 the share of the domestic subcompact market held by imports rose steadily from 51.0 percent to 61.6 percent. During the same period, the market share held by domestically built GM subcompacts decreased from 23.8 percent to 19.8 percent and the share held by other domestically built subcompacts fell from 25.2 percent to 18.6 percent.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with subcompact cars produced at the Lordstown, Ohio, and Wilmington, Del. plants of the General Motors Corp., contributed importantly to the total or partial separation of the workers at such plants. In accordance with the provisions of the Trade Act of 1974, I make the following certifications:

All hourly and salaried workers of the General Motors Corp., Lordstown, Ohio, assembly plant (TA-W-1940), engaged in employment related to the production of subcompact cars, who became totally or partially separated on or after March 28, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974; and

All hourly and salaried workers of the General Motors Corp., Wilmington, Del., assembly plant (TA-W-1941) who became totally or partially separated on or after March 28, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 22d day of September 1977.

GLORIA G. PRATT,  
Director, Office of  
Foreign Economic Policy.

[FR Doc.77-28882 Filed 9-29-77; 8:45 am]

[4510-23]

[TA-W-2,002-2,022]

#### GENERAL MOTORS CORP., DETROIT, MICH.

##### Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2,002-2,022: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on April 25, 1977, in response to a worker petition received on April 20, 1977, which was filed by the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW) on behalf of workers and former workers engaged in the production of subcompact car parts at twenty-one (21) plants of the General Motors Corp., Detroit, Mich.

The notice of investigation was published in the *FEDERAL REGISTER* on May 10, 1977 (42 FR 23657). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of General Motors Corp., the U.S. Department of Commerce, the U.S. International Trade Commission, the Motor Vehicle Manufacturers Association, Automotive News, Ward's Automotive Reports, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important, but not necessarily more important than any other cause.

Without regard to whether the other criteria have been met, the investigation has revealed that the fourth criterion has not been met with respect to all petitioning plants with the exception of the

Lordstown, Ohio, stamping plant (TA-W-2002). The investigation has revealed that all of the criteria have been met with respect to the Lordstown stamping plant.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of hourly workers employed at the Lordstown, Ohio, stamping plant declined 8.5 percent in the March 1976-February 1977 period compared to the March 1975-February 1976 period.

#### SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Adjusted sales of parts produced for use in subcompact cars at the Lordstown, Ohio, stamping plant declined 33.4 percent in the March 1976-February 1977 period compared to the March 1975-February 1976 period.

#### INCREASED IMPORTS

Imports of subcompact cars increased from 1,393.4 thousand units in MY 1974 to 1,437.9 thousand units in MY 1975 and then declined to 1,325.4 thousand units in MY 1976. In the first quarter of MY 1977, imports numbered 350.5 thousand units, up from 301.3 thousand units in the first quarter of MY 1976.

The ratio of imports to domestic production increased from 108.6 percent in MY 1974 to 180.8 percent in MY 1975 and then fell to 142.9 percent in MY 1976. The ratio of imports to domestic production increased steadily from 101.4 percent in the first quarter of MY 1976 to 260.8 percent in the first quarter of MY 1977.

#### CONTRIBUTED IMPORTANTLY

In a previous Department of Labor investigation (TA-W-1940-1941), it was determined that increased imports of subcompact cars contributed importantly to the separation of workers at two General Motors assembly plants producing such cars.

The Department's investigation revealed that during the period March 1976-February 1977, the Lordstown Ohio, stamping plant produced nearly 90 percent of its output for use in subcompact cars and therefore was integrated into the production of those cars.

The investigation further revealed that the remaining twenty petitioning plants listed below produced less than one-sixth of their outputs for use in subcompact cars, and therefore were not integrated into the production of those cars: Chevrolet Motor—Massena, N.Y. (TA-W-2003); Chevrolet Motor—Tonawanda, N.Y. (TA-W-2004); Chevrolet Motor—Buffalo, N.Y. (TA-W-2005); Rochester Products—Rochester, N.Y. (TA-W-2006); AC Spark Plug—Flint, Mich. (TA-W-2007); Diesel Equip-

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ment—Grand Rapids, Mich. (TA-W-2008); Chevrolet Transmission—Muncie, Ind. (TA-W-2009); Saginaw Steering Gear—Saginaw, Mich. (TA-W-2010); Guide Lamp—Anderson, Ind. (TA-W-2011); Chevrolet Metal Fabricating—Flint, Mich. (TA-W-2012); Fisher Fabricating—Willow Springs, Ill. (TA-W-2013); Chevrolet Manufacturing—Flint, Mich. (TA-W-2014); Chevrolet Service Parts—Saginaw, Mich. (TA-W-2015); Fisher Cut and Sew—Grand Rapids, Mich. (TA-W-2016); Delco Electronics—Kokomo, Ind. (TA-W-2017); Delco Battery—Muncie, Ind. (TA-W-2018); Harrison Radiator—Buffalo, N.Y. (TA-W-2019); New Departure-Hyatt—Sandusky, Ohio (TA-W-2020); Chevrolet Transmission—Parma, Ohio (TA-W-2021); and Central Foundry—Bedford, Ind. (TA-W-2022).

## CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with General Motors subcompact cars contributed importantly to the total or partial separation of workers producing parts for such General Motors cars at the Lordstown, Ohio, stamping plant (TA-W-2002) of the General Motors Corp. I further conclude that increases of imports like or directly competitive with General Motors subcompact cars did not contribute importantly to the total or partial separation of workers at the remaining twenty (20) petitioning auxiliary plants.

In accordance with the provisions of the Act, I make the following certification:

All hourly and salaried workers of the General Motors Corp., Lordstown, Ohio, stamping plant (TA-W-2002), engaged in employment related to the production of parts for use in General Motors subcompact cars who became totally or partially separated on or after March 28, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 19th day of September 1977.

JAMES F. TAYLOR,  
Director, Office of Management,  
Administration, and Planning.

[FR Doc. 77-28884 Filed 9-29-77; 8:45 am]

## [4510-23]

[TA-W-1727]

## HOLLY SUGAR CORP., DELTA COLO.

## Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1727: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 3, 1977, in response to a worker petition received on February 22, 1977, which was filed by the American Fed-

eration of Grain Millers on behalf of workers and former workers producing sugar at the Delta, Colo., plant of the Holly Sugar Corp., Colorado Springs, Colo.

The Notice of Investigation was published in the FEDERAL REGISTER on March 15, 1977 (42 FR 14185). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials and publications of Holly Sugar Corp., the U.S. Department of Commerce, the U.S. Department of Agriculture, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that all four of the above criteria have been met.

## SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment of production workers at the Delta plant declined 5.2 percent in the first quarter of 1977 compared to the same period in 1976.

Permanent layoffs on non-seasonal workers at the Delta plant began March 1, 1977.

## SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales from the Delta plant declined 13.6 percent in the first quarter of 1977 compared to the same period in 1976. Production at the Delta plant permanently ceased during February 1977.

## INCREASED IMPORTS

Imports of sugar decreased 2 percent between 1972 and 1973, moving from 5.46 million short tons to 5.33 million short tons. In 1974, sugar imports increased to 5.77 million short tons.

Imports in 1975 totaled 3.88 million short tons and imports in 1976 increased 20 percent to 4.66 million short tons. The ratio of imports to domestic production increased from 59 percent in 1975 to 66 percent in 1976.

## CONTRIBUTED IMPORTANTLY

Prior to 1975, imports of sugar were regulated by statute. Since the expiration of the Sugar Act on December 31, 1974, imported sugar has entered the United States in the absence of price restrictions and quota levels. As a result, domestic prices of sugar have been merged with world sugar prices subjecting domestic prices to the competitive forces of an increased supply of sugar in a previously regulated market.

The world sugar supply currently surpasses demand by about 4 million tons annually. Sugar prices have dropped sharply since 1974 when the price was 57.3 cents per pound. Presently the price of raw sugar is under 11 cents per pound.

Profitable operation of the domestic sugar beet industry is dependent upon numerous factors, including production costs, yield of the sugar beet harvest, and prices of substitutable crops for sugar beets. However, the single most important determinant of profitable operation is the price of sugar. Depressed sugar prices resulting from increased imports made continued operation of Holly Sugar Corp.'s Delta plant economically unfeasible. The company therefore permanently ceased production at the Delta plant in February 1977, at the end of 1976/77 sugar beet campaign.

## CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with sugar products produced at the Delta, Colo., plant of the Holly Sugar Corp., Colorado Springs, Colo., contributed importantly to the total or partial separations of the workers at that plant. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers of the Delta, Colo., plant of the Holly Sugar Corp., Colorado Springs, Colo., who became totally or partially separated from employment on or after March 1, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 19th day of September 1977.

JAMES F. TAYLOR,  
Director, Office of Management,  
Administration, and Planning.

[FR Doc. 77-28885 Filed 9-29-77; 8:45 am]

## [4510-23]

[TA-W-1092]

J. BASS & CO., WEST HAZELTON, PA.  
Revised Determination of Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 222 of the Trade Act of 1974 and in accordance with section 223(a) of such Act, on December 23, 1976, the Department of Labor issued a Notice of Negative Determination of Eligibility to Apply for Adjustment Assistance applicable to

workers and former workers of J. Bass & Co., West Hazelton, Pa. (TA-W-1092).

The Notice of Negative Determination was published in the FEDERAL REGISTER on January 4, 1977 (42 FR 885).

Subsequent to the publication of the original determination, the Office of Trade Adjustment Assistance received an inquiry on behalf of workers and former workers who were separated from J. Bass & Co. Further investigation revealed that apparel customers of converters who contracted with J. Bass & Co. do purchase imported dyed and printed fabric.

## CONCLUSION

Based on the additional evidence, a review of the entire record and in accordance with the provisions of the Act, I have determined that the following certification is hereby made as follows:

All workers at J. Bass & Co., West Hazelton, Pa., who became totally or partially separated on or after October 1, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 19th day of September 1977.

JAMES F. TAYLOR,  
Director, Office of Management,  
Administration, and Planning.

[FR Doc. 77-28875 Filed 9-29-77; 8:45 am]

## [4510-23]

[TA-W-1849]

## JONART MANUFACTURING, WILKES-BARRE, PENNSYLVANIA

## Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1849: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 22, 1977 in response to a worker petition received on March 22, 1977 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing women's dresses at Jonart Manufacturing, Wilkes-Barre, Pennsylvania.

The Notice of Investigation was published in the FEDERAL REGISTER on April 5, 1977 (42 FR 18156). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Jonart Manufacturing, the U.S. Department of Commerce, the International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (2) has not been met.

Sales and production figures for Jonart Manufacturing are not separately identifiable from those of a sister company, San Sue Frocks. The following figures represent the combined sales and production of both firms. Sales and production follow the same trends at both plants.

Sales of dresses by Jonart and San Sue Frocks increased 25.8 percent from 1975 to 1976 and increased 39.6 percent in the first half of 1977 compared to the first half of 1976.

Production of dresses by Jonart and San Sue Frocks increased 20.9 percent from 1975 to 1976 and increased 44.4 percent in the first half of 1977 compared to the first half of 1976.

## CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that neither sales nor production of ladies' dresses produced at Jonart Manufacturing, Wilkes-Barre, Pennsylvania have decreased as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 23rd day of September 1977.

GLORIA G. PRATT,  
Director, Office of  
Foreign Economic Policy.

[FR Doc. 77-28886 Filed 9-29-77; 8:45 am]

## [4510-23]

[TA-W-1850]

## KAREN MANUFACTURING COMPANY, INC., SWEET VALLEY, PENNSYLVANIA

## Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-1850: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 22, 1977 in response to a worker

petition received on that date which was filed on behalf of workers and former workers producing women's and misses' dresses at Karen Manufacturing Company, Inc., Sweet Valley, Pennsylvania.

The Notice of Investigation was published in the FEDERAL REGISTER on April 5, 1977 (42 FR 18156). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Karen Manufacturing Company, Inc., its major customer, the U.S. International Trade Commission, the U.S. Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (4) has not been met.

The Karen Manufacturing Company is an apparel contractor, producing women's and misses' dresses. The Department contacted the clothing manufacturer who accounted for about 90 percent of Karen Manufacturing's business in 1976. The manufacturer did not import any women's and misses' dresses. Sales by the manufacturer increased from 1975 to 1976, causing increased contract work for Karen Manufacturing during that period. Purchases by the manufacturer from Karen Manufacturing increased in the first quarter of 1977 compared to the first quarter of 1976. Furthermore, unit sales of dresses by Karen Manufacturing increased 34.5 percent from 1975 to 1976.

## CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of articles like or directly competitive with the women's and misses' dresses produced at Karen Manufacturing Company, Inc., Sweet Valley, Pennsylvania did not contribute importantly to the total or partial separations of workers at that firm.

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Signed at Washington, D.C., this 19th day of September 1977.

JAMES F. TAYLOR,  
Director, Office of Management,  
Administration, and Planning.  
[FR Doc.77-28887 Filed 9-29-77; 8:45 am]

## [4510-23]

[TA-W-2063]

**KENSINGTON DRESS CO.,  
PHILADELPHIA, PENNSYLVANIA**  
Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2063: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on May 11, 1977 in response to a worker petition received on that date which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing women's clothing and men's sportcoats at the Philadelphia, Pennsylvania plant of Kensington Dress Company.

The Notice of Investigation was published in the FEDERAL REGISTER on May 24, 1977 (42 FR 36481). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Kensington Dress Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

- (1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;
- (2) That sales or production, or both, of such firm or subdivision have decreased absolutely;
- (3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and
- (4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (4) has not been met.

Over 95 percent of the manufacturers who contract work from Kensington responded to the Department's survey. The

primary manufacturer for whom Kensington produced clothing reduced orders to Kensington in 1976 compared to 1975 and in the first quarter of 1977 compared to the like period in 1976. Reduced orders to Kensington were largely the result of the manufacturer's decision to increase his own "in-house" production, since the manufacturer, himself, experienced increased sales and production in 1976 compared to 1975. Retail customers of the primary manufacturer did not reduce orders to the manufacturer in order to increase purchases of imported clothing. All other customers of Kensington who were surveyed increased orders to Kensington in 1976 compared to 1975.

## CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with women's and men's apparel produced at Kensington Dress Company, Philadelphia, Pennsylvania did not contribute importantly to the total or partial separations of workers at that plant.

Signed at Washington, D.C., this 19th day of September 1977.

JAMES F. TAYLOR,  
Director, Office of Management,  
Administration, and Planning.  
[FR Doc.77-28888 Filed 9-29-77; 8:45 am]

## [4510-23]

[TA-W-2201]

**MORTON'S SHOE STORES, INC., BOSTON,  
MASSACHUSETTS**  
Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2201: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on July 13, 1977 in response to a worker petition received on July 11, 1977 which was filed on behalf of workers and former workers engaged in warehousing and distribution operations at Morton's Shoe Stores, Incorporated, Boston, Massachusetts.

The notice of investigation was published in the FEDERAL REGISTER on August 2, 1977 (42 FR 39157). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Morton's Shoe Stores, Incorporated and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

- (1) That a significant number or proportion of the workers in the workers' firm or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;
- (2) That sales or production, or both, of such firm or subdivision have decreased absolutely;
- (3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and
- (4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

If any of the above criteria is not satisfied, a negative determination must be made.

Morton's Shoe Stores, Incorporated and its subsidiaries are engaged in retail distribution and manufacture of footwear. Distribution facilities and offices are maintained in Boston, Massachusetts. Manufacturing operations are under two wholly owned subsidiaries of Morton's Shoe Stores, Incorporated in five locations in New England.

Morton's Shoe Stores, Incorporated, Boston, Massachusetts, the retail distribution operation, is a discount, distributing and selling footwear. The company distributes a full line of men's women's, and children's footwear and accessories including handbags and hosiery. The plant at Boston consists of administrative offices and a warehouse of 100,000 square feet.

Footwear is purchased from domestic and foreign suppliers. Retail distribution operations are channelled through leased departments in discount stores, free-standing retail outlets, and wholesale distribution to retail outlets.

The petitioning group of workers were employed at the Boston, Massachusetts distribution facility of Morton's Shoe Stores, Incorporated. The workers were engaged in warehousing and distribution operations and performed no production functions. Workers employed at Morton's Shoe Stores, Incorporated perform a service, i.e. warehousing and distribution of footwear.

## CONCLUSION

After careful review of the issues, I have determined that services of the kind provided by workers employed at Morton's Shoe Stores, Incorporated, Boston, Massachusetts are not "articles" within the meaning of Section 222(3) of the Trade Act of 1974. The petition for trade adjustment assistance is, therefore, denied.

Signed at Washington, D.C., this 19th day of September 1977.

JAMES F. TAYLOR,  
Director, Office of Management,  
Administration, and Planning.  
[FR Doc.77-28889 Filed 9-29-77; 8:45 am]

## [4510-23]

[TA-W-2030]

**QUANEX CORP., SOUTH LYON, MICH.**  
Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2030: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on May 10, 1977, in response to a worker petition received on April 25, 1977, which was filed by the United Steelworkers of America on behalf of workers and former workers producing carbon and alloy seamless steel tubing at the South Lyon, Mich., plant of the Quanex Corp.

The Notice of Investigation was published in the FEDERAL REGISTER on May 10, 1977 (42 FR 23655). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Quanex Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

- (1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;
- (2) That sales or production, or both, of such firm or subdivision have decreased absolutely;
- (3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and
- (4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (2) has not been met.

The South Lyon, Mich., plant of the Quanex Corp. is a small job shop which manufactures carbon and alloy seamless tubing according to customer specifications on the quality of steel, size of the outside diameter, thickness of the wall and pressure and corrosion specifications.

The Department's investigation revealed that sales are equal to production at the South Lyon, Mich., plant and that production of seamless steel tubing increased 4 percent in fiscal 1976 compared to fiscal 1975 and further increased 7.8 percent in the fiscal first half of 1977 compared to the same period in 1976.

The fiscal year begins on November 1 and ends on October 31.

## CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that sales or production of seamless steel tubing at the South Lyon, Mich., plant of the Quanex Corp. have not decreased as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 20th day of September 1977.

HARRY GRUBERT,  
Director, Office of  
Foreign Economic Research.  
[FR Doc.77-28890 Filed 9-29-77; 8:45 am]

## [4510-23]

[TA-W-1494 and 1495]

**REPUBLIC STEEL CORP., MANUFACTURING GROUP, CANTON AND NILES, OHIO**  
Negative Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1494 and 1495: Investigations regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigations were initiated on December 15, 1976, in response to two worker petitions received on that date which were filed on behalf of workers and former workers producing various steel products in the Manufacturing Group of Republic Steel Corp., Cleveland, Ohio. This investigation covers the Berger Division—Canton Industrial Plant, Canton, Ohio; Culvert Division—Canton Drainage Plant, Canton, Ohio; and Niles Joist Plant and Niles Door Plant, Niles, Ohio.

The notices of investigation were published in the FEDERAL REGISTER on January 11, 1977 (42 FR 2377). No public hearing was requested and none was held.

The information upon which the determinations were made was obtained principally from officials of Republic Steel Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

- (1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;
- (2) That sales or production or both, of such firm or subdivision have decreased absolutely;
- (3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased

quantities, either actual or relative to domestic production; and

- (4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

**I. BERGER DIVISION—CANTON INDUSTRIAL PLANT**

Without regard to whether any of the other criteria have been met, criterion two (2) was not met for the Canton Industrial Plant.

The Department's investigation revealed that the Canton Industrial Plant produces steel lockers and shelving and does some contract manufacturing. Total steel shipments from the plant increased 7 percent in quantity from 1975 to 1976. Total production at the plant increased 0.1 percent from 1975 to 1976.

## CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that sales or production at the Berger Division—Canton Industrial Plant, Canton, Ohio, of the Manufacturing Group of Republic Steel Corp., Cleveland, Ohio, did not decline as required for certification under section 222 of the Trade Act of 1974.

**II. CULVERT DIVISION—CANTON DRAINAGE PLANT AND CANTON DRAINAGE FAIRHOPE PLANT**

Without regard to whether any of the other criteria have been met, criterion (4) was not met for the Canton Drainage Plant and Canton Drainage Fairhope Plant.

The Department's investigation revealed that the Canton Drainage Plant produces drainage pipe and steel piling. The Canton Drainage Fairhope Plant produces drainage pipe and sectional plate. Customers of the Culvert Division were surveyed by the Office of Trade Adjustment Assistance regarding their purchases of steel products. None of the customers surveyed purchased imported drainage pipe, steel piling or sectional plate.

## CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with steel piling, drainage pipe and sectional plate produced at the Culvert Division—Canton Drainage Plant and Canton Drainage Fairhope Plant, Canton, Ohio, of the Manufacturing Group of Republic Steel Corp., Cleveland, Ohio, did not contribute importantly to the total or partial separation of workers at those plants.

## III. NILES JOIST PLANT

Without regard to whether any of the other criteria have been met, criterion three (3) was not met for the Niles Joist Plant.

The Department's investigation revealed that the Niles Joist Plant produced joist with depth greater than three inches. Production at the plant ceased

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in December 1975. Shipping and other sales functions were performed at the plant throughout 1976. The plant closed in December 1976. Imports of structural steel shapes (which includes joist) declined absolutely and relative to domestic shipments in each year from 1972 through 1975. The ratios of imports to domestic shipments and consumption declined from 19.7 percent and 17.2 percent, respectively, in 1974 to 19.5 percent and 16.8 percent, respectively, in 1975. Imports declined 30 percent from 1974 to 1975.

## CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of products like or directly competitive with joist produced at the Niles Joist Plant, Niles, Ohio, of the Manufacturing Group of Republic Steel Corp., Cleveland, Ohio, did not increase as required for certification under section 222 of the Trade Act of 1974.

## IV. NILES DOOR PLANT

Without regard to whether any of the other criteria have been met, criterion two (2) was not met for the Niles Door Plant.

The Department's investigation revealed that the Niles Door Plant produces steel door frames. Shipments from the plant increased 4 percent in quantity from 1975 to 1976. Production at the plant increased 7 percent from 1975 to 1976.

## CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that sales or production of the Niles Door Plant, Niles, Ohio, of the Manufacturing Group of Republic Steel Corp., Cleveland, Ohio, did not decline as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 12th day of September 1977.

JAMES F. TAYLOR,  
Director, Office of Management,  
Administration, and Planning.

[FR Doc. 77-28891 Filed 9-29-77; 8:45 am]

## [4510-23]

[TA-W-1826]

ROXANNE FASHIONS, INC., PLYMOUTH, PA.

## Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1826: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 21, 1977 in response to a worker petition received on March 18, 1977 in response to a worker petition received on March 18, 1977 which was filed by the International Ladies' Garment Workers'

Union on behalf of workers and former workers producing women's two-piece pant dresses at the Plymouth, Pa. plant of Roxanne Fashions, Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on April 5, 1977 (42 FR 18158). No public hearing was requested, and none was held.

The information upon which the determination was made was obtained principally from officials of Roxanne Fashions, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (4) has not been met.

The investigation has revealed that Roxanne Fashions, Inc. produces according to orders received from two manufacturers, neither of which purchases imported goods or employs foreign contractors. One of the manufacturers experienced an increase in sales from 1975 to 1976. The other manufacturer experienced a decrease in sales, but customers of this manufacturer indicated that they have not switched their purchases of pant dresses from domestic to foreign sources.

## CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of articles like or directly competitive with women's two-piece pant dresses produced at Roxanne Fashions, Inc., Plymouth, Pa. have not contributed importantly to the total or partial separations of workers at that firm as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 23rd day of September 1977.

GLORIA G. PRATT,  
Director, Office of  
Foreign Economic Policy.

[FR Doc. 77-28892 Filed 9-29-77; 8:45 am]

## [4510-23]

[TA-W-1827]

SAN SUE FROCKS, NANTICOKE, PA.

## Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1827: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 2, 1977 in response to a worker petition received on March 18, 1977 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing women's dresses at San Sue Frocks, Nanticoke, Pa.

The Notice of Investigation was published in the FEDERAL REGISTER on April 5, 1977 (42 FR 18158). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of San Sue Frocks, the U.S. Department of Commerce, the International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certificate of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (2) has not been met.

Sales and production figures for San Sue Frocks are not separately identifiable from those of a sister company, Jonart Manufacturing. The following figures represent the combined sales and production of both firms. Sales and production follow the same trends at both plants.

Sales of dresses by San Sue Frocks and Jonart increased 25.8 percent from 1975 to 1976 and increased 39.6 percent in the first half of 1977 compared to the first half of 1976.

Production of dresses by San Sue Frocks and Jonart increased 20.9 percent

from 1975 to 1976 and increased 44.4 percent in the first half of 1977 compared to the first half of 1976.

## CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that neither sales nor production of ladies' dresses produced at San Sue Frocks, Nanticoke, Pa. have decreased as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 23rd day of September 1977.

GLORIA G. PRATT,  
Director, Office of  
Foreign Economic Policy.

[FR Doc. 77-28893 Filed 9-29-77; 8:45 am]

## [4510-23]

[TA-W-1832]

SLOCUM DRESS, LUZERNE, PA.

## Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1832: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 21, 1977 in response to a worker petition received on March 18, 1977 which was filed on behalf of workers and former workers producing women's dresses at Slocum Dress, Luzerne, Pa.

The Notice of Investigation was published in the FEDERAL REGISTER on April 5, 1977 (42 FR 18158). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Slocum Dress, its customers, the U.S. International Trade Commission, U.S. Department of Commerce, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (2) has not been met.

Production at Slocum Dress is performed on a contract basis, therefore Slocum Dress does not produce for inventory and sales is equal to the volume of production. Slocum Dress does not import women's dresses.

Sales, in quantity, of women's dresses at Slocum Dress decreased 41 percent in 1975 from 1974 and then increased 135 percent in 1976 compared to 1975.

Sales, in value, declined 28 percent in 1975 from 1974 and then increased 95 percent in 1976 compared to 1975.

Sales in both quantity and value increased in each quarter of 1976 compared to the like quarter in previous year.

## CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that sales or production, or both, have not decreased absolutely as required for certification in section 222 of the Trade Act of 1974. The petition was therefore denied.

Signed at Washington, D.C., this 19th day of September 1977.

JAMES F. TAYLOR,  
Director, Office of Management,  
Administration, and Planning.

[FR Doc. 77-28894 Filed 9-29-77; 8:45 am]

## [4510-23]

[TA-W-2000]

TORRINGTON CO., TORRINGTON, CONN.

## Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2000: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on April 21, 1977, in response to a worker petition received on April 21, 1977, which was filed by the United Auto Workers on behalf of workers and former workers producing sewing machine needles and knitting machine needles at the Torrington, Conn. (Excelsior) plant of The Torrington Co.

The notice of investigation was published in the FEDERAL REGISTER on May 6, 1977 (42 FR 23216). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of The Torrington Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

## SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average plant employment increased 16.9 percent in 1976 compared to 1975 and then declined 9.5 percent in the first quarter of 1977 compared to the first quarter of 1976.

## SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Plant production of sewing machine needles increased 10.7 percent in 1976 compared to 1975 and then declined 26.1 percent in the first half of 1977 compared to the first half of 1976.

Plant production of knitting machine needles increased 21.1 percent in 1976 compared to 1975 and then declined 28.7 percent in the first half of 1977 compared to the first half of 1976.

## INCREASED IMPORTS

U.S. imports of sewing machine needles increased from 287 million needles in 1972 to 327 million needles and 346 million needles, respectively, in 1973 and 1974. U.S. imports declined to 277 million needles in 1975 before increasing to 320 million needles in 1976. U.S. imports totaled 76 million needles in the first quarter of 1976 and increased to 98 million needles in the first quarter of 1977.

The ratio of imported sewing machine needles to domestic production increased from 470 percent in 1972 to 511 percent in 1973. The ratio of imports to domestic production declined to 494 percent in 1974 before increasing to 693 percent and 727 percent, respectively, in 1975 and 1976. The ratio of imports to domestic production increased from 507 percent in the first quarter of 1976 to 891 percent in the first quarter of 1977.

U.S. imports of knitting machine needles increased from 161 million needles in 1972 to 175 million needles in 1973. U.S. imports declined to 152 million needles and 105 million needles, respectively, in 1974 and 1975 before increasing to 126 million needles in 1976. Imports of knitting machine needles increased from 31 million needles in the first quarter of 1976 to 42 million needles in the first quarter of 1977.

The ratio of imported knitting machine needles to domestic production increased from 84 percent in 1972 to 104

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percent, 115 percent, and 154 percent, respectively, in 1973, 1974, and 1975 before declining to 137 percent in 1976. The ratio of imports to domestic production increased from 119 percent in the first quarter of 1976 to 183 percent in the first quarter of 1977.

#### CONTRIBUTED IMPORTANTLY

A survey of customers purchasing knitting machine needles and sewing machine needles produced at the Excelsior plant of the Torrington Co. indicated that many customers have decreased purchases of needles from The Torrington Co. while increasing purchases of imported needles. These customers indicated that lower prices and in some cases superior quality influenced their decisions to switch to foreign sources.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with sewing machine needles and knitting machine needles produced at the Excelsior plant of the Torrington Co. in Torrington, Conn., contributed importantly to the total or partial separation of the workers at that plant.

In accordance with the provisions of the Act, I make the following certification:

All employees at the Excelsior plant of The Torrington Co. in Torrington, Conn., who became totally or partially separated from employment on or after November 29, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 22d day of September 1977.

HARRY GRUBERT,  
Director, Office of  
Foreign Economic Research.

[FR Doc. 77-28895 Filed 9-29-77; 8:45 am]

#### [4510-23]

[TA-W-1812]

#### TYSON BEARING CO., MASSILLON, OHIO Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1812: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 15, 1977, in response to a worker petition received on March 10, 1977, which was filed by the United Steelworkers of America on behalf of workers and former workers producing tapered roller bearings at the Massillon, Ohio, plant of Tyson Bearing Co.

The notice of investigation was published in the FEDERAL REGISTER on April 5, 1977 (42 FR 18155). No public hearing was requested and none was held.

The information upon which the determination was made was obtained

principally from officials of Tyson Bearing Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, the investigation revealed that the fourth criterion has not been met.

The Department's investigation revealed that customers of Tyson Bearing Co. did not switch purchases to imported tapered roller bearings. Those customers that had reduced purchases from Tyson Bearing also reduced purchases of imports. The decline in employment at the Massillon plant in 1976 was primarily the result of a shift of certain production operations to the company's plant in Glasgow, Ky.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports like or directly competitive with the tapered roller bearings produced at the Massillon, Ohio, plant of Tyson Bearing Co., did not contribute importantly to the total or partial separation of workers at that plant.

Signed at Washington, D.C., this 20th day of September 1977.

GLORIA G. PRATT,  
Director, Office of  
Foreign Economic Policy.

[FR Doc. 77-28896 Filed 9-29-77; 8:45 am]

#### [4510-23]

[TA-W-1562]

#### UNITED STATES STEEL CORP., HOMESTEAD WORKS, RANKIN, PA. Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of investigation regarding certification of eligibility to apply for worker adjustment

assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 10, 1976, in response to a worker petition received on that date which was filed by the United Steelworkers of America on behalf of workers and former workers producing carbon steel plate, structural shapes and pilings at the Homestead Works, Rankin, Pa., of the U.S. Steel Corp., Pittsburgh, Pa.

The Notice of Investigation was published in the FEDERAL REGISTER on January 25, 1977 (42 FR 4562). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of U.S. Steel Corp., its customers, the American Iron and Steel Institute, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separation, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of hourly production workers at the Rankin plant of the Homestead Works decreased 17.3 percent in 1975 compared to 1974 and 0.2 percent in 1976 compared to 1975. Employment decreased 13.4 percent in the first 11 months of 1976 compared to the same period of 1975. Employment in the last quarter of 1976 declined 20 percent from the previous quarter of that year.

#### SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

The Rankin plant produces basic steel of which approximately 95 percent is used by the Homestead plant of the Homestead Works to produce carbon steel plate, structural shapes and pilings. Total sales of the Homestead plant decreased 19.4 percent in 1975 compared to 1974 and 23.3 percent in the first 11 months of 1976 compared to the same period of 1975.

#### INCREASED IMPORTS

Imports of carbon steel plate decreased absolutely from 1,651,000 short tons in 1972 to 1,322,000 short tons in 1973, increased to 1,699,000 short tons in 1974, decreased to 1,353,000 short tons in 1975 and increased to 1,555,400 short tons in 1976. The ratio of imports to the domestic shipments of carbon steel plate decreased from 26.3 percent in 1972 to 16.4 percent in 1973 and increased to 18.8 percent in 1974, to 19.4 percent in 1975 and to 27.7 percent in 1976.

Imports of carbon steel structural shapes decreased absolutely from 1,614,000 short tons in 1972 to 1,250,700 short tons in 1973, increased to 1,142,700 short tons in 1974, decreased to 804,900 short tons in 1975 and increased to 1,351,400 short tons in 1976. The ratio of imports to domestic shipments of carbon steel structural shapes decreased from 34.1 percent in 1972 to 21.3 percent in 1973, to 19.7 percent in 1974, and to 19.5 percent in 1975 and increased to 40.0 percent in 1976.

Imports of carbon steel pilings decreased absolutely from 149,000 tons in 1973 to 112,000 tons in 1974, increased to 122,400 tons in 1975 and decreased to 103,700 tons in 1976. The ratio of imports to domestic shipments of carbon steel decreased from 31.3 percent in 1973 to 18.2 percent in 1974, increased to 31.0 percent in 1975 and to 34.8 percent in 1976.

#### CONTRIBUTED IMPORTANTLY

The U.S. Steel Corp. operates the Homestead Works which includes the Rankin, Pa., and Homestead, Pa., plants as an integrated production unit. Basic steel is produced at the Rankin plant and sent to the Homestead plant where carbon steel plate, structural shapes and pilings are produced.

A representative sample of customers who purchase carbon steel plate and structural shapes from the Homestead Works of U.S. Steel were surveyed. Many of these customers indicated that they had decreased purchases from the Homestead Works while increasing their purchases of imports.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with carbon steel plate, structural shapes and pilings produced at Homestead Works of the U.S. Steel Corp. contributed importantly to the total or partial separations of the workers at the Rankin, Pa., plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Rankin, Pa., plant of the Homestead Works of the U.S. Steel Corp. who became totally or partially separated from employment on or after December 23, 1975, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 22d day of September 1977.

HARRY GRUBERT,  
Director, Office of  
Foreign Economic Research.

[FR Doc. 77-28897 Filed 9-29-77; 8:45 am]

#### [4510-23]

[TA-W-1439]

#### UNITED STATES STEEL CORP., HOMESTEAD WORKS, HOMESTEAD, PA. Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 15, 1976, in response to a worker petition received on December 15, 1976, which was filed by the United Steelworkers of America on behalf of workers and former workers producing carbon steel plate, structural shapes and pilings at the Homestead Works, Homestead, Pa., of the United States Steel Corp., Pittsburgh, Pa.

The Notice of Investigation was published in the FEDERAL REGISTER on January 4, 1977 (42 FR 900). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of United States Steel Corp., its customers, the American Iron and Steel Institute, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separation, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of hourly production workers engaged in employment related to the production of carbon steel plate decreased 14.7 percent in 1975 compared to 1974 and 7.3 percent in the first 11 months of 1976 compared to the same period of 1975.

Employment of hourly production workers engaged in employment related to the production of carbon steel structural shapes decreased 20.2 percent in 1975 compared to 1974 and 9.3 percent in the first 11 months of 1976 compared to the same period of 1975.

Employment of hourly production workers engaged in the production of carbon steel pilings decreased 11.7 percent in 1975 compared to 1974 and 7.7 percent in the first 11 months of 1976 compared to the same period of 1975.

#### SALES OR PRODUCTION, OR BOTH HAVE DECREASED ABSOLUTELY

Sales of carbon steel plate decreased 17.6 percent in 1975 compared to 1974 and 22.9 percent in the first 11 months of 1976 compared to the same period of 1975.

Sales of carbon steel structural shapes decreased 23.6 percent in 1975 compared to 1974 and 24.7 percent in the first 11 months of 1976 compared to the same period of 1975.

Sales of carbon steel pilings decreased 12.4 percent in 1975 compared to 1974 and 23.4 percent in the first 11 months of 1976 compared to the same period of 1975.

#### INCREASED IMPORTS

Imports of carbon steel plate decreased absolutely from 1,651,000 short tons in 1972 to 1,322,000 short tons in 1973, increased to 1,699,000 short tons in 1974, decreased to 1,353,000 short tons in 1975 and increased to 1,555,400 short tons in 1976. The ratio of imports to the domestic shipments of carbon steel plate decreased from 26.3 percent in 1972 to 16.4 percent in 1973 and increased to 18.8 percent in 1974, to 19.4 percent in 1975 and to 27.7 percent in 1976.

Imports of carbon steel structural shapes decreased absolutely from 1,614,000 short tons in 1972 to 1,250,700 short tons in 1973, increased to 1,142,700 short tons in 1974, decreased to 804,900 short tons in 1975 and increased to 1,351,400 short tons in 1976. The ratio of imports to domestic shipments of carbon steel structural shapes decreased from 34.1 percent in 1972 to 21.3 percent in 1973, to 19.7 percent in 1974, and to 19.5 percent in 1975 and increased to 40.0 percent in 1976.

Imports of carbon steel pilings decreased absolutely from 149,000 tons in 1973 to 112,000 tons in 1974, increased to 122,400 tons in 1975 and decreased to 103,700 tons in 1976. The ratio of imports to domestic shipments of carbon steel



pillings decreased from 31.3 percent in 1973 to 18.2 percent in 1974, increased to 31.0 percent in 1975 and to 34.8 percent in 1976.

#### CONTRIBUTED IMPORTANTLY

The United States Steel Corp. operates the Homestead Works which includes the Rankin, Pa., and Homestead, Pa., plants as an integrated production unit. Basic steel is produced at the Rankin plant and sent to the Homestead plant where carbon steel plate, structural shapes and pilings are produced. A representative sample of customers who purchase carbon steel plate and structural shapes from the Homestead Works of United States Steel were surveyed. Many of these customers indicated that they had decreased purchases from the Homestead Works while increasing their purchases of imports.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with carbon steel plate, structural shapes and pilings produced at the Homestead Works of the United States Steel Corp. contributed importantly to the absolute decline in sales and to the total or partial separations of the workers at the Homestead, Pa. plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of carbon steel plate, structural shapes and pilings at the Homestead, Pa., plant of the Homestead Works of the United States Steel Corp., who became totally or partially separated from employment on or after November 15, 1975, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 22d day of September 1977.

HARRY GRUBERT,  
Director, Office of  
Foreign Economic Research.

[FR Doc.77-28898 Filed 9-29-77;8:45 am]

#### [4510-23]

[TA-W-1561]

#### UNITED STATES STEEL CORP., DULUTH, MINN.

#### Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1561: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 10, 1977, in response to a worker petition received on January 10, 1977, which was filed on behalf of workers and former workers producing metallurgical coke at the Duluth Works of United States Steel Corp., Duluth, Minn.

The Notice of Investigation was published in the *FEDERAL REGISTER* (42 FR 4562) on January 25, 1977. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of United States Steel Corp., its customers, the U.S. International Trade Commission, the U.S. Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

- (1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;
- (2) That sales or production, or both, of such firm or subdivision have decreased absolutely;
- (3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and
- (4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decreases in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at the Duluth Works declined 4.2 percent from 1974 to 1975 and declined 5.8 percent from 1975 to 1976.

Average weekly hours declined 12.4 percent from 1974 to 1975 and declined 3.1 percent from 1975 to 1976.

#### SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of coke at the Duluth Works declined 22.1 percent from 1974 to 1975 and declined 18.7 percent from 1975 to 1976. Production of coke at the Duluth Works is an earlier stage of an integrated steelmaking production process at United States Steel's South Works in Chicago, Ill., and United States Steel's Gary Works in Gary, Ind. Coke production at the Duluth Works is directly dependent on demand generated by steel production at the South Works and the Gary Works.

#### INCREASED IMPORTS

Imports, either absolutely or relative to domestic shipments of products like or directly competitive with products produced at United States Steel's South Works and Gary Works increased in 1976 compared to 1975.

Workers engaged in the production of these products at these plants have been certified eligible to apply for trade ad-

justment assistance (see TA-W-1433, South Works and TA-W-1438, Gary Works).

#### CONTRIBUTED IMPORTANTLY

Customers who purchased those same products indicated that they have decreased purchases from the South Works and the Gary Works and increased purchases of imported products.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with previously certified steel products produced by United States Steel Corp.'s South Works and Gary Works contributed importantly to the total or partial separations of the workers at the Duluth Works of United States Steel. In accordance with the provisions of the Act, I make the following certification:

All workers at the Duluth Works of United States Steel Corp., Duluth, Minn., who became totally or partially separated from employment on or after December 23, 1975, be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

Signed at Washington, D.C., this 19th day of September 1977.

JAMES F. TAYLOR,  
Director, Office of Management,  
Administration, and Planning.

[FR Doc.77-28899 Filed 9-29-77;8:45 am]

#### LEGAL SERVICES CORPORATION GRANTS AND CONTRACTS

Legal Aid Services, Casper, Wyo.

SEPTEMBER 26, 1977.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996f. Section 1007(f) provides:

At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly, and shall notify the Governor and the State Bar Association of any State where legal assistance will thereby be initiated, of such grant, contract, or project . . .

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Legal Aid Services, Casper, Wyo., to serve the counties of Johnson and Sheridan.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at:

Seattle Regional Office, 506 Second Avenue, Seattle, Wash., 98104.

THOMAS EHRLICH,  
President.

[FR Doc.77-28829 Filed 9-29-77;8:45 am]

#### [7555-01]

#### NATIONAL SCIENCE FOUNDATION ADVISORY PANEL FOR OCEANOGRAPHY PROJECT SUPPORT

#### Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Oceanography Project Support.

Date and time: October 17 and 18, 1977, 9 a.m. to 6 p.m. each day.

Place: Rooms 628 and 1114, National Science Foundation, 1800 G St., NW., Washington, D.C.

Type of meeting: Closed.

Contact person: Dr. Robert E. Wall, Head, Oceanography Section, Room 611, National Science Foundation, Washington, D.C. 20550, telephone (202-632-4227).

Purpose of panel: To provide advice and recommendations concerning support for research in Oceanography.

Agenda: To review and evaluate research proposals as part of the section process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,  
Acting Committee  
Management Officer.

SEPTEMBER 21, 1977.

[FR Doc.77-28859 Filed 9-29-77;8:45 am]

#### [7555-01]

#### ADVISORY PANEL FOR POLITICAL SCIENCE

#### Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Political Science.

Date and time: October 17, and 18, 1977—9 a.m. to 5 p.m.

Place: Room 338, National Science Foundation, 1800 G Street, NW., Washington, D.C.

Type of meeting: Closed.

Contact person: Dr. Richard E. Dawson, Program Director, Political Science Program, Room 316, National Science Foundation, Washington, D.C. 20550, telephone (202-632-4348).

Purpose of panel: To provide advice and recommendations concerning support for research in Political Science.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals being reviewed include: information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,  
Acting Committee  
Management Officer.

SEPTEMBER 27, 1977.

[FR Doc. 77-28860 Filed 9-29-77;8:45 am]

#### [7555-01]

#### SUBCOMMITTEE FOR CELL BIOLOGY OF THE ADVISORY COMMITTEE FOR PHYSIOLOGY, CELLULAR & MOLECULAR BIOLOGY

#### Meeting

Name: Subcommittee for Cell Biology of the Advisory Committee for Physiology, Cellular and Molecular Biology.

Date and time: October 20, 21, and 22, 1977—9 a.m. to 6 p.m.

Place: Room 1114, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Gertrude Kasbekar, Assistant Program Director for Cell Biology, room 326, National Science Foundation, Washington, D.C. 20550, telephone (202-632-4200).

Purpose of subcommittee: To provide advice and recommendations concerning support for research in cell biology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,  
Acting Committee  
Management Officer.

SEPTEMBER 27, 1977.

[FR Doc.77-28858 Filed 9-29-77;8:45 am]

#### [4810]

#### DEPARTMENT OF THE TREASURY Office of the Secretary LIST OF COUNTRIES REQUIRING COOP- ERATION WITH AN INTERNATIONAL BOYCOTT

In order to comply with the mandate of section 999(a)(3) of the Internal

Revenue Code of 1954, the Department of Treasury is publishing a current list of countries which may require participation in, or cooperation with, an international boycott (within the meaning of section 999(b)(3) of the Internal Revenue Code of 1954). This list is the same as the list published in the July 1, 1977, *FEDERAL REGISTER*.

On the basis of the best information currently available to the Department of the Treasury, the following countries may require participation in, or cooperation with, an international boycott (within the meaning of section 999(b)(3) of the Internal Revenue Code of 1954).

Bahrain  
Egypt  
Iraq  
Jordan  
Kuwait  
Lebanon  
Libya  
Oman  
Qatar  
Saudi Arabia  
Syria  
United Arab Emirates  
Yemen Arab Republic  
Yemen, Peoples Democratic Republic of

Dated: September 27, 1977.

LAURENCE N. WOODWORTH,  
Assistant Secretary,  
(Tax Policy).

[FR Doc.77-28744 Filed 9-29-77;8:45 am]

#### [4710]

#### NATIONAL COMMISSION ON THE OB- SERVANCE OF INTERNATIONAL WOMEN'S YEAR

#### DELEGATE TO NATIONAL WOMEN'S CON- FERENCE SELECTED AT STATE MEET- INGS

#### Notice of Certification of Delegates and Alternates

Pursuant to section 6(c)(1) of Pub. L. 94-167, each State Meeting held in preparation for the National Women's Conference has selected representatives to the Conference in accordance with regulations promulgated by the National Commission on the Observance of International Women's Year in Title 45 CFR, Chapter XIX (42 FR 11012 and 42 FR 16410).

On July 22, 1977, a notice was published in the *FEDERAL REGISTER* (42 FR 37607) that the Commission would receive documentation which related to the validity of the elections held at the State Meeting. The Commission has reviewed all the materials bearing on the elections which have been submitted to it and hereby gives notice that the following delegates have been duly certified as the elected representatives and alternates from their respective State Meetings to the National Women's Conference:



## ALABAMA

Elizabeth Ames  
41 800-27th St.  
Tuscaloosa, AL 35401

Kay Bakke  
602 Sanota Dr.  
Anniston, AL 36201

Ann Bedsole  
25 Edgefield Rd  
Mobile, AL 36608

Joanne Bloom  
3301 Delia Lane, NW  
Huntsville, AL 35810

Mary Corley  
544 Martha St.  
Montgomery, AL 36130

Nancy Cox  
118 West Wareingwood Rd.  
P.O. Drawer 3177  
Montgomery, AL 36109

Sandra Cox  
1717 Club View Dr.  
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2250 Highland Ave.  
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Charlotte Davis  
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1. Patricia Edington  
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4. Linda Larsen  
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5. Sandra Hollinshead  
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Pilar Lujan  
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Palos Grandes DA-1  
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Mary Berngun Tigr

TRUST TERRITORY ALTERNATES

Agnes Helgenberger

Ines Ada

Mina Irons

Karmerina Yamada

Katherine Kesolei

Gloria Litler

Senellie Phillip

V 42-190 SEP 30 77



Dated: September 27, 1977.

WILLIAM O. WALLACE,  
Deputy General Counsel, National  
Commission on the Observance  
of International Woman's Year.

[FR Doc.77-28911 Filed 9-29-77;8:45 am]

**NATIONAL FOUNDATION ON THE  
ARTS AND THE HUMANITIES  
ADVISORY COMMITTEE RESEARCH  
GRANTS PANEL**

**Meeting**

SEPTEMBER 26, 1977.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that a meeting of the Research Grants Panel will be held at 806 15th Street, NW., Washington, D.C. 20506, in room 1023, from 9 a.m. to 5:30 p.m. on October 21, 1977.

The purpose of the meeting is to review General Research applications in the field of the General Humanities submitted to the National Endowment for the Humanities for projects beginning after October 1, 1978.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Acting Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 2, 1977, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street, NW., Washington, D.C. 20506, or call area code 202-724-0367.

STEPHEN J. MCCLEARY,  
Advisory Committee  
Management Officer.

[FR Doc.77-28846 Filed 9-29-77;8:45 am]

**ADVISORY COMMITTEE RESEARCH  
GRANTS PANEL**

**Meeting**

SEPTEMBER 22, 1977.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that a meeting of the Research Grants Panel will be held at 806 15th Street, NW., Washington, D.C. 20506, in room 1130, from 9 a.m. to 5:30 p.m. on October 20 and 21, 1977.

The purpose of the meeting is to review the computer methodology of applications submitted to the National En-

dowment for the Humanities for projects beginning after April 1, 1978.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Acting Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 2, 1977, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street, NW., Washington, D.C. 20506, or call area code 202-724-0367.

STEPHEN J. MCCLEARY,  
Advisory Committee  
Management Officer.

[FR Doc.77-28847 Filed 9-29-77;8:45 am]

**[ 8025-01 ]**

**SMALL BUSINESS  
ADMINISTRATION**

[Declaration of Disaster Loan Area No. 1360; Amdt. No. 1]

**ALABAMA**

**Declaration of Disaster Loan Area**

The above numbered Declaration (see 42 FR 42421) is amended by adding Colbert, Lauderdale, Lawrence, Limestone, and Madison Counties, Ala. All other information remains the same. These additional counties now make the entire State eligible for assistance.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: September 2, 1977.

PATRICIA M. CLOHERTY,  
Acting Administrator.

[FR Doc.77-28749 Filed 9-29-77;8:45 am]

**[ 8025-01 ]**

[Declaration of Disaster Loan Area No. 1300; Amdt. No. 1]

**ARIZONA**

**Declaration of Disaster Loan Area**

The above numbered Declaration (see 42 FR 15391), is amended by extending the filing date for physical damage until the close of business on November 30, 1977, and for economic injury until the close of business on March 31, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: September 16, 1977.

A. VERNON WEAVER,  
Administrator.

[FR Doc.77-28750 Filed 9-29-77;8:45 am]

**[ 8025-01 ]**

[Declaration of Disaster Loan Area No. 1299; Amdt. No. 1]

**ARIZONA**

**Declaration of Disaster Loan Area**

The above numbered Declaration (See 42 FR 13890), is amended by extending the filing date for physical damage until the close of business on November 30, 1977, and for the economic injury until the close of business on March 31, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

A. VERNON WEAVER,  
Administrator.

[FR Doc.77-28751 Filed 9-29-77;8:45 am]

**[ 8025-01 ]**

[Declaration of Disaster Loan Area No. 1284; Amdt. No. 1]

**CALIFORNIA**

**Declaration of Disaster Loan Area**

The above numbered Declaration (see 42 FR 5170), is amended by extending the filing date for physical damage until the close of business on November 30, 1977, and for economic injury until the close of business on March 31, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: September 12, 1977.

A. VERNON WEAVER,  
Administrator.

[FR Doc.77-28759 Filed 9-29-77;8:45 am]

**[ 8025-01 ]**

[Declaration of Disaster Loan Area No. 1289; Amdt. No. 1]

**FLORIDA**

**Declaration of Disaster Loan Area**

The above numbered Declaration (see 42 FR 9075), is amended by extending the filing date for physical damage until the close of business on November 30, 1977, and for economic injury until the close of business on March 31, 1978:

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: September 19, 1977.

PATRICIA M. CLOHERTY,  
Acting Administrator.

[FR Doc.77-28753 Filed 9-29-77;8:45 am]

**[ 8025-01 ]**

[Declaration of Disaster Loan Area No. 1343; Amdt. No. 1]

**ILLINOIS**

**Declaration of Disaster Loan Area**

The above numbered Declaration (see 42 FR 32864), is amended by extending the filing date for physical damage until

the close of business on November 30, 1977, and for economic injury until the close of business on March 31, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: September 16, 1977.

A. VERNON WEAVER,  
Administrator.

[FR Doc.77-28754 Filed 9-29-77;8:45 am]

**[ 8025-01 ]**

[Declaration of Disaster Loan Area No. 1315; Amdt. No. 1]

**ILLINOIS**

**Declaration of Disaster Loan Area**

The above numbered Declaration (see 42 FR 21340), is amended by extending the filing date for physical damage until the close of business on November 30, 1977, and for economic injury until the close of business on March 31, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: September 16, 1977.

A. VERNON WEAVER,  
Administrator.

[FR Doc.77-28755 Filed 9-29-77;8:45 am]

**[ 8025-01 ]**

[Declaration of Disaster Loan Area No. 1365; Amdt. No. 1]

**IOWA**

**Declaration of Disaster Loan Area**

The above numbered Declaration (see 42 FR 44862), is amended by extending the filing date for physical damage until the close of business on December 30, 1977, and for economic injury until the close of business on July 31, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: September 16, 1977.

A. VERNON WEAVER,  
Administrator.

[FR Doc.77-28756 Filed 9-29-77;8:45 am]

**[ 8025-01 ]**

[Declaration of Disaster Loan Area No. 1264; Amdt. No. 1]

**KANSAS**

**Declaration of Disaster Loan Area**

The above numbered Declaration (see 41 FR 29777), is amended by extending the filing date for physical damage until the close of business on November 30, 1977, and for economic injury until the close of business on March 31, 1978.

Dated: September 16, 1977.

A. VERNON WEAVER,  
Administrator.

[FR Doc.77-28757 Filed 9-29-77;8:45 am]

**[ 8025-01 ]**

[Declaration of Disaster Loan Area No. 1337; Amdt. No. 1]

**KANSAS**

**Declaration of Disaster Loan Area**

The above numbered Declaration (see 42 FR 30459), is amended by extending the filing date for physical damage until the close of business on November 30, 1977, and for economic injury until the close of business on March 31, 1978.

Dated: September 16, 1977.

A. VERNON WEAVER,  
Administrator.

[FR Doc.77-28758 Filed 9-29-77;8:45 am]

**[ 8025-01 ]**

[Declaration of Disaster Area No. 1366]

**KANSAS**

**Declaration of Disaster Loan Area**

The counties of Dickinson, Douglas, Marion, and Riley and adjacent counties within the State of Kansas, constitute a disaster area because of physical damage resulting from tornadic winds, hail, rain, and flooding which occurred on June 15, 1977, through June 25, 1977. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on November 1, 1977, and for economic injury until the close of business on June 2, 1978, at:

Small Business Administration, District Office, 12 Grand Building, 5th Floor, 1150 Grand Avenue, Kansas City, Mo. 64106.  
Small Business Administration, District Office, Main Place Building, 110 East Waterman Street, Wichita, Kans. 67202.

or other locally announced locations.  
(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: September 2, 1977.

A. VERNON WEAVER,  
Administrator.

[FR Doc.77-28759 Filed 9-29-77;8:45 am]

**[ 8025-01 ]**

[Declaration of Disaster Loan Area No. 1374]

**LOUISIANA**

**Declaration of Disaster Loan Area**

East Baton Rouge Parish and adjacent Parishes within the State of Louisiana constitute a disaster area as a result of damage caused by high tides and flooding which occurred on September 1-7, 1977. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on November 18, 1977, and for economic injury until the close of business on March 17, 1978, at:

Small Business Administration, District Office, Plaza Tower, 17th Floor, 1001 Howard Avenue, New Orleans, La.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: September 19, 1977.

PATRICIA M. CLOHERTY,  
Acting Administrator.

[FR Doc.77-28760 Filed 9-29-77;8:45 am]

**[ 8025-01 ]**

[Declaration of Disaster Loan Area No. 1287; Amdt. No. 3]

**MARYLAND**

**Declaration of Disaster Loan Area**

The above numbered Declaration (see 42 FR 8253) and amendments thereto (see 42 FR 15392 and 17930) are further amended to reinstitute Disaster No. 1287 by extending the filing date for physical damage until the close of business on October 24, 1977, and for economic injury until the close of business on December 26, 1977.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: August 31, 1977.

A. VERNON WEAVER,  
Administrator.

[FR Doc.77-28761 Filed 9-29-77;8:45 am]

**[ 8025-01 ]**

[Declaration of Disaster Loan Area No. 1371]

**MASSACHUSETTS**

**Declaration of Disaster Loan Area**

The Town of Millbury at 26-34 Main Street, in Worcester County, Mass., constitutes a disaster area because of damage resulting from a fire which occurred on July 12, 1977. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on November 18, 1977, and for economic injury until the close of business on March 17, 1978, at:

Small Business Administration, District Office, 150 Causeway Street, 10th Floor, Boston, Mass. 02114.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: September 19, 1977.

PATRICIA M. CLOHERTY,  
Deputy Administrator.

[FR Doc. 77-28762 Filed 9-29-77;8:45am]

**[ 8025-01 ]**

[Declaration of Disaster Loan Area No. 1294; Amdt. No. 2]

**MINNESOTA**

**Declaration of Disaster Loan Area**

The above numbered Declaration (see 42 FR 11301), (see FR 15392), is amended by extending the filing date for physical damage until the close of business on November 30, 1977, and for economic in-



jury until the close of business on March 31, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: September 21, 1977.

PATRICIA M. CLOHERTY,  
Acting Administrator.

[FR Doc.77-28763 Filed 9-29-77;8:45 am]

#### [ 8025-01 ]

[Declaration of Disaster Loan Area No. 1281; Amdt. 3]

#### MINNESOTA

##### Declaration of Disaster Loan Area

The above numbered Declaration (see 42 FR 3944), amendment No. 1 (see 42 FR 15392), and amendment No. 2 (see 42 FR 16011), is amended by extending the filing date for physical damage until the close of business on November 30, 1977, and for economic injury until the close of business on March 31, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: September 21, 1977.

PATRICIA M. CLOHERTY,  
Acting Administrator.

[FR Doc.77-28764 Filed 9-29-77;8:45 am]

#### [ 8025-01 ]

[Declaration of Disaster Loan Area No. 1282; Amdt. No. 2]

#### MINNESOTA

##### Declaration of Disaster Loan Area

The above numbered Declaration (see 42 FR 4567), amendment No. 1 (see 42 FR 15485), is amended by extending the filing date for physical damage until the close of business on November 30, 1977, and for economic injury until the close of business on March 31, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: September 21, 1977.

PATRICIA M. CLOHERTY,  
Acting Administrator.

[FR Doc.77-28765 Filed 9-29-77;8:45 am]

#### [ 8025-01 ]

[Declaration of Disaster Loan Area No. 1365; Amdt. No. 2]

#### NORTH CAROLINA

##### Declaration of Disaster Loan Area

The above numbered Declaration (see 42 FR 41687), and Amendment No. 1 (See 42 FR 44863), are amended by ex-

tending the filing date for physical damage until the close of business on December 30, 1977, and for economic injury until the close of business on July 31, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: September 2, 1977.

A. VERNON WEAVER,  
Administrator.

[FR Doc.77-28766 Filed 9-29-77;8:45 am]

#### [ 8025-01 ]

[Declaration of Disaster Loan Area No. 1333; Amdt. No. 1]

#### TENNESSEE

##### Declaration of Disaster Loan Area

The above number Declaration (see 42 FR 27080), is amended by extending the filing date for physical damage until the close of business on November 30, 1977, and for economic injury until the close of business on March 31, 1978.

Dated: September 16, 1977.

A. VERNON WEAVER,  
Administrator.

[FR Doc.77-28767 Filed 9-29-77;8:45 am]

#### [ 8025-01 ]

[Declaration of Disaster Loan Area No. 1320; Amdt. 1]

#### TENNESSEE

##### Declaration of Disaster Loan Area

The above numbered Declaration (see 42 FR 23220), is amended by extending the filing date for physical damage until the close of business on November 30, 1977, and for economic injury until the close of business on March 31, 1978.

Dated: September 16, 1977.

A. VERNON WEAVER,  
Administrator.

[FR Doc.77-28768 Filed 9-29-77;8:45 am]

#### [ 8025-01 ]

[Declaration of Disaster Loan Area No. 1364 Amdt. No 1]

#### VIRGINIA

##### Declaration of Disaster Loan Area

The above numbered Declaration (see 42 FR 44863), is amended by adding:

Alleghany  
Amherst  
Botetourt  
Campbell  
Carroll  
Charlotte

Craig  
Franklin  
Greensville  
Loudoun  
Mecklenburg  
Northumberland  
Nottoway  
Patrick  
Pittsylvania  
Prince Edward  
Roanoke  
Sussex

and adjacent counties within the State of Virginia. All other information remains the same.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: September 16, 1977.

A. VERNON WEAVER,  
Administrator.

#### [ 8025-01 ]

##### JACKSON DISTRICT ADVISORY COUNCIL Public Meeting

The Small Business Administration Jackson District Advisory Council will ing, 7th Floor Conference Room, 3825 Ridgewood Road, Jackson, Miss., to discuss such business as may be presented by members, staff of the Small Business Administration, or others present. For further information write or call Ardis Jones, District Director, U.S. Small Business Administration, 690 Providence Capitol Building, 200 East Pascagoula, Jackson, Miss. 39201 (601-490-4363).

Dated: September 23, 1977.

K. DREW,  
Deputy Advocate for  
Advisory Councils.

[FR Doc.77-28748 Filed 9-29-77;8:45 am]

#### [ 8410-01 ]

##### WATER RESOURCES COUNCIL GUIDANCE FOR FLOODPLAIN MANAGEMENT

AGENCY: Water Resources Council.

ACTION: Publication of guidance.

SUMMARY: This guidance describes procedures for obtaining necessary information and determining whether a proposed action will occur on a floodplain and is issued in accord with section 2(a) (1), Executive Order 11988, dated May 24, 1977.

EFFECTIVE DATE: October 1, 1977.

#### FOR FURTHER INFORMATION CONTACT:

Frank H. Thomas, Floodplain Management Specialist, Policy Division, U.S. Water Resources Council, 2120 L Street NW., Washington, D.C. 20037. Phone 202-254-6352.

SUPPLEMENTARY INFORMATION: Section 2(d) of Executive Order 11988—Floodplain Management requires each agency to issue or amend existing regulations and procedures by May 23, 1978. The guidance provided in this notice is intended to assist the agencies in complying with this requirement.

Dated: September 28, 1977

LEO M. EISEL,  
Director.

#### INTRODUCTION

This guidance is issued to Federal agencies in accordance with section 2(a) (1) of the May 24, 1977, Executive Order—11988—"Floodplain Management" (Appendix C), which requires that before taking an action, a Federal agency shall determine whether the proposed action will occur in a floodplain. It is part of broader guidelines being drafted by the U.S. Water Resources Council (WRC) to aid Federal agencies in preparing their own procedures for implementing the policies and requirements of hold a public meeting at 9 a.m., Friday, November 4, 1977, at R&D Tower Building the Executive Order in the context of the "Unified National Program for Flood Plain Management", approved May 1976 by WRC.

The new Executive Order replaces the 1968 Executive Order 11296—Flood Hazard Evaluation—expanding its purposes to avoid environmental harm and placing greater responsibility on the heads of Federal agencies. It also requires that Federal agency actions affecting Federal real property and facilities in floodplains be consistent with the intent of the National Flood Insurance Program, and the "Unified National Program for Flood Plain Management".

Specifically, the purpose of Executive Order 11988 is "to avoid to the extent possible the long and short term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative." It calls on each agency to provide leadership and to take action "to reduce the risk of flood loss, to minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by floodplains in carrying out its responsibilities for (1) acquiring, managing, and disposing of Federal lands and facilities; (2) pro-

viding federally undertaken, financed, or assisted construction and improvements; and (3) conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities." It requires each agency "to evaluate the potential effects of any actions it may take in a floodplain; to ensure that its planning programs and budget requests reflect consideration of flood hazards and floodplain management; and to prescribe procedures to implement the policies and requirements" of the Order. Even when the functional nature of a proposed facility such as a dock, bridge footing, flood modifying structure, or type of activity routinely requires a floodplain location, agency procedures will detail measures to be taken in compliance with the Executive Order. (NOTE.—Section 2(d) requires that each agency issue or amend existing regulations and procedures to comply with the Order by May 23, 1978.)

#### FLOODPLAINS: AREAS OF CONCERN

The first step in responding to the Executive Order is to determine if a proposed action would take place in a floodplain. Floodplains are relatively flat areas adjoining inland and coastal (mainland and island) waters that have been or could be flooded according to the definitions now widely used in floodplain management. These are areas of natural hazard for human use and occupancy. They are also areas of natural and beneficial values. Both concerns must be recognized.

Floods follow no predictable pattern of frequency or magnitude. Most people do not fully appreciate the force of a flood, its depth and velocity, nor the attendant economic, health and safety aspects of flood debris and pollution. Furthermore, the more frequently flooded, low-lying portions of floodplains have important natural values, notably in wetlands associated with the interface between land and water which are so productive of animal and plant life. (Protection of Order Number 11990.)

For purposes of Executive Order 11988, all agency heads will be concerned, at a minimum, with the floodplain area which would be inundated by a flood having a one percent chance of occurring in any year—the so-called "100-year flood"—because they must support any decision to conduct, support, or allow an action (i.e., "structure," "facility" or "activity") to be located within this area. The pictorial glossary (Figure 1) depicts and defines the 100-year floodplain and other portions of floodplains. The 100-year floodplain is delineated by Zone A on the examples of flood insurance maps shown in Appendix A.

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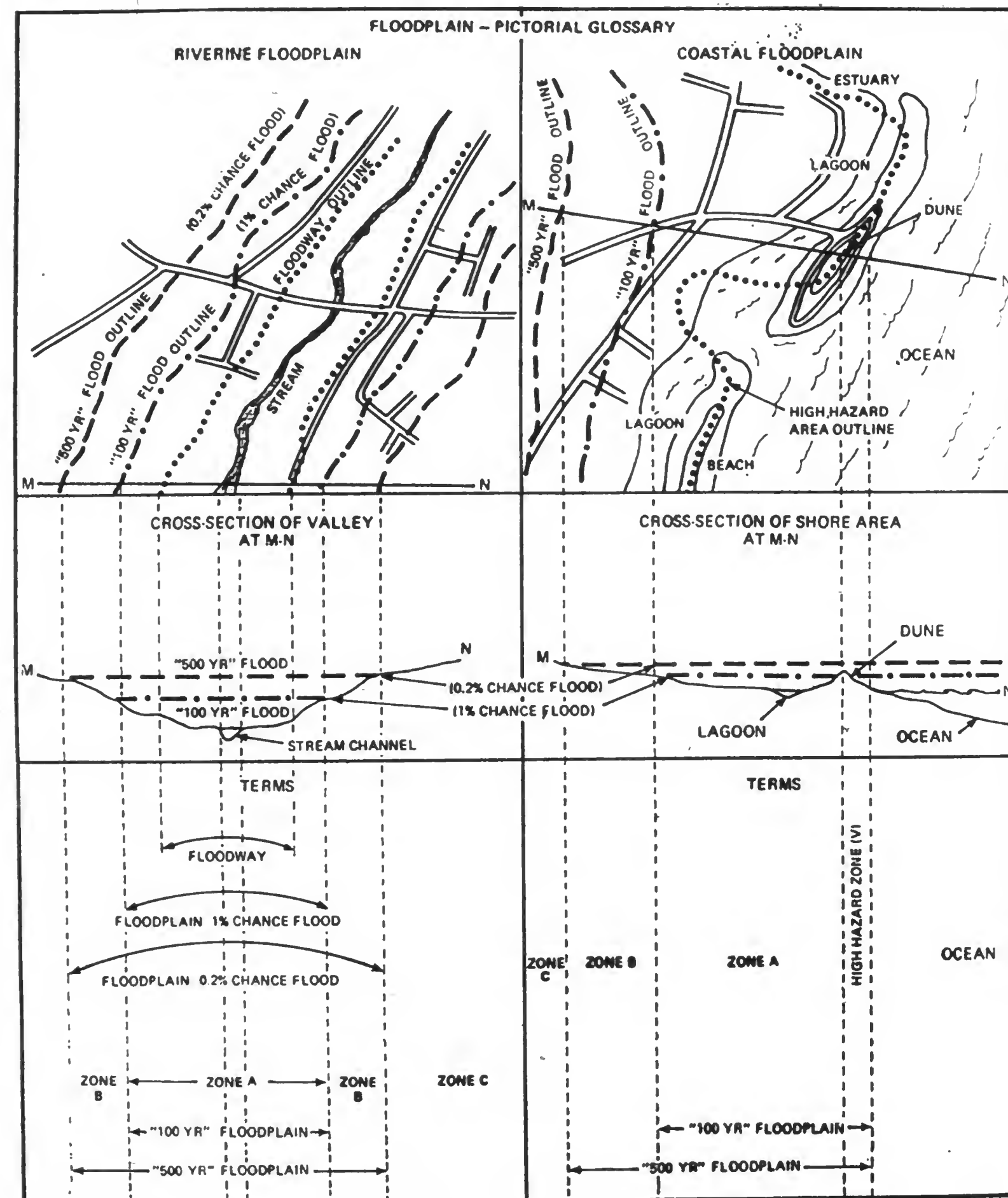


Figure 1

Within the 100-year floodplain, extreme hazard is associated with those portions of riverine and coastal floodplains nearest to flood sources, where depths and velocities of flood waters are greatest. These areas are usually referred to as a "floodway" and "coastal high hazard area", and with few exceptions, are locations to be avoided. These are the floodplain areas where flooding is not only most frequent and damaging, but where the environmental values of land and water interface are at their maximum.

In addition, agency heads should consider the implications of the occurrence of a flood larger than the 100-year flood on the economics and safety of a proposed floodplain use. If a proposed use would be especially dangerous when exposed to larger floods, consideration must be given to the larger floodplain area. Herein, such larger floodplains are identified as those of a flood with a 0.2 percent chance of occurring in any year—the so-called "500-year flood"—shown as Zone B on the Flood Insurance Rate Maps issued by the Federal Insurance Administration. Larger floods are used to delineate floodplains in flood hazard studies by other agencies. Examples are the Standard Project Flood used in U.S. Army Corps of Engineers' studies and the Maximum Probable Flood used in TVA studies, which are computed from basin runoff potentials rather than through statistical analysis of flow frequencies.

In summary, the key question is: How does the agency decisionmaker ascertain if his decision involves a floodplain location, particularly a site within the floodplain of the one percent chance flood?

#### PROCEDURES FOR DETERMINING A FLOODPLAIN LOCATION

The Order states that "this determination shall be made according to a Department of Housing and Urban Development (HUD) Flood Insurance Map or a more detailed map of an area, if available." However, recognizing that these maps are the best available, two cautions are suggested in utilizing flood insurance maps: (1) Flood insurance maps generally do not delineate portions of the floodplain less than 200' wide where headwater flooding may be a concern, and (2) possible adverse consequences from future urbanization are difficult to infer from the maps. Thus, technical assistance may be desirable for interpreting flood insurance maps. In addition, decisionmakers seeking flood insurance maps may find them unavailable for areas of extensive public land holdings.

The following is a guide for obtaining the floodplain information needed to make a determination.

**Areas of Predominantly Private Land Ownership.** If a decision involves a publicly or privately-owned site within an area of predominantly private ownership, a map showing the flood hazard areas will usually be available from the

National Flood Insurance Program administered by the Federal Insurance Administration (FIA), HUD. Detailed maps showing the elevations and boundaries of the "100-Year" (Zones A and V) and "500-year" (Zone B) floodplains are known as "Flood Insurance Rate Maps" (FIRM). A sample is shown on page A-1. Such maps have been published by the FIA for over 1,200 communities and maps for more communities continue to be published for FIA's program to provide maps of all flood prone areas by 1983. Many of the communities which have a FIRM also have a Flood Insurance Study (FIS) Report containing detailed flood information. Some 13,000 less detailed maps showing the approximate area of the 100-year (Zone A) floodplain are available for most of the remaining communities. These are called "Flood Hazard Boundary Maps" (FHBM). A sample is shown on page A-2. Similar information, some very detailed, is also available from the agencies described in Appendix B.

The search for information should follow the sequence below. (Refer to summary diagram preceding Appendix A.)

The detailed map (FIRM) or the Flood Insurance Study (FIS) should be consulted first. Information on how to request single maps, FIS reports, and how to be placed on the FIA mailing list to receive new or revised FIRM's, FHBM's, and FIS reports is detailed on pages B-3 and B-4.

If a detailed map (FIRM) is not available—obtain an approximate boundary map (FHBM) from the same source as in the preceding step. If the proposed site is at or near the 100-year flood boundary, or if data on flood elevations are needed, or if the map does not delineate the flood hazard boundaries in the vicinity of the proposed site—seek detailed information and assistance from the agencies listed on page B-1. (There are additional agencies with professional competence not listed on page B-1 which can perform their own floodplain studies when needed.)

If an approximate boundary map (FHBM) is not available or if the map does not delineate the flood hazard boundaries in the vicinity of the proposed site—seek detailed information and assistance from the agencies listed on page B-1.

If the agencies listed do not have or know of detailed information and are unable to assist in determining whether or not the proposed site is in the floodplain—seek the services of a licensed consulting engineer experienced in this type of work. The quality of information obtained from the consulting engineer must be comparable to that required of flood insurance study contractors for the FIA. Experienced consulting engineers may be suggested by the agencies listed on page B-1.

**Areas of predominantly Federal and State land holdings.** If a decision involves an area or location within extensive Federal or State holdings, it is unlikely that

V 4 2 1 1 9 0 S E P 3 0 7 7



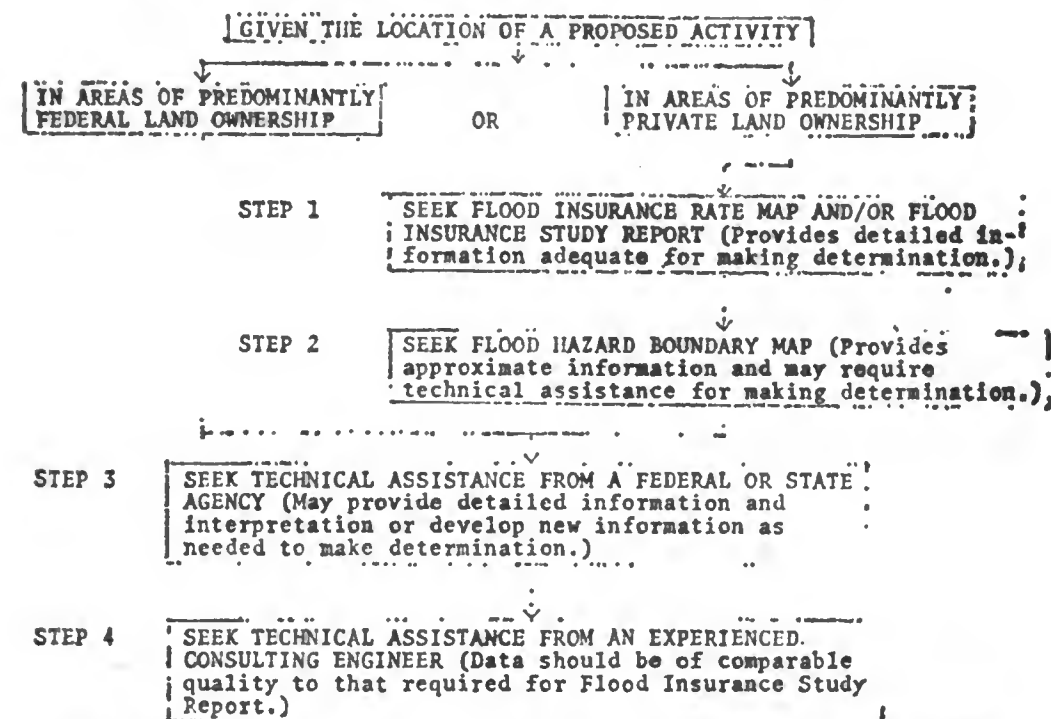
FIS reports and FIRM or FIRM maps would be available. In this event, information should be sought from the land administering agency before information and/or assistance is sought from the agencies listed on page B-1. If none of these agencies have information or can provide assistance, the services of an experienced consulting engineer should be sought as described above.

Additional guidance for developing agency procedures. The Water Resources

Council is drafting more comprehensive guidelines detailing procedures for use by all agencies in taking actions to minimize harm from flooding and to restore and preserve the natural and beneficial values of floodplains, as required by Executive Order 11988. These guidelines are intended to assist Federal agencies in preparing their own procedures and regulations and will be available from the Council.

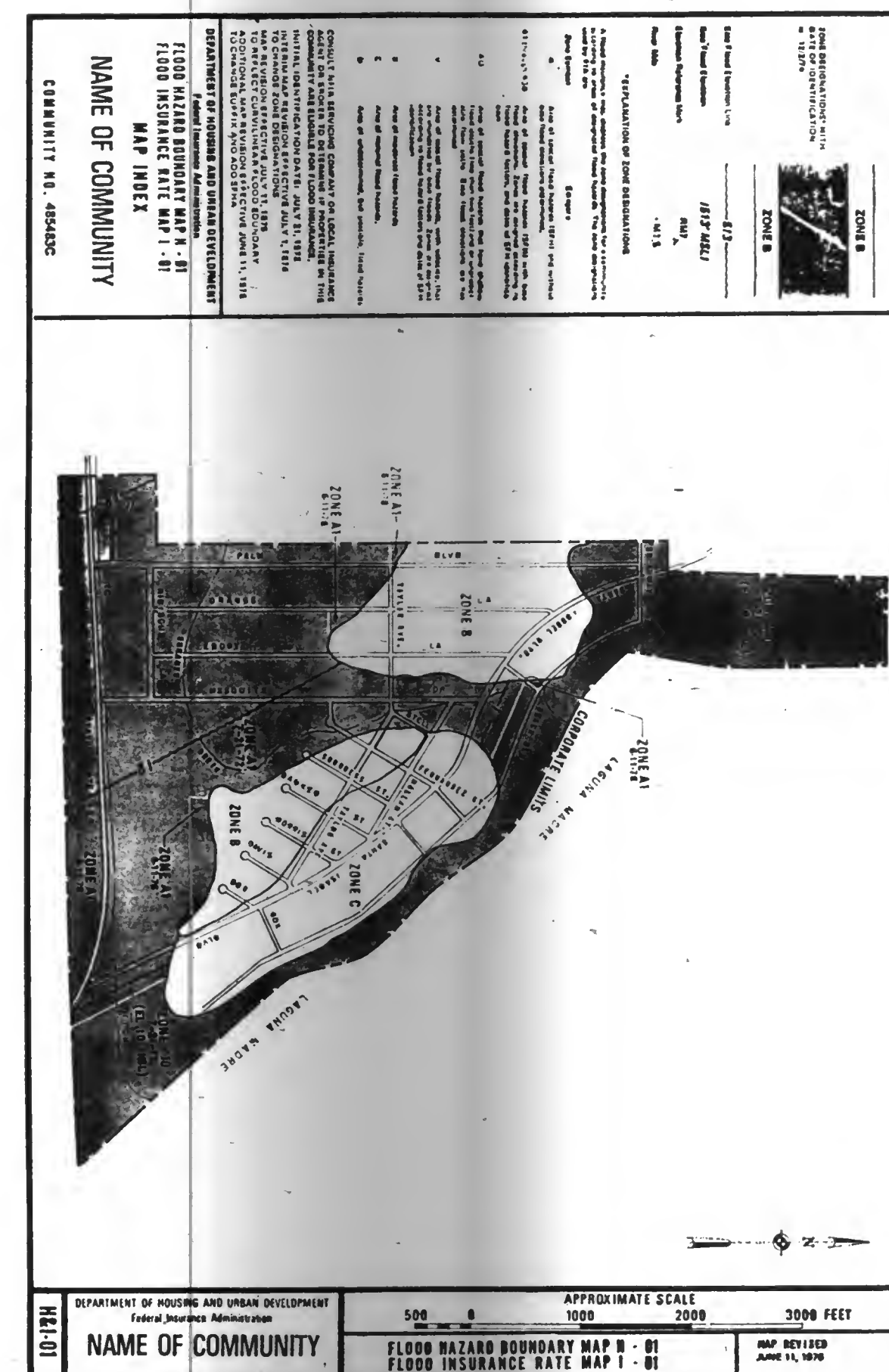
#### GUIDANCE FOR DETERMINING WHETHER A PROPOSED ACTION IS LOCATED IN A FLOODPLAIN

Summary of Search Procedure for Obtaining Necessary Information  
(Proceed through steps only as far as needed.)



One of the requirements of Executive Order 11988--Floodplain Management is that all Federal agencies before taking an action, determine if the proposed activity is located on a floodplain. The above steps are provided as the most efficient means for obtaining information of adequate quality. If a location is determined to be inside the floodplain, further action is required by the Executive Order. Guidance for meeting these requirements and for developing required agency procedures can be obtained from the Water Resources Council.

## APPENDIX A



A-1

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**LEGEND**

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ZONE B  
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ZONE Z

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**  
Flood Insurance Administration  
Federal Insurance Administration

**NAME OF COMMUNITY**

**COMMUNITY NO. 230300A**

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**  
Flood Insurance Administration  
Federal Insurance Administration

**NAME OF COMMUNITY**

**FLOOD HAZARD BOUNDARY MAP**

**MAP REVISION**  
8/6/76

A-2

# APPENDIX B.—Flood plain services— Sources of information and technical assistance services for determining whether a location is on a flood plain

Information and service (agency)	Flood plain (maps and profiles)		Technical assistance services
	Riverine	Coastal	
Department of Agriculture, Soil Conservation Service	X	X	X
Department of the Army, Corps of Engineers	X	X	X
Department of Commerce, National Oceanic and Atmospheric Administration			X
Department of Housing and Urban Development: Federal Housing Administration			X
Federal Insurance Administration	X	X	X
Department of the Interior: Geological Survey	X	X	X
Bureau of Land Management	X	X	X
Bureau of Reclamation	X		X
Tennessee Valley Authority	X		X
Delaware River Basin Commission	X		X
Susquehanna River Basin Commission	X		X
States and regional agencies	Varies from State to State		

NOTE.—See following pages for detailed description of  
assistance and information available from each agency.

## FLOODPLAIN SERVICES

### AVAILABLE FROM LISTED AGENCIES

#### DEPARTMENT OF AGRICULTURE

**Soil Conservation Service (SCS).** As part of the SCS's Floodplain Management Assistance Program each State Conservationist carries out cooperative Flood Hazard Analyses upon request of local governments, in accordance with a Joint Coordination Agreement with the responsible State agency. SCS flood hazard reports contain floodplain delineations on aerial photomaps, flood profiles, and discharge and floodway data. In addition, SCS provides continuing technical assistance to local governments, after completion of a flood hazard or insurance study, to help them implement their local floodplain management program. Each SCS State Office has additional flood elevation and related floodplain data on file from Watershed Project and Resource and Conservation Development Project Investigations, River Basins Surveys, and detailed Soil Surveys. If the State or field office address is not known contact: Chief, Floodplain Management and Special Projects Branch, River Basins Division, SCS, P.O. Box 2890, Washington, D.C. 20013; telephone 202-447-7697.

#### DEPARTMENT OF THE ARMY

**Corps of Engineers.** 47 field office locations maintain a file of floodplain information, survey, and other reports containing floodplain delineations, flood profiles, and data on flood discharges and hydrographs. Each office (1) provides interpretations as to flood depths, velocities, and durations from existing data; (2) develops new data through field and hydrologic studies for interpretation; and (3) provides guidance on adjust-

ments to minimize the adverse effects of floods and floodplain development. If field office address is not known contact Chief, Floodplain Management Services, U.S. Army and Independence Avenue SW, Washington, D.C. 20314, telephone 202-693-1691.

#### DEPARTMENT OF COMMERCE

**NOAA-National Weather Service.** Floodplain information and interpretative assistance for specific points on larger rivers of the United States can be obtained from the regional hydrologist at five National Weather Service Regional Offices. Information available consists of the flood stage for selected communities (the stage above which flood damage occurs), and historical flood information for that location. An annual publication entitled "River Forecasts Provided by the National Weather Service," lists the points for which data are compiled and includes the flood stage at each point and the current year's maximum stage as well as the maximum stage of record. This publication is for sale by the National Climatic Center of NOAA, Asheville, N.C. 28801. The National Weather Service also maintains a Flash Flood program which provides flood forecasts and warnings and assist interested communities in establishing Flash Flood Warning System. For information and assistance contact the Regional Hydrologist, National Weather Service: Eastern Region—Garden City, N.Y.; Southern Region—Fort Worth, Tex.; Central Region—Kansas City, Mo.; Western Region—Salt Lake City, Utah; Alaska Region—Anchorage, Alaska; and Regional Director, National Weather Service, Honolulu, Hawaii.

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**Federal Housing Administration.** The civil engineer at the 78 local or regional offices has specific knowledge of flood elevations for many urban locations and can provide knowledge of material available to assist in making a determination of a floodplain location. The location of the nearest office may be obtained from one of HUD's 10 regional offices or by contracting: Federal Housing Administration, 451 7th Street SW, Washington, D.C. 20410, telephone 202-755-5111.

**Federal Insurance Administration.** Request for insurance maps or studies should be addressed as follows:

(1) **FIA mailing list.** Copies of new or revised FHB's, FIRM's, and FIS's reports are distributed upon publication to organizations on the FIA mailing list. In requesting to be added to the mailing list, the agency should specify the number and distribution of maps required (for example, two copies of each map for Maine and New Hampshire communities to Boston regional office). Mailing list inquiries should be sent to:

Engineering Division, Federal Insurance Administration, Room 5150, HUD Building, 451 7th Street SW, Washington, D.C. 20410 (202-755-7510).

(2) **Requests for a single map.** Requests for a previously published FHB or FIRM or a single copy of FHB or FIRM may be made by calling FIA's toll free number: 800-424-8872.

(3) **Flood insurance study reports.** These detailed engineering reports are distributed to those on the mailing list when a FIRM is initially published. However, because there has not been a recurring demand for this information, FIA does not have a system for supplying copies to interested organizations at a later date. Copies are available at: (1) FIA's Engineering Division (address above); (2) FIA Regional Offices (see list below); and (3) Chief, Executive Officer of

the local community within which the action is proposed to be carried out.

Region I—Boston, 617-223-2616.  
Region II—New York, 212-264-4734.  
Region III—Philadelphia, 215-597-9581.  
Region IV—Atlanta, 404-257-2391.  
Region V—Chicago, 312-353-0757.  
Region VI—Dallas, 214-749-7412.  
Region VII—Kansas City, 816-374-2161.  
Region VIII—Denver, 303-637-5041.  
Region IX—San Francisco, 415-556-3543.  
Region X—Seattle, 206-442-1026.

Requests for floodplain management services, and a list of experienced consulting engineers may be obtained from the Director, Floodplain Management Division, Federal Insurance Administration, 451 7th Street SW, Washington, D.C. 20410, telephone 202-426-1691.

#### DEPARTMENT OF THE INTERIOR

**Geological Survey.** User Assistance Centers at 48 locations can provide (a) factual information on flood peaks and discharges, flood depths and velocities, profiles of the water surface during major floods, areas inundated during major floods, time-of-travel of floodwave, and sediment transport data; (b) interpretive information regarding flood-frequency relations, estimates of 10-, 50-, 100-, and 500-years flood discharges, computed water surface profiles, and flood-prone areas delineated on topographic maps, with known flood problems; and (c) assistance in minimizing flood losses by quickly identifying areas of potential flood hazards. If the User Assistance Center address is not known, contact: Chief, Surface Water Branch, Water Resources Division, U.S. Geological Survey, National Center, Reston, Va. 22092, telephone 703-860-6837.

**Bureau of Land Management.** The Bureau of Land Management (BLM) has District Offices located in the 11 Western States and Alaska involved in land use planning for public lands. Floodplain protection and flood prevention is a significant element in the BLM planning system, and each District Office maintains a file of existing floodplain maps which are available for public inspection. If the location of the district office is not known, contact: Bureau of Land Management, U.S. Department of the Interior, 18th and O Streets NW, Washington, D.C. 20240, telephone 202-343-5441.

**Bureau of Reclamation.** The flood hydrologist at the seven regional offices has knowledge of flooding and flood elevation for related locations associated with Bureau projects and can provide interpretive assistance for existing data. For information contact one of the seven regional or nearby project offices or the Flood Hydrology Section, U.S. Bureau of Reclamation, P.O. Box 25007, Denver Federal Center, Denver, Colo. 80225, telephone 303-234-2035.

#### TENNESSEE VALLEY AUTHORITY

Activities in water resources are confined to portions of the seven States in the Tennessee Valley Watershed. Since 1953, TVA has conducted a program of floodplain management assistance to local governments. Reports have been published for more than 100 communities, and have provided profiles and flood data to at least 70 others. Information in files pertains to large floods which have occurred in the Valley since the 1930's and in less detail dating back to the large flood of 1876. TVA's Floodplain Management Services Staff provides technical assistance to those who propose developments in floodplains to help prevent unwise actions. Contact: Floodplain Management Services, 100 Liberty Building, Tennessee Valley Author-



ity, Knoxville, Tenn. 37902, Telephone 615-632-4451.

#### DELAWARE RIVER BASIN COMMISSION

The Commission maintains a file of floodplain information, delineation and flood data studies prepared by the Commission, Federal agencies and others. Where data exist, assistance with interpretation will be provided. Contact: Head, Branch of Operations, Delaware River Basin Commission, P.O. Box 7360, West Trenton, N.J. 08628, telephone 609-883-9500.

#### SUSQUEHANNA RIVER BASIN COMMISSION

The Commission maintains a file of detailed hydrologic and hydraulic information for 245 communities throughout the Basin studies under the National Flood Insurance Program for HUD. Limited additional hydrological data for other areas is available. The Commission can provide general information and guidance on floodplain management measures. Contact: Chief, Planning and Operations, Susquehanna River Basin Commission, 5012 Lenker Street, Mechanicsburg, Pa. 17055, telephone 717-737-0504.

#### STATES

Many (but not all) States have active floodplain management programs. They have on file or access to most floodplain information generated by Federal and State agencies, regional organizations, special districts, and private consultants. State agencies are usually staffed and funded to (1) coordinate all floodplain management activities; (2) develop minimum standards for floodplain regulations; (3) assist local units of government (counties, cities, etc.) in developing floodplain management programs; and (4) interpret available floodplain information. For most States, the appropriate contact is the Department of Natural Resources or the Water Resources Division. At the substrate level, regional agencies such as conservancy districts and multicounty planning agencies may be a source of floodplain data and interpretation.

#### APPENDIX C

#### THE WHITE HOUSE, EXECUTIVE ORDER 11888, FLOODPLAIN MANAGEMENT

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, in furtherance of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.), the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4001 et seq.), and the Flood Disaster Protection Act of 1973 (Pub. L. 93-234, 87 Stat. 975), in order to avoid to the extent possible the long and short term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative, it is hereby ordered as follows:

SECTION 1. Each agency shall provide leadership and shall take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health, and welfare, and to restore and preserve the natural and beneficial values served by floodplains in carrying out its responsibilities for (1) acquiring, managing, and disposing of Federal lands and facilities; (2) providing Federally undertaken, financed, or assisted construction and improvements; and (3) conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities.

Sec. 2. In carrying out the activities described in section 1 of this order, each agency has a responsibility to evaluate the potential effects of any actions it may take in

a floodplain; to ensure that its planning programs and budget requests reflect consideration of flood hazards and floodplain management; and to prescribe procedures to implement the policies and requirements of this order, as follows:

(a) (1) Before taking an action, each agency shall determine whether the proposed action will occur in a floodplain—for major Federal actions significantly affecting the quality of the human environment, the evaluation required below will be included in any statement prepared under section 102 (2)(C) of the National Environmental Policy Act. This determination shall be made according to a Department of Housing and Urban Development (HUD) floodplain map or a more detailed map of an area, if available. If such maps are not available, the agency shall make a determination of the location of the floodplain based on the best available information. The Water Resources Council shall issue guidance on this information not later than October 1, 1977.

(2) If an agency has determined to, or proposes to, conduct, support, or allow an action to be located in a floodplain, the agency shall consider alternatives to avoid adverse effects and incompatible development in the floodplains. If the head of the agency finds that the only practicable alternative consistent with the law and with the policy set forth in this order requires siting in a floodplain, the agency shall, prior to taking action, (1) design or modify its action in order to minimize potential harm to or within the floodplain, consistent with regulations issued in accord with section 2(d) of this order, and (11) prepare and circulate a notice containing an explanation of why the action is proposed to be located in the floodplain.

(3) For programs subject to the Office of Management and Budget Circular A-95, the agency shall send the notice, not to exceed three pages in length including a location map, to the state and areawide A-95 clearinghouses for the geographic areas affected. The notice shall include: (i) the reasons why the action is proposed to be located in a floodplain; (ii) a statement indicating whether the action conforms to applicable state or local floodplain protection standards and (iii) a list of the alternatives considered. Agencies shall endeavor to allow a brief comment period prior to taking any action.

(4) Each agency shall also provide opportunity for early public review of any plans or proposals for actions in floodplains, in accordance with section 2(b) of Executive Order No. 11514, as amended, including the development of procedures to accomplish this objective for Federal actions whose impact is not significant enough to require the preparation of an environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969, as amended.

(b) Any requests for new authorizations or appropriations transmitted to the Office of Management and Budget shall indicate, if an action to be proposed will be located in a floodplain, whether the proposed action is in accord with this order.

(c) Each agency shall take floodplain management into account when formulating or evaluating any water and land use plans and shall require land and water resources use appropriate to the degree of hazard involved. Agencies shall include adequate provision for the evaluation and consideration of flood hazards in the regulations and operating procedures for the licenses, permits, loan, or grants-in-aid programs that they administer. Agencies shall also encourage and provide appropriate guidance to applicants to evaluate the effects of their proposals in floodplains prior to submitting applications for Federal licenses, permits, loans, or grants.

(d) As allowed by law, each agency shall issue or amend existing regulations and procedures within one year to comply with this order. These procedures shall incorporate the Unified National Program for Floodplain Management of the Water Resources Council, and shall explain the means that the agency will employ to pursue the nonhazardous use of riverine, coastal, and other floodplains in connection with the activities under its authority. To the extent possible, existing processes, such as those of the Council on Environmental Quality and the Water Resources Council, shall be utilized to fulfill the requirements of this order. Agencies shall prepare their procedures in consultation with the Water Resources Council, the Federal Insurance Administration, and the Council on Environmental Quality, and shall update such procedures as necessary.

Sec. 3. In addition to the requirements of section 2, agencies with responsibilities for Federal real property and facilities shall take the following measures:

(a) The regulations and procedures established under section 2(d) of this order shall, at a minimum, require the construction of Federal structures and facilities to be in accordance with the standards and criteria and to be consistent with the intent of those promulgated under the National Flood Insurance Program. They shall deviate only to the extent that the standards of the Flood Insurance Program are demonstrably inappropriate for a given type of structure or facility.

(b) If, after compliance with the requirements of this order, new construction of structures or facilities are to be located in a floodplain, accepted floodproofing and other flood protection measures shall be applied to new construction or rehabilitation. To achieve flood protection, agencies shall, wherever practicable, elevate structures above the base flood level rather than filling in land.

(c) If property used by the general public has suffered flood damage or is located in an identified flood hazard area, the responsible agency shall provide on structures, and other places where appropriate, conspicuous delineation of past and probable flood height in order to enhance public awareness of and knowledge about flood hazards.

(d) When property in floodplains is proposed for lease, easement, right-of-way, or disposal to non-Federal public or private parties, the Federal agency shall (1) reference in the conveyance those uses that are restricted under identified Federal, State, or local floodplain regulations; and (2) attach other appropriate restrictions to the use of properties by the grantee or purchaser and any successors, except where prohibited by law; or (3) withhold such properties from conveyance.

Sec. 4. In addition to any responsibilities under this order and sections 202 and 205 of the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4106 and 4128), agencies which guarantee, approve, regulate, or insure any financial transaction which is related to an area located in a floodplain shall, prior to completing action on such transaction, inform any private parties participating in the transaction of the hazards of locating structures in the floodplain.

Sec. 5. The head of each agency shall submit a report to the Council on Environmental Quality and to the Water Resources Council on June 30, 1978, regarding the status of their procedures and the impact of this order on the agency's operations. Thereafter, the Water Resources Council shall periodically evaluate agency procedures and their effectiveness.

Sec. 6. As used in this order:

(a) The term "agency" shall have the same meaning as the term "Executive agency" in

Section 105 of Title 5 of the United States Code and shall include the military departments; the directives contained in this order, however, are meant to apply only to those agencies which perform the activities described in section 1 which are located in or affecting floodplains.

(b) The term "base flood" shall mean that flood which has a one percent or greater chance of occurrence in any given year.

(c) The term "floodplain" shall mean the lowland and relatively flat areas adjoining inland and coastal waters including flood-prone areas of offshore islands, including at a minimum, that area subject to a one percent or greater chance of flooding in any given year.

Sec. 7. Executive Order No. 11296 of August 10, 1968, is hereby revoked. All actions, procedures, and issuances taken under that order and still in effect shall remain in effect until modified by appropriate authority under the terms of this order.

Sec. 8. Nothing in this order shall apply to assistance provided for emergency work essential to save lives and protect property and public health and safety, performed pursuant to sections 306 and 306 of the Disaster Relief Act of 1974 (88 Stat. 148, 42 U.S.C. 5145 and 5146).

Sec. 9. To the extent the provisions of section 2(a) of this order are applicable to projects covered by section 104(h) of the Housing and Community Development Act of 1974, as amended (88 Stat. 640, 42 U.S.C. 5304(h)), the responsibilities under those provisions may be assumed by the appropriate applicant, if the applicant has also assumed, with respect to such projects, all of the responsibilities for environmental review, decisionmaking, and action pursuant to the National Environmental Policy Act of 1969, as amended.

JIMMY CARTER

THE WHITE HOUSE, May 24, 1977.

[FR Doc. 77-28572 Filed 9-29-77; 8:45 am]

#### [ 8320-01 ]

#### VETERANS ADMINISTRATION STATION COMMITTEE ON EDUCATIONAL ALLOWANCES Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on October 31, 1977, at 10:00 a.m., the Veterans Administration Regional Office Station Committee on Educational Allowances shall at Federal Building—U.S. Courthouse, Room A-220, 110 9th Avenue, South, Nashville, Tenn., conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Dallas Bay Skypark, P.O. Box 34, Crabtree Road, Hixson, Tenn., should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear be-

fore, or file statements with the Committee at that time and place.

Dated: September 22, 1977.

R. S. BIELAK,  
Director, VA Regional Office,  
Nashville, Tenn.

[FR Doc. 77-28784 Filed 9-29-77; 8:45 am]

#### [ 7035-01 ]

#### INTERSTATE COMMERCE COMMISSION

[Notice No. 488]

#### ASSIGNMENT OF HEARINGS

SEPTEMBER 27, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellations or postponements of hearings in which they are interested.

MO 129537 (Sub 19), Reeves Transportation Co., now assigned October 17, 1977, at Atlanta, Ga., is cancelled and reassigned for December 5, 1977 (1 week), at Jackson, Miss., in a hearing room to be later designated.

I & S M 39619, passenger fare increases, Pawtucket Valley Bus Lines, Inc., now assigned November 1, 1977 (4 days), at Providence, R.I., in a hearing room to be later designated.

I & S M 29575, commutation rules, Hudson Transit Lines, Inc., July 1977, now assigned October 3, 1977, at New York, N.Y., is postponed indefinitely.

MO 123872 (Sub 67), W & L Motor Lines, Inc., now assigned October 19, 1977, at Washington, D.C., is canceled and transferred to Modified Procedure.

MO 142788, Farruggio's Limousine Service, a division of Farruggio's Bristol and Philadelphia Auto Express, Inc., now assigned December 5, 1977, at Philadelphia, Pa., is canceled and transferred to Modified Procedure.

MO 118855 (Sub-No. 379), International Transport, Inc., now being assigned November 9, 1977 (1 day), for hearing in Denver, Colo., will be held in Room 158, U.S. Customs House, 721 19th Street.

MO 118535 (Sub-No. 101), Tiona Truck Line, Inc., now being assigned November 10, 1977 (1 day), for hearing in Denver, Colo., will be held in Room 158, U.S. Customs House, 721 19th Street.

MO 123407 (Sub-No. 368), Sawyers Transport, Inc., now being assigned November 11, 1977 (1 day), for hearing in Denver, Colo., will be held in Room 158, U.S. Customs House, 721 19th Street.

MO 138141 (Sub 4), Louis Santora, Jr., d.b.a. AAA United Limousine Service, now assigned October 11, 1977, and will be held at the Sheraton Regal Motel, Kingsbridge Road, Piscataway, N.J.

MO 129387 (Sub 31), Payne Transportation, Inc., now assigned November 16, 1977, at Denver, Colo., is being advanced to November 14, 1977 (1 week), at Denver, Colo., in a hearing room to be later designated.

MO 109897 (Sub 2), Gray Line New York Tours Corp., now assigned November 9, 1977, at Newark, N.J., is canceled, application dismissed.

MO 114832 (Sub-No. 92), Apple Lines, Inc., now assigned November 1, 1977, at Denver, Colo., will be held in Room 158, U.S. Customs House, 721 19th Street.

MO 134286 (Sub-No. 17), Illinois Express, Inc., now assigned November 2, 1977, at Denver, Colo., will be held in Room 158, U.S. Customs House, 721 19th Street.

MO 58035 (Sub-No. 11), Trans-Western Express, Ltd., now assigned November 3, 1977, at Denver, Colo., will be held in Room 158, U.S. Customs House, 721 19th Street.

MO 114509 (Sub-No. 100), Shaffer Trucking, Inc., now assigned November 7, 1977, at Denver, Colo., will be held in Room 158, U.S. Customs House, 721 19th Street.

AB 19 (Sub-No. 32), the Baltimore & Ohio Railroad Co., abandonment near Green Spring and Petersburg in Hampshire, Hardy, and Grant Counties, W. Va., now assigned October 17, 1977, at Moorefield, W. Va., is postponed to November 7, 1977 (1 week), at the Circuit Court Room, County Courthouse, Washington Street, Moorefield, W. Va.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 77-28861 Filed 9-29-77; 8:45 am]

#### [ 7035-01 ]

[P.D. 16577 (Sub-No. 1)]

#### SOUTHERN RAILWAY CO.

#### Purchase

SEPTEMBER 23, 1977.

By order dated November 25, 1949, in Finance Docket No. 16577, the Commission, Division 4, authorized the purchase by the Southern Railway Co. of all of the franchises, rights and properties of Atlantic & Yadkin Railway Co., subject to conditions. One condition imposed by that order is that Commission approval is required before any junctions may be eliminated. By petition filed August 26, 1977, Southern Railway Co. and Norfolk & Western Railway Co. seek to eliminate the interchange at Walnut Cove, near Winston-Salem, N.C.

Notice is hereby given that this proceeding is being reopened for the limited purpose of eliminating the above-noted interchange condition.

Petitions for leave to intervene in this proceeding are due 30 days from the date of this notice.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 77-28862 Filed 9-29-77; 8:45 am]

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# sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552(b)(3).

## CONTENTS

	Items
Civil Aeronautics Board.....	1
Consumer Product Safety Commission.....	2, 3
Equal Employment Commission.....	4
Federal Maritime Commission.....	5
Federal Power Commission.....	6
Federal Reserve System (Board of Governors).....	7
Federal Trade Commission.....	8, 9, 10, 11
Interstate Commerce Commission.....	12, 13
Securities and Exchange Commission.....	14

## [ 6210-01 ]

1

### CIVIL AERONAUTICS BOARD.

[M-63, 9-23-77]

TIME AND DATE: 10 a.m., September 30, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: The Air Charter Tour Operators of America to make a presentation to the Board regarding the problems affecting the charter tour operators industry.

STATUS: Open.

#### PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

[S-1483-77 Filed 9-28-77; 8:44 am]

## [ 6355-01 ]

2

### CONSUMER PRODUCT SAFETY COMMISSION.

DATE AND TIME: October 6, 1977; 9:30 a.m.

LOCATION: 3rd Floor Hearing Room, 1111 18th Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: *Citizen attitudes toward cancer risks.* At this briefing, the Commission will receive a report on a survey on citizen attitudes toward cancer risks, which was conducted by Cambridge Reports, Inc., for Union Carbide Corp.

#### CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon Butts, Assistant Secretary, Suite 300, 1111 18th Street, NW., Washington, D.C. 20207, telephone 202-634-7700.

[S-1473-77 Filed 9-27-77; 4:47 pm]

## [ 6355-01 ]

3

### CONSUMER PRODUCT SAFETY COMMISSION.

TIME AND DATE: October 6, 1977; 9:30 a.m.

LOCATION: 3rd Floor Hearing Room, 1111 18th Street, NW., Washington, D.C.

STATUS: Open.

#### MATTERS TO BE CONSIDERED:

1. *Petition on grocery carts, CP 75-23.* In this petition, Edward Press, M.D., has asked the Commission to set mandatory safety standards to address alleged hazards associated with grocery carts.

2. *Petition on labeling toxic substances, HP 77-3.* In this petition, Barry Rumack, M.D., has asked the Commission to require labeling of consumer products which contain ingredients which are listed on the National Institute of Occupational Safety and Health (NIOSH) toxic substances list.

3. *Petition on combustibility labeling of paints, HP 74-16.* The National Paint and Coatings Association, in this petition, has asked the Commission to exempt paints and related products in the combustible category from "front" or "main" panel labeling required by regulations under the Federal Hazardous Substances Act (FHSA).

4. *Petition on fluorocarbon refrigerants, CP 77-3.* In this petition, James C. Levangle has asked the Commission to issue a rule concerning the use of certain refrigerants used in commercial and residential refrigerating and air conditioning units.

5. *Petition on nitrobenzene, HP 75-20.* Daniel M. Lipkin has asked the Commission to ban the use of nitrobenzene as an ingredient in household cleaning or polishing compounds, especially in those which are dispensed as a spray.

6. *Petition on architectural glazing, AP 77-4.* In this petition under the Administrative Procedures Act, the Anderson Glass Co. has asked the Commission to exempt from the standard for architectural glazing materials, glazing materials contracted for prior to the effective date of the standard but not incorporated into products subject to the standard until after the effective date.

7. *Possible substantial product hazard: Frohock-Stewart, Inc., bath stool, ID 77-41.* The staff has recommended that the Commission accept the corrective action which this firm has implemented to deal with a possible substantial product hazard involving bath stools which may collapse because of incorrect assembly at the factory.

8. *Possible substantial product hazard: Robertshaw Controls Co., ID 76-77.* Based on its evaluation that the defect in these products does not pose a substantial product hazard, the staff has recommended that the Commission close the case involving certain gas furnace controls manufactured by the Grayson Controls Division of Robertshaw.

9. *Possible substantial product hazard: Admiral Wire & Cable Corp. trouble lights, 76-82.* The staff has recommended that the Commission close this case based on a conclusion that further Commission efforts to recall the trouble lights would be fruitless.

10. *Possible substantial product hazard: International Harvester Co. Cub Cadet tractors, ID 77-40.* The staff has recommended that the Commission accept the corrective action plan, and close the case in this possible substantial hazard case involving possibly defective brakes on three models of tractors.

11. *Recordkeeping regulations under Section 16(b) of the Consumer Product Safety Act.* If approved by the Commission, this draft FEDERAL REGISTER document would repropose requirements for maintaining and retaining records of safety-related complaints. The draft makes substantive changes to the original requirements which were proposed in 1974. The Commission is also asked to approve a rule making the necessary determination under section 30(d) of the CPSCA that the rule would apply to manufacturers (including importers), private labelers and distributors of all products within the Commission's jurisdiction.

12. *Draft proposed certification regulation for architectural glazing materials.* This draft FEDERAL REGISTER document would propose regulations under section 14(b) of the Consumer Product Safety Act establishing reasonable testing procedures for architectural glazing materials, which would serve as the basis for certifying that the glazing complies with requirements of the Standard for Architectural Glazing Materials.

13. *Amendment to meetings policy.* If approved by the Commission, this draft FEDERAL REGISTER document would amend the CPSC meetings policy (16 CFR Part 1012) to exclude from the policy all meetings attended solely by officers and employees of government agencies. Under the present policy, meetings can be scheduled on short notice only with the approval of the Chairman, and meetings with other agencies can be closed only if the CPSC staff person attending the meeting determines that extraordinary circumstances warrant granting the request of other agencies to

close the meeting. The issue of amendment has arisen as a result of recent initiatives of interagency cooperation involving the Commission and EPA, FDA, and OSHA.

14. *Office of Public Participation.* The Commission will consider a number of issues related to establishing the Office of Public Participation, including personnel qualifications, staff selection, operating budget, funding of participants in Commission proceedings, and other functions of the Office.

15. *Voluntary standards policy.* The Commission will consider a draft policy on the relationship that CPSC will establish with regard to voluntary product safety standards and voluntary standards-setting organizations.

16. *Communications antennas: 27(c) labeling rule.* With this draft FEDERAL REGISTER document, the Commission would propose to require manufacturers of citizens band base station antennas, television antennas, and antenna support structures to give certain instructions, labels, and warnings related to possible electric shock hazards which can occur when installing or removing such antennas.

#### CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon Butts, Assistant Secretary, Suite 300, 1111 18th Street NW., Washington, D.C. 20207, telephone 202-634-7700.

[S-1482-77 Filed 9-27-77; 4:47 pm]

## [ 6570-06 ]

4

### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 48954, September 28, 1977, S-1444-77 and S-1465-77.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m. (eastern time), Thursday, September 29, 1977.

CHANGES IN THE MEETING: Portions open to the public:

The following items is deleted from the agenda: Proposed contract to print 1978 Employer Survey Forms (EEO-1).

The following items are added to the agenda: Procurement; processing 1977 Elementary-Secondary Staff Information Report (EEO-5); procurement; processing 1977 Higher Education Information Report (EEO-6).

A majority of the entire membership of the Commission determined by recorded vote that the business of the Commission required these changes and that no earlier announcement was possible.

The vote was as follows: In favor of change—Eleanor Holmes Norton, Chair; Ethel Bent Walsh, Commissioner; Daniel E. Leach, Commissioner. Opposed—None.

CONTACT PERSON FOR MORE INFORMATION:

## NOTICES

Marie D. Wilson, Executive Office, Executive Secretariat at 202-634-6748. This notice issued September 27, 1977. [S-1484-77 Filed 9-28-77; 11:00 am]

## [ 6730-01 ]

5

### FEDERAL MARITIME COMMISSION.

TIME AND DATE: October 5, 1977, 10 a.m.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Docket No. 75-13—Petition of North Atlantic French Atlantic Freight Conference and North Atlantic Baltic Freight Conference for a declaratory order—Report on effects of Commission decision on tariff filing activity.

2. Recommendation for approval of agreement No. T-3501, between the City of Richmond, Calif. (City), and Matson Terminals, Inc. (Matson), providing for management by Matson of City's container terminal.

3. Agreements Nos. 8054-18 and 9502-11: Modifications of the South and East Africa/U.S.A. Conference and the United States/South and East Africa Conference Agreement, respectively, providing for establishment of through routes and rates.

4. Agreement No. 10050-2: United States Flag-Far East discussion agreement providing for a two-year extension of the agreement.

5. Agreement No. 8770-6, modification of the United Kingdom/U.S.A. Gulf westbound rate agreement and agreement No. 9988-5, modification of the Continental/U.S. Gulf Freight Association providing for the admission of mini-bridge operators to membership.

6. Agreement No. 10135-4: A modification of the Far East and Pacific West-bound Conferences' member lines discussion agreement providing for indefinite extension of the agreement.

Portion closed to the public: 1. Report on arbitrary charges of Trans-Pacific conferences for carriage of cargo to Inchon, Korea.

#### CONTACT PERSON FOR MORE INFORMATION:

Francis C. Hurney, Secretary, 202-523-5727.

[S-1476-77 Filed 9-27-77; 4:47 pm]

## [ 6740-02 ]

6

### FEDERAL POWER COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 48954 (Pub. 9/26/77).

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: September 28, 1977, 10:00 a.m.

CONTACT PERSON FOR MORE INFORMATION:

## CHANGE IN THE MEETING:

Addition of Item G-33, Docket No. G-103, Entex, Inc., Docket No. CP76-452, *Compania De Gas De Nuevo Laredo, S.A., Complainant v. Entex, Inc., Defendant.*

KENNETH F. PLUMB, Secretary.

[FR Doc.S-1486-77 Filed 9-28-77; 11:50 am]

## [ 6210-01 ]

7

### FEDERAL RESERVE SYSTEM (BOARD OF GOVERNORS).

TIME AND DATE: 10 a.m., Wednesday, October 5, 1977.

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.

STATUS: Closed.

#### MATTERS TO BE CONSIDERED:

1. Proposed statement to be presented to the Senate Committee on Banking, Housing and Urban Affairs regarding the Federal Reserve's role in the payments mechanism.

2. Any agenda items carried forward from a previously announced meeting.

#### CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board (202-452-3204).

GRIFFITH L. GARWOOD, Deputy Secretary of the Board.

SEPTEMBER 27, 1977.

[FR Doc.S-1478-77 Filed 9-27-77; 4:47 pm]

## [ 6750-01 ]

8

### FEDERAL TRADE COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT. FR 42, September 26, 1977. Page No. 48955.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2 p.m., Wednesday, September 28, 1977.

CHANGES IN THE AGENDA:

The Federal Trade Commission has revised the order and time in which it will consider the agenda items for the open/closed meeting of September 28, 1977:

Closed Session: 2:00 p.m.: Bureau of Competition.

Closed Session: 3:20 p.m.: Bureau of Consumer Protection.

Open Session: 3:30 p.m.: Bureau of Consumer Protection.

[FR Doc.S-1477-77 Filed 9-27-77; 4:47 pm]

## [ 6750-01 ]

9

### FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, October 4, 1977.

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PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Closed.

#### MATTERS TO BE CONSIDERED:

##### Nonadjudicative Matters:

- (1) Approval of Minutes of Nonadjudicative Matters Considered at Meeting of September 27, 1977.
- (2) Consideration of proposed resolution authorizing compulsory process in Emerson Electric Company's Acquisition of Rosemount Inc., File No. 771 0046.

##### Adjudicative Matters Under Part 3 of the Rules of Practice:

The Commission has not yet scheduled any adjudicative items for discussion at this meeting.

#### CONTACT PERSON FOR MORE INFORMATION:

Leonard J. McEnnis, Jr., Office of Public Information, (202-523-3830); Recorded message (202-523-3806).

[S-1481-77 Filed 9-27-77; 4:47 pm]

[ 6750-01 ]

10

#### FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Wednesday, October 5, 1977.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open.

#### MATTERS TO BE CONSIDERED:

- (1) Consideration of Proposed Trade Regulation Rule on Disclosure Requirements and Prohibitions Concerning Franchising, Previously Published in 39 FR 30360 (August 22, 1974).
- (2) Report from General Counsel on Congressional Matters.

#### CONTACT PERSON FOR MORE INFORMATION:

Leonard J. McEnnis, Jr., Office of Public Information, (202-523-3830); Recorded message (202-523-3806).

[S-1480-77 Filed 9-27-77; 4:47 pm]

[ 6750-01 ]

11

#### FEDERAL TRADE COMMISSION.

TIME AND DATE: 2 p.m., Thursday, October 6, 1977.

PLACE: Room 532 (open); Room 540 (closed), Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

#### MATTERS TO BE CONSIDERED:

##### Portions open to Public:

- (1) Oral Argument in Trans World Accounts, Inc., et al. Docket No. 9059.

##### Portions closed to the Public:

- (2) Executive Session for Consideration of Oral Argument in Trans World Accounts, Inc., et al., Docket No. 9059.

#### CONTACT PERSON FOR MORE INFORMATION:

Leonard J. McEnnis, Jr., Office of Public Information (202-523-3830); Recorded message (202-523-3806).

[S-1479-77 Filed 9-27-77; 4:47 pm]

[ 7035-01 ]

12

#### INTERSTATE COMMERCE COMMISSION.

SEPTEMBER 27, 1977.

TIME AND DATE: 9:30 a.m., Tuesday, October 4, 1977.

PLACE: Room 4225, Interstate Commerce Commission Building, 12th Street and Constitution Avenue, NW., Washington, D.C.

STATUS: Open regular conference.

#### MATTERS TO BE CONSIDERED:

1. Discussion of Rule 93 of the Commission's Rules of Practice and Commission's existing practices together with proposed revisions recommended by Ad Hoc Committee on Recommended Revisions to Oral Argument Procedures (Discussion and Voting).
2. Time Limits for Proceedings (Program presentation by Managing Director and Discussion).

#### CONTACT PERSON FOR MORE INFORMATION:

Office of Information and Consumer Affairs, Douglas Baldwin, Director, telephone 202-275-7252.

[FR Doc.S-1474-77 Filed 9-27-77; 4:47 pm]

[ 6740-02 ]

13

#### INTERSTATE COMMERCE COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: (42 FR 48954, pub. 9/26/77.)

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., September 28, 1977.

CHANGE IN THE MEETING: The following items have been added:

- | Item No. | Docket No. and Company                                                                                                                                                                                                                  |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| G-30.    | CP78-97, Stingray Pipeline Company; CP77-538, Transcontinental Gas Pipe Line Corporation, Michigan Wisconsin Pipe Line Company, Natural Gas Pipeline Company of America, Consolidated Gas Supply Corporation and Trunkline Gas Company. |
| G-31.    | CP78-492, National Fuel Gas Supply Corporation and National Gas Storage Corporation; CP77-472, Transcontinental Gas                                                                                                                     |

Pipe Line Corporation; CP77-518 and CP77-519, Columbia Gas Transmission Corporation; CP77-569, CP77-570 and CP77-571, Tennessee Gas Pipeline Company, a Division of Tenneco Inc.

G-32.—RP72-154 (PGA77-4), RP74-22 (DCA77-2) and RP76-115 (AP77-1), Northwest Pipeline Corporation.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.S-1475-77 Filed 9-27-77; 4:47 pm]

[ 8010-01 ]

14

#### SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of October 3, 1977, in Room 625, 500 North Capitol Street, Washington, D.C.

A closed meeting will be held on Tuesday, October 4, 1977, at 10 a.m. Open meetings will be held on Wednesday, October 5, 1977, at 10 a.m. and at 4:15 p.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be so considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4) (8) (9) A and (10) and 17 CFR 200.402 (a) (8) (9) (i) and (10).

Chairman Williams, Commissioners Loomis, Evans, and Pollack determined to hold the aforesaid meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, October 4, 1977, at 10 a.m. will be:

- Formal orders of investigation.
- Institution of injunctive actions.
- Settlement of injunctive actions.
- Institution of administrative proceedings.
- Settlement of administrative proceedings.
- Simultaneous institution and settlement of injunctive actions.
- Referral of investigative files to Federal, State or Self Regulatory authorities.
- Regulatory matters arising from or bearing enforcement implications.
- Authorization of staff member to testify.
- Interim allowances in Chapter X proceeding.
- Subpoena enforcement proceeding.
- Rule 2(e) proceeding.

The subject matter of the open meeting scheduled for Wednesday, October 5, 1977, at 10 a.m. will be:

1. Application filed by MPB Corporation, an indirect wholly-owned subsidiary of Wheelabrator-Frye, Inc., for an order exempting the company from certain reporting requirements of the Securities Exchange Act of 1934.
2. Proposed extension of comment period on issues raised by institutional investors regarding beneficial ownership disclosure requirements.

3. Proposed withdrawal of the formulation of a rule to provide an exemption for lessor, switching and terminal railroad companies from certain financial statement disclosure requirements.

4. Affirmation of duty officer authorization for a staff member to appear and testify at the request of the receiver appointed in SEC v. Hay Springs, Corp.

5. Affirmation of duty officer authorization to transmit a response to an inquiry from Senator Lawton Chiles concerning what efforts the Commission has made to implement the Government in the Sunshine Act (Pub. L. 94-409) and what recommendations the Commission has to further the principles of that legislation.

6. Proposal filed by the New York Stock Exchange, Inc. relating to the permissible scope of communication between New York Stock Exchange specialists and issuers in their specialty stocks.

7. Proposed amendments filed by the New York Stock Exchange, Inc. regarding its

Plan for Implementation of FOCUS (Financial and Operational Combined Uniform Single) Reporting System. This amendment would establish criteria for NYSE's recommendations that certain carrying members be permitted to file portions of the reporting form within 17 business days, instead of the current requisite time of 10 business days.

The subject matter of the open meeting scheduled for Wednesday, October 5, 1977, at 4:15 p.m. will be:

Meeting with officials of the Bank Administration Institute to discuss their current activities.

#### FOR FURTHER INFORMATION CONTACT:

Edward B. Horahan at (202-376-8072).

SEPTEMBER 27, 1977.

[S-1485-77 Filed 9-28-77; 10:54 am]

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BOOK 2 OF 4 BOOKS  
FRIDAY, SEPTEMBER 30, 1977  
PART II



DEPARTMENT OF  
HEALTH,  
EDUCATION, AND  
WELFARE

Food and Drug Administration

■

SKIN TEST ANTIGENS

Proposed Implementation of  
Efficacy Review

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[ 4110-03 ]

DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE

Food and Drug Administration

[ 21 CFR Parts 601, 610, and 650 ]

[Docket No. 78N-0480]

## SKIN TEST ANTIGENS

Proposed Implementation of Efficacy  
Review

AGENCY: Food and Drug Administration

ACTION: Proposal.

**SUMMARY:** The Food and Drug Administration (FDA) is proposing to amend the biologics regulations in response to the report of the Advisory Review Panel on the safety, effectiveness, and labeling of skin test antigens. Additionally, on the basis of the Panel's findings and recommendations, the Commissioner of Food and Drugs is announcing his conclusions on those products in Category II (unsafe, ineffective, or misbranded) and Category IIIB (off the market pending completion of studies permitting a determination of effectiveness). The licenses for products in Category II have already been revoked at the request of the license holder. On or before October 31, 1977, the Commissioner will publish notices of opportunity for hearing to revoke the licenses for products in Category IIIB. The Commissioner is also announcing his conclusions as to those products in Category I (safe, effective, and not misbranded) and Category IIIA (on the market during further studies in support of effectiveness) and, by this proposal, is inviting comments and the submission of views and additional data on the status of these products.

**DATES:** Comments by November 29, 1977.

**ADDRESS:** Written comments to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

**FOR FURTHER INFORMATION CONTACT:**

Al Rothschild, Bureau of Biologics (HFB-620), Food and Drug Administration, Department of Health, Education, and Welfare, 8800 Rockville Pike, Bethesda, Md. 20014 (301-443-1920).

**SUPPLEMENTARY INFORMATION:** In the FEDERAL REGISTER of February 13, 1973 (38 FR 4319), the Commissioner issued § 601.25 (21 CFR 601.25) concerning procedures for review of safety, effectiveness, and labeling of biological products licensed prior to July 1, 1972. The biological products reviewed were assigned to one of the following categories: (a) Bacterial vaccines and bacterial antigens bearing labeling stating "No U.S. Standards of Potency," (b) bacterial vaccines and toxoids with standards of potency, (c) viral vaccines and rickettsial vaccines, (d) allergenic ex-

tracts, (e) skin test antigens, (f) blood and blood derivatives.

Pursuant to § 601.25, the Commissioner assigned responsibility for the initial review of each of the biological product categories to a separate independent advisory panel consisting of qualified experts to insure objectivity of the review and public confidence in the use of these products. The Commissioner charged each panel to (1) evaluate the safety and effectiveness of the biological product, (2) review the labeling of the biological product, and (3) advise him on which biological products under review are safe, effective, and not misbranded, in the form of an advisory review panel report to the Commissioner. The advisory review panel report is to include a statement classifying products into 1 of 3 categories.

Category I designates those biological products determined by the panel to be safe, effective and not misbranded. The panel statement may include any condition relating to active components, labeling, tests required prior to release of batches, product standards, or other conditions necessary or appropriate for their safety and effectiveness.

Category II designates those biological products determined by the panel to be unsafe or ineffective or to be misbranded.

Category III designates those biological products determined by the panel not to fall within either Category I or II on the basis of the panel's conclusion that the available data are insufficient to classify such biological products, and for which further testing is therefore required. Those biological products in Category III for which continued licensing, manufacturing, and marketing are recommended are designated as Category IIIA. Those biological products in Category III for which revocation of the license is recommended (and thus denying continued manufacturing and marketing) are designated as Category IIIB. The recommendation for either Category IIIA or IIIB is based on an assessment of the present evidence of safety and effectiveness of the product and the potential benefits and risks likely to result from the continued use of the product for a limited period of time while the questions raised concerning the product are being resolved by further study.

Subsequently, in the FEDERAL REGISTER of February 26, 1974 (39 FR 7445), the Commissioner requested that interested persons nominate qualified experts to serve on the Panel on Review of Skin Test Antigens. In addition, the Commissioner solicited submission of data pertinent to these products to facilitate review of safety, effectiveness, and labeling of these products and to provide all interested persons an opportunity to present, for consideration by the Panel, the best information available to support the stated claims for skin test antigens.

Data and information submitted pursuant to the February 26, 1974, notice and falling within the provisions of 18 U.S.C. 552(b) or 21 U.S.C. 331(j) have been handled as confidential. However,

with the publication of this proposed implementation and the full report of the panel, such data and information will, pursuant to § 601.25(b)(2), be made publicly available October 31, 1977, and may be viewed at the office of the Hearing Clerk, except to the extent that the person submitting the data demonstrates that such data still fall within one or more of the confidentiality provisions. Accordingly, any such comments concerning confidentiality should be submitted by October 31, 1977, to Office of Efficacy Review (HFB-5), Bureau of Biologics, 8800 Rockville Pike, Bethesda, Md. 20014.

The Commissioner appointed the following Panel to review the data and information submitted, and to prepare a report on the safety, effectiveness, and labeling of skin test antigen biological products:

Panel Chairman, John A. Sbarbaro, M.D., M.P.H., Director of Public Health and Deputy Director for Medical Affairs, Denver Department of Health and Hospitals; Associate Professor of Medicine and Preventive Medicine, University of Colorado School of Medicine.

Charlotte C. Campbell, D.Sc., Professor of Medical Sciences, Southern Illinois University School of Medicine.

George W. Comstock, M.D., Professor of Epidemiology, The Johns Hopkins School of Hygiene and Public Health.

Fred S. Kantor, M.D., Professor of Medicine, Yale University School of Medicine.

George S. Kobayashi, Ph.D., Associate Professor, Division of Dermatology, Department of Internal Medicine, Washington University School of Medicine.

John E. Salvaggio, M.D., Henderson Professor of Medicine, Tulane Medical School.

Emanuel Wolinsky, M.D., Professor of Medicine, Case Western Reserve University, Director of Microbiology, Cleveland Metropolitan General Hospital.

The Panel was first convened on June 25, 1974, in an organizational meeting. Working meetings were held on September 20 and 21, October 18 and 19, November 22 and 23, 1974, and January 10 and 11, February 28 and March 1, April 18 and 19, June 6 and 7, August 1 and 2, September 26 and 27, and December 5 and 6, 1975.

Three nonvoting liaison representatives served on the Panel. Ms. Cathy Sulzberger, nominated by the Consumer Action for Improved Food and Drugs organization, served as the consumer representative. John G. Adams, Ph.D., nominated by a number of producers with products under review by the Panel, served as the industry representative. Karl Bambach, Ph.D., substituted for Dr. Adams in his absence.

Clay Sisk, U.S. Public Health Service, served as Executive Secretary to the Panel. Morris Schaeffer, M.D., Ph.D., participated in the Panel meetings in his capacity as Director, Office of Efficacy Review, Bureau of Biologics, Food and Drug Administration.

The following individuals were given an opportunity to appear before the Panel to express their views either at their own or the Panel's request:

Walter R. Ashford, Ph.D.  
Sotiros D. Chaperas, Ph.D.  
Murray S. Cooper, Ph.D.  
Phyllis Q. Edwards, M.D., MPH  
Laurence S. Parer, M.D., MPH  
Kenneth Herrmann, M.D.  
Silvio Landi, Ph.D.  
Stephen A. Szumski, Ph.D.

No person who so requested was denied an opportunity to appear before the Panel.

The following firms made submissions relating to the indicated products:

SUBMISSIONS BY FIRMS	
Firm	Licensed products
Bureau of Laboratories, Michigan Department of Public Health, Lansing, Mich. 48914.	Histoplasmin.
Connaught Laboratories, Ltd., Willowdale, Ontario, Canada.	Tuberculin, PPD.
Cutter Laboratories, Inc., Berkeley, Calif. 94710.	Coccidioidin.
Ell Lilly & Co., Greenfield, Ind. 46140.	Mumps Skin Test Antigen, Tuberculin, Old, Coccidioidin.
Iatric Corp., Tempe, Ariz. 85282.	Tuberculin, Old.
Institut Merieux, Lyon (2e), France Lederle Laboratories Division, American Cyanamid Co., Pearl River, N.Y. 10965.	Histoplasmin, Lymphogranuloma Venereum Antigen, Trichinella Extract, Tuberculin, Old.
Massachusetts Public Health Biologics Laboratories, Boston, Mass. 02130.	Diphtheria Toxin for Schick Test, Tuberculin, Old.
Parke Davis & Co., Detroit, Mich. 48232.	Histoplasmin, Tuberculin, PPD.
Texas State Department of Health, Austin, Tex. 78756.	Diphtheria Toxin for Schick Test, Schick Test Control, Tuberculin, Old.

No data were submitted on the products listed below for which licenses were in effect as of September 27, 1975, although it appears that these products have not been manufactured since mid-1973.

LICENSED PRODUCTS NOT BEING MARKETED	
Firm	Licensed products
Parke Davis & Co., Detroit, Mich. 48232.	Diphtheria Toxin for Schick Test, Tuberculin, Old.
E. R. Squibb & Sons, Inc., New Brunswick, N.Y. 08903.	Lymphogranuloma Venereum Antigen.

The Panel has thoroughly reviewed the literature and various data submissions and has considered all pertinent data and information submitted through December 5, 1975, in arriving at the following conclusions and recommendations:

## BASIS OF EVALUATION

Recognition of the relationship between microorganisms and the human host is a relatively new development in the long history of mankind. Less than 100 years of intensifying investigations has revealed that contact between man

and an infecting agent can range in results from imperceptible and transient, but harmless, multiplication within the host to overwhelming infection resulting in death of the host. Although any microorganism capable of multiplying in man is a potential threat, the vast majority of these agents are quickly subdued by man's natural immune mechanisms. Once having come in contact with the infecting microorganism, the host may become "sensitized" to the infecting agent or components of the infecting agent. This "sensitization" is part of the host immune system. Some microorganisms such as *Mycobacterium tuberculosis* pose a serious and lifelong threat to the host, despite such "sensitization."

The ability to identify whether an individual has experienced or is experiencing invasion by a specific microorganism is often of medical significance. One of the earliest developed methods through which this relationship between the host and parasite can be ascertained is the injection of cellular components of the suspected microorganism into the skin of the presumed host. The concept underlying this test is relatively simple: Components (antigens) capable of eliciting response by "sensitized" immune defenses of the body should be easily identified when placed in a small confined area of the skin where the reaction by the host defensive system can be measured. A definite response (positive reaction) indicates contact and interaction between the individual and the specific microorganism or an antigenically related one.

Initially, this testing process was grossly crude, involving the use of ill-defined antigens thought to be derived from specific microorganisms but often including components of other substances such as those used to grow or prepare the microorganism for skin injection. While experience and scientific advances have permitted the gradual refining of many of these earlier products, the state of the art still encompasses a wide range of products of varying purity and potency.

In evaluating these products for both safety and effectiveness, the Panel first defined the characteristics of an ideal skin test antigen. A perfect skin test should be sensitive enough to identify every individual who has interacted with a particular microorganism, yet specific enough to identify only those individuals. At least three variables contribute to the effectiveness of the skin test process:

(1) *Immunological system.* The variable introduced by the individual human immunological response system is beyond the scope of this Panel. However, general immune deficiencies and poorly understood findings such as specific anergy (nonreactivity to a specific antigen) are medical realities that complicate this testing process. Gradations of these entities undoubtedly exist, adding further to the impact of this test variable. While of significance in a single setting, these factors should have little effect on the overall test product or on the epidemiological

conclusions arising from use of the skin test.

(2) *Test material.* Ideally, the antigen used in a skin test process should be identical from production lot to production lot, an accomplishment that can only be achieved if the exact chemical composition of the antigen has been identified and can be reproduced. Additionally, to insure equality of biological impact by production batches, evidence of identical antigenicity should be confirmed in an animal model proven to correlate with the human system. To be accurate, this animal model requires the existence of a reference standard which has been evaluated in human population groups and against which new production lots can be compared. Data must exist confirming the permanent stability of the reference standard. Similarly, an ideal skin test antigen would remain stable over a defined time, neither changing through chemical decomposition nor adsorption to container walls.

Serious reconsideration must be given to any test material (antigen) which can alter the immunological system when deposited into a small confined area of human skin. Material which causes the development of a lifelong immunological response when there has been no interaction between host and microorganism is unsuitable for skin test use. Such material may be valuable as a vaccine, but not as a diagnostic tool. Even a transient effect on an immune system which has not had experience with the source microorganism is a serious drawback to use of the test material as a skin test antigen.

In addition to not inducing an immune response, the ideal skin test antigen should not augment or boost the reaction resulting from a previous interaction between host and microorganism. Unfortunately, this phenomenon is not unusual and probably results more from the stimulation or re-awakening of a "sensitized" immune system, diminished from years of noncontact with the specific microorganism, rather than from any characteristic of skin test antigen material itself. Ideally, the antigen deposited into the skin should be capable of being completely eliminated by the host.

Finally, the solution (diluent) into which the testing material is dissolved must neither sensitize the immune system nor elicit any other form of host reaction, local or systemic. These attributes should also characterize the preservative used in the product.

(3) *Test method.* An ideal test method requires the simple and reproducible deposit of an accurate amount of test antigen into a selective skin site of the host. The immune response (reaction) elicited by this antigen should be easily measured; round or sufficiently symmetrical and uniform in shape so that a single diameter is a reliable indicator of reaction size. The boundaries of the reaction should be clear-cut for ease of measurement. Furthermore, the range of reaction sizes should be large enough to permit quantitative dose response studies. The response must remain unchanged for a

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defined time, preferably over a 24-hour period, thereby allowing for flexibility in the time for completing the measurement (reading) of the test response.

The conceptualization of these characteristics of the ideal effective skin test is outlined as follows:

#### IDEAL SKIN TEST ANTIGEN

1. **Product.** The purpose of an ideal skin test antigen is to safely measure skin test reactivity which indicates the presence or absence of specific immunologic experience.
2. **Analysis.**—(a) **Effectiveness.**—The ideal skin test antigen should identify all individuals with specific immunologic experience (sensitivity), and identify only individuals with specific immunologic experience (specificity).

#### CHARACTERISTICS OF EFFECTIVENESS

- (1) **Test material:**
  - (a) Defined chemical composition
  - (b) Reproducibility from lot to lot.
3. **Standardizable in laboratory system.** Laboratory system correlates to system in humans.
  - (a) Stable.
  - (b) Nonsensitizing (at dosage recommended).
  - (c) Does not induce immunologic response.
  - (d) Does not augment immunologic response.
  - (e) Eliminated by host.
  - (f) Diluent nonsensitizing and causes no reaction.
- (1) **Test Method:**
  - (a) Application of test
  - (b) Simple.
  - (c) Accurate dosage (amount of material unit volume).
  - (d) Measurement of test:
    - (a) Round reaction.
    - (b) Clear-cut boundary.
  - (e) Quantitative dose response sufficient range of reaction size.
  - (f) Duration of reaction. Refined time course for the positive reaction.

The Panel also defined the characteristics of safety associated with the ideal skin test. Such a product would be documented as producing no adverse effect—immediate or long term, localized or systemic, major or minor.

Experience suggests, however, that while immediate adverse effects may become quickly apparent and easily documented, the long term impact of a subtle genetic change or a slow growing virus may not be recognized if appropriate tests are not available or are not utilized. Moreover, the human host has only a limited variety of responses by which it can evidence local damage or systemic malfunction. As a result, adverse reactions arising from a specific product may be easily but erroneously attributed to a different source, and the real correlation never identified. Thus, while by no means ideal and frequently inadequate, animal and laboratory systems are often the only available tools by which the safety of a product can be estimated.

Considering the minute quantity of material used in the skin test process and its placement in a localized area of the skin, the Panel believes that it is highly unlikely that any of the products reviewed have intrinsic mutagenic or teratogenic properties. However, the

ideal test material would be shown to be free of all contaminants, including microbial agents. The test material should not be harmful to the individual.

The ideal test method would be painless, noninjurious, and bloodless.

The outline of the conceptualization of the characterizations of the ideal effective skin test continues as follows:

- (b) **Safety.** (1) Product does not cause:
  - (1) Anaphylaxis.
  - (2) Severe skin reaction.
  - (3) Constitutional symptoms
  - (4) Carcinogenic effects.
  - (5) Teratogenic effects.
  - (6) Mutagenic effects.
  - (7) Sensitization to product.
  - (8) Pain.
  - (9) Skin irritation
  - (10) Scarring.
  - (11) Change in pigmentation
  - (12) Reactivation of disease.
  - (13) Interference with action of other medications.
- (1) **Test material:**
  - (a) Free of live microbial agents (sterility):
    - (a) Bacterial
    - (b) Viral
    - (c) Mycoplasma
    - (d) Fungi
    - (e) Other.
  - (2) Free of other contaminants (purity):
    - (a) Microbial (nonlive).
    - (b) Nonmicrobial.
  - (3) Eliminated by host.
  - (4) Nontoxic:
    - (a) By human experience.
    - (b) By best available tests.
- (1) **Test method:**
  - (1) Painless.
  - (2) Noninjurious.
  - (3) Bloodless.

All products submitted to the Panel on Review of Skin Test Antigens were compared to this conceptual model of the ideal skin test and evaluated for both safety and effectiveness. Any variance from the ideal was thoroughly reviewed and documented.

The biological product licenses for Diphtheria Toxin for Schick Test by the Parke, Davis and Co., Lymphogranuloma Venereum Antigen by E. R. Squibb and Sons, Inc., and Tuberculin, Old, by Parke, Davis and Company are still listed as being in effect by the Bureau of Biologics as of April 29, 1977, although it is understood that the products are not being marketed. No data were submitted to this Panel for review, therefore, these products may not be determined to fall within either Category I or Category II. If products were to be marketed under these licenses, there are no data available to the Panel to indicate that the safety and effectiveness of the products and the potential benefits and risks are such that marketing should be permitted for a period of time while such data are being developed. Therefore, it is recommended that these products be placed in Category IIIB and that the licenses be placed in suspension or be revoked unless sufficient data are submitted to the Bureau of Biologics to answer the questions raised for similar products reviewed in this report.

For each product reviewed, a Generic Statement was prepared evaluating the product in general terms. This is followed

by a review which evaluates each manufacturer's specific licensed biological product and concludes with the Panel's recommendations. The following Generic Statements and reviews were submitted:

#### COCCIDIOIDIN

##### GENERIC STATEMENT

The principal use of coccidioidin is as a skin test reagent to detect delayed hypersensitivity or cell mediated immunity reactions in individuals who have had immunologic experience with *Coccidioides immitis*. The coccidioidin test is not 100 percent sensitive since some infected subjects do not react to it. Both the clinical form of the disease and the time of testing after acquisition of infection are important in development of positive reactions. Most patients with nonprogressive primary coccidioidomycosis develop positive delayed skin tests within the 1st week following illness, and virtually all patients become reactive after the 3d week of illness (Ref. 2). Patients with extensive pulmonary cavitation due to coccidioidomycosis may not demonstrate positive delayed skin tests and those with severe disseminated disease are often anergic, failing to react to coccidioidin as well as to other delayed hypersensitivity intradermal skin test agents (Refs. 3 through 5). Cross reactivity is observed in some animals infected with *Nocardia asteroides*, *Aspergillus terreus*, and *Aspergillus fumigatus* (Ref. 6). Although coccidioidin appears to be more specific than other skin test agents such as histoplasmin and blastomycin, cross reactions with histoplasmin (Refs. 7 and 8) may be sufficiently common in clinical practice to be important.

There is considerable variation in batch to batch potency of coccidioidin but the product is apparently quite stable. The coccidioidin product when inoculated subcutaneously in Freund's complete adjuvant can sensitize rabbits. The product seems safe, and side effects have been mentioned only rarely in spite of tens of thousands of tests alluded to in various published reports. It may induce occasional uncomfortable local reactions with vesiculation, and may rarely exacerbate erythema nodosum reactions. Only two instances of anaphylaxis-like reactions have been reported (Refs. 9 and 10). The product contains thimerosal, an organic mercurial which can sensitize.

In general, coccidioidin testing is useful for epidemiologic surveys and in medical diagnosis by identifying persons with past or present infection with *C. immitis*, although negative reactions in serious systemic forms of the disease may pose a problem in clinical practice.

Coccidioidin skin test reagent is prepared from a culture filtrate of the mycelial phase of *C. immitis*, which is grown on synthetic medium containing asparagine. The major active principle of coccidioidin appears to be a glycoprotein complex with a molecular weight of 31,700 (Ref. 1). Coccidioidin is assayed in humans by comparing reactions from the newly produced product with those produced by the currently available Bureau of Biologics standard. The product is dis-

pensed in liquid form in multiple dose vials in concentrations of 1:100 and 1:10.

*Coccidioides immitis*, a dimorphic fungus, is usually found in lesions as a spherule and there is some evidence that a preparation similar to coccidioidin, namely "spherulin," may ultimately provide a more sensitive skin test than coccidioidin.

#### PRODUCT REVIEW

The natural habitat of *C. immitis* is in the soil of an area with a hot, semi-arid environment. It is among the most virulent of the fungal pathogens. The highly endemic areas of disease include the southwestern United States and northern Mexico, with endemic foci in Central America, Venezuela, Colombia, Paraguay, and Argentina. In addition the disease has been reported to occur in Russia, central Asia, Nigeria, and Pakistan, but these reports still await confirmation (Ref. 37).

Coccidioidomycosis is usually a benign, inapparent, or mild respiratory infection which resolves rapidly. Rarely, the disease is a severe disseminating mycosis with a high fatality rate. Recovery from the mild forms of the disease usually results in lifelong immunity to reinfection. If infection is established, the disease may progress as a chronic pulmonary condition or as a systemic disease involving the meninges, bones, joints, and subcutaneous and cutaneous tissues. Such involvement is characterized by the formation of burrowing abscesses. The initial tissue response and that found in rapidly disseminating disease is suppuration. However, in established chronic and slowly advancing infection, a granulomatous reaction is found, with some areas showing a mixed-type cellular infiltrate.

Coccidioidin skin test reagent is used as a diagnostic aid based on the fact that it causes delayed hypersensitivity skin reactions in persons who have had immunologic experience with the organism. Historically, there have been scattered reports of materials used for purposes of skin testing dating to 1915, but the first substantial use of coccidioidin was in 1928 (Ref. 11). Several coccidioidin skin test preparations were developed following this, but their development was often complicated by the problem of maintaining cultures on synthetic medium for many months in order to produce potent batches (media which allow rapid growth often introduced foreign protein contaminants into the final skin test product). This problem was ultimately solved by using a modification of the synthetic medium employed for production of tuberculin in the manufacture of coccidioidin (Ref. 3). In essence, this medium is still used by both of the current commercial producers of coccidioidin, namely Cutter Laboratories and Iatric Corporation. Initially, investigators used multiple strains of coccidioidin as the original inoculant because of possible antigenic variations. At present, the commercial producers inoculate individually and pool growths later. (The Iatric Corporation produces its skin test antigen

from a supernatant of mycelial mat made from 9 different strains of the organism whereas Cutter Laboratories uses 57 strains.) The number of strains employed may not be critical, however, since there is probably little strain antigenic difference. After the sterile filtrate is diluted to desired concentration, thimerosal is added to a final 1:10,000 concentration. The standard stock solution is diluted to be bioequivalent to the reference coccidioidin (1:100). Individuals who do not respond to the 1:100 dose may be tested with the tenfold stronger concentration (1:10 dose). Individuals with considerable hypersensitivity, such as those with recent coccidioid erythema nodosum, may be tested with dilutions higher than the 1:100 dose (e.g., 1:1000 or greater).

(a) **Effectiveness.** With regard to sensitivity (ability of the skin test material to identify all individuals with specific immunologic experience) the coccidioidin delayed skin test appears to be adequate but, as in the case of most skin tests, not ideal. It has been reported that 83 percent of patients have positive delayed skin reactions to coccidioidin during the first few days of illness, 93 percent during the 2d week, and 100 percent during the 4th week (Ref. 2). Lack of skin reactivity may be noted under the following circumstances: (1) early in the first weeks of illness, (2) dissemination of overwhelming infection, (3) in certain patients with chronic cavity pulmonary disease, and (4) excessive time lapse between disease activity and period of skin testing. In a recent study Levine and co-workers demonstrated that failure to react to coccidioidin was noted in 35 percent of individuals who reacted to the newer spherulin skin test antigen. Also included in this study were groups of control out-patients living in non-endemic areas. None of these controls reacted to either coccidioidin or spherulin while 8.9 to 12.8 percent reacted to histoplasmin (Ref. 15).

With regard to specificity (ability to identify only individuals with specific immunologic experience) there are cross reactions with coccidioidin in patients infected with other fungi such as *Histoplasma* and *Blastomyces* species (Refs. 7, 8, 12, and 13) and possibly other unknown agents. There appear to be no significant cross reactions with coccidioidin in patients infected with mycobacteria (Refs. 3 and 14). Cross reactions with coccidioidin in patients infected with other fungi are more common at the 1:10 dilution (Ref. 13). Reactions to coccidioidin in individuals who do not react to histoplasma seem to be rare in nonendemic areas of the U.S. and Mexico based on studies by Levine et al. (Ref. 15), Edwards and Palmer (Ref. 12), and Edwards et al. (Ref. 8). Skin reactivity to coccidioidin also appears to be reasonably specific in experimental animal models. In a study by Goodman et al. (Ref. 6), involving guinea pigs inoculated individually with 1 of 23 different fungi, most of the fungi exhibited cross reactions with histoplasmin and blastomycin in more than 10 percent of the animals, whereas only those animals infected with

*Nocardia asteroides*, *Aspergillus terreus*, and *Aspergillus fumigatus* showed cross reactivity with coccidioidin in more than 10 percent of the animals.

#### CHARACTERISTICS OF EFFECTIVENESS

(1) **Test material.**—(1) **Chemical composition.** The mycelial supernatant has been examined by several investigators and the contents of polysaccharide and amino acid of the protein material have been elucidated. The exact polysaccharide and protein antigenic composition is not quite clear. In a study by Pappagianis, Putnam, and Kobayashi, soluble polysaccharides from culture filtrates of mycelia of *Coccidioides immitis* consisted mainly of mannose with small amounts of galactose and another reducing sugar (Ref. 1). Ethanol precipitation yielded polysaccharide material accompanied by some nitrogenous material. The active principle of the coccidioidin appeared to be a glycoprotein complex with an average molecular weight of 31,700 (Ref. 1). There was 3 to 4 percent nitrogen present in amino acids (Refs. 1 and 17). In spite of this degree of characterization there appeared to be several antigens present in the preparation as manifested by multiple precipitin arcs on Ouchterlony double diffusion analysis. There is some indication that the total biologic activity may be due to a mixture of antigens (Ref. 16).

(2) **Reproducibility.** It has long been recognized that potency can vary from batch to batch (Ref. 3), but no variability is to be expected in lots prepared from any single batch except for human errors or perhaps deterioration of potency of the batch.

(3) **Standardization.** There appear to be no well defined laboratory systems for standardization of coccidioidin, although recent studies indicate that guinea pigs can be sensitized to coccidioidin and it should therefore be possible to use such a biological system for standardization. In general, all current standardization is performed by comparing delayed skin test reactions produced by the newly manufactured product with those produced by a Bureau of Biologics standard of coccidioidin. All of these tests are done in humans known to be coccidioidin sensitive. It is not usually clear how many individuals are tested or how their degree of immunologic experience with the organism has been verified, nor is it clear whether or not the reactions are read in a blind manner or with what dilutions they are performed.

(4) **Stability.** Coccidioidin skin test material stored at 4° C appears to be stable and uniform as indicated by repeated tests performed with lot 64D 2.5 (the Bureau of Biologics standard) over the years. Even autoclaving of coccidioidin for 30 minutes reduced the potency only slightly (Ref. 3).

(5) **Sensitization.** Studies by Wallraff and Van Liew (Refs. 18 through 20) have shown that multiple injections of coccidioidin with Freund's adjuvant into rabbits and guinea pigs could sensitize, as manifested by production of cutaneous delayed skin reactivity. In man, how-



ever, the material does not appear to be sensitizing at the recommended dosage as shown by studies of Smith in large numbers of army recruits who were repeatedly skin tested (Ref. 3). Another study by Rappaport in which 53 subjects were tested with a wide range of concentrations revealed two conversions to positive reactions (Ref. 21). Those subjects who did convert, however, had been skin tested with stronger concentrations. It is thus possible that more concentrated materials may be sensitizing. Skin testing with coccidioidin on multiple occasions does not induce an increase in humoral antibodies to coccidioidin but serologic reactions to histoplasma antigens may be augmented (Ref. 22). A peculiar coccidioidin "re-test reaction" has been described. It is characterized by the development of an area of induration and erythema at a previously positive skin test site following a new test in a new site (Ref. 23). In another large study (Ref. 24) of laboratory workers who handled *Coccidioides immitis*, slightly over 10 percent of initial negatively reacting employees converted to positive reactions over an 18-hour observation period probably secondary to laboratory infection; significantly, many subjects in this study did not develop positive skin tests in spite of repeated skin testing with coccidioidin.

(6) *Elimination*. The method and degree of elimination of coccidioidin by the host is unknown.

(7) *Diluent*. Coccidioidin contains an organic mercurial preservative (thimerosal) in a concentration of 1:10,000 w/v (weight/volume). Thimerosal has been reported to cause skin reactions (Refs. 25 through 28). The Panel's comments regarding the sensitizing capacity of thimerosal apply to coccidioidin. See the Panel statement on "Thimerosal as a Preservative."

While it is possible that some culture media constituents in the coccidioidin preparation might sensitize, this is unlikely because the culture medium consists of relatively simple compounds in very low concentrations. The same culture medium has also been used in the preparation of tuberculin without any evidence of marked diluent reactions or sensitization. That coccidioidin per se does not cause a high incidence of irritant or allergic skin reactions is strongly suggested by several studies performed in Africa, Mexico, and the U.S.A. on thousands of subjects residing in non-endemic areas who manifested low rates of skin reactivity (in the range of 2 percent or below) to coccidioidin (Refs. 29, 15 and 12).

(ii) *Test method*. The coccidioidin skin test is a relatively simple procedure involving intracutaneous injection of 0.1 ml into the skin of the forearm. The skin test reaction boundaries are rather clear-cut and the reaction is also sufficiently reproducible to allow for determination of quantitative dose response curves (Ref. 3). The action is usually largest between 24 and 48 hours and is

read at these times. An early probable irritant reaction may appear within an hour and occasionally reactions may persist for 72 hours or slightly longer (Ref. 3).

(b) *Safety*. Two episodes of anaphylaxis or anaphylactic-like reactions have been described in extremely sensitive individuals (one reported in the literature and another reported to a commercial manufacturer (Refs. 9 and 10). Erythema nodosum has been precipitated by coccidioidin skin testing (Ref. 3). Another individual with a marked local response developed late onset fever and chills which lasted for 24 hours after testing (Ref. 32). Hersh and Benson reported one immediate wheal and erythema skin reaction to coccidioidin, as did Krudy and Hoff. Similar reactions of this type have been noted by Smith and Pappagianis (Refs. 33 through 35). However, those having lengthy experience with coccidioidin indicate that constitutional symptoms of fever and malaise are rarely seen (Ref. 2). Outside of these reactions, no serious side effects have occurred in the tens of thousands of skin tests mentioned in the literature. There is no evidence for carcinogenic, teratogenic or mutagenic effects attributable to the skin test preparation. Little is known with reference to elimination of the test material by the host. The test material employed is free of live bacterial or other microbial agents. Tests are not made for viral or mycoplasma contamination and do not seem to be indicated.

The intracutaneous injection of 0.1 ml causes very little pain, infrequent bleeding, and is essentially noninjurious.

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#### COCCIDIOIDIN BY CUTTER

1. *Product*, Coccidioidin manufactured by Cutter Laboratories.

2. *Description*. Cutter coccidioidin is a sterile standardized liquid prepared from a pool of culture filtrates of 57 *Coccidioides immitis* isolates. It is grown on synthetic medium containing L-asparagine as described by Smith (Ref. 1). The final product contains materials released from the mycelium of all 57 isolates. It is diluted in 0.9 percent USP sodium chloride to obtain the desired concentration equivalent to the Bureau of Biologics standard (1:100 or 1:10). Thimerosal to a final concentration of 1:10,000 is added and both products are supplied in 1.0 ml vials. No stabilizers or other adjuncts are added to the product. Coccidioidin diluent (which contains 0.5 percent phenol) is also sold for those who wish to prepare higher dilutions for skin test purposes. Cutter coccidioidin is recommended as a skin test reagent for detection of delayed skin reactivity in those individuals who have had immunologic experience with *Coccidioides immitis*.

3. *Analysis*—(a) *Effectiveness*. With regard to sensitivity (identification of all individuals with specific immunologic experience), there are data available that some individuals with pulmonary disease as well as others with generalized coccidioidomycosis fail to react to

<sup>1</sup>Cited BER (Biologics Efficacy Review) Volumes refer to submissions made by interested persons pursuant to the call for data notice published in the *FEDERAL REGISTER* of February 26, 1974 (39 FR 7445). The volumes will be available in accordance with the provisions of 21 CFR 601.25(b)(2) at the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD. 20857.

coccidioidin and to other delayed skin test products (Refs. 2 through 6). Concerning specificity (ability to identify only individuals with specific immunologic experience), several studies suggest cross reactivity in patients infected with other fungi, particularly *Histoplasma capsulatum* as mentioned in the generic review (Refs. 3, and 7 through 9). Overall, there is little reason to believe that Cutter coccidioidin differs in specificity or sensitivity in any respect from that mentioned in the generic review.

(1) *Test material*—(1) *Chemical composition*. The glycoprotein and amino acid content of coccidioidin have been mentioned under "Chemical Composition" in the generic review (Refs. 10 and 11). All coccidioides isolates employed in the Cutter product were inoculated together in the initial batch 64D preparation and the final culture filtrate was prepared from a mixed mycelial growth. At present, Cutter grows 57 individual strains and combines their culture filtrates. What the contribution of any individual strain is to the final antigenic potency of the combined filtrates is not certain.

(2) *Reproducibility*. Little is known with regard to reproducibility from lot to lot. As indicated in the generic review, variation in batch potency of coccidioidin antigens has long been recognized (Ref. 1). However, lots prepared from any single batch would not be expected to vary except for human errors or batch deterioration. The manufacturer furnished several tables of reactions to simultaneous tests of two Cutter lots on five or six persons. Mean reaction diameters were very nearly the same for each of the three pairs of lots.

(3) *Stability*. Data from Cutter indicate that over a period of approximately 17 years Cutter's lot 64 bulk concentrate has deteriorated approximately 50 percent. The bulk concentrate for Cutter's new lot MO 42460 is reported to have lost approximately 40 percent of its potency in 2 years.

(4) *Standardization*. The manufacturer stated "every time a bulk product is made from the concentrate, 1:10 or 1:100 dilution, a sample of each and every bulk is taken for sterility and human skin tests. This is done to ensure that the potency is correct. If the potency is correct, the lot is released for filling and finishing. The final filled, labelled lot is again submitted for clinical test and must pass the test." Cutter also states that after combining strains and mixing, small samples of various dilutions are prepared and are "submitted to a physician for human skin testing and compared to the Bureau of Biologics coccidioidin standard 64D 2.5 as well as a portion of Lot (batch) 64D 2.5 maintained at the University of California that appears to maintain greater potency than that of the Bureau of Biologics reference 64D 2.5 that had been sealed into glass ampules. By this test it is determined what dilution of the concentrated mixed antigen produces the same degree of reaction as the Bureau of Biologics reference." Additional in-

formation submitted by the manufacturer in answer to a specific question regarding standardization reveals that each new lot is tested in humans known to have a positive coccidioidin skin test, and the reactions are compared with those produced by the glass ampule-sealed U.S. Reference Standard 64D 2.5 1:100 from the Bureau of Biologics, as well as the 64D 2.5 material that has been kept in California. A table of test results is supplied for the standardization of batch MO 39406: a dilution of 1:500 was tested in three persons, 1:1000 in one person, and 1:750 in three. One of the latter group was tested with the standard on the same day. For the 1:500 dilution, eight individuals were used, and four of these had simultaneous tests with the standard. Twelve persons were tested simultaneously with the standard and a 1:400 or 1:300 dilution of the new lot. No mention is made of readings of these tests by more than one observer or of "blind" readings. Many of the measurements showed a wide variation from one right angle diameter to the other. Nevertheless, when the two diameters of each reading of the 1:400 (6 tests) and 1:300 (6 tests) dilutions of the new lot and the 1:100 standard (16 tests) are averaged, the averages of these readings are roughly comparable (26.3 mm, 30 mm, and 24.3 mm, respectively) (Ref. 27).

(5) *Sensitization*. In a study of 53 subjects in 1960 using batch 64D coccidioidin, Rappaport and co-workers found no evidence of skin sensitization in individuals tested two to four times each (Ref. 12). However, a few reactors originally negative to 1:100 coccidioidin were noted to have regained reactivity to the 1:100 coccidioidin after having been tested with the more concentrated 1:10 or 1:1 antigen. The authors note that "this appears to be similar to the findings noted in studies of tuberculin sensitivity." Thus the material does not appear to be sensitizing in man at the dosage recommended but may augment waning sensitivity. In animal studies, Smith and co-workers inoculated as much as 1 ml of coccidioidin intracutaneously and 5 ml intraperitoneally on four occasions and could not sensitize guinea pigs in this manner (Ref. 13). Other investigators using rabbits and guinea pigs showed that inoculation with immunologic adjuvants could lead to subsequent cutaneous sensitivity plus antibody production (Refs. 14 through 16).

(6) *Elimination by host*. Virtually nothing is known with regard to host elimination of Cutter coccidioidin.

The hypersensitivity reactions to thimerosal mentioned in the Panel statement on "Thimerosal as a Preservative" might be expected with the Cutter product. In preparing greater dilutions of 1:1000 or 1:10,000 the diluent contains phenol rather than thimerosal and is less likely to cause allergic or irritant skin reactions.

(ii) *Test method*. (application, measurement and quantitation of reaction). The test is applied as a simple intracu-

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taneous injection of the desired dosage. The skin reaction is round and indurated with reasonably clear boundaries as stated in the generic review. There is no reason to believe that the Cutter preparation differs in any of these respects since the same test method is employed. The quantitative skin test dose response is uncertain in man as in the case of the other commercial product, but as stated in the generic review the range of reaction sizes and dosages are probably adequate for dose response curve determinations if the method proposed by Wijsmuller is employed (Ref. 17).

(b) *Safety*—(1) *Host response*. There has been extensive use of this product in each marketed dilution (1:10 and 1:100), both in civilians and U.S. armed forces. One episode of anaphylaxis to an unspecified brand of coccidioidin has been reported in the literature (Ref. 18) and another reaction of this type has been reported to the manufacturer (Ref. 19). Fever and chills beginning 8 hours after skin testing and lasting up to 24 hours were also reported in one individual who had a large local response (Ref. 20). Smith and co-workers have reported precipitation or erythema nodosum with coccidioidin (Ref. 1), but even marked reactions to coccidioidin do not evidently reactivate old infections or worsen existing ones. Hersh and Benson reported one immediate wheal and erythema reaction as did Krudy and Hoff (Refs. 21 and 22). Similar reactions of this type have been noted by Smith and Pappagianis (Ref. 23). Some of these may have been due to thimerosal sensitivity rather than coccidioidin components. Considering the very large number of skin tests performed with coccidioidin, it would appear that it is a very safe skin test agent. As an example, in over 2,000 individuals tested in one recent series (Ref. 24), 988 were reactive to coccidioidin without any marked untoward reactions. The preparation has also been used to test newborn infants and pregnant women apparently without untoward reactions (Ref. 25). The Panel found no information concerning potential carcinogenic, teratogenic or mutagenic effects from this product.

(ii) *Test material*—(1) *Sterility*. Tests for viruses and mycoplasma are not indicated and the Cutter product appears to be free of other live microbial agents and bacteria which could be identified by the routine and specific sterility tests. The product cannot be certified as free of other contaminants such as extraneous microbial protein antigen. The characteristics of the culture medium make it unlikely that other toxic substances would be carried over into the filtrate. The preparation method also makes it unlikely that non-filterable agents will be present. The filtrate from each of the 57 strains employed in preparation of Cutter coccidioidin product is tested for sterility in fluid thioglycollate medium on blood agar plates and in several mice whose lungs, livers and spleens are cultured in Sabouraud-dextrose agar with

and without antibiotics at room and incubator temperatures.

(2) *Elimination by host and toxicity*. The extent and degree of Cutter coccidioidin elimination from the host is uncertain. By extensive human experience the Cutter product appears to be nontoxic.

(iii) *Test method*. The test produces very little pain or bleeding and is essentially noninjurious.

4. *Recommendations*. (a) The Panel recommends the product be placed in Category IIIA to remain on the market with the requirement that acceptable data based on scientifically sound methods be submitted to demonstrate efficacy in humans (Ref. 26). These data should include for each batch:

(i) Comparison of the product with the standard by means of dose response curves.

(ii) Distribution of reaction sizes in persons known to be infected and in those presumed to be uninfected with *C. immitis*.

(iii) Chemical characterization (including protein, carbohydrate, lipid and nucleic acid) should be performed to assess consistency of production.

(iv) Critical and detailed examinations of the stock strains of *C. immitis* must be made to ensure that they are not contaminated with other species of filamentous fungi whose filaments may be interlaced with those of the stock strain under the same cultural conditions (Ref. 27).

(v) Evidence should be furnished for stability of the material in the final container and the working dilution made therefrom (i.e. possible adsorption to glass or plastic).

(b) Two years is a reasonable time for the recommended testing to be accomplished.

(c) There are not sufficient data to determine if the presently distributed product is effective, i.e., the standardization of the present batch MO 39406 does not ensure that biologic activity in humans is equivalent to that of the standard.

(d) Furthermore, the Panel recommends that the following information in addition to that in the product brochure dated November 1973 should be included in the labeling:

(i) A positive reaction may cause a rise in the titer of complement fixation antibody to Histoplasma antigens, but not to coccidioidin.

(ii) A precaution against use in thimerosal sensitive subjects.

(iii) If used in individuals with erythema nodosum, the skin reaction may be violent.

(iv) Individuals infected with Histoplasma, Blastomyces, and possibly other fungi may react to this product.

(v) The product may boost the level of skin sensitivity to coccidioidin.

(vi) The skin test may be negative in severe forms of the disease or when prolonged periods of time have passed since infection.

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(28) BER Volume 5006.

## COCCIDIOIDIN BY IATRIC

1. *Product*. Coccidioidin manufactured by Iatric Corp.

2. *Description*. Iatric coccidioidin is a sterile culture filtrate obtained from nine selected isolates of *Coccidioides immitis*, which have been isolated in endemic areas of Arizona and California (isolates 61, 44, 14, 62, 37, 41, 60, and 43 are from the Arizona State Laboratories in Phoenix and an additional "Silvera" strain was obtained through the Naval Biological Laboratory in Oakland, California). The growth medium consists of a modification of the L-asparagine formula used to prepare tuberculin. Nine parts of this filtrate are mixed with one part of a solution containing 0.18 percent sodium bicarbonate, 0.85 percent sodium chloride, and 0.1 percent thimerosal to make the stock solution. This solution is diluted and tested in humans by comparison with the 1:100 dilution of the Bureau of Biologics coccidioidin standard for approximate equal degree of potency. This equipotent dilution is then referred to as the 1:100 dilution. The two dilutions which correspond to 1:100 and 1:10 of the standard Bureau of Biologics coccidioidin are those marketed by Iatric Corporation. One-ml vials which contain sufficient material for at least nine skin tests of 0.1-ml volume each are marketed. Iatric coccidioidin is used as a skin test antigen to detect individuals who have previous immunologic experience with *Coccidioides immitis*, via production of a delayed hypersensitivity skin response.

3. *Analysis*—(a) *Effectiveness*. In a comparison of this company's product with that of Cutter Laboratories in over 1,000 ninth grade students in San Diego, California, there were no marked differences in reactions produced by the two preparations; although it was suggested that if a negative reaction occurred with one product it "might be worthwhile to repeat the skin test with the other antigen." The manufacturer does not indicate who performed this study or whether or not it was published. It would seem

difficult from the data at hand to determine what proportion of individuals who have specific immunologic experience with *Coccidioides immitis* will react with Iatric coccidioidin. The specificity of Iatric's coccidioidin has not been tested in either animal models or man.

With regard to effectiveness in animal models, there is evidently only one paper reporting the use of the Iatric preparation. Among 74 mice infected with *Coccidioides immitis*, only 20 reacted to Iatric coccidioidin 21 days following infection (Ref. 1), and only 4 of 78 animals reacted at 10 days. The other papers submitted by the manufacturer dealing with animal models and using Iatric preparations have generally related to either the effects of coccidioidin on peritoneal exudate cell migration or to studies of coccidioidin in thymectomized mice. None of these papers bear on the effectiveness of Iatric coccidioidin as a skin test reagent (Refs. 1 through 4).

## CHARACTERISTICS OF EFFECTIVENESS

(i) *Test material*—(1) *Chemical composition*. The chemical composition of Iatric coccidioidin is not defined. The step by step manufacturing procedures are listed in reasonably clear fashion as mentioned earlier in the product description. There is no laboratory system used for standardization. For human testing, dilution of the filtrates from the individual strain fungal mats would appear to be the primary measurement of antigen content. No data are provided with regard to the relative contribution of the nine isolates which are used in the production of the skin test material.

(2) *Reproducibility*. There are no data directly bearing on reproducibility from lot to lot.

(3) *Standardization*. Iatric Corporation tests dilutions of the combined antigens in comparison with the Bureau of Biologics standard on more than five human subjects to determine the dilution which most closely approximates the standard (Ref. 8). The data provided by the manufacturer demonstrate remarkable agreement. Because of this unusually consistent agreement, it is unlikely that tests were performed in a scientifically acceptable manner. In fact, the agreement is closer than is normally found when the same preparation of tuberculin in the same dosage is given in different sites to the same subject (Ref. 5).

(4) *Stability*. Stability of one of their lots (No. 2AH) has been reported for samples after 1, 2, 3, and 4 years of storage tested in several individuals (a maximum of 10 and a minimum of 6 subjects) with fairly similar results. Each year the individuals were varied with some overlap. The skin test readings again showed remarkably little variability as discussed in the section on standardization.

(5) *Sensitization*. No data are provided by Iatric with regard to the ability of their specific product to augment the immune response or to sensitize after repeated injections of the recommended dosage.

(6) *Elimination by host*. Nothing is known about the product's elimination from the host outside of those reactions mentioned in the Generic Statement.

(7) *Diluent*. The hypersensitivity reactions to thimerosal mentioned in the Panel statement on "Thimerosal as a Preservative" might be expected with the Iatric product.

(ii) *Test method*. The test is administered by the Mantoux method and is presumably reasonably simple and accurate. These statements mentioned in the Generic Review should apply to the Iatric product.

(b) *Safety*—(i) *Host response*. The manufacturer claims to have no knowledge of any deleterious effects attributable to this product after having marketed hundreds of thousands of doses. No adverse reactions were described in the previously mentioned San Diego study (presumably unpublished but listed in Iatric's efficacy data report). The manufacturer provides little if any information as to safety of the product other than these anecdotal and unpublished data. The type of reaction to diluent materials, the possibility of exacerbating erythema nodosum, and the possibility of extremely rare anaphylactic reactions as previously discussed in the Generic Statement presumably apply to this product. With regard to safety data in animals, 1 ml of the Iatric preparation is injected into each of six mice and the animals sacrificed at 4 weeks. Doses of 3 ml per kilogram of body weight are inoculated into 3 rabbits. These animals are observed for any gross evidence of clinical disease over a period of 3 hours. A 0.5 ml volume of filtrate is injected into each of several mice. These animals are observed for any evidence of gross illness over a 1-week period. Five ml of filtrate are also injected into each of 2 guinea pigs which are observed over a period of 1 week. No harmful results were reported from these animal safety experiments. The Panel found no information concerning potential carcinogenic, teratogenic, or mutagenic effects from this product.

(ii) *Test material*—(1) *Sterility*. The test material is assayed for sterility in vitro in six tubes each of fluid thioglycollate medium and fluid Sabouraud medium. The cultures are incubated for a minimum of 11 days. Tests for viruses and mycoplasma are not indicated. The Iatric product appears to be free of other live microbial agents and bacteria which could be identified by the routine and specific sterility tests. The product cannot be certified as free of other contaminants such as extraneous microbial protein antigen, but the characteristics of the culture medium make it unlikely that toxic substances would be carried over into the filtrate. The preparation method also makes it unlikely that non-filterable agents will be present.

(2) *Host elimination and toxicity*. The method and extent of elimination of Iatric coccidioidin is unknown. It would appear to be nontoxic based on limited human skin testing experience.

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(3) *Test method.* The test method produces very little pain or bleeding and is essentially noninjurious.

4. *Recommendations.* (a) The Panel recommends the product be placed in Category IIIA to remain on the market with the requirement that acceptable data based on scientifically sound methods be submitted to demonstrate efficacy in humans (Ref. 6). These data should include for each batch:

(i) Comparison of the product with the standard by means of dose response curves.

(ii) Distribution of reaction sizes in persons known to be infected and in those presumed to be uninfected with *C. immitis*.

(iii) Evidence that the product is stable until the expiration date.

(iv) Chemical characterization (including protein, carbohydrate lipid and nucleic acid) should be performed to assess consistency of production.

(v) Critical and detailed examinations of the stock strains of *C. immitis* must be made to ensure that they are not contaminated with other species of filamentous fungi whose filaments may be interlaced with those of the stock strain under the same cultural conditions (Ref. 7).

(vi) Evidence should be furnished for stability of the material in the final container and the working dilution made therefrom, i.e., possible adsorption to glass or plastic.

(b) Two years is a reasonable time for the recommended testing to be accomplished.

(c) Furthermore, the Panel recommends that the following information, in addition to that in the product brochure dated February 1974, should be included in the labeling:

(i) A positive reaction may cause a rise in the titer of complement fixation antibody to *Histoplasma* antigens.

(ii) A precaution against use in thimerosal sensitive subjects.

(iii) The product may cause cross reactions. Individuals infected with *Histoplasma*, *Blastomyces* and possibly other fungi may react to this product.

(iv) The product may boost the level of skin sensitivity to coccidioidin.

(v) The manufacturer must modify his present statement in the second paragraph to indicate that repeated injections of 0.1 ml coccidioidin in dilutions of 1:100 have not been found to invoke the production of humoral antibodies nor induce skin sensitivity to subsequent injections.

(vi) Recommend a change in the package insert in the second sentence of the third paragraph "Negative Reaction." It should read "A negative coccidioidin reaction in the presence of erythema nodosum makes the diagnosis of coccidioidomycosis unlikely."

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(8) BER Volume 5009.

#### HISTOPLASMIN

##### GENERIC STATEMENT

The term "histoplasmin" was first proposed by Zarattonis and Lindberg in 1941 to describe two antigenic preparations from the organism *Histoplasma capsulatum* (Ref. 4). One preparation consisted of a suspension of formalin-killed whole yeast cells and the other was a cell-free culture filtrate prepared from the mycelial phase of growth. Emmons recognized the need for a standardized antigen which he produced in a modification of the synthetic medium previously recommended by Smith for the production of coccidioidin (Ref. 5). Histoplasmin H-3, made from pooled lots of two different culture filtrates of 7-months-old static growth on this medium, was tested in sensitized guinea pigs and served as the original standard skin test antigen. Realizing that the supply of this reagent would soon be depleted, Shaw et al. pooled several lots of histoplasmin, compared the pooled material's potency in sensitized guinea pigs to that of the H-3 preparation, and designated the new batch H-15 (Ref. 6). Large scale epidemiological studies soon exhausted this supply and Howell prepared yet another lot, H-42, which was tested, standardized by comparative skin tests in over 12,000 persons, and designated as the current standard skin testing histoplasmin by the Division of Biologic Standards, now the Bureau of Biologics of the Food and Drug Administration. Although a variety of preparations have been employed in the production of skin test material from the organism, the term "histoplasmin" as currently used refers to the cell-free culture filtrate obtained from the broth medium supporting the growth of the mycelial phase of *H. capsulatum* at room temperature. There is considerable variation in batch to batch antigenic composition and potency of histoplasmin despite carefully controlled conditions of growth (Refs. 12 and 13). Stock concentrates are probably stable but significant

questions exist concerning the stability of diluted antigen preparations. The product seems to be safe, although all presently marketed preparations contain thimerosal, an organic mercurial which can sensitize. There is some question about the continued value of histoplasmin as a diagnostic agent, primarily because of the boost in antibody titer which may follow a positive test. This issue is discussed more completely in the detailed generic review.

#### PRODUCT REVIEW

Histoplasmosis is a fungus disease of man primarily involving the lungs and usually acquired by the inhalation of infectious particles of *Histoplasma capsulatum*. Although world-wide in distribution, there are certain highly endemic areas in which infection with this organism is common, although only a small proportion of those infected develop overt disease recognized as histoplasmosis. The disease is not transmitted from person to person.

*Histoplasma capsulatum* is a dimorphic organism. On laboratory medium incubated to 25° to 27° C it exists as the filamentous (mycelial) phase as it does in soil. In the tissues of the infected mammalian host it exists as a yeast. Various preparations of culture filtrate from each of the two phases have been used to prepare antigens for serologic analysis and for skin tests useful as aids in diagnosis.

The disease was first described in 1906 by Samuel T. Darling (Ref. 1), who considered the organism to be a new pathogenic protozoan resembling *Leishmania*. The mycotic nature of the parasite, suspected in 1912, was confirmed in 1934. Between the years 1906 and 1934 only seven human cases of histoplasmosis, all fatal, had been recorded in the literature. By 1945, the list had grown to 71 cases throughout the world, but 79 percent had occurred in the United States, mostly in residents of the Mississippi and Missouri River valleys. The concept of histoplasmosis as a rare and almost always fatal mycotic disease was shattered in 1945 by the studies of Christie and Peterson (Ref. 2) and by Palmer (Ref. 3) which demonstrated the true prevalence of histoplasmosis mainly by the use of the histoplasmin skin test reaction.

Histoplasmin is the cell-free culture filtrate obtained from a chemically defined broth medium after several months of growth of the mycelial phase of *H. capsulatum* at room temperature.

(a) *Effectiveness.* The sensitivity of the histoplasmin skin test in identification of infected individuals is relatively high. Within 3 or 4 weeks after the onset of acute or epidemic histoplasmosis the rate of positive reactions is almost 100 percent (Ref. 7). In chronic pulmonary disease, however, the rate is approximately 80 percent (Ref. 8). As in other granulomatous diseases, the disseminated form may be accompanied by a negative skin test with the homologous antigen. The skin test will be negative also in individuals who have a state of general anergy as a

result of suppressed immunity by disease or drug administration.

The reaction is not highly specific. There are extensive cross-reactions in individuals and animals sensitized to the other dimorphic fungi, especially *Blastomyces dermatitidis* and *Coccidioides immitis* (Refs. 5 and 9). Hopes for a more specific antigen have been stimulated by several investigators. Two major antigens, "h" and "m", have been purified and characterized serologically (Ref. 10). Sprouse succeeded in separating the skin test reactive materials by polyacrylamide disc electrophoresis and found a fraction which would not cross-react with *Blastomyces* (Ref. 11).

#### CHARACTERISTICS OF EFFECTIVENESS

(i) *Test material.* Individual lots of the test material may vary widely in antigenic composition and potency despite carefully controlled conditions of growth (Refs. 12 and 13). The antigenic composition of histoplasmin is very complex and the significance of the various antigenic fractions found in different lots of histoplasmin is poorly understood. With the agar gel immunodiffusion technique, Heiner demonstrated two significant precipitins. The "h" antigen was precipitated by an antibody associated with active infection and recent disease, whereas the "m" antigen was demonstrated by an antibody persisting from inactive disease and sometimes appearing in the anamnestic response after a positive skin test (Ref. 14). The immunogen responsible for this anamnestic response has been partially purified and characterized as the "m" reactive component. Histoplasmins deficient in the "m" antigen may not induce this humoral antibody response (Ref. 22).

The chemical composition of the skin reactive material has not been determined accurately. Some investigators considered it to be polysaccharide in nature, while others claimed that it was a protein-carbohydrate complex. Recent information indicates that the active material is either protein (Ref. 15) or complexes of protein and carbohydrate (Ref. 25).

Standardization of histoplasmin can be readily accomplished since there is a standard reference material available through the Bureau of Biologics, and there is no trouble in finding sensitized individuals. The relation between the guinea pig model and the human model needs to be established.

The stability of the stock concentrated material is good. Storage at 5° C over a period of several years does not appear to decrease its potency. The diluted antigen, on the other hand, is less stable and the loss of potency is directly related to the temperature of storage. No data are available regarding the extent of adsorption to glass or plastic and the possible influence of a stabilizing agent such as polysorbate-80. This information is badly needed.

Repeated skin tests with histoplasmin do not induce delayed hypersensitivity. Even a single positive test, however, may augment or boost the titer of certain humoral antibodies. The following is a

summary of many reports that deal with this subject (Refs. 16 and 17). The appearance of significant increase of complement fixing (CF) titer to the histoplasmin antigen after a positive skin test was noted in from 3 to 58 percent of subjects. Most of the studies indicated a 20 to 30 percent rate. The maximum titers so produced varied from 1:8 to 1:256, but the usual titers were 1:8 to 1:32. Boosts to the yeast phase antigen, on the other hand, were distinctly less common, the rate varying from 0 to 14 percent. Maximum antibody levels were noted in 2 to 3 weeks following the test and they persisted for as long as 6 months. No increases were noted before the 5th day. The appearance of "m" band precipitins was noted in 12 to 90 percent of subjects after a single positive skin test.

A negative skin test very rarely causes an antibody response. A summary of 6 reports reveals that none of 313 subjects with negative skin tests had an antibody response by complement fixation to a histoplasmin antigen, and less than 1 percent of 312 subjects showed such a response to a yeast phase antigen (Refs. 17 and 18).

Questions have been raised (Ref. 19) about the advisability of continued use of histoplasmin as a diagnostic aid because of the boost in antibody titer which may follow a positive skin test (see above) and because the skin reactions to histoplasmin may not be sufficiently specific. These objections are especially applicable in areas of high endemicity where the vast majority of adult residents have positive skin tests and where serological studies would have greater diagnostic value. Conversely, there are several considerations which support the usefulness of the skin test for the evaluation of the possibility of histoplasmosis in the individual patient. The physician who uses histoplasmin for this purpose must be aware of its shortcomings. A reliable initial result can be obtained from serum taken either before or within a few days of the recognition of a positive test.

The skin test is a procedure that can be done and observed by the physician himself within 48 hours. The CF test results, on the other hand, usually involve a delay of 1 to 3 weeks because standardized antigens are not widely available in local laboratories. In areas of low endemicity it may be easier to do mass skin testing to quickly recognize outbreaks of acute histoplasmosis than to collect serum, transport it to a central laboratory, and await the CF test results.

Although histoplasmin is not as useful in diagnosis as it was once thought to be, it may serve an important purpose in the evaluation of pulmonary nodules. In areas of high endemicity a negative skin test is strong evidence against histoplasmosis, while a positive histoplasmin along with a negative tuberculin test in an area of low endemicity constitutes suggestive evidence in favor of histoplasmosis.

Finally, the considerations that determine the relative value of the skin test versus the serologic tests for diag-

nosis in an individual patient are those of epidemiologic and clinical nature together with the ready availability of a laboratory capable of performing accurate serologic tests for histoplasmosis.

There is no information on the rate or the mechanism of elimination by the host. Since the antigen is produced in a chemically defined medium the product should be nonsensitizing and non-reactive except for the possible influence of an added preservative.

(ii) *Test method.* The test can be administered either by the Mantoux method or by a multiple puncture time device. The former procedure allows a measured amount of test material to be injected, the latter introduces an unknown amount. The Mantoux method is not difficult, while the multiple puncture device procedure is even simpler. In both instances, the reactions have clear-cut borders and are usually round, although the time procedure may produce irregular reactions as a result of partial coalescence of reactions about individual puncture points. Quantitative dose response studies are possible with the Mantoux method (Ref. 23), but are difficult with the time application because of uncertain dosage and a discontinuous distribution of reaction sizes. The reaction usually appears in 24 hours, reaches a maximum at 48 to 72 hours and slowly subsides.

(b) *Safety.* Thus far, experience with this test material reveals no safety problems in regards to anaphylaxis, constitutional symptoms, carcinogenic effects, teratogenic effects, mutagenic effects, sensitization to product, skin irritation, and reactivation of disease. Severe skin reactions are liable to occur in highly sensitive individuals just as in the tuberculin skin test.

The test material may be rendered free of live microbial agents in the usual manner and sterility tests may be performed to ensure this freedom. The method of manufacture is not likely to introduce viral or mycoplasmal agents. There is no information on the elimination of the test material by the host. There is no evidence to suggest toxicity of the test material. There should be no particular problem with the test method since it is the standard intracutaneous injection of a small amount of material. The test procedure causes very little pain or bleeding and its essentially noninjurious.

Since 1968, it has been known that mycelial fungal mats and colonies thought to be pure cultures of *H. capsulatum* may, in fact, be contaminated with fungi which are not sufficiently different in color or texture to be grossly distinguished from *H. capsulatum* (Ref. 24). The filaments of such fungi interlace with those of *H. capsulatum* in the same colony and cannot be separated except by very special mycological methods which have not been taken into account either in the preservation and maintenance of the stock cultures from which the histoplasmins were prepared or in the "purity" of the "uncontaminated" histoplasmins themselves. This omission is critical for the "histoplasmins" prepared for in-

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jection by the Mantoux method but even more serious for "histoplasmins" that are concentrated 25 to 35 times and delivered much less accurately via multiple puncture devices.

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## HISTOPLASMIN BY PARKE-DAVIS

1. **Product.** Histoplasmin manufactured by Parke, Davis and Co.

2. **Description.** Histoplasmin produced by Parke, Davis and Company is derived from a culture filtrate of *Histoplasma capsulatum*, strain M-1217, (PD No. 4799) originally C. W. Emmons' strain #6510. The filtrate comes from growth in a chemically defined L-asparagine broth medium after 1 to 6 months of incubation. Phosphate buffer, pH 7.4, containing sodium citrate and phenol 0.5 percent, is supplied separately as the diluent. For use as a skin test the concentrated material is diluted 1:100 with 1.0 ml of the buffer. The final diluted product contains 0.0001 percent thimerosal. A red dye (FD & C Red No. 2) at a concentration of 1:700,000 is added to assure the user that histoplasmin is present in the container.

3. **Analysis—(a) Effectiveness.** No specific data are furnished on the ability of Parke-Davis histoplasmin to identify all individuals who have had previous immunologic experience with *Histoplasma*. A study by Furcolow in 1950 (Ref. 1) submitted to the manufacturer demonstrated that the results with Parke-Davis lot H-11 were comparable to those obtained with the reference standard preparation H-42 in approximately 160 persons. The raw data in terms of average size of skin reaction were not made available and one cannot evaluate the conclusions of the author. New production batches and subsequent lots are standardized against U. S. Reference Standard, No. 1 by a 4x4 design on 3 to 5 guinea pigs. There is no standardization of these batches or lots in the human model. As noted in the generic review, the guinea pig model has not been correlated with the human model.

No data are provided on the specificity of the Parke-Davis product for skin testing. The generic review indicates that histoplasmin is known to be reactive in individuals infected with other fungi, especially blastomycetes and coccidioides. Identity tests have been done by Parke-Davis in guinea pigs sensitized with histoplasmin, blastomycin, and tuberculin. No data are provided but the statement is made that "the homologous test anti-

gen yielded responses equivalent to the homologous standard while the heterologous test antigens elicited little or no response." The lots of the heterologous test antigens were not noted.

## CHARACTERISTICS OF EFFECTIVENESS

(i) **Test material.** The product is not chemically defined but a test for identity is done by thin layer silica gel chromatography followed by ninhydrin staining. By this means it is said that the product can be distinguished from blastomycin; however, there is no evidence that this correlates with specificity in the human or animal model.

No data are presented on reproducibility from lot to lot except that the chromatographic analysis is reproducible.

The potency of each lot is estimated from a comparison of the responses obtained by the intracutaneous injection into appropriately sensitized guinea pigs of a sample of the lot under test and of the histoplasmin reference standard. The material is then diluted with phosphate buffer to give a potency of within 20 percent of that of the reference standard. No tests have been performed to correlate the guinea pig system with a system for estimation of potency in humans.

The product is stable in the undiluted form at least 1 year at 1° to 5° C.

No information was provided regarding the induction of delayed hypersensitivity or the boosting of humoral antibody titers by this product.

No data were available on elimination from the host.

The diluent contains thimerosal. The Panel's comments regarding the sensitizing capacity of thimerosal apply to this product. See the statement on "Thimerosal as a Preservative."

(ii) **Test method.** The test material is given by the simple and accurate Mantoux method.

The reactions are usually round and have a clear-cut boundary.

There is sufficient range of reaction size for dose response studies. This information comes mainly from the generic review since the only information on this subject furnished by Parke-Davis is a series of studies done by Furcolow in 1950. While no data on the actual reaction sizes were given, the proportions of patients with a positive test to three different dilutions of the Parke-Davis H-11 product indicated that quantitative dose response studies were possible.

The company recommends that the reaction be read in 24 to 48 hours.

(b) **Safety—(i) Host response.** There has been extensive use of this product (several million doses) with a reported minor reaction rate of 1 per 1.4 million doses sold. The nature of these reactions was not specified. Very little information is provided on the long-term safety of the red dye, FD&C Red No. 2. Except for the current suspicion about the carcinogenic potential of the dye, the Panel found no other information concerning the potential carcinogenic, teratogenic, or mutagenic effects from the Parke-Davis product.

(ii) **Test material.** By the required sterility tests, the final product contains no viable bacteria or fungi. It is not likely that other living or dead contaminants would be present, but tests for these contaminants have not been done.

The material appears to be nontoxic.

(iii) **Test method.** The test method produces very little pain or bleeding and is essentially noninjurious.

4. **Recommendations.** (a) The Panel recommends that the product be placed in Category IIIA to remain on the market with the requirement that acceptable data based on scientifically sound methods be submitted to demonstrate efficacy in humans (Ref. 2). These data should include for each batch:

(i) Comparison of the product with the standard by means of dose response curves.

(ii) Distribution of reaction sizes in persons known to be infected and in those presumed to be uninfected with *H. capsulatum*.

(iii) Chemical characterization (including protein, carbohydrate, lipid and nucleic acid) should be performed on each to assess consistency of production.

(iv) Critical and detailed examinations of the stock strains of *H. capsulatum* must be made to ensure that they are not contaminated with other species of filamentous fungi whose filaments may be interlaced with those of the stock strain under the same cultural conditions (Ref. 3).

Further data should also include:

(v) Evidence should be furnished for the long-term safety of the additive red dye or the dye should be eliminated from the product.

(vi) Evidence should be furnished for stability of the material in the final container and the working dilution made therefrom (i.e. possible adsorption to glass or plastic).

(b) Two years is a reasonable time for the recommended testing to be accomplished.

(c) The Panel also recommends that the following information, in addition to that in the product brochure dated October 1972, should be included in the labeling:

(i) Blood for serological studies (if clinically indicated) should preferably be drawn prior to administering the skin test but may be obtained within 48 to 96 hours after the test administration because a positive skin reaction may be associated with a rise in titer after that lapse of time.

(ii) It would be better to state that "the reaction should be described and measured in terms of mm of induration and degree of reaction (from slight induration to vesiculation and necrosis). In many studies reported in the literature a reaction of 5 mm or greater is considered to be positive. In case of doubt the test should be repeated but only after obtaining serum for antibody titer (if clinically indicated)."

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## HISTOPLASMIN BY LEDERLE

1. **Product.** Histoplasmin (Histoplasmin Tine Test) manufactured by Lederle Laboratories.

2. **Description.** The product consists of a plastic applicator with an attached stainless steel base containing four lines approximately 2 mm in length. A preparation of stabilized histoplasmin is applied to these lines by mechanically dipping and drying. A removable plastic cap is attached and the entire applicator is sterilized by ethylene oxide gas.

The histoplasmin initially is made from three strains of *Histoplasma capsulatum* which include two soil isolates (Mexico, Mo. and Mason City, Iowa) and one human strain (A811 from the Center for Disease Control). The production medium is a semi-synthetic asparagine broth in flasks in which the strains are incubated separately 4 to 6 months at room temperature. The same number of flasks is inoculated with each strain. Each flask is examined for contamination at harvest and the contaminated flasks discarded. Equal numbers of flasks of each strain are not taken from the remaining flasks to reestablish the original exact proportion, since the inequality is slight. It is not stated how equality is determined; simply that all of the flasks with non-contaminated broth are used. The broths are then pooled, filtered, concentrated approximately 25 to 35 times, and "stabilized" with 4 percent gum arabic plus 8 percent dextrose.

In a letter of February 11, 1975, the manufacturer replied to the questions "In what way are the production culture flasks examined for identification of the organism? Was the identification macroscopic or were mycological identification techniques employed? If so, what methods were used?"

Answer. "After the culture flasks are inoculated with their respective isolates, all flasks are incubated for approximately 6 months, at which time all growth activity seems to be at a standstill. Each flask is removed from the shelf and given an identification number and is treated as a separate lot. Each flask is examined grossly, and 0.5 ml is cultured for purity on yeast agar medium plates. All flasks that do not grow out *Histoplasma* (sic) capsulatum on the yeast agar plates are examined directly, and a microscopic identification of *Histoplasma* (sic) capsulatum is made.

"The examination methods are microscopic and colonial, in which the morphology of the organism and the characteristic growth of the colonies are primarily used for identification. Methods used are those recommended by Professor Michael L. Furcolow, M.D., of the University of Kentucky.

"It is believed that the reason an occasional flask does not produce growth when inoculated on yeast extract agar

at harvest time is that growth is inhibited by metabolic waste products that are often toxic to the culture."

3. **Analysis—(a) Effectiveness.** The product information supplied by Lederle contains a summary of eight published studies that compared the results of the tine test with those of the Mantoux test using commercially available histoplasmin at a dilution of 1:100. The results were variable with a reported 0 to 26 percent false negative and 0 to 13 percent false positive rate of the tine test when compared with the Mantoux test. In a later study by Perkins and Saslaw (Ref. 3) a complete correlation between the two tests was found in 34 patients with positive reactions and in 66 with negative reactions. In this study, however, hand-dipped tines were used rather than commercial tines.

No information on cross-reactions was provided.

(i) **Test material—(1) Chemical composition.** The chemical composition was not defined in any way.

(2) **Reproducibility.** No data were provided on the lot-to-lot reproducibility.

(3) **Standardization.** The material described as "bulk unconcentrated" is currently being standardized in guinea pigs previously sensitized with "concentrated" histoplasmin suspended in Freund's complete adjuvant. The "bulk unconcentrated" is adjusted (diluted) to compare with reactions elicited by Histoplasmin U.S. Reference, Lot No. 1, administered to guinea pigs by the Mantoux technique. The correlation of this laboratory test with a similar system in man is presented in the product information brochure in a single publication by I. R. Long of the Southern Food and Drug Research, Inc. and three other workers from Lederle Laboratories (Ref. 4). This was a report of a well-controlled comparison of test histoplasmin material with a 1:100 dilution of the Reference Standard in 200 individuals. Preliminary guinea pig tests showed that the test material was approximately three times as potent as the standard so that a 1:300 dilution of the test material was used. The reactions were read in blind fashion by four different readers. There was good correlation between positive and negative reactions using 5 mm as a criterion of positive, and between the average reaction sizes.

Standardization of the dried material on the tines, however, poses a more formidable problem. A complicated mathematical scheme is presented for estimating the potency (quantitative analysis) of the material eluted from the tines as determined by comparative Mantoux tests in sensitized guinea pigs. The object is to make the potency on each tine approximately 1/100 of that of the reference standard.

(4) **Stability.** No data were furnished on the stability of the product.

(5) **Sensitization.** It was shown by Long et al. (Ref. 4) that repeated tine tests did not induce skin sensitivity, but there is no information given regarding augmentation of the humoral antibody response. Presumably this would be the



same as or greater than that established for the intradermal test for histoplasmosis. (See the Histoplasmin Generic Review.)

(6) *Elimination by host.* There were no data on elimination by the host.

(7) *Diluent.* Reactions from the diluent may be those associated with thimerosal which varied from 1.57 to 2.4 mg/ml in the two bulk histoplasmin lots (2250-14 and HL-76) on which thimerosal assays were performed. Since 2500 times (or 625 time tests) require 1 ml histoplasmin, it is calculated that the times from these lots contain 0.16 and 0.24 microgram thimerosal per time, respectively. No thimerosal assays are done on the actual time test units. No studies with thimerosal applied by the time have been done in either animals or humans. The Panel's comments regarding the sensitizing capacity of thimerosal apply to this product. See the statement on "Thimerosal as a Preservative".

It was not felt that the gum arabic required for stabilizing histoplasmin for adherence to the times would produce systemic reactions, nor that the rare local reaction which might occur (usually within one-half hour) would interfere with the reaction to the histoplasmin on the time which is maximal at 48 or 72 hours.

(ii) *Test method.* One of the main advantages of the multiple puncture device is that its application is simple even for nonprofessional personnel and the material does not need to be refrigerated. The area of induration is usually round although partial coalescence of reactions around individual times may produce an irregular area. None of the available reports indicates any difficulties in measurement. The range of reaction sizes is more limited than for the Mantoux technique. Inability to control the dosage and the discontinuity in the distribution of reaction sizes resulting from coalescence of reactions around individual times make dose-response studies difficult. No information on the duration of reaction was given except the recommendation that the test be read at 48 to 72 hours.

(b) *Safety.*—(i) *Host response.* Relatively limited use of this product prior to 1970 has revealed no evidence of anaphylaxis, constitutional symptoms, carcinogenic effects, teratogenic effects, mutagenic effects, sensitization to product, pain, scarring, change in pigmentation, reactivation of disease and interference with action of other medications. There were some reports in 1969 which led to the following medical advisory evaluation. "Some individuals may be extremely sensitive to the test and develop skin ulceration. Such reactions are not known to result in permanent scars."

(ii) *Test material.* Adequate sterility tests have not been done to rule out fungal contamination especially those species which produce colonies macroscopically similar to *H. capsulatum*. Viral and other nonbacterial living contaminants would not be expected. There is no information on freedom from non-living contaminants. There is no infor-

mation on elimination of the test material by the host. The material is not toxic by human experience and by the prescribed toxicity tests in two mice and two guinea pigs.

(iii) *Test method.* The test produces very little pain or bleeding and is essentially noninjurious.

4. *Recommendations.* (a) The Panel recommends that this product be placed in category IIIB with the license for the product to be suspended. Considerations leading to this recommendation include:

(i) The product has poor sensitivity and specificity.

(ii) There is no chemical definition of the product.

(iii) There are no data on lot-to-lot reproducibility, especially with regard to the potency of each lot of times as they are used in humans.

(iv) There are no data on the stability of the time material.

(v) Critical and detailed examinations of stock strains of *H. capsulatum* must be made to ensure that they are not contaminated with other species of filamentous fungi whose filaments may be interlaced with those of the stock strain under the same cultural conditions (Ref. 2).

(b) Before the license is reinstated the manufacturer must provide acceptable data based on scientifically sound methods to demonstrate:

(i) Lot-to-lot reproducibility of the final product (time) in either a human or a human/animal model.

(ii) Stability of the final product.

(iii) Standardization in humans for future batches.

(iv) The effect of the time skin test on the augmentation of humoral response to Histoplasma antigens and other fungal antigens.

(v) The degree of cross reactivity in geographic areas known to be highly endemic for other fungus diseases, e.g., coccidioidomycosis, paracoccidioidomycosis.

(vi) Because of the possibility that the mechanical dipping process may fail to deposit histoplasmin on the times of individual units, routine evaluation of the final product should include a test for protein, mercury, or other test material on the times of randomly selected individual units.

(c) Furthermore, the Panel recommends that the following revisions to the product brochure dated October 1968 and advertising copy submitted by the company should be made:

(i) Add a statement indicating that this product is not as effective as other intracutaneous histoplasmin products.

(ii) Delete the statement "should be routine for hospitalized patients."

(iii) Delete the statement "should be routine office procedure in all endemic areas."

(iv) Delete the statement "should be done concurrently with Tuberculin testing."

(v) Delete the statement "should be done routinely in nonendemic areas where there is a large transient population."

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## HISTOPLASMIN BY MICHIGAN DEPARTMENT OF PUBLIC HEALTH

1. *Product.* Histoplasmin manufactured by Michigan Department of Public Health.

2. *Description.* Histoplasmin produced by the Michigan Department of Public Health is a 1:400 dilution of a culture filtrate of the mycelial form of *Histoplasma capsulatum* grown for 3 months at 25° C in a chemically defined broth medium (modified Dorset-Henley liquid medium). The diluent is a glycine-glycerol-sodium chloride solution at pH 7.3 containing 0.0025 percent thimerosal. Strain 6507 (MDPH No. 1435), originally obtained from C. W. Emmons of the NIH, serves as the seed culture. The parent (batch) histoplasmin is prepared from several flasks, each containing 100 ml of medium. A batch is prepared once every 1 to 10 years from which 3 lots of 3.5 liters each are prepared annually. The final product requires no further dilution.

3. *Analysis.*—(a) *Effectiveness.* The generic review provides a discussion on the sensitivity of histoplasmin. The Michigan Department of Health product was found to be comparable to the standard histoplasmin in 1953 when their lot No. 14 in a dilution of 1:400 was studied in 33 human volunteers, all of whom were positive reactors. Also submitted is an abstract of a paper in which it was reported that there was a 61 percent prevalence of histoplasmin reactivity in 1,324 children of Milan, Michigan, compared to a rate of 8.2 percent in over 7,000 children in other parts of the county. The Michigan Department of Health histoplasmin was used in that study.

No data were submitted for specificity (See Generic Review for discussion).

CHARACTERISTICS OF EFFECTIVENESS

(1) *Test material.*—(i) *Chemical composition.* The chemical composition is not defined in any way.

(2) *Reproducibility.* No data were submitted on the reproducibility from lot-to-lot.

(3) *Standardization.* The Michigan material is tested for potency in guinea pigs sensitized with a mixture of "concentrated" histoplasmin together with complete Freund's adjuvant. The reactions are compared, not with the standard histoplasmin, but with "a histo-

plasmin solution equivalent in potency to 0.1 ml of a 1:100 dilution of the reference histoplasmin." Comparison of the guinea pig system to the human system is not provided directly, but lot No. 14 which was diluted to make it equally potent with the standard according to the guinea pig test was actually found to be equally potent in 24 sensitized individuals in 1953.

(4) *Stability.* No data were submitted on the stability of the product. The statement is made that "diluted histoplasmin has an expiration period of six months," but no documentation is presented. In answer to questions about stability the manufacturer states that (i) Studies done in 1954-55 in humans confirmed the stability of the final product for at least 6 months. (ii) No studies have been done to determine the amount of histoplasmin adsorbed to glass and plastic.

Further information on stability and lot-to-lot reproducibility is provided in answer to a specific inquiry. Lots 21 and 31 "in use in Michigan since 1959" were tested for potency in 4 to 6 sensitized guinea pigs, using 4 to 5 two-fold dilutions and compared with similar dilutions of reference standard histoplasmin lot No. 1. Lot 21 remained stable and comparable to the reference standard in 1959, 1962, and 1965; lot 31 was equipotent to the standard in 1968, 1971, and 1974.

(5) *Sensitization.* The sensitizing properties of histoplasmin are discussed in the generic review. The Michigan Department of Health provided no information on this subject for their product.

(6) *Elimination by host.* No data were presented on elimination from the host.

(7) *Diluent.* There was no information provided regarding the sensitizing or reaction-producing properties of the diluent except the general statement that there have been no reports of adverse reactions after the distribution of well over half a million skin test doses. The diluent contains thimerosal. The Panel's comments regarding the sensitizing capacity of thimerosal apply to this product. See the statement on "Thimerosal as a Preservative".

(ii) *Test method.* The test is given by the Mantoux method which is simple and accurate. The data indicate that a positive reaction is usually round and has a clear-cut boundary.

No data were presented about a dose response relation, but information from the generic review indicates that there is a sufficient range of reaction size with other histoplasmins.

The data presented indicate that the reaction remains for at least 72 hours.

(b) *Safety.*—(i) *Host response.* No specific data were submitted regarding any short- or long-term side effects. Well over half a million doses were distributed in the state of Michigan since 1954 without any adverse reactions having been reported to the Michigan Department of Health. The Panel found no information concerning potential carcinogenic teratogenic or mutagenic effects from this product.

(ii) *Test material.* Adequate tests for absence of viable fungi were documented. Sterility tests are performed on the parent histoplasmin and on the product after final dilution. No details were given but presumably the procedures are those required by the Bureau of Biologics. Tests for other living microbial agents and other contaminants do not appear to be necessary since the product is derived from a synthetic medium.

There was no information on elimination by the host.

The product is not toxic by the human experience outlined above. The test for toxicity in animals does not meet the standards set by the Bureau of Biologics, according to the data originally submitted, but the manufacturer stated later that the safety tests do conform to the standards of the Bureau of Biologics (21 CFR 610.11). Eight mice are injected intraperitoneally with the parent material, but this is done primarily to confirm the absence of pathogenic fungi. Guinea pig inoculation is not mentioned. In Section IV, under the topic "animal safety data" (Ref. 3) reference is made to a general safety test on the finished product presumably according to regulations for the manufacture of biologic products (21 CFR 610.11).

(iii) *Test method.* The test produces very little pain and is essentially noninjurious.

4. *Recommendations.* (a) The Panel recommends the product be placed in Category IIIA to remain on the market with the requirement that acceptable data based on scientifically sound methods be submitted to demonstrate efficacy in humans (Ref. 1). These data should include for each batch:

(i) Comparison of the product with the standard by means of dose response curves in humans.

(ii) Distribution of reaction sizes in persons known to be infected and in those presumed to be uninfected with *H. capsulatum*.

(iii) Chemical characterization (including protein, carbohydrate, lipids and nucleic acids) should be performed to assess consistency of production.

(iv) Critical and detailed examinations of the stock strains of *H. capsulatum* must be made to ensure that they are not contaminated with other species of filamentous fungi whose filaments may be interlaced with those of the stock strain under the same cultural conditions (Ref. 2).

In addition, the data should include evidence for stability of the material in the final container (i.e. possible adsorption to glass or plastic).

(b) Two years is a reasonable time for the recommended testing to be accomplished.

(c) Furthermore, the Panel recommends that the following information in addition to that in the product brochure dated October 1966 should be included or revised in the labeling:

(i) Blood for serological studies (if clinically indicated) should preferably be drawn prior to administering the skin test but may be obtained within 48 to 96

hours after the test interpretation (48 hours reading) because a positive skin reaction may be associated with a rise in titer after that lapse of time.

(ii) It would be better to state that "the reaction should be described and measured in terms of mm of induration and degree of reaction varying from slight induration to vesiculation and necrosis. In many studies reported in the literature a reaction of 5 mm or greater is considered to be positive. In case of doubt the test should be repeated but only after obtaining serum for antibody titer (if clinically indicated)."

(iii) Delete paragraph 2 under "RECOMMENDATIONS FOR USE" which states "the use of this product should be limited to surveys and as a diagnostic aid for those persons who have disease or X-ray findings suggestive of tuberculosis, but who are tuberculin negative."

(iv) The fourth sentence of the first paragraph under "Description of Product" should read, "As distributed, it gives skin reactions equivalent to those produced by 0.1 ml of a 1:100 dilution of the U.S. Reference Standard."

## REFERENCES

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## LYMPHOGRANULOMA VENEREUM SKIN TEST ANTIGENS

## GENERIC STATEMENT

Lymphogranuloma venereum (LGV) skin test antigen is prepared as an extract of embryonated chicken egg yolks infected with *Chlamydia trachomatis*. Delayed type skin reactivity appears in patients 12 to 40 days after appearance of the primary lesion and may be present for life. Skin reactions may be positive in patients with other Chlamydial infections which include trachoma, conjunctivitis, and pneumonitis.

LGV skin tests are not positive in all patients with proven immunologic experience with the Chlamydial agent or in all cases with proven lymphogranuloma venereum. A complement fixation test is available and is more sensitive than the skin test. Nonspecific reactions necessitate the use of control materials, because both the antigen and control come from living eggs that may be presumed to contain contaminating egg antigens and may also contain biologically important material not currently known or tested for. No satisfactory method of standardization exists.

## PRODUCT REVIEW

Lymphogranuloma venereum is a venereal disease characterized by the appearance of a painless, small, often overlooked, genital vesicle which is followed in 1 to 2 weeks by painful swelling, and suppuration of the inguinal and femoral lymph nodes (called venereal buboes), with later production of multiple drain-

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ing sinuses. From direct rectal infection coupled with the formation of scar tissue and obstruction of lymphatic channels, the complications of edema of the external genitalia, proctitis, and rectal stricture may occur years later. Disease is usually transmitted by sexual contact. The incubation period is from 7 to 14 days. The cause of the disease is *C. trachomatis*. Chlamydiae are very small microorganisms previously believed to be viruses. Their nonviral nature has been recently shown by the finding that cells possess both DNA and RNA, multiply by binary fission, possess a bacterial type of cell wall, and are inhibited in their growth by several antimicrobial agents which have no effect on viruses. Other diseases associated with *C. trachomatis* are trachoma, inclusion conjunctivitis, and mouse pneumonitis. The other species of Chlamydia, *C. psittaci*, causes ornithosis in man and many diseases in birds and mammals. Organisms of the *C. trachomatis* species are sulfonamide sensitive and possess iodine positive inclusions (glycogen-containing) whereas cells of *psittaci* species are sulfonamide resistant and their inclusions are iodine negative. Infections with both species of Chlamydia tend to involve both the mucous membranes of the eye and of the genitalia.

A skin test agent prepared from purulent material aspirated from unruptured LGV buboes was first employed by Frei in 1925 (Ref. 1). The pus mixed with a 4 to 6 fold excess of sterile saline was placed in a water bath at 60° C for 2 hours on 2 successive days. After examination for sterility, 0.5 percent phenol was added to the preparation as a preservative. The Frei test consists of placing 0.1 ml of the antigen into the skin of the flexor aspect of the forearm; a positive reaction was defined as a papule of at least 7mm in diameter appearing in 72 hours at the site of injection. In some cases, the papule did not appear for 5 to 8 days and it was advised that the patient be seen at intervals up to 1 week after the performance of the test. Since sufficient pus from patients was difficult to obtain, infected brains of animals were subsequently employed as antigen (Ref. 2). Because of the large percentage of false positive reactions resulting from use of infected mouse brains, chick embryo antigen prepared according to the method of Rake et al. (Ref. 3) became the most widely used skin test antigen.

The currently available antigen for lymphogranuloma venereum is prepared from Chlamydia-infected 7-day-old chick embryo yolk sacs. Pooled infected yolk sacs are blended and treated with formalin at a final concentration of 0.2 percent (v/v) to inactivate the Chlamydia. The suspension is extracted with ether for 72 hours or until a clear separation occurs between the aqueous and organic phases. The aqueous phase is removed and diluted to a final concentration of 1 percent tissue (w/v) with normal saline containing 0.1 percent formalin and 0.3 percent phenol. Uninfected yolk sacs, harvested from *Salmonella pullorum*-

free and Rous inhibitory factor-free eggs, are extracted in a similar fashion and the preparation used as control material. Sterility and safety tests are performed on each lot of test and control material. Testing of both materials includes analytical assays for nitrogen, phenol, formalin, total solids, sodium chloride, and pH. A standard acceptable range of values is established for each determination.

All chlamydia share a common or group specific antigen which is protoplasmic, heat stable, ether soluble, trypsin resistant, and glycolipid in nature. Type specific antigen, probably a protein, is found in the cell wall. At least nine different antigenic types have been established for lymphogranuloma venereum, trachoma, inclusion conjunctivitis, and other group A organisms. Delayed type skin hypersensitivity develops in a patient 12 to 40 days after the primary lesion. Complement fixing antibodies appear at about the same time but may precede skin reactivity to the intradermal antigen. Cross reactions occur in both intradermal skin testing and in complement fixation serologic tests among patients infected with lymphogranuloma venereum and those infected with other agents belonging to the *C. trachomatis* group. The complement fixation test is generally believed to be more sensitive than the intracutaneous Frei test as a diagnostic tool (Refs. 4, 5 and 6).

Canizares reported in 1954 that repeated skin tests did not sensitize, and a test once positive remained positive for life (Ref. 7). However, the sensitivity of the skin test for detection of infected patients is difficult to determine from the literature. Older articles and books leave the impression that the Frei test is highly specific (Ref. 8 and 9) but it has been known for some time that infection with any of the Chlamydia will sensitize to the Frei antigen. Abrams in 1968 reported that 19 out of 20 patients with LGV at Letterman Army Hospital had a positive Frei test (Ref. 10). A year later, Schachter studied 12 patients mostly from the same hospital and found that only 4 out of 11 (36 percent) showed a positive Frei test while 10 out of 12 (83 percent) were positive by serologic tests (Ref. 4). Schachter also reported that the complement fixing titer was not boosted by the skin tests.

A general critique of the Frei test includes the following points: (1) It does not uniformly yield a positive reaction in all patients with clinical lymphogranuloma venereum, or in as high a percentage of patients as those with serologic evidence of having had exposure to this agent; (2) nonspecific reactions necessitate the use of control materials; (3) exposure to other agents in the Chlamydial group results in positive reactions; (4) standardization of the potency of the skin tests must be done in reactive human beings (At present there is no satisfactory experimental animal or in vitro system); (5) since the skin test antigen is made from living material, i.e. embryonated hens eggs, it is not possible at

this time to be certain what agents, or other biologically important contaminants are present in the current antigen.

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- (3) Rake, G., C. M. McKee, and M. F. Schaeffer, "Agent of Lymphogranuloma Venereum in the Yolk-sac of the Developing Chick Embryo," *Proceedings of the Society for Experimental Biology and Medicine*, 43:332-334, 1940.
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- (5) Alergant, C. D., "Lymphogranuloma Inguinale in the Male in Liverpool, England, 1947 and 1954," *British Journal of Venereal Diseases*, 33:47-51, 1957.
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#### LYMPHOGRANULOMA VENEREUM ANTIGEN BY LEDERLE

1. **Product.** Lymphogranuloma Venereum Antigen manufactured by Lederle Laboratories.
2. **Description.** At present, lymphogranuloma venereum (LGV) antigen is made only by Lederle Laboratories and is described in the generic review.
3. **Analysis—(a) Effectiveness.** The Lederle LGV Antigen does not identify all individuals who have had immunological experience with this agent. Data submitted by the manufacturer on 10 tests in 8 patients with lots 136A and 137A indicate a sensitivity of 80 percent and a specificity of 60 percent respectively. However, failure to identify people with immunologic experience has been reported to have occurred in 7 out of 10 people (Ref. 1). Extensive cross reactivity is seen in patients with other Chlamydial infections (Ref. 3 and 4).

#### CHARACTERISTICS OF EFFECTIVENESS

- (i) **Test material—(1) Chemical composition.** Chemical composition is defined by nitrogen content, total solids, sodium chloride, pH, and amounts of formalin and phenol (Ref. 5).
- (2) **Reproducibility.** Concerning lot-to-lot reproducibility, the following com-

parisons were made on the number of subjects indicated, according to data submitted by the manufacturer:

Current lot	Number of subjects	Mean mm of induration		Difference
		Current	Prior	
130A.....	5	10.8	7.8	+3.0
131A.....	5	7.0	0	-----
132A.....	3	3.7	8.3	-4.6
133A.....	4	8.4	7.0	+1.4
134A.....	3	2.7	2.7	0
135A.....	6	4.3	5.2	-.9
136A.....	6	5.2	2.5	+1.7
137A.....	2	9.9	2.5	+2.0

1 Not done.

With the small number of subjects poorly documented as to disease and without information that the tests were read blindly, one can only conclude that the lots are not completely dissimilar.

(3) **Standardization.** There is no standardization in a laboratory system and no reference standard.

(4) **Stability.** There are no data on stability.

(5) **Sensitization.** Information in the literature suggests that the skin test does not induce complement fixing antibodies (Refs. 1 and 6).

(6) **Elimination by host.** No data are available on elimination of the antigen by the host.

(7) **Diluent.** There are no reports of sensitization due to phenol. Formulin, which is used in the production of the extract, has produced definite sensitization, although none from this preparation has been reported (Ref. 7).

(i) **Test method.** (1) Application is simple and accurate, as in other "Mantoux" type intracutaneous tests.

(2) Test reaction is round and presents little problem in reading.

(3) There is a sufficient range of reaction size for quantitative dose response studies according to meager data and product information.

(4) The time of appearance of the reaction makes interpretation of one reading at a single time difficult, because some reactions may not appear for 4 or 5 days (Ref. 8), and in the earlier literature it was suggested that the patient be observed for 1 week. Insufficient numbers of known positive controls have been tested with this antigen and the test read at different time intervals from 24 hours to 1 week to determine the true time course of the reaction appearance.

(b) **Safety—(1) Host response.** No adverse reactions have been reported to the manufacturer in the last 5 years. The Panel found no information concerning potential carcinogenic, teratogenic, or mutagenic effects from this product.

(ii) **Test material—(1) Routine sterility tests** are done to rule out bacterial contamination and residual viability of the Chlamydial agent. There was no information about other possible animal agents (chicken viruses) or agents which might be present in this biologic material. Rif and S. pullorum free eggs are used in the manufacturing of this product.

(2) No examinations are done for mycoplasma. No information was available to indicate whether there are microbial or nonmicrobial contaminating antigens, but by inference there are antigens derived from chicken yolk sacs present in this preparation.

(3) No information was available on the rate and method of elimination.

(4) The standard toxicity tests are performed.

(iii) **Test method.** The test produces very little pain or bleeding, and is essentially noninjurious.

4. **Recommendations.** The Panel recommends that the product should be placed in Category II as being unsafe and ineffective. The product is crude, contains a wide variety of yolk sac antigens and probably avian viruses, and does not adequately identify persons with immunologic experience with *C. trachomatis*. The following specific points apply to this product:

(a) There is poor specificity and sensitivity. There is a potentially severe penalty for lack of sensitivity in clinical applications.

(b) There is no adequate information on reproducibility.

(c) No quantitative dose/response relationship has been established.

(d) There are no data concerning the stability of the product.

(e) There is no reference material against which new lots can be standardized.

(f) There is a more sensitive serologic test.

#### REFERENCES

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#### MUMPS SKIN TEST ANTIGEN

##### GENERIC STATEMENT

The currently available skin test antigen for the detection of mumps virus hypersensitivity is a suspension of the formalin killed agent processed from

the extraembryonic fluid of virus infected chick embryos. The product is marketed for use as a skin test reagent to detect delayed type hypersensitivity following an infection by the mumps virus.

Although marketed primarily to identify susceptible populations who should be protected against the disease, i.e., those in whom complications might develop (Ref. 1), it is generally employed by internists and pediatricians as one of a number of tests used to evaluate immunological (T-cell) competence in individuals with possible cell-mediated immune deficiency diseases (Ref. 2). Indeed, this latter application would appear to be one of the main current uses of the product.

Through experimental studies with monkeys, reported in 1934 by Johnson and Goodpasture, the etiologic agent of parotitis epidemica (mumps) was definitively shown to be a filterable agent (Ref. 3). It remained until later, however, for Enders and his colleagues to characterize the immune response to infection with mumps virus (Ref. 4 and 5). These early immunological studies were all performed with antigens prepared from infected monkey parotid glands (Ref. 5). Early attempts to cultivate the mumps virus in embryonated eggs were inconclusive (Refs. 6 and 7).

In 1945 Habel (Ref. 8) reported cultivation of mumps virus in the developing chick embryo and demonstrated the applicability of this source of virus to complement fixation, virus neutralization and skin tests. More recently, the virus has been cultivated in tissue culture cells (Ref. 9), but this source of virus is not employed as the skin test reagent.

Heat inactivated mumps virus obtained from infected parotid glands of monkeys served as the first antigen for demonstration of skin test hypersensitivity (Ref. 5). This source of virus was soon supplanted by mumps virus propagated in embryonated chicken's egg (Ref. 8). Mumps skin test antigen is routinely available as a partially purified preparation derived from the allantoic cavity of infected chick embryos. Presently, the commercial material is an inactivated virus to which a preservative is added (Ref. 1).

Mumps virus is classified with the paramyxoviruses which form a relatively homogeneous family based on their chemical, physical and several biological properties (Ref. 10). Included with the mumps virus in this group are parainfluenza, measles, respiratory syncytial and Newcastle disease virus.

The mumps virion is characterized as a tightly coiled ribonucleic acid (RNA) nucleocapsid with helical symmetry, encased in lipoprotein envelope; glycoprotein spikes are situated on the outer surface of the envelope (Ref. 11). The virus envelope is derived from altered host cell membranes during release from the cell surface (Ref. 12). The diameters of the mumps virus particles vary between 85 and 600 nanometers with a mean of about 140 nanometers (Ref. 11).



The mumps virus possesses two major antigenic components (S-antigen and V-antigen). Antibodies produced against these antigens do not appear simultaneously (Ref. 13). The internal RNA-protein nucleocapsid represents the S-antigen and is serologically distinct from the V-antigen found in the envelope of the mumps virion (Ref. 13). It is the V-antigen which induces the formation of protective antibody (Ref. 14). In addition to a hemagglutinin, capable of agglutinating erythrocytes of many species (Ref. 15), and a weakly active neuraminidase, the mumps virus also possesses a hemolysin. While the same receptor sites on the erythrocyte appear to participate in both hemagglutination and hemolysis, the hemolysin is distinct from the hemagglutinin (Ref. 16).

The mumps virus is antigenically related to other paramyxoviruses, particularly parainfluenza type I and Newcastle disease virus (Refs. 17 and 18). Significant antigenic relationships are observed by a heterotypic antibody rise to parainfluenza virus in sera from patients with mumps (Ref. 17). Antigenic variation between strains of mumps virus has not been demonstrated (Ref. 11).

Differential centrifugation is currently the only procedure employed in the purification of mumps skin test antigen prepared from virus infected chick allantoic fluid (Ref. 1). Purification of the mumps virus by differential sedimentation may result in: (a) Large losses of virus (Ref. 19), (b) destruction of the virion (Ref. 20), or (c) co-sedimentation of normal chick embryonic particles which contaminate the final product (Ref. 21).

Employing mumps skin test antigen prepared from virus infected parotid glands of monkeys, Enders and his colleague (Ref. 5) first demonstrated a strong correlation between cutaneous reactivity and past experience with the virus. With the successful propagation of mumps virus in embryonated chicken's eggs, Habel (Ref. 8) compared the effectiveness of this source of antigen to that produced in monkeys. The relative ease of production of virus antigen by the infected chick embryo and the correlation of skin test reactivity of the in ovo derived virus to past host experience with the agent were the most important factors that resulted in the chick embryo supplanting the monkey parotid gland as the source of mumps skin test antigen (Ref. 22).

Several observations have raised serious questions concerning the specificity of the virus antigen derived from eggs. Habel (Ref. 8), in his comparative study, reported that 9 of 26 individuals who had received at least 1 inoculation of typhus fever vaccine derived from eggs gave a positive reaction to control material processed from uninfected eggs. Concern about the significant percentage of cutaneous reactivity to the avian control material alone has been voiced by several investigators (Refs. 23 through 26). In studies where avian control material has been employed, positive cutaneous reactivity to mumps skin test anti-

gen was defined as a differential reaction between the viral material and the control of 10 mm or more (Refs. 23 through 27). When positive reactivity occurs to both virus antigen and control material, the investigator may arbitrarily eliminate or include the experimental subject as a positive reactor depending on the experimental criteria employed in the study (Refs. 24 and 25). These findings are extremely important in light of the report of St. Geme and his colleagues (Ref. 28) who observed that inoculation of inactivated mumps vaccine with two adult doses at monthly intervals into four infants under 1 year of age failed to evoke cutaneous reactivity or neutralizing antibody. Two of these infants, however, developed skin test hypersensitivity to the avian control material. These studies further emphasize that, while the currently available skin test material is simply a dilution of the mumps virus vaccine (Ref. 25), there is insufficient antigenic mass in the skin test material to induce a primary immunological response but that a secondary (anamnestic) response may occur (Ref. 28). At the present time the avian control material is commercially unavailable for routine clinical usage (Refs. 24 and 26).

Concern has also been raised regarding the sensitivity of the mumps skin test material derived from eggs. Employing a minimum reading of 15 mm erythema to indicate positive cutaneous reactivity to the mumps skin test antigen, Tucker and Overman (Ref. 29) documented a 25 percent false negative rate. Vicens et al. (Ref. 27) judged the skin test as only equivocally useful noting that, in their study of 133 adults, the skin test correlated only with high titers of neutralizing antibody. Over 30 percent false negative skin tests were documented by Burnell and his co-workers (Ref. 30) by a comparison of virus isolation with neutralizing antibodies and skin test reactivity in 15 children exposed to clinical mumps. These studies were confirmed by Brickman and Brunell (Ref. 24) in 59 students, demonstrating both poor correlation between skin tests and neutralizing antibodies and significant difference between two lots of skin test antigen used in the study. They experienced a 45 percent false negative rate with one of the lots compared to a 30 percent rate in the other. St. Geme (Ref. 31) confirmed and expanded on this latter finding by titrating several lots of commercial mumps skin test antigen employing hemagglutinin assay and skin test reactivity. These latter investigators demonstrated considerable variation between lots and concluded that the antigen currently available "will not allow the clinician to select with certainty the susceptible young adult who might profit from live attenuated mumps virus immunization." (Ref. 32).

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#### MUMPS SKIN TEST ANTIGEN BY ELI LILLY

1. **Product.** Mumps Skin Test Antigen, manufactured by Eli Lilly and Company.
2. **Description.** The mumps skin test antigen is used to evaluate immunity to mumps virus infection (Ref. 1). The mumps skin test antigen produced by Eli Lilly and Company is an eight-fold dilution, in physiological saline, of formalin inactivated vaccine (Ref. 1). For the production of mumps vaccine the virus is harvested from the extra-embryonic fluids of infected 7-day-old chick embryos, concentrated and purified by differential sedimentation, resuspended in 0.05 M glycine buffer, inactivated with formalin (1:1000), diluted with isotonic sodium chloride, and preserved with thimerosal (1:5000 ethylmercurithiosalicylate). The final mumps

skin test antigen, suspended in physiological saline, contains approximately 0.006 M glycine, 1:10,000 thimerosal and less than 1:16,000 formalin.

3. **Analysis—(a) Effectiveness.** The ability of the mumps skin test antigen to measure the presence or absence of immunologic experience with the virus has been evaluated by the extent to which the skin test reaction correlates (i) with a history of clinical disease, (ii) with individual susceptibility as measured by subsequent infection, or (iii) with various serological indices of mumps infection. Since the original demonstration by Enders and his colleagues (Ref. 3) of the strong correlation between cutaneous reactivity to mumps skin test antigen and past host experience with the virus, several serious questions have been raised concerning the sensitivity of the commercially available skin test antigen which is derived in ovo (Ref. 4 through 13).

Enders et al. (Ref. 3), in their original studies using antigen derived from infected monkey parotid glands, correlated complement fixation titers with detailed data on the size of reactions obtained on individuals studied, and recommended that 15 mm erythema be regarded as the minimum positive reaction. They (Ref. 14) subsequently modified their criteria and concluded, from a practical point of view, that an erythematous reaction of at least 10 mm or larger be regarded as positive. Habel (Ref. 15) in his skin test study comparing mumps skin test antigen derived from chick embryo to that derived from monkey parotid glands, stated that a majority of positive cutaneous reactions (erythema) in individuals with a history of mumps was 10 mm to 20 mm in diameter. Florman and his co-workers (Ref. 16) designated 10 mm as the minimum positive reaction, whereas Tucker and Overman (Ref. 17) suggested that the 15 mm reaction be adopted to designate positive reactions. In a study with a pediatric population, Horowitz et al. (Ref. 7) employed 10 mm reaction size to designate a positive response. Brunell and his co-workers (Ref. 6) based their study on a double standard accepting a 10 mm response in children and a 15 mm reaction in adults as positive cutaneous reactivity stating that children tend to have smaller reactions to mumps skin test antigen than adults.

The available data indicate that the sensitivity of the mumps skin test antigen produced from embryonated hen's eggs by Eli Lilly and Company is variable. Vicens and his co-workers (Ref. 5) observed a 10 percent incidence of false negative skin test results in subjects who gave a positive history of mumps and they judged this test to be equivocal. Bart et al. (Ref. 12) reported that of 55 people with a positive mumps history and a positive hemagglutination inhibition serology, the mumps skin test was positive in 51 individuals.

A major criticism of most studies evaluating the specificity of the Eli Lilly and Company mumps skin test antigen has been the failure of the investigators to employ a control material prepared

from uninfected extraembryonic fluids of chick embryo (Refs. 4 and 6). Eli Lilly and Company are well aware of this and state that "Pseudopositive reactions may develop in persons sensitive to egg protein" (Ref. 1), but they also state that "A control test is not necessary" (Ref. 1). Two unavoidable features of the mumps skin test antigen contribute to this property of the reagent: (a) During the maturation process of the mumps virion the lipoprotein envelope, which encases the RNA-nucleocapsid of the virus, is derived directly from the membranes of the developing chick cell (Ref. 19), and (b) in the purification procedure of the mumps virus by differential centrifugation, normal chick embryonic particles cosediment with the virus and are not removed from the final product (Ref. 20). This is further documented by data (Refs. 5, 7 through 13) indicating that the specificity of the Eli Lilly and Company mumps skin test antigen is comprised by contaminating antigens from the developing chick embryo.

There is evidence to suggest that the mumps skin test antigen may detect past host experience to other antigenically related paramyxoviruses, particularly parainfluenza type I and Newcastle disease virus (Refs. 21 and 22) Fulginiti et al. (Ref. 23) support this observation, but experimental studies with monkeys failed to demonstrate an antigenic relationship between mumps virus and parainfluenza type I (Ref. 13). However, there are studies indicating that truly negative individuals are classified as positive by the skin test. Meyer et al. (Ref. 4) reported that 2 of 69 skin test positive adults subsequently developed mumps. Brunell et al. (Ref. 6) reported that 9 of 18 children who were reactive to the mumps skin test antigen subsequently developed clinical mumps.

#### CHARACTERISTICS OF EFFECTIVENESS

- (1) **Test material—(1) Chemical composition.** No data are given but the major components are probably the same as those identified in the Generic Review.
- (2) **Reproducibility from lot-to-lot.** Two reports deal directly with this question (Refs. 8 and 18) and the data indicate that there is wide variation in potency of different lots of mumps skin test antigen produced by Eli Lilly and Company as measured by complement-fixation antigen titration (Ref. 18) and by skin tests in humans who have neutralizing antibody (Ref. 8).

(3) **Standardization.** A direct complement-fixation test is performed on the bulk and final product employing antisera specific for mumps. The Bureau of Biologics does not have an official requirement for the Mumps virus skin test antigen, but Eli Lilly and Company has designated a minimum titer of 20 complement-fixing units per ml for each satisfactory lot with approval of the Bureau of Biologics. While Eli Lilly and Company does not state the source of their mumps specific antibody, they do require that the final product meet a minimum complement fixing standard. There is no evidence presented that indicates that the complement fixing antigen titer



correlates with cutaneous reactivity to the antigen.

There is no reference standard.

No experimental animal test model is employed that correlates to systems in humans.

(4) *Stability*. No valid data are available on this product.

(5) *Immunogenicity*. (a) The available data indicate that the mumps skin test antigen does not induce cutaneous reactivity in the skin-test-negative individual (Refs. 2 and 9). St. Geme and his co-workers (Ref. 9) demonstrated that repeated injections of the inactivated mumps vaccine, from which the mumps skin test antigen is derived, has induced cutaneous hypersensitivity of the avian antigens and egg products which contaminate the vaccine.

(b) *Studies in both humans and monkeys* convincingly show that the Eli Lilly and Company mumps skin test antigen contains material which may augment immunologic responses in skin test positive subjects. These augmentations in humoral antibodies may be detected as a rise in neutralizing or hemagglutination inhibition antibody titers (Refs. 6, 9 through 13 and 18).

(6) *Elimination by host*. There are no data presented regarding elimination of the mumps skin test antigen from the host.

(7) *Diluent*. The diluent contains 1:10,000 thimerosal. Eli Lilly and Company are aware of the potential sensitizing reactions that may occur to this preservative and proper instructions are given in the package insert (Ref. 1). See the Panel statement on "Thimerosal as a Preservative."

(ii) *Test method*—(1) *Application of test*. The test requires an intracutaneous injection of 0.1 ml of antigen. The procedure is simple and accurate.

(2) *Measurement of test*. (a) A review of the available literature in which the specific Eli Lilly and Company antigen was employed (Refs. 6, 7, 8, 10, 13, and 18) leads to the impression that the reaction is not round. Each of the investigators report that the largest diameter was measured and recorded.

(b) No information is given on the definition of the border of the reaction. The investigator is instructed to measure the diameter of erythema, which may be diffuse in some test subjects.

(3) *Quantitative dose response*. No data referring to possible quantitative dose response studies are available for this antigen.

(4) *Duration of reaction*. Eli Lilly and Company recommends that the test be read between 24 and 36 hours (Ref. 1). A review of the literature in which the Eli Lilly and Company mumps skin test antigen was employed reveals that the reaction can be read as early as 24 hours (Refs. 4, 6, 7, 8, 10, 13, and 18) or as late as 72 hours (Ref. 12).

(b) *Safety*—(1) *Host response*. With the exception of a reaction to thimerosal and/or to the avian antigens or egg products, there are no reports to indicate that the Eli Lilly and Company mumps

skin test antigen causes anaphylaxis; severe skin reaction; constitutional symptoms; carcinogenic; teratogenic or mutagenic effects; sensitization to product; pain; skin irritation; scarring; change in pigmentation; reactivation of disease; or interference with the action of other medications.

(ii) *Test material*—(1) *Sterility*. (Freedom from live microbial agents). The bulk and final product are tested for the presence of bacteria and fungi. Specific tests for viruses and mycoplasma are not performed.

(2) *Purity*. (Free of other contaminants). No tests for purity are performed.

(3) *Elimination by host*. No data were available.

(4) *Nontoxic*. (a) Human studies suggest that the material is nontoxic (Refs. 2, 4 through 13 and 18).

(b) Animal tests required by the Bureau of Biologics are performed.

(iii) *Test method*. The test produces very little pain or bleeding and is essentially noninjurious.

4. *Recommendations*. (a) By strict standards, this product should be placed in Category II as being ineffective for its labeled indication of identifying immunity to mumps virus infection because:

(i) There is poor specificity and sensitivity.

(ii) There is wide variation of potency from lot-to-lot as measured by complement fixation and neutralizing antibodies.

(iii) There is no uniformity in the interpretation of the test.

(iv) No quantitative dose response relationship has been established.

(v) The material is clearly immunogenic.

(vi) There are no data concerning the stability of the product.

(vii) There is no reference material against which new lots can be standardized.

(b) However, because of its current widespread use for the nonlabeled purpose of ascertaining the immunocompetence of a patient, the Panel recommends the product be placed in Category IIIB, license to be suspended until acceptable data, based on scientifically sound methods, are submitted to demonstrate the product's safety and effectiveness in humans for an amended use. These data should include:

(i) Distribution of reaction sizes in persons known to have immune deficiencies and those presumed to be immunocompetent.

(ii) Correlation of these reactions with other in vivo and in vitro tests for immunocompetence.

(iii) Dose/response relationships should be provided and compared to a reference standard.

(iv) Evidence that the product is stable until the expiration date.

(v) Other data to indicate that the product complies with any additional requirements by the FDA for skin tests used to detect immunocompetence.

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DIPHTHERIA TOXIN FOR SCHICK TEST AND SCHICK TEST CONTROL

## GENERIC STATEMENT

The Schick test reagent used to determine susceptibility to diphtheria is diphtheria toxin diluted in buffer containing a preservative (thimerosal) and a non-allergenic stabilizing agent. The potency of the Schick test dose (STD) is defined as "that amount of the standard which, when mixed with 0.001 unit of the U.S. Standard Diphtheria Antitoxin and injected intradermally in a guinea pig, will induce an erythematous reaction of 10 mm in diameter" (Ref. 1).

The test dose is introduced intracutaneously and is read at 36-72 hours. A negative test indicates that neutralization of the toxin has occurred and that diphtheria is not likely to occur in that individual on average exposure to the etiologic agent, *Corynebacterium diphtheriae*. Interpretation of a positive test is more complex in that it may indicate (a) no protective immunity or (b) hypersensitivity to the bacterial protein and/or the preservative. To distinguish between these two possibilities, a control test consisting of inactivated toxin is often used in conjunction with the diphtheria toxin for the Schick test. The Schick test control may consist of toxin heated to 65° C for 15 minutes to inactivate the toxic component or toxin inactivated by formalin.

## PRODUCT REVIEW

While Klebs first discovered and described the diphtheria bacillus in 1883 (Ref. 2), it was Loeffler (Ref. 3) who reported in 1884 that in fatal cases of diphtheria, necropsy invariably revealed sterile, hemorrhagic and necrotic lesions in many organs of the body and that the causative agent, *C. diphtheriae*, could only be found in superficial membranous lesions usually localized in the throat. Four years later, Roux and Yersin (Ref. 4) reproduced these lesions in experimental animals with a potent, cell-free, heat labile toxin produced extracellu-

larly by these organisms in the culture medium. Von Behring (Ref. 5) subsequently demonstrated that serum obtained from animals immunized against the toxin could be used in the prevention and treatment of the disease thus establishing the basis for understanding the mechanism of protective immunity to diphtheria. It remained until 1913, however, for Schick (Ref. 6) to introduce the skin test for identifying susceptibility to the toxin of *C. diphtheriae*.

The original Schick test dose (STD) was defined so that 0.1 ml was equivalent to 0.02 (1/50) minimum lethal dose (MLD) for guinea pigs. Variation in the susceptibility of the guinea pigs to the lethal activity of diphtheria toxin made it difficult to standardize the STD and for this reason the requirements for standardization of the STD were revised in the United States in 1969 (Ref. 7). The U.S. Standard Diphtheria Toxin for Schick Test is distributed by the Bureau of Biologics. It is used to determine the potency of various lots of Diphtheria Toxin for use in the Schick Test. This toxin potency is expressed in terms of the STD activity of the standard. The STD of the standard toxin is that amount which when combined with 0.001 unit of the U.S. Standard Diphtheria Antitoxin induces an erythematous reaction of 10 mm in diameter in the guinea pig. The STD of the U.S. Standard is equivalent to 1.3 International Units of the International Standard Schick Test Toxin. The U.S. Standard Diphtheria Antitoxin is also available from the Bureau of Biologics as a lyophilized preparation which has been stored at 4° C and is reconstituted to contain 6 units/ml of activity.

(a) *Attributes*. Diphtheria toxin is a protein of approximately 62,000 daltons (Ref. 8) produced only by strains of *C. diphtheriae* lysogenic for Beta-prophage carrying the *tox* gene (Ref. 9). Phage multiplication is not a necessary prerequisite for toxin production since the *tox* gene is expressed independently of the other phage genes (Ref. 10). The simple introduction of the phage genome carrying the structural gene for toxin production into sensitive strains of *C. diphtheriae* does not result in appreciable yields of toxin until the content of inorganic iron in the medium has been depleted and the concentration of iron in the bacteria has decreased to a critical level (Ref. 11). There is evidence to suggest that the repressor molecule which regulates the expression of the *tox* gene is an iron containing protein (Ref. 12). However, the mechanism by which iron mediates the effect of toxin production is not known.

The toxin molecule is released into the culture medium as a single polypeptide chain (Ref. 13), which possesses two nonoverlapping disulfide bonds (Ref. 14). It has been purified in crystalline form from culture filtrates (Ref. 15). Mild proteolytic attack with trypsin yields a molecule ("nicked protein") with two peptide fractions, A and B, still connected by the disulfide bridges (Ref. 14). Subsequent reduction and alkylation

yields fragment A, the amino terminal peptide of 24,000 daltons, and fragment B, the carboxyl terminal peptide of 38,000 daltons (Ref. 13). These peptides are most effectively separated by electrophoresis or gel filtration in denaturing solvents such as 6M urea or 0.1 percent sodium dodecyl sulfate. Such treatments, however, yield B fragments which spontaneously aggregate and as a result of instability it has been difficult to biologically characterize this moiety. Fragment A on the other hand, withstands such treatment and is relatively resistant to heating and extremes of pH (Ref. 16).

Diphtheria toxin at concentration of 10<sup>-6</sup> M or less was shown by Strauss and Hendee (Ref. 17) to completely block incorporation of amino acids into tissue culture cells while other metabolic activities remained normal. Collier and Pappenheimer (Ref. 18) subsequently showed that toxin, in the presence of nicotinamide adenine dinucleotide (NAD), prevented polypeptide elongation. Elongation factor (EF-2), an important component of protein synthesis, is required for translocation of polypeptidyl-transfer ribonucleic acid (RNA) from the acceptor site to the donor site on eukaryotic ribosomes (Ref. 19). EF-2 is inactivated by fragment A or diphtheria toxin in the presence of NAD (Ref. 20). The reaction involves the transfer of adenosine diphosphate ribose (ADPRibosyl) from NAD<sup>+</sup> to EF-2 to yield ADPRibosyl-EF-2 which is inactive. The mechanism is specific for eukaryotic elongation factor and toxin has no effect on prokaryotic or mitochondrial elongation factor (EF-2) (Ref. 19). The enzymically active site occurs on fragment A but appears to be masked since the intact toxin molecule is inactive (Ref. 21).

The function of fragment B is not well characterized. It does not appear to have any enzymic activity.

Studies with various Beta-phages modified in their *tox* gene have contributed greatly to the understanding of diphtheria toxin. These mutant phages, when expressed by their host, result in the production of proteins that are not toxic or have reduced toxicity but are reactive with diphtheria antitoxin (Ref. 22). Such proteins are termed cross reactive materials (CRM). Mild proteolytic treatment with trypsin and subsequent reduction and alkylation of various purified CRMs yields fragments which may be altered in their A or B fragment (Ref. 23). Mixing and oxidizing studies using fragments obtained from nontoxic proteins have yielded fully toxic hybrid molecules (Ref. 23). The studies of Pappenheimer and his colleagues (Refs. 24 and 25) suggest that the function of fragment B is concerned with binding to specific sites on cell membranes and facilitating the entry of fragment A into sensitive cells.

(b) *Present status*. Diphtheria, until about 1885, was endemic throughout the world with epidemics and a pandemic having been recorded (Ref. 26). Between 1885 and 1941 a general decreasing trend occurred in the mortality of diphtheria with antitoxin therapy and immuniza-



tion practices contributing to this decline (Ref. 27). In the early 1940's there was a significant increase in the prevalence of diphtheria. The focus appears to have begun in Germany due in part to the internment of massive numbers of unimmunized children into concentration camps from which focus the disease spread to other parts of Europe (Ref. 28).

The incidence of diphtheria since the post World War II era has diminished to a point where the disease is considered rare (Ref. 29). This is particularly true in the age group under 10 years, owing in part to successful immunization practices. There does, however, appear to be slight increase in the incidence of diphtheria in the older age groups (Ref. 30). While the overall incidence of disease is low, it is still an important problem in areas where immunization practices are not carried out (Ref. 31).

While highly purified diphtheria toxin has been prepared in crystalline form (Ref. 15), the currently available diphtheria toxin for the Schick test is either diluted culture filtrates or one prepared by ammonium sulphate precipitation. Both methods of preparation yield reagents which contain, in addition to toxins, other growth products of the organism which may produce reactions in some individuals (Ref. 32). For this reason a Schick Test Control is often used clinically in order to interpret skin test responses. Schick Test Control material has been prepared by heat treatment to inactivate the toxic component and by formalin inactivation of toxin. The latter material is used to determine a patient's tolerance to toxoid as well as to measure his immune status.

The diluent for Diphtheria Toxin for Schick Test and the Schick Test Control contains normal human serum albumin or gelatin as a stabilizer (Ref. 33) thereby preventing rapid deterioration of the toxin. The use of human serum albumin as stabilizer has made it possible to distribute diphtheria toxin for the Schick Test in its diluted form ready for use.

While immunization with formalin inactivated and alum precipitated toxoid induces protective immunity to diphtheria and has significantly reduced the mortality rate of diphtheria, there is still a need for the Schick diphtheria skin test antigen. The test can be useful in assessing the need for immunization of an individual during sporadic epidemics. It may also have a place in testing patients with suspected immune deficiencies.

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#### DIPHThERIA TOXIN FOR SCHICK TEST BY MASSACHUSETTS PUBLIC HEALTH BIOLOGICAL LABORATORIES

1. *Product*. Diphtheria Toxin for Schick Test manufactured by Massachusetts Public Health Biological Laboratories (MPHBL).

2. *Description*. Schick toxin as dispensed consists of 50 Schick test doses of purified diphtheria toxin in 5 ml of sterile buffered salt solution. The toxin diluent contains 1:30,000 thimerosal as a preservative and 0.4 percent normal human serum albumin as a stabilizer. Toxin is injected intracutaneously in 0.1 ml volume and a toxoid control is injected on the opposite forearm. The reaction, if positive, appears initially at 24 to 36 hours, reaching greatest intensity by the 4th or 5th day with fading thereafter. A positive test signifies that the individual possesses little or no anti-toxin in his blood and is probably susceptible to diphtheria (Ref. 1).

3. *Analysis*—(a) *Effectiveness*—(1) *Sensitivity*.—In the diphtheria Schick test a negative response indicates immunity and a positive test susceptibility. In the efficacy data provided, a letter from a physician who evidently tested a large number of individuals, stated "on only a few occasions were positive tests found where there had been some doubt about the immunization record of the child tested" (Ref. 1). In another study by Pappenheimer, Edsall and co-workers in 1950 (Ref. 2), using the MPHBL product (Lot No. AS 51) over 2,700 soldiers were tested, 40 percent of whom were Schick positive. The manufacturer stated that based on results of this study "the test correctly defines the immune, the

nonimmune, and the hypersensitive" (Ref. 1). No specific data are provided even in the reference which they cite regarding hypersensitive responders (Ref. 2). Overall there appear to be no specific data provided in the MPHBL brochure which allow correlation of the history of previous diphtheria immunization with either a positive or negative Schick test response.

(ii) *Specificity*. Nothing is stated in the MPHBL's brochure with regard to possible cross-reactivity between their diphtheria toxin and other bacterial toxins. In animal systems the manufacturer states that "specificity is guaranteed by the fact that the minimum reaction doses of different dilutions of the parent toxin are proportional to the minimum lethal doses where lethality of the guinea pig [sic] is confirmed as diphtheritic by autopsy" (Ref. 1). An identity test is also performed on filled Schick toxin containers. In this test a mixture of product and a solution of standard antitoxin are injected intracutaneously into the guinea pig and a control containing product and saline are similarly injected; after 40 to 66 hours reactions are measured and identity and specificity are confirmed if the control shows a 20 x 20 mm reaction and the antitoxin site is free of a significant reaction. Specific data obtained with these identity tests are not provided.

#### CHARACTERISTICS OF EFFECTIVENESS

(1) *Test material*—(1) *Defined chemical composition*. The chemical composition of MPHBL Schick test material is apparently unknown. The stock culture material is prepared from *Corynebacterium diphtheriae* Park-Williams No. 8 obtained from Connaught Laboratories. It is transplanted twice weekly to Wadsworth broth and incubated at room temperature. The production medium consists of Bacto™ casamino acids and yields toxin of 100-120 Lf (flocculation unit) per ml after 5 days incubation. This medium contains sodium chloride, cysteine, CaCl<sub>2</sub>, FeSO<sub>4</sub>, maltose and NaOH. Purification of diphtheria toxin is by the ammonium sulfate method in which proteins are salted out by adding 0.45 kg of ammonium sulfate/liter of crude culture filtrate. After a process of centrifugation and reprecipitation with ammonium sulfate, the precipitate is dissolved in distilled water, dialyzed, and sterilized by aseptic filtration and addition of 1:10,000 thimerosal.

(2) *Reproducibility*. No data on reproducibility of positive reactions in man were provided. The manufacturer stated that "0.01 Lf units of toxoid are sufficient to cause a pronounced and uniform antitoxin response in persons who already possess some measure of immunity." In studies by Edsall and Wyman, duplicate Schick tests with albumin and peptone Schick toxin on 215 individuals read at 4, 7, and some cases 5 days showed only certain "minor differences" (Ref. 3). Dilution of the same stock concentrate to produce different lots of Schick toxin remained quite constant over a 9-year period.

(3) *Standardization in laboratory systems*. Purity of the product is deter-

mined on toxin concentrates in terms of sLg per ml of nondialyzable nitrogen. The Ramon method is used for Lf and micro Kjeldahl method for nitrogen. The stock concentrate made in 1950 and still in use contains 1,300 Lf per mg of nitrogen. In preparation of the product, the manufacturer stated that "an aseptic addition is made of the same volume of a stock lot of concentrated purified toxin as was used in the last previous lot of the final product. The final toxicity is adjusted by additions of diluent or toxin as determined by preliminary intradermal testing in guinea pigs" (Ref. 1). Data from these lot comparisons are available for lots since 1968.

(4) *Stability*. The stock concentrates of MPHBL purified diphtheria toxin from which the current Schick materials are made were prepared in the year 1950 and contained 2,560 Lf and 67,000 MLD per ml. The manufacturer stated that its tests "indicate remarkable stability for this toxin concentrate, the loss in MLD being only 25 percent per decade." MPHBL diphtheria toxin contains 0.4 percent normal human serum albumin as a stabilizer. In studies by Edsall and Wyman in 1944, it was concluded that batches of Schick toxin stabilized with albumin showed no significant deterioration after exposure at 41° C for 24 hours (Ref. 3). The purified diphtheria toxin appears to be more stable than crude toxin and does not show the tendency toward spontaneous toxoid formation that crude preparations do, according to the studies by Pappenheimer (Ref. 4). The manufacturer holds a sample of the product at 37° C for not less than 24 hours and tests for potency. If the product passes this test it is "considered to be stable" (Ref. 1).

(5) *Sensitization*. Data were provided to show that a Schick test with its control can sensitize individuals or convert their skin test responses from positive to negative. The manufacturer believes an advantage of its product is that it uses concentrated (10 times) diphtheria toxoid as a control as opposed to unconcentrated, inactivated toxin, "because the Schick test is usually administered not only to determine the patient's immune status but also to determine his tolerance to toxoid" (Ref. 1). This amount has been shown to serve as a booster in individuals with low grade immunity but is said not to produce severe local or systemic reactions. These reactions are almost always seen in the Schick negative groups of patients who are given immunogenic doses (5 Lf) instead of skin testing doses (0.008 Lf) of toxoid.

(6) *Elimination by the host*. No data were available with regard to elimination of MPHBL diphtheria toxin by the host.

(7) *Diluent*. The diluent contains 1:30,000 thimerosal as a preservative and 0.4 percent normal human serum albumin as a stabilizer. The Panel comments regarding the sensitizing capacity of thimerosal apply to the diphtheria toxin product. (See the Panel's statement on "Thimerosal as a Preservative").

(ii) *Test method*—(1) *Application of test*. Application would appear to be simple and dosage reasonably accurate (0.1 ml volume intracutaneously, using a 27 gauge needle).

A positive test is characterized by a reaction to the Schick toxin beginning to appear in 24 to 36 hours, consisting of a circumscribed area of redness and slight induration which measures 1 cm or more in diameter. It develops gradually, reaches its greatest intensity on or about the 4th or 5th day, then fades, leaving a faint brownish pigmented spot which eventually disappears. There is no reaction at the site of the injection of the "Schick Control" (Ref. 1). A positive test signifies that the individual possesses little or no antitoxin in his blood and is probably susceptible to diphtheria.

In a positive-combined test, reactions appear at the sites of both injections, but the reaction at the site of the "Schick Toxin" injection is larger at the end of 4 days and persists longer than at the site of the "Schick Control" injection (Ref. 1). A positive-combined test indicates possible susceptibility to diphtheria and a sensitivity to the diphtheria bacillus proteins, suggesting caution in the administration of diphtheria toxoid.

The pseudo reaction is differentiated from the true positive test by the appearance of a reaction at the site of the "Schick Control" injection, and from a positive-combined test by the fact that reactions developing at the sites of both injections run a similar course, reach a maximum of intensity on the 3d day and then fade (Ref. 1). Individuals showing this reaction are hypersensitive to the diphtheria bacillus proteins and may have measurable amounts of antitoxin in their blood.

A negative reaction may be accompanied by a slight mark incident to the needle puncture, or a small area of reddening at either or both injection sites. If the test has been properly done, this negative reaction almost invariably indicates a titer of circulating serum antitoxin of at least 0.002 to .005 units per ml.

(2) *Measurement of test*. It is assumed that the test reaction is reasonably round and has clear-cut boundaries.

(3) *Quantitative dose response*. No human data were provided regarding quantitative dose response curves. In guinea pigs the manufacturer stated that intracutaneous doses larger than 0.1 ml cause severe lesions at the skin test site. Dose-response data in guinea pigs were provided for two dilutions of toxin and the test does appear to be in the appropriate range.

(4) *Duration of reaction*. The time course of a positive reaction has been stated under Paragraph 2, Description.

(b) *Safety*—(i) *Host response*. In a study by Kuhns and Pappenheimer the MPHBL product was used in a study of immediate type skin sensitivity to diphtheria toxoid (Ref. 5). There was a high degree of correlation between personal and family history of atopic allergy and between the occurrence of immediate wheal and flare reactions to the Schick



test material. Between 1969 and 1973 the manufacturer distributed nearly one hundred thousand skin test doses. They claim that "over a 10-year-period only one report of an untoward reaction to the product" has been reported (Ref. 1.) This occurred in a group of new employees of a state school. Reactions at the sites of injections ranged from 1.5 to 2.5 cm, and painful swollen arms were reported. The manufacturer did test this same lot of toxin in 24 guinea pigs and found reactions which differed in no way from those which were typical and regularly seen with other lots of Schick test material. In a letter to the complainant, the manufacturer suggested that the procedures employed in sterilization of the test equipment might have been at fault.

No additional data were provided on animal safety other than indicating that the general safety test is performed on two mice and two guinea pigs. The Panel found no information concerning potential carcinogenic, teratogenic, or mutagenic effects attributable to this product. The test would not appear to be painful and there is no scarring except for the previously mentioned brownish discoloration after the skin testing.

(ii) *Test material.*—(1) *Sterility.* There are no routine sterility tests for viral, mycoplasma or fungal contaminants but it is unlikely that these would be present. During the manufacturing process the material is sterilized by filtration using Seitz or millipore filters after addition of diluent. This is followed by final adjustment for toxicity through addition of diluent or toxin as determined by preliminary intracutaneous testing in guinea pigs. During lot production the contents of each flask are "smeared and cultured on plain agar" and smears are stained with gram stain and examined for contaminants. On the following day, any growth on agar slants is also stained and examined.

(2) *Other contaminants.* The material contains 0.4 percent normal human serum albumin, 1:30,000 thimerosal, and buffered salt. The manufacturer stated that "absence of allergens in the medium is assured by the avoidance of macromolecular substances in the medium" (Ref. 1). The main nutrient consists of complete acid hydrolysates of casein presumably in the Bacto casamino acid. In addition the manufacturer stated that the medium is determined to be free of blood group specific substances A and B, as determined by "a method recommended by the Public Health Service" (Ref. 1). It contains less than 0.004 mg Group A substance per ml and less than 0.08 mg Group B substances per ml.

(3) *Elimination by host.* No information was available with regard to elimination of MPHEL Diphtheria Toxin by the host.

(4) *Toxicity in man and animal systems.* Toxicity in man was discussed above. Routine safety tests in mice have been carried out for 20 lots since 1953. According to the manufacturer "there has never been any noteworthy effect on these animals from the 0.5 ml injection"

(Ref. 1). Guinea pigs are highly susceptible to the toxin. The administration of 5 ml results in death within 4 days due to "typical diphtherial intoxication."

Intracutaneous doses larger than 0.1 ml cause severe necrotic lesions at skin test sites and these effects are "intrinsic to the product" (Ref. 1).

(iii) *Test method.* The test produces very little pain or bleeding and is essentially noninjurious. The time course of this reaction (maximal reactivity at 4 to 5 days with gradual fading) is however longer than the usual fungal or mycobacterial delayed type skin test reaction. The brownish pigmentation observed is also not usually recorded with other delayed skin test reagents.

4. *Recommendations.* (a) The Panel recommends that this product should be placed in category IIIA because, although it is safe, there is insufficient evidence that it is effective for its labeled use of identifying susceptibility to diphtheria. The product should remain on the market while the manufacturer supplies additional data concerning the sensitivity of the test in persons with various titers of diphtheria antitoxin.

(b) Adequate stability data should be provided. (Data are required to support the statement by the manufacturer that a product stable for 24 hours at 37° C will be stable enough to ship.)

(c) Two years is a reasonable time for the recommended testing to be accomplished.

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DIPHtheria TOXIN FOR SCHICK TEST AND SCHICK TEST CONTROL BY TEXAS STATE DEPARTMENT OF HEALTH

1. *Products.* Diphtheria Toxin for Schick Test and Schick Test Control manufactured by Texas State Department of Health.

2. *Description.* Texas State Department of Health (TSDH) Schick Test reagent is used to determine an individual's immunologic status in the control and prevention of diphtheria (Ref. 1). *Corynebacterium diphtheriae*, Park-Williams No. 8, isolated by the New York Bureau of Laboratories in 1894, is em-

ployed to produce TSDH Schick test diphtheria toxin. The organism was originally supplied by Connaught Laboratories (Toronto, Canada) to the Massachusetts State Department of Health who in turn provided it to TSDH. It is stored in ampules in the dried state.

The seed inoculum is initially grown in Wadsworth Proteose-Peptide broth. It is then inoculated into veal infusion broth in Povitsky bottles and incubated at 34° C for 1 week. This is followed by Seitz filtration and aging until the minimal lethal dose (MLD) has remained constant for two successive tests performed at 6-month intervals. This unpurified Schick test material is prepared for distribution in borate buffered saline solution containing 0.02 percent gelatin and 0.01 percent thimerosal. Its potency is equivalent to the U.S. standard. The potency must be such that the MLD is less than 0.0025 ml.

3. *Analysis.*—(a) *Effectiveness.* No data were provided by the manufacturer with regard to either sensitivity or specificity.

An identity test performed on filled Schick toxin containers is required by regulation. (In this test a mixture of product and a solution of standard antitoxin are injected intracutaneously into the guinea pig and the control containing product and saline are similarly injected; after 40 to 66 hours reactions are measured and identity and specificity are confirmed if the control shows a 20 x 20 mm reaction and the antitoxin site is free of a significant reaction.) This identity test is not mentioned as being performed by TSDH.

#### CHARACTERISTICS OF EFFECTIVENESS

(i) *Test material.*—(1) *Chemical composition.* The chemical composition of TSDH diphtheria Schick test material is apparently unknown (no data were submitted).

(2) *Reproducibility.* Regulations require each lot be standardized against the U.S. standard but no reproducibility data were submitted by TSDH.

(3) *Standardization.* No data were provided with regard to standardization of TSDH diphtheria toxin for Schick test in animal systems. The manufacturer does state that the material is tested "as per section 650.1" of Title 21, Code of Federal Regulations.

(4) *Stability.* The material contains 0.02 percent gelatin as a stabilizing agent. Regulations require that a sample of each lot be heated to 37° C for 24 hours and that its subsequent potency remain equal to that of the U.S. standard. No data are provided by the manufacturer about the stability of the product.

(5) *Sensitization.* No data were provided on the ability of repeated positive Schick tests with the TSDH product to sensitize individuals or to convert their skin test responses from positive to negative. The TSDH uses heated toxin as control material as opposed to the other producer who uses concentrated diphtheria toxoid as a control. The conditions of inactivation are not known. The man-

ufacturer states that some individuals are sensitive to diphtherial proteins other than the toxins.

(6) *Elimination by host.* No data were submitted by the manufacturer.

(7) *Diluent.* Thimerosal 1:10,000 is used as a preservative. Thimerosal has been shown to be sensitizing in some studies. The Panel's comments regarding the sensitizing capacity of thimerosal apply to this product. See the statement on "Thimerosal as a Preservative." No other data on the diluent were submitted by the manufacturer.

(ii) *Test method.*—(1) *Application of test.* The test is performed by the Mantoux intracutaneous method which is simple and reasonably accurate.

(2) *Measurement of test.* The TSDH package insert defines a positive reaction to the test as sharply defined redness 1 to 2 cm in diameter appearing in 24 to 40 hours. Nothing is said about the shape of the reaction (Ref. 1). The reaction develops gradually and reaches greatest intensity on about the 4th or 5th day followed by fading and frequent production of a faint brownish pigmented spot which eventually disappears. In this type of positive reaction there is no reactivity at the site of the Schick test control. In a so-called combined response, reactions appear at both injection sites but reactivity at the toxin site is larger at the end of 4 days. In a pseudo reaction, there is a response at the control site which runs a similar course to the response at the toxin site, both reaching a maximum intensity on day 3 followed by fading.

(3) *Quantitative dose response.* No data were provided with regard to quantitative dose response curves in man.

(4) *Duration of reaction.* The TSDH Schick test reaction appears at 24 to 60 hours reaching a maximum intensity on about the 4th day and at times persisting in modified form for several weeks (Ref. 1).

(b) *Safety.*—(1) *Host response.* The manufacturer provided no information on specific adverse effects attributable to the product. In the past 10 years over 100,000 doses have been distributed and no reports of serious reactions have been reported to the TSDH. There are several published references on clinical or epidemiologic studies of diphtheria in the state of Texas (Refs. 2 through 4) in which hundreds of cases were studied between 1967 and 1970. In none of these studies, however, is there any mention of use of TSDH Schick test. The Panel found no information concerning potential carcinogenic, teratogenic or mutagenic effects from this product.

(ii) *Test material.*—(1) *Sterility.* A sterility test is run on the parent material. The nature of this test was not stated but it is presumed that it consists of culturing each final lot as required by regulations.

(2) *Purity.* (other contaminants) The material contains 0.02 percent gelatin as a stabilizing agent. The seed inoculum is grown in Wadsworth Proteose-Peptide broth followed by inoculation into veal infusion broth, and it is possible that both components might sensitize.

(3) *Elimination by host.* No data were provided with regard to elimination of TSDH diphtheria toxin by the host.

(4) *Toxicity in man and animal systems.* The lack of reported serious allergic or toxic reaction in man has been mentioned under "Safety." No animal safety tests were mentioned by the manufacturer.

(iii) *Test method.* The test produces very little pain or bleeding and is essentially noninjurious. The time course of the Schick reaction (maximal reactivity at 4 to 5 days with gradual fading) is longer than that observed with the usual fungal or mycobacterial delayed-type skin reaction.

4. *Recommendations.* (a) The Panel recommends that these products should be placed in Category IIIB, licenses to be suspended, because they are crude and potentially dangerous products and the manufacturer provides no data on effectiveness (sensitivity and specificity) or stability. There are no data provided confirming completion of an identity test. Before the licenses are reinstated acceptable data based on scientifically sound methods should be submitted to demonstrate effectiveness of these products in humans. Furthermore, the manufacturer should demonstrate that the veal antigens in these products do not sensitize and do not elicit false positive reactions in sensitized individuals.

(b) Two years is a reasonable time for the recommended testing to be accomplished.

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#### TRICHINELLA EXTRACT GENERAL STATEMENT

The Trichinella skin test antigen is used to indicate whether or not a patient has active or "latent" healed Trichinella infection, as manifested by an immediate Type I wheal and flare reaction. The skin test becomes positive within 2 to 3 weeks after exposure and the ability to manifest a positive skin test may persist for many years. A positive skin test is, as stated by the manufacturers "only suggestive of clinical trichinosis and should be confirmed by clinical observations or muscle biopsy." The Trichinella skin test antigen does not identify all individuals with specific immunologic experience. The antigen has not been characterized, purified, or chemically defined. It is not known whether it is sensitizing in man after repeated testing or whether it stimulates production of antibody in sensitive individuals. More information is

needed on the stability of standards used in quantitating and assessing biological properties of the product. There is no U.S. Reference Standard.

With regard to safety, there is anecdotal evidence that untoward reactions do not occur in man, but there are no data with regard to possible anaphylactic, carcinogenic, teratogenic, or mutagenic effects. There is a possibility of sensitization to foreign (rat) soluble protein or other impurities in the final product. Adequate sterility tests are performed for bacterial pathogens but not for viruses, mycoplasma, or fungi.

#### PRODUCT REVIEW

Since 1938, Trichinella extract has been prepared by the method of Bozicevich (Ref. 1). It is used in both skin and serologic tests for the diagnosis of trichinosis. The extract consists of the saline soluble constituents of dried *Trichinella spiralis* larvae harvested from muscles of laboratory infected rats by digestion in a pepsin-hydrochloric acid mixture. The rats are infected by ingesting 1 to 10 gm ground infected meat from a seed rat known to be infected with a particular strain of *T. spiralis*, and available from NIH and some health department laboratories. Approximately 40 days later these rats are sacrificed, skinned, and eviscerated; and their heads, legs, and tails are removed. After microscopic examination, animals found to have few or no *T. spiralis* larvae in the diaphragm (the muscle most susceptible) are discarded from the harvest pool. Muscles from all others are digested in a pepsin-hydrochloric acid mixture. The released larvae are recovered and washed 13 to 14 times in saline and finally once or twice in water to remove the saline. The larvae are stored at -70° C during the harvesting procedure, then desiccated over phosphoric anhydride or phosphorous pentoxide.

The dried larvae are extracted with a phenolized buffered saline. Following standardization this filtered extract comprises the skin (and serologic) testing material.

Kagan and others cited by him pointed out the need for utilizing a standardized skin test procedure, including the use of a control and accurate measurement of the size of any resulting wheal (Ref. 2). A positive skin reaction is an immediate wheal and flare reaction 15 to 20 minutes after intracutaneous injection of antigen. It is said to become positive 2 to 3 weeks following infection, and persons may remain positive to the test for up to 20 years. The more usual duration of reactivity is 5 to 10 years. A delayed reaction also occurs but is much less sensitive in detecting known infections than the immediate reaction (Ref. 3). Since circulating immunoglobulin E (IgE) concentrations are increased in human trichinosis (Ref. 4), they probably play an important role in cutaneous reactivity. However, various immunoglobulins from trichinosis patients possess antibody activity to trichinella antigens (Ref. 5).



The skin test material is obviously crude. As a diagnostic tool, the skin test has largely been supplanted by serologic tests such as bentonite flocculation (BF) and charcoal particle flocculation or agglutination. The latter test can be used in the field. A positive test provides the same diagnostic information as a skin test and does not require the intracutaneous introduction of a very crude product which by its very nature must contain soluble rat proteins and possibly also rodent viruses and mycoplasmas. The product is not tested for these potential contaminants prior to use in human subjects.

(a) **Effectiveness**—(1) **Sensitivity**. The major criticism of the skin test has been that it is much less sensitive in detecting early acute infections than the BF test, other flocculation tests, and the immunofluorescent antibody (IFA) test. Humoral antibodies that react in the BF test recede much more rapidly than reactions to the skin test. For this reason, Kagan noted that the skin test may be a useful epidemiologic tool in surveying the prevalence of human trichinosis in endemic areas while serologic tests are preferred for clinical diagnosis (Ref. 2). It is recognized that a positive skin or serologic test result on an individual in an endemic population may still need to be confirmed by muscle biopsy.

Zimmerman et al. estimated the prevalence rate of trichiniasis in the human population of the U.S. as falling between 4 and 6 percent (Ref. 6). Kagan also stated that commercial skin test antigens of low protein nitrogen content lacked sensitivity compared to more potent experimental skin test antigens (Ref. 2). The commercially available skin test antigens have also been found to be less sensitive than the BF and IFA tests (Refs. 7 and 8). However, Ward et al. found no differences between the results of the BF test and a commercial skin test in diagnosing human trichinosis (Ref. 9).

(2) **Specificity**. The skin test material is not specific for *T. spiralis* infection. It cross-reacts with *T. trichuria* as well as other helminths. Parasites causing heterologous reactions include *Ascaris lumbricoides*, *Toxocara canis* (Ref. 10) and possibly *Echinococcus* species, *filariae*, and *schistosomes* (Refs. 11 and 12). The test does not differentiate between latent and active infections.

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#### TRICHINELLA EXTRACT BY LEDERLE

1. **Product**. *Trichinella* Extract manufactured by Lederle Laboratories.

2. **Description**. The Lederle product is a saline soluble extract of dried *Trichinella spiralis* larvae prepared as described in the Generic Statement.

3. **Analysis**—(a) **Effectiveness**. Skin tests with the Lederle Antigen may be negative in patients with *T. spiralis* infections (Ref. 1). The test may also be positive in infected individuals who do not develop overt disease (Ref. 2). Other comments in the Generic Statement generally apply to the Lederle product.

#### CHARACTERISTICS OF EFFECTIVENESS

(i) **Test material**—(1) **Chemical composition**. The chemical composition was not defined.

(2) **Reproducibility from lot-to-lot**. No data were available except as mentioned under "Standardization" below.

(3) **Standardization**. The tests to assess the potency of each batch of skin testing product include: (a) Ouchterlony double diffusion versus antisera prepared in rabbits or deep frozen sera from confirmed cases with a previously standardized extract as control, (b) Oudin's single immunodiffusion technique to determine the amount of active material present. Antigens identified by these techniques do not necessarily relate to those concerned with the "allergenicity" of the test material. Finally, (c) the Prausnitz-Kusner reaction is applied in healthy human volunteers to further assess the potency of the product.

(4) **Stability**. No data were available.

(5) **Sensitization**. Repeated application of the skin test material may induce a delayed type skin reaction in noninfected guinea pigs, but not the immediate wheal and flare reaction. Nothing is known of this capacity in human sub-

jects. Kim et al. observed that guinea pigs could be sensitized by multiple inoculations of prepared trichinella antigens (Ref. 3). Sensitization occurs more readily when Freund's adjuvant is also administered. There is no evidence concerning the possible sensitizing effect of the skin test antigen in humans.

(6) **Elimination by host**. No data were available.

(7) **Diluent**. The usual diluent contains phenol as a preservative, which is not sensitizing.

(ii) **Test method**—(1) **Application**. The test is administered by the Mantoux method, which is simple and reasonably accurate.

(2) **Measurement**. The reaction is irregular and difficult to measure.

(3) **Quantitative dose response**. Dose response studies are possible but are difficult owing to the irregularities of the reactions.

(4) **Duration**. An advantage of this test is that it may be read within 15 to 20 minutes after administration.

(b) **Safety**—(1) **Host response**. There is no evidence that this material causes severe skin reactions, constitutional symptoms, pain, skin irritation, scarring, pigmentation, reactivation of disease or interference with other medications. Because of its animal nature, sensitization and anaphylaxis are possible side effects. The Panel found no information concerning carcinogenic, teratogenic or mutagenic effects from this product.

(ii) **Test material**—(1) **Sterility**. The product is free of bacterial and fungal contaminants, but viruses could be present.

(2) **Purity**. The material undoubtedly contains rat proteins or their breakdown products.

(3) **Elimination by host**. No data were available.

(4) **Toxicity**. No data were available except isolated experiences with this material in human testing. The standard general safety tests are applied.

(iii) **Test method**. This test produces very little pain or bleeding and is essentially noninjurious except for the potential risk of sensitization or anaphylaxis.

4. **Recommendations**. The Panel recommends that this product be placed in Category II, unsafe and ineffective with the license for the product to be revoked.

(a) The safety considerations leading to this recommendation include:

(i) The product is likely to contain rat proteins.

(ii) Rat virus material is a potential contaminant.

(iii) The product might contain antigenic material from other parasites which may be found in rats.

(iv) The material has the potential for sensitization.

(v) The recommended dosage volume is hazardous when administered without a prior low volume sensitivity test such as a scratch test.

(vi) A safe serologic test exists.

(b) The product is judged to be ineffective as a diagnostic test:

(i) It has poor sensitivity in that it does not adequately identify individuals with specific immunologic experience.

(ii) It presumably lacks specificity in humans since cross reactions have been demonstrated to occur in animals infected with other helminths.

(iii) The product is poorly standardized.

(iv) The antigen has not been characterized, purified or chemically defined.

(v) There is no documentation of product stability.

(vi) A serologic test is available as an alternate diagnostic tool.

(c) Any person preparing this product in the future should be encouraged to isolate and purify the major active component demonstrable in immunodiffusion tests.

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#### TUBERCULIN, OLD

##### GENERIC STATEMENT

Old Tuberculin (OT) is a diagnostic skin test reagent prepared from filtrates of sterilized cultures of tubercle bacilli. It is used primarily to detect delayed hypersensitivity in individuals who have had immunologic experience with *Mycobacterium tuberculosis* or *Mycobacterium bovis*.

Originally produced by Koch in the late nineteenth century, the term "tuberculin" was later extended to a wide variety of preparations capable of eliciting the reactions of delayed hypersensitivity in a sensitized host. At the present time there is considerable variation in production methods and medium constituents for OT.

A positive tuberculin test usually develops 2 to 10 weeks after initial infection with *M. tuberculosis* or *M. bovis*. Old Tuberculin possesses excellent, although not perfect, ability to identify all individuals with this specific immunologic experience. Although sensitivity tends to persist throughout life, it may wane or disappear under a variety of circumstances. When the usual causes for negative reactions are absent, failure to react to a tuberculin test is helpful in excluding the diagnosis of tuberculosis. Skin reactions to OT may occur in individuals infected with mycobacteria other than *M. tuberculosis* or *M. bovis*.

Most of the valid data on sensitivity and specificity of tuberculin have been obtained from studies using Tuberculin, purified protein derivative (PPD).

Old Tuberculin does not have a simple definable chemical composition. Variation in potency from batch to batch is almost certain to occur. Although it should be possible to standardize OT, there is no evidence that adequate current standardization methods have been employed for batch to batch or lot-to-lot equivalence.

Old Tuberculin is applied by the intracutaneous (Mantoux) or multiple puncture techniques. The Mantoux test is simple and accurate. Multiple puncture tests are simple but deliver a variable and undetermined quantity of test material into the skin.

Old Tuberculin appears to be stable under ordinary conditions of storage and has had widespread usage in millions of persons over many years, with great safety.

#### PRODUCT REVIEW

Old Tuberculin is a filtrate prepared from sterilized concentrated broth cultures of tubercle bacilli, diluted with saline/glycerine and preserved with phenol. It was first produced in the late nineteenth century by Robert Koch (Ref. 1). It has been used primarily as a diagnostic skin test reagent to detect delayed hypersensitivity in individuals who have had immunologic experience with *Mycobacterium tuberculosis* or *Mycobacterium bovis*.

Shortly after he discovered the tubercle bacillus, Koch recognized the biologic activity of the products of the organism (Ref. 2). Although his dream of using "tuberculin" as a therapeutic agent in tuberculosis was soon dispelled, the material subsequently proved to be an aid in defining and understanding the immunology and pathogenesis of tuberculosis and in elucidating the mechanisms of delayed hypersensitivity and cellular immunity in general.

The name "tuberculin" was originally used by Koch to designate the active material in the liquid medium in which tubercle bacilli had grown. The use of the term was later extended to a wide variety of preparations capable of eliciting the reactions of delayed hypersensitivity in a sensitized host (Ref. 3). Koch produced his tuberculin by growing tubercle bacilli in glycerinated meat broth for 6 to 8 weeks at 37° C, boiling to kill the organisms, evaporating the medium to one-tenth of the original volume, and filtering to eliminate the bacilli. The finished product contained about 40 percent glycerin and it was later called "Old Tuberculin". The glycerinated meat broth was later replaced by a synthetic medium consisting of dipotassium phosphate, sodium citrate, magnesium sulfate, ferric citrate, asparagine, glucose, and 10 percent glycerin. The first standardized Old Tuberculin in this country was produced by the Bureau of Animal Industry using this synthetic medium, and the product was called HCSM tuberculin (heat concentrated synthetic medium). Other changes in the method of manufacture of this product included the use of flowing steam for sterilization instead of boiling, growth of the organisms as a pellicle on the surface, the use of gauze for preliminary filtration of the medium with its mat of growth, the further addition of glycerin, and concentration by evaporation followed by dilution with a weak solution of phenol. At the present time there is considerable variation in production methods and medium constituents.

Injection of tuberculin into the skin or its application to the skin surface produces a localized reaction in sensitized United States, OT is administered intrapersonally. At the present time in the cutaneously by the Mantoux (injection) method and by multiple puncture devices. The reaction to injected tuberculin in sensitized individuals consists of an area of induration (usually with surrounding erythema) which varies in size and intensity according to the dosage of tuberculin and the sensitivity of the individual. Skin reactions to OT may occur in individuals infected with mycobacteria other than *M. tuberculosis* or *M. bovis*.

A positive tuberculin test usually develops 2 to 10 weeks after initial infection with *M. tuberculosis* or *M. bovis*. Once acquired, sensitivity to tuberculin tends to persist throughout life. It may wane with advancing age or disappear if treatment of the infection is given in its earliest stages. Sensitivity may decrease or disappear temporarily during a variety of intercurrent illnesses, during treatment with adrenal corticosteroids, and in tuberculosis patients who are very sick (Ref. 4). When the usual causes for negative reactions are absent, failure to react to a tuberculin test is helpful in excluding the diagnosis of tuberculosis.

(a) **Effectiveness**. Most of the valid data on sensitivity and specificity of tuberculin have been obtained from studies using Tuberculin, PPD (purified protein derivative). Sensitivity and specificity of OT may be affected by variations in preparation. There are also problems of standardization, arising particularly from the fact that preparations found to be equivalent in guinea pigs may not be equivalent in humans (Refs. 5 through 7). The known propensity of Tuberculin, PPD to adhere to glass or plastic surfaces (Refs. 8 and 9) raises questions about the likelihood of adsorption of protein from OT as well.

(1) **Sensitivity**. Tuberculin possesses excellent, although not perfect, ability to identify all individuals with specific immunologic experience. Virtually all tuberculosis patients will react to the intracutaneous injection of tuberculin if a sufficiently strong dose is used (Refs. 10 through 14).

The intensity of the reaction may be diminished by many factors which affect delayed hypersensitivity reactions in a nonspecific manner by mechanisms not fully understood. These factors or conditions include acute virus infections or vaccination with live virus vaccines; immunosuppression by disease, drugs, or steroid hormones; a state of general anergy such as that associated with sarcoidosis or malignancy, especially lymphoma; malnutrition, especially in children; overwhelming infection; and the waning of delayed hypersensitivity associated with advancing age (Refs. 15 through 22). In addition, there is a small proportion of individuals with tuberculosis who have none of the above conditions but who still do not react to ordinary doses of tuberculin. Although a recent publication suggests that this proportion may be as high as 20 percent

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(Ref. 23), observations over many years have documented that it is usually no more than 5 percent (occasionally up to 10 percent) with the use of intermediate strength tuberculin (5 tuberculin units (TU)) and 1 percent or less with stronger (100 to 250 TU) doses of tuberculin (Refs. 10 through 13). A negative tuberculin test in patients with serious or widespread disease will usually become positive after a few weeks of treatment.

(2) *Specificity.* Although the tuberculin test is very good for the recognition of tuberculous infection, infections with mycobacteria other than *M. tuberculosis* or *M. bovis* can cause reactions to tuberculin (Refs. 24 through 26). This is not surprising since all mycobacteria and many nocardia species share antigens (Refs. 27 through 32). The specificity of tuberculin, PPD test varies geographically according to the prevalence of these other infections, specificity generally being highest in the Arctic and at high altitudes and lowest in the tropics and at low elevations (Ref. 33). Presumably, a geographic variation in specificity similar to that shown for tuberculin, PPD also applies to OT.

Specificity is intimately related to the concentration of tuberculin used for the test. A larger proportion of persons will react to high dose tuberculin than to low or intermediate dose tuberculin. Some of these individuals have been infected with *M. tuberculosis*, some with other species of mycobacteria, and some probably with other organisms that share antigens in the cell wall, such as nocardia and corynebacteria. The main value of a high-dose tuberculin test is in a negative reaction, which makes a diagnosis of mycobacterial infection unlikely in the absence of the conditions listed above which diminish all delayed hypersensitivity reactions.

#### CHARACTERISTICS OF EFFECTIVENESS

(i) *Test material.*—(1) *Chemical composition.* Extensive investigation has resulted in a wealth of information on the chemical composition of Old Tuberculin. However, it is obvious from its preparation that it is unlikely to have a simple definable chemical composition. Long's 1939 statement (Ref. 34) probably holds true today: "Old Tuberculin is not a unit substance, but a mixture of extreme complexity. Its potency is due to about one percent of its total substance. Ninety-nine parts out of a hundred are inert. Whether, in the ninety-nine parts, there are elements present capable of eliciting nonspecific reactions, is debatable, but obviously the absolute specificity of a tuberculin containing protein derivatives from beef- or milk-peptone cannot be guaranteed. Moreover, in all probability, the actual content of active principle is never twice the same."

(2) *Reproducibility.* It has long been recognized that potency can vary from batch to batch. Variation is almost certain to occur because of variations in

bacterial growth, but is difficult to assess because of poor standardization. Seibert made six batches of Tuberculin, PPD from OT in which the yield of PPD varied from 9.8 to 22.8 gm per liter of the original tuberculin filtrates (Ref. 35).

(3) *Standardization.* Following batch standardization in human populations, it should be possible to standardize OT lots against a standard preparation, using sensitized guinea pigs, provided adequate numbers of animals are used and readings are made in a fashion that obviates reader bias (Ref. 36). No evidence is provided that current standardization methods for OT employ these procedures. Standardization in an animal model may not reflect the situation in other animals or humans (Refs. 5 through 7). E. R. Long stated 35 years ago, "It is true and has been known for years that the various preparations of Old Tuberculin on the market vary greatly in their capacity to elicit reactions" (Ref. 34). This statement probably holds true now.

(4) *Stability.* Although inadequacies of standardization impede testing for stability, it is generally believed that concentrated OT is very stable under ordinary conditions of storage. Indirect evidence for stability is the fact that some concentrates from which potent OT has been made were prepared decades ago (Ref. 37).

(5) *Sensitization.* No data were found on the ability of OT to induce or augment an immunologic response.

(6) *Elimination by host.* No data are available.

(7) *Diluent.* The basic diluent is physiologic saline/glycerin with 0.5 percent phenol. These substances are widely used and are not known to have caused sensitization. Some producers add other substances (such as albumin) to "stabilize" the active principle, to inhibit adsorption, or to act as a preservative (thimerosal). No evidence was found on the relationship of these substances, other than thimerosal, to sensitization.

(ii) *Test method.*—(1) *Application.* Old Tuberculin is applied by the intracutaneous (Mantoux) or multiple puncture techniques. The Mantoux test is simple and accurate. The multiple puncture tests are simple but deliver a variable and undetermined quantity of test material into the skin.

(2) *Measurement.* The reaction to the test is a roughly circular area of induration, usually with clear-cut boundaries. The Mantoux test reaction is easily measured by trained observers. The multiple puncture methods sometimes result in one or several small reactions which may coalesce to form a circular reaction.

(3) *Quantitative dose response.* The Mantoux method produces a range of reactions that is sufficient for dose-response studies. These studies are more difficult with the multiple puncture methods because of the discontinuous distribution of reaction sizes resulting

from coalescence of multiple small reactions.

(4) *Duration of reaction.* In a study of reactions caused by Tuberculin, PPD, it was found that mean induration size was relatively constant from 24 to 120 hours (Ref. 38). There is no reason to think that OT reactions would not have a similar pattern of duration.

(b) *Safety.*—(i) *Host response.* Old Tuberculin has had widespread usage in millions of persons over many years, with great safety. There is no evidence that it produces anaphylaxis; carcinogenic, teratogenic or mutagenic effects; sensitization to the product; reactivation of tuberculosis; or interference with other medications. Infrequently, there may be a severe local skin reaction with vesiculation, pain and tissue necrosis. Very severe reactions may be associated with constitutional symptoms of fever and malaise as well as lymphangitis and lymphadenitis, but such reactions are rare. Localized scarring and change in skin pigmentation may occur infrequently following severe reactions.

(ii) *Test material.*—(1) *Sterility.* The method of preparation can be expected to kill all microbial agents. The standard sterility tests seem to be sufficient for this particular substance.

(2) *Purity.* It is highly unlikely that any dead microbial agents are present. No tests are done for non-microbial contaminants. Varying amounts of the culture medium are present. The amount and nature of culture material will depend on the type of medium used to grow the tubercle bacilli. Other contaminants are highly unlikely.

(3) *Elimination by host.* No data are available.

(4) *Toxicity.* Old Tuberculin has been extensively used for approximately 80 years with no indication of toxicity when used intracutaneously in the usual dosages. Pinner and Valdrich produced progressive wasting disease in normal guinea pigs by repeated injection of culture filtrates (Ref. 39). The standard required safety tests should be sufficient to protect against the inadvertent introduction of toxic materials.

(iii) *Test method.* The intracutaneous Mantoux and multiple puncture methods of injection produce very little pain or bleeding, and are essentially non-injurious.

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#### TUBERCULIN, OLD (TINE TEST) BY LEDERLE

1. *Product.* Tuberculin, Old, (Tine Test) manufactured by Lederle Laboratories.

2. *Description.* The Lederle Tuberculin, Old, Tine Test is stated to be an intracutaneous test for the detection of tuberculin reactivity. It is recommended for screening rather than for diagnostic purposes (Ref. 1).

The Tine Test consists of a white plastic applicator with a stainless steel base, with four tines or prongs, each 2 mm in length. The tines are coated with concentrated, partially dried Old Tuberculin, and are protected by a removable plastic cap.

The Old Tuberculin (OT) is derived from culture filtrates of three strains of *Mycobacterium tuberculosis* (C, DT and PN) which were obtained in 1957 from Dr. J. M. Hejl, Chief, Biological Products Licensing Section, U.S. Department of Agriculture. The cultures are stored on solid egg medium at minus 60° C. At infrequent intervals, they are removed from storage, grown on veal tuberculin broth, replanted on solid egg medium, and stored again after adequate growth has occurred.

A production batch starts with a synthetic liquid medium containing asparagine, glycerine, dextrose and inorganic salts. Each bottle is inoculated with a piece of surface pellicle grown from one of the three seed cultures which have been incubated in veal infusion broth. After incubation, bottles which contain a surface pellicle and clear, unsedimented broth are heated, pooled, filtered, and concentrated. The concentrated filtrate is clarified and assayed for glycerin. Enough glycerin is then added to bring its concentration to 4.0 percent. Pooled concentrates representing the three seed cultures are autoclaved and tested for safety and sterility. If a batch is found to be contaminated, it is reesterilized and tested again for safety and sterility. After all tests are satisfactory, the concentrates are pooled, and this mixture (bulk OT) tested for potency, and again for safety and sterility.

The Tine Test unit marketed since 1965 is mechanically dipped into bulk OT. The concentrate is stabilized with acacia and lactose. The stabilized bulk OT is stored at minus 25° C until needed for dipping. Each Tine Test is dipped once by a mechanized automated process which deposits the stabilized OT on each tine. After dipping, a plastic cap is mechanically placed over the tines, and the entire unit is sterilized by ethylene oxide gas.

To apply the Tine Test, the tines are uncovered, and the unit is quickly and firmly applied to the cleansed skin of the forearm, holding the unit in place for approximately 1 second. Sufficient pressure should be applied to leave a circular depression on the subject's skin.

It is recommended that the test be read at 48 to 72 hours, and that any induration be measured. The current recommendations of the American Thoracic Society state that a vesicular reaction is tantamount to a positive Mantoux Test using 5 TU of PPD, and that any other reaction to the Tine Test resulting in induration measuring 2 mm or more in diameter should be rechecked with 5 TU of PPD by the Mantoux technique. The package insert submitted by the manu-

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facturer, dated 12/73, still uses the old recommendations of the American Thoracic Society which were superseded in 1971 (Ref. 1).

3. *Analysis*—(a) *Effectiveness*. Most of the literature on the effectiveness of the Tine Test concerns the product marketed prior to 1966, which was hand-dipped into unstabilized OT. Because of changes in the manufacturing process, the following comments apply only to the current product unless otherwise stated.

Only one study was directly related to the sensitivity of the Tine Test (Ref. 2). Tine Tests were given to 84 patients hos-

pitalized with bacteriologically proven pulmonary tuberculosis; all reacted with at least 2 mm of induration. Additional information submitted by the manufacturer on batch 104 showed that only 1 of 24 tuberculosis patients did not react to the Tine Test; this patient and one other did not react to 5 TU of PPD.

Other studies compare the Tine Test with a reference test using 5 TU of PPD given by the Mantoux technique. The degree of agreement of reactions produced by the Tine Test with those from the reference test are summarized in Table 1 (Refs. 3 through 6).

TABLE 1.—Comparison of reactions from tine test with a reference test

Reference PPD	Number of subjects	Co-positivity	Co-negativity	J	Percent of false positive tine tests <sup>1</sup>
PPD-S	171	95.3	99.9	+93.4	2.3
PPD-S	289	98.4	63.9	+64.3	16.5
Not stated	145	100.0	74.7	+74.7	62.9
Do.	29,236	92.1	96.5	+98.6	18.5

<sup>1</sup> Sensitivity plus specificity minus 100 pct (ref. 12).  
<sup>2</sup> (Tine +, PPD-) ÷ (total Tine +), in percent.

In only one study (Ref. 4) were the test sites randomized, and the reactions read independently. For all studies, a positive Tine Test reaction was defined as 2 mm or more of induration. A positive reaction to PPD was defined as 6 mm or more induration in a study (Ref. 3) conducted among Eskimos in Alaska where heterologous reactions are almost unknown; in the other studies, a positive reaction to PPD was defined as 10 mm or more induration. The results indicate that the Tine Test identified nearly all positive reactors to 5 TU of PPD, i.e., the Tine Test has a high degree of co-positivity with the standard tuberculin test. It does

less well in identifying negative reactors to PPD. The degree of agreement between the two tests, measured by the J statistic, is largely determined by the co-negativity. Among persons classified as positive Tine Test reactors, a considerable proportion were found to be negative to 5 TU of PPD by the Mantoux technique.

These indices of agreement varied markedly with geography in the large study conducted by the manufacturer (Ref. 6). The geographic areas were unfortunately not identified. A summary of the findings is given in Table 2.

TABLE 2.—Comparison of tine test and Mantoux in 9 geographic areas

Geographic area	Number of subjects	Co-positivity	Co-negativity	J	Percent of false positive tine test reactions <sup>1</sup>
II	3,027	93.1	99.4	+92.5	10.8
III	2,621	85.5	98.3	+83.8	24.4
IV	6,754	92.1	95.1	+87.2	10.4
V	6,244	90.6	97.4	+84.0	54.4
VI	1,208	92.9	93.2	+86.1	30.5
VII	793	91.7	80.8	+78.5	27.4
VIII	581	71.1	99.6	+70.7	5.9
IX	7,259	95.3	95.1	+90.4	21.2
X	2,008	71.7	99.7	+71.4	13.1

<sup>1</sup> Sensitivity plus specificity minus 100 pct (ref. 12).  
<sup>2</sup> (Tine +, PPD-) ÷ (total Tine +), in percent.

In two areas, the Tine Test failed to identify almost 30 percent of the positive reactors to PPD. Co-negativity is good in all areas, but a high value of this index is expected whenever prevalence is low, as it was in this study. In one area, more than half of the Tine Test positives were negative to 5 TU of PPD given by the Mantoux technique. It should be noted that some of the variation noted between regions might have resulted from the use of different batches.

A fifth study is of limited value because reactions to PPD measuring 1 to 9 mm in diameter were not tabulated (Ref. 7). Among 111 patients admitted to medical wards who had 10 mm or more induration to 5 TU of PPD-S, 26 had

Tine Test reactions of less than 2 mm, a co-positivity index of only 77 percent. A sixth study used tableted PPD which was then diluted and stored, raising the possibility of loss in potency from adsorption (Ref. 8). Using criteria for positive reactions of 2 mm or more for the Tine Test and 5 mm or more for the Mantoux, co-positivity was 99.0 percent and co-negativity 93.7 percent, giving a J value (defined in Table 1) of agreement of 92.7 percent. Only 7.8 percent of the Tine Test positives were not confirmed by the Mantoux technique.

Thus it appears that in most geographic areas, the Tine Test is capable of detecting practically all positive reactors to the standard tuberculin test, at

a cost in some areas of producing a high proportion of positive reactions that are not confirmed by the Mantoux test with 5 TU of PPD. In some instances, the ability of the Tine Test to detect Mantoux reactors was less satisfactory. This seriously interfered with its value as a screening test. The reasons for the occasional poor co-positivity are not known but conceivably could have been due to failure to coat the tines in the dipping process or to differences in potency between tuberculin batches.

#### CHARACTERISTICS OF EFFECTIVENESS

(1) *Test material*—(i) *Composition*. The chemical composition of this particular product has not been studied. It should be noted that the manufacturer's protocol states that if a batch of tuberculin concentrate is found to be contaminated, it is resterilized and used. Such batches may contain products of bacteria other than *M. tuberculosis*.

(2) *Reproducibility*. The manufacturer submitted comparisons of reactions produced by Tine Tests made from 6 different batches with reactions produced by PPD given by the Mantoux technique (Ref. 6). Moderate variation was noted, but it is not possible to disentangle the effect of batch variation from the effects associated with geography.

3. *Standardization*. The tuberculin on the tines is standardized in a laboratory system utilizing guinea pigs sensitized by the injection of heat-killed tubercle bacilli suspended in mineral oil. At least four different dilutions of the material to be tested and similar dilutions of the U.S. reference standard are placed intracutaneously into specified sites on at least four guinea pigs. The materials tested for potency are the concentrated filtrate and the material eluted from the tines of the final product. The elution of the tines is done by placing 20 randomly selected Tine Tests units into a container with 10 ml of physiological saline and incubating them at room temperature for 1 hour with periodic shaking. For the concentrated filtrate, satisfactory potency is 3.2 to 4.8 times that of the U.S. Standard Old Tuberculin (an allowable variation of 20 percent); for the material eluted from the tines, the average potency for each Tine Test unit must be equivalent to 1/2700 to 1/1350 of the undiluted U.S. Standard Old Tuberculin (an allowable variation of 33 percent). A recent study has indicated that this method of standardization is inadequate (Ref. 11).

Standardization in humans has been done in the populations noted earlier (Refs. 3 through 8). Only one of these studies had a good experimental design, although the method of analysis may be criticized for omitting doubtful reactions in calculations of indices of agreement (Ref. 4). As can be seen in Tables 1 and 2, there was considerable variation in the results of the reported comparative studies. The variations may be related to the fact that most studies had poor experimental designs, to variations in the potencies of the Tine Test or reference tuberculins, or to true variation associated

with some unknown geographic factor. The evidence suggests that equivalence of the Tine Test with the standard Mantoux test among humans may be fairly claimed in some but not all studies.

Supplemental information from the manufacturer indicates that all batches have been compared with PPD by the Mantoux technic in humans including some tuberculosis patients (Ref. 13).

(4) *Stability*. Only two batches of tuberculin have been used long enough to yield meaningful information on stability. At 25° C, there appears to be little if any loss of potency insofar as this can be judged from the unrandomized tests done on only four guinea pigs and not read blindly.

(5) *Sensitization*. No data were given for this product. It is presumed that induction and augmentation of immunologic responses are generally similar to that for other tuberculin tests (see Generic Review on Old Tuberculin).

(6) *Elimination by host*. No data were given for this product. It is presumed that elimination is generally similar to that reported for PPD Tuberculin (see Generic Statement on PPD Tuberculin).

(7) *Diluent*. Documentation was provided by the manufacturer to demonstrate that the stabilizing and thickening agents cause no reaction and do not interfere with the reading of the tests (Ref. 17). In an interoffice report by D. H. Matson to R. N. Fallon dated May 27, 1966, it was documented that utilization of tuberculin-free tines carrying the stabilizing agents produced reactions that were no different from blank tines when tested in 100 human volunteers. Erythema of approximately 1 mm was common at 24 hours, but more severe reactions were almost never seen. The manufacturer also quotes a study by Kilgman of Philadelphia which showed that acacia did not produce immediate or delayed reactions in the normal subject which would interfere with interpretation of a delayed skin reaction. MacLaren in California tested 10 atopic patients who had strongly positive intracutaneous tests to acacia in a dilution of 1:1000. These patients were tested with acacia-coated tines and naked tines as a control. All control reactions were negative but 8 of the 10 patients had immediate wheals around the penetration sites of the coated tines. At 24 hours, eight patients had no reactions, one had 10 mm of erythema, which was gone by the next day, and one did not return for a reading.

(ii) *Test method*—(1) *Application and dosage*. Application of the test is extremely simple. This is one of the major advantages of the test. The tines can be kept at hand in a desk drawer without refrigeration, as long as the temperature does not exceed 30° C. They can be used immediately without preparation except cleaning the skin. After use, the entire unit is discarded.

On the other hand, the dosage of tuberculin administered is not as accurate as a measured amount delivered by nee-

dle and syringe, as evidenced by the non-uniformity of the reactions around each of the four tines which is often noticed. Two studies have indicated that variation between duplicate Tine Test reactions is of similar magnitude to that resulting from duplicate Mantoux tests with 5 TU of PPD (Refs. 4 and 8). A smaller study on general hospital patients showed greater variation between duplicate Tine Test results (Ref. 7). In a fourth study, 100 positive tuberculin reactors were given three successive Tine Tests at 2-day-intervals (Ref. 9). The results of this study are summarized in Table 3.

TABLE 3.—Results of 3 successive tine tests in positive tuberculin reactors

Reaction criteria	Test 1	Test 2	Test 3
Percent less than 2 mm	0	31	14
Mean induration, millimeters	5.8	4.1	5.4

The cause of the reported variation between tests was not known, but variation in the amount of tuberculin delivered into the skin cannot be ruled out from the published data.

(2) *Measurement*. The area of induration is usually round, although partial coalescence of reactions around individual tines may produce an irregular area. None of the available reports indicate any difficulties in measurements.

(3) *Quantitative dose response*. The range of reaction sizes is more limited than for the Mantoux technic (Refs. 3, 5, and 8). Inability to control the dosage and the discontinuity in the distribution of reaction sizes resulting from coalescence of reactions around individual tines make dose-response studies difficult.

(4) *Duration of reaction*. The manufacturer recommends reading the reactions at 48 to 72 hours. In the data submitted, the agreement with the Mantoux technic was essentially the same for tests read at less than 96 hours and for those read at 96 hours to 144 hours (Ref. 6).

(b) *Safety*—(i) *Host response*. In six studies quoted here (Refs. 3 through 5, 7 through 9) no reference was made to any adverse reactions. In 31,051 Tine Tests made by 38 investigators for the manufacturer, only one severe inflammatory reaction was reported (Ref. 6). Many million units of Tine Tests have been sold over a 5-year period, and only 13 incidents of possible adverse effects were reported to the manufacturer. Nine of these reactions were allergic and varied from hives to angioneurotic edema. The remaining four were pain and bleeding, a dark nodule at the application site, a streptococcal cellulitis, and a severe local reaction.

As in any tuberculin test, severe skin reactions can occur occasionally with vesiculation and necrosis. In some of these, lymphangitis and lymphadenitis and symptoms of malaise and fever may occur for a day or so. Rarely, in severe reactions, scarring and changes in pigmentation may occur.

A single fatality, which occurred a few minutes after receiving a Tine Test has been reported (Ref. 14). No determination was made on the etiology of this occurrence (Refs. 15 and 16). Reactivation of disease and interference with other medications have never been reported.

The Panel found no information concerning potential carcinogenic, teratogenic, or mutagenic effects from this product.

Sensitization to tuberculin in this dosage is unlikely. The possibility of sensitization to acacia is unknown.

(ii) *Test material*—(1) *Sterility*. Tests for viable mycobacteria, both by guinea pig inoculation and by culture, are done on the pooled concentrated filtrates. Although the manufacturing process permits resterilization of bulk OT, the company has reported that no resterilization has been required for at least the last 15 years.

Sterility tests on the final product are performed on 40 Tine Test units from each sterilizer load of unspecified size. Half of the discs from the units are cultured in 20 tubes of thioglycollate medium, and half are cultured in 20 tubes of soybean-casein digest medium.

Nonbacterial agents are unlikely to be introduced into the manufacturing process. In addition, mycoplasma agents are not likely to be present nor to survive drying on the tines.

(2) *Purity*. Other contaminants are unlikely, except for the possibility of products from bacterial contaminants in batches that were resterilized because of the presence of such agents.

(3) *Elimination by the host*. There were no specific data on elimination of the material by the host.

(4) *Lack of toxicity*. Massive human experience suggests that toxicity does not occur. The material from 24 Tine Test units is eluted in 6 ml of saline. Two guinea pigs are injected with 5 ml of a 1:4 dilution of the eluate, and two mice are injected with 0.5 ml of this dilution. Over the past 5 years, an average of more than 60 batches per year have been so tested. Only two batches failed the initial safety test, probably as a result of animal colony epidemics.

(iii) *Test method*. The Tine Test causes slightly more pain than the Mantoux technic according to a trial among 41 students at the Johns Hopkins School of Hygiene (Ref. 10). However, pain is fleeting and slight. Bleeding is occasionally seen but is very slight. The test is essentially noninjurious.

4. *Recommendations*. (a) The Panel recommends that this product should be placed in Category I because the present product has been demonstrated to be safe and effective.

(b) Since there is ample evidence that batches of tuberculins may vary widely in potency, it is necessary that each new batch be tested for potency (sensitivity) in infected humans. Potency tests in guinea pigs do not necessarily reflect potency in human beings. Since the test is to be used for screening purposes, it is necessary to test only for sensitivity and not specificity. The Panel recommends

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that sensitivity be sufficient to elicit positive reactions in 100 percent of at least 50 persons who are known to have had bacteriologically confirmed tuberculosis and who are tuberculin positive as demonstrated by a simultaneous Mantoux test with 5 TU of PPD. Other conditions are recommended for continued marketing.

(c) Quality control: Because of the possibility that the mechanical dipping process may occasionally fail to deposit tuberculin on the tines of an individual unit, routine testing of the final product should include a test for protein or other test materials on the tines of randomly selected individual units.

(d) Labeling changes: (1) If the American Thoracic Society recommendations are to be included in the labeling, the current version should be used.

(ii) Change the precautions to state that the material used for the confirmatory Mantoux (intracutaneous) test shall be 5 TU Tuberculin, PPD.

(iii) Delete references implying equivalent significance of reactions to this product and to those of 5 TU of Tuberculin, PPD by the Mantoux test.

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(17) BER Volume 5013.

TUBERCULIN, OLD (MANTOUX TEST)  
BY ELI LILLY

1. *Product*. Tuberculin, Old, Human, for Mantoux Test, U.S.P. manufactured by Eli Lilly and Co.

2. *Description*. Tuberculin, Old, Human, for Mantoux Tests, U.S.P. as prepared by Eli Lilly and Company is distributed in a package containing two vials. One vial contains Old Tuberculin (OT) representing approximately 0.1 ml of concentrated OT diluted 1:100 with 50 percent glycerin and preserved with 0.5 percent phenol. The other vial contains sodium chloride injection with 0.5 percent phenol in sufficient volume that its injection into the vial containing OT will produce a test solution of 1:1000 OT. This final solution is said to contain 0.1 mg OT per 0.1 ml, or 10 U.S. units (TU) per 0.1 ml.

This OT is prepared from human tubercle bacilli, strain H-37, received on 4 September 1932 from the U.S. Public Health Service. The organism was maintained on "TB agar slants" from 1951 to the present. The last batch of tuberculin concentrate was produced in May, 1968 after the organism had been grown on glycerin-veal infusion-peptone broth for at least 6 weeks. Flasks that appeared to be uncontaminated were heated in flowing steam for 1½ hours. The flask contents were then filtered through sterile filter paper and diatomaceous earth. The filtrate was evaporated to one-tenth of its original volume, preserved with phenol at a final concentration of 0.5 percent, and stored in the chill room at 2° to 5° C for at least 1 month. It was then diluted 1:100 with 50 percent glycerin containing 0.5 percent phenol, and stored again in the chill room until measured into vials for distribution.

3. *Analysis*—(a) *Effectiveness*. No evidence was presented to show that OT from the current batch has ever been tested for sensitivity or specificity in humans, or that it has ever been compared to a standard tuberculin in humans. Each lot is standardized in four sensitized guinea pigs without randomization of test sites or "blind" readings. The procedure used by Lilly (and others) has been shown to be inadequate for standardization (Ref. 1). This OT has not been tested in animals for specificity, nor for co-negativity with a standard tuberculin.

## CHARACTERISTICS OF EFFECTIVENESS

(1) *Test material*.—(1) *Chemical composition*. It has not been chemically defined.

(2) *Reproducibility*. Batch-to-batch variability seems to be a minor problem since the batch in current use was prepared in 1968. No data were given on reproducibility from lot-to-lot except that each lot passes the usual potency test using four guinea pigs, nonrandom test sites, and nonblind readings. Lots are produced at approximately yearly intervals.

(3) *Standardization in laboratory system*. Old Tuberculin can be standardized in guinea pigs against a standard tuberculin preparation if a sufficient number of animals are used and if the proper experimental design is followed (Ref. 1). There is evidence that the results in guinea pigs may not be directly transferable to man (Refs. 2 and 3), although there is no information on this point for this particular product.

(4) *Stability*. The only data furnished on stability referred to batches prepared prior to the date of the present batch. Not only are the findings of little relevance, but the experimental design was improper because it lacked randomization of test sites and blind readings. In addition, the fact that the majority of reactions were measured as 5 or 10 mm suggests that little care was taken in measurement.

(5) *Sensitization*. Sensitization studies were conducted in nine guinea pigs using a batch of OT prepared prior to the one in current use. The findings were interpreted as showing that the amount of phenol in the large challenging dose was at the toxic level for guinea pigs. No data were available on the currently used batch.

(6) *Elimination by the host*. No data were given.

(7) *Diluent*. The diluent is generally considered not to cause sensitization or reactions. In 1964, the diluent was reported to have caused no reactions in any of 268 male prisoners.

(ii) *Test method*.—(1) *Application of test*. The Mantoux method of intracutaneous injection is relatively simple and accurate.

(2) *Measurement of reactions*. Although there was no information on this particular product, there is no reason to believe that the reactions differ qualitatively from those produced by other Old Tuberculin. The reactions are presumably round with clearcut boundaries.

(3) *Quantitative dose response*. There were no data on this particular product except for the standardization results of each lot in guinea pigs. It appears that it can produce a range of reaction sizes that is adequate for dose-response studies.

(4) *Duration of reaction*. No data were given. The package brochure states that reactions appear within 6 to 8 hours, reach a maximum size in 24 to 48 hours, and usually disappear in 6 to 10 days.

(b) *Safety*.—(i) *Host response*. No specific data were available on adverse reactions to this product. The package brochure states that severe local reactions uncommonly occur at the injection sites and that in such instances necrosis and scar formation may occur. Presumably,

constitutionally symptoms may accompany some severe local reactions.

It is possible that some of the broth components, particularly the veal infusion, may be sensitizing.

The Panel found no information on potential carcinogenic, teratogenic, or mutagenic effects from this product.

(ii) *Test material*.—(1) *Sterility*. As a check on the absence of viable tubercle bacilli, an unspecified number of guinea pigs is injected with an unspecified amount of each lot of concentrate, observed for 6 weeks, and necropsied to check for tuberculous lesions.

For a bulk sterility check, two vessels of fluid thioglycollate medium are inoculated with 5 ml of test material and incubated for 14 days. For a filled sterility check, 20 smaller vessels of fluid thioglycollate medium and 20 vessels of trypticase soy broth are inoculated "with the entire contents of the vials of test vaccine (sic) per vessel" and incubated for 14 days. If growth is found in any of the filled sterility tests, two retests may be performed, the second retest using twice the number of vessels and being allowed only if the bulk sterility check is negative. No tests are done for viruses, mycoplasmas, or fungi.

(2) *Purity*. No tests are done for contaminants.

(3) *Elimination by host*. No data were given.

(4) *Lack of toxicity*. The manufacturer stated that only two complaints have been received in the past 5 years. In one instance, a physician complained that reactions were not produced in known tuberculin positive patients; and in the other, strongly positive reactions (15-20 mm) were noted in six healthy infants.

Two guinea pigs are injected subcutaneously (sic) with 5 ml of test material at 1:1000 dilution and 2 mice are injected intraperitoneally with 0.5 ml of the same dilution. All animals must survive for 7 days without obvious symptoms.

(iii) *Test method*. The test produces very little pain or bleeding and is essentially noninjurious.

4. *Recommendations*. (a) The Panel recommends that this product should be placed in Category IIIB, license to be suspended, because there is inadequate evidence of standardization, no evidence of effectiveness in humans, and a question of safety. Before the license is reinstated, acceptable data based on scientifically sound methods should be submitted to demonstrate effectiveness in humans (Refs. 4 and 5). These data should include for each batch:

(i) Comparison of the product with the Tuberculin standard (PPD) by means of dose response curves in humans and animals.

(ii) Distribution of reactions in persons known to be infected and in those presumed to be uninfected with *M. tuberculosis* and other mycobacteria.

(iii) Chemical characterization (including protein, carbohydrate, lipid and nucleic acid).

(b) In addition the manufacturer should:

(i) Provide evidence of stability of the material in the final container (i.e., possible adsorption to glass or plastic).

(ii) Demonstrate that:

(1) The veal antigens in the product do not sensitize.

(2) The veal antigens in the product do not elicit false positive reactions in sensitized individuals.

(c) Labeling: The product brochure dated October 1974 should include the latest American Thoracic Society (ATS) recommendations for the interpretation of the skin test. Departures from the ATS recommendations should be justified.

## REFERENCES

- (1) Wijsmuller, G., A. Bardine, P. Rust, et al., "Evaluation of the Animal Assay of Tuberculin Intended for Use in Humans. I. Reproducibility," *Journal of Biological Standardization*, 3:51-63, 1975.
- (2) Hansen, O. G., K. Lindquist and H. Waaler, "Assessment of the Potency of Tuberculin in Humans and Guinea Pigs," *Bulletin of the World Health Organization*, 21:171-182, 1964.
- (3) Edsall, G., L. Levine, L. Wyman, et al., "Guinea Pigs versus Man in Standardization of Tuberculin," *Proceedings of the 7th International Congress for Microbiological Standardization*, E & S Livingstone, Ltd., Edinburgh and London, pp. 267-270, 1962.
- (4) Wijsmuller, G., and A. L. Bardine, "A Method of Characterizing Tuberculin," *American Review of Respiratory Diseases*, 106:738-746, 1972.
- (5) "Guidelines for the Comparative Testing in Humans of New Tuberculin Batches and New Methods of Application," *Proceedings of the Second National Conference on Evaluation of Procedures for Tuberculin Testing*, Center for Disease Control, U.S. Public Health Service, Atlanta, Georgia, January 8-9, 1970.

OLD TUBERCULIN BY MASSACHUSETTS  
PUBLIC HEALTH BIOLOGIC LABORATORIES

1. *Product*. Old Tuberculin manufactured by Massachusetts Public Health Biologic Laboratories (MPHBL).

2. *Description*. Massachusetts Public Health Biologic Laboratories Old Tuberculin (OT) is prepared as a concentrated sterile culture filtrate of strain H-37 tubercle bacilli originally obtained in 1929 from Saranac Laboratory. Organisms are grown in gelatin hydrolysate medium containing 5 percent glycerin. The concentrated bulk product is preserved with 0.5 percent phenol. The diluted preparation contains 0.4 percent human albumin as a stabilizer (Ref. 1).

The stock concentrate was prepared in 1947 by incubation of 10-day seed cultures at 35° C for 8½ weeks. This stock culture was heat sterilized (1 hour at 100° C), followed by cheese cloth filtration and concentration of the filtrate to ¼ of the original volume by vacuum evaporation. It was then dialyzed against 0.5 percent phenol solution and Seitz-filtered. This material was designated as Lot OT-48. Several sublots were prepared in phosphate buffer containing 50 percent glycerin, one of which was the current lot OT-48-B-3B. Current material is prepared approximately every 6 months by diluting a portion of the sub-

lot (OT-48-B-3B) to a concentration said to be sufficient to make each 0.1 ml of this diluted material equivalent to 5 TU of the U.S. OT standard. The diluted product is dispensed in 2 ml vials.

3. *Analysis*.—(a) *Effectiveness*. In 1972 data were obtained on comparison of this product's potency with that of standard PPD-tuberculin stabilized with Tween-80 (the latter having been standardized against PPD-S, the International Reference Standard). In this study (Ref. 2), 191 employees of a tuberculosis treatment facility were tested and the following results were obtained:

MPHBL-OT	PPD-tuberculin with Tween		
	Positive	Negative	Total
Positive	65	0	65
Negative	15	111	126
Total	80	111	191

Positive, equal to or greater than 10 mm induration.

No individuals who were negative to PPD were positive to MPHBL-OT. Sixty-five employees positive to PPD were also positive to MPHBL-OT, but 15 positive to PPD were negative to MPHBL-OT. Results of this study indicate that MPHBL-OT was less potent than PPD but not necessarily less specific. No pertinent data are given with regard to specificity of MPHBL-OT. In an earlier study (1960), a comparison was made of mental hospital patients between PPD-S (not stabilized with Tween) and MPHBL-OT (Ref. 3). Based on the absolute numbers of reactors (rather than percentages) the results of this study are summarized as follows:

MPHBL-OT	PPD-S		
	Positive	Negative	Total
Positive	917	8	925
Negative	316	67.1	389

In this study, 917 (74 percent) of 1233 of the individuals were positive to both PPD-S and MPHBL-OT, but 316 were positive to PPD-S and negative to MPHBL-OT. Results indicated considerably less potency for the MPHBL product when compared with PPD-S. The producer attributed the lesser potency at that time to the use of gum arabic as a stabilizer (Ref. 4). At a later date, human albumin was substituted for gum arabic (although animal data suggested that Tween-80 was equal to albumin in stabilizing potency).

(i) *Test material*.—(1) *Chemical composition*. The final diluted crude culture filtrate mixture contains OT concentrate (tubercle bacillus products and glycerin broth components), human serum albumin, boric acid, sodium borate, sodium chloride and thimerosal. The chemical composition of OT concentrate is not further defined.

(2) *Reproducibility*. No data were available.

(3) *Standardization*. Efficacy data provided by the manufacturer state that tests are carried out as specified in the

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Code of Federal Regulations, Title 21, Subchapter F, § 610.11 (general safety tests) plus §§ 650.11 and 650.14. (The usual potency tests compare the product in at least 4 guinea pigs against the U.S. Standard OT.) No data were provided however, other than the two studies previously referred to under "Effectiveness." It should be noted that these producers are among those who have called attention to the fact that different results can be obtained in guinea pigs and in man.

(4) *Stability.* In an internal memorandum dated March 1962, the manufacturer reported that an MPHBL-OT product, with human albumin as the stabilizer, after 7 months storage at 5° C actually resulted in slightly larger delayed skin reactions in 23 human volunteers than did freshly diluted material. The details of the skin testing procedure and reading of reactions were not provided. If these tests were properly performed and measured, diluted MPHBL-OT stabilized in normal human serum albumin is stable over this time interval. In other potency studies in man using MPHBL-OT with human albumin as stabilizer, a 16 percent decrease in delayed skin reaction size was noted in OT stored at 35° C for 42 days when compared to OT stored at 5° C for the same period. Thus storage at approximate body temperature did not result in significant loss of potency over this time interval.

(5) *Sensitization.* No data were provided.

(6) *Elimination by host.* No data were provided.

(7) *Diluent.* The diluent contains thimerosal which has been reported to induce hypersensitivity. The Panel's comments regarding the sensitizing capacity of thimerosal apply to this product. See the statement on "Thimerosal as a Preservative." The package insert, however, implies that the only preservative is phenol. This discrepancy has been clarified in a recent letter from Dr. Grady, the Laboratory Director who stated: "Our circular apparently bears an historical error in stating the preservative to be 0.5 percent phenol. This stems from the time when we distributed only the concentrates and the consumer was obliged to prepare his own dilutions. These concentrates then and now are indeed preserved with 0.5 percent phenol. They are diluted 1:1000 to 1:2000 to prepare the diluted clinical product which renders the phenol content negligible and thimerosal, 1:30,000 is provided in the diluent." The diluent also contains human serum albumin which is not known to be immunogenic in man (except in very rare individuals with analbuminemia).

(1) *Test method.*—(1) *Application.* The product is inoculated intracutaneously by the standard Mantoux method in 0.1 ml volume. This method is reasonably simple and accurate.

(2) *Measurement.* The reactions produced are similar to those induced by tuberculin.

(3) *Dose response.* No data were provided.

(4) *Duration of reaction.* The duration of reaction is presumably similar to that observed for other tuberculin preparations.

(b) *Safety.*—(1) *Host response.* Only anecdotal information was given, namely that millions of doses have been dispensed without reported adverse reactions and that MPHBL-OT is comparable to PPD solution without Tween-80 in its lack of production of adverse reactions (Ref. 5). The Panel found no information on potential carcinogenic, teratogenic, or mutagenic effects from this product. As in the case of other delayed hypersensitivity skin test products, there is no reason to believe that testing with MPHBL-OT causes excessive pain, skin irritation, or scarring.

(1) *Test material.*—(1) *Sterility.* No data were provided except for the statement that the required sterility tests are performed.

(2) *Purity.* No data were provided on purity. The generic statement on purity presumably applies to MPHBL-OT.

(3) *Elimination by host.* No data were available.

(4) *Toxicity.* No untoward toxic reactions have been reported (the manufacturers have dispensed several million doses during the past 5 years).

(iii) *Test method.* The test produces very little pain or bleeding and is essentially noninjurious.

4. *Recommendations.* (a) The Panel recommends that this product should be placed in Category IIIB, license to be suspended, because the available evidence supplied by the manufacturer demonstrates that the product failed to identify a significant portion (19 percent) of the tuberculin positive population when compared to the PPD standard. Before the license is reinstated, acceptable data based on scientifically sound methods should be submitted to demonstrate effectiveness in humans (Refs. 6 and 7). The data should include for each batch:

(i) Adequate steps to ensure that the product has the proper potency.

(ii) Comparison of the product with the tuberculin standard (PPD) by means of dose response curves in humans and animals.

(iii) Distribution of reactions in persons known to be infected and in those presumed to be uninfected with *M. tuberculosis* and other mycobacteria.

(iv) Chemical characterization (including protein, carbohydrate, lipids and nucleic acids).

In addition the manufacturer should provide evidence of stability of the material in the final container (i.e., possible absorption to glass or plastic).

(b) *Labeling.* The following information, in addition to that in the product brochure dated August 1968, should be included in the labeling:

(i) State that a positive skin test may indicate infections with other mycobacteria.

(ii) Delete paragraph one under "Discussion" since this is erroneous.

(iii) While pertinent references are highly desirable, references 1, 2, and 3 should be deleted as unrelated to the product.

(iv) A precaution against use in thimerosal sensitive subjects.

(v) The latest American Thoracic Society (ATS) recommendation for the interpretation of the skin test should be stated. Departures from the ATS recommendations should be justified.

#### REFERENCES

- (1) Package Insert, Old Tuberculin, Massachusetts Public Health Biologic Laboratories, 1968.
- (2) Tose, L., S. C. Cohen, and D. S. Sherman, Correspondence: "PPD with Tween and Massachusetts OT Compared," *New England Journal of Medicine*, 286:1419, 1972.
- (3) Edsall, G., L. Levine, L. Wyman, et al., "Guinea Pig versus Man in Standardization of Tuberculin," *Proceedings of the 7th International Congress for Microbiological Standardization*, E & S Livingstone, Ltd., Edinburgh and London, pp. 267-270, 1962.
- (4) Gotshall, R., and W. E. Bunney, "A Diluent for Stabilizing Tuberculin 'OT' Diluted for the Mantoux Test," *Journal of Immunology*, 34:103-115, 1938.
- (5) Grady, G. F., "Correspondence," *New England Journal of Medicine*, 286:1419, 1972.
- (6) Wijsmuller, G. and A. L. Bardine, "A Method of Characterizing Tuberculin," *American Review of Respiratory Diseases*, 105:736-746, 1972.
- (7) "Guidelines for the Comparative Testing in Humans of New Tuberculin Batches and New Methods of Application," *Proceedings of the Second National Conference on Evaluation of Procedures for Tuberculin Testing*, Center for Disease Control, U.S. Public Health Service, Atlanta, Ga. January 8-9, 1970.

#### OLD TUBERCULIN BY TEXAS STATE DEPARTMENT OF HEALTH

1. *Product.* Old Tuberculin manufactured by Texas State Department of Health.

2. *Description.* Texas State Department of Health Old Tuberculin is a sterile concentrated culture filtrate from tubercle bacilli grown on Dorset's medium. Seed cultures for this product are Dorset strains PN, DT, and C obtained in 1945. After the organisms have been killed, the filtrate is concentrated and adjusted to a final concentration of 10 or 100 U.S. units of tuberculin per 0.1 ml. The diluent is a solution of borax, boric acids and sodium chloride, containing 0.04 percent gum arabic, and a final concentration of 0.25 percent phenol as a preservative.

3. *Analysis.*—(a) *Effectiveness.* No information was submitted to show that the material has ever been tested in humans for sensitivity or specificity. Other than the standardization procedure, the only test remotely resembling a test for sensitivity and specificity is the intracutaneous injection of final container material into each of the two guinea pigs, one sensitized and the other not sensitized.

#### CHARACTERISTICS OF EFFECTIVENESS

(1) *Test material.*—(1) *Chemical composition.* No chemical definition of the product was submitted except what

could be inferred from the method of preparation.

(2) *Reproducibility.* No data were provided on lot-to-lot reproducibility except by a communication on March 28, 1975, from Mr. Phillip J. Forsyth, Responsible Head of the Biologics Production Division of the Texas State Department of Health, in which he said that "Our last twelve lots (M-21 through M-26, and N-21 through N-26) were made up from the same concentrate using the same proportionate dilutions with no observable change in potency over the past 15 years . . ."

The above lots in diluted form were compared with the U.S. standard and in every instance met the currently required criteria for equivalency, which have been shown to be capable of detecting only gross variations in potency (Ref. 1).

(3) *Standardization.* This is carried out only by the required procedure using four sensitized guinea pigs, without randomization of test sites and without "blind" readings. No information was submitted to indicate whether or not this procedure is comparable to standardization in human subjects.

(4) *Stability.* The only specific data were provided by accelerated stability tests at 37° C for 20 days. The manufacturer points out that this is highly stable material because lots in current use were made from concentrated stock made up and tested in 1959. The manufacturer states that lots in final diluted form have been successfully retested several times for extension of dating periods and have maintained potency.

" . . . Current lot N-26 was first tested in April 1969, and then retested in March 1972, April 1972, and March 1974." While no specific stability tests are available beyond 20 days at 37° C, there is no reason to suggest that this product is less stable than any other Old Tuberculin.

(5) *Sensitization.* No data were given.

(6) *Elimination by host.* No data were given.

(7) *Diluent.* The final lot is made up by diluting the stock concentrates using a borax-boric acid sodium chloride solution containing 0.04 percent acacia and a final concentration of 0.25 percent phenol.

(1) *Test method.*—(1) *Application.* The material is administered by the Mantoux method, which is reasonably accurate and simple.

(2) *Measurement.* Although no data were available, there is no reason to doubt that this material produces round reactions with reasonably clear-cut borders similar to those produced by other tuberculin.

(3) *Quantitative dose response.* No data relative to this were submitted, but there is no reason to believe that this material cannot be studied in this fashion, as is the case for other tuberculin.

(4) *Duration of reaction.* There is no reason to believe that reactions produced by this product do not follow a time sequence similar to those produced by other tuberculin.

(b) *Safety.*—(1) *Host response.* No specific information was submitted. However, there is no reason to believe that this product differs from other tuberculin in this respect.

(1) *Test material.*—(1) *Sterility.* The required tests are performed.

(2) *Purity.* No information was submitted, but the statement in the generic review probably applies to this product also.

(3) *Elimination by host.* No data were available.

(4) *Toxicity.* The standard safety tests are performed. In the past 10 years, over a million doses have been distributed without adverse reactions having been reported to the producer. The producer noted, when queried, that they have no evidence that acacia in their product has caused sensitization, although acacia is known to have this capability.

(ii) *Test method.* The test produces very little pain or bleeding and is essentially noninjurious.

4. *Recommendations.* (a) The Panel recommends that this product should be placed in Category IIIB, license to be suspended, because there are no data on standardization, sensitivity, specificity, and effectiveness in humans. Before the license is reinstated acceptable data based on scientifically sound methods should be submitted to demonstrate effectiveness in humans (Refs. 1 and 2). These data should include for each batch:

(1) Comparison of the product with the Tuberculin standard (PPD) by means of dose response curves in humans and animals.

(ii) Distribution of reactions in persons known to be infected and in those presumed to be uninfected with *M. tuberculosis* and other mycobacteria.

(iii) Chemical characterization (including protein, carbohydrate, lipid and nucleic acid).

In addition the manufacturer should provide evidence of stability of the material in the final container, i.e., possible adsorption to glass or plastic.

(b) *Labeling.* The following revisions should be made in the labeling:

(i) The manufacturer should delete any reference to treatment.

(ii) The manufacturer should use the latest American Thoracic Society recommendations for the interpretation of the skin test unless departures from these recommendations are justified.

(iii) The manufacturer should include a warning that the product should not be used in acacia (gum arabic) sensitive individuals.

#### REFERENCES

- (1) Wijsmuller, G. and A. L. Bardine, "A Method of Characterizing Tuberculin," *American Review of Respiratory Diseases*, 105:736-746, 1972.
- (2) "Guidelines for the Comparative Testing in Humans of New Tuberculin Batches and New Methods of Application," *Proceedings of Second Conference on Evaluation of Procedures for Tuberculin Testing*, Center for Disease Control, U.S. Public Health Service, Atlanta, Georgia, January 8-9, 1970.

#### TUBERCULIN, OLD BY INSTITUT MERIEUX

1. *Product.* Tuberculin, Old manufactured by Institut Merieux, Lyons, France, Distributed by Lincoln Laboratories, Inc., Decatur, Illinois, Brand Name "Mono-Vacc."

2. *Description.* Institut Merieux, Tuberculin, Old (Mono-Vacc) is used mainly as a screening test to evaluate delayed-type immunity to *Mycobacterium tuberculosis* and *M. bovis* infection (Ref. 1).

The Old Tuberculin (OT) for Mono-Vacc Test produced by Institut Merieux is packaged in sterile, plastic, disposable, multiple puncture devices. Each test dose is stated to be comparable to or greater than 5 tuberculin units (TU) administered by the Mantoux method. For the production of OT, three human isolates of *M. tuberculosis* (C, D, and PN) and one bovine isolate (Vallee) are cultured separately on a synthetic medium. At the end of the incubation the cultures are autoclaved and the filtrates harvested. Equal parts of the filtrates are pooled, glycerin is added and the pooled filtrates are concentrated. After control tests are performed, one or several lots of OT are mixed with glycerin to adjust the titer of the final antigen to 300,000 units/ml. This material, after sterility and safety testing, is placed in small plastic tubes which cover the spikes on applicators designed to fit over the thumbs of the testers.

3. *Analysis.*—(a) *Effectiveness.* The effectiveness of the Mono-Vacc OT skin test to measure the presence of immunologic experience with *M. tuberculosis* or *M. bovis* has been evaluated by many workers (Refs. 2 through 6, 8, 9, and 11). None of these studies was conducted in a randomized, blind fashion.

Two studies have compared the Mono-Vacc with PPD in bacteriologically confirmed cases of tuberculosis (Refs. 8 and 11). The PPD in the first study was a well-standardized product, 2 TU of RT-23 with Tween, which differs somewhat in its characteristics from PPD-S (Ref. 10). Of 69 patients, 68 had 2 or more mm of induration to the Mono-Vacc; 67 of these 68 also had reactions of 5 mm or more to RT-23. The second study found that all of 84 bacteriologically positive tuberculosis patients had at least 2 mm of induration to the Mono-Vacc (Ref. 11). These results indicate a high degree of sensitivity of the Mono-Vacc (98.6 percent).

The remainder of the studies gave values based on comparisons with another tuberculin test, and yielded figures for co-positivity and co-negativity rather than for sensitivity and specificity. Several studies submitted by the manufacturer did not compare the Mono-Vacc with PPD or RT and hence will be ignored. Among the remainder, only two used a PPD known to be well-standardized. The others either used an unspecified PPD or the old Parke-Davis tableted PPD. A summary of co-positivity and co-negativity from the literature (Refs. 2, 3, 4, 5, 8, 9, and 11) are given below:



Number of subjects		Percent Coproductivity	Percent Conjugativity
Positive	Negative		
270	1,127	98.2	96.5
57	1,872	100.0	96.2
26	1,167	98.8	91.6
60	1,962	100.0	99.0
10	218	96.4	85.1
28	112	98.6	81.0
50	14	100.0	0

Results of test with PPD; positive is 10 or more nodules induration.

These 4 tuberculosis patients had PPD reactions of 5 to 9 mm, and would be classified as positive by the American Thoracic Society standards.

The above studies were not done in areas with high frequencies of nontuberculous mycobacterial infections and hence undoubtedly overstate the connegativity of the Mono-Vacc. Moreover, there is ample evidence in the literature that batches of tuberculin may vary widely in potency. Following a direct request, the manufacturer did provide evidence of effectiveness in humans of the presently marketed product (Ref. 14). The manufacturer considers a positive reaction as the appearance of an indurated reaction of 1 mm or more.

#### CHARACTERISTICS OF EFFECTIVENESS

(1) *Test material*—(1) *Chemical composition*. The concentrated OT dispensed in the Mono-Vacc Test is not chemically defined. Assays of protein nitrogen were performed but the results were not reported to the panel.

(2) *Reproducibility from lot-to-lot*. Each lot of concentrated OT prepared for the Mono-Vacc Test is standardized by intracutaneous tests in hypersensitive guinea pigs, comparing the reactions with those produced by the standard OT. The potency of each lot is adjusted so that it has a titer of 300,000 units/ml plus or minus 20 percent. Dose response curves for batches k0008/1 and k0398/1 differ but not significantly.

(3) *Standardization*. The standardization of each lot is accomplished by injecting 0.5, 1, 2, and 4 TU of the U.S. Standard tuberculin (Bureau of Biologicals) intracutaneously by the Mantoux method into hypersensitive guinea pigs and comparing the degree of reactivity to four comparable levels of activity of the test lot.

It has been shown recently that the number of animals must be larger than the four required by regulations if the required accuracy is to be achieved (Ref. 7). Also there is evidence that the results in guinea pigs may not be directly transferable to man (Refs. 12 and 13) although there is no information on this point for this particular product.

(4) *Stability*. A comparison was made between recently manufactured Mono-Vacc Tests and Mono-Vacc Tests that were 15 months old in 34 subjects. There is no indication that the test sites were randomized or the readings made blind. Thirty-two of the 34 comparisons gave identical readings for each of the 2 tests, while the other 2 comparisons deviated by only 1 mm. Such close agreements are rarely, if ever, achieved when readings are done blindly. No further

tests of the stability of the finished product, i.e. OT on the Mono-Vacc spikes, were reported to the panel.

Four lots of OT tested against the U.S. Standard OT after 2 to 3 years of storage had potencies, according to the usual four-guinea-pig test, equal to or greater than the standard.

(5) *Sensitization*. Sensitization studies were performed on normal guinea pigs weighing about 400 g. Each animal received three successive 0.1 ml intracutaneous injections, at 7-day intervals, of OT diluted to 1/60 (5,000 units). Animals were challenged at 2 to 4 weeks with the same dose of OT, at which time their reactions were no larger than those produced in animals receiving their first injection.

(6) *Elimination by host*. No data were presented regarding elimination of the concentrated OT from the host.

(7) *Diluent*. Glycerin is employed as diluent for the concentrated OT in order to achieve a final potency titer of 300,000 units/ml plus or minus 20 percent. The sample must not contain more than 20 mg of glycerin in the 10 ml sample.

(ii) *Test method*—(1) *Application of test*. (a) The test requires pressing the Mono-Vacc spikes, on which a "drop" of concentrated OT is deposited, into the cleansed volar surface of the arm. The instrument is a plastic ring with a 9 mm square setting on which is mounted a 3 mm "stone" possessing nine spikes (2 mm long) arranged in three rows of three each at a distance of 0.75 mm from each other. The test procedure is extremely simple.

(b) The dosage injected is not controlled. The test relies on the ability of the nine spikes on the ringed instrument to penetrate the skin and deposit an unknown quantity of concentrated OT (300,000 units/ml).

(2) *Measurement of test*. (a) The positive reaction appears to be round.

(b) The producers states that "• • • light and local erythema is observed but the sole criterion for a positive reaction is palpable induration. The presence of palpable induration (even 1 to 2 mm) indicates a positive reaction."

(3) *Quantitative dose response*. The test is available in only one concentration of OT, 300,000 units/ml. There were no data submitted in reference to dose response as directly applicable to the Mono-Vacc Test.

(4) *Duration of reaction*. The instructions state that the reaction be read at 72 to 96 hours after administration of the test. A review of the literature reveals that many reactions from the Mono-Vacc Test have been read as early as 48 hours (Refs. 3, 4, and 6).

(b) *Safety*—(i) *Host response*. The Panel found no information on potential carcinogenic, teratogenic, or mutagenic effects from this product.

In highly sensitive subjects, severe local reactions can occur, with localized vesiculation and necrosis, occasionally accompanied by lymphangitis and lymphadenitis and mild constitutional reactions such as fever and malaise. In such in-

stances, scarring and change in pigmentation are possible. Pain on administration is minimal.

There is no reason to believe that this product differs significantly from other tests using OT.

(ii) *Test material*—(1) *Sterility*. Each bulk lot of concentrated OT is tested for sterility beyond the requirements of the Bureau of Biologicals.

(2) *Purity*. No tests are performed for purity, except as noted under "Toxicity."

(3) *Elimination by host*. No data were available.

(4) *Toxicity*. Experience with the test in humans suggests that the concentrated OT is nontoxic as used in the test. In the 5-year-period 1969-1973, many million Mono-Vacc Tests were distributed. The U.S. distributor has had no reports of adverse reactions. The plastic material for the Mono-Vacc applicator is checked for excess acidity and alkalinity, arsenic, tin, and heavy metals. Physiological saline which has been autoclaved with the plastic is also injected into mice to check for soluble toxic materials. The general safety tests are more extensive than required by Bureau of Biologicals regulations.

(iii) *Test method*. The test produces very little pain or bleeding and is essentially noninjurious.

4. *Recommendations*. (a) The Panel recommends this product should be placed in Category I because the present product has been demonstrated to be safe and effective.

(b) Since there is ample evidence in the literature that batches of tuberculin may vary widely in potency, it is necessary that each new batch be tested for potency (sensitivity) in infected humans. Potency tests in guinea pigs do not necessarily reflect potency in human beings. Since the test is to be used for screening purposes, then it is necessary to test only for sensitivity and not specificity. The Panel recommends sensitivity sufficient to elicit positive reactions in 100 percent of at least 50 persons who are known to have had bacteriologically confirmed tuberculosis and who are tuberculin positive as demonstrated by a simultaneous Mantoux test with 5 TU of PPD.

(c) Labeling changes should indicate that since this test is a screening procedure, positive Mono-Vacc reactions should be confirmed by a 5 TU Tuberculin, PPD Mantoux (intracutaneous) and possibly other diagnostic test procedures. It is not correct to imply that the test does not cause any pain or bleeding.

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#### TUBERCULIN, PPD

##### GENERIC STATEMENT

Purified Protein Derivative of tuberculin (PPD) is a diagnostic skin test reagent prepared from a protein precipitate of filtrates of sterilized cultures of tubercle bacilli. It is used primarily to detect delayed hypersensitivity in individuals who have had immunologic experience with *Mycobacterium tuberculosis* and *Mycobacterium bovis*.

Tuberculin, PPD was originally produced by Seibert in 1934. Her lot 49608, produced in 1939, is the International and the United States Reference Standard and is designated PPD-S. The International and United States tuberculin unit is the activity contained in a specified weight of PPD-S: 1 TU=0.028 microgram (of which 0.008 microgram is sodium chloride). Commercial PPD products labeled 5 TU (the standard test dose) are standardized against PPD-S to achieve potency which is biologically equivalent to 5 TU of PPD-S dissolved in Seibert's phosphate buffer. Products labeled 1 TU and 250 TU are calculated dilutions based on the dosage determined to be 5 TU, not on clinical evaluation (biologic equivalency in humans).

A positive tuberculin test usually develops 2 to 10 weeks after initial infection with *M. tuberculosis* or *M. bovis*. PPD possesses excellent, although not perfect, ability to identify all individuals with this specific immunologic experience. Although sensitivity tends to persist throughout life, it may wane or dis-

appear in a variety of circumstances. When the usual causes for negative reactions are absent, failure to react to a tuberculin test is helpful in excluding the diagnosis of tuberculosis. Skin reactions to PPD may occur in individuals infected with mycobacteria other than *M. tuberculosis* or *M. bovis*.

Practically all of the valid data on sensitivity and specificity of PPD in the United States have been obtained from studies using the 5 TU dose. Increased sensitivity can be obtained by using higher dosage, but apparently only at the cost of decreased specificity.

Extensive investigation by increasingly sophisticated chemical and immunologic techniques has resulted in a wealth of information on the chemical composition of PPD. It is agreed that the major active principles are protein in nature. Potency can vary from batch to batch. Following batch standardization in human populations, it is possible to standardize PPD lots against PPD-S using an adequate number of sensitized guinea pigs.

Purified Protein Derivative is applied by the intracutaneous (Mantoux) or multiple puncture technique. The intracutaneous test is simple and accurate. The multiple puncture tests are simple but deliver a variable and undetermined quantity of test material in to the skin.

Purification Protein Derivative is stable for long periods under proper conditions of storage and has had widespread usage in millions of persons over many years, with great safety.

#### PRODUCT REVIEW

Purified Protein Derivative of tuberculin (PPD) is a protein precipitate obtained from filtrates of sterilized cultures of tubercle bacilli. It is used primarily as a diagnostic skin test reagent to detect delayed hypersensitivity in individuals who have had immunologic experience with *Mycobacterium tuberculosis* or *Mycobacterium bovis*.

Florence Seibert coined the term "purified protein derivative" in 1934. She made this product from heat concentrated synthetic medium (HCSM) Old Tuberculin by precipitating the protein with trichloroacetic acid. She later changed to precipitation with saturated ammonium sulfate to obtain a preparation with less nucleic acid and polysaccharide (Ref. 1). A large batch of PPD was produced by Seibert in 1939 to be used as a standard. This material was lot 49608 which was designated PPD-S (Ref. 2). It was adopted by the World Health Organization in 1951 as the International Standard for Purified Protein Derivative of Mammalian Tuberculin. It is the United States reference standard. The International Unit for PPD of Mammalian Tuberculin was defined in 1952 as the activity contained in a specified weight of the International Standard for PPD of Mammalian Tuberculin (Ref. 2).

Only dilutions of Seibert's lot 49608 can be called PPD-S. All other PPD's should be identified as PPD with lot number and producer. The standard test dose, 5 TU, refers to the equivalence of biological activity of a PPD preparation

with that contained in 5 TU of PPD-S dissolved in Seibert's phosphate buffer. When diluted in a buffered diluent, tuberculin protein is adsorbed in varying amounts to glass and plastic. Recently, small amounts of the detergent polysorbate 80 (Tween-80®) have been added to the diluent to reduce adsorption. Five TU of PPD with polysorbate 80 may contain a smaller quantity of protein than 5 TU of PPD-S (which does not contain detergent); however, the biological activity contained in 5 TU of the PPD with detergent, or any other PPD, must be, by definition, equivalent to the activity contained in 5 TU of PPD-S. Polysorbate 80 stabilized solutions of PPD labeled as 1 TU and 250 TU are available; however, these potencies are derived by calculation from the dosage determined to be 5 TU. Clinical evaluation (biologic equivalency in humans) has not been required.

Injection of Tuberculin, PPD into the skin produces a localized reaction in sensitized persons. Tuberculin, PPD is administered intracutaneously by the Mantoux method and by multiple puncture techniques. The reaction to injected PPD in sensitized individuals consists of an area of induration (usually with surrounding erythema) which varies in size and intensity according to the dosage of tuberculin and the sensitivity of the individual. Skin reactions to PPD may occur in individuals infected with mycobacteria other than *M. tuberculosis* and *M. bovis*.

A positive tuberculin test usually develops 2 to 10 weeks after initial infection with *M. tuberculosis* or *M. bovis*. Once acquired, sensitivity to tuberculin tends to persist throughout life. It may wane with advancing age or disappear if treatment of the infection is given in its earliest stages. Sensitivity may decrease or disappear temporarily during a variety of intercurrent illnesses, during treatment with adrenal corticosteroids, and in tuberculous patients who are very sick (Refs. 3 through 11). When the usual causes for negative reactions are excluded, failure to react to a tuberculin test is helpful in excluding the diagnosis of tuberculosis.

(a) *Effectiveness*. Practically all of the valid data in the United States on sensitivity and specificity of tuberculin have been obtained from studies using PPD bioequivalent to 5 TU of PPD-S. While there is a paucity of data relating to the sensitivity and specificity of the 250 TU strength, additional information may be inferred about concentrated PPD from studies employing 100 TU (Refs. 12 through 15). Apparently, increased sensitivity can be obtained only at the cost of decreased specificity (Ref. 16). Sensitivity and specificity of PPD may be affected by recently recognized problems of standardization: preparations found to be equivalent in guinea pigs may not be equivalent in humans (Refs. 17 through 19). The effectiveness may also be impaired by the known propensity of PPD to become absorbed to surfaces.

(1) *Sensitivity*. Tuberculin possesses excellent, although not perfect, ability to identify all individuals with specific



immunologic experience. Virtually all tuberculous patients will react to the intracutaneous injection of tuberculin if a sufficiently strong dose is used. A few patients will not react at all (Refs. 16, 20 through 22).

The intensity of the reaction may be diminished by many factors which affect delayed hypersensitivity reactions in a nonspecific manner by mechanisms not fully understood (Ref. 3). These factors or conditions include acute virus infections or vaccination with live virus vaccines; immunosuppression by disease, drugs, or steroid hormones; a state of general anergy such as that associated with sarcoidosis or malignancy, especially lymphoma; malnutrition, especially in children; overwhelming infection; and the waning of delayed hypersensitivity associated with advancing age (Refs. 4 through 11). In addition, there is a small proportion of individuals with tuberculosis who have none of the above conditions but who still do not react to ordinary doses of tuberculin. Although a recent publication suggests that this proportion may be as high as 20 percent (Ref. 23), observations over many years have documented that it is usually no more than 5 percent (occasionally up to 10 percent) with the use of intermediate strength tuberculin (5 TU), and 1 percent or less with high doses (100 to 250 TU) of tuberculin (Refs. 20 through 22, 24). In most patients who are very sick with tuberculosis, the tuberculin test, when previously negative, becomes positive after a few weeks of treatment.

(2) *Specificity.* Although the tuberculin test is very good for the recognition of tuberculous infection, infections with mycobacteria other than *M. tuberculosis* or *M. bovis* can cause reactions to tuberculin (Refs. 25 through 27). This not surprising since all mycobacteria and many nocardia species share antigens (Refs. 28 through 33). The specificity of the PPD test varies geographically according to the prevalence of these other infections, specificity generally being highest in the Arctic and at high altitudes and lowest in the tropics and at low elevations (Refs. 34 and 35).

Specificity is intimately related to the concentration of tuberculin used for the test. Furcolow et al. showed that most individuals, including infants, reacted to some doses of PPD when increasing amounts were given (Ref. 16). A larger proportion of persons will react to high-dose tuberculin than to low or intermediate dose tuberculin. Some of these individuals have been infected with *M. tuberculosis*, some with other species of mycobacteria, and some probably with other organisms that share antigens in the cell wall, such as nocardia and corynebacteria (Refs. 28 through 33). The main value of a high-dose tuberculin test is in a negative reaction, which makes a diagnosis of mycobacterial infection unlikely in the absence of the conditions listed above which diminish all delayed hypersensitivity reactions.

"Conversions" to positive tuberculin tests may sometimes result from the "booster" effect of a previous test (Refs.

36 through 39) and after blood transfusion from a tuberculin positive donor (Ref. 40). Conversion after blood transfusion presumably is due to the transfer of sensitized lymphocytes or their products. The tuberculin test has remained positive in a recipient for at least 8 months (Ref. 41). Reversion of a positive test to negative also has been documented (Refs. 42 through 44). This is most apt to occur when isoniazid treatment is given shortly after infection has occurred.

#### CHARACTERISTICS OF EFFECTIVENESS

(1) *Test material.*—(1) *Chemical composition.* Extensive investigation by increasingly sophisticated chemical and immunologic techniques has resulted in a wealth of information on the chemical composition of Tuberculin. PPD. It is agreed that the major active principles are protein in nature. Seibert found that PPD-S contained 1.2 percent nucleic acid and 5.9 percent polysaccharide (Ref. 45). She was able to isolate two distinct polysaccharide fractions (I and II) and three distinguishable protein fractions (A, B, and C) (Ref. 46). The A protein fraction demonstrated the slowest migration when studied by electrophoresis. While the mobility of the B and C protein fractions was approximately the same, their solubility properties were different. Protein A was more potent and possibly more specific than protein C in eliciting the tuberculin reaction in infected animals and human beings. Polysaccharide fraction I was a small molecule and polysaccharide fraction II was a large molecule. Neither of these polysaccharide fractions produced skin reactions in tuberculous animals or human beings. Daniel and Affronti (Ref. 47) recently have identified Seibert's three protein fractions in an immuno-electrophoretic system with the U.S.-Japan reference anti-serum. Also applying immunoelectrophoresis to whole PPD, (not PPD-S), Moulton et al. (Ref. 48) identified five components, of which only three appeared to be specific as identified by cross-sensitivity testing in guinea pigs. Protein was again implicated as the reactive component when treatment with pronase destroyed the antigenic reactivity of these three components. Daniel and Ferguson described two purified protein fractions which they called a and b, (Ref. 49), while Nagai and his co-workers described five relatively pure proteins each with a molecular weight of approximately 10,000 daltons (Ref. 50).

(2) *Reproducibility.* It has long been recognized that potency can vary from batch to batch. Seibert (Ref. 46), in evaluating the production of tuberculin, found that four different strains of tubercle bacilli yielded different relative amounts of polysaccharide fractions I and II and protein fractions A, B, and C. Further, different batches of tuberculin prepared from the same strains yielded different relative amounts of these five products.

Nagai et al. (Ref. 50) demonstrated that protein content of the culture filtrate increases with the age of the cul-

ture. Using disc gel analysis, their work showed that sharp protein filtrate fractions can be identified between the 3d and 5th week of culture growth, but thereafter protein modifications make identification more difficult.

(3) *Standardization.* Standardization in an animal model may not reflect the situation in other animals or humans (Refs. 17 through 19). However, following batch standardization in human populations (Ref. 51), it is possible to standardize PPD lots against the Reference Standard (PPD-S) using sensitized guinea pigs, provided an adequate number of animals is used and readings are made in a fashion that obviates reader bias (Refs. 52 and 53). Recently, a new method of comparing tuberculin preparations by using lymphocyte cultures has been described but not yet evaluated (Ref. 54).

(4) *Stability.* PPD is stable for long periods under proper conditions of storage. Inactivation by ultraviolet light and removal by adsorption to glass and plastic has been documented (Refs. 55 through 57). Loss of activity by adsorption has been diminished considerably by the addition of a wetting agent such as polysorbate 80 (Refs. 58 through 60).

(5) *Sensitization.* In the ordinarily used dosages, PPD has not been shown to induce a primary immunologic response. Tukey, DeFour and Seibert (Ref. 61) demonstrated that repeated injections of PPD given over periods of weeks and months to student nurses who failed to react to high dose PPD initially, did not produce positive skin reactions. Seibert reported (Ref. 62) that rabbits could be sensitized by repeated injections of 10 mg of PPD, whereas nine injections of 0.05 mg did not sensitize any of six normal guinea pigs.

It has not been demonstrated that PPD augments the immunologic response except in persons whose sensitivity has waned and is "boosted" by a tuberculin test (Refs. 36 through 39).

(6) *Elimination by host.* Although the clearance of PPD from the skin test site within 24 hours has been demonstrated in guinea pigs (Refs. 63 and 64), no data are available on its elimination from the human body.

(7) *Diluent.* The currently used diluents are not sensitizing. In animal and human studies performed at the World Health Organization Tuberculosis Research Office in Copenhagen, no sensitization could be induced by polysorbate 80 alone (Ref. 58).

(ii) *Test method.*—(1) *Application.* PPD is applied by the intracutaneous (Mantoux) or multiple puncture technique. The Mantoux test is simple and accurate. The multiple puncture tests are simple but deliver a variable and undetermined quantity of test material into the skin.

(2) *Measurement.* The reaction to these tests is a roughly circular area of induration, usually with clear-cut boundaries. The Mantoux test is easily readable by trained observers. The multiple puncture methods may result in one or

several small reactions which may coalesce to form a circular reaction.

(3) *Quantitative dose response.* The Mantoux method produces a range of reactions that is sufficient for dose-response studies. These studies are more difficult with the multiple puncture methods because of the discontinuous distribution of reaction sizes resulting from coalescence of multiple small reactions.

(4) *Duration of reaction.* In a study of reactions caused by PPD, it was found that mean induration size was relatively constant from 24 to 120 hours (Ref. 65).

(b) *Safety.*—(1) *Host response.* PPD has had widespread use in millions of persons over many years, with great safety. There is no evidence that it produces anaphylaxis; carcinogenic, teratogenic, or mutagenic effects; sensitization to the product; reactivation of tuberculosis; or interference with other medications. Infrequently, there may be a severe local skin reaction with vesiculation, pain, and tissue necrosis. Very severe reactions may be associated with constitutional symptoms of fever and malaise as well as lymphangitis and lymphadenitis, but such reactions are rare. Localized scarring and change in skin pigmentation may occur infrequently following severe reactions; however, very little residual scarring was noted from the reactions produced by inadvertent injection of 10,000 TU (Ref. 66).

(ii) *Test material.*—(1) *Sterility.* The method of preparation can be expected to kill all microbial agents. The standard sterility tests seem to be sufficient for this particular substance.

(2) *Purity.* It is highly unlikely that any dead microbial agents are present. No tests are done for non-microbial contaminants. Other contaminants are highly unlikely.

(3) *Elimination by host.* No data are available.

(4) *Toxicity.* There is no indication of toxicity when PPD is used intracutaneously in the usual dosages. Tuberculo-protein has been shown to have a low-grade intrinsic toxicity for non-sensitized animals. Seibert and Munday found that normal animals could be killed by the injection of PPD, but it required 50 times the amount lethal for infected animals (Ref. 67). The standard required safety tests should be sufficient to protect against the inadvertent introduction of toxic materials.

(iii) *Test method.* The intracutaneous Mantoux and multiple puncture methods of injection produce very little pain or bleeding, and are essentially non-injurious.

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#### TUBERCULIN, PPD (DILUTED) APLISOL<sup>®</sup> BY PARKE-DAVIS

1. **Product.** Tuberculin, PPD (Diluted) APLISOL<sup>®</sup> manufactured by Parke, Davis and Co.

2. **Description.** The primary purpose of the Parke, Davis and Company Tuberculin, PPD product is to detect delayed hypersensitivity in individuals who have had immunologic experience with *Mycobacterium tuberculosis* and *Mycobacterium bovis*. The product is an aqueous solution of a purified protein derivative of tuberculin (PPD). It was prepared by the ammonium sulphate method of Seibert (Ref. 1) from culture filtrates of *M. tuberculosis*. The final solution is stabilized with polysorbate 80 (Tween-80<sup>®</sup>), is buffered with potassium and sodium phosphate (pH 7.3 plus or minus 0.1), contains about 0.35 percent phenol as a preservative, and is bioequivalent in potency to the standard PPD-S (5 TU/0.1 ml). The marketed product, injected by the Mantoux method, is ready for use without dilution. At the present time all production lots are prepared from a single, lyophilized Master "Batch" Rx 974777 which has been clinically standardized in order to "eliminate lot-to-lot variation."

Master Batch Rx 974777 was prepared from the culture filtrate of *M. tubercu-*

losis grown as mats or surface pellicles in Long's liquid synthetic medium (Ref. 2). At the end of incubation, the flasks were heated for 3 hours in flowing steam, the larger particles removed by filtration through coarse filter paper, and the various filtrates were pooled. Phenol was added to a final concentration of 0.5 percent and the filtrates passed through a Mandler candle or membrane filter. After tests for sterility, safety, and content of total protein nitrogen, carbohydrate, and nucleic acid, the filtrate was washed free of medium constituents "until chloride negative." The filtrate was then reduced in volume to a standard protein concentration. Saturated ammonium sulphate was added to the concentrated filtrate at pH 7.0 to 7.4. The resultant precipitate was recovered by centrifugation and dissolved in phosphate buffer, pH 7.2 to 7.6 followed by precipitation with ammonium sulphate and resolution in phosphate buffer. The final precipitate was dissolved in phosphate buffer pH 7.2 to 7.6 containing 0.5 percent phenol. This final solution was exhaustively washed by ultrafiltration with the phosphate buffer-phenol diluent until it was free of sulphate ions. Microkjeldahl nitrogen determinations were performed on the final solution and protein content was calculated on the basis of 16.3 percent nitrogen in PPD. The final solution was distributed into vials, lyophilized and stored at 4° C.

The Parke-Davis Tuberculin, PPD (bioequivalent to 5 TU PPD-S) is prepared from a concentrate of PPD made by reconstituting portions of the lyophilized Master Batch Rx 974777 in sodium and potassium phosphate buffered saline containing 0.0005 percent polysorbate 80 and approximately 0.35 percent phenol to make a predetermined fixed final volume on the basis of previous standardization. After sterilization by membrane filtration, the concentrate is assayed for total nitrogen (protein determined on the basis of 16.3 percent nitrogen in PPD), nucleic acid, and carbohydrate, and tested for sterility. Finally, the potency is estimated in guinea pigs (250,000 TU plus or minus 62,500 TU/ml). The final product is made by diluting this concentrate in the appropriate buffer to a predetermined, fixed volume and then subjecting it to the following assays: Phenol content, polysorbate content, sterility test, and potency test in guinea pigs. The bulk PPD diluted solution is then aseptically filled into presterilized vials and stoppered.

3. **Analysis.**—(a) **Effectiveness.** In their submitted material, Parke, Davis and Company report collated data from five well controlled studies in humans using Tuberculin, PPD diluted APLISOL and Tuberculin, PPD-S. The sensitivity and specificity of this product were shown to be identical with that of PPD-S.

There was little information specifically referring to the ability of this product to identify all individuals who have had immunologic experience with *M. tuberculosis*. Cross-reactions in guinea pigs do not occur between the Parke, Davis and Company Tuberculin, PPD

and coccidioidin, histoplasmin, or blastomycin.

#### CHARACTERISTICS OF EFFECTIVENESS

(1) **Test material.**—(1) **Composition.** The chemical composition of the immunologically active material is not defined. The product is characterized according to its nucleic acid, carbohydrate and nitrogen content. The diluent contains sodium and potassium phosphate, sodium chloride, polysorbate 80 and phenol. The pH of the buffered diluent is specified to be 7.3 plus or minus 0.1. All of the chemicals are reagent grade except for polysorbate 80 which is USP grade.

(2) **Reproducibility.** The Parke-Davis product is made from a single Master Batch Rx 974777 which should eliminate lot-to-lot variation with the exception of possible batch deterioration. In the company protocol 123-12 two "working concentrations", T4986 and T5664, were tested against each other and against PPD-S in well-controlled studies in humans. The two lots were found to be equally potent to each other and to PPD-S.

(3) **Standardization in laboratory systems.** The potency of Parke, Davis and Company Tuberculin, PPD is estimated in guinea pigs by comparing the skin test reaction of the lot under test with that of the U.S. Tuberculin, PPD-S standard. For the guinea pig potency tests each lot is compared with standard tuberculin in animals sensitized by the injection of the heat-killed strain *Jamaica 22 M. tuberculosis* in mineral oil. The prescribed test calls for at least four animals, each of which is tested with four different concentrations of the test material and standard. The potency is estimated by a "computer program." The guinea pig test is used for "in-house manufacturing control" only. The standard of acceptability for the final product consists of potency of 16 TU plus or minus 3.2 TU per 0.1 ml (20 percent variation). It is stated that results of replicate potency determinations on three consecutive production lots were submitted to the Bureau of Biologics.

(4) **Stability.** The manufacturer states "stability data on the first five lots of APLISOL are being provided to the Bureau of Biologics as the lots become available." While no data were submitted, it is stated that potency tests are performed on final container samples stored at 4, 22, 37, and 45° C over a period of at least 30 months. In clinical trials of lot stability performed on inmates of two different Michigan institutions (410 volunteers) with test preparations X-42432 (5 TU/0.1 ml 5 ppm polysorbate 80), X-42431 (5 TU/0.1 ml 15 ppm polysorbate 80), and T-5983 (5 TU/0.1 ml) the following were determined:

(a) The PPD potency was unchanged throughout the use life of stabilized 50 dose vials of their product.

(b) Polysorbate 80 at a concentration of 15 ppm was sufficient to maintain the potency in a secondary container (glass syringe) for at least 8 days.

(c) Two different "working concentrations" from the Master Batch contain-

ing 5 ppm polysorbate 80 were equipotent with 5 TU PPD-S in biological activity.

(d) A concentration of 5 ppm polysorbate 80 was insufficient to maintain potency of their product in a secondary container (glass syringe) for at least 8 days.

These conclusions were all drawn from Protocol 123-21 which was included in the material submitted by Parke, Davis and Company.

(5) **Sensitization.** Cross sensitization studies have been performed at Parke, Davis and Company using guinea pigs which have been sensitized with "Tuberculin, Histoplasmin, Blastomycin". In each instance, the homologous test antigen elicited responses equivalent to the homologous standard while the heterologous test antigen elicited little or no response. There appear to be no specific data with regard to sensitization of humans after repeated inoculations of their specific product.

(6) **Elimination by the host.** There were no data provided regarding elimination of this particular product by the host.

(7) **Diluent.** The diluent is checked for pH, conductivity, and phenol concentration. No reactions have been reported from the use of the diluent. Phenol, 0.35 percent, would appear to be non-sensitizing based on extensive clinical experience with many products into which it is incorporated. In animal studies performed at the World Health Organization Tuberculosis Research Office in Copenhagen (Ref. 3), employing guinea pigs and rabbits, no sensitization could be induced against polysorbate 80 or against the combination of polysorbate and tuberculin. Similar results were also obtained in man.

(8) **Test method.**—(1) **Application and dosage.** The application of the test (Mantoux method) is simple and accurate, involving the use of a tuberculin syringe and needle.

(2) **Quantitative dose response and duration of reaction.** The manufacturer suggests that reactions be read at 48 to 72 hours in man and at 18 to 24 hours in experimental guinea pig systems. No specific information was available in regard to a defined time course for reactions with this product. In clinical studies of the quantitative relationships between the Parke-Davis product and PPD-S skin test responses, the mean response increased as expected with increasing concentrations over a test dose range of three concentrations (1:3:9 with the middle dilution containing, based on preliminary clinical assay, a level of PPD approximately equal in potency to 5 TU of PPD-S). These data were presented in Protocols 123-9 and 123-10.

(3) **Safety.**—(i) **Host Response.** In clinical tests in over 1,700 volunteers in the Florida and Michigan areas to evaluate potency and stability of the product, no constitutional or anaphylactic reactions were reported. The manufacturer lists several million doses sold in the past years in 10 and 50 dose vials. They state since its introduction that "there have

been only three complaints of local reactions, three false positives and one false negative reported in letters and telephone calls from medical personnel." They further state that none of these reactions were serious. The validity of these complaints has never been established and the actual type of reactions was not presented. The Panel found no information on potential carcinogenic, teratogenic, or mutagenic effects from this product. As in any tuberculin test, severe skin reactions can occur occasionally with vesiculation and necrosis. In some of these, lymphangitis, lymphadenitis, and symptoms of malaise and fever may occur for a day or so. Rarely in severe reactions, scarring and changes in pigmentation may occur.

(ii) **Test material.**—(1) **Sterility.** The manufacturer states that Master Batch Rx 974777 has been tested for sterility and safety tests in guinea pigs at various stages in the processing procedure. These tests are conducted in a manner to comply with §§ 610.12 and 650.13(b) of the Federal regulations. There appear to be no routine tests performed for the presence of viral, mycoplasmal, or fungal contamination. It is highly unlikely that such contaminants would be present.

(2) **Purity.** Other contaminants are unlikely.

(3) **Elimination by host.** There was no information on product elimination by the host.

(4) **Toxicity.** This product appears to be nontoxic by human experience.

(iii) **Test method.** The test produces very little pain or bleeding and is essentially noninjurious. The small amount of polysorbate 80 detergent (5 ppm) added to the solution does not cause an irritant or painful response.

4. **Recommendations.** (a) The Panel recommends that this product should be placed in Category I, safe and effective. For future batches, the manufacturer should submit acceptable data based on scientifically sound methods to demonstrate effectiveness in humans (Ref. 4). These data should include for each batch:

(i) Comparison of the product with the standard by means of dose response curves.

(ii) Distribution of reaction sizes in persons known to be infected and in those presumed to be uninfected with *M. tuberculosis* and in addition in persons presumed to be infected with other mycobacteria.

(iii) Chemical characterization (including protein, carbohydrate, lipid and nucleic acid) should be performed on each batch to assess consistency of production.

(b) Furthermore, the Panel recommended no changes in the labeling.

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#### TUBERCULIN, PPD, MULTIPLE PUNCTURE DEVICE (APLITEST) BY PARKE-DAVIS

1. *Product*. Tuberculin, PPD, Multiple Puncture Device (Aplitest) manufactured by Parke, Davis and Company.

2. *Description*. The Parke, Davis and Company multiple puncture device, Aplitest, is a "screening tool indicated to detect tuberculin-sensitive individuals." The manufacturer states (in the package insert) that the test unit has "been standardized by clinical studies in human subjects to give reactions equivalent to 5 TU of PPD-S administered intradermally in the Mantoux test" and labels the product "each device is clinically equivalent in potency to 5 TU administered intradermally."

Master Batch No. 975302 Tuberculin PPD used for the Aplitest was prepared from the D.T. strain of human tubercle bacilli. The organisms are inoculated into L-asparagine synthetic medium.

Flasks showing good growth are processed through a series of steps until the final precipitation with ammonium sulfate. The protein nitrogen content is determined. The final solution is then filled into vials, frozen and dried in a vacuum dryer at not more than 30° C.

Aplitest (tuberculin, PPD, concentrated) is a single-use multiple puncture device, consisting of a cylindrical plastic holder, open on one end with four stainless steel tines on the other end. The tines are coated with concentrated, dried PPD. The devices are designed so that the narrow tine-bearing end of each one fits into the hollow end of an adjacent unit, or into a protective cap. After the multiple puncture units are assembled, they are cleaned and degreased. The tines are machine-dipped in the PPD solution and then dried. The devices are machine-packed and this final product is sterilized.

3. *Analysis*—(a) *Effectiveness*. All reported studies on the sensitivity and specificity of this product used Lot No. X-42194 prepared from a lyophilized Master Batch No. 975302 PPD powder "which is reserved for all preparations of Tuberculin, PPD, Multiple Puncture Devices." Lot No. X-42194 was not intended for commercial distribution; subsequent lot preparations to be used in market sales depend upon "weighted mean potency" calculations arising from a 4 x 4 block comparison on 4 guinea pigs as described under the unit dealing with reproducibility.

Lot No. X-42194 was used in six studies conducted by the manufacturer. The device to be marketed (containing 0.2 micrograms of PPD/device) was tested for co-positivity and co-negativity with 5 TU of PPD-S given by the Mantoux technique on 1,686 persons, of whom 372 re-

acted to the standard Mantoux with 10 or more mm of induration. However, the manufacturer excluded the results of 603 tests, including 212 Mantoux reactors, on the grounds that the simultaneous administration of three multiple puncture tests and one Mantoux test (for a maximum possible dose of 75 TU) would somehow overload the host response mechanisms and thereby render the results invalid.

A summary report of the four studies considered by the manufacturer to be valid gives the combined results on 1,083 subjects at four locations in Michigan,

Population	Number	Percent of co-positivity	Percent of co-negativity	Percent of agreement <sup>1</sup>	Percent of false positives <sup>2</sup>
Summary of 4	1,083	97	82	79	52
Fort Myers, Fla.	238	99	82	81	68
Ypsilanti, Mich.	144	87	82	89	63
Pontiac, Mich.	219	99	85	84	19
Bahamas	282	92	81	73	78
Excluded by the manufacturer:					
Florida prisons	215	97	42	39	37
Do.	388	92	70	62	50

<sup>1</sup> Estimated by Yule's J statistic (ref. 1).

<sup>2</sup> Positive Aplitest and negative Mantoux among total persons positive to Aplitest.

In the package insert the manufacturer recommends following the American Thoracic Society guidelines on interpreting the skin test response to multiple puncture tests:

2 mm or more of induration without coalescence—Doubtful Reaction. Reactions of this size range reflect sensitivity that can result from infection with either atypical mycobacteria or *M. tuberculosis*; hence they are classified as doubtful. A standard Mantoux test should be done on all subjects in this group . . .

In all of the studies reported by the manufacturer, persons with vesiculation to the Aplitest had 10 mm or more of induration to 5 TU PPD by the Mantoux method.

Study No.	-14	14A	15	16	17	19	Totals
Mantoux positive (10 mm).	2.5	18.7	4	2	16	1	44.2
Tine vesiculation	2.5	19.0	4	2	16	1	44.5

Of the 200 persons with a coalescent reaction to the Aplitest but without vesiculation, 86 percent were positive (10 mm) PPD 5 TU Mantoux reactors.

Study No.	14	14A	15	16	17	19	Totals
Mantoux Positive (10 mm).	62.0	38.3	13.3	6.7	48.7	3.0	172
Tine coalescence	66.5	55.3	17.9	6.7	51.0	3.5	200

The manufacturer's package insert recommends that "vesiculation" or "coalescence of induration from two or more puncture points" be considered as "positive reaction—the test may be interpreted as positive and equivalent to a reaction of 10 mm or more of induration with PPD-S (5 TU) administered by Mantoux test."

#### CHARACTERISTICS OF EFFECTIVENESS

(1) *Test material*—(1) *Chemical composition*. The PPD for the Aplitest de-

Florida, and the Bahama Islands. The following table gives the results of these four studies, both combined, as in the summary report, and separately because there is reason to believe that combination in this instance is inappropriate. The table also gives results from the two sides excluded from the summary report. If a positive Aplitest result is defined as 2 or more mm of induration, and a positive Mantoux result as 10 or more mm of induration, the following summary statistics are obtained. In all cases, the averages of multiple readings were used.

Population	Number	Percent of co-positivity	Percent of co-negativity	Percent of agreement <sup>1</sup>	Percent of false positives <sup>2</sup>
Summary of 4	1,083	97	82	79	52
Fort Myers, Fla.	238	99	82	81	68
Ypsilanti, Mich.	144	87	82	89	63
Pontiac, Mich.	219	99	85	84	19
Bahamas	282	92	81	73	78
Excluded by the manufacturer:					
Florida prisons	215	97	42	39	37
Do.	388	92	70	62	50

was characterized only in general terms. It is analyzed for nitrogen, nucleic acid, and carbohydrate content. Chlorides and sulfates were removed in the course of preparation. The diluent for the final dipping solution contains sodium and potassium phosphates, sodium citrate, and phenol. Each device is estimated to contain 0.1 micrograms of phenol.

(2) *Reproducibility*. To date, only one lot (No. X-42194) of Aplitest devices with the current dosage has been prepared from the large Master Batch No. 975302. The manufacturer states that future lots for the Aplitest device will be prepared by dissolving a measured amount of PPD Batch No. 975302 in sterile buffered diluent containing approximately 0.5 percent phenol to a "pre-determined concentration"—apparently based on the weight/volume ratio found to be satisfactory for clinical use during the human studies with Lot No. X-42194 0.2 micrograms/device. A sample of this dip solution is assayed for guinea pig potency (4 sensitized guinea pigs) and must meet a standard of 125,000 plus or minus 62,500 TU/ml. Apparently, the tests are not applied in a blind or random manner and no precautions are taken to avoid reader bias.

The solution is stored at 2 to 8° C while this test is satisfactorily completed and then used for tine dipping.

(3) *Standardization*. The final product has apparently been standardized in guinea pigs. The manufacturer states that the tines from "at least 32 devices" are eluted in 2.0 cc of phosphate buffer. This provides "an eluate containing at least (sic) 40 TU per ml." "The eluate is assayed for potency in guinea pigs in accordance with Regulations." "Because the claimed potency has been shown to be clinically equivalent to 5 TU of PPD-S (Mantoux) by comparison of human response data the potency estimate is used as laboratory confirmation of potency.

The acceptance standard for Tuberculin, PPD, Aplitest prepared from Tuberculin PPD Master Lot No. 975302 is 2.5 TU (plus or minus 50 percent) per device in guinea pigs."

It should be emphasized that the term TU is used as a potency estimate for each tuberculin produced by the manufacturer and serves only as a measurement factor in comparing a product to 5 TU PPD-S. With regard to this product the manufacturer states that 0.2 micrograms of PPD Batch number 975302 produces a reaction comparable to 5 TU PPD-S (Mantoux).

In addition to the clinical trials of Aplitest devices noted under "Effectiveness," lot No. X-42194 has been standardized in the guinea pig against "U.S. Standard PPD No. 76."

To prepare dip solution Lot X-42194, a solution was used that had an actual potency of 2.7 mg of PPD, or 135,000 TU, per ml. Potency tests on the final product were made by clipping the tips from 30 devices and eluting them in 2 ml of phosphate buffer. The resulting solution should contain 40 TU per ml. This material was used to skin test 4 sensitized guinea pigs and the reactions were compared with those produced by 40 TU per ml of U.S. Standard PPD No. 76 using 4 dilutions of each preparation. The estimated potency for this lot was 2.52 TU per device. Thus, 2.5 TU/device is the manufacturer's standard for future lot productions from Master Batch No. 975302.

Apparently the guinea pig skin tests were not applied in a blind or random manner and no precautions were taken to avoid reader bias.

(4) *Stability*. Dip solution Lot No. X-42194 studied by the guinea pig potency test was found to be stable for 15 months when stored at 20 to 25° C.

Comparisons of human tests of the currently used lot (X-42194) with 5 TU of PPD-S over an 11-month period have given no indication of any change in potency. However, the number of reactors in these tests is too small to detect any but gross changes. It seems likely that dried concentrated PPD will be stable. The manufacturer recommends that it be kept below 30° C (86° F).

(5) *Sensitization*. No specific data were given regarding the induction or augmentation of immunologic response from this material. Principles described in generic review should apply to this product.

(6) *Elimination by host*. No data were provided.

(7) *Diluent*. The product is administered in the dried state.

(i) *Test method*—(1) *Application*. When a test is to be given, the tines are exposed by removing a protective cap or an adjacent device. The tines are then applied firmly to the cleansed taut skin (usually of the volar surface of the forearm) for approximately one second. The amount of tuberculin deposited in the skin has not been determined and probably cannot be controlled except within broad limits.

(2) *Measurement of test*. The manufacturer recommends that the reactions

be read in 48 to 72 hours by measuring the diameter of the largest area of induration. The induration produced has a reasonably clear-cut boundary. On the basis of limited experience the manufacturer advises that reactions showing either vesiculation or coalescence be considered as positive without rechecking with a standard Mantoux tuberculin test.

(3) *Quantitative dose response*. The manufacturer's submitted study protocol 123-14 allowed a comparison of the reactions to tine devices carrying 0.2, 0.4, and 0.8 micrograms of PPD per device. An analysis of these data provides the following comparisons:

	0.2 mcg versus PPD-S	0.4 mcg versus PPD-S	0.8 mcg versus PPD-S
Correlation coefficient	0.67	0.66	0.64
S.E. correlation coefficient	.04	.04	.03
Slope of regression line	.53	.52	.51
S.E. slope	.02	.04	.03
Percent vesiculation	1.2	2.6	3.7
S.E. percent	.74	1.1	1.3

There are no significant differences between any of the correlation coefficients, slopes, or percentages with vesicular reactions. The calculations for correlation coefficients and slopes are based on the data as grouped by the manufacturer. Arbitrary values are assigned to each category: 0, 1, and 2 are used for the PPD-S categories and 0, 1, 2, and 3 for the Aplitest categories. While this procedure clearly introduces errors, they should be essentially the same for each of the three tables and hence cancel out when comparing correlation coefficients or regression lines. The data indicate that when products employ high concentrations of tuberculin, exact dosage seems to matter very little, a four-fold increase in the PPD concentration of this product causing no demonstrable difference in reactions.

(4) *Duration of reaction*. No data were provided.

(b) *Safety*—(i) *Host response*. There is no reason to suspect that this product would differ from other tuberculin with regard to anaphylaxis, carcinogenic effects, teratogenic effects, mutagenic effects, sensitization to product, reactivation of disease or interference with the action of other medications. In reviewing the data provided by the manufacturer, among 372 reactors to the standard Mantoux test, there were 46 persons who had vesicular reactions to the Aplitest. No other data were given regarding long- or short-term complications, except that the reported studies on 1,675 persons mention no complications, implying thereby that none occurred.

(ii) *Test material*—(1) *Sterility*. After initial filtration, the batch is tested for the presence of living tubercle bacilli by injecting 1 ml into each of four guinea pigs. At least three must live for 6 weeks and none can show evidence of tuberculosis at necropsy.

The manufacturer states that it intends to prepare a sterile stock PPD solution (lot) and remove a separate aliquot for each day's use, discarding the unused portion. The portion used for the day's

dipping is kept at 5° C during the process and is preserved with approximately 0.5 percent phenol. The dipped tines are terminally sterilized using ethylene oxide. The dip test solution used each day is tested for sterility.

The required sterility tests on the final product are accomplished by removing the metal tine rings from the plastic handles of 20 Aplitest devices. Each ring is added to a tube of fluid thioglycollate medium. Twenty additional rings are similarly incubated in tubes of soybean-casein digest medium. It is not likely that there would be contamination with viral, mycoplasma or fungal agents.

(2) *Purity*. No data were provided except that only 0.1 mcg of phenol is calculated to be present on a single device. Other contaminants are unlikely.

(3) *Elimination by host*. No data were provided.

(4) *Toxicity*. No mention was made of any toxic effects noted during the testing of approximately 2,000 persons of all ages.

The standard safety tests in two guinea pigs and two mice are performed with the material eluted from 12 devices in 12 ml of saline. Five ml of this solution is injected subcutaneously (sic) into each of two guinea pigs. Each of two adult mice is inoculated subcutaneously (sic) with 0.5 ml of the eluate.

NOTE—The recommended parenteral route is now an intraperitoneal injection. The animals are then observed for 7 days for "freedom from significant signs or death."

(iii) *Test method*. The test produces minimal momentary pain. Although 90 of 394 subjects had bleeding after being tested, this occurred at the site of only one tine puncture in 75 subjects. The test is essentially noninjurious.

4. *Recommendations*. The Panel recommends that this product should be placed in Category I because the present product has been demonstrated to be safe and effective. Since there is ample evidence in the literature (see the Generic Statement) that batches of tuberculin may vary widely in potency, it is necessary that each new batch be tested for potency (sensitivity) in infected humans. Potency tests in guinea pigs do not necessarily reflect potency in human beings. Since the test is to be used for screening purposes, it is necessary to test only for sensitivity and not specificity. The Panel recommends that sensitivity be sufficient to elicit positive reactions in at least 50 persons who are known to have had bacteriologically confirmed tuberculosis and who are tuberculin positive as demonstrated by a simultaneous Mantoux test with 5 TU of PPD.

(a) *Quality control*. Because of the possibility that the mechanical dipping process may occasionally fail to deposit tuberculin on the tines of an individual unit, routine testing of the product should include a test for protein or other test material on the tines of randomly selected individual units.

(b) *Labeling*. (1) Delete references implying equivalent significance of reactions to this product and to those of 5



TU of Tuberculin, PPD by the Mantoux (intracutaneous) method.

(ii) Statements of the interpretation of the test should be consistent with the current guidelines published by the American Thoracic Society (because the company's data do not adequately demonstrate that coalescence is equivalent to a positive test with 5 TU of Tuberculin, PPD by the Mantoux method).

(c) Advertising. (i) Delete statement suggesting that PPD as used in this device is more specific than Old Tuberculin.

(ii) Delete "Provides savings in time, effort and money by elimination of retesting."

#### REFERENCE

(1) Youden, W. J., "Index for Rating Diagnostic Tests," *Cancer* 3:32-35, 1950.

#### TUBERCULIN, PPD (MANTOUX) BY CONNAUGHT

1. *Product*. Tuberculin, PPD (Mantoux) manufactured by Connaught Laboratories Ltd.

2. *Description*. The primary purpose of the Connaught Laboratories Ltd. Tuberculin, Purified Protein product is to detect delayed hypersensitivity in individuals who have had immunologic experience with *Mycobacterium tuberculosis* or *Mycobacterium bovis*.

The Connaught product was purified by precipitation from the culture filtrate derived from the L-asparagine medium on which the strain "Johnston" of *M. tuberculosis* had grown as a surface pellicle. The stock concentrate was dissolved in phosphate buffered saline containing 0.5 percent phenol. The potency of this stock concentrate was checked in eight suitably sensitized guinea pigs using two dose levels of test material and PPD-S. A large batch was produced in order to minimize lot-to-lot variation. This Master Batch CT68 was made from 10 individual lots of stock concentrate which were selected and pooled. The final product, diluted in phosphate buffered saline containing 0.3 percent phenol as a preservative and 5 ppm polysorbate-80 (Tween-80R) as a stabilizer, is marketed in three strengths, 1 TU, 5 TU, and 250 TU.

3. *Analysis*.—(a) *Effectiveness*.—(i) *Sensitivity*. Connaught CT68 identifies tuberculous infected individuals as well as PPD-S does. This was demonstrated conclusively in studies under the direction of Dr. G. Wijsmuller in which batch CT68 was compared with the Center for Disease Control standard PPD-S in adequate numbers of humans.

(ii) *Specificity*. (See the discussion in the Tuberculin, PPD, Generic Statement.) It is not unreasonable to assume that batch CT68 also will show cross reactions in individuals who have been infected with other mycobacteria. One study by Dr. Wijsmuller in guinea pigs tends to confirm this assumption. In addition, in an identity test performed on one vial of the final container of each lot, the material must produce no reaction in a normal guinea pig, and a larger reaction in a guinea pig sensitized with

*M. tuberculosis* than in a guinea pig sensitized with *M. avium-intracellulare*. Reactions are compared with those produced by standard PPD.

#### CHARACTERISTICS OF EFFECTIVENESS

(i) *Test material*.—(1) *Chemical composition*. The product is the 2 percent trichloroacetic acid precipitable fraction of a pooled lot of culture filtrate. The nucleic acid content is approximately 5 percent. The only other information on the chemical composition is the nitrogen content as measured by the Kjeldahl method. From this analysis it is calculated that the material contains 0.15 mg of protein per ml, or 0.91 plus or minus 0.02 mg protein per mg of PPD-CT68.

(2) *Reproducibility from lot-to-lot*. The Master Batch of CT68 is stored as a dry powder in a desiccator at 5° C. A new lot apparently is prepared each year. Since the dried material has remained stable under the conditions of storage, each lot should be as uniform as it is possible to make a biological product. The protein nitrogen content of each lot is checked to assure conformation within the allowable limits described in the preceding section.

(3) *Standardization*. The Master Batch CT 68 has been compared exhaustively with PPD-S in humans with and without demonstrable disease. It was demonstrated that batch CT68 had about twice the antigenic potency of PPD-S. For this reason 2.5 working units (WU) of batch CT68 dispensed in phosphate buffered saline, pH 7.38, containing 5 ppm polysorbate 80 was estimated to be bioequivalent to 5 TU of PPD-S. There are 50,000 WU in 1 mg of PPD-CT68.

Each year a stock solution of batch CT68 (also called a "house standard") is prepared as a solution of 1 mg per ml and checked for proper nitrogen content. PPD-S is obtained from the Bureau of Biologics at similar intervals. The potency of the stock solution is compared to the Bureau of Biologics standard in 16 guinea pigs sensitized with heat-killed BCG. The stock solutions are considered to be acceptable if the results show its potency to be within 20 percent of the standard.

Bioequivalency to PPD-S is assumed for the 5 TU material on the basis of the guinea pig potency test. The 1 TU and 250 TU strengths are made by appropriate dilutions of the stock material. They are therefore calculated potencies and not actually bioequivalent to a standard. This would seem to be an acceptable compromise, however, since there are no reference standards for 1 TU and 250 TU PPD.

(4) *Stability*. The expiration date of the final product is stated to be 1 year from the date of manufacture. Data were submitted in the form of a publication by Landi in 1963 to indicate that the lyophilized material is stable for at least 24 months at temperatures of 5°, 24°, and 37° C. For this test, 2 ml of solutions of PPD in phosphate buffered saline with an inert base, polyvinylpyrrolidone, in concentrations of 1,000 TU and 50 TU per

ml, were freeze dried in 10-ml vials. In the same paper it was shown that stock solutions were stable for 18 months at 5° and 24° C in concentrations of 10, 50, and 1,000 TU per ml dissolved in buffer containing 50 PPM of polysorbate 80. The test solutions were compared with dilutions of a reference standard at 50,000 TU per ml kept at 5° C, and the potency tests were performed in sensitized guinea pigs.

On the other hand, data were submitted which show that freshly prepared antigen in a diluent containing 5 ppm of polysorbate 80 produces a slightly larger reaction in hypersensitive guinea pigs than does an equivalent antigen 3 weeks old. Also, there are definite indications that 5 ppm of polysorbate-80 does not protect as well as 50 ppm in preventing the loss of potency owing to the adsorption of active protein to glass or plastic surfaces. Interpretation of the role of polysorbate-80 is complicated by the observations of Wijsmuller and others of an in vivo effect of this material which makes for a qualitative as well as a quantitative change in the skin reaction.

(5) *Sensitization*. No data were submitted regarding induction or augmentation of immune response as a result of skin testing with batch CT68. It is reasonable to assume, however, that the discussion of this subject in the Generic Statement of PPD would apply equally well to this product.

(6) *Elimination by host*. Clearance from the skin test site within 24 hours has been demonstrated in guinea pigs. (Ref. 1). No data were available for humans.

(7) *Diluent*. The diluent is phosphate buffered saline, pH 7.38, containing 0.3 percent phenol as a preservative, and 0.0005 percent (5 ppm) polysorbate 80 as a stabilizing agent.

(ii) *Test method*.—(1) *Application of test*. The Mantoux method is employed, which requires an intracutaneous injection of 0.1 ml of the material usually into the volar surface of the arm. It is a simple procedure, and it is accurate provided adequately calibrated syringes are used.

(2) *Measurement of test*. The positive reaction is round, indurated, and usually has a distinct border.

(3) *Quantitative dose response*. (see discussion under PPD Generic Statement). Data were submitted for CT68 to show that there is a quantitative dose response which is linear over a small range of concentrations, in strengths of 1 to 5 TU.

(4) *Duration of reaction*. The test is read at 48 to 72 hours at which time the maximum reaction size usually has been attained.

(b) *Safety*.—(i) *Host response*. No adverse reactions were reported to the manufacturer after many millions test doses had been distributed. The only one of the listed reactions which is generally recognized is the rare severe skin reaction in a highly sensitive individual. The Panel found no information concerning potential carcinogenic, teratogenic or mutagenic effects from this product.

(ii) *Test material*. The bulk and final products are tested for sterility according to the Food and Drug Administration standards. These test methods indicate the absence of bacteria and fungi, and it is not likely that the material would contain other living agents. The absence of viable mycobacteria is assured by culture and guinea pig inoculation of the bulk concentrate. The standard safety tests according to FDA regulations are performed. There are no other tests for nonliving contaminants. A very large human experience indicates that the material is nontoxic.

(iii) *Test method*. The test produces very little pain or bleeding and is essentially noninjurious.

4. *Recommendations*. (a) The Panel recommends that this product should be placed in Category I, safe and effective. For future batches, the manufacturer should submit acceptable data based on scientifically sound methods to demonstrate effectiveness in humans (Ref. 2). These data should include for each batch:

(i) Comparison of the product with the standard by means of dose response curves.

(ii) Distribution of reaction sizes in persons known to be infected and in those presumed to be uninfected with *M. tuberculosis* and in addition in persons presumed to be infected with other mycobacteria.

(iii) Chemical characterization (including protein, carbohydrate, lipid and nucleic acid) should be performed on each batch to assess consistency of production.

(b) The labeling should indicate that the product is not stable in secondary containers (such as in a syringe). In the phrase "If a second test is employed, it should be repeated on the other forearm preferably one month following the first test" the last seven words should be deleted from the labeling. Consider replacing the term "atypical" with "other species of mycobacteria."

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(1) Landi, S., M. C. Tseng, and H. R. Held. "Retention of <sup>14</sup>C-Labeled Tuberculin in the Skin of Sensitized and Nonsensitized Animals," *Applied Microbiology*, 27:1085, 1974.

(2) Wijsmuller, G. and A. L. Bardine, "A Method of Characterizing Tuberculin," *American Review of Respiratory Diseases*, 105:736-746, 1972.

#### TUBERCULIN, PPD, MULTIPLE PUNCTURE DEVICE (HEAF) BY CONNAUGHT

1. *Product*. Tuberculin, PPD, Multiple Puncture Device (Heaf) manufactured by Connaught Laboratories, Ltd.

2. *Description*. The primary purpose of the Connaught multiple puncture Tuberculin, Purified Protein Derivative (PPD) device is to identify those individuals who have had an immunological experience with *Mycobacterium tuberculosis* or *Mycobacterium bovis* in a manner that can be applied by nonmedical personnel.

The Connaught product is a concentrated preparation of PPD containing 100,000 tuberculin units per ml. It is

precipitated from tuberculin prepared in Long's synthetic medium in which the "Johnston" strain of *M. tuberculosis* is cultivated at 37° for 6 weeks in Povitsky bottles prior to steaming for 3 hours and filtration. The filtrate (tuberculin) is precipitated with 40 percent trichloroacetic acid; this precipitate is dissolved and centrifuged to remove particulate matter and adjusted in volume to ¼ that of the original with M6 phosphate buffer. Phenol is added to a final concentration of 0.5 percent. This is the stock dilution of PPD. The final product is prepared from this solution and contains protein (estimated from the nitrogen and nucleic acid content) equivalent to 2 mg/ml Standard Tuberculin PPD.

The solution of PPD is applied with a sterile toothpick or platinum loop directly to the surface of the skin in a circular area approximately 10 mm in diameter. It is "injected" into the skin with a special instrument referred to as a "Sterneedle," with a controlled depth penetration by its six retractable points.

3. *Analysis*.—(a) *Effectiveness*. Some data comparing the Heaf PPD to Mantoux tests suggest that the Heaf multiple puncture system can be as sensitive as the Mantoux test. In 155 tuberculosis patients, 95 percent were Heaf positive (Ref. 1). Other reports also indicate a high degree of co-positivity (Refs. 2 and 3). The degree of co-negativity in populations with a high prevalence of nontuberculous mycobacterial infections however, appears to be low (Ref. 4). Two studies suggest that the Heaf test is intermediate in strength to Mantoux tests using 5 TU and 250 TP (Refs. 3 and 5). The test sites were not randomized and the tests were not read blindly in any of the above studies.

(i) *Test material*.—(1) *Chemical composition*. The protein, nucleic acid, glycerol, dibasic sodium phosphate and phenol content of the product are known. The exact chemical nature of the trichloroacetic acid precipitated material is unknown.

(2) *Reproducibility*. No data were given.

(3) *Standardization*. Standardization is carried out against International Standard PPD-S in eight guinea pigs sensitized with BCG (fresh, freeze-dried or heat-killed) in 50 percent Freund's adjuvant. The number is in excess of that required by FDA regulations but is now known to be inadequate for the precision required (Ref. 6). The reaction sites are randomized but it is not known whether the reactions are read blindly. Evidence exists indicating that standardization in guinea pigs may not correlate with standardization in man (Ref. 7). However, the Connaught Heaf antigen is considered to be of acceptable potency if statistical analysis of the test guinea pig results show that the PPD content lies between 80,000 to 120,000 TU/ml, and when the micro-Kjeldahl test shows the concentration of protein to be equivalent to 2 mg/ml International Standard Tuberculin PPD.

(4) *Stability*. The material is relatively stable. Material stored at 5° C showed no detectable loss of potency after 24 months. There was slight loss of potency by 12 months in antigens stored at room temperature and at 37° C (Ref. 8).

(5) *Sensitization*. No data were provided.

(6) *Elimination by host*. No data were provided.

(7) *Diluent*. No diluent is used. The material itself is preserved in phenol which is not known to be sensitizing.

(ii) *Test method*.—(1) *Application*. (a) No applicators are supplied with the Heaf material. It is applied to the skin by sterile toothpicks or flamed platinum loops, or by dipping the device in a small amount of the tuberculin. The "Sterneedle" is relatively simple to use although some persons find the manipulation of the unit, especially loading new disposable heads, more difficult than filling syringes, but the administration of the test is much simpler than the Mantoux test.

(b) As in other multiple puncture tests, the dosage of tuberculin cannot be measured. The risks vary from applying the tuberculin unevenly to applying none at all, especially with the cap-dip method recommended for large scale screening.

(2) *Measurement of the test reaction*. (a) The reaction is said to last 7 days. It is recommended that the reactions be read on the 4th and 7th days. The reactions generally progress from small papules at each of the six puncture points to coalesce and form a ring of solid circular induration. Of 7,628 individuals tested with the Sterneedle and Connaught PPD, 65.5 percent of the reactions appeared by the 3d day, 75.7 percent by the 5th, and 96.7 percent by the 7th (Ref. 11).

(b) The boundaries of the reaction are clear cut.

(3) *Quantitative dose response*. Quantitative dose response studies are not possible. Because of coalescence, the distribution of reaction sizes shows a break in continuity. Moreover, the dosage cannot be controlled.

(4) *Duration of reaction*. As noted above, the reaction lasts at least 7 days. Hsu believes that reactions that appear at 5 days or later are likely to be non-specific (Ref. 9). Katz noted at least four nodules at 2 to 7 days (Ref. 4).

(b) *Safety*.—(i) *Host response*. No adverse reactions have been reported from the many thousand vials that have been sold. The Panel found no information concerning potential carcinogenic, teratogenic or mutagenic effects from this product. However, one could anticipate that severe local reactions would be produced similarly to those resulting from the Sterneedle using Weybridge PPD. Of 2,284 positive reactions with this antigen administered by the Sterneedle, 264 (9.3 percent) were classified as severe. A total of 249 were characterized by vesiculation, blistering, ulceration or scabbing; 7 by intracutaneous hemorrhage; 4 by lymphangitis; and 4 by a severe reaction of unspecified nature. One case with constitutional symptoms was also noted (Ref.



10). There is also a study among tuberculosis children suggesting that necrosis is less frequent with the Stern needle than with PPD applied by the Mantoux test (Ref. 4).

(ii) *Test material*—(1) *Sterility*—(a) *Bacterial*. The PPD concentrate is cultured for viable *M. tuberculosis* and is injected into guinea pigs. Cultures for other bacteria (aerobic and anaerobic) are done on the seed cultures, the filtrate, PPD concentrates, the final bulk concentrate, and contents of the final containers.

(b) *Other micro-organisms*. No tests are done for viruses, mycoplasma or fungi. It is highly unlikely that this material would contain other contaminants.

(2) *Purity*. Freedom from nonprotein contaminants is implied by its precipitation by trichloroacetic acid. However, nucleic acid(s) would also be precipitated by this chemical and can be expected to be present in this product. No other data were provided.

(3) *Elimination by host*. No data provided.

(4) *Toxicity*. Following the distribution of many thousand vials containing 150 to 200 doses each over the past 5 years, no adverse reactions were reported except occasional severe "local" reactions. Animal tests in mice and guinea pigs performed with the final product as required by present FDA regulations also indicate that the product is not toxic.

(iii) *Test method*. The test produces very little pain or bleeding and is essentially noninjurious.

4. *Recommendations*. The Panel recommends that this product should be placed in Category IIIA, (to remain on the market pending more data), because adequate evidence of effectiveness of the present product in humans was not submitted. Since there is ample evidence in the literature (see the Generic Statement) that batches of tuberculin may vary widely in potency, it is necessary that each new batch be tested for potency (sensitivity) in infected humans. Potency tests in guinea pigs do not necessarily reflect potency in human beings. Since this test is to be used for screening purposes, then it is necessary to test only for sensitivity and not specificity. The Panel recommends that sensitivity be sufficient to elicit positive reactions in 100 percent of at least 50 persons who are known to have had bacteriologically confirmed tuberculosis and who are tuberculin positive as demonstrated by a simultaneous Mantoux test with 5 TU of PPD. One year is a reasonable time for the recommended testing to be accomplished.

#### REFERENCES

- (1) Coulter, W. W., and M. P. Martin, "Heaf Type Multiple Puncture Tuberculin Test Comparison With Mantoux and Vollmer," *Journal of the Louisiana State Medical Society*, 113:390-392, 1961.
- (2) Andersen, S. R., and M. H. D. Smith, "The Heaf Multiple Puncture Tuberculin Test," *American Journal of Diseases of Children*, 99:764-769, 1960.

(3) Robins, A. B. and J. N. Daly, "Evaluation of the Heaf Tuberculin Test," *New England Journal of Medicine*, 262:1008-1012, 1960.

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(5) Smith, M. H. D. and S. Andersen, "Experience with Heaf Test in Children," *American Review of Tuberculosis*, 78:319-320, 1958.

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(10) Tuberculin Subcommittee, British Tuberculosis Association, "A Single Tuberculin Test for Epidemiological Use: A Comparison of the Mantoux and Heaf Tests," *Tubercle*, 40:317-335, 1959.

(11) Wright, W. F., "The Optimal Time of Reading the Heaf Test," *Canadian Journal of Public Health*, 53:150-157, 1962.

#### RECOMMENDATIONS FOR REGULATIONS ON POTENCY, SAFETY, STERILITY, PURITY, AND EXPIRATION DATING

The following Panel statements concern Part 610 of Title 21 of the Code of Federal Regulations as it pertains to the following products reviewed by the Panel:

Coccidioidin  
Histoplasmin  
Tuberculin, Old  
Tuberculin, PPD  
Diphtheria Toxin for Schick Test  
Schick Test Control  
Lymphogranuloma Venereum Antigen  
Mumps Skin Test Antigen  
Trichinella Antigen

#### POTENCY

Section 610.10 contains the general statement defining the requirements for potency and refers to § 600.3(s) of the same chapter for the definition of the term potency.

At the present time specific requirements are defined for Tuberculin and Diphtheria Toxin for Schick test. It is recommended that specific requirements be defined for each of the other products. Further the Panel recommends the development of a subsection on standardization of skin test products in animal models (Refs. 1 and 2). These procedures should be applied to each new batch.

#### GENERAL SAFETY

A proposed revision of § 610.11 is currently under review by the Food and Drug Administration. This expanded version details specific headings and clarifies various conditions for general safety that must be taken under con-

sideration. This section is intended to deal directly with the question of general safety to ensure that the product does not contain extraneous toxic substances and for that reason defines the in vivo systems which must be employed.

The general safety test is a nonspecific test designed to rule out the possibility that some error has allowed a toxic material to be added to the product. Its only purpose is to provide additional assurance that no seriously harmful mistakes have been made in the preparation of a biological product up to and including the final preparation, dilution and bottling. It should be kept in mind that this is a general safety test, something to be applied to all final products in addition to tests for specific harmful effects, regardless of the nature of the product or the type of material used in its preparation. At the present state of the art, it is literally impossible to test the final product for all conceivable harmful effects.

Looked at in this light, the proposed general safety test seems adequate. A total of four animals representing two species is used in the first test. Truly heroic doses are given each animal. The dose of final product given a 22-gm mouse is equivalent to 1.136 ml for a 50 kg person; the dose given a 400 gm guinea pig is equivalent to 625 ml for a 50 kg person. In the toxicity tests for multiple puncture devices using dried tuberculin, the test doses are equivalent to giving a 50 kg person the material contained on 625 devices for a 400 gm guinea pig and 1.136 devices for a 22-gm mouse. Even slightly toxic additions to the product, given in such huge doses, can reasonably be expected to cause an animal to lose weight, sicken, or die.

Allowing repeat tests in case a failure occurs in the first, or first and second tests, is entirely reasonable. Death and illness among animals kept in large colonies not infrequently result from intercurrent disease, and the injection of completely harmless material in huge doses may be expected to affect some animals adversely. It should be noted that in case of failure to pass the first and second tests, the product must be given to a total of eight animals in the third test, all of which must remain healthy and not lose weight if the product is to be passed.

#### STERILITY

Section 610.12 is the most detailed of the four sections to be covered by the panel. For its intended purpose, the section appears to be faulty in several respects. Three of the products under review are derived directly from animal sources and could harbor agents which under certain undefined conditions might have an undesirable effect on the individual receiving the product. Unless details are available elsewhere, the onus is on this panel to evaluate the necessity of having additional standards established for the production of each of the skin test antigens that are being scrutinized. In the case of histoplasmin,

coccidioidin, tuberculin-OT, tuberculin-PPD and diphtheria toxin, we are dealing with reagents which are cell free extracts of organisms. Section 610.12 adequately covers the requirements for sterility of each of these products. Lymphogranuloma venereum antigen, mumps virus antigen and Trichinella extract, on the other hand, are derived from animal sources. It is presumed that the end products have all been inactivated by various procedures but the regulations of the Bureau of Biologics do not stipulate specific tests which would ensure sterility including freedom from mycoplasma and viruses. For example, it is suggested that antigens requiring embryonated chicken's eggs for their production be checked to ensure that they are obtained from flocks that are free of avian leukosis virus, Rous inhibitory factor (Rif), and *Salmonella pullorum*.

It is recommended that specific requirements be defined for each product.

#### PURITY

This topic is most difficult to define. If strict adherence is applied to the phrase "free from extraneous material," none of these skin test antigens meets the § 610.13 requirement. The regulations for each specific type of product need to define extraneous material as stringently as possible with the current state of the art.

In § 610.13(b) specific exceptions are allowed for bacterial, viral and rickettsial antigens and for toxins in the test for pyrogenic substances. The Panel recommends that fungal antigens also be included in this category.

In summary, this section of the regulations requires clarification, and the recommendation is made that it be revised.

#### STANDARD PREPARATIONS

The availability of § 610.20 Reference Standards at the national level is basic to the continued production of effective quality preparations for general use. It is reasonable to suspect that all existing Reference Standards are subject to some biological deterioration, yet, at present there are no systematic attempts to test the reference standards to determine their duration of potency. This Panel recommends the initiation of studies to determine methods by which reference standards can be maintained reliably for long periods of time.

#### DATING PERIOD LIMITATIONS

Section 610.50 refers to products for which an official standard of potency is prescribed in § 610.20 or § 610.21. Such products include only diphtheria toxin for the Schick test, Old Tuberculin and Tuberculin, PPD. For products not subject to official potency tests, dating period limitations begin from the date of extraction, the date of solution, or the date of cessation of growth, whichever is applicable. Sections 610.51 and 610.52 indicate that, except as otherwise provided, products may be held in cold storage by the manufacturer at a tempera-

ture not above 5° C for 1 year and at a temperature not above 0° C for 2 years. The dating period begins on the date of manufacture, except when the material is stored according to the above temperature, at which point it may be dated from the date of issue from the manufacturer's cold storage. If it is held in a manufacturer's cold storage beyond the period indicated above, then the dating period has to be reduced for the period in excess of that allowed by manufacturer's cold storage. In the latter circumstances the storage temperatures and times allowed the manufacturer vary from the general provisions of § 610.51. In such circumstances, dating after manufacture or withdrawal from the manufacturer's storage is given first, and in parenthesis the manufacturer's allowable storage temperatures and times are given. For example, "3 years (5° C, 1 year)" means that the product will have an expiration date 3 years after the manufacturer takes it out of storage, and that the storage period is limited to 5° C for 1 year. The Panel believes that the dating periods in § 610.53 are reasonable but recommends that they should be established for each manufacturer's product by scientific investigation.

#### ADDITIONAL RECOMMENDATIONS

In addition to the specific recommended changes, a new regulation should be developed concerning "Standardization of Skin Test products in Animals and Man" (Refs. 1 and 2). Also, tests for specific hazards need to be developed for each product on an individual basis and applied at the most advantageous point in the manufacturing process, which will usually be prior to the final preparation.

#### REFERENCES

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#### THIMEROSAL AS A PRESERVATIVE

A preservative is a substance added to a product for the purpose of destroying or inhibiting the multiplication of microorganisms. As described in the introduction, preservatives used in the the manufacture of diagnostic skin test antigens should neither sensitize the immune system nor elicit any other local or systemic host reaction.

Hypersensitivity to thimerosal and other mercurial compounds has been recognized for many years (Refs. 1, 2, and 14). It is receiving renewed attention because of the inclusion of thimerosal as a preservative in many licensed biologic products (Refs. 3 through 13 and 16). Of the approximately 180 licensed products containing thimerosal, 15 contain thimerosal at a concentration of 1:20,000 (w/v), 3 at 1:30,000, and 1 at 1:40,000. All others are preserved with

1:10,000 except for a few dried products with higher concentrations.

Products containing thimerosal include allergenic extracts, antisera, antivenins, bacterial, bedsonial and viral vaccines, immune serum globulins, antitoxins and toxoids; skin tests for bacteria, fungi and viruses; and miscellaneous items such as laboratory diagnostic agents. Most are beneficial or instructive only if injected intracutaneously, subcutaneously, intramuscularly or intravenously.

Since many persons, particularly children, are routinely injected with a number of these products, there is the possibility that any sensitizing property of thimerosal in any one product could be cumulative following the administration of several products. Thus, the danger of sensitivity to mercury may be considerably greater than in years prior to the frequent use of many products preserved with derivatives of this element. Additional opportunities for sensitization may also be provided by ingestion of foods contaminated by certain industrial mercurial wastes, e.g., fish—or merely by topical application. The few published reports could be portents of more serious difficulties yet to come in a population frequently injected with products preserved with thimerosal.

Ellis and Robinson (Ref. 2) first noted cutaneous sensitivity to thimerosal and other mercurial compounds in 1942. Five years later Ellis (Ref. 1) defined a sensitizing factor in thimerosal as the thio-salicylate. Little further work was done until 1963 when Epstein (Ref. 3) demonstrated that hypersensitivity to mercury compounds might be manifested as delayed hypersensitivity reactions. In 1969 Reisman (Ref. 11) working with patients in an allergy clinic at Brooke General Hospital found 10 patients within 6 months whose reactions were due to the thimerosal (1:10,000) preservative in the allergenic testing solutions. He noted the number of vaccines—both licensed and experimental—received by service personnel and recommended that "in view of the availability of phenol which rarely, if ever, sensitizes, there seems to be little reason to continue to use Merthiolate as a preservative in allergy extracts."

After an investigation of the cause of side reactions to tetanus toxoid among military personnel in Sweden, Hansson and Möller (Ref. 6) further investigated thimerosal, the toxoid preservative, as a possible cause of these reactions. They patch tested three groups with 0.1 percent thimerosal. Healthy recruits were in Group A (203) and B (29). Reactions occurred among 33 (16 percent) and 10 (35 percent), respectively. Of 247 patients in Group C with suspect contact dermatitis, 89 (36 percent) reacted to standard allergens and 10 (7 percent) to the thimerosal. In 51 patients with various dermatoses (Group D) none reacted to thimerosal at 1.0 percent. Patients in groups C and D were two to three decades older than the healthy recruits in groups A and B. From these findings the authors deduced that age might be a factor in thimerosal sensitivity. It is also notable that subjects in Group B were trained as



hospital orderlies and in addition to receiving service immunizations were quite likely exposed to mercurial derivatives in other ways. In a later study conducted by Hansson and Möller (Ref. 7), 15 percent of a group of 412 males reacted positively to thimerosal, 0.1 percent in saline at 48 and 72 hours.

This study doubtless led to a similar study, "Coccioidin and Merthiolate in Previously Sensitized Animals (Ref. 4)." A statistical analysis of skin test responses was used to detect fine differences when thimerosal was (1) incorporated into a skin test material or (2) used as a preservative in a sensitizing material. Skin tests were also done with the basic medium in which the coccioidins were prepared, with and without the thimerosal preservative. The authors concluded from this study that "the use of Merthiolate in human skin test materials should be given careful consideration."

On the other hand skin test antigens containing thimerosal have been given to large numbers of persons without eliciting excessive positive skin reactions attributable to thimerosal. For example, in many studies, histoplasmin preserved with thimerosal has produced virtually no reactions (Refs. 17 and 18).

As demonstrated in guinea pigs, reactions to skin test antigens containing thimerosal are significantly enhanced by prior exposure (of the individual) to thimerosal. If a positive reaction is produced in response to an antigen preserved in thimerosal it cannot be known whether the reaction was produced by the antigen or the thimerosal. The presence of thimerosal did not cause a decrease in the size of reactions to coccioidin in a study in animals but reactions to coccioidins containing thimerosal were generally greater than to those without thimerosal (Ref. 4). This finding may be most important in the indeterminate region of a skin test reaction where a truly negative reactor may be classified as positive because of the added reaction caused by thimerosal.

#### RECOMMENDATIONS

There is now evidence that thimerosal may (1) induce cell mediated hypersensitivity and (2) affect the size of the delayed skin test reaction in some subjects. Therefore, (1) when other preservatives have been demonstrated to be safe, effective, nonsensitizing (as well as not causing deterioration of the product, products containing thimerosal should be discontinued; and (2) a search for safe, effective and nonsensitizing preservatives as alternatives for thimerosal should be initiated.

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#### STATEMENT CONCERNING SKIN TEST REAGENTS EMPLOYED FOR ASSESSING IMMUNOCOMPETENCE

A variety of skin test antigens is frequently employed in tests to assess immunocompetence. For this reason the Panel on Review of Skin Test Antigens submits the following statement.

The rationale for using skin tests for this purpose is based on the presumption that the individual being tested has had previous experience with the antigenic material. A negative Schick Test implies that the individual is capable of producing antibodies. A positive delayed-type skin reaction implies that the cellular immune system is competent; a negative test implies that the individual is immunologically naive or deficient. Currently there is no single antigen which can be used to evaluate all aspects of

immune function. Therefore, a battery of skin test antigens is employed for assessing cellular immunocompetence. The following materials have been included in this battery:

- (1) Tuberculin, PPD.
- (2) Candida extract (oldiomycin).
- (3) Trichophyton.
- (4) Streptococcus antigen (Streptokinase streptodornase).
- (5) Mumps skin test antigen.

In geographical areas where there is a high incidence of reactivity to certain antigens such as coccioidin and histoplasmin, these antigens may serve as additional reagents.

It is the Panel's charge to review these products for safety and effectiveness for their labeled uses. Since the use in measuring delayed hypersensitive immunocompetency is not part of the present licenses, the Panel can only recognize that such use exists based upon reports in the literature, letters from physicians, and personal experience. A new license application or license amendment from the producers should be submitted for this new indication with supportive data on effectiveness and standardization. The Panel recommends that this be accomplished.

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The Commissioner is responding to the Panel's recommendations as follows:

1. The Panel recommended that skin test antigens be grouped into regulatory categories, as follows:

- (a) *Category I. Biological products determined to be safe and effective and not misbranded and should continue in interstate commerce.* Tuberculin, Old (multiple puncture device), Lederle Laboratories, license No. 17; Tuberculin, Old (multiple puncture device), Institut Merieux, license No. 384; Tuberculin, PPD (Mantoux intradermal), Connaught Laboratories, Ltd., license No. 73; Tuberculin, PPD (Mantoux intradermal), Parke, Davis and Co., license No. 1; Tuberculin PPD (multiple puncture device), Parke, Davis and Co., license No. 1.

The Commissioner agrees with the Panel's findings and recommendations concerning these drugs and, in accordance with § 601.25(f)(1), hereby proposes that they should remain in interstate commerce and that their licenses should remain in effect. Comments and/or additional data on the Category I status of these products are invited.

(b) *Category II. Biological products determined to be unsafe or ineffective or to be misbranded and should not continue in interstate commerce.* Lymphogranuloma Venereum Antigen, Lederle Laboratories, license No. 17; Trichinella Extract, Lederle Laboratories, license No. 17.

The Commissioner agrees with the Panel's findings and recommendations concerning these drugs. However, proceedings toward revocation to implement the Commissioner's conclusion are unnecessary since, at the request of Lederle Laboratories, the licenses for Lymphogranuloma Venereum Antigen and Trichinella Extract were revoked on August 11, 1975 and March 16, 1976 respectively.

(c) *Category IIIA.—Biological products for which available data are insufficient to classify their safety and effectiveness but which may remain in interstate commerce pending completion of testing.* Coccioidin, Cutter Laboratories, Inc., license No. 8; Coccioidin, Iatric Corporation, license No. 416; Histoplasmin, Parke, Davis and Company, license No. 1; Histoplasmin, Bureau of Laboratories, Michigan, license No. 99; Diphtheria Toxin for Schick Test, Massachusetts Public Health Biologics Laboratories, license No. 64; and Tuberculin, PPD (multiple puncture device), Connaught Laboratories, Ltd., license No. 73.

The Commissioner agrees with the Panel's findings and recommendations concerning these drugs and hereby proposes, in accordance with § 601.25(f)(3), that products listed in Category IIIA remain on the market and their licenses remain in effect on an interim basis provided that acceptable data based on scientifically sound studies (as recommended in the Panel report) be submitted to demonstrate efficacy in humans. Such studies shall be in accordance with the Panel's recommendations and § 601.25(h), and shall be completed within 2 years of publication of the final order. Failure to submit adequate data, in the form of a license amendment, within the specified time will result in the publication of a notice of an opportunity for hearing to revoke the product license. Comments and/or additional data on the Category IIIA status of these products are invited.

Since the Panel's conclusions concerning the effectiveness of Category IIIA drugs is a material fact within the meaning of 21 U.S.C. 321(n) and 21 CFR 1.21 the failure to disclose which causes these drugs to be misbranded, the Commissioner also proposes that the circular and the promotional material for these drugs must have a prominent boxed statement referencing the need for further data to fully establish effectiveness. Moreover, the Commissioner also proposes that a written informed consent be obtained from participants in the requisite additional studies, that an explanation of the product and the purpose of the study is given and that a clear opportunity to refuse to participate in the study is presented. Accordingly, § 601.25 is proposed to be amended to require this information.

(d) *Category IIIB.—Biological products for which available data are insufficient to classify their safety and effectiveness and should not continue in interstate commerce.* Product licenses are to be revoked for the following products pending completion of testing and label revision, as recommended in the Panel report: Histoplasmin (multiple puncture device), Lederle Laboratories, license No. 17; Mumps Skin Test Antigen, Eli Lilly and Company, license No. 56; Diphtheria Toxin for Schick Test, and Diphtheria Toxin for Schick Test Control, Texas Department of Health Resources, license No. 121; Diphtheria Toxin for Schick Test, Parke, Davis and Company, license No. 1; Lymphogranuloma Venereum Antigen, E. R. Squibb and Sons, Inc., license No. 52; Tuberculin, Old, Parke, Davis and Company, license No. 1; Tuberculin, Old, Eli Lilly and Company, license No. 56; Tuberculin, Old, Massachusetts Public Health Biologics Laboratories, license No. 64; Tuberculin, Old, Texas Department of Health Resources, license No. 121. The Panel recommended a period of 2 years for completion of testing.

The Commissioner agrees with the Panel's findings and recommendations concerning these drugs and, in accordance with §§ 601.5 and 601.25(f)(3), intends to publish a notice of opportunity for hearing to revoke the licenses for these products by or before October 31, 1977. Interested persons may comment and/or submit additional data in response to the notice. In addition, with respect to Diphtheria Toxin for Schick Test and Tuberculin, Old, processed by Parke, Davis & Co., and Lymphogranuloma Venereum Antigen, processed by E. R. Squibb & Sons, Inc., the Commissioner also intends to base revocation upon the fact that manufacture has discontinued to such an extent that a meaningful inspection cannot be made, as prescribed in § 601.5(b)(2). These revocation procedures will be unnecessary for Tuberculin, Old, manufactured by the Texas Department of Health Resources under license No. 121 and Histoplasmin manufactured by Lederle Laboratories under license No. 17 because, at the request of the licensees, the licenses were revoked on July 14, 1977 and August 11, 1975, respectively.

2. The Panel noted that specific requirements, called "additional standards," for Tuberculin (21 CFR 650.10-650.15) and Diphtheria Toxin For Schick Test (21 CFR 650.1-650.7) are published in the Code of Federal Regulations. They recommended that similar additional standards be published for Coccioidin, Histoplasmin, Schick Test control, Lymphogranuloma Venereum Antigen, Mumps Skin Test Antigen and Trichinella Extract.

The Commissioner accepts the Panel's recommendations concerning the initiation of studies to determine methods by which reference standards can be maintained reliably for long periods of time, (b) amendment of the biologic regulations to include a new regulation concerning standardization of skin test products in animals and man, and (c) amendment of § 610.53 concerning dating period for specific products to establish a dating period determined by scientific investigation for each manufacturer's product.

The Commissioner also recognizes that fungal antigens are expected to contain pyrogens. However, the listing of "diagnostic substances" in § 610.13(b) as being among those products exempted from the requirement of a pyrogen test includes fungal antigens. Accordingly, there is no need to amend § 610.13(b).

5. The Panel recommended (a) initiation of studies to determine methods by which reference standards can be maintained reliably for long periods of time, (b) amendment of the biologic regulations to include a new regulation concerning standardization of skin test products in animals and man, and (c) amendment of § 610.53 concerning dating period for specific products to establish a dating period determined by scientific investigation for each manufacturer's product.

The Commissioner accepts the Panel's recommendations concerning the initiation of studies to assure that reference standards can be maintained reliably for long periods of time, and the issuance of a regulation on the standardization of skin test products. Some studies responsive to the Panel's recommendations are in progress, and others will begin as soon as feasible and as priorities permit. When sufficient data from these studies will permit, a proposal on standardization will be published. The Commissioner advises that § 610.53 is intended to prescribe dating periods for each product type rather than for each manufacturer's product. The regulation identifies the dating period permitted and includes a margin of safety. Data have been pre-

The Commissioner notes that there are existing standards, called "minimum requirements," for three of these products and the licenses for the others have been or will be proposed to be revoked. Accordingly, it appears that published "additional standards" are not of high priority at this time but will be codified when feasible and if necessary.

3. The Panel recommended that § 610.1 be amended to prescribe specific tests to insure sterility, including freedom from mycoplasma and viruses, which may be present in licensed Lymphogranuloma Venereum Antigen, Mumps Skin Test Antigen, and Trichinella Extract products.

The Commissioner again notes that these licenses have been or will be proposed to be revoked. The Panel recommendation will be reconsidered if any new license applications for similar products are received and approved.

4. The Panel recommended that § 610.13 be amended to define "extraneous material" for each product and that § 610.13 be amended to include fungal antigens in the list of products exempted from the requirements of a pyrogen test.

The Commissioner recognizes that some extraneous material is unavoidable in the manufacturing process. The term "extraneous material" is not intended to include such contaminants. Accordingly, to clarify the regulation, the Commissioner proposes to amend § 610.13 to specify that products need to be free from avoidable, extraneous material.

The Commissioner also recognizes that fungal antigens are expected to contain pyrogens. However, the listing of "diagnostic substances" in § 610.13(b) as being among those products exempted from the requirement of a pyrogen test includes fungal antigens. Accordingly, there is no need to amend § 610.13(b).

5. The Panel recommended (a) initiation of studies to determine methods by which reference standards can be maintained reliably for long periods of time, (b) amendment of the biologic regulations to include a new regulation concerning standardization of skin test products in animals and man, and (c) amendment of § 610.53 concerning dating period for specific products to establish a dating period determined by scientific investigation for each manufacturer's product.

The Commissioner accepts the Panel's recommendations concerning the initiation of studies to assure that reference standards can be maintained reliably for long periods of time, and the issuance of a regulation on the standardization of skin test products. Some studies responsive to the Panel's recommendations are in progress, and others will begin as soon as feasible and as priorities permit. When sufficient data from these studies will permit, a proposal on standardization will be published. The Commissioner advises that § 610.53 is intended to prescribe dating periods for each product type rather than for each manufacturer's product. The regulation identifies the dating period permitted and includes a margin of safety. Data have been pre-

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viously submitted by each manufacturer demonstrating stability within these limits. However, the Commissioner will consider data supporting a license amendment for a separate or different dating period for the licensed product manufactured by any particular licensee.

6. The Panel noted that there is evidence that thimerosal (a mercurial preservative) may induce cell mediated hypersensitivity to itself and affect the size of the delayed skin reaction in some subjects. This results, in effect, in a false positive reaction. Therefore, when other preservatives have been demonstrated to be safe, effective, and nonsensitizing, products containing thimerosal should be discontinued. Accordingly, a search for safe, effective, and nonsensitizing preservatives as alternatives for thimerosal should be initiated.

The Commissioner agrees with this recommendation. There are only a few preservatives that have been found to be safe and effective for use in injectable biological products. Other substances, frequently employed as preservatives in nonbiological products, are unacceptable because of interactions with the proteinaceous components of biologicals and because they may also be sensitizing. Due to these problems, extensive research is required to demonstrate the propriety of the new preservative in each biological product. Therefore, when other preservatives are shown to be safe and effective in ongoing studies of biological products, regulations proposing their use in place of thimerosal will be considered.

7. The Panel noted that the following antigens, among others, are frequently employed in tests to assess immunocompetence and recommended that they be licensed for this purpose, subsequent to the submission of effectiveness and standardization data:

- (a) Tuberculin, PPD.
- (b) Candida extract (ordiomycin).
- (c) Trichophyton.
- (d) Streptococcus antigen (Streptokinase Streptodornase).
- (e) Mumps Skin Test Antigen.

The Commissioner recognizes that some physicians, during their normal practice of medicine, use these products to assess immunocompetence. However, these products are not now labeled for this purpose by the manufacturer, and no data relating to the effectiveness of the products for this use have been submitted to FDA to support licensure although there is a clear need for products to assess immunocompetence. The Commissioner encourages the acquisition of data that would evaluate this use. However, until such data are provided, the labeling for these products must not represent or suggest usefulness for immunocompetence testing. Continued use of statements for this use will result in regulatory action.

8. The Panel suggested that the Biology regulations governing the manufacture of Tuberculin be amended to acquire that:

For each bulk lot of tuberculin material for use on multiple puncture devices for screening purposes, the product sensitivity shall be demonstrated to be sufficient to elicit positive reactions in 100 percent of at least 50 persons who are known to have had bacteriologically confirmed tuberculosis and who are tuberculin positive as demonstrated by a simultaneous Mantoux test with 5 TU of Tuberculin, Purified Protein Derivative . . .

For each bulk lot of tuberculin material for use by the Mantoux method, effectiveness data in humans should be supplied to include (1) comparison of the product with the standard by means of dose response curves, and (2) distribution of reaction sizes in persons known to be infected and in those presumed to be uninfected with *Mycobacterium tuberculosis* and in addition in persons presumed to be infected with other mycobacteria. Chemical characterization (including protein, carbohydrate, lipid and nucleic acid content) should be performed on each batch to assess consistency of production . . .

The Commissioner accepts the Panel's recommendations and proposes to incorporate these suggestions by amending Part 650.

9. The Panel recommended that evidence be furnished for the long-term safety of the red dye, FD&C Red No. 2, or that the dye be eliminated from the product Histoplasmin, produced by Parke, Davis and Company. This color was originally included in the product in a concentration of 1 to 7,000 or 0.143 micrograms per intracutaneous dose, to ensure proper quality control in the filling operation by making visible the extremely small volume of fill.

The Commissioner advises that action has been taken to reformulate and eliminate the color from the product. Various alternatives are being explored to ensure proper quality control during filling.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. A copy of the environmental impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 701, 52 Stat. 1040-1042 as amended, 1050-1053 as amended, 1055-1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321, 352, 355, 371)), the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)), and the Administrative Procedure Act (secs. 4, 10, 60 Stat. 238 and 243 as amended (5 U.S.C. 553, 702, 703, 704)), and under authority delegated to him (21 CFR 5.1), the Commissioner is proposing that Parts 601, 610 and 650 in Subchapter F of Chapter I of Title 21 of the Code of Federal Regulations be amended as follows:

#### PART 601—LICENSING

1. In Part 601 by amending § 601.25(h) by revising the paragraph heading and adding new (h) (4) and (5) to read as follows:

§ 601.25 Review procedures to determine that licensed biological products are safe, effective, and not misbranded under prescribed, recommended or suggested conditions of use.

(h) Additional studies and labeling.

(4) Labeling and promotional material for products requiring additional studies shall bear a box statement in the following format:

Based on a review by the Panel on  
Review of (insert name of appropriate  
panel) and other information, the Food  
and Drug Administration has  
directed that further investigation  
be conducted before this product is  
determined to be fully effective for  
the labeled indication(s).

(5) A written informed consent shall be obtained from participants in the requisite additional studies explaining the nature of the product and the investigation. The explanation shall consist of such disclosure and be made so that intelligent and informed consent be given and that a clear opportunity to refuse is presented.

#### PART 610—GENERAL BIOLOGICAL PRODUCTS STANDARDS

2. In Part 610 by amending § 610.13 by revising the introductory paragraph to read as follows:

§ 610.13 Purity.

Products shall be free from extraneous material except that which is unavoidable in the process in the approved license. In addition, products shall be tested as provided in paragraphs (a) and (b) of this section.

#### PART 650—ADDITIONAL STANDARDS FOR DIAGNOSTIC SUBSTANCES FOR DERMAL TESTS

3. In Part 650: a. By amending § 650.13 by adding new paragraph (c) to read as follows:

§ 650.13 Production.

(c) Chemical characterization. Each batch of powdered tuberculin material shall be chemically characterized, including protein, carbohydrate, lipid and nucleic acid content to assess consistency of production.

b. By amending § 650.14, by revising the title to read as follows:

§ 650.14 Potency testing in animals.

c. By redesignating existing § 650.15 as § 650.16 Equivalent methods.

d. By adding new § 650.15 to read as follows:

§ 650.15 Potency testing in humans.

(a) The sensitivity of each batch of tuberculin material for use on multiple puncture devices for screening purposes shall be demonstrated to be sufficient to elicit positive reactions in 100 percent of at least 50 persons who are known to have had bacteriologically confirmed tuberculosis and who are tuberculin positive as demonstrated by a simultaneous Mantoux test with 5 TU of Tuberculin, Purified Derivative.

(b) The product effectiveness of each batch of tuberculin material for use by the Mantoux method shall include comparison of the product with the standard by means of (1) dose response curves, and (2) distribution of reaction sizes in persons presumed to be uninfected with *Mycobacterium tuberculosis* or other mycobacteria, in persons known to be infected with *M. tuberculosis*, and in persons presumed to be infected with other mycobacteria.

Interested persons may, on or before November 29, 1977, submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be

identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

NOTE.—The Food and Drug Administration has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107. A copy of this inflation impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Dated: September 19, 1977.

DONALD KENNEDY,  
Commissioner of Food and Drugs.

[FR Doc. 77-28050 Filed 9-29-77; 8:45 am]



Registered  
Federal Paper

FRIDAY, SEPTEMBER 30, 1977

PART III



DEPARTMENT OF  
HOUSING  
AND URBAN  
DEVELOPMENT

Federal Insurance  
Administration



PROCEDURE FOR MAP  
CORRECTION AND  
APPEALS FROM FLOOD  
ELEVATION  
DETERMINATION AND  
JUDICIAL REVIEW

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## [ 4210-01 ]

## Title 24—Housing and Urban Development

## CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

## SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI 3107]

## PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

## Final Flood Elevation Determination for the Village of Sherman, Chautauqua County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Village of Sherman, Chautauqua County, N.Y. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Village of Sherman, Chautauqua County, N.Y.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Sherman, Chautauqua County, N.Y., are available for review at the Fire Hall, Park Street, Sherman, N.Y.

## FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Village of Sherman, Chautauqua County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Tributary No. 1	Downstream corporate limit	1,575
	Hart St.	1,530
	Franklin St.	1,542
	Dam	1,500
Tributary No. 2	Upstream corporate limits	1,500
	Confluence with French Creek	1,526
	Hart St.	1,535
	600 ft upstream from Hart St.	1,549
Tributary No. 3	600 ft upstream from Hart St.	1,550
	Hart St.	1,540
	Osborne St.	1,540
	650 ft upstream from Osborne St.	1,549
Tributary No. 4	Upstream corporate limit	1,582
	Confluence with French Creek	1,528
	Private road	1,528
	Farm Lane	1,532
Tributary No. 5	Main St.	1,546
	500 ft upstream from Main St.	1,548
	1,000 ft upstream from Main St.	1,560
	2,000 ft upstream from Main St.	1,572
Tributary No. 6	Corporate limit	1,576
	Corporate limit	1,587
	Kipp St.	1,588
	Upstream corporate limit	1,588
Tributary No. 7	Confluence with French Creek	1,540
	Main St.	1,541
	Park St.	1,552
	550 ft upstream from Park St.	1,562
Tributary No. 8	1,100 ft upstream from Park St.	1,572
	1,700 ft upstream from Park St.	1,585
	Downstream corporate limit	1,550
	Park St.	1,565
Tributary No. 9	500 ft upstream from Park St.	1,576
	Upstream corporate limits	1,586

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: August 26, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 77-28274 Filed 9-29-77; 8:45 am]

## [ 4210-01 ]

[Docket No. FI-2736]

## PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

## Final Flood Elevation Determination for the Town of Sodus, Wayne County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Town of Sodus, Wayne County, N.Y. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in ef-

fect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Town of Sodus, Wayne County, N.Y.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Sodus, Wayne County, N.Y., are available for review at the Town Hall, Sodus, N.Y.

## FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Sodus, Wayne County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Sodus Creek	Maxwell Bay	249
	Lake Rd.	263
	North Rd.	305
	Christian Elder Rd.	330
	Newell Rd.	358
	Hedge Rd.	376
	U.S. Route 94	380
	Sodus Center Rd.	397
	School Rd.	409
	West corporate limits	351
Lake Ontario	North Centenary Rd. (Extended)	254
	Dunlop Rd. (extended)	254
	West of Maxwell Bay	253
	East of Maxwell Bay	254
Sodus Bay	East of Sodus Bay	251
	Entire shoreline	250
Maxwell Bay	Entire shoreline	249

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Adminis-

trator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: August 30, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 77-28275 Filed 9-29-77; 8:45 am]

## [ 4210-01 ]

[Docket No. FI-2957]

## PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

## Final Flood Elevation Determination for the Village of South Corning, Steuben County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Village of South Corning, Steuben County, N.Y. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Village of South Corning, Steuben County, N.Y.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of South Corning, Steuben County, N.Y., are available for review at the Village Hall on the bulletin Board, 1, Clark Street, Corning, N.Y.

## FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street, S.W., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Village of South Corning, Steuben County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood

plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Chemung River	South corporate limit	922
	New York Route 225 (extended)	923
	Tuxill Ave. (extended)	921
	North corporate limits	925

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: August 30, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 77-28276 Filed 9-29-77; 8:45 am]

## [ 4210-01 ]

[Docket No. FI-2955]

## PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

## Final Flood Elevation Determination for the Village of Whitesboro, Oneida County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Village of Whitesboro, Oneida County, N.Y. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Village of Whitesboro, Oneida County, N.Y.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Whitesboro, Oneida County, N.Y., are available for review at the Town Hall, 8 Park Avenue, Whitesboro, N.Y.

## FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202-755-5581), or Toll Free Line (800-424-8872), room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Village of Whitesboro, Oneida County, N.Y.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Sauguot Creek	Oriskany Blvd	420
	Main St.	416
	Sauguot St. (extended)	415
Mohawk River	Ellis St. (extended)	415
	Mohawk St. (extended)	415
	Linwood Pl. (extended)	415
	New York State Throughway (Glendale Ave. (extended))	416

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: August 30, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 77-28277 Filed 9-29-77; 8:45 am]

## [ 4210-01 ]

[Docket No. FI-2859]

## PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

## Final Flood Elevation Determination for Polk County, Oregon.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in Polk County, Oregon. These base flood elevations are the basis for the flood plain management measures that the community is required to



either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** On publication of the Flood Insurance Rate Map for Polk County, Ore.

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Polk County are available for review at Polk County Courthouse, Room 201, Dallas, Ore.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202-755-5581, or Toll Free Line (800-424-8872), room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Polk County, Ore.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rock Creek..	County Rd. 683	329
South Yamhill River.	County Rd. 687.....	346
	County Rd. 691.....	331
	SR 18 and 22 east of Valley Junction.	294
	SR 18 and 22 west of Fort Hill.	280
	County Rd. 674	370
	Dallas Coast Highway.	243
Rockwell Creek	Fir Villa Rd	265
	Bowersville Rd	245
	Pacific Highway.	300
	West.	188
	Greenwood Rd.	153
Williamette River	Route 51.....	125
	Lower line crossing near Lincoln Parks.	125
	Power line crossing 0.5 mi west of Wilsona.	145

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR

17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: August 30, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc 77-28278 Filed 9-29-77; 8:45 am]

#### [4210-01]

[Docket No. FI-2903]

#### PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Borough of Bloomfield, Perry County, Pa.

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base flood elevations (100-year flood) are listed below for selected locations in the borough of Bloomfield, Perry County, Pa. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** On publication of the Flood Insurance Rate Map for the borough of Bloomfield, Perry County, Pa.

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the borough of Bloomfield, Perry County, Pa., are available for review at the Post Office, New Bloomfield Square, Pa.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the borough of Bloomfield, Perry County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood

plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Little Juniata Creek.	Corporate limits (downstream).	643
	South Carlisle St.	646
	Eckerd Dam—below dam.	648
	Eckerd Dam—above dam.	651
	Corporate limits (upstream).	654

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: August 30, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc 77-28279 Filed 9-29-77; 8:45 am]

#### [4210-01]

[Docket No. FI-2965]

#### PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Borough of Emporium, Cameron County, Pa.

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base flood elevations (100-year flood) are listed below for selected locations in the borough of Emporium, Cameron County, Pa. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** On publication of the Flood Insurance Rate Map for the borough of Emporium, Cameron County, Pa.

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the borough of Emporium, Cameron County, Pa., are available for review at the Municipal Building, Emporium, Pa.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of

flood elevations for the borough of Emporium, Cameron County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Driftwood Branch, Sinnemahoning Creek.	Downstream corporate limits.	1,013
	Broad St.	1,025
	Con Rail.	1,032
	State Route 120.	1,034
	Upstream corporate limits.	1,044
Sinnemahoning Portage Creek.	Downstream corporate limits.	1,013
	Con Rail.	1,016
	State Route 120.	1,022
	Confluence with Driftwood Branch, Sinnemahoning Creek.	1,029
West Creek.	Upstream corporate limits.	1,035

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: August 30, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 77-28280 Filed 9-29-77; 8:45 am]

#### [4210-01]

[Docket No. FI-2968]

#### PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Township of Fermanagh, Juniata County, Pa.

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base flood elevations (100-year flood) are listed below for selected locations in the township of Fermanagh, Juniata County, Pa. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or

show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** On publication of the Flood Insurance Rate Map for the township of Fermanagh, Juniata County, Pa.

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the township of Fermanagh, Juniata County, Pa., are available for review at the Township Building, Star Route, Millintown, Pa.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the township of Fermanagh, Juniata County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Juniata River.	Downstream corporate limit.	442
	Confluence with Schwyer Run.	444
	Confluence with Lost Creek.	446
	Confluence with Horning Run.	447
Schwyer Run.	Confluence with Juniata River.	444
	Cross St.	439
	Route 22 Culvert.	478
	Farmers Rd.	491
Lost Creek.	Confluence with Juniata River.	446
	Oakland Mill Rd.	417
	Township Rd./L.R. 34074.	467
	Jericho Rd.	536
	Corporate limits.	549
Horning Creek.	Confluence with Horning Creek.	447
	T. 525.	477
	Slip Valley Rd.	486
	(downstream).	496
	Minor Town Rd.	514
	Slip Valley Rd.	573
	(upstream).	

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: August 30, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 77-28281 Filed 9-29-77; 8:45 am]

#### [4210-01]

[Docket No. FI-3110]

#### PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Township of Leacock, Lancaster County, Pa.

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base flood elevations (100-year flood) are listed below for selected locations in the Township of Leacock, Lancaster County, Pa. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** On publication of the Flood Insurance Rate Map for the Township of Leacock, Lancaster County, Pennsylvania.

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Leacock, Lancaster County, Pa. are available for review at the Leacock Township Municipal Building, Old Philadelphia Pike, Route 340, Leacock Township, Pa.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 7th Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Leacock, Lancaster County, Pa. This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals

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within the community. The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Pequea Creek	Route 30.....	348
	Old Leacock Rd.....	350
	Con Rail bridge.....	352
	West Pequea Lane.....	355
	Belmont Rd.....	357

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: August 30, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc.77-28282 Filed 9-29-77;8:45 am]

[4210-01]

[Docket No. FI-3074]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Township of Lower Moreland, Montgomery County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Township of Lower Moreland, Montgomery County, Pa. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Township of Lower Moreland, Montgomery County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Lower Moreland, Montgomery County, Pa., are available for review at the bulletin board at the Township Building, 640 Red Line Road, Huntingdon Valley, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 7th Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION:

The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Lower Moreland, Montgomery County, Pa. This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community. The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Huntingdon Valley Creek	Pennsylvania Route 22 (upstream).....	118
	Red Lion Rd. (upstream).....	121
	Philmont Ave. (upstream).....	124
	Tomlinson Rd. (upstream).....	139
	Philmont Dr. (upstream).....	168
Pennycook Creek	Byberry Rd. (upstream).....	211
	Warfield Lane (downstream).....	214
	Downstream corporate limits.....	115
	Old Welsh Rd. (upstream).....	118
	Fellers Mill Rd. (downstream).....	128
	Upstream corporate limits.....	139

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: August 26, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc.77-28283 Filed 9-29-77;8:45 am]

[4210-01]

[Docket No. FI-2962]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Township of Lower Yoder, Cambria County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Township of Lower Yoder, Cambria County, Pa. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Township of Lower Yoder, Cambria County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Lower Yoder, Cambria County, Pa., are available for review at the Municipal Building, 119 Norton Road, Johnstown, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581, or Toll Free Line 800-424-8872, Room 5270, 451 7th Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Lower Yoder, Cambria County, Pa. This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community. The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
St. Clair Run	Northeast corporate limits.....	1,229
	City Line St.....	1,236
	Private road at tributary near St. Theresa's Cemetery.....	1,260
	St. Clair Rd.....	1,377
Elk Run	Falcon Dr.....	1,408
	Township line at D St.....	1,193
	D St. crossing.....	1,241
	Norton St.....	1,206

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: August 30, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc.77-28284 Filed 9-29-77;8:45 am]

[4210-01]

[Docket No. FI-3132]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Township of Warminster, Bucks County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final Rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Township of Warminster, Bucks County, Pa. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Township of Warminster, Bucks County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Warminster, Bucks County, Pa., are available for review at the Warminster Township Building, Henry and Gibson Avenue.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Warminster, Bucks County, Pa.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

RULES AND REGULATIONS

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Neshaminy Creek	Bristol Rd.....	193
	Valley Rd.....	270
	Tributary A to Little Neshaminy Creek.....	273
	Acorn Dr.....	279
	Willow Dr.....	285
	Talley Ho Dr.....	292
	County Line Rd.....	292

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: August 30, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc.77-28285 Filed 9-29-77;8:45 am]

[4210-01]

[Docket No. FI-3129]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Borough of Williamsburg, Blain County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Borough of Williamsburg, Blain County, Pa. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Borough of Williamsburg, Blain County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Williamsburg, Blain County, Pa., are available for review at the Borough Office, 305 East 2nd Street, Williamsburg, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Borough of Williamsburg, Blain County, Pa.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Frankstown Branch, Juniata River	Downstream corporate limits.....	852
	High St.....	864
	Westaco Bridge.....	854
	Upstream corporate limits.....	864

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: August 30, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc.77-28286 Filed 9-29-77;8:45 am]

[4210-01]

[Docket No. FI-3136]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Sumter, Sumter County, S.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final Rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected location in the City of Sumter, Sumter County, S.C. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).



**EFFECTIVE DATE:** On publication of the Flood Insurance Rate Map for the City of Sumter, Sumter County, S.C.

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Sumter, Sumter County, S.C., are available for review at City Hall in the Civic Center, Sumter.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street Southwest, Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Sumter, Sumter County, S.C.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Turkey Creek	Fulton St.	137
	Boulevard St.	140
	Seaboard Coast Line RR.	142
Green Swamp	McCray Mill Rd.	135
	Oakland Ave.	138
	West Liberty St.	149
Shot Punch Creek	Upstream Wise Dr.	153
	Haynesworth St.	147
	Picks St.	159
	Upstream corporate limits.	171
Powder Horn Canal	Community St.	157
Tributary S-1	Willis Ave.	165
Heathleywood Canal	Rast St.	162
	Paisley Park Rd.	155
	Allee Dr.	177
Mile Branch	Phifer St.	152
	Lafayette Blvd.	162

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Adminis-

trator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: August 26, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc 77-28287 Filed 9-29-77; 8:45 am]

#### [4210-01]

[Docket No. FI-3139]

#### PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Stockdale, Wilson County, Tex.

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base flood elevations (100-year flood) are listed below for selected locations in the city of Stockdale, Wilson County, Tex. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** On publication of the Flood Insurance Rate Map for the city of Stockdale, Wilson County, Tex.

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Stockdale, Wilson County, Tex., are available for review at the City Hall, Box 446, Stockdale, Tex.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Stockdale, Wilson County, Tex.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Stockdale Creek	Downstream corporate limits.	417
	U.S. Highway 87 (upstream span).	427
	Williams St.	423
	North 4th St.	436
	North 6th St.	429
	Confluence with south tributary, Stockdale Creek.	429
	North 8th St.	430
	State Highway 133 (upstream side).	431
	Confluence with north branch, Stockdale Creek.	434
	Upstream corporate limits.	445
South tributary, Stockdale Creek.	Mouth at Stockdale Creek.	429
	Main St.	440
	Persons St.	433
	South 8th St.	435
	(upstream side).	435
	Magee St., South 9th St. intersection.	437
	Sample St.	439
	State Highway 123	441
	Upstream corporate limits.	450
North branch, Stockdale Creek.	Confluence with Stockdale Creek.	436
	Abandoned Southern Pacific R.R. (upstream side).	437
	Upstream corporate limits.	438

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: August 30, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc.77-28288 Filed 9-29-77; 8:45 am]

#### [4210-01]

[Docket No. FI-3067]

#### PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Town of Saltville, Smyth and Washington Counties, Va.

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base flood elevations (100-year flood) are listed below for selected locations in the town of Saltville, Smyth and Washington Counties, Va. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** On publication of the Flood Insurance Rate Map for the town of Saltville, Smyth and Washington Counties, Va.

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Saltville, Smyth and Washington Counties, Va., are available for review at the Town Hall on the bulletin board, Town Hall Square, Saltville, Va.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Saltville, Smyth and Washington Counties, Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
North fork, Holston River	Smyth/Washington County boundary	1,676
	Confluence with Allison Creek.	1,696
	Government Plant Rd.	1,711
	Upstream corporate limits.	1,726
Middle fork, Holston River	Confluence with north fork, Holston River.	1,668
	Corporate limits within 1 mi. of confluence with north fork, Holston River.	1,786
	State Route 91.	1,838
	Smyth/Washington County boundary.	1,909
Allison Creek	Confluence with north fork, Holston River.	1,696
	Allison Gap Rd.	1,744
	Upstream corporate limits.	1,766
Cedar Branch	Downstream corporate limits.	1,745
	Upstream corporate limits.	1,842

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: August 30, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc 77-28289 Filed 9-29-77; 8:45 am]

[Docket No. FI-3089]

#### PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Omak, Okanogan County, Wash.

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base flood elevations (100-year flood) are listed below for selected locations in the city of Omak, Okanogan County, Wash. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** On publication of the Flood Insurance Rate Map for the city of Omak, Okanogan County, Wash.

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Omak, Okanogan County, Wash., are available for review at the bulletin board in the City Clerk's Office, 2 North Ash Street, Omak, Wash.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Omak, Okanogan County, Wash.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory

authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Okanogan River	Central Ave.	840
	State Route 97	812

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: August 26, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc 77-28290 Filed 9-29-77; 8:45 am]

#### [4210-01]

[Docket No. FI-3063]

#### PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Town of Riverside, Okanogan County, Wash.

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base flood elevations (100-year flood) are listed below for selected location in the town of Riverside, Okanogan County, Wash. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** On publication of the Flood Insurance Rate Map for the town of Riverside, Okanogan County, Wash.

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Riverside, Okanogan County, Wash., are available for review at the bulletin board, Riverside Town Hall, Riverside, Wash.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Riverside, Okanogan County, Wash.



This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Cowlick River	North corporate limits, Tink Valley Rd. South corporate limits	54 50 50
Johnson Creek	Main Street Bridge, State Street Bridge, Highway 97	50 50 50

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: August 26, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc 77-28291 Filed 9-29-77; 8:45 am]

[4210-01]

[Docket No. FI-2821]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Woodland, Cowlitz and Clark Counties, Wash.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the city of Woodland, Cowlitz and Clark Counties, Wash. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the city of Woodland, Cowlitz and Clark Counties, Wash.

ADDRESSES: Maps and other information showing the detailed outlines of the

flood-prone areas and the final elevations for the city of Woodland, Cowlitz and Clark Counties, Wash., are available for review at the City Hall, 100 Davidson Avenue, Woodland, Wash.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Woodland, Cowlitz and Clark Counties, Wash.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Johnson River	Spring Ave. (extended), Cherry Blossom Lane (extended), C Street Bridge	58 50 50

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: August 30, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc 77-28292 Filed 9-29-77; 8:45 am]

[4210-01]

[Docket No. FI-3068]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Town of Hartford, W. Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for

selected locations in the town of Hartford, W. Va. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the town of Hartford, W. Va.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Hartford are available for review at Town Hall, Hartford, W. Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Hartford.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cowlick River	Entire corporate boundary.	580

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: August 30, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc 77-28293 Filed 9-29-77; 8:45 am]

[4210-01]

[Docket No. FI-3090]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Town of Mason, W. Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the town of Mason, W. Va. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the town of Mason, W. Va.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Mason are available for review at Town Hall, Mason, W. Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Mason.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ohio River	Pomroy Mason Highway Bridge.	577

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: August 30, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc 77-28294 Filed 9-29-77; 8:45 am]

[4210-01]

[Docket No. FI-245]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Trumann, Ark.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On November 9, 1973, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included Trumann, Ark. It has been determined by FIA, after further technical review of the Flood Hazard Boundary Map for the city of Trumann, in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: Date of this notice.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The text reads as follows:

§ 1920.7 Notice of Letter of Map Amendment.

Map Number H 050176B Panel 01, published on November 9, 1973, in 38 FR 31009, indicates that:

That parcel of land containing 10.63 acres, Trumann, Arkansas, as described in the Deed recorded in Book 60, Page 517, and shown on Site Improvement and ment Plan-Site B, Housing Authority of the city of Trumann, Ark., Housing Project Number Ark 34-1, July 14, 1961;

That parcel of land containing 1.94 acres, more or less, in Trumann, Ark., as described in the Deed recorded in Book 70, Page 48, and shown on Site Improvement Plan-Site B, Housing Authority of the city of Trumann, Ark., Housing Project Number Ark 34-2, April 19, 1965;

And that parcel of land containing 6.999 acres in Trumann, Ark., as described in Deed recorded in Book 79, Page 239, and shown on Grading and Drainage Plan, Housing Authority of the city of Trumann, Ark., Housing Project Number Ark 34-4, May 1, 1969, as recorded in the office of the Clerk of the Circuit Court of Poinsett County, Ark., are within the Special Flood Hazard Area.

Map Number H 050176B Panel 01 is hereby corrected to reflect that the existing structures on the 10.63 acre parcel as shown on the Site Improvement and Grading Plan, July 14, 1961, with the following exceptions: 1A-1/3, 3B-2/3, 1A-2/3, 3A-1/3, 1B-3/3, 2A-2/3, and 1B-4/3; the existing structures on the 1.94 acre parcel of land as shown on the Site Improvement and Grading Plan-Site B, April 19, 1965, with the exception of structures 7 and 8;

And the existing structures as shown on the Grading and Drainage Plan, May 1, 1969, on the 6.999 acre parcel of land are not within the Special Flood Hazard Area identified on November 18, 1973.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: August 26, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc 77-28295 Filed 9-29-77; 8:45 am]

[Docket No. FI-70-6986]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Honolulu County, Hawaii

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On June 5, 1970, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included Hono-



lulu County, Hawaii. It has been determined by FIA, after further technical review of the Flood Hazard Boundary map for the County of Honolulu, in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** Date of this notice.  
**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurance Association (NFIA) through the agent or broker who sold the policy.

The text reads as follows:

§ 1920.7 Notice of Letter of map amendment.

Map No. H 150001 Panel 45, published on June 5, 1970, in 35 FR 8732, indicates that 42-264 Kalali Street, also being Lot 1468, Kaneohe, Hawaii, as shown on Map 128 of Land Court Application 1100, as filed in the office of the Registrar of the Land Court of Hawaii, Honolulu County, Hawaii, is within the Special Flood Hazard Area.

Map No. H 150001 Panel 45 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on June 5, 1970.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: August 26, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 77-28296 Filed 9-29-77; 8:45 am]

#### [4210-01]

[Docket No. FI-2367]

#### PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Indianapolis, Ind.

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** On October 15, 1976, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included Indianapolis, Ind. It has been determined by FIA, after further technical review of the Flood Hazard Boundary Map for the city of Indianapolis, in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** Date of this notice.  
**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The text reads as follows:

§ 1920.7 Notice of letter of map amendment.

Map Number H 180159A Panel 27, published on October 15, 1976, in 41 FR 45555, indicates that 5227 Knollton Road, Indianapolis, Ind., as recorded in Document Number 75-71857, in the Office of the Clerk of Marion County, Ind., is within the Special Flood Hazard Area.

Map Number H 180159A Panel 27 is hereby corrected to reflect that the above property is not within the Special Flood

Hazard Area identified on September 24, 1976.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: August 26, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 77-28297 Filed 9-29-77; 8:45 am]

#### [4210-01]

[Docket No. FI-2601]

#### PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Town of Winthrop, Maine

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** On February 8, 1977, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included Winthrop, Maine. It has been determined by FIA, after further technical review of the Flood Hazard Boundary map for the town of Winthrop, in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** Date of this notice.  
**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association

(NFIA) through the agent or broker who sold the policy.

The text reads as follows:

§ 1920.7 Notice of Letter of Map Amendment.

Map No. H 230072A Panel 06, published on February 8, 1977, in 42 FR 8107, indicates that a parcel of land situated on Carlton Pond Road in the town of Winthrop, Maine, as recorded in Deedbook 1970, Page 19 in the Office of the Registry of Deeds of Kennebec County, Maine, is within the Special Flood Hazard Area.

Map No. H 230072A Panel 06 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on December 17, 1976.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: August 26, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 77-28298 Filed 9-29-77; 8:45 am]

#### [4210-01]

[Docket No. FI-321]

#### PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Baltimore, Md.

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** On July 20, 1976, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the city of Baltimore, Md. It has been determined by FIA, after further technical review of the Flood Hazard Boundary Map for the city of Baltimore, in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** Date of this notice.  
**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to pur-

chase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The text reads as follows:

§ 1920.7 Notice of Letter of Map Amendment.

Map No. H 240087 Panel 03, published on August 6, 1974, in 39 FR 28256 indicates that 6180 Chinquapin Parkway, Baltimore, Md., as recorded in Liber RHE 2958 of Deeds, Page 50, in the office of Land Records of Baltimore City, Md., is within the Special Flood Hazard Area. Map No. H 240087 Panel 03 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on June 28, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: August 26, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 77-28299 Filed 9-29-77; 8:45 am]

#### [4210-01]

[Docket No. FI-2135]

#### PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Baltimore County, Md.

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** On July 20, 1976, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included Baltimore County, Md. It has been determined by FIA, after further technical review of the Flood Hazard Boundary map for the County of Baltimore, in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** Date of this notice.  
**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The text reads as follows:

§ 1920.7 Notice of Letter of Map Amendment.

Map No. H 240010A Panel 150, published on July 20, 1976, in 41 FR 29825, indicates that Lot 6, Section A, Oliver Beach, Baltimore County, Md., as recorded in Liber 5744, Folio 926, of Deeds, in the office of Land Records of Baltimore County, Md., is within the Special Flood Hazard Area.

Map Number H 240010A Panel 150 is hereby corrected to reflect that the existing structures on the above property are not within the Special Flood Hazard Area identified on April 18, 1975.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: August 26, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 77-28300 Filed 9-29-77; 8:45 am]

#### [4210-01]

[Docket No. FI-321]

#### PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Township of Benton, Mich.

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** On August 6, 1974, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the township of Benton, Mich. It has been determined by FIA, after further techni-

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cal review of the Flood Hazard Boundary Map for the township of Benton, Mich., in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: Date of this notice.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The text reads as follows:

§ 1920.7 Notice of Letter of Map Amendment.

Map No. H 260031A Panel 03, published on August 6, 1974, in 39 FR 28257, indicates that Lots 1 through 4, Block 10 and all that part of Block 40 lying between the Northerly line of Lot 1 and the Southerly line of Lot 2, said Block 10, extended westerly to Lake Michigan, located at 250 Higman Park, Benton, Mich., as recorded in Book 1009, Page 1178, in the office of the Register of Deeds of Berrien County, Mich., is within the Special Flood Hazard Area.

Map No. H 260031A Panel 03 is hereby corrected to reflect the above property is not within the Special Flood Hazard Area identified on June 28, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: August 26, 1977.

PATRICIA ROBERTS HARRIS,

Secretary.

[FR Doc. 77-28301 Filed 9-29-77; 8:45 am]

#### [4210-01]

[Docket No. FI-342]

#### PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Memphis, Tenn.

ACTION: Final rule.

AGENCY: Federal Insurance Administration, HUD.

**SUMMARY:** On August 28, 1974, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included Memphis, Tenn. It has been determined by FIA, after further technical review of the Flood Hazard Boundary Map for the city of Memphis, in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: Date of this notice.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The text reads as follows:

§ 1920.7 Notice of Letter of Map Amendment.

Map No. H 470177 Panel 23, published on August 28, 1974, in 39 FR 31315, indicates that a 5.528 acre tract of land being Lot 1 of the Regal Vista Subdivision as recorded in Platbook 41, Page 38, in the Office of the Register of Shelby County, Tenn., and shown on the Topographic Survey by Monarch Engineering Co., Inc., dated December 1973, is within the Special Flood Hazard Area.

Map No. H 470177 Panel 23 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on August 23, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: August 26, 1977.

PATRICIA ROBERTS HARRIS,

Secretary.

[FR Doc. 77-28302 Filed 9-29-77; 8:45 am]

#### [4210-01]

[Docket No. FI-454]

#### PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Dallas, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

**SUMMARY:** On January 28, 1975, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included Dallas, Tex. It has been determined by FIA, after further technical review of the Flood Hazard Boundary Map for the city of Dallas, in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: Date of this notice.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question

during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The text reads as follows:

§ 1920.7 Notice of Letter of Map Amendment.

Map Number H 480171A Panels 05 and 06, published on January 28, 1975, in 40 FR 4133, indicate that Lots 6 and 7, Block 24/8191 and Lots 8 through 10, Block 25/8191, Prestonwood Number 18, addition to the city of Dallas, Tex., as recorded in City Plan File Number S-767-118R of Plats in the Office of the Clerk of Dallas County, Tex., is within the Special Flood Hazard Area.

Map Number H 480171A Panels 05 and 06 are hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on January 10, 1975.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: August 26, 1977.

PATRICIA ROBERTS HARRIS,

Secretary.

[FR Doc. 77-28303 Filed 9-29-77; 8:45 am]

#### [4210-01]

[Docket No. FI-3012]

#### PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Harris County, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

**SUMMARY:** On June 29, 1977, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included Harris County. It has been determined by FIA, after further technical review of the Flood Insurance Rate Map for the County of Harris, in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: Date of this notice.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance,

ance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The text reads as follows:

§ 1920.7 Notice of Letter of Map Amendment.

Map No. H & I 480287B Panel 73, published on June 29, 1977, in 42 FR 33233, indicates that Sterling Green, Section Two as shown on a Plat by Leonard W. Shoemaker and Associates, dated December 1975, Harris County, Tex., as recorded in Volume 236, Page 15 of Plats, in the Office of the Clerk of the Court of Harris County, Tex., is within the Special Flood Hazard Area.

Map No. H & I 480287B Panel 73 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on July 30, 1975. The property is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: August 26, 1977.

PATRICIA ROBERTS HARRIS,

Secretary.

[FR Doc. 77-28304 Filed 9-29-77; 8:45 am]

#### [4210-01]

[Docket No. FI-2882]

#### PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Houston, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

**SUMMARY:** On May 10, 1977, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included Houston, Tex. It has been determined by FIA, after further technical review of the Flood Hazard Boundary map for the City

of Houston, in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: Date of this notice.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 7th Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The text reads as follows:

§ 1920.7 Notice of Letter of Map Amendment.

Map No. H 480296A Panel 146, published on May 10, 1977, in 42 FR 24992, indicates that Lots 1 through 4, and Lots 6 through 13, Block 1; Lots 2 through 14, Block 2, Section 1, Southwood Place; Lots 1 through 10, Block 1; and Lots 1 through 3, Block 2; and the north half of Unrestricted Reserve "A", Section 2, Southwood Place, Houston, Tex., as recorded in Plat Volume 239, Page 68, and Plat Volume 244, Page 120, respectively, in the Map Records office of Harris County, Tex., are within the Special Flood Hazard Area.

Map No. H 480296A Panel 146 is hereby corrected to reflect that the structures on the above property are not within the Special Flood Hazard Area identified on April 8, 1977.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: August 26, 1977.

PATRICIA ROBERTS HARRIS,

Secretary.

[FR Doc. 77-28305 Filed 9-29-77; 8:45 am]



[ 4210-01 ]

[Docket No. FI 440]

**PART 1920—PROCEDURE FOR MAP CORRECTION**

Letter of Map Amendment for the City of Houston, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

**SUMMARY:** On January 10, 1975, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included Houston, Tex. It has been determined by FIA, after further technical review of the Flood Hazard Boundary Map for the City of Houston, in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** Date of this notice.  
**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 7th Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The text reads as follows:

§ 1920.7 Notice of Letter of Map Amendment.

Map No. H 480296A Panel 131, published on January 10, 1975, in 49 FR 2190, indicates that the Sweeney Tract, Houston, Tex., as recorded under Film Code Number 168-06-1435, in the office of Deed Records of Harris County, Tex., is within the Special Flood Hazard Area.

Map No. H 480296A Panel 131 is hereby corrected to reflect that the above property, with the exception of the easternmost 10 feet bordering Kirby Drive, is not within the Special Flood Hazard Area identified on December 27, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act

**RULES AND REGULATIONS**

of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: August 26, 1977.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc 77-28306 Filed 9-29-77; 8:45 am]

[Docket No. FI 308]

**PART 1920—PROCEDURE FOR MAP CORRECTION**

Letter of Map Amendment for the City of Palm Springs, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

**SUMMARY:** On July 5, 1974, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the City of Palm Springs, Calif. It has been determined by FIA, after further technical review of the Flood Hazard Boundary Map for the City of Palm Springs, Calif., in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** Date of this notice.  
**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 7th Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The text reads as follows:

§ 1920.7 Notice of Letter of Map Amendment.

Map No. H 060257 Panel 12, published on July 5, 1974, in 39 FR 24639, indicates

that Parcel No. 1, as shown on Parcel Map No. 7690, Palm Springs, Calif., as recorded in Plat Book 25, Pages 23 and 24, in the office of the Recorder of Riverside County, Calif., is within the Special Flood Hazard Area.

Map No. H 060257 Panel 12 is hereby corrected to reflect the above property is not within the Special Flood Hazard Area identified on June 21, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 28, 1977.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc 77-28307 Filed 9-29-77; 8:45 am]

[ 4210 01 ]

[Docket No. FI-308]

**PART 1920—PROCEDURE FOR MAP CORRECTION**

Letter of Map Amendment for the City of Santa Ana, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

**SUMMARY:** On July 5, 1974, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the city of Santa Ana, Calif. It has been determined by FIA, after further technical review of the Flood Hazard Boundary Map for the city of Santa Ana, Calif., in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** Date of this notice.  
**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of

the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

§ 1920.7 Notice of Letter of Map Amendment.

Map No. H 060232R Panel 04, published on July 5, 1974 in 39 FR 24639, indicates that Lots 36, 37, 39; 40, 41, 47, 48 and 50, Tract No. 8462, Santa Ana, Calif., as recorded in Book 336, Pages 47 and 48, in the office of the Clerk of Orange County, Calif., are within the Special Flood Hazard Area.

Map No. H 060232A Panel 04 is hereby corrected to reflect that the existing structures on the above property are not within the Special Flood Hazard Area identified on June 21, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: July 28, 1977.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc 77-28308 Filed 9-29-77; 8:45 am]

[ 4210-01 ]

[Docket No. FI-239]

**PART 1920—PROCEDURE FOR MAP CORRECTION**

Letter of Map Amendment for the Town of Cheshire, Conn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

**SUMMARY:** On April 11, 1974, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the town of Cheshire, Conn. It has been determined by FIA, after further technical review of the Flood Hazard Boundary Map for the town of Cheshire, Conn., in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** Date of this notice.  
**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance,

**RULES AND REGULATIONS**

202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The text reads as follows:

§ 1920.7 Notice of Letter of Map Amendment.

Map No. H 090074 Panel 07, published on April 11, 1974 in 39 FR 13146, indicates that property known as Phases I and II, Ives Hill Condominium, Cheshire, Conn., as recorded in Pocket No. 19, File No. 2, in the office of the Town Clerk of Cheshire, Conn., is within the Special Flood Hazard Area.

Map No. H 090074 Panel 07 is hereby corrected to reflect that the existing structures on the above property are not within the Special Flood Hazard Area identified on April 5, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: July 28, 1977.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc 77-28309 Filed 9-29-77; 8:45 am]

[ 4210-01 ]

[Docket No. FI-2427]

**PART 1920—PROCEDURE FOR MAP CORRECTION**

Letter of Map Amendment for the Town of Mansfield, Conn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

**SUMMARY:** On November 11, 1976, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the town of Mansfield, Conn. It has been determined by FIA, after further technical review of the Flood Hazard Boundary Map for the town of Mansfield, Conn., in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** Date of this notice.  
**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The text reads as follows:

§ 1920.7 Notice of Letter of Map Amendment.

Map No. H 090128A Panel 06, published on November 11, 1976 in 41 FR 49819, indicates that a parcel of land consisting of 2.83 acres on the northerly side of South Eagleville Road, located at 274 South Eagleville Road, Mansfield, Conn., as recorded in Volume 67, Page 564, in the office of the Town Clerk of Mansfield, Conn., is within the Special Flood Hazard Area.

Map No. H 090128A Panel 06 is hereby corrected to reflect that the existing structures on the above property are not within the Special Flood Hazard Area identified on October 29, 1976.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: August 30, 1977.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc 77-28110 Filed 9-29-77; 8:45 am]

[ 4210-01 ]

[Docket No. FI 70-6986]

**PART 1920—PROCEDURE FOR MAP CORRECTION**

Letter of Map Amendment for Honolulu County, Hawaii

AGENCY: Federal Insurance Administration, HUD.



**SUMMARY:** On June 5, 1970, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included Honolulu County, Hawaii. It has been determined by FIA, after further technical review of the Flood Hazard Boundary Map for the County of Honolulu, in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** Date of this notice.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 7th Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The text reads as follows:

**§ 1920.7 Notice of letter of map amendment.**

Map No. H 150001 Panel 45, published on June 5, 1970, in 35 FR 8732, indicates that 46-229 Kalali Street, being Lot 1502; 46-241 Kalali Street, being Lot 1499; 46-291 Kalali Street, being Lot 1488; and a portion of 46-186 Alaloe Street, being Lot 1445, Kaneohe, Hawaii, as shown on Map 128 of Land Court Application Number 1100, and a portion of 46-186 Alaloe Street, being Lot 19, Kaneohe, Hawaii, as shown on Map 4 of Land Court Application Number 1044, recorded in the Office of the Assistant Registrar of the Land Court of Hawaii, are within the Special Flood Hazard Area.

Map No. H 150001 Panel 45 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on June 5, 1970.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation

of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: August 30, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc 77-28311 Filed 9-29-77; 8:45 am]

**[ 4210-01 ]**

[Docket No. FI-410]

**PART 1920—PROCEDURE FOR MAP CORRECTION**

**Letter of Map Amendment for Anne Arundel County, Md.**

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** On November 29, 1974, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included Anne Arundel County, Md. It has been determined by FIA, after further technical review of the Flood Hazard Boundary map for the County of Anne Arundel, in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** Date of this notice.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 7th Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:**

If a property owner was required to purchase flood insurance as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The text reads as follows:

**§ 1920.7 Notice of Letter of Map Amendment.**

Map No. H 240008 Panel 77, published on November 29, 1974, in 39 FR 41504, indicates that Lots 4088, 4089, 4090, 4091,

and part of 4092, Third Map of Woodland Beach, also being 724 Shore Drive, Anne Arundel County, Md., as recorded in Platbook 8, Page 10, Plat Number 426 in the office of the Clerk of the Circuit Court of Anne Arundel County, Md., are within the Special Flood Hazard Area.

Map No. H 240008 Panel 77 is hereby corrected to reflect that the existing structure on the above-mentioned property is not within the Special Flood Hazard Area identified on November 15, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 28, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc 77-28312 Filed 9-29-77; 8:45 am]

**[ 4210-01 ]**

[Docket No. FI-410]

**PART 1920—PROCEDURE FOR MAP CORRECTION**

**Letter of Map Amendment for Anne Arundel County, Md.**

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** On November 29, 1974, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included Anne Arundel County, Md. It has been determined by FIA, after further technical review of the Flood Hazard Boundary map for the County of Anne Arundel, in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** Date of this notice.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the prop-

erty owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The text reads as follows:

**§ 1920.7 Notice of Letter of Map Amendment.**

Map No. H 240008 Panel 77, published on November 29, 1974, in 39 FR 41504, indicates that Lots 5052, 5053, and 5054, Woodland Beach Subdivision, Anne Arundel County, Md., as recorded in Liber 2786 of Deeds, Page 806, in the Office of the Clerk of the Circuit Court of Anne Arundel County, Md., are within the Special Flood Hazard Area.

Map No. H 240008 Panel 77 is hereby corrected to reflect that the existing structure on the above property is not within the Special Flood Hazard Area identified on November 15, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 28, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc 77-28313 Filed 9-29-77; 8:45 am]

**[ 4210-01 ]**

[Docket No. FI-410]

**PART 1920—PROCEDURE FOR MAP CORRECTION**

**Letter of Map Amendment for Anne Arundel County, Md.**

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** On November 29, 1974, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included Anne Arundel County, Md. It has been determined by FIA, after further technical review of the Flood Hazard Boundary map for the County of Anne Arundel, in light of additional recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** Date of this notice.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The text reads as follows:

**§ 1920.7 Notice of Letter of Map Amendment.**

Map No. H 240008 Panel 35, published on November 29, 1974, in 39 FR 41504, indicates that Lot 14 and the southernmost half of Lot 13, Sunset Knoll, as recorded in Liber 2759 of Deeds, Page 202, in the Office of the Clerk of Anne Arundel County, Md., are within the Special Flood Hazard Area.

Map No. H 240008 Panel 35 is hereby corrected to reflect that the existing structure on the above property is not within the Special Flood Hazard Area identified on November 15, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued August 30, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc 77-28314 Filed 9-29-77; 8:45 am]

**[ 4210-01 ]**

[Docket No. FI-2400]

**PART 1920—PROCEDURE FOR MAP CORRECTION**

**Letter of Map Amendment for the Town of Easton, Mass.**

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** On December 8, 1976, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the Town of Easton, Mass. It has been determined by FIA, after further technical re-

view of the Flood Hazard Boundary Map for the Town of Easton, Mass., in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard area, removes the requirement to purchase flood insurance for that property as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** Date of this notice.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The text reads as follows:

**§ 1920.7 Notice of Letter of Map Amendment.**

Map No. H 250053A Panel 05, published on December 8, 1976 in 41 FR 53667, indicates that Parcels A-1 through A-3, B-3, B-4 and D-6, Easton Industrial Park, Easton, Mass., as recorded in Book 154, Pages 143 through 145 in the office of the Register of the Bristol County Northern District Land Records, Mass., are within the Special Flood Hazard Area.

Map No. M 250053A Panel 05 is hereby corrected to reflect that Parcels A-1, A-2, B-4, and the portions of Parcels A-3, B-3, and D-6 which are located outside the recorded drainage easements, are not within the Special Flood Hazard Area identified on November 19, 1976.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: August 30, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc 77-28315 Filed 9-29-77; 8:45 am]

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## [ 4210-01 ]

[Docket No. FI-2291]

**PART 1920—PROCEDURE FOR MAP CORRECTION****Letter of Map Amendment for the City of Grand Island, Nebr.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

**SUMMARY:** On September 10, 1976, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the City of Grand Island, Nebr. It has been determined by FIA, after further technical review of the Flood Hazard Boundary Map for the City of Grand Island, Nebr., in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard area, removes the requirement to purchase flood insurance for that property as a condition of Federal or Federally related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** Date of this notice.  
**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or Federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The text reads as follows:

**§ 1920.7 Notice of Letter of Map Amendment.**

Map No. H 310103A Panel 08, published on September 10, 1976 in 41 FR 38500, indicates that Lots 3 through 6, O'Neill Second Subdivision, Grand Island, Nebr., as recorded in Book 104-B, Page 29, in the office of the Clerk of Hall County, Nebr., are within the Special Flood Hazard Area.

Map No. H 310103A Panel 08 is hereby corrected to reflect that the existing structures on Lots 3, 4, and 6 and the

southernmost structure on Lot 5 are not within the Special Flood Hazard Area identified on April 5, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: August 30, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc.77-28316 Filed 9-29-77; 8:45 am]

## [ 4210-01 ]

[Docket No. FI-106]

**PART 1920—PROCEDURE FOR MAP CORRECTION****Letter of Map Amendment for the Village of Ridgewood, N.J.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

**SUMMARY:** On August 24, 1973, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the village of Ridgewood, N.J. It has been determined by FIA, after further technical review of the Flood Hazard Boundary Map for the village of Ridgewood, N.J., in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** Date of this notice.  
**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or Federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The pre-

mium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The text reads as follows:

**§ 1920.7 Notice of letter of map amendment.**

Map No. H 340067 Panels 01 and 03, published on August 24, 1973 in 38 FR 22776, indicates that Lot 8, Block 3104, at 468 Van Buren Street, Ridgewood, N.J., as shown on the County Tax Map, is not within the Special Flood Hazard Area. This property is recorded as Lots 33, 34, and 35 in section 1, in Book 5556, Page 140, in the office of the Clerk of Bergen County, N.J.

Map No. H 340067 Panels 01 and 03 are hereby corrected to reflect the above property would be partially inundated by a flood having a one percent chance of occurrence in any given year, but that the existing structure on the property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: July 28, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc.77-28317 Filed 9-29-77; 8:45 am]

## [ 4210-01 ]

[Docket No. FI-297]

**PART 1920—PROCEDURE FOR MAP CORRECTION****Letter of Map Amendment for the City of Tahlequah, Okla.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

**SUMMARY:** On June 27, 1974, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the city of Tahlequah, Okla. It has been determined by FIA, after further technical review of the Flood Hazard Boundary Map for the city of Tahlequah, Okla., in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** Date of this notice.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or Federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The text reads as follows:

**§ 1920.7 Notice of letter of map amendment.**

Map No. H 400037A Panels 04 and 05, published on June 27, 1974, in 39 FR 23266, indicates that Lot 4, Block 2, Greenwood Estates, and Lot 7, Block 2, Greenwood Estates, Tahlequah, Okla., as recorded in Book 265, Page 308, and Book 258, Page 439, respectively, in the office of the Clerk of Cherokee County, Okla., are within the Special Flood Hazard Area.

Map No. H 400037A Panels 04 and 05 are hereby corrected to reflect that the existing structures on the above property are not within the Special Flood Hazard Area identified on June 14, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: July 28, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc.77-28318 Filed 9-29-77; 8:45 am]

## [ 4210-01 ]

[Docket No. FI-3012]

**PART 1920—PROCEDURE FOR MAP CORRECTION****Letter of Map Amendment for the City of Tulsa, Okla.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

**SUMMARY:** On June 29, 1977, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood

## [ 4210-01 ]

[Docket No. FI-2600]

**PART 1920—PROCEDURE FOR MAP CORRECTION****Letter of Map Amendment for the City of Arlington, Tex.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

**SUMMARY:** On February 14, 1977, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included Arlington, Tex. It has been determined by FIA, after further technical review of the Flood Insurance Rate map for the city of Arlington, in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or Federally related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** Date of this notice.  
**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or Federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The text reads as follows:

**§ 1920.7 Notice of Letter of Map Amendment.**

Map No. H & I 485454A Panel 12, published on February 19, 1977, in 42 FR 9118, indicates that a 4.041 acre tract of land out of the J. Huitt Survey, in the city of Arlington, Tarrant County, Tex., being a portion of the property recorded in Volume 4059, Page 429, of Deeds in the office of the Clerk of Tarrant County, Tex., is within the Special Flood Hazard Area.

Map No. H & I 485454A Panel 12 is hereby corrected to reflect that a portion

Hazard Areas. This list included the city of Tulsa, Okla. It has been determined by FIA, after further technical review of the Flood Insurance Rate Map for the city of Tulsa, Okla., in light of additional recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or Federally related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** Date of this notice.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or Federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The text reads as follows:

**§ 1920.7 Notice of letter of map amendment.**

Map No. H & I 405381B Panel 142, published on June 29, 1977, in 42 FR 33226, indicates that Lot 4, Block 11, Kirkdale Addition, located at 7301 S. 70th East Avenue, Tulsa, Okla., as recorded in Book 4081, Page 1730, in the office of the Clerk of Tulsa County, Okla., is within the Special Flood Hazard Area.

Map No. H & I 405381B Panel 142 is hereby corrected to reflect the above property is not within the Special Flood Hazard Area identified on July 30, 1976. The property is located in Zone B.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: August 30, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc.77-28319 Filed 9-29-77; 8:45 am]



of the above-mentioned 4.041 acre tract, which can be described as follows:

Beginning at a point being the Southwest corner of the J. Hult Survey, thence North 1,283 feet to a point, thence East 1,756.4 feet to a point, being the actual point of beginning; thence S. 88°53' E., approximately 303 feet to a point; thence S. 13° W., approximately 121 feet to a point; thence S. 5°30' E., approximately 203 feet to a point; thence N. 88°53' W., approximately 40 feet to a point; thence N. 01° 00' E., approximately 210.0 feet to a point; thence N. 88°53' W., approximately 259.28 feet to a point; thence N. 01° 00' E., approximately 1100 feet to a point, being the actual point of beginning.

is not within the Special Flood Hazard Area, but is in Zone B and C. This map amendment includes additional areas of the 4.041 acre tract of land within the Special Flood Hazard Area that are not shown on the presently effective Flood Insurance Rate Map.

The portion can be described as follows:

Beginning at a point being in the Southwest corner of the J. Hult Survey, thence North 1,283 feet to a point; thence East 1,756.4 feet to a point; thence S. 88°53' E., approximately 303 feet to a point; being the actual point of beginning.

Thence S. 88°53' E., approximately 65 feet to a point; thence S. 36°30' W., approximately 93 feet to a point; thence S. 68° E., approximately 146 feet to a point; thence S. 14° W., approximately 196 feet to a point; thence N. 88°53' W., approximately 105 feet to a point; thence N. 05°30' W., approximately 203 feet to a point; thence N. 13° E., approximately 121 feet to a point; being the actual point of beginning.

is within the Special Flood Hazard Area identified on July 23, 1971.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: July 28, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc 77-28320 Filed 9-29-77; 8:45 am]

#### [ 4210-01 ]

[Docket No. FI-440]

#### PART 1920—PROCEDURE FOR MAP CORRECTION

##### Letter of Map Amendment for Houston, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On December 27, 1974, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included Houston, Texas. It has been de-

termined by FIA, after further technical review of the Flood Hazard Boundary map for the city of Houston, in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or Federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: Date of this notice.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202-755-5581), or toll free line (800-424-8872), Room 5270, 451 Seventh St., SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or Federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The text reads as follows:

§ 1920.7 Notice of Letter of Map Amendment.

Map No. H 480296A Panel 138, published on December 27, 1974, in 49 FR 2190, indicates that 7655 Braeswood, Section One (P.U.D.) and Section Two (P.U.D.) Houston, Tex., as recorded in Plat Volume 203, Page 131, and Plat Volume 224, Page 141, respectively, in the Office of the Clerk of the County Court, Houston, Tex., is within the Special Flood Hazard Area.

Map No. H 480296A Panel 138 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on December 27, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: August 30, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc 77 28321 Filed 9-29-77; 8:45 am]

#### [ 4210-01 ]

[Docket No. FI-294]

#### PART 1920—PROCEDURE FOR MAP CORRECTION

##### Letter of Map Amendment for the City of Levelland, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On February 13, 1974, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included Levelland, Tex. It has been determined by FIA, after further technical review of the Flood Hazard Boundary map for the City of Levelland, in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: Date of this notice.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202-755-5581), or Toll Free Line (800-424-8872), room 5270, 451 Seventh St., SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The text reads as follows:

§ 1920.7 Notice of letter of map amendment.

Map No. H 480354A Panel 02, published on February 13, 1974, in 39 FR 5500, indicates that a portion of the property described as Tract No. 3 in the Warranty Deed, being on the Northwest side of the intersection of Highway 116 and Eagle Avenue, Levelland, Tex., as recorded in Volume 125, Page 51 of Deed Records, in the Office of the Clerk of the Court of Hockley County, Levelland, Tex., is within the Special Flood Hazard Area.

Map No. H 480354A Panel 02 is hereby corrected to reflect that the existing structure on the above property is not within the Special Flood Hazard Area identified on February 8, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: August 30, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc 77 28322 Filed 9-29-77; 8:45 am]

#### [ 4210-01 ]

[Docket No. FI-257]

#### PART 1920—PROCEDURE FOR MAP CORRECTION

##### Letter of Map Amendment for the City of Plano, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On May 6, 1974, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included Plano,

Texas. It has been determined by FIA, after further technical review of the Flood Hazard Boundary map for the City of Plano, in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: Date of this notice.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202-755-5581), or toll free line (800-424-8872), Room 5270, 451 Seventh St. SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has

been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The text reads as follows:

§ 1920.7 Notice of letter of map amendment.

Map No. H 480140 Panel 05, published on May 6, 1974, in 39 FR 15874, indicates that Lots 125 through 134, 166, 179, and 180 and the existing structures on Lots 135 and 136, Woodpark Phase I, Plano, Texas, as recorded in Volume 9, Page 60 of Plats in the Office of Map Plat Records of Collin County, Texas, are within the Special Flood Hazard Area.

Map No. H 480140 Panel 05 is hereby corrected to reflect that the above property, and the existing structures on Lots 135 and 136 of the above property are not within the Special Flood Hazard Area identified on May 10, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 28, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc 77-28323 Filed 9-29-77; 8:45 am]



Register  
Federal Paper

FRIDAY, SEPTEMBER 30, 1977  
PART IV



## DEPARTMENT OF COMMERCE

National Oceanic and  
Atmospheric Administration

■

### FISHERY PRODUCTS

Clarification and Recodification of  
U.S. Grade Standards

V421190  
SEP 30 77

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## [ 3510-12 ]

## Title 50—Wildlife and Fisheries

## CHAPTER II—NATIONAL MARINE FISHERIES SERVICE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION DEPARTMENT OF COMMERCE

## SUBCHAPTER G—PROCESSED FISHERY PRODUCTS, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

## U.S. STANDARDS FOR GRADES OF FISHERY PRODUCTS

## Recodification and Clarification

AGENCY: National Marine Fisheries Service, Commerce.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to recodify and clarify the Code of Federal Regulations that pertain to U.S. Standards for Grades of Fishery Products. The product quality standards have been reorganized into groups of similar products and new designations have been assigned to these groups.

EFFECTIVE DATE: September 28, 1977.

## FOR FURTHER INFORMATION CONTACT:

James R. Brooker, Seafood Quality and Inspection Division, National Marine Fisheries Service, Washington, D.C. 20235 (202) 634-7458.

SUPPLEMENTARY INFORMATION: On January 11, 1977, a notice was published in the FEDERAL REGISTER (42 FR 2326) relative to recodification of Parts 260 through 279 of Title 50 CFR. New part and subpart designations were identified. The following table indicates these changes.

New Part 50 CFR	Old Part 50 CFR
260 Subpart A.....	260
261 Subpart A.....	275
261 Subpart B.....	271
262 Subpart B.....	285
262 Subpart C.....	268
263 Subpart B.....	267
263 Subpart C.....	274
263 Subpart D.....	284
263 Subpart E.....	269
264 Subpart A.....	262
264 Subpart B (Reserved).....	278
264 Subpart C.....	279
264 Subpart D.....	277
264 Subpart E.....	266
264 Subpart F.....	261
264 Subpart G.....	276
265 Subpart A.....	272
265 Subpart B.....	262
266 Subpart A.....	273
265-279 (Reserved).....	—

Part 260 has been redesignated as Part 260 Subpart A, Inspection and Certification of Establishments and Fishery Products for Human Consumption. The section numbers for Part 260 Subpart A have not changed.

To clarify the recodification, the entire text of all the product quality standards is republished with the redesignated Parts and Subparts, and new section numbers. This republication will facilitate use of these standards, allow easier comparison of similar provisions among like products, and minimize confusion.

It has been determined that this document does not substantially affect any member of the public. Under the administrative procedures provisions in U.S.C. 553, it is found to be impracticable, and contrary to the public interest to delay the effectiveness of this rule until 30 days after publication in the FEDERAL REGISTER in that (1) no substantive rule or change in rule is involved and (2) recodification in the Code of Federal Regulations involves editorial and clarification changes only.

Dated: September 23, 1977.

ROBERT W. SCHONING,  
Director, National Marine  
Fisheries Service.

Accordingly, the U.S. Standards for Grades of Fish and Fishery Products are recodified as follows:

## PART 261—UNITED STATES STANDARDS FOR GRADES OF WHOLE OR DRESSED FISH

## Subpart A—United States Standards for Grades of Whole or Dressed Fish

Sec.	Scope and product description
261.101	Product forms.
261.102	Grades—quality factors
261.103	Determination of grade
261.104	Hygiene.

## Subpart B—United States Standards for Grades of Frozen Headless Dressed Whiting

Sec.	Description of the product
261.151	Grades of frozen headless dressed whiting.
261.152	Determination of the grade
261.161	Definitions and methods of analysis
261.171	Tolerances for certification of officially drawn samples.

AUTHORITY: 7 U.S.C. 1621-1630

## Subpart A—United States Standards for Grades of Whole or Dressed Fish

## § 261.101 Scope and product description.

This standard shall apply to whole or dressed fish, whether fresh or frozen, of any species suitable for use as human food and processed and maintained in accordance with good manufacturing practices.

## § 261.102 Product forms.

- (a) *Types.* (1) Fresh.
- (2) Frozen solid packs; glazed or unglazed.
- (3) Frozen individually; glazed or unglazed.
- (b) *Styles.* (1) Whole.
- (2) Dressed-eviscerated.
- (3) Head-on or headless.
- (4) With or without fins.
- (5) Skin-on scaled or unscaled; semi-skinned (epidermis removed) or skinless.
- (6) Other (as specified).

## § 261.103 Grades—quality factors.

(a) *U.S. Grade A.* Whole or dressed fish shall:

- (1) Possess good flavor and odor and;
- (2) Comply with the limits for defects for U.S. Grade A quality in accordance with § 261.104.

(b) *U.S. Grade B.* Whole or dressed fish shall:

- (1) Possess reasonably good flavor and odor and;

- (2) Comply with the limits for defects for U.S. Grade B quality in accordance with § 261.104.

(c) *Substandard.* Whole or dressed fish does not possess reasonably good flavor and odor and/or exceeds the limits for defects for U.S. Grade B quality in accordance with § 261.104.

## § 261.104 Determination of grade.

(a) *Procedures for grade determination.* The grade shall be determined by sampling in accordance with the sampling plan described in paragraph (b) of this section evaluating odor and flavor in accordance with paragraph (c) of this section examining for defects in accordance with paragraphs (d), (e) and (f) of this section and using the results to assign a grade as described in paragraph (g) of this section.

(b) *Sampling.* The sampling rate of specific lots for all inspections, other than for military procurement, shall be in accordance with the sampling plans contained in Part 260 of this chapter except that the sampling unit is ten (10) fish for fish weighing up to 10 pounds; fish weighing over ten (10) up to fifty (50) pounds—the sample unit shall be five (5) fish. For fish weighing over fifty (50) pounds, the sample unit shall be a minimum of three (3).

(c) *Evaluation of flavor and odor.* (1) Evaluation of the odor on each of the raw fish in the sample unit shall be carried out as follows:

(i) For the examination of small units, break the flesh or thawed sample either with the thumbs or by cutting with a knife in several places. Hold the cut or broken flesh close to the nose for evaluation.

(ii) For the examination of large units, a core may be used. Drill a hole into the hard frozen fish with a high-speed quarter inch drill. As soon as the drill is withdrawn, the hole and drillings are smelled.

(2) If the results of the raw odor evaluation indicate the existence of any off-odors, the sample shall be cooked by any of the methods set forth below to verify the flavor and odor.

(i) *Boil in bag method.* Insert the sample into a boilable film-type pouch; fold the open end of the pouch over a suspension bar and clamp in place to provide a loose seal after evacuating the air by immersing the pouch into boiling water. Cook the contents for 20 minutes (until the internal temperature of the product reaches 160 degrees F.).

(ii) *Steam method.* Wrap the sample in a single layer of aluminum foil, and place on a wire rack suspended over boiling water in a covered container. Steam the packaged product for 20 minutes.

(iii) *Bake method.* Package the product as previously described. Place the packaged product on a flat cookie sheet or shallow flat-bottom pan of sufficient size so that the packages can be evenly spread on the sheet or pan. Place the pan and frozen contents in a properly ven-

tilated oven preheated to 400 degrees F. for 20 minutes.

(3) The amount of material to be cooked shall be based on the results of the raw odor evaluation. A minimum of 25 percent of the sample except that not less than 3 sample units shall be used.

(d) *Examination for physical defects.* Each of the fish in the sample will be examined for defects using the list of defect definitions, and the defects noted and categorized as minor, major, and serious in accordance with Table 1.

(e) *Definitions of defects in whole or dressed fish.* (1) "Abnormal condition" means that the normal physical and/or chemical structure of the fish flesh has been sufficiently changed so that the usability and/or desirability of the fish is adversely affected. It includes, but is not limited to, the following examples:

(i) *Jellied*—refers to the abnormal condition wherein a fish is partly or wholly characterized by a gelatinous, glossy, translucent appearance.

(ii) *Milky*—refers to the abnormal condition wherein a fish is partly or wholly characterized by a milky-white, excessively mush, pasty, or fluidized appearance.

(iii) *Chalky*—refers to an abnormal condition wherein a fish is partly or wholly characterized by a dry, chalky, granular appearance, and fiberless structure.

(A) *Moderate*—refers to a condition that is distinctly noticeable but does not seriously affect the appearance, desirability and/or the eating quality of the product.

(B) *Excessive*—refers to a condition which is both distinctly noticeable and seriously objectionable.

(2) "Appearance defects" shall refer to the overall general appearance of the fish (consistency of the flesh, odor, eyes, gills, and skin) and presence of excessive blood or drip and appearance of the package.

(i) *Slight*—refers to an appearance defect that is slightly noticeable but does not seriously affect the appearance, desirability, and/or eating quality of the fish.

(ii) *Moderate*—refers to an appearance defect that is conspicuously noticeable but does not seriously affect the appearance, desirability, and/or eating quality of the fish.

(iii) *Excessive*—refers to an appearance defect that is conspicuously noticeable and that does seriously affect the appearance, desirability and/or eating quality of the fish.

(3) "Discoloration" refers to any color not characteristic of the species used.

(i) *Slight*—refers to the area affected by discoloration of significant intensity involving up to 10 percent of the total area.

(ii) *Moderate*—refers to the area affected by discoloration of significant intensity involving over 10 percent and up to 50 percent of the total area.

(iii) *Excessive*—refers to the area affected by discoloration of significant intensity involving over 50 percent of the total area.

(4) "Dehydration" refers to loss of moisture from fish surfaces during frozen storage. For skin-on fish, dehydration shall be evaluated by degree of dullness and shrinkage.

(i) *Slight dehydration*—is surface color masking affecting more than 3 percent of the area which can be readily removed by scraping with a blunt instrument.

(ii) *Moderate dehydration*—is deep color masking penetrating the flesh, affecting less than 3 percent of the area, and requiring a knife or other sharp instrument to remove.

(iii) *Excessive dehydration*—is deep color masking penetrating the flesh, affecting more than 3 percent of the area, and requiring a knife or other sharp instrument to remove.

(5) "Surface defects" shall refer to the following where applicable:

(i) *Scales.* An occurrence of attached or loose scales in any sample unit (where applicable).

(ii) *Blood spot.* An accumulation of coagulated opaque, masses of blood on a fish.

(iii) *Fins or pieces of fin.* An occurrence or absence of attached or loose fins or pieces of fin in any sample unit (where applicable). Dorsal spine shall be removed (where applicable).

(iv) *Skin.* The presence of the dark or light inner layers of skin for skinless. For semiskinned, reference is to the presence of the dark outside layers.

(v) *Bruises.* An accumulation of damaged portions of fish muscle, red and opaque in appearance (on a fish).

(vi) *Damage to protective coating* refers to voids in ice-glaze or tears in covering membrane, also to breaks or splits in the skin which are readily discernible and not normally part of the processing.

(6) "Cutting and trimming defects" refers to the following:

(i) *Body cavity cuts*—refers to misplaced cuts made during evisceration.

(ii) *Improper heading* (as specified)—refers to the presence of pieces of gills, gill cover, pectoral fins (spine), or collarbone after the fish have been headed. No ragged cuts should be evident after heading.

(iii) *Evisceration defects*—refers to inadequate cleaning of the belly cavity of the fish. All viscera, kidney (where applicable), spawn, and blood should be removed.

(A) *Slight degree of improper evisceration and improper heading* refers to a condition that is scarcely noticeable but does not affect the appearance, desirability, and/or eating quality of the fish.

(B) *Moderate degree of improper evisceration and improper heading* refers to a condition that is conspicuously noticeable but does not seriously affect the appearance, desirability, and/or eating quality of the fish.

(C) *Excessive degree of improper evisceration* refers to a condition that is conspicuously noticeable and that seriously affect the appearance, desirability, and/or eating quality of the fish.

(iv) *Improper washing*—inadequate removal of slime, blood, and bits of viscera from the surface of the fish and from the body cavity.

(v) *Belly burn*—an enzymatic action on the flesh causing a burned or discolored appearance.

(7) "Texture defects" texture of the cooked fish; not characteristic of the species.

(i) *Slight*—fairly firm, only slightly tough or rubbery, does not form a fibrous mass in the mouth, moist but not mushy.

(ii) *Moderate*—moderately tough or rubbery, has noticeable tendency to form a fibrous mass in the mouth, moist but not mushy.

(iii) *Excessive*—excessively tough or rubbery, has marked tendency to form a fibrous mass in the mouth, or is very dry or very mushy.

(f) *Categorization of physical defects.*

TABLE 1

Types	Physical defects	Degree	Categories		
			Minor	Major	Serious
Abnormal condition.....	Moderate.....			201	301
	Excessive.....				
Appearance defects.....	Slight.....		102	202	
	Moderate.....				302
	Excessive.....				
Discoloration.....	Slight.....		103	203	303
	Moderate.....				
	Excessive.....				
Dehydration.....	Slight—more than 3 percent area affected and easily removed.....		104		
	Moderate—less than 3 percent area affected but difficult to remove.....			204	
	Excessive—greater than 3 percent area affected.....				304
Surface defects.....	Slight—5 to 10 percent area affected.....		105		
	Moderate—greater than 10 percent area affected.....			205	
Cutting and trimming defects.....	Body cavity cuts.....		106		
	Improper heading.....				
	Slight.....		107		
	Moderate.....			206	
	Evisceration defects.....				
	Slight.....		108		
	Moderate.....			207	
	Excessive.....				305
	Improper washing.....		109		
	Belly burn.....			208	
Texture defects.....	Slight.....		110		
	Moderate.....			209	
	Excessive.....				306

NOTE.—The code numbers shown in the above table are for identification of defects for recording purposes only and are keyed to the nature and severity of the defect. They are not scores.



(g) **Grade assignment.** (1) Each fish in a sample unit will be assigned the grade into which it falls in accordance with the limits for defects, summarized as follows:

Flavor and odor		Maximum number of physical defects permitted		
		Minor	Major	Serious
Grade A....	Good.....	3	0	
Grade B....	Reasonably good..	5	1	

(2) Upon determination of grade of each fish in each sample unit, the sample will be designated a grade as follows:

(i) **Grade A.**

Number of subsample units (fish)	Minimum number of grade A fish	Maximum number of grade B fish	Maximum number of substandard
10 (up to 10 lb.).....	8	2	0
5 (10-50 lb.).....	4	1	0
3 (over 50 lb.).....	3	0	0

(ii) **Grade B.**

Number of subsample units (fish)	Minimum number of grade B fish	Maximum number of substandard
10 (up to 10 lb.).....	8	2
5 (10-50 lb.).....	4	1
3 (over 50 lb.).....	3	0

(iii) **Substandard.** Any fish not meeting the minimum requirements for Grade B quality.

(3) Upon determination of the grade for each sample unit a lot of whole or dressed fish shall be assigned that grade in which:

(i) For physical defects, the number of sample units in the next lower grade does not exceed the acceptance number for deviants prescribed in Part 260.61 of the sampling plan, Table II, of Title 50; and

(ii) Not more than 5 percent of the fish in the sample (total fish examined per lot) are in the next lower grade for odor and/or flavor.

**Note:** Sampling for inspection for military procurement shall be in accordance with MIL-STD-105. Lot size shall be expressed in terms of pounds. The sample size shall be in accordance with Inspection Level S-3. Acceptable Quality Levels shall be expressed in terms of defects per hundred units. The AQL's shall be 6.5 for minor and 4.0 for major.

§ 261.105 **Hygiene.**

Whole or dressed fish shall be processed and maintained in accordance with the applicable requirements of the regulations contained in §§ 260.96 to 260.103 of this chapter and of the good manufacturing practice regulations contained in 21 CFR Part 128.

**Subpart B—United States Standards for Grades of Frozen Headless Dressed Whiting**

§ 261.151 **Description of the product.**

The product described in this part consists of clean, wholesome whiting (silver hake) *merluccius bilinearis*, *merluccius*

*albidus*; completely and cleanly headed and adequately eviscerated. The fish are packaged and frozen in accordance with good commercial practice and are maintained at temperatures necessary for the preservation of the product.

§ 261.152 **Grades of frozen headless dressed whiting.**

(a) "U.S. Grade A" is the quality of frozen headless dressed whiting that (1) possess a good flavor and odor and that (2) for those factors that are rated in accordance with the scoring system outlined in this part, have a total score of 85 to 100 points.

(b) "U.S. Grade B" is the quality of frozen headless dressed whiting that (1) possess at least reasonably good flavor and odor and that (2) rate a total score of not less than 70 points for those factors of quality that are rated in accordance with the scoring system outlined in this part.

(c) "Substandard" or "Utility" is the quality of frozen headless dressed whiting that meet the requirements of § 261.151 but that otherwise fail to meet the requirements of "U.S. Grade B."

§ 261.161 **Determination of the grade.**

In a plant under USDC Contract Inspection the grade is determined by

examining the product for factors 1-10 in the thawed state and factor 11 in the cooked state. For lot inspection, examination of the product for factors 1, 2, and 3 is carried out in the frozen state and 4-10 in the thawed state. Factor 11 is examined in the cooked state.

(a) **Factors rated by score points.** Points are deducted for variations in the quality of each factor in accordance with the schedule in Table 1. The total of points deducted is subtracted from 100 to obtain the score. The maximum score is 100; the minimum score is 0.

(b) **Factors not rated by score points.** The factor of "flavor and odor" is evaluated organoleptically by smelling and tasting after the product has been cooked in accordance with § 261.171.

(1) Good flavor and odor (essential requirements for a U.S. Grade A product, means that the cooked product has the typical flavor and odor of the species and is free from rancidity, bitterness, staleness, and off-flavors and off-odors of any kind.

(2) Reasonably good flavor and odor (minimum requirements of a U.S. Grade B product) means that the cooked product is lacking in good flavor and odor, but is free from objectionable off-flavors and off-odors of any kind.

TABLE 1.—SCHEDULE OF POINT DEDUCTIONS PER SAMPLE  
FROZEN STATE (LOT INSPECTION ONLY)

Factors scored	Method of determining score	Deduct
1 Arrangement of product <sup>1</sup> .....	Small degree: 10 percent of fish twisted or bellies and backs not facing the same direction. Large degree: More than 10 percent of fish twisted, void present or some fish cross packed.	2 4
2 Condition of packaging (overall assessment).....	Poor: Packaging material has been soaked, softened or deteriorated.	2
3 Dehydration.....	Small degree: Slight dehydration of the exposed surfaces..... Large degree: Deep dehydration of the exposed surfaces.....	2 5

THAWED STATE

Factors scored	Method of determining score	Deduct
4 Minimum size: Fish 2 oz. or over are of acceptable size.....	Number of fish less than 2 oz. per lb. Over 0—not over 0.5..... Over 0.5—not over 1.0..... Over 1.0—not over 2.0..... Over 2.0.....	5 10 20 30
5 Uniformity: Weight ratio of fish remaining. The 10 percent largest fish divided by the 10 percent smallest fish. <sup>1</sup>	Weight ratio 10 percent smallest and 10 percent largest: Over 2.0—not over 2.4..... Over 2.4—not over 2.8..... Over 2.8—not over 3.2..... Over 3.2—not over 3.6..... Over 3.6.....	2 4 6 10 20
6 Heading <sup>1</sup> .....	Small degree: 10 percent of fish carelessly cut..... Moderate degree: Over 10 percent of fish carelessly cut.....	5 15
7 Evisceration (overall assessment).....	Small degree: Slight evidence of viscera..... Moderate degree: Moderate amounts of viscera, spawn, etc..... Large degree: Large amounts of viscera, spawn, etc.....	2 10 20
8 Scaling <sup>1</sup> .....	Small degree: 10 percent of fish not well scaled..... Large degree: Over 10 percent of fish not well scaled.....	2 5
9 Color of the exposed surfaces (overall assessment).....	Small degree: Minor darkening, dulling..... Large degree: Objectionably dark, brown, dull.....	2 5
10 Bruises and split or broken skin.....	Presence of bruises and/or broken or split skin per pound: Over 0—not over 0.5..... Over 0.5—not over 1.0..... Over 1.0—not over 1.5..... Over 1.5—not over 2.0..... Over 2.0.....	1 2 4 7 10
11 Texture: (overall assessment).....	Small degree: Moderately dry, tough, mushy, rubbery, watery, stringy. Large degree: Excessively dry, tough, mushy, rubbery, watery, stringy.	5 15

<sup>1</sup> 10 percent of fish refers to 10 percent by count rounded to nearest whole fish.

§ 261.171 **Definitions and methods of analysis.**

(a) **Selection of the sample unit.** The sample unit consists of the primary container and its entire contents. The whiting are examined according to Table 1. Definitions of factors for point deductions are as follows:

(b) **Examination of sample, frozen state.** When this product is examined under USDC Contract Inspection, the samples are examined for factors 1, 2, and 3 in Table 1 in the thawed state. When the product is lot inspected, the samples are examined for factors 1, 2, and 3 in Table 1 in the frozen state.

(1) "Arrangement of product" refers to the packing of the product in a symmetrical manner, bellies or backs all facing in the same direction, fish neatly dovetailed.

(2) "Condition of the packaging material" refers to the condition of the cardboard or other packaging material of the primary container. If the fish is allowed to stand after packing and prior to freezing moisture from the fish will soak into the packaging material and cause deterioration of that material.

(3) "Dehydration" refers to the presence of dehydrated (water-removed) tissue on the exposed surfaces of the whiting. Slight dehydration is surface dehydration which is not color-masking. Deep dehydration is color-masking and cannot be removed by scraping with a fingernail.

(c) **Examination of sample, thawed state.** Thawed state means the state of the product after being thawed. Thawing the sample is best accomplished by enclosing the sample in a film type bag and immersing in an agitated water bath held at 68° F., ±2° F. Allow the product to remain immersed until thawed. Alternatively when the facilities are lacking for water thawing, the sample may be thawed by slacking it out at a temperature between 30° to 40° F. on an aluminum tray from 2 hours for a 1½-pound sample to 8 hours for a 10-pound sample.

(1) "Minimum size" refers to the size of the individual fish in the sample. Fish 2 ounces or over are considered acceptable. Smaller fish cannot be cooked uniformly with acceptable size fish. Separate the fish of unacceptable size, divide their number by the weight of the sample in pounds, and apply to Table 1. Example—four fish of unacceptable size in a 5-pound package is ⅘ = 0.8, a 10 point deduction.

(2) "Uniformity." From the fish remaining, select by count 10 percent (minimum of one fish) of the largest and 10 percent (minimum of one fish) of the smallest and divide the largest weight by the smallest weight to get a weight ratio.

(3) "Heading" refers to the condition of the fish after they have been headed. The fish should be cleanly headed behind the gills and pectoral fins. No gills, gill bones, or pectoral fins should remain after the fish have been headed.

(4) "Evisceration" refers to the cleaning of the belly cavities of the fish. All spawn, viscera, and belly strings should be removed.

(5) "Scaling" refers to the satisfactory removal of scales from the fish.

(6) "Color of the cut surfaces" refers to the color of the cut surfaces of the fish after heading and other processing.

(7) "Bruises and broken or split skin" refers to bruises over one-half square inch in area and splits or breaks in the skin more than one-half inch in length which are not part of the processing.

(d) **Examination of sample, cooked state.** Cooked state means the state of the sample after being cooked. Cooking the sample is best accomplished by inserting the sample into a film type bag and submerging it into boiling water for from 18-20 minutes. A minimum of three fish per sample unit shall be cooked.

(1) "Texture defects" refers to the absence of normal textural properties of the cooked fish flesh, which are tenderness, firmness, and moistness without excess water. Texture defects are dryness, softness, toughness, and rubbery-ness.

(e) **General definitions.**

(1) **Small** (overall assessment) refers to a condition that is noticeable but is only slightly objectionable.

(2) **Moderate** (overall assessment) refers to a condition that is distinctly noticeable but is not seriously objectionable.

(3) **Large** (overall assessment) refers to a condition which is both distinctly noticeable and seriously objectionable.

§ 261.175 **Tolerances for certification of officially drawn samples.**

The sample rate and grades of specific lots shall be certified in accordance with Part 260 Subpart A of this chapter. (Regulations Governing Processed Fishery Products.)

**PART 262—UNITED STATES STANDARDS FOR GRADES OF FISH STEAKS**

**Subpart A—[Reserved]**

**Subpart B—United States Standards for Grades of Frozen Halibut Steaks**

Sec.	
262.151	Product description.
262.152	Styles of frozen halibut steaks.
262.153	Grades of frozen halibut steaks.
262.156	Recommended dimensions.
262.161	Ascertaining the grade.
262.171	Definitions and methods of analysis.
262.175	Tolerances for certification of officially drawn samples.
262.181	Score sheet for frozen halibut steaks.

**Subpart C—United States Standards for Grades of Frozen Salmon Steaks**

Sec.	
262.201	Product description.
262.202	Styles of frozen salmon steaks.
262.203	Grades of frozen salmon steaks.
262.206	Recommended dimensions.
262.211	Ascertaining the grade.
262.221	Definitions.
262.225	Tolerances for certification of officially drawn samples.
262.231	Score sheet for frozen salmon steaks.

AUTHORITY: 7 U.S.C. 1621-1630.

**Subpart A—[Reserved]**

**Subpart B—United States Standards for Grades of Frozen Halibut Steaks**

§ 262.151 **Product description.**

Frozen halibut steaks are clean, wholesome units of frozen raw fish flesh with normally associated skin and bone and are 2 ounces of more in weight. Each steak has two parallel surfaces and is derived from whole or subdivided halibut slices of uniform thickness which result from sawing or cutting perpendicularly to the axial length, or backbone, of a whole halibut. The steaks are prepared from either frozen or unfrozen halibut (*Hippoglossus* spp.) and are processed and frozen in accordance with good commercial practice and are maintained at temperatures necessary for the preservation of the product.

§ 262.152 **Styles.**

(a) **Style I, random weight pack.** The individual steaks are of random weight and neither the weight nor the range of weights are specified.

(b) **Style II, uniform weight or portion pack.** All steaks in the package or in the lot are of a specified weight or range of weights.

§ 262.153 **Grades.**

(a) "U.S. Grade A" is the quality of frozen halibut steaks which possess good flavor and odor, and that for those factors which are rated in accordance with the scoring system outlined in the following sections the total score is not less than 85 points.

(b) "U.S. Grade B" is the quality of frozen halibut steaks which possess at least reasonably good flavor and odor, and that for those factors which are rated in accordance with the scoring system outlined in the following sections the total score is not less than 70 points.

(c) "Substandard" is the quality of frozen halibut steaks which fail to meet the requirements of the "U.S. Grade B."

§ 262.156 **Recommended dimensions.**

(a) The recommended dimensions of frozen halibut steaks are not incorporated in the grades of the finished product since dimensions, as such, are not factors of quality for the purpose of these grades. However, the degree of uniformity of thickness among units of the finished product is rated since it is a factor affecting the quality and utility of the product.

(b) It is recommended that the thickness (smallest dimension) of individually frozen halibut steaks be not less than ½ inch and not greater than 1¼ inches.

§ 262.161 **Ascertaining the grade.**

The grade is ascertained by observing the product in the frozen, thawed, and cooked states and is evaluated by consideration of the following:

(1) **Factors rated by score points.** The quality of the product with respect to scored factors is expressed numerically. Cumulative point deductions are



assessed for variations of quality for each factor in accordance with the schedule in Table I, in the frozen, thawed, and cooked states. The total deduction is subtracted from the maximum possible score of 100 to obtain the product score.

(2) *Factors not rated by score points.* The factors of flavor and odor are evaluated organoleptically in the cooked state for both the light and dark meat (surface fat) and are defined as follows:

(i) *Good flavor and odor.* "Good flavor and odor" (essential requirement for Grade A) means that the fish flesh has the good flavor and odor characteristics of halibut, and is free from rancidity and from off-flavors and off-odors.

(ii) *Reasonably good flavor and odor.* "Reasonably good flavor and odor" (minimum requirement for Grade B) means

that the fish flesh may be somewhat lacking in the good flavor and odor characteristic of halibut, is reasonably free of rancidity, and is free from objectionable off-flavors and off-odors.

(iii) *Substandard flavor and odor.* "Substandard flavor and odor" (Substandard grade) means that the flavor and odor fail to meet the requirements of "reasonably good flavor and odor."

(3) *Determination of final product grade.* The final product grade is derived on the basis of both the product score as determined by the "factors rated by score points" and the grade requirements of flavor and odor as defined under "factors not rated by score points." The lower of the two determines the final grade.

TABLE I—SCHEDULE OF POINT DEDUCTIONS FOR FACTORS RATED BY SCORE POINTS<sup>1</sup>

Factor	Description of quality variation	Deduct
Frozen	Per steak	
	1. Dehydration <sup>2</sup> .....	1
	Surface area affected:	
	Less than 1 square inch but obvious.....	2
	1 to 2 square inches.....	3
	Above 2 square inches.....	4
	2. Percentage glaze.....	0
	Over 0.0, not over 0.0 percent by weight of sample unit.....	1
	Over 0.0, not over 0.0.....	2
	Over 0.0, not over 0.0.....	3
Thawed	3. Uniformity of thickness.....	2
	For each 1/8 inch above 1/4 inch variation in steak thickness (maximum total deduction permitted 6 points per sample unit).....	
	4. Uniformity of weight and minimum weight.....	4
	Style I—Random weight.—Use either (a) or (b), whichever gives a greater deduction:	
	(a) For each steak less than 3.0 ounces in weight per sample package.....	1/2
	(b) For each 0.1 ounce below 4.0 ounces in average steak weight per sample.....	2
	Style II—Uniform weight or portions.—For each full 1 percent of the steaks deviating by more than 0.6 ounce from the specified portion weight or the average of the specified portion range (per sample package).....	
	5. Workmanship—Defects of: Cutting, collar bone, loose skin, fine, blood spots, bruises, foreign material, backbone, cartilage, sawdust.....	1
	Excessive.....	2
	(For each defect, per occurrence, per sample package or per 2 pounds for packages over 2 pounds net weight.).....	
Cooked	6. Color defects:.....	
	(Per sample unit).....	
	(a) Discoloration of drip liquor.....	1
	Slight.....	2
	Moderate.....	3
	Excessive.....	
	(b) Discoloration of light meat <sup>3</sup> .....	1
	Slight.....	2
	Moderate.....	3
	Excessive.....	
	(c) Discoloration of dark meat <sup>3</sup> .....	1
	Slight.....	2
	Moderate.....	3
	Excessive.....	
	(d) Non-uniformity of color.....	1
	Slight.....	2
	Moderate.....	3
	Excessive.....	
	7. Honeycombing <sup>3</sup> .....	1/2
	Surface area affected:.....	
	25 to 50 percent.....	1
	51 to 75 percent.....	2
	76 to 100 percent.....	3
	8. Texture defect <sup>3</sup> (tough, dry, fibrous, or watery).....	1
	Slight.....	2
	Moderate.....	3
	Excessive.....	

<sup>1</sup> This schedule of point deductions is based on the examination of sample units composed of: (a) An entire sample package and its contents (for retail sized packages) or (b) a representative subsample consisting of three or more halibut steaks taken from each sample package (for institutional sized packages), except that the entire sample package shall be examined for factor 4.

<sup>2</sup> Point deductions for these factors are based on a 3-steak sample unit. For samples containing other than 3 steaks per sample unit or per package, multiply the results by the correction factor  $\frac{3}{n}$  where n equals the number of steaks.

§ 262.171 Definitions and methods of analysis.

(a) "Percentage glaze" on halibut steak means the percent by weight of frozen coating adhering to the steak surfaces and includes the frost within the package. It is determined by the method described below or by methods giving equivalent results.

(i) *Equipment needed.* (1) Source of cold tap water with aerated faucet.

(ii) Balance accurate to 0.1 gm.; or 0.01 ounce.

(iii) Paper towels.

(iv) Small knife.

(2) *Procedure.* (i) Weigh package in overwrap and all its contents (A).

(ii) Remove steaks and loose frost; weigh dry packaging (B).

(iii) The difference in weight, A-B represents weight of steaks plus glaze (C).

(iv) Remove glaze from halibut steaks.

(a) Adjust tap water to a flow rate of about 3 quarts/min. through an aerated faucet.

(b) Direct 50° to 60° F. tap water onto skin side of steak while gently feeling and rubbing cut surfaces with finger tips (if necessary, temperatures up to 80° F. may be used but require closer control).

(c) When all glaze is removed from cut flesh surface, as evidenced by absence of slick feel to fingers, remove steak from water.

(d) Rapidly remove excess water with single paper towel before it has time to refreeze on the steak, and flick off residual skin glaze by knife or hand.

(e) Repeat steps (b), (c), and (d) on each steak in package or sample unit.

(f) Weigh deglazed halibut steaks (D, actual net weight of sample).

(Steps (a) through (f) of this subdivision are completed within 3 minutes.)

(v) Calculate percentage glaze: Percentage glaze =  $\frac{C-D}{D} \times 100$ .

(b) "Cooked state" means that the thawed product has been cooked in a suitable manner which is defined as being heated submerged in boiling water, unseasoned, and in a boilable film type pouch for 10 minutes. (Steaks over 1 inch in thickness may require 5 additional minutes for heating.)

(c) Uniformity of thickness means that the thickness is substantially the same for one or more steaks within a package or sample unit.

(d) Color defects:

(1) "Discoloration of drip liquor" means that the free liquid which drains from the thawed steaks is discolored with blood residue usually from the dorsal aorta of the halibut.

(2) "Discoloration of light meat" means that the normal flesh color of the main part of the halibut steak has darkened due to deteriorative influences.

(3) "Discoloration of the dark meat" means that the normal color of the surface fat shows increasing degrees of yellowing due to oxidation.

(4) "Nonuniformity of color" refers to noticeable differences in color on a single steak or between adjacent steaks in the same package.

(e) "Dehydration" refers to the appearance of a whitish area on the surface of a steak due to the removal of water or drying of the affected area.

(f) "Honeycombing" refers to the visible appearance of numerous discrete holes or openings of varying size on the steak surface.

(g) "Workmanship defects" refers to appearance defects that were not eliminated during processing and are considered either objectionable or poor commercial practice.

(h) "Texture defect" refers to an undesirable increase in toughness and/or dryness, fibrousness, and watery nature of halibut examined in the cooked state.

§ 262.175 Tolerances for certification of officially drawn samples.

The sample rate and grades of specific lots shall be certified on the basis of Part 260 Subpart A of this chapter. (Regulations Governing Processed Fishery Products.)

§ 262.181 Score sheet for frozen halibut steaks.

Label	GENERAL
Size and kind of container.....	
Container mark or identification.....	
Size of lot.....	
Number of samples.....	
Actual net weight (ounces).....	
Number of steaks per container.....	
Product style.....	

Scored factors (table 1)	Deductions
Frozen:	
1. Dehydration.....	
2. Percentage glaze.....	
3. Uniformity of thickness.....	
4. Uniformity of weight.....	
Thawed:	
5. Workmanship.....	
6. Color defects.....	
7. Honeycombing.....	
Cooked:	
8. Texture.....	
Total deductions.....	
Rating for scored factors (100—Total deductions).....	

Unscored factors	Rating
Cooked:	
a. Odor.....	
b. Flavor (light meat).....	
(dark meat).....	
Flavor and odor rating.....	
Final grade.....	

Subpart C—United States Standards for Grades of Frozen Salmon Steaks

§ 262.201 Product description.

Frozen salmon steaks are clean, wholesome units of frozen raw fish flesh with normally associated skin and bone and are 2.5 ounces or more in weight. Each steak has two parallel surfaces and is derived from whole or subdivided salmon slices of uniform thickness which result from sawing or cutting dressed salmon perpendicularly to the axial length, or backbone. The steaks are prepared from either frozen or unfrozen salmon (*Oncorhynchus* spp.) and are processed and frozen in accordance with good com-

mercial practice and are maintained at temperatures necessary for the preservation of the product. The steaks in an individual package are prepared from only one species of salmon.

(a) *Species.* Frozen salmon steaks covered by this standard are prepared from salmon of any of the following species:

Silver or coho (*O. kisutch*).  
Chum or keta (*O. keta*).  
King, chinook, or spring (*O. tshawytscha*).  
Red, sockeye (*O. nerka*).  
Pink (*O. gorbuscha*).

§ 262.202 Styles.

(a) *Style I—Random weight pack.* The individual steaks are of random weight and neither the individual steak weight nor the range of weights is specified. The steaks in the lot represent the random distribution cut from the head to tail of a whole dressed salmon.

(b) *Style II—Random weight combination pack.* The individual steaks are of random weight and neither the individual steak weight nor range of weights is specified. The steaks in the lot represent a combination of cuts from selected parts of the whole dressed salmon.

(c) *Style III—Uniform weight or portion pack.* All steaks in the package or in the lot are of a specified weight or range of weights.

§ 262.203 Grades.

(a) "U.S. Grade A" is the quality of frozen salmon steaks that possess good flavor and odor, and that for those factors which are rated in accordance with the scoring system outlined in the following sections the total score is not less than 85 points.

(b) "U.S. Grade B" is the quality of frozen salmon steaks that possess at least reasonably good flavor and odor, and that for those factors which are rated in accordance with the scoring system outlined in the following sections the total score is not less than 70 points.

(c) "Substandard" is the quality of frozen salmon steaks that fail to meet the requirements of the "U.S. Grade B."

§ 262.206 Recommended dimensions.

(a) The recommended dimensions of frozen salmon steaks are not incorporated in the grades of the finished product since dimensions, as such, are not factors of quality for the purpose of these grades. However, the degree of uniformity of thickness among units of the finished product is rated since it is a factor affecting the quality and utility of the product.

(b) It is recommended that the thickness (smallest dimension) of individually frozen salmon steaks be not less than 1/2 inch and not greater than 1 1/2 inches.

§ 262.211 Ascertaining the grade.

The grade is ascertained by observing the product in the frozen, thawed, and cooked states and is determined by consideration of the following:

(a) *Factors rated by score points.* The quality of the product with respect to all factors is scored numerically. Cumulative point deductions are assessed for variations of quality for the factors in accordance with the schedule in Table I, in the frozen, thawed, and cooked states. The total deduction is subtracted from the maximum possible score of 100 to obtain the "product score."

(b) *Factors governed by "limiting rule".* The factors of flavor and odor, in addition to being rated by score points, are further considered for compliance with the "limiting rule" grade requirements of flavor and odor in Table I, as defined under Definitions § 262.221 (g) (9).

(c) *Determination of the final product grade.* The final product grade is derived on the basis of both the "product score" and the "limiting rule" grade requirements of flavor and odor, per Table I.

TABLE I—SCHEDULE OF POINT DEDUCTIONS FOR FACTORS RATED BY SCORE POINTS<sup>1</sup>

Scored factors	Description of quality variation	Deduct
FROZEN		
1. General appearance defects.....	Per occurrence:	
	Slight.....	1-2
	Moderate.....	3-4
	Excessive.....	5-10
2. Dehydration.....	(Per occurrence) for each 1 sq. inch of surface area.....	1
3. Uniformity of thickness.....	For each 1/8 inch above 1/4 inch variation tolerance in steak thickness (max. deduction: 6 points).....	2
4. Uniformity of weight and minimum weight.....	Style I & II—Random weight. For each steak between 2.5 and 3.0 ounces in weight per package, or per pound of product for packages over 1 pound net wt.....	4
	Style III—Uniform weight or portion. For each 0.1 ounce beyond the 0.1 ounce tolerance of the specified portion weight range per 5 lbs. of product.....	1
THAWED		
5. Workmanship defects: Blood spots, bruises, cleaning, cutting, fine, foreign material, collar bone, girdle, loose skin, pugh marks, sawdust, scales.....	Per occurrence:	
	Slight.....	1
	Moderate.....	2-3
	Excessive.....	5-6
6. Color defects:		
(a) Discoloration of fatty portion.....	Slight.....	1-2
	Moderate.....	3-4
	Excessive.....	5-10
(b) Discoloration of lean portion.....	Slight.....	1-2
	Moderate.....	3-4
	Excessive.....	5-10
(c) Non-uniformity of color.....	Slight.....	1-2
	Moderate.....	3-4
	Excessive.....	5-6

See footnotes 1 and 2 at end of table.



TABLE I—SCHEDULE OF POINT DEDUCTIONS FOR FACTORS RATED BY SCORE POINTS—Continued

Factor	Description of quality variation	Deduct
7. Honeycombing	Percent sample area affected: 25 to 50..... 51 to 75..... 75 to 100.....	1 2 3
<b>COOKED</b>		
8. Texture defect (tough, dry, fibrous, or watery)	Slight..... Moderate..... Excessive.....	1-2 3-5 6-10
9. Odor	Good (A)..... Reasonably good (B)..... Substandard (S).....	0-2 3-5 6-15
10. Flavor:		
(a) Lean portion	Good (A)..... Reasonably good (B)..... Substandard (S).....	0-2 3-5 6-15
(b) Fatty portion	Good (A)..... Reasonably good (B)..... Substandard (S).....	0-2 3-5 6-15

<sup>1</sup> This schedule of point deductions is based on the examination of sample units composed of: (a) An entire sample package and its contents (for retail sized packages) or (b) a representative subsample consisting of about one pound of salmon steaks taken from each sample package (for institutional sized packages), except that the entire sample package or its equivalent shall be examined for factor 4.

<sup>2</sup> "Limiting rule" grade requirements of flavor and odor: Salmon steaks which received over 5 deduction points for odor, or flavor of the lean, or flavor of the fatty portion, shall not be graded above U.S. Grade B, regardless of the total product score. (This is a "limiting rule" based on flavor and odor as defined under definitions § 262.221(g) (9)).

#### § 262.221 Definitions.

(a) "Slight" refers to a defect that is scarcely noticeable and may not affect the appearance, the desirability, and/or eating quality of the steaks.

(b) "Moderate" refers to a defect that is conspicuously noticeable (not seriously objectionable) and does not seriously affect the appearance, desirability and/or eating quality of the steaks.

(c) "Excessive" refers to a defect that is conspicuously noticeable (seriously objectionable) and seriously affects the appearance, desirability, and/or eating quality of the steaks.

(d) "Occurrence" is defined as each incidence of the same or different types of defects.

(e) "Cooked state" means that the thawed, unseasoned product has been heated within a boilable film-type pouch by immersing the pouch with product in boiling water for 10 minutes. Steaks cooked from the frozen state may require about two additional minutes of cooking.

(f) "Actual net weight" means the weight of the salmon steaks within the package after removal of all packaging material, ice glaze or other protective coatings.

(g) "Scored factors" (Table I):

(1) "General appearance defects" refer to poor arrangement of steaks, distortion of steaks, wide variation in shape, between steaks greater than normal number of head and/or tail pieces, imbedding of packaging material into fish flesh, inside condition of package, frost deposit, excessive or non-uniform skin glaze, and undesirable level of natural color.

(2) "Dehydration" refers to the appearance of a whitish area on the surface of a steak due to the evaporation of water or drying of the affected area.

(3) "Uniformity of thickness" means that steak thickness is within the allowed 1/8-inch manufacturing tolerance between the thickest and thinnest parts of the steaks within a package or sample unit.

(4) "Uniformity of weight and minimum weight" is defined in Table I. (Portions are designated by "weight range" or "specified weight." The "weight range" of portions bearing "specified weight" designation on containers shall be taken as the "specified weight" plus or minus 0.5 ounces unless otherwise specified.)

(5) "Workmanship defects" refers to appearance defects that were not eliminated during processing and are considered objectionable or poor commercial practice. They include the following: Blood spots, bruises, cleaning (refers to inadequate cleaning of the visceral cavity from blood, viscera and loose or attached appendages), cutting (refers to irregular, inadequate, unnecessary, or improper cuts and/or trimmings), fins, foreign material (refers to any loose parts, of fish or other than fish origin), collar bone, girdle (refers to bony structure adjacent to fin), loose skin, pugh marks, sawdust and scales.

(6) "Color defects":

(i) "Discoloration of fat portion" means that the normal color of the fat shows increasing degrees of yellowing due to oxidation.

(ii) "Discoloration of lean portion" means that the normal surface flesh color has faded or changed due to deteriorative influences.

(iii) "Nonuniformity of color" refers to noticeable differences in surface flesh color on a single steak or between adjacent steaks in the same package or sample unit. It would also include color variation of the visceral cavity and skin watermarking.

(7) "Honeycombing" refers to the visible appearance on the steak surface of numerous discrete holes or openings of varying size.

(8) "Texture defect" refers to an undesirable increase in toughness and/or dryness, fibrousness, and watery nature of salmon examined in the cooked state.

(9) "Odor" and "flavor":

(i) "Good flavor and odor" (essential requirement for Grade A) means that the fish flesh has the good flavor and

odor characteristic of the indicated species of salmon, and is free from rancidity and from off-flavors and off-odors.

(ii) "Reasonably good flavor and odor" (minimum requirement for Grade B) means that the fish flesh may be somewhat lacking in the good flavor and odor characteristics of the indicated species of salmon, is reasonably free of rancidity, and is free from objectionable off-flavors and off-odors.

(iii) "Substandard flavor and odor" (substandard grade) means that the flavor and odor fail to meet the requirements of "reasonably good flavor and odor."

#### § 262.225 Tolerances for certification of officially drawn samples.

The sample rate and grades of specific lots shall be certified on the basis of Part 260 Subpart A of this chapter "Regulations Governing Processed Fishery Products."

#### § 262.231 Score sheet for frozen salmon steaks.

Label:  
Size and kind of container:.....  
Container mark or identification:.....  
Site of lot:.....  
Number of packages per master carton:.....  
Size of sample:.....  
Number of steaks per container:.....  
Product style:.....  
Actual net weight:..... (ounces) (lb.)

Scored factors	Deductions
<b>FROZEN</b>	
1. General appearance defects	.....
2. Dehydration	.....
3. Uniformity of thickness	.....
4. Uniformity of weight	.....
<b>THAWED</b>	
5. Workmanship defects	.....
6. Color defects	.....
7. Honeycombing	.....
<b>COOKED</b>	
8. Texture	.....
9. Odor (Limiting rule—Table I)	.....
10. Flavor (Limiting rule—Table I)	.....
Total deductions	.....

Product score (100—Total deductions).....  
Flavor and odor rating.....  
Final grade.....

### PART 263—UNITED STATES STANDARDS FOR GRADES OF FISH FILLETS

#### Subpart A—[Reserved]

#### Subpart B—United States Standards for Grades of Cod Fillets

Sec.	
263.151	Product description.
263.152	Grades of frozen cod fillets.
263.154	Product forms.
263.156	Recommended weights and dimensions.
263.161	Ascertaining the grade.
263.162	Evaluation of the unscored factor of flavor and odor.
263.163	Evaluation and rating of the scored factors: Appearance, size, absence of defects and character.
263.164	Appearance.
263.165	Size.
263.166	Absence of defects.
263.167	Character.
263.171	Definitions and methods of analysis.
263.175	Tolerances for certification of officially drawn samples.
263.181	Score sheet for cod fillets.

#### Subpart C—United States Standards for Grades of Flounder and Sole Fillets

Sec.	
263.201	Product description.
263.202	Product forms.
263.203	Grades of flounder and sole fillets.
263.211	Determination of the grade.
263.221	Definitions.
263.225	Tolerances for certification of officially drawn samples.

#### Subpart D—United States Standards for Grades of Haddock Fillets

Sec.	
263.251	Product description.
263.252	Grades of haddock fillets.
263.254	Product forms.
263.256	Recommended weights and dimensions.
263.261	Ascertaining the grade.
263.262	Evaluation of the unscored factor of flavor and odor.
263.263	Ascertaining the rating for the factors which are scored: Appearance, size, defects, and character.

Sec.	
263.264	Appearance.
263.265	Size.
263.266	Defects.
263.267	Character.
263.271	Definitions and methods of analysis.
263.275	Tolerances for certification of officially drawn samples.
263.281	Score sheet for haddock fillets.

#### Subpart E—United States Standards for Grades of Ocean Perch and Pacific Ocean Perch Fillets

Sec.	
263.301	Product description.
263.302	Grades of ocean-perch fillets.
263.304	Product forms.
263.306	Recommended weights and dimensions.
263.311	Ascertaining the grade.
263.312	Evaluation of the unscored factor of flavor and odor.
263.313	Evaluation and rating of the scored factors: Appearance, size, workmanship defect and character.

Sec.	
263.314	Appearance.
263.315	Size.
263.316	Workmanship defects.
263.317	Character.
263.321	Cooking in a suitable manner.
263.325	Tolerances for certification of officially drawn samples.
263.331	Score sheet for ocean-perch fillets.

Authority: 7 U.S.C. 1621-1630.

#### Subpart A—[Reserved]

#### Subpart B—United States Standards for Grades of Cod Fillets

##### § 263.151 Product description.

The product described in this part consists of clean, whole, wholesome fillets or primarily large pieces of clean, whole, wholesome fillets, cut away from either side of cod, *Gadus morhua* or *Gadus macrocephalus*; the fillets may be either skinless or with skin on. They are packaged in accordance with good commercial practice and are maintained at temperatures necessary for the preservation of the product. (This part does not provide for the grading of pieces of fish flesh cut away from previously frozen fish blocks, slabs, or similar products.)

##### § 263.152 Grades of cod fillets.

(a) "U.S. Grade A" is the quality of cod fillets that possess good flavor and odor; and for those factors of quality which are rated in accordance with the scoring system outlined in this part the total score is not less than 85 points.

(b) "U.S. Grade B" is the quality of cod fillets that possess at least reasonably

good flavor and odor; and for those factors of quality which are rated in accordance with the scoring system outlined in this part the total score is not less than 70 points.

(c) "Substandard" is the quality of cod fillets that fail to meet the requirements of U.S. Grade B.

##### § 263.154 Product forms.

(a) Types:  
(1) Fresh.  
(2) Frozen, solid pack; glazed and unglazed.  
(3) Frozen individually; glazed or unglazed.

(b) Styles:

(1) Skin on.

(2) Skinless.

##### § 263.156 Recommended weights and dimensions.

(a) The recommendations as to net weights and dimensions of packaged cod fillets are not incorporated in the grades of the finished product since net weights and dimensions, as such, are not factors of quality for the purpose of these grades.

(b) It is recommended that the net weights of the packaged frozen cod fillets be not less than 12 ounces and not over 10 pounds.

##### § 263.161 Ascertaining the grade.

The grade of cod fillets is ascertained by examining the product in the fresh or frozen, thawed, and cooked states. The following factors of quality are evaluated in ascertaining the grade of the product: Flavor and odor, appearance, size, absence of defects, and character. These factors are rated in the following manner:

(1) *Flavor and odor.* This factor is rated directly by organoleptic evaluation. Score points are not assessed (see § 263.162).

(2) *Appearance, size, absence of defects, and character.* The relative importance of these factors is expressed numerically on the scale of 100. The maximum number of points that may be given each of these factors are:

Factors	Points
Appearance.....	25
Size.....	20
Absence of defects.....	40
Character.....	15
Total possible score.....	100

##### § 263.162 Evaluation of the unscored factor of flavor and odor.

(a) *Good flavor and odor.* "Good flavor and odor" (essential requirement for a Grade A product) means that the fish flesh has good flavor and odor characteristic of cod (*Gadus morhua* or *Gadus macrocephalus*) and is free from staleness, and off-flavor and off-odors of any kind.

(b) *Reasonably good flavor and odor.* "Reasonably good flavor and odor" (minimum requirement of a Grade B product) means that the fish flesh may be somewhat lacking in good flavor and odor; and is free from objectionable off-flavors and off-odors of any kind.

##### § 263.163 Evaluation and rating of the scored factors; appearance, size, absence of defects, and character.

The essential variations in quality within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. Point deductions are allotted for each degree or amount of variation within each factor. The net score for each factor is the maximum points for that factor less the sum of the deduction-points within the factor. The total score for the product is the sum of the net scores for the four scored factors.

##### § 263.164 Appearance.

(a) The factor of appearance refers to the normal color of the species of fresh or frozen fish flesh, and to the degree and amount of surface dehydration of the frozen product.

(b) For the purpose of rating the factor of appearance the schedule of deduction-points in Tables I and II apply. Frozen cod fillets which receive 25 deduction points for the factor of appearance shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

TABLE I—SCORE DEDUCTIONS FOR DISCOLORATION

Color of product	Deduction points	
	"Light" colored portion comprising main portion of fillet	"Dark" colored portion occurring under skin mainly along lateral line
No discoloration.....	0	0
Slight yellowing.....	1	1
Moderate yellowing.....	2	2
Excessive yellowing and/or any rusting.....	13	12

TABLE II—SCORE DEDUCTIONS FOR DEHYDRATION

Degree of dehydration of frozen product	Surface area affected (percent)		Deduction points
	Over—	Not over—	
Slight—Shallow and not color masking.....	0	1	0
	1	50	2
	50	100	5
Moderate—Deep but just deep enough to easily scrap off with fingernail.....	1	25	5
	25	50	8
	50	100	16
Excessive—Deep dehydration not easily scraped off.....	1	25	12
	25	100	25

##### § 263.165 Size.

(a) The factor of size refers to the degree of freedom from undesirably small fillet pieces. Any fillet piece weighing less than 2 ounces is classed as being undesirably small.

(b) For the purpose of rating the factor of size the schedule of deduction-points in Table III apply. Cod fillets which receive 20 deduction points for this factor shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

V 4 2 1 1 9 0 S E P 3 0 7 7



TABLE III—SCORE DEDUCTIONS FOR SIZE OF FILLET PIECES

Number of fillet pieces less than 2 ounces per pound		Deduction points
Over—	Not over—	
0	0	0
1	1	10
2	2	15
3	4	20

## § 263.166 Workmanship defects.

(a) The factor of "workmanship defects" refers to the degree of freedom from improper packing, cutting and trimming imperfections, blemishes, and bones. Evaluation for the defect of improper packing is made on the frozen product. Evaluation of the defects of cutting and trimming, blemishes, and bones are made on the thawed product.

(1) *Improper packing.* "Improper packing" means poor arrangement of fillets, presence of voids, depressions, frost, and the imbedding of packaging material into the frozen fish flesh.

(2) *Cutting and trimming imperfections.* "Cutting and trimming imperfections" means that the fillets have ragged edges, tears, holes, or are otherwise improperly cut or trimmed.

(3) *Blemish.* "Blemish" means an instance of skin (except for skin-on fillets), scales, blood-spot, bruise, black-belly lining, fin, or extraneous material. One "instance of skin" consists of one piece of skin not less than ½ square inch and not more than 1½ square inches in area; each additional ½ square inch area of individual skin pieces greater and 1½ square inches is considered as an additional instance. One "instance of blood spot" is one of such size and prominence as to be considered objectionable. One "instance of black-belly lining" is any piece of black-belly lining not less than ½ inch and not more than 1 inch in length; each additional ½ inch length of individual pieces of black-belly lining longer than 1 inch is considered as an instance. Each aggregate area of identifiable fin or parts of any fin up to 1 square inch is considered as one "instance of fin". Each aggregate area up to 1 square inch per fillet of one scale or group of scales is considered as one "instance of scales". An "instance of bruise" consists of a bruise not less than ½ square inch and not more than 1½ square inches in area; each bruise larger than 1½ square

inches is considered as two instances of bruise.

(4) *Bones.* One "instance of bone" means one bone or one group of bones occupying or contacting a circular area up to 1 square inch.

(b) For the purpose of rating the factor of "absence of defects" the schedule of deduction-points in Table IV apply.

TABLE IV—SCORE DEDUCTIONS FOR WORKMANSHIP DEFECTS

Defects subfactor	Method of determining subfactor score	Deduction points
Improper packing	Moderate defects, noticeably affecting the product's appearance.	2
	Excessive defects, seriously affecting product's appearance.	4
Blemishes	Number of blemishes per 1 lb. of fish flesh:	
	Over 0 not over 1	1
	Over 1 not over 2	3
	Over 2 not over 3	5
	Over 3 not over 4	8
	Over 4 not over 5	12
	Over 5 not over 6	16
	Over 6 not over 7	30
	Over 7	40

Defects subfactor	Method of determining subfactor score	Deduction points
Bones	Number of instances per 1 lb. of fish flesh:	
	Over 0 not over 1	0
	Over 1 not over 2	2
	Over 2 not over 3	4
	Over 3 not over 4	6
	Over 4 not over 5	8
	Over 5 not over 6	14
	Over 6 not over 7	30
	Over 7	40
Cutting and trimming	Slight defects, scarcely noticeable.	0
	Moderate defects, noticeable but not affecting the usability of any fillets.	4
	Excessive defects impairing:	
	(a) the usability of up to ¼ of the total number of fillets.	8
	(b) the usability of over ¼ but not more than ½ of the total number of fillets.	16
	(c) the usability of over ½ of the total number of fillets.	40

## § 263.167 Character

(a) The factor of character refers to the amount of free drip in the thawed fillets, and to the tenderness and moistness of the cooked fish flesh.

(b) For the purpose of rating the factor of character, the schedule of deduction-points in Table V apply. Cod fillets which receive 15 deduction-points for the factor of character shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

TABLE V—SCORE DEDUCTIONS FOR CHARACTER

Character subfactors	Method of determining subfactor score	Deduction points
Texture	Texture of the cooked fish:	
	(a) Firm, slightly resilient but not tough or rubbery; moist but not mushy.	0
	(b) Moderately firm; only slightly tough or rubbery; does not form a fibrous mass in the mouth; moist but not mushy.	4
	(c) Moderately tough or rubbery; has noticeable tendency to form a fibrous mass in the mouth; or is dry; or is mushy.	8
	(d) Excessively tough or rubbery; has marked tendency to form a fibrous mass in the mouth; or is very dry; or is very mushy.	15
Drip	Percent of drip:	
	Over 0 not over 6	0
	Over 6 not over 8	1
	Over 8 not over 10	2
	Over 10 not over 12	4
	Over 12 not over 14	6
	Over 14 not over 16	9
	Over 16	15

## § 263.171 Definitions and methods of analysis.

(a) *Percent of drip.* "Percent of drip" means the percent by weight of "free drip" (the fluid which is not reabsorbed by the fish tissue when the frozen fish thaws, and which separates freely without the aid of any external forces except gravity) in an individual package as determined by the following method:

(1) *Apparatus and materials.* (i) Water bath. (ii) Balance, accurate to 0.1 gm; or 0.01 ounce. (iii) Pliable and impermeable bag (cryovac, pifilm, etc.). (iv) Corrosion-resistant metal rod weight (preferably stainless steel or monel metal), measuring 3½ inches in length and approximately ¼-½ inch in diameter.

(v) U.S. Standard No. 8 mesh circular sieve (both 8 and 12 inch diameters).

(vi) Stirring motor.

(vii) Identification tags.

(2) *Procedure.* (i) Place metal rod weight into an empty pliable bag.

(ii) Weigh the bag and the metal weight.

(iii) Remove the frozen fish material from the container (container consists of the carton and the inner and outer wrapping).

(iv) Place the frozen product, plus scraps of any material remaining in the container, into the pliable bag.

(v) Weigh the bag and its contents and subtract tare (empty bag and metal

weight) to determine the net weight of the product.

(vi) Suspend the bag and contents in and agitated water bath maintained at 68° F. plus or minus 2° F. The bag should be suspended in the water so that the fish flesh is below the water line.

(vii) Allow the bag and its contents to remain immersed until the product is defrosted (a "test run", in advance, is necessary to determine time required for each product and quantity of product).<sup>1</sup>

(viii) Remove bag and contents from bath and gently dry outside of bag.

(ix) Weigh dry U.S. Standard No. 8 mesh circular sieve.

(x) Open bag and empty contents onto U.S. Standard No. 8 circular sieve so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for 2 minutes.

(xi) Weigh sieve and its contents and calculate drained weight. The drained weight is the weight of sieve and fillets less the weight of the dry sieve.

(xii) Calculate percent drip:

$$\text{Net weight (v)} - \text{drained weight (xi)} \times (100) \\ \text{Net weight (v)} \\ = \text{Percent of drip}$$

(b) *Cooking in a suitable manner.* "Cooking in a suitable manner" shall mean that the product is cooked as follows: Place the thawed unseasoned product into a boilable film-type pouch; fold the open end of the pouch over the suspension bar and clamp in place to provide a loose seal. Immerse the pouch and its contents in boiling water and cook until the internal temperature of the fillets reaches 160° F. (about 20 minutes).

§ 263.175 Tolerances for certification of officially drawn samples.

The sample rate and grades of specific lots shall be certified in accordance with Part 260 Subpart A of this chapter. (Regulations Governing Processed Fishery Products.)

## SCORE SHEET

## § 263.181 Score sheet for cod fillets.

Label: \_\_\_\_\_  
 Size and kind of container: \_\_\_\_\_  
 Container mark or identification: \_\_\_\_\_  
 Size of lot: \_\_\_\_\_  
 Number of packages per master carton: \_\_\_\_\_  
 Size of sample: \_\_\_\_\_  
 Type of overwrap: \_\_\_\_\_  
 Actual net weight: \_\_\_\_\_ (lb.) \_\_\_\_\_ (kg.)

Factor	Score points	Sample score
Appearance	25	
Size	20	
Absence of defects	40	
Character	15	
Total	100	

Flavor and odor: \_\_\_\_\_  
 Final grade: \_\_\_\_\_

<sup>1</sup> The purpose of the "test run" is to determine the time necessary to thaw the product. The complete thawing of the product is determined by frequent but gentle squeezing of the bag until no hard core or ice crystals are felt. This package which has been squeezed cannot be used for drained weight calculations.

## Subpart C—United States Standards for Grades of Flounder and Sole Fillets

## § 263.201 Description of the product.

Frozen flounder and sole fillets consist of clean, wholesome fillets processed and frozen in accordance with good commercial practice and maintained at temperatures necessary for their preservation. The fillets may be cut transversely or longitudinally into subunits.

NOTE: This standard does not provide for the grading of units of fish flesh cut from previously frozen fish blocks, slabs, or similar material.

The product covered by this standard is prepared from the following species only:

## SOLE

Dover sole (*Microstomus pacificus*).  
 English sole (*Parophrys vetulus*).  
 Gray sole (*Glyptocephalus cynoglossus*).  
 Petrale sole (*Eopsetta jordani*).  
 Lemon sole (*Pseudopleuronectes americanus*, over 3½ pounds).  
 Rock sole (*Lepidopsetta bilineata*).  
 Sand sole (*Psettichthys melanostictus*).

## FLOUNDER

Blackback (*Pseudopleuronectes americanus*, less than 3½ pounds).  
 Yellowtail flounder (*Limanda ferruginea*).  
 Dab, plaice (*Hippoglossoides platessoides*).  
 Fluke (*Paralichthys dentatus*).  
 Starry flounder (*Platichthys stellatus*).

## § 263.202 Product forms.

- (a) Types:  
 (1) Fresh.  
 (2) Frozen solid packs; glazed or unglazed.  
 (3) Frozen individually; glazed or unglazed.  
 (b) Styles:  
 (1) Skin on.  
 (2) Skin on, white side only.  
 (3) Skinless.

## § 263.203 Grades of frozen flounder and sole fillets.

(a) "U.S. Grade A" is the quality of frozen flounder or sole fillets for which the total score is not less than 85 points, when the fillets are rated in accordance with the scoring system outlined in the following sections.

(b) "U.S. Grade B" is the quality of frozen flounder or sole fillets for which the total score is less than 85 points but is not less than 70 points, when the fillets are rated in accordance with the scoring system outlined in the following sections.

(c) "Substandard" is the quality of frozen flounder or sole fillets that fail to meet the requirements of the U.S. Grade B.

## § 263.211 Determination of the grade.

The grade is determined by observing the product in the frozen, thawed, and cooked states and is evaluated by numerical scoring. Points are deducted for variations of quality for each factor in accordance with the schedule in Table 1. The total of the points deducted is subtracted from 100 to obtain the score. The maximum score is 100; the minimum score is 0.



TABLE I—SCHEDULE OF POINT DEDUCTIONS PER POUND OF FLOUNDER OR SOLE FILLETS AND GRADING SCORE SHEET

	Scored factors	Description of quality variation	Deduct	Deductions
Frozen	1. Appearance.....	Adversely affected by imbedded packaging material, voids, depressions, surface irregularity, and poor arrangements of fillets:	Slight..... Moderate..... Excessive.....	2 4 10
	2. Dehydration.....	For each inch square (determined by grid) of affected area:	Color masking, easily scraped off..... Deep, not easily scraped off.....	1/2 1
Thawed	3. Weights.....	(a) For each fillet or piece less than 1 oz., except first fillet or piece. (b) For sole only: For each fillet from 1-2 oz., except first fillet. For flounder only: For each fillet from 1-2 oz., except first three fillets.	..... ..... .....	4 2 2
	4. Workmanship defects.....	For each inch square (determined by grid) of affected area:	(a) Cutting and trimming (ragged edges, holes, tears, improper or unnecessary cuts and lace). (b) Blemishes (belly lining, blood spots, bruises, extraneous material, fins, discolored pugh marks, scales and skin). (c) Bones normally removed.	1/2 2 3
	5. Color.....	(a) Deteriorative discoloration (yellowing of fatty portion and/or darkening of light portion). (b) Nonuniformity of color (natural color differences within package due to packing fish of contrasting color).	Slight..... Moderate..... Excessive.....	2 5 15
	6. Abnormal condition.....	Usability and/or desirability of fillets impaired by abnormal conditions (jellied, milky, chalky).	Moderate..... Excessive.....	10 21
Cooked	7. Texture.....	Tough, dry, fibrous, or watery for species involved.	Slight..... Moderate..... Excessive.....	4 8 18
	8. Odor and flavor.....	Very good: Full typical odor and flavor of fresh fish. Good: Noticeable decrease in typical odor and flavor of fresh fish. Reasonably good: Lacking typical odor and flavor of fresh fish, but not objectionable. Substandard: Objectionable odor and/or flavor.	..... ..... ..... .....	6 16 31
Total deductions.....				
Score (100 minus total deductions).....				
Grade (100 to 85—Grade A; 84 to 70—Grade B; 69 and below—Substandard)				

Label.....  
Size of lot.....  
Size of sample.....  
Number of packages per master carton.....  
Remarks.....

Actual net weight.....lb.....or.....  
Size and kind of container.....  
Container mark or identification.....  
Type of overwrap.....

## § 263.221 Definitions.

(a) "Slight" refers to a condition that is scarcely noticeable but that does affect the appearance, desirability, and/or eating quality of the fillets.

(b) "Moderate" refers to a condition that is conspicuously noticeable but that does not seriously affect the appearance, desirability, and/or eating quality of the fillets.

(c) "Excessive" refers to a condition that is conspicuously noticeable and that does seriously affect the appearance, desirability and/or eating quality of the fillets.

(d) "Bones normally removed" refers to (1) nape membrane bones (adjacent to visceral cavity) and to (2) radial bones (adjacent to fins and lace area).

(e) "Determined by grid" means that a transparent grid of 1-inch squares is placed over the defect area, and points are deducted (as specified in Table I) for each square of affected area under the grid, each square being counted as one whether it is full or fractional.

(f) "Thawed state" means that the frozen product has been placed within a film-type pouch and warmed to an

internal temperature of about 32° F by immersing the pouch in running tap water of about 50° to 70° F. Thawing time usually takes 25 to 45 minutes for a 1-pound package.

(g) "Cooked state" means that the thawed, unseasoned product has been placed within a boilable film-type pouch and heated to an internal temperature of about 160° F by immersing the pouch in boiling water. Cooking time usually ranges from 3 to 5 minutes for single fillets and from 7 to 10 minutes for 1-pound packages of fillets.

(h) "Actual net weight" means the weight of the fish flesh within the package after all packaging material, ice glaze, or other protective coating have been removed. ("Actual net weight" of frozen glazed fillets is determined as follows: (1) Rapidly remove excessive ice layers or pockets with running tap water or nozzle-type water spray. (2) Rapidly thaw remaining surfaces of frozen fish sufficiently with tap water or spray to prevent refreezing free surface water. (3) Gently wipe off all free water with a moisture-saturated paper towel. (4) Weigh the fish to obtain "actual net weight").

(i) "Abnormal condition" means that the normal physical and/or chemical structure of the fish flesh has been sufficiently altered so that the usability and/or desirability of the fillet is adversely affected. It includes, but is not limited to, the following examples:

(1) "Jellied" refers to the abnormal condition wherein a fillet is partly or wholly characterized by a gelatinous glossy, translucent appearance, feels slimy to the touch, and retains its gelatinous, slimy properties in the cooked state.

(2) "Milky" refers to the abnormal condition wherein a fillet is partly or wholly characterized by a milky-white, excessively mushy, pasty, or fluidized appearance.

(3) "Chalky" refers to the abnormal condition wherein a fillet is partly or wholly characterized by a dry, chalky, granular appearance and fiberless structure.

(j) "Odor and flavor" is classified as follows:

(1) "Very good": Fish in this category have essentially the full, good, typical odor, and flavor of the indicated species.

(2) "Good": Fish in this category show a noticeable decrease of the good, typical odor and flavor of the indicated species, and/or may have certain less acceptable natural environmental odors and flavors of slight intensity (iodoform-type, phenolic-type, feed-type, etc.), but may have no off odors and flavors.

(3) "Reasonably good": Fish in this category may be flat, or completely lacking in the good, typical odor and flavor of the indicated species, and/or may have certain less acceptable natural environmental odors and flavors of moderate intensity (iodoform-type, phenolic-type, feed-type, etc.), but may have no objectionable odors and flavors.

(4) "Substandard": Fish in this category have odors and flavors that are objectionable.

§ 263.225 Tolerances for certification of officially drawn samples.

The sample rate and grades of specific lots shall be certified in accordance with Part 260, Subpart A of this chapter, (Regulations Governing Processed Fishery Products.)

Subpart D—United States Standards for Grades of Haddock Fillets

§ 263.231 Product description.

The product described in this part consists of clean, whole, wholesome fillets or primarily large pieces of clean, whole, wholesome fillets, cut away from either side of haddock, *Melanogrammus aeglefinus*; the fillets may be either skinless or with skin on. They are packaged in accordance with good commercial practice and are maintained at temperatures necessary for the preservation of the product. (This part does not provide for the grading of pieces of fish flesh cut away from previously frozen fish blocks, slabs, or similar products.)

§ 263.232 Grades of frozen haddock fillets.

(a) "U.S. Grade A" is the quality of haddock fillets that possess a good flavor and odor; and for those factors which are rated in accordance with the scoring system outlined in this part have a total score of 85 to 100 points.

(b) "U.S. Grade B" is the quality of haddock fillets that possess at least a reasonably good flavor and odor; and for those factors which are rated in accordance with the scoring system outlined in this part have a total score of not less than 70 points: *Provided*, That no factor receives maximum point score deduction.

(c) "Substandard" is the quality of haddock fillets that fail to meet the requirements of U.S. Grade B.

§ 263.251 Product forms.

(a) Types:

(1) Fresh.

(2) Frozen, solid pack; glazed and unglazed.

(3) Frozen individually; glazed or unglazed.

(b) Styles:

(1) Skin on.

(2) Skinless.

§ 263.256 Recommended weights and dimensions.

(a) The recommendations as to net weights and dimensions of packaged haddock fillets are not incorporated in the grades of the finished product since net weights and dimensions, as such, are not factors of quality for the purpose of these grades.

(b) It is recommended that the net weights of the packaged haddock fillets be not less than 12 ounces and not over 10 pounds.

§ 263.261 Ascertaining the grade.

The grade of haddock fillets is ascertained by observing the product in the frozen and thawed states and after representative sample units have been cooked in a suitable manner. The following factors are evaluated in ascertaining the grade of the product: Flavor, odor, appearance, size, defects, and character.

(a) These factors are rated in the following manner:

(1) *Flavor and odor*. These factors are rated by organoleptic examination. Score points are not assessed (see § 263.262).

(2) *Appearance, size, defects, and character*. These factors are rated by score points expressed numerically on the scale of 100.

(b) The four factors and the maximum number of points that may be given each are as follows:

Factors:	Points
Appearance.....	25
Size.....	20
Defects.....	40
Character.....	51
Total score.....	100

§ 263.262 Evaluation of the unscored factor of flavor and odor.

(a) *Good flavor and odor*. "Good flavor and odor" (essential requirement

for a Grade A product) means that the fish flesh has good flavor and odor characteristic of haddock (*Melanogrammus aeglefinus*); and is free from staleness, and off-flavors and off-odors of any kind.

(b) *Reasonably good flavor and odor*. "Reasonably good flavor and odor" (minimum requirement of a Grade B product) means that the fish flesh may be somewhat lacking in good flavor and odor; and is free from objectionable off-flavors and off-odors of any kind.

§ 263.263 Ascertaining the rating for the factors which are scored; appearance, size, workmanship defects, and character.

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. Point deductions are allotted for each degree or amount of variation within each factor. The value for each factor is the maximum points allotted for the factor less the sum of the deduction-points within the factor.

§ 263.264 Appearance.

(a) General: The factor of appearance refers to the color of the fish flesh, and to the degree of surface dehydration of the product.

(b) For the purpose of rating the factor of appearance the schedule of deduction-points in Tables I and II apply. Haddock fillets which receive 25 deduction-points for this factor shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

TABLE I—SCORE DEDUCTIONS FOR COLOR SUBFACTOR

Color	Deduction points	
	"Light" colored portion comprising main portion of fillet	"Dark" colored portion occurring under skin mainly along lateral line
No discoloration.....	0	0
Slight yellowing.....	2	1
Moderate yellowing.....	4	2
Excessive yellowing and/or any rusting.....	13	12

TABLE II—SCORE DEDUCTIONS FOR DEHYDRATION SUBFACTOR

Degree of dehydration	Surface area affected (percent)		Deduction points
	Over—	Not over—	
Slight—Shallow and not color masking.....	0	1	0
	1	50	1
	50	100	5
Moderate—Deep but just deep enough to easily scrape off with fingernail.....	1	25	5
	25	50	4
	50	100	16
Excessive—Deep dehydration not easily scraped off.....	1	25	12
	25	100	25

§ 263.265 Size.

(a) General: The factor of size refers to the degree of freedom from undesirably small fillet pieces. Any piece weighing less than 2 ounces is classed undesirably small.

(b) For the purpose of rating the factor of size the schedule of deduction-points in Table III apply. Haddock fillets which receive 20 deduction points for this factor shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

TABLE III—SCORE DEDUCTIONS FOR SIZE OF FILLET PIECES

Number of fillet pieces less than 2 ounces per pound		Deduction points
Over—	Not over—	
0.....	0.....	0
1.....	1.....	1
2.....	2.....	10
3.....	3.....	15
4.....	4.....	20

§ 263.266 Workmanship defects.

(a) General: The factor of workmanship defects refers to the degree of freedom from improper packing, cutting and trimming imperfections, blemishes, and bones.

(1) *Improper packing*. "Improper packing" means poor arrangement of fillets, presence of voids, depressions, frost, and the imbedding of packaging material into fish flesh.

(2) *Cutting and trimming imperfections*. "Cutting and trimming imperfections" means that the fillets have ragged edges, tears, holes, or are otherwise improperly cut or trimmed.

(3) *Blemish*. "Blemish" means a piece of skin (except for skin-on fillets), scales, blood spot, a bruise, a black belly lining, a fin, or extraneous material. One "piece of skin" consists of one piece at least ½ square inch in area; except that any skin patches larger than 1½ square inches are each considered as two pieces of skin. "Blood spot" is one of such size and prominence as to be considered objectionable. "Black belly lining" is any piece longer than ½ inch. Each aggregate area up to 1 square inch of identifiable fin or parts of any fin is considered as one "instance of fin". Each aggregate area up to 1 square inch per fillet of one scale or group of scales is considered one "instance of scales". "A bruise" consists of an affected area of ½ square inch or more in area; except that any bruise larger than 1½ square inches is considered as two bruises.

(4) *Bones*. "Bones" means any bones that can be identified, and are objectionable. One instance of bone means one bone or one group of bones occupying or contacting a circular area of 1 square inch.

(b) For the purpose of rating the factor of freedom from defects, the schedule of deduction-points in Table IV apply.



TABLE IV—SCORE DEDUCTIONS FOR WORKMANSHIP DEFECTS

Defects subfactors	Method of determining sub-factor score	Deduction points
Improper packing.	Moderate defects, noticeably affecting the products appearance.	1
Blemishes	Excessive defects, seriously affecting products appearance. Number of blemishes per 1 lb. of fish flesh:	4
	Over 0 not over 1.....	1
	Over 1 not over 2.....	3
	Over 2 not over 3.....	5
	Over 3 not over 4.....	8
	Over 4 not over 5.....	16
	Over 5 not over 6.....	30
	Over 6.....	40
Bones	Number of instances per 1 lb. of fish flesh:	
	Over 0 not over 1.....	0
	Over 1 not over 2.....	5
	Over 2 not over 3.....	10
	Over 3 not over 4.....	15
	Over 4 not over 5.....	20
	Over 5.....	40
Cutting and trimming.	Slight defects, scarcely noticeable.	0
	Moderate defects, noticeable but not affecting the usability of any fillets.	4
	Excessive defects impairing: (a) the usability of up to ¼ of the total number of fillets.	8
	(b) the usability of over ¼ but not more than ½ of the total number of fillets.	15
	(c) the usability of over ½ of the total number of fillets.	40

## § 263.267 Character.

(a) General: The factor of character refers to the amount of drip in the thawed fillets, and to the tenderness and moistness of the properly cooked fish flesh.

(b) For the purpose of rating the factor of character, the schedule of deduction-points in Table V apply. Haddock fillets which receive 15 deduction points for this factor shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

TABLE V—SCORE DEDUCTIONS FOR CHARACTER

Character subfactors	Method of determining sub-factor score	Deduction points
Texture	Texture of the cooked fish:	
	(a) Firm, slightly resilient but not tough or rubbery; moist but not mushy.	0
	(b) Moderately firm; only slightly tough or rubbery; does not form a fibrous mass in the mouth; moist but not mushy.	4
	(c) Moderately tough or rubbery; has noticeable tendency to form a fibrous mass in the mouth; or is dry; or is mushy.	8
	(d) Excessively tough or rubbery; has marked tendency to form a fibrous mass in the mouth; or is very dry; or is very mushy.	15
Amount of drip.	Percent of drip:	
	Over 0 not over 5.....	0
	Over 5 not over 8.....	1
	Over 8 not over 10.....	2
	Over 10 not over 12.....	6
	Over 12 not over 14.....	9
	Over 14 not over 16.....	12
	Over 16.....	15

## § 263.271 Definitions and methods of analysis.

(a) *Percent of drip*. "Percent of drip" means the percent by weight of "free drip" (the fluid which is not reabsorbed by the fish tissue when the frozen fish thaws, and which separates freely without the aid of any external forces except gravity) in an individual package as determined by the following method:

(1) *Apparatus and materials*. (i) Water bath.

(ii) Balance, accurate to 0.1 gm; or 0.01 ounce.

(iii) Pliable and impermeable bag (cryovac, ploffilm, etc.).

(iv) Vacuum source (Vacuum pump or water aspirator).

(v) U.S. Standard No. 8 mesh circular sieve (both 8 and 12 inch diameters).

(vi) Stirring motor.

(vii) Identification tags.

(2) *Procedure*. (i) Weigh pliable and impermeable bag (cryovac, ploffilm, etc.).

(ii) Remove frozen material from container (container consists of the carton and the inner and outer wrappings).

(iii) Place frozen product, plus scraps of any material remaining on the container, into the pliable bag.

(iv) Weight bag and contents and subtract tare to determine the net weight of the product.

(v) Evacuate air from bag by use of suction so that bag closely fits contour of product, with no air pockets.

(vi) Crimp the open end of bag and tie off (a secure and leakproof closure may be created by tying close to product and then folding excess bag and tying again).

(vii) Completely immerse bag and contents in a circulated water bath maintained at 68° F. plus or minus 2° F.

(viii) Allow to remain immersed until the product is defrosted (a "test run", in advance, is necessary to determine time required for each product and quantity of product).

(ix) Remove bag and contents from bath and gently dry outside of bag.

(x) Weigh dry U.S. Standard No. 8 mesh circular sieve.

(xi) Open bag and empty contents onto U.S. Standard No. 8 circular sieve so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes.

(xii) Weigh sieve and its contents and calculate drained weight. The drained weight is the weight of sieve and fillets less the weight of the dry sieve.

(xiii) Calculate percent drip:

Net weight (iv) - drained weight (xii) × (100)

Net weight

= Percent of drip

(b) *Cooking in a suitable manner*. "Cooking in a suitable manner" shall mean that the product is cooked as follows: Place the thawed unseasoned

product into a boilable film-type pouch. The pouch and its contents are then immersed in boiling water and cooked until the internal temperature of the fillets reaches 160° F. (about 20 minutes).

§ 263.275 Tolerances for certification of officially drawn samples.

The sample rate and grades of specific lots shall be certified in accordance with Part 260 Subpart A of this chapter (Regulations Governing Processed Fishery Products.)

§ 263.281 Score sheet for haddock fillets.

Label.....		
Size and kind of container.....		
Container mark or identification.....		
Size of lot.....		
Number of packages per master carton.....		
Size of sample.....		
Type of overwrap.....		
Actual net weight:..... (lb.)..... (kg.)		
Factor	Score points	Sample score
Appearance.....	25	
Uniformity.....	20	
Defects.....	40	
Character.....	15	
Total.....	10	

## Subpart E—United States Standards for Grades of Ocean-Perch Fillets and Pacific Ocean-Perch Fillets

## § 263.301 Product description.

The product described in this part consists of: (a) Clean, whole, wholesome fillets, cut away from either side of the ocean perch, *Sebastes marinus*, which are packaged in accordance with good commercial practice and are maintained at temperatures necessary for the preservation of the product; or (b) clean, whole, wholesome fillets, cut away from either side of the Pacific ocean perch, *Sebastes alutus*, which are packaged in accordance with good commercial practice and are maintained at temperatures necessary for the preservation of the product.

## § 263.302 Grades of ocean-perch fillets.

(a) "U.S. Grade A" is the quality of ocean-perch fillets that possess good flavor and odor; and for those factors of quality which are rated in accordance with the scoring system outlined in this part the total score is not less than 85 points.

(b) "U.S. Grade B" is the quality of ocean-perch fillets that possess at least reasonably good flavor and odor; and for those factors of quality which are rated in accordance with the scoring system

The purpose of the "test run" is to determine the time necessary to thaw the product. The complete thawing of the product is determined by frequent but gentle squeezing of the bag until no hard core or ice crystals are felt. This package which has been squeezed can not be used for drained weight calculations.

outlined in this part the total score is not less than 70 points.

(c) "Substandard" is the quality of ocean-perch fillets that fail to meet the requirements of U.S. Grade B.

## § 263.304 Product forms.

(a) Types:

(1) Fresh.

(2) Frozen, solid pack; glazed and unglazed.

(3) Frozen individually; glazed or unglazed.

(b) Styles:

(1) Skin on.

(2) Skinless.

## § 263.306 Recommended weights and dimensions.

(a) The net weights and dimensions of packaged ocean-perch fillets and Pacific ocean-perch fillets are not incorporated in the grades of the finished product since net weights and dimensions, as such, are not factors of quality for the purpose of these grades.

(b) It is recommended that the net weight of the packaged ocean-perch fillets and Pacific ocean-perch fillets be not less than 12 ounces and not over 10 pounds and that the product be classified as large, medium, or small as classified by common commercial size classification practices.

## § 263.311 Ascertaining the grade.

The grade of ocean-perch fillets is ascertained by examining the product in the frozen, thawed, and cooked states. The following factors of quality are evaluated in ascertaining the grade of the product: Flavor and odor, appearance, size, workmanship defects, and character.

These factors are rated in the following manner:

(1) *Flavor and odor*. This factor is rated directly by organoleptic evaluation. Score points are not assessed (see § 263.312).

(2) *Appearance, size, workmanship defects, and character*. The relative importance of these factors is expressed numerically on the scale of 100. The maximum number of points that may be given each of these factors are:

Factors	Points
Appearance	15
Size	20
Absence of defects	50
Character	15

Total possible score..... 100

## § 263.312 Evaluation of the unscored factor of flavor and odor.

(a) *Good flavor and odor*. "Good flavor and odor" (essential requirement for a Grade A product) means that the fish flesh has good flavor and odor characteristic of the species (either *Sebastes marinus* or *Sebastes alutus*) and is free from staleness, and off-flavors and off-odors of any kind.

TABLE I—SCORE DEDUCTIONS FOR APPEARANCE

Color of product	Deduction points		
No discoloration.....	0		
Slight yellowing.....	4		
Moderate yellowing.....	9		
Excessive yellowing and/or rusting.....	15		
Degree of dehydration of frozen product	Surface area affected (percent)		Deduction points
	Over—	Not over—	
Slight—Shallow and not color masking.....	0	1	0
	1	50	2
	50	100	5
Moderate—Deep, but just deep enough to easily scrape with fingernail.....	0	25	5
	25	50	10
	50	100	15
Excessive—Deep dehydration not easily scraped off.....	0	10	10
	5	15	15

The essential variations in quality within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. Point deductions are allotted for each degree or amount of variation within each factor. The net score for each factor is the maximum points for that factor less the sum of the deduction-points within the factor. The total score for the product is the sum of the net scores for the four scored factors.

## § 263.314 Appearance.

(a) The factor of appearance refers to the color of the fish flesh, and to the degree and amount of surface dehydration of the frozen product.

(b) For the purpose of rating the factor of appearance the schedule of deduction-points in Table I apply. Frozen ocean-perch fillets which receive 15 deduction points for the factor of appearance shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

## § 263.315 Size.

(a) The factor of size refers to the degree of freedom from undesirably small fillets.

(b) For the purpose of rating the factor of size, the schedule of deduction-points in Table II apply. Ocean-perch fillets which receive 20 deduction-points for this factor shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

TABLE II—SCORE DEDUCTIONS FOR SIZE OF FILLETS

Number of fillets per pound	Number of small fillets or pieces of fillets										
	0	1	2	3	4	5	6	7	8	9	10
Deduction points	Deduction points	Deduction points	Deduction points	Deduction points	Deduction points	Deduction points	Deduction points	Deduction points	Deduction points	Deduction points	Deduction points
Under two ounces in weight											
2.....	0	5	10	15	20	20	20	20	20	20	20
3.....	0	5	10	15	20	20	20	20	20	20	20
4.....	0	5	10	15	20	20	20	20	20	20	20
5.....	0	5	10	15	20	20	20	20	20	20	20
6.....	0	5	10	15	20	20	20	20	20	20	20
7 or more	0	5	10	15	20	20	20	20	20	20	20
Under one ounce in weight											
7.....	0	5	10	15	20	20	20	20	20	20	20
8.....	0	5	10	15	20	20	20	20	20	20	20
9.....	0	5	10	15	20	20	20	20	20	20	20
10.....	0	5	10	15	20	20	20	20	20	20	20
11.....	0	5	10	15	20	20	20	20	20	20	20
12.....	0	5	10	15	20	20	20	20	20	20	20
13.....	0	5	10	15	20	20	20	20	20	20	20
14.....	0	5	10	15	20	20	20	20	20	20	20
15 or more	0	5	10	15	20	20	20	20	20	20	20

## § 263.316 Workmanship defects.

(a) The factor of "workmanship defects" refers to the degree of freedom from improper packing, cutting and trimming imperfections, blemishes, and bones. Evaluation for the defect of improper packing is made on the frozen product. Evaluation of the defects of cutting and

trimming, blemishes, and bones are made on the thawed product.

(1) *Improper packing*. "Improper packing" means poor arrangement of fillets, presence of voids, depressions, frost, and the imbedding of packaging material into the frozen fish flesh.

(2) *Cutting and trimming imperfections*. "Cutting and trimming" imper-



fections" means that the fillets have ragged edges, tears, holes, or are otherwise improperly cut or trimmed.

(3) *Blemish*. "Blemish" means an instance of blood-spot, bruise, black-belly lining or membrane, fin, scales, or extraneous material. Blemish also means an instance of skin on skinned fillets. One "instance of blood spot" is one of such size and prominence as to be considered objectionable. An "instance of bruise" consists of a bruise not less than  $\frac{1}{2}$  square inch and not more than  $1\frac{1}{2}$  square inches in area; each bruise larger than  $\frac{1}{2}$  square inch is considered as two instances of bruise. An "instance of black-belly lining or membrane" is any piece of black-belly lining or membrane not less than  $\frac{1}{2}$  inch and not more than 1 inch in length; each additional  $\frac{1}{2}$  inch length of individual pieces of black-belly lining or membrane longer than 1 inch is considered as an instance. Each aggregate area of identifiable fin or parts of any fin up to 1 square inch is considered as one "instance of fin". One "instance of scales" is an aggregate area of scales greater than  $\frac{1}{2}$  square inch per fillet. One "instance of skin" consists of one piece of skin at least  $\frac{1}{2}$  square inch in area; except that any skin patches larger than  $1\frac{1}{2}$  square inches are considered as two instances of skin.

(4) *Bones*. One "instance of bones" means an objectionable bone or group of bones occupying or contacting a circular area up to 1 square inch. An objectionable bone is any bone of such size and rigidity as to remain objectionable after cooking. Bones which will soften or disintegrate after cooking are not considered objectionable.

(b) For the purpose of rating the factor of absence of defects the schedule of deduction-points in Table III applies.

TABLE III—SCORE DEDUCTIONS FOR WORKMANSHIP DEFECTS

Subfactors	Method of determining subfactor score	Deduction points
Improper packing.	Slight defects, not noticeably affecting the product's appearance.	0
	Moderate defects, noticeably affecting the product's appearance.	2
	Excessive defects, seriously affecting product's appearance.	4
Blemishes.	Number of blemishes per 1 lb. of product when there are 6 or less fillets per lb.: Over 0 not over 2..... Over 2 not over 4..... Over 4 not over 6..... Over 6 not over 7..... Over 7 not over 8..... Over 8 not over 9..... Over 9 not over 10..... Over 10 not over 11..... Over 11.....	1 1 2 3 4 5 6 7 8 9
	Number of blemishes per 1 lb. of product when there are 7 to 12 (inclusive) fillets per lb.: Over 0 not over 2..... Over 3 not over 6..... Over 5 not over 6..... Over 6 not over 7..... Over 7 not over 8..... Over 8 not over 9..... Over 9 not over 10..... Over 10 not over 11..... Over 11 not over 12..... Over 12.....	1 1 2 3 4 5 6 7 8 9
	Number of blemishes per 1 lb. of product when there are 13 or more fillets per lb.: Over 0 not over 2..... Over 3 not over 6..... Over 5 not over 6..... Over 6 not over 7..... Over 7 not over 8..... Over 8 not over 9..... Over 9 not over 10..... Over 10 not over 11..... Over 11 not over 12..... Over 12.....	1 1 2 3 4 5 6 7 8 9



(c) *Examination of the cooked product.* (1) Heating in a suitable manner means heating the product in one of two ways, as follows:

(i) Cut three or more portions about 4 by 3 by 1/2 inches from a frozen block. Wrap them individually or in a single layer in aluminum foil. Place the packaged portions on a wire rack suspended over boiling water in a covered container. Steam the packaged portions until the product is thoroughly heated, or

(ii) Cut and package the portions as previously described. Place the packaged portions on a flat cookie sheet or shallow flat-bottom pan of sufficient size so that the packages can be evenly spread on the sheet or pan. Place the pan and frozen contents in a properly ventilated oven heated to 400° F. and remove when the product is thoroughly heated.

(2) Texture refers to the condition of the cooked fish flesh. The texture should be firm, slightly resilient, but not tough or rubbery; and should be moist, but not mushy. Deductions for texture will follow the deductions assessed in table 1.

(3) Flavor and odor is evaluated organoleptically as described in § 264.111 (b).

(d) *General definitions.* (1) "Demonstrably acceptable" shall mean that the product has been produced commercially and met customer acceptance.

(2) "Adversely affected" shall mean that the unit cut would deviate more than 15 percent plus or minus from 1 ounce.

(3) "Small" (overall assessment) refers to a condition that is noticeable, but is not seriously objectionable.

(4) "Large" (overall assessment) refers to a condition that is not only noticeable, but is seriously objectionable.

(5) "Minor" (measured quantity or area) refers to a defect that affects the appearance or utility of the product or both.

(6) "Major" (measured quantity or area) refers to a defect that seriously affects the appearance or utility of the product or both.

§ 264.125 Tolerances for certification of officially drawn samples.

The sample rates and grades of specific lots shall be certified in accordance with Part 260 Subpart A of this chapter (Regulations Governing Processed Fishery Products).

#### Subpart B—[Reserved]

#### Subpart C—United States Standards for Grades of Frozen Raw Fish Portions

##### § 264.201 Description of the product.

The product described in this part consists of clean, wholesome, shaped

masses of cohering pieces (not ground) of fish flesh. The fish portions are cut from frozen fish blocks, and are packaged in accordance with good manufacturing practice. They are maintained at temperatures necessary for the preservation of the product. All fish portions in an individual package are prepared from the flesh of one species of fish.

##### § 264.202 Styles.

(a) *Style I—Skinless portions.* Portions prepared from fish blocks which have been made with skinless fillets.

(b) *Style II—Skin-on portions.* Portions prepared from fish blocks which have been made from demonstrably acceptable skin-on fillets.

##### § 264.203 Types.

(a) *Type I—Uniform shaped.* All portions in the sample are uniformly shaped.

(b) *Type II—Specialty cut.* All portions not covered in Type I.

##### § 264.204 Grades.

(a) "U.S. Grade A" is the quality of frozen raw fish portions that (1) possess a good flavor and odor and that (2) for those factors that are rated in accordance with the scoring system outlined in this part, have a total score of 85 to 100 points.

(b) "U.S. Grade B" is the quality of frozen raw fish portions that (1) possess at least reasonably good flavor and odor, and that (2) rate a total score of not less than 70 points for those factors of quality that are rated in accordance with the scoring system outlined in this part.

(c) "Substandard" or "Utility" is the quality of frozen raw fish portions that meet the requirements of § 264.201 but that otherwise fail to meet the requirements of "U.S. Grade B."

##### § 264.205 Labeling requirements for styles of frozen fish portions.

Section 260.86 (a), (b), and (c) of this chapter states the requirements for the use of approved grade marks, inspection marks and combined grade and inspection marks on processed fishery products. When an approved inspection mark is used on Style II (§ 264.202) of frozen raw fish portions, that style shall be conspicuously revealed on the label as having been made from "skin-on fillets."

##### § 264.211 Determination of the grade.

The grade is determined by examining the product for factors 1-8 in the frozen state and factors 9-11 in the cooked state.

(a) *Factors rated by score points.* Points are deducted for variations in the quality of each factor in accordance with the schedule in Table I. The total of points deducted is subtracted from 100 to obtain the score. The maximum score is 100, the minimum score is 0.

(b) *Factors not rated by score points.* The factor of "flavor and odor" is evaluated organoleptically by smelling and tasting after the product has been cooked in accordance with § 264.221 (c).

(1) Good flavor and odor (essential requirements for U.S. Grade A product) means that the cooked product has the typical flavor and odor of the indicated species and is free from rancidity, bitterness, staleness, and other off-flavor and odors of any kind.

(2) Reasonably good flavor and odor (minimum requirements of a U.S. Grade B product) means that the cooked product is lacking in good flavor and odor, but is free from objectionable off-flavors and off-odors of any kind.

##### § 264.221 Definitions and methods.

(a) *Selection of the sample unit.* The sample unit shall consist of 10 frozen raw fish portions taken at random from one or more packages as required. The fish portions for examination in the frozen and cooked state are spread out on a flat pan or sheet and are examined according to Table I. Definition of factors for point deductions are as follows:

(b) *Examination of sample, frozen state.* (1) "Ease of separation" refers to the difficulty of separating the portions from each other or from the packaging material.

(2) "Broken portion" means a portion with a break or cut equal to or greater than one-half the width or length of the portion.

(3) "Damaged portion" means a portion that has been mashed, physically or mechanically injured, misshaped or mutilated to the extent that its appearance is materially affected. The amount of damage is determined by using a grid composed of squares 1/4 inch x 1/4 inch to measure the area of the portion affected. No deductions are made for damage of less than 1/4 inch x 1/4 inch.

(4) "Voids" refer to objectionable holes, spaces, or depressions in the fish flesh. Instances of voids refer to each occurrence measured by placing a plastic grid marked off in 1/4-inch squares at last 1/8 inch in depth over the affected area. Each square is counted as one whether it is full or fractional. No deductions are made for voids of less than 1/4 inch x 1/4 inch.

TABLE 1. SCHEDULE OF POINT DEDUCTIONS PER SAMPLE

FROZEN STATE		
Factors scored	Method of determining score	Deduct
1 Ease of separation.....	Minor: Hand separated with difficulty. Each affected.....	2
	Major: Separated only by knife or other instrument. Each affected.....	4
2 Broken portion.....	Break or cut greater than 1/4 width or length. Each affected.....	10
3 Damaged portion.....	Mashed, mechanically and/or physically injured, misshaped or mutilated.	
	Minor: 1 to 5 instances. Each affected.....	2
	Major: Over 5 instances. Each affected.....	4
4 Voids.....	Holes, spaces, or depressions:	
	Minor: 1 to 5 instances. Each affected.....	1
	Major: Over 5 instances. Each affected.....	2
5 Discoloration (overall assessment).....	Small degree: Slight yellowing or rusting.....	16
	Large degree: Excessive yellowing or rusting.....	21
6 Dehydration (overall assessment).....	Surface dehydration:	
	Small degree: Easily scraped off with fingernail. Each affected.....	5
	Large degree: Deep dehydration not easily scraped off, affecting over 10 percent of surface area. Each affected.....	10
7 Uniformity of size.....	Deviation in length or width between the 2 largest and 2 smallest portions that are similarly shaped.	
	Up to 1/4 inch.....	0
	Over 1/4 inch and up to 1/2 inch.....	2
	Over 1/2 inch.....	10
8 Uniformity of weight.....	Weight ratio of 2 heaviest divided by the 2 lightest.	
	Over 1.0 but not over 1.2.....	0
	Over 1.2 but not over 1.3.....	5
	Over 1.3 but not over 1.4.....	2
	Over 1.4.....	10
COOKED STATE		
9 Blemishes.....	Skin (except for Style II) blood spots, bruises and discolorations.	
	Minor: 1 to 5 instances. Each affected.....	2
	Major: Over 5 instances. Each affected.....	4
10 Bones.....	Portions containing bones (potentially harmful). Each affected.....	10
11 Texture (overall assessment).....	Small degree: Moderately dry, soggy, or tough.....	5
	Large degree: Dry to the point of fibrousness, very mushy, tough, or rubbery skin (Style II).	10

<sup>1</sup> An instance—each 1/4-inch square.

(5) "Discoloration" is considered as a deviation in color from that normal to the species present in the portions.

(6) "Dehydration" refers to the presence of dehydrated (water-removed) tissue in the portions. Slight dehydration is surface dehydration which is not color-masking. Deep dehydration is color-masking and cannot be removed by scraping with a blunt instrument.

(7) "Uniformity of size" refers to the degree of uniformity in length and width of the frozen portions. Deviations are measured from the combined lengths of the two shortest and/or the combined widths of the two widest minus the combined widths of the two narrowest in the sample. Deductions are not made for overall deviations in length or width up to 1/4 inch.

(8) "Uniformity of weight" refers to the degree of uniformity of the weights of portions. Uniformity is measured by the combined weight of the two heaviest portions divided by the combined weight of the two lightest portions in the sample. No deductions are made for weight ratios less than 1.2 for Type I.

(c) *Examination of sample, cooked state.* Cooked state means the state of the sample after cooking in accordance with instructions accompanying the product. However, if specific instructions are lacking, cooking is accomplished by:

(1) *Boil in bag method.* Insert the sample of frozen portions into a boilable film-type pouch; fold the open end of the pouch over a suspension bar and clamp in place to provide a loose seal after evacuating the air by immersing the pouch into boiling water. Cook the contents for 20 minutes (until the internal

temperature of the portions reaches 160° F.).

(2) *Steam method.* Use 10 frozen portions, wrap them individually or in a single layer in aluminum foil, and place the packaged portions on a wire rack suspended over boiling water in a covered container. Steam the packaged portions for 20 minutes.

(3) *Bake method.* Package the 10 frozen portions as previously described. Place the packaged portions on a flat cookie sheet or shallow flat-bottom pan of sufficient size so that the packages can be evenly spread on the sheet or pan. Place the pan and frozen contents in a properly ventilated oven preheated to 400° F. for 20 minutes.

(d) *Factors examined in cooked state.*

(1) "Blemishes" refers to skin (except for Style II), blood spots or bruises, objectionable dark fatty flesh, or extraneous material. Instances of blemishes refer to each occurrence measured by placing a plastic grid marked off in 1/4-inch squares (1/4 square inch) over the defect area. Each square is counted as 1 whether it is full or fractional.

(2) "Bones" means the presence of potentially harmful bones in a portion. A potentially harmful bone is one that after being cooked is capable of piercing or hurting the palate.

(3) "Texture defects of the fish flesh and texture of skin in Style II" refers to the absence of the normal textural properties of the cooked fish flesh and to the absence of tenderness of the cooked skin in Style II. Normal textural properties of cooked fish flesh are tenderness, firmness, and moistness without excess water. Texture defects of the cooked flesh are

dryness, mushiness, toughness, and rubberiness. Texture defects of the cooked skin in Style II are mushiness, rubberiness, toughness, and stringiness.

(e) *General definitions.* (1) "Small" (overall assessment) refers to a condition that is noticeable but is only slightly objectionable.

(2) "Large" (overall assessment) refers to a condition that not only is noticeable but is seriously objectionable.

(3) "Minor" (individual assessment) refers to a defect that slightly affects the appearance and/or utility of the product.

(4) "Major" (individual assessment) refers to a defect that seriously affects the appearance and/or utility of the product.

(5) "Net weight": The net weight of the portions if glazed shall be determined by the following method:

(i) Weigh the portions with the glaze intact, which gives the gross weight.

(ii) Thaw the glaze from the surfaces of the product with flowing tap water.

(iii) Gently wipe off the excess water from the surfaces with a single water saturated paper towel.

(iv) Weigh the deglazed portions, which gives the net weight.

##### § 264.225 Tolerances for certification of officially drawn samples.

The sample rate and grades of specific lots shall be certified in accordance with Part 260 Subpart A of this chapter (Regulations Governing Processed Fishery Products).

#### Subpart D—United States Standards for Grades of Frozen Raw Breaded Fish Sticks

##### § 264.251 Description of the product.

Frozen raw breaded sticks are clean, wholesome, rectangular-shaped unglazed masses of cohering pieces (not ground) of fish flesh coated with breading. The sticks are cut from frozen fish blocks; are coated with a suitable, wholesome batter and breading; are packaged, and frozen in accordance with good commercial practice. They are maintained at temperatures necessary for preservation of the product. Frozen raw breaded fish sticks weigh up to and including 1 1/2 ounces; are at least 3/8 inch thick; and their largest dimension is at least 3 times the next largest dimension. All sticks in an individual package are prepared from the flesh of one species of fish.

##### § 264.252 Composition of the product.

(a) Frozen raw breaded fish sticks shall contain 72 percent by weight of fish flesh determined by the official end-product method as set forth in § 264.271 (f). Fish flesh content may be determined by the on-line method as set forth in § 264.271 (g). Provided, That the results are consistent with the fish flesh content requirement of 60 percent by weight when verified by the official end-product method.

(b) Production methods employed in official establishments shall be kept relatively constant for each production lot so as to minimize variation in any factors which may affect the relative fish flesh content.



## § 264.253 Grades.

(a) "U.S. Grade A" is the quality of frozen raw breaded fish sticks that (1) possess good flavor and odor and (2) rate a total score of not less than 85 points for those factors of quality that are rated in accordance with the scoring system outlined elsewhere in this part.

(b) "U.S. Grade B" is the quality of frozen raw breaded fish sticks that (1) possess at least reasonably good flavor and odor and (2) rate a total score of not less than 70 points for those factors of quality that are rated in accordance with the scoring system outlined in this part.

(c) "Substandard" is the quality of frozen raw breaded sticks that meet the requirements of § 264.251 *Description of product*, but otherwise fail to meet the requirements of "U.S. Grade B."

## § 264.261 Determination of the grade.

The grade is determined by examining the product in the frozen and cooked states and is evaluated by considering the following factors:

(a) *Factors rated by score points.* Points are deducted for variations in the quality of each factor in accordance with the schedule in Table 1. The total of points deducted is subtracted from 100 to obtain the score. The maximum score is 100; the minimum score is 0.

(b) *Factors not rated by score points.* The factor of "flavor and odor" is evaluated organoleptically by smelling, and tasting, after the product has been cooked in accordance with § 264.271(c).

(1) Good flavor and order (essential requirements for a Grade A (product) means that the cooked product has the typical flavor and odor of the indicated species of fish and of the breading and is free from rancidity bitterness, staleness, and off-flavors and off-odors of any kind.

(2) Reasonably good flavor and odor (minimum requirements of a Grade B product) means that the cooked product is lacking in good flavor and odor but is free from objectionable off-flavors and off-odors of any kind.

## § 264.271 Definitions.

(a) Selection of the sample unit: The sample unit shall consist of 10 frozen raw breaded fish sticks taken at random from one or more packages as required. The fish sticks are spread out on a flat pan or sheet and are examined according to Table 1. Definitions of factors for point deductions are as follows:

(b) Examination of sample, frozen state:

(1) "Condition of package" refers to the presence in the package of loose breading and/or loose frost.

(2) "Ease of separation" refers to the difficulty of separating sticks from each other or from packaging material that are frozen together during the freezing.

(3) "Broken stick" means a stick with a break or cut equal to or greater than one-half the width of the stick.

(4) "Damaged stick" means a stick that has been mashed, physically or

mechanically injured, misshaped, or mutilated to the extent that its appearance is materially affected. The amount of damage is measured by using a grid composed of squares  $\frac{1}{4}$  inch (that is, squares with an area of  $\frac{1}{16}$  square inch each) to measure the area of the stick affected. Deductions are not made for damage less than  $\frac{1}{16}$  square inch.

(5) "Uniformity of size" refers to the degree of uniformity in length and width of the frozen sticks. Deviations are measured from the combined lengths of the two longest minus the combined lengths of the two shortest and/or the

combined widths of the two widest minus the combined widths of the two narrowest. Deductions are not made for overall deviations in length or width up to  $\frac{1}{4}$  inch.

(6) "Uniformity of weight" refers to the degree of uniformity of the weights of the sticks. Uniformity is measured by the combined weight of the two heaviest sticks divided by the combined weight of the two lightest sticks. No deductions are made for weight ratios less than 1.15.

(c) Cooked state means the state of the product after cooking in accordance

TABLE 1—SCHEDULE OF POINT DEDUCTIONS PER SAMPLE UNIT OF 10 STICKS

FROZEN STATE			
Factors scored	Method of determining score		Deduct
1 Condition of package.....	Small degree: Moderate loose breading and/or moderate frost.....	2	
	Large degree: Excessive loose breading and/or excessive amount frost.....	5	
2 Ease of separation.....	Minor: Hard separated with difficulty.—Each affected.....	1	
	Major: Separated only by knife or other instrument.—Each affected.....	2	
3 Broken stick.....	Break or cut greater than $\frac{1}{2}$ length width.—Each affected.....	10	
	<i>Mashed, mechanically and/or physically injured, misshaped or mutilated<sup>1</sup></i>		
4 Damaged stick.....	Minor: 1 to 3 instances.—Each affected.....	2	
	Major: Over 3 instances.—Each affected.....	4	
5 Uniformity: Size.....	Deviation in length or width between the 2 largest and 2 smallest sticks is:		
	Up to $\frac{1}{4}$ inch.....	0	
	Over $\frac{1}{4}$ inch and up to $\frac{1}{2}$ inch.....	2	
	Over $\frac{1}{2}$ inch.....	10	
6 Weight.....	Weight ratio of the 2 heaviest divided by the 2 lightest sticks:		
	Over 1.0; not over 1.15.....	0	
	Over 1.15; not over 1.3.....	2	
	Over 1.3; not over 1.4.....	4	
	Over 1.4.....	10	
COOKED STATE			
7 Distortion.....	Minor: Bending, shrinking, twisting ( $\frac{1}{4}$ to $\frac{1}{2}$ inch).—Each affected.....	1	
	Major: Excessive bending, shrinking, twisting (over $\frac{1}{2}$ inch).—Each affected.....	2	
	<i>Bare spots, blistering, ridges, breaks, curds<sup>1</sup></i>		
8 Coating defects.....	Minor: 1 to 3 instances.—Each affected.....	1	
	Major: Over 3 instances.—Each affected.....	2	
	<i>Skin, blood spots, bruises, discolorations<sup>1</sup></i>		
9 Blemishes.....	Minor: 1 to 6 instances.—Each affected.....	2	
	Major: Over 6 instances.—Each affected.....	4	
10 Bones.....	Sticks containing bones (potentially harmful).—Each affected.....	10	
11 Texture:			
Coating.....	Small degree: Moderately dry, soggy, doughy or tough.....	5	
	Large degree: Farinaceous (mealy), pasty, very tough.....	15	
12 Fish flesh.....	Small degree: Moderately dry, soft, mushy.....	5	
	Large degree: Dry to the point of fibrousness, very mushy, tough or rubbery.....	15	

<sup>1</sup> An instance—each  $\frac{1}{16}$  square inch ( $\frac{1}{4}$ -inch square).

with the instructions accompanying the product. However, if specific instructions are lacking, the product for inspection is cooked as follows: Transfer the product, while still in frozen state, into a wire mesh fry basket large enough to hold the fish sticks in a single layer and cook by immersing 2–3 minutes in 375° F. liquid or hydrogenated cooking oil. After cooking, allow the fish sticks to drain 15 seconds and place the fish sticks on a paper napkin or towel to absorb excess oil.

(d) Examination of sample, cooked state:

(1) "Distortion" refers to the degree of bending of the long axis of the stick. Distortion is measured as the greatest deviation from the long axis. Deductions are not made for deviations of less than  $\frac{1}{4}$  inch.

(2) "Coating defects" refers to breaks, lumps, ridges, depressions, blisters, or

swells and curds in the coating of the cooked product. Breaks in the coating are objectionable bare spots through lumps are objectionable outcroppings of breading on the stick surface. Ridges which the fish flesh is plainly visible. are projections of excess breading at the edges of the fish flesh. Depressions are objectionable visible voids or shallow areas which are lightly covered by breading. Blisters are measured by the swelling or exposed area in the coating resulting from the bursting or breaking of the coating. Curd refers to crater-like holes in the breading filled with coagulated albumin. Instances of these defects are measured by a plastic grid marked off in  $\frac{1}{4}$ -inch squares ( $\frac{1}{16}$  square inch). Each square is counted as 1 whether it is full or fractional.

(3) "Blemishes" refers to skin, blood spots or bruises, objectionable dark fatty flesh, or extraneous material. In-

stances of blemishes refer to each occurrence measured by placing a plastic grid marked off in  $\frac{1}{4}$ -inch squares ( $\frac{1}{16}$  square inch) over the defect area. Each square is counted as 1 whether it is full or fractional.

(4) "Bones" means the presence of potentially harmful bones in a stick. A potentially harmful bone is one that after being cooked is capable of piercing or hurting the palate.

(5) "Texture defects of the coating" refers to the absence of the normal textural properties of the coating which are crispness and tenderness. Coating texture defects are dryness, sogginess, mushiness, doughiness, toughness, pastyness, as sensed by starchiness or other sticky properties felt by mouth tissues and/or meanness.

(6) "Texture defects of the fish flesh" refers to the absence of the normal textural properties of the cooked fish flesh, which are tenderness, firmness, and moistness without excess water. Texture defects of the flesh are dryness, mushiness, toughness, and rubberiness.

## (c) General definitions:

(1) "Small" (overall assessment) refers to a condition that is noticeable but is not seriously objectionable.

(2) "Large" (overall assessment) refers to a condition that not only is noticeable but is seriously objectionable.

(3) "Minor" (individual assessment) refers to a defect that slightly affects the appearance and/or utility of the product.

(4) "Major" (individual assessment) refers to a defect that seriously affects the appearance and/or utility of the product.

(f) "Minimum fish flesh content—End-product determination" refers to the minimum percent, by weight, of the average fish flesh content of three frozen raw breaded fish sticks (sample unit for fish flesh determination), as determined by the following method:

(1) *Equipment needed.* (i) Water bath (for example, a 3- to 4-liter beaker).

(ii) Balance accurate to 0.1 gram.

(iii) Clip tongs of wire, plastic, or glass.

(iv) Stop-watch or regular watch readable to a second.

(v) Paper towels.

(vi) Spatula, 4-inch blade with rounded tip.

(vii) Nut pick.

(viii) Thermometer (immersion type) accurate to  $\pm 2^\circ$  F.

(2) *Procedure.* (i) Calculate the weight of three frozen raw breaded fish sticks by dividing the declared net weight on the label by the number of fish sticks indicated on the label to obtain the weight of an individual fish stick and multiply by three. If the number of fish sticks contained in the package is not declared on the label, the actual weight of three frozen raw breaded fish sticks shall be used.

(ii) Using tongs, place each stick individually in the water bath maintained at 63° F. to 120° F. and allow to remain

until the breading becomes soft and can easily be removed from the still frozen fish flesh (between 10 to 110 seconds for sticks held in storage at 0° F.).

(iii) At the end of the immersion, remove the fish stick from the water and blot the stick lightly with double thickness paper toweling. This step should be completed in no more than 7 seconds.

(iv) Scrape and remove the breading material and batter from the fish flesh with the spatula removing the softened breading material and batter from the narrow sides and ends of the stick on

the initial movements, followed by removing the material from the wider flat surfaces.

(v) Residual batter and breading may remain on some sticks prepared using batters that are difficult to remove after one dipping. When this occurs re-dip the partially "debreaded" stick in 63° to 86° F. (room temperature) water for approximately 2 seconds. Follow step 3 toweling, and remove the softened residual batter and breading material.

(vi) Weigh all the "debreaded" fish sticks.

(vii) Calculate the percent of fish flesh in the sample unit by the following formula:

$$\text{Percent fish flesh} = \frac{\text{Weight of fish flesh (vi)}}{\text{Weight of three raw breaded fish sticks (i)}} \times 100$$

*Example.* The declared net weight of five 1 oz. breaded fish sticks would be 5 ounces. The average weight of three groups of five unbreaded fish sticks would be 3.6 ounces. The percent fish flesh would be 72.

$$\text{Percent fish flesh} = \frac{\text{Weight of fish flesh (sample unit) (i)} \times 100}{\text{Declared net weight of raw breaded fish sticks} \times 5 \text{ (ii)}}$$

(g) "Minimum fish flesh content—On-line determination" refers to the minimum percent fish flesh, by weight, of the average weight of three groups of five fish sticks (sample unit for fish flesh determination), as determined by the following:

(1) Equipment needed—Balance accurate to 0.1 gram.

(2) Procedure:

(i) Weigh three groups of five raw unbreaded fish sticks from the line. These weights should be recorded and averaged (average weight of three groups of five sticks) and percent fish flesh calculated immediately after the average weights are determined.

(ii) Calculate the percent fish flesh in the sample unit by using the average weight of three groups of five unbreaded fish sticks and the declared net weight of five breaded fish sticks.

(iii) Frequency of on-line fish flesh content determination. A minimum of three determinations of fish flesh content shall be carried out for small production runs or lots, i.e., 3× (three groups of five unbreaded fish sticks). For larger production runs or lots, a minimum of 1 determination i.e., 1× (three groups of five unbreaded fish sticks), shall be carried out for every hour of production of product units of the same weight.

## § 264.272 Use of alternate methods of fish flesh determination.

(a) The end-product method in § 264.271(f) for determining fish flesh content shall be used for lot and appeal inspections and may be used for verification inspection.

(b) The on-line method in § 264.271(g) for determining fish flesh content may be used during processing operations.

## § 264.275 Tolerances for certification of officially drawn samples.

The sample rate and grades of specific lots shall be certified in accordance with

Part 260, Subpart A of this chapter (Regulations Governing Processed Fishery Products).

Subpart E—United States Standards for Grades of Frozen Raw Breaded Fish Portions

## § 264.301 Description of the product.

Frozen raw breaded portions are clean, wholesome, uniformly shaped, unglazed masses of cohering pieces (not ground) of fish flesh coated with breading. The portions are cut from frozen fish blocks; are coated with a suitable, wholesome batter and breading; and are packaged and frozen in accordance with good commercial practice. They are maintained at temperatures necessary for the preservation of the product. Frozen raw breaded fish portions weigh more than 1½ ounces, and are at least  $\frac{3}{4}$ -inch thick. Frozen raw breaded fish portions contain not less than 75 percent, by weight, of fish flesh. All portions in an individual package are prepared from the flesh of one species of fish.

## § 264.302 Styles.

(a) *Style I—Skinless portions.* Portions prepared from fish blocks which have been made with skinless fillets.

(b) *Style II—Skin-on-portion.* Portions prepared from fish blocks which have been made with demonstrably acceptable skin-on fillets.

## § 264.303 Composition of the product.

(a) Frozen raw breaded fish portions shall contain 75 percent by weight of fish flesh determined by the official end-product method as set forth in § 264.321 (f). Fish flesh content may be determined by the on-line method as set forth in § 264.321(g): *Provided*, That the results are consistent with the fish flesh content requirement of 75 percent by weight, when verified by the official end-product method.

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(b) Production methods employed in official establishments shall be kept relatively constant for each production lot so as to minimize variation in any factors which may affect the relative fish flesh content.

#### 264.301 Grades.

(a) "U.S. Grade A" is the quality of frozen raw breaded fish portions that (1) possess good flavor and odor and (2) rate a total score of not less than 85 points for those factors of quality that are rated in accordance with the scoring system outlined in this part.

(b) "U.S. Grade B" is the quality of frozen raw breaded fish portions that (1) possess at least reasonably good flavor and odor and (2) rate a total score of not less than 70 points for those factors of quality that are rated in accordance with the scoring system outlined in this part.

(c) "Substandard" is the quality of frozen raw breaded portions that meet the requirements of § 264.301, Description of Product, but otherwise fail to meet the requirements of "U.S. Grade B".

#### § 264.305 Labeling requirements for styles of frozen raw breaded fish portions.

Section 260.86 (a), (b), and (c) of Part 260 states the requirements for the use of approved grade marks, inspection marks and combined grade and inspection marks on processed fishery products. When an approved inspection mark is used on Style II (§ 264.302) of frozen raw breaded fish portions, that style shall be conspicuously revealed on the label as having been made from "skin-on-fillets".

#### § 264.311 Determination of the grade.

The grade is determined by examining the product in the frozen and cooked states and is evaluated in accordance with the following factors:

(a) *Factors rated by score points.* Points are deducted for variations in the quality of each factor in accordance with the schedule in Table 1. The total points deducted is subtracted from 100 to obtain the score. The maximum score is 100; the minimum score is 0.

(b) *Factors not rated by score points.* The factor of "flavor and odor" is evaluated organoleptically by smelling and tasting, after the product has been cooked in accordance with § 264.321(c).

(1) Good flavor and odor (essential requirements for a Grade A product) means that the cooked product has the typical flavor and odor of the indicated species of fish and of the breading and is free from rancidity, bitterness, staleness, and off-flavors and off-odors of any kind.

(2) Reasonably good flavor and odor (minimum requirements of a Grade B product) means that the cooked product is lacking in good flavor and odor but is

Factors scored	Method of determining score	Deduct
Frozen state	1 Condition of package..... Small degree: Moderate loose breading and/or moderate frost..... Large degree: Excessive loose breading and/or excessive amount frost.....	3 6
	2 Ease of separation..... Minor: Hand separated with difficulty. Each affected..... Major: Separated only by knife or other instrument. Each affected.....	1 2
	3 Broken portion..... Break or cut greater than 1/2 width or length. Each affected.....	10
	4 Damaged portion..... Mashed, mechanically and/or physically injured, misshaped or mutilated..... Minor: 1 to 5 instances. Each affected..... Major: Over 5 instances. Each affected.....	2 4
	5 Uniformity..... Size..... Deviation in length or width between the 2 largest and 2 smallest portion is: Up to 1/4 inch..... Over 1/4 inch and up to 1/2 inch..... Over 1/2 inch.....	0 3 10
	6 Weight..... Weight ratio of the 2 heaviest divided by the 2 lightest portions: Over 1.2 but not over 1.3..... Over 1.3 but not over 1.4..... Over 1.4.....	0 2 10
	7 Distortion..... Minor: Bending, shrinking, twisting—1/4 to 1/2 inch. Each affected..... Major: Excessive bending, shrinking, twisting—over 1/2 inch. Each affected.....	1 2
	8 Coating defects..... Bare spots, blistering, ridges, breaks, curds: Minor: 1 to 6 instances. Each affected..... Major: Over 6 instances. Each affected.....	1 2
	9 Blemishes..... Skin (except for style II), blood spots, bruises, and discolorations: Minor: 1 to 6 instances. Each affected..... Major: Over 6 instances. Each affected.....	3 4
	10 Bones..... Portions containing bones (potentially harmful). Each affected.....	10
Cooked state	11 Texture..... Coating..... Small degree: Moderately dry, soggy, doughy, or tough..... Large degree: Farinaceous (mealy), pasty, very tough.....	5 15
	12 Fish flesh..... Small degree: Moderately dry, soft, mushy..... Large degree: Dry to the point of fibrousness, very mushy, tough, or rubbery (skin for style II).....	5 15

<sup>1</sup> An instance—each 1/4 square inch (1/4-inch square).

free from objectionable off-flavors and off-odors of any kind.

#### § 264.321 Definitions.

(a) Selection of the sample unit: The sample unit shall consist of 10 frozen raw breaded fish portions taken at random from one or more packages as required. The fish portions are spread out on a flat pan or sheet and are examined according to Table 1. Definitions of factors for point deductions are as follows:

(b) Examination of sample, frozen state: (1) "Condition of package" refers to the presence in the package of loose breading and/or loose frost.

(2) "Ease of separation" refers to the difficulty of separating the portions from each other or from the packaging material.

(3) "Broken portion" means a portion with a break or cut equal to or greater than one-half the width or length of the portion.

(4) "Damaged portion" means a portion that has been mashed, physically or mechanically injured, misshaped, or mutilated to the extent that its appearance is materially affected. The amount of damage is measured by using a grid composed of squares 1/4-inch x 1/4-inch (that is, squares with an area of 1/16 square inch each) to measure the area

of the portion affected. No deductions are made for damage of less than 1/16 square inch.

(5) "Uniformity of size" refers to the degree of uniformity in length and width of the frozen portions. Deviations are measured from the combined lengths of the two longest minus the combined lengths of the two shortest and/or the combined widths of the two widest minus the combined widths of the two narrowest portions in the sample. Deductions are not made for overall deviations in length or width up to 1/4 inch.

(6) "Uniformity of weight" refers to the degree of uniformity of the weights of the portions. Uniformity is measured by the combined weight of the two heaviest portions divided by the combined weight of the two lightest portions in the sample. No deductions are made for weight ratios less than 1.2.

(c) (1) Cooked state means the state of the product after being cooked in accordance with the instructions accompanying the product. If, however, specific instructions are lacking, the product being inspected is cooked as follows:

(2) Transfer the product, while still frozen, into a wire mesh fry basket large enough to hold the fish portions in a single layer and cook by immersing them

3-5 minutes in liquid or hydrogenated cooking oil heated to 350° to 375° F. After cooking, allow the fish portions to drain 15 seconds and place them on a paper napkin or towel to absorb excess oil.

(d) Examination of sample, cooked state.

(1) "Distortion" refers to the degree of bending of the long axis of the portion. Distortion is measured as the greatest deviation from the long axis. Deductions are not made for deviations of less than 1/4 inch.

(2) "Coating defects" refers to breaks, lumps, ridges, depressions, blisters or swells and curds in the coating of the cooked product. Breaks in the coating are objectionable bare spots through which the fish flesh is plainly visible. Lumps are objectionable outcroppings of breading on the portion surface. Ridges are projections of excess breading at the edges of the portions. Depressions are objectionable visible voids or shallow areas that are lightly covered by breading. Blisters are measured by the swelling or exposed area in the coating resulting from the bursting or breaking of the coating. Curd refers to crater-like holes in the breading filled with coagulated white or creamy albumin. Instances of these defects are measured by a plastic grid marked off in 1/4-inch squares (1/4 square inch). Each square is counted as 1 whether it is full or fractional.

(3) "Blemishes" refers to skin (except for Style II), blood spots or bruises, objectionable dark fatty flesh, or extraneous material. Instances of blemishes refers to each occurrence measured by placing a plastic grid marked off in 1/4-inch squares (1/4 square inch) over the defect area. Each square is counted as 1 whether it is full or fractional.

(4) "Bones" means the presence of potentially harmful bones in a portion. A potentially harmful bone is one that after being cooked is capable of piercing or hurting the palate.

(5) "Texture defects of the coating" refers to the absence of the normal textural properties of the coating which are crispness and tenderness. Defects in coating texture are dryness, sogginess, mushiness, doughiness, toughness, pastyness, as sensed by starchiness or other sticky properties felt by mouth tissues and/or mealiness.

(6) "Texture defects of the fish flesh and texture of skin in Style II" refers to the absence of the normal textural properties of the cooked fish flesh and to the absence of tenderness of the cooked skin in Style II. Normal textural properties of cooked fish flesh are tenderness, firmness, and moistness without excess water. Texture defects of the cooked flesh are dryness, mushiness, toughness, and rubberiness. Texture defects of the cooked skin in Style II are mushiness, rubberiness, toughness, and stringiness.

(e) General definitions. (1) "Small" (overall assessment) refers to a condition that is noticeable but is not seriously objectionable.

(2) "Large" (overall assessment) refers to a condition that not only is noticeable but is seriously objectionable.

(3) "Minor" (individual assessment) refers to a defect that slightly affects the appearance and/or utility of the product.

(4) "Major" (individual assessment) refers to a defect that seriously affects the appearance and/or utility of the product.

(f) "Minimum fish flesh content—End-product determination" refers to the minimum percent, by weight, of the average fish flesh content of three frozen raw breaded portions (sample unit for fish flesh determination), as determined by the following method:

(1) *Equipment needed.* (i) Water bath (for example, a 3 to 4 liter beaker). (ii) Balance accurate to 0.1 gram. (iii) Clip tongs of wire, plastic, or glass. (iv) Stop-watch or regular watch readable to a second.

(v) Paper towels. (vi) Spatula, 4-inch blade with rounded tip. (vii) Nut pick. (viii) Thermometer (immersion type) accurate to +2° F.

(2) *Procedure.*

(i) Calculate the weight of three frozen raw breaded portions by dividing the declared net weight on the label by the number of portions indicated on the label to obtain the weight of an individual portion and multiply by three.

$$\text{Percent fish flesh} = \frac{\text{Weight of fish flesh (vi)}}{\text{Weight of three raw breaded portions (i)}} \times 100$$

(g) "Minimum fish flesh content—On-line determination" refers to the minimum percent fish flesh, by weight, of the average weight of three groups of five portions (sample unit for fish flesh determination), as determined by the following:

(1) *Equipment needed.* Balance accurate to 0.1 gram. (2) *Procedure:* (i) Weigh three groups of five raw

unbreaded portions from the line. These weights should be recorded and averaged (average weight of three groups of five portions) and percent fish flesh calculated immediately after the average weights are determined.

(ii) Calculate the percent fish flesh in the sample unit by using the average weight of three groups of five unbreaded portions and the declared net weight of five finished product units.

(iii) Calculate the percent fish flesh in the sample unit by the following formula:

(v) Residual batter and breading may remain on some portions prepared using batters that are difficult to remove after one dipping. When this occurs, redip the partially "debreaded" portion in 63° to 86° F. (room temperature) water for approximately 2 seconds. Follow step 3 to towel, and remove the softened residual batter and breading material.

(vi) Weigh all the "debreaded" fish portions. (vii) Calculate the percent fish flesh in the sample unit by the following formula:

$$\text{Percent fish flesh} = \frac{\text{Weight of fish flesh (vi)}}{\text{Declared net weight of raw breaded portions} \times 5} \times 100$$

$$\text{Percent fish flesh} = \frac{\text{Weight of fish flesh (sample unit (i))}}{\text{Declared net weight of raw breaded portions} \times 5} \times 100$$

(iii) Frequency of on-line fish flesh content determination shall be minimum of three determinations of fish flesh content for small production runs or lots, i.e., 3×(three groups of five unbreaded portions). For larger production runs or lots, a minimum of one determination i.e., 1×(three groups of five unbreaded portions), shall be made for every hour of production of product units of the same weight.

(b) The on-line method in § 264.321(g) for determining fish flesh content may be used during processing operations.

§ 264.325 Tolerances for certification of officially drawn samples.

The sample rate and grades of specific lots shall be certified in accordance with Part 260, Subpart A of this chapter (Regulations Governing Processed Fishery Products), except that a sample unit shall consist of 10 portions taken at random from one or more packages as required.

§ 264.322 Use of alternate methods of fish flesh determination.

(a) The end-product method in § 264.321(f) for determining fish flesh content shall be used for lot and appeal

inspections and may be used for verification inspection.

(b) The on-line method in § 264.321(g) for determining fish flesh content may be used during processing operations.

§ 264.325 Tolerances for certification of officially drawn samples.

The sample rate and grades of specific lots shall be certified in accordance with Part 260, Subpart A of this chapter (Regulations Governing Processed Fishery Products), except that a sample unit shall consist of 10 portions taken at random from one or more packages as required.



### Subpart F—United States Standards for Grades of Frozen Fried Fish Sticks

#### § 264.351 Description of the product.

Frozen fried fish sticks are clean, wholesome, rectangular-shaped unglazed masses of cohering pieces (not ground) of fish flesh coated with breading and partially cooked. The sticks are cut from frozen fish blocks; are coated with a suitable, wholesome batter and breading; are fried, packaged, and frozen in accordance with good manufacturing practices. They are maintained at temperatures necessary for preservation of the product. Frozen fried fish sticks weigh up to and including 1½ ounces; are at least three-eighths of an inch thick; and their largest dimension is at least three times the next largest dimension. All sticks in an individual package are prepared from the flesh of one species of fish.

#### § 264.352 Composition of the product.

(a) Frozen fried fish sticks shall contain 60 percent by weight of fish flesh determined by the official end-product method as set forth in § 264.371(f). Fish flesh content may be determined by the on-line method as set forth in § 264.371(g). *Provided*, That the results are consistent with the fish flesh content requirement of 60 percent by weight, when verified by the official end-product method.

(b) Production methods employed in official establishments shall be kept relatively constant for each production lot so as to minimize variation in any factors which may affect the relative fish flesh content.

#### § 264.353 Grades.

(a) "U.S. Grade A" is the quality of frozen fried fish sticks that (1) possess good flavor and odor and (2) rate a total score of not less than 85 points for those factors of quality that are rated in accordance with the scoring system outlined elsewhere in this part.

(b) "U.S. Grade B" is the quality of frozen fried fish sticks that (1) possess at least reasonably good flavor and odor and (2) rate a total score of not less than 70 points for those factors of quality that are rated in accordance with the scoring system outlined in this part.

(c) "Substandard" is the quality of frozen fried fish sticks that meet the requirements of § 264.351 *Description of product*, but otherwise fail to meet the requirements of "U.S. Grade B."

#### § 264.361 Determination of the grade.

The grade is determined by examining the product in the frozen and cooked states and is evaluated by considering the following factors:

(a) *Factors rated by score points.* Points are deducted for variations in the quality of each factor in accordance with the schedule in Table 1. The total of points deducted is subtracted from 100 to obtain the score. The maximum score is 100; the minimum score is 0.

(b) *Factors not rated by score points.*

The factor of "flavor and odor" is evaluated organoleptically by smelling, and tasting, after the product has been cooked in accordance with § 264.371.

(1) Good flavor and odor (essential requirements for a Grade A Product) means that the cooked product has the typical flavor and odor of the indicated species of fish and of the breading and

is free from rancidity, bitterness, staleness, and off-flavors and off-odors of any kind.

(2) Reasonably good flavor and odor (minimum requirements of a Grade B Product) means that the cooked product is lacking in good flavor and odor but is free from objectionable off-flavors and off-odors of any kind.

TABLE 1—SCHEDULE OF POINT DEDUCTIONS PER SAMPLE UNIT OF 10 STICKS

FROZEN STATE		
Factors scored	Method of determining score	Deduct
1 Condition of package.....	Small degree: Loose free oil, and/or moderate loose breading and/or moderate frost. Large degree: Oil soaking through package and/or excessive loose breading and/or excessive amount frost.	2
2 Ease of separation.....	Minor: Hand separated with difficulty.—Each affected. Major: Separated only by knife or other instrument.—Each affected.	1
3 Broken stick.....	Break or cut greater than ¼ length or width.—Each affected.  <i>Mashed, mechanically and/or physically injured, misshaped or mutilated</i> <sup>1</sup>	10
4 Damaged stick.....	Minor: 1 to 3 instances.—Each affected. Major: Over 3 instances.—Each affected.	2
5 Uniformity: Size.....	Deviation in length or width between the 2 largest and 2 smallest sticks is: Up to ¼ inch..... Over ¼ inch and up to ½ inch..... Over ½ inch.....	0 3 10
6 Weight.....	Weight ratio of the 2 heaviest divided by the 2 lightest sticks: Over 1.0; not over 1.1..... Over 1.1; not over 1.3..... Over 1.3; not over 1.4..... Over 1.4.....	0 2 5 10
7 Distortion.....	Minor: Bending, shrinking, twisting (¼ to ½ inch).—Each affected. Major: Excessive bending, shrinking, twisting (over ½ inch).—Each affected.	1
8 Color.....	Minor: Sticks differing slightly from average color of sticks in sample unit.—Each affected. Major: Sticks excessively dark or light from average color of sticks in sample unit.—Each affected.  <i>Bare spots, blistering, ridges, breaks, curds</i> <sup>1</sup>	2
9 Coating defects.....	Minor: 1 to 3 instances.—Each affected. Major: Over 3 instances.—Each affected.  <i>Skin, blood spots, bruises, discolorations</i> <sup>1</sup>	1
10 Blemishes.....	Minor: 1 to 6 instances.—Each affected. Major: Over 6 instances.—Each affected.	1
11 Bones.....	Sticks containing bones (potentially harmful).—Each affected.	10
12 Texture: Coating.....	Small degree: Moderately dry, soggy, doughy, oily, and tough. Large degree: Farinaceous (mealy), puffy, very tough and/or oily.	5
13 Fish flesh.....	Small degree: Moderately dry, soft, mushy. Large degree: Dry to the point of fibrousness, very mushy, tough, and rubbery.	5

<sup>1</sup> An instance—each ¼ square inch (¼-inch square).

#### § 264.371 Definitions.

(a) Selection of the sample unit: The sample unit shall consist of 10 frozen fried fish sticks taken at random from one or more packages as required. The fish sticks are spread out on a flat pan or sheet and are examined according to Table 1. Definitions of factors for point deductions are as follows:

(b) Examination of sample, frozen state:

(1) "Condition of package" refers to the presence in the package of free excess oil and/or loose breading and/or loose frost.

(2) "Ease of separation" refers to the difficulty of separating sticks from each other or from packaging material that are frozen together after the frying operation and during the freezing.

(3) "Broken stick" means a stick with a break or cut equal to or greater than one-half the width of the stick.

(4) "Damaged stick" means a stick that has been mashed, physically or mechanically injured, misshaped or mutilated to the extent that its appearance is materially affected. The amount of damage is measured by using a grid composed of squares ¼ inch (that is, squares with an area of ¼ square inch each) to measure the area of the stick affected. Deductions are not made for damage less than ¼ square inch.

(5) "Uniformity of size" refers to the degree of uniformity in length and width of the frozen sticks. Deviations are measured from the combined lengths of the two longest minus the combined lengths of the two shortest and/or the

combined widths of the two widest minus the combined widths of the two narrowest. Deductions are not made for overall deviations in length of width up to ¼ inch.

(6) "Uniformity of weight" refers to the degree of uniformity of the weights of the sticks. Uniformity is measured by the combined weight of the two heaviest sticks divided by the combined weight of the two lightest sticks. No deductions are made for weight ratios less than 1.15.

(c) Cooked state means the state of the product after cooking in accordance with the instructions accompanying the product. However, if specific instructions are lacking, the product for inspection is cooked as follows: Transfer the product, while still in frozen state, onto a flat pan or sheet of sufficient size to accommodate 10 sticks spaced at least ¼ inch apart. Place the pan and frozen contents in a properly ventilated oven preheated to 400° F. until thoroughly cooked (about 15 to 18 minutes or to an internal temperature of 160° F.).

(d) Examination of sample, cooked state:

(1) "Distortion" refers to the degree of bending of the long axis of the stick. Distortion is measured as the greatest deviation from the long axis. Deductions are not made for deviations of less than ¼ inch.

(2) "Color" refers to the reasonably uniform color typical of the sample material.

(3) "Coating defects" refers to breaks, lumps, ridges, depressions, blisters or swells and curds in the coating of the cooked product. Breaks in the coating are objectionable bare spots through which the fish flesh is plainly visible. Lumps are objectionable outcroppings of breading on the stick surface. Ridges are projections of excess breading at the edges of the fish flesh. Depressions are objectionable visible voids or shallow areas which are lightly covered by breading. Blisters are measured by the swelling or exposed area in the coating resulting from the bursting or breaking of the coating. Curd refers to crater-like holes in the breading filled with coagulated albumin. Instances of these defects are measured by a plastic grid marked off in ¼-inch squares (¼ square inch). Each square is counted as one whether it is full or fractional.

(4) "Blemishes" refers to skin, blood spots, or bruises, objectionable dark fatty flesh, carbon specks or extraneous material. Instances of blemishes refers to each occurrence measured by placing a plastic grid marked off in ¼-inch squares (¼ square inch) over the defect area. Each square is counted as one whether it is full or fractional.

(5) "Bones" means the presence of potentially harmful bones in a stick. A potentially harmful bone is one that after being cooked is capable of piercing or hurting the palate.

(6) "Texture defects of the coating" refers to the absence of the normal tex-

tural properties of the coating which are crispness and tenderness. Coating texture defects are dryness, sogginess, mushiness, doughiness, toughness, pastyness, as sensed by starchiness or other sticky properties felt by mouth tissues; oiliness to the degree of impairment of texture; and/or mealiness.

(7) "Texture defects of the fish flesh" refers to the absence of normal textural properties of the cooked fish flesh, which are tenderness, firmness, and moistness without excess water. Texture defects of the flesh are dryness, softness, toughness, and rubberiness.

(e) General definitions:

(1) "Small" (overall assessment) refers to a condition that is noticeable but is not seriously objectionable.

(2) "Large" (overall assessment) refers to a condition that not only is noticeable but is seriously objectionable.

(3) "Minor" (individual assessment) refers to a defect that slightly affects the appearance and/or utility of the product.

(4) "Major" (individual assessment) refers to a defect that seriously affects the appearance and/or utility of the product.

(f) "Minimum fish flesh content—end-product determination" refers to the minimum percent, by weight, of the average fish flesh content of three frozen fried fish sticks (sample unit for fish flesh determination), as determined by the following method:

(1) *Equipment needed.* (i) Water bath (for example, a 3- to 4-liter beaker).

(ii) Balance accurate to 0.1 gram.

(iii) Clip tongs of wire, plastic, or glass.

(iv) Stop-watch or regular watch readable to a second.

(v) Paper towels.

(vi) Spatula, 4-inch blade with rounded tip.

(vii) Nut pick.

(viii) Thermometer (immersion type) accurate to ±2° F.

$$\% \text{ fish flesh} = \frac{\text{Weight of fish flesh (vi)}}{\text{Weight of three fried fish sticks (i)}} \times 100$$

(g) "Minimum fish flesh content—on-line determination" refers to the minimum percent fish flesh, by weight, of the average weight of three groups of five fish sticks (sample unit for fish flesh determination), as determined by the following:

(1) *Equipment needed*—balance accurate to 0.1 gram.

(2) *Procedure:*  
(i) Weigh three groups of five raw unbreaded fish sticks from the line. These weights should be recorded and averaged (average weight of three groups of five sticks) and percent fish flesh calculated

(2) *Procedure.* (i) Calculate the weight of three frozen fried fish sticks by dividing the declared net weight on the label by the number of fish sticks indicated on the label to obtain the weight of an individual fish stick and multiply by three. If the number of fish sticks contained in the package is not declared on the label, the actual weight of three frozen fried fish sticks shall be used.

(ii) Using tongs, place each stick individually in the water bath maintained at 63° F. to 120° F. and allow to remain until the breading becomes soft and can easily be removed from the still frozen fish flesh (between 10 to 110 seconds for sticks held in storage at 0° F.).

(iii) At the end of the immersion, remove the fish stick from the water and blot the stick lightly with double thickness paper toweling. This step should be completed in no more than 7 seconds.

(iv) Scrape and remove the breading material and batter from the fish flesh with the spatula removing the softened breading material and batter from the narrow sides and ends of the stick on the initial movements, followed by removing the material from the wider flat surfaces.

(v) Residual batter and breading may remain on some sticks prepared using batters that are difficult to remove after one dipping. When this occurs redip the partially "debreaded" stick in 63° to 86° F. (room temperature) water for approximately 2 seconds. Follow step 3 toweling, and remove the softened residual batter and breading material.

(vi) Weigh all the "debreaded" fish sticks.

(vii) Calculate the percent fish flesh in the sample unit by the following formula:

Immediately after the average weights are determined.

(ii) Calculate the percent fish flesh in the sample unit by using the average weight of three groups of five unbreaded fish sticks and the declared net weight of five fried fish sticks. The declared net weight of five fried fish sticks is obtained by dividing the net weight declaration on the label by the number of fish sticks declared on the label and multiplying by 5. If the number of fish sticks is not declared on the label, the actual weight of five fried fish sticks shall be used.

$$\% \text{ fish flesh} = \frac{\text{Weight of fish flesh (sample unit (i))}}{\text{Declared or actual net weight of five fried fish sticks}} \times 100$$

*NOTE:* The percent fish flesh determined by the on-line method will usually differ from the percent fish flesh determined by the end-product method due to processing and variations associated therewith.

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(iii) Frequency of on-line fish flesh content determination. A minimum of three determinations of fish flesh content shall be carried out for small production runs or lots, i.e., 3 x (three groups of five unbreaded fish sticks). For larger productions runs or lots, a minimum of one determination, i.e., 1 x (three groups of five unbreaded fish sticks) shall be carried out for every hour of production of product units of the same weight.

§ 264.372 Use of alternate methods for determining fish flesh content.

(a) The official end-product method in § 264.371(f) for determining fish flesh content shall be used for lot and appeal inspections, and for inspections for verification in official establishments when the on-line method is used.

(b) The on-line method in § 264.371(g) for determining fish flesh content may be used in official establishments during processing operations.

§ 264.375 Tolerances for certification of officially drawn samples.

The sample rate and grade of specific lots shall be certified in accordance with Part 260, Subpart A of this chapter (Regulations Governing Processed Fishery Products).

#### Subpart G—United States Standards for Grades of Frozen Fried Fish Portions

##### § 264.401 Description of the product.

Frozen fried fish portions are clean, wholesome, uniformly shaped, unglazed masses of cohering pieces (not ground) of fish flesh coated with breading and partially cooked. The portions are cut from frozen fish blocks; are coated with a suitable, wholesome batter and breading; are fried, packaged, and frozen in accordance with good manufacturing practices. They are maintained at temperatures necessary for preservation of the product. Frozen fried fish portions weigh more than 1½ ounces and are at least three-eighths of an inch thick. All portions in an individual package are prepared from the flesh of one species of fish.

##### § 264.402 Composition of the product.

(a) Frozen fried fish portions shall contain 65 percent by weight of fish flesh determined by the official end-product method as set forth in § 264.421(f). Fish flesh content may be determined by the on-line method as set forth in § 264.421(g). Provided, That the results are consistent with the fish flesh content requirement of 65 percent by weight, when verified by the official end-product method.

(b) Production methods employed in official establishments shall be kept relatively constant for each production lot so as to minimize variation in any factors which may affect the relative fish flesh content.

##### § 264.403 Grades.

(a) "U.S. Grade A" is the quality of frozen fried fish portions that (1) possess good flavor and odor and (2) rate a total score of not less than 85 points for those factors of quality that are rated

in accordance with the scoring system outlined elsewhere in this part.

(b) "U.S. Grade B" is the quality of frozen fried fish portions that (1) possess at least reasonably good flavor and odor and (2) rate a total score of not less than 70 points for those factors of quality that are rated in accordance with the scoring system outlined in this part.

(c) "Substandard" is the quality of frozen fried fish portions that meet the requirements of § 264.401 Description of product, but otherwise fail to meet the requirements of "U.S. Grade B."

##### § 264.411 Determination of the grade.

The grade is determined by examining the product in the frozen and cooked states and is evaluated by considering the following factors:

(a) Factors rated by score points. Points are deducted for variations in the quality of each factor in accordance

with the schedule in Table 1. The total of points deducted is subtracted from 100 to obtain the score. The maximum score is 100; the minimum score is 0.

(b) Factors not rated by score points. The factor of "flavor and odor" is evaluated organoleptically by smelling and tasting, after the product has been cooked in accordance with § 264.421.

(1) Good flavor and odor (essential requirements for a Grade A product) means that the cooked product has the typical flavor and odor of the indicated species of fish and of the breading and is free from rancidity, bitterness, staleness, and off-flavors and off-odors of any kind.

(2) Reasonably good flavor and odor (minimum requirements of a Grade B product) means that the cooked product is lacking in good flavor and odor but is free from objectionable off-flavors and off-odors of any kind.

TABLE 1—SCHEDULE OF POINT DEDUCTIONS PER SAMPLE UNIT OF 10 PORTIONS

FROZEN STATE			
Factors scored	Method of determining score		Deduct
1 Condition of package	Small degree: Loose free oil, and/or moderate loose breading and/or moderate frost. Large degree: Oil soaking through package and/or excessive loose breading and/or excessive amount frost.		3
2 Ease of separation	Minor: Hand separated with difficulty.—Each affected. Major: Separated only by knife or other instrument.—Each affected.		2
3 Broken portion	Break or cut greater than ¼ length or width.—Each affected.		10
4 Damaged portion	Mashed, mechanically and/or physically injured, misshaped or mutilated. Minor: 1 to 3 instances.—Each affected. Major: Over 3 instances.—Each affected.		2
5 Uniformity: Size	Deviation in length or width between the 2 largest and 2 smallest portions is: Up to ¼ inch..... Over ¼ inch and up to ½ inch..... Over ½ inch.....		0
6 Weight	Weight ratio of the 2 heaviest divided by the 2 lightest portions: Over 1.0; not over 1.20..... Over 1.20; not over 1.3..... Over 1.3; not over 1.4..... Over 1.4.....		0
COOKED STATE			
7 Distortion	Major: Bending, shrinking, twisting (¼ to ½ inch).—Each affected. Minor: Excessive bending, shrinking, twisting (over ½ inch).—Each affected.		1
8 Color	Minor: Portions differing slightly from average color of portions in sample unit.—Each affected. Major: Portions excessively darker or lighter from average color of portions in sample unit.—Each affected.		4
9 Coating defects	Bare spots, blistering, ridges, breaks, curds. Minor: 1 to 3 instances.—Each affected. Major: Over 3 instances.—Each affected.		1
10 Blemishes	Skin, blood spots, bruises, discolorations. Minor: 1 to 6 instances.—Each affected. Major: Over 6 instances.—Each affected.		1
11 Bones	Portions containing bones (potentially harmful).—Each affected.		10
12 Texture: Coating	Small degree: Moderately dry soggy, doughy, oily and/or tough. Large degree: Farinaceous (mealy), pasty, very tough and/or oily.		0
13 Fish flesh	Small degree: Moderately dry, soft, mushy. Large degree: Dry to the point of fibrousness, very mushy, tough, and/or rubbery.		0

<sup>1</sup> An instance—each ¼ square inch (¼-inch square).

##### 264.421 Definitions.

(a) Selection of the sample unit:

The sample unit shall consist of 10 frozen fried fish portions take at random from one or more packages as required. The portions are spread out on a flat pan or sheet and are examined according to Table 1. Definitions of factors for point deductions are as follows:

(b) Examination of sample, frozen state:

(1) "Condition of package" refers to the presence in the package of free excess oil and/or loose breading and/or loose frost.

(2) "Ease of separation" refers to the difficulty of separating portions from each other or from packaging material that are frozen together after the frying operation and during the freezing.

(3) "Broken portion" means a portion with a break or cut equal to or greater than one-half the width or length of the portion.

(4) "Damaged portion" means a portion that has been mashed, physically or mechanically injured, misshaped or mutilated to the extent that its appearance is materially affected. The amount of damage is measured by using a grid composed of squares ¼ inch (that is, squares with an area of ¼ square inch each) to measure the area of the portion affected. Deductions are not made for damage less than ¼ square inch.

(5) "Uniformity of size" refers to the degree of uniformity in length and width of the frozen portions. Deviations are measured from the combined lengths of the two longest minus the combined lengths of the two shortest and/or the combined widths of the two widest minus the combined widths of the two narrowest. Deductions are not made for overall deviations in length or width up to ¼ inch.

(6) "Uniformity of weight" refers to the degree of uniformity of the weights of the portions. Uniformity is measured by the combined weight of the two heaviest portions divided by the combined weight of the two lightest portions. No deductions are made for weight ratios less than 1.20.

(c) Cooked state means the state of the product after cooking in accordance with the instructions accompanying the product. However, if specific instructions are lacking, the product for inspection is cooked as follows: Transfer the product, while still in frozen state, onto a flat pan or sheet of sufficient size to accommodate 10 portions spaced at least ¼ inch apart. Place the pan and frozen contents in a properly ventilated oven preheated to 420° F. until thoroughly cooked (about 15 to 18 minutes or to an internal temperature of 160° F.).

(d) Examination of sample, cooked state:

(1) "Distortion" refers to the degree of bending of the long axis of the portions. Distortion is measured as the greatest deviation from the long axis. Deductions are not made for deviations of less than ¼ inch.

(2) "Color" refers to the reasonably uniform color within the sample unit.

(3) "Coating defects" refers to breaks, lumps, ridges, depressions, blisters or swells and curds in the coating of the cooked product. Breaks in the coating are objectionable bare spots through which the fish flesh is plainly visible. Lumps are objectionable outcroppings of breading on the portion surface. Ridges are projects of excess breading at the edges of the fish flesh. Depressions are objectionable visible voids or shallow areas which are lightly covered by breading. Blisters are measured by the swelling or exposed area in the coating resulting from the bursting or breaking of the coating. Curd refers to crater-like holes in the breading filled with coagulated albumin. Instances of those defects are measured by a plastic grid marked off in ¼-inch squares (¼ square inch). Each square is counted as 1 whether it is full or fractional.

(4) "Blemishes" refers to skin, blood spots or bruises, objectionable dark fatty flesh, carbon specks or extraneous material. Instances of blemishes refers to

each occurrence measured by placing a plastic grid marked off ¼-inch squares (¼ square inch) over the defect area. Each square is counted as 1 whether it is full or fractional.

(5) "Bones" means the presence of potentially harmful bones in a portion. A potentially harmful bone is one that after being cooked is capable of piercing or hurting the palate.

(6) "Texture defects of the coating" refers to the absence of the normal textural properties of the cooked coating which are crispness and tenderness. Coating texture defects are dryness, soggy, mushiness, doughiness, toughness, pastyness, as sensed by starchiness or other sticky properties felt by mouth tissues; oiliness to the degree of impairment of texture; and/or meanness.

(7) "Texture defects of the fish flesh" refers to the absence of the normal textural properties of the cooked fish flesh, which are tenderness, firmness, and moistness without excess water. Texture defects of the flesh are dryness, mushiness, toughness, and rubberiness.

(c) General definitions:

(1) "Small" (overall assessment) refers to a condition that is noticeable but is not seriously objectionable.

(2) "Large" (overall assessment) refers to a condition that not only is noticeable but also is seriously objectionable.

(3) "Minor" (individual assessment) refers to a defect that slightly affects the appearance and/or utility of the product.

(4) "Major" (individual assessment) refers to a defect that seriously affects the appearance and/or utility of the product.

(f) "Minimum fish flesh content—end-product determination" refers to the minimum percent, by weight, of the average fish flesh content of three frozen fried fish portions (sample unit for fish flesh determination), as determined by the following method:

(1) Equipment needed. (i) Water bath (for example, a 3- to 4-liter beaker).

(ii) Balance accurate to 0.1 gram.

(iii) Clip tongs of wire, plastic, or glass.

$$\% \text{ fish flesh} = \frac{\text{Weight of fish flesh (vi)}}{\text{Weight of three fried fish portions (i)}} \times 100$$

(g) "Minimum fish flesh content—on-line determination" refers to the minimum percent fish flesh, by weight, of the average weight of three groups of five fish portions (sample unit for fish flesh determination), as determined by the following:

(1) Equipment needed—balance accurate to 0.1 gram.

(2) Procedure:

(i) Weigh three groups of five raw unbreaded fish portions from the line. These weights should be recorded and averaged (average weight of three groups of five portions and percent fish flesh

$$\% \text{ fish flesh} = \frac{\text{Weight of fish flesh (sample unit (i))}}{\text{Declared or actual net weight of five fried fish portions}} \times 100$$

Noted: The percent fish flesh determined by the one-line method will usually differ from the percent fish flesh determined by the end-product method due to processing and variations associated therewith.

(iv) Stop watch or regular watch readable to a second.

(v) Paper towels.

(vi) Spatula, 4-inch blade with rounded tip.

(vii) Nut pick.

(viii) Thermometer (immersion type) accurate to ±2° F.

(2) Procedure. (i) Calculate the weight of three frozen fried fish portions by dividing the declared net weight on the label by the number of fish portions indicated on the label to obtain the weight of an individual fish portion and multiply by three. If the number of fish portions contained in the package is not declared on the label, the actual weight of three frozen fried fish portions shall be used.

(ii) Using tongs, place each portion individually in the water bath maintained at 63° F. to 120° F. and allow to remain until the breading becomes soft and can easily be removed from the still frozen fish flesh (between 10 to 110 seconds for portions held in storage at 0° F.).

(iii) At the end of the immersion, remove the fish portion from the water and blot the portion lightly with double thickness paper toweling. This step should be completed in no more than 7 seconds.

(iv) Scrape and remove the breading material and batter from the fish flesh with the spatula removing the softened breading material and batter from the narrow sides and ends of the portion on the initial movements, followed by removing the material from the wider flat surfaces.

(v) Residual batter and breading may remain on some portions prepared using batters that are difficult to remove after one dipping. When this occurs redip the partially "debreaded" portion in 63° to 86° F. (room temperature) water for approximately 2 seconds. Follow step 3 toweling, and remove the softened residual batter and breading material.

(vi) Weigh all the "debreaded" fish portions.

(vii) Calculate the percent fish flesh in the sample unit by the following formula:



(iii) Frequency of on-line fish flesh content determination. A minimum of three determinations of fish flesh content shall be carried out for small production runs or lots, i.e., 3 x (three groups of five unbreaded fish portions). For larger production runs or lots, a minimum of one determination, i.e., 1 x (three groups of five unbreaded fish portions) shall be carried out for every hour of production of product units of the same weight.

§ 264.122 Use of alternate methods for determining fish flesh content.

(a) The official end-product method in § 264.421(f) for determining fish flesh content shall be used for lot and appeal inspections, and for inspections for verification in official establishments when the on-line method is used.

(b) The on-line method in § 264.421(g) for determining fish flesh content may be used in official establishments during processing operations.

§ 264.125 Tolerances for certification of officially drawn samples.

The sample rate and grades of specific lots shall be certified in accordance with Part 260, Subpart A of this chapter (Regulations Governing Processed Fishery Products).

PART 265—UNITED STATES STANDARDS FOR GRADES OF CRUSTACEAN SHELL-FISH PRODUCTS

Subpart A—United States Standards for Grades of Frozen Raw Headless Shrimp

Sec.	
265.101	Product description.
265.102	Grades.
265.103	Sizes.
265.111	Ascertaining the grade.
265.121	Definitions and methods of analysis.
265.125	Tolerances for certification of officially drawn samples.
265.131	Score sheet for frozen raw headless shrimp.

Subpart B—United States Standards for Grades of Frozen Raw Breaded Shrimp

265.151	Product description.
265.152	Composition of the product.
265.153	Styles.
265.154	Types.
265.155	Grades.
265.161	Ascertaining the grade.
265.162	Factors evaluated on the product in the breaded state.
265.163	Factors evaluated on unbreaded or thawed debreaded product.
265.164	Hygienic processing.
265.171	Definitions and methods of analysis.
265.172	Use of alternate methods of shrimp material determination.
265.175	Tolerances for certification of officially drawn samples.

AUTHORITY: 7 U.S.C. 1621-1630.

Subpart A—United States Standards for Grades of Frozen Raw Headless Shrimp

§ 265.101 Product description.

Frozen raw headless shrimp are clean, wholesome, headless, shell-on shrimp of the regular commercial species. They are sorted for size, packed, and frozen in accordance with good commercial practice and are maintained at temperatures necessary for the preservation of the product.

§ 265.102 Grades.

(a) "U.S. Grade A" or "U.S. Fancy" is the quality of frozen raw headless shrimp

of a single commercial count that possess a good flavor and odor, that are of a reasonably uniform color, and that for those factors which are rated in accordance with the scoring system outlined in the following sections, the total score is not less than 90 points.

(b) "U.S. Grade B" or "U.S. Good" is the quality of frozen raw headless shrimp of a single commercial count that possess at least reasonably good flavor and odor, and that for those factors which are rated in accordance with the scoring system outlined in the following sections, the total score is not less than 80 points.

(c) "U.S. Grade C" or "U.S. Commercial" is the quality of frozen raw headless shrimp of a single commercial count that possesses at least reasonably good flavor and odor, and that for those factors which are rated in accordance with the scoring system outlined in the following sections, the total score is not less than 70 points.

(d) "Substandard" is the quality of frozen raw headless shrimp that fail to meet the requirements of "U.S. Grade C" or "U.S. Commercial."

§ 265.103 Sizes.

The average weight and number of shrimp per pound (count) of frozen raw headless shrimp are not factors of quality in determining the grade of the product. However the degree of conformity of the weights of the individual shrimp to the average weight of shrimp in the sample is rated since it is a factor affecting the utility of the product. Descriptive size names are not recommended. The commercial count (number per pound) and descriptive size names, if used, shall conform to one of the following categories:

Commercial count— Number of shrimp per pound	Number of shrimp per pound (average)		Descriptive size name
	Over—	Not over—	
Under 0.....		9.9	Extra colossal.
10-15.....	9.9	15.0	Colossal.
16-20.....	15.0	20.0	Extra jumbo.
21-25.....	20.0	25.0	Jumbo.
26-30.....	25.0	30.0	Extra large.
31-35.....	30.0	35.0	Large.
36-42.....	35.0	42.0	Medium large.
43-50.....	42.0	50.0	Medium.
51-60.....	50.0	60.0	Small.
61-70.....	60.0	70.0	Extra small.
Over 70.....	70.0		Tiny.

§ 265.111 Ascertaining the grade.

(a) General. In addition to considering other requirements outlined in the standards, the grade is ascertained by observing the product in the frozen, thawed, and cooked states and is evaluated by considering the following:

(1) Factors rated by score points. The quality of the product with respect to factors scored is expressed numerically. Factors rated by score points are: dehydration; deterioration; black spot on shell or loose membrane only; black spot on meat; broken, damaged, and pieces of shrimp; legs, loose shell, and flippers; heads and unacceptable shrimp; extraneous materials; uniformity of size; and the texture of the cooked product.

Cumulative point deductions from the maximum possible score of 100 are assessed for variations of quality for each factor in accordance with the schedule in Table I. The minimum score is 0.

(2) Factor not rated by score points. The factor of "flavor and odor" is evaluated organoleptically after the product has been cooked in a suitable manner, and is defined as follows:

(i) Good flavor and odor. "Good flavor and odor" (essential requirement for a Grade A product) means that the product has the good flavor and odor characteristic of freshly caught, chilled shrimp and is free from off-flavors and off-odors of any kind. The presence of iodoform-like flavor and odor is not to be construed as off-flavor and off-odor.

(ii) Reasonably good flavor and odor. "Reasonably good flavor and odor" (minimum requirement of Grade B and Grade C products) means that the product may be somewhat lacking in the good flavor and odor characteristic of freshly caught, chilled shrimp but is free from objectionable off-flavors and objectionable off-odors of any kind.

§ 265.121 Definitions and methods of analysis.

(a) "Count," or number of shrimp per pound, is determined by dividing the number of shrimp in the package by the actual net weight in pounds of the shrimp.

(b) "Net weight" of the shrimp is determined as follows:

(1) Equipment needed. (i) Container, 4-gallon or more capacity;

(ii) Source of running water that can be maintained at 75°-85° F.; with hose of sufficient length to reach the bottom of the container.

(iii) Balance accurate to 0.01 ounce, or 0.1 gram;

(iv) U.S. standard wire sieve, ASTM No. 20, 12-inch diameter.

(2) Procedure. Place the frozen shrimp in the 4-gallon container into which fresh water of a temperature from 75° to 85° F. is introduced from the bottom at a flow of approximately 6 gallons per minute. After any glaze has been removed and the shrimp separate easily, empty the contents of the container through the tared sieve, spreading the shrimp out evenly. Tilt the sieve at approximately a 45-degree angle to facilitate drainage; drain the shrimp for 2 minutes; and then weigh the sieve and contents. The net weight is the weight of the sieve and contents minus the weight of the sieve.

(c) "Cooked in a suitable manner" means that a thawed sample of the product has been cooked by the following method:

Place 2 to 4 ounces of peeled deveined and rinsed shrimp in a boilable plastic bag with ½ cup of salt solution (1 teaspoon salt dissolved in 1 pint or 2 cups of water). Add a 2-ounce stainless steel weight or snap a large clip on bottom of bag. Suspend the bag in a kettle of boiling water and return the water to a boil as rapidly as possible. (More than one sample may be cooked at a time, as long as the water will return to a boil within 2 minutes.) After the water is boiling, cook according to the following timetable:

Count of shrimp—Number per pound	Cooking time (minutes)
Up to 15.....	12
16 to 35.....	9
Over 35.....	6

Remove from bag, drain, and cool to approximately room temperature (do not refrigerate) for evaluation of flavor and odor.

(d) "Dehydration" refers to the occurrence of a whitish area on the exposed ends of the shrimp, due to the drying of the affected area, and to a generally desiccated appearance of the meat after the shell is removed.

(e) "Deterioration" refers to any detectable change from the normal good quality of freshly caught shrimp. It is evaluated by noting deviations of the odor of the thawed product from the normal odor of freshly caught shrimp.

(1) "Slight deterioration" means that the shrimp lack the pleasant odor characteristic of freshly caught shrimp.

(2) "Moderate deterioration" means that the shrimp have slight off-odors.

(3) "Marked deterioration" means that the shrimp have definite off-odors, but are not spoiled.

(4) "Excessive deterioration" means that the shrimp have a definite odor of spoilage. Deductions in this category are made for individual shrimp which are affected.

(f) "Black spot on the shell or loose membrane only" refers to blackened areas at least moderately affecting the appearance of the shrimp.

(1) "Moderately affecting" means that the black spot which occurs at the shell joints extends at least one-third of the circumference of the shrimp at the particular location at which it occurs, and black spot which occurs as a circular area exceeds one-eighth inch in diameter for 31/35 count shrimp or is proportionately larger or smaller for respectively larger or smaller shrimp.

(g) "Black spot on the meat" refers to any darkened area that is present on the shrimp flesh.

(h) "Broken" refers to a shrimp having a break in the flesh greater than one-third of the thickness of the shrimp at the particular location at which it occurs.

(i) "Damaged" refers to a shrimp that is crushed or mutilated so as to materially affect its appearance.

(j) "Piece" refers to any portion of shrimp that contains less than five segments.

(k) "Legs" refers to walking legs only, not swimmerets, or to portions of the head (cephalothorax) with legs and which may be either loose or attached to a shrimp.

(l) "Loose shell" refers to any piece of shell which is completely detached from the shrimp except paper-thin shell from soft-shelled shrimp.

(m) "Flipper" refers to a tail fin,

sometimes including the last shell segment but containing no meat.

(n) "Head" means any portion of head (cephalothorax) large enough to contain an eye and which may be either loose or attached to a shrimp.

(p) "Extraneous material" means any material in the package which is not shrimp material.

(q) "Uniformity of size" is evaluated by computing the actual count per pound of the shrimp in the sample, and then determining, by weighing individual shrimp, the number of shrimp that are slightly large, slightly small, exceedingly large, or exceedingly small for that particular count per pound.

(1) "Slightly large" means that a shrimp is more than 25 percent, but not more than 35 percent larger, by weight, than a shrimp of the actual count per pound.

(2) "Exceedingly large" means that a shrimp is more than 35 percent larger, by weight, than a shrimp of the actual count per pound.

(3) "Slightly small" means that a shrimp is more than 25 percent, but not more than 35 percent smaller, by weight, than a shrimp of the actual count per pound.

(4) "Exceedingly small" means that a shrimp is more than 35 percent smaller, by weight, than a shrimp of the actual count per pound. For use in computing the uniformity of size factor, weights of individual shrimp are given in Table II.

(r) "Texture" defect refers to an undesirable toughness and/or dryness and/or mushiness of the shrimp examined in the cooked state.

§ 265.125 Tolerances for certification of officially drawn samples.

The sample rate and grades of specific lots shall be certified in accordance with Part 260, Subpart A of this chapter (Regulations Governing Processed Fishery Products).

With respect to conformance with the declared commercial count, the lot shall be considered to be of the declared count if the number of deviant units in the sample does not exceed the acceptance number prescribed for the sample size in Part 260, Subpart A of this chapter. If a lot fails to meet the requirements of any specific commercial count, it shall be marked a mixed lot and shall not be graded.

(o) "Unacceptable shrimp" refers to abnormal or diseased shrimp.

§ 265.131 Score sheet for frozen raw headless shrimp.

GENERAL	
Label.....	.....
Size and kind of container.....	.....
Container mark or identification.....	.....
Size of lot.....	.....
Number of samples.....	.....
Declared count per pound.....	.....
Actual net weight (ounce).....	.....
Actual count per pound.....	.....
Descriptive size name.....	.....



Scored factors (table 1)	Deductions
Frozen and thawed:	
1. Dehydration.....	
Thawed:	
2. Deterioration.....	
3. Black spot on shell or loose membrane only.....	
4. Black spot on meat.....	
5. Broken, damaged, and pieces.....	
6. Legs, loose shell, and flippers.....	
7. Heads and unacceptable shrimp.....	
8. Extraneous material.....	
9. Uniformity of size.....	
Cooked:	
10. Texture.....	
Total deductions.....	
Rating for scored factors (100 minus total deductions).....	
Flavor and odor.....	
Final grade.....	

TABLE 1—SCHEDULE OF DEDUCTIONS FOR FACTORS RATED BY SCORE POINTS

State	Factor	Description of quality variation	Deduct
Frozen and thawed	Dehydration.....	Dehydrated—exposed ends	
		Dissection of meat	
		Frozen state	
		Thawed state	
		Thawed state	
	Up to 5 percent.....	None.....	0
		Up to 2.0 percent.....	2
		(2.1-5.0 percent).....	4
	Over 15.0 percent.....	Moderate.....	6
		Marked.....	11
	(Percent by count of total sample.) Apply the one highest deduction only.		
Thawed	Deterioration.....	Off-odor, overall sample:	
		Slight.....	2
		Moderate.....	4
		Marked.....	6
		Any excessive, each 1 percent or fraction (percent by count).....	8
	Black spot on shell or loose membrane only.....	Shell affected, but not meat:	
		Not over 5 percent.....	0
	Black spot on meat.....	Each additional 5 percent, or fraction (percent by count).....	1
		None.....	0
	Not over 3 percent.....	3.1-5.0 percent.....	1
		Each additional 5 percent, or fraction (percent by count).....	2
Cooked	Broken, damaged, and pieces.....	Not over 1 percent.....	0
		1.1-3.0 percent.....	2
		Each additional 3 percent, or fraction (percent by weight).....	2
	Legs, loose shell, and flippers.....	Not over 3 percent.....	0
		Each additional 3 percent, or fraction (percent by count).....	2
	Heads and unacceptable shrimp.....	Not over 1 percent.....	2
		Each additional 1 percent, or fraction (percent by count).....	3
	Extraneous material.....	1 piece.....	1
		2 pieces.....	2
	Uniformity of size.....	Over 2 pieces.....	4
		Slightly large and slightly small: Each 3 percent, or fraction.....	1
	Texture.....	Exceedingly large and exceedingly small: Each 3 percent, or fraction (percent by count—based on actual count per pound of sample).....	3
		Tough, dry, or mushy:	
		Slight.....	2
		Moderate.....	4
		Excessive.....	11

<sup>1</sup> This schedule of point deductions is based on the examination of sample unit composed of: (a) The contents of an entire package or (b) sufficient packages to provide a sample unit of 2 pounds or more, declared net weight.

TABLE II—WEIGHTS OF NONUNIFORM SHRIMP

Count per pound	[Ounces]			
	Exceedingly large	Slightly large	Slightly small	Exceedingly small
8	Over— 2.70	Over— 2.80	Under— 1.80	Under— 1.80
9	2.40	2.22	1.33	1.16
10	2.16	2.00	1.20	1.04
11	1.96	1.82	1.09	.94
12	1.80	1.67	1.00	.87
13	1.66	1.54	.92	.80
14	1.54	1.43	.86	.74
15	1.44	1.33	.80	.69
16	1.35	1.25	.75	.65
17	1.27	1.18	.71	.61
18	1.19	1.11	.67	.58
19	1.14	1.06	.63	.55
20	1.08	1.00	.60	.53
21	1.03	.95	.57	.50
22	.98	.91	.54	.47
23	.94	.87	.52	.45
24	.90	.83	.50	.43
25	.86	.80	.48	.42
26	.83	.77	.46	.40
27	.80	.74	.44	.38
28	.77	.71	.43	.37
29	.74	.69	.41	.36
30	.72	.67	.40	.35
31	.70	.64	.39	.34
32	.67	.62	.38	.33
33	.65	.61	.36	.32
34	.64	.60	.35	.30
35	.62	.57	.34	.29
36	.60	.56	.33	.28
37	.58	.54	.32	.27
38	.57	.53	.31	.26
39	.55	.51	.31	.25
40	.54	.50	.30	.24
41	.53	.49	.29	.23
42	.51	.48	.29	.22
43	.50	.47	.28	.21
44	.49	.46	.27	.20
45	.48	.44	.27	.19
46	.47	.44	.26	.18
47	.46	.42	.26	.18
48	.45	.42	.25	.17
49	.44	.41	.24	.17
50	.43	.40	.24	.16
51	.42	.39	.24	.16
52	.42	.38	.23	.15
53	.41	.38	.23	.15
54	.40	.37	.22	.14
55	.39	.36	.22	.14
56	.39	.36	.21	.13
57	.38	.35	.21	.13
58	.37	.34	.21	.12
59	.37	.34	.20	.12
60	.36	.33	.20	.11
61	.35	.33	.20	.11
62	.34	.32	.19	.11
63	.34	.32	.19	.10
64	.33	.31	.19	.10
65	.33	.31	.18	.10
66	.32	.30	.18	.10
67	.32	.30	.18	.09
68	.32	.29	.18	.09
69	.31	.29	.17	.09
70	.31	.28	.17	.09
71	.30	.28	.17	.08

#### Subpart B—United States Standards for Grades of Frozen Raw Breaded Shrimp

##### § 265.151 Product description.

Frozen raw breaded shrimp are whole, clean, wholesome, headless, peeled shrimp which have been deveined where applicable of the regular commercial species, coated with a wholesome, suitable batter and/or breading. Whole shrimp consist of five or more segments of unutilized shrimp flesh. They are prepared and frozen in accordance with good manufacturing practice and are maintained at temperatures necessary for the preservation of the product. Individual shrimp and/or pieces consolidated into larger units and covered with breading are not considered for grading under this standard.

##### § 265.152 Composition of the product.

(a) Frozen raw breaded shrimp shall contain not less than 50 percent by

ALTERNATE TABLE II—WEIGHTS OF NONUNIFORM SHRIMP

Count per pound	[Grams]			
	Exceedingly large	Slightly large	Slightly small	Exceedingly small
8	Over— 76.5	Over— 76.9	Under— 42.5	Under— 42.5
9	68.0	68.0	37.7	37.7
10	61.2	60.7	34.0	34.0
11	56.6	56.6	30.9	30.9
12	51.0	51.0	28.4	28.4
13	47.1	47.1	26.1	26.1
14	43.7	43.7	24.4	24.4
15	40.8	40.8	22.7	22.7
16	38.3	38.3	21.3	21.3
17	36.0	36.0	20.1	20.1
18	33.7	33.7	19.0	19.0
19	32.3	32.3	18.0	18.0
20	30.6	30.6	17.0	17.0
21	29.2	29.2	16.2	16.2
22	27.8	27.8	15.3	15.3
23	26.6	26.6	14.7	14.7
24	25.5	25.5	14.2	14.2
25	24.4	24.4	13.7	13.7
26	23.3	23.3	13.0	13.0
27	22.7	22.7	12.5	12.5
28	21.8	21.8	12.2	12.2
29	21.0	21.0	11.6	11.6
30	20.4	20.4	11.3	11.3
31	19.8	19.8	11.0	11.0
32	19.3	19.3	10.7	10.7
33	18.4	18.4	10.2	10.2
34	18.1	18.1	10.0	10.0
35	17.6	17.6	9.6	9.6
36	17.0	17.0	9.4	9.4
37	16.4	16.4	9.1	9.1
38	15.8	15.8	9.0	9.0
39	15.6	15.6	8.8	8.8
40	15.3	15.3	8.5	8.5
41	15.0	15.0	8.3	8.3
42	14.4	14.4	8.1	8.1
43	13.8	13.8	7.9	7.9
44	13.3	13.3	7.7	7.7
45	12.8	12.8	7.5	7.5
46	12.3	12.3	7.4	7.4
47	12.0	12.0	7.2	7.2
48	12.5	12.5	7.1	7.1
49	12.4	12.4	6.9	6.9
50	12.3	12.3	6.8	6.8
51	11.9	11.9	6.5	6.5
52	11.6	11.6	6.3	6.3
53	11.0	11.0	6.2	6.2
54	11.3	11.3	6.2	6.2
55	11.1	11.1	6.2	6.2
56	11.1	11.1	6.1	6.1
57	10.8	10.8	6.0	6.0
58	10.6	10.6	6.0	6.0
59	10.5	10.5	5.9	5.9
60	10.2	10.2	5.7	5.7
61	9.9	9.9	5.7	5.7
62	9.9	9.9	5.6	5.6
63	9.8	9.8	5.4	5.4
64	9.6	9.6	5.4	5.4
65	9.4	9.4	5.1	5.1
66	9.4	9.4	5.1	5.1
67	9.1	9.1	5.1	5.1
68	9.1	9.1	5.1	5.1
69	8.9	8.9	5.1	5.1
70	8.8	8.8	5.0	5.0
71	8.5	8.5	4.8	4.8

weight of shrimp material when the weight of the shrimp material is determined by the end product method as set forth in § 265.171(u).

(b) Shrimp material content of raw breaded shrimp may be determined by the on-line method as set forth in § 265.171(v): *Provided*, That the results are at least in compliance with the shrimp material content requirement of 50 percent by weight when verified by the official end product method.

(c) Production methods employed in official establishments shall be kept relatively constant for each product lot so as to minimize variations in any factor which may affect the relative shrimp material content.

##### § 265.153 Styles.

(a) *Style I*. "Regular Breaded Shrimp" are frozen raw breaded shrimp containing a minimum of 50 percent of shrimp material.

(b) *Style II*. "Lightly Breaded Shrimp" are frozen raw breaded shrimp containing a minimum of 65 percent of shrimp material.

##### § 265.154 Types.

(a) *Type I—Breaded fantail shrimp*—

(1) *Subtype A*. Split (butterfly) shrimp with the tail fin and the shell segment immediately adjacent to the tail fin.

(2) *Subtype B*. Split (butterfly) shrimp with the tail fin but free of all shell segments.

(3) *Subtype C*. Split (butterfly) shrimp without attached tail fin or shell segments.

(b) *Type II—Breaded round shrimp*—

(1) *Subtype A*. Round shrimp with the tail fin and the shell segment immediately adjacent to the tail fin.

(2) *Subtype B*. Round shrimp with the tail fin but free of all shell segments.

(3) *Subtype C*. Round shrimp without attached tail fin or shell segments.

(c) *Type III—Breaded split shrimp*. [Reserved]

##### § 265.155 Grades.

(a) "U.S. Grade A" is the quality of frozen raw breaded shrimp that when cooked possesses a good flavor and odor, and that for those factors which are rated in accordance with the scoring system outlined in the following sections the total score is not less than 85 points.

(b) "U.S. Grade B" is the quality of frozen raw breaded shrimp that when cooked possesses a reasonably good flavor and odor, and that for those factors which are rated in accordance with the scoring system outlined in the following sections the total score is not less than 70 points.

(c) "Substandard" is the quality of frozen raw breaded shrimp that fail to meet the requirements of "U.S. Grade B."

##### § 265.161 Ascertaining the grade.

*General*. In addition to considering other requirements outlined in the standard, the following quality factors are evaluated in ascertaining the grade of the product.

(a) Factors not rated by score points: Flavor and odor. Flavor and odor are determined by organoleptic means after the product has been cooked in a suitable manner (§ 265.171(w)).

(b) Factors rated by score points: The quality of the product with respect to factors scored is expressed numerically on the scale of 100. Deductions from the maximum possible score of 100 are assessed for essential variations of quality within each factor. The score of frozen raw breaded shrimp is determined by observing the product in the frozen and thawed states.

§ 265.162 Factors evaluated on the product in the breaded state.

(a) Factors affecting qualities that are measured on the product in the breaded state are uniformly of size, condition of coating, extraneous material, and damaged breaded shrimp. For the purpose of rating the factors that are scored in the breaded state, the schedule of point deduction in table 1 applies. This schedule of point deductions is

V  
4  
2  
1  
9  
0  
S  
E  
P  
3  
0  
7  
7  
U  
M  
I



based on the examination of one complete individual package or intended package (sample unit) regardless of the net weight of the contents of the package.

(b) The factor—ease of separation in the frozen state—shall be rated in addition to all other factors when frozen raw breaded shrimp is lot inspected on a lot basis.

§ 265.163 Factors evaluated on unbreaded or thawed debreaded product.

Factors affecting qualities that are measured on the product in the unbreaded or thawed debreaded state are degree of deterioration, dehydrations, sand veins, black spot, extra shell, extraneous material, and swimmerets. For the purpose of rating the factors that are scored in the unbreaded or thawed debreaded state, the schedule of point deductions in table 2 applies. This schedule of point deductions is based on the examination of 20 whole shrimp selected from the processing line or from one or more packages. Examination of this sample of 20 whole shrimp is continued under § 265.171(u).

§ 265.164 Hygienic processing.

Frozen raw breaded shrimp shall be processed and maintained in accordance with the applicable requirements of the Good Manufacturing Practice Regulations contained in Part 128 of Title 21, CFR, and the applicable requirements contained in Part 260, Subpart A of this chapter.

§ 265.171 Definitions and methods of analysis.

(a) "Fantail shrimp": This type is prepared by splitting and peeling the shrimp except that for subtype A, the tail fin remains attached and the shell segment immediately adjacent to the tail fin remains attached. Subtype B, the tail fin remains, but the shrimp are free of all shell segments. Subtype C, the shrimp are free of tail fins and all shell segments.

(b) "Round shrimp": This type is the round shrimp, not split. The shrimp are peeled except that for subtype A, the tail fin remains attached and the shell segment immediately adjacent to the tail fin remains attached. Subtype B, the tail fin remains, but the shrimp are free of all shell segments. Subtype C, the shrimp are free of all shell segments and tail fins.

(c) Good flavor and odor: "Good flavor and odor", essential requirements for a Grade A product, means that the cooked product has flavor and odor characteristics of freshly caught or well-refrigerated shrimp and the breading is free from staleness and off-flavors and off-odors of any kind. Iodoform is not to be considered in evaluating the product for flavor and odor.

(d) Reasonably good flavor and odor: "Reasonably good flavor and odor" minimum requirements of Grade B products, means that the cooked product

may be somewhat lacking in the good flavor and odor characteristics of freshly caught or well-refrigerated shrimp but is free from objectionable off-flavors and objectionable off-odors of any kind.

(e) "Dehydration" refers to the occurrence of whitish areas on the exposed ends of the shrimp (due to the drying of the affected area) and to a generally desiccated appearance of the meat after the breading is removed.

(f) "Deterioration" refers to any detectable change from the normal good quality of freshly caught shrimp. It is evaluated by noting in the thawed product deviations from the normal odor and appearance of freshly caught shrimp.

(g) "Extraneous material" consists of nonedible material such as sticks, seaweed, shrimp thorax, or other objects that may be accidentally present in the package.

(h) Slight: "Slight" refers to a condition that is scarcely noticeable but does affect the appearance, desirability, and/or eating quality of breaded shrimp.

(i) Moderate: "Moderate" refers to a condition that is conspicuously noticeable but that does not seriously affect the appearance, desirability, and/or eating quality of the breaded shrimp.

(j) Marked: "Marked" refers to a condition that is conspicuously noticeable and that does seriously affect the appearance, desirability, and/or eating quality of the breaded shrimp.

(k) Excessive: "Excessive" refers to a condition that is very noticeable and is seriously objectionable and the product cannot be graded above Grade B; this is a limiting rule.

(l) Halo: "Halo" means and easily recognized fringe of excess batter and breading extending beyond the shrimp flesh and adhering around the perimeter or flat edges of a split (butterfly) breaded shrimp.

(m) Balling up: "Balling up" means the adherence of lumps of the breading material to the surface of the breaded coating, causing the coating to appear rough, uneven, and lumpy.

(n) Holidays: "Holidays" means voids in the breaded coating as evidenced by bare or naked spots.

(o) Damaged frozen raw breaded shrimp: "Damaged frozen raw breaded shrimp" means frozen raw breaded shrimp that have been separated into two or more parts or that have been crushed or otherwise mutilated to the extent that their appearance is materially affected.

(p) Black spot: "Black spot" means any blackened area that is markedly apparent on the flesh of the shrimp.

(q) Sand vein: "Sand vein" means any black or dark sand vein that has not been removed, except for that portion under the shell segment adjacent to the tail fin when present.

(r) Extra shell: "Extra shell" means any shell segment(s) or portion thereof, contained in the breaded shrimp except the first segment adjacent to the tail fin for Type I, subtype A, and Type II, subtype A.

(s) Net weight: Net weight is determined by use of a balance and by following steps given below:

1. Remove the overwrap.
2. Weigh carton and all contents.
3. Transfer breaded shrimp to balance and weigh.
4. Weigh carton less shrimp but including waxed separators and inserts (if used), crumbs, and frost.
5. Remove crumbs and frost from carton and separators.
6. Weigh cleaned carton and separators.
7. Net weight of the shrimp is the weight of the shrimp and of any loose breading and frost, exclusive of packaging material. The amount of loose breading and frost shall not exceed the limits of good manufacturing practices.

(t) Uniformity: "Uniformity" is determined for packs of various sizes by the ratio of the weights of the largest to the smallest breaded shrimp as outlined by the following schedule:

Up to 10 oz.	3 largest/3 smallest
10.1 oz. to 1.5 lb.	6 largest/6 smallest
1.51 lb. to 2.5 lb.	8 largest/8 smallest
Over 2½ lb.	10 largest/10 smallest

(u) Percent shrimp material—official end product method:

- (1) Equipment needed:
  - (i) Two-gallon container approximately 8 inches in diameter.
  - (ii) Two-vaned wooden paddle, each vane measuring approximately 1¼ inches by 8½ inches.
  - (iii) Stirring device capable of rotating the wooden paddle at 120 rpm.
  - (iv) Balance accurate to 0.01 ounce (0.1 gram).
  - (v) U.S. standard sieve—½-inch sieve opening; 12-inch diameter.
  - (vi) U.S. standard sieve—No. 20, 12-inch diameter.
  - (vii) Forceps, with blunt points.
  - (viii) Shallow baking pan.
  - (ix) Rubber policeman to remove bits of breading from shrimp.

(2) Procedure:

- (i) Weigh sample (20 shrimp) to be debreaded. Fill container three-fourths full of water at 70°–80° F. Suspend the paddle in the container leaving a clearance of at least 5 inches below the paddle vanes, and adjust speed to 120 rpm. Add shrimp and stir for 10 minutes. Stack the sieves, the ½-inch mesh over the No. 20 and pour contents of container onto them. Set the sieves under a faucet, preferably with spray attached, and rinse the shrimp without rubbing the flesh, being careful to keep all rinsings over the sieves and not having the stream of water hit the shrimp on the sieve directly. Use a rubber policeman to remove adhering breading. Lay the shrimp out singly on the sieve as rinsed, split side down and tails up. Remove top sieve and drain on a 45-degree angle for 2 minutes, then transfer shrimp to balance. Rinse contents of the No. 20 sieve onto a shallow baking pan and collect any particles of shrimp material (flesh, tail fin), and add to shrimp on balance and weigh.

(ii) Calculate percent shrimp material.

$$\text{Percent shrimp material} = \frac{\text{Weight of debreaded sample (20 shrimp)}}{\text{Weight of sample (20 shrimp)}} \times 100 + 2$$

(v) Percent shrimp material—on-line method: Percent shrimp material determined by the on-line method refers to the percent by weight of shrimp material in a sample as described below:

- (1) Equipment needed:
  - (i) Water bath (a container with a 3- to 4-liter capacity).
  - (ii) Balance accurate to 0.1 gram or 0.01 ounce.
  - (iii) Stop-watch or regular watch readable to a second.
  - (iv) U.S. Standard sieve—½-inch sieve opening; 12-inch diameter.
  - (v) U.S. Standard sieve No. 20, 12-inch diameter.
  - (vi) Thermometer (immersion type accurate to ±2° F.).
  - (vii) Forceps, with blunt points.
  - (viii) Shallow pan.
  - (ix) Rubber policeman to remove bits of breading from shrimp.
  - (2) Procedure:

(i) Select in a random manner, a composite sample of 20 unfrozen raw breaded shrimp from production line(s). Weigh the composite sample on a scale, determining the weight of the sample to the nearest 0.1 gram or 0.01 ounce. Place the sample in a water bath filled to three-fourths capacity and in a container maintained at 60° F.–85° F. After shrimp are submerged in water and breading becomes soft, a "gentle" swirling action with hands may be applied to the shrimp to speed up the removal of the breading. Stack the sieves, the ½-inch mesh over the No. 20 and pour contents of container into them. Remove top sieve and drain on 45-degree angle for 2 minutes then transfer shrimp to balance. Rinse contents of No. 20 sieve onto a shallow pan and collect any particles of shrimp material (flesh, tail fin, etc.), and add to the shrimp on the balance and then weigh.

(ii) Calculate percent shrimp material:

$$\text{Percent shrimp material} = \frac{\text{Weight of debreaded sample}}{\text{Weight of sample}} \times 100$$

(iii) Frequency of on-line shrimp material content determination. A mini-

mum of three determinations of shrimp material content shall be carried out for small production runs or lots of the same style product, i.e., 3 x (20 unfrozen raw breaded shrimp). For larger production runs or lots of the same style product, a minimum of one determination, i.e., 1 x (20 unfrozen raw breaded shrimp) shall be carried out for every hour of production of product of the same style.

(w) Cooked in a suitable manner: "Cooked in a suitable manner" means cooked in accordance with the instructions accompanying the product. If, however, specific instructions are lacking, the product for inspection is cooked as follows:

(1) Transfer the breaded shrimp, while still frozen, in a wire mesh deep fry basket sufficiently large to hold the shrimp in a single layer without touching one another.

(2) Lower the basket into a suitable liquid oil or hydrogenated vegetable oil at 350°–375° F. Cook for 3 minutes, or until the shrimp attain a pleasing golden brown color.

(3) Remove basket from the oil and allow the shrimp to drain for 15 seconds. Place the cooked shrimp on a paper towel or napkin to absorb the excess oil.

§ 265.172 Use of alternate methods of shrimp material determination.

(a) The official end product method in § 265.171(u) for determining shrimp material content shall be used for lot inspection, appeal inspection, and inspection for verification in official establishments when the on-line method is used.

(b) The on-line method in § 265.171(v) (2) for determining shrimp material content may be used during processing operations.

§ 265.175 Tolerances for certification of officially drawn samples.

The sample rate and grades of specific lots shall be certified in accordance with Part 260, Subpart A of this chapter. (Regulations Governing Processed Fishery Products.)



TABLE 1—SCHEDULE OF POINT DEDUCTIONS FOR RATING IN BREADED STATE

Factor	Quality description	Deductions allowed
1. Ease of separation in the frozen state.	Separate easily after being removed from carton and exposed to room temperature for not more than 4 minutes. Separate easily after being removed from carton and exposed to room temperature for not more than 6 minutes. Does not separate easily after being removed from carton and exposed to room temperature for 6 minutes.	Points 8 6 10
2. Uniformity.	Ratio of weight of largest to smallest breaded shrimp in sample unit as defined under section 266.21 (T): Up to 1.50..... 1.51-1.80..... 1.81-2.00..... 2.01-2.40..... 2.41-2.80..... 2.81-3.20..... 3.21-3.60..... Over 3.60.....	0 1 2 3 4 5 6 7 8 9 10
3. Condition of coating.	Degree of halo or ballooning up or holidays (identify type of defect by circling the proper word): Slight—each 20 percent by count or fraction thereof..... Moderate—each 20 percent by count or fraction thereof..... Marked—each 20 percent by count or fraction thereof..... Excessive—each 20 percent by count or fraction thereof.....	1 2 3 4
4. Damaged breaded shrimp.	For each 5 percent by count or fraction thereof..... Tail fin broken or missing each 5 percent or fraction thereof (except in Type I, subtype C, and Type II, subtype C).	1 3
5. Extraneous material.	If extraneous material, except filthy or deleterious substances, is found in more than one package per lot, the entire lot shall be declared substandard. <sup>1</sup>	10

<sup>1</sup> Filthy or deleterious substances in food products constitute a violation of the Food, Drug, and Cosmetic Act. Products containing such substances are ineligible for the purpose of applying this document.

TABLE 2—SCHEDULE OF POINT DEDUCTIONS FOR EXAMINATION IN UNBREADED OR THAWED DEBREADED STATE.  
(Subtotals brought forward)

Factor	Quality description	Deductions allowed
1. Degree of dehydration.	Slight—each shrimp..... Moderate—each shrimp..... Marked—each shrimp..... Excessive—each shrimp.....	Points 1 2 3 10
2. Deterioration.	Slight—each shrimp..... Moderate—each shrimp..... Marked—each shrimp..... Excessive—each shrimp (provided that, if excessive deterioration occurs in more than one sample unit per sample, the entire lot shall be declared substandard).	2 3 4 20
3. Sand veins where applicable.	For each dark vein present deduct according to the following schedule: Equivalent in length to two segments..... Equivalent in length to three segments..... Equivalent in length to four or more segments.....	1 2 3
4. Black spot.	Slight but obvious, on average..... Moderate, on average..... Marked—each shrimp.....	1 2 10
5. Extra shell (see subtypes definition).	(Beyond first segment adjacent to tail fin only for Type I, subtype A, and Type II, subtype A): Less than one whole extra shell segment..... One extra segment or more.....	1 2
6. Swimmerets.	For last pair only adjacent to tail fins..... For more than last pair.....	1 2
7. Extraneous material.	If extraneous material, except filthy or deleterious substances, are found in more than one package per lot, the entire lot shall be declared substandard. <sup>2</sup>	10

<sup>1</sup> Deduction points for sand veins shall not be applied to shrimp smaller than 70 count per pound in the raw, headless state. The corresponding size in the breaded state is 40 count per pound and 80 count per pound in the peeled state.

<sup>2</sup> Filthy or deleterious substances in food products constitute a violation of the Food, Drug, and Cosmetic Act. Products containing such substances are ineligible for the purpose of applying this document.

#### PART 266—UNITED STATES STANDARDS FOR GRADES OF MOLLUSCAN SHELL-FISH PRODUCTS

##### Subpart A—United States Standards for Grades of Frozen Raw Scallops

Sec.

- 266.101 Product description.  
266.102 Styles.  
266.103 Types.

##### Subpart B—United States Standards for Grades of Frozen Fried Scallops

##### Subpart B—United States Standards for Grades of Frozen Fried Scallops

- 266.104 Grades.  
266.111 Determination of the grade.  
266.121 Definitions and methods.  
266.125 Tolerances for certification of officially drawn samples.

- 266.161 Ascertaining the grade.  
266.162 Evaluating the unscored factor of flavor and odor.  
266.163 Evaluating and rating the scored factors of appearance, uniformity, absence of defects, and character.  
266.164 Appearance.  
266.165 Uniformity.  
266.166 Absence of defects.  
266.167 Character.  
266.171 Definitions and methods of analysis.  
266.175 Tolerances for certification of officially drawn samples.

AUTHORITY: 7 U.S.C. 1621-1630.

#### § 266.101 Description of the product.

Frozen raw scallops are clean, wholesome, adequately drained, whole or cut adductor muscles of the scallop of the regular commercial species. The portion of the scallop used shall be only the adductor muscle "eye" which controls the shell movement. Scallops shall be washed, drained, packed, and frozen in accordance with good manufacturing practices and are maintained at temperatures necessary for the preservation of the product. Only scallops of a single species shall be used within a lot.

#### § 266.102 Styles.

(a) *Style I. Solid pack* scallops are frozen together into a solid mass.

- (1) *Substyle a. Glazed.*  
(2) *Substyle b. Not glazed.*  
(b) *Style II. Individually quick-frozen pack (IQF)* scallops are individually quick frozen. Individual scallops can be separated without thawing.

- (1) *Substyle a. Glazed.*  
(2) *Substyle b. Not glazed.*

#### § 266.103 Types.

- (a) *Type 1. Adductor muscle.*  
(b) *Type 2. Adductor muscle with catch (gristle or sweet meat) portion removed.*

#### § 266.104 Grades.

(a) "U.S. Grade A" is the quality of frozen raw scallops that (1) possess good flavor and odor and that (2) for those factors that are rated in accordance with the scoring system outlined in this part, have a total score of 85 to 100 points.

(b) "U.S. Grade B" is the quality of frozen raw scallops that (1) possess at least reasonably good flavor and odor, and that (2) rate a total score of not less than 70 points for these factors of quality that are rated in accordance with the scoring system outlined in this part.

(c) "Substandard" is the quality of frozen raw scallops that meets the requirements of § 266.101, *Description of the product*, but otherwise fails to meet the requirements of "U.S. Grade B."

#### § 266.111 Determination of the grade.

In a plant under Contract USDC inspection, the grade is determined by examining the product for factors 1-5 in the fresh or thawed state and Factor 6 in the cooked state. For lot inspection, examination of the product for Factor 1 is carried out in the frozen state and 2-5 in the thawed state. Factor 6 is examined in the cooked state.

(a) *Factors rated by score points.* Points are deducted for variation in the

quality of each factor in accordance with the schedule in Table 1. The total of points deducted is subtracted from 100 to obtain the score. The maximum score is 100, the minimum score is 0.

(b) *Factors not rated by score points.* The factor of "Flavor and odor" is evaluated organoleptically by smelling and tasting the product in the cooked state.

(1) Good flavor and odor (essential requirements for a U.S. Grade A product) means that the product has the typical flavor and odor of the species and is free from bitterness, staleness, and off-flavor and off-odors of any kind.

(2) Reasonably good flavor and odor (minimum requirements for a U.S. Grade B product) means the product is lacking in good flavor and odor but is free from objectionable off-flavors and off-odors of any kind.

#### § 266.121 Definitions and methods.

(a) *Selection of the sample unit.* The sample unit shall consist of the primary container and its entire contents. The number and size of sample units to be examined shall be as indicated in § 266.125.

(b) *Examination of sample, frozen state.* When this product is examined under Contract USDC inspection, the samples are examined for Factor 1 in Table 1 in the fresh or thawed state. When the product is lot inspected, the samples are examined for Factor 1, in Table 1 in the frozen state.

TABLE 1—SCHEDULE OF POINT DEDUCTIONS PER SAMPLE

FROZEN STATE		
Factors scored	Method of determining score	Deduct
1 Dehydration	Small degree: Easily scraped off of each 10 percent of top surface affected. Large degree: Deep dehydration not easily scraped off, affecting each 10 percent of surface.	2 4
FRESH OR THAWED STATE		
3 Undesirable pieces.	Percent by weight: Up to 5 percent..... Over 5 percent—not over 10 percent..... Over 10 percent.....	3 6 10
4 Uniformity	Weight ratio: Over 2.5—not over 3.0..... Over 3.0—not over 3.3..... Over 3.3.....	4 6 10
4 Color	Each 10 percent by count of nonuniform colored scallops in excess of the 10 percent of nonuniform colored scallops permitted.	10
5 Extraneous material.	Minor: Each instance of minor extraneous material in the sample unit per pound. Major: Each instance of major extraneous material in the sample unit per pound.	1 5
COOKED STATE		
6 Texture	Firm but tender and moist. Small degree: Moderately tough, dry, and fibrous or mushy. Large degree: Excessively tough, dry and fibrous or mushy.	6 10

(1) "Dehydration" refers to the loss of moisture from the scallops surface during frozen storage. Small degree of dehydration is color-masking but can be

easily scraped off. Large degree of dehydration is deep, color-masking, and requires a knife or other instrument to scrape it off.

(c) *Examination of sample, thawed state.* When necessary, thawing the sample is best accomplished by enclosing it in a water impermeable film-type bag and immersing in an agitated water bath at 68° F.±2° F. The complete thawing of the product is determined by gently squeezing the bag occasionally until no hard core or ice crystals are felt.

(1) Undesirable small pieces are pieces which will pass through the openings in a 3/4-inch sieve for larger size scallops. For the smaller scallops, such as bay scallops, undesirable pieces are pieces of scallops that do not have the general conformation of the other scallops. The total weight of these pieces within a sample unit will be obtained. These pieces shall not be used for determining the weight ratio.

(2) Uniformity of size refers to the degree of weight uniformity of the individual scallops. This factor is measured by obtaining a weight ratio between the largest and smallest scallops. The determination is made on the thawed scallops by dividing the total weight of the 15 percent (by count) of the largest scallops by the 15 percent (by count) of the smallest scallops.

(3) "Color" refers to reasonably uniform color characteristics of the species used within an individual container. Only noticeable variation in color from the predominating color of the scallops in the container is considered. Medium gray to black colored scallops are not to be graded.

(4) "Extraneous materials" are pieces or fragments of undesirable material that are naturally present in or on the scallops and which should be removed during processing.

(1) An instance of minor extraneous material includes but is not limited to each occurrence of intestines, seaweed, etc., and each aggregate of sand and grit up to 1/2-inch square and located on the scallop surface. Deduction points shall be assessed for additional instances of intestines, seaweed, etc., and aggregates of sand and grit up to 1/2-inch square.

(2) An instance of major extraneous material includes but is not limited to each instance of shell or aggregate of embedded sand or other extraneous embedded material that affects the appearance or eating quality of the product.

(d) *Examination of sample, cooked state.* Cooked state means the state of the sample after being cooked. Boil in bag method: Place at least 25 percent by weight of the thawed sample from each sample unit into a boilable film-type pouch and seal. Submerge the pouch and its contents into boiling water for about 3 to 4 minutes or until cooked. Bake method: Alternatively the product is placed into a baking pan lined with aluminum foil. A cover of aluminum foil is crimped around the edges of the top of the pan. The pan is placed in an oven that has been pre-heated to 450° F. for 20 minutes or until cooking has been

completed. Flavor and odor and texture shall be evaluated in the cooked state.

(1) "Texture" refers to the firmness, tenderness, and moistness of the cooked scallop meat, which is characteristic of the species.

(e) *General definitions.* (1) "Small" (overall assessment) refers to a condition that is noticeable but is only slightly objectionable.

(2) "Large" (overall assessment) refers to a condition that not only is noticeable but is seriously objectionable.

(3) "Minor" (individual assessment) refers to a defect that slightly affects the appearance and/or utility of the product.

(4) "Major" (individual assessment) refers to a defect that seriously affects the appearance and/or utility of the product.

(5) "Net weight" means the total weight of the scallop meats within the package after removal of all packaging materials, ice glaze, or other protective materials.

§ 266.125 Tolerances for certification of officially drawn samples.

The sample rate and grades of specific lots shall be certified in accordance with Part 260, Subpart A of this chapter (Regulations Governing Processed Fishery Products).

#### Subpart B—United States Standards for Grades of Frozen Fried Scallops

##### § 266.151 Product description.

Frozen fried scallops are prepared from wholesome, clean, adequately drained, whole or cut adductor muscles sea scallop, or scallop units cut from a block of frozen sea scallops, that are coated with wholesome batter and breaded and precooked in oil or fat. They are packaged and frozen according to good commercial practice and are maintained at temperatures necessary for preservation. Frozen fried scallops contain a minimum of 60 percent by weight of scallop meat.

##### § 266.152 Styles.

The styles of frozen fried scallops include:

(a) *Style I Random pack.* Scallops in a package are reasonably uniform in weight and/or shape. The weight or shape of individual scallops are not specified.

(b) *Style II Uniform pack.* Scallops in a package consist of uniform shaped pieces which are of specified weight or range of weights.

##### § 266.153 Grades of frozen fried scallops.

(a) "U.S. Grade A" is the quality of frozen fried scallops that possess good flavor and odor; and for those factors of quality which are rated according to the scoring system outlined in this part, the total score is not less than 85 points.

(b) "U.S. Grade B" is the quality of frozen fried scallops that possess at least reasonably good flavor and odor; and for those factors of quality which are rated according to the scoring system outlined

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RULES AND REGULATIONS

in this part, the total score is not less than 70 points.

(c) "Substandard" is the quality of frozen fried scallops that fail to meet the requirements of U.S. Grade B.

§ 266.161 Ascertaining the grade.

The grade of frozen fried scallops is determined by examining the product in the frozen and cooked states. Factors of quality evaluated in ascertaining the grade of the product are flavor and odor, appearance, uniformity, absence of defects, and character.

(a) Flavor and odor are rated directly by organoleptic evaluation. Score points are not assessed (see § 266.162).

(b) Appearance, uniformity, absence of defects, and character are rated numerically on a scale of 100. The maximum number of points that may be given each of these factors are:

Factors:	Points
Appearance	25
Uniformity	20
Workmanship defects	40
Character	15

Total possible score..... 100

<sup>1</sup> Frozen fried scallops which receive the maximum number of deduction points for any of these factors shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

§ 266.162 Evaluating the unscored factor of flavor and odor.

(a) "Good flavor and odor" (essential requirements for a Grade A product) means that the cooked product has flavor and odor characteristics of good scallop meat and of the breading and is free from staleness and off-flavors and off-odors of any kind.

(b) "Reasonably good flavor and odor" (minimum requirements of a Grade B product) means that the cooked product is lacking in good flavor and odor, but is free from objectionable off-flavors and off-odors of any kind.

(c) "Substandard flavor and odor" (Substandard grade) means that the flavor and odor fails to meet the minimum requirements of "reasonably good flavor and odor."

§ 266.163 Evaluating and rating the scored factors of appearance, uniformity, workmanship defects, and character.

Point-deductions are allotted for each degree or amount of quality variation within each of the factors that are scored. The net score for each quality factor is obtained by subtracting the deduction-points assessed for that factor from the maximum points allotted to that factor. The total score for the product is the sum of the net scores for the four individually scored factors.

§ 266.164 Appearance.

(a) Appearance refers to the condition of the package and ease of separation in the frozen state and continuity and color in the cooked state.

(1) "Condition of the package" refers to freedom from packaging defects and

the presence in the package of oil, and/or loose breading, and/or frost. Deduction points are based on the degree of the improper condition as small or large.

(2) "Ease of separation" refers to the difficulty of separating scallops that are frozen together after the frying operation and during freezing.

(3) "Continuity" refers to the completeness of the coating of the product in the cooked state. Lack of continuity is exemplified by breaks, ridges and/or lumps of breading. Each 1/4 square inch area of any break, ridge, or lump of breading is considered an instance of lack of continuity. Individual breaks, ridges, or lumps of breading measuring less than 1/4 square inch are not considered objectionable. Deduction points are based on the percentage of the scallops within the package that contain small and/or large instances of lack of continuity.

TABLE I—SCHEDULE OF POINT DEDUCTIONS FOR VARIATIONS IN APPEARANCE

Appearance subfactors	Method of determining subfactor score		Deduction points	
	<i>Degree of condition of the package</i>			
Condition of the package in the frozen state.	(a) Small (moderate amount of free oil and/or loose breading, and/or frost, and/or packaging defects);		2	
	(b) Large (excessive amount of free oil, and/or loose breading, and/or frost, and/or packaging defects);		8	
		Percent of scallops affected		
		Over—	Not over—	
Ease of separation of the scallops in frozen state.	Moderate (scallops separated by hand with difficulty);	0	30	1
		30	70	2
		70	-----	3
	Severe (scallops separated only by use of knife or other instrument).	0	30	4
30		70	10	
70		-----	16	
Continuity of the scallops in the cooked state.	Lack of continuity (breaks, ridges, and lumps) <sup>1</sup> ..	0	20	3
		20	40	4
		40	70	6
	Small (1 to 3 instances per scallop).....	70	-----	10
0		20	4	
Large (over 3 instances per scallop).....		20	40	4
	40	70	12	
	70	-----	28	
	<i>Deviation from predominating color of fried scallops in cooked state</i>			
Color of the scallops in the cooked state.	Small instance of deviation in color means that the scallop varies noticeably from the predominating color of the package after cooking.	0	10	0
		10	30	2
		30	-----	4
	Large instance of deviation in color means that the scallop varies markedly from the predominating color of the package after cooking.	0	10	0
10		30	10	
30		-----	28	

<sup>1</sup> Each 1/4 square inch is considered an instance.

§ 266.165 Uniformity.

(a) Uniformity refers to the degree of freedom from undesirably small pieces and to the degree of uniformity of the weights of the frozen fried scallops within the package.

(1) For Style I, deduction points are assessed for (i) undesirable small pieces as determined by the percent by count of pieces passing through a sieve with 1/4 inch openings, and (ii) uniformity of

(4) "Color" refers to reasonably uniform color which is characteristic of the product in the cooked state.

Deviations in color are visually measured as "small" and "large". A "small" instance of deviation in color means that the scallop varies noticeably from the predominating color of the package. A "large" instance of deviation in color means that the scallop varies markedly from the predominating color of the package. The deduction points assessed are based on the degree of deviation as small or large and the percentage by count of the scallops affected in the package.

(b) For the purpose of rating the factor of appearance, the schedule of deduction points in Table I applies. Frozen fried scallops which receive 25 deduction points for the factor of appearance shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

size of the scallops remaining in the sieve as determined by the ratio of the weight of the 15 percent largest scallops (minimum three) divided by the 15 percent smallest scallops (minimum three). The number constituting this percentage shall be the closest approximation of 15 percent, determined by count.

(2) For Style II, deduction points are based on the percentage by count of small or large scallops deviating from the average weight within the package.

RULES AND REGULATIONS

(b) For the purpose of rating the factor of uniformity, the schedules of deduction points in Table II apply. Frozen fried scallops which receive 20 deduction points for this factor shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

TABLE II—SCHEDULE OF POINT DEDUCTIONS FOR UNIFORMITY

Factor	Method of determining subfactor score		Deduction points
Uniformity of size and weight of scallops in frozen state.			
	Percent of scallops affected		
	Over— Not over—		
	(a) Undesirable small pieces which pass through a sieve with $\frac{1}{4}$ inch openings.	0 10 10 20 20	3 6 10
	Ratio		
	Over— Not over—		
	(b) Weight ratio of scallops remaining in the sieve. The 15 percent largest scallops (minimum 3) divided by the 15 percent smallest scallops (minimum 3). The 15 percent to be determined by count.	2.0 2.5 2.5 2.9 2.9 3.3 3.3	0 1 3 6 10
	Percent of scallops affected		
	Over— Not over—		
	Deviation from average weight		
(a) Small (scallops deviating +10 to 20 percent from average weight).	0 30 30 70 70	3 5 10	
(b) Large (scallops deviating over +20 percent from average weight).	0 30 30 70 70	6 10 20	

§ 266.166 Workmanship defects.

(a) Workmanship defects refers to the degree of freedom from doubled and misshaped scallops, pieces of shell fragments and extraneous material. The defects of doubled and misshaped scallops are determined by examining the frozen product, whereas the defects of shell fragments and extraneous materials are determined by examining the product in the cooked state. Deduction points are based on the percentage by count of the scallops affected within the package, or the relationship between the number of defect instances and the number of scallops within the package.

(1) *Doubled scallops.* Two or more scallops that are joined together during the breading and/or frying operations.

(2) *Misshaped scallops.* Elongated, flattened, mashed or damaged scallop meats.

(3) *Extraneous material.* An instance of extraneous material refers to an occurrence or group of occurrences of extraneous material in a scallop. Extraneous material consists of sand, grit, intestines, seaweed, and substances foreign to the scallop meat, except for shell fragments.

(4) *Piece of shell fragment.* The presence in the scallops of any fragment of the scallop shell regardless of size.

(b) For the purpose of rating the factor of absence of defects the schedules of deduction points in Tables III and IV apply.

TABLE III—SCHEDULE OF POINT DEDUCTIONS FOR WORKMANSHIP DEFECTS SUBFACTORS MISSHAPED OR DOUBLED SCALLOPS AND SHELL FRAGMENTS

Defect subfactors	Method of determining subfactor score		Deduction points
Misshaped or doubled scallops in the frozen state.	Percent of scallops affected		
	Over—	Not over—	
Shell fragments in the cooked state.	Misshaped scallops (elongated, flattened, mashed or damaged scallop meats). Doubled scallops (two or more scallops joined together during breading and/or frying operation).	0 10 20	3 7 10
	Each piece of shell fragment is considered an instance.	0 5 10	10 30 40



TABLE IV—SCHEDULE OF POINT-DEDUCTIONS FOR WORKMANSHIP DEFECTS SUBFACTOR OF EXTRANEOUS MATERIAL

Number of scallops per 7 ounces	Number of instances of extraneous material							
	0	1	2	3	4	5	6	7 or more
10 or less	0	7	13	25	40	40	40	40
11	0	8	15	28	40	40	40	40
12	0	9	17	30	40	40	40	40
13	0	10	19	32	40	40	40	40
14	0	11	21	34	40	40	40	40
15	0	12	23	36	40	40	40	40
16	0	13	25	38	40	40	40	40
17	0	14	27	40	40	40	40	40
18	0	15	29	42	40	40	40	40
19	0	16	31	44	40	40	40	40
20 or more	0	17	33	46	40	40	40	40

## § 266.167 Character.

(a) Character refers to the texture of the scallop meat and of the coating and the presence of gristle in the cooked state. Deduction points are based on the degree of variation in the texture

attributes of the coating and scallop meat or the relationship between the number of instances and the number of scallops within the package.

(1) *Gristle*. An instance of gristle refers to an occurrence of the tough elastic tissue usually attached to the scallop meat.

(2) *Texture* refers to the firmness, tenderness, and moistness of the cooked scallop meat and to the crispness and tenderness of the coating of the cooked product. The texture of the scallop meat may be classified as a degree of mushiness, toughness, and fibrousness. The texture of the coating may be classified as a degree of pastiness, toughness, dryness, mushiness, or oiliness.

(b) For the purpose of rating the factor of character, the schedules of deduction points in Table V and VI apply. Frozen fried scallops which receive 15 deduction points for the factor of character shall not be graded above Sub-standard regardless of the total score for the product. This is a limiting rule.

TABLE V—SCHEDULE OF POINT-DEDUCTIONS FOR CHARACTER SUBFACTOR OF TEXTURE

Character subfactors	Method of determining subfactor score	Deduction points
Texture in the cooked state.	<i>Texture of the coating</i>	
	Firm or crisp but not tough, pasty, mushy, or oily	0
	Moderately tough, pasty, mushy, or oily	5
	Excessively tough, pasty, mushy, or oily	15
	<i>Texture of the scallop meat</i>	
	Firm, but tender and moist	0
	Moderately tough, dry, and/or fibrous or mushy	5
	Excessively tough, dry, and/or fibrous or mushy	15

TABLE VI—SCHEDULE OF POINT-DEDUCTIONS FOR CHARACTER SUBFACTOR OF GRISTLE

Number of scallops per 7 ounces	Number of instances of gristle							
	0	1	2	3	4	5	6	7 or more
10 or less	0	2	4	6	8	10	10	10
11	0	2	4	6	8	10	10	10
12	0	2	4	6	8	10	10	10
13	0	2	4	6	8	10	10	10
14	0	2	4	6	8	10	10	10
15	0	2	4	6	8	10	10	10
16	0	2	4	6	8	10	10	10
17	0	2	4	6	8	10	10	10
18	0	2	4	6	8	10	10	10
19	0	2	4	6	8	10	10	10
20 or more	0	2	4	6	8	10	10	10

## § 266.171 Definitions and methods of analysis.

(a) *Percent of scallop meat* refers to percent, by weight, of scallop meat in a sample as determined by the following method:

(1) *Equipment needed*. (i) Water bath (3 to 4 liter beaker).

(ii) Balance accurate to 0.1 gram.

(iii) Clip tongs of wire, plastic, or glass.

(iv) Stop-watch or regular watch with second hand.

(v) Paper towels.

(vi) Spatula, 4-inch blade with rounded tip.

(2) *Procedure*. (i) Weigh all scallops in the sample while still in a hard frozen condition.

(ii) Place each scallop individually in the water bath which is maintained at 63° to 86° F. and allow the scallop to remain until such time as the breading becomes soft and can easily be removed from the still frozen meat (between 10 to 30 seconds for scallops held in storage at 0° F.).

(iii) Remove the scallop from the bath; blot lightly with double thickness paper toweling; and scrape off or pick out coating from the scallop meat with the spatula or nutpicker.

(iv) Weigh all "debreaded" scallop meats.

(v) Calculate the percent of scallop meat in the sample by following formula:

$$\text{Percent scallop meat} = \frac{\text{Weight of scallop meats (iv)}}{\text{Weight of frozen fried scallops (i)}} \times 100$$

(b) *Cooked state*. Cooked state shall mean that the product shall be cooked in accordance with the instructions accompanying the product. If specific instructions are lacking, the product for inspection shall be cooked as follows: Spread the frozen scallops on a foil covered baking sheet or a shallow pan. Place sheet or pan and frozen contents at the mid point of a properly ventilated oven preheated to 400 degrees Fahrenheit until thoroughly cooked, 15 to 20 minutes.

(c) *Definitions*. (1) "Moderate" refers to a scored condition that is readily

noticeable but is not seriously objectionable.

(2) "Excessive" refers to a condition that is very noticeable and is seriously objectionable.

(3) "Instance" refers to an occurrence of an individual scored subfactor on a scallop.

§ 266.175 Tolerances for certification of officially drawn samples.

The sample rate and grades of specific lots shall be certified in accordance with Part 260, Subpart A of this chapter. (Regulations Governing Processed Fishery Products.)

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FRIDAY, SEPTEMBER 30, 1977  
PART V



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DEPARTMENT OF  
LABOR

Office of the Secretary

■

COMPREHENSIVE  
MANPOWER PROGRAMS  
AND GRANTS TO AREAS  
OF HIGH UNEMPLOYMENT

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[4510-01]

## Title 29—Labor

## SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

## Comprehensive Manpower Programs and Grants to Areas of High Unemployment

AGENCY: Employment and Training Administration, Labor.

ACTION: Final rule.

**SUMMARY:** These rules are promulgated to amend the Comprehensive Employment and Training Act of 1973 (CETA) regulations. These changes reflect the experience gained during the first three years of implementation, clarify existing policies, and provide for new approaches to the grant process.

EFFECTIVE DATE: October 31, 1977.

FOR FURTHER INFORMATION CONTACT:

Roberts T. Jones, Director, Office of Community Employment Programs, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213. (202-376-6366).

**SUPPLEMENTARY INFORMATION:** Section 702(a) of CETA states that the Secretary may prescribe such rules and regulations as he deems necessary to carry out the purposes of CETA. Pursuant to this authority, the Department of Labor, Employment and Training Administration published in the July 8, 1977, FEDERAL REGISTER (42 FR 35318) proposed rulemaking to revise the regulations. At that time, the Department invited interested persons to submit comments on the proposed rulemaking to the Department by August 8, 1977. Approximately 75 letters containing comments were received by the Department. Each of the comments in these letters was carefully studied with respect to its merits and in relation to other comments received on the same or similar subjects. The following issues have been reviewed and/or revised in response to these comments received on the July 8, 1977, proposed rulemaking.

## DISCUSSION OF MAJOR ISSUES

## SECTION 94.4 DEFINITIONS

The Department received many letters commenting on the definition of "underemployed" in paragraph (ff). The commenters felt that the income criteria should be based on the lower living standard income level rather than the poverty level in order to be consistent with the income criteria for unemployed persons. Use of the poverty level is required by sec. 701(a)(11) of CETA, and therefore cannot be amended as suggested.

## SECTION 95.13 PLANNING PROCESS ADVISORY COUNCILS

Representation of the State Manpower Services Council (SMSC) on both the State Advisory Council on Vocational Education and the State Occupational Information Coordinating Committee

was the subject of several comments which suggested that the Governor be allowed to appoint a representative, rather than a member, of the SMSC to these bodies. The Department agrees with these commenters and has changed both § 95.13(d)(5) and 95.13(d)(6) to allow the Governor to appoint a representative of the SMSC to these organizations.

## SECTION 95.14 CONTENT AND DESCRIPTION OF THE GRANT APPLICATION

Most of the letters commended the new grant application package which divided the grant application into two components, a Prime Sponsor Agreement and an Annual Plan, and which proposed that only the Annual Plan need be changed each year. Various commenters, however, expressed the fear that some of the items called for in the Prime Sponsor Agreement will change over time, thus requiring continual modification. In consideration of these comments, these items will be reviewed for possible future transfer to the Annual Plan.

The concept of equitable service to demographic groups (age, race, and sex) of the unemployed population, which was set forth in § 95.14(c)(2)(i)(A), § 95.31(c), and § 96.28, of the proposed regulations, was interpreted by some commenters as providing an entitlement for service to particular segments of the population. Other commenters complained that these proposed regulations constituted a loss of prime sponsor prerogatives. The concept of equitable service is not intended to provide an entitlement but rather to insure that prime sponsor planning takes into account the needs of the various demographic segments of the prime sponsor's CETA eligible population. Prime sponsors, moreover, retain the responsibility for designating significant segments of their population for service.

Further, commenters expressed concern that these sections, since they focused on the unemployed, appeared to emphasize service to the underemployed and economically disadvantaged, with a possible shift of services away from traditionally targeted groups. These sections have been modified to recognize that service to the underemployed and economically disadvantaged in a particular demographic group might create variances in the level of services provided to that and other demographic groups.

## SECTION 95.12 ALLOWABLE FEDERAL COSTS

Several comments were received concerning the proposal to charge all planning council costs to title I. The commenters felt that this would require additional work, provide an inaccurate cost/effectiveness picture, and make unreasonable demands on title I funds. The proposal, which was contained in § 98.12(f)(6)(iii)(A), has been dropped.

## DISCUSSION OF OTHER SUGGESTIONS AND CHANGES

Many of the comments included editorial suggestions. When, in the consideration of the Department, these en-

hanced or clarified the regulations, they were incorporated in the final rules.

Additionally, a number of comments were received that were beyond the scope of the July 8, 1977, proposed regulations. Since the Department continually reviews its regulations for potential improvement, these comments will be considered in future efforts. In response to several requests, an updated and complete set of Part 94, 95, 96, and 98 regulations is being prepared for publication in the near future.

Pursuant to the provisions of section 305(a) of the Youth Employment and Demonstration Projects Act of 1977, §§ 95.13, 95.32 and 96.29 of the regulations have been revised to provide increased service to two groups of veterans: disabled veterans and Vietnam-era veterans under 35 years of age. The regulations reflect the statutory requirement for prime sponsors to set local goals for service to these two groups; to provide for the increased participation of these two groups in employment and training opportunities; and to invite representatives of veterans organizations to serve as temporary members on planning councils.

Pursuant to the provision of section 346(a)(2) of CETA, as added by Pub. L. 95-93, a requirement has been added in §§ 95.13 and 95.14 that prime sponsors may not decrease their title I level of youth services because of funds available under title III, Part C, subpart 3 of CETA.

Minor changes to §§ 94.4 and 96.29 required by the passage of the Youth Employment and Demonstration Projects Act of 1977, have also been made in this revision.

Finally, numerous commenters requested that substantive provisions contained in the *Forms Preparation Handbook* be codified in the regulations. Therefore, §§ 94.4, 95.14, 95.52, and 98.17 have been revised to indicate the status of foster children, provide a definition of family income, explain the requirements of the grant narrative pertaining to planning councils, and indicate the Annual Plan settlement procedures.

Accordingly, Parts 94, 95, 96, and 98 of Title 29 of the Code of Federal Regulations are amended as follows:

## PART 94—GENERAL PROVISIONS FOR PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

1. Section 94.1 is revised to read as follows:

## § 94.1 Scope and purpose of the Act.

(a) It is the purpose of the Act to provide job training and employment opportunities for economically disadvantaged, unemployed and underemployed persons, and to assure that training and other services lead to maximum employment opportunities and enhance self-sufficiency. The purpose of the Act is to be accomplished by the establishment of a flexible and decentralized system of Federal, State and local programs.

(b) The Act is comprised of eight titles, as follows:

(1) Title I establishes a program to provide comprehensive manpower services throughout the Nation, including the development and creation of job opportunities, and the training, education and other services needed to enable individuals to secure and retain employment at their maximum capacity.

(2) Title II authorizes public service employment and manpower training programs for unemployed and underemployed persons in areas of substantial unemployment.

(3) Title III provides for the establishment and administration by the Secretary of Labor of:

(i) Special programs for Indians, seasonal farmworkers both migratory and non-migratory;

(ii) Manpower services for youth, offenders, older workers, persons of limited English-speaking ability and other special target groups; and

(iii) Research, training and evaluation of programs and activities conducted under the Act.

(4) Title IV establishes a Job Corps within the Department of Labor to provide residential and non-residential manpower services for low-income disadvantaged young men and women.

(5) Title V, establishes a National Commission for Manpower Policy. The responsibilities of the Commission include the examination of national manpower issues, the suggestions of ways and means of dealing with such issues and advising the Secretary on national manpower issues.

(6) Title VI, authorizes additional public service jobs and training programs for unemployed and underemployed persons and provides special provisions for programs in areas of excessively high unemployment.

(7) Title VII sets forth the general provisions, including applicable definitions, under the Act.

(8) Title VIII establishes a Young Adult Conservation Corps, administered by the Department of Labor through interagency agreements with the Department of Agriculture and Interior.

2. Section 94.2 is revised to read as follows:

## § 94.2 Format for the regulations promulgated under the Act.

(a) The regulations promulgated to carry out the Act are set forth in Parts 94 through 99 of Title 29, Code of Federal Regulations.

(b) As each substantive Title of the Act provides for the establishment of a specific type of program, the regulations promulgated in Parts 94 through 99 provide for a separate part for each basic type of activity (e.g., Part 95 deals with comprehensive manpower programs; Part 96 deals with Title II programs). Two parts are also included which deal with general matters relating to the Act: Part 94 deals with basic explanatory and definitional matters, and Part 98 deals with general administrative matters.

(c) Statutory authority for the regulations contained in Parts 94 through 99

may be found in Section 702(a) of the Act, as well as in other substantive provisions of the Act. Applicable statutory provisions, other than section 702(a), are noted generally in these regulations.

3. Section 94.3 is amended by revising the tables of contents for Parts 95, 96, and 98 to conform to the tables of contents for each of those Parts as follows:

## § 94.3 Consolidated table of contents for Parts 94-99.

The table of contents for Parts 94-99 is as follows:

## PART 95—PROGRAMS UNDER TITLE I OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

## SUBPART A—GENERAL

95.1 Scope and purpose of Part 95  
95.2 Allocation of funds.  
95.3 Eligibility for funds.  
95.4 Data base for determining eligibility

## SUBPART B—GRANT PLANNING, APPLICATION AND MODIFICATION PROCEDURES

95.10 General.  
95.11 Preapplication for Federal Assistance, consortium agreements.  
95.12 Prime sponsor designation.  
95.13 Planning process; advisory councils.  
95.14 Content and description of grant application.  
95.15 Comment and publication procedures relating to submission of grant application.  
95.16 Submission of grant application  
95.17 Standards for reviewing grant applications.  
95.18 Application approval.  
95.19 Application disapproval  
95.20 Use of alternative prime sponsors, services by the Secretary.  
95.21 Modifications.

## SUBPART C—PROGRAM OPERATION

95.30 General.  
95.31 Basic responsibilities of prime sponsors.  
95.32 Eligibility for participation in a Title I Program.  
95.33 Types of manpower program activities available.  
95.34 Training allowances.  
95.35 Wages.  
95.36 Minimum duration of training and reasonable expectation of employment.  
95.37 Training for lower wage industries; relocation of industries.  
95.38 Cooperative relationships between prime sponsor and other manpower agencies.  
95.39 Federal Supplemental Benefit Claimants; beneficiaries under Title II of the Trade Act.

## SUBPART D—SPECIAL GRANTS TO GOVERNORS

95.50 General.  
95.51 Distribution of funds.  
95.52 Grant application.  
95.53 Application approval and disapproval.  
95.54 Modifications.  
95.55 Governor's distribution of vocational education funds.  
95.56 Program operations.  
95.57 Funding; grant administration.  
95.58 Nonfinancial agreement between prime sponsor and State Vocational Education Board.  
95.59 Coordination with prime sponsor.

## PART 96—PROGRAMS UNDER TITLE II OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT.

96.1 General.  
96.2 Payment.  
96.3 Letter of credit.

## SUBPART A—GENERAL

96.1 Scope and purpose.  
96.2 Allocation of funds.  
96.3 Eligibility for funds.

## SUBPART B—GRANT APPLICATION

96.10 General.  
96.11 "Preapplication for Federal Assistance"; consortium agreements.  
96.12 Eligible applicant designation.  
96.13 Planning process; advisory councils.  
96.14 Content and description of grant application.  
96.15 Comment and publication procedures relating to submission of grant application.  
96.16 Submission of grant application; standards for reviewing grant applications.  
96.17 Application approval; application disapproval; grant agreement.  
96.18 Use of alternative eligible applicants; services by the Secretary.  
96.19 Modifications.

## SUBPART C—PROGRAM OPERATION

96.20 General.  
96.21 Basic responsibilities of eligible applicants.  
96.22 Basic responsibilities of program agents; relationship with eligible applicants.  
96.23 Acceptable public employment positions.  
96.24 Maintenance of effort.  
96.25 Responsibility for selecting participants.  
96.26 Place of residence for participants.  
96.27 Eligibility for participation in a Title II Program.  
96.28 Equitable service to the unemployed population; serving significant segments.  
96.29 Groups to be provided special consideration within the significant segment groups served.  
96.30 Serving the most severely disadvantaged persons.  
96.31 Training and supportive services.  
96.32 Linkages with other manpower programs.  
96.33 Placement goals.  
96.34 Compensation for participants.  
96.35 Administrative staff.  
96.36 Use of Title II funds for programs under Titles I and III—A.

## SUBPART D—SPECIAL CONDITIONS FOR GRANTS TO INDIAN TRIBES ON FEDERAL AND STATE RESERVATIONS

Sec.  
96.40 General.  
96.41 Distribution of funds.  
96.42 Eligibility for funds.  
96.43 Funding of eligible applicants.  
96.44 Planning process; advisory councils.  
96.45 Comment and publication procedures relating to submission of Indian grant applications.  
96.46 Assistance by the Director, Division of Indian and Native American Programs.  
96.47 Participant eligibility.  
96.48 Nepotism.  
96.49 Nondiscrimination.  
96.50 Subgrants.  
96.51 Travel requirements.

## PART 98—ADMINISTRATIVE PROVISIONS FOR PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT.

## SUBPART A—GRANT ADMINISTRATION

98.1 General.  
98.2 Payment.  
98.3 Letter of credit.



- 98.4 Payment by Treasury check.
- 98.5 Financial management systems.
- 98.6 Audit.
- 98.7 Reporting requirements in general.
- 98.8 Program Status Summary, Financial Status Report and Monthly Progress Report.
- 98.9 Quarterly Summary of Participant Characteristics.
- 98.10 Report of Federal Cash Transactions.
- 98.11 Reallocation of funds.
- 98.12 Allowable Federal costs.
- 98.13 Allocation of allowable costs among program activities.
- 98.14 Basic personnel standards for grantees.
- 98.15 Adjustments in payments.
- 98.16 Termination of grant; suspension of grant in emergency situations.
- 98.17 Annual Plan settlement procedures.
- 98.18 Maintenance and retention of records.
- 98.19 Program income.
- 98.20 Procurement and property management standards.
- 98.21 Nondiscrimination and equal employment opportunities.
- 98.22 Nepotism.
- 98.23 Special limitations on participant activities.
- 98.24 General benefits and working conditions for program participants.
- 98.25 Retirement programs.
- 98.26 Procedures for resolving issues between grantees and complainants.
- 98.27 Grantee contracts and subgrants.
- 98.28 Non-Federal status of participants.
- 98.29 Applicability of Davis-Bacon wage rates to projects under the Act.
- 98.29a Job Corps training opportunities for CETA grantees.

## SUBPART B—ASSESSMENT AND EVALUATION

- 98.30 General.
- 98.31 Responsibilities of the prime sponsor or eligible applicant.
- 98.32 Responsibilities of the Secretary.
- 98.33 Limitation.
- 98.34 Consultation with the Secretary of Health, Education, and Welfare.

## SUBPART C—HEARINGS AND JUDICIAL REVIEW

- 98.40 Purpose and policy.
- 98.41 Review of plans and applications; violations.
- 98.42 Complaints; filing of formal allegations; dismissal.
- 98.43 Forms.
- 98.44 Contents of formal allegation; amendment.
- 98.45 Investigations.
- 98.46 Opportunity for hearings; when required.
- 98.47 Hearings.
- 98.48 Initial certification, decisions and notices.
- 98.49 Judicial review.

4. Section 94.4 is amended by revising paragraphs (s), (v), (kk), (fff), (ggg), (hhh), and by adding paragraphs (vvv), (www), (xxx), and (yyy) as follows:

## § 94.4 Definitions.

(s) "Economically disadvantaged" shall mean a person who:

- (1) is a member of a family which receives cash welfare payments under Federal, State or local welfare programs;
- (2) is a member of a family which has a total family income, as defined in paragraph (xxx) of this section, which in relation to family size, does not exceed the poverty level determined in accordance with criteria established by the Office of Management and Budget or

70% of the lower living standard income level, whichever is higher. Family income shall be computed by:

- (i) Annualizing all family income received during the 3 months preceding the assignment of the economically disadvantaged classification, or
- (ii) If, due to seasonal unemployment (e.g., teachers), seasonal employment, summer employment for youth, or other circumstances, the 3 month period is unrepresentative, totaling family income received during the 12 months preceding the assignment of the economically disadvantaged classification; or
- (3) is a foster child on behalf of whom State or local government payments are made.

(v) "Family" shall mean one or more persons living in a single household who are related to each other by blood, marriage or adoption. A stepchild who receives at least 50% of his/her support from the stepparent shall be counted as a member of the stepparent's family. A member of a household:

- (1) Who is 18 or older;
- (2) Who receives less than 50% of his/her maintenance from the family; and
- (3) Who is not the head of the household or the spouse of the head of the household, shall not be considered a member of the family. Such an individual shall be considered a family residing alone or in group quarters.

(kk) "Participant" shall mean an individual who is eligible for and takes part in activities under provisions of the Act or receives services funded under the Act, except for an individual who receives only outreach and intake services. An individual applicant becomes a participant when:

- (1) The individual is declared eligible upon intake; and
- (2) The individual receives employment, training or services funded under the Act following intake, except for an individual who receives only outreach and/or intake services.

(fff) "Underemployed person" shall mean:

- (1) A person who is working part-time but has been seeking full-time work, and who is a member of a family whose total family income (as defined in paragraph (xxx) of this section) in relation to his or her family size, does not exceed the poverty level determined in accordance with criteria established by OMB, or

(2) A person who is working full-time and who is a member of a family whose total family income (as defined in paragraph (xxx) of this section) in relation to his or her family size, does not exceed the poverty level determined in accordance with criteria established by OMB.

- (3) Family income shall be computed by:

- (i) Annualizing family income received during the 3 months preceding the

assignment of the underemployed classification, or

- (ii) If, due to seasonal unemployment, seasonal employment, summer employment for youth or other circumstances, the 3 month period is unrepresentative, totaling family income received during the 12 months preceding the assignment of the underemployed classification.

(ggg) "Unemployed person" shall mean for Title I activities except in the case of welfare recipients:

- (1) A person who is without a job and who wants and is available for work, defined as follows:

(i) A person who is without a job is a person who did not work during the calendar week preceding the week in which the determination of his eligibility for participation is made. Except in the case of persons described in paragraph (ggg) (2) of this section, the determination of who wants and is available for work will be made by the prime sponsor or his designee. Persons who have been discouraged from seeking work but are currently available for work, shall not be excluded from eligibility.

(ii) If a person is confined in a jail, penitentiary, or other institution and there is a reasonable expectation that release will follow the completion of training within a reasonable time, the individual shall be considered unemployed.

(2) In the case of welfare recipients, and except for purposes of sections 103 and 202 of the Act, the term "unemployed person" shall mean an adult who, or whose family, receives supplemental security income or money payments pursuant to a State plan approved under the Social Security Act, Title IV (Aid to Families with Dependent Children), or under the Social Security Act, Title XVI (Supplemental Security Income for the Aged, Blind and Disabled), or would be eligible for such payments according to the standards set forth at 45 CFR Part 233 and 20 CFR Part 416 if both parents were not present in the home, and

- (1) Who is available for work, and
- (ii) Who is either without a job or working in a job providing insufficient income to enable such a person and his family to be self-supporting without welfare.

(3) A veteran who has served on active duty for a period of more than 180 days or who was discharged or released from active duty for a service connected disability, shall be immediately eligible, upon release or discharge, for participation in a program under Title I of the Act without regard to the previous calendar week unemployment requirement which would otherwise pertain (38 U.S.C. 2013): *Provided*, The veteran has not obtained permanent, full-time, unsubsidized employment between the time of release and the time of application for participation in Title I.

(hhh) "Unemployed person" shall mean for Title II activities:

- (1) A person who is without a job and who wants and is available for work. Except in the case of persons described in

(2) below, the determination of who wants and is available for work will be made by the prime sponsor or his designee. Persons who have been discouraged from seeking work but are currently available for work, shall not be excluded from eligibility.

(2) Except for the purposes of sections 103 and 202 of the Act, an adult who, or whose family, receives supplemental security income or money payments pursuant to a State plan approved under the Social Security Act, Title IV (Aid to Families with Dependent Children), or under the Social Security Act, Title XVI (Supplemental Security Income for the Aged, Blind and Disabled) or would be eligible for such payments according to the standards set forth at 45 CFR Part 233 and 20 CFR Part 416 if both parents were not present in the home, and

- (i) Is available for work, and
- (ii) Who is either without a job or working on a job providing insufficient income to enable such a person and his family to be self-supporting without welfare assistance.

(3) A person is "without a job" if, during the 30 days preceding his application, he has worked no more than a total of 10 hours or has earned no more than \$30 in any calendar week during the 30 days.

(vvv) "Hawaiian Native" shall mean any individual, any of whose ancestors were natives of the areas which consisted of the Hawaiian Islands prior to 1778 (Sec. 701(a)(16)).

(www) "Vietnam-era veteran" shall mean a person who:

- (1) Served on active duty in the Armed Forces for a period of more than 180 days, any part of which occurred between August 5, 1964, and May 7, 1975, inclusive, and was discharged or released with other than a dishonorable discharge; or
- (2) Was discharged or released from active duty in the Armed Forces for a service-connected disability if any part of such active duty was performed between August 5, 1964, and May 7, 1975, inclusive.

(xxx) "Family income" shall mean the sum of all income received from all sources determined as follows:

- (1) Family income shall include—(i) Gross wages or salary. The total money earnings received for work performed as an employee; it represents the amount paid before deductions for income taxes, social security, bond purchases, union dues, etc. (Wages and salaries received by individuals through public service employment and on-the-job training shall be included in income computations);
- (ii) Self-employment income. Net money income (gross receipts minus operating expenses) from a business firm, farm, or other enterprise in which a person is engaged on his/her own account; and
- (iii) Other income. Money income received from such sources as net rents, social security benefits (OASI and dis-

ability insurance), pensions, alimony, payments for child support and periodic income from insurance policy annuities.

(2) Family income shall exclude: (1) General

- (A) Non-cash income, such as food stamps and wages received in the form of food or housing.

(B) Imputed value of owner-occupied property, i.e., rental value.

(C) Cash welfare payments.

(D) Payments made to participants in employment and training programs, such as payments for training, work experience, transportation, and dependency allowances except for those payments specified in paragraph (xxx)(1)(i) of this section.

(E) Capital gains and losses.

(F) One-time unearned income, such as the following (Not intended to be an all-inclusive list, but designed to illustrate the conceptual framework of one-time unearned income):

- (1) Payments received for a limited fixed term under income maintenance programs and supplemental unemployment benefit plans.
- (2) One-time (or fixed term) scholarship and fellowship grants.

(3) Accident, health, and casualty insurance proceeds.

(4) Disability and death payments, including fixed term (but not lifetime) life insurance annuities and death benefits.

(5) One-time awards and gifts.

(6) Inheritances, including fixed term annuities.

(7) Fixed term workers' compensation awards.

(8) Terminal leave pay.

(9) Soil bank payments.

(10) Agriculture crop stabilization payments.

(ii) Veterans. (A) Amounts received as pay or allowances by any person while serving on active duty in the Armed Services.

(B) Educational assistance and compensation payments to veterans and other eligible persons under Chapters 11, 13, 31, 34, 35, and 36 of Title 38, United States Code.

(yyy) "Comprehensive manpower plan (CMP)" shall mean the Prime Sponsor Agreement and the Annual Plans executed pursuant to the Prime Sponsor Agreement.

## PART 95—PROGRAMS UNDER TITLE I OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

5. The table of contents for Part 95 is revised to read as follows:

Subpart A—General	
Sec.	
95.1	Scope and purpose of Part 95.
95.2	Allocation of funds.
95.3	Eligibility for funds.
95.4	Data base for determining eligibility.
Subpart B—Grant Planning, Application and Modification Procedures	
95.10	General.
95.11	Preapplication for Federal Assistance, consortium agreements.
95.12	Prime sponsor designation.
95.13	Planning process; advisory councils.
95.14	Content and description of grant application.

95.15 Comment and publication procedures relating to submission of grant application.

95.16 Submission of grant application.

95.17 Standards for reviewing grant applications.

95.18 Application approval.

95.19 Application disapproval.

95.20 Use of alternative prime sponsors; services by the Secretary.

95.21 Modifications.

Subpart C—Program Operation

95.30 General.

95.31 Basic responsibilities of prime sponsors.

95.32 Eligibility for participation in a Title I Program.

95.33 Types of manpower program activities available.

95.34 Training allowances.

95.35 Wages.

95.36 Minimum duration of training and reasonable expectation of employment.

95.37 Training for lower wage industries; relocation of industries.

95.38 Cooperative relationships between prime sponsor and other manpower agencies.

95.39 Federal Supplemental Benefit Claimants; beneficiaries under Title II of the Trade Act.

Subpart D—Special Grants to Governors

95.50 General.

95.51 Distribution of funds.

95.52 Grant application.

95.53 Application approval and disapproval.

95.54 Modifications.

95.55 Governor's distribution of vocational education funds.

95.56 Program operations.

95.57 Funding; grant administration.

95.58 Nonfinancial agreement between prime sponsor and State Vocational Education Board.

95.59 Coordination with sponsor.

AUTHORITY: Comprehensive Employment and Training Act of 1973, as amended (Pub. L. 93-203, 87 Stat. 839; Pub. L. 93-567, 88 Stat. 1845), Sec. 702(a) unless otherwise noted.

6. Section 95.3 is amended by revising paragraph (a)(4) to read as follows:

§ 95.3 Eligibility for funds.

(a) . . .

(4) (i) Any unit of general local government, or any combination of such units, without regard to population, which, in exceptional circumstances, is determined by the Secretary, after giving serious consideration to comments from the prime sponsor otherwise responsible for the area and the Governor, to serve a substantial portion (e.g., 75 percent) of a functioning labor market area or to be a rural area with a high level of unemployment and to have demonstrated that (A) it has the capability for effectively carrying out a comprehensive manpower program under the Act, evidenced by its effective operation of programs such as CEP or other multicomponent programs, (B) there is a special need for services provided by the Act (e.g., the area has a high proportion of such groups within the population as older workers, high school dropouts, or has a high unemployment rate, substantial outmigration or unique commuting problems, and (C) it will afford administrative and programmatic advantages over other methods of delivering services under the Act;

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(ii) The following units of general local government or combination of such units shall automatically be considered as exceptional circumstance prime sponsors since such unit(s) have been determined by the Secretary to meet the requirements of paragraph (a) (4) (i) of this section:

(A) A unit of general local government which was a prime sponsor in the previous fiscal year, had a population of 100,000 or more persons according to the previous year's census update estimate, and has since fallen below 100,000 (but not below 90,000) in population; and

(B) A combination of units of general local government which meet the requirements of paragraph (a) (3) (i) (A), (B), and (D) of this section, which were members of the same consortium in the previous fiscal year, and which contain at least one unit which had a population of 100,000 or more persons according to the previous year's census update estimate, but has since decreased below 100,000 (but not below 90,000) in population; and

7. Section 95.13 is amended by adding paragraph (b) (3) and by revising paragraph (c) (3). Also paragraph (d) is amended by revising paragraphs (d) (2) (ii) and (iii), by revising paragraphs (d) (4), (d) (4) (i), and (d) (4) (v), by adding paragraphs (d) (4) (vi) and (d) (4) (vii), and by adding paragraphs (d) (5) and (d) (6). Accordingly section 95.13 is amended to read as follows:

§ 95.13 Planning process; advisory councils.

(b) . . . .  
(3) In developing the Title I Annual Plan, the prime sponsor shall not reduce services to youth because of the availability of financial assistance under Subpart 3, Part C of Title III (sec. 346(2)).

(c) . . . .  
(3) Each prime sponsor shall, to the extent practical, include as appointments to its Planning Council members who are representative of the participant community (e.g., women, persons of limited English-speaking ability, and other minority groups) and of community-based organizations, the SESA, education and training agencies and institutions, business (e.g., representatives of a locally based business firm, the National Alliance of Businessmen, or Chamber of Commerce) organized labor, and where appropriate, agriculture. Additionally, each prime sponsor shall invite representatives of appropriate veterans' organizations or groups to serve as temporary members of its Planning Council. (Sec. 305(a) of Pub. L. 95-93.) Generally, staff of State or local government agencies should not take the place of representatives of the participant communities which their agencies serve. Persons representative of other interested groups may also be appointed. The prime sponsor shall appoint a chairperson of the Planning Council and provide professional, clerical and technical staff to serve it. Funds for supportive services and related staff costs for the Planning

Council may be made available from a prime sponsor's basic allocation.

(d) . . . .  
(2) . . . .  
(ii) One representative shall be appointed from each of the following: The State Board of Vocational Education, the State Advisory Council on Vocational Education, the State employment service, and any State agency the Governor believes has an interest in manpower or manpower-related services within the State (Sec. 203 of the Vocational Education Act of 1973, as amended (Pub. L. 94-482)).

(iii) Representatives shall be appointed from organized labor, business and industry, the general public, community-based organizations, and from the population to be served under the Act (including representation of women, persons of limited English-speaking ability, and other minority groups when such persons represent a significant portion of the participant population). Additionally, representatives of appropriate veterans' organizations or groups shall be invited to serve as temporary members. Generally, staff of State or local government agencies should not take the place of representatives of the participant communities which their agencies serve. (sec. 305(a) of Pub. L. 95-93).

(4) Council responsibilities shall include, but not be limited to:

(i) Reviewing prime sponsor grant applications, proposed modifications, and comments thereon, particularly for utilization of and coordination with State agencies and for coordination of plans and operations in contiguous areas.

(v) Submitting an Annual Report to the Governor which shall be a public document, and issuing such other studies, reports or documents to the Governor and prime sponsors as the SMSC believes necessary to effectively carry out the Act. The Annual Report shall include an analysis of the coordination achieved during the previous year, efforts taken to effect such coordination, and recommendations on potential actions that would further facilitate effective coordination. This report shall be submitted no later than 120 days after the end of the Federal fiscal year. A copy of this report shall also be submitted to the State Advisory Council on Vocational Education. Comments received from the State Advisory Council on Vocational Education shall be incorporated into the Annual Report to the Governor (Sec. 203 of the Vocational Education Act of 1973, as amended (Pub. L. 94-482)).

(vi) Consulting with the State Advisory Council on Vocational Education in order to identify the employment and training vocational education needs within the State and to assess the extent to which employment training, vocational education, vocational rehabilitation and other programs assisted under this and related Acts represent a con-

sistent, integrated and coordinated approach to meeting such needs (sec. 203 of the Vocational Education Act of 1973, as amended (Pub. L. 94-482)); and

(vii) Commenting at least once annually on the reports of the State Advisory Council on Vocational Education and incorporating those comments in the Annual Report to the Governor (Sec. 203 of the Vocational Education Act of 1973, as amended (Pub. L. 94-482)).

(5) The Governor shall appoint a representative of the Council to represent the SMSC on the State Advisory Council on Vocational Education.

(6) The Governor shall appoint a representative of the Council to represent the Council on the State Occupational Information Coordinating Committee.

8. Section 95.14 is amended by revising paragraphs (a) and (c). Also paragraph (b) is amended by revising paragraphs (b) (1) and (2), by revising (b) (3) (ii) (E) and by adding (b) (3) (ii) (G), by adding (b) (3) (iii) (M) and (b) (3) (iii) (N), and by adding (b) (3) (v) and (b) (3) (vi). Accordingly, section 95.14 is amended to read as follows:

§ 95.14 Content and description of grant application.

(a) General. This section describes the grant application which designated prime sponsors shall use to apply for funds under title I. The application shall consist of two documents, the Prime Sponsor Agreement (PSA) and the Annual Plan (AP). Detailed instructions for completing the application, which is described in summary form below, are contained in the Forms Preparation Handbook.

(b) Prime Sponsor Agreement. A designated prime sponsor applying for assistance for the first time shall submit to the RA a signed copy of the PSA. A designated prime sponsor which has already entered into a PSA in a previous year shall submit to the RA with its Annual Plan, a certification that the PSA remains the same or that it is revised as described in attachments to the certification. The initial submission and subsequent certification of the PSA are subject to the comment and publication procedures of § 95.15. The PSA shall consist of the Signatory Page, the Narrative Description of General Information, Assurances and Certifications, and, for consortia, the approved consortium agreement.

(1) Signatory page. The Signatory Page, when signed by the designated prime sponsor and the authorized representative of the RA, shall constitute a legal and binding document by which the designated prime sponsor agrees that all work performed under its Annual Plan will be in accordance with the Act, the Assurances and Certifications and the regulations of 29 CFR Parts 94, 95, 96 and 98.

(2) Narrative description of general information. The Narrative Description of General Information shall include a detailed statement on the following items:

(i) Program purpose.

(ii) Geographic description and economic conditions of area to be served. A brief description of the geographic area to be served and the economic conditions of the area.

(iii) Approach. (A) A description of the recruitment and selection methods to be used.

(B) A description of the efforts to be undertaken to increase the participation of qualified disabled veterans and qualified Vietnam-era veterans who are under 35 years of age.

(C) A description of the placement and follow-up mechanisms and procedures to be used.

(D) Public service employment program. (1) A description of actions to insure compliance with personnel procedures and collective bargaining agreements for jobs in other than the entry level.

(2) A description of the training for supervisory personnel.

(3) A description of efforts to remove artificial barriers.

(4) A description of the specific steps to be undertaken to provide consideration to special veterans, those veterans who have received other than a dishonorable discharge within four years prior to application, and welfare recipients.

(5) A description of the emphasis which will be placed on the development of jobs for veterans which will utilize skills acquired through their military experience.

(iv) Delivery agents. (A) An explanation of the methods and criteria to be used in the selection of deliverers of service.

(B) A description of priority given to area skill centers.

(C) A description of efforts to utilize apprenticeship or other on-the-job training opportunities available under Section 1787 of Title 38, United States Code.

(v) Prime sponsor planning. (A) A description of the role and procedures of the planning council in submitting recommendations, monitoring, and analyses, as well as information on the location, frequency, and publicizing of meetings, and whether minutes are kept and meetings are open to the public.

(B) A description of the staff support of the council.

(C) A list of the sectors represented on the council.

(D) A description of the participation of community-based organizations and groups in the program plan.

(vi) Management and administrative plan.—(A) Organizational structure. A description of the prime sponsor's organizational structure.

(B) Administrative controls. A description of the internal administrative controls including:

(1) Monitoring system;

(2) Evaluation system;

(3) Personnel or merit system (including the prime sponsor's plan for obtaining an acceptable personnel system as required in § 98.14(b));

(4) Accounting system;

(5) Fiscal reporting and participant tracking system(s);

(C) Allowance payments system. A description of the details of the allowance payments system, including waiver provisions.

(D) Grievance procedures. A description of the procedures for resolving any complaints, alleging violation of the Act, regulations, PSA, or Annual Plan, of CETA participants, contractors, subgrantees and other parties.

(E) Equal employment opportunity. A description of the mechanisms which will be used to assure nondiscrimination and equal employment opportunities.

3. . . . .  
(ii) . . . .

(E) Appropriate steps taken to provide for the increased participation of qualified disabled veterans and qualified Vietnam-era veterans who are under 35 years of age.

(G) Non-reduction in the numbers of youth to be served from the previous year in anticipation of the availability of funds under Subpart 3, Part C of Title III and prohibition against decreasing the extent of services offered to these youth, (e.g., replacing classroom training with only counseling. (Sec. 346(a) (2)).

(iii) . . . .  
(M) Appropriate steps taken to provide for the increased participation of qualified disabled veterans and qualified Vietnam-era veterans who are under 35 years of age.

(N) Selection of other than necessary technical supervisory and administrative personnel from the unemployed and underemployed population. (sec. 205(c) (2)).

(v) Additional assurance for Title II programs:

(A) Hiring of residents of areas of substantial unemployment for all jobs created under Title II and providing services to benefit residents of such areas.

(vi) Additional assurance for Title VI programs:

(A) Only persons residing in the area served by the eligible applicant under title VI of the Act will be hired to fill jobs created under the Act and that the public services provided by such jobs shall, to the extent feasible, be designed to benefit the residents of such areas except that funds allocated under title VI of the Act (section 603(a) (2) (B)), to an area eligible for assistance under title II of the Act shall only be used to provide project and program opportunities to persons residing in those areas of substantial unemployment as defined in section 204(c). (Sec. 603(a) (2)).

(c) On a date set by the Secretary, an Annual Plan for Title I must be submitted by designated prime sponsors in order to obtain funds under Title I. The Annual Plan is subject to the comment and publication procedures of § 95.15. The Annual Plan shall consist of the following:

(1) Application for Federal assistance. The Application for Federal Assistance shall identify the designated prime sponsor and the amount of funds requested and provide information concerning the area to be served and the number of people expected to benefit from the program. Standard Form 424 contained in FMC 74-7 shall be used.

(2) Annual narrative description of program. The Annual Narrative Description of Program shall contain a detailed statement of the following items:

(i) Objectives and needs for assistance. (A) (1) A description of the significant segments which are most in need of service, including a description of the local goals developed for qualified disabled veterans and qualified Vietnam-era veterans who are under 35 years of age; and

(2) A breakout of the demographic groups (in terms of age, race, and sex) of the unemployed population, a breakout of the plan of service to each of the demographic groups, and justification for a plan of service to any of the demographic groups which is more than 15 percent below the group's incidence in the unemployed population. Variances in excess of 15 percent which occur because of the prime's concentration on serving its economically disadvantaged and/or underemployed population will be considered adequate justification.

(B) An assessment of job opportunities in the area.

(ii) Results and benefits expected. (A) A statement of the specific participant goals the prime sponsor intends to accomplish.

(B) A statement of other goals.

(iii) Approach.—(A) Program activities and services. (1) A description of the activities and services to be provided.

(2) A description of the participant flow and the relationship among the activities to be provided.

(3) A description of programs, if any, designed for persons of limited English-speaking ability.

(4) For those applicants intending to request funds under section 303 of the Act, a discussion of how migrants and seasonal farmworkers will be served.

(B) Delivery agents. (1) A list of deliverers and the services to be provided by each.

(2) A description of the linkages established.

(3) A list of the manpower-related services and facilities which are available from Federal, State, and local agencies and an indication of which have been determined to have demonstrated effectiveness in providing manpower services.

(4) An explanation for non-use or duplication of existing services and facilities including programs of demonstrated effectiveness listed in § 95.14(c) (2) (iii) (B).

(C) Discussion of program planning summary (PPS) and budget information summary (BIS). (1) An explanation of how the PPS reflects the goals, objectives, and activity description provided above.

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(2) An explanation of how costs were determined by the BIS.

(D) *Property.* A list of any items of capital equipment which individually cost more than \$1,000 including quantity and prices.

(iv) *Public service employment program.* (A) For those Title II applicants whose geographic area differs from the Title I areas described in the PSA, a description of the Title II area.

(B) *Analysis of public service needs.* A description of the unmet public service needs.

(C) *Approach.* A description by employing agency of the types of jobs to be funded including: (1) An explanation of how these jobs relate to the public service needs identified in paragraph (c) (2) (iv) (B) of this section.

(2) A description of determination of rates of compensation when they differ from what is normally paid by the employer.

(3) A description of the education, training, and supportive services to participants.

(4) A maintenance of effort verification.

(5) A description of plans to improve and expand employment and advancement opportunities of the target population.

(6) An explanation of how the public service employment program is integrated with other activities and services.

(7) A narrative explanation for basis of funding and job allocation to each local government and agency.

(3) *Program planning summary.* The Program Planning Summary requires a prime sponsor to provide a quantitative statement of planned enrollment levels, the participants to be served by each program activity (classroom training, on-the-job training, public service employment, work experience, and other activities) and planned outcomes for program participants. It shall also include an identification of the significant segments of the population and the number of individuals in each to be served.

(4) *Budget information summary.* The Budget Information Summary shall include a quantitative statement of yearly planned expenditures by cost category (administration, allowances, wages, fringe benefits, training, and services), planned quarterly obligations, and planned quarterly expenditures by program activity.

(5) *Public service employment occupational summary.* The Public Service Employment Occupational Summary shall include a description of proposed public service job opportunities, occupations and wages, including a comparison of such wages for similar unsubsidized jobs in each employing agency. If, at the time of submission of the Annual Plan, final decisions have not yet been made on all jobs to be filled, the Occupational Summary need not be submitted with the Annual Plan. Instead, it shall be submitted to the RA as soon as all jobs are selected but not later than 60 days after the date the Annual Plan is executed.

9. Section 95.16 is revised to read as follows:

**§ 95.16 Submission of grant application.**

(a) Except as indicated in paragraph (b) of this section, each designated prime sponsor shall simultaneously submit to the RA on or before a date set by the Secretary:

(1) An Annual Plan for Title I.

(2) A certification that the PSA remains the same or is revised in certain respects, which are described in attachments, and

(3) An Approval Request Letter.

(b) Newly designated prime sponsors shall submit the PSA no later than 30 days prior to the submission of the Annual Plan, on or before a date set by the Secretary. An Approval Request Letter shall accompany the submission. A signed copy of the signatory page will be provided to the designated prime sponsor by the RA indicating approval of the PSA before submittal by the designated prime sponsor of its Annual Plan.

10. Section 95.18 is amended by revising the title and by revising paragraphs (a), (d), and (e) to read as follows:

**§ 95.18 Application approval.**

(a) An application for a grant shall be approved if it meets the requirements of the Act, the regulations promulgated under the Act and other applicable law, and if the RA determines that the prime sponsor has demonstrated maximum efforts to meet the goals of the prior year's annual plan.

(d) In addition to notifying the designated prime sponsor as provided in paragraph (c) (1) of this section, if an Annual Plan is approved, the RA shall provide the prime sponsor with a letter indicating approval.

(e) Funding authority will be issued by a Notice of Fund Availability.

11. Section 95.21 is revised to read as follows:

**§ 95.21 Modifications.**

(a) *Modifications of the prime sponsor agreement.* (1) The Signatory Page and the Assurances and Certifications shall only be modified at the initiation of the RA, after consultation with the prime sponsor, to insure compliance with the regulations.

(2) *The narrative description of general information of the PSA.* The Narrative Description shall be modified as follows:

(i) *RA initiated modifications.* RAs may require modification to insure compliance with the regulations, after consultation with the prime sponsor.

(ii) *Prime sponsor initiated modifications.* (A) When significant changes are planned in the systems and procedures, such as a change in the allowance payment system, prior regional office approval is necessary.

(B) The prime sponsor may make any changes other than those described in (a) (1), (a) (2) (i), and (ii) (A) of this

section without prior regional office approval, but must notify the RA of these changes in writing by the end of the quarter in which the change occurs. Revised portions of the PSA need not be submitted with the notice.

(3) *Format.* Modifications pursuant to paragraphs (a) (1), (a) (2) (i), and (ii) (A) of this section shall consist of the following:

(i) Approval request letter;

(ii) Revised Assurances and Certifications or revised Narrative Description of General Information, as appropriate; and

(iii) A copy of the newspaper announcement required in paragraph (c) of this section.

(b) *Modifications to the annual plan.* (1) A modification to the Annual Plan requiring prior Regional Office approval is required under any of the following conditions:

(i) Change in duration of the annual plan;

(ii) Change in annual plan allotment;

(iii) Substantial change in program design and/or program goals defined as follows:

(A) When the cumulative number of individuals to be served, planned enrollment levels for program activities, planned placement terminations or individuals to be served within significant segments, is to be increased or decreased by 15 percent or more.

(B) For grants of \$100,000 or less, when the cumulative transfer of funds among program activities or cost categories exceeds \$15,000.

(C) For grants of over \$100,000, when the cumulative transfer of funds among program activities or cost categories exceeds \$50,000 or 15 percent of the total grant budget whichever is greater.

(D) When the program design is altered significantly such as when there is development or elimination of a program activity, or when 10% or more of the public service employment positions (except for Title VI) are to be used for rehiring laid-off employees.

(iv) at the initiation of the RA, after consultation with the prime sponsor, to insure compliance with the regulations and/or to insure responsiveness to changing economic conditions. A prime sponsor is responsible for assuring that its programs are responsive to the changing economic situation in its jurisdiction and for making appropriate modifications to its plan. The RA may request a reassessment and appropriate modification when the RA believes that the changing economic situation in a jurisdiction makes such a reassessment appropriate. If the prime sponsor disagrees with the RA's request for a modification pursuant to the conditions in this paragraph (iv), it may initiate a hearing pursuant to § 98.47.

(2) Annual Plan modifications will not be initiated solely to adjust planned performance to meet actual performance.

(3) *A-95 Clearance.* (i) Modifications require clearance through the A-95 clearinghouses only under the following conditions:

(A) There is a cumulative increase or decrease in funds equal to or more than 15 percent of the Annual Plan allotment for the current program year and/or;

(B) The Annual Plan is extended for a period of more than 3 calendar months and/or

(C) The RA directs that A-95 clearance is required for a particular modification.

(ii) (A) When A-95 clearance is required, the prime sponsor, whenever possible, shall provide notification to the appropriate A-95 State and areawide clearinghouses of its intent to modify its Annual Plan 60 days prior to submission of the formal modification to the RA. The notification of intent should consist of a revised form SP 424 and a brief description of the anticipated modification. If within 30 days from submission of such notification, the prime sponsor receives no notification from the A-95 clearinghouses that they wish to review the modification, the prime sponsor has fulfilled its obligation under A-95 and may submit its modification to the RA without submitting it to the A-95 clearinghouses as specified in paragraph (b) (3) (ii) (B) of this section.

(B) When a prime sponsor has not provided notification as specified in paragraph (b) (3) (ii) (A) of this section, or when it has provided this notification and the clearinghouses have requested to review the completed modification, the prime sponsor shall in all cases submit a copy of its modification to the clearinghouses for comment 30 days prior to its submission to the RA.

(C) Where no comments have been received from A-95 clearinghouses, or where the clearinghouses have not requested to review the completed modification, the prime sponsor shall so indicate in the appropriate item on the revised Standard Form 424, noting clearinghouses which sent no response after receiving the modification and clearinghouses which did not request to review the completed modification after being notified of the prime sponsor's intent to modify.

(4) A prime sponsor may make any change, consistent with the regulations in this Part and Part 98, in its Program Planning Summary, Budget Information Summary, or narrative description which is not set out in paragraph (b) (1) of this section without prior approval, but must show any such change in the First Program Status Summary and Financial Status Report, as appropriate, submitted to the Department after the change has been made. At the same time this report is submitted, an updated Program Planning Summary, Budget Information Summary, or Annual narrative description, as appropriate, shall also be submitted to the RA. Only those lines and columns or portions of the annual narrative affected by the modification need be submitted. Comments and publication requirements do not apply to changes described in this subparagraph (4).

(5) *Format.* Modifications pursuant to paragraphs (b) (1) and (3) of this section shall consist of the following:

(i) Approval Request Letter;

(ii) Revised form SF 424 (if A-95 clearance is required);

(iii) Revised Program Planning Summary and Budget Information Summary for current and future quarters only; except that a modification not involving a change in the annual plan allotment must be received in the regional office within 30 days of the beginning of the current quarter in order to include changes to the current quarter goals.

(iv) Narrative description of the changes made and certification that the publication and comment procedures in paragraph (c) of this section have been complied with.

(v) A copy of the newspaper announcement required in paragraph (c) of this section.

(vi) Revised portions of the program narrative description, if appropriate.

(vii) Revised Occupational Summary, if appropriate.

(6) *Incremental Funding.* When the Annual Plan allotment is obligated by the RA in increments, each subsequent obligation by the RA requires a new Notice of Fund Availability (NFA) to be signed by an authorized representative of the Department of Labor. This NFA does not require a revised Annual Plan, and does not require publication, comment or A-95 clearance procedures to be followed.

(c) *Publication and Comment.* (1) No later than the date of submission to the RA, a copy of any proposed modification to the PSA and the Annual Plan pursuant to paragraph (a) (1), (a) (2) (i), (a) (2) (ii) (A), and (b) (1) and (3) of this section shall be forwarded to the Governor and summaries of the modifications shall be provided to appropriate units of general local government with a population of at least 25,000, to appropriate Indian sponsors, and to labor organizations representing employees engaged in similar work in the same area as that for which participants will receive subsidized employment or training; and the prime sponsor shall publish in a minimum of one issue of a newspaper or newspapers (including minority newspaper(s), where feasible) of general circulation throughout the area to be served a notice of the prime sponsor's intent to request a modification, a brief summary of the purpose of the proposed modification, and the location and hours when the complete modification can be reviewed and the phone number where questions and comments may be directed.

(2) Comments pursuant to paragraphs (b) (3) (ii) (B) and (c) (1) of this section shall be made to the prime sponsor and the RA within 30 days of publication. All substantive written comments and responses will be transmitted to the RA with the modification, unless comments are received after the modification's submission, in which case they will be sent separately to the RA.

(3) A prime sponsor shall acknowledge any written comment made pursuant to this section. It shall inform any party submitting a substantive written comment of whether any plan revision will be made in response to the comment and the reasons for the prime sponsor's determination.

(d) *Notification of Action.* (1) RA shall take final action on approval or disapproval of any proposed modification within 30 days of receipt. Within 7 days after taking action, the RA shall notify the prime sponsor and the Governor of the action.

(2) A denial of a prime sponsor's request for a modification shall be subject to the appeal procedures set out in Part 98.

(3) The procedures in § 95.18(c) (1) and (2) shall apply to modifications under paragraph (b) (3) of this section.

12. Section 95.31 is amended by revising paragraph (c) to read as follows:

**§ 95.31 Basic responsibilities of prime sponsors.**

(c) Providing equitable service to the demographic groups (age, sex, race) within its unemployed population, taking into account the priorities identified by the Secretary, if any, the significant segments most in need of service and the incidence of underemployed and economically disadvantaged in the prime sponsor's jurisdiction. Where variances as specified in § 95.14 occur in service to the demographic groups, they shall be adequately justified in the Annual Plan.

13. Section 95.32 is amended by revising paragraphs (d) and (e) (1) to read as follows:

**§ 95.32 Eligibility for participation in a title I program.**

(d) Program participation shall be limited to citizens of the United States, natives of American Samoa and the Trust Territory of the Pacific Islands, permanent resident aliens and other aliens who have been permitted to accept permanent employment in the United States by the Immigration and Naturalization Service.

(e) (1) Prime sponsors shall take appropriate steps to provide for the increased participation of qualified disabled veterans and qualified Vietnam-era veterans who are under 35 years of age in public service employment programs and job training opportunities under Title I. Specific effort should be made to develop appropriate full or part-time opportunities for such veterans. Each prime sponsor shall develop local goals for service to such veterans taking into consideration their numbers and the number of qualified persons in other significant segments of the population in the area served. These goals shall be included in the prime sponsor's Annual Plan. The prime sponsor should utilize the assistance of the State and local veterans employment service representative in meeting these goals. In addition, prime sponsors shall, in filling public service jobs, give special consideration to special veterans; and they shall exercise maximum efforts to design jobs and job training opportunities for veterans who have received other than a dishonorable discharge within four years before the date of their application. (sec. 305(a) of Pub. L. 95-93).



14. Section 95.33 is amended by revising paragraphs (d) (2) (ii) and (d) (2) (iv), by adding paragraph (d) (4) (viii) (D), by revising paragraphs (d) (5) (i) (B), (d) (5) (ii) (C), and (d) (5) (ii) (D), and by adding (d) (5) (ii) (E) to read as follows:

§ 95.33 Types of manpower program activities available.

(d) . . . . .  
(2) . . . . .  
(ii) *Inducements to employers.* Prime sponsors may provide payments or other inducements to public or private employers for the bona fide training and related costs of enrolling individuals in the program; provided that payments to employers organized for profit are only made for the costs of recruiting, training and supportive services which are over and above those normally provided by the employer. Use of a formula which incorporates the trainee's wage as a factor and fixed unit cost contracting are acceptable methods of reimbursement to private-for-profit employers for extraordinary training costs associated with providing on-the-job training. When using a formula, the prime sponsor can reimburse the employer for extraordinary training costs for training on the job, up to a level not to exceed 50 percent of participant wages. Prime sponsors may design other methods of cost reimbursement provided that payments reflect only extraordinary training costs.

(iv) *Labor organization consultation.* Appropriate labor organizations shall be consulted in the design and conduct of on-the-job training programs where collective bargaining agreements exist with the employer. Prime sponsors shall consider the advice and comments of such labor organizations, when designing OJT programs and negotiating OJT contract provisions and shall ensure that wages for covered positions conform with collective bargaining agreements.

(4) . . . . .  
(viii) . . . . .  
(D) When a participant in a work experience activity is performing the tasks of regular public service employment type job, wages must be comparable to those paid for the regular public service job, as specified in § 96.34.

(5) . . . . .  
(i) . . . . .  
(B) Intake: This includes screening for eligibility; completion of Part A, B, and C of the Participant Record; the initial determination as to whether the program can benefit the individual; the determination of the manpower activities and services which would be appropriate for the applicant; the determination of the availability of an appropriation manpower activity; a decision on selection; and dissemination of information on the program.  
(ii) . . . . .

(C) *Employability Assessment* other than that involved during intake;  
(D) *Job Development*;  
(E) *Job Referral and Placement*;

15. Section 95.34 is amended by revising paragraph (c) (2), by revising paragraph (f), by revising paragraph (g) (1) (i) and by adding paragraphs (i) (6), (i) (7), and (j) (6) to read as follows:

§ 95.34 Training allowances.

(c) . . . . .  
(2) No allowances shall be paid for participation in any course or program of study (e.g., a B.A. or B.S. degree program) which exceeds 104 weeks. While prime sponsors may pay for the costs of tuition, books, and related training expenses of courses or programs of study exceeding 104 weeks, at no time during participation in such a course shall allowances be paid. (sec. 111(a)).

(f) *Dependents allowances.* (1) Dependents allowances of \$5 per week for each dependent in excess of two dependents, up to a maximum of \$20 for six or more dependents shall be provided to participants receiving basic allowances or who would be receiving basic allowances were it not for adjustments which are permitted pursuant to paragraph (i) of this section. Participants eligible for dependents allowances from other sources shall not be precluded from receiving dependents allowances funded under the Act.

(2) Dependents allowances may be reduced pro rata only for absences without good cause. The methodology for making the reduction shall be described in the approved PSA.

(g) . . . . .  
(1) . . . . .  
(i) Incentive allowances shall be reduced pro rata for absences without good cause. The methodology (e.g., daily or hourly proration) for making the reduction shall be described in the approved PSA.

(i) . . . . .  
(6) The basic allowance may be reduced by the amount of wages received by classroom training participants who are concurrently enrolled during the same payment period in either full-time work experience, public service employment, or on-the-job training funded under the Act. The determination of whether the other activity is full-time shall be based on the number of hours that constitute full-time employment for regular employees similarly employed at the employing agency or worksite.

(7) Incentive allowances for public assistance recipients may, at the option of the prime sponsor, be adjusted downward, provided that the adjustment shall not result in an incentive allowance payment at a rate less than the higher of the Federal, State, or local minimum wage multiplied by the number of hours of participation, which the trainee attends as required or is absent from for good cause.

(j) . . . . .  
(6) Incentive allowances shall not be waived.

16. Section 95.35 is amended by revising paragraph (d) to read as follows:  
§ 95.35 Wages.

(d) For hours spent in the production of goods or services, the rate of compensation to be paid to trainees by employers, public or private shall be specified in a written agreement entered into by the training or employing facility and the prime sponsor. Where hours spent in production of goods or services are in positions covered by collective bargaining agreements, wages paid to trainees by the employer shall not conflict with the terms of the collective bargaining agreement.

17. Section 95.38 is amended by revising paragraph (a) (1) to read as follows:

§ 95.38 Cooperative relationships between prime sponsor and other manpower agencies.

(a) (1) Each prime sponsor shall, to the extent feasible, establish cooperative relationships or linkages with other manpower and manpower-related agencies in the area within its jurisdiction, in particular, with agencies operating programs funded through the Department (Section 105(a) (3) (D)). Prime sponsors are encouraged to utilize the free direct placement services offered by the SESA's.

18. Section 95.52 is amended by adding paragraph (a) (2), by revising paragraphs (b) (1) and (b) (2), and by adding paragraph (b) (3) to read as follows:

§ 95.52 Grant application.

(a) . . . . .  
(2) The Governor shall comply with the preapplication and comment and publication requirements specified in 95.11 and § 95.15 (a), (b), (d), (e) and (f). In addition, the Governor shall provide 30 days prior to submission of the grant application for the purposes of commenting thereon:

(i) A summary of the grant application to each prime sponsor in the State and to units of general local government within the Balance-of-State with a population of at least 25,000;

(ii) A summary of the grant application to appropriate Indian prime sponsors and to labor organizations representing employees engaged in similar work in the same areas as that for which participants will receive subsidized employment or training; and

(iii) A summary of any programs to be funded within a prime sponsor's area with State Manpower Services funds to the prime sponsor in whose jurisdiction the program is to be funded.

(b) . . . . .  
(1) *Approval Request Letter.*  
(2) *Application for Federal Assistance.* Standard Form 424 as prescribed by FMC 74-7 is being used for the application for the special grant.

(3) *Special Grant Plan.* This plan consists of:

(i) *Special Grant-Program Planning Summary.* The Special Grant-Program Planning Summary is a multiprogram form providing for statistical entries on numbers of participants served by vocational education projects and State Manpower Services.

(ii) *Special Grant-Budget Information Summary.* The Special Grant-Budget Information Summary is a multiprogram form providing for entries on funds planned to be obligated and expended in vocational education projects. State Manpower Services Council and State manpower services.

(iii) *Special Grant Program Narrative.* The narrative for the special grant will be composed of three separate sections. The Program Narrative form contained in the *Forms Preparation Handbook* requires a detailed statement on the program including the following items:

(A) *Vocational Education Services Program Narrative.* (1) An explanation of the method used to allocate funds to prime sponsor areas and the rationale for the method used;

(2) An explanation for any nonfinancial agreement which was not reached between a prime sponsor and Vocational Education Board;

(3) A summary of all agreements required in § 95.56 between individual prime sponsors and the State Vocational Education Board. The summary should follow the procedures established for the development of individual program narratives supporting each nonfinancial agreement.

(4) A copy of each such agreement. If all of the nonfinancial agreements are not available when the application is submitted, the Governor shall describe the training and services which he expects to be supplied by the State Vocational Education Board to each prime sponsor. Nonfinancial agreements received after the grant is made will be forwarded to the RA; and

(5) An explanation of administrative costs which exceed 20 percent.

(B) *State Manpower Services Council Program Narrative.* (1) A listing of members of the Council, identifying the group each member represents;

(2) Identification of the chairman.

(3) A statement of the procedures which will be followed in reviewing prime sponsor plans and plans of State agencies and making recommendations which will provide more effective overall coordination of manpower services in the State; including a discussion of how the Council functions, the location, frequency, and publicizing of meetings, and whether minutes are kept and meetings are open to the public.

(4) A description of the system to be used in monitoring other prime sponsors and State manpower services;

(5) A description of the types of data, materials, and information which will be included in the annual report to the Governor;

(6) If the Governor plans to use part of the funds authorized for the Council under Section 103(d) of the Act (one percent of the allocation) for Section 106 (State services), the specific use of

the funds shall also be described, including the amount of funds and objectives to be accomplished.

(7) A breakdown of staff and other council costs. This breakdown should include administration, wages, and fringe benefits.

(C) *State Manpower Services Program Narrative.* (1) Explanation of steps taken to assure cooperation of State agencies with prime sponsors in implementing the program;

(2) Description of State plan for sharing of manpower resources and facilities for most efficient and economical operation;

(3) Coordination of programs financed under Wagner-Peyser Act to provide assistance to individuals in accordance with policies of this Act;

(4) An explanation of the arrangements made by the State to assist the Secretary in carrying out the Secretary's mandatory responsibilities for enforcing the requirements for Federal contractors to list all suitable employment openings with local offices of the State employment service and to take affirmative action as required in section 2012(a) of title 38, United States Code;

(5) A description of any arrangements for planning areas (see Part V of Attachment A, OMB Circular A-95) to serve geographical regions within the State;

(6) A description of provisions for coordination of the manpower and related services to be provided by the State in areas to be served by prime sponsors other than the State, including the exchange of information and coordination of manpower plans;

(7) A description of any of the activities allowable under Section 106(c) of the Act, that the State chooses to provide, detailing those activities to be undertaken and the costs and goals of such activities, including:

(i) A description of allowable services being delivered under the Act throughout the State, by State agencies responsible for employment, training, and related services (sec. 106(c) (1));

(ii) A description of special programs and services for rural areas outside major labor market areas; (sec. 106(c) (2));

(iii) A description of the extent to which information will be developed and published regarding economic, industrial, and labor market conditions;

(iv) A description of information and technical assistance to be provided to prime sponsors in the State; and

(v) A description of any model training and employment programs.

19. Section 95.53 is amended by revising the title and paragraphs (b) (2) and (d) to read as follows:

§ 95.53 Application approval and disapproval.

(b) . . . . .  
(2) It meets the requirements of the Act, the regulations promulgated under the Act, other applicable law, and if the RA determines that the Governor has demonstrated maximum efforts to meet the goals of the prior year's annual plan.

(c) . . . . .  
(d) If an application is approved, the RA shall provide the Governor with a letter indicating approval.

20. Section 95.54 is revised to read as follows:

§ 95.54 Modifications.

(a) A modification to a Governor's Special Grant Plan is required under any of the following conditions:

(1) Change in duration of the Plan;  
(2) Change in the Plan allotment;  
(3) Substantial change in program design and/or program goals defined as follows:

(i) When the cumulative number of individuals to be served or the planned placement terminations is to be increased or decreased by 15 percent or more.

(ii) When the cumulative transfer of funds among program activities or cost categories exceeds \$50,000 or 15 percent of the total grant budget whichever is greater.

(iii) When the program design is altered significantly (see § 95.21(b) (1) (iii) (D)).

(b) A-95 Clearance. (1) Modifications require clearance through the A-95 clearinghouse only under the following conditions:

(i) There is a cumulative increase or decrease in funds equal to or more than 15 percent of the Plan allotment for the current program year and/or;

(ii) The term of the Plan is extended for a period of more than 3 calendar months and/or;

(iii) The RA directs that A-95 clearance is required for a particular modification.

(2) (i) When A-95 clearance is required, the Governor, whenever possible, shall provide notification to the appropriate A-95 State and areawide clearinghouses of its intent to modify its Plan 60 days prior to submission of the formal modification to the RA. The notification of intent should consist of a revised form SF 424 and a brief description of the anticipated modification. If within 30 days from submission of such notification, the Governor receives no notification from the A-95 clearinghouses that they wish to review the modification, the Governor has fulfilled its obligation under A-95 and may submit the modification to the RA without submitting it to the A-95 clearinghouses as specified in paragraph (b) (2) (ii) of this section.

(ii) When the Governor has not provided notification as specified in paragraph (b) (2) (i) of this section or when the Governor has provided this notification and the clearinghouse(s) have requested to review the completed modification, the Governor shall in all cases submit a copy of its modification to the clearinghouses for comment 30 days prior to its submission to the RA.

(iii) Where no comments have been received from A-95 clearinghouses or where the clearinghouses have not requested to review the completed modification, the Governor shall so indicate in the appropriate item on the revised

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SF 424, noting clearinghouses which sent no response after receiving the modification, and clearinghouses which did not request to review the completed modification after being notified of the Governor's intent to modify.

(c) The Governor may make any change, consistent with the regulations in this Part and Part 98, in its Program Planning Summary, Budget Information Summary, or narrative description which is not set out in paragraph (a) of this section without prior approval, but must show any such change in the First Program Status Summary and Financial Status Report, as appropriate, submitted to the Department after the change has been made. At the same time this report is submitted, an updated Program Planning Summary, Budget Information Summary, or narrative description, as appropriate, shall also be submitted to the RA. Only those lines and columns or portions of the narrative affected by the modification need be submitted. Comments and publication requirements do not apply to changes described in this paragraph (c).

(d) Special Grant Plan modifications shall not be initiated solely to adjust planned performance to meet actual performance.

(e) Format. Modifications pursuant to paragraphs (a) and (b) above shall consist of the following:

(1) Approval Request Letter;

(2) Revised Form SF 424 (if A-95 clearance is required);

(3) Revised Special Grant Program Planning Summary and Budget Information Summary for current and future quarters only; except that a modification not involving a change in the grant allotment must be received in the regional office within 30 days of the beginning of the current quarter in order to include changes to the current quarter goals.

(4) Narrative description of the changes made and certification that the review and comment procedures in paragraph (f) have been complied with.

(5) A copy of the newspaper announcement required in paragraph (f) of this section.

(6) Revised portions of the narrative description, if appropriate.

(f) Publication and Comment. (1) No later than the date of submission to the RA, the Governor shall provide a summary of any modification pursuant to paragraphs (a) and (b) of this section to each prime sponsor in the State and units of general local government within the Balance of State with a population of at least 25,000, to appropriate Indian sponsors, and to labor organizations representing employees engaged in similar work in the same area as that for which participants will receive subsidized employment or training; and the Governor shall publish in a minimum of one issue of a newspaper or newspapers (including minority news paper(s), where feasible) of general circulation throughout the area to be served a notice of the intent to request a modification, a brief summary of the purpose of the proposed modification, and the location and hours

when the complete modification can be reviewed and the phone number where questions and comments may be directed.

(2) Comments pursuant to paragraphs (b) (2) (ii) and (f) (1) of this section shall be made to the Governor and the RA within 30 days of publication. All substantive written comments and responses shall be transmitted to the RA with the modification, unless comments are received after the modification's submission, in which case they shall be sent separately to the RA.

(3) The Governor shall acknowledge any written comment made pursuant to this section, and shall inform any party submitting a substantive written comment of whether any plan revision will be made in response to the comment and the reasons for such determination.

(g) Notification of Action. (1) The RA shall take final action on approval or disapproval of any proposed modification within 30 days of receipt. Within 7-days after taking action, the RA shall notify the Governor of the action.

(2) A denial of a Governor's request for a modification shall be subject to the appeal procedures set out in Part 98 of this chapter.

(3) The procedures in § 95.18(c) (1) and (2) shall apply to modifications under paragraph (b) of this section.

(h) The procedures for incremental funding are the same as those specified in § 95.21 of Subpart A.

#### PART 96—PROGRAMS UNDER TITLE II OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

21. The table of contents for Part 96 is revised to read as follows:

Subpart A—General	
Sec. 96.1	Scope and purpose.
96.2	Allocation of funds.
96.3	Eligibility for funds.
Subpart B—Grant Application	
96.10	General.
96.11	Preapplication for Federal Assistance; consortium designation.
96.12	Eligible applicant designation.
96.13	Planning process; advisory councils.
96.14	Content and description of grant application.
96.15	Comment and publication procedures relating to submission of grant application.
96.16	Submission of grant application; standards for reviewing grant applications.
96.17	Application approval; application disapproval; grant agreement.
96.18	Use of alternative eligible applicant; services by the Secretary.
96.19	Modifications.
Subpart C—Program Operation	
96.20	General.
96.21	Basic responsibilities of eligible applicants.
96.22	Basic responsibilities of program agents; relationship with eligible applicants.
96.23	Acceptable public employment positions.
96.24	Maintenance of effort.
96.25	Responsibility for selecting participants.
96.26	Place of residence for participants.
96.27	Eligibility for participation in a Title II program.

96.28 Equitable service to the unemployed population; serving significant segments.

96.29 Groups to be provided special consideration within the significant segment groups served.

96.30 Serving the most severely disadvantaged persons.

96.31 Training and supportive services.

96.32 Linkages with other manpower programs.

96.33 Placement goals.

96.34 Compensation for participants.

96.35 Administrative staff.

96.36 Use of Title II funds for programs under Titles I and III—A

Subpart D—Special Conditions for Grants to Indian Tribes on Federal and State Reservations

96.40 General.

96.41 Distribution of funds.

96.42 Eligibility for funds.

96.43 Funding of eligible applicants.

96.44 Planning process; advisory councils.

96.45 Comment and publication procedures relating to submission of Indian grant applications.

96.46 Assistance by the Director, Division of Indian and Native American Programs.

96.47 Participant eligibility.

96.48 Nepotism.

96.49 Nondiscrimination.

96.50 Subgrants.

96.51 Travel requirements.

AUTHORITY: Comprehensive Employment and Training Act of 1973, as amended (Pub. L. 93-203, 87 Stat. 839; Pub. L. 93-567, 88 Stat. 1845), sec. 702(a), unless otherwise noted.

22. Section 96.14 is revised to read as follows:

§ 96.14 Content and description of grant application.

(a) General. (1) This section describes the grant application for funds under Title II of the Act. Copies of all forms and instructions are contained in the *Forms Preparation Handbook*.

(b) An Annual Plan for Title II must be submitted by prime sponsors on a date set by the Secretary. The Annual Plan consists of the following:

(1) *Application for Federal Assistance*. This form is described in § 95.14 (c) (1).

(2) *Annual Narrative Description of Program*. The annual narrative description requirements for Title II are the same as those described in § 95.14(c) (2) for Title I programs. A detailed statement on each of those items must be provided as part of the Title II Annual Plan, except as provided below:

(i) The information required under § 95.14(c) (2) (iii) (A), program activities and services, shall only be provided if the Title II applicant intends to conduct Title I activities with Title II funds.

(ii) If the Title II applicant's geographical area differs from the Title I geographical area described in the PSA, the information required under geographical area to be served, as specified in § 95.14(b) (2) (ii) shall be provided for the Title II area.

(3) *Program Planning Summary*. This form is described in § 95.14(c) (3).

(4) *Budget Information Summary*. This form is described in § 95.14(c) (4).

(5) *Public Service Employment Occupational Summary*. This form is described in § 95.14(c) (5).

(6) *Monthly Schedule*. A monthly estimate of total individuals enrolled at the end of the month and total cumulative expenditures shall be provided. Such monthly schedule will reflect the activity for each month during the grant period under Title II.

(7) *Program Summary*. The Program Summary presents a distribution of jobs, training slots, and funds to be provided to eligible applicants and subgrantees. It designates the area to be served, the population and employing agencies of each area.

23. Section 96.19 is revised to read as follows:

§ 96.19 Modifications.

The modification procedures set forth in § 95.21 of this title shall apply to Title II grants. In addition, modifications pursuant to §§ 95.21(b) (1) and (3) of this title shall include a revised program summary, if appropriate.

24. Section 96.23 is amended by revising paragraph (b) (5) to read as follows:

§ 96.23 Acceptable public employment positions.

(b) . . . .

(5) To the extent consistent with the maintenance of effort requirements of § 96.24, the participant activity limitations of § 98.23 and the personnel procedures and collective bargaining agreements of the eligible applicant and the private nonprofit agencies, jobs may also be allocated to private nonprofit agencies, such as educational, social service, and health agencies, which provide public services, as defined in § 94.4, within an eligible applicant's jurisdiction. Jobs may be allocated to such agencies provided: they offer public services for the general public and not primarily or exclusively for the benefit of their membership or constituencies; and they are determined to best serve the unemployed population based on the considerations stated in § 96.23(b) (4). Such jobs may include positions in Job Corps Centers other than those operated by private for profit organizations.

25. Section 96.27 is amended by revising paragraphs (b) and (g) to read as follows:

§ 96.27 Eligibility for participation in a Title II program.

(b) A veteran who has served on active duty for a period of more than 180 days or who was discharged or released from active duty for a service connected disability, shall be immediately eligible, upon discharge or release for participation in a program under Title II of the Act without regard to the 30-day unemployment requirement which would otherwise pertain (38 U.S.C. 2013), provided such veteran has not obtained permanent full-time unsubsidized employment between the time of discharge

or release from active duty and the time of application for participation in Title II.

(g) Program participation shall be limited to citizens of the United States, natives of American Samoa and the Trust Territory of the Pacific Islands, permanent resident aliens and other aliens who have been permitted to accept permanent employment in the United States by the Immigration and Naturalization Service.

26. Section 96.28 is revised to read as follows:

§ 96.28 Equitable service to the unemployed population; serving significant segments.

(a) Providing equitable services to the demographic groups (age, sex, race) within its unemployed population, taking into account the significant segments most in need of service and the incidence of underemployment in the prime sponsor's jurisdiction. Where variances as specified in § 95.14 occur in service to the demographic groups, they shall be adequately justified in the Annual Plan.

(b) The prime sponsor shall take positive steps, such as active recruitment, to insure that the significant segments in its approved plan of service are served.

27. Section 96.29 is revised to read as follows:

§ 96.29 Groups to be provided special consideration within the significant segment groups served.

Special consideration shall be given to:

(a) *Veterans*. (1) Eligible applicants shall take appropriate steps to provide for the increased participation of qualified disabled veterans and qualified Vietnam-era veterans who are under 35 years of age in programs under title II. Specific effort should be made to develop appropriate full or part-time opportunities for such veterans. Each eligible applicant shall develop local goals for service to such veterans, taking into consideration their numbers and the number of qualified persons in significant segments of the population in the area served. These goals shall be included in the eligible applicant's Annual Plan. The eligible applicant should utilize the assistance of the State and local veterans' employment service representatives in meeting these goals. In order to insure special consideration for veterans, all public service employment vacancies under title II, except those to which former employees are being recalled, and those into which CETA participants are being transferred, must be listed with the State employment service at least 48 hours (excluding Saturdays, Sundays, and holidays) before such vacancies are filled. During this period those veterans specified above who fall within the significant segments to be served will be referred by SESAS. If sufficient numbers of veterans are not available, the employment service, upon request, may also refer members of other significant segments. In addition, eligible applicants shall, in filling public service jobs, give

special consideration to special veterans; and, they shall exercise maximum efforts to design jobs and job training opportunities for veterans who have received other than a dishonorable discharge within four years before the date of their application. (sec. 205(c) (5)).

(2) Each eligible applicant shall, on a continuing and timely basis, provide information on job vacancies and training opportunities funded under Title II of the Act to State and local veterans employment representatives and to other veterans organizations for the purpose of disseminating information to eligible veterans (sec. 104(b) of Emergency Jobs and Unemployment Assistance Act of 1974).

(b) *Welfare recipients*. Eligible applicants shall give special consideration to welfare recipients by taking them into account when selecting participants within significant segments and/or by identifying them as a significant segment in the Annual Plan.

(c) *Former manpower trainees*. Due consideration shall be given, in developing an eligible applicant's plan and enrolling individuals in the manpower programs funded under Title II of the Act, to persons, falling within the significant segments to be served, who have participated in manpower training programs and for whom work opportunities are not otherwise immediately available (sec. 205(c) (9)).

(d) *Teachers*. In filling teaching positions in elementary and secondary schools, each eligible applicant shall give special consideration to unemployed persons with previous teaching experience who are certified by the State in which that prime sponsor is located (Sec. 205(d)).

28. Section 95.30 is revised to read as follows:

§ 96.30 Serving the most severely disadvantaged persons.

In meeting the requirements of §§ 96.28 and 96.29 above, the eligible applicant shall give priority to unemployed persons who are the most severely disadvantaged in terms of the length of time they have been unemployed and their prospects for finding employment without assistance under Title II (secs. 205(c) (7) and 210).

29. Section 96.33 is amended by revising paragraph (c) to read as follows:

§ 96.33 Placement goals.

(c) (1) To carry out the intent of paragraph (b) of this section, each eligible applicant, program agent and subgrantee, to the extent consistent with law and applicable collective bargaining agreements, shall have the goal of accomplishing on an annual basis at least one of the following:

(i) Placing half of the cumulative number of participants terminated in unsubsidized private or public sector employment;

(ii) Placing participants in half the vacancies occurring in suitable occupations in an eligible applicant, program



agent, or subgrantee's permanent work force which are not filled by promotion from within the agency.

(2) When a suitable job offer or offer of referral to a suitable job is made to and rejected by a participant, this can be construed as being acceptable grounds for termination of the participant by the prime sponsor regardless of how long the individual has been in the program. Suitable job shall mean a job which is: comparable to the participant's CETA job in terms of working conditions and benefits; the same or equivalent to the participant's CETA job or otherwise commensurate with his/her skill level; located within a commuting distance of the participant's home comparable to the distance traveled by others in the jurisdiction similarly employed; and not vacant due to a strike or based on a requirement that an employee must join or resign from a union.

30. Section 96.34 is amended by revising paragraph (a) (1) to read as follows:

**§ 96.34 Compensation for participants.**

(a) . . . .  
(1) The minimum hourly wage set out in sec. 6(a) (1) of the Fair Labor Standards Act of 1938, as amended. The exceptions to Section 6(a) (1) shall not apply to public service employment participants.

31. Section 96.36 is revised to read as follows:

**§ 96.36 Use of Title II funds for programs under Titles I and III-A.**

Funds available to an eligible applicant may, at its option, be utilized for residents of the areas of substantial unemployment designated under this Part for programs authorized under Title I or Part A of Title III of the Act. Where Title II funds are used for activities other than PSE authorized under other Titles of the Act, all provisions under this part, except § 96.21 (b), (c), (e), (g), and (h), § 96.27 (e), § 96.31, § 96.33, § 96.34, and § 96.36, shall apply in addition to those provisions applicable for programs under Title I or Part A of Title III (sec. 210); however, when Title II funds are used to fund public service employment, all of the provisions of this Part 96 shall apply.

32. Section 96.43 is revised to read as follows:

**§ 96.43 Funding of eligible applicants.**

(a) In order to be funded, a potentially eligible applicant must request to operate a program under Title II by complying with the provisions of § 97.111 of the regulations for Indian Employment and Training Programs funded under Section 302 of the Act.

(b) Each potentially eligible applicant will receive a tentative allocation against which it will prepare and submit its grant application.

(c) *General.* The grant application will consist of two documents, the Prime Sponsor Agreement (PSA) and the Annual Plan (AP). Detailed instructions for completing the application are con-

tained in the Forms Preparation Handbook.

(1) *Prime sponsor agreement.* An applicant applying for the first time shall not later than 30 days prior to submission of the Annual Plan submit to the Director, Division of Indian and Native American Programs (DINAP), a signed copy of the PSA. An applicant who has already effected a PSA shall submit with the Annual Plan to the Director, DINAP, a certification that the PSA remains the same or is revised in certain respects which are attached to the certification. The initial submission and subsequent certifications are subject to the comment and publication procedures of § 96.45. The PSA consists of:

(i) A signatory page (see § 95.14 (b) (1));  
(ii) A narrative description of general information; and  
(iii) Assurances and certifications.

(2) *Annual plan.* On a date set by the Director, DINAP, an Annual Plan must be submitted to the Director, DINAP. The submission of the AP is subject to the comment and publication procedures of § 96.45. The Annual Plan consists of:

(i) An Application for Federal Assistance. (See § 95.14 (c) (1));  
(ii) An Annual Narrative Description of Program;

(iii) A Program Planning Summary (see § 95.14 (c) (3));  
(iv) A Budget Information Summary (see § 95.14 (c) (4));

(v) A Public Service Employment Occupational Summary (see § 95.14 (c) (5));

(vi) A Monthly Schedule (see § 96.14 (b) (6)); and

(vii) A Program Summary (see § 96.14 (b) (7)).

**PART 98—ADMINISTRATIVE PROVISIONS FOR PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT**

33. The table of contents for Part 98 is revised to read as follows:

Subpart A—Grant Administration	
Sec.	General.
98.1	Payment.
98.2	Letter of credit.
98.3	Payment by Treasury check.
98.4	Financial management systems.
98.5	Audit.
98.6	Reporting requirements in general.
98.7	Program Status Summary, Financial Status Report and Monthly Progress Report.
98.8	Quarterly Summary of Participant Characteristics.
98.9	Report of Federal Cash Transactions.
98.10	Reallocation of funds.
98.11	Allowable Federal costs.
98.12	Allocation of allowable costs among program activities.
98.13	Basic personnel standards for grantees.
98.14	Adjustments in payments.
98.15	Termination of grant; suspension of grant in emergency situations.
98.16	Annual Plan settlement procedures.
98.17	Maintenance and retention of records.
98.18	Program income.
98.19	Procurement and property management standards.
98.20	

98.21 Nondiscrimination and equal employment opportunities.

98.22 Nepotism.

98.23 Special limitations on participant activities.

98.24 General benefits and working conditions for program participants.

98.25 Retirement programs.

98.26 Procedures for resolving issues between grantees and complainants.

98.27 Grantee contracts and subgrantees.

98.28 Non-Federal status of participants.

98.29 Applicability of Davis-Bacon wage rates to projects under the Act.

98.29a Job Corps training opportunities for CETA grantees.

**Subpart B—Assessment and Evaluation**

98.30 General.

98.31 Responsibilities of the prime sponsor or eligible applicant.

98.32 Responsibilities of the Secretary.

98.33 Limitation.

98.34 Consultation with the Secretary of Health, Education, and Welfare.

**Subpart C—Hearings and Judicial Review**

98.40 Purpose and policy.

98.41 Review of plans and applications, violations.

98.42 Complaints; filing of formal allegations; dismissal.

98.43 Form.

98.44 Contents of formal allegation; amendment.

98.45 Investigations.

98.46 Opportunity for hearings; when required.

98.47 Hearings.

98.48 Initial certification, decisions and notices.

98.49 Judicial review.

*AUTHORITY:* Comprehensive Employment and Training Act of 1973, as amended (Pub. L. 93-203), 87 Stat. 839; Pub. L. 93-567, 88 Stat. 1845), sec. 702(a), unless otherwise noted.

34. Section 98.6 is amended by revising paragraphs (e) (1) and (2) to read as follows:

**§ 98.6 Audit.**

(e) (1) Each grantee shall establish and maintain an audit program for its contractors and subgrantees to the extent necessary to insure adequate financial management and conformance with Federal requirements. The Governor shall also establish and maintain such an audit program for vocational education services and activities funded pursuant to § 95.2 (c) (4).

(2) Each grantee shall conduct at least once every two years an independent audit of each contractor or subgrantee providing activities and services amounting to a cost of \$100,000 or more during one grant year. Audits of those subgrantees or contractors providing activities and services under \$100,000 may be conducted on a sample basis as coordinated with and approved by the Regional Administrator for Audit. Of the awards of less than \$100,000, the sample selected shall include at least 25% of the total number of awards or 25 percent of the total dollars awarded, during a two-year period. The auditing of contractors and subgrantees on a sample basis in no way lessens the prime sponsor's responsibility to insure that program activities and related costs incurred by contractors and subgrantees are in compliance with

Federal requirements as stated in § 98.5(a). Fixed price contracts for non-program, administrative type procurements such as typewriter maintenance, administrative supplies, etc., do not require independent audits. The two-year audit period shall begin with Fiscal Year 1976.

35. Section 98.12 is amended by revising paragraphs (b), (c), (e) (2), (f) (2), (f) (5), (f) (5) (i), (f) (5) (ii), (f) (5) (iii), and (g) (6) to read as follows:

**§ 98.12 Allowable Federal costs.**

(b) *Restriction on use of funds.*—(1) *Public service employment programs.* (i) Not less than 85 percent of the funds appropriated pursuant to the Act which are used by an eligible applicant for public service employment programs shall be expended for wages and fringe benefits to persons employed in public service jobs (sec. 203(b)).

(ii) The remaining 15 percent may be used for administration, training, supportive services to public service employment participants; for the acquisition, rental, or leasing of necessary supplies, equipment, and materials, except as limited by paragraph (c) of this section; and for the rental or leasing of real property. An eligible applicant which does not itself administer the entire program may not retain the entire 15 percent for its own use unless this is agreed to by its subgrantees. Unless otherwise agreed to, at least 50 percent of the amount used for the administration of the program shall be available to subgrantees for administrative costs.

(2) No funds granted under the Act may be used, directly or indirectly, as a contribution for the purpose of obtaining Federal funds under any other law of the United States which requires a contribution from the grantee in order to receive such funds, except if authorized under that law. However, the use of funds granted under the Act as a matching contribution in order to obtain additional funds under the Act is not prohibited.

(3) Unless otherwise provided in Parts 94-99, funds provided under one grant under the Act may not be used to support costs of another grant under the Act.

(c) *Expenditures for repairs, maintenance, and capital improvements and for construction; home repair; winterization/weatherization.* (1) Funds for construction, as defined in § 94.4 (o), and for repairs, maintenance and capital improvements to existing facilities are allowable only under the following conditions:

(i) To pay wages and fringe benefits for public service employment participants;

(ii) To purchase equipment, materials, and supplies for use by public service employment participants while on the job and for use in the training of public service employment participants, excluding materials which become part of the construction;

(iii) To cover costs of a training program in a construction occupation, including costs such as instructors' sala-

ries, training tools, and books, and allowance and wages; but not including materials which become part of the construction, and only when such construction would not normally be performed by an outside contractor.

(2) Consistent with maintenance of effort requirements of this subtitle, the cost of participant salaries and fringe benefits shall be allowable costs when such participants are used in home repair and winterization/weatherization activities where work performed will not inure primarily to the benefit of a profit-making organization. Home repair and winterization/weatherization activities shall be limited to dwellings of individuals who are at or below 125 percent of the poverty level (as defined in § 94.4) which are privately owned and owner-occupied, privately owned by a nonprofit organization, units of public housing, or privately owned rental housing projects funded and approved by the Federal Energy Administration or the Community Services Administration. (704(f)).

(3) Costs associated with building repairs, maintenance, and capital improvements of existing facilities used primarily for programs under the Act are allowable.

(c) . . . .

(2) Participants' fringe benefits shall be charged to fringe benefits (premiums for medical and accident insurance for participants enrolled in classroom training and services to participants is considered to be a training or service cost as appropriate).

(f) . . . .

(2) *Fringe Benefits.* Allowable fringe benefit costs for participants include, but are not limited to the following: annual, sick, court and military leave pursuant to an approved leave system; employer's contribution for social security, employees' life and health insurance plans, unemployment insurance where applicable, workers' compensation insurance and retirement benefits, provided such benefits are granted under an approved plan, and, under public service employment programs, training materials, work tools, uniforms, or other equipment ordinarily provided by the employer to its regular employees, provided these are for the benefit and ownership of the participants. Cost of living increases may not be charged to fringe benefits.

(5) *Services.* Services include, but are not limited to services to applicants, supportive and manpower services, as set forth in § 95.33 (d) (5).

(i) *Services to applicants include outreach and intake.*

(ii) *Supportive services include child care, health care, medical and dental services, residential support, assistance in securing bonding, transportation, family planning and legal services.*

(iii) *Manpower services include orientation, counseling, job development, job placement, and employability assessment.*

(g) . . . .

(6) Travel costs to enable participants to obtain employment or to participate in programs under the Act are allowable as supportive services. Such travel shall be restricted to the grantee's jurisdiction or within daily commuting distance, except:

(i) As provided under § 98.29a(f);

(ii) To pay for transportation costs at the beginning and end of a training course which is more than daily commuting distance but within the State in which the prime sponsor is located;

(iii) As permitted for good cause by the RA, on a case by case basis, within the United States.

36. Section 98.14 is revised to read as follows:

**§ 98.14 Basic Personnel Standards for Grantees.**

(a) Methods of personnel administration will be established and maintained by each prime sponsor and eligible applicant in the public agencies administering the program for employees including participants engaged in the administration of the Act. Such methods shall be in conformity with the Intergovernmental Personnel Act (IPA) Merit Principles, Pub. L. 91-648, Section 2, administered by the U.S. Civil Service Commission. Prime sponsors whose personnel systems have been accepted by the U.S. Civil Service Commission as being in conformity with the Standards for a Merit System of Personnel Administration (45 CFR Part 70), including any amendments thereto, shall be deemed to be in compliance with this section (Sec. 703.14).

(b) Except as provided in paragraph (c) of this section, any prime sponsor or eligible applicant whose personnel system has not been accepted as meeting the requirements of this section shall provide to the RA for approval a plan and steps to be taken for attaining an acceptable system and a reasonable date for completing the plan; and also shall provide a list of those steps it has already taken to provide for merit based personnel system coverage. This plan and description of steps taken shall be submitted to the RA as part of the grant application.

(c) (1) The following are not subject to the requirements of paragraphs (a) and (b) of this section:

(i) Any non-governmental prime sponsor;

(ii) A consortium administrative unit which is not a unit of government;

(iii) Staff of contractors, subgrantees, title II program agents and employing agencies and titles I, II, and VI program participants; and

(iv) Employees of the prime sponsor's jurisdiction not engaged in the administration of CETA.

(2) A consortium administered by one of the member governments or a unit thereof or a unit of government not a member shall be subject to paragraphs (a) and (b) of this section.

(d) Units whose staff are exempt under paragraph (c) of this section shall insure equal employment opportunity

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based on objective procedures of recruitment, selection, promotion, classification, compensation, performance evaluation, and employee management relations and are encouraged to develop procedures reflective of the principles contained in the IPA.

(e) Prime sponsors and eligible applicants should include individuals on their CETA administrative staffs which at all levels are reflective of the composition of the population to be served by the program within its jurisdiction.

37. Section 98.17 is revised to read as follows:

**§ 98.17 Annual Plan settlement procedures.**

(a) The settlement of an Annual Plan is the process by which the Department of Labor determines that all applicable administrative actions and all required work of the Annual Plan have been completed by the grantee and the grantor. The following procedures will be complied with during the process of determination:

(b) By a date specified by the RA, each grantee shall submit a TWX containing the following information on each expiring annual plan:

- (1) Total fund availability;
- (2) Estimated accrued expenditures;
- (3) Estimated carryout.

(c) The RA shall issue a notice of fund availability to transfer carryout from the previous Annual Plan. A second notice of fund availability shall be issued by the RA to transfer the carryout from the previous Annual Plan into a new Annual Plan.

(d) By a date specified by the RA, each prime sponsor shall submit:

- (1) A final FSR for the previous year's annual plans;
- (2) A final Report of Federal Cash Transactions for the previous year's annual plans; and
- (3) If applicable, a list of unliquidated liabilities for the previous year's annual plans.

(e) If the final reports are acceptable, the RA shall effect settlement by transferring remaining funds into the current year's annual plans. Final settlement of expired Annual Plans shall not be complete until a final audit has been performed, audit findings have been resolved and final reports have been submitted.

(f) *End of Prime Sponsor Agreement.* The Prime Sponsor Agreement has no end or termination date. However, under the following conditions the Prime Sponsor Agreement shall no longer be in effect:

(1) When all activity under all Annual Plans has been completed and final settlement under those Annual Plans including an inventory settlement under the PSA has been reached.

(2) When the PSA is a multiparty agreement and one or more signatory parties has legally withdrawn from the agreement and an inventory settlement under the PSA has been reached.

(3) When all annual plans have been terminated, as provided in § 98.16, and

final settlement under those annual plans, including an inventory settlement under the PSA has been reached.

38. Section 98.22 is amended by revising paragraphs (a) and (b) (3) to read as follows:

**§ 98.22 Nepotism.**

(a) *Restriction.* No grantee, subgrantee, contractor, or employing agency may hire a person in an administrative capacity, staff position or public service employment position funded under the Act if a member of his or her immediate family is engaged in an administrative capacity for the same grantee or its subgrantees, contractors, or employing agencies. Where a State or local statute regarding nepotism exists which is more restrictive than this policy, the eligible applicant should follow the State or local statute in lieu of this policy.

(b) . . . . .  
(3) The term "person in an administrative capacity" includes: those persons who have overall administrative responsibility for a program, including all elected and appointed officials who have any responsibility for the obtaining of and/or approval of any grant funded under the Act, such as members of the prime sponsor planning council, as well as other officials who have an influence or control over the administration of the program, such as the project director, deputy director and unit chiefs; and persons who have selection, hiring, placement or supervisory responsibilities for public service employment participants.

39. Section 98.24 is amended by revising paragraph (a) to read as follows:

**§ 98.24 General benefits and working conditions for program participants.**

(a) (1) Each participant in an on-the-job training, work experience or public service employment program under the Act shall be assured of workers' compensation at the same level and to the same extent as other employees of the employer who are covered by a State or industry workers' compensation statute. Whether provided through the State's compensation agency or a private insurance carrier, this coverage includes medical and accident insurance as well as income maintenance insurance.

(2) Where a participant is employed or engaged in any CETA program activity, i.e., work experience, public service employment, on-the-job training, classroom training, services to participants and other activities where others similarly employed or engaged are not covered by an applicable workers' compensation statute, the participant shall be provided with medical and accident insurance coverage. Whether provided through the State's workers' compensation agency or a private insurance carrier, the prime sponsor shall provide such participants with medical and accident insurance coverage comparable to the medical and accident insurance provided under the applicable State workers' compensation statute. However, prime sponsors shall not be required to provide these partici-

pants with the income maintenance insurance coverage in the statute.

40. Section 98.41 is amended by revising paragraph (a) to read as follows:

**§ 98.41 Review of plans and applications, violations.**

(a) The Secretary shall not finally disapprove any Comprehensive Manpower Plan or Application for financial assistance submitted under any title of the Act (except where other procedures are set forth e.g., § 97.292), or any modifications, or amendments thereof, without first affording the grantee submitting the plan or application reasonable notice and opportunity for a hearing as provided in § 98.47 et seq.

Signed in Washington, D.C., this 13th day of September 1977.

ERNEST G. GREEN,  
Assistant Secretary for Employment and Training Administration.

[FR Doc. 77-28580 Filed 9-29-77; 8:45 am]

[4510-23]

**Title 29—Labor**

**SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR**

**PART 94—GENERAL PROVISIONS FOR PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT**

**PART 99—PROGRAMS UNDER TITLE VI OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT**

**Youth Employment and Demonstration Projects**

AGENCY: Employment and Training Administration, Labor.

ACTION: Final rule.

SUMMARY: These rules amend the Comprehensive Employment and Training Act (CETA) regulations governing the public service jobs program under Title VI of CETA. The purpose of this rulemaking is to implement the amendments made to Title VI by the Youth Employment and Demonstration Projects Act of 1977.

EFFECTIVE DATE: October 31, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert T. Jones, Director, Office of Comprehensive Employment Programs, U.S. Department of Labor, 6th and D Streets NW., Washington, D.C. 20213. Telephone No. 202-376-6366.

**SUPPLEMENTARY INFORMATION:**

**SUMMARY OF PROPOSED CHANGES**

1. In § 94.4, Definitions, a new paragraph (uuu) has been added which defines the term "unemployed person" for Title VI purposes. This definition is needed because unemployed persons are one class of persons whose eligibility for participation in projects under Title VI was clarified by section 307 of the Youth

Employment and Demonstration Projects Act of 1977.

2. In § 99.42, Eligibility for participation in Title VI programs: (a) The eligibility requirements are revised to implement section 608(a)(1)(A) of CETA, as amended by section 307 of the Youth Employment and Demonstration Projects Act of 1977.

(b) Paragraph (a)(5) is revised to correct a minor typographical error.

3. In § 99.44, Special consideration on selection: (a) A new paragraph (a) has been added to implement section 205(d) of CETA, as added by section 306(a) of the Youth Employment and Demonstration Projects Act of 1977.

(b) The existing paragraph under § 99.44 is designated as paragraph (b).

Since the changes being made are to incorporate the statutory amendments made by the Youth Employment and Demonstration Projects Act of 1977 and since the Act has already been signed into law by the President, the Department finds good cause for using final rather than proposed rulemaking. Although these regulations will take effect thirty (30) days after publication, prime sponsors are reminded that the statutory changes have already become law.

Accordingly, 29 CFR Parts 94 and 99 are amended as follows:

1. Section 94.4, Definitions, is amended by adding paragraph (uuu) to read as follows:

**§ 94.4 Definitions.**

(uuu) "Unemployed person" shall mean for Title VI purposes a person who is without a job and who wants and is

available for work, including any person who has been discouraged from seeking work but is currently available for work. For purposes of this definition a person is considered to be "without a job" during any calendar week in which he/she has worked no more than a total of ten (10) hours and/or has earned no more than \$30.

2. Section 99.42(a)(1)(i) through (iv) are revised to read as follows:

**§ 99.42 Eligibility for participation in Title VI Programs.**

(a) . . . . .  
(1) . . . . .

(i) Who, during 15 of the 20 weeks immediately prior to application, has been unemployed as defined in § 94.4(uuu) of this subtitle or has been receiving unemployment compensation: *Provided*, That during the 20 week period, the eligible person shall not have obtained permanent, unsubsidized, full-time employment; or

(ii) Who, during 15 of the 20 weeks immediately prior to application, has had a combination of weeks of unemployment and weeks of receiving unemployment compensation as described in paragraph (a)(1)(i) of this section: *Provided*, That during the 20 week period, the eligible person shall not have obtained permanent, unsubsidized, full-time employment; or

(iii) Who is unemployed as defined in § 94.4(uuu) of this subtitle at the time of application and is an exhaustee as defined in § 94.4(rrr) of this subtitle; or

(iv) Whose family is receiving Aid to Families with Dependent Children

(AFDC) including AFDC-Unemployed Fathers, under Title IV of the Social Security Act.

**§ 99.42 [Amended]**

3. Section 99.42(a)(5) is amended by adding the word "or" between the words "release" and "discharge".

4. Section 99.44 is revised to read as follows:

**§ 99.44 Special considerations on selection.**

(a) In filling teaching positions in elementary and secondary schools, each prime sponsor shall give special consideration to eligible unemployed persons with previous teaching experience who are certified by the State in which that prime sponsor is located (sec. 602(f)).

(b) In providing public service jobs and determining hours of work for individuals eligible pursuant to §§ 99.40(a)(2) and 99.40(b)(1), each prime sponsor shall take into consideration the household support obligations of the individuals and shall give special consideration to such alternative working arrangements as flexible hours of work, shared time and part-time jobs, for participants with particular needs, e.g., parents of young children, older persons, and handicapped individuals (sec. 608(d)).

Signed at Washington, D.C., this 14th day of September 1977.

ERNEST G. GREEN,  
Assistant Secretary for Employment and Training.

[FR Doc. 77-28702 Filed 9-29-77; 8:45 am]



Registered  
Federal  
Preparation

FRIDAY, SEPTEMBER 30, 1977  
PART VI



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DEPARTMENT OF  
HEALTH,  
EDUCATION, AND  
WELFARE

Food and Drug Administration

■

MEDICAL DEVICES

Proposed Listing Procedures

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[ 4110-03 ]

DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE

Food and Drug Administration

[ 21 CFR Parts 207, 607, 807 ]

[ Docket No. 77N-0255 ]

## MEDICAL DEVICES

## Device Listing Procedures

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: This proposal prescribes procedures for listing medical devices pursuant to section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360) and sets forth who must list devices, the times for listing, and how and when devices must be listed.

DATES: Comments by November 29, 1977. The Commissioner proposes that the final regulations based on this proposal shall be effective on October 31, 1977.

ADDRESS: Written comments (four copies) to the Hearing Clerk (HFC-20), Food and Drug Administration, room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Thomas V. Kelley, Bureau of Medical Devices (HFK-124), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, Md. 20910 (301-427-7190).

SUPPLEMENTARY INFORMATION: Final regulations for Part 807 (21 CFR Part 807) governing establishment registration were published in the FEDERAL REGISTER of August 23, 1977 (42 FR 42520). This proposal amends Part 807 to prescribe the information required to satisfy the device listing requirements of section 510 of the act.

In the FEDERAL REGISTER of December 28, 1976 (41 FR 56397), the Food and Drug Administration (FDA) gave notice of the agency's procedures for implementing the device listing requirements. The notice informed owners and operators of medical device establishments that FDA would not require device listing information by December 31, 1976, but would rather, as discussed below, implement the device listing requirements in 1977 by mailing the necessary procedures, forms, and other related information to the official correspondent for each registered establishment.

Section 510(j) of the act requires every person who registers with FDA to file a list of all devices being manufactured, prepared, propagated, compounded or processed by him for commercial distribution. This list is to be prepared in such form and manner as the Commissioner may prescribe.

Section 510(j) of the act also requires the submission of the following additional information with the device list-

ing: the listing for a device for which a performance standard has been established under section 514 of the act (21 U.S.C. 360d) or which is subject to section 515 of the act (21 U.S.C. 360e) must be accompanied by a reference to the authority for the marketing of the device and a copy of all labeling for such device; the listing for a restricted device must be accompanied by a copy of all labeling for the device, a representative sampling of advertisements for the device, and, upon request made by the Commissioner for good cause, a copy of all advertisements for the device; the listing of a device that is not a restricted device must be accompanied by the label and package insert for the device and a representative sampling of any other labeling for the device; if the registrant has determined that a particular device is not subject to sections 514 or 515 of the act or is not a restricted device, the Commissioner may request the submission of a brief statement of the basis upon which the registrant made such determination; the listing for all devices must be accompanied by a statement of the basis for believing that the product listed is a device and not a drug.

Section 510(j) of the act also provides for the updating of device listing information. Updating information must be submitted once during the month of June each year and once during the month of December each year. At that time, registrants must submit to FDA: a list of all devices introduced by the registrant for commercial distribution that have not been included in any list previously filed by him with FDA, a list of all devices for which the registrant has discontinued commercial distribution, a list of all devices for which the registrant has previously filed a notice of discontinuance with FDA and for which the registrant has resumed commercial distribution, and any material change in any information previously submitted pursuant to section 510(j) of the act. A new listing of a device or a notice of resumption of commercial distribution of a device must be accompanied by the appropriate labels, labeling, and advertisements for the device, as noted above.

## DEFINITIONS

The Commissioner is proposing to add to § 807.3 a new paragraph (i) that defines "restricted device" to mean a device for which the Commissioner, by regulation under § 801.109 (21 CFR 801.109) or otherwise under section 520(e) of the act (21 U.S.C. 360j(e)), has restricted to sale, distribution, or use only upon the written or oral authorization of a practitioner licensed by law to administer or use the device or upon such other conditions as the Commissioner may prescribe in the regulation. For devices in commercial distribution before enactment of the Medical Device Amendments of 1976, the definition includes all devices designated as prescription devices by § 801.109. A postenactment "restricted device" is a device so designated under section 520(e) of the act. For example, in the FEDERAL REGISTER of February 15,

1977 (42 FR 9386), FDA issued final regulations that placed conditions for sale and other restrictions on the distribution of hearing aids, thus making hearing aids restricted devices.

The Commissioner is also proposing to add to § 807.3 (21 CFR 807.3) a new paragraph (j) that defines "classification name" to mean the term used by the classification panels in the classification process under section 513 of the act (21 U.S.C. 360c) to describe a device of class of devices. The use of this term will facilitate the collection, organization, and retrieval of device listing information in that a list of "classification names" will be provided by FDA to persons required to submit such listing information.

The Commissioner is also proposing, for clarity, definitions for "representative sampling of advertisements" and "representative sampling of any other labeling" in proposed § 807.3 (k) and (l), respectively.

## WHO MUST LIST DEVICES

Any owner or operator of a device establishment required to register under Part 807 is also required to list all devices. The registration and listing requirements shall pertain to any person who:

1. Initiates or develops specifications for a device that is to be manufactured for him for subsequent commercial distribution by him.
2. Manufacturers for commercial distribution a device either for himself or for another person.
3. Repackages or relabels a device.
4. Initially distributes a device imported into the United States.
5. Manufacturers components or accessories that are ready to be used for any intended health-related purpose and are packaged or labeled for commercial distribution for such health-related purpose, e.g., blood filters, hemodialysis tubing, or devices which of necessity must be further processed by a licensed practitioner or other qualified persons to meet the needs of a particular patient, e.g., a manufacturer of ophthalmic lens blanks. Any owner or operator who is exempted from the registration requirements is also exempted from the listing requirements.

Proposed § 807.20 (21 CFR 807.20) has been amended to provide that listing information may be submitted by the parent, subsidiary and/or affiliate company for all establishments when operations are conducted at more than one establishment and there exists joint ownership and control among all the establishments. Listing information must be submitted whether or not the output of the establishment or any particular device so listed enters interstate commerce.

## TIMES FOR LISTING

The agency intends to implement device listing immediately, before the effective date of the final regulation based on this proposal. Section 510 of the act is self-executing, i.e., its effectiveness does not depend on promulgation of agency

regulations. Owners and operators of establishments that are required to register must comply with the device listing requirements by December 31, 1977, regardless of whether FDA has published final device listing regulations that prescribe the form and manner for preparation of the list, and thus aid owners and operators of device establishments in complying with the statute.

Device listing forms will be mailed to all official correspondents, as defined in the establishment registration regulations (21 CFR 807.3(e)) and will also be available from FDA upon request in accordance with the proposed regulation. Owners or operators required to submit device listing must submit the initial listing of all devices they have in commercial distribution within 90 days of receiving the device listing package from FDA, but no later than December 31, 1977. An extension of this deadline will be considered for those owners or operators who specify a need for an extension in writing to the Bureau of Medical Devices (HFK-124), Registration and Listing Section, Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910. Such requests must include the reason(s) for requesting an extension, the approximate number of forms to be submitted, and a date when the owner or operator will complete the listing requirement.

Owners or operators who have not previously entered into an operation requiring device listing must submit their device listing information within 30 days after entering into such an operation. Owners or operators may update their device listing information at any time, but are required to do so each June and December, in accordance with proposed § 807.30 (21 CFR 807.30).

## HOW AND WHERE TO SUBMIT LISTING

Form FD-2892 (Medical Device Listing) is the approved form for submitting device listing information. A supply of these forms will be mailed to all establishments registered with FDA. These forms may be obtained upon request from the Registration and Listing Section at the address set forth above or from FDA district offices.

Proposed § 807.22(b) (21 CFR 807.22(b)) provides that a separate Form FD-2892 must be submitted for each device or device class listed with FDA. Devices having variations in physical characteristics such as size, package, shape, color, or composition should be considered to be one device, provided the variation does not change the function or intended use of the device.

Proposed section 807.22(c) provides that the initial distributor of an imported device is not required to submit a Form FD-2892 for each such device. But he shall submit, for each device for which he is the initial distributor, the name and address of the foreign manufacturer. He must also be prepared to submit, when requested by FDA, the proprietary name, if any, and the common or usual name of each device for which he is the ini-

tial distributor. The foreign manufacturer is required by proposed § 807.40 to list his devices. The requirements of §§ 807.22(c) and 807.40 will provide FDA with a cross-check system to assure that foreign manufacturers comply with the device listing requirements.

## INFORMATION REQUIRED IN A DEVICE LISTING

Proposed § 807.25(f) (21 CFR 807.25(f)) describes the information required to be included on Form FD-2892.

Proposed § 807.25(f) (1) requires that devices be listed on Form FD-2892 by classification name, proprietary name, if any, and common or usual name. The agency will provide a list of classification names for devices when it sends official correspondents copies of Form FD-2892. This list, compiled by FDA advisory committees that are serving as device classification panels, will facilitate the collection, organization, and retrieval of the required device listing information, thereby simplifying the task of processing the large amount of listing information expected. Owners and operators will be able to list multiple variations of a device under one classification name, thus reducing the reporting burden for the owner or operator and the processing requirements for FDA. Use of classification names will also provide the basis for identifying manufacturers of class II and class III devices who are subject to mandatory biennial inspection under section 510(h) of the act and will identify devices that have not been classified.

Section 510(j) (1) (A) of the act requires that a device list include a reference to the authority for the marketing of a device for which a performance standard has been established under section 514 of the act or which is subject to section 515 of the act. Proposed § 807.25(f) (2) and (3) implement this provision.

Proposed § 807.25(f) (2) requires that when a device is subject to a performance standard under section 514 of the act or section 358 of the Public Health Service Act as amended by the Radiation Control for Health and Safety Act, the registrant must enter the Code of Federal Regulations citation for the applicable standard.

Proposed § 807.25(f) (3) requires that when a device is the subject of an approved premarket approval application pursuant to section 515 of the act, or an approved new drug application pursuant to section 505 of the act, or an approved antibiotic form 5 or 6 pursuant to section 507 of the act, the registrant shall enter its assigned FDA number.

Proposed § 807.25(f) (4) requires that the registrant enter the name and registration number of every establishment at which the listed device is manufactured, repackaged, or relabeled. The registration number is the seven digit number in block 12 of Form FD-2891 (Initial Registration of Device Establishment) assigned at the time of registration.

Proposed § 807.25(f) (5) requires that when the registrant is unable to find an appropriate classification name for his device on the list provided by FDA in

the device listing package, he must submit labeling adequate to describe the intended use of the device. FDA then will assign an appropriate classification name.

## UPDATING DEVICE LISTING

Proposed § 807.30(a) requires that Form FD-2892 be used for updating device listing information.

The FDA control of each Form FD-2892 will be based on the use of the original document number that is printed in block 1 on each Form FD-2892. This original document number shall appear in block 2 on any form subsequently used to update the listing information for the device and on any correspondence relating to the device.

Proposed § 807.30(b) requires the registrant to update his device listing information each June and December if any change has occurred in any information included on the Form FD-2892 since his last report. The registrant is encouraged, however, to report a change at the time it occurs.

The following changes require the submission of Form FD-2892 to update device listing information:

1. The introduction by the registrant into commercial distribution of a device if he does not currently have listed with FDA a device of the same classification name. A complete form must be submitted for such a device, even if the device had been the subject of a premarket notification submission.

2. The discontinuance of commercial distribution of a device if the registrant is discontinuing commercial distribution of all devices of the same classification name. The device shall be identified by the classification name, proprietary name, if any, the common or usual name, the original document number, and the date of discontinuance. It is requested, but not required, that the reason for discontinuance of distribution be included with this information.

3. The resumption of commercial distribution of a device that had been previously listed with FDA is discontinued. The device shall be identified by the classification name, proprietary name, and common or usual name of the device, the original document number, and the date of resumption.

4. Any material change in any information previously submitted.

Proposed § 807.30(c) provides that updating is not required in June and December if no change has occurred since the previous submission.

## ADDITIONAL INFORMATION

Section 510(j) of the act requires that the listing information filed with FDA also include labels, labeling and, in some cases, advertisements. A liberal interpretation of the act would lead to the submission of, and require the subsequent storage of, information that FDA may not have immediate need for and, unless constantly updated by the owner or operator, would be out of date when needed. To alleviate this problem, the Commissioner is proposing in § 807.31 (21 CFR 807.31) to require that the owner



or operator maintain a historical file of labels, labeling, and, for restricted devices, advertisements, and make all or part of that file available to FDA upon request. The Commissioner does not believe this imposes a major burden on industry because maintaining such information is consistent with good manufacturing practice.

Labels, labeling, and advertisements will be requested by letter. In certain cases in the instructions accompanying Form FD-2892, FDA requests that labels or labeling be submitted along with the device listing form.

Section 510(j)(1)(D) of the act provides that the Commissioner may request, for a particular device, a statement of the basis upon which the registrant has determined that the device is not subject to section 514 or 515 of the act. Section 807.31(b)(3) implements this provision.

Proposed § 807.31(b)(4) also requires that the owner or operator must provide, when requested by FDA, a statement of the basis for believing that the device listed is a device and not a drug. Section 510(j) of the act requires that such a statement be included in the listing information. The Commissioner believes that, in most cases, it will be obvious that the product is a device and not a drug and is therefore requiring that this statement only be submitted when requested.

Finally, proposed § 807.31(b)(5) provides that owners or operators who manufacture devices for distribution under labels other than their own must, upon request, furnish FDA with a list of these private label distributors for whom they manufacture devices. In the case of private label distributors, identical devices may be marketed under many different distributor labels without identifying the manufacturer. Private label distributors are exempted from registration and listing. The agency does not want the same device listed numerous times (by the manufacturer and by each distributor). But in certain situations, such as a device recall, it becomes necessary to know all private label distributors of a device. Proposed § 807.31(b)(5) would assure that FDA can obtain this information in these situations.

#### PUBLIC DISCLOSURE OF DEVICE LISTINGS

Under proposed § 807.37(b) (21 CFR 807.37(b)), the information submitted pursuant to these device listing procedures will generally be available for public disclosure. This includes all Forms FD-2892 submitted. It also includes all labels, labeling, and advertisements that have been submitted and all other data and information submitted that has become a matter of public knowledge.

#### PROCEDURES FOR FOREIGN ESTABLISHMENTS

Proposed § 807.40(b) requires that every foreign device establishment that exports devices into the United States shall comply with the device listing requirements whether or not the establishment is also registered, unless it falls within the exemptions from registration in § 807.65.

Proposed § 807.40(c) provides that a device may not be imported from a foreign device establishment into the United States, except a device imported or offered for import that has in effect an approved exemption for investigational use pursuant to FDA regulations under section 520(g) of the act unless it is first the subject of a device listing. The device listing information shall be in the English language. (FDA regulations under section 520(g) of the act were proposed in the FEDERAL REGISTER of August 20, 1976 (41 FR 35282).)

Proposed § 807.40(d) provides that foreign device establishments shall submit, as part of the device listing, the name and address of the establishment and the name of the individual responsible for submitting device listing information. Any changes in this information shall be reported to FDA at the intervals specified for updating device listing information.

#### NATIONAL HEALTH RELATED ITEMS CODE

The agency has supported the National Health Related Items Code (NHRIC) as a system for the identification and numbering of marketed device packages. The use of this number provides compatibility with other numbering systems such as the National Drug Code (NDC) and Universal Product Code (UPC). The support of this system in addition to device listing would require some duplication in reporting on the part of manufacturers and distributors and processing on the part of FDA.

The agency now plans to limit the support of the NHRIC system and no longer maintain the NHRIC data base. Those manufacturers and distributors who desire to use the NHRIC number for unique product identification may apply to FDA for a labeler code. This labeler code is the first segment in the two-segment NHRIC system. Participating manufacturers and distributors will then complete the code by identifying their devices with a sequential number. The manufacturer or distributor will then assume responsibility for maintaining this number.

Those manufacturers or distributors currently participating in the NHRIC system may continue to use the numbers assigned, but no longer should submit update information to FDA.

The agency proposes no requirement for placing the NHRIC number on device labels, but those manufacturers or distributors choosing to do so should display it prominently in the top third of the principal display panel.

When placed on device labels, the NHRIC number should be preceded by the letter H to distinguish it from NDC or UPC numbers. Manufacturers and distributors of in vitro diagnostic products previously assigned NDC numbers may retain those numbers, but are requested to change the prefix from N to H as label revisions occur.

Comments are requested from those manufacturers or distributors interested in such numbering systems.

#### ENVIRONMENTAL IMPACT

The Commissioner has determined that the proposed regulation is not covered by § 25.1(b) (21 CFR 25.1(b)) and, as a result, consideration by FDA of the need for preparing an environmental impact statement is not required.

Therefore, under the Federal Food, Drug and Cosmetic Act (secs. 301(p), and (q)(2), 501, 502, 508, 510, 519, 701 (a), 52 Stat. 1042-1043 as amended, 1049-1050 as amended, 1055, 90 Stat. 576-580 (21 U.S.C. 331(p) and (q)(2), 351, 352, 358, 360, 360i, 371(a))) and under authority delegated to the Commissioner 21 CFR 5.1) is proposed that Parts 207, 607, and 807 be amended as follows:

#### PART 207—REGISTRATION OF PRODUCERS OF DRUGS AND LISTING OF DRUGS IN COMMERCIAL DISTRIBUTION

1. In Part 207, by amending § 207.65 (i) by adding a sentence at the end of the paragraph, as follows:

§ 207.65 Exemptions for domestic establishments.

(i) . . . This paragraph does not exempt such persons from registration and listing for medical devices required under Part 807 of this chapter.

#### PART 607—ESTABLISHMENT REGISTRATION AND PRODUCT LISTING FOR MANUFACTURERS OF HUMAN BLOOD AND BLOOD PRODUCTS

2. In Part 607, by amending § 607.65 (e) by adding a sentence at the end of the paragraph, as follows:

§ 607.65 Exemptions for blood product establishments.

(e) . . . This paragraph does not exempt such persons from registration and listing for medical devices required under Part 807 of this chapter.

#### PART 807—ESTABLISHMENT REGISTRATION FOR MANUFACTURERS OF DEVICES

3. Part 807 is amended as follows:

a. In § 807.3, by adding new paragraphs (i), (j), (k), and (l) to read as follows:

§ 807.3 Definitions.

(i) "Restricted device" means a device for which the Commissioner, by regulation under § 801.109 of this chapter or otherwise under section 520(e) of the act, has restricted sale, distribution or use only upon the written or oral authorization of a practitioner licensed by law to administer or use the device or upon such other conditions as the Commissioner may prescribe.

(j) "Classification name" means the term used by the Food and Drug Administration and its classification panels to describe a device or class of devices for purposes of classifying devices under section 513 of the act.

(k) "Representative sampling of advertisements" means typical advertising material that gives a balanced picture of the promotional claims being used for the device.

(l) "Representative sampling of any other labeling" means typical labeling material (excluding labels and package inserts) that gives a balanced picture of the promotional claims being used for the device.

b. In § 807.20, by revising the section heading, introductory text of paragraph (a), and paragraph (b), to read as follows:

§ 807.20 Who must register and submit a device list.

(a) Any owner or operator of an establishment not exempt under section 510(g) of the act or Subpart D of this part who is engaged in the manufacture, preparation, propagation, compounding, assembly or processing of a device intended for human use is required to register and to submit a list of every device in commercial distribution (except that listing information may be submitted by the parent, subsidiary, or affiliate company for all the establishments under the control of one of these organizations when operations are conducted at more than one establishment and there exists joint ownership and control among all the establishments). The term device includes all in vitro diagnostic products and in vitro diagnostic biological products not subject to licensing under section 351 of the Public Health Service Act. Such owner or operator is required to register his name, places of business, and all such establishments and to list such devices whether or not the output of such establishments or any particular device so listed enters interstate commerce. The registration and listing requirements shall pertain to any person who:

(b) No registration or listing fee is required. Registration or listing does not constitute an admission or agreement or determination that a product is a "device" within the meaning of section 201(h) of the act.

c. By revising § 807.21, to read as follows:

§ 807.21 Times for establishment registration and device listing.

The owner or operator of an establishment entering into, or currently engaged in, an operation defined in § 807.3(c) and not currently registered shall register the establishment by October 22, 1977. The owner or operator of an establishment who has not previously entered into an operation defined in § 807.3(c) shall register within 30 days after entering into such an operation and submit device listing information at that time. Owners or operators of all establishments shall update their registration information annually between November 15 and December 31 and shall update their device listing information every June and December.

d. By revising § 807.22, to read as follows:

§ 807.22 How and where to register establishments and list devices.

(a) The first registration of a device establishment shall be on Form FD-2891 (Initial Registration of Device Establishment). Forms are obtainable on request from the Bureau of Medical Devices (HFK-124), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, Md. 20910, or from the Food and Drug Administration district offices. Subsequent annual registration shall be accomplished on Form FD-2891(a) (Registration of Device Establishment), which will be furnished by the Food and Drug Administration before November 15 of each year to establishments whose registration for that year was validated pursuant to § 807.35(a). The completed form shall be mailed to the above-designated address before December 31 of that year.

(b) The initial listing of devices and subsequent June and December updates shall be on Form FD-2892 (Medical Device Listing). Forms are obtainable upon request as described in paragraph (a) of this section. A separate Form FD-2892 shall be submitted for each device or device class listed with the Food and Drug Administration. Devices having variations in physical characteristics such as size, package, shape, color, or composition should be considered to be one device, provided the variation does not change the function or intended use of the device. In lieu of Form FD-2892, tapes for computer input may be submitted if equivalent in all elements of information as specified in Form FD-2892. All formats proposed for use in lieu of Form FD-2892 require initial review and approval by the Food and Drug Administration.

(c) The initial distributor within the United States of an imported device is not required to submit a Form FD-2892 for each such device. However, he shall submit, for each device for which he is the initial distributor, the name and address of the foreign manufacturer. The initial distributor shall also be prepared to submit, when requested by the Food and Drug Administration, the proprietary name, if any, and the common or usual name of each device for which he is the initial distributor. The initial distributor shall update the information required by this paragraph at the intervals specified in § 807.30.

e. In § 807.25, by revising the section heading and by adding new paragraph (f), to read as follows:

§ 807.25 Information required or requested for establishment registration and device listing.

(f) Form FD-2892 is the approved form for providing the device listing information required by the act. This required information includes the following:

(1) The identification by classification name, proprietary name, and common or

usual name of each device that is being manufactured, prepared, propagated, compounded or processed for commercial distribution that has not been included in any list of devices previously submitted on Form FD-2892.

(2) The Code of Federal Regulations citation for any applicable standard for the device under section 514 of the act or section 358 of the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act.

(3) The assigned Food and Drug Administration number of the approved application for each device listed that is subject to section 505, 507, or 515 of the act.

(4) The name and registration number of every device establishment at which the device is manufactured, repackaged, or relabeled.

(5) Labeling adequate to describe the intended use of a device when the owner or operator is unable to find an appropriate classification name for his device on the list provided by the Food and Drug Administration in the device listing package.

f. By adding new § 807.30, to read as follows:

§ 807.30 Updating device listing information.

(a) Form FD-2892 shall be used to update device listing information. The original document number preprinted on each Form FD-2892 shall appear in block 2 on the form subsequently used to update the listing information for the device and on any correspondence related to the device.

(b) The owner or operator shall update his device listing information during each June and December or, at his discretion, at the time the change occurs. The following information shall be submitted:

(1) All the information required by § 807.25(f) for each device that the owner or operator has introduced into commercial distribution, if the owner or operator does not currently have listed a device with the same classification name.

(2) The identification by classification name, proprietary name, and common or usual name of each device previously listed pursuant to § 807.25(f) for which commercial distribution has been discontinued, the original document number, and the date of discontinuance. No report is required unless the manufacturer has discontinued commercial distribution of all devices with the same classification name. It is requested but not required that the reason(s) for discontinuance of distribution be included with this information.

(3) The identification by classification name, proprietary name, and common or usual name of each device for which a notice of discontinuance was submitted pursuant to paragraph (b)(2) of this section and for which commercial distribution has been resumed; the date of resumption; the original document number which appears in block 1 of Form

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FD-2892; and any other information required by § 807.25(f) not previously submitted.

(4) Any material change in any information previously submitted.

(c) Updating is not required if no change has occurred since the previously submitted list.

g. By adding new § 807.31, to read as follows:

§ 807.31 Additional listing information.

(a) Each owner or operator shall maintain a historical file containing all labels and labeling for every device and advertisements for each restricted device.

(b) Each owner or operator shall be prepared to submit to the Food and Drug Administration the information listed below. This information shall be submitted to the Food and Drug Administration only upon specific request:

(1) For a device that is a restricted device, a copy of all labeling for the device, a representative sampling of advertisements for the device, and, for good cause, a copy of all advertisements for a particular device.

(2) For a device that is not a restricted device, the label and package insert for the device and a representative sampling of any other labeling for the device.

(3) For a particular device, upon request by the Commissioner, a statement of the basis upon which the registrant has determined that the device is not subject to section 514 or 515 of the act.

(4) For a particular device, a statement of the basis for believing that the product is a device rather than a drug.

(5) For a device that the owner or operator has manufactured for distribution under a label other than his own, the names of all distributors for whom it has been manufactured.

h. In § 807.35, by revising paragraph (c) to read as follows:

§ 807.35 Notification of registrant.

(c) Although establishment registration and device listing are required to engage in the device activities described in § 807.20, validation of registration and the assignment of a device listing number in itself does not establish that the

holder of the registration is legally qualified to deal in such devices and does not represent a determination by the Food and Drug Administration as to the status of any device.

i. By revising § 807.37, to read as follows:

§ 807.37 Inspection of establishment registrations and product listings.

(a) A copy of the Form FD-2891 and FD-2891(a) filed by the registrant will be available for inspection pursuant to section 510(f) of the act, at the Bureau of Medical Devices (HFK-124), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, Md. 20910. In addition, there will be available for inspection at each of the Food and Drug Administration district offices the same information for firms within the geographical area of such district office. Upon request and receipt of a self-addressed stamped envelope, verification of registration number or location of a registered establishment will be provided.

(b) (1) The following information filed pursuant to the device listing requirements will be available for public disclosure:

- (i) Each Form FD-2892 submitted
- (ii) All labels submitted.
- (iii) All labeling submitted.
- (iv) All advertising submitted.
- (v) All data or information that has already become a matter of public knowledge.

(2) Requests for device listing information identified in paragraph (b) (1) of this section should be directed to the Bureau of Medical Devices (HFK-124), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, Md. 20910.

(3) Requests for device listing information not identified in paragraph (b) (1) of this section shall be submitted and handled in accordance with Part 20 of this chapter.

j. By revising § 807.40, to read as follows:

§ 807.40 Establishment registration and product listing for foreign manufacturers of devices.

(a) Foreign device establishments that export devices into the United

States are requested to register in accordance with the procedures of Subpart B of this part, unless exempt under Subpart D of this part.

(b) Foreign device establishments that export devices into the United States, whether or not the establishment is registered, shall comply with the device listing requirements unless exempt from registration as stated in § 807.65.

(c) A device may not be imported from a foreign device establishment into the United States, except a device imported or offered for import that has in effect an approved exemption for investigational use pursuant to section 520(g) of the act, unless it is first the subject of a device listing. The device listing information shall be in the English language.

(d) Foreign device establishments shall submit, as part of the device listing, the name and address of the establishment and the name of the individual responsible for submitting device listing information. Any changes in this information shall be reported to the Food and Drug Administration at the intervals specified for updating device listing information in § 807.30(a).

Interested persons may, on or before November 21, 1977 submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

The Food and Drug Administration has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107. A copy of the inflation impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

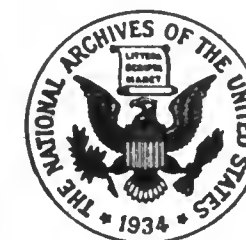
Dated: September 22, 1977.

WILLIAM F. RANDOLPH,  
Acting Associate  
Commissioner for Compliance.

[FR Doc. 77-28575 Filed 9-29-77; 8:45 am]

FRIDAY, SEPTEMBER 30, 1977

PART VII



# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

POISONOUS OR  
DELETERIOUS  
SUBSTANCES IN FOOD

Registered for Import

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## [4110-03]

## Title 21—Food and Drugs

## CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Docket No. 77N-0166]

## SUBCHAPTER B—FOOD FOR HUMAN CONSUMPTION

## SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

## POISONOUS OR DELETERIOUS SUBSTANCES

AGENCY: Food and Drug Administration.

ACTION: Final Rule.

**SUMMARY:** This rule establishes procedures for regulating food contaminants and naturally occurring poisonous or deleterious substances in food. This action is being taken to implement those provisions of the Federal Food, Drug, and Cosmetic Act that permit the Commissioner of Food and Drugs to set tolerances and action levels to control the levels of unavoidable contaminants in food. These procedures, which also permit the identification and listing of naturally occurring poisonous or deleterious substances in food, apply to all poisonous or deleterious substances in food, including food contact surfaces, pet food, and animal feed.

EFFECTIVE DATE: October 31, 1977.

FOR FURTHER INFORMATION CONTACT:

Caesar A. Roy, Bureau of Foods (HFF-310), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204 (202-245-1567).

**SUPPLEMENTARY INFORMATION:** These regulations were proposed in the FEDERAL REGISTER of December 6, 1974 (39 FR 42746). Several comments were received in support of the proposed regulations; others supported the general approach but opposed specific provisions. The Commissioner's responses to most of the comments received are set forth below.

However, comments that concerned proposed § 122.7(c) of the regulations, which would codify the agency's prohibition against "blending" a food containing a poisonous or deleterious substance above the permitted tolerance with less contaminated food, have not yet been fully evaluated. The issue of "blending" remains under study within FDA, and the prohibition will not be codified at this time. Until the issue is resolved, the agency's long-standing prohibition against "blending" remains in effect.

When these regulations were proposed, regulations codified in 21 CFR Parts 121 and 122 (now Parts 109 and 170-189, recodification was published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)) applied to food for human use as well as pet food and animal feed. Subsequently, regulations covering pet food and animal feed were recodified separately from the regulations covering

human food. The pet food and animal feed regulations are now codified in 21 CFR Parts 509 and 570 (recodification from Parts 121 and 122 was published in the FEDERAL REGISTER of September 10, 1976 (41 FR 38618)). This document, therefore, establishes identical regulations in Parts 109 (food for human consumption) and 509 (pet food and animal feed). The changes in 21 CFR Part 181 were incorporated into Subchapter E for pet food and animal feed under 21 CFR 570.13.

1. Comments stated that FDA should never permit the sale of contaminated food.

The Commissioner advises that it is not possible to produce food or food ingredients that are entirely free from contamination by foreign substances or impurities. This is not a modern phenomenon. Wholesome foods have inevitably been the carriers of levels of contamination beyond the capability of contemporary processing methods to eliminate and sometimes even detect. At best, therefore, specifications for "food grade" substances can be established, as has been done in the Food Chemicals Codex, to ensure that only minimal levels of contaminating substances are present. Where more significant levels of contamination occur unavoidably, action levels or tolerances may be established under Part 109 (formerly Part 122), of the regulations to ensure the safety of the food.

2. One comment suggested that the label of a contaminated food bear the warning "hazardous to health."

The Commissioner advises that tolerances and action levels will be established at levels intended to ensure that food marketed is not hazardous to health. The suggested warning would therefore be unnecessary and inappropriate. If any food is found to be hazardous to health, FDA will not permit it to be distributed in interstate commerce.

3. A number of comments argued that the distinction in the act between "added" and naturally occurring poisonous or deleterious substances is a distinction between substances introduced into the food chain through the agency of man and those introduced through the force of nature.

The Commissioner concludes that there is no basis for basing a distinction between "added" and naturally occurring contaminants on the presence or absence of human intervention. If that distinction were to be adopted as the proper interpretation of the statute, it would be necessary to ascertain the precise means by which a contaminant was introduced into the environment, often in historic time, before taking regulatory action. It makes little sense to argue that a contaminant that was introduced into the environment by man generations ago should be regarded differently from contamination caused, for example, by geological phenomena, such as contamination of water by mercury. There would be regulatory problems in trying to ascertain the role human activity played in introducing a contaminant. For

example, in the case of contamination occurring through mercury leaching into water from geological sources, it would presumably be necessary to determine whether man's activities exposed more geological surfaces to the waters than would naturally have been exposed. Such an expensive and protracted inquiry would provide no additional information upon which to determine the level of contamination that can be safely tolerated. Moreover, there is nothing in the statute that suggests that the definition of an "added" poisonous or deleterious substance is related to human involvement.

4. One comment contended that the language "any poisonous or deleterious substance added to any food" in section 406 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346) contemplates addition through the agency of man since the term "added" is "used as an active verb."

The Commissioner notes that the comment discussed only the initial portion of section 406 of the act. The section goes on to identify two circumstances in which "added" poisonous or deleterious substances may be permitted: (1) Where the substance is "required in the production" of a food, and (2) or where the substance "cannot be avoided by good manufacturing practice." Although the language of the first circumstance connotes human action, the language of the second does not.

5. One comment stated that the legislative history of the act demonstrated that the term "added" poisonous or deleterious substances referred to substances that became a component of food through the agency of man. In support of this contention, the comment quoted from the testimony of Walter Campbell, then Chief of the Food and Drug Administration, who was concerned with contamination resulting from the "development of the country and the extension of industrial activities." The comment also emphasized Mr. Campbell's examples of smoke contaminating sugar with arsenic and pesticides spray residues in support of its argument that the concept of "added" poisonous or deleterious substances was limited to food contaminants introduced into the environment by man. The comment also cited a 1934 Senate committee report that stated that the amended statute covered all contaminants "whether that constituent is added by man or put there by nature." In addition, the comment emphasized language in the report that stated "it is immaterial to the welfare of the consumer whether a poison in his food is introduced by artifice or occurs naturally." The comment argued that this testimony and committee report support the conclusion that the term "added" poisonous or deleterious substance pertains only to those substances for which human activity is responsible.

The Commissioner concludes that the legislative history cited in the comment does not support the contention that "added" poisonous or deleterious substances are only those that become a

component of food through the agency of man. Industrial development was seen as leading to the appearance of additional contaminants, but there is nothing in the legislative history to suggest that the often remote human connection with food contaminants was to be the basis for permitting tolerances to be established. It is implausible that Congress would have intended that, before establishing a tolerance, an inquiry into the source of a contaminant be made to determine whether human activity, perhaps generations earlier, may have set in motion events leading to the contamination.

The cited language in the committee report focused on the fact that naturally occurring poisons were being covered by the statute for the first time. Consequently, the casual reference to substances "added by man" is of limited significance, as it refers to an unchanged provision of the statute. Moreover, the reference to "added" substances as being those "introduced by artifice" connotes a concept different from contamination as a result of human activity.

6. One comment asserted that the few judicial decisions that have interpreted the statutory words "added" and "not . . . added" in the act do not support the definition established in the regulation. The comment claimed that "United States v. 1200 Cans, Pasteurized Whole Eggs," 393 F. Supp. 131 (N.D. Ga. 1972), was of limited precedential value because of parties stipulated that *Salmonella* in frozen eggs is an added poisonous or deleterious substance. Moreover, the comment argued, *Salmonella* is not, like trace elements of natural origin in living organisms, a natural constituent of the host food, possessing potentially nutritional or other valuable properties at low levels and toxic properties at higher levels. The comment asserted that the case "United States v. 1,600,800 Pounds of White Corn," Civil No. T-4173 (D. Kan., Dec. 18, 1970), was distinguishable because the court found that there is no minimum or base line level of aflatoxin commonly found in foods. The comment argued that the Commissioner has ignored "United States v. 1232 Cases of American Beauty Brand Oysters," 43 F. Supp. 744 (W.D. Mo. 1942), which squarely held that shell fragments in cans of oysters are not "added" substances under section 402(a)(1) of the act (21 U.S.C. 342(a)(1)).

The Commissioner advises that since publication of the proposed regulation, another court has interpreted the meaning of the term "added," a decision that supports the Commissioner's position. In the "United States v. An Article of Food Consisting of Cartons of Swordfish," 395 F. Supp. 1184 (S.D. N.Y., 1975), the court stated:

The government also contends that mercury in swordfish is an added substance within the meaning of 21 U.S.C. § 342(a)(1) . . . . According to the government, the test for determining whether a substance is added is whether it occurs naturally in the food . . . . We agree with the government's position on the point. We find unpersuasive claimant's argument that mercury could not

be an added substance because it has been found in fish for centuries. Assuming this to be so, it adds nothing to the question of whether mercury is naturally produced by fish and thus whether it is an added substance within the meaning of the statute.

That *Salmonella* is entirely foreign to frozen eggs and aflatoxin entirely foreign to white corn do not diminish the precedential value of the decisions cited with respect to contaminants identical to naturally occurring components of an organism. It is wholly consistent with the principle of the decisions that any amount of a substance above that naturally occurring is "added" within the meaning of the act. This is the interpretation codified in proposed § 122.3(d), now § 109.3(d).

The Commissioner also believes that the case "United States v. 1232 Cases of American Beauty Brand Oysters" supports the regulations. The court in that case held that shell fragments were not "added" within the meaning of the act because they were, like fish bones, inherent in the food. The case supports the thrust of § 109.3(d) which is that the test of whether a substance is "added" is whether it is intrinsically part of the food.

7. One comment stated that living organisms contain a variety of naturally occurring trace elements whose precise biological role is unknown but whose presence at low levels may be essential. The comment contended that the definitions in the proposed regulation would expand the class of "added" poisonous or deleterious substances to encompass trace elements, such as heavy metals, absorbed by animal organisms from their natural environment.

The Commissioner advises that the distinction drawn in the act, and in the regulations, between "added" and naturally occurring poisonous or deleterious substances is between substances that are inherent and those that are not. If a trace element, such as a heavy metal, is essential to the biological function of an animal, then it is inherent to that animal and it is not to be regulated as an "added" substance, unless it has been increased above the natural level by environmental contamination. If a substance is absorbed from a contaminated environment, in greater than normal amounts, it is not appropriate to regard it as naturally occurring, but to regard it as a contaminant and to take any appropriate action necessary to protect the public health. Contrary to the comment, which argues that this distinction is illogical, the Commissioner finds irrational the belief that the act of biological absorption somehow renders a contaminant "natural." Nothing in the act, or in sound science, suggests that a contaminating substance should be treated specially because it is absorbed by a living organism, or because an organism naturally contains a trace amount of the same substance. The Commissioner's position was implicitly approved in the instance of fish absorbing DDT from the water by the court in "United States v. Ewig Bros. Co.," 502 F.2d 715 (7th Cir. 1974).

8. Comments stated that numerous scientific studies have demonstrated that the level of mercury in ocean fish has remained historically constant and that mercury in marine fish is not primarily a result of manmade pollution but is of natural origin. The comment cited studies indicating that the mercury content of 90-year-old fish, museum specimens of fish caught between 25 and 93 years ago, and various prehistoric fish are of the same order of magnitude as the mercury content of living fish of the same species. The comments argued that since the level of mercury content of the fish has not changed over time, it should not be regarded as an "added" substance but rather as naturally occurring.

The Commissioner believes that the act does not contemplate treating a contaminant differently because it has persisted in the environment for a long time. If the comment's interpretation were correct, the validity of a tolerance for a persistent contaminant would eventually be placed in doubt on the ground that the passage of time has transformed the substance from "added" to naturally occurring even though the levels occurring pose the same risks to human health. Nothing in the act supports such a result. Moreover, the comment's position was specifically considered and rejected by the court in "United States v. An Article of Food Consisting of Cartons of Swordfish," discussed above.

9. One comment questioned whether, if a very substantial portion of a commodity contains, despite all efforts, some level of a mycotoxin, that mycotoxin is an "added" substance. The comment noted that "added" was defined in the regulations as encompassing all ingredients that are not inherent parts of a food, and stated that, under the conditions identified, it would seem that mycotoxins are not necessarily "added" substances. The comment stated that certain manmade substances such as pesticides have become a component of the environment and, like certain natural substances such as mycotoxins widely occurring in nature, would not seem always to be "added" substances within the meaning of the act.

This comment points up the problem of looking only to the current state of the environment to determine whether a substance in food is "added." Certain pesticides have become ubiquitous environmental contaminants and are found in nearly all food. Nevertheless, it is clear that such pesticides are not intrinsic parts of food and should not be regarded as such. The act does not contemplate that serious contamination should be subject to lesser controls than minor contamination, which would be the result if ubiquitous contaminants were "natural" while other, less universal contaminants were regarded as "added." The Commissioner therefore concludes that under the act the test for determining whether a substance is "added" or natural is whether it is necessarily an inherent part of the food, in which case



It is natural. Otherwise it is "added" under the law. Thus, in the example of mycotoxins suggested by comment, the inquiry is not whether all lots of the commodity contain mycotoxin contamination, but whether the mycotoxin is inherently part of the food. This approach will permit adequate control over contaminants, from whatever source, and is the approach contemplated by section 406 of the act.

10. One comment requested clarification of FDA's policy concerning "environmental contamination." The comment gave as an example that corn grown in South Dakota averaged 0.40 part per million (ppm) selenium, while corn grown in Indiana averages 0.04 ppm selenium. The comment stated that these differences are presumably due to differences in selenium content of the soil. The comment questioned whether the differences between 0.04 and 0.40 ppm is "added" selenium. The comment interpreted the regulations, in referring to environmental contamination, as treating increased levels of substances to be "added" only when the increase is caused by man.

The Commissioner does not agree with the comment's interpretation. A substance is "added" within the meaning of the statute when it is increased to abnormal levels through intervening circumstances; these need not involve human intervention, but could involve merely the kinds of geological processes that raise the concentration of a toxic trace element to unusually high concentration in a particular locality. If food may pose a risk to health because of the abnormally high mineral content of the soil in which it is grown, it is appropriate under the act that the Commissioner take action to protect the public health. To repeat, contamination of concern is in no way limited to that which can be attributed to man.

11. One comment stated that the reason we have poisons in our food is due mainly to governmental agencies that allow pesticides to enter the food chain. The comment stated that if farmers knew that the contaminated foods could not be marketed, they would use more natural methods to prevent crop destruction.

The Commissioner advises that the use of pesticides is regulated by the U.S. Environmental Protection Agency (EPA), which establishes conditions for their safe use and tolerance levels for residues resulting from such use. Nothing in these regulations would permit the sale of food that was contaminated beyond the established tolerance or action level or was contaminated through unlawful use of a pesticide or any other added substance except in the rare instance in which such contamination is of such magnitude that destruction of the food would constitute a substantial adverse impact on the national food supply and then only if the food itself is safe for consumption.

12. One comment requested clarification of the meaning of a "poisonous or deleterious substance." The comment

stated that a substance may be beneficial or even essential at one level, and yet poisonous or deleterious at a higher level.

The language "poisonous or deleterious substance" appears in section 402(a)(2) of the act (21 U.S.C. 342(a)(2)), and it is not further defined. The Commissioner concludes that clarification of the term is not necessary for purposes of these regulations. The issue in an administrative proceeding to establish a tolerance or action level is the level necessary to protect the public health. Accordingly, it is unnecessary to specify in the abstract what constitutes a "poisonous or deleterious substance."

13. One comment stated that proposed § 122.6(b)(2) (now § 109.6(b)(2)), which provides that a tolerance will be established at a level "sufficient for the protection of the public health," fails to define what constitutes "sufficient" in terms of a margin of safety. The comment stated that if FDA plans to allow such margins, the regulations should so specify with particularity.

The Commissioner advises that it is not possible to specify in advance the margin of safety that will be used for any given contaminant. Particularly in the case of action levels, available data on safety may be so limited that it will be unclear what margin of safety is being provided. Nevertheless, it may be appropriate to establish an action level based on the little data that are available. Also, as was the case, for example, in the proposed action level for mercury in fish and shellfish (December 6, 1974, 39 FR 42738), the margin of safety may vary greatly depending upon how much of the food a particular individual consumes. So far as possible, a proposal to establish a tolerance and the supporting material on file with the Hearing Clerk in the case of an action level will provide information from which it may be concluded what margin of safety is being established. Comments could then address the question whether the margin is sufficient under the circumstances.

14. One comment questioned the language of proposed § 122.4(b) (now § 109.4(b)(1)) which states that an action level "may prohibit any detectable amount of the substance in food." The comment was concerned that nothing more was said about methodology in the regulations. The comment questioned whether the existence of an action level would be dependent upon a specifically approved method of detection.

The Commissioner advises that in establishing an action level or tolerance he will specify the method of detection that is to be used to ensure compliance with the tolerance or action level.

15. One comment referred to the language in proposed § 122.4(a) (now § 109.4(a)) that a tolerance may be established at the level of zero. The comment stated that "zero" depends upon the sensitivity of the method, and suggested that it would be more accurate to state that a tolerance may be established at "no detectable amount of the substance in the food."

The Commissioner agrees with the comment and has revised the regulation accordingly. The Commissioner advises that when a tolerance is established at the level of zero, a method of analysis will always be specified in the regulation establishing the tolerance.

16. One comment opposed proposed § 122.7(a) (now § 109.7(a)), which states that tolerances and action levels will be established at levels "based on the unavailability of the poisonous or deleterious substance concerned." The comment asserted that section 406 of the act does not permit establishing a tolerance based on a substance's degree of unavailability, but must be confined to toxicological aspects. The comment asserted that a potentially offending substance need not be eliminated from a class of foods where it is present at completely safe levels simply because it can be eliminated. The comment asserted that FDA has a duty to permit theoretically avoidable but nevertheless safe levels of poisonous or deleterious substances.

The Commissioner advises that the standard of unavailability established by section 406 of the act is whether the substance can be avoided by good manufacturing practice. If a substance can be avoided by good manufacturing practice, it is deemed by section 402(a)(2)(A) of the act to be unlawful at any level. If a substance cannot be avoided, the Commissioner is expressly directed by section 406 of the act to "take into account the extent to which the use of such substance . . . cannot be avoided" in the production of food. Therefore, the agency must consider the degree of unavailability of a substance and not simply toxicological aspects.

17. Comments contended that the section on unavailability (§ 122.7, now § 109.7) does not adequately define the term. The comments stated that adulteration is not unavoidable simply because all purveyors of a food product produce a similarly adulterated item. They stated that customary practice of the industry is not the measure of duty or due care, and that FDA should make clear in this section that objective capability, and not industry practice, defines unavailability.

As noted above, the act defines an unavoidable substance as one that cannot be avoided by good manufacturing practice. The Commissioner agrees that an industry's customary practice does not necessarily constitute good manufacturing practice. Section 122.7 (now § 109.7) states that the manufacturer of food must at all times utilize quality control procedures which will reduce contamination to the lowest level currently feasible. However, the specific criteria for determining good manufacturing practice will vary. An attempt to define particular circumstances in which an industry's practice does not constitute good manufacturing practice would be beyond the scope of these regulations.

18. Comments objected to the definition of "food" in proposed § 122.3(e) (now § 109.3(e)) because it is different from the definition of "food" in section

201(f) of the act. One comment asserted that indirect food additives, that is, substances migrating to food from food-contact articles, are not foods within the meaning of the definition of section 201(f).

The Commissioner advises that all food additives are "foods" under the law. Moreover, all substances migrating from food-contact surfaces are "foods" within the meaning of the act. This position has been upheld by the courts in *United States v. Articles of Food*, 370 F. Supp. 371 (E.D. Mich. 1974), and in *Natick Paperboard Corp. v. Weinberger*, 389 F. Supp. 794 (D. Mass. 1975), aff'd, 525 F.2d 1103 (1st Cir. 1975). Thus, the regulation simply clarifies the scope of the act for the benefit of the public and regulated industry. Under Part 109 a tolerance or action level may be established for an unavoidable contaminant of a packaging material or other food-contact article. For example, the existing (stayed) tolerance for polychlorinated biphenyls establishes a tolerance for their presence in paper packaging materials (21 CFR 109.30(a)(9)), formerly 21 CFR 122.10(a)(9)).

19. One comment suggested that there should be different definitions for "food" and "feed" because in many instances the poisonous or deleterious substance in question should be treated differently depending on whether it is intended for human or animal consumption.

The Commissioner agrees that different tolerances or action levels may be established for human and animal food. These differences will be reflected in the individual tolerances or action levels established, where appropriate. Changing the definition of "food" would not facilitate this approach, however, nor is it necessary to its implementation.

20. One comment stated that it is unrealistic to establish tolerances or action levels for contaminants that are equally applicable to human food and animal feeds. The comment stated that animal feeds and human food should be considered separately throughout the regulations.

As noted, the Commissioner agrees that it will often be appropriate to establish different tolerances or action levels for human food and animal feeds.

21. The proposed regulations provided for the establishment of action levels through informal (i.e., notice and comment) rule making. The Commissioner has reconsidered this aspect of the proposal, and for the reasons discussed below, concludes that an alternative procedure is preferable. The approach adopted will conserve limited FDA resources while preserving the opportunity for the public to comment upon any action level set and the scientific bases for the decision.

In the preamble to the proposal, the Commissioner stated that action levels, as opposed to tolerances under section 406 of the act, are appropriate in dynamic circumstances. Thus, an action level is appropriate if industrial practices are improving so quickly that the extent to which a substance is avoidable changes

significantly from year to year, or if toxicological data are scanty or conflicting but additional data are being developed. The procedures required by section 406 of the act, including a public hearing and the requirement of substantial evidence to support a tolerance, contemplate ample evidence, and a relatively stable situation, in which any tolerance promulgated will be appropriate for a relatively long period of time.

There is an inherent conflict between the dynamic circumstances in which an action level is appropriate and the use of rule making to set such a level. Although the time required to set an action level through informal rule making is less than that required for a tolerance under section 406 of the act, establishment of action levels through informal rule making would still involve a substantial amount of time and agency resources. Because of the time required to promulgate an action level and the dynamic circumstances in which action levels are used, the possibility exists that an action level will be outdated soon after it is promulgated, in which case the process would have to begin anew. The potential for wasteful expenditure of agency resources has persuaded the Commissioner that a simplified procedure for adopting action levels should be used.

In so concluding, however, the Commissioner is mindful of the need to provide for public access to, and review of, the data on which FDA relies in setting an action level and for an opportunity to comment upon the level set. The bases and rationale for action levels cannot be shielded from the public if the agency's decisions are to be credible. In evaluating various alternative procedures for setting action levels, the Commissioner has given great weight to the extent to which specific alternatives would satisfy this need.

The Commissioner recognizes that the approach described below and adopted in § 109.4(b)(2) of the regulations may prove not wholly satisfactory. The Commissioner is committed to reviewing the procedure periodically and to proposing revisions if they appear to be appropriate.

Under § 109.4(b) of the regulations, when the agency sets an action level for a specific poisonous and deleterious substance, a notice will be published in the *FEDERAL REGISTER* announcing that fact. Before the notice is published, the FDA will place on file with the Hearing Clerk all pertinent data and information regarding the substance, including FDA memoranda analyzing those data and discussing the rationale for the level that has been chosen. The notice will explicitly call attention to the material placed on file with the Hearing Clerk. Additionally, the notice will invite and specify a time for public comments on the level. FDA will review any comments received and, as part of the continuing process of reviewing action levels, modify any level if the comments warrant that action. Any interested person may petition the FDA to set a different action level

under the procedures set forth in 21 CFR Part 10 (Subpart A of Part 2, prior to recodification published in the *FEDERAL REGISTER* of March 22, 1977 (42 FR 15553)).

On occasion it may be necessary to set an action level to respond to any "emergency" situation. In such a case, a memorandum will be placed on file with the Hearing Clerk stating that an action level has been set. As soon as possible thereafter, a notice will be published in the *FEDERAL REGISTER* to the same effect.

Because of the dynamic circumstances in which action levels are used, it will frequently be necessary to revise a particular action level before a notice can be published in the *FEDERAL REGISTER*. A notice will be published as soon as possible whenever an action level is changed. The Commissioner anticipates that a notice will be published in the near future setting forth all existing action levels for poisonous and deleterious substances.

22. One comment questioned whether there is any authority or justification for section 406 tolerances for food additives that may be regulated under section 409 of the act. The comment asserted that food additives are entirely avoidable, as distinguished from the unavoidable contaminants with which section 406 of the act deals.

The Commissioner agrees in part with the comment. Tolerances under section 406 of the act (and action levels) should not be established in Part 109 for intentionally added food ingredients or for components of food-contact articles that serve a functional purpose in the food-contact article. Tolerances under section 406 of the act and action levels may be established only for contaminants of food or food-contact articles, such as the tolerances established for polychlorinated biphenyls unavoidably present in several classes of food and in paper-packaging materials (21 CFR 122.100, now 21 CFR 109.30). Such contaminants may include substances that are "food additives" within the meaning of the act if the substances are unavoidable in a particular food; this conclusion was fully discussed in the preamble to the proposed regulations.

The Food and Drug Administration may have occasion to establish an action level for an intentionally used food ingredient or for a functional component of a food-contact article. If questions arise about the safety of a substance that has long been used in food on the assumption that the substance was generally recognized as safe, it might be appropriate to issue an interim food additive regulation under § 180.1 (21 CFR 180.1) (formerly 21 CFR 121.4000) to permit the continued safe use of the substance while the questions are being resolved. However, it might also be appropriate to restrict use of the substance while the interim food additive regulation is being made final. In such a case an action level would be announced to establish the level at which FDA would take action against the substance under section 402(a)(2)(C) of the Act. An in-



terim food additive regulation would be proposed as soon thereafter as practicable. The Commissioner has added a new paragraph (f) to § 180.1 to set forth the conditions under which such an action level may be considered. A similar paragraph has been added to § 181.1 (21 CFR 181.1) (formerly 21 CFR 121.2000) to identify the conditions under which an action level may be established for a prior-sanctioned substance. No action level would be established for an approved food additive, however; the procedure for changing the permitted conditions of use of an approved food additive is that prescribed in section 409 of the act.

The first action levels established for functional components of food-contact articles are to control lead and cadmium migration from pottery and enamelware, lead migration from silver-plated hollowware, and lead migration from cans containing evaporated milk and skim milk to their contents. These action levels currently exist and will continue to be used.

23. Comments recommended that the circumstances described in § 122.8 (now § 109.8) under which an unlawfully contaminated food could be permitted to be marketed should not be as stringent as those circumstances in which there would be a "substantial adverse impact on the national food supply." The comments argued that it is inconceivable that destruction of a single contaminated product could ever have such an impact and suggested that an exception be permitted whenever destruction of the food involved "would cause a needless waste of food and thus an unwarranted economic loss to the consuming public." Another comment suggested that the criterion should be whether the destruction or diversion of the food involved would "contribute to an adverse impact on the national food or feed supply."

The Commissioner concludes that it is not appropriate to sanction the essentially routine marketing of unlawfully contaminated food as was suggested by these comments. The act permits establishing tolerances and action levels for food that has been unavoidably contaminated. If, however, the food was at some stage of its production unlawfully (i.e., avoidably) contaminated, then the act contemplates that such food shall ordinarily not be marketed. Consequently, the Commissioner concludes that such food should be permitted to be marketed only in the most extraordinary circumstances.

The proper functioning of the agency's regulatory program requires that unlawfully contaminated food ordinarily be destroyed to make unlawful action unprofitable. The fact that the present owner of the food may not have been responsible for the avoidable contamination is not a convincing reason for departing from this policy. To create an exception for persons who unknowingly purchase contaminated foods would permit persons engaged in illegal conduct to profit from their illegal actions. If unlawfully contaminated food were per-

mitted to be sold, then its owner would have no cause of action for damages in a civil action against the person responsible for the contamination. The only action that could be taken against the person responsible for the contamination would be a criminal prosecution, where the government is required to prove guilt beyond a reasonable doubt, and where the penalties imposed are likely to be small in relationship to the value of the goods. Consequently, the Commissioner concludes that it is necessary for proper enforcement of the act that unlawfully contaminated food ordinarily be seized and destroyed, notwithstanding the fact that it may be at the time of such destruction in the hands of an innocent party, and notwithstanding the fact it may on occasion be safe for consumption.

24. One comment sought clarification of § 109.8 which refers to "a substantial adverse impact on the national food supply" and stated that carload or warehouse lots of adulterated foods should not fall into this category. Another questioned whether the unavailability of one variety of fruit or vegetable would result in a "substantial adverse impact." Other examples posed included whether a few pennies per week inflation in the price of food would constitute such an adverse impact and whether the bankruptcy of a major food company as a result of destruction or diversion of certain food would constitute a substantial adverse impact on the national food supply.

The Commissioner agrees that the loss of carload or warehouse lots of adulterated food would almost never have a substantial adverse impact on the national food supply. It would not be appropriate to examine and pass on all possible circumstances at this time, however. In accordance with § 109.8(a)(2), whenever possible an exemption will be issued only after opportunity for public comment.

25. One comment stated that, if unlawfully contaminated food is permitted to be sold in accordance with § 109.8, FDA should investigate the reason for the contamination and not exclude civil or criminal action against responsible individuals even though the food was sold.

The Commissioner agrees with this comment. Granting an exemption does not exempt from liability the person who unlawfully contaminated the food. The Food and Drug Administration would investigate and initiate appropriate regulatory action against persons responsible for unlawfully contaminated food, even if the food were permitted to be sold.

26. Comments objected to the provision in § 109.6(d) that applies when the effectiveness of a tolerance is stayed pursuant to section 701(e)(2) of the act (21 U.S.C. 371(e)(2)) by the filing of an objection. Under that section, the order establishing the tolerance is deemed to be an order establishing an action level until final action is taken upon the objection. Comments argued that if a hearing is requested, the reasonableness of the tolerance would

be in doubt and that, therefore, its enforcement as an action level would not be justified. One comment suggested that a tolerance become an action level only in cases where a hazard to health is involved.

The Commissioner notes that if the substance that is the subject of the tolerance is a food additive, it is unlawful at any detectable level, under section 402(a)(2)(C) of the act (21 U.S.C. 342(a)(2)(C)). Thus, if a tolerance is stayed by an objection, the presence of the substance is unlawful at any level, and regulatory action may be taken; an action level is appropriate to determine the level at which action should be taken. This approach was approved by the Court of Appeals in "Natick Paperboard Corp. v. Weinberger," cited above.

If the substance is not a food additive, but is an unavoidable "added" poisonous or deleterious substance, then action may be taken pursuant to section 402(a)(1) of the act, which remains applicable to a particular substance until a tolerance is in effect. Thus, for substances that are not food additives, a tolerance indicates the level at which the Commissioner will take action against a substance on the ground that the level may be injurious to health. The establishment of a tolerance does not make unlawful what would otherwise be lawful; it may, however, make lawful what would otherwise be unlawful.

The Commissioner rejects the suggestion that a tolerance stayed by an objection should become an action level only in cases where a hazard to health is involved. By hypothesis, in the case of poisonous or deleterious substances, a potential hazard to health always exists, and that is the basis upon which action levels and tolerances are established.

27. One comment asserted that FDA may not avoid the procedures of section 406 of the act by establishing an action level. The comment stated that where Congress has specified with particularity the hearing procedures by which a certain administrative action may be taken, an agency is without authority to depart from the congressionally mandated process. The comment asserted that FDA is obligated to elect one of two courses: it must either disclaim any intent to attach the force of law to its action levels, or it must adopt those action levels as tolerances under section 406 of the act and in accord with the procedures specified in section 701(e) of the act.

The Commissioner disagrees. As to those substances that would be illegal at any level in the absence of an action level, e.g., because they are food additives, the courts have upheld FDA's authority to issue action levels. Those cases were cited in the preamble to the proposed regulation. As to other substances, the act clearly contemplates that the Government may proceed against a contaminated food under section 402(a)(1) of the act when no tolerance is effective. Furthermore, in light of the procedure adopted for establishing action levels in the regulations, this point, for the present at least, is moot.

28. One comment included data and arguments concerning the tolerance for polychlorinated biphenyls.

The Commissioner notes that the tolerances for polychlorinated biphenyls were not proposed in the Federal Register of December 6, 1974, but were simply reprinted because the section number is being changed.

29. One comment stated that the republication of the tolerance for polychlorinated biphenyls in paper-packaging materials should state that the regulation is stayed.

The Commissioner agrees and has added an appropriate note.

30. One comment offered an interpretation of the proviso in section 402(a)(2)(C) of the act, which provides that a pesticide chemical present in a processed food is lawful if the residue in the processed food when ready to eat is not greater than the tolerance prescribed for the raw agricultural commodity. The comment interpreted the term "ready to eat" as permitting a processed food to contain a higher concentration of pesticide than is permitted for the raw agricultural commodity if the food is "disbursed" in other food when consumed in a manner such that the pesticide level of the mixture is below the tolerance. As an example, the comment cited dehydrated peppers, which contain pesticide residues greater than the tolerance for raw peppers because of the dehydration; the comment contended that the dehydration pepper was not "ready to eat" until it had been incorporated into a finished food and that the tolerance is properly applied to the entire finished food into which it was incorporated.

The Commissioner disagrees with the interpretation of the act offered by the comment. The term "ready to eat" does not permit compliance with a tolerance to be determined after the food has been mixed with other food; the term applies when a food is to be modified before use, e.g., by hydration.

One of the principal purposes for which a tolerance is established by regulation is to provide a readily ascertainable standard by which FDA and affected persons can determine whether a particular lot of food conforms to the requirements of the law. Under the interpretation suggested by the comment, there would be no definite standard to determine whether a particular lot of dehydrated peppers complies with the law. Instead, its legality would turn on uncertain subsequent events involving the manner in which the food was to be used. By contrast, foods that are not ready to eat because they must be modified in a particular way may be so modified prior to analysis, and compliance may thus be determined with certainty. In the event that processing increases the concentration of a pesticide, the act permits a tolerance to be established under section 409 of the act; this procedure permits a clear, enforceable limit and is the procedure to be followed.

31. The Commissioner has revised proposed § 109.4(b) to delete the reference to section 402(a)(1) of the act. This reference was inconsistent with § 109.6(c),

which establishes the standards for an action level. The Commissioner has also revised proposed § 109.6(d), which refers to the statutory authority for issuing tolerances and action levels, by explicitly stating the pertinent sections of the act.

32. The Commissioner has revised proposed § 109.6(a) to clarify the relationship of FDA and EPA in establishing tolerances and action levels for added poisonous and deleterious substances that are also pesticide chemicals. The regulations that EPA issues under sections 406, 408, and 409 of the act will establish tolerances; FDA will implement action levels under the criteria of these procedural regulations. Upon FDA's request, EPA will recommend an action level based on the criteria set forth in these procedural regulations.

33. The Commissioner advises that the prohibition in the regulations against marketing unlawfully contaminated food is not intended to change the agency's current policy permitting the diversion of contaminated human food into use as animal feed when such diversion would pose no significant risks to human or animal health. Proposed regulations will be published in the Federal Register to formally establish the permissible conditions for such diversion.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 306, 402(a), 406, 408, 409, 701(a), 52 Stat. 1045-1046 as amended, 1049 as amended, 1055, 68 Stat. 511-518 as amended; 72 Stat. 1785-1788 as amended (21 U.S.C. 336, 342(a), 346, 346a, 348, 371(a))) and under authority delegated to him (21 CFR 5.1), Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

1. By revising Part 109 to read as follows:

**PART 109—UNAVOIDABLE CONTAMINANTS IN FOOD FOR HUMAN CONSUMPTION AND FOOD-PACKAGING MATERIAL**

Subpart A—General Provisions	
Sec.	
109.3	Definitions and interpretations.
109.4	Establishment of regulations.
109.5	Petitions.
109.6	Added poisonous or deleterious substances.
109.7	Unavoidability.
109.8	Exemptions.
109.15	Use of polychlorinated biphenyls (PCB's) in establishments manufacturing food-packaging materials.
Subpart B—Tolerances for Unavoidable Poisonous or Deleterious Substances	
109.30	Temporary tolerances for polychlorinated biphenyls (PCB's).
Subpart C—Naturally Occurring Poisonous or Deleterious Substances—[Reserved]	
AUTHORITY: Secs. 306, 402(a), 406, 408, 409, 701, 52 Stat. 1045-1046 as amended, 1049 as amended, 1055-1056 as amended, 68 Stat. 511-518 as amended, 72 Stat. 1785-1788 as amended (21 U.S.C. 336, 342(a), 346, 346a, 348, 371).	
Subpart A—General Provisions	
§ 109.3	Definitions and interpretations.
(a)	"Act" means the Federal Food, Drug, and Cosmetic Act.

(b) The definitions of terms contained in section 201 of the act are applicable to such terms when used in this part unless modified in this section.

(c) A "naturally occurring poisonous or deleterious substance" is a poisonous or deleterious substance that is an inherent natural constituent of a food and is not the result of environmental, agricultural, industrial, or other contamination.

(d) An "added poisonous or deleterious substance" is a poisonous or deleterious substance that is not a naturally occurring poisonous or deleterious substance. When a naturally occurring poisonous or deleterious substance is increased to abnormal levels through mishandling or other intervening acts, it is an added poisonous or deleterious substance to the extent of such increase.

(e) "Food" includes human food and substances migrating to food from food-contact articles.

**§ 109.4 Establishment of regulations.**

(a) When appropriate under the criteria of § 109.6, a tolerance for an added poisonous or deleterious substance, which may be a food additive, may be established by regulation in Subpart B of this part under the provisions of section 406 of the act. A tolerance may prohibit any detectable amount of the substance in food.

(b)(1) When appropriate under the criteria of § 109.6, an action level for an added poisonous or deleterious substance, which may be a food additive, may be established to define the level of contamination at which a food will be deemed to be adulterated. An action level may prohibit any detectable amount of the substance in food.

(2) Whenever an action level is established, a notice shall be published in the Federal Register as soon as practicable thereafter. The notice shall call attention to the material supporting the action level which shall be on file with the Hearing Clerk before the notice is published. The notice shall invite public comment on the action level. Regulatory action may be taken at any time after an action level is established, and need not await publication of the notice. An action level may be changed at any time if the protection of the public health so requires. A notice shall be published in the Federal Register as soon as practicable after an action level is changed.

(c) A regulation may be established in Subpart C of this part to identify a food containing a naturally occurring poisonous or deleterious substance which will be deemed to be adulterated under section 402(a)(1) of the act. These regulations do not constitute a complete list of such foods.

**§ 109.5 Petitions.**

The Commissioner of Food and Drugs, either on his own initiative or on behalf of any interested person who has submitted a petition, may issue a proposal to establish, revoke, or amend a regulation under this part. Any such petition shall include an adequate factual basis to support the petition, shall be in the



form set forth in § 10.65 of this chapter, and will be published in the **FEDERAL REGISTER** for comment if it contains reasonable grounds for the proposed regulation.

#### § 109.6 Added poisonous or deleterious substances.

(a) Use of an added poisonous or deleterious substance, other than a pesticide chemical, that is also a food additive will be controlled by a regulation issued under section 409 of the act when possible. When such a use cannot be approved under the criteria of section 409 of the act, or when the added poisonous or deleterious substance is not a food additive, a tolerance or action level may be established pursuant to the criteria established in paragraphs (b) and (c) of this section. Residues resulting from the use of an added poisonous or deleterious substance that is also a pesticide chemical will ordinarily be controlled by a tolerance established in a regulation issued under section 406, 408, or 409 by the U.S. Environmental Protection Agency (EPA). When such a regulation has not been issued, an action level for an added poisonous or deleterious substance that is also a pesticide chemical may be established by the Food and Drug Administration. The Food and Drug Administration will request EPA to recommend such an action level pursuant to the criteria established in paragraph (c) of this section.

(b) A tolerance for an added poisonous or deleterious substance in any food may be established when the following criteria are met:

(1) The substance cannot be avoided by good manufacturing practice.

(2) The tolerance established is sufficient for the protection of the public health, taking into account the extent to which the presence of the substance cannot be avoided and the other ways in which the consumer may be affected by the same or related poisonous or deleterious substances.

(3) No technological or other changes are foreseeable in the near future that might affect the appropriateness of the tolerance established. Examples of changes that might affect the appropriateness of the tolerance include anticipated improvements in good manufacturing practice that would change the extent to which use of the substance is unavoidable and anticipated studies expected to provide significant new toxicological or use data.

(c) An action level for an added poisonous or deleterious substance in any food may be established when the criteria in paragraph (b) of this section are met, except that technological or other changes that might affect the appropriateness of the tolerance are foreseeable in the near future. An action level shall cease to be enforced and shall be revoked when a tolerance for the same substance and use has become effective.

(d) Tolerances will be established under authority appropriate for action levels (sections 306, 402(a), and 701(a) of the act, together with section 408 or

409 if appropriate) as well as under authority appropriate for tolerances (sections 406 and 701 of the act). In the event the effectiveness of a tolerance is stayed pursuant to section 701(e) (2) of the act by the filing of an objection, the order establishing the tolerance shall be deemed to be an order establishing an action level until final action is taken upon such objection.

#### § 109.7 Unavoidability.

(a) Tolerances and action levels in this part are established at levels based on the unavoidability of the poisonous or deleterious substance concerned and do not establish a permissible level of contamination where it is avoidable.

(b) Compliance with tolerances and action levels does not excuse failure to observe either the requirement in section 402(a) (4) of the act that food may not be prepared, packed, or held under insanitary conditions or the other requirements in this chapter that food manufacturers must observe current good manufacturing practices. Evidence obtained through factory inspection or otherwise indicating such a violation renders the food unlawful, even though the amounts of poisonous or deleterious substances are lower than the currently established tolerances or action levels. The manufacturer of food must at all times utilize quality control procedures which will reduce contamination to the lowest level currently feasible.

#### § 109.8 Exceptions.

(a) The Commissioner may exempt from regulatory action and permit the marketing of any food that is unlawfully contaminated with a poisonous or deleterious substance if:

(1) He determines (i) based upon all available scientific evidence, that the food is safe for consumption and (ii) that destruction or diversion of the food involved would result in a substantial adverse impact on the national food supply.

(2) Such determination is published as a notice in the **FEDERAL REGISTER** and public comment shall be invited on the determination. The notice shall call attention to the material supporting the determination, which shall be on file with the Hearing Clerk before the notice is published.

(3) The determination identifies the level of contamination allowed by the exemption, and the food to which it applies, e.g., the specific growing area or other identifying information. The exemption shall not apply to any other food produced in any other area or at any other time. Contaminated food not subject to the exemption will remain subject to regulatory action.

(b) Any person responsible for contamination of the food involved, or shipment of any such food in interstate commerce prior to the issuance of an exemption pursuant to this section, shall remain subject to regulatory action pursuant to sections 302 (injunction proceedings) and 303 (penalties) of the act.

(c) In the case of a poisonous or deleterious substance which is a pesticide

chemical, the level of contamination allowed by the exemption shall, upon request of the Food and Drug Administration, be specified by the Environmental Protection Agency pursuant to paragraph (a) (1) (i) of this section and promulgated by the Commissioner. No exemption for a pesticide chemical shall be promulgated without the concurrence of the Environmental Protection Agency.

#### § 109.15 Use of polychlorinated biphenyls (PCB's) in establishments manufacturing food-packaging materials.

(a) Polychlorinated biphenyls (PCB's) represent a class of toxic industrial chemicals manufactured and sold under a variety of trade names, including: Aroclor (United States); Phenoclor (France); Colphen (Germany); and Kanaclor (Japan). PCB's are highly stable, heat resistant, and nonflammable chemicals. Industrial uses of PCB's include, or did include in the past, their use as electrical transformer and capacitor fluids, heat transfer fluids, hydraulic fluids, and plasticizers, and in formulations of lubricants, coatings, and inks. Their unique physical and chemical properties and widespread, uncontrolled industrial applications have caused PCB's to be a persistent and ubiquitous contaminant in the environment, causing the contamination of certain foods. In addition, incidents have occurred in which PCB's have directly contaminated animal feeds as a result of industrial accidents (leakage or spillage of PCB fluids from plant equipment). These accidents in turn caused the contamination of food products intended for human consumption (meat, milk and eggs). Investigations by the Food and Drug Administration have revealed that a significant percentage of paper food-packaging material contains PCB's which can migrate to the packaged food. The origin of PCB's in such material is not fully understood. Reclaimed fibers containing carbonless copy paper (contains 3 to 5 percent PCB's) have been identified as a primary source of PCB's in paper products. Some virgin paper products have also been found to contain PCB's. The source of which is generally attributed to direct contamination from industrial accidents from the use of PCB-containing equipment and machinery in food-packaging manufacturing establishments. Since PCB's are toxic chemicals, the PCB contamination of food-packaging materials as a result of industrial accidents, which can cause the PCB contamination of food, represents a hazard to public health. It is therefore necessary to place certain restrictions on the industrial uses of PCB's in establishments manufacturing food-packaging materials.

(b) The following special provisions are necessary to preclude the accidental PCB contamination of food-packaging materials:

(1) New equipment or machinery for manufacturing food-packaging materials shall not contain or use PCB's.

(2) On or before September 4, 1973, the management of establishments manufacturing food-packaging materials shall:

(i) Have the heat exchange fluid used in existing equipment for manufacturing food-packaging materials sampled and tested to determine whether it contains PCB's or verify the absence of PCB's in such formulations by other appropriate means. On or before September 4, 1973, any such fluid formulated with PCB's must to the fullest extent possible commensurate with current good manufacturing practices be replaced with a heat exchange fluid that does not contain PCB's.

(ii) Eliminate to the fullest extent possible commensurate with current good manufacturing practices from the establishment any other PCB-containing equipment, machinery and materials wherever there is a reasonable expectation that such articles could cause food-packaging materials to become contaminated with PCB's either as a result of normal use or as a result of accident, breakage, or other mishap.

(iii) The toxicity and other characteristics of fluids selected as PCB replacements must be adequately determined so that the least potentially hazardous replacement is used. In making this determination with respect to a given fluid, consideration should be given to (a) its toxicity; (b) the maximum quantity that could be spilled onto a given quantity of food before it would be noticed, taking into account its color and odor; (c) possible signaling devices in the equipment to indicate a loss of fluid, etc.; and (d) its environmental stability and tendency to survive and be concentrated through the food chain. The judgment as to whether a replacement fluid is sufficiently non-hazardous is to be made on an individual installation and operation basis.

(c) The provisions of this section do not apply to electrical transformers and condensers containing PCB's in sealed containers.

#### Subpart B—Tolerance for Unavoidable Poisonous or Deleterious Substances

#### § 109.30 Polychlorinated biphenyls (PCB's).

(a) Polychlorinated biphenyls (PCB's) are toxic, industrial chemicals. Because of their widespread, uncontrolled industrial applications, PCB's have become a persistent and ubiquitous contaminant in the environment. As a result, certain foods and animal feeds, principally those of animal and marine origin, contain PCB's as unavoidable, environmental contaminants. PCB's are transmitted to the food portion (meat, milk, and eggs) of food producing animals ingesting PCB contaminated animal feed. In addition, a significant percentage of paper food-packaging materials contain PCB's which may migrate to the packaged food. The source of PCB's in paper food-pack-

aging materials is primarily of certain types of carbonless copy paper (containing 3 to 5 percent PCB's) in waste paper stocks used for manufacturing recycled paper. Therefore, temporary tolerances for residues of PCB's as unavoidable environmental or industrial contaminants are established for a sufficient period of time following the effective date of this paragraph to permit the elimination of such contaminants at the earliest practicable time. For the purposes of this paragraph, the term "polychlorinated biphenyls (PCB's)" is applicable to mixtures of chlorinated biphenyl compounds, irrespective of which mixture of PCB's is present as the residue. The temporary tolerances for residues of PCB's are as follows:

(1) 2.5 parts per million in milk (fat basis).

(2) 2.5 parts per million in manufactured dairy products (fat basis).

(3) 5 parts per million in poultry (fat basis).

(4) 0.5 parts per million in eggs.

(5) 0.2 parts per million in finished animal feed for food-producing animals (except the following finished animal feeds: feed concentrates, feed supplements and feed premixes).

(6) 2 parts per million in animal feed components of animal origin, including fishmeal and other by-products of marine origin and in finished animal feed concentrates, supplements, and premixes intended for food producing animals.

(7) 5 parts per million in fish and shellfish (edible portion). The edible portion of fish excludes head, scales, viscera, and inedible bones.

(8) 0.2 parts per million in infant and junior foods.

(9) 10 parts per million in paper food-packaging material intended for or used with human food, finished animal feed and any components intended for animal feeds. The tolerance shall not apply to paper food-packaging material separated from the food therein by a functional barrier which is impermeable to migration of PCB's.

(b) A compilation entitled "Analytical Methodology for Polychlorinated Biphenyls, February 1973" for determining compliance with the tolerances established in this section is available from the Hearing Clerk, Department of Health, Education, and Welfare, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

NOTE.—At 38 FR 22794, Aug. 24, 1973, the following appeared concerning § 109.30(a) (9) (formerly 122.10(a) (9)):

• • • § 109.30(a) (9) is hereby stayed pending full review of the objections and requests for hearing. • • •

In the interim, as stated in the final order (38 FR 18098) the Food and Drug Administration will enforce the temporary tolerance level established by § 109.30(a) (9) by seizing any paper food-packaging material shipped in interstate commerce after September 4, 1973, containing higher than the specified level of PCB's as adulterated in violation of sec. 402 of the act.

#### Subpart C—Naturally Occurring Poisonous or Deleterious Substances [Reserved]

#### PART 180—FOOD ADDITIVES PERMITTED IN FOOD ON AN INTERIM BASIS OR IN CONTACT WITH FOOD PENDING ADDITIONAL STUDY

2. By adding new paragraph (f) to § 180.1 to read as follows:

#### § 180.1 General.

(f) Where appropriate, an emergency action level may be issued for a substance subject to paragraph (a) of this section that is not an approved food additive, pending the issuance of a final interim food additive regulation. Such an action level shall be issued pursuant to sections 306 and 402(a) of the act to identify, based upon available data, a safe level of use for the substance. Such an action level shall be issued in a notice published in the **FEDERAL REGISTER** and shall be followed as soon as practicable by a proposed interim food additive regulation. Where the available data do not permit establishing an action level for the safe use of a substance, use of the substance may be prohibited. The identification of a prohibited substance may be made in Part 189 of this chapter when appropriate.

#### PART 181—PRIOR-SANCTIONED FOOD INGREDIENTS

3. By adding new paragraph (c) to § 181.1 to read as follows:

#### § 181.1 General.

(c) Where appropriate, an emergency action level may be issued for a prior-sanctioned substance, pending the issuance of a final regulation in accordance with paragraph (b) of this section. Such an action level shall be issued pursuant to section 402(a) of the act to identify, based upon available data, conditions of use of the substance that may be injurious to health. Such an action level shall be issued in a notice published in the **FEDERAL REGISTER** and shall be followed as soon as practicable by a proposed regulation in accordance with paragraph (b) of this section. Where the available data demonstrate that the substance may be injurious at any level, use of the substance may be prohibited. The identification of a prohibited substance may be made in Part 189 of this chapter when appropriate.

#### PART 509—UNAVOIDABLE CONTAMINANTS IN ANIMAL FOOD AND FOOD-PACKAGING MATERIAL

4. Part 509 is revised to read as follows:

#### Subpart A—General Provisions

Sec.	
509.3	Definitions and interpretations.
509.4	Establishment of regulations.
509.5	Petitions.
509.6	Added poisonous or deleterious substances.

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- 509.7 Unavoidability.  
 509.8 Exemptions.  
 509.15 Use of polychlorinated biphenyls (PCB's) in establishments manufacturing food-packaging materials.

**Subpart B—Tolerances for Unavoidable Poisonous or Deleterious Substances**

- 509.30 Temporary tolerances for polychlorinated biphenyls (PCB's).

**Subpart C—Naturally Occurring Poisonous or Deleterious Substances—(Reserved)**

Authority: Secs. 306, 402(a), 406, 408, 409, 701, 52 Stat. 1045-1046 as amended, 1049 as amended, 1055-1056 as amended, 68 Stat. 511-518 as amended, 72 Stat. 1785-1788 as amended (21 U.S.C. 336, 342(a), 346, 346a, 348, 371).

**Subpart A—General Provisions**

**§ 509.3 Definitions and interpretations.**

(a) "Act" means the Federal Food, Drug, and Cosmetic Act.  
 (b) The definitions of terms contained in section 201 of the act are applicable to such terms when used in this part unless modified in this section.  
 (c) A "naturally occurring poisonous or deleterious substance" is a poisonous or deleterious substance that is an inherent natural constituent of a food and is not the result of environmental, agricultural, industrial, or other contamination.

(d) An "added poisonous or deleterious substance" is a poisonous or deleterious substance that is not a naturally occurring poisonous or deleterious substance. When a naturally occurring poisonous or deleterious substance is increased to abnormal levels through mis-handling or other intervening acts, it is an added poisonous or deleterious substance to the extent of such increase.

(e) "Food" includes pet food, animal feed, and substances migrating to food from food-contact articles.

**§ 509.4 Establishment of regulations.**

When appropriate under the criteria of § 509.6, a tolerance for an added poisonous or deleterious substance, which may be a food additive, may be established by regulation in Subpart B of this part under the provisions of section 406 of the act. A tolerance may prohibit any detectable amount of the substance in food.

(b) (1) When appropriate under the criteria of § 509.6, an action level for an added poisonous or deleterious substance, which may be a food additive, may be established to define the level of contamination at which a food will be deemed to be adulterated. An action level may prohibit any detectable amount of the substance in food.

(2) Whenever an action level is established, a notice shall be published in the FEDERAL REGISTER as soon as practicable thereafter. The notice shall call attention to the material supporting the action level which shall be on file with the Hearing Clerk before the notice is published. The notice shall invite public comment on the action level. Regulatory action may be taken at any time after an action level is established, and need not await publication of the notice. An

action level may be changed at any time if the protection of the public health so requires. A notice shall be published in the FEDERAL REGISTER as soon as practicable after an action level is changed.

(c) A regulation may be established in Subpart C of this part to identify a food containing a naturally occurring poisonous or deleterious substance which will be deemed to be adulterated under section 402(a) (1) of the act. These regulations do not constitute a complete list of such foods.

**§ 509.5 Petitions.**

The Commissioner of Food and Drugs, either on his own initiative or on behalf of any interested person who has submitted a petition, may issue a proposal to establish, revoke, or amend a regulation under this part. Any such petition shall include an adequate factual basis to support the petition, shall be in the form set forth in § 10.65 of this chapter, and will be published in the FEDERAL REGISTER for comment if it contains reasonable grounds for the proposed regulation.

**§ 509.6 Added poisonous or deleterious substances.**

(a) Use of an added poisonous or deleterious substance, other than a pesticide chemical, that is also a food additive will be controlled by a regulation issued under section 409 of the act when possible. When such a use cannot be approved under the criteria of section 409, or when the added poisonous or deleterious substance is not a food additive, a tolerance or action level may be established pursuant to the criteria established in paragraphs (b) and (c) of this section. Residues resulting from the use of an added poisonous or deleterious substance that is also a pesticide chemical will ordinarily be controlled by a tolerance established in a regulation issued under section 406, 408, or 409 by the U.S. Environmental Protection Agency (EPA). When such a regulation has not been issued, an action level for an added poisonous or deleterious substance that is also a pesticide chemical may be established by the Food and Drug Administration. The Food and Drug Administration will request EPA to recommend such an action level pursuant to the criteria established in paragraph (c) of this section.

(b) A tolerance for an added poisonous or deleterious substance in any food may be established when the following criteria are met:

(1) The substance cannot be avoided by good manufacturing practice.

(2) The tolerance established is sufficient for the protection of the public health, taking into account the extent of which the presence of the substance cannot be avoided and the other ways in which the consumer may be affected by the same or related poisonous or deleterious substances.

(3) No technological or other changes are foreseeable in the near future that might affect the appropriateness of the tolerance established. Examples of

changes that might affect the appropriateness of the tolerance include anticipated improvements in good manufacturing practice that would change the extent to which use of the substance is unavoidable and anticipated studies expected to provide significant new toxicological or use data.

(c) An action level for an added poisonous or deleterious substance in any food may be established when the criteria in paragraph (b) of this section are met, except that technological or other changes that might affect the appropriateness of the tolerance are foreseeable in the near future. An action level shall cease to be enforced and shall be revoked when a tolerance for the same substance and use has become effective.

(d) Tolerances will be established under authority appropriate for action levels (sections 306, 402(a), and 701(a) of the act, together with section 408 or 409 if appropriate) as well as under authority appropriate for tolerances (sections 406 and 701 of the act). In the event the effectiveness of a tolerance is stayed pursuant to section 701(e) (2) of the act by the filing of an objection, the order establishing the tolerance shall be deemed to be an order establishing an action level until final action is taken upon such objection.

**§ 509.7 Unavoidability.**

(a) Tolerances and action levels in this part are established at levels based on the unavoidability of the poisonous or deleterious substance concerned and do not establish a permissible level of contamination where it is avoidable.

(b) Compliance with tolerances and action levels does not excuse failure to observe either the requirement in section 402(a) (4) of the Federal Food, Drug, and Cosmetic Act that food may not be prepared, packed, or held under insanitary conditions or the other requirements in this chapter that food manufacturers must observe current good manufacturing practices. Evidence obtained through factory inspection or otherwise indicating such a violation renders the food unlawful, even though the amounts of poisonous or deleterious substances are lower than the currently established tolerances or action levels. The manufacturer of food must at all times utilize quality control procedures which will reduce contamination to the lowest level currently feasible.

**§ 509.8 Exemptions.**

(a) The Commissioner may exempt from regulatory action and permit the marketing of any food that is unlawfully contaminated with a poisonous or deleterious substance if:

(1) He determines (i) based upon all available scientific evidence, that the food is safe for consumption, and (ii) that destruction or diversion of the food involved would result in a substantial adverse impact on the national food supply.

(2) Such determination is published as a notice in the FEDERAL REGISTER and public comment shall be invited on the determination. The notice shall call at-

tention to the material supporting the determination, which shall be on file with the Hearing Clerk before the notice is published.

(3) The determination identifies the level of contamination allowed by the exemption, and the food to which it applies, e.g., the specific growing area or other identifying information. The exemption shall not apply to any other food produced in any other area or at any other time. Contaminated food not subject to the exemption will remain subject to regulatory action.

(b) Any person responsible for contamination of the food involved, or shipment of any such food in interstate commerce prior to the issuance of an exemption pursuant to this section, shall remain subject to regulatory action pursuant to sections 302 (injunction proceedings) and 303 (penalties) of the act.

(c) In the case of a poisonous or deleterious substance which is a pesticide chemical, the level of contamination allowed by the exemption shall, upon request of the Food and Drug Administration, be specified by the Environmental Protection Agency pursuant to paragraph (a) (1) (i) of this section and promulgated by the Commissioner. No exemption for a pesticide chemical shall be promulgated without the concurrence of the Environmental Protection Agency.

**§ 509.15 Use of polychlorinated biphenyls (PCB's) in establishments manufacturing food-packaging materials.**

(a) Polychlorinated biphenyls (PCB's) represent a class of toxic industrial chemicals manufactured and sold under a variety of trade names, including: Aroclor (United States); Phenoclor (France); Colphen (Germany); and Kanaclor (Japan). PCB's are highly stable, heat resistant, and nonflammable chemicals. Industrial uses of PCB's include, or did include in the past, their use as electrical transformer and capacitor fluids, heat transfer fluids, hydraulic fluids, and plasticizers, and in formulations of lubricants, coatings, and inks. Their unique physical and chemical properties and widespread, uncontrolled industrial applications have caused PCB's to be a persistent and ubiquitous contaminant in the environment, causing the contamination of certain foods. In addition, incidents have occurred in which PCB's have directly contaminated animal feeds as a result of industrial accidents (leakage or spillage of PCB fluids from plant equipment). These accidents in turn caused the contamination of food products intended for human consumption (meat, milk and eggs). Investigations by the Food and Drug Administration have revealed that a significant percentage of paper foodpackaging material contains PCB's which can migrate to the packaged food. The origin

of PCB's in such material is not fully understood. Reclaimed fibers containing carbonless copy paper (contains 3 to 5 percent PCB's) have been identified as a primary source of PCB's in paper products. Some virgin paper products have also been found to contain PCB's, the source of which is generally attributed to direct contamination from industrial accidents from the use of PCB-containing equipment and machinery in food-packaging manufacturing establishments. Since PCB's are toxic chemicals, the PCB contamination of food-packaging materials as a result of industrial accidents, which can cause the PCB contamination of food, represents a hazard to public health. It is therefore necessary to place certain restrictions on the industrial uses of PCB's in establishments manufacturing food-packaging materials.

(b) The following special provisions are necessary to preclude the accidental PCB contamination of food-packaging materials:

(1) New equipment or machinery for manufacturing food-packaging materials shall not contain or use PCB's.

(2) On or before September 4, 1973, the management of establishments manufacturing food-packaging materials shall:

(i) Have the heat exchange fluid used in existing equipment for manufacturing food-packaging materials sampled and tested to determine whether it contains PCB's or verify the absence of PCB's in such formulations by other appropriate means. On or before Sept. 4, 1973, any such fluid formulated with PCB's must to the fullest extent possible commensurate with current good manufacturing practices be replaced with a heat exchange fluid that does not contain PCB's.

(ii) Eliminate to the fullest extent possible commensurate with current good manufacturing practices from the establishment any other PCB-containing equipment, machinery and materials wherever there is a reasonable expectation that such articles could cause food-packaging materials to become contaminated with PCB's either as a result of normal use or as a result of accident, breakage, or other mishap.

(iii) The toxicity and other characteristics of fluids selected as PCB replacements must be adequately determined so that the least potentially hazardous replacement is used. In making this determination with respect to a given fluid, consideration should be given to (a) its toxicity; (b) the maximum quantity that could be spilled onto a given quantity of food before it would be noticed, taking into account its color and odor; (c) possible signaling devices in the equipment to indicate a loss of fluid, etc.; and (d) its environmental stability and tendency to survive and be concentrated through the food chain. The judgment as to

whether a replacement fluid is sufficiently non-hazardous is to be made on an individual installation and operation basis.

(c) The provisions of this section do not apply to electrical transformers and condensers containing PCB's in sealed containers.

**Subpart B—Tolerances for Unavoidable Poisonous or Deleterious Substances**

**§ 509.30 Temporary tolerances for polychlorinated biphenyls (PCB's).**

(a) Polychlorinated biphenyls (PCB's) are toxic, industrial chemicals. Because of their widespread, uncontrolled industrial applications, PCB's have become a persistent and ubiquitous contaminant in the environment. As a result, certain foods and animal feeds, principally those of animal and marine origin, contain PCB's as unavoidable, environmental contaminants. PCB's are transmitted to the food portion (meat, milk, and eggs) of food producing animals ingesting PCB contaminated animal feed. In addition, a significant percentage of paper food-packaging materials contain PCB's which may migrate to the packaged food. The source of PCB's in paper food-packaging materials is primarily of certain types of carbonless copy paper (containing 3 to 5 percent PCB's) in waste paper stocks used for manufacturing recycled paper. Therefore, temporary tolerances for residues of PCB's as unavoidable environmental or industrial contaminants are established for a sufficient period of time following the effective date of this paragraph to permit the elimination of such contaminants at the earliest practicable time. For the purposes of this paragraph, the term "polychlorinated biphenyls (PCB's)" is applicable to mixtures of chlorinated biphenyl compounds, irrespective of which mixture of PCB's is present as the residue. The temporary tolerances for residues of PCB's are as follows:

(1) 0.2 part per million in finished animal feed for food-producing animals (except the following finished animal feeds: feed concentrates, feed supplements, and feed premixes);

(2) 2 parts per million in animal feed components of animal origin, including fishmeal and other by-products of marine origin and in finished animal feed concentrates, supplements, and premixes intended for food-producing animals.

(3) 10 parts per million in paper food-packaging material intended for or used with finished animal feed and any components intended for animal feeds. The tolerance shall not apply to paper food-packaging material separated from the food therein by a functional barrier which is impermeable to migration of PCB's.

(b) A compilation entitled "Analytical Methodology for Polychlorinated Biphenyls, February 1973" for determining



compliance with the tolerances established in this section is available from the Hearing Clerk, Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, MD 20857.

NOTE: At 38 FR 22794, August 24, 1973, the following appeared concerning § 509.30(a) (9) (formerly § 122.10(a) (9)):

• • • § 509.30(a) (9) is hereby stayed pending

full review of the objections and requests for hearing. • • •

In the interim, as stated in the final order (38 FR 18098) the Food and Drug Administration will enforce the temporary tolerance level established by § 509.30(a) (9) by seizing any paper food-packaging material shipped in interstate commerce after September 4, 1973 containing higher than the specified level of PCB's as adulterated in violation of sec. 402 of the act.

Subpart C—Naturally Occurring Poisonous or Deleterious Substances—[Reserved]

Effective date: These regulations shall become effective October 31, 1977.

Dated: September 23, 1977.

DONALD KENNEDY,  
Commissioner of Food and Drugs.

[FR Doc.77-28578 Filed 9-29-77; 8:45 am]

FRIDAY, SEPTEMBER 30, 1977

PART VIII



# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing  
Administration

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## HEALTH CARE

Consolidation and Reorganization  
of Provisions

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## [ 4110-07 ]

## Title 20—Employees' Benefits

CHAPTER II—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED (1965.....)

Transfer and Recodification of Medicare Regulations

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Final rule.

SUMMARY: This regulation deletes the contents of 20 CFR Part 405, relating to the Medicare program under title XVIII of the Social Security Act. The regulations under this Part 405 are being recodified under a newly created Chapter IV under title 42 of the Code of Federal Regulations, elsewhere in this Part. This recodification will bring together in a single chapter the regulations governing the three major programs of the Health Care Financing Administration (42 FR 13262).

The transfer will make the regulations more accessible and preclude confusion that now exists because of the codification under three different chapters under three different titles.

DATE: This regulation is effective on October 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Luisa V. Iglesias, 202-245-0950.

SUPPLEMENTARY INFORMATION: Regulations under 20 CFR Parts 401, 404, Subpart J, and 422 continue to apply to the Medicare program. Applicable provisions of these regulations will be recodified later under the new 42 CFR Chapter IV.

20 CFR is amended by vacating Part 405 and redesignating its content as Subchapter B, Part 405 of 42 CFR Chapter IV.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).)

(Catalog of Federal Domestic Assistance Program Nos. 13.800, Health Insurance for the Aged—Hospital Insurance and 13.801, Health Insurance for the Aged—Supplementary Medical Insurance.)

NOTE: The Health Care Financing Administration has determined that this regulation does not require preparation of an economic impact statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Dated: September 13, 1977.

ROBERT A. DERZON,  
Administrator, Health Care  
Financing Administration.

Approved: September 26, 1977.

JOSEPH A. CALIFANO, Jr.,  
Secretary.

[FR Doc.77-28726 Filed 9-29-77;8:45 am]

## [ 4110- ]

## Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 101—PROFESSIONAL STANDARDS REVIEW

Transfer and Recodification of Regulations on Professional Standards Review Organizations

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Final rule.

SUMMARY: This regulation deletes the contents of 42 CFR Part 101 relating to professional standards review organizations under the Social Security Act. The regulations are being recodified under a newly created Chapter IV of Title 42 of the Code of Federal Regulations elsewhere in this Part. This recodification will bring together in a single chapter the regulations governing the three major programs of the Health Care Financing Administration (42 FR 13264). The transfer will make the regulations more accessible and preclude the confusion that exists because of codification under three different chapters under three different titles.

DATE: This regulation is effective on October 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Luisa V. Iglesias, 202-245-0950.

42 CFR is amended by vacating Part 101, redesignating its content as Subchapter D of a new Chapter IV, redesignating each subpart as a separate part, and redesignating all sections in accordance with the new part numbers.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).)

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance; No. 13.801, Health Insurance for the Aged—Supplementary Medical Insurance.) The Health Care Financing Administration has determined that this regulation does not require preparation of an economic impact statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Dated: September 13, 1977.

ROBERT A. DERZON,  
Administrator, Health Care  
Financing Administration.

Approved: September 26, 1977.

JOSEPH A. CALIFANO, Jr.,  
Secretary.

[FR Doc.77-28727 Filed 9-29-77;8:45 am]

## [ 4110 ]

CHAPTER IV—HEALTH CARE FINANCING ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

HEALTH CARE REGULATIONS—MEDIC-AID; MEDICARE; HEALTH STANDARDS AND QUALITY

Establishment of New Chapter

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Final rule.

SUMMARY: This regulation establishes a new Chapter IV in Title 42 of the Code of Federal Regulations for the Health Care Financing Administration. The new chapter includes regulations pertaining to the new agency, created by the Reorganization order of March 9, 1977 (42 FR 13262), previously contained in three different chapters under three different titles.

Bringing the regulations together in a single chapter will preclude confusion and make the regulations more accessible.

DATE: This regulation is effective October 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Luisa V. Iglesias, 202-245-0950.

42 CFR is amended by establishing a new "Chapter IV—Health Care Financing Administration" with content as follows:

1. Subchapter A—[RESERVED].
2. Subchapter B—Medicare Programs.

This subchapter contains regulations transferred today from 20 CFR Part 405 and redesignated as 42 CFR Part 405—Federal Health Insurance for the Aged and Disabled.

3. Subchapter C—Medical Assistance Programs. This subchapter contains regulations transferred today from 45 CFR Chapter II, Parts 246, 248, 249, 250, 251, and 252 and redesignated as follows:

New	Old
Title 42, Chapter IV Health Care Financing Administration, Subchapter C Medical Assistance Programs.	
Part 446 State Organization—Medical Assistance Program.	Pt. 246
Part 448 Coverage and Conditions of Eligibility for Medical Assistance.	Pt. 248
Part 449 Services and Payment in Medical Assistance Programs.	Pt. 249
Part 450 Administration of Medical Assistance Programs.	Pt. 250
Part 451 Interrelations of Medical Assistance Programs with other Program Agencies.	Pt. 251
Part 452 Medical Assistance Programs: Related Responsibilities.	Pt. 252

4. Subchapter D—Professional Standards Review. This subchapter contains regulations transferred today from 42 CFR Part 101 and redesignated as follows:

New	Old
Title 42, Chapter IV Health Care Financing Administration, Subchapter D Professional Standards Review.	Part 101
Part 460 PSRO Area Designations.	Subpart A
Part 461 Notification and Polling of Physicians.	Subpart B
Part 462—Part 472 (Reserved).	Subpart C—
Part 473 Hearings and Appeals on PSRO Determinations.	Subpart M
Part 474—Part 479 (Reserved).	Subpart O—
Part 480 Advisory Groups to PSRO's.	Subpart U

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).)

(Catalog of Federal Domestic Assistance Program Nos. 13.800, Health Insurance for the Aged—Hospital Insurance; No. 13.801, Health Insurance for the Aged—Supplementary Medical Insurance; No. 13.714, Medical Assistance Program.)

NOTE: The Health Care Financing Administration has determined that this regulation does not require preparation of an economic impact statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Dated: September 13, 1977.

ROBERT A. DERZON,  
Administrator, Health Care  
Financing Administration.

Approved: September 26, 1977.

JOSEPH A. CALIFANO, Jr.,  
Secretary.

[FR Doc.77-28725 Filed 9-29-77;8:45 am]

## [ 4110- ]

## Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 246—STATE ORGANIZATION—MEDICAL ASSISTANCE PROGRAMS

PART 248—COVERAGE AND CONDITIONS OF ELIGIBILITY FOR MEDICAL ASSISTANCE

PART 249—SERVICES AND PAYMENT IN MEDICAL ASSISTANCE PROGRAMS

PART 250—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

PART 251—INTERRELATIONS OF MEDICAL ASSISTANCE PROGRAMS WITH OTHER PROGRAMS OR AGENCIES

PART 252—MEDICAL ASSISTANCE PROGRAMS: RELATED RESPONSIBILITIES

Transfer and Recodification of Medicaid Regulations

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Final rule.

SUMMARY: This regulation deletes the contents of 45 CFR, Parts 246, 248, 249, 250, 251, and 252 relating to the Medicaid program under title XIX of the Social Security Act. The regulations under these parts are being recodified under a newly created Chapter IV of title 42 of the Code of Federal Regulations, elsewhere in this Part. This recodification will bring together in a single chapter the regulations governing the three major programs of the Health Care Financing Administration (42 FR 13262). The transfer will make the regulations more accessible and preclude confusion that now exists because of codification under

three different chapters under three different titles.

DATE: This regulation is effective on October 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Luisa V. Iglesias, 202-245-0950.

SUPPLEMENTARY INFORMATION: Federal regulations under 45 CFR Parts 201, 204, 205, 206, and 225 continue to apply to Medicaid. These will later be recodified and transferred to the new 42 CFR Chapter IV.

45 CFR is amended by vacating Parts 246, 248, 249, 250, 251 and 252; redesignating their content as Parts 446, 448, 449, 450, 451 and 452 under subchapter C of 42 CFR Chapter IV; and redesignating all sections of each part in accordance with the new part numbers.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).)

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program.)

NOTE.—The Health Care Financing Administration has determined that this regulation does not require preparation of an economic impact statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Dated: September 13, 1977.

ROBERT A. DERZON,  
Administrator, Health Care  
Financing Administration.

Approved: September 26, 1977.

JOSEPH A. CALIFANO, Jr.,  
Secretary.

[FR Doc.77-28728 Filed 9-29-77;8:45 am]



# **federal register**

**FRIDAY, SEPTEMBER 30, 1977**

**PART IX**



## **DEPARTMENT OF LABOR**

**Employment Standards  
Administration**

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### **MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION**

**General Wage Determination Decisions**

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## DEPARTMENT OF LABOR

Employment Standards Administration  
MINIMUM WAGES FOR FEDERAL AND  
FEDERALLY ASSISTED CONSTRUCTION  
General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

## MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

## NEW GENERAL WAGE DETERMINATION DECISIONS

Oklahoma ..... OK77-4270  
Tennessee ..... TN77-1120,  
TN77-1121

## MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication

in the FEDERAL REGISTER are listed with each State.

Indiana:  
IN77-2008; IN77-2009 ..... Feb. 11, 1977.  
IN77-2082; IN77-2083; IN77-2084; IN77-2085 ..... May 13, 1977.  
IN77-2101 ..... June 24, 1977.  
Kansas:  
KS77-4079; KS77-4080; KS77-4081 ..... Apr. 8, 1977.  
KS77-4149 ..... July 1, 1977.  
Michigan:  
MI77-2050 ..... May 6, 1977.  
Nevada:  
NV77-5077; NV77-5085 ..... Sept. 23, 1977.  
North Carolina:  
NC75-1019 ..... Jan. 30, 1975.  
NC75-1049 ..... Apr. 25, 1975.  
NC75-1054 ..... May 23, 1975.  
NC75-1115 ..... Dec. 19, 1975.  
NC75-1024 ..... Feb. 13, 1976.  
NC77-1046 ..... Apr. 9, 1976.  
NC76-1068 ..... May 28, 1976.  
NC77-1014 ..... Feb. 4, 1977.  
NC77-1046 ..... Apr. 8, 1977.  
Pennsylvania:  
PA77-3104 ..... July 22, 1977.  
PA77-3107 ..... Aug. 26, 1977.  
Texas:  
TX77-4222 ..... Sept. 23, 1977.  
Wisconsin:  
WI77-2110 ..... July 22, 1977.

## SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Alaska:  
AK77-5052 (AK77-5097) ..... May 20, 1977.  
Arkansas:  
AR77-4107 (AR77-4287) ..... June 3, 1977.  
AR77-4112 (AR77-4285) ..... June 10, 1977.  
AR77-4114 (AR77-4288) ..... July 1, 1977.  
AR77-4147 (AR77-4288) ..... July 1, 1977.  
California:  
CA77-5039 (CA77-5090) ..... Apr. 22, 1977.  
CA77-5040 (CA77-5091) ..... May 6, 1977.  
CA77-5041 (CA77-5092) ..... May 6, 1977.  
CA77-5042 (CA77-5093) ..... May 20, 1977.  
CA77-5043 (CA77-5094) ..... May 20, 1977.  
CA77-5044 (CA77-5095) ..... May 20, 1977.  
Connecticut:  
CT76-2172 (CT77-3131) ..... Dec. 28, 1976.  
CT76-2173 (CT77-3132) ..... Dec. 28, 1976.  
Delaware:  
DE77-3042 (DE77-3134) ..... Apr. 1, 1977.  
Georgia:  
GA76-1119 (GA77-1118) ..... Oct. 15, 1976.  
GA77-1005 (GA77-1118) ..... Jan. 28, 1977.  
GA77-1009 (GA77-1117) ..... Jan. 28, 1977.  
Iowa:  
IA76-4172 (IA77-4232); IA76-4175 (IA77-4235); IA76-4172 (IA77-4268) ..... Oct. 15, 1976.  
IA77-4090 (IA77-4224); IA77-4091 (IA77-4227); IA77-4092 (IA77-4228); IA77-4093 (IA77-4229); IA77-4094 (IA77-4230); IA77-4095 (IA77-4233); IA77-4096 (IA77-4234); IA77-4090, IA77-4091, IA77-4092, IA77-4093, IA77-4094, IA77-4095, IA77-4096 (IA77-4268) ..... May 6, 1977.  
IA77-4099 (IA77-4225); IA77-4100 (IA77-4226) ..... May 13, 1977.  
IA77-4099 and IA77-4100 (IA77-4268) ..... May 13, 1977.  
IA77-4209 (IA77-4223); IA77-4214 (IA77-4231); IA

77-4209, IA77-4210; IA77-4211, IA77-4212, IA77-4213, IA77-4214, IA77-4215 (IA77-4268) ..... July 29, 1977.  
Indiana:  
IN77-2018 and IN77-2017 (IN77-2134) ..... Feb. 11, 1977.  
Kentucky:  
KY76-1078 (KY77-1127) ..... July 23, 1976.  
KY76-1112 (KY77-1123); KY76-1113 (KY77-1125) ..... Oct. 1, 1976.  
KY76-1114 (KY77-1124) ..... Oct. 8, 1976.  
KY76-1128 (KY77-1122); KY76-1132 (KY77-1128) ..... Nov. 12, 1976.  
KY77-1035 (KY77-1126) ..... Apr. 8, 1977.  
Kansas:  
MO77-4075 (MO77-4267) ..... Do.  
MO77-4160 (MO77-4266) ..... July 8, 1977.  
Missouri:  
MO77-4033 (MO77-4269) ..... Feb. 18, 1977.  
MO77-4075 (MO77-4267) ..... Apr. 8, 1977.  
MO77-4134 (MO77-4271); MO77-4148 (MO77-4272) ..... July 1, 1977.  
MO77-4160 (MO77-4266) ..... July 8, 1977.  
MO77-4162 (MO77-4279) ..... July 15, 1977.  
Nebraska:  
NE77-4115 (NE77-4282) ..... June 10, 1977.  
NE77-4135 (NE77-4281) ..... July 1, 1977.  
Oklahoma:  
OK77-4150 (OK77-4275) ..... Do.  
OK77-4163 (OK77-4274); OK77-4164 (OK77-4284); OK77-4165 (OK77-4276); OK77-4166 (OK77-4283);

OK77-4167 (OK77-4277); OK77-4168 (OK77-4278); OK77-4171 (OK77-4273) ..... July 29, 1977.  
Rhode Island:  
RI76-2152 (RI77-3113) ..... Nov. 19, 1976.  
Tennessee:  
TN76-1045 (TN77-1087) ..... Apr. 2, 1976.  
TN76-1052 (TN77-1087) ..... Apr. 23, 1976.  
TN76-1061 (TN77-1087) ..... May 4, 1976.  
TN77-1022 (TN77-1114) ..... Mar. 4, 1976.  
Texas:  
TX77-4098 (TX77-4260) ..... May 6, 1977.  
TX77-4137 (TX77-4253) ..... July 1, 1977.  
TX77-4174 (TX77-4236); TX77-4175 (TX77-4237); TX77-4176 (TX77-4238); TX77-4177 (TX77-4239); TX77-4178 (TX77-4240); TX77-4179 (TX77-4241); TX77-4180 (TX77-4242); TX77-4181 (TX77-4253); TX77-4182 (TX77-4244); TX77-4183 (TX77-4245); TX77-4184 (TX77-4246); TX77-4185 (TX77-4247); TX77-4186 (TX77-4248); TX77-4187 (TX77-4249); TX77-4188 (TX77-4250); TX77-4189 (TX77-4251); TX77-4190 (TX77-4252); TX77-4191 (TX77-4254); TX77-4194 (TX77-4255); TX77-4195 (TX77-4256); TX77-4196 (TX77-4280); TX77-4198 (TX77-4257);

TX77-4199 (TX77-4258); TX77-4200 (TX77-4259); TX77-4202 (TX77-4261); TX77-4203 (TX77-4262); TX77-4204 (TX77-4263); TX77-4205 (TX77-4264); TX77-4207 (TX77-4265) ..... Apr. 29, 1977.  
West Virginia:  
WV77-3051 (WV77-3083) ..... Apr. 29, 1977.

## NOTICE

*Effective Immediately.* Due to the cost of publication involved, the Department of Labor will no longer publish the monthly index to general Wage Determination Decisions and Modifications. All users of general wage determination decisions are cautioned to consult the lists of new decisions, modifications, supersedeas decisions, and cancellations published each week in the preamble to the published prevailing wage rates to determine if there have been any changes in the wage determination decisions applicable to their programs.

Signed at Washington, D.C., this 23rd day of September 1977.

RAY J. DOLAN,  
Assistant Administrator,  
Wage and Hour Division.



STATE: Oklahoma  
 COUNTY: Latimer, Leflore, Haskell, Sequoyah and Pushmataha  
 DECISION NO. OK77-4270  
 DATE: Date of Publication  
 DESCRIPTION OF WORK: BUILDING CONSTRUCTION (does not include single family homes and garden type apartments up to and including four stories). Building construction includes construction of sheltered enclosures, with walk-in access for the purpose of housing persons, machinery, equipment or supplies; includes, in all construction of such structures, the installation inside the building of utilities and equipment, both above and below ground level, as well as excavation and foundation.

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$11.50	.35	.75		.015
BOILERMAKERS	10.00	.50	1.00		.02
BRICKLAYERS-STONEMASONS	9.75	.40	.45		.05
CARPENTERS:					
Area I	7.60	.45	.40		
Carpenters	8.40	.45	.40		
Millwrights & Pileddrivemen	8.12	.45	.35		.04
Carpenters	8.87	.45	.35		.04
Area III	8.50	.45	.65		.06
Carpenters	9.00	.45	.65		.06
Area IV	7.30				
Carpenters	8.47				

#### CARPENTERS, MILLWRIGHTS & PILEDRIVEMEN AREA DEFINITIONS

AREA I  
 That portion of Leflore County south of the northern boundary of the Ouachita National Forest; Latimer County and that portion of Haskell County south of Highway 9  
 AREA II  
 That portion of Leflore County east of Highway 32 with the line extending south of the Highway 32 to Highway 9 and the northern portion of Leflore County north of the Ouachita National Forest; Sequoyah County east of Highway 32 excluding the city of Vivan.  
 AREA III  
 Remainder of Haskell and Sequoyah Counties  
 AREA IV  
 Pushmataha County

CEMENT MASONS: Leflore County	8.67	.25			
Pushmataha, Latimer & Haskell Co.	7.00				
Sequoyah County	8.55				
ELECTRICIANS: AREA I	9.90	.35	3%+5.5%		1/42
Electricians	10.15	.35	3%+5.5%		1/42
Cable splicers					

DECISION NO. OK77-4270

Page 2

#### ELECTRICIANS (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Area II	\$10.33	.60	3%		1/2%
Electricians	10.73	.60	3%		1/2%
Cable splicers					
Area III	10.63	.60	3%		1/2%
Electricians	11.03	.60	3%		1/2%
Cable splicers					

#### ELECTRICIANS-CABLE SPlicERS AREA DEFINITIONS

AREA I  
 Braden, Pocola and Spiro Townships only in Leflore County; That part of Sequoyah County east of Brent, Prices, Chapel, Rocky Mount and Sallisaw.  
 AREA II  
 That part of Sequoyah County within a five mile radius of the Post Office in Sallisaw.  
 AREA III  
 Remainder of Leflore County; Remainder of Sequoyah County; All of Haskell, Pushmataha and Latimer Counties.

GLAZIERS	9.16	.50	.30		.01
IRONWORKERS	10.10	.45	.65		.12
LABORERS:(Haskell, Leflore and Sequoyah Counties):					
Area I	6.40	.25	.40		
Area II	6.70	.25	.40		
Area III	6.90	.25	.40		
Area IV	6.90	.25	.40		
LABORERS:(Latimer & Pushmataha Counties):					
Area I	6.10	.25	.40		
Area II	6.40	.25	.40		
Area III	6.60	.25	.40		
Area IV	6.60	.25	.40		

#### LABORERS CLASSIFICATION DEFINITION

AREA I  
 Unskilled laborers  
 AREA II  
 Semi-skilled laborers, mason tenders, mortar mixers, air tool operator, (jackhammer, vibrator), pipelayers, concrete and clay, sewer drain, and plasterer tenders.  
 AREA III  
 Wagon drill operator  
 AREA IV  
 Powderman or blasterers

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977

DECISION NO. OK77-4270

Page 4

#### TRUCK DRIVERS CLASSIFICATION DEFINITIONS

GROUP I  
 Pick-up 1½ tons, or 2½ yards and up to but not including 3 tons or 4 yards, such as dump trucks, flat beds, stake bodies and buses  
 GROUP II  
 3 tons or 4 yards and up to but not including 4 tons or 6 yards  
 GROUP III  
 5 tons or 6 yards and over including heavy equipment such as pole trucks, which trucks, euclids, Mississippi wagons, semi-dumps, turner pulls, or other heavy material moving equipment, tractor trailer drivers and similar equipment, such as tractors, ten wheelers  
 GROUP IV  
 Ready-mix concrete trucks up to but not including 3 yards  
 GROUP V  
 Ready-mix concrete trucks 3 yards and over

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
POWER EQUIPMENT OPERATORS:					
Group I	\$10.75	.45	.50		.12
Group II	10.50	.45	.50		.12
Group III	10.25	.45	.50		.12
Group IV	10.00	.45	.50		.12
Group V	9.75	.45	.50		.12
Group VI	9.50	.45	.50		.12
Group VII	9.25	.45	.50		.12
Group VIII	8.85	.45	.50		.12
Group IX	8.50	.45	.50		.12
Group X	8.50	.45	.50		.12
Group XI	8.25	.45	.50		.12

#### POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I  
 All crane type equipment with 250' of boom or over (including jib)  
 GROUP II  
 All crane type equipment with 200' of boom or over (including jib)  
 GROUP III  
 All crane type equipment with 150 - 200' of boom (including jib)  
 GROUP IV  
 All crane type equipment with 100 - 150' of boom (including jib), all tower cranes and all crane type equipment of 3 cu. yd. or more (as rated by mfg), sideboom (booms (30' & over), guy derrick  
 GROUP V  
 Heavy duty mechanic, welder, crane-hood & overhead monorail, whirley, panel board, batch plant operator, piledriver engineer, dragline, shovel, clamshell, backhoe (3/4 yd & over); sideboom (under 30'), gradeall, hydro crane, cherry picker, hoist while operating 2 or more drums, hoists while doing stacks & chimney work (1 or 2 drums), power driven hole digger (with 30' and longer mast)

DECISION NO. OK77-4270

Page 3

#### LINE CONSTRUCTION:

Lineman  
 Cable splicers  
 Hole digger operator  
 Heavy equipment operator (or pole cat equivalent)  
 Line truck driver (winch op.)  
 Jackhammer man  
 Powderman  
 Groundman (1st year)  
 Groundman  
 Truck driver (Flat bed, ton and half and under)  
 MARBLE SETTERS  
 TILE & TERRAZZO WORKERS  
 TITL & TERRAZZO FINISHERS:  
 Experienced finishers  
 Floor machine operator  
 Base machine operator  
 PAINTERS:  
 Brush & roller  
 Highwork and stage  
 Sandblasting & spray painting  
 Hot or bituminous  
 Hazardous work  
 Sheetrock power tools  
 PLASTERERS:  
 Leflore County  
 Sequoyah County  
 Pushmataha County  
 Haskell Counties

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Lineman	\$ 9.95		3%		1/2%
Cable splicers	10.44		3%		1/2%
Hole digger operator	8.94		3%		1/2%
Heavy equipment operator (or pole cat equivalent)	8.94		3%		1/2%
Line truck driver (winch op.)	8.94		3%		1/2%
Jackhammer man	8.09		3%		1/2%
Powderman	7.37		3%		1/2%
Groundman (1st year)	8.94		3%		1/2%
Groundman	5.12		3%		1/2%
Truck driver (Flat bed, ton and half and under)	6.57		3%		1/2%
MARBLE SETTERS	7.02		3%		1/2%
TILE & TERRAZZO WORKERS	9.90		.30		
TITL & TERRAZZO FINISHERS:	9.90		.30		
Experienced finishers	8.19				
Floor machine operator	8.30				
Base machine operator	8.51				
PAINTERS:					
Brush & roller	8.25		.40	.20	.07
Highwork and stage	8.65		.40	.20	.07
Sandblasting & spray painting	8.90		.40	.20	.07
Hot or bituminous	8.55		.40	.20	.07
Hazardous work	10.40		.40	.20	.07
Sheetrock power tools	8.60		.40	.20	.07
PLASTERERS:					
Leflore County	8.85				.02
Sequoyah County	9.65				.01
PUSHMATAHA & PIPEFITTERS:					
Pushmataha County	10.97	.60	.85		.10
Leflore, Sequoyah, Latimer and Haskell Counties					.15
ROOFERS	11.50	.50	.80		.15
SHEET METAL WORKERS	9.15	.60	.25		.15
SOFT FLOOR LAYERS	9.53	.50	.66		.15
SPRINKLER FITTERS	7.71	.35	.95		.15
TRUCK DRIVERS:	11.15	.65			.15
Group 1	8.03				
Group 2	8.13				
Group 3	8.23				
Group 4	8.18				
Group 5	8.33				

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977



GROUP VI

Motor patrol (blade), fork lift (35' & over), dozer (engine h.p. 65 or over) fordon tractor or like equipment with hoe or loader equipment or ditcher, searap type equipment, toumapull, DW 10, 15, 16, 20, 21 and similar rubber tired equipment, euclid, TS-26 and similar, loader operator or Hi-lift (engine h.p. 65 or over), asphalt lay machine, tail boom, conveyor-multiple, panel board control, powder driven hole digger with less than 30' mast, trenching machine, concrete pump-boom type - Engineers for machine not listed under the above classifications shall receive the scale comparable to these classifications

GROUP VII

Locomotive engineer, boring machine, tug boat, mixer, 18 cu. ft. and over, sand barge, dredging machine, tugger, hoist - when operating one drum, welding machine, 3 to 6, air compressor, 3 to 5, 500 cu. ft. & under, air compressor, over 500 cu. ft. (1) pump, battery, 3 to 6, fork-lift, bobcat and similar equipment, generator plant engineer, diesel elec., winch truck with A-frame, roller, all types, outside elevator or building type of personnel, hoist, concrete buster or tamper, heaters under jurisdiction of Operating Engineers, fireman, boiler operator, crushing plants, oiler distributor, pulverizer, farmer tractor with or without attachments, batch plant operator (portable), conveyor-operator dual, continuous or belt bulk handling, screed operator, concrete pump, form grader, screening plant, well point pump operator, signal man on large wharfs when and if required, operator for rotary drilling machines when operated from console or machines -- Engineers for machines not listed under the above classifications shall receive the scale comparable to those classifications

GROUP VIII

Greaser, tilt top trailer operator

GROUP IX

Permanent elevator - building type (automatic), concrete mixer, with hopper less than 18 cu. ft., air compressor, 500 cu. ft., and under (1 or 2), welding machine (1 or 2) pump (1 or 2), fuelman, conveyor operator-single-continuous belt bulk handling

GROUP X

Asphalt lay machine back end man, mechanic helper and welder helper

GROUP XI

Truck crane oiler driver or track crane oiler

FOOTNOTES:

a. PAID HOLIDAYS

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;

E-Thanksgiving Day; F-Christmas Day.

NOTICES

52880

NEW DECISION

STATE: Tennessee  
DECISION NO.: TN77-1120  
COUNTY: see below  
DATE: Date of Publication  
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments of 4 stories or less).

\*Coffee County, Tennessee (excluding Arnold Air Force Base and Arnold Engineering Development site).

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Pensions	Vacation	
Bricklayers	6.00				
Carpenters	5.60				
Cement masons	4.75				
Electricians	5.70				
Glaziers	8.05	.50	.50		.02
Ironworkers	5.50				
Laborers	3.25				
Latheers	6.50				
Painters	4.70				
Plasterers	6.00				
Roofers	5.16				
Sheet metal workers	3.25				
Soft floor layers	4.00			.08	
Tile setters	6.50				
Truck drivers	5.75				
	3.50				
Welders - Rate for craft.					
POWER EQUIPMENT OPERATORS:					
Bulldozers	4.00				
Paving machine	5.00				
Rollers	5.35				
Tractors	4.38				

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977

NEW DECISION

STATE: Tennessee  
DECISION NUMBER: TN77-1121  
COUNTY: Bradley  
DATE: Date of Publication  
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments of 4 stories or less).

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Pensions	Vacation	
Bricklayers	7.50				
Carpenters	5.50				
Cement masons	5.50				
Electricians	9.05				
Glaziers	8.14	.60	14+ .30	.40	.10
Ironworkers	6.70				
Structural Reinforcing	5.50				
Laborers:					
Mason tenders	4.00				
Mortar mixers	4.00				
Unskilled	4.00				
Lathers	8.70				
Painters	5.00				
Plumbers; Pipefitters, & Steamfitters	7.55				
Roofers	4.00				
Sheet metal workers	4.50				
Terrazzo workers	6.70				
Sprinkler fitters	7.08	.10	.36		
Tile setters	7.63				
Truck drivers	4.35				
POWER EQUIPMENT OPERATORS:					
Bulldozers	5.50				
Crane	5.50				
Motor grader	5.125				

MODIFICATIONS P. 1

DECISION NO. IN77-2008 - Mod. #5  
(42 FR 8908 - February 11, 1977)  
Decatur County, Indiana

Change:  
Asbestos workers  
Boilermakers

DECISION NO. IN77-2009 - Mod. #4  
(42 FR 8910 - February 11, 1977)  
Clark, Floyd, & Harrison Counties, Indiana

Change:  
Plumbers; Steamfitters

DECISION NO. IN77-2082 - Mod. #4  
(42 FR 24598 - May 13, 1977)  
Lake, LaPorte, Porter, & St. Joseph Counties, Indiana

Change:  
Boilermakers  
Bricklayers:  
Lake, LaPorte, & Porter Cos.:  
Tile setters  
Electricians:  
Lake Co.  
Roofers:  
LaPorte & St. Joseph Cos.:  
Composition, Damp & water-proof  
Slate, Tile & Asbestos

Omit:  
Line Construction schedule  
Add:  
Line Construction schedule

NOTICES

52881

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977







DECISION NO. INT7-2101 - Mod. #2  
(42 FR 32460 - June 24, 1977)  
Allen, Bartholomew, Benton,  
Dearborn, Delaware, Grant,  
Marion, Monroe, Tippecanoe,  
Vanderburgh, & Vigo Counties,  
Indiana

Change:  
Asbestos workers:  
Bartholomew, Benton,  
Marion, Monroe, Tippecanoe, &  
& Vigo Cos.  
Boilermakers:  
Remarking Cos.  
Bricklayers; Marble setters;  
Stonemasons; Terrazzo workers;  
& Tile setters:  
Marion Co.;

Marble setters; Tile  
setters  
Carpenters; Millwrights;  
Piledrivers; & Soft floor  
layers:  
Benton & Tippecanoe Cos.;

Electricians:  
Benton & Tippecanoe Cos.  
Grant Co.  
Plumbers; Steamfitters:  
Grant Co.  
Monroe Co.  
Roofers:  
Vanderburgh Co.;

Composition  
Concrete slab & gypsum plant  
Slate & Tile

Omit:  
Line Construction schedule:  
Allen, Bartholomew, Benton,  
Dearborn, Delaware, Grant,  
Marion, Monroe, Tippecanoe,  
& Vigo Cos.

Add:  
Line Construction schedule

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$12.00	.50	.55			.01
12.55	.80	1.00			.03
10.81	.40	.35			.04
10.21	.60	.40			.02
11.35	.50	3%			1/2
11.15	.40	3%+.30			.2%
11.60	.50	.70			.15
11.35	.50	.85			.15
10.03	.50	.40			
10.28	.50	.40			

IND-IG-AREA 1

LINE CONSTRUCTION  
EXCLUSIVE OF CALUMET AREA

Linemen; Technicians  
Heavy equipment operator "A"  
Heavy equipment operator "B"  
Powder man & equipment mechanic  
Senior groundman truck driver w/w  
Groundman truck driver w/o winch  
Senior groundman after 5 years  
Senior groundman after 12 months  
Groundman 0-12 months

CALUMET AREA

Linemen; Technicians  
Heavy equipment operator "A"  
Heavy equipment operator "B"  
Powder man & equipment mechanic  
Senior groundman truck driver w/w  
Groundman truck driver w/o winch  
Senior groundman after 5 years  
Senior groundman after 12 months  
Groundman 0-12 months

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
\$ 9.68	.65	3%			.5%
9.19	.45	3%			.5%
7.57	.45	3%			.5%
7.59	.45	3%			.5%
6.32	.45	3%			.5%
6.07	.45	3%			.5%
5.32	.45	3%			.5%
6.06	.45	3%			.5%
5.89	.45	3%			.5%
4.99	.45	3%			.5%
9.98	.45	3%			.5%
9.26	.45	3%			.5%
7.63	.45	3%			.5%
7.45	.45	3%			.5%
6.43	.45	3%			.5%
6.14	.45	3%			.5%
5.39	.45	3%			.5%
6.18	.45	3%			.5%
6.01	.45	3%			.5%
5.09	.45	3%			.5%

DECISION #MS77-4079 - Mod. #4  
(42 FR 18803 - April 8, 1977)  
Shawnee County, Kansas

Change:  
Boilermakers  
Plumbers; pipefitters  
Roofers:  
Roofers flat, slate and tile;  
dampproofers & waterproofers  
Roofers working in pitch, tar  
or creosote, coal  
Sheet metal workers

DECISION #MS77-4080 - Mod. #4  
(42 FR 18806 - April 8, 1977)  
Shawnee County, Kansas

Change:  
Boilermakers  
Plumbers; pipefitters  
Roofers; flat, slate & tile  
dampproofers & waterproofers  
Roofers working in pitch, tar  
or creosote, coal  
Sheet metal workers

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$11.00	1.15	1.00			.02
11.43	.75	.65			.04
10.26		.60			
11.11	3%+.50	.60			.04
10.34		1.10			
11.00	1.15	1.00			
11.43	.75	.65			.02
10.26		.60			.04
11.11	3%+.50	.60			.04
10.34		1.10			

DECISION #MS77-4081 - Mod. #4  
(42 FR 18809 - April 8, 1977)  
Sedgwick County, Kansas

Change:  
Boilermakers  
Electricians  
Glaziers  
Plasterers  
Pipefitters; plumbers

DECISION #MS77-4149 - Mod. #1  
(42 FR 34188 - July 1, 1977)  
Leavenworth County, Kansas

Change:  
Boilermakers  
Cement masons  
Electricians:  
Zone 1  
Glaziers  
Line Construction:  
Zone 2  
Lineman  
Lineman operator  
Groundman powderman  
Groundman (1st 6 mos.)  
Marble & tile setters, helpers  
Plasterers  
Pipefitters  
Roofers  
Truck Drivers (Building Const.):  
Group 1  
Group 2  
Group 3  
Group 4  
Group 5  
Group 6  
Group 7  
Group 8

Omit:  
Roofers helpers:  
1st 6 mos.  
2nd 6 mos.  
3rd 6 mos.  
4th 6 mos.  
5th 6 mos.  
6th 6 mos.  
7th 6 mos.

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$11.00	1.15	1.00			.02
10.50	.60	3%+.25			1/2
9.235	.55	.57	142		.04
9.50					.01
11.12	.75	.85			.04
\$11.00	1.15	1.00			.02
10.025	.40	.50	.50		
11.82	.54	3%+.31	.95		.06
9.90	.55	.59	16.48%		.03
12.28	.45	3%+.15			1/2
11.43	.45	3%+.15			1/2
8.52	.45	3%+.15			1/2
8.09	.45	3%+.15			1/2
6.93	.45	3%+.15			1/2
11.23	5%	4.25%			
9.65					
11.90	.62	1.35			.12
12.22	.65	.60			.14
10.30					
9.325	.75	1.00			
9.375	.75	1.00			
9.45	.75	1.00			
9.575	.75	1.00			
9.475	.75	1.00			
9.675	.75	1.00			
9.525	.75	1.00			
9.425	.75	1.00			
5.88	.45	.60			.04
6.37	.45	.60			.04
6.86	.45	.60			.04
7.35	.45	.60			.04
7.84	.45	.60			.04
8.33	.45	.60			.04
8.82	.45	.60			.04



Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
DECISION #H177-2050 - Mod. #4 (42 FR 23369 - May 6, 1977) Alcona, Alpena, Charlevoix, Emmet, Grand Traverse, Lee- Lanau, Mason, Montmorency, Muskegon, Oceana, Oscoda & Presque Isle Counties, Michigan				
CHANGE: Muskegon & Oceana Counties: Marble Masons Terrazzo & Tile Workers	\$8.35 8.10	.55 .55 .70 .70		
ADD: Under Truck Drivers: Muskegon & Oceana Counties: Truck Drivers	6.71	b19.00		

DECISION NO. NV77-5077 - Mod. #1  
 (42 FR - September 23, 1977)  
 Statewide (does not include the  
 Nevada Test Site and Tonopah  
 Test Range, and highway con-  
 struction in Douglas County),  
 Nevada

Change:  
 Laborers:  
 Remaining Counties:  
 Building construction:  
 Zone 1: Area within 5 road  
 miles of the following com-  
 munities - Carson City,  
 Elko, Fallon, Hawthorne,  
 Lovelock, Minden, Tonopah,  
 Winnemucca; also area with-  
 in 10 road miles of Reno,  
 Nevada; also the area within  
 2 road miles of Yerington,  
 Nevada; also Washoe Valley  
 between Reno, Nevada, and  
 Carson City, Nevada, but  
 not including any area fur-  
 ther than the foot of the  
 mountains to the east or  
 west side of Washoe Valley;  
 also the area of Stead Air  
 Force Base; also the Tahoe  
 Basin from the Summit to the  
 Lake:  
 Group 1  
 Group 2  
 Group 3  
 Group 4  
 Group 5  
 Group 6-A  
 Group 6-B  
 Group 6-C

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$8.20	.80	.90		.10
8.30	.80	.90		.10
8.45	.80	.90		.10
8.70	.80	.90		.10
9.00	.80	.90		.10
9.00	.80	.90		.10
8.70	.80	.90		.10
8.35	.80	.90		.10

	Basic Hourly Rates	Fringe Benefits Payments			Education Appr. Tr.
		H & W	Pensions	Vacation	
Change (Cont'd): Laborers (Cont'd); Remaining Counties (Cont'd); Building Construction (Cont'd); Zone 2: Area outside of Zone 1 and not more than 20 road miles from the communities listed in Zone 1: Group 1 Group 2 Group 3 Group 4 Group 5 Group 6-A Group 6-B Group 6-C Zone 3: Area over 20 and not more than 40 road miles from the communities listed in Zone 1: Group 1 Group 2 Group 3 Group 4 Group 5 Group 6-A Group 6-B Group 6-C Zone 4: Area over 40 road miles from the communities listed in Zone 1: Group 1 Group 2 Group 3 Group 4 Group 5 Group 6-A Group 6-B Group 6-C	\$8.80 8.90 9.05 9.30 9.60 9.60 9.30 8.95  9.00 9.10 9.25 9.50 9.80 9.80 9.50 9.15  9.70 9.80 9.95 10.20 10.50 10.50 10.20 9.85	.80 .80 .80 .80 .80 .80 .80 .80  .80 .80 .80 .80 .60 .80 .80  .80 .80 .80 .80 .80 .80 .80  .80 .80 .80 .80 .80 .80 .80  .80 .80 .80 .80 .80 .80 .80	.90 .90 .90 .90 .90 .90 .90 .90  .90 .90 .90 .90 .90 .90 .90  .90 .90 .90 .90 .90 .90 .90  .90 .90 .90 .90 .90 .90 .90	.10 .10 .10 .10 .10 .10 .10 .10  .10 .10 .10 .10 .10 .10 .10  .10 .10 .10 .10 .10 .10 .10  .10 .10 .10 .10 .10 .10 .10	

DECISION #NV77-5077 (Cont'd):

Change (Cont'd):  
 Laborers (Cont'd):  
 Remaining Counties (Cont'd):  
 Heavy and highway con-  
 struction:  
 Area 1:  
 Group 1  
 Group 2  
 Group 3  
 Group 4  
 Group 5  
 Group 6-A  
 Group 6-B  
 Group 6-C  
 Area 2:  
 Group 1  
 Group 2  
 Group 3  
 Group 4  
 Group 6-  
 Group 6-A  
 Group 6-B  
 Group 6-C  
 Plasterers:  
 Remaining Counties:  
 Power Equipment Operators:  
 (Except Pile-driving and Steel  
 Erection):  
 Clark, Esmeralda, Lincoln,  
 Nye Counties:  
 Group 1  
 Group 2  
 Group 3  
 Group 4  
 Group 5  
 Group 6  
 Group 7  
 Group 8  
 Group 9

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$8.20	.80	.90		.10
8.30	.80	.90		.10
8.45	.80	.90		.10
8.70	.80	.90		.10
9.00	.80	.90		.10
9.00	.80	.90		.10
8.70	.80	.90		.10
8.35	.80	.90		.10
9.35	.80	.90		.10
9.45	.80	.90		.10
9.60	.80	.90		.10
9.85	.80	.90		.10
10.15	.80	.90		.10
10.15	.80	.90		.10
9.85	.80	.90		.10
9.50	.80	.90		.10
11.22	.70	1.00		.03
10.70	1.00	2.00	.50	.14
10.98	1.00	2.00	.50	.14
11.27	1.00	2.00	.50	.14
11.41	1.00	2.00	.50	.14
11.63	1.00	2.00	.50	.14
11.74	1.00	2.00	.50	.14
11.86	1.00	2.00	.50	.14
12.03	1.00	2.00	.50	.14
12.16	1.00	2.00	.50	.14



DECISION #NV77-5085 - Mod. #1 (42 FR - September 23, 1977) Clark County (does not include the Nevada Test Site), Nevada  Change: Power Equipment Operators: (Except Pile-driving and Steel Erection): Group 1 Group 2 Group 3 Group 4 Group 5 Group 6 Group 7 Group 8 Group 9	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
	\$10.70	\$1.00	\$2.00	.50		
	10.98	1.00	2.00	.50		
	11.27	1.00	2.00	.50		
	11.51	1.00	2.00	.50		
	11.63	1.00	2.00	.50		
	11.74	1.00	2.00	.50		
	11.86	1.00	2.00	.50		
	12.03	1.00	2.00	.50		
	12.16	1.00	2.00	.50		.14

Decision #NC75-1019 - Mod. #2 (41 FR-4796 - January 30, 1975) Gartret, Craven, Jones, Lenoir, Onslow, & Pamlico Counties, North Carolina  Change: Sprinkler fitters: Gartret County Onslow County  Decision #NC75-1049 - Mod. #2 (40 FR-18273 - April 25, 1975) Chatham, Harnett, Lee and Moore Counties, North Carolina  Change: Sprinkler fitters: Chatham & Lee Counties  Decision # NC75-1054 - Mod. # 3 (40 FR-22723 - May 23, 1975) New Hanover County, North Carolina  Change: Sprinkler fitter  Decision # NC75-1115 - Mod. # 2 (41 FR-59177 - December 19, 1975) Mecklenburg County, North Carolina  Change: Sprinkler fitters	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
	7.70	.65	.95			
	5.375					
	7.70	.65	.95			.08

Decision # 76-NC-1024 - Mod. # 1. (41 FR-6945 - February 13, 1976) Cumberland County, North Carolina  Change: Sprinkler fitters  Decision #NC76-1046 - Mod. #1 (41 FR-13231 - April 9, 1976) Edgecombe, Greene, Johnston, Nash, and Wilson Counties, North Carolina  Change: Sprinkler fitters: Wilson County  Decision # NC76-1068 - Mod. # 1 (41 FR-22011 - May 20, 1976) Wilkes County, North Carolina  Change: Sprinkler Fitters  Decision NC77-1014 - Mod. # 1 (41 FR-7065 - February 4, 1977) Burke County, North Carolina  Change: Sprinkler fitters	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
	7.70	.65	.95		.08	
	7.70	.65	.95		.08	

Decision # NC77-1046 - Mod. # 1 (42 FR-18778 - April 8, 1977) Durham County, North Carolina  Add: Sprinkler fitters  Change: Plumbers  DECISION #PA77-3104 - Mod. #3 (42 FR - 37762 - July 22, 1977) Lancaster County, Pennsylvania  Change: Painters: Elizabeth Dowetal Township Brush Steel Spray  DECISION #PA77-3107 - Mod. #2 (42 FR 43353 - August 26, 1977) Bucks, Chester, Delaware, Montgomery, Philadelphia Counties, Pennsylvania  Change: Decision #PA77-3016 on MODIFICATION NO. ONE TO READ: Decision No. PA77-3107	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
	7.70	.65	.95		.08	
	5.33					







Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$17.70	.65	1.60			.05
17.95	.65	1.60			.05
17.85	.65	1.60			.05
17.97	.65	1.60			.05
18.47	.65	1.60			.05
18.23	.65	1.60			.05
18.45	.65	1.60			.05

PAINTERS: (Cont'd)  
Zone 2;  
Brush, roller, paper and vinyl hangers  
Utilidor, swing, bosun, sign  
Structure, tar, finish, metal spray, structural steel  
Tapers (hand)  
Tapers (machine)  
Buffer operator  
Hardwood finisher  
Zone 1, 2, and 3;  
Height Pay: All work on any form of scaffolding or staging over 40 ft. will be paid \$1.25 more per hour, and for every additional 20 ft. \$.25 more per hour will be paid to the employee. The height of work shall be determined from the ground to the point of hook-up.  
AREAS II and III  
Hardwood Floor Sander or Finisher; Brush, Roller and Sign Painter  
Paper and Vinyl Hanger  
Swing Stage  
Structural steel; Tapers and Drywall sander  
Pot Tenders; Sandblasters; Spray  
Epoxy and tar applicator  
Steeplejack; Tower painters

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$15.50	.60	2.35			.15
18.42	.85	1.30			.45
16.85	.73	1.40			.15
16.50	1.00	1.70			.10
14.32	.73	1.40			.15
15.60	1.40	2.20			.05
15.30	1.40	2.20			.05
18.99	.57	1.00			.17
18.36	.61	1.00			.15
16.67	.70	1.65			.10
16.04	.70	1.65			.10
15.82	.65	.95			.08
14.45	.88	3.00			.05
13.21	.88	3.00			.05
12.66	.88	3.00			.05
12.66	.88	3.00			.05
12.23	.88	3.00			.05
12.83	.90	2.25			.09
15.01	.90	2.45			.09

PAINTERS: (Cont'd)  
Height Pay: All classifications, with the exception of steeple jacks and tower painters, a \$.25 hourly premium shall be paid for swing stage work on a structure with height in excess of 40 ft. an additional \$.25 per hourly premium shall be paid for each additional 50 ft. there after. Height pay on all towers and steeplejack work shall start at the 150 ft. level. \$.50 per hour above the scale shall be paid for each additional 100 ft.  
PLASTERERS  
PLUMBERS; Steamfitters:  
Area I  
Area II  
Area III  
Residential Construction  
Area II  
ROOFERS:  
Area I  
Area II and III  
SHEET METAL WORKERS:  
Area I  
Area II and III  
SOFT FLOOR LAYERS:  
Area I  
Area II and III  
SPRINKLER FITTERS  
SURVEY CREWS:  
Party Chief  
Instrumentman  
Head Chainman  
Stakehop  
Rear Chainman  
TERRAZZO WORKERS' AND TILE SETTERS' HELPERS  
TILE SETTERS  
RIGGERS: Welder: Receive rates for craft performing operation to which rigging or welding is incidental.

NOTICES

PAID HOLIDAYS:  
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;  
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:  
a. Employer contributes 4% of the basic hourly rate for over 5 years' service and 2% of the basic hourly rate for 6 months to 5 years of service as vacation pay credit. Six paid holidays; A through F.

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$13.10	.60	2.25			.09
13.27	.60	2.25			.09
13.31	.60	2.25			.09
13.34	.60	2.25			.09
13.38	.60	2.25			.09
13.39	.60	2.25			.09
13.44	.60	2.25			.09
13.52	.60	2.25			.09
13.77	.60	2.25			.09
13.80	.60	2.25			.09
13.88	.60	2.25			.09
13.90	.60	2.25			.09
13.91	.60	2.25			.09
14.02	.60	2.25			.09
14.14	.60	2.25			.09
14.27	.60	2.25			.09
13.10	.60	2.25			.09
13.29	.60	2.25			.09
13.60	.60	2.25			.09
14.16	.60	2.25			.09
14.31	.60	2.25			.09
14.55	.60	2.25			.09

NOTICES



LABORERS

Group 1: Building Laborers; Carpenters Tenders; Material Handlers and Hook Tenders; Form Strippers; Signalmen; Riggers; Sandblast Pot Tender; Saw Tenders; General Labor; Dump Man; Pit Man; Brush Cutters, Ditch Diggers; Monolithic Workers; Dryer Man; Window Cleaner; Utiliwalk and Utilidor

Group 2: Base and Floor Machine Man

Group 3: Choke Setters

Group 4: Concrete Labor Including Vibratorman; Power Butty and Concrete Power Saw; Curb and Cutterman; General Crew (Including Plant Crew) Asphalt

Group 5: Pneumatic or Power Tools

Group 6: Stake Hopper; Gradenan; Steampoint or Water Jet Operator

Group 7: Tank Cleaner

Group 8: Jackhammer Operator and Pavement Breaker; Chuck Tender (Wagon and Air Track Drills)

Group 9: Mason Tender and Mud Mixers

Group 10: Gunnite Operator; Pipelayers; Culvert and Multiplate; High Scalar; Sloper (over 20 feet); Chain and Power Saws; Sack or Bulk; Sewer Pipelayer; Sewer Couplers; Timberman; All Monolithic Crews; Pipe Builders; Sandblasters

Group 11: Asphalt Bakers

Group 12: Tenders; Plasterers; Bricklayers; Cement Finisher; Burning and Cutting Torch (except intermittent torch work)

Group 13: Wagon Driller

Group 14: Timber Paller; Air Track Wagon Driller

Group 15: Chain Saw Filer

Group 16: High Riggers and Tree Topper, Powderman

Group 17: TUNNEL OR SHAFT

Class A: Topman and Bull Gang; Brakeman

Class B: Muckers, Laborers; Nippers

Class C: Chuck Tender

Class D: Retimberman

Class E: Miners, Shafts and Raises

Class F: Powderman

POWER EQUIPMENT OPERATORS

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	M & W	Pensions	Vacation	
Group 1	\$ 13.83	.90	2.50	.15
Group 2	14.72	.90	2.50	.15
Group 3	13.76	.90	2.50	.15
Group 4	13.89	.90	2.50	.15
Group 5	14.78	.90	2.50	.15
Group 6	15.56	.90	2.50	.15
Group 7	14.15	.90	2.50	.15
Group 8	13.32	.90	2.50	.15
Group 9	14.21	.90	2.50	.15
Group 10	14.48	.90	2.50	.15
Group 11	13.97	.90	2.50	.15
Group 12	16.31	.90	2.50	.15
Group 13	13.84	.90	2.50	.15
Group 14	14.24	.90	2.50	.15
Group 15	13.74	.90	2.50	.15
Group 16	14.27	.90	2.50	.15
Group 17	14.57	.90	2.50	.15
Group 18	12.71	.90	2.50	.15
Group 19	13.21	.90	2.50	.15
Group 20	14.16	.90	2.50	.15
Group 21	13.48	.90	2.50	.15
Group 22	12.61	.90	2.50	.15
Group 23	13.25	.90	2.50	.15
Group 24	13.42	.90	2.50	.15
Group 25	17.08	.90	2.50	.15
Group 26	17.75	.90	2.50	.15
Group 27	14.41	.90	2.50	.15

DREDGING

Group 1	12.28	.75	2.00	
Group 2	12.41	.75	2.00	
Group 3	13.34	.75	2.00	
Group 4	13.40	.75	2.00	
Group 5	13.46	.75	2.00	
Group 6	13.97	.75	2.00	
Group 7				
(a)	14.75	.75	2.00	
(b)	15.50	.75	2.00	

POWER EQUIPMENT OPERATORS

Group 1: Batch Plant Operator; Batch and Mixer, 200 yards per hour and under; Loaders; Elevating - Achey, Barber Greene and similar types; Overhead and front-end, under 24 yards; Mixers; Concrete Mixers and Batch, 200 yards per hour and under; Pumps; Fuller Kenyon, Pompeette and Concrete, Rollers, Tampers and Vibrators; on Plant or Road Mix materials; Tractor, Farmall types, 50 h.p. and over; Trenching Machines, under 16 inches

Group 2: Batch Plant Operator; Batch and Mixers, over 200 yards; Derricks, all; Drilling Machines, Core, Cable Rotary and Exploration; Mixers; Mobile type with hoist combination; Mucking Machines, Mole, Tunnel Drill and/or Shield

Group 3: Brooms, Power Wayne, Saginaw and similar types; Bulldozers, under D6 or similar; Post Mole Diggers, mechanical; Saw, Concrete; Scrapers; Carryall type, single; Model Sno-cat

Group 4: Bulldozers: D6 through D9 or similar; Bump Cutter (Concut Christensen or similar types); Conveyors

Group 5: Bulldozers: TC 12, Quad 9, Pay Dozers, Linked Pusher, R.D. 41 and/or similar; Bulldozers engaged in Yo Operation; Cableways and Highlines, 3 yards and under; Cranes: "A" Frame Trucks, Deck Winches, single power drum; "A" Frame Trucks; Helicopter; Deck Winches (double power drum); Crawler, truck type, Floating Locomotive, Whirley, either 3 yards and under or 150 boom including jibs and under 45 tons and under; Hydraulic or Transporter, Hystar Cat Cranes and attachments, Sidebooms 45 tons and under; Fork Lifts with power broom and wing attachment; Loaders: Overhead and front-end, 24 yards and under 4 yards; Motor Patrol Graders: Over Model 14 or similar types; Piledriver Engineers, L. B. Foster Puller or similar paving breaker; Power Plant Turbine Operators; 300 K.W. on highway or airfield construction projects or Quarry operators; Saunman-Bagley; Shovels: Crawler and truck type, all attachments, 3 yards and under; Sub Grader (Gardner, C.M.I. and similar types); Tractors, Farmall type, used as Vechoses, Rubber-tired (Ford, Ferguson, Case and similar types); Tournapulls; Caterpillar, Euclid Scrapers and similar type equipment, over 25 yards through 40 yards; Hoyer Crafts, Flex Craft, Helicopter; Cable Car, Boat Coxswain

POWER EQUIPMENT OPERATORS (Cont'd)

Group 6: Cableways and Highways, over 3 yards; Cranes: Crawler, truck type, Floating, Locomotive, Whirley, either over 3 yards and under 6 yards, over 150' boom, including jibs or over 45 tons; Tower Cranes, Pecco, Lorraine, Bucyrus and similar types; Hystar Cat Cranes and attachments, Sidebooms over 45 tons through 100 tons; Loaders: Overhead and front-end, 4 yards up to and including 10 yards; Shovels, Crawler and truck type, all attachments, 3 yards and under 6 yards; Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment over 40 yards through 55 yards; Slip Form Paver, C.M.I. and similar types

Group 7: Cement Hogs; Locomotives: Rod and Geared Engines

Group 8: Compressors: Excavating; Locomotives—Dinkey (air, steam, gas, and electric) Speeders

Group 9: Compressors: Steel Erection Including Sandblasting, Painting or same, Pile Driving, Hoists on Steel Erection (Towers, Mobiles and Air Tuggers); Loaders: Fork Lifts with tower; Scrapers: Carryall, Tandem

Group 10: Conveyors, Beltcrates with power pack and similar; Loaders: Elevating Belt type, Euclid and similar types

Group 11: Cranes: "A" Frame Trucks, Deck Winches, single power drum; Crushers, rock, washing and screening plants; Moist Air Puffers, Elevators; Motor Patrol Graders; Model 14 or similar types and under; Power Plant Turbine Operators: under 300 K.W.; Shovels; Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment 25 yards and under

Group 12: Cranes: Crawler, truck type, Floating, Locomotive, Whirley, either 6 yards or over, or over 200' of boom including jibs or over 150 tons; Hystar Cat Cranes and attachments, Sidebooms over 100 tons; Loaders: Overhead and front-end, over 10 yards; Shovels: Crawler and truck type, all attachments, 6 yards and over; Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment over 55 yards through 70 yards

Group 13: Pile Driving Machine Operator, Concrete Paving, Sidewalk Curb and Gutter Machine; Screen Man or Slurry Operator; Spreaders - Blaw Knox, Cedarapids, Barber Greene, Railroad Wing Spreader or similar types

Group 14: Loaders: Elevating Grader type, Dumor and similar types

Group 15: Loaders: Fork Lifts or Lumber Carrier (on construction job site)



POWER EQUIPMENT OPERATORS (Cont'd)

- Group 16: Mechanics, Welders, Machinists, heavy duty
- Group 17: Mechanic; Leadman
- Group 18: Mechanics' Helpers, heavy duty (shop)
- Group 19: Mechanic, light duty; Rollers, Tampers and Vibrators; Other than plants or road mix (where towed, to pay rate or equipment used to pull); Tractors, Farmall type less than 50 h.p.
- Group 20: Mixers, Asphalt Mixer
- Group 21: Oil, Blower Distributors
- Group 22: Grade Checkers - Oiler combination); Safety Observer or Oiler Rigger
- Group 23: Journeyman Equipment Service Oilers and Fireman; Oiler, either over 3 yards to over 150' boom or over 45 tons
- Group 24: Pumps; Watara
- Group 25: Tournapulla, Caterpillar, Euclid Scrapers and similar types equipment over 70 yards through 85 yards
- Group 26: Tournapulla, Caterpillar, Euclid Scrapers and similar type equipment, over 85 yards through 100 yards
- Group 27: Trenching Machines: 16 inches and over or Remote controlled underwater trenching
- Group 1: Assistant Mate (Deckhand)
- Group 2: Fireman; Oiler
- Group 3: Assistant Engineer (electric, diesel, steam of booster pumps); Mates and Boatmen
- Group 4: Engineer Welder; Crane-man
- Group 5: Assistant Engineer (electric generator operator for primary pump, power barge, or dredge)
- Group 6: Leverman, Hydraulic
- Group 7: Leverman, Dipper

POWER EQUIPMENT OPERATORS - DREDGING

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Group 1	\$13.22	.88	\$ 3.00		.10
Group 2	13.28	.88	3.00		.10
Group 3	12.75	.88	3.00		.10
Group 4	13.60	.88	3.00		.10
Group 5	14.00	.88	3.00		.10
Group 6	14.31	.88	3.00		.10
Group 7	14.60	.88	3.00		.10
Group 8	14.91	.88	3.00		.10
Group 9	15.22	.88	3.00		.10
Group 10	15.53	.88	3.00		.10
Group 11	15.84	.88	3.00		.10
Group 12	16.15	.88	3.00		.10
Group 13	16.45	.88	3.00		.10
Group 14	13.74	.88	3.00		.10
Group 15	12.47	.88	3.00		.10
Group 16	12.90	.88	3.00		.10
Group 17	13.58	.88	3.00		.10
Group 18	13.84	.88	3.00		.10
Group 19	14.11	.88	3.00		.10
Group 20	14.38	.88	3.00		.10
Group 21	14.55	.88	3.00		.10
Group 22	13.52	.88	3.00		.10
Group 23	12.64	.88	3.00		.10

TRUCK DRIVERS

- Group 1: Buggymobiles; Hyster Operators (handling aggregate), Lumber Carrier
- Group 2: Semi or truck and trailer; Dumpsters; Batch Trucks over 5 yards; Dump Trucks, over 5 yards up to and including 10 yards; Fuel Truck; Greasers of Grease Trucks; Flat Beds, dual rear axle; Ready Mix; Over 3 yards up to and including 5 yards; Water Wagon, semi; Water Wagon, dual axle; Winch Trucks; Flat Bed including "A" Frame manufacture rating over 5 tons; Bull Lifts and Fork Lifts over 5 tons; Front End Loader with Forks; Partisan and Outside Expeditor; Bus Operator, over 30 passengers; Tractor Truck Equipment; (All Terrain Vehicle, Farm Distributor truck, double axle; Loadmaster (air and water operations); Air-cushion or similar type vehicle; Fire-Trucks - double axle
- Group 3: Batch Truck up to and including 5 yards; Dump Trucks (including Rockbuggy and Trucks with pumps) up to and including 5 yards; Flat Beds, single rear axle; Water Wagon, single axle; Winch Truck, Flat Bed including "A" Frame manufacture rating 5 tons and under; Bull Lifts and Fork Lifts up to and including 5 tons; Bus Operator, up to 30 passengers; Farm Distributor Truck, single axle; Hydro Seeder, single axle, Team Drivers (horses, mules and similar equipment); Vacuum Trucks and Truck Sweepers - single axle; Fire Trucks - single axle; Ambulance
- Group 4: Dump Trucks over 10 yards up to and including 20 yards; Rice Services Men; Loaded heavy-duty Trailer; Oiler Distributor Drivers; Ready Mix; Compactor (when pulled by rubber-tired equipment)
- Group 5: Dump Trucks over 20 yards up to and including 30 yards
- Group 6: Dump Trucks over 30 yards up to and including 40 yards
- Group 7: Dump Trucks over 40 yards up to and including 50 yards
- Group 8: Dump Trucks over 50 yards up to and including 60 yards
- Group 9: Dump Trucks over 60 yards up to and including 70 yards
- Group 10: Dump Trucks over 70 yards up to and including 80 yards
- Group 11: Dump Trucks over 80 yards up to and including 90 yards

TRUCK DRIVERS (Cont'd)

- Group 12: Dump Trucks over 90 yards up to and including 100 yards
- Group 13: Dump Trucks over 100 yards (above scales to be paid on actual water level measurements)
- Group 14: Turn-O-Wagon; DW-10 when not self-loading
- Group 15: Gravel Spreader Box Operator on Truck; Pickup (pilot Cats all light-duty vehicles); Warehouseman Class 2; Farm Type rubber-tired tractor (material hauling); Swampers and Riggers
- Group 16: Ready Mix: Up to and including 3 yards
- Group 17: Ready Mix: Over 5 yards up to and including 7 yards
- Group 18: Ready Mix: Over 7 yards up to and including 9 yards
- Group 19: Ready Mix: Over 9 yards up to and including 12 yards
- Group 20: Ready Mix: 13 yards and over
- Group 21: Ready Mix, semi with double bowl mixer
- Group 22: Water Wagon, when pulled by Euclid or similar type equipment
- Group 23: Warehouseman - Class 1



STATE: Arkansas  
COUNTY: Garland, Hot Springs & Clark  
DECISION NO.: AR77-4285  
DATE: Date of Publication  
Supersedeas Decision No. AR77-4112 dated June 10, 1977 in 42 FR 30104  
DESCRIPTION OF WORK: Building Construction (but does not include single family homes and garden type apartments up to and including 4 stories)

SUPERSEDEAS DECISION

LABORERS CLASSIFICATION DEFINITIONS

GROUP I - Construction laborers, concrete labor, wrecking labor, mechanic's labor, excavating labor, plumber's labor, electricians labor, green cutter, blowpipe, and concrete pump hose placer  
GROUP II - Semi-skilled laborer; pipelayer, concrete, clay and mechanical tool, cement mixer, wet or dry finishers, and plasterers, mason tender, mortar mixers, asphalt takers & shovelers, creosote wood handlers, chuck tenders  
GROUP III - Steel form setters, curb and gutters, grout and cement muckers  
GROUP IV - Swinging scaffold, Barco, 90 lb. pavement breaker, and burners  
GROUP V - Nozzelman (Gunite, Grout and sand blaster; concrete pump (nozzle placer)  
GROUP VI - Powderman and blasters  
GROUP VII - Wagon drill

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$10.40	.45	.60		.02
BOILERMAKERS	10.00	.50	1.00		.02
BRICKLAYERS-Stonemasons	8.15	.40	.35		.04
CARPENTERS: Garland County and Northern 2/3 of Hot Springs County: (Carpenters contracts in excess of \$1,000,000.)	8.63	.45	.35		.05
Carpenters	9.13	.45	.35		.05
Millwrights & Piledriversmen (Carpenters contracts under \$1,000,000.)	8.00	.45	.35		.05
Carpenters	8.50	.45	.35		.05
CARPENTERS: Millerwrights & Piledriversmen Clarke and Remainder of Hot Springs County	7.93	.45	.35		.04
Carpenters	8.43	.45	.35		.04
Millwrights & Piledriversmen	8.67	.25	.35		.03
CERMENT MASONS	9.975		3%		1/4%
ELECTRICIANS: Cable splicers	10.10		3%		1/4%
ELEVATOR CONSTRUCTORS: Journeyman	8.88	.545	.35	47.44b	.02
Helpers	70%JR	.545	.35	47.44b	.02
Helpers-probationary	50%JR	.45	.40		.04
IRONWORKERS: Laborers:	6.00	.25	.52		
Group I	6.25	.25	.52		
Group II	6.40	.25	.52		
Group III	6.50	.25	.52		
Group IV	6.65	.25	.52		
Group V	6.90	.25	.52		
Group VI	6.80	.25	.52		
Group VII					

NOTICES

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
LATHERS: \$ 8.85					.02
PAINTERS: Brush and roller	8.25				
Paperhanging	7.00				
Sheet rock (tape & float only);, stage and steel	7.25				
Spray and sandblasting	8.75				.02
Painters operating any kind of taping or floating machine	8.85				
PLASTERERS					
PLUMBERS-PIPEFITTERS: ZONE A	9.55	.50	.30		.10
ZONE B	10.15	.50	.30		.10
ZONE C	10.70	.50	.30		.10

PLUMBERS AND PIPEFITTERS ZONE DEFINITIONS

ZONE A - 0 to 9 miles from Garland County Courthouse  
ZONE B - 9 to 45 miles from Garland County Courthouse  
ZONE C - 45 miles and over from Garland County Courthouse

POWER EQUIPMENT OPERATORS:

GROUP I	9.64	.35	.35
GROUP II	8.76	.35	.35
GROUP III	8.36	.35	.35
GROUP IV	6.92	.35	.35

DECISION NO. AR77-4285

Page 3

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I - Cranes, draglines, shovels and piledrivers with a lifting capacity of 50 tons or over, and operators of all towers, climbing cranes, and derricks required to work 25 feet or over from the ground, blacksmith, mechanics and/or welders

GROUP II - Hydraulic cranes, cherry pickers, backhoes and all derricks with a lifting capacity less than 50 tons, as specified by the manufacturer, all backhoes, tractor or truck type, all overhead and traveling cranes, or tractors with swinging boom attachments, gradalle, all above equipment irrespective of motive power, leverman (engineer), hydraulic or bucket dredges, irrespective of size

GROUP III - HEAVY EQUIPMENT OPERATORS: All bulldozers, all front end loaders, all sidebooms, skytracks, all push tractors, all pull scrapers, all motor graders, all trenching machines, regardless of size or motive power, all back fillers all central mixing plants, 105 and larger, finishing machines, all boiler firemen high or low pressure, all asphalt spreaders, hydro truck crane, multiple drum hoist, irrespective of motive power, all rotary cable tool core drill or churn drill, water well and foundation drilling machines, regardless of size, regardless of motive power and dredge tender operator

GROUP IV - LIGHT EQUIPMENT OPERATORS: Oilerdriver motor crane, single drum hoists, winches and air tuggers, irrespective of motive power, winch or A-frame trucks, forklifts, rollers of all types and pull tractors, regardless of size, elevator operators inside and outside when used for carrying workmen from floor to floor and handling building material, Lad-A-Vator, conveyor, batch plant, and mortar or concrete mixers, below 105, end dump bucket, pumpcrete, spray machine and pressure grout machine, air compressors, regardless of size, all equipment, welding machines, light plants, pumps, all well point system de-watering and portable pumps, space heaters, irrespective of size, and motive power, equipment greaser, oiler, mechanic helper, drilling machine helper, asphalt distributor, and like equipment, safety boat operator and deckhand

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
LINE CONSTRUCTION					
Linenmen	\$9.975		3%		1/4%
Cable splicers	10.10		3%		1/4%
Groundman 1st 6 months	45%JR		3%		1/4%
Truck Drivers (with winch)	80%JR		3%		1/4%
Truck Driver (flat bed)	64%JR		3%		1/4%

NOTICES

Page 4

DECISION NO. AR77-4285

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ROOFERS	\$ 7.95		.10		
SHEET METAL WORKERS	10.25	.45	.44		.05
SPRINKLER FITTERS	10.12	.65	.95		.08

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:

- a. 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.  
b. PAID HOLIDAYS - A through F  
PAID HOLIDAYS:  
A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.



STATE: Arkansas  
DECISION NO. AR77-4286  
COUNTY: Union and Ouachita  
Supersedes Decision No. AR77-4147 dated July 1, 1977 in 42 FR 34155  
DESCRIPTION OF WORK: Building Construction (but does not include single family homes and garden type apartments up to and including 4 stories)

SUPERSEDES DECISION

Page 2

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$10.40	.45	.60		.02
BOILERMAKERS	10.00	.50	1.00		.02
BRICKLAYERS	8.15	.40	.35		.04
CARPENTERS	7.93	.45	.35		.04
Millwrights & Piledrivermen	8.43	.45	.35		.04
CEMENT MASONS	8.67	.25			.03
ELECTRICIANS:					
Electrical contracts \$20,000 or less:					
Electricians	10.04		36		46
Cable splicers	10.34		36		46
Electrical contracts over \$20,000:					
Electricians	10.83		36		46
Cable splicers	11.13		36		46
IRONWORKERS	10.05	.45	.65		.04
LABORERS:					
Group I	6.00	.25	.52		
Group II	6.25	.25	.52		
Group III	6.40	.25	.52		
Group IV	6.50	.25	.52		
Group V	6.80	.25	.52		
Group VI	6.90	.25	.52		
Group VII	6.57	.25	.52		

LABORERS CLASSIFICATION DEFINITIONS

Group I - Construction laborers, concrete labor, wrecking labor, mechanic's labor, excavating labor, plumber's labor, electricians labor, green cutter, blowpipe, and concrete pump hose placer  
Group II - Semi-skilled laborer; pipelayer, concrete, clay and mechanical tool, cement mixer, wet or dry finishers, and plasterers, mason tender, mortar mixers, asphalt rakers & shovelers, creosote wood handlers, chuck tenders  
Group III - Steel form setters, curb and gutters, grout and cement muckers  
Group IV - Swinging scaffold, barco, 90 lb. Pavement breaker, and burners  
Group V - Nozzlemans (gunnite, grout and sand blaster; concrete pump (nozzle placer)  
Group VI - Powderman and blasters  
Group VII - Wagon drill

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977

NOTICES

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

Group I - Cranes, draglines, shovels and piledrivers with a lifting capacity of 50 tons or over, and operators of all towers, climbing cranes, and derricks required to work 25 feet or over from the ground, blacksmith, mechanic and/or welders

Group II - Hydraulic cranes, cherry pickers, backhoes and all derricks with a lifting capacity less than 50 tons, as specified by the manufacturer, all backhoes, tractor or truck type, all overhead and traveling cranes, or tractors with swing boom attachments, gradallis, all above equipment irrespective of motive power, leverman (engineer), hydraulic or bucket dredges, irrespective of size

Group III - HEAVY EQUIPMENT OPERATORS: All bulldozers, all front end loaders, all sidebooms, skytrucks, all push tractors, all pull scrapers, all motor graders, all trenching machines, regardless of size or motive power, all back fillers all central mixing plants, 105 and larger, finishing machines, all boiler firemen high or low pressure, all asphalt spreaders, hydro truck crane, multiple drum hoist, irrespective of motive power, all rotary, cable tool core drill or churn drill, water well and foundation drilling machines, regardless of size, regardless of motive power and dredge tender operator

DECISION NO. AR77-4236

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
LINE CONSTRUCTION:					
Electrical contracts \$20,000 or less:					
Cable splicers	10.34		36		46
Lineman	10.04		36		46
Operator	9.79		36		46
Truck driver (pick-up & jeep)	8.94		36		46
Groundman	8.94		36		46
Electrical contracts over \$20,000.00:					
Cable splicers	11.13		36		46
Lineman	10.83		36		46
Operator	10.58		36		46
Truck driver (pick-up & jeep)	9.58		36		46
Groundman	9.58		36		46
PAINTERS:					
Brush, roller, sheet rock work and paperhanging	8.00				
Spray painting & sandblasting	8.625				
PLASTERERS	8.85				
PLUMBERS & PIPEFITTERS	10.26	.45	.55		.02
POWER EQUIPMENT OPERATORS:					
Group I	9.64	.35	.35		.05
Group II	8.76	.35	.35		
Group III	8.36	.35	.35		
Group IV	6.92	.35	.35		

DECISION NO. AR77-4286

Page 3

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (CONT'D)

Group IV - LIGHT EQUIPMENT OPERATORS: Oilerdriver motor crane, single drum hoists, winches and air tuggers, irrespective of motive power, winch or A-frame trucks, forklifts, rollers of all types and pull tractors, regardless of size, elevator operators inside and outside when used for carrying workmen from floor to floor and handling building material, lad-a-vator, conveyor, batch plant, and mortar or concrete mixers, below 105, end dump ducild, pump-crete, spray machine and pressure grout machine, air compressors, regardless of size, all equipment, welding machines, light plants, pumps, all well point system de-watering and portable pumps, space heaters, irrespective of size, and motive power, equipment greaser, oiler, mechanic helper, drilling machine, helper, asphalt distributor, and like equipment, safety boat operator and deckhand

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ROOFERS	7.95		.10		.16
Sheet Metal Workers	9.75	34+.55	.40		.08
SPRINKLER FITTERS	10.12	.65	.95		
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

NOTICES

52901

STATE: Arkansas

SUPERSEDES DECISION

COUNTY: Sebastian, Crawford

DECISION NO. AR77-4288

Supersedes Decision No. AR77-4114 dated June 10, 1977 in 42 FR 30106

DESCRIPTION OF WORK: Building Construction (but does not include single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS (Washington Co.)	\$10.75	.25	.72		.02
ASBESTOS WORKERS (Sebastian and Crawford County)	11.50	.35	.75		.015
BOILERMAKERS	10.00	.30	1.00		.04
BRICKLAYERS-Stonemasons	8.70	.40	.35		
CARPENTERS (Sebastian & Crawford)	8.12	.45	.35		.04
Millwrights & Piledrivermen	8.87	.45	.35		.04
CARPENTERS (Washington County):					
Carpenters	7.65		.35		.04
Millwrights & Piledrivermen	8.15		.35		.04
CEMENT MASONS	8.67	.25			.03
ELECTRICIANS:					
Electricians	9.90	.35	34+.52		1/42
Cable splicers	10.15	.35	34+.52		1/42
ELEVATOR CONSTRUCTORS	8.88	.545	.35	42+4b	.02
" " helpers	702IR	.545	.35	42+4b	.02
" " (prob.)	502IR				
GLAZIERS (Washington County)	6.25				
GLAZIERS (Sebastian & Crawford)	3.95				
IRONWORKERS	9.60	.45	.65		.12
LABORERS:					
Group I	6.00	.25	.52		
Group II	6.25	.25	.52		
Group III	6.40	.25	.52		
Group IV	6.50	.25	.52		
Group V	6.65	.25	.52		
Group VI	6.90	.25	.52		
Group VII	6.80	.25	.52		

LABORERS CLASSIFICATION DEFINITIONS

GROUP I - Construction laborers, concrete labor, wrecking labor, mechanic's labor, excavating labor, plumber's labor, electricians labor, green cutter, blowpipe, and concrete pump hose placer

GROUP II - Semi-skilled laborer; pipelayers, concrete, clay and mechanical tool, cement mixer, wet or dry finishers, and plasterers, mason tender, mortar mixers, asphalt rakers and shovelers, creosote wood handlers, chuck tender

GROUP III - Steelform setters, curb and gutters, grout and cement muckers

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977

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LABORERS CLASSIFICATION DEFINITIONS (CONT'D)

GROUP IV - Scaffolding scaffold, Barco, 90 lb pavement breaker, and jurners  
GROUP V - Norzleman (Gunnite, Grout, and sand blasterer; concrete pump  
(nozzle placer)

GROUP VI - Powderman and blasterers  
GROUP VII - Wagon drill

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
LATHERS					
LINE CONSTRUCTION:					
Lifeman; operator	9.15	.35	3%		.02
Cable splicers	9.30	.35	3%		1/4%
Powderman	902JR	.35	3%		1/4%
Truck driver	752JR	.35	3%		1/4%
Groundman	652JR	.35	3%		1/4%
Groundman (list 6 mos.)	592JR	.35	3%		1/4%
PAINTERS (SEBASTIAN & CRAWFORD CO)					
Brush painters	6.50				
Roller work, sheetwork, finish-					
ing by machinery	6.75				
Spray painting	7.50				
Scaffolding stage work	6.75				
Sandblasting - steam cleaning	7.50				
All pipe and steel	7.25				
All miter and glove painting	7.50				
PAINTERS (WASHINGTON COUNTY)					
Group I	8.10				
Group II	8.10				
Group III	9.10				
Group IV	8.10				
Group V	8.35				
Group VI	9.975				
Group VII	4.725				

PAINTERS CLASSIFICATION DEFINITIONS

GROUP I - Brush, mitt used on pipes, only; preparatory work before papering  
of canvassing roller with handler up to six feet long.  
GROUP II - Hanging vinyl or wallpaper, drywall taping  
GROUP III - Use of Bazooka, Banjo and Ames machine tools  
GROUP IV - Spraying (except where listed below): sandblasting  
GROUP V - Potman assisting sprayer (except where listed below)  
GROUP VI - Spraying epoxies, polyesters or material where hood and  
extra safety features are required.  
GROUP VII - Brush on structural steel, tanks, stacks, swinging stage,  
boon chairs

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
PLASTERERS & STEAMFITTERS					
POWER EQUIPMENT OPERATORS:					
Group I	9.64	.35	.35		.02
Group II	8.76	.35	.35		.04
Group III	8.36	.35	.35		
Group IV	6.92	.35	.35		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I - Cranes, draglines, shovels and piledrivers with a lifting capacity  
of 50 tons or over, and operators of all towers, climbing cranes, and derricks  
required to work 25 feet or over from the ground, blacksmith, mechanics and/or  
welders

GROUP II - Hydraulic cranes, cherry pickers, backhoes and all derricks with a  
lifting capacity less than 50 tons, as specified by the manufacturer, all  
backhoes, tractor or truck type, all overhead and traveling cranes, or tractors  
with swinging boom attachments, gradalls, all above equipment irrespective of  
 motive power, leverman (engineer), hydraulic or bucket dredges, irrespective  
 of size

GROUP III - HEAVY EQUIPMENT OPERATORS: All bulldozers, all front end loaders,  
all sidebooms, skytracks, all push tractors, all pull scrapers, all motor  
 graders, all trenching machines, regardless of size or motive power, all  
 back fillers all central mixing plants, IOS and larger, finishing machines,  
 all boiler firemen high or low pressure, all asphalt spreaders, hydro truck  
 crane, multiple drum hoist, irrespective of motive power, all rotary, cable  
 tool core drill or churn drill, water well and foundation drilling machines,  
 regardless of size, regardless of motive power and dredge tender operator

GROUP IV - LIGHT EQUIPMENT OPERATORS: Oilerdriver motor crane, single drum  
 hoists, winches and air tuggers, irrespective of motive power, winch or  
 A-frame trucks, forklifts, rollers of all types and pull tractors, regard-  
 less of size, elevator operators inside and outside when used for carrying  
 workmen from floor to floor and handling building material, Lad-A-Vator,  
 conveyor, batch plant, and mortar or concrete mixers, below IOS, and dump  
 Euclid, pumperate, spray machine and pressure grout machine, all compressors,  
 regardless of size, all equipment, welding machines, light plants, pumps, all  
 well point system de-watering and portable pumps, space heaters, irrespective  
 of size, and motive power, equipment greaser, oiler, mechanic helper, drilling  
 machine helper, asphalt distributor, and like equipment, safety boat operator  
 and deckhand

NOTICES

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ROOFERS	\$ 7.95		.10		
SHEET METAL WORKERS	10.25	.45	.64		.05
SPRINKLER FITTERS	10.12	.65	.95		.08

WELDERS - receive rate prescribed for craft performing operation to  
which welding is incidental.

FOOTNOTES:

a-let 6 mos. - none; 6 months to 5 yrs. 2%; over 5 yrs. 4% of basic hourly  
rate  
b-Paid Holidays A through F  
PAID HOLIDAYS: A-New Years' Day; B-Memorial Day; C-Independence Day;  
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

SUPERSEDES DECISION

STATE: Arkansas  
COUNTY: Pulaski  
DECISION NO.: AR77-4287  
DATE: Date of Publication  
SUPERSEDES DECISION NO. AR77-4107 dated June 3, 1977 in 42 FR 28737  
DESCRIPTION OF WORK: Building Construction (but does not include single  
family homes and garden type apartments up to and including four stories)

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$10.40	.45	.60		.02
BOILERMAKERS	10.00	.50	1.00		.02
BRICKLAYERS - STONEMASONS	8.70	.40	.35		.04
CARPENTERS:					
Millwrights & Piledrivermen	8.63	.45	.35		.05
CEMENT MASONS	8.67	.45	.35		.03
ELECTRICIANS:					
Cable splicers	10.45	.40	1%		1/4%
ELEVATOR CONSTRUCTORS:	10.575	.40	1%		1/4%
Journeyman					
Helpers	8.88	.543	.35	4%+5b	.02
Helpers-probationary	70LJR	.545	.35	4%+5b	.02
GLAZIERS	7.90	.43	.25		.04
IRONWORKERS	9.50		.40		
LABORERS:					
Group I	6.00	.25	.52		
Group II	6.25	.25	.52		
Group III	6.40	.25	.52		
Group IV	6.50	.25	.52		
Group V	6.65	.25	.52		
Group VI	6.90	.25	.52		
Group VII	6.80	.25	.52		

LABORERS CLASSIFICATION DEFINITIONS

Group I - Construction laborers, concrete labor, wrecking labor mechanic's  
labor, excavating labor, plumber's labor, electricians labor, green cutter,  
- blowpipe, and concrete pump hose placer.

Group II - Semi-skilled laborer; pipelayers, concrete, clay and mechanical  
tool, cement mixer, wet or dry finishers, and plasterers, mason tender, mortar  
mixers, asphalt rakers and shovelers, creosote wood handlers, chuck tender



## LABORERS CLASSIFICATION DEFINITIONS (CONT'D)

- Group III - Steelform setters, curb and gutters, grout and cement muckers
- Group IV - Swingling scaffold, Batco, 90 lb pavement breaker, and burners
- Group V - Nozzleman (gunite, grout and sand blaster); concrete pump (nozzle placer)
- Group VI - Powderman and blasters
- Group VII - Wagon drill

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
LATHERS	\$ 8.85				.02
LINE CONSTRUCTION:					
Linemen	10.85		3%		3/8%
Cable splicers	10.975		3%		3/8%
Operator	10.85		3%		3/8%
Groundmen (advanced)	652JR		3%		3/8%
Groundmen (1st 6 months)	692JR		3%		3/8%
Winch equipment	731JR		3%		3/8%
MARBLE, TILE & TERRAZZO WORKERS	7.95				
PAINTERS:					
Painters, paperhangers and steam cleaners, sheet rock finishers and wall cover hangers	7.80		.35		.02
Spray gun operators and sand blasters	8.40		.35		.02
All skelton steel and all work on stages, structural steel over 30 feet high	8.05		.35		.02
PLASTERERS	8.85				.02
PLUMBERS & PIPEFITTERS:					
Within 10 mile radius of Pulaski County Courthouse	10.35	.45	.55		.02
Over 10 miles from Pulaski County Courthouse	10.65	.45	.55		.02
Marble, tile & terrazzo finishers	5.80				

## NOTICES

## POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
Group I	.35	.35			
Group II	.35	.35			
Group III	.35	.35			
Group IV	.35	.35			

## POWER EQUIPMENT OPERATORS:

- Group I
- Group II
- Group III
- Group IV

Group I - Cranes, draglines, shovels and piledrivers with a lifting capacity of 50 tons or over, and operators of all towers, climbing cranes, and derricks required to work 25 ft. or over from the ground, blacksmith, mechanics and/or welders.

Group II - Hydraulic cranes, cherry pickers, backhoes and all derricks with a lifting capacity less than 50 tons, as specified by the manufacturer, all backhoes, tractor or truck type, all overhead and traveling cranes, or tractors with swinging boom attachments, gradealls, all above equipment irrespective of motive power, leverman (engineer), hydraulic or bucket dredges, irrespective of size.

Group III - HEAVY EQUIPMENT OPERATORS: All bulldozers, all front end loaders, all sidebooms, skytracks, all push tractors, all pull scrapers, all motor graders, all trenching machines, regardless of size or motive power, all back fillers, all central mixing plants, 10S and larger, finishing machines, all boiler firemen high or low pressure, all asphalt spreaders, hydro truck crane, multiple drum hoist, irrespective of motive power, all rotary, cable tool core drill or churn drill, water well and foundation drilling machines, regardless of size, regardless of motive power and dredge tender operator

Group IV - LIGHT EQUIPMENT OPERATORS: Oiler driver motor crane, single drum hoists, winches and air tuggers, irrespective of motive power, winch or A-frame trucks, forklifts, rollers of all types and pull tractors, regardless of size, elevator operators inside and outside when used for carrying workmen from floor to floor and handling building material, Lad-A-Vator, conveyor, batch plant, and mortar or concrete mixers, below 10S, end dump Euclid, pumpcrete, spray machine and pressure grout machines, air compressors, regardless of size, all equipment, welding machines light plants, pumps, all well point system de-watering and portable pumps, space heaters, irrespective of size, and motive power, equipment greaser, oiler, mechanic helper, drilling machine helper, asphalt distributor, and like equipment, safety boat operator and deckhand.

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977

STATE: California

## SUPERSEDES DECISION

COUNTIES: Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba

DECISION NUMBER: CA77-5039

Supersedes Decision No. CA77-5039 dated April 22, 1977. In 42 FR 20991.

DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 7.95		.10		
10.25	.45	.44		.05
10.12	.65	.95		.08

ROOFERS

SHEET METAL WORKERS

SPRINKLER FITTERS

WELDERS --receive rate prescribed for craft performing operation to which welding is incidental.

## FOOTNOTES:

- a - 1st 6 mos. - none; 6 mos. to 5 years - 2%; over 5 years - 4% of basic hourly rate.
- b - Paid Holidays - A through F

## PAID HOLIDAYS:

A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

## NOTICES

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
\$ 12.41	.90	\$ 1.17	\$1.50		.06
13.175	.775	1.00	.30		.02
11.42	1.50	1.10	1.00		.05
11.95	3.05	1.05			.20
11.55	.95	1.00			
11.90	.80	1.05			.25
12.60	1.22	1.26			
11.95	1.05	1.05			.02
10.85	1.00	1.00	1.00		
11.60	1.00	1.00			.07

ASBESTOS WORKERS

BOILERMAKERS

BRICKLAYERS, Stonemasons:

Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Siskiyou, Solano, Sonoma, and Trinity Counties

Alameda and Contra Costa Counties

Fresno, Kings, Madera, Mariposa and Merced Counties

Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Cos.

Monterey and Santa Cruz Counties

San Benito and Santa Clara Counties

Alpine, Amador, Calaveras, San Joaquin, Stanislaus and Tuolumne Counties

Tulare County

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977



Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
BRICK TENDERS: Alpine, Amador, El Dorado, Nevada, Placer, Sacramento, Sierra and Yolo Counties San Francisco and San Mateo Counties Fresno, Kings, Madera and Tulare Counties CARPENTERS: Carpenters Hardwood Floor Layers, Power Saw Operators; Saw Pilers; Shinglers; Steel Scaffold Erectors and/or Steel Shoring Erectors Millwrights Piledrivermen, bridge, wharf and dock builders CEMENT MASONS: Cement Masons Mastic Magnesite; All Composition Masons Men working from swinging or slip form scaffolds DRYWALL INSTALLERS ELECTRICIANS: Alameda County Electricians Cable Splicers Amador, Colusa, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, El Dorado, Nevada, Placer and Sierra Counties West of the Sierra Mountain Watershed Electricians Cable Splicers Tunnels: Electricians Cable Splicers	\$ 9.30 10.00 10.35 11.65  11.80 12.15 12.23 10.00 10.25 10.25 11.52  12.91 14.52  14.39 15.83 14.52 15.97	\$ 1.00 .65 .80 1.40 1.22  1.22 1.22 .84 1.15 1.15 1.15 1.22  1.05 1.05  .95 .95 .95 .95	\$ 1.70 .80 1.40 1.71  1.71 1.71 1.26 1.43 1.43 1.43 1.71  34+1.15 34+1.15  34+.85 34+.85 34+.85 34+.85	.06   .85 .85 .75 .05 .05 .05 .07  .03 .03  .045 .045 .045 .045	

## NOTICES

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$ 13.98 15.28	.67 .67	34+.77 34+.77		.08 .08	
12.24 13.46	1.12 1.12	34+.705 34+.705		.04 .04	
12.85 14.14	1.12 1.12	34+.705 34+.705		.04 .04	
12.15 13.67	.92 .92	34+1.25 34+1.25		.01 .01	
15.20 16.70	.70 .70	34+1.00 34+1.00		.04 .04	
11.25 12.15	.80 .80	34+1.85 34+1.85		.04 .04	
12.76 14.04	.80 .80	34+1.05 34+1.05		.05 .05	
12.35 13.61	1.11 1.11	34+.30 34+.30		.02 .02	
9.83 10.81	.62 .62	34 34		14 14	

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
ELECTRICIANS: (Cont'd)					
Monterey County					
Electricians	\$ 12.50	\$ 1.10	34+2.30		.06
Cable Splicers	13.81	1.10	34+2.30		.06
Napa and Solano Counties					
Electricians	12.07	.68	34+.85		.04
Cable Splicers	13.68	.68	34+.85		.04
San Benito, Santa Clara and Santa Cruz Counties					
Electricians	13.80	.77	34+1.50		.05
Cable Splicers	15.53	.77	34+1.50		.05
San Francisco County					
Electricians	15.98	1.04	34+.90		.06
Cable Splicers	17.53	1.04	34+.90		.06
San Mateo County					
Electricians	13.64	1.25	34+1.00		
ELEVATOR CONSTRUCTORS	13.49	.545	.35	34+.2	.02
ELEVATOR CONSTRUCTORS' HELPERS	70BJR	.545	.35	34+.2	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)					
GLAZIERS:	50BJR				
Alameda, Contra Costa, Lake, Marin, Mendocino, (Southern half of County from North of Ft. Bragg), Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, (S.W. from east of Fairfield) and Sonoma Counties	11.79	1.00	1.41		.02

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$ 10.886	.58	\$ 1.50			
9.09	.81	1.04	.805		.05
10.66	1.24	2.22	1.46		.06
11.55	1.24	2.22	1.46		.06
11.55	1.24	2.22	1.46		.06
11.36	1.09	1.26			.025
11.00	.66	.50			.01
11.30	.68	.55			.01
9.01	.87	.85	1.00		1/8c

## NOTICES











Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
ROOFERS: (Cont'd) Del Norte and Humboldt Counties Roofers Monterey and Santa Cruz Counties Roofers San Francisco and San Mateo Counties Roofers Roofers Rustic Workers and Kettlemen (12 kettles) without pumps Bitumastic; Enamelers; Pipewrappers; Coal tar Counties Amador, Sacramento and Yolo Counties Roofers (slate, tile and Composition) Enameler and Pitch San Benito and Santa Clara Counties Roofers; Kettle (1 kettle) SHEET METAL WORKERS: Alameda, Contra Costa, Napa and Solano Counties Alpine, Calaveras and San Joaquin Counties Amador, Butte, Colusa, El Dorado, Glenn, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties Mariposa, Merced, Stanislaus and Tuolumne Counties Monterey, San Benito, Santa Clara and Santa Cruz Counties	\$ 10.32 10.40 10.93 11.18 11.93 10.11 11.11 10.10 11.25 11.77 11.68 11.14 11.15	.40 1.40 .60 .60 .60 1.04 1.04 .65 .66 .66 .73 .60 38+.66	.75 1.15 1.15 1.15 1.10 1.04 1.04 1.14 1.95 1.40 1.65 1.10 1.845	.35  1.10 1.10 1.10  1.06 1.00  128 1.115
				.04 .04 .04  .07 .07  .04 .02  .11 .06

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
SHEET METAL WORKERS: (Cont'd) Del Norte, Humboldt, Lake, Marin, Mendocino, San Francisco, Sonoma and Trinity Counties San Mateo County Modoc and Siskiyou Counties Fresno, Kings, Madera and Tulare Counties SOFT FLOOR LAYERS: Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lassen (excluding Honey Lake Area), Merced (east of San Joaquin River), Plumas, San Joaquin, Shasta, Sacramento, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Yolo and Yuba Counties and those portions of El Dorado, Nevada, Placer and Sierra Counties (excluding Lake Tahoe Area) Honey Lake Area and Lake Tahoe Area Alameda, Contra Costa, Lake, Marin, Mendocino, Merced, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano and Sonoma Counties SPRINKLER FITTERS: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties Remaining Counties STEAMFITTERS: Alameda and Contra Costa Cos. Del Norte and Humboldt Cos.	\$ 12.50 12.62 10.285 11.98  10.73 10.05  11.30  16.26 15.07 13.30 11.64	.66 .66 .52 .73  .84 .70  .60  .65 .65 1.25 .61	\$ 1.74 1.81 .28 1.22  1.30 .20  1.00 c  1.45 .95 2.29 1.12	.12 .12 .035 .14  .10  .10  .09 .08 .165 .05

NOTICES

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
TERRAZZO WORKERS: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Siskiyou, Solano, Sonoma and Trinity Counties Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties TILE SETTERS: Alameda, Butte, Colusa, Contra Costa, Del Norte, El Dorado, Glenn, Humboldt, Lake, Lassen, Marin, Mendocino, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Mateo, Santa Clara, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Yolo and Yuba Counties Alpine, Amador, Calaveras, San Joaquin, Stanislaus and Tuolumne Counties Fresno, Kings, Madera, Mariposa, Merced and Tulare Counties Monterey and Santa Cruz Counties	\$ 11.42  11.80	\$ 1.50  .80	\$ 1.10  .90	\$1.00  .25

PAID HOLIDAYS:  
A-New Year's Day; B-Memorial Day; C-Independence Day;  
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:  
a. Employer contributes 4% of basic hourly rate for over 5 years' service, and 2% of basic hourly rate for 6 months to 5 years as Vacation Pay Credit. Six Paid Holidays: A through F.  
b. Employer contributes \$.22 per hour to holiday fund plus \$.13 per hour to Vacation Fund for the first year of employment; 1 year but less than 5 years \$.33 per hour to Vacation Fund; 5 years but less than 10 years \$.43 per hour to Vacation Fund; over 10 years \$.53 per hour to Vacation Fund.  
c. Employer contributes \$.90 per hour for the first five years of employment; After five years \$1.05 per hour to Vacation and Holiday Benefits.

NOTICES



LABORERS

Group 1: Asphalt Ironers and Rakers; Barko, wacker and similar type tampers; Buggybills; Chainsaw, faller, log loader and bucket; Compactors of all types; Concrete and magnesite mixer 1/2 yard and under; Concrete pan work; Concrete saw; Concrete sander; Cribber and/or shoring; Cut granite curb setter; Form raisers; Slip forms; Green cutters; Headerboardmen, Hubsetters, Aligners; Jackhammer operators; Jacking of pipe over 12 inches; Jackson and similar type Compactors; Kettlemen, Potman and men applying asphalt, lay-kold, creosote, lime, caustic and similar type materials; Lagging, sheeting, whaling, bracking, trench-jacking, hand-guided legginghammers; Magnesite, epoxyresin, fiberglass, and mastic workers (wet or dry); Pavement breakers and spaders, including cool grinder; Pipelayers, caulkers, banders, pipewrappers, conduit layers, plastic pipelayers; Post hole diggers - air, gas and electric; Power broom sweepers; Power tampers of all types (except as shown in Group 2); Ram set gun and stud gun; Riptap-stonepaver and rock-slinger, including placing of sacked concrete and/or sand (wet or dry); Rotary scarifier, multiple head concrete chippers; Davis trencher - 300 or similar type (and all small trenchers); Roto and Ditch witch; Roto-tiller; Sandblasters, Potman, Gunman, Nozzleman; Signalling and rigging; Tank Cleaners; Tree climbers; Vibra-screed - Bull float in connection with laborers' work; Vibrators; Dry-pak-it machine; High pressure blow pipe (1 1/4" or over, 100 lbs. pressure or over); Hydro Sander and similar type; Laser beam in connection with laborers' work

Group 1(a): Joy Drill Model TWM-2A; Gardener-Denver Model DML43 and similar type drills; Track drillers; Jack leg drillers; Diamond drillers; Wagon drillers; Mechanical drillers - all types regardless of type or method of power; Multiple unit drillers; Blasters and Powdermen; All work of loading, placing and blasting of all powder and explosives of whatever type regardless of method used for such loading and placing; High scalars (including drilling of same); Tree topper; Bit grinder

Group 1(b): Sewer Cleaners

Group 1(c): Burning and Welding

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 8.775	\$ 1.25	\$ 1.70	\$ 1.10	.10
9.00	1.25	1.70	1.10	.10
9.275	1.25	1.70	1.10	.10
8.825	1.25	1.70	1.10	.10
8.725	1.25	1.70	1.10	.10
9.325	1.25	1.70	1.10	.10
8.975	1.25	1.70	1.10	.10
8.825	1.25	1.70	1.10	.10
8.525	1.25	1.70	1.10	.10
LABORERS (Gunnite)				
Group 1	1.25	1.70	1.10	.10
Group 2	1.25	1.70	1.10	.10
Group 3	1.25	1.70	1.10	.10
LABORERS (Tunnel and Shaft Work)				
Group 1	1.25	1.70	1.10	.10
Group 2	1.25	1.70	1.10	.10
Group 3	1.25	1.70	1.10	.10
Group 4	1.25	1.70	1.10	.10
LABORERS (Trenching Work)				
Group 1	1.25	1.70	1.10	.10
Group 2	1.25	1.70	1.10	.10
Group 3	1.25	1.70	1.10	.10

LABORERS (Cont'd)

Group 1(d): Repair Trackmen and road beds (cut and cover work of subway after the temporary cover has been placed)

Group 1(e): Laborers on general construction work on or in bell hole footings and shaft

Group 1(f): Contra Costa County Only: Pipelayers, Caulkers, Banders, Pipewrappers, Conduit Layers and Plastic pipelayers; Pressure Pipe Tester, no joint pipe and stripping of same, including repair of voids, Precast Manhole Setters, Cast in place, Manhole form setters

Group 2: Asphalt Shovelers; Cement dumpers and handling dry cement or gypsum; Choke-setter and Rigger (clearing work); Concrete Bucket Dumper and Chuteman; Concrete Chipping and Grinding; Concrete Laborers (wet or dry); Driller's Helper; Chuck Tender; Nozzleman, aductors; Hydraulic Monitor (over 100 lbs pressure); Loading and unloading, carrying and handling of all rods and materials for use in reinforcing concrete construction; Pittsburgh Chipper, and similar type Brush Shredders; Sloper; Singlefoot, hand held, pneumatic tamper; All pneumatic, air, gas, and electric tools; Jacking of pipe under 12 inches

Group 3: All cleanup work of debris, grounds and buildings including but not limited to street cleaners; Cleaning and washing windows; Construction laborers including bridge and general laborers; Dumpman, load spotter; fire Watcher; Street Cleaners; Gardeners, Horticultural and landscape laborers; Jetting; Limbers; Brush Loaders; Pilers, maintenance landscape laborers on new construction; Maintenance, Repair Trackmen and Road beds; Streetcar and Railroad construction Track Laborers; Temporary air and water lines, Victaulic or similar; Tool room attendant; Fence Erectors; Guardrail Erectors; Pavement Markers (button setters)

LABORERS (Gunnite)

Group 1: Nozzleman (including Gunman, Potman); Rodmen; Groundman

Group 2: Reboundman

Group 3: General Laborers

LABORERS (Tunnel and Shaft Work)

Group 1: Diamond Driller; Groundman; Gunite or Shotcrete Nozzle-men; Rodmen; Shaft Work and Raise (below actual or excavated ground level)

Group 2: Bit Grinder; Blaster; Drillers, Powdermen-heading; Cherry Pickermen - where car is lifted; Concrete Finisher in Tunnel; Concrete Screed man; Grout Pumpman and Potman; Gunite and Shotcrete Gunman and Potman; Headermen; High Pressure Nozzleman; Miners - Tunnel, including top and bottom man on shaft and raise work; Nipper Nozzleman on slick line; Sandblaster-potman (work assignment interchangeable) Steel form Raisers and Setters; Timberman, Ratlimberman - wood or substitute materials therefore; Tugger

Group 3: Cabletender; Chucktender; Powderman-primer house; Vibrator-men, Pavement Breakers

Group 4: Bull Gang - Muckers, Trackmen; Concrete Crew - includes rodding and spreading; Dumpmen (any method); Grout Crew; Re-boundmen; Smaper

LABORERS (Trenching Work)

Group 1: Skilled Wrecker (removing and salvaging of sash, windows, doors, plumbing and electric fixtures

Group 2: Semi-skilled Wrecker (salvaging of other building materials)

Group 3: General Laborer (includes all cleanup work, loading, lumber, loading and burning of debris)



POWER EQUIPMENT OPERATORS;  
DREDGING  
SCHEDULE I  
CLAMSHELL AND DIPPER DREDGING  
(New Construction)

Group 1i  
Bargeman; Deckhand; Fireman;  
Oiler

Area 1  
Area 2  
Area 3  
Area 4

Group 2i  
Deck Engineer; Deck Mate

Area 1  
Area 2  
Area 3  
Area 4

Group 3i  
Welder; Mechanic Welder; Watch  
Engineer

Area 1  
Area 2  
Area 3  
Area 4

Group 4i  
Clamshell Operator (up to  
and including 7 cu. yds.  
m.t.c.) (Long Boom Pay)

Area 1  
Area 2  
Area 3  
Area 4

Group 4-Ai  
Clamshell Operator (over 7  
cu. yds. m.t.c.) (Long  
Boom Pay)

Area 1  
Area 2  
Area 3  
Area 4

Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
\$ 8.29	\$ 1.07*	1.78	.80	.14
9.13	1.07*	1.78	.80	.14
9.41	1.07*	1.78	.80	.14
9.69	1.07*	1.78	.80	.14
9.91	1.07*	1.78	.80	.14
10.76	1.07*	1.78	.80	.14
11.03	1.07*	1.78	.80	.14
11.31	1.07*	1.78	.80	.14
10.31	1.07*	1.78	.80	.14
11.15	1.07*	1.78	.80	.14
11.43	1.07*	1.78	.80	.14
11.71	1.07*	1.78	.80	.14
11.01	1.07*	1.78	.80	.14
11.86	1.07*	1.78	.80	.14
12.14	1.07*	1.78	.80	.14
12.41	1.07*	1.78	.80	.14
12.08	1.07*	1.78	.80	.14
12.93	1.07*	1.78	.80	.14
13.21	1.07*	1.78	.80	.14
13.48	1.07*	1.78	.80	.14

NOTICES

POWER EQUIPMENT OPERATORS  
DREDGING  
SCHEDULE II  
HYDRAULIC SUCTION DREDGING AND  
ALL OTHER CLAMSHELL AND DIPPER  
DREDGING

Group A-1i  
Bargeman; Deckhand; Levee-  
hand; Fireman; Oiler

Area 1  
Area 2  
Area 3  
Area 4

Group A-2i  
Winchman (stern winch on  
dredge); Deckmate; Deck  
Engineer

Area 1  
Area 2  
Area 3  
Area 4

Group A-3i  
Watch Engineer; Welder;  
Welder Mechanic

Area 1  
Area 2  
Area 3  
Area 4

Group A-4i  
Levermanni Clamshell Operator

Area 1  
Area 2  
Area 3  
Area 4

Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
\$ 8.27	\$ 1.07*	1.78	.80	.14
9.11	1.07*	1.78	.80	.14
9.39	1.07*	1.78	.80	.14
9.67	1.07*	1.78	.80	.14
9.20	1.07*	1.78	.80	.14
10.05	1.07*	1.78	.80	.14
10.30	1.07*	1.78	.80	.14
10.60	1.07*	1.78	.80	.14
9.85	1.07*	1.78	.80	.14
10.70	1.07*	1.78	.80	.14
10.98	1.07*	1.78	.80	.14
11.25	1.07*	1.78	.80	.14
10.89	1.07*	1.78	.80	.14
11.54	1.07*	1.78	.80	.14
11.82	1.07*	1.78	.80	.14
12.09	1.07*	1.78	.80	.14

TOW BOATS (Dredging):  
Work on self-propelled vessels  
(except skiffs powered by out-  
board motors) engaged in towing  
and shifting of barges, vessels  
and water borne craft or in the  
transportation by water of  
personnel, materials, equipment  
and supplies

Deckhand/Mechanics

Area 1  
Area 2  
Area 3  
Area 4

Operator Mechanic/Watch  
Engineer

Area 1  
Area 2  
Area 3  
Area 4

Building and Heavy Construction  
Tow Boats  
(work on self-propelled  
vessels)

Boat Operators

Four Centers designated: City Hall of Oakland, San Francisco,  
Sacramento and Stockton, California

Area 1 - Up to 20 road miles from  
said Centers.

Area 2 - More than 20 road miles to  
and including 80 road miles  
from said Centers.

Area 3 - Outside of 30 road miles  
from said Centers.

Area 4 - An area extending 25 road  
miles from shoreline of  
Lake Tahoe.

\*Includes \$.20 per hour to Pensioned Health and Welfare Fund.

Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
\$ 9.55	.89	1.61	\$1.18	
10.05	.89	1.61	1.18	
10.30	.89	1.61	1.18	
10.55	.89	1.61	1.18	
10.75	.96	1.36	1.15	
11.25	.96	1.36	1.15	
11.50	.96	1.36	1.15	
11.75	.96	1.36	1.15	
10.75	.96	1.36	1.15	

POWER EQUIPMENT OPERATORS  
(Piledriving)

Group 1

Group 1(a)

Group 1(b)

Group 2

Group 2(a)

Group 3

Group 3(a)

Group 4

Group 5

\*Includes \$.23 per hour to Pensioned Health and Welfare Fund.

Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
\$ 9.18	\$ 1.50*	2.25	.90	.29
9.55	1.50*	2.25	.90	.29
9.78	1.50*	2.25	.90	.29
9.78	1.50*	2.25	.90	.29
10.60	1.50*	2.25	.90	.29
10.92	1.50*	2.25	.90	.29
11.36	1.50*	2.25	.90	.29
11.93	1.50*	2.25	.90	.29
12.11	1.50*	2.25	.90	.29

NOTICES



POWER EQUIPMENT OPERATORS  
(Piledriving)

Group 1: Assistant to Engineer (Fireman, Oiler, Deckhand)

Group 1-A: Compressor Operator

Group 1-B: Truck Crane Oiler

Group 2: Tugger Hoist (hoisting material only)

Group 2-A: Compressor Operator (2-7); Generator (100 K.W. or over); Pump (2-7); Welding Machine (2-7) (Powered other than by electricity)

Group 3: Deck Engineer; Fork Lift; A-Frame; Self-propelled Boom type lifting device

Group 3-A: Heavy Duty Repairman and/or Welder

Group 4: Operating Engineer in lieu of Assistant to Engineer; Tending Boiler or Compressor attached to Crane Piledriver; Operator of Piledriving Rigger, Skid or Floating and Derrick Barges; Operator of Diesel or Gasoline powered Crane Piledriver (w/o boiler) up to and including 1 cu. yd.; Truck Crane, up to and including 25 tons hoisting material only

Group 5: Operator of Diesel or Gasoline powered Crane Piledriver (w/o boiler) over 1 cu. yd.; Operator of Crane (w/steam, flash boiler, pump or compressor attached); Operator of steam powered Crawler or Universal type driver (Raymond or similar type); Truck Crane, over 25 tons hoisting material or performing piledriving work

\*Includes \$.23 per hour to

Pensioned Health and Welfare Fund.

## NOTICES

Basic Hourly Rates	Basic Hourly Rates	AREA 2	Fringe Benefits Payments				Education and/or Apr. Tr.
			H & W	Pensions	Vocacion		
			\$ 1.50*	\$ 2.25	.90	.29	
			1.50*	2.25	.90	.29	
			1.50*	2.25	.90	.29	
			1.50*	2.25	.90	.29	
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			1.50*	2.25	.90	.29	
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FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977

POWER EQUIPMENT OPERATORS  
(AREAS I and II)

Group 1: Assistants to Engineers (Brakeman; Fireman; Heavy Duty Repairman Helper; Oiler; Deckhand; Signalman; Switchman; Tar Pot Fireman); Partisan (Heavy Duty Repair shop parts room)

Group 2: Compressor Operator; Concrete Mixer (up to and including 1 yard); Conveyor Belt Operator (tunnel); Fireman Hot Plant; Hydraulic; Monitor; Mechanical Conveyor (handling building materials); Mixer Box Operator (concrete plant); Pump Operator; Spreader Boxman (with spread); Tar Pot Fireman (power agitated)

Group 3: Box Operator (bunker); Helicopter Radioman (Signalman); Locomotive (30 tons or under); Motorman; Rodman or Chainman; Ross Carrier (construction jobsite); Motomist; Screedman (except asphaltic concrete paving); Self-propelled, automatically applied concrete-curing machine (on streets, highways, airports and canals); Trenching Machine, 4 ft. depth; Truck Crane Oiler; Tugger Hoist; Single drum; Boiler Tender

Group 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper Multi-purpose; Boxman (asphalt plant); Elevator Operator (in-sider); Fork Lift or Lumber Stacker (construction job site); Line Haster; Material Hoist (1 drum); Shuttlecar; Tie Spacer; Towermobile

Group 5: Compressor Operator (over 2); Concrete Mixers (over 1 yard); Concrete Pumps or Pumpcrete Guns; Generators; Grouting Machines; Press-weld (air-operated); Pumps (over 2); Welding Machines (powered other than by electricity)

Group 6: BUL Lima Road Factor or similar; Boom Truck or Dual Purpose A-Frame Truck; Concrete Batch Plants (wet or dry); Concrete Saws (self-propelled unit) on streets, highways, airports and canals; Drilling and Boring Machinery, vertical (not to apply to waterliners, wagon drills or jackhammers); Highline Cableway Signalman; Locomotives (steam or over 30 ton); Lubrication and Service Engineer (mobile and grease rack); Magline Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mechanical Finishers (concrete) (Clay; Johnson; Bidwell Bridge Deck or similar types); Mechanical Burn Curb and/or Curb and Gutter Machine, concrete or asphalt; Portable Crushers; Post Driver (M300 and similar); Power Jumbo Operator (setting slip-forms, etc., in tunnels); Roller (except asphalt); Screedman (Barber-Greene and similar) (asphaltic concrete paving); Self-propelled Compactor (single engine); Self-propelled Pipeline Wrapping Machine (perault CRC or similar type); Self-propelled Power Sweeper; Self-propelled Tape Machine; Slip Form Pumps (lifting device for concrete form); Small rubber-tired tractors; Surface Heaters; Auger-type drilling equipment up to and including 39 ft. depth

POWER EQUIPMENT OPERATORS (Cont'd)  
(AREAS I and II) (Cont'd)

Group 7: Concrete Conveyor or Concrete Pump, Truck or Equipment mounted (boom length to apply); Concrete conveyor; building site; Deck Engineers; Drilling and Boring Machinery, horizontal (not to apply to waterliners, wagon drills or jackhammers); Dual Drum Mixer; Fuller Kenyon Pump and similar types; Gantry Rider (or similar equipment); Hydro-Hammer or similar; Instrument Man; Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber-Greene and similar); Mine or Shaft Hoist; Mixermobile; Pavement Breaker with or without Compressor Combination; Pavement Breaker, truck mounted with Compressor Combination; Pipe Bending Machine (pipe-line only); Pipe-Cleaning Machine (tractor propelled and supported); Pipe Wrapping Machine (tractor propelled and supported); Refrigeration Plant; Roller Operator (finish asphalt); Self-propelled boom type lifting device (center mount) (10 tons or less M.K.C.); Self-propelled Elevating Grade Plane; Slusher Operator; Small Tractor (with boom); Soil Tester; Truck type Loader; Auger-type drilling equipment over 30 ft. depth

Group 8: Armor-Coater (or similar); Asphalt Plant Engineer; Cast-in-Place Pipe Laying Machine; Combination Slusher and Motor Operator; Concrete Batch Plant (multiple units); Dozer; Heading Shield Operator; Heavy Duty Repairman and/or Welder; Gradesetter; Grade Checker (mechanical or other-wise); Grooving and Grinding Machines (highways); Ken Seal Machine (or similar); Kolman Loader; Loader (up to 2 yards); Mechanical Trench Shield; Portable Crushing and Screening Plants; Push Cat; Rubber Tired Earth-boring Equipment (up to and including 45 cu. yds. "struck" m.r.c.); Bucilda, T-Pulls, B&L, 10, 21, and similar; Rubber Tired Dozer; Self-propelled Compactor with Dozer; Sheepfoot; Timber Skidder (rubber tired or similar equipment); Tractor drawn Scraper; Tractor; Trenching Machine over 4 ft. depth; Tri-batch Paver; Tunnel Mole Boring Machine; Welder; Woods-mixer (and other similar Pugmill equipment); Vermeer T-600 B Rock Cutter

Group 9: Chicago Boom; Combination Mixer and Compressor (gunite); Combination Slurry Mixer and/or Cleaner; Highline Cableway (5 tons and under); Lull Hi-lift or similar (20 ft. or over); Mucking Machine (rubber tired, rail or track type); Tractor (with boom) (D-6 or larger and similar)

## NOTICES

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977



POWER EQUIPMENT OPERATORS (Cont'd)  
(AREAS I and II) (Cont'd)

Group 10; Boom-type Backfilling Machine; Bridge Crane; Carry-lift (or similar); Chemical Grouting Machine, truck mounted; Combination Backhoe and Loader (up to and including 3/4 cu. yd. m.r.c.); Derrick Barges operators required when using engine remote from hoist); Derrick Barges (except excavation work); Do-More Loader and Adams Elevator; Elevating Grader Heavy Duty Rotary Drill Rig (including Caisson Foundation work and Euclid Loader and similar type; Robbins Type Drills); Roaming Scooper (or similar); Lift Slab Machine; (Vegborg and similar types); Loader (2 yards up to and including 4 yards); Locomotive (over 100 tons) (single or multiple units); Multiple Engine Earthmoving Machine (Euclids, Dozers, etc.) (no tandem scraper); Pre-stress Wire Wrapping Machine; Reservoir-Debris Tug (self-propelled floating); Rubber-tired Scraper, self-loading (peddle wheel twin engine); Shuttle Car (reclaim station); Single Engine Scraper over 45 yards; Soil Stabilizer (P & H or equal); Sub-grader (Curtiss or other automatic type); Tractor, Compressor Drill Combination; Track Laying type earth moving machine (single engine with tandem scrapers); Train loading station; Trenching Machine, multi-engine with sloping attachment, Jasco or similar; Vacuum Cooling Plant; Whirley Crane (up to and including 25 tons)

Group 10-A; Backhoe (hydraulic) (up to and including 1 cu. yd. m.r.c.); Backhoe (cable) (up to and including 1 cu. yd. m.r.c.); Continuous Combination Backhoe and Loader over 3/4 cu. yd. m.r.c.); Continuous Flight Tie Back Auger (up to and including 1 cu. yd.) (Crane attached); Cranes (not over 25 tons, Hammerhead and Gantry); Grade-alls (up to and including 1 cu. yd.); Power Shovels, Clamshells, Draglines, (up to and including 1 cu. yd. m.r.c.); Power Blade (single engine); Self-propelled Boom-type Lifting Device (center mount) (over 10 tons); Rubber-tired Scraper, self-loading (peddle wheel twin engine); OM dual Lane Auto Grader SP30 or similar

Group 11; Automatic Concrete Slip Form Paver; Automatic Railroad Car Dumper; Canal Trimmer; Canal Trimmer w/ditching attachments; Cranes (over 25 tons up to and including 125 tons); Continuous Flight Tie Back Auger over 1 cu. yd. (including crane); Drott Travelift 630-A-1 or similar (45 tons or over); Euclid Loader when controlled from the pulicat; Highline Cableway (over 5 tons); Loader (over 4 yards, up to and including 12 cu. yds.); Miller Foreless M900 Slope Paver or similar; Power Blade (multi-engine); Power Shovels, Clamshells, Draglines, Backhoe, Grade-alls (over 1 yd. and up to and including 7 cu. yds. m.r.c.); rubber-tired earth moving machines (multiple propulsion power units and two or more scrapers) (up to and including 75 cu. yds. "struck" m.r.c.); Self-propelled Compactor (with multiple propulsion power units); Single engine Rubber-tired Earthmoving Machines (with tandem scrapers); Slip Form Paver (concrete or asphalt); Tandem Cats; Tower Cranes Mobile Including rail mounted; Trencher (pulling attached shield); Universal Limber and Tower Cranes (and similar types); Wheel Excavator (up to and including 750 cu. yd. per hour); Whirley Crane (over 25 tons)

NOTICES

POWER EQUIPMENT OPERATORS (Cont'd)  
(AREAS I and II) (Cont'd)

Group 11-A; Band Wagons (in conjunction with Wheel Excavator); Cranes (over 125 tons); Loader (over 12 cu. yds. up to and including 18 cu. yds.); Power Shovels and Draglines (over 7 cu. yds. m.r.c.); Rubber Tired Multi-purpose Earth Moving Machines (2 units over 75 cu. yds. "struck" m.r.c.); Wheel Excavator (over 750 cu. yds. per hour)

Group 11-B; Loader (over 18 cu. yds.)

Group 11-C; Operator of Helicopter (when used in aerection work); Remote Controlled Earthmoving Equipment

BULK CEMENT SPREADER (w/o auger, under 4 yds. water level); Bus or Manual driver; Concrete pump machine; Concrete pump truck (when flat rack truck is used appropriate flat rack rate shall apply); Dump (under 4 yds. water level); Dumpcrete truck (under 4 yds. water level); Dumpster (under 4 yds. water level); Escort or pilot car driver; Nipper truck (when flat rack truck is used appropriate flat rack rate shall apply); Pickup; Skids (debris box, under 4 yds. water level); Team drivers; Trucks (dry per-batch concrete mix, under 4 yds. water level); Helpers; Warehousemen	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
BULK CEMENT SPREADER (w/o auger, 4 yds. and under 6 yds. water level); Dump (4 yds. and under 6 yds. water level); Dumpcrete (4 yds. and under 6 yds. water level); Dumpster (4 yds. and under 6 yds. water level); Skids (debris box 4 yds. and under 6 yds. water level); Single unit flat rack (2 axle unit); Industrial Lift Truck (mechanical tailgate) Trucks (dry pre-batch concrete water level)	10.00	1.195	.70	1.00	
JETTING TRUCK and WATER TRUCK (under 2,500 gallons)	10.015	1.195	.70	1.00	

TRUCK DRIVERS (Cont'd)	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
LIFT JITNEYS, Fork Lift TRANSIT MIX, AGITATOR (under 6 yds.)	\$ 10.035	\$ 1.195	.70	\$1.00	
TRUCK REPAIRMAN HELPER	10.055	1.195	.70	1.00	
VACUUM TRUCK under (3,500 gallons)	10.075	1.195	.70	1.00	
SCISSOR TRUCK; Single unit flat rack (3 axle unit); Industrial Lift Truck (mechanical tailgate); Small rubber tired tractor (when used within teamsters' jurisdiction)	10.085	1.195	.70	1.00	
JETTING TRUCK & WATER TRUCK (2,500 gals. under 4,000 gals.)	10.10	1.195	.70	1.00	
COMBINATION WINCH TRUCK WITH HOIST; Transit, Mix Agitator (6 yds. and under 8 yds.)	10.115	1.195	.70	1.00	
VACUUM TRUCK (3,500 gals. and under 5,500 gals.)	10.155	1.195	.70	1.00	
RUBBER-TIRED MUCK CAR (not self-loaded)	10.165	1.195	.70	1.00	
	10.175	1.195	.70	1.00	

NOTICES



TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
BULK CEMENT SPREADER (w/wo auger, 6 yds. and under 8 yds. water level); Dump (6 yds. and under 8 yds. water level); Dumpcrete (6 yds. and under 8 yds. water level); Dumpster (6 yds. and under 8 yds. water level); Skids (debris box, 6 yds. and under 8 yds. water level); Trucks (dry pre-batch concrete mix, 6 yds. and under 8 yds. water level)	\$ 10.20	\$ 1.195	.70	\$1.00	
A-FRAME, WINCH TRUCKS; Buggymobile; Hydro-lift, Swedish crane type (jetting); Jetting and water truck (4,000 gals. and under 5,000 gals.); Rubber tired Jumbo	10.215	1.195	.70	1.00	
HEAVY DUTY TRANSPORT (high bed)	10.22	1.195	.70	1.00	
ROSE HYSTER and SIMILAR STRADDLE CARRIER	10.245	1.195	.70	1.00	
TRANSIT MIX AGITATOR (8 yds. through 10 yds.)	10.255	1.195	.70	1.00	
VACUUM TRUCK (5,500 gals. and under 7,500 gals.)	10.265	1.195	.70	1.00	
JETTING TRUCK & WATER TRUCK (5,000 gals. and under 7,000 gals.)	10.315	1.195	.70	1.00	

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
TRANSIT MIX AGITATOR (over 10 yds. through 12 yds.)	\$10.355	\$ 1.195	.70	\$1.00	
BULK CEMENT SPREADER (w/wo auger, 8 yds. and including 12 yds. water level); Dump (8 yds. and including 12 yds. water level); Dumpcrete (8 yds. and including 12 yds. water level); Self-pro-pelled street sweeper with self-contained refuse bin; Skids (debris box, 8 yds. and including 12 yds. water level); Snow go and/or snow plow; Truck (dry pre-batch concrete mix, 8 yds. and including 12 yds. water level); Dumpster (8 yds. and including 12 yds. water level)	10.44	1.195	.70	1.00	
HEAVY DUTY TRANSPORT (goose-neck lowbed)	10.45	1.195	.70	1.00	
TRANSIT MIX AGITATOR (over 12 yds. through 14 yds.)	10.455	1.195	.70	1.00	

NOTICES

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
BULK CEMENT SPREADER (w/wo auger, over 12 yds. and including 18 yds. water level); Dump (over 12 yds. and including 18 yds. water level); Dumpcrete (over 12 yds. and including 18 yds. water level); Dumpster (over 12 yds. and including 18 yds. water level); Skids (debris box, over 12 yds. and including 18 yds. water level); Trucks (dry pre-batch concrete mix, over 12 yds. and including 18 yds. water level)	\$ 10.48	\$ 1.195	.70	\$1.00	
P.B. OR SIMILAR TYPE SELF-LOADING TRUCK	10.54	1.195	.70	1.00	
TRUCK REPAIRMAN	10.575	1.195	.70	1.00	
BULK CEMENT SPREADER (w/wo auger, over 18 yds. and including 24 yds. water level); Combination dump and dump trailer; Dump (over 18 yds. and including 24 yds. water level); Dumpcrete (over 18 yds. and including 24 yds. water level); Dumpster (over 18 yds. and including 24 yds. water level); Skid (debris box, over 18 yds. and including 24 yds. water level); Transit mix agitator (over 12 yds. through 16 yds.); Trucks (dry pre-batch concrete mix, over 17 yds. and including 24 yds. water level)	10.585	1.195	.70	1.00	

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
BULK CEMENT SPREADER (w/wo auger, over 24 yds. and including 35 yds. water level); Dump (over 24 yds. and including 35 yds. water level); Dumpcrete (over 24 yds. and including 35 yds. water level); Dumpster (over 24 yds. and including 35 yds. water level); Skids (debris box, over 24 yds. and including 35 yds. water level); Trucks (dry pre-batch concrete mix, over 24 yds. and including 35 yds. water level)	\$ 10.64	\$ 1.195	.70	\$1.00	
BULK CEMENT SPREADER (w/wo auger, over 35 yds. and including 50 yds. water level); Dump (over 35 yds. and including 50 yds. water level); Dumpcrete (over 35 yds. and including 50 yds. water level); Dumpster (over 35 yds. and including 50 yds. water level); Skids (debris box, over 35 yds. and including 50 yds. water level); Trucks (dry pre-batch concrete mix, over 35 yds. and including 50 yds. water level)	10.79	1.195	.70	1.00	

NOTICES



CALIFORNIA  
AREA DEFINITIONS for  
POWER EQUIPMENT OPERATORS

\*\*AREA 2: All areas not included within Area 1 as defined below.

\*AREA 1: All areas included in the description defined below which is based upon township and range lines of Areas 1 and 2.

TRUCK DRIVERS (Cont'd)	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Vacation Education Appr. Tr.
BULK CEMENT SPREADER w/o sugar, over 50 yds. and under 65 yds. water level; Dump (over 50 yds. and under 65 yds. water level); Dumpcrete (over 50 yds. and under 65 yds. water level); Helicopter pilot (when transporting men or materials); Skids (debris box, over 50 yds. and under 65 yds. water level); Trucks (dry pre-batch concrete mix, over 50 yds. and under 65 yds. water level)	\$ 10.94	\$ 1.195	.70	\$1.00
BULK CEMENT SPREADER (w/o sugar, over 65 yds. and including 80 yds. water level); Dump (65 yds. and including 80 yds. water level); Dumpcrete (over 65 yds. and including 80 yds. water level); Skids (debris box, 65 yds. and including 80 yds. water level); Trucks (dry pre-batch concrete mix, 65 yds. and including 80 yds. water level)	11.09	1.195	.70	1.00
BULK CEMENT SPREADER w/o sugar, over 80 yds. and including 95 yds. water level; Dump (over 80 yds. and including 95 yds. water level); Dumpcrete (over 80 yds. and including 95 yds. water level); Skids (debris box, over 80 yds. and including 95 yds. water level); Trucks (dry pre-batch concrete mix, over 80 yds. and including 95 yds. water level)	11.24	1.195	.70	1.00

Commencing in the Pacific Ocean on the extension of the Southerly line of Township 19S, crossing

Thence Easterly along the Southerly line of Township 19S, crossing the Mt. Diablo base line and meridian,

range 6E, Mt. Diablo base line and meridian,

Thence Southerly to the S.W. corner of township 20S, range 6E,

Thence Southerly to the S.W. corner of township 20S, range 13E,

Thence Southerly to the S.W. corner of township 21S, range 13E,

Thence Southerly to the S.W. corner of township 22S, range 17E,

Thence Southerly to the S.W. corner of township 23S, range 17E,

Thence Southerly to the S.W. corner of township 23S, range 18E,

Thence Southerly to the S.W. corner of township 24S, range 19E,

falling on the Southerly line of Kings County, thence Easterly along the Southerly boundary of Kings

County and the Southerly boundary of Tulare County, to the S.E. corner of township 24S, range 29E,

Thence Northerly to the N.E. corner of township 21S, range 29E,

Thence Northerly to the N.E. corner of township 21S, range 29E,

Thence Northerly to the N.E. corner of township 13S, range 28E,

Thence Northerly to the N.E. corner of township 13S, range 28E,

Thence Northerly to the N.E. corner of township 11S, range 27E,

Thence Northerly to the N.E. corner of township 11S, range 27E,

Thence Northerly to the N.E. corner of township 10S, range 26E,

Thence Northerly to the N.E. corner of township 10S, range 26E,

Thence Northerly to the N.E. corner of township 9S, range 23E,

Thence Northerly to the N.E. corner of township 9S, range 23E,

Thence Northerly to the N.E. corner of township 8S, range 24E,

Thence Northerly to the N.E. corner of township 8S, range 23E,

Thence Northerly to the S.E. corner of township 5S, range 19E,

Thence Northerly to the N.E. corner of township 5S, range 19E,

Thence Northerly to the N.E. corner of township 3S, range 18E,

Thence Northerly to the N.E. corner of township 3S, range 18E,

Thence Northerly to the N.E. corner of township 2S, range 17E,

Thence Northerly to the N.E. corner of township 2S, range 17E,

Thence Northerly crossing the Mt. Diablo baseline to the N.E. corner of township 2N, range 16E,

Thence Northerly to the N.E. corner of township 3N, range 15E,

Thence Northerly to the N.E. corner of township 3N, range 15E,

Thence Northerly to the N.E. corner of township 4N, range 14E,

CALIFORNIA  
AREA DEFINITIONS for  
POWER EQUIPMENT OPERATORS (cont'd)

\*Area 1 (cont'd):

Thence Northerly to the N.E. corner of township 4N, range 14E,

Thence Northerly to the N.E. corner of township 5N, range 13E,

Thence Northerly to the N.E. corner of township 5N, range 13E,

Thence Northerly to the N.E. corner of township 10N, range 12E,

Thence Northerly to the N.E. corner of township 11N, range 14E,

Thence Northerly to the N.E. corner of township 11N, range 14E,

Thence Northerly to the N.E. corner of township 13N, range 10E,

Thence Northerly to the N.E. corner of township 13N, range 10E,

Thence Northerly to the N.E. corner of township 16N, range 11E,

Thence Northerly to the N.E. corner of township 16N, range 11E,

Thence Northerly to the S.E. corner of township 17N, range 14E,

Thence Northerly to the S.E. corner of township 17N, range 14E,

Thence Northerly to the S.E. corner of township 14N, range 13E,

Thence Northerly to the S.E. corner of township 13N, range 16E,

Thence Northerly to the S.E. corner of township 13N, range 16E,

Thence Northerly to the S.E. corner of township 12N, range 17E,

Thence Northerly to the S.E. corner of township 12N, range 17E,

Thence Northerly along the Southern line of township 12N to the Eastern boundary of the state of California,

Thence Northerly, thence Northerly along the Eastern boundary of the state of California, to the N.E. corner of township 17N, range 18E,

Thence Northerly to the N.W. corner of township 17N, range 11E,

Thence Northerly to the N.W. corner of township 20N, range 10E,

Thence Northerly to the N.W. corner of township 20N, range 10E,

Thence Northerly to the N.W. corner of township 21N, range 9E,

Thence Northerly to the N.W. corner of township 21N, range 9E,

Thence Northerly to the N.W. corner of township 22N, range 8E,

Thence Northerly to the N.W. corner of township 22N, range 8E,

Thence Northerly to the N.W. corner of township 27N, range 8E,

Thence Northerly to the N.W. corner of township 27N, range 8E,

Thence Northerly to the N.W. corner of township 28N, range 7E,

Thence Northerly to the N.W. corner of township 28N, range 7E,

Thence Northerly to the N.W. corner of township 30N, range 6E,

Thence Northerly to the N.W. corner of township 30N, range 1E,

Thence Northerly along the Mt. Diablo meridian to the N.E. corner of township 34N, range 14,

Thence Northerly to the N.E. corner of township 32N, range 7N,

Thence Northerly to the N.E. corner of township 32N, range 7N,

Thence Northerly to the S.W. corner of township 30N, range 7N,

Thence Northerly to the S.E. corner of township 30N, range 7N,

Thence Northerly to the S.W. corner of township 16N, range 6N,

Thence Northerly to the S.E. corner of township 16N, range 6N,

Thence Northerly to the S.W. corner of township 14N, range 5N,

Thence Northerly to the S.E. corner of township 14N, range 7N,

Thence Northerly to the N.E. corner of township 14N, range 7N,

Thence Northerly to the N.E. corner of township 14N, range 7N,

Thence Northerly to the N.E. corner of township 15N, range 8N,

CALIFORNIA  
AREA DEFINITIONS for  
POWER EQUIPMENT OPERATORS (cont'd)

\*Area 1 (cont'd)

Thence Northerly to the S.E. corner of township 16N, range 12N,

Thence Northerly to the N.E. corner of township 16N, range 12N,

Thence Northerly to the N.W. corner of township 16N, range 12N,

Thence Northerly to the N.E. corner of township 18N, range 13N,

Thence Northerly to the N.W. corner of township 18N, range 14N,

Thence Northerly to the S.E. corner of township 18N, range 14N,

Thence Northerly to the S.W. corner of township 18N, range 14N,

Thence Northerly to the S.W. corner of township 16N, range 13N,

Thence Northerly to the S.W. corner of township 15N, range 14N,

Thence Northerly to the S.W. corner of township 14N, range 14N,

Thence Northerly to the S.W. corner of township 13N, range 13N,

Thence Northerly to the S.W. corner of township 13N, range 13N,

Thence Northerly to the S.E. corner of township 11N, range 12N,

Thence Northerly to the S.E. corner of township 11N, range 12N,

Thence Northerly along the Eastern line of range 12N to the Pacific Ocean excluding that portion of Northern California within Santa Clara County included within the following line:

Commencing at the N.W. corner of township 6S, range 3E, Mt. Diablo baseline and meridian:

Thence in a Southerly direction to the S.W. corner of township 7S, range 3E,

Thence in a Southerly direction to the S.E. corner of township 7S, range 4E,

Thence in a Northerly direction to the N.E. corner of township 6S, range 4E,

Thence in a Westerly direction to the N.W. corner of township 6S, range 3E,

Thence in a Westerly direction to the N.W. corner of township 6S, range 3E,

Thence in a Westerly direction to the N.W. corner of township 6S, range 3E,

Thence in a Westerly direction to the N.W. corner of township 6S, range 3E,

Thence in a Westerly direction to the N.W. corner of township 6S, range 3E,

Thence in a Westerly direction to the N.W. corner of township 6S, range 3E,

Thence in a Westerly direction to the N.W. corner of township 6S, range 3E,

Thence in a Westerly direction to the N.W. corner of township 6S, range 3E,

Thence in a Westerly direction to the N.W. corner of township 6S, range 3E,

Thence in a Westerly direction to the N.W. corner of township 6S, range 3E,

Thence in a Westerly direction to the N.W. corner of township 6S, range 3E,

Thence in a Westerly direction to the N.W. corner of township 6S, range 3E,

Thence in a Westerly direction to the N.W. corner of township 6S, range 3E,

Thence in a Westerly direction to the N.W. corner of township 6S, range 3E,

Thence in a Westerly direction to the N.W. corner of township 6S, range 3E,

Thence in a Westerly direction to the N.W. corner of township 6S, range 3E,

Thence in a Westerly direction to the N.W. corner of township 6S, range 3E,

Thence in a Westerly direction to the N.W. corner of township 6S, range 3E,

Thence in a Westerly direction to the N.W. corner of township 6S, range 3E,

Thence in a Westerly direction to the N.W. corner of township 6S, range 3E,

Thence in a Westerly direction to the N.W. corner of township 6S, range 3E,

Thence in a Westerly direction to the N.W. corner of township 6S, range 3E,

Thence in a Westerly direction to the N.W. corner of township 6S, range 3E,

Thence in a Westerly direction to the N.W. corner of township 6S, range 3E,



\*Area 1: (Cont'd)  
Thence westerly along the Northerly line to township 10N, into the Pacific Ocean.  
Area 1 also includes that portion of Northern California included within the following line:  
Commencing at the Northerly boundary of the State of California at the N. W. corner of township 48N, range 7W, Mt. Diablo base-line and meridian;  
Thence Southerly to the S.W. corner of township 44N, range 7W, Thence Easterly to the S.E. corner of township 44N, range 7W, Thence Southerly to the S.W. corner of township 43N, range 6W, Thence Easterly to the S.E. corner of township 43N, range 5W, Thence Northerly to the N.E. corner of township 48N, range 5W, on the Northerly boundary of the State of California,  
Thence Westerly along the Northerly boundary of the State of California to the point of beginning.

COUNTIES: Alameda, Alpine, Amador, Calaveras, Contra Costa, Del Norte, El Dorado, Fresno, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Sutter, Tehama, Tuolumne, Yolo and Yuba

DECISION NUMBER: CA77-5091  
Supersede Decision No. CA77-5040 dated April 22, 1977, in 42 FR 21012  
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation	Education and/or Appr. Tr.	
ASBESTOS WORKERS	\$ 12.41	.90	\$ 1.17	\$ 1.50		.06
BOILERMAKERS	13.17	.77	1.00	.50		.02
BRICKLAYERS, Stonemasons: Del Norte, Humboldt, Marin, Napa, San Francisco, San Mateo, Solano and Sonoma Counties	11.42	1.50	1.10	1.00		.05
Alameda and Contra Costa Cos.	11.95	1.05	1.05			.20
Fresno, Mariposa and Merced Cos.	11.55	.95	1.00			
El Dorado, Nevada, Placer, Sacramento, Sutter, Tehama, Yolo and Yuba Counties	11.90	.80	1.05			.25
Monterey and Santa Cruz Counties	12.60	1.22	1.26			
San Benito and Santa Clara Cos.	11.95	1.05	1.05			.20
Alpine, Amador, Calaveras, San Joaquin and Tuolumne Counties	10.85	1.00	1.00	1.00		
BRICK TENDERS: San Francisco and San Mateo Cos.	10.00	.65	.80			
Alpine, Amador, El Dorado, Nevada, Placer, Sacramento and Yolo Counties	9.30	1.00	1.70			
Fresno County	10.35	.80	1.40			
CARPENTERS: Hardwood Floor Layers; Power Saw Operators; Saw Filers; Shinglers; Steel Scaffold Erectors and/or Steel Shoring Erectors	11.65	1.22	1.71	.85		.06
Millwrights	11.80	1.22	1.71	.85		.06
Piledrivers, Bridge, Wharf and Dock Builders	12.15	1.22	1.71	.85		.06
	12.23	.84	1.26	.75		.04

NOTICES

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation	Education and/or Appr. Tr.	
CEMENT MASONS: Cement Masons	\$ 10.00	\$ 1.15	\$ 1.43	\$ 1.50		.05
Mastic; Magnesite; All Composition Masons	10.25	1.15	1.43	1.50		.05
Men working from swinging or slip form scaffolds	10.25	1.15	1.43	1.50		.05
DRYWALL INSTALLERS	11.52	1.22	1.71	.75		.07
ELECTRICIANS: Alameda County	12.91	1.05	34+1.15			.03
Cable Splicers	14.52	1.05	34+1.15			.03
Amador, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, El Dorado, Nevada and Placer Counties West of the Main Sierra Mountain Watershed						
Lake Tahoe Area	14.39	.95	34+1.85			.04
Cable Splicers	15.83	.95	34+1.85			.04
Electricians	13.98	.67	34+1.77			.08
Cable Splicers	15.28	.67	34+1.77			.08
Tehama County						
Electricians (Family residences, limited to 3 stories)	7.83	.75	14+1.45			.04
Electricians (4 stories): Calaveras and San Joaquin Cos.	12.24	1.12	34+1.705			.04
Cable Splicers	13.46	1.12	34+1.705			.04
Electricians	12.15	.92	34+1.25			.01
Cable Splicers	13.57	.92	34+1.25			.01
Contra Costa County	15.20	.70	34+1.00			.01
Electricians	16.70	.70	34+1.00			.01
Cable Splicers	11.25	.80	34+1.85			.04
Del Norte and Humboldt Counties	12.15	.80	34+1.85			.04
Electricians						
Cable Splicers						

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation	Education and/or Appr. Tr.	
ELECTRICIANS: (Cont'd) Fresno County (family residences, not to exceed 2 stories)	\$ 7.75	.60	14+1.95			.05
Electricians (3-4 stories): Electricians	12.76	.80	34+1.05			.05
Cable Splicers	14.04	.80	34+1.05			.05
Marin and Sonoma Counties						
Electricians	12.35	1.11	34+1.30			.02
Cable Splicers	13.61	1.11	34+1.30			.02
Mariposa, Merced and Tuolumne Counties						
Electricians	9.83	.62	34			14
Cable Splicers	10.81	.62	34			14
Monterey County						
Electricians	12.50	1.10	34+2.30			.06
Cable Splicers	13.81	1.10	34+2.30			.06
Napa and Solano Counties						
Electricians	12.07	.68	34+1.85			.04
Cable Splicers	13.58	.68	34+1.85			.04
San Benito, Santa Clara and Santa Cruz Counties						
Electricians	13.80	.77	34+1.50			.05
Cable Splicers	15.53	.77	34+1.50			.05
San Francisco County						
Electricians	15.585	1.04	34+1.90			.06
Cable Splicers	17.53	1.04	34+1.90			.06
San Mateo County						
Electricians	13.64	1.25	34+1.00			.03
ELEVATOR CONSTRUCTORS' HELPERS	13.49	.545	.35	34+1.35		.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	70NJR	.545	.35	34+1.35		.02
	50NJR					







Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
ROOFERS: Alameda and Contra Costa Cos. Roofers Mastic Workers; Kettlemen (2 Kettles w/o pumps) Bitumastic; Enamelers; Pipe- wrappers; Coal tar built up Alpine, Calaveras, Mariposa, Merced, San Joaquin and Tuolumne Counties Roofers (slate, tile and Composition and built up) Felt Machine Operator El Dorado, Placer, Sutter and Yuba Counties Roofers Fresno County Roofers Marin, Napa, Solano and Sonoma Counties Roofers Mastic Workers; Kettlemen (2 kettle w/o pumps) Bitumastic; Enamelers; Pipe- wrappers; Coal tar pitch Del Norte and Humboldt Counties Roofers Monterey and Santa Cruz Counties Roofers San Francisco and San Mateo Cos. Roofers Mastic Workers and Kettlemen (2 kettles w/o pumps) Bitumastic; Enamelers; Pipe- wrappers; Coal tar	\$ 10.94 11.19 11.94  11.29 11.44  11.89 11.35  10.13 10.38 11.13 10.32 10.40 10.93 11.18 11.93	\$ 1.17 1.17 1.17  .98 .98  .95 .60  .85 .85 .85 .40 1.40 .60 .60 .90	.60 .60 .60  .67 .67  .40 .80  1.63 1.63 1.63 .35 1.10 1.10 1.10	.04 .04 .04  .04 .04 .04  .04 .04 .04 .04 .04 .04 .04 .04

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
ROOFERS: (Cont'd) Amador, Sacramento and Yolo Counties Roofers Enamelers and Pitch San Benito and Santa Clara Cos. Roofers; Kettlemen (1 kettle) SHEET METAL WORKERS: Alameda, Contra Costa, Napa and Solano Counties Alpine, Calaveras and San Joaquin Counties Amador, El Dorado, Nevada, Placer, Sacramento, Sutter, Tehama, Yolo and Yuba Cos. Mariposa, Merced and Tuolumne Counties Monterey, San Benito, Santa Clara and Santa Cruz Cos. San Mateo County Del Norte, Humboldt, Marin, San Francisco and Sonoma Cos. Fresno County SOFT FLOOR LAYERS: Alpine, Amador, Calaveras, Merced (East of the San Joaquin River), San Joaquin, Sacramento, Sutter, Tehama, Tuolumne, Yolo and Yuba Counties; and those portions of El Dorado, Nevada and Placer Counties (excluding Lake Tahoe Area) Lake Tahoe Area Alameda, Contra Costa, Marin, Merced, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano and Sonoma Counties	\$ 10.11 11.11 10.10  11.25 11.77 11.68 11.14 11.15 12.62 12.50 11.98  10.73 10.05  11.30	\$ 1.04 1.04 .65  .66 .66 .73 .60 38+.66 .66 .66 1.74 1.22  1.30 .70  1.00	\$ 1.00 1.00 1.14  1.28 1.40 1.65 1.10 1.845 1.61 1.74 1.22  1.00 b	.07 .07   .04 .02 .11 .06 .12 .12 .14  .10   .10

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
SPRINKLER FITTERS: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties Remaining Counties STEWARTS: Alameda and Contra Costa Cos. Del Norte and Humboldt Cos. TERRAZZO WORKERS: Alameda, Contra Costa, Del Norte, Humboldt, Marin, Napa, San Francisco, San Mateo, Solano and Sonoma Counties El Dorado, Nevada, Placer, Sacramento, Sutter, Tehama, Yolo and Yuba Counties TILE SETTERS: Alameda, Contra Costa, Del Norte, El Dorado, Humboldt, Marin, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Mateo, Santa Clara, Solano, Sonoma, Sutter, Tehama, Yolo and Yuba Cos. Alpine, Amador, Calaveras, San Joaquin and Tuolumne Counties Fresno, Mariposa and Merced Counties Monterey and Santa Cruz Counties	\$ 16.26 15.07  13.30 11.64  11.42 11.60  12.00 10.27 10.35 13.41	.65 .65  1.25 .61  1.50 .80  .98 .55 1.00 1.09	\$1.45 .95  2.29 1.12  1.10 .90  1.20 .30 .50 1.18	.09 .08  .165 .05   .25   .095

PAID HOLIDAYS:  
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;  
E-Thanksgiving Day; F-Christmas Day.  
FOOTNOTES:  
a. Employer contributes 4% of basic hourly rate for over 5 years' service  
and 2% of basic hourly rate for 6 months to 5 years' service.  
Credit. Six Paid Holidays: A through F.  
b. Employer contributes \$.90 per hour for the first five years of employment;  
After five years \$1.05 per hour to Vacation and Holidays Benefits.

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
LABORERS Group 1 Group 1(a) Group 1(b) Group 1(c) Group 1(d) Group 1(e) Group 1(f) Group 2 Group 3 LABORERS (Gunnite) Group 1: Group 2: Group 3:	\$ 8.775 9.200 9.275 8.825 8.725 9.325 8.975 8.625 8.525  9.235 8.645 8.525	\$ 1.25 1.25 1.25 1.25 1.25 1.25 1.25 1.25 1.25  1.25 1.25 1.25	\$ 1.70 1.70 1.70 1.70 1.70 1.70 1.70 1.70 1.70  1.70 1.70 1.70	.10 .10 .10 .10 .10 .10 .10 .10 .10  .10 .10 .10



Group 1(d): Repair Trackmen and road beds (cut and cover work of subway after the temporary cover has been placed)

Group 1(e): Laborers on general construction work on or in bell hole footings and shaft

Group 1(f): Contra Costa County Only: Pipelayers, Caulkers, Banders, Pipewrappers, Conduit Layers and Plastic Pipelayers; Pressure Pipe Tester, no joint pipe and stripping of same, including repair of voids, Precast Manhole Setters, Cast in place, Manhole form setters

Group 2: Asphalt Shovelers; Cement dumpers and handling dry cement or gypsum; Choke-setter and Rigger (clearing work); Concrete Buckler Dumper and Chute-man; Concrete Chipping and Grinding; Concrete Laborers (wet or dry); Driller's Helper; Chuck Tender; Nozzlemen, adductors; Hydraulic Monitor (over 100 lbs pressure); Loading and unloading, carrying and handling of all rods and materials for use in reinforcing concrete construction; Pittsburgh Chipper, and similar type Brush shredders; Slicer; Singlefoot, hand held, pneumatic tamper; All pneumatic, air, gas, and electric tools; Jacking of pipe under 12 inches

Group 3: All cleanup work of debris, grounds and buildings including but not limited to street cleaners; Cleaning and washing windows; Construction laborers including bridge and general laborers; Dumpman, load spotter; fire Watcher; Street Cleaners; Gardeners; Horticultural and landscape laborers; Jetting; Limbers; Brush Loaders; Pliers, maintenance landscape laborers on new construction; Maintenance, Repair Trackmen and Road beds; Streetcar and Railroad construction Track Laborers; Temporary air and water lines, Victaulic or similar; Tool room attendant; Fence Erectors; Guardrail Erectors; Pavement Markers (button setters)

- LABORERS  
(Gunnite)
- Group 1: Nozzlemen (including Gunman, Potman); Rodmen; Groundman
- Group 2: Reboundman
- Group 3: General Laborers

Group 1: Asphalt Ironers and Rakers; Barko, wacker and similar type tampers; Buggymobile; Chainsaw, faller, logloader and bucket; Compactors of all types; Concrete and magnesite mixer 1/2 yard and under; Concrete pan work; Concrete saw; Concrete sander; Cribbar and/or shoring; Cut granite curb setter; Form raisers; Slip forms; Green cutters; Headerboardmen, Hubsetters, Aligners; Jackhammer operators; Jacking of pipe over 12 inches; Jackson and similar type Compactors; Kettlemen, Potmen and men applying asphalt, lay-roll, crossote, lime, caustic and similar type materials; Laggging, sheeting, whaling, bracking, trench-jacking, hand-guided lagginghammer; Magnesite, epoxyresin, fiberglass, and mastic workers (wet or dry); Pavement breakers and spaders, including tool grinder; Pipelayers, caulkers, banders, pipewrappers, conduit layers, plastic pipelayers; Post hole diggers - air, gas and electric; Power broom sweepers; Power tampers of all types (except as shown in Group 2); Ram set gun and stud gun; Riprap-stonepaver and rock-slinger, including placing of sacked concrete and/or sand (wet or dry); Rotary scarifier, multiple head concrete chipper; Davis trencher - 300 or similar type (and all small trenchers); Roto and Ditch witch; Roto-tiller; Sandblasters, Potman, Gunman, Nozzlemen; Signalling and Rigging; Tank Cleaners, Tree climbers; Vibra-screed - Bull float in connection with laborers' work; Vibrators; Dri-pak-it machine; High pressure blow pipe (1 1/4" or over, 100 lbs. pressure or over); Hydro Seeder and similar type; Laser beam in connection with laborers' work

Group 1(a): Joy Drill Model TM-2A; Gardner-Denver Model DML43 and similar type drills; Track drillers; Jack leg drillers; Diamond drillers; Wagon drillers; Mechanical drillers - all types regardless of type or method of power; Multiple unit drills; Blasters and Powdermen; All work of loading, placing and blasting of all powder and explosives of whatever type regardless of method used for such loading and placing; High scalars (including drilling of same); Tree topper; Bit grinder

- Group 1(b): Sewer Cleaners
- Group 1(c): Burning and Welding

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	AREA 1	AREA 2	Fringe Benefits Payments			Education and/or Appr. Tr.
				H & W	Pensions	Vacation	
Group 1:	\$ 9.13	\$10.64	\$ 1.50*	\$ 2.25	.25	.25	.25
Group 2:	9.50	11.01	1.50*	2.25	.25	.25	.25
Group 3:	9.73	11.24	1.50*	2.25	.25	.25	.25
Group 4:	10.32	11.83	1.50*	2.25	.25	.25	.25
Group 5:	10.55	12.06	1.50*	2.25	.25	.25	.25
Group 6:	10.71	12.22	1.50*	2.25	.25	.25	.25
Group 7:	10.87	12.38	1.50*	2.25	.25	.25	.25
Group 8:	11.31	12.82	1.50*	2.25	.25	.25	.25
Group 9:	11.54	13.05	1.50*	2.25	.25	.25	.25
Group 10:	11.76	13.27	1.50*	2.25	.25	.25	.25
Group 10-A:	11.88	13.39	1.50*	2.25	.25	.25	.25
Group 11:	12.06	13.57	1.50*	2.25	.25	.25	.25
Group 11-A:	13.22	14.73	1.50*	2.25	.25	.25	.25
Group 11-B:	13.52	15.03	1.50*	2.25	.25	.25	.25
Group 11-C:	13.84	15.35	1.50*	2.25	.25	.25	.25

\*Includes \$.23 per hour to Penalized Health and Welfare Fund.

POWER EQUIPMENT OPERATORS  
(Areas I and II)

Group 1: Assistants to Engineers (Brakeman; Fireman; Heavy Duty Repairman; Belper; Oiler; Deckhand; Signman); Switchman; Tar Pot Fireman; Partman (Heavy Duty Repair shop parts room)

Group 2: Compressor Operator; Concrete Mixer (up to and including 1 yard); Conveyor Belt Operator (tunnel); Fireman Hot Plant; Hydraulic; Monitor; Mechanical Conveyor (handling building materials); Mixer Box Operator (concrete plant); Pump Operator; Spreader Woman (with screed); Tar Pot Fireman (power agitated)

Group 3: Box Operator (bunker); Helicopter Radioman (Signalman); Locomotive (30 tons or under); Motorman; Rodman or Chainman; Rose Carrier (construction jobsite); Rotomast; Screedman (except asphaltic concrete paving); Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Trenching Machine, 4 ft. depth; Truck Crane Oiler; Tugger Hoist, single drum; Boiler Tender

Group 4: Ballast Jack Taper; Ballast Regulator; Ballast Taper Multi-purpose; Roman (asphalt plant); Elevator Operator (inside); Fork Lift or Lumber Stacker (construction job site); Line Master; Material Hoist (1 drum); Shuttlecar; Tie Spacer; Towermobile

Group 5: Compressor Operator (over 2); Concrete Mixers (over 1 yard); Concrete Pumps or Pumpcrete Guns; Generators; Grouting Machines; Press-weld (air-operated); Pumps (over 2); Welding Machines (powered other than by electricity)

Group 6: BLE Lima Road Pactor or similar; Boom Truck or Dual Purpose A-Frame Truck; Concrete Batch Plants (wet or dry); Concrete Saws (self-propelled unit) on streets, highways, airports and canals; Drilling and Boring Machinery, vertical (not to apply to waterliners, wagon drills or jackhammers); Rightline Cableway Signman; Locomotives (steam or over 30 ton); Lubrication and Service Engineer (mobile and grease-truck); Maginnis Internal Pull Slab Vibrator (on airports, highways, canals and warehouses); Mechanical Finishers (concrete) (Clary, Johnson, Bidwell Bridge Deck or similar types); Mechanical Burn Curb and/or Curb and Driver (M300 and similar); Power Jumbo Operator (setting slip-forms, etc., in tunnels); Roller (except asphalt); Screedman (Barber-Greene and similar) (asphaltic concrete paving); Self-propelled Compactor (single engine); Self-propelled Pipeline Wrapping Machine (percut CMC or similar type); Self-propelled Power Sweeper; Self-propelled Tape Machine; Slip Form Pumps (lifting device for concrete forms); Small rubber-tired tractors; Surface Basters; Auger-type drilling equipment up to and including 39 ft. depth



POWER EQUIPMENT OPERATORS (Cont'd)  
(AREAST I and II) (Cont'd)

**Group 7:** Concrete Conveyor or Concrete Pump, Truck or Equipment mounted (boom length to apply); Concrete conveyor; building site; Deck Engineers; Drilling and Boring Machinery; horizontal (not to apply to waterliners, wagon drills or jackhammers); Dual Drum Mixer; Fuller Kenyon Pump and similar types; Gantry Rider (or similar equipment); Hydro-Hammer or similar; Instrument Man; Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber-green and similar); Mine or Shaft Hoist; Micromobile; Pavement Breaker with or without Compressor Combination; Pavement Breaker, truck mounted with Compressor Combination; Pipe Bending Machine (pipe-lines only); Pipe Cleaning Machine (tractor propelled and supported); Pipe Wrapping Machine (tractor propelled and supported); Refrigeration Plant; Roller Operator (finish asphalt); Self-propelled boom type lifting device (center mount) (10 tons or less M.R.C.); Self-propelled Elevating Grade Plane; Slusher Operator; Small Tractor (with boom); Soil Tester; Truck type Loader; Auger-type drilling equipment over 30 ft depth

Group 8: Armor-Coater (or similar); Asphalt Plant Engineer; Cast-In-Place Pipe Laying Machine; Combination Slusher and Motor Operator; Concrete Batch Plant (multiple units); Dozer; Heading Shield Operator; Heavy Duty Repairman and/or Welder; Grader/Setter, Grade Checker (mechanical or w/elec); Grooving and Grinding Machines (highways); Ken Seal Machine (or similar); Kolman Loader; Loader (up to 2 yds); Mechanical Trench Shield; Portable Crushing and Screening Plants; Push Cat; Rubber Tired Earth-moving Equipment (up to and including 45 cu. yds. "struck" m.r.c.); Euclid, D-Pulls, Dw-10, 2L, and similar; Rubber Tired Dozer; Self-propelled Compactor with Dozer; Sheepfoot; Timber Skidder (rubber tired or similar equipment); Tractor drawn Scraper; Tractor; Trenching Machine over 4 ft. depth; Tri-batch Paver; Tunnel Mole Boring Machine; Welder; Woods-mixer (and other similar pugmill equipment); Vermeer T-600 B Rock Cutter

Group 9: Chicago Boom; Combination Mixer and Compressor (unitel); Combination Slurry Mixer and/or Cleaner; Highline Cableway (5 tons and under); Lull HX-lift or similar (20 ft. or over); Mucking Machine (rubber tired, rail or track type); Tractor (with boom) (8-6 or larger and similar).

POWER EQUIPMENT OPERATORS (Cont'd)  
(AREAS I and II) (Cont'd)

Group 10: Boom-type Backfilling Machine; Bridge Crane; Cargy-lift (or similar); Chemical Grouting Machine, truck mounted; Combination Backhoe and Loader (up to and including 3/4 cu. yd. m.f.c.); Derrick (2 operators required when using engine remote from hoist); Derrick Barges (except excavation work); Do-More Loader and Adams Zigzagder; Elevating Grader Heavy Duty Rotary Drill Rig (including Caisson Foundation work and similar); Euclid Loader and similar type (Robbing type Drills); Koehring Scooper (or similar); Lift Slab Machine; (Wagtborg and similar types); Loader (2 yards up to and including 4 yards); Locomotive (over 100 tons) (single or multiple units); Multiple Engine Earthmoving Machine (Euclid, Dozers, etc.) (no tandem scrapers); Pre-stress Wire Wrapping Machine; Reservoir-Debris Tug (self-propelled floating); Rubber-tired Scraper, self-loading (paddle wheels, etc.); Shuttle Car (reclaim station); Single Engine Scraper over 45 yards; Soil Stabilizer (P & H or equal); Sub-grader (Gurries or other automatic type); Tractor, Compressor Drill Combination; Track Laying type earth moving machine (single engine with tandem scrapers); Train loading station; Trenching Machine, multi-engine with sloping attachment, Jafco or similar; Vacuum Cooling Plant; Whirley Crane (up to and including 25 tons)

Group 10-A: Backhoe (hydraulic) (up to and including 1 cu. yd. m/c); Backhoe (cable) (up to and including 1 cu. yd. m/c); Backhoe (cable) (over 1 cu. yd. m/c); Continuous Flight Auger (up to and including 1 cu. yd.); Crane attached; Pallet Fork Loader (up to and including 1 cu. yd.); Crane (not over 25 tons Bamehall and Gantry); Grade-alls (up to and including 1 cu. yd.); Power Shovels, Clamshells, Draglines, (up to and including 1 cu. yd. m/c); Power Blade (single engine); Self-propelled Boom-type Lifting device (center mount) (over 10 tons); Rubber-tired Scraper; self-loading (paddle wheel twin engine); CMI dual Lane Auto Grader SP30 or similar

Group 11; Automatic Concrete Slip Form Paver; Automatic Railroad Car Dumper; Canal Trimmer; Canal Trimmer w/ditching attachments; Cranes (over 25 tons up to and including 125 tons); Continuous Flight Tie Back Auger over 1 cu. yd. (including crane); Drott Traveller 650-A-1 or similar (45 tons or over); Euclid Loader when controlled from the pulper; Highline Cableway (over 5 tons); Loader (over 4 yards, up to and including 12 cu. yd.); Miller Formless 9500 Slope Paver or similar; Power Blade (multi-engine); Power Shovels, Cramshaws, Draglines, Backhoes, Grade-a-lia (up to 1 yd. and up to and including 7 cu. yd. m.r.c.); rubber-tired earth moving machines (multiple propulsion power units and two or more scrapers) (up to and including 75 cu. yd. "struck" m.r.c.); Self-propelled Compactor (with multiple propulsion power units); Single engine Rubber-tired Earthmoving Machines (with tandem scrapers); Slip Form Paver (concrete or asphalt); Tandem Cat; Tower Cranes Mobile (including rail mounted); Trencher (pulling attached shield); Universal Liebherr and Tower Cranes (and similar types); Wheel Excavator (up to and including 75 cu. yd. per hour); Whiskey Crane (over 25 tons)

POWER EQUIPMENT OPERATORS (Cont'd)  
(AREAS I and II) (Cont'd)

11-A: Band Wagons (in conjunction with Wheel Excavator); Crane  
er 125 tons); Loader (over 12 cu. yds., up to and including 18 cu.  
); Power Shovels and Draglines (over 7 cu. yds. m.r.c.); Rubber  
ed Multi-purpose Earth Moving Machines (2 units over 75 cu. yds.  
truck" m.r.c.); Wheel Excavator (over 750 cu. yds. per hour)

11-B: Loader (over 18 cu. yds.)

11-C: Operator of Helicopter (when used in erection work);  
Remote Controlled Earthmoving Equipment

## TRUCK DRIVERS

<p>BULK CEMENT SPREADER (w/w/o auger, under 4 yds. water level); Bus or Manhaul driver; Concrete-pump machine; Concrete pump truck (when flat rack truck is used appropriate flat rack rate shall apply); Dump (under 4 yds. water level); Dumpcrete truck (under 4 yds. water level); Excort or pilot car driver; Nipper truck (when flat rack truck is used appropriate flat rack rate shall apply); Pickups; Skids (debris box, under 4 yds. water level); Team drivers; Trucks (dry pre-batch concrete mix, under 4 yds. water level); Helpers; Warehousemen</p>	\$ 9.905	\$ 1.195	.70	\$1.00
<p>BULK CEMENT SPREADER (w/w/o auger, 4 yds. and under 6 yds. water level); Dump (4 yds. and under 6 yds. water level); Dumpcrete (4 yds. and under 6 yds. water level); Dumpster (4 yds. and under 6 yds. water level); Skids (debris box 4 yds. and under 6 yds. water level); Single unit flat rack (2 axle unit); Industrial Lift Truck (mechanical tailgate) Trucks (dry pre-batch concrete mix, 4 yds. and under 6 yds. water level)</p>	10.00	1.195	.70	1.00
<p>JETTING TRUCK and WATER TRUCK (under 2,500 gallons)</p>	10.015	1.195	.70	1.00



TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
LIFT JYNIES, Fork Lift	\$ 10.035	\$ 1.195	.70	\$ 1.00		
TRANSIT MIX, AGITATOR (under 6 yds.)	10.055	1.195	.70	1.00		
TRUCK REPAIRMAN HELPER	10.075	1.195	.70	1.00		
VACUUM TRUCK under (3,500 gallons)	10.085	1.195	.70	1.00		
SCISSOR TRUCK: Single unit flat rack (3 axle unit); Industrial Lift Truck (mechanical tailgate); Small rubber tired tractor (when used within teamsters' jurisdiction)	10.10	1.195	.70	1.00		
JETTING TRUCK & WATER TRUCK (2,500 gals. under 4,000 gals.)	10.115	1.195	.70	1.00		
COMBINATION WINCH TRUCK WITH HOIST; Transit, Mix Agitator (6 yds. and under 8 yds.)	10.155	1.195	.70	1.00		
VACUUM TRUCK (3,500 gals. and under 5,500 gals.)	10.165	1.195	.70	1.00		
RUBBER-TIRED MUCK CAR (not self-loaded)	10.175	1.195	.70	1.00		

BULK CEMENT SPREADER (w/wo auger, 6 yds. and under 8 yds. water level); Dump (6 yds. and under 8 yds. water level); Dumpcrete (6 yds. and under 8 yds. water level); Dumpster (6 yds. and under 8 yds. water level); Skids (debris box, 6 yds. and under 8 yds. water level); Trucks (dry pre-batch concrete mix, 6 yds. and under 8 yds. water level)	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
A-FRAME, WINCH TRUCKS; Buggymobile; Hydro-lift, Swadlow crane type (jetting); Jetting and water truck (4,000 gals. and under 5,000 gals.); Rubber tired Jumbo	\$ 10.20	\$ 1.195	.70	\$1.00		
HEAVY DUTY TRANSPORT (high bed)	10.215	1.195	.70	1.00		
ROSS HYSTER and SIMILAR STRADDLE CARRIER	10.245	1.195	.70	1.00		
TRANSIT MIX AGITATOR (8 yds. through 10 yds.)	10.255	1.195	.70	1.00		
VACUUM TRUCK (5,500 gals. and under 7,500 gals.)	10.265	1.195	.70	1.00		
JETTING TRUCK & WATER TRUCK (5,000 gals. and under 7,000 gals.)	10.315	1.195	.70	1.00		

NOTICES

52936

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
TRANSIT MIX AGITATOR (over 10 yds. through 12 yds.)	\$10.355	\$ 1.195	.70	\$1.00		
BULK CEMENT SPREADER (w/wo auger, 8 yds. and including 12 yds. water level); Dump (6 yds. and including 12 yds. water level); Dumpcrete (6 yds. and including 12 yds. water level); Self-propelled street sweeper with self-contained refuse bin; Skids (debris box, 8 yds. and including 12 yds. water level); Snow go and/or snow plow; Truck (dry pre-batch concrete mix, 8 yds. and including 12 yds. water level); Dumpster (8 yds. level)						
HEAVY DUTY TRANSPORT (goose-neck loaded)	10.44	1.195	.70	1.00		
TRANSIT MIX AGITATOR (over 12 yds. through 14 yds.)	10.45	1.195	.70	1.00		
	10.455	1.195	.70	1.00		

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
BULK CEMENT SPREADER (w/wo auger, over 12 yds. and including 18 yds. water level); Dump (over 12 yds. and including 18 yds. water level); Dumpcrete (over 12 yds. and including 18 yds. water level); Dumpster (over 12 yds. and including 18 yds. water level); Trucks (dry pre-batch concrete mix, over 12 yds. and including 18 yds. water level)	\$ 10.48	\$ 1.195	.70	\$1.00		
P.B. OR SIMILAR TYPE SELF-LOADING TRUCK	10.54	1.195	.70	1.00		
TRUCK REPAIRMAN	10.575	1.195	.70	1.00		
BULK CEMENT SPREADER (w/wo auger, over 18 yds. and including 24 yds. water level); Combination dump and dump trailer; Dump (over 18 yds. and including 24 yds. water level); Dumpcrete (over 18 yds. and including 24 yds. water level); Dumpster (over 18 yds. and including 24 yds. water level); Skid (debris box, over 18 yds. and including 24 yds. water level); Transit mix agitator (over 12 yds. through 16 yds.); Trucks (dry pre-batch concrete mix, over 17 yds. and including 24 yds. water level)						
	10.585	1.195	.70	1.00		

NOTICES

52937

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977



Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
TRUCK DRIVERS: (Cont'd)				
BULK CEMENT SPREADER w/wo auger, over 24 yds. and including 35 yds. water level); Dump (over 24 yds. and including 35 yds. water level); Dumpster (over 24 yds. and including 35 yds. water level); DW 10's, 20's, 21's and other similar cat type, Tournacoker, LeTourneapulis, Tournacoker, Euclid and similar type equipment when pulling Aqua/Pak or water tank trailers and fuel and/or grease tank trailers or other misc. trailers; Skids (debris box, over 24 yds. and including 35 yds. water level); Truck (dry pre-batch concrete mix, over 24 yds. and including 35 yds. water level)	\$ 10.64	\$ 1.195	.70	\$1.00
BULK CEMENT SPREADER w/wo auger, over 35 yds. and including 50 yds. water level); Dump (over 35 yds. and including 50 yds. water level); Dumpster (over 35 yds. and including 50 yds. water level); Skids (debris box, over 35 yds. and including 50 yds. water level); Trucks (dry pre-batch concrete mix, over 35 yds. and including 50 yds. water level)	10.79	1.195	.70	1.00

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
TRUCK DRIVERS: (Cont'd)				
BULK CEMENT SPREADER w/wo auger, over 50 yds. and under 65 yds. water level); Dump (over 50 yds. and under 65 yds. water level); Dumpster (over 50 yds. and under 65 yds. water level); Dumpster (over 50 yds. and under 65 yds. water level); Helicopter pilot (when transporting men or materials); Skids (debris box, over 50 yds. and under 65 yds. water level); Trucks (dry pre-batch concrete mix, over 50 yds. and under 65 yds. water level)	\$ 10.94	\$ 1.195	.70	\$1.00
BULK CEMENT SPREADER w/wo auger, over 65 yds. and including 80 yds. water level); Dump (65 yds. water level); Dumpster (over 65 yds. and including 80 yds. water level); Dumpster (65 yds. and including 80 yds. water level); Skids (debris box, 65 yds. and including 80 yds. water level); Trucks (dry pre-batch concrete mix, 65 yds. and including 80 yds. water level)	11.09	1.195	.70	1.00

CALIFORNIA  
AREA DEFINITIONS for  
POWER EQUIPMENT OPERATORS

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
TRUCK DRIVERS: (Cont'd)				
BULK CEMENT SPREADER w/wo auger, over 80 yds. and including 95 yds. water level); Dump (over 80 yds. and including 95 yds. water level); Dumpster (over 80 yds. and including 95 yds. water level); Dumpster (over 80 yds. and including 95 yds. water level); Skids (debris box, over 80 yds. and including 95 yds. water level); Trucks (dry pre-batch concrete mix, over 80 yds. and including 95 yds. water level)	\$ 11.24	\$ 1.195	.70	\$1.00

\*\*AREA 2: All areas not included within Area 1 as defined below.

\*AREA 1: All areas included in the description defined below which is based upon township and range lines of Areas 1 and 2.

Commencing in the Pacific Ocean on the extension of the Southerly line of Township 19S.  
Thence Easterly along the Southerly line of Township 19S, crossing the Mt. Diablo meridian to the S.W. corner of township 19S, range 6E, Mt. Diablo base line and meridian,  
Thence Southerly to the S.W. corner of township 20S, range 6E,  
Thence Easterly to the S.W. corner of township 20S, range 13E,  
Thence Southerly to the S.W. corner of township 21S, range 13E,  
Thence Easterly to the S.W. corner of township 21S, range 17E,  
Thence Southerly to the S.W. corner of township 22S, range 17E,  
Thence Easterly to the S.E. corner of township 22S, range 17E,  
Thence Southerly to the S.W. corner of township 23S, range 18E,  
Thence Easterly to the S.E. corner of township 23S, range 18E,  
Thence Southerly to the S.W. corner of township 24S, range 19E,  
falling on the Southerly line of Kings County, thence Easterly along the Southerly boundary of Kings County and the Southerly boundary of Tulare County, to the S.E. corner of township 24S, range 20E,  
Thence Northerly to the N.E. corner of township 21S, range 20E,  
Thence Westerly to the N.W. corner of township 21S, range 20E,  
Thence Northerly to the N.E. corner of township 13S, range 20E,  
Thence Westerly to the N.W. corner of township 13S, range 20E,  
Thence Northerly to the N.E. corner of township 11S, range 27E,  
Thence Westerly to the N.W. corner of township 10S, range 26E,  
Thence Northerly to the N.W. corner of township 9S, range 25E,  
Thence Westerly to the N.E. corner of township 8S, range 24E,  
Thence Northerly to the N.E. corner of township 6S, range 23E,  
Thence Westerly to the N.W. corner of township 5S, range 19E,  
Thence Northerly to the N.E. corner of township 5S, range 19E,  
Thence Westerly to the N.W. corner of township 3S, range 18E,  
Thence Northerly to the N.E. corner of township 2S, range 17E,  
Thence Westerly to the N.W. corner of township 2S, range 17E,  
Thence Northerly crossing the Mt. Diablo baseline to the N.E. corner of township 2N, range 16E,  
Thence Westerly to the N.W. corner of township 2N, range 16E,  
Thence Northerly to the N.E. corner of township 3N, range 15E,  
Thence Westerly to the N.W. corner of township 3N, range 15E,  
Thence Northerly to the N.E. corner of township 4N, range 14E,



AREA DEFINITIONS FOR  
POWER EQUIPMENT OPERATORS (cont'd)

\*Area 1 (cont'd):  
Thence Westerly to the N.W. corner of township 4N, range 14E,  
Thence Northerly to the N.E. corner of township 5N, range 13E,  
Thence Westerly to the N.W. corner of township 5N, range 13E,  
Thence Northerly to the N.E. corner of township 10N, range 12E,  
Thence Easterly to the N.E. corner of township 11N, range 14E,  
Thence Northerly to the S.E. corner of township 11N, range 14E,  
Thence Westerly to the N.E. corner of township 15N, range 10E,  
Thence Northerly to the N.E. corner of township 16N, range 11E,  
Thence Easterly to the S.E. corner of township 16N, range 11E,  
Thence Northerly to the N.E. corner of township 17N, range 14E,  
Thence Easterly to the S.E. corner of township 14N, range 13E,  
Thence Southerly to the S.E. corner of township 14N, range 13E,  
Thence Easterly to the S.E. corner of township 13N, range 16E,  
Thence Southerly to the S.W. corner of township 13N, range 16E,  
Thence Southerly to the S.W. corner of township 12N, range 17E,  
Thence Easterly along the Southern line of township 12N to the  
Eastern boundary of the state of California,  
Thence Northerly, thence Northerly along the Eastern boundary  
of the state of California to the N.E. corner of township 17N,  
range 18E,  
Thence Westerly to the N.W. corner of township 17N, range 11E,  
Thence Northerly to the N.E. corner of township 20N, range 10E,  
Thence Westerly to the N.W. corner of township 20N, range 10E,  
Thence Northerly to the N.E. corner of township 21N, range 9E,  
Thence Westerly to the N.W. corner of township 21N, range 9E,  
Thence Northerly to the N.E. corner of township 22N, range 8E,  
Thence Westerly to the N.W. corner of township 22N, range 8E,  
Thence Northerly to the N.E. corner of township 27N, range 8E,  
Thence Easterly to the S.E. corner of township 27N, range 8E,  
Thence Northerly to the N.E. corner of township 28N, range 8E,  
Thence Westerly to the N.W. corner of township 28N, range 7E,  
Thence Northerly to the N.E. corner of township 30N, range 6E,  
Thence Westerly to the N.W. corner of township 30N, range 1E,  
Thence Northerly along the Mt. Diablo meridian to the N.E.  
corner of township 34N, range 1W,  
Thence Westerly to the N.W. corner of township 34N, range 6W,  
Thence Southerly to the N.E. corner of township 32N, range 7W,  
Thence Westerly to the N.W. corner of township 32N, range 7W,  
Thence Southerly to the S.W. corner of township 30N, range 7W,  
Thence Easterly to the S.E. corner of township 16N, range 6W,  
Thence Southerly to the S.W. corner of township 16N, range 6W,  
Thence Southerly to the S.W. corner of township 14N, range 5W,  
Thence Westerly to the S.E. corner of township 14N, range 7W,  
Thence Northerly to the N.E. corner of township 14N, range 7W,  
Thence Westerly to the N.W. corner of township 14N, range 7W,  
Thence Northerly to the N.E. corner of township 15N, range 8W,  
Thence Northerly to the N.E. corner of township 15N, range 8W,

DECISION NO. CA77-5091  
POWER EQUIPMENT OPERATORS (cont'd)

\*Area 1 (cont'd)  
Thence Westerly to the S.E. corner of township 16N, range 12W,  
Thence Northerly to the N.E. corner of township 16N, range 12W,  
Thence Westerly to the N.W. corner of township 16N, range 12W,  
Thence Northerly to the N.E. corner of township 18N, range 13W,  
Thence Westerly to the N.W. corner of township 18N, range 14W,  
Thence Southerly to the S.E. corner of township 18N, range 14W,  
Thence Easterly to the S.E. corner of township 18N, range 14W,  
Thence Southerly to the S.E. corner of township 16N, range 13W,  
Thence Southerly to the S.W. corner of township 15N, range 14W,  
Thence Southerly to the S.W. corner of township 14N, range 14W,  
Thence Southerly to the S.E. corner of township 14N, range 14W,  
Thence Southerly to the S.E. corner of township 13N, range 13W,  
Thence Southerly to the S.E. corner of township 13N, range 13W,  
Thence Southerly to the S.E. corner of township 11N, range 12W,  
Thence Southerly to the S.E. corner of township 11N, range 12W,  
Thence Southerly along the Eastern line of range 12W to the  
Pacific Ocean excluding that portion of Northern California  
within Santa Clara County included within the following lines:  
Commencing at the N.W. corner of township 6S, range 3E, Nc.  
Thence in a Southerly direction to the S.W. corner of township  
7S, range 3E,  
Thence in a Easterly direction to the S.E. corner of township 7S,  
range 4E,  
Thence in a Northerly direction to the N.E. corner of township 6S,  
range 4E,  
Thence in a Westerly direction to the N.W. corner of township 6S,  
range 3E, to the point of beginning which portion is a part of  
Area 2,  
Area 1 also includes that portion of Northern California within  
the following lines:  
Commencing in the Pacific Ocean on an extension of the Southerly  
line of township 2N, Humboldt baseline and meridian,  
Thence Easterly along the Southerly line of township 2N to the  
S.W. corner of township 2N, range 1W,  
Thence Southerly to the S.W. corner of township 1N, range 1W,  
Thence Easterly along the Humboldt baseline to the S.W. corner  
of township 1N, range 2E,  
Thence Southerly to the S.W. corner of township 2S, range 2E,  
Thence Easterly to the S.E. corner of township 2S, range 2E,  
Thence Southerly to the S.W. corner of township 4S, range 3E,  
Thence Easterly to the S.E. corner of township 4S, range 3E,  
Thence Northerly to the N.E. corner of township 2S, range 3E,  
Thence Northerly to the N.W. corner of township 2S, range 3E,  
Thence Northerly crossing the Humboldt baseline to the S.W.  
corner of township 1N, range 3E,  
Thence Easterly along the Humboldt baseline to the S.E. corner  
of township 1N, range 3E,  
Thence Northerly to the N.E. corner of township 9N, range 3E,  
Thence Westerly to the N.W. corner of township 9N, range 2E,  
Thence Northerly to the N.E. corner of township 10N, 1E,

NOTICES

CALIFORNIA  
AREA DEFINITIONS FOR  
POWER EQUIPMENT OPERATORS (Cont'd)

\*Area 1: (Cont'd)  
Thence Westerly along the Northerly line to township 10N, into the  
Pacific Ocean.  
Area 1 also includes that portion of Northern California included with-  
in the following lines:  
Commencing at the Northerly boundary of the State of California  
at the N. W. corner of township 48N, range 7W, Mt. Diablo base-  
line and meridian:  
Thence Southerly to the S.W. corner of township 44N, range 7W,  
Thence Easterly to the S.E. corner of township 44N, range 7W,  
Thence Southerly to the S.W. corner of township 43N, range 6W,  
Thence Easterly to the S.E. corner of township 43N, range 6W,  
Thence Northerly to the N.E. corner of township 48N, range 5W,  
Thence Northerly to the N.E. corner of township 48N, range 5W,  
on the Northerly boundary of the State of California,  
Thence Westerly along the Northerly boundary of the State of  
California to the point of beginning.

SUPERSEDED DECISION

STATE: California

COUNTIES: Imperial, Inyo, Kern, Los  
Angeles, Mono, Orange, Riverside, San  
Bernardino, San Luis Obispo, Santa  
Barbara and Ventura

DECISION NUMBER: CA77-5092  
Supersede Declaration No. CA77-5041 dated May 6, 1977, in 42 FR 23295  
DATE: Date of Publication  
DESCRIPTION OF WORK: Building Construction (does not include single family  
homes and garden type apartments up to and including 4 stories, heavy and  
highway construction and dredging).

Basic Hourly Rates	Fringe Benefits Payments			Education Add'l Appr. Tr.
	H & W	Pensions	Vacation	
\$ 13.90 13.175	.80 .775	\$ 1.17 1.00	.50	.06 .02
11.22 12.65	1.03 1.00	1.06 1.45		.12 .07
11.20	1.15	1.45		.30
11.20	1.28	1.55		.14
11.35 11.78 8.255	1.15 1.00 .95	1.30 1.20 1.95	.85 .55	.02 .05
10.05 10.13 10.15	1.49 1.49 1.49	1.95 1.95 1.95	1.00 1.00 1.00	.06 .06 .06
10.18 10.25 10.28 10.30 10.55	1.49 1.49 1.49 1.49 1.49	1.95 1.95 1.95 1.95 1.95	1.00 1.00 1.00 1.00 1.00	.06 .06 .06 .06 .06

ASBESTOS WORKERS  
BOILERMAKERS  
BRICKLAYERS; Stonemasons;  
Imperial County  
Inyo, Kern and Mono Counties  
Los Angeles County (Cities of  
Santa Monica, Malibu, Venice,  
Pasadena, South Pasadena,  
Arcadia, Montevia and South of  
Rosecrans Blvd., including  
Long Beach), Orange County  
Los Angeles County (except  
Cities of Santa Monica, Malibu,  
Venice, Pasadena, South Pasadena,  
Arcadia, Montevia and South of  
Rosecrans Blvd., including  
Long Beach)  
Riverside and San Bernardino  
Counties  
Santa Barbara and San Luis  
Obispo Counties  
Ventura County  
BRICK TENDERS  
CARPENTERS;  
Carpenters  
Saw Filare  
Table Power Saw Operators  
Shinglers; Pile-drivers;  
Bridge or dock Carpenter;  
Derrick Bargemen; Rock Slinger;  
Bardwood Floor Layers  
Bead Rock Slinger  
Pneumatic Nailer  
Millwrights

NOTICES







Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 10.64 Imperial County	\$1.00 .81	.83 1.17	\$ 1.03	.08
Imperial, Orange, Riverside, Los Angeles (Pomona Area), San Bernardino (excluding Western portion)				
Brushy Paint Burners	.99	1.18	.75	.07
Paperhangers; Iron, steel and bridge (swing stage); Sheet rock taper	.99	1.18	.75	.07
Brush (swing stage); Spray Steeplejack	.99	1.18	.75	.07
Inyo, Kern (Lancaster, Mojave, Palmdale, China Lake Naval Ordnance Test Station and Edwards AFB), Los Angeles (except Pomona Area), Mono San Bernardino (west of a line north of Trono including China Lake Area, Johnneburg, Boron, South including the Wrightwood Area)				
Brush	.66	.75	.60	.02
Structural steel and bridge; Painter Burner	.66	.75	.60	.02
Tapers	.66	.75	.60	.02
Brush Swing Stage (13 stories or less); Paperhangers; Sandblasters; Spray	.66	.75	.60	.02
Brush swing stage (over 13 stories)	.66	.75	.60	.02
Structural steel and bridge, swing	.66	.75	.60	.02

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 11.77 Imperial County	.66	.75	.60	.02
Imperial, Orange, Riverside, Los Angeles (Pomona Area), San Bernardino (excluding Western portion)				
Brushy Paint Burners	.45	.61	.60	.03
Paperhangers; Iron, steel and bridge (swing stage); Sheet rock taper	.45	.61	.60	.03
Brush (swing stage); Spray Steeplejack	.45	.61	.60	.03
Inyo, Kern (Lancaster, Mojave, Palmdale, China Lake Naval Ordnance Test Station and Edwards AFB), Los Angeles (except Pomona Area), Mono San Bernardino (west of a line north of Trono including China Lake Area, Johnneburg, Boron, South including the Wrightwood Area)				
Brush	.75	.60	.60	.03
Structural steel and bridge; Painter Burner	.75	.60	.60	.03
Tapers	.75	.60	.60	.03
Brush Swing Stage (13 stories or less); Paperhangers; Sandblasters; Spray	.75	.60	.60	.03
Brush swing stage (over 13 stories)	.75	.60	.60	.03
Structural steel and bridge, swing	.75	.60	.60	.03

NOTICES

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 8.87 Imperial County	.50	.35	b	
Imperial, Orange, Riverside, Los Angeles (Pomona Area), San Bernardino (excluding Western portion)				
Brushy Paint Burners	.50	.35	b	
Paperhangers; Iron, steel and bridge (swing stage); Sheet rock taper	.50	.35	b	
Brush (swing stage); Spray Steeplejack	.50	.35	b	
Inyo, Kern (Lancaster, Mojave, Palmdale, China Lake Naval Ordnance Test Station and Edwards AFB), Los Angeles (except Pomona Area), Mono San Bernardino (west of a line north of Trono including China Lake Area, Johnneburg, Boron, South including the Wrightwood Area)				
Brush	.50	.35	b	
Structural steel and bridge; Painter Burner	.50	.35	b	
Tapers	.50	.35	b	
Brush Swing Stage (13 stories or less); Paperhangers; Sandblasters; Spray	.50	.35	b	
Brush swing stage (over 13 stories)	.50	.35	b	
Structural steel and bridge, swing	.50	.35	b	

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 11.66 Imperial County	1.08	1.68	1.38	3/48
Imperial, Orange, Riverside, Los Angeles (Pomona Area), San Bernardino (excluding Western portion)				
Brushy Paint Burners	.95	1.85	1.45	.17
Paperhangers; Iron, steel and bridge (swing stage); Sheet rock taper	.95	1.85	1.45	.17
Brush (swing stage); Spray Steeplejack	.95	1.85	1.45	.17
Inyo, Kern (Lancaster, Mojave, Palmdale, China Lake Naval Ordnance Test Station and Edwards AFB), Los Angeles (except Pomona Area), Mono San Bernardino (west of a line north of Trono including China Lake Area, Johnneburg, Boron, South including the Wrightwood Area)				
Brush	.95	1.85	1.45	.17
Structural steel and bridge; Painter Burner	.95	1.85	1.45	.17
Tapers	.95	1.85	1.45	.17
Brush Swing Stage (13 stories or less); Paperhangers; Sandblasters; Spray	.95	1.85	1.45	.17
Brush swing stage (over 13 stories)	.95	1.85	1.45	.17
Structural steel and bridge, swing	.95	1.85	1.45	.17

NOTICES



Basic Hourly Rates	Fringe Benefits Payments			Education end/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 9.55	.60	\$ 1.05		.07
10.32	.70	.82	.60	.06
9.72	.70	.60	.78	.07
15.07	.65	.95		.08
14.66	.66	.90		.09
11.49	.81	1.17		.08
11.49	.81	1.17		.08
11.99	.90	1.10		.09
9.47	1.05	1.20	.85	.01
11.67	1.03	1.35		
9.46	1.25	1.24		.13

**SOFT FLOOR LAYERS:**  
Imperial County  
Los Angeles, Orange, Riverside,  
Santa Barbara, San Luis  
Obispo, San Bernardino  
and Ventura Counties  
Kern County, including that  
portion lying East of the  
Los Angeles Aqueduct and  
that portion of Inyo County  
included within the Inyo-  
Kern Naval Reservation  
**SPRINKLER FITTERS:**  
Imperial Inyo, Kern, Mono,  
Orange (except Santa Ana),  
Riverside, San Bernardino  
(except Ontario, San Luis  
Obispo, Santa Barbara and  
Ventura (except Santa Paula,  
Point Mugu and Port Hueneme)  
Los Angeles (Los Angeles City  
and Area within 25 miles and  
Pomona), Orange (Santa Ana),  
San Bernardino (Ontario), and  
Ventura (Santa Paula, Point  
Mugu and Port Hueneme)  
**TERRAZZO WORKERS:**  
Imperial County  
**TILE SETTERS:**  
Imperial County  
Los Angeles, Orange and  
Ventura Counties  
San Luis Obispo and Santa  
Barbara Counties  
Riverside and San Bernardino  
Counties  
**TILE SETTERS' HELPERS:**  
Los Angeles, Orange and Ventura  
Counties

**PAID HOLIDAYS:**  
A-New Year's Day; B-Memorial Day; C-Independence Day;  
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.  
**FOOTNOTES:**  
A. Employer contributes 4% of basic hourly rate for over 5 years' service  
and 2% of basic hourly rate for 6 months to 5 years' service as Vacation  
Pay Credit. Six Paid Holidays: A through F.  
B. Employer contributes \$.22 per hour to Holiday Fund plus \$.13 per  
hour to Vacation Fund for the first year of employment, 1 year  
but less than 5 years \$.33 per hour to Vacation Fund, 5 years  
but less than 10 years \$.43 per hour to Vacation Fund; over 10  
years \$.53 per hour to Vacation Fund.

Basic Hourly Rates	Fringe Benefits Payments			Education end/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 9.23	.95	\$ 1.95	.55	
9.35	.95	\$ 1.95	.55	
9.51	.95	1.95	.55	
9.79	.95	1.95	.55	

**LABORERS**  
(Tunnel)  
BATCH PLANT LABORERS; Bull Gang  
Mucker; Trackman; Concrete Crew,  
including Rodders and Spreaders;  
Changehouseman; Dumpman; Dumpman  
(outside); Swamper (Brakeman  
and Switchman on tunnel work);  
Tunnel materials handling Man;  
Tool Man  
CABLE TENDER; Chuck Tender;  
Nipper; Steel form raiser and  
setter's helper; Vibratorman,  
jackhammer, pneumatic tools  
(except drillers); Loading and  
unloading agitator cars; Pot  
tender using mastic or other  
materials  
BLASTER, Driller, Powderman;  
Chemical grout jetman; Cherry  
pickerman; Grout gunman; Grout  
mixerman; Grout pumpman; Jack-  
leg miner; Jumbo man; Kemper  
and other pneumatic concrete  
placer operator; Miner tunnel  
(hand or machine); Powderman  
(primer house); Primer Man; Shot-  
crete Man; Steel Form Raiser  
and setter; Timberman; Retimber  
(wood or steel); Tunnel con-  
crete finisher; Nozzlemaster;  
Operating of troweling and/or  
Grouting Machine; Sandblaster  
SHAPT, Raise miner; Diamond  
driller

Basic Hourly Rates	Fringe Benefits Payments			Education end/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 7.95	\$ 1.05	\$ 2.30	.60	.10
8.10	1.05	2.30	.60	.10
8.30	1.05	2.30	.60	.10
8.45	1.05	2.30	.60	.10
8.60	1.05	2.30	.60	.10

**LABORERS**  
Group 1  
Group 2  
Group 3  
Group 4  
Group 5











## TRUCK DRIVERS

- Group 1: Warehouseman and Teamster
- Group 2: Driver or vehicle or combinations of vehicles of 2 axles (including all vehicles less than six tons); Traffic Control Pilot Car, excluding moving heavy equipment permit load
- Group 3: Truck mounted Power Broom
- Group 4: Drivers of vehicles or combination of vehicles of 3 axles
- Group 5: Bootman; Cement Distributor; Fuel Trucks; Road Oil Spreader Trucks; Water Truck, 2 axle
- Group 6: Dump, of less than 16 yards
- Group 7: Transit-mix, under 3 yards; Dumpcrete, less than 6 1/2 yards
- Group 8: Truck Repairman Helper
- Group 9: Water Truck, 3 or more axles
- Group 10: PB and similar type truck when performing within the Teamsters' jurisdiction; Pipeline and Utility working Truck including Winch, but limited to truck applicable to Pipeline and Utility work, where a composite crew is used; Slurry Driver; Truck Greaser and Tireman (50¢ per hour additional for Tireman)
- Group 11: Transit-mix, 3 yards or more; Dumpcrete, 6 1/2 yards and over
- Group 12: Driver of vehicle or combination of vehicles of 4 or more axles
- Group 13: Dump, 16 yards but less than 25 yards
- Group 14: A-Frame or Swedish Crane, or similar type of equipment driver; Fork Lift Driver; Roes Carrier, highway
- Group 15: All-off-highway Equipment within Teamsters Jurisdiction (off highway combination of vehicles or equipment with multiple power sources, \$1.00 per hour additional); Dump, 25 yards or more; Truck Repairman
- Group 16: Truck Repairman Welder

NOTICES

52952

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977

## SUPERSIDES DECISION

STATE: California

COUNTIES: Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura

DECISION NUMBER: CA77-5093  
Supersedes Decision No. CA77-5042 dated May 6, 1977, in 42 FR 23306  
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

DECISION NO. CA77-5093

Page 2

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$ 13.90	.80	\$ 1.17	.06
BOTLEMAKERS	13.175	.775	1.00	.02
BRICKLAYERS; Stonemasons:				
Imperial County	11.22	1.03	1.60	.12
Kern County	12.65	1.00	1.45	.07
Los Angeles County (Cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blvd., including Long Beach); Orange County	11.20	1.15	1.45	.30
Los Angeles County (except Cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blvd., including Long Beach)	11.20	1.15	1.45	.30
Riverside and San Bernardino Counties	11.20	1.28	1.55	.14
Santa Barbara and San Luis Obispo Counties	11.35	1.15	1.30	.85
Ventura County	11.78	1.00	1.20	.05
BRICK TENDERS	8.255	.95	1.95	.55
CARPENTERS:				
Carpenters	10.05	1.49	1.95	1.00
Saw Fillers	10.13	1.49	1.95	1.00
Shinglers; Piledrivermen, bridge or dock carpenters; Derrick bargemen; Rock slinger	10.15	1.49	1.95	1.00
Hard wood floor layers	10.18	1.49	1.95	1.00
Head Rock Slinger	10.25	1.49	1.95	1.00
Pneumatic Nailer	10.28	1.49	1.95	1.00
Millwrights	10.30	1.49	1.95	1.00
MILLWRIGHTS	10.55	1.49	1.95	1.00
CEMENT MASONS:				
Cement Masons	9.41	1.10	1.75	1.00
Cement Floating and Troweling Machine	9.66	1.10	1.75	1.00
DRYWALL INSTALLERS	11.21	1.30	1.80	.07

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
ELECTRICIANS:				
Imperial County	\$ 13.00	.75	38+1.45	
Electricians	13.28	.75	38+1.45	
Cable Splicers				
Kern (China Lake Naval Ordnance Test Station, Edwards AFB)	14.02	.70	18+1.48	.15
Electricians; Technicians	16.30	.70	18+1.48	.15
Cable Splicers				
Kern County (Remainder of County)	12.32	.70	18+1.48	.15
Electricians; Technicians	13.55	.70	18+1.48	.15
Cable Splicers				
Los Angeles County	12.65	1.05	38+1.95	.07
Electricians	12.95	1.05	38+1.95	.07
Cable Splicers				
Orange County	12.54	.81	38+1.45	.02
Electricians	13.12	.81	38+1.45	.02
Cable Splicers				
Riverside County	12.36	.85	38+1.65	.04
Electricians	12.66	.85	38+1.65	.04
Cable Splicers				
San Bernardino County	12.00	1.11	38+2.00	.04
Electricians	12.30	1.11	38+2.00	.04
Cable Splicers				
San Luis Obispo County	12.26	1.00	18+1.35	.03
Electricians	13.48	1.00	18+1.35	.03
Cable Splicers				
Santa Barbara County	14.25	1.10	38+1.35	.03
(Vandenberg AFB)	15.25	1.10	38+1.35	.03
Electricians				
Cable Splicers				
Remainder of County	12.50	1.10	38+1.35	.03
Electricians	13.50	1.10	38+1.35	.03
Cable Splicers				
Ventura County	12.77	.84	37+1.05	.02
Electricians	14.05	.84	37+1.05	.02
Cable Splicers				

NOTICES

52953

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977



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NEW BILLING PROCEDURES FOR AGENCIES

As part of the new billing procedures announced in the FEDERAL REGISTER of August 24, 1977, and to insure that each agency is correctly billed for only its own documents, the Office of the Federal Register requests agencies to insert the proper billing code on all of their documents. The six-digit billing code should be typed or handwritten in ink at the top of the first page on all three copies of documents submitted to the Office of the Federal Register for publication, as follows:

BILLING CODE: 0000-00

The list of agency billing codes assigned by the Government Printing Office follows:

Department	Billing Code	Department	Billing Code
Action	6050-01	Federal Maritime Commission	6730-01
Administrative Conference of the United States	6110-01	Federal Mediation and Conciliation Service	6732-01
Agency for International Development	4710-02	Federal Power Commission	6740-02
Agriculture Department:		Federal Reserve System/Board of Governors	6210-01
Agricultural Marketing Service	3410-02	Federal Trade Commission	6750-01
Agricultural Research Service	3410-03	Fine Arts Commission	6330-01
Agricultural Stabilization and Conservation Service	3410-05	Foreign Claims Settlement Commission	6770-01
Farmer Cooperative Service	3410-06	General Services Administration:	
Farmer's Home Administration	3410-07	OAD	6820-14
Federal Crop Insurance Corporation	3410-08	Administrative Management Division, Public Buildings	
Extension Service	3410-09	Service	6820-22
Forest Service	3410-11	Public Buildings Service	6820-23
Rural Electrification Administration	3410-15	Federal Supply Service	6820-24
Soil Conservation Service	3410-16	Automated Data and Telecommunications Service	6820-25
Economic Research Service	3410-18	NAA	6820-26
Statistical Reporting Service	3410-20	NARS	6820-27
Cooperative State Research Service	3410-22	Office of Stockpile Disposal, Federal Preparedness	
Food and Nutrition Service	3410-30	Agency	6820-28
Rural Development Service	3410-32	Executive Director, Federal Preparedness Agency	6820-29
Animal and Plant Health Inspection Service	3410-34	Office of Personnel	6820-30
Economic Management Support Center	3410-35	Government Printing Office	1505-01
Food Safety and Quality Service	3410-37	Health, Education and Welfare Department:	
WFAO	3410-38	Office of Education	4110-02
Office of Management and Finance	3410-90	Food and Drug Administration	4110-03
Office of Automated Data Systems	3410-94	National Institutes of Health	4110-08
Office of Personnel	3410-96	Health Resources Administration	4110-83
Office of Operations	3410-98	Health Services Administration	4110-84
Air Force Department	3910-01	Office of Assistant Secretary for Health	4110-85
American Battle Monuments Commission	6120-01	Center for Disease Control	4110-86
Arms Control and Disarmament Agency	6820-32	CSC-NIOSH	4110-87
Army Adjutant General Center	3710-08	Alcohol, Drug Abuse and Mental Health Administration	4110-88
Defense Command	3710-04	Social Security Administration	4110-07
Chief of Engineers/Civil Works	3710-92	Housing and Urban Development Department	4210-01
Blind and Other Severely Handicapped Committee	6820-12	Indian Claims Commission	7030-01
Civil Aeronautics Board	6320-01	Interior Department:	
Civil Rights Commission	6325-01	Office of Secretary	4310-10
Civil Service Commission	6325-01	Indian Affairs Bureau	4310-02
Commerce Department:		Outdoor Recreation Bureau	4310-03
Maritime Administration	3510-03	Surface Mining, Office of	4310-05
National Technical Information Service	3510-04	Reclamation Bureau	4310-09
Bureau of Economic Analysis	3510-06	Bonneville Power Administration	4310-11
Census Bureau	3510-07	Solicitor	4310-17
U.S. Travel Service	3510-11	Geological Survey	4310-31
National Oceanic and Atmospheric Administration	3510-12	Mines Bureau	4310-53
Standards, National Bureau	3510-13	Fish and Wildlife Service	4310-55
Patents and Trademark Office	3510-16	National Park Service	4310-70
Office of Secretary	3510-17	Land Management Bureau	4310-84
Office of Secretary	3510-18	Water Research and Technology Office	4310-49
Office of Secretary	3510-19	Mine Enforcement and Safety Administration	4310-68
Economic Development Administration	3510-24	International Broadcasting, Board for	6155-01
Domestic and International Business Administration	3510-25	International Trade Commission	7020-02
National Fire-Prevention and Control Administration	3510-49	Interstate Commerce Commission	7035-01
Telecommunications Office	3510-60	Justice Department:	4410-01
Commodity Futures Trading Commission	6351-01	Labor Department:	
Community Services Administration	6315-01	Employment and Training Administration	4510-01
Consumer Product Safety Commission	6355-01	Secretary (Administrative Law Judges)	4510-20
Cost Accounting Standards Board	1610-01	Secretary (Audit and Investment)	4510-21
Defense Logistics Agency	3620-01	Secretary (Office of Information)	4510-22
Energy Research and Development Administration	6170-01	Secretary	4510-23
Environmental Protection Agency	6560-01	Labor Statistics	4510-24
Environmental Quality Council	3125-01	OSHA (Standards)	4510-26
Equal Employment Opportunity Commission	6570-06	Employment Standards Administration	4510-27
Export-Import Bank of the United States	6690-01	International Labor Affairs Bureau	4510-28
Farm Credit Administration	6705-01	Labor-Management Service Administration	4510-19
Federal Communications Commission	6712-01	Libraries and Information Science, National Commission	7527-01
Federal Deposit Insurance Corporation	6714-01	Management and Budget Office	3110-01
Federal Election Commission	6715-01	Marine Mammal Commission	6820-31
Federal Energy Administration	3128-01	National Capital Planning Commission	7515-01
Federal Home Loan Bank Board	6720-01	National Credit Union Administration	7535-01

(Continued on inside back cover)

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Department	Billing Code
National Institute of Education.....	4110-39
National Mediation Board.....	7550-01
National Labor Relations Board.....	7545-01
National Science Foundation:	
Administration.....	7555-01
OSTP.....	7555-02
Navy Department:	
DCPA U 8.....	3810-01
OSD SD-0859.....	3810-70
Navy: Judge Advocate General.....	3810-71
Nuclear Regulatory Commission.....	7590-01
Occupational Safety and Health Review Commission.....	7600-01
Overseas Private Investment Corporation.....	3210-01
Panama Canal Company.....	3640-01
Pennsylvania Avenue Development Corporation.....	7630-01
Pension Benefit Guaranty Corporation.....	7708-01
Postal Rate Commission.....	
Postal Service.....	7710-12
Railroad Retirement Board.....	7905-01
Renegotiation Board.....	7910-01
Securities and Exchange Commission.....	8010-01
Selective Service System.....	8015-01
Small Business Administration.....	8025-01
Smithsonian Institution.....	8030-01
State Department.....	4710-01
Susquehanna River Basin Commission.....	7040-01
Technical Assessment, Office of.....	1830-01
Telecommunications Policy Office.....	3160-01
Tennessee Valley Authority.....	8120-01

If your agency's name does not appear above, GPO may not have received your printing and binding requisition (Standard Form 1). Your documents can not be printed in the FEDERAL REGISTER without a billing code.  
 INFORMATION AND ASSISTANCE: Mr. William Rose, 202-275-2867.

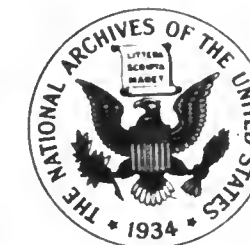
Department	Billing Code
Transportation Department:	
Office of Secretary.....	4910-01
Federal Railroad Administration.....	4910-06
Federal Aviation Administration.....	4910-13
Coast Guard.....	4910-14
Federal Highway Administration.....	4910-22
Urban Mass Transportation Administration.....	4910-57
National Transportation Safety Board.....	4910-58
National Highway Traffic Safety Administration.....	4910-59
Materials Transportation Board.....	4910-60
St. Lawrence Seaway Development Corporation.....	4910-61
Treasury Department:	
Customs Service.....	4810-22
Administrative Programs.....	4810-25
Revenue Sharing.....	4810-28
Alcohol, Tobacco and Firearms.....	4810-31
Federal Law Enforcement Training Center.....	4810-32
Comptroller of the Currency.....	4810-33
Engraving and Printing.....	4810-34
Government Finance Operations.....	4810-35
Mint, Bureau.....	4810-37
Public Debt.....	4810-40
Secret Service.....	4810-42
Internal Revenue Service.....	4830-01
U.S. Information Agency.....	8230-01
Veterans Administration.....	8320-01
Water Resources Council.....	8410-01
White House Office.....	3195-01

Vol.42—No.190  
 9-30-77

BOOK 3:  
 PAGES  
 52954-53272

federal register

BOOK 3 OF 4 BOOKS  
 FRIDAY, SEPTEMBER 30, 1977  
 PART IX



## DEPARTMENT OF LABOR

Employment Standards  
 Administration

MINIMUM WAGES FOR  
 FEDERAL AND FEDERALLY  
 ASSISTED CONSTRUCTION

General Wage Determination Decisions

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DECISION NO. CA77-5093

LABORERS (Cont'd)

Group 3: Asphalt Baker, Luteman, Ironer and Asphalt Spreader Boxes (all types); Buggymobile Man; Concrete Core Cutter, Grinder or Sander; Concrete Cutting Torch; Concrete Saw Man, cutting, scoring old or new concrete; Driller, Jack-hammer, 2-1/2 ft. drill steel or longer; Dri Pak-it Machine; Gas, oil and/or Water Pipeline Wrapper--6" Pipe and over by any method; Inside and out; Hydro Seeder and similar types; Impact Wrench, multi-plate; Kettlemen, Potmen and Men applying asphalt, lay-hold, creosote, lime caustic and similar type materials for ("applying" means applying, dipping, brushing or handling of such materials for pipe wrapping and waterproofing); Operators of Pneumatic, gas, electric tools, Vibrating Machines, Pavement Breakers, Air Blasting, Come-alongs, and similar mechanical tools not separately classified herein; Pipelayer's Backup Man, coating, grouting, making of joints, sealing, caulking, dispoing and including rubber gasket joints, pointing and any and all other services; Rock Slinger; Rotary Scarifier or Multiple Head Concrete Chipping Scarifier; Steel Header-board Man and Guideline Setter; Tampers, Barko, Wacker and similar type; Trenching Machine, hand propelled

Group 4: Cribber, Shorer, Lagging, Sheeting and Trench Bracing, hand-guided Lagging Hammer; Head Rock Slinger; Laser Beam; Oversize Concrete Vibrator Operator, 70 lbs. and over; Pipelayer, including water, sewage, solid, gas or air; Prefabricated Manhole Installer; Sandblaster (Nozzleman), water blasting; Welding in connection with Laborers' work

Group 5: Blasters Powderman--all work of loading holes, placing and blasting of all powder and explosives of whatever type, regardless of method used for such loading and placing; Driller: All power drills, excluding Jack-hammer, whether core, diamond, wagon, track, multiple unit, and any and all types of mechanical drills

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
\$ 9.75	.95	\$ 2.00	.50	.04
10.03	.95	2.00	.50	.04
10.32	.95	2.00	.50	.04
10.46	.95	2.00	.50	.04
10.68	.95	2.00	.50	.04
10.79	.95	2.00	.50	.04
11.01	.95	2.00	.50	.04
11.08	.95	2.00	.50	.04
11.21	.95	2.00	.50	.04

POWER EQUIPMENT OPERATORS

- Group 1:
- Group 2:
- Group 3:
- Group 4:
- Group 5:
- Group 6:
- Group 7:
- Group 8:
- Group 9:

POWER EQUIPMENT OPERATORS

Group 1: Brakeman; Compressor (less than 600 C.R.M.); Engineer; Oiler; Generator; Heavy Duty Repairman; Helper; Pump; Signalman; Switchman

Group 2: Compressor (600 C.R.M. or larger); Concrete Mixer, skip type, Conveyor; Fireman; Hydraulic Pump; Oiler Crusher (asphalt or concrete plant); Plant Operator; Generator, Pump or Compressor; Rotary Drill Helper (oilfield); Skiploader - wheel type up to 3/4 yd. w/o attachments; Solid Field Technician; Tar Pot Fireman; Temporary Heating Plant; Trenching Machine Oiler; Truck Crane Oiler

Group 3: A-Frame or Winch Trucks; Elevator Operator (inalls); Equipment Greaser (rack); Ford Ferguson (with dragtype attachments); Helicopter Radioman (ground); Power Concrete Curing Machine; Power Concrete Saw; Power driver Jumbo Tora Setter; Rosa Carrier (job site); Stationary Pipe Wrapping and Cleaning Machine

Group 4: Asphalt Plant Fireman; Boring Machine; Boxman or Mixerman (asphalt or concrete); Chip Spreading Machine; Concrete Pump (small portable); Bridge type Unloader and Turntable; Blinkey Locomotive or Motorman (up to and including 10 tons); Equipment Greaser (greaser truck); Helicopter Hoist; Highline Cableway Signalman; Hydra-hammer-aero Stomper; Power Sweeper; Roller (compacting); Screed (asphalt or concrete); Trenching Machine (up to 6 ft.)

Group 5: Asphalt Plant Engineer; Backhoe (up to and including 3/4 yd.); Batch Plant; Bit Sharpener; Concrete Joint Machine (conal and similar type); Concrete Planer; Deck Engine; Derrick-man (oilfield type); Drilling Machine Operator (including water wells); Forklift (under 5-ton capacity); Hydrographic Seeder Machine (straw, pulp or seed); Machine Tool Operator; Maginnis Internal Pull Slab Vibrator; Mechanical Finisher (concrete-Clay, concrete or asphalt); Mechanical Finisher (concrete-Clay, Johnson, Bidwell or similar); Pavement Breaker (truck mounted); Road Oil Mixing Machine; Roller (asphalt or finish); Rubber-tired Earth Moving Equipment (single engine, up to and including 25 yds. struck); Self-propelled Tar Pipelining Machine; Slip Form Pump (power-driven hydraulic lifting device for concrete forms); Skiploader (Crawler and wheel type over 3/4 yd. and up to and including 1 1/4 yds.); Stinger Crane (Austin-Western or similar type); Tractor-bulldozer, Rammer Scraper (single engine, up to 100 h.p., flywheel and similar types, up to and including D-5 and similar types); Tugger Hoist 1 drum; Tunnel Locomotive (over 10 and up to and including 30 tons); Welder-general

POWER EQUIPMENT OPERATORS (Cont'd)

Group 6: Asphalt or Concrete Spreading (tamping or finishing); Asphalt Paving Machine (Barber Greene or similar type); Bridge Crane Operator; Cast-in-place Pipe Laying Machine; Combination Mixer and Compressor (gunite work); Compactor, self-propelled; Concrete Mixer - paving; Concrete Pump (truck mounted); Crane Operator up to and including 25 ton capacity (Long-boom pay applicable); Crushing Plant; Drill Doctor; Elevating Grader; Forklift (over 5 tons); Grade Checker; Grade-all; Grouting Machine; Heading Shield; Heavy Duty Repairman; Hoist Operator (Chicago Boom and similar type); Kolan Belt Loader and similar type; Larousseau Blob Compactor or similar type; Lift Mobile; Lift Slab Machine (Vegboro and similar types); Loader (Athey, Euclid, Sierra and similar type); Material Hoist; Mucking Machine (1/4 yd. rubber tired, rail or track type); Pneumatic Concrete Pacing Machine (Hackley-Presswell or similar type); Pneumatic Heading Shield (tunnel); Pumpcrete Gun; Rotary Drill (excluding catson type); Rubber-tired Earth Moving Equipment (single engine-cu. yds. struck); Rubber-tired Earth Moving Equipment (multiple cu. yds. struck); Rubber-tired Earth Moving Equipment (multiple engine, up to and including 25 yds. struck); Rubber-tired Scraper (self-loading-paddle wheel type-John Deere, 1040 and similar single unit); Skiploader (crawler and wheel type-over 1 1/4 yds., up to and including 6 1/4 yds.); Surface Heaters and Planer; Trenching Machine (over 6 ft. depth capacity); Tower Crane; Tractor Compressor Drill Combination; Tractor (any type larger than D-5-100 flywheel h.p. and over, or similar) Bull-doser, Tamper, Scraper and Push Tractor single engine); Tractor (boom attachments); Traveling Pipe Wrapping, Cleaning and Bending Machine; Tunnel Locomotive (over 30 tons); Shovel, Backhoe, Dragline, Climahall (over 3/4 yd. and up to 5 cu. yds. m.r.c.) (Long boom pay applicable); Self-propelled Curb and Gutter Machine

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POWER EQUIPMENT OPERATORS (Cont'd)

Group 7: Crane, over 25 ton up to and including 100 tons m.r.c. (long boom pay applicable); Derrick Barge (long boom pay applicable); Dual Drum Mixer; Heavy Duty Repairman-welder Combination; Hoist, Stiff-legs, Guy Derrick or similar type, up to and including 100 tons (long boom pay applicable); Monorail Locomotive (diesel), gas or electric; Motor Patrol-blade Operator (single engine); Multiple Engine Tractor (Euclid and similar type, except quad 9 Cat); Rubber-tired Earth Moving Equipment (single engine, over 50 yds. struck); Rubber-tired Earth Moving Equipment (multiple engine, Euclid, Caterpillar and similar) (over 25 yds. and up to 50 cu. yds. struck); Shovel, Backhoe, Dragline, Clamshell (over 5 cu. yds. m.r.c.); (Long boom pay applicable); Tower Crane Repairman; Tractor Loader (crawler and wheel type over 64 yds.); Welder-certified; Woods Mixer and similar Pugmill Equipment

Group 8: Auto Grader; Automatic Slip Form; Crane-over 100 tons (long boom pay applicable); Hoist-stiff Legs, Guy Derrick or similar types (capable of hoisting 100 tons or more) (long boom pay applicable); Mass Excavator - less than 750 cu. yds.; Mechanical Finishing Machine; Mobile Form Traveler; Motor Patrol, multi-engine; Pipe Mobile Machine; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar and similar type over 50 cu. yds. struck); Rubber tired self-loading Scraper (paddle wheel-auger type self-loading-2 or more units); Rubber-tired Scraper - pushing one another w/o Push Cat. Push-pull (50¢ per hour additional to base rate); Tandem Equipment (2 units only); Tandem Tractor (quad 9 or similar type); Tunnel Mole Boring Machine

Group 9: Canal Trimmer; Canal Trimmer; Helicopter Pilot; Highline Cableway; Remote Controlled Earth Moving Equipment (\$1.00 p/h additional to base rate); Wheel Excavator (over 750 cu. yds.)

NOTICES

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Pensions	Vacation	
Group 1:	\$ 8.72	\$ 1.25	.70	\$1.00	.10
Group 2:	8.80	1.25	.70	1.00	.10
Group 3:	8.86	1.25	.70	1.00	.10
Group 4:	8.95	1.25	.70	1.00	.10
Group 5:	8.98	1.25	.70	1.00	.10
Group 6:	9.00	1.25	.70	1.00	.10
Group 7:	9.04	1.25	.70	1.00	.10
Group 8:	9.05	1.25	.70	1.00	.10
Group 9:	9.10	1.25	.70	1.00	.10
Group 10:	9.13	1.25	.70	1.00	.10
Group 11:	9.18	1.25	.70	1.00	.10
Group 12:	9.20	1.25	.70	1.00	.10
Group 13:	9.25	1.25	.70	1.00	.10
Group 14:	9.50	1.25	.70	1.00	.10
Group 15:	9.75	1.25	.70	1.00	.10
Group 16:	9.85	1.25	.70	1.00	.10

TRUCK DRIVERS

Group 1: Warehouseman and Teamster

Group 2: Driver or vehicle or combinations of vehicles of 2 axles (including all vehicles less than six ton); Traffic Control Pilot Car, excluding moving heavy equipment permit load

Group 3: Truck mounted Power Broom

Group 4: Drivers of vehicles or combination of vehicles of 3 axles

Group 5: Bootman; Cement Distributor; Fuel Truck; Road Oil Spreader Truck; Water Truck, 2 axle

Group 6: Dump, of less than 16 yards

Group 7: Transit-mix, under 3 yards; Dumpcrete, less than 64 yards

Group 8: Truck Repairman Helper

Group 9: Water Truck, 3 or more axles

Group 10: 18 and similar type truck when performing within the Teamsters' jurisdiction; Pipeline and utility working truck including Winch, but limited to truck applicable to Pipeline and utility work, where a composite crew is used; Slurry Drives; Truck Greaser and fireman (50¢ per hour additional for fireman)

Group 11: Transit-mix, 3 yards or more; Dumpcrete, 64 yards and over

Group 12: Driver of vehicle or combination of vehicles of 4 or more axles

Group 13: Dump, 16 yards but less than 25 yards

Group 14: A-Frame or Swedish Crane, or similar type of equipment driver; Fork Lift Drivers; Ross Carrier, highway

Group 15: All-off-highway Equipment within Teamsters jurisdiction (off highway combination of vehicles or equipment with multiple power sources, \$1.00 per hour additional); Dump, 25 yards or more; Truck Repairman

Group 16: Truck Repairman Welder

SUPERSEDES DECISION

STATE: California  
 COUNTY: San Diego  
 DATE: Date of Publication  
 DATE: May 20, 1977, in 42 FR 16122.  
 Supersedes Decision No. CA77-5043 dated May 20, 1977, in 42 FR 16122.  
 DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

ASBESTOS WORKERS BOILERMAKERS BRICKLAYERS; Stonemasons BRICK, BLOCK AND STONEMASONS TENDERS CARPENTERS Carpenters Fildriversmen Millwrights; Pneumatic Nailer; Hardwood Floorlayers CEMENT MASONS Cement Masons Color Work; Composition, Mastic or Epoxy; Finishing Machine; Curb Machine DRYWALL INSTALLERS ELECTRICIANS Electricians Cable Splicers ELEVATOR CONSTRUCTORS ELEVATOR CONSTRUCTORS' HELPERS ELEVATOR CONSTRUCTORS' HELPERS (PROB.) GLAZIERS IRONWORKERS Pence Erectors Reinforcing Ornamental; Structural IRRIGATION AND LAWN SPRINKLERS LATHERS Northern portion of San Diego County from center of City of Del Mar Remainder of County	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$ 13.90	.80	\$ 1.17		.06
BOILERMAKERS	13.175	.775	1.00	.50	.02
BRICKLAYERS; Stonemasons	11.22	1.03	1.06		.12
BRICK, BLOCK AND STONEMASONS	9.87	.77	1.95		
TENDERS	11.26	.56	1.20	.80	.07
CARPENTERS	11.39	.56	1.20	.80	.07
Carpenters	11.51	.56	1.20	.80	.07
Millwrights; Pneumatic Nailer; Hardwood Floorlayers	8.81	.88	1.66	1.36	.07
CEMENT MASONS	9.11	.88	1.66	1.36	.07
Cement Masons	12.60	.56	1.05	.70	.07
Color Work; Composition, Mastic or Epoxy; Finishing Machine; Curb Machine	13.03	.70	38x1.33		.02
DRYWALL INSTALLERS	13.33	.70	38x1.33		.02
ELECTRICIANS	12.95	.545	.35	38x1.33	.02
Electricians	70xJR	.545	.35	38x1.33	.02
Cable Splicers	50xJR	.67	.90		
ELEVATOR CONSTRUCTORS	10.90				
ELEVATOR CONSTRUCTORS' HELPERS	10.66	1.24	2.22	1.46	.06
ELEVATOR CONSTRUCTORS' HELPERS	11.55	1.24	2.22	1.46	.06
(PROB.)	11.55	1.24	2.22	1.46	.06
GLAZIERS	9.40	106	166	138	3/48
IRONWORKERS					
Pence Erectors					
Reinforcing					
Ornamental; Structural					
IRRIGATION AND LAWN SPRINKLERS					
LATHERS					
Northern portion of San Diego County from center of City of Del Mar	11.50	.60	1.00	.70	.05
Remainder of County	11.86	.60	.70		.02

NOTICES



Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
LINE CONSTRUCTION:				
Groundman	10.13	34+1.33		.02
Lineemen	13.15	34+1.33		.02
Cable Splicers	13.45	34+1.33		.02
MARBLE SETTERS	11.49	1.17		.08
MARBLE SETTERS' HELPERS	8.74	1.00		.08
PAINTERS:				
Brush; Painter Burner	10.99	1.18	.75	.07
Swing Stages; Brush; Spray;				
Iron, steel and bridge	.99	1.18	.75	.07
Painter (ground work)				
Papethanger; Spray; swing				
stage; Sandblaster; Iron,				
steel and bridge; swing stage;				
Iron, steel and bridge; spray				
(ground); Riggers, climbing				
steel; Brush, climbing steel				
and bridge				
Sandblaster, swing stage; Iron,	11.49	1.18	.75	.07
steel and bridge; spray swing				
stage; Spray, climbing steel	11.74	1.18	.75	.07
and bridge	12.39	1.18	.75	.07
Steeplejack				
PARKING LOT WORK AND/OR HIGHWAY				
MARKERS:				
Traffic delineating device	8.87	.35	b	
applicator				
Wheel stop installer; Traffic	8.48	.50	b	
surface sandblaster; Striper				
Helper (Traffic surface	6.83	.50	b	
sandblaster; Wheel stop				
installer; Striper)				

## NOTICES

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
SLURRY SEAL OPERATION:				
Mixer Operator	8.48	.35	b	
Squeegee Man	7.48	.35	b	
Applicator Operator	6.83	.35	b	
Shuttleman	6.85	.35	b	
Top Man	5.83	.35	b	
PLASTERERS	11.46	.65	1.75	.07
PLASTERERS' TENDERS	10.46	.77	.50	
PLUMBERS; Steamfitters	11.66	1.08	1.38	3/48
ROOFERS	10.79	.60	.75	
SOFT METAL WORKERS	11.96	1.04	2.24	
SPRINKLER FITTERS	9.55	.60	1.05	
TERRAZZO WORKERS	15.07	.65	.95	.07
TILE SETTERS	11.49	.81	1.17	.08
TERRAZZO AND TILE HELPERS	11.49	.81	1.17	.08
RIGGERS; WELDERS - Receive rate	8.74	.81	1.00	
prescribed for craft performing				
operating to which rigging or				
welding is incidental.				
FOOTNOTES:				
a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.				
b. Employer contributes \$.22 per hour to Holiday Fund plus \$.13 per hour to Vacation Fund for the first year of employment, 1 year but less than 5 years \$.33 per hour to Vacation Fund, 5 years but less than 10 years \$.43 per hour to Vacation Fund, over 10 years \$.50, per hour to Vacation Fund.				
PAID HOLIDAYS:				
A-New Year's Day; B-Memorial Day; C-Independence Day;				
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.				

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
LABORERS				
LABORERS, General Construction;				
Gas and Oil Pipeline; Jetman;	7.36	.77 \$ 1.95	.50	.13
Tool Shed Checker; Using dry				
pack; Flagman	7.41	.77 1.95	.50	.13
CUTTING TORCH OPERATOR				
(demolition); Scaler	7.44	.77 1.95	.50	.13
GUINEA CHASER				
FINE GRADER ON HIGHWAYS,				
STREETS AND AIRPORTS PAVING				
(sewer and drainage lines);	7.46	.77 1.95	.50	.13
Landscape Gardener and				
Nursery Man	7.485	.77 1.95	.50	.13
LABORER (packing rod steel				
and pans); Tank Scaler and	7.49	.77 1.95	.50	.13
Cleaner				
DRILLER'S HELPER (Caisson)				
Including Bellows; Boring	7.51	.77 1.95	.50	.13
Machine Helper				
WINDOW CLEANER; Chuck Tender	7.54	.77 1.95	.50	.13
(except tunnels); Septic				
tank digger and installer				
(Leadman)				
CESSPOOL DIGGER AND INSTALLER				

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
LABORERS (Cont'd)				
CONCRETE CURER; Impervious				
Membrane; Riprap Stonepaver;				
Sandblaster (pot tender);				
Pipe-layer Backup Man, Coating,				
Grouting, Making of Joints,				
Sealing, Caulking, Diapering,				
and including Rubber Gasket				
Joint; Pointing and any and				
all other services	7.55	.77 \$ 1.95	.50	.13
ASPHALT RAKER, IRONER, SPREADER;				
Buggy Mobile Man; Cement				
Dumper (on 1 yard or larger				
mixers and handling ublk				
cent); Concrete Saw Man				
(excluding tractor type);				
Roto-scraper; chipping				
hammer; Concrete Core Cutter				
and Form Blower; Gas and oil				
pipeline wrapper-pot tenders				
and Form Man; Operators and				
Tenders of pneumatic and				
electric tools, Concrete				
Pump, Vibrating Machines				
and similar mechanical tools				
not separately classified				
herein; Tree Climber using				
mechanical tools				
ROCK SLINGER; Scaler (using	7.57	.77 1.95	.50	.13
boe'n chair or safety belt				
or power tools)	7.62	.77 1.95	.50	.13

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977



LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
DRILLERS, all other when drilling is for use of explosives	\$ 7.65	.77	\$ 1.95	.50		.13
PIPELAYER, METALLIC OR NON-METALLIC (including water sewage, solid, gas, air); Welding in connection with laborer's work	7.67	.77	1.95	.50		.13
GAS AND OIL PIPELINE WRAPPER (6" pipe and over)	7.70	.77	1.95	.50		.13
CRIBBER, SHORER, LAGGING, SHEETING AND TRENCH BRACING; Hand-guided lagging hammer	7.72	.77	1.95	.50		.13
STEEL HEADERBOARD MAN	7.785	.77	1.95	.80		.13
DRILLERS - (all power drills, including jackhammer, whether core, diamond, wagon, track, multiple unit, and any and all types of mechanical drills; Sandblaster (Nozzlemen)	7.81	.77	1.95	.50		.13
POWDERMAN, BLASTERS	7.845	.77	1.95	.50		.13
HEAD ROCK SLINGER	7.88	.77	1.95	.50		.13
FENCE ERECTORS:						
Class 1	7.86	.77	1.95	.50		.13
Class 2	7.61	.77	1.95	.50		.13
Class 3	7.36	.77	1.95	.50		.13
HOUSEMOVERS	7.355	.77	1.95	.50		.13

	* Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
LABORERS (Tunnel and Shaft Work)						
BULL GANG; Concrete Crew (includes rodders and spreaders); Dumpmen; Grout Crew; Muckers, (laborers) in short dry tunnels under streets, highways and similar places; Trackmen; Swamper (brakeman and switchmen to tunnel work)	\$ 7.65	.77	\$ 1.95	.50	.13	
CHUCK TENDER; Cable Tender; Nipper; Steel Form Raiser and Setters; Helper; Vibrator-man; Jackhammer; Pneumatic tools (except drillers)	7.75	.77	1.95	.50	.13	
GROUT GUNMEN	7.85	.77	1.95	.50	.13	
BLASTERS; Drillers; Cherry Pickerman; Kemper and other pneumatic concrete placer operators; Miners, in short dry tunnels under streets, highways and similar places; Miners, tunnel (hand or machine); Powdermen; Primer-house; Timbermen; Retinermen; (wood or steel); Steel Form Raisers and Setters	7.90	.77	1.95	.50	.13	
SHAFT AND RAISE MINER	8.15	.77	1.95	.50	.13	
GUNITE WORKERS: Nozzlemen and Rodmen	8.09	.77	1.95	.50	.13	
Gunmen	7.77	.77	1.95	.50	.13	
Reboundmen	7.355	.77	1.95	.50	.13	

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Group 1	\$ 9.75	.95	\$ 2.00	.50	.04	
Group 2	10.03	.95	2.00	.50	.04	
Group 3	10.32	.95	2.00	.50	.04	
Group 4	10.46	.95	2.00	.50	.04	
Group 5	10.68	.95	2.00	.50	.04	
Group 6	10.79	.95	2.00	.50	.04	
Group 7	10.91	.95	2.00	.50	.04	
Group 8	11.08	.95	2.00	.50	.04	
Group 9	11.21	.95	2.00	.50	.04	

POWER EQUIPMENT OPERATORS

Group 1: Brakeman; Compressor (less than 600 C.R.M.); Engineer Oiler; Generator; Heavy Duty Repairman; Helper; Pump; Signalman; Switchman

Group 2: Compressor (600 C.P.M. or larger); Concrete Mixer, skip type, conveyor; Fireman; Hydrostatic Pump; Oiler Crusher (asphalt or concrete plant); Plant Operator; Generator, Pump or Compressor; Rotary Drill Helper (oilfield); Skiploader - wheel type up to 3/4 yd. w/o attachments; Soils Field Technician; Tar Pot Fireman; Temporary Heating Plant; Trenching Machine Oiler; Truck Crane Oiler

Group 3: A-Frame or Winch Truck; Elevator Operator (inside); Equipment Greaser (track); Ford Ferguson (with dragtype attachments); Helicopter Radioman (ground); Power Concrete Curing Machine; Power Concrete Saw; Power driver Jumbo Form Setter; Ross Carrier (job site); Stationary Pipe Wrapping and Cleaning Machine

Group 4: Asphalt Plant Fireman; Boring Machine; Boxman or Mixerman (asphalt or concrete); Chip Spreading Machine; Concrete Pump (small portable); Bridge type Unloader and Turntable; Dinky Locomotive or Motorcar (up to and including 10 tons); Equipment Greaser (greaser truck); Helicopter Hoist; Highline Cableway Signalman; Hydra-hammer-aero.Stomper; Power Sweeper; Roller (compacting); Screed (asphalt or concrete); Trenching Machine (up to 6 ft.)

Group 5: Asphalt Plant Engineer; Backhoe (up to and including 3/4 yd.); Batch Plant; Bit Sharpener; Concrete Joint Machine (canal and similar type); Concrete Planer; Deck Engine; Derrickman (oilfield type); Drilling Machine Operator (including water wells); Forklift (under 5-ton capacity); Hydrographic Seeder Machine (straw, pulp or seed); Machine Tool Operator; Maginlis Internal Pull Slab Vibrator; Mechanical Finisher (concrete-Clary, Johnson, Bidwell or similar); Pavement Breaker (truck mounted); Road Oil Mixing Machine; Roller (asphalt or finish); Rubber-tired Earth Moving Equipment (single engine, up to and including 25 yds. struck); Self-propelled tar Pipelining Machine; Slip Form Pump (power-driven hydraulic lifting device for concrete forms); Skiploader (Crawler and wheel type over 3/4 yd. and up to and including 14 yds.); Stinger Crane (Austin-Western or similar type); Tractor-bulldozer, Tamper Scraper (single engine, up to 100 h.p., flywheel and similar types, up to and including D-5 and similar types); Tugger Hoist 1 drum; Tunnel Locomotive (over 10 and up to and including 30 tons); Welder-general



POWER EQUIPMENT OPERATORS (Cont'd)

Group 6: Asphalt or Concrete Spreading (tamping or finishing); Asphalt Paving Machine (Barber Greene or similar type); Bridges Crane Operator; Cast-In-place Pipe Laying Machine; Combination Mixer and Compactor (gunite work); Compactor, self-propelled; Concrete Mixer - paving; Concrete Pump (truck mounted); Crane Operator up to and including 25 ton capacity; (Long-boom pay applicable); Crushing Plant; Drill Doctor; Elevating Grader; Forklift (over 5 tons); Grade Checker; Grade-all; Grouting Machine; Heading Shield; Heavy Duty Repairman; Hoist Operator (Chicago Boom and similar type); Kolman Belt Loader and similar type; Letourneau Blob Compactor or similar type; Lift Mobile; Lift Slab Machine (Vagborg and similar types); Loader (Athey, Euclid, Sierra and similar type); Material Hoist; Mucking Machine (1/4 yd. rubber tired, rail or track type); Pneumatic Concrete Placing Machine (Hackley-Presswell or similar type); Pneumatic Heading Shield (tunnel); Pumpcrete Gun; Rotary Drill (excluding caisson type); Rubber-tired Earth Moving Equipment (single engine-caterpillar); Euclid, Athey Wagon, and up to and including 50 cu. yds. struck; Rubber-tired Earth Moving Equipment (multiple engine, up to and including 25 yds. struck); Rubber-tired Scraper (self-loading-paddle wheel type-John Deere, 1040 and similar single unit); Skiploader (crawler and wheel type-over 1 1/2 yds., up to and including 6 1/2 yds.); Surface Heaters and Planer; Trenching Machine (over 6 ft. depth capacity); Tower Crane; Tractor Compressor Drill Combination; Tractor (any type larger than D-5-100 flywheel h.p. and over, or similar); Hull-doser, Tamer, Scraper and Push Tractor single engine; Tractor (boom attachments); Traveling Pipe Wrapping, Cleaning and Bending Machine; Tunnel Locomotive (over 30 tons); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yd. and up to 5 cu. yds. m.f.c.) (long boom pay applicable); Self-propelled Curb and Gutter Machine

POWER EQUIPMENT OPERATORS (Cont'd)

Group 7: Crane, over 25 ton up to and including 100 tons m.f.c. (long boom pay applicable); Derrick Barge (long boom pay applicable); Dual Drum Mixer; Heavy Duty Repairman-welder Combination; Hoist, Stiff-legs, Guy Derrick or similar type, up to and including 100 tons (long boom pay applicable); Monorail Locomotive (diesel), gas or electric; Motor Patrol-blade Operator (single engine); Multiple Engine Tractor (Euclid and similar type, except quad 9 Cat); Rubber-tired Earth Moving Equipment (single engine, over 50 yds. struck); Rubber-tired Earth Moving Equipment (multiple engine, Euclid, Caterpillar and similar) (over 25 yds. and up to 50 cu. yds. struck); Shovel, Backhoe, Dragline, Clamshell (over 5 cu. yds. m.f.c.) (long boom pay applicable); Tower Crane Repairman; Tractor Loader (crawler and wheel type over 6 1/2 yds.); Welder-certified; Woods Mixer and similar Pugmill Equipment

Group 8: Auto Grader; Automatic Slip Form; Crane-over 100 tons (long boom pay applicable); Hoist-stiff Legs, Guy Derrick or similar types (capable of hoisting 100 tons or more) (long boom pay applicable); Mass Excavator - less than 750 cu. yds.; Mechanical Finishing Machine; Mobile Form Traveler; Motor Patrol, multi-engine; Pipe Mobile Machine; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar and similar type over 50 cu. yds. struck); Rubber tired self-loading Scraper (paddle wheel-auger type self-loading-2 or more units); Rubber-tired Scraper - pushing one another w/o Push Cat. Push-pull (50¢ per hour additional to base rate); Tandem Equipment (2 units only); Tandem Tractor (quad 9 or similar type); Tunnel Mole Boring Machine

Group 9: Canal Liner; Canal Trimmer; Helicopter Pilot; Highline Cableway; Remote Controlled Earth Moving Equipment (\$1.00 p/h additional to base rate); Wheel Excavator (over 750 cu. yd.)

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
TRUCK DRIVERS				
PICKUPS (3/4 ton and under), Swamps and helpers; Traffic control pilot car (excluding moving heavy equipment)	7.67	.90	.85 \$ 1.00	.10
TRUCK REPAIRMAN OR WELDER HELPER	8.07	.90	.85 1.00	.10
WAREHOUSEMAN	8.12	.90	.85 1.00	.10
INDUSTRIAL LIFT	8.20	.90	.85 1.00	.10
DUMP (less than 8 yds.); Dump or flatbed (2 axle); Concrete pumping; Forklift (under 15,000 lbs.)	8.23	.90	.85 1.00	.10
DUMP (8 yds. and under 12); Dump or flatbed (3 axles); Bulkerman	8.28	.90	.85 1.00	.10
FORKLIFT (15,000 lbs and over); Ross Carrier	8.35	.90	.85 1.00	.10
DUMP (12 yds. and under 16); Dump or flatbed (3 axles, with seal)	8.36	.90	.85 1.00	.10
WATER TRUCKS (2 axles); Erosion control nozzle; Pipeline drivers (including winch and all sizes); Road oil spreader, cement distributor or slurry; Road oil or slurry bootman; Pull truck	8.38	.90	.85 1.00	.10

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
TRUCK DRIVERS (Cont'd)				
DUMPCRETE (less than 6 1/2 yards)	8.44	.90	.85 \$ 1.00	.10
EROSION CONTROL DRIVERS; Water truck (3 axles)	8.50	.90	.85 1.00	.10
FUEL OR DYNAMITE AND EXPLOSIVES	8.53	.90	.85 1.00	.10
DUMP (16 yards and under 25); Dump or flatbed (4 axle or more); Lowbed and trailer; Trainmix (under 8 yards); Grout Mixer; Dumpcrete (6 1/2 yards and over); Dumpster	8.58	.90	.85 1.00	.10
DUMP (25 yards and under 35)	8.63	.90	.85 1.00	.10
DW 10's or DW 20's or Euclid type equipment; Letourneau Pulls, Terra Cobras or similar type of equipment regardless of type of attachments when performing work in the teamsters' jurisdiction or PB or similar type of dump truck with loading attachments	8.65	.90	.85 1.00	.10
TRUCK GREASER	8.66	.90	.85 1.00	.10
7 AXLES OR DOUBLE COOSENECK LOWBED or combination of vehicles when under permit load	8.705	.90	.85 1.00	.10



52968

## NOTICES

Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS (Cont'd)									
TRANSIT-MIX (8 yards and over)	\$ 8.72	.90	.85	\$ 1.00	.10				
TIREMAN	8.76	.90	.85	1.00	.10				
DUMP (35 yards and under 50)	8.78	.90	.85	1.00	.10				
WATER PULL TANKERS; Welder; A-Frame or Swedish Crane	8.85	.90	.85	1.00	.10				
DUMP (50 yards and under 65)	8.93	.90	.85	1.00	.10				
DUMP (65 yards and over)	9.08	.90	.85	1.00	.10				
POWER EQUIPMENT OPERATORS DREDGING									
(Hydraulic Suction Dredges)									
LEYERMAN	\$11.60	.95	\$ 2.00	.50	.04				
WATCH ENGINEER; Welder	11.02	.95	2.00	.50	.04				
DECKMATE	10.54	.95	2.00	.50	.04				
WINCHMAN (Stern winch or dredge)	10.47	.95	2.00	.50	.04				
BARGEHAND; Deckhand; Fireman; Oiler; Leveehand	9.93	.95	2.00	.50	.04				
(Clamshell Dredges)									
LEYERMAN	11.60	.95	2.00	.50	.04				
WATCH ENGINEER	11.02	.95	2.00	.50	.04				
DECK MATE	10.54	.95	2.00	.50	.04				
BARGE MATE	10.47	.95	2.00	.50	.04				
BARGEHAND; Deckhand; Fireman; Oiler	9.93	.95	2.00	.50	.04				

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977

## SUPERSEDED DECISION

STATE: California  
COUNTY: San Diego  
DECISION NUMBER: CA77-5095  
DATE: Date of Publication  
Supersedes Decision No. CA77-5044 dated May 20, 1977, in 42 FR 26130  
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories

Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	\$ 13.90	.80	\$ 1.17	.06					
BOILERMAKERS	13.175	.775	1.00	.02					
BRICKLAYERS; Stonemasons	11.22	1.03	1.06	.12					
BRICK, BLOCK and STONEWORKERS'									
TENDERS	9.87	.77	1.95						
CARPENTERS:									
Filedriversmen	11.26	.56	1.20	.80	.07				
Millwrights; Pneumatic Nailer;	11.39	.56	1.20	.80	.07				
Hardwood Floorlayers	11.51	.56	1.20	.80	.07				
CEMENT MASONS:									
Cement Masons	8.81	.88	1.66	1.36	.07				
Color Work; Composition,									
Mastic or Epoxy, Finishing	9.11	.88	1.66	1.36	.07				
Machine; Curb Machine	12.60	.56	1.05	.70	.07				
DRYWALL INSTALLERS									
ELECTRICIANS:									
Cable Splicers	13.03	.70	34+1.33	.02					
ELEVATOR CONSTRUCTORS	13.33	.70	34+1.33	.02					
ELEVATOR CONSTRUCTORS' HELPERS	12.95	.545	.35	34+a	.02				
ELEVATOR CONSTRUCTORS' HELPERS	704JR	.545	.35	34+a	.02				
(PROB.)									
GLAZIERS	504JR	.67	.90						
IRONWORKERS:	10.90								
Fence Erectors	10.66	1.24	2.22	1.46	.06				
Reinforcing	11.55	1.24	2.22	1.46	.06				
Ornamental; Structural	11.55	1.24	2.22	1.46	.06				
IRRIGATION and LAWN SPRINKLERS	9.40	104	164	134	3/44				
LATHERS:									
Northern portion of San									
Diego County from center	11.50	.60	1.00	.70	.05				
of City of Del Mar,	11.86	.60	.70		.02				
Remainder of County									

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977

## NOTICES

52969

Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE SETTERS	\$ 11.49	.81	\$ 1.17	.75	.08				
MARBLE SETTERS' HELPERS	6.74	.81	1.00	.75	.08				
PAINTERS:									
Brush	10.99	.99	1.18	.75	.07				
Spray; Swing Stage, Brush	11.24	.99	1.18	.75	.07				
Stages; Sandblaster									
Paperhangers; Spray, Swing	11.49	.99	1.18	.75	.07				
PLASTERERS	11.46	.65	1.75	.50	.07				
PLASTERERS' TENDERS	10.46	.77	1.95	.50	.07				
PLUMBERS; Steamfitters	10.95	104	164	134	3/44				
ROOFERS	10.79	.60	.75	1.00					
SHEET METAL WORKERS	11.96	1.04	2.24		.07				
SOFT FLOOR LAYERS	9.55	.60	1.05		.07				
SPRINKLER FITTERS	15.07	.65	.95		.08				
TERRAZZO WORKERS	11.49	.81	1.17		.08				
TILE SETTERS	11.49	.81	1.17		.08				
TERRAZZO & TILE SETTERS HELPERS	8.74	.81	1.00						
RIGGERS; WELDERS - Receive rate									
prescribed for craft performing									
operation to which rigging or									
welding is incidental									
FOOTNOTES:									
a. Employer contributes 44 of basic hourly rate for 5 years' service and									
24 of basic hourly rate for 6 months to 5 years' service as Vacation									
Pay Credit. 6 Paid Holidays: A through F.									
PAID HOLIDAYS:									
A-New Year's Day; B-Memorial Day; C-Independence Day;									
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.									



Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
LABORERS					
LABORERS, General Construction; Gas and oil Pipeline; Jetman; Tool Shed Checker; Using dry pack; Plagman	7.36	.77 \$ 1.95	.50		.13
CUTTING TORCH OPERATOR (Demolition); Sclar	7.41	.77 1.95	.50		.13
GUINEA CHASER	7.44	.77 1.95	.50		.13
PINE GRADER ON HIGHWAYS, STREETS AND AIRPORTS PAVING (sewer and drainage lined); Landscape Gardener and Nursery Man	7.46	.77 1.95	.50		.13
LABORER (packing rod steel and pans); Tank Sclar and Cleaner	7.485	.77 1.95	.50		.13
DRILLER'S HELPER (Caisson) Including Bellows; Boring Machine Helper	7.49	.77 1.95	.50		.13
WINDOW CLEANER; Chuck Tender (except tunnels); Septic tank digger and installer (leadman)	7.51	.77 1.95	.50		.13
CESSPOOL DIGGER AND INSTALLER	7.54	.77 1.95	.50		.13

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
LABORERS (Cont'd)					
CONCRETE CURER; Impervious Membrane; Kriprap Stonepaver; Sandblaster (pot tender); Pipelayer Backup Man, Coating, Grouting, Caulking, Diapering, Sealing, Caulking, Diapering, and including Rubber Gasket Joints; Pointing and any and all other services	7.55	.77 \$ 1.95	.50		.13
ASPHALT RAKER, IRONER, SPREADER; Buggymobile man; Cement dumper (on 1 yard or larger mixers and handling bulk cement); Concrete saw man (excluding tractor type); Roto-scraper, chipping hammer; Concrete core cutter and form blower; Gas and oil pipeline wrapper-pot tenders and form man; Operators and tenders of pneumatic and electric tools, concrete pump, vibrating machines and similar mechanical tools not separately classified herein; Tree climber using mechanical tools	7.57	.77 1.95	.50		.13
ROCK SLINGER; Sclar (using box'n chair or safety belt or power tools)	7.62	.77 1.95	.50		.13

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
LABORERS (Cont'd)					
DRILLERS, all other when drilling is for use of explosives	7.65	.77 \$ 1.95	.50		.13
PIPELAYER, METALLIC OR NON-METALLIC (including water sewage, solid, gas, air); Welding in connection with laborer's work	7.67	.77 1.95	.50		.13
GAS AND OIL PIPELINE WRAPPER (6" pipe and over)	7.70	.77 1.95	.50		.13
CRIBBER, SHORER, LAGGING, SHEETING AND TRENCH BRACING; Hand-guided lagging hammer	7.72	.77 1.95	.50		.13
STEEL HEADBOARD MAN	7.785	.77 1.95	.80		.13
DRILLERS - (all power drills, including jackhammer, wheeler core, diamond, wagon, track, multiple unit, and any and all types of mechanical drills; Sandblaster (Nozzleman)	7.81	.77 1.95	.50		.13
POWDERMAN, BLASTERS	7.845	.77 1.95	.50		.13
HEAD ROCK SLINGER	7.88	.77 1.95	.50		.13
FENCE ERECTORS: Class 1	7.86	.77 1.95	.50		.13
Class 2	7.61	.77 1.95	.50		.13
Class 3	7.36	.77 1.95	.50		.13
BOUSEMOVERS	7.355	.77 1.95	.50		.13

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
POWER EQUIPMENT OPERATORS					
Group 1	9.75	.95 \$ 2.00	.50		.04
Group 2	10.03	.95 2.00	.50		.04
Group 3	10.32	.95 2.00	.50		.04
Group 4	10.46	.95 2.00	.50		.04
Group 5	10.68	.95 2.00	.50		.04
Group 6	10.79	.95 2.00	.50		.04
Group 7	10.91	.95 2.00	.50		.04
Group 8	11.08	.95 2.00	.50		.04
Group 9	11.21	.95 2.00	.50		.04



POWER EQUIPMENT OPERATORS

Group 1; Brakeman; Compressor (less than 600 C.R.M.); Engineer Oiler; Generator; Heavy Duty Repairman; Helper; Pump; Signalman; Switchman

Group 2; Compressor (600 C.R.M. or larger); Concrete Mixer, skip type, conveyor; fireman; Hydrostatic Pump; Oiler Crusher (asphalt or concrete plant); Plant Operator; Generator, Pump or Compressor; Rotary Drill Helper (oilfield); Skiploader - wheel type up to 3/4 yd. w/o attachments; Soils Field Technician; Tar Pot Fireman; Temporary Heating Plant; Trenching Machine Oiler; Truck Crane Oiler

Group 3; A-Frame or Winch Truck; Elevator Operator (inside); Equipment Greaser (rack); Ford Ferguson (with dragtype attachments); Helicopter Radioman (ground); Power Concrete Curing Machine; Power Concrete Saw; Power driver Jumbo Form Setter; Ross Carrier (job site); Stationary Pipe Wrapping and Cleaning Machine

Group 4; Asphalt Plant fireman; Boring Machine; Boxman or Mixerman (asphalt or concrete); Chip Spreading Machine; Concrete Pump (small portable); Bridge type Unloader and Turntable; Dinky Locomotive or Motorman (up to and including 10 tons); Equipment Greaser (greaser truck); Helicopter Hoist; Highline Cableway Signalman; Hydra-hammer-aero Stomper; Power Sweeper; Roller (compacting); Screed (asphalt or concrete); Trenching Machine (up to 6 ft.)

Group 5; Asphalt Plant Engineer; Backhoe (up to and including 3/4 yd.); Batch Plant; Bit Sharpener; Concrete Joint Machine (canal and similar type); Concrete Planer; Deck Engine; Derrick-man (oilfield type); Drilling Machine Operator (including water wells); Forklift (under 5-ton capacity); Hydrographic Seeder Machine (straw, pulp or seed); Machine Tool Operator; Maginnis Internal Pull Slab Vibrator; Mechanical Bera, Curb or Gutter (concrete or asphalt); Mechanical Finisher (concrete-clay); Johnson, Bidwell or similar; Pavement Breaker (truck mounted); Road Oil Mixing Machine; Roller (asphalt or finish); Rubber-tired Earth Moving Equipment (single engine, up to and including 25 yds. struct); Self-propelled Tar Pipelining Machine; Slip Form Pump (power-driven hydraulic lifting device for concrete forms); Skiploader (Crawler and wheel type over 3/4 yd. and up to and including 1 1/4 yds.); Stinger Crane (Austin-Western or similar type); Tractor-bulldozer, Tamper Scraper (single engine, up to 100 h.p., flywheel and similar types, up to and including D-5 and similar types); Tugger Hoist 1 drum; Tunnel Locomotive over 10 and up to and including 30 tons); Welder-general

POWER EQUIPMENT OPERATORS (Cont'd)

Group 6; Asphalt or Concrete Spreading (tamping or finishing); Asphalt Paving Machine (Barber Greene or similar type); Bridge Crane Operator; Cast-in-place Pipe Laying Machine; Combination Mixer and Compressor (gunite work); Compactor, self-propelled; Concrete Mixer - paving; Concrete Pump (truck mounted); Crane Operator up to and including 25 ton capacity (Long-boom pay applicable); Crushing Plant; Drill Doctor; Elevating Grader; Forklift (over 5 tons); Grade Checker; Grade-all; Grouting Machine; Heading Shield; Heavy Duty Repairman; Hoist Operator (Chicago Boom and similar type); Kolman Belt Loader and similar type; LeTourneau Blob Compactor or similar types; Lift Mobile; Lift Slab Machine (Vagborg and similar types); Loader (Atthey, Euclid, Sierra and similar type); Material Hoist; Mucking Machine (1/4 yd. rubber tired, rail or track type); Pneumatic Concrete Placing Machine (Hackley-Presswell or similar type); Pneumatic Heading Shield (tunnel); Pumpcrete Gun; Rotary Drill (excluding caisson type); Rubber-tired Earth Moving Equipment (single engine-Caterpillar, Euclid, Atthey Wagon, and similar types with any and all attachments over 25 yds. and up to and including 50 cu. yds. struct); Rubber-tired Earth Moving Equipment (multiple engine, up to and including 25 yds. struct); Rubber-tired Scraper (self-loading-paddle wheel type-John Deere, 1040 and similar single unit); Skiploader (crawler and wheel type-over 1 1/4 yds., up to and including 6 1/4 yds.); Surface Heaters and Planer; Trenching Machine (over 6 ft. depth capacity); Tower Crane; Tractor Compressor Drill Combination; Tractor (any type larger than D-5-100 flywheel h.p. and over, or similar) Bull-dozer, Ramper, Scraper and Push tractor single engine); Tractor (boom attachments); Traveling Pipe Wrapping, Cleaning and Bending Machine; Tunnel Locomotive (over 30 tons); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yd. and up to 5 cu. yds. m.r.c.) (Long Boom pay applicable); Self-propelled Curb and Gutter Machine

NOTICES

POWER EQUIPMENT OPERATORS (Cont'd)

Group 7; Crane, over 25 ton up to and including 100 tons m.r.c. (long boom pay applicable); Derrick Barge (long boom pay applicable); Dual Drum Mixer; Heavy Duty Repairman-welder Combination; Hoist, Stiff-legs, Guy Derrick or similar type, up to and including 100 tons (long boom pay applicable); Monorail Locomotive (diesel), gas or electric); Motor Patrol-blade Operator (single engine); Multiple Engine Tractor (Euclid and similar type, except quad 9 Cat); Rubber-tired Earth Moving Equipment (single engine, over 50 yds. struct); Rubber-tired Earth Moving Equipment (multiple engine, Euclid, Caterpillar and similar) (over 25 yds. and up to 50 cu. yds. struct); Shovel, Backhoe, Dragline, Clamshell (over 5 cu. yds. m.r.c.) (long boom pay applicable); Tower Crane Repairman; Tractor Loader (crawler and wheel type over 6 1/4 yds.); Welder-certified; Woods Mixer and similar Pugmill Equipment

Group 8; Auto Grader; Automatic Slip Form; Crane-over 100 tons (long boom pay applicable); Hoist-stiff Legs, Guy Derrick or similar types (capable of hoisting 100 tons or more) (long boom pay applicable); Mass Excavator - less than 750 cu. yds.; Mechanical Finishing Machine; Mobile Form Traveler; Motor Patrol, multi-engine); Pipe Mobile Machine; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar and similar type over 50 cu. yds. struct); Rubber tired self-loading Scraper (paddle wheel-auger type self-loading-2 or more units); Rubber-tired Scraper - pushing one another w/o Push Cat. Push-pull (50¢ per hour additional to base rate); Tandem Equipment (2 units only); Tandem Tractor (quad 9 or similar type); Tunnel Mole Boring Machine

Group 9; Canal Liner; Canal Trimmer; Helicopter Pilot; Highline Cableway; Remote Controlled Earth Moving Equipment (\$1.00 p/h additional to base rate); Wheel Excavator (over 750 cu. yd.)

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	I. & W.	Pensions	Vacation	
TRUCK DRIVERS				
PICKUPS (3/4 ton and under), Swampers and helpers; Traffic control pilot car (excluding moving heavy equipment)	.90	.85	\$ 1.00	.10
TRUCK REPAIRMAN OR WELDER HELPER	.90	.85	1.00	.10
WAREHOUSEMAN	.90	.85	1.00	.10
INDUSTRIAL LIFT	.90	.85	1.00	.10
DUMP (less than 8 yds.); Dump or flatbed (2 axle); Concrete pumping; Forklift (under 15,000 lbs.)	.90	.85	1.00	.10
DUMP (8 yds. and under 12); Dump or flatbed (3 axles); Bunkerman	.90	.85	1.00	.10
FORKLIFT (15,000 lbs and over); Ross Carrier	.90	.85	1.00	.10
DUMP (12 yds. and under 16); Dump or flatbed (3 axles, with sem)	.90	.85	1.00	.10
WATER TRUCKS (2 axles); Erosion control nozzles; Pipeline drivers (including winch and all sizes); Road oil spreader, cement distributor or slurry; Road oil or slurry bootman; Prell truck	.90	.85	1.00	.10

NOTICES



Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
TRUCK DRIVERS (Cont'd)					
DUMPCRETE (less than 64 yards)	8.44	.90	.85 \$ 1.00		.10
EROSION CONTROL DRIVER, Water truck (3 axles)	8.50	.90	.85 1.00		.10
FUEL OR DYNAMITE AND EXPLOSIVES	8.53	.90	.85 1.00		.10
DUMP (16 yards and under 25); Dump or flatbed (4 axle or more); Loaded and trailer; Grout Mixer; Dumpcrete (64 yards and over); Dumpster	8.58	.90	.85 1.00		.10
DUMP (25 yards and under 35)	8.63	.90	.85 1.00		.10
DW 10's or DW 20's or Euclid type equipment; Letourneau Pulls, Terra Cobras or similar type of equipment regardless of type of attachments when performing work in the teamsters' jurisdiction or PB or similar type of dump truck with loading attachments	8.65	.90	.85 1.00		.10
TRUCK GREASER	8.66	.90	.85 1.00		.10
7 AXLES OR DOUBLE GOOSENECK LOWBED or combination of vehicles when under permit load	8.705	.90	.85 1.00		.10

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
TRUCK DRIVERS (Cont'd)					
TRANSIT-MIX (8 yards and over)	8.72	.90	.85 \$ 1.00		.10
TIREMAN	8.76	.90	.85 1.00		.10
DUMP (35 yards and under 50)	8.78	.90	.85 1.00		.10
WATER PULL TANKERS; Welder; A-Frame or Swedish Crane	8.85	.90	.85 1.00		.10
DUMP (50 yards and under 65)	8.93	.90	.85 1.00		.10
DUMP (65 yards and over)	9.08	.90	.85 1.00		.10

SUPERSEDES DECISION

STATE: CONNECTICUT  
COUNTIES: \*See Below  
DECISION NUMBER: CT77-3131  
DATE: Date of Publication  
Supersedes Decision No.: CT76-2172 dated December 28, 1976 in 4: FR 36574.  
DESCRIPTION OF WORK: Building Construction (including residential 1), Heavy and Highway Construction

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
Fairfield, Litchfield, and Windham Counties					
ASBESTOS WORKERS; Fairfield Co.; Litchfield Co.; Barkhamsted, Bethlehem, Bridgeport, Cornwall, Goshen, Hartford, Kent, Litchfield, Morris, New Hartford, New Milford, Plymouth, Roxbury, Sharon, Torrington, Warren, Washington, Waterbury, Winchester, Woodbury, & Thomaston; Windham Co.: Ashford, Chaplin, Eastford, Hampton, Scotland & Windham	10.94	.65	.96		
Litchfield Co.: Canaan, Colbrook, Norfolk, N. Canaan & Salisbury; Windham Co.: Woodstock	9.60	.54	.75	.01	
Bury, Killingly, Plainfield, Pomfret, Putnam, Sterling, & Thompson	10.28	1.00	1.18		
10.00	.60	10%		.01	
BOILERMAKERS					
BRICKLAYERS; Cement masons; Finishers; Marble masons; Plasterers; Stonemasons; Terrazzo workers; Tile setters (Building Construction); Fairfield Co.: Bridgeport, Easton, Fairfield, Monroe, Stratford, Stratford, & Trumbull	9.85	.75	.50		
Fairfield Co.: New Canaan, Norwalk, Ridgefield, Weston, Westport, & Wilton	10.00	.75	.50		
Fairfield Co.: Danforth & Stamford	10.31	.83	.25		
Fairfield Co.: Greenwich	10.25	.55	.55		
Danbury, New Fairfield, Newtown, Redding, & Sherman; Litchfield Co.: Bridgeport, Kent, New Milford, & Roxbury	9.80	.75	.50		

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
BRICKLAYERS (CONT'D); Litchfield Co.: Barkhamsted, Bethlehem, Canaan, Colbrook, Cornwall, Goshen, Hartford, Kent, Litchfield, Morris, New Hartford, Norfolk, N. Canaan, Salisbury, Sharon, Torrington, Warren, Washington, Winchester, & Windham	9.60	.75	.50		
10.00	.75	.50			
Litchfield Co.: Plymouth, Thomaston, Waterbury, & Woodbury	9.55	.65	.55		
Construction); Fairfield Co.: except Danforth, Greenwich, & Stamford; Litchfield Co.: w. of Housatonic River					
Fairfield Co.: Danforth & Stamford	9.00	.65	.50	b	
Litchfield Co.: Greenwich	9.08	.68	.25	b	
Litchfield Co.: e. of Housatonic River; & Windham Co.	9.09	.56	.45	b	
CARPENTERS; Millwrights; Pile-driving & Soft floor layers (Building Construction); Fairfield Co.: Greenwich	8.95	.65	.50	b	
Easton, Fairfield, Monroe, Stratford, Trumbull, Weston, & Westport, & that part of Orange from Orange Center Road w. to Milford & the Oyster River situated in Orange	9.43	.46	.45		.02
Fairfield Co.: Bethel, Brookfield, Danbury, Darien, New Canaan, New Fairfield, Newtown, Redding, Ridgefield, Sherman, Stamford, & Wilton; Litchfield Co.: Barkhamsted, Bethlehem, Bridgeport, Canaan, Colbrook,	9.35	.50	.30	c	















STATE: CONNECTICUT  
 COUNTIES: \*See Below  
 DECISION NUMBER: CT77-3132  
 DATE: Date of Publication  
 SUPERSEDES Decision No.: CT76-2173 dated December 28, 1976 in 41 FR 56381.

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy (excluding tunnel construction), and highway construction.

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
*Hartford, Middlesex, New Haven, New London, and Tolland Counties					
ASBESTOS WORKERS:					
Hartford Co.: Avon, Berlin, Bloomfield, Bristol, Burlington, Canton, E. Hartford, E. Windsor, Farmington, Glastonbury, Hartford, Manchester, Marlborough, New Britain, Newington, Plainville, Rocky Hill, Simsbury, Southington, S. Windsor, W. Hartford, Wethersfield, & Windsor; Middlesex Co.: New Haven Co.: New London Co.: Bozrah, Colchester, E. Lyme, Franklin, Groton, Lebanon, Lyme, Montville, New London, Norwich, Old Lyme, Salem, Sprague & Waterford; & Tolland Co.: Andover, Bolton, Columbia, Coventry, Ellington, Hebron, Mansfield, Tolland, Vernon, & Willington	\$ 10.94	.65	.96		
Hartford Co.: E. Granby, Enfield, Granby, Hartland, Suffield, & Windsor Locks; Tolland Co.: Somers, Stafford, & Union	9.60	.54	.75		.01
New London Co.: Griswold, Ledyard, Lisbon, N. Stonington, Preston, Stonington, & Voluntown	10.28 10.00	1.00 .60	1.18 10%		.01
BOILERMAKERS					
BRICKLAYERS: Cement masons; Finishers; Marble masons; Plasterers; Stonemasons; Terrazzo workers & tile setters (Building Construction):					
Hartford Co.: Avon, Bloomfield, Burlington, Enfield, E. Granby, E. Hartford, Farmington, Glastonbury, Granby, Hartford, Hartland, Manchester, Marlborough, Rocky Hill, Simsbury, & Vernon					

DECISION NO. CT77-3132

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
BRICKLAYERS (CONT'D): S. Windsor, Suffield, Thompsonville, W. Hartford, Wethersfield, Windsor, Windsor Locks; Tolland Co.: Andover, Bolton, Columbia, Coventry, Ellington, Hebron, Mansfield, Somers, Stafford, Storrs, Tolland, Union, Vernon, & Willington	.90	.50			
Hartford Co.: Berlin, Kensington, New Britain, Newington, Plainville, & Southington; New Haven Co.: Canton	9.85 9.60 10.00	.75 .75 .75	.50 .50 .50		
Middlesex Co.: New London Co.: New Haven Co.: Bethany, Branford, E. Haven, Guilford, Hamden, Madison, New Haven, N. Branford, N. Haven, Orange, W. Haven, Woodbridge, part of Milford, & parts of Cheshire	9.85 9.50	.50 .75	.50 .50	a	
New Haven Co.: Ansonia & Derby					
Hartford Co.: Bristol, Marion, & Plainville; New Haven Co.: Beacon Falls, Middlebury, Mixville, Naugatuck, Prospect, Waterbury, & Wolcott	9.70	.75	.50		
New Haven Co.: Devon to the Orange Town line & the Indian River in Milford	9.85	.75	.50		
BRICKLAYERS (Heavy & Highway Construction):					
New Haven Co.: Milford	9.00	.65	.50	b	
Hartford Co.: Middlesex Co.: New Haven Co., except Milford; New London Co.: & Tolland Co.	8.95	.65	.50	b	
CARPENTERS: Millwrights; Piledrivers; & Soft floor layers (Building Construction):					
New Haven Co.: Milford	9.35	.50	.30	c	
Hartford Co.: Avon, E. Granby, E. Hartland, E. Windsor, Enfield, Farmington, Glastonbury, Granby,					

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977

DECISION NO. CT77-3132

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
CARPENTERS (CONT'D): Hartford, Hartland, Manchester, Rocky Hill, Simsbury, S. Windsor, Suffield, Thompsonville, Unionville, W. Hartford, Wethersfield, Windsor, Windsor Locks; Tolland Co.: Bolton, Ellington, Rockville, Somers, Stafford, Tolland, & Vernon	\$ 9.71	.70	.45		.05
Hartford Co.: Berlin, Bristol, Canton, E. Berlin, Kensington, Marion, Middale, New Britain, Newington, Plainville, & Southington; Middlesex Co.: New Haven Co.: Meriden, & Wallingford	9.80	.70	.45		.05
New Haven Co.: Bethany, Branford, E. Haven, Guilford, Hamden, Madison, New Haven, N. Branford, N. Haven, S. Cheshire, W. Haven, & Woodbridge	9.30	.50	.30		
New Haven Co.: Ansonia, Derby, Orange, Oxford, & Seymour	9.35	.35	.30	d	
Bethany (to the firehouse), Cheshire (W. of Rte #10 from Southington to Hamden line), Middlebury, Naugatuck, Prospect, Southbury, Waterbury, & Wolcott	9.35	.50	.30	e	.03
New London Co.: Bozrah, Colchester, E. Lyme, Franklin, Griswold, Groton, Lebanon, Ledyard, Lisbon, Lyme, Montville, New London, N. Stonington, Norwich, Old Lyme, Preston, Salem, Sprague, Stonington (N. of Rte #184), Voluntown, & Waterford	9.75	.70	.45		.03

DECISION NO. CT77-3132

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
CARPENTERS (Heavy & Highway Construction):					
New Haven Co.: Ansonia, Derby, Milford, Orange (W. of Orange Center Road & S. of Rte #1 & W. of the Oyster River), Oxford, & Seymour	9.55	.70	.45	f	.05
Hartford Co.: Middlesex Co.: & New Haven Co.: Rem. of Co.: Tolland Co.: Bolton, Ellington, Somers, Stafford, Tolland, & Vernon	9.55	.70	.45	f	.05
New London Co.: Tolland Co.: Andover, Columbia, Coventry, Hebron, Mansfield, Union, & Willington	9.55	.70	.45	f	.03
EL TRICIANOS:					
N. Haven Co.: Milford	10.40	1.10	34+.30		1/8%
Hartford Co.: Berlin, Bristol, New Britain, Newington, Plainville, & Southington	10.17	1.00	24+.50		1/8%
Hartford Co.: Suffield, Thompsonville, & Enfield	9.85	.70	34+.30	.43	.03
Hartford Co.: Hartland; New Haven Co.: Beacon Falls, Middlebury, Naugatuck, Oxford, Prospect, Seymour, Southbury, Waterbury, & Wolcott	10.30	.82	34+.60	h	1/8%
Hartford Co.: Rem. of Co.: Middlesex Co.: Cromwell, Middletown, Middletown & Portland; New London Co.: Bozrah, Colchester, Franklin, Griswold, Lebanon, Ledyard, Lisbon, Montville, N. Stonington, Norwich, Preston, Salem, Sprague, Stonington, & Voluntown; Tolland Co.	11.30	1.50	34+.50		1/8%

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977







DECISION NO. CT77-3132

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$ 9.90	.30	.70			.01
10.20	.30	.70			.01
10.28	.30	.70			.01
10.30	.30	.70			.01
10.40	.30	.70			.01
10.70	.30	.70			.01
13.05	.30	.70			.01
13.38	.30	.70			.01
PAINTERS (CONT'D): New London Co.: Norwich Brush Paperhangers Sign Taping Roller Structural steel Spraying oil paint Spraying epoxy PLUMBERS: Hartford Co.: Avon, Bloomfield, Burlington, Canton, E. Granby, E. Hartford, E. Windsor, Enfield, Farmington, Glastonbury, Granby, Hartford, Manchester, Marlborough, Newington, Rocky Hill, Simsbury, S. Windsor, Suffield, W. Hartford, Wethersfield, Windsor, Windsor Locks; Middlesex Co.: Chester, Cromwell, Deep River, E. Haddam, E. Hampton, Haddam, Maromas (Atomic River Project), Middlefield, Middletown, & Portland; Tolland Co.: Andover, Bolton, Columbia, Coventry, Ellington, Hebron, Mansfield, Somers, Stafford, Storrs, Tolland, Union, Vernon, & Willington PLUMBERS; Steamfitters: New Haven Co.: Milford Middlesex Co.: Durham; New Haven Co.: Cheshire, Meriden, & Wallingford Hartford Co.: Berlin, Bristol, E. Berlin, Kensington, New Britain, & Plainville					

DECISION NO. CT77-3132

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$10.29	.75	.70	e		.02
11.32	.60	.70	u		.05
10.45	.83	.70	v		.05
10.00	.83	.70	v		.05
9.64	.83	.70	v		.05
9.65	1.05	.50			
8.75	.525	.70	.55		.07
9.25	.525	.70	.55		.08
10.95	.50	.66	.95		
11.38	.65				
PLUMBERS; Steamfitters (CONT'D): Middlesex Co.: Clinton, Killingworth, & Westbrook; New Haven Co.: Branford, Derby, E. Haven, Guilford, Hamden, Madison, New Haven, N. Branford, N. Haven, Orange, W. Haven, & Woodbridge Middlesex Co.: Essex, Ivoryton, Old Saybrook, & Saybrook; New London Co.: Bozrah, Colchester, E. Lyme, Franklin, Griswold, Groton, Lebanon, Ledyard, Lisbon, Lyme, Montville, New London, N. Stonington, Norwich, Old Lyme, Preston, Salem, Sprague, Stonington, Voluntown, & Waterford New Haven Co.: Ansonia, Beacon Falls, Bethany, Naugatuck, Oxford, Prospect, & Seymour New Haven Co.: Middlebury, Southbury, S. Britain, Waterbury & Wolcott Hartford Co.: Hartland ROOFERS: New Haven Co.: Ansonia, Beacon Falls, Bethany, Branford, Derby, E. Haven, Guilford, Hamden, Madison, Milford, Middlebury, Naugatuck, New Haven, N. Branford, N. Haven, Orange, Oxford, Seymour, Union City, W. Haven, & Woodbridge Hartford Co.: Middlesex Co.: New Haven Co.: Cheshire, Meriden, Prospect, Wallingford, & Wolcott New London Co.: & Tolland Co. Composition Slate, Tile SHEET METAL WORKERS SPRINKLER FITTERS					

DECISION NO. CT77-3132

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$10.27	1.16	.66			.13
STEAMFITTERS: Hartford Co.: Avon, Bloomfield, Burlington, Canton, E. Granby, E. Hartford, E. Windsor, Enfield, Farmington, Glastonbury, Granby, Hartford, Manchester, Marlborough, Newington, Rocky Hill, Simsbury, S. Windsor, Suffield, W. Hartford, Wethersfield, Windsor, & Windsor Locks; Middlesex Co.: Chester, Cromwell, Deep River, E. Haddam, E. Hampton, Haddam, Maromas (Atomic River Project), Middlefield, Middletown, & Portland; Tolland Co.: Andover, Bolton, Columbia, Coventry, Ellington, Hebron, Mansfield, Somers, Stafford, Storrs, Tolland, Union, Vernon, & Willington					

DECISION NO. CT77-3132

PAID HOLIDAYS:  
A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day;  
E—Thanksgiving Day; F—Christmas Day;

FOOTNOTES:

- b. 1 paid holiday: Good Friday. Employee must work 3 days during the work week in which the holiday falls, if scheduled, and if scheduled, the working day before and the working day after the holiday.  
c. 4 paid holidays: B, C, D, and Good Friday. Employee must be employed 14 consecutive days immediately prior to the holiday.  
d. 3 paid holidays: C, D, and E  
e. 4 paid holidays: B, C, D, and E  
f. 3 paid holidays: B, C, D, and D  
h. The last 4 regular working hours prior to Christmas Day shall be a paid half day.  
i. 6 paid holidays: A through F  
j. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.  
k. 9 paid holidays: A through F, Washington's Birthday, Good Friday, and Columbus Day  
l. 9 paid holidays: A thru F, Washington's Birthday, Good Friday and Columbus Day  
m. The last 4 hours on Christmas Eve is a paid half day if employee has worked 5 consecutive days prior to Christmas Eve  
n. 9 paid holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve provided the employee has worked 45 full days for the employer during the 120 days prior to the holiday and is available for work the day preceding and following the holiday.  
o. 9 paid holidays: A through F, Washington's Birthday, Good Friday and a floating holiday per year provided the employee has been employed for a period of 5 working days prior to the holidays and works the scheduled work days immediately preceding and following the holidays  
p. 2 paid holidays: C and D providing the employee works the day before and the day after the holiday  
q. 4 paid holidays: B, C, D, and E providing the employee works the day before and the day after the holiday  
r. 1 paid holiday: D  
s. Paid holidays: D, and the Friday after Thanksgiving is a paid half day, and December 24, provided it falls on a working day, is a paid half day  
t. 3 paid holidays: C, D, E, and the half day Friday after Thanksgiving  
u. 1 paid holiday: D  
v. 2 paid holidays: B, D & Half day paid holiday the Friday after Thanksgiving and the last working day before Christmas, & Good Friday paid half day.







SUPERSEDEAS DECISION

STATE: Delaware  
COUNTY: State of Delaware  
DECISION NO.: DE77-3134  
DATE: Date of Publication  
Supersedes Decision No. DE77-3042 dated April 1, 1977, in 42 FR-17756  
DESCRIPTION OF WORK: Building Construction (excluding single family houses and garden type apartments up to and including 4 stories), Heavy & Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$11.59	1.00	1.25		.03
BOILERMAKERS:					
New Castle County	12.80	1.05	1.00		.02
Kent & Sussex Counties	11.15	.70	1.00		.02
BRICKLAYERS	9.75	.80	.85		
CARPENTERS - BUILDING & HEAVY					
Sussex County	10.10	1.29	.74		.02
New Castle & Kent Counties	10.12		.82		.01
CARPENTERS - HIGHWAY CONSTRUCTION	9.20	1.29	.74		.02
CEMENT MASONS:					
BUILDING CONSTRUCTION	9.05	1.28	.82		
HEAVY & HIGHWAY CONSTRUCTION	8.75	1.28	.82		
ELECTRICIANS	10.90	95%	9%		
ELEVATOR CONSTRUCTORS:					
Mechanics	12.09	.545	.35	45+45	.02
Elevator Constructors' Helpers	8.46	.545	.35	45+45	.02
GLAZIERS (Probationary)	6.045				.01
IRONWORKERS:	10.55	.50	.30		
Structural, Ornamental, Rein-					
forcing, Riggers, & Machinery	11.95	.84	1.36		.05
Movers					
LABORERS - BUILDING CONSTRUCTION:					
Group 1: General construction,					
dumppen, & truck spotters	8.10	.90	.50		
Group 2: Caulkers, operators					
of pneumatic & electric tools,					
vibrating machines, concrete					
saws, pumps, pot tenders,					
sewer pipelayers, demolition					
(use of hand tools), driller					
(except core, diamond, or mul-					
tiple wagon), mason & plas-					
ters tenders, cement workers,					

Decision No. DE77-3134

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
LABORERS - BUILDING CONSTRUCTION:					
Group 2: (Cont'd)					
mobile buggy operators, portable					
power saw operators, scaffold					
builders, hook-up men, signal					
men, stripping of flat arch &					
form work (also cleaning &					
oiling thereof), tool room					
attendant, gunite material &					
rebound workers, and shoring					
workers	8.35	.90	.50		
Group 3:					
Burners & welders, Caisson					
workers, top men (when exca-					
vations for caissons are dug					
eight feet or more below the					
natural grade level adjacent					
to the starting point of the					
caisson hole, the rate shall					
apply at the ground level),					
driller (core, diamond or					
multiple wagon), gunite indus-					
trial fume stack, nozzle, &					
rod workers, sandblaster					
(nozzleman), tunnelling,					
underpinning excavation (when					
an underpinning excavation is					
dug eight feet or more below					
the natural grade, or when					
an excavation for a pier hole					
of five feet square or less and					
eight feet or more deep is dug,					
the rate shall apply only when					
a depth of eight feet is					
reached), working under com-					
pressed air	8.60	.90	.50		
Group 4:					
Blasters, laborers engaged in					
unloading, placing, and assis-					

Decision No. DE77-3134

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
LABORERS - BUILDING CONSTRUCTION:					
Group 4: (Cont'd)					
ting in the installation of well					
point systems or deep well					
systems as long as needed on the	9.35	.90	.50		
job for such work					
Group 5:					
Caisson workers (bottom men)	8.70	.90	.50		
LABORERS - BUILDING CONSTRUCTION:					
Kent & Sussex Counties:					
Group 1	7.65	.60	.40		
Group 2	7.90	.60	.40		
Group 3	8.15	.60	.40		
Group 4	8.90	.60	.40		
CLASSIFICATION DEFINITIONS					
LABORERS - BUILDING CONSTRUCTION					
Kent and Sussex Counties					
Group 1 - General construction, dumpmen & truck spotters					
Group 2 - Caulkers, operators of pneumatic & electric tools, vibrating machines					
concrete saws, pumps, pot tenders, sewer pipelayers, demolition (used of hand					
tools), driller (except core, diamond or multiple wagon), mason & plasterers					
tenders, cement workers, mobile buggy operators, operators of power saws					
(portable), scaffold builders, hook-up men, signal men, stripping of flat arch					
& form work also cleaning & oiling thereof, tool room attendant & welder					
Group 3- Burners, drillers (core, diamond or multiple wagon), sand blaster					
(nozzleman), gunite workers (industrial fume stack men, nozzleman & rodmen)					
Group 4 - Blasters					

Decision No. DE77-3134

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
LABORERS - HEAVY & HIGHWAY					
CONSTRUCTION:					
New Castle County:					
Common laborers, landscapers,					
planters, seeders, aborists,					
asphalt tamers, rakers,					
concrete pitmen, puddlers,					
rubber magazine tenders,					
railroad trackmen, signal					
men	6.10	.90	.50		
Pipelayers	6.25	.90	.50		
Wagon drill, diamond point					
drill, gunite nozzleman, form					
setters, blasters, caisson &					
coffer dams (open-air, below					
8')	6.40	.90	.50		
LABORERS - HEAVY & HIGHWAY					
CONSTRUCTION:					
Kent & Sussex Counties:					
Common laborers, landscapers,					
planters, seeders, aborists,					
asphalt tamers, rakers,					
concrete pitmen, puddlers,					
rubber magazine tenders,					
railroad trackmen, signal men					
Pipelayers	6.00	.90	.50		
Wagon drill, diamond point	6.15	.90	.50		
drill, gunite nozzleman, form					
setters, blasters, caissons					
& coffer dams (open-air,					
below 8')	6.30	.90	.50		



	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
LATHERS	9.15	.50	.15		.01
LINE CONSTRUCTION:					
Linemen, cable splicers	12.03	.40	3%		1/4 of 1%
Winch truck operators	8.39	.40	3%		1/4 of 1%
Truck drivers	7.79	.40	3%		1/4 of 1%
Groundmen	7.17	.40	3%		1/4 of 1%
MARBLE SETTERS	9.48	.80	.85		
MILLWRIGHTS:					
Kent & New Castle Counties	10.55	.83	2.00		.01
Sussex County	10.22		.82		
PAINTERS:					
Base rate	8.77	.95	.55		.01
Structural steel, skates, rolling & suspended scaffolding (swing, chair, & window belts)	8.99	.95	.55		.01
Machins taping	9.07	.95	.55		.01
Bridges (if surface to be painted is 30' or more above ground or water), and/or cabled scaffolding	11.25	.95	.55		.01

NOTICES

52992

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
PAINTERS: (CONT'D)					
Tanks (if exposed to the weather and is used for storage or processing purposes with a capacity of 5,000 gallons or more using exterior dimensions and/or interior work on all tanks), sand-blasting, and spray	9.32	.95	.55		.01
Height pay - work 75' from surface an additional 55c shall be paid above the applicable rate.					
PILEDRIVERS, WHARF & DOCK BUILDERS	10.77	2.13	1.30	c	.12
PLASTERERS	8.97	.90			.01
PLUMBERS & STEAMFITTERS:					
New Castle & Kent (north of the southern boundary of Dover City) Counties:					
Plumbers	10.95	1.15	1.00	.99 + d	.10
Steamfitters	12.35	.785	.965	e	.05
Sussex & Kent (remainder of county) Counties	10.00	.66	.89	f	.05
POWER EQUIPMENT OPERATORS - BUILDING & HEAVY CONSTRUCTION:					
Group 1	12.29	5.5%	9.5%	g	1.2%
Group 2	12.00	5.5%	9.5%	g	1.2%
Group 3	11.13	5.5%	9.5%	g	1.2%
Group 4	10.36	5.5%	9.5%	g	1.2%
Group 5	9.89	5.5%	9.5%	g	1.2%
Group 6	8.98	5.5%	9.5%	g	1.2%
Group 7	12.54	5.5%	9.5%	g	1.2%
100' & over	12.79	5.5%	9.5%	g	1.2%
150' & over	13.03	5.5%	9.5%	g	1.2%
200' & over					

CLASSIFICATIONS

- Group 1 - Machines with booms doing hook work, any machine handling machinery, cable spinning machines, helicopter and similar machines
- Group 2 - All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoists, with 2 towers, pavers 21E and over, all types overhead cranes, building hoists (double drum), gridders, motor patrols (fine grade), mucking machines, in tunnel, all front end loaders 3-1/2 c.y., and over, tandem scrapers, pipin type backhoes, boat captains, batch plant operators (concrete), drills, self contained rotary drill, fork lifts (20' lift & over), and similar machines
- Group 3 - Conveyors (except building), building hoist (single drum), scrapers, tounapulls, spreaders (asphalt), high or low pressure boilers, concrete pumps, well drillers, bulldozers, tractors, asphalt plant engineers, rollers (high grade finishing), ditch witch type trenchers, all loaders under 3-1/2 c.y., mechanic-welders, motorpatrols, core drill operator, forklift trucks under 20' lift, similar machines
- Group 4 - Conveyors (building), concrete spreader, welding machines, well points, compressors, pumps, hesters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, fireman (for power equipment), and similar machines
- Group 5 - Fireman, grease trucks
- Group 6 - Oilers and deck hands (personnel boats), core drill helper
- Group 7 - All machines with booms (including jibs, masts and leads)

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
POWER EQUIPMENT OPERATORS - HIGHWAY CONSTRUCTION					
Group 1	\$12.00	5.5%	9.5%	g	1.2%
Group 2	11.13	5.5%	9.5%	g	1.2%
Group 3	10.36	5.5%	9.5%	g	1.2%
Group 4	8.98	5.5%	9.5%	g	1.2%

CLASSIFICATIONS

- Group 1 - Pipin type backhoe, euclid loader, all types of cranes, all types of backhoes, draglines, all types of shovels, keystones, paver 21E and over, trenching machines, cableways, all loaders 2 cu. yds. and over and similar machines
- Group 2 - Carryalls, tounapulls, asphalt spreaders, motor patrols, concrete pumps, asphalt plant engineers, well drillers, all bulldozers, tractors, maintenance engineer, welders, conveyor loader, all loaders under 2 cu. yds., and similar machines
- Group 3 - Form line grader, farm tractor, road finishing machine, concrete spreader, fine grade machines, compressors, pumps (6" or over), pumps (2 pr more any size), well point pumps, concrete breaking machines, rollers (grade fill and stone base), firemeo, and similar machines
- Group 4 - Oilers
- ROOFERS:
- Composition, damp and waterproofing
- Mechanic II (re-roofing)
- SHEET METAL WORKERS
- SOFT FLOOR LAYERS:
- New Castle & Kent Coa.
- Sussex Co.
- SPRINKLER FITTERS
- STONE MASONS
- TERRAZZO WORKERS & TILE SETTERS
- TILE SETTERS' HELPERS

NOTICES

52993



DECISION NO. DE7-3134

TRUCK DRIVERS - BUILDING CONSTRUCTION:

Group 1  
Group 2  
Group 3

Basic Hourly Rate	Fringe Benefit Payments			App. Tr.
	H & W	Pension	Vacation	
\$ 7.96	.7175			
7.86	.7175	.70		
7.71	.7175	.70		

CLASSIFICATION DEFINITIONS  
TRUCK DRIVERS

Group 1 - Euclid type or similar off highway equipment (where not self-loaded), off highway tandem back-dump, specialized earth moving equipment, truck mechanic (first class), twin engine equipment & double-hitched equipment (where not self-loaded).

Group 2 - A-frames, agitators or mixers, asphalt distributors, dispatchers, low-boys, semi-trailers, tandems, batch trucks & truck mechanics (second class).

Group 3 - Dumps (single axle), dumpsters, escort & pilot vehicles, flat body material trucks (straight job), fork lifts, form trucks, greasers, material checkers & receivers, panel trucks, pick-ups, rubber-tired (towing & pushing vehicles), tiremen & truck mechanic helpers, truck helpers.

TRUCK DRIVERS - HEAVY HIGHWAY

CONSTRUCTION:

Group 1  
Group 2  
Group 3

7.11	.7175	.70		
7.01	.7175	.70		
6.86	.7175	.70		

a. Employer contribution of 4% of the basic hourly rate for 5 years or more of service and 2% of the basic hourly rate for 6 months to 5 years of service for Vacation Pay Credit

b. Paid Holidays: A through F

c. Paid Holidays: Washington's Birthday, Good Friday, Memorial Day, Independence Day, Labor Day, Presidential Election Day, Veterans Day or Thanksgiving Day.

d. Paid Holidays: A through F; provided the employee is actively and currently employed by the employer at the time the holiday occurs; provided the employee would otherwise be scheduled to work and would work on such day if it was not observed as a holiday; and provided the employee has worked under current working conditions the last regularly scheduled workday before, and the first regularly scheduled workday after the holiday.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

DECISION NO. DE7-3134

FOOTNOTES: (Cont'd)

e. Paid Holiday: Labor Day provided the employee is currently on the payroll and would be scheduled to work the holiday also employee must work the day prior to and after the holiday.

f. Paid Holidays: A through F; provided the employee worked the scheduled work day preceding and following the holiday.

g. Paid Holidays: A through F; plus Election Day provided the employee works the scheduled work day before and after the holiday.

h. Paid Holiday: Election Day.



STATE: GEORGIA  
COUNTIES: CLAYTON, DeKALB, & FULTON  
DATE: DATE OF PUBLICATION  
Decision No. 1 GA77-1116  
Supersedes Decision No. GA77-1005, dated January 28, 1977, in 42 FR 5621.  
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4-stories).

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$ 9.35	.45	.50		.05
ROOFERS	9.50	.75	1.00		.02
BRICKLAYERS & STONE MASONS	9.10	.55	.50		.05
CARPENTERS, DRYWALL HANGERS, & RESILIENT FLOOR LAYERS	9.35	.40	.45		.02
CARPENTERS	7.40	.40	.45		.02
CEMENT MASONS	8.60	.40	.55		
ELECTRICIANS:					
Wiremen	10.10	9%	11%		$\frac{1}{2}$ of 1%
Cable splicers	11.00	9%	11%		$\frac{1}{2}$ of 1%
ELEVATOR CONSTRUCTOR MECHANICS	9.43	.50	.35	1 1/2 a+b	.02
GLAZIERS	9.00	.55	.38		.105
IRONWORKERS - Structural, Reinforcing, & Ornamental	9.25	.65	.57		.07
LATHERS	8.75	.40	.35		.05
LEAD BURNERS	10.75	.40	.25	0	.01
LINE CONSTRUCTION:					
Linemen & equipment operators	10.10	9%	11%		$\frac{1}{2}$ of 1%
Cable splicers	11.00	9%	11%		$\frac{1}{2}$ of 1%
Groundmen - truck drivers	4.55	9%	11%		$\frac{1}{2}$ of 1%
MARBLE MASONS, TILE SETTERS, & TERRAZZO WORKERS	8.95	.55	.50		
MARBLE, TILE, & TERRAZZO FINISHERS	6.15				
MILLWRIGHTS	8.85	.45	.50		.05
PAINTERS:					
Brush & drywall finishers	9.10	.45	.55		.04
Drywall (where presurized tools are used), boatwain chair & window-jack work, all steel above 25' (where no scaffold is erected), & any scaffold above 25' (where not floored solid)	9.60	.45	.55		.04
Spray, steamcleaning, water-blasting, sandblasting, & steeples/jack work	10.10	.45	.55		.04

DECISION NO. GA77-1116

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
FILEDRIVER/WRITER	\$ 9.50	.40	.45		.02
PLASTERERS	8.87	.40	.55		
PLUMBERS & PIPEFITTERS	10.45	.65	.50		.11
ROOFERS	6.32				.06
SHEET METAL WORKERS	9.60	.50	.81		.08
SPRINKLER FITTERS	10.35	.65	.95		
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:

- Six Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.
- Employer contributes 1/4% of the basic hourly rate of employees with 5 years or more of service, or 2% of the basic hourly rate of employees with 6 months to 5 years of service as Vacation Pay Credit.
- Nine Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Eve, and Christmas Day, provided the employee has worked 30 full days during the 90 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

DECISION NO. GA77-1116

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
GROUP A	6.00	.20	.25		.05
GROUP B	6.12	.20	.25		.05
GROUP C	6.22	.20	.25		.05
GROUP D	6.30	.20	.25		.05
GROUP E	6.50	.20	.25		.05
GROUP F	6.90	.20	.25		.05
GROUP G	6.75	.20	.25		.05
GROUP H (25c above rate for classification under which employed)					

GROUP A: Batch plant men, buggy rollers (Ga.), cleaners (brick or lumber), clearing of right of way and building site (hand tools), concrete curer-sealer and liquid hardener, conveyor operator (used by tenders of planters and bricklayers), electrician laborer, excavator, backfiller grader (hand), forklift operator, walk type tending bricklayers and plasterers, form oiler, form stripper, metal pan handler, plumber-laborer, pipe doper, precast slab layer (floors, roofs, walls, curbs), concrete puddler, rail porter, railroad track laborer, reinforcing steel handler, scaffolds and staging for masons and plasterers, erecting and removing scarifier, concrete (mechanical and hand), sheeting and shoring laborers, steam jennies (used in cleaning equipment), tenders (all crafts), truck spotter dumper, winch handler (manual), wrecking buildings and miscellaneous structures.

GROUP B: Bucket-dumpman (concrete), mixer-mortar, grout clay, etc. (hand or machine), power post hole digger, power cleaning machine operator, power wheelbarrow, mortar mixer-hose for gypsum roofs, plastering, asbestos fiber sound proofing, etc.

GROUP C: Burner-demolition, chain saw operator, power concrete saw operator, steel form setter, sewer pipe layer, varner, viper, potman, ellip form raiser (steel or wood), jack or screw type.

GROUP D: Wagon drill operator (track or wheel type) and like used in drilling for blasting.

GROUP E: Powderman-helper

GROUP F: Powderman, nozzleman (concrete pneumatic)

GROUP G: Caisson holeman

GROUP H: Chimney or stacks isolated

DECISION NO. GA77-1116  
POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
GROUP A	8.50	.50	.75		.07
GROUP B	8.15	.50	.75		.07
GROUP C	6.48	.50	.75		.07
GROUP D	6.83	.50	.75		.07
GROUP E	5.93	.50	.75		.07
GROUP F	6.28	.50	.75		.07
GROUP G	5.26	.50	.75		.07

GROUP A: Backhoe operators, clamshell operator, conc. mix operator, cent. mix plant, conc. pump operator, roller or similar type, crane operator (truck, tower, crawler, or locomotive), derrick operator, dragline operator, drill operator, season foundation type, elevating grader operator, forklift operator that comes within the jurisdiction of the Operating Engineers hoisting engine operator, locomotive operator, mechanical-heavy duty, oilers on cranes with earth boring drill attached with a separate power source, concrete paving mixer operator, pile driver operator, rock crusher operator, shovel operator, trenching machine operator over 6 ft. depth capacity, well point system operator (including the operation of all pumps on project operated by the contractor) generator operator-75 K. VA. and over, tugger hoist operator, winch truck operator, hoisting material, air compressor operator, 365 C.F.M. and over furnishing air simultaneously for more than one contractor.

GROUP B: Bulldozer operator, dozer shovel operator, drill operator-quarry master type, firmen-sationary or portable, motor grader operator, motor scraper operator (pans), pusher dozer operator, self-propelled compactor operator with blade, tractor or operator with special equipment, trenching machine operator up to and including 6 ft. depth capacity.

GROUP C: Air compressor operator 600 cu. ft. and over, air compressor operator batt. of two, 300 cu. ft. and over, hydrohammer operator, concrete batch plant operator.

GROUP D: Oilier-truck or locomotive cranes

GROUP E: Oilier-unspecified, pump operator over 1 1/2" up to batteries of 4, welding machine operator, batteries of two 300 amps and over.

GROUP F: Concrete mixer operator skip type except paving mixers, concrete finishing machine operator, concrete paving machine operator, roller operator well drill operator

GROUP G: Air compressor operator up to and including 300 cu. ft. or one machine over 300 but less than 600 cu. ft., conveyor operator, belt type, sand blasting machine operator, water pump operator 1/2" or less, water pump operator over 1/2" (one only), welding machine operator 300 amps and over.







STATE: GEORGIA  
COUNTY: RICHMOND  
Supersedes Decision No. GA77-1118, dated October 15, 1976, in 41 RA 45800  
Description of Work: Building Construction (does not include single family homes and garden type apartments up to and including 4-stories).

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$ 8.05 9.50	.35 .75	1.00			.02 .02
8.30 7.90					.01
9.26 9.51 8.52	.50 .50 .495	3% + .20 3% + .20 .32			1/2 of 1% 1/2 of 1% .02
9.20	.55	.75			.03
4.10	.15				
4.25 10.75	.15 .40	.25	c		.01
9.26 9.51 5.74 5.19 8.20	.50 .50 .50 .50 .50	3% + .20 3% + .20 3% + .20 3% + .20 3% + .20			1/2 of 1% 1/2 of 1% 1/2 of 1% 1/2 of 1% .01
7.30	.30	.30			
7.80	.30	.30			
8.30	.30	.30			
8.75	.30	.30			

DECISION NO. GA77-1118  
FILER/REVIEWER  
PLUMBERS & STEAMFITTERS  
SHEET METAL WORKERS  
SPRINKLER FITTERS  
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$ 8.20 9.93 8.60 10.35	.50 .65 .65	.65 .95			.01 .03 .04 .08

DECISION NO. GA77-1118

POWER EQUIPMENT OPERATORS:

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
8.93 7.66 7.04 5.41	.45 .45 .45 .45	.50 .50 .50 .50			.02 .02 .02 .02

GROUP II: Cranes, derricks, draglines, sidebooms, cherry pickers, mechanics, pile-drivers, crawlers, backhoe, (3/4 cy. & up), concrete pumps, clam shell, drill operators, concrete mixers plant locomotive, two drum hoist, shovels, generators, (250 KW & up), and hydraulic cranes over 10 tons.

GROUP III: Bulldozers, hydraulic boom truck 10 tons and under, scrapers, endloaders, fork tractors, one drum hoist, air compressor 600 FM & over, motor graders, tuggers, rollers, plain tractors, firemen, rubber tired backhoe less than 3/4 cy, push dozer, trenching machine.

GROUP III: Oiler, pump operator (over 4" dia.), small backhoe, air compressors under 600 CFM

GROUP IV: Mechanics helpers, serving welding machines, pumps up to 4" in Dia.

NOTICES:

a. Six Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.

b. Employer contributes 1/4 of the basic hourly rate of employees with 5 years or more of service, or 2% of the basic hourly rate of employees with 6 months to 5 years of service as Vacation Pay Credit.

c. Nine Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Eve, and Christmas Day, provided the employee has worked 30 full days during the 90 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.



SUPERSEDES DECISION

STATE: Iowa  
COUNTY: Black Hawk  
DECISION NO: IAT7-4223  
DATE: Date of Publication  
Supersedes Decision No. IAT7-4209, dated September 2, 1977 in 42 P 44226  
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories)

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ASBESTOS WORKERS	\$11.55	.40	.60			.10
BOILERMAKERS	11.30	.85	1.00			.02
BRICKLAYERS AND STONEMASONS	9.79	.38	.50			
CARPENTERS:	8.68	.45	1.00			
Millwrights	9.18	.45	1.00			
CEMENT MASONS	8.50	.45	.91			
ELECTRICIANS:	11.22	.45	3%			3/4%
Cable Splicers	11.56	.45	3%			3/4%
ELEVATOR CONSTRUCTORS	9.535	.495	.32	4 1/4%		.02
ELEVATOR CONSTRUCTORS' HELPERS	70% JR	.485	.32	4 1/4%		.02
(PROB.)	50% JR					
IRONWORKERS	10.565					.02
LABORERS:						
GROUP 1- Common laborers; Carp- enters' helpers; moving; wreck- ing & demolition	7.50	.45	.20			
GROUP 2- Mason tenders; bod carriers; machine and air tool operators	7.60	.45	.20			
GROUP 3- Powderman	7.75	.45	.20			
LATHERS	7.24	.31				
LINE CONSTRUCTION:						
GROUP 1- Cable splicers; Line- man; welder; technicians; all rigs setting assembled "H" fix- tures and steel transmission structures	9.32	.45	7%	b	3%	
GROUP 2-Groundman; truck driver (without winch); Experienced (not less than 6 months)	6.06	.45	7%	b	3%	
GROUP 3- Groundman; truck driver (with winch)	6.24	.45	7%	b	3%	
GROUP 4- Blaster; special equip- ment operations (hole digging machines, all tractions, trans- mission line pole hauling & setting equipment other than assembled "H" fixtures)	7.46	.45	7%	b	3%	
GROUP 5- Groundman- 1st 6 mos.	5.13	.45	7%	b	3%	

DECISION NO. IAT7-4223

Page 2

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
PAINTERS:	\$ 8.92		.20			.03
Brush, roller	9.02		.20			.03
Tapers	9.42		.20			.03
Spray	9.87	.45				
PLASTERERS	9.78	.60	.85			.08
PLUMBERS AND STEAMFITTERS	9.20	.50	.22			.02
ROOFERS	10.66	.45	1.00			.08
SHEET METAL WORKERS	11.48	.65	.95			.08
SOFT FLOOR LAYERS	7.01	.31		.25		
SPRINKLER FITTERS	5.14	.25				
TILE SETTERS	4.97	.25				
TRUCK DRIVERS:						
Up to 6 tons			.30			
Helpers			.30			
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTES:  
a - Employer contributes 1/2 of  
basic hourly rate for over 5  
years' service and 2 1/2 of basic  
hourly rate for 6 months to  
5 years service at Vacation  
Pay Credit. Six Paid Holidays  
A thru F  
b - Seven paid holidays - A thru G  
PAID HOLIDAYS:  
A- New Year's Day; B- Memorial  
Day; C- Independence Day; D-  
Labor Day; E- Thanksgiving Day;  
F- Christmas Day; G- Friday  
after Thanksgiving

DECISION NO. IAT7-4223

Page 3

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
POWER EQUIPMENT OPERATORS	\$9.56	.50	.50			.05
GROUP 1	9.435	.50	.50			.05
GROUP 2	8.59	.50	.50			.05
GROUP 3	8.265	.50	.50			.05
GROUP 4						

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Cranes, including those being used as backhoe, dragline, clamshell,  
etc.; tower cranes; truck cranes and cherry pickers 12 1/2 ton & over rated cap-  
acity; derricks; piledrivers and extractors; caisson rigs; side boom and winch  
truck used for erection of structural steel and moving and setting of heavy  
machinery; 3 drum hoists; welders; mechanics; locomotive; dredge (levermen)  
GROUP 2 - 1 and 2 drum hoists; air and electric tuggers (on power plants or  
setting steel and grating); automobiles; plant mixers; farm type tractors  
(with loaders, backhoes, attachments, etc.); scrapers (tournapull, etc.);  
endloaders; dredge (engineer); side boom and winch truck other than Group  
No. 1; motor patrol; bulldozers; push cat; truck cranes and cherry pickers  
(under 12 1/2 tons); concrete mixers (1 yard and over); ditching machine (8"  
and over); fork lifts (on steel erection and machinery moving or hoisting above  
one complete story); concrete pump; dewatering pumps; temporary hoist cage  
operated; second man on locomotive; vibrating concrete spreader (Gomaco,  
C-450 or equal)  
GROUP 3 - Tractors (under 35 HP) with or without attachments; endloaders (under  
35 HP) with or without attachments; air compressors (one or a combination of  
250 cfm or more); pumps 3" or over; welding machine 600 amps or combination  
thereof; conveyors; firemen (boiler); generator (75 KW & over); fork lifts  
(other than above Group No. 2); gunnite machine; self-propelled rollers; stump  
chippers; self-propelled tampers; air and electric tuggers (other than above);  
ditching machine under 8"  
GROUP 4 - Oilers; mechanical heaters; truck crane drivers; permanent elevators



STATE: Ind. COUNTY: Cotto Gord. (City of Marion City)  
DECISION NO.: IAT7-4224 DATE: Date of Publication: 23/03  
SUPERSEDES: Decision No. IAT7-4090, dated May 6, 1977, in re: 23/03  
DESCRIPTION OF WORK: Building Construction (does not include family  
houses and garden type apartments up to and including 4 stories.)

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CON- STRUCTION	Basic Hourly Rates	Fringe Benefits Payments				Education Appr. Tr.
		H & W	Pension	Vacation		
ASH-1 G. BURE	\$11.05	.78	.685			.02
ROILER DEPS	11.30	.85	1.00			.01
FR. 1000, 200, 4, 5, 10, 20, 40, 80, 160, 320, 640, 1280, 2560, 5120, 10240, 20480, 40960, 81920, 163840, 327680, 655360, 1310720, 2621440, 5242880, 10485760, 20971520, 41943040, 83886080, 167772160, 335544320, 671088640, 1342177280, 2684354560, 5368709120, 10737418240, 21474836480, 42949672960, 85899345920, 171798691840, 343597383680, 687194767360, 1374389534720, 2748779069440, 5497558138880, 10995116277760, 21990232555520, 43980465111040, 87960930222080, 175921860444160, 351843720888320, 703687441776640, 1407374883553280, 2814749767106560, 5629499534213120, 11258999068426240, 22517998136852480, 45035996273704960, 90071992547409920, 180143985094819840, 360287970189639680, 720575940379279360, 1441151880758558720, 2882303761517117440, 5764607523034234880, 11529215046068469760, 23058430092136939520, 46116860184273879040, 92233720368547758080, 184467440737095516160, 368934881474191032320, 737869762948382064640, 1475739525896764129280, 2951479051793528258560, 5902958103587056517120, 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DECISION NO. IAT-4225  
BUILDING, WATER TREATMENT PLANTS  
& SPACE DISPOSAL PLANTS CON-  
STRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BUILDING, WATER TREATMENT PLANTS & STORAGE DISPOSAL PLANTS CON- STRUCTION					
POWER EQUIPMENT OPERATORS :					
GROUP 1	\$ 9.45	.40	.50		.08
GROUP 2	8.05	.40	.50		.08
GROUP 3	7.00	.40	.50		.08

GROUP 1 - All hoists or steel erecting equipment; Cranes, Shovel, Clanshelli, Drag-  
line, Backhoe, Derricks, Tower Crane, Cable Way, Concrete Spreader (servicing 2  
pavers), Asphalt Spreader, Asphalt Mixer Plant Engineer, Dipper Dredge Operator,  
Dipper Dredge Foreman, Dual Purpose Truck (boom or winch), Leveaux or Engineer  
(Hydraulic dredge), Mechanic, Paving Mixer with tower attached (2 operators re-  
quired), Pile Driver, Hoop Tractor, Stationary, Portable or Floating Mixing Plant,  
Trenching Machine (over 40 HP), Building Hoist (2 drums), Hot Paint Wrapping Machine,  
Cleaning & Trimming Machine, Backfiller (throw bucket), Locomotive Engineer, Qualified  
Welder, Tow or Push Boat, Concrete Paver, Schuman Trav-L-Plant or similar machines,  
CHI Autograder or similar machines, Slip Form Paver, Caisson Augering Machine, Muck-  
ing Machine, Asphalt Heater-Plaster Unit, Hydraulic Cranes, Mine Hoists; Atley, Bar-  
ber-Green, Euclid or Haisco Loader, Asphalt Pug Mill, Fireman & Drier, Concrete Pump,  
Concrete Spreader (servicing 1 paver); Bulldozers, Endloader, Log Chippers or similar  
machines, Elevating Grader, Group Equipment Greaser, LeTourneaupull & similar mach-  
ines, Ditch-10, Hydrate Wrench & similar machines, Motor blade, Power blade, Push Cat,  
Tractor Pulling Elevating Grader or Power Blade, Tractor Operating Scoop or Scraper,  
Tractor with Power Attachments, Roller on Asphalt or Blacktop, Single Drum Hoist,  
Jagter Mix & Place Machine, Pipe Bending Machine, Plexaplane or similar machines,  
Automatic Curbing Machine, Automatic Cement & Gravel Batch Plants (1 stop set-up),  
Seaman Pulv-Mixer or similar machines, Asphalt Self-Propelled Rotary Drill or  
similar machines, Work Boat, Combination Concrete Finishing Machine & Placet, Self-  
Propelled Sheep Foot Roller or Compactor (used in conjunction with a Grading Spread),  
Asphalt Spreader or Compactor (used in conjunction with a Grading Spread),  
lift (over 6000 lbs. cap. or working at heights above 28 ft.), Concrete Conveyors

GROUP 2 - Asphalt Rooster, Fireman & Pump Operator at Asphalt Plant, Mud Jack, Under-  
ground Boring Machine, Concrete Finishing Machine, Form Grader with Roller on Earth-  
Mixer (3 bag to 165), Power Operated Full Float, Tractor without Power Attachments,  
Dope Pot (agitator motor), Dope Chop Machine, Distributor (back end), Straddle  
Carrier, Portable Machine Fireman, Hydro-Blammer, Power Winch on Paving Hoist, Self-  
Propelled Roller or Compactor (other than provided for above), Pump Operator (more  
than 1 well point pump), Portable Crusher operators, Trench Machine (under 40 HP),  
Power Subgrader (on forms) or similar machines, Forklift (6000 lbs. or less cap-  
acity), Gypum Compactor (275 CPM or over), Driver on Truck Crane or similar mach-  
ines; Light Plant, Mixers (1 or 2 bag), Power Batching Machine (Cement Auger or Con-  
veyor), Boiler (Engineer or Fireman), Water Pumps, Mechanical Broome (Cement Auger or Con-  
& Gravel Batch Plants (2 or 3 stop set-up), Self-Propelled Ruffing Machine  
cluding backhoes or endloaders), Self-Propelled Boring Machine

GROUP 3 - Other, Mechanic's Helper, Mechanical Heater (other than steam boiler), Belt  
Machine, Small Outboard Motor Boat, Engine Driven Welding Machine

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CON- STRUCTION	Basic Hourly Rates	Fringe Benefits Payments			Elevation and/or Appl. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$11.55	.40	.60		.10
BOILERMAKERS	11.30	.85	1.00		.02
BRICKLAYERS & STONEMASONS	10.52		.20		
CARPENTERS:					
Carpenters	9.98	.60	.85		.04
CEMENT MASONS	10.66	.60	.85		.04
ELECTRICIANS	10.25				
GLAZIERS	11.94	.40	3%		3%
IRONWORKERS	9.80	.60	1.00		
LABORERS:	10.75	.55	.65		
GROUP 1 - Common laborers; Sig- nal man; Wrecking deck hand		.30			
GROUP 2 - Plaster tender; Mortar mixer; Mason tender; Stone & marble setter tender; Drill operator; Jackhammer man; Air tamper; Air spade (electric or pneumatic); Spraying equipment & all mechanically operated tools; Excavation work over 6 ft. deep below ground level or basement level	8.03 8.13 8.24	.30 .30 .30			
GROUP 3 - Tile layers (sewers) GROUP 4 - Gunnicking & sandblast- ing					
GROUP 5 - Tunnel & sewer mucker & miner over 6 ft. deep; Cais- son worker & drill operator in tunnel & caisson; Powdermen	8.34	.30			
LINE CONSTRUCTION:					
GROUP 1 - Cable splicers; Line- men; Welder; Technicians; All rigs setting assembled "in" structures and steel transmission structures	9.32	.45	7%		1/2%
GROUP 2 - Groundman; Truck driver (without winch); Exper- ienced (not less than 6 mos.)	6.06	.45	7%		1/2%
GROUP 3 - Groundman; Truck driver (with winch)	6.24	.45	7%		1/2%

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			Execution end/or Apr. Tr.
		H & W	Pensions	Vacation	
LINE CONSTRUCTION (CONT'D):					
GROUP 4 - Blaster; Special equipment operations (hole digging machines, all tractors, transmission line pole hauling & setting equipment other than assembled "H" fixtures)	\$ 7.46 5.73	.45 .43	24% 7%	a a	1/ZZ 1/ZZ
PAINTERS:					
GROUP 1 - Brush	8.95		.25		
GROUP 2 - Rollers	9.05		.25		
GROUP 3 - Sign	9.45		.25		
GROUP 4 - Structural steel over 25 ft. from the ground or floor; bridges, water towers & stage work	9.65		.25		
GROUP 5 - Spray gun & sandblasting	9.95		.25		
PLASTERERS	9.88				
PLUMBERS & STEAMFITTERS	11.05	.40	1.15	.25	.05
ROOFERS	9.20				
SHEET METAL WORKERS	10.41	.45	.44		.10
SOFT FLOOR LAYERS	9.98	.60	.85		.04
SINK & BATH SETTERS	11.48	.65	.95		.08
SPRINKLER FITTERS					
TRUCK DRIVERS:					
GROUP 1 - Warehouseman; Helpers; Teamsters; Mechanic helpers; Greasars; Single axle flat bed & dump trucks; Pulling air compressors & welding machines; Batch trucks 2-342 batches or less; Chip spreader	8.02	13.50p/w			
GROUP 2 - Cheater axle; Tandems; 6 wheel trucks; Semi-trailers; Carryall; Winch; Mixers; Batch over 2-342	8.23	13.50p/w			
GROUP 3 - Truck trucks; Euclid type truck; Oil distributors; Front & rear; All types of dumpsters; Pavement breakers	8.33	13.50p/w			
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					
FOOTNOTES:					
a - Seven Paid Holidays A thru G					
Paid Holidays:					
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-Friday after Thanksgiving					



DECISION NO. 1A77-1226

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	\$ 9.45	.40	.50		.08
GROUP 2	8.05	.40	.50		.08
GROUP 3	7.00	.40	.50		.08

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITION

GROUP 1 - All hoists or steel erecting equipment; Crane, Shovel, Gianshell, Dragline, Backhoe, Derrick, Tower Crane, Cable Way, Concrete Spreader (servicing 2 pavers), Asphalt Spreader, Asphalt Mixer Plant Engineer, Dipper Dredge Operator, Jigger Dredge Crane, Dual Purpose Truck (boom or winch), Laverman or Engleman (hydraulic dredge), Mechanic, Paving Mixer with tower attached (2 operators required), Pile Driver, Boom Tractor, Portable or Floating Mixing Plant, Trenching Machine (over 40 HP), Building Hoist (2 drums), Hot Paint Wrapping Machine, Cleaning & Priming Machine, Backfiller (throw bucket), Locomotive Engineer, Qualified Welder, Tow or Push Boat, Concrete Paver, Seaman Trowl-Plant or similar machines, CHI Autograder or similar machines, Slip Form Paver, Caisson Augering Machine, Rucking Machine, Asphalt Heater-Planer Unit, Hydraulic Grader, Mine Hoists; Athey, Barber-Greene, Euclid or Hauler Loader, Asphalt Pug Mill, Fireman and Driver, Concrete Pump, Concrete Spreader (servicing 1 paver), Bulldozer, Endloader, Log Chippers or similar machines, Elevating Grader, Group Equipment Greaser, LeTourneau pull and similar machines, DM-10, Hyater Winch & similar machines, Motor Patrol, Power Blade, Push Cat, Tractor Pulling Elevating Grader or Power Blade, Tractor Operating Scoop or Roller, Jaeger Mix & Place Machine, Pipe Bending Machine, Flexaplane or similar machines, Automatic Curbing Machine, Automatic Cement and Gravel Batch Plants (1 stop set-up), Seaman Pulvi-Mixer or similar machines, Blastholer Self-propelled Rocky Drill or similar machines, Work Boat, Combination Concrete Finishing Machine & Float, Self-propelled Sheepsfoot Roller or Compactor (used in conjunction with Grading Spread), Asphalt Spreader Screen Operator, Apaco Spreader or similar machine, Stusher, Forklift (over 6000 lbs. capacity or working at heights above 26 ft.), Concrete Conveyors

GROUP 2 - Asphalt Booster, Fireman and Pump Operator at Asphalt Plant, Mud Jack, Underground Horing Machine, Concrete Finishing Machine, Form Grader with Roller on Earth, Mixers (3 bag to 162), Power Operated Bull Float, Tractor without Power Attachment, Dope Pot (epitacating Motor), Dope Chop Machine, Distributor (Back end), Straddle Carrier, Portable Machine Fireman, Hydro-Hammer, Power Winch on Paying Work, Self-propelled Roller or Compactor (other than provided for above), Pump Operator (more than 1 wall point pump), Portable Grubber Operator, Trench Machine (under 40 HP), Power Subgrader (on forms) or similar machines, Forklift (6000 lbs. or less capacity), Cypsum Pump, Conveyor over 20 HP, Fuller Kenyon Cement Pump or machines, Light Plant, Mixers (1 or 2 bag), Power Batching Machine (Cement Auger or Conveyor), Roller (Engineer or Fireman), Water Pumps, Mechanical Room, Automatic Cement & Gravel Batch Plants (2 or 3 stop set-up), Small Rubber-tired Tractors (not including dozers or endloaders), Self-propelled curing machine

GROUP 3 - Oiler, Mechanic's Helper, Mechanical Heater (other than steam boiler), Belt Machine, Small Outboard Motor Boat, Engine Driven Welding Machine

SUPPLEMENTAL DECISION

STATE: Iowa COUNTY: Dubuque (City of Dubuque and abutting municipalities)  
DECISION NO.: 1A77-1227 DATE: Date of Publication  
Supersedes Decision No. 1A77-1091, dated May 6, 1977 in 12 FR 23351  
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories)

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	\$11.55	.40	.60		.10
BOILERMAKERS	11.30	.85	1.00		.02
BRICKLAYERS & STONEMASONS	9.56	.45	.25		
CARPENTERS:					
Carpenters	9.49		.37		
Pile-drivers	9.89		.37		
Millwrights	9.99		.37		
CEMENT MASONS	9.88				
ELECTRICIANS	10.90	.35	3%-.35		3/4%-.35
ELEVATOR CONSTRUCTORS	9.55	.495	.32	4%-.4%	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	4%-.4%	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	9.80	.60	1.00		
IRONWORKERS:					
Southeast portion	11.22	.50	.375		.07
Remainder of County	10.565				.02
LABORERS:					
GROUP 1 - Common laborers	7.88	.30	.20		
GROUP 2 - All air operated tools; Bricklayers' helpers & tenders; Caisson workers; Carpenters' helpers; Handling & cleaning of all steel floor pans & wall forms; Mortar mixers; Plasterers' helpers & tenders; Tile setters (4"-6"-8")					
GROUP 3 - Tile setters (10" and up)	7.98	.30	.20		
LATHERS	8.13	.30	.20		
PAINTERS:	10.00	.45	.25		
Brush or roller epoxy; Paper-hanging; Tapers	8.40		.30		
High work and steel; spraying	8.95		.30		
PLASTERERS	10.00				
PLUMBERS & STEAMFITTERS	11.22	.65	.55		.08

DECISION NO. 1A77-1227

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS	\$ 8.39		.20		
SHEET METAL WORKERS	10.51	.45	.44		.10
SPRINKLER FITTERS	11.48	.65	.95		.08
TEAMSTOCK WORKERS	9.31	.45	.25		
TILE SETTERS:					
Truck drivers:					
Single axle	5.24	9.50p/w			
Tandem axle; Tractor trailers; winches	5.39	9.50p/w			
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					
FOOTNOTES:					
a - Employer contributed 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays A thru F					
PAID HOLIDAYS					
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day					



DECISION NO. IATT-4227

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
POWER EQUIPMENT OPERATORS					
GROUP 1	\$ 9.56	.50	.50		.05
GROUP 2	9.435	.50	.50		.05
GROUP 3	8.59	.50	.50		.05
GROUP 4	8.265	.50	.50		.05

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Cranes, including those being used as hackhoe, derrick, clamshell, etc.; Tower cranes; Truck cranes and cherry pickers 12½ ton & over rated capacity; Derricks; Piledrivers and extractors; Gaisnon rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (levamen) GROUP 2 - 1 and 2 drum hoist; Air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixers; Farm type tractors (with loaders, backhoes, attachments, etc.); Scrapers (courmapull, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Group No. 1; Motor patrol; Bulldozers; Push Cat; Truck Cranes and cherry pickers (under 12½ ton); Concrete Mixers (1 yard and over); Ditching machines (6" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pump; Temporary hoist cage operated; Second man on locomotive; Vibrating concrete spreader (Gomaco, G-450 or equal) GROUP 3 - Tractor (under 35 HP) with or without attachments; Endloaders (under 35 HP) with or without attachments; Air compressors (one or a combination of 250 cfm or more); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 KW & over); Fork lifts (other than above Group No. 2); Gunite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 6" GROUP 4 - Oilers; Mechanical heaters; Truck crane drivers; Permanent elevators

SUPERSEDES DECISION

STATE: Iowa COUNTY: Johnson (City of Iowa City and abutting municipalities)  
DECISION NO.: IATT-4228 DATE: Date of Publication  
SUPERSEDES DECISION NO. IATT-4092, dated May 6, 1977, in 42 FR 27354  
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories)

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	11.55	.40	.60		.10
BOILERMAKERS	11.30	.85	1.00		.02
BRICKLAYERS & STONEMASONS	11.07		.55		
CARPENTERS	8.905	.45	.45		.08
Carpenters; Soft floor layers	9.255	.45	.45		.08
Filedrivers	9.305	.45	.45		.08
Millwrights	9.365	.58			3/4%
CEMENT MASONS	11.17	.65	3/4-.30	62½	.02
ELECTRICIANS	9.535	.495	.32	62½	
ELEVATOR CONSTRUCTORS	70½JR	.495	.32		
ELEVATOR CONSTRUCTORS' HELPERS	50½JR	.60	1.00		.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	9.80				
GLAZIERS	10.565				
IRONWORKERS	5.72	.30	.25		
LABORERS	5.92	.30	.25		
GROUP 1 - Common laborers					
GROUP 2 - Mason mortar mixers					
GROUP 3 - All jack & chipping hammers; All water & sewer tile layers; Chain saw; Cutting torches; Power buggies; Rock drills; Tampers; Vibrators; Well point work					
LATHERS	6.02	.30	.25		
LINE CONSTRUCTION:					
GROUP 1 - Cable splicers; Linemen; Welder; Technicians; All rigs setting assembled "in" fixtures and steel transmission structures	9.32	.45	7%	b	1/2%
GROUP 2 - Groundman; Truck driver (without winch); Expert-fenced (not less than 6 mos.)	6.06	.45	7%	b	1/2%
GROUP 3 - Groundman; Truck driver (with winch)	6.24	.45	7%	b	1/2%

DECISION NO. IATT-4228

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
LINE CONSTRUCTION (CONT'D):					
GROUP 4 - Blaster; Special equipment operations (hole digging machines, all tractors, transmission line pole hauling & setting equipment other than assembled "in" fixtures)	\$ 7.46	.45	7%	b	1/2%
GROUP 5 - Groundman-lat 6 mos. PAINTERS:	5.13	.45	7%	b	1/2%
Brush & rollers	9.18				
Powerhangers	9.43				
Sandblasting; Spray painting	9.43				
PLASTERERS	10.31				
ROOFERS & STEAMFITTERS	10.50	.45	.55		.10
ROOFERS	7.70				
SHEET METAL WORKERS	11.39	.65	.55		.01
SPRINKLER FITTERS	11.48		.95		.08
TRUCK DRIVERS	4.63				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					
FOOTNOTES					
a - Employer contributed 4% of the basic hourly rate for over 5 years' service and 2% of the basic hourly rate for 6 months to 5 years' of service as Vacation Pay Credit. Six Paid Holidays A thru F					
b - Seven Paid Holidays A thru G					
PAID HOLIDAYS					
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-Friday after Thanksgiving					



DECISION NO. IAT-4228

Page 3

BUILDING, WATER TREATMENT PLANTS  
& WASTE DISPOSAL PLANTS CON-  
STRUCTION

## POWER EQUIPMENT OPERATORS

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$ 9.56	.50	.50			.05
9.435	.50	.50			.05
8.59	.50	.50			.05
8.265	.50	.50			.05

## POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes and cherry pickers 12½ ton & over rated capacity; Derricks; Piledrivers and extractors, caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (Levee) GROUP 2 - 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Front-end loaders; Plant mixers; Farm type tractors (with loaders, backhoes, attachments, etc.); Scrapers (trenchpull, etc.); Endloaders; Dredges (exp./over); Side boom and winch truck other than Group No. 1; Motor patrol; Bulldozers; Push Cat; Truck cranes and cherry pickers (under 12½ ton); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; De-watering pump; Temporary hoist tape operated; Second man on locomotive; Vibrating concrete spreader (Gomaco, C-450 or equal)

GROUP 3 - Tractors (under 35 HP) with or without attachments; Endloaders (under 35 HP) with or without attachments; Air compressors (one or a combination of 250 GPM or more); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Sirenmen (hoist); Generator (75 KW and over); Fork lifts (other than above Group No. 2); Gunite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8"

GROUP 4 - Oilers; Mechanical heaters; Truck crane drivers; Permanent elevators

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977

## SUPERSEDES DECISION

STATE: Iowa COUNTY: Linn  
DECISION NO.: IAT-4229 DATE: Date of Publication  
Supersedes Decision No. IAT-4093, dated May 6, 1977, in 82 FR 23357  
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories)

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$11.55	.40	.60			.10
11.30	.85	1.00			.02
11.07		.55			
8.905	.45	.45			.08
9.305	.45	.45			.08
9.255	.45	.45			.08
9.365	.38				.08
11.17	.65	3% + 30	42%a		8/4%
9.555	.495	.32	42%a		.02
777JR	.495	.32	42%a		.02
507JR	.60	1.00			.02
9.80					
10.565					
8.185	.30	.67			
8.535	.30	.67			
8.535	.30	.67			
10.86					
9.32	.45	7%	b		1/2%
6.06	.45	7%	b		1/2%
6.24	.45	7%	b		1/2%

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
7.46	.45	7%	b		1/2%
5.13	.45	7%	b		1/2%
9.18					
9.43					
10.31					
10.50					
7.70	.45	.55			.10
11.39					
8.905	.45	.55			.01
11.48	.65	.95			.08
5.64					

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977



DECISION NO. 1A77-4229

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CON- STRUCTION	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
POWER EQUIPMENT OPERATORS					
GROUP 1	\$ 9.56	.50	.50		.05
GROUP 2	9.435	.50	.50		.05
GROUP 3	8.59	.50	.50		.05
GROUP 4	8.265	.50	.50		.05

## POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes and cherry pickers 12½ ton & over rated capacity; Derricks; Piledrivers and extractors; Gaisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (seaman) GROUP 2 - 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or bracing); Economolias; Plant mixers; Farm type tractors (with loaders, backhoes, attachments, etc.); Scrapers (Counapoli, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Group No. 1; Motor patrol; Bulldozers; Push Cat; Truck cranes and cherry pickers (under 12½ ton); Concrete Mixers (1 yard & over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; De-watering pump; Temporary hoist cage operated; Second man on locomotive; Vibrating concrete spreader (Gomaco, C-450 or equal) GROUP 3 - Tractors (under 35 HP) with or without attachments; Endloaders (under 35 HP) with or without attachments; Air compressors (one or a combination of 250 CFM or more); Pumps 3" or over; Welding machines 600 amp or combination thereof; Conveyors; Pilemen (Hoiler); Generator (75 KW & over); Fork lifts (other than above Group No. 2); Gunite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8" GROUP 4 - Oilers; Mechanical heaters; Truck crane drivers; Permanent elevators

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977

## SUPERSEDAS DECISION

STATE: Iowa COUNTY: Polk  
DECISION NO.: 1A77-4230 DATE: Date of Publication  
Supersede Decision No. 1A77-4094, dated May 6, 1977, in 42 FR 23360  
DESCRIPTION OF WORK: Building construction (does not include single family homes and garden type apartments up to and including 4 stories)

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CON- STRUCTION	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	11.05	.78	.685		.02
BOILERMAKERS	11.30	.85	1.00		.02
BRICKLAYERS & STONEMASONS	10.64	.80	.60		
CARPENTERS:					
Millwrights; Piledrivers	9.375	.30	.50		.04
CEMENT MASONS	9.93	.30	.50		.04
ELECTRICIANS	11.02	.40	14.60		1%
ELEVATOR CONSTRUCTORS	10.31	.545	.35	42.44	.02
ELEVATOR CONSTRUCTORS' HELPERS	702JR	.545	.35	42.44	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	507JR	.45	.25	4.35%	.005
GLAZIERS	8.81	.40	.745		.025
IRONWORKERS	9.525	.40	.745		.05
LABORERS:	8.73	.30	.765		
GROUP 1 - General laborers; buggies, when pouring concrete; power tool operators (air tools, concrete vibrator, gunite nozzle men, electric drills & hammer)	8.83	.30	.765		.05
GROUP 2 - Plasterers' tenders	8.855	.30	.765		.05
GROUP 4 - Powderman	8.88	.30	.765		.05
GROUP 5 - Air tool, power tamper & other similar self-powered tools weighing 50 lbs. & over					
GROUP 6 - All tunnel work	8.93	.30	.765		.05
GROUP 7 - Paving brastars weighing 50 lbs. and over	8.43	.30	.635		.05
LATHERS	9.03	.30	.765		
LINE CONSTRUCTION:					
GROUP 1 - Cable splicers; Linemen; Welder; Technicians; All rig setting assembled "hp" fixtures and steel transmission structures	9.32	.45	7%	b	1 1/2%
GROUP 2 - Groundman; Truck driver (without winch); Expert fenced (not less than 6 mos.)	6.06	.45	7%	b	1 1/2%

DECISION NO. 1A77-4230

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CON- STRUCTION	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
LINE CONSTRUCTION:	\$ 6.24	.45	7%	b	1 1/2%
GROUP 3 - Groundman; Truck driver (with winch)					
GROUP 4 - Blaster; Special equipment operators (hole digging machines, all tractor transmission line pole hauling & setting equipment other than assembled "hp" fixtures)	7.46	.45	7%	b	1 1/2%
GROUP 5 - Groundman-let 6 mos.	5.13	.45	7%	b	1 1/2%
PAINTERS:	10.185				
GROUP 1 - Brush, roller, dry-wall finisher	10.11		.40		.03
GROUP 2 - Spray; Structural steel; Sandblasting; Swing stage	10.61		.40		.03
GROUP 3 - Peperhangers	10.36		.40		.03
GROUP 4 - Stack; Tower work over 100 ft.	11.21		.40		.03
PLASTERERS	9.975				
PLUMBERS & STEAMFITTERS	11.55	.55	.75		.10
ROOFERS	8.93	.35	.35		.07
SHEET METAL WORKERS	12.40	.50	.66		.04
SOFT FLOOR LAYERS	9.035	.30	.50		.08
SPRINKLER FITTERS	11.48	.65	.95		
TERRAZZO WORKERS	10.185				
TILE SETTERS	10.185				
TRUCK DRIVERS	5.91				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977



DECISION NO. 1A77-4230

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Fringe Benefits Payments				Basic Hourly Rates
	H & W	Pensions	Vacation	Education and/or App. Tr.	
POWER EQUIPMENT OPERATORS:					
GROUP 1	.50				\$ 9.56
GROUP 2	.50	.50			9.435
GROUP 3	.50	.50		.05	8.59
GROUP 4	.50	.50		.05	8.265

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Cranes, including those being used as backhoes, derrick, clamshell, etc.; Tower cranes; Truck cranes and cherry pickers 12 1/2 ton & over rated capacity; Derricks; Piledrivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanic; Locomotive; Dredge (levermen) GROUP 2 - 1 and 2 drum hoists; Air and electric tugboats (on power plants or setting steel or grating); Economobiles; Plant mixers; Farm type tractors (with loaders, backhoes, attachments, etc.); Scrapers (trenchpull, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Group No. 1; Motor patrol; Bulldozers; Push cat; Truck cranes and cherry pickers (under 12 1/2 ton); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pump; Temporary hoist cage operated; Second man on locomotive; Vibrating concrete spreader (Gomaco, C-450 or equal) GROUP 3 - Tractors (under 35 HP) with or without attachments; Endloaders (under 35 HP) with or without attachments; Air compressors (one or a combination of 250 CFM or more); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Firemen (boiler); Generator (75 KW & over); Fork lifts (other than above Group No. 2); Gunnite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tugboats (other than above); Ditching machine under 8" GROUP 4 - Oilers; Mechanical heaters; Truck crane drivers; Permanent slavers

DECISION NO. 1A77-4230

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Fringe Benefits Payments				Basic Hourly Rates
	H & W	Pensions	Vacation	Education and/or App. Tr.	
FOOTNOTES					
a - Employer contributes 4% of basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays A thru F b - Seven Paid Holidays A thru G					

PAID HOLIDAYS  
A-New Year's Day; B-Memorial Day  
C-Independence Day; D-Labor Day;  
E-Thanksgiving Day; F-Christmas  
Day; G-Friday after Thanksgiving

SUPERSEDES DECISION

STATE: Iowa  
COUNTY: Pottawattamie  
DECISION NO.: 1A77-4231  
DATE: Date of Publication  
Supersedes Decision No. 1A77-4214, dated September 2, 1977, in 42 FR 44431  
DESCRIPTION OF WORK: Building construction in entire County (does not include single family homes and garden type apartments up to and including 4 stories).

	Fringe Benefits Payments				Basic Hourly Rates
	H & W	Pensions	Vacation	Education and/or App. Tr.	
ASBESTOS WORKERS	.40	.51		.03	\$12.62
BOILERMAKERS	.85	1.00		.02	10.30
BRICKLAYERS, Stonemasons	.50	.40			10.10
CARPENTERS:					
Carpenters	.40	.40	1.00	.03	9.60
Piledrivermen	.40	.40	1.00	.03	9.725
Millwrights	.40	.40	1.00	.03	9.85
CEMENT MASONS	.50	.40			9.82
CONCRETE TAPERS & FINISHERS	.55	.65	.50	.04	10.34
ELECTRICIANS	.68	.35	48+4	.06	12.38
ELEVATOR CONSTRUCTORS	.545	.35	48+4	.02	10.99
ELEVATOR CONSTRUCTORS' HELPERS	.545	.35			70.00
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	.55	.35		.01	50.00
GLAZIERS	.55	.35		.05	10.55
IRONWORKERS;					
Ornamental; Reinforcing;	.50	.55	1.00		8.88
Structural					
LABORERS:					
Common laborers	.50	.40		.05	7.17
Mason Tenders; mortar mixers	.50	.40		.05	7.315
Pipelayers	.50	.40		.05	7.45
Plasterers' tenders	.50	.40		.05	7.485
LINE CONSTRUCTION;					
Cable Splicers; Lineman; welders;	.45	.54	b	b	9.32
Technicians; all rigs setting					
assembled "g" fixtures & steel					
transmission structures					
Groundman; truck driver (without					
winch); experienced (not less					
than 6 months)					
Groundman; truck driver (with					
winch)					
Blasters; Special equipment oper-					
ator (hole digging machines,	.45	.54	b	b	6.06
all tractors, transmission					
lines equipment other than					
assembled "g" fixtures)	.45	.54	b	b	6.24
Groundman - 1st 6 months	.45	.54	b	b	7.46
					5.13

DECISION NO. 1A77-4231

PAINTERS; Brush; Peppachangers Highwork; spray; stage; struc- tural steel PLASTERERS PLUMBERS ROOFERS; Slate; Tile Composition SHEET METAL WORKERS SPRINKLER FITTERS STEAMFITTERS TERRAZZO WORKERS; TILE SETTERS; MARBLE SETTERS TERRAZZO, TILE AND MARBLE SETTERS FINISHERS TRUCK DRIVERS; Single axle Tandem axle Trailer; lowboys Lumber carriers FOOTNOTES: a. Employer contributes 4% basic hourly rate for over 5 years service and 2% of basic hour- ly rate for 6 months to 5 years' service as Vacation Pay Credit. Six paid holi- days - A thru F. b. Seven paid holidays - A thru G. PAID HOLIDAYS A-New Year's Day; B-Memorial Day C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-Friday after Thanksgiving	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or App. Tr.
8.55		.25		
9.10		.25		
9.68	.50	.40		
11.19	.60	.75		.10
9.98	.15	.20		.01
9.68	.15	.20		.01
11.74	.50	.40		.07
11.48	.65	.95		.08
11.99	.60	.75		.15
9.45		.25		
8.11				
8.025	.50	.40		
8.10	.50	.40		
8.225	.50	.40		
8.40	.50	.40		

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## POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Group 1	9.56				
Group 2	9.435	.50	.50		.05
Group 3	8.59	.50	.50		.05
Group 4	8.265	.50	.50		.05

## CLASSIFICATION DEFINITIONS

## POWER EQUIPMENT OPERATORS

Group 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; tower cranes and cherry pickers over 15 ton rated capacity; derrick, pile-drivers and extractors; calisson tigs; side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; welders; mechanics; locomotive; dredge (levetmen)

Group 2 - 1 and 2 drum hoists; air and electric tuggers (on power plants or setting steel or grating); econobiles; plant mixers; farm type tractors (with loaders, backhoes, attachments, etc.); scrapers (tounepull, etc.); endloaders; dredge (engineer); side boom and winch truck other than Group No. 1; motor patrol; bulldozers; push cat; truck cranes and cherry pickers (15 tons and under); concrete mixers (1 yard and over); ditching machine (8' and over); fork lifts (on steel erection and machinery moving or hoisting above one complete story); concrete pump; dewatering pump; temporary hoist cage operated; second man on locomotive

Group 3 - Tractors (under 35 HP) with or without attachments; endloaders (under 35 HP) with or without attachments; air compressors (over 125 CFM); Pumps 3" or over; welding machines 600 amps or combination thereof; conveyors; firemen (boiler); generator (75 K.W. and over); fork lifts (other than above Group No. 2); gunnite machine; self-propelled rollers; stump chippers; self propelled tampers; air and electric tuggers (other than above); ditching machine under 8"

Group 4 - Oilers; mechanical heaters; truck crane drivers; permanent elevators

## SUPERSEDES DECISION

STATE: Iowa

COUNTY: Scott

DECISION NO.: IA77-4232

DATE: Date of Publication

Supersedes Decision No. IA76-4172, dated October 15, 1976 in LI F1 15802

DESCRIPTION OF WORK: Building Const. including construction of sheltered enclosures with walk-in access for the purpose of housing persons, machinery, equipment or supplies; all construction of such structures; the installation of utilities and equipment both above & below ground level; all excavation & foundations; site preparation & incidental paving & utilities. (exclude single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	11.55	.40	.60		.10
BOLLERMAKERS	10.30	.85	1.00		.02
BRICKLAYERS & STONEMASONS	11.10	.35	.50		.03
CARPENTERS	9.71	.45	.60		.04
CEMENT MASONS	9.92	.50	.60		
ELECTRICIANS	10.92	.45	5.58		.03
Cable splicer	11.15	.50	38.50		.18
ELEVATOR CONSTRUCTORS	10.87	.495	.32	44a	.02
GLAZIERS	8.75	.55	1.00		
IRONWORKERS	11.22	.50	.375		.07
LABORERS:					
GROUP 1	9.17	.40	.60		.035
GROUP 2	9.42	.40	.60		.035
GROUP 3	10.02	.40	.60		.035
MARBLE SETTERS	10.30	.40	.70		
MILLWRIGHTS	12.00	.45	.85		.20
PAINTERS - brush, roller	9.77	.45	.70		.12
spray, Struc. steel	10.02	.45	.70		.12
PILEDRIVERS	9.96	.45	.60		.04
PLASTERERS	10.30				.10
PLUMBERS & STEAMFITTERS	10.31	.60	.60		
POWER EQUIPMENT OPERATORS					
GROUP 1	9.45	.40	.50		.08
GROUP 2	8.05	.40	.50		.08
GROUP 3	7.00	.40	.50		.08
ROCKERS	11.85	.45	.60		.10
SHEET METAL WORKERS	10.66	.45	.44		.04
SOFT FLOOR LAYERS	9.71	.45	.60		.08
SPRINKLER FITTERS	11.23	.60	.90		
TERRAZZO WORKERS	10.55	.35	.50		
TILE SETTERS	10.55	.35	.50		
TRUCK DRIVERS:					
GROUP 1	6.35	.35	10.00 p/w		
GROUP 2	6.55	.35	10.00 p/w		
GROUP 3	6.75	.35	10.00 p/w		
GROUP 4	6.95	.35	10.00 p/w		

WEIDERS: receive rate prescribed for craft performing operation to which welding is incidental.

## FOOTNOTE:

a-Employer contributes 1/4 of basic hourly rate for over 5 years service and 2/4 of basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. Also 6 paid holidays - New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day

DECISION NO. IA77-4232

LABORERS CLASSIFICATION DEFINITIONS

GROUP 1 - Carpenter tenders, common laborers, mason tenders

GROUP 2 - Concrete saw, pipesetters, plumber laborer, power tools (barco-vibrator-motor mixers-dynamite handiers-burner on dismantling work to be junked), prime movers, sand point.

GROUP 3 - Caissons after 6' depth, dynamite men, tunnel miners

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Hoists or steel erecting equip.; crane, shovel, clamshell, dragline, backhoe, derrick, tower crane, cableway, concrete spreader, asphalt spreader, asphalt mix plant, dipper dredge, dipper dredge crane, dual purpose truck (boom or winch), leverman or Eng. (hydraulic dredge), mechanic, paving mixer w/tower att., pile driver, boom tractor, mixing plane, trenching mach. over 10 H.P., bulldozing hoist (2 drums), hot paint wrapping mach., cleaning & priming mach., backfiller (throw bucket), locomotive, welder, tow or push boat, concrete paver, seaman travel-plant or similar mach., CHI autograder, slip form paver, calisson augering mach., asphalt header-planer unit, hydraulic crane, mine hoists, loader (athey, barter-green, euclid or hais), asphalt pug-mill, fireman, drier, concrete pump, bulldozer, end-loader, log chippers or similar mach., elevating grader, group equip., grader, L-tournepull & similar mach., DM-10, Hyster winch & similar mach., motor patrol, power blade, push cat, tractor pulling elevating grader or power blade, tractor operating scoop or grader, tractor w/power att., roller on asphalt or black top, 1 drum hoist, Jager mix & place mach., pipe bending mach., flexplane or similar mach., auto. curbing mach., auto. cement & gravel batch plant (1 stop set-up), seaman pulvi-mixer or similar mach., blastholer, self-prop rotary drill or similar mach. work boat, comb. conc.rete finishing mach & float, self-prop. sheep foot roller (used in con). w/a grading spread, asphalt spreader screed, Anasco spreader or similar mach., slusher, forklift (over 6000 lbs. cap. or above 28'), concrete conveyors.

GROUP 2 - Asphalt rooster, fireman & pump at asphalt plant, mud jack, underground boring mach., concrete finishing mach., form grader w/roller on earth, mixers 93 bag to 16F), Power op bull float, tractor w/o power att., dope pot agitating motor, dope chop mach., distributor (back end), straddle carrier, portable mach. fireman, hydro-hammer, power winch on paving work, self-prop roller or compactor (other than above), pump op. more than 1 well point pump, portable crusher, trench mach. under 10 H.P., power subgrader on forms, forklifts 6000 lbs or less cap., gypsum pump, conveyor over 20 HP, Fuller Kenyon cement pump or similar mach., Air compressor 275 cfm or over, truck crane or similar mach., light plant, mixers 1-2 bags, power batching mach. (cement, auger or conveyor), boiler eng. or fireman, water pump, mech. broom, auto. cement 7 travel batch plant 2-3 stop set-up, small rubber tired tractor, self-propelled curing machine.

GROUP 3 - Oiler, mechanic helper, mechanical heater other than steam boiler, belt machine, small outboard motor boat, engine driven welding machine.

TRUCK DRIVERS CLASSIFICATION DEFINITIONS

GROUP 1 - 4 wheel trucks, dumptrucks, scooptobles 5 c.y. & under or under 7 1/2 T., mixer trucks 3 c.y. & under, air compressors & welding mach., batch trucks 2-34 catches or less, driver helpers, mechanics helpers, Greasers, dumpsters, pallet type fork lift, pilot truck. GROUP 2 - 4 wheel trucks over 5 c.y. or 7 1/2 T. 6-wheel trucks - Kohring or similar dumpsters. Track trucks - euclids - tournapulls - hugbottom dumps - tournatrails - tournatrollers or similar equip. when used for trans., under 9 c.y. or 13 1/2 T., tandems & semi-trailer service trucks, mixer trucks over c.y. \$ including 6 1/2 c.y. or 13 1/2 T., fork lift, 4-wheel A-frame trucks used for trans., 4-wheel winch trucks, pavement breakers, batch trucks over 2-4 3/4 batches GROUP 3 - heavy equip. over 9 c.y. or 13 1/2 T. trucks licensed for 50,000 lbs. to & incl. 10 c.y. or 24 T. - track trucks - semitrailer water trucks - euclids - hug-bottom dumps - tournatrails - tournatrollers - tractor trailers - tandem A-frames - tandem winch trucks - hydro lift trucks or similar equip. used for trans., mixers over 6 1/2 c.y., batch trucks over 4-3 1/2 batches, single axle lowboy trailers, 6-wheel pole trailers, 2 man oil distributors. GROUP 4 - heavy equipment over 9 c.y. or 24 T. such as Kohring dumpsters - track trucks - euclids - hug-bottom dumps - tournapulls - tournatrollers or similar equip. used for trans., 1 man oil distributors, pole trailers over 6 wheels, water pulls, lowboy trailers, tandem axle or more no we ght limitation, diesel & heavy equipment mechanics



DECISION NO. 1A77-4233

STATE: Iowa, COUNTY: Story (City of Ames and abutting municipalities)  
DECISION NO.: 1A77-4233 DATE: Date of Publication  
Superadea Decision No. 1A77-4095, dated May 6, 1977, in 42 FR 23363  
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories)

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$11.05	.78	.685		.02
BOILERMAKERS	11.30	.85	1.00		
BRICKLAYERS & STONEMASONS	10.17		.60		
CARPENTERS: Piledrivermen	9.45		.50		
Millwrights	9.80		.50		
CEMENT MASONS	9.95				
ELECTRICIANS	11.02	.40	17+.60	42+4	1%
ELEVATOR CONSTRUCTORS' HELPERS	10.31	.35	.35	42+4	.02
ELEVATOR CONSTRUCTORS' HELPERS (FROM.)	707JR	.545			
GLAZIERS	507JR	.45	.25	4.35%	.005
IRONWORKERS	8.81	.40	.745		.025
LABORERS:	9.525				
GROUP 1 - Common laborers	7.21	.30	.05		
GROUP 2 - Mortar, plaster & brick mixers; Jackhammer; Paving breaker; Rock drill; Vibrator operator; Motor buggy operators while pouring concrete					
GROUP 3 - Plasterers' tenders	7.36	.30	.05		
GROUP 4 - Concrete saw man	7.41	.30	.05		
GROUP 5 - Sandblaster	7.46	.30	.05		
GROUP 6 - Digging of or work within a shaft entering into natural underground cavities or caverns and work within the said shaft or caverns	7.56	.30	.05		
LATHERS					
LINE CONSTRUCTION:					
GROUP 1 - Cable splicers; Linemen; Helper; Technicians; All rig setting assembled "in" fixtures and steel transmission structures	7.71	.30	.05		
GROUP 2 - Groundman; Truck driver (without winch); Experienced (not less than 6 months)	9.975				
		.45	7%	b	1/2%
	6.06	.45	7%	b	1/2%

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
LINE CONSTRUCTION (CONT'D):					
GROUP 3 - Groundman; Truck driver (with winch)	\$ 6.24	.45	7%	b	1/2%
GROUP 4 - Blaster; Special equipment operations (hole digging machines, all tractors, transmission line pole hauling & setting equipment other than assembled "in" fixtures)	7.46	.45	7%	b	1/2%
GROUP 5 - Groundman-let 6 mos.	5.13	.45	7%	b	1/2%
PAINTERS:					
GROUP 1 - Brush; Roller; Dry-wall finisher	10.11		.40		.03
GROUP 2 - Paperhangers	10.36		.40		.03
GROUP 3 - Spray; Structural steel; Sandblasting	10.61		.40		.03
GROUP 4 - Work over 100 ft.; Stack	11.21		.40		.03
PLASTERERS	9.975				
PLUMBERS & STEAMFITTERS	11.55	.55	.75		.10
ROOFERS	8.93		.35		.07
SHEET METAL WORKERS	12.40	.50	.66		.04
SOFT FLOOR LAYERS	9.095	.30	.50		.08
SPRINKLER FITTERS	11.48	.65	.95		
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					
FOOTNOTES:					
a - Employer contributed 4% of the basic hourly rate for 5 years' service and 2% of the basic hourly rate for 6 mos. to 5 years of service as vacation pay credit. Six Paid Holidays A thru F					
b - Seven Paid Holidays A thru G					
PAID HOLIDAYS:					
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-Friday after Thanksgiving					

DECISION NO. 1A77-4233

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
POWER EQUIPMENT OPERATORS					
GROUP 1	\$9.56	.50	.50		.05
GROUP 2	9.435	.50	.50		.05
GROUP 3	8.59	.50	.50		.05
GROUP 4	8.265	.50	.50		.05

POWER EQUIPMENT OPERATORS: CLASSIFICATION DEFINITIONS

GROUP 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes and cherry pickers 12½ ton & over rated capacity; Derricks; Piledrivers and extractors; Catwalk rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (leverman) setting steel or grating; Economies; Plant mixers; Farm type tractors (with loaders, backhoes, attachments, etc.); Scrapers (tounapull, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Group No. 1; Motor patrol; Bulldozers; Push cat; Truck cranes and cherry pickers (under 12½ tons); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; De-watering pumps; Temporary hoist wage operated; Second man on locomotive; Vibrating concrete spreader (Gomaco, C-450 or equal)

GROUP 2 - Tractors (under 35 HP) with or without attachments; Endloaders (under 35 HP) with or without attachments; Air compressors (one or a combination of 250 CPM or more); Pumps 3" or over; Welding machine 600 amps or combination thereof; Conveyors; Fireman (Boiler); Generator (75 KW & over); Fork lifts (other than above Group No. 2); Gunita machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8"

GROUP 4 - Oilers; Mechanical hasters; Truck crane drivers; Permanent elevators



STATE: Iowa COUNTY: Webster (City of Fort Dodge)  
DECISION NO.: IAT7-4234 DATE: Date of Publication  
Supersedes Decision No. IAT7-4096, dated May 6, 1977, in 42 FR 21366  
DESCRIPTION OF WORK: Building construction (does not include single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION						
ASBESTOS WORKERS	\$11.05	.78	.685			.02
BOILERMAKERS	11.30	.85	1.00			.01
BRICKLAYERS & STONEMASONS	8.97		.20			
CARPENTERS:	9.01					
Millwrights	9.26					
CHIMNEY MASONS	6.50					
ELECTRICIANS	10.80	.60	3%	47.44	3/4%	
ELEVATOR CONSTRUCTORS	10.31	.565	.35	47.44	.02	
ELEVATOR CONSTRUCTORS' HELPERS	707JR	.565	.35			
(FROM.)	507JR					
IRONWORKERS	9.525	.60	.745			.025
LABORERS:						
GROUP 1 - Common Laborers	5.95		.30			
GROUP 2 - Mortar Mixer	6.15		.30			
GROUP 3 - Machine & Air Tool Operator	6.20		.30			
LATHEMEN	9.975					
LINE CONSTRUCTION:						
GROUP 1 - Cable splicers; Line-men; Welder; Technicians; All rig setting assembled "H" fixtures and steel transmission structures	9.32	.45	7%	b		1/2%
GROUP 2 - Groundman; Truck driver (without winch); Expended (not less than 6 mos.)	6.06	.45	7%	b		1/2%

DECISION NO. IAT7-4234

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION						
LINE CONSTRUCTION (CONT'D):						
GROUP 3 - Groundman; Truck driver (with winch)	\$ 6.24	.45	7%	b		1/2%
GROUP 4 - Blaster; Special equipment operators (hole digging machines, all tractors, transmission line pole hauling & setting equipment other than assembled "H" fixtures)	7.46	.65	7%	b		1/2%
GROUP 5 - Groundman-lat 6 mos.	5.13	.65	7%	b		1/2%
PAINTERS:						
GROUP 1 - Brush; Drywall finishers; Rollers	5.45					
GROUP 2 - Paperhangers	5.70					
GROUP 3 - Spray	5.95					
PLUMBERS & STEAMFITTERS	11.55	.55	.75			.10
ROOFERS	6.40					
SHEET METAL WORKERS	12.40	.50	.66			.07
SPRINKLER FITTERS	11.48	.65	.95			.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						
FOOTNOTES						
a - Employer contributed 4% of the basic hourly rate for over 5 years service and 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit. Six Paid Holidays A thru F						
b - Seven Paid Holidays A thru G						
PAID HOLIDAYS						
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-Friday after Thanksgiving						

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977

DECISION NO. IAT7-4234

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION						
POWER EQUIPMENT OPERATORS						
GROUP 1	\$ 9.56	.50	.50			.05
GROUP 2	9.435	.50	.50			.05
GROUP 3	8.59	.50	.50			.05
GROUP 4	8.265	.50	.50			.05

## POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes and cherry pickers 12½ ton & over rated capacity; Derricks; Piledrivers and extractors; Mason rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Drudge (levamen) GROUP 2 - 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant Mixers; Para type tractors (with loaders, backhoes, attachments, etc.); Scrapers (toursnail, etc.); Endloaders; Drudge (engineers); Side boom and winch truck other than Group No. 1; Motor patrol; Bulldozers; Push cat; Truck cranes and cherry pickers (under 12½ ton); Concrete mixers (1 yard & over); Ditching machines (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pump; Temporary hoist cage operated; Second man on locomotive; Vibrating concrete spreader (Gomaco, G-450 or equal) GROUP 3 - Tractors (under 35 HP) with or without attachments; Endloader (under 35 HP) with or without attachments; Air compressors (one or a combination of 250 cfm or more); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Fireman (Boiler); Generator (75 KW and over); Fork lifts (other than above Group No. 2); Gummite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machines under 8" GROUP 4 - Oilers; Mechanical heaters; Truck crane drivers; Permanent elevators

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977







STATE: IOWA  
DECISION NO: IAT7-4268  
COUNTY: STATEWIDE  
DATE: DATE OF PUBLICATION  
Supersedeas Decision Nos. IAT7-4172, dated October 15, 1976, in 41 FR 45802;  
IAT7-4090-96, dated May 6, 1977, in 42 FR 23348-66; IAT7-4099-100, dated  
May 13, 1977, in 42 FR 24607-09; IAT7-4209-15, dated September 2, 1977, in  
42 FR 44412-31.

DESCRIPTION OF WORK: Heavy and Highway ( does not include building structures  
in rest area projects) Construction.

Carpenters and Pile Drivers	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Zone 1	\$ 8.13	.45	.70	.60	.04
Zone 2	10.53	.45	.40		.05
Zone 3	9.11	.50	.60		.04
Zone 4	9.83	.45			
Zone 5	7.08	.45			
Zone 6	6.15				
Zone 7	5.50				
Zone 8	5.70				
Zone 9	6.46				

DEFINITIONS OF ZONES  
Zone 1- Black Hawk County, City of Mason City, City of Clinton & abutting municipalities (carpenter work not covered by Zone 3), City of Burlington & abutting municipalities & Burlington Ordnance Plant, City of Dubuque & abutting municipalities, City of Iowa City & abutting municipalities, City of Ames & abutting municipalities, Linn County, Polk County, and the City of Ames and abutting municipalities.  
Zone 2- City of Clinton ( Construction alteration or repair of bridges, locks, dams, levees, docks & on drainage and soil conservation work there on, which relates to the Mississippi River ).  
Zone 3- Pottawattamie County  
Zone 4- Scott County  
Zone 5- City of Fort Dodge  
Zone 6- Des Moines, Louisa, and Muscatine Counties ( excluding the City of Burlington and abutting municipalities and the Burlington Ordnance Plant ).  
Zone 7- Buena Vista, Cherokee, Clay, Dickinson, Emmet, Humboldt, Josiah, Lyon, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, and Sioux Counties  
Zone 8- Adair, Adams, Allamakee, Appanoose, Audubon, Bremer, Butler, Calhoun, Carroll, Cass, Cerro Gordo, Chickasaw, Clark, Clayton, Crawford, Davis, Decatur, Fayette, Floyd, Fremont, Franklin, Greene, Grundy, Guthrie, Hamilton, Hancock, Hardin, Harrison, Henry, Howard, Ida, Iowa, Jefferson, Keokuk, Lee, Lucas, Mahaska, Mills, Mitchell, Monona, Monroe, Montgomery, Page, Poweshiek, Ringgold, Sac, Shelby, Tama, Taylor, Union, Van Buren, Wapello, Washington, Wayne, Winnebago, Winneshiek, Woodbury, Worth and Wright Counties. ( Excludes Mason City and abutting municipalities) and Pottawattamie County east of Minden, York, Washington, and Silver Creek Townships is excluded from this coverage.

Carpenters and Pile Drivers	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Zone 9- Benton, Boone, Buchanan, Cedar, Clinton, Dallas, Delaware, Dubuque, Jackson, Jasper, Johnson, Jones, Madison, Marion, Marshall, Story, Warren, Webster, and Pottawattamie west of the eastern boundaries of Minden, York, Washington, and Silver Creek Townships ( excluding the Cities of Ames, Clinton, Council Bluffs, Dubuque, Fort Dodge, and Iowa City and their abutting municipalities).	\$ 8.13 7.08 9.28 8.77 6.15 5.40 5.60 2.70 6.46	.45 .45 .50 .40 .60			

DEFINITIONS OF ZONES  
Zone 1- Black Hawk County, City of Clinton and abutting municipalities, City of Burlington and abutting municipalities and Burlington Ordnance Plant, City of Dubuque and abutting municipalities, City of Iowa City and abutting municipalities, Linn County, Polk County, and the City of Ames and abutting municipalities.  
Zone 2- City of Mason City, and the City of Fort Dodge  
Zone 3- Pottawattamie County  
Zone 4- Scott County  
Zone 5- Des Moines, Louisa, and Muscatine ( excluding the City of Burlington and abutting municipalities and the Burlington Ordnance Plant)  
Zone 6- Buena Vista, Cherokee, Clay, Dickinson, Emmet, Humboldt, Josiah, Lyon, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, and Sioux Counties  
Zone 7- Adair, Adams, Audubon, Calhoun, Carroll, Cass, Clark, Crawford, Decatur, Fremont, Greene, Guthrie, Harrison, Ida, Lucas, Mahaska, Mills, Monona, Montgomery, Page, Ringgold, Sac, Shelby, Taylor, Union, Wayne, Woodbury, and Pottawattamie, east of Minden, York, Washington, and Silver Creek Townships

LAWYERS	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Zone 8- Allamakee, Appanoose, Bremer, Butler, Cerro Gordo, Chickasaw, Clayton, Davis, Fayette, Floyd, Franklin, Grundy, Hamilton, Hancock, Hardin, Henry, Howard, Iowa, Jefferson, Keokuk, Lee, Mitchell, Monroe, Poweshiek, Tama, Van Buren, Wapello, Washington, Winnebago, Winneshiek, Worth and Wright Counties.	\$ 7.30 7.05 6.80 6.65 6.55	.30 .30 .30 .30 .30	.20 .20 .20 .20 .20		
Zone 9- Benton, Boone, Buchanan, Cedar, Clinton, Dallas, Delaware, Dubuque, Jackson, Jasper, Johnson, Jones, Madison, Marion, Marshall, Story, Warren, Webster Counties and Pottawattamie County west of the eastern boundaries of Minden, York, Washington, and Silver Creek Townships (Excluding the Cities of Ames, Clinton, Council Bluffs, Dubuque, Fort Dodge, and Iowa City and their abutting municipalities).	7.05 6.80 6.55 6.40 6.30	.30 .30 .30 .30 .30	.20 .20 .20 .20 .20		
Zone 1- Group 1	5.40	.20	.10		
Group 2	4.90	.20	.10		
Group 3	4.65	.20	.10		
Group 4	4.40	.20	.10		
Group 5	4.20	.20	.10		
Zone 5- Group 1	5.10	.20	.10		
Group 2	4.60	.20	.10		
Group 3	4.35	.20	.10		
Group 4	4.00	.20	.10		
Group 5	3.60	.20	.10		
Group 6	3.40				

LAWYERS	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Zone 6- Group 1	\$ 5.30	.20	.10		
Group 2	4.80	.20	.10		
Group 3	4.55	.20	.10		
Group 4	4.20	.20	.10		
Group 5	3.80	.20	.10		
Group 6	3.60				
Zone 7- Group 1	5.30	.20	.10		
Group 2	4.80	.20	.10		
Group 3	4.55	.20	.10		
Group 4	4.20	.20	.10		
Group 5	3.80	.20	.10		
Group 6	3.60				
Zone 9- Group 1	8.42	.40	.60		.035
Group 2	8.67	.40	.60		.035
Group 3	8.92	.40	.60		
Group 4	6.20	.50	.40	.20	.05
Group 5	6.30	.50	.40	.20	.05
Group 6	6.40	.50	.40	.20	.05
Group 7	6.50	.50	.40	.20	.05
Group 8	6.60	.50	.40	.20	.05







Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS FOR ZONE 1

GROUP 1 - All hoists or steel erecting equipment; Crane, Shovel, Clamshell, Dredge line, Backhoe, Derrick, Tower Crane, Cableway, Concrete Spreader (servicing 2 pavers), Asphalt Spreader, Asphalt Mixer Plant Engineer, Dipper Dredge Operator, Dipper Dredge Crane-man, Dual Purpose Truck (boom or winch), Leverman or Engineer (hydraulic dredge), Mechanic, Paving Mixer with tower attached (2 operators required), Pile Driver, Boom Tractor, Stationary, Portable or Floating Mixing Plant, Trenching Machine (over 40 HP), Building Hoist (2 drums), Hot Paint Wrapping Machine, Cleaning & Trimming Machine, Backfiller (throw bucket), Locomotive Engineer, Qualified Welder, Tow or Push Boat, Concrete Paver, Seaman Truss-L-Plant or similar machines, CMI Autograder or similar machines, Slip Form Paver, Calson Augering Machine, Asphalt Heater-Planer Unit, Hydraulic Crane, Mine Hoist; Athey, Barber-Greene, Euclid or Hais Loader, Asphalt Pug Mill, Fireman and Driver, Concrete Pump, Concrete Spreader (servicing 1 Paver), Bulldozer, Endloader, Log Chippers or similar machines, Elevating Grader, Group Equipment Greaser, Latourneapull & similar machines, DH-10, Hvacr Vnch & similar machines, Motor Patrol, Power Blade, Push Gat, Tractor Pulling Elevating Grader or Power Blade, Tractor Operating Scoop or Scraper, Tractor with Power Attachments, Roller on Asphalt or Blacktop, Single Drum Molt, Jaeger Mix & Place Machine, Pipe Bending Machine, Flexaplane or similar machines, Automatic Drilling Machine, Automatic Cement & Gravel Batch Plants (1 scoop set-up), Seaman Pulvi-Mixer or similar machines, Blasthole Self-propelled Rotary Drill or similar machines, Work Boat, Combination Concrete Finishing Machine & Float, Self-propelled Sheep Foot Roller or Compactor (used on conjunction with a Grading Spread), Asphalt Spreader Screed Operator, Apaco Spreader or similar machines, Slusher, Forklift (over 6000 lbs. cap. or working at heights above 28 ft.), Concrete Conveyors

GROUP 2 - Asphalt Rooster, Fireman & Pump Operator at Asphalt Plant, Mud Jack, Underground Boring Machine, Concrete Finishing Machine, Form Grader with Roller on Earth, Mixers (3 bag to 16E), Power Operated Bull Float, Tractor without Power Attachments, Dope Pot agitator motor, Dope Chop Machine, Distributor (back end), Straddle Carrier, Portable Machine Fireman, Hydro-Banner, Power Winch on Paving Work, Self-propelled Roller or Compactor (other than provided for above), Pump Operator (more than 1 well point pump), Portable Greaser Operator, Trench Machine (under 40 HP), Power Subgrader (on forms) or similar machines, Forklift (6000 lbs. or less cap.), Gypsum Pump, Conveyor over 20 HP, Fuller Canyon Cement Pump or similar machines; Air Compressor (275 cfm or over), Driver on Truck Crane or similar machines, Light Plant, Mixers (1 or 2 bag), Power Latching Machine (Cement Auger or Conveyor), Boiler (Engineer or Fireman), Hacer Pump, Mechanical Broom, Automatic Cement and Gravel Batch Plants (2 or 3 scoop set-up), Small Rubber-tired Tractors (not including backhoes or end loaders), Self-propelled curing machine

GROUP 3 - Oiler, Mechanic's Helper, Mechanical Heater (other than steam boiler), Self Machine, Small Outboard Motor Boat, Engine Driven Welding Machine

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS FOR ZONES 5, 6, 7, 8, and 9

GROUP I - Power Shovel, Crane, Backhoe and Dragline; Dredge Engineer, Dredge Leverman; Hoisting Engineer (Steel Erection); Motor Patrol (Finish); Piledriver Machine; Master Mechanic; Sideboom Tractor; Horizontal Boring Machine

GROUP II - Central Mix Plant; Paver or Self-propelled Spreader; Tow or Push Boat; C.M.I. Paver; C.M.I. Subgrader (or equivalent); Asphalt Plant; Scraper (over 12 c.y.); Bulldozer (Finish); Push Gat; Churn or Rotary Drill; Trenching Machine (Cleveland 80 or similar capacity); Asphalt Laydown; Asphalt Screed; Asphalt Heater-Planer; Concrete Pump; Self-propelled Curb Machine

GROUP III - Motor Patrol (Rough); Front End Loader (3 c.y. or over); Scraper (12 c.y. & under); Bulldozer (Rough); Asphalt Roller; Mechanics-Welders; Group Equipment Greaser; Concrete Curb Breaking Machine; Concrete Widening Machine; Paving Breaker; Barber-Greene, Hais Loader or similar machine; Crawler Tractor Pulling Ripper, Disc, Sheepfoot or Flat Roller; Self-propelled Sheepfoot Roller; Self-propelled Roller, Distributor; Screening and Washing Plant; Self-propelled Vibrating Compactor; Trenching Machine (other than above); Steel Paving Machine; Conveyor; Finishing Machine (on Concrete); Flexplane; Bull Float; Form Grader

GROUP IV - Boiler, Mechanical Broom; Oiler or Mechanics Helper or Group Greaser Helper; Farm Type Tractor (pulling disc, harrow or roller); Welding Machine; Pump Operator (other than dredge); Broom and Winch Truck; Compressor; Tank Car Heater (combination boiler and booster); Pumps on Well Points and Deep Wells for Dewatering; Safety Boat; Batch Plant-dry; Spreader Attachments; Utility Tractor With Attachments

DEFINITIONS OF ZONES

Zone 1- City of Waterloo and abutting municipalities; City of Mason City; Polk County; City of Dubuque and abutting municipalities; City of Iowa City and abutting municipalities; Linn County; Pottawattamie County; City of Ames and abutting municipalities; and the City of Fort Dodge

Zone 2- Remainder of Black Hawk County excluding the city of Waterloo and abutting municipalities

Zone 3- City of Clinton and abutting municipalities; City of Burlington and abutting municipalities and the Burlington Ordinance Plant

Zone 4- Scott County

Zone 5- Des Moines, Louisa, and Muscatine Counties (Excluding the City of Burlington and abutting municipalities and the Burlington Ordinance Plant)

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		

Zone 6- Buena Vista, Cherokee, Clay, Dickinson, Emmet, Humboldt, Kosuth, Lyon, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, and Sioux Counties

Zone 7- Adair, Adams, Audubon, Calhoun, Carroll, Cass, Clark, Crawford, Decatur, Fremont, Greene, Guthrie, Harrison, Ida, Lucas, Mahaska, Mills, Monona, Montgomery, Page, Ringgold, Sac, Shelby, Taylor, Union, Wayne, Woodbury, and Pottawattamie County east of Minden, York, Washington and Silver Creek Townships

Zone 8- Allamakee, Appanoose, Bremer, Butler, Cerro Gordo, Chickasaw, Clayton, Davis, Fayette, Floyd, Franklin, Grundy, Hamilton, Hancock, Hardin, Henry, Howard, Iowa, Jefferson, Keokuk, Lee, Mitchell, Monroe, Poweshiek, Tama, Van Buren, Wapello, Washington, Winnebago, Winneshiek, Worth and Wright Counties (Excludes Mason City)

Zone 9- Benton, Boone, Buchanan, Cedar, Clinton, Dallas, Delaware, Dubuque, Jackson, Jasper, Johnson, Jones, Madison, Marion, Marshall, Story, Warren, Webster, and Pottawattamie County west of the eastern boundaries of Minden, York, Washington, and Silver Creek Townships (Excluding the Cities of Ames, Clinton, Council Bluffs, Dubuque, Fort Dodge, and Iowa City and their abutting municipalities).

TRUCK DRIVERS

Zone 1	\$ 7.14	.45			
Zone 2	6.74	.45			
Zone 3	6.64	.45			
Zone 4	6.95	.35			
Zone 5	5.05	.20			
Zone 6	4.30	.15			
Zone 7	4.50	.15			
Zone 8	4.40	.20			
Zone 9	5.47	.20			
Zone 10					
Group 1	7.28	.50	30		
Group 2	7.34	.50	30		
Group 3	7.39	.50	30		
Group 4	7.47	.50	30		
Group 5	7.52	.50	30		
Group 6	7.64	.50	30		

TRUCK DRIVER CLASSIFICATION DEFINITIONS FOR ZONE 10

Group 1- Single Axle

Group 2- Three Axle, Euclid, Power lift form trucks

Group 3- Three Axle tandem

Group 4- Lowboys, Tractor Trailer, Weyer Pulls

Group 5- Tandem dump with auxiliary end dump trailer

Group 6- Lumber Carrier

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		

DEFINITION OF ZONES

Zone 1- Black Hawk County, City of Clinton and abutting municipalities; City of Burlington and abutting municipalities and the Burlington Ordinance Plant; City of Dubuque and abutting municipalities Linn County; Polk County; and the City of Ames and abutting municipalities

Zone 2- City of Mason City

Zone 3- City of Iowa City and abutting municipalities; City of Fort Dodge

Zone 4- Scott County

Zone 5- Des Moines, Louisa, and Muscatine Counties (Excluding the City of Burlington and abutting municipalities and the Burlington Ordinance Plant)

Zone 6- Buena Vista, Cherokee, Clay, Dickinson, Emmet, Humboldt, Kosuth, Lyon, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, and Sioux Counties

Zone 7- Adair, Adams, Audubon, Calhoun, Carroll, Cass, Clark, Crawford, Decatur, Fremont, Greene, Guthrie, Harrison, Ida, Lucas, Mahaska, Mills, Monona, Montgomery, Page, Ringgold, Sac, Shelby, Taylor, Union, Wayne, Woodbury, and Pottawattamie County east of Minden, York, Washington, and Silver Creek Townships

Zone 8- Allamakee, Appanoose, Bremer, Butler, Cerro Gordo, Chickasaw, Clayton, Davis, Fayette, Floyd, Franklin, Grundy, Hamilton, Hancock, Hardin, Henry, Howard, Iowa, Jefferson, Keokuk, Lee, Mitchell, Monroe, Poweshiek, Tama, Van Buren, Wapello, Washington, Winnebago, Winneshiek, Worth and Wright Counties (Excludes Mason City)

Zone 9- Benton, Boone, Buchanan, Cedar, Clinton, Dallas, Delaware, Dubuque, Jackson, Jasper, Johnson, Jones, Madison, Marion, Marshall, Story, Warren, and Webster Counties and Pottawattamie County west of the eastern boundaries of Minden, York, Washington and Silver Creek Townships (Excluding the Cities of Ames, Clinton, Council Bluffs, Dubuque, Fort Dodge and Iowa City and their abutting municipalities)

Zone 10- Pottawattamie County



STATE: INDIANA  
 SUPERSEDES DECISION 1N77-2134  
 COUNTIES: \*SEE BELOW  
 DATE: Date of Publication  
 Supersedes Decision Nos. 1N77-2016, dated February 11, 1977, in 42 FR 8915  
 and 1N77-2017, dated February 11, 1977, in 42 FR 8920  
 DESCRIPTION OF WORK: Building Construction (Does not include single family homes and garden type apartments up to and including 4 stories).  
 \*Adams, Blackford, Boone, Carroll, Cass, Clinton, Dekalb, Fountain, Fulton, Hamilton, Hancock, Hendricks, Howard, Huntington, Jay, Johnson, Madison, Miami, Montgomery, Morgan, Noble, Shelby, Steuben, Tipton, Wabash, Warren, Wells, White, & Whitley

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
Asbestos Workers: Adams, Blackford, Cass, Clinton, Dekalb, Huntington, Jay, Miami, Noble, Steuben, Wabash, & Wells Cos.	.50	.75			
Fulton & White Cos.	.50	.21			.01
Remaining Cos.	.50	.55			.01
Boiler Makers: Adams, Blackford, Boone, Carroll, Cass, Clinton, Dekalb, Fountain, Fulton, Hamilton, Hancock, Hendricks, Howard, Huntington, Jay, Johnson, Madison, Miami, Montgomery, Morgan, Noble, Shelby, Steuben, Tipton, Wabash, Warren, Wells, White, & Whitley Cos.	.80	1.00			
Blackford, Hamilton, Jay, Madison, & Tipton Cos.	.45	.30			.01
Boone, Hancock, Hendricks, Johnson, Montgomery, & Morgan Cos.	.50	.45			.01
Carroll, Clinton, Fountain, Warren, & White Cos.	.40	.35			.06
Cass & Fulton Cos.	.48	.60			.02
Howard & Miami Cos.	1.00	.30			.04
Shelby Co.	.75	.80			
Wabash Co.		.40			
Carpenters; Millwrights; Piledrivers; Soft floor layers; Adams, Blackford, Boone, Carroll, Cass, Clinton, Dekalb, Fountain, Fulton, Hamilton, Hancock, Hendricks, Howard, Huntington, Jay, Johnson, Madison, Miami, Montgomery, Morgan, Noble, Shelby, Steuben, Tipton, Wabash, Warren, Wells, White, & Whitley Cos.	9.48	.60			.05
Carpenters; Soft floor layers; Millwrights	9.98	.60			.05
Piledrivers	9.60	.35			.08
Blackford, Jay, & Madison Cos.; Carpenters; Soft floor layers; Millwrights	9.90	.35			.08
Piledrivers	9.80	.35			.08
Boone, Clinton, Hamilton, Hancock, Hendricks, Johnson, Montgomery, Morgan, Noble, Steuben, Wabash, Warren, Wells, White, & Whitley Cos.	11.45	.70			.08
Carpenters; Millwrights	11.05	.50			.08
Carroll, Clinton, & White Cos.; Carpenters; Soft floor layers; Millwrights; Piledrivers	9.86	.60			.02
Dekalb, Noble, Steuben, & Whitley Cos.	10.21	.40			.05
Carpenters; Soft floor layers; Millwrights; Piledrivers	9.85	.62			.05
	10.18	.62			

DECISION NO. 1N77-2134

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
Johnson (Edinburgh), & Shelby (Rem. of Co.) Cos.; Carpenters; Soft floor layers; Millwrights; Piledrivers	.55	.65			.03
Cement Masons: Adams, Dekalb, Noble, Steuben, & Whitley Cos.	.55	.65			.03
Blackford, Huntington, Jay, Wabash, & Wells Cos.	.75				.01
Boone, Hamilton (So. 1/2 of Co. No. to new Rte. Indiana Hwy #32 incl. Noblesville), Hancock (Southern & western part of Co. No. to but not incl. town of Wilkinson, & e. to, but not incl. town of Fortville), Hendricks, Johnson, Morgan (N 1/2), & Shelby (ending at Pleasant View) Cos.	.60				
Carroll, Cass, Clinton, Fountain, Howard, Miami, Montgomery, Warren, & White Cos.	.65	.75			.04
Hamilton (Rem. of Co.), Hancock (Rem. of Co.), Madison, & Tipton Cos.	.45	.65			
ELECTRICIANS: Adams, Dekalb, Huntington, Noble, Steuben, Wells, & Whitley Cos.	.40	.35			
Blackford & Jay Cos.	.40	.32+.30			.06
Boone, Hamilton, Hancock, Hendricks, Johnson, Madison, Montgomery, Morgan, & Shelby Cos.	.40	.32+.30			.22
Carroll, Cass, Fulton, & White Cos.	4%	7%			1/2
Clinton, Howard, Miami, Tipton, & Wabash Cos.	.50	3%			1/2
Fountain & Warren Cos.	.40	.32+.30			.2%
ELEVATOR CONSTRUCTORS: Adams, Blackford, Dekalb, Huntington, Jay, Noble, Steuben, Wabash, Wells, & Whitley Cos.; Elevator constructors	.50	.32+.50			.25%
Helpers (Prob.)	.495	.32	42+44+46		.02
	.495	.32	42+44+46		.02

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977

DECISION NO. 1N77-2134

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
Boone, Carroll, Clinton, Fountain, Hamilton, Hancock, Hendricks, Howard, Johnson, Madison, Miami, Montgomery, Morgan, Shelby, Tipton, Warren, & White Cos.; Elevator constructors	\$10.68	.35	42+44+46	.02	
Helpers (Prob.)	702JR	.35	42+44+46	.02	
Cass & Fulton Cos.; Elevator constructors	507JR	.35	42+44+46	.02	
Helpers (Prob.)	10.29	.35	42+44+46	.02	
GLAZIERS: Adams, Blackford, Cass, Dekalb, Huntington, Jay, Miami, Noble, Steuben, Wabash, Wells, & Whitley Cos.	702JR	.35	42+44+46	.02	
Boone, Carroll, Clinton, Fountain, Hamilton, Hancock, Hendricks, Howard, Johnson, Madison, Montgomery, Morgan, Shelby, Tipton, & Warren Cos.	507JR	.35	42+44+46	.02	
IRONWORKERS: Adams, Blackford, Dekalb, Huntington, Jay, Noble, Steuben, Wabash, Wells, & Whitley Cos.	9.53	.40e		.04	
Boone (excl. NW 1/2), Clinton (E 1/2), Hamilton, Hancock, Hendricks, Howard, Johnson, Madison, Montgomery, Morgan, Shelby, & Tipton (excl. NW 1/2) Cos.	11.20	1.20		.02	
Boone (NW 1/2), Carroll, Cass, Clinton (Rem. of Co.), Fountain, Miami, Montgomery, Tipton (NW 1/2), Warren, & White Cos.	.90			.05	
FULTON CO. Adams, Dekalb, Huntington, Noble, Steuben, Wabash, Wells, & Whitley Cos.	11.15	.90		.05	
	10.34	.90		.02	
	10.55	.90		.03	
	9.73	.50		.01	

DECISION NO. 1N77-2134

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
Blackford, Hancock, & Jay Cos. Boone (SE 1/2), Hamilton, Hendricks, Johnson, Madison, Morgan, & Shelby Cos.	\$9.15	.35			.01
Carroll, Cass, Clinton, Howard, Montgomery, Warren, & White Cos.	10.88	.35			.04
PAINTERS: Adams, Dekalb, Huntington, Noble, Steuben, Wabash, Wells (N 1/2 to incl. Bluffton), & Whitley Cos.; Brush; Roller; Paperhangers; & Tapers	9.49	.35			.01
Blackford, Carroll, Cass, Fulton, Howard, Jay, Madison, Miami, Tipton, Wells (to the so. city limits of Bluffton), & White Cos.; Brush; Taping	10.14	.20			.01
Pressure cleaning equipment; Sandblasters; Spray	8.60	.45			.10
Boone, Hamilton, Hancock, Hendricks, Johnson, Morgan (N 1/2), & Shelby Cos.; Brush; Roller; Drywall tapers	9.60	.45			.10
Sandblasters; Spray	8.55	.60			
Clinton, Fountain, Montgomery, & Warren Cos.; Brush; Roller	9.30	.60			
Structural steel	9.85				
Sandblasting	10.10				
	10.85				
	13.12				

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977



DECISION NO. IN77-2134

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
Morgan (to the northern limits of Martinsville) Co.: Brush; Drywall; Vinyl; Paper-hangings; & Roller Structural steel; Stage & Hazardous work; Scaffold Sandblasting; Spray & Epoxy brush	\$8.40		.30	
Spray epoxy	9.15		.30	
PLASTERERS: Adams, Dekalb, Noble, Steuben, & Whitley Cos.	9.40		.30	
Blackford, Huntington, Jay, Wabash, & Wells Cos.	10.40		.30	
Boone, Hamilton, Hancock, Henderson, Johnson, Morgan, & Shelby Cos. (So. & e. to Co. Rd. #100 - W.)	9.67	.60		.01
Indiana Rte. #22), Hancock (So. & western part no. to state rd. #234 & e. to Co. Rd. #100 - W.)	9.65	.75		
Hendricks, Johnson, Morgan (N & S), & Shelby Cos.				
Carroll, Cass, Clinton, Fountain (W. to & incl. Attica, in the north & west to, but not incl. Veedersburg in the south), Howard, Miami, Montgomery, Warren (E & west to, but not incl. Judyville, so. to & incl. Kramer), & White Cos.	10.90	.80		.01
PLUMBERS: Steamfitters: Adams, Dekalb, Huntington, Noble, Steuben, Wells, & Whitley Cos.				
Blackford & Wabash Cos.	9.50	.55		
Boone, Hamilton, Hancock, Henderson, Howard, Johnson, Miami (So. of Rte #218), Morgan, & Shelby Cos.	11.35	.45	.75	.07
Blackford & Wabash Cos.	11.60	.50	.70	.15
(So. of Rte #218), Morgan, & Shelby Cos.				
Carroll, Clinton, Fountain, Montgomery, Warren, & White Cos.	11.40	.50	.75	.04
Cass, Fulton, Miami (No. of Hwy #218), Cos.	12.05	.50	.90	.10
Jay & Madison Cos.	10.60	.48	.80	.10
	11.25	.50	.55	.15

NOTICES

DECISION NO. IN77-2134

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
ROOFERS: Adams, Dekalb, Noble, Steuben, Wells, & Whitley Cos.	\$10.15	.10		
Blackford, Hamilton, Jay, Madison, Miami, & Tipton Cos.		.20		
Slate, tile, & asbestos	8.70	.40		
Coal tar pitch	8.95	.40		
Composition damp & waterproof	8.70	.40		
Boone, Hancock, Hendricks, Johnson, Morgan, & Shelby Cos.: Composition & Waterproof	10.78	.50		
Slate, tile, asbestos & precast slab	11.03	.50		
Carroll, Cass, Clinton, Fountain, Montgomery, Warren, & White Cos.: Composition, Damp & Waterproof	10.60	.28		
Slate, tile, & asbestos	10.85	.28		
Fulton Co.: Composition, damp & waterproof	10.15	.50		.03
Slate, tile, & asbestos	10.65	.50		.03
SHEET METAL WORKERS: Adams, Blackford, Cass, Dekalb, Howard, Huntington, Jay, Miami, Noble, Steuben, Wabash, Wells, & Whitley Cos.	11.08	.50		.12
Boone, Hamilton, Hancock, Henderson, Johnson, Madison, Morgan, & Tipton Cos.	11.25	.60		.08
Shelby, & Tipton Cos.	10.50	.33		.06
Carroll, Clinton, Fountain, Montgomery, Warren, & White Cos.	10.33	.65		.035
Fulton Co.	11.65	.95		.08
SPRINKLER FITTERS: TILE SETTERS: Blackford, Hamilton, Jay, Madison, & Tipton Cos.	9.60	.45		.01
Boone, Hancock, Hendricks, Johnson, Montgomery, & Morgan Cos.	10.81	.35		.04
Carroll, Clinton, Fountain, Warren, & White Cos.	10.19	.60		.02

DECISION NO. IN77-2134

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
Cass & Fulton Cos.	\$9.10	1.00		
Howard, Miami, & Wabash Cos.	9.60	.75		.01
TRUCK DRIVERS: Adams, Dekalb, Huntington, Noble Steuben, Wells, & Whitley Cos.: Up to & incl. 1 ton; Helpers; Spotters; Flagen	8.555	\$20.001		
1 1/2 to & incl. 3 tons; Fork lift	8.655	20.001		
Semis	8.705	20.001		
Tandems; Lowboys; Double bottom; Winch or boom; Tri-axle	8.755	20.001		
Sweeper attached & distributor truck water wagon	8.855	20.001		
Eucld; Earthmover	9.005	20.001		
Boone, Hendricks, Johnson, Morgan, & Shelby Cos.: Up to & incl. 1 ton & helpers	7.865	20.001	j	
Over 3 tons; Semi-trailers; Tandem (double bottom); Winch trucks when used with winch	8.015	20.001	j	
Truck mechanics	7.94	20.001	j	
Carroll, Cass, Clinton, Fountain, Howard, Miami, Montgomery, Tipton, Wabash, Warren, & White Cos.: Pickups when hauling equipment etc.	6.60	17.001	k	
Helpers; Greaser; Tiremen	6.70	17.001	k	
Single axle-straight trucks; Warehousemen	6.75	17.001	k	
Mechanics	7.05	17.001	k	
Tandem axle & Dogleg straight trucks	6.85	17.001	k	
Miscellaneous distributors	6.90	17.001	k	
Tri-axes; Semis	7.05	17.001	k	

DECISION NO. IN77-2134

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
Fulton Co.: Pickups	\$6.94	\$13.501	\$22.001	1
Single-axle	7.15	13.501	22.001	1
Tandem or fuel	7.26	13.501	22.001	1
Tri-axes	7.31	13.501	22.001	1
Semi-trailers	7.36	13.501	22.001	1

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; O-Labor Day; E-Thanksgiving Day; & F-Christmas Day

FOOTNOTES:

67. Includes pension
68. Paid holidays: A through F
69. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years, and 2% for employee who has worked in business less than 5 years.
70. When an employee has been employed by an employer for 6 continuous months, the employer will contribute \$5.00 per week toward his hospital/medical premiums if the employee does not have a pre-established hospital/medical plan. If an employee has met the 6 month qualification and is off work for any reason for over 30 continuous calendar days, the employer will not make the above \$5.00 weekly contribution to the employee until the employee returns to work on a regular basis.
71. 6 paid holidays: A through F, provided such employees work the last scheduled day prior to and the next scheduled work day after the holiday unless permission for not working on such days is granted by the employer.
72. 2 paid holidays: C & D
73. 3% of gross earnings to SASMI
74. 6 paid holidays: A through F, providing employee works either the 5 days preceding or the 5 days following the holiday
75. 1. per week per employee
76. Each employee who has been in the employ of the same employer for 1 year & has accumulated 1000 hours of service shall receive 1 week's vacation with pay of 40 hours at straight time; each employee who has been in the employ of the same employer for 10 years or more & has accumulated 1000 hours of service shall receive 3 weeks' vacation with pay of 120 hours at straight time hourly rate.
77. One week's paid vacation after one year's employment; two weeks' paid vacation after three years' employment; three weeks' paid vacation after ten years' employment.
78. One week's paid vacation after three years' employment; two weeks' paid vacation after ten years' employment; & three weeks' paid vacation after fifteen years' employment

NOTICES



DECISION NO. IN77-2134

DECISION NO. IN77-2134

LADYERS:  
Adams, Boone, Carroll, Cass,  
Gintion, DeKalb, Fountain,  
Howard, Huntington, Miami,  
Montgomery, Noble, Steuben,  
Tipton, Wabash, Wells, White, &  
Whitley Cos.:

Basic Hourly Rate	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$7.25	.60	.45		.09
7.45	.60	.45		.09
7.55	.60	.45		.09
8.25	.60	.45		.09
7.05	.60	.45		.09
7.25	.60	.45		.09
7.35	.60	.45		.09
8.05	.60	.45		.09
7.40	.60	.45		.09
7.60	.60	.45		.09
7.70	.60	.45		.09
8.40	.60	.45		.09
7.50	.60	.45		.09
7.70	.60	.45		.09
7.80	.60	.45		.09
8.50	.60	.45		.09

Blackford, Hamilton, Hancock,  
Jay, & Madison Cos.:

GROUP I  
GROUP II  
GROUP III  
GROUP IV

Fountain, Hendricks, Johnson,  
Morgan, & Warren Cos.

GROUP I  
GROUP II  
GROUP III  
GROUP IV

Shelby Co.

GROUP I  
GROUP II  
GROUP III  
GROUP IV

NOTICES

LADYERS

GROUP I: Building & Construction laborers; Scaffold builders (other than for masons or plasterers); Ironworker helpers; Mechanic tenders; Civil engineer helpers & surveyor helpers; Rodmen & Chainmen; Window washers & cleaners; Waterboys & Toolhousemen; Roofer's helpers; Railroad workers; Masonry wall washers (interior & exterior); Cement finisher helpers; Carpenter helpers; Helpers of all other crafts not listed; Mason tenders for Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitley; All portable water pumps with discharge up to 3 inches.

GROUP II: Waterproofing; Handling of creosote lumber or like treated material (excluding railroad material); Asphalt rakers & lumens; Kettlemen; Air tool operators, vibrators, chipping hammer operators and all pneumatic tool operators; Earth compactors; Jackmen & sheetmen working ditches deeper than 6 ft. in depth; Laborers working ditches 6 ft. in depth or deeper; Assembly of Unicrete pump; Chain saw operators; Tile layers (sewer or field) & sewer pipe layers (metallic or non-metallic); Motor driven wheelbarrows & concrete buggies; Hyster operators; Pumpcrete assemblies; Conveyor assemblies; Core drill operators; Cement, lime or silica Clay handlers (bulk or bag); Handling of toxic materials damaging to clothing; Pneumatic spikers; Deck engine & winch operators; Water main & cable ducking (metallic & non-metallic).

GROUP III: Plasterers' tenders; Mason tenders, except for Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitley; Mortar mixers; Welders (acetylene or electric); Cutting torch or burner; Cement masonry laborers; Cement gun operators; Scaffold builders when working by plasterers; Scaffold builders when working for masons (except in Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitley).

GROUP IV: Dynamic men

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977

DECISION NO. IN77-2134

POWER EQUIPMENT OPERATORS  
Adams, Blackford, Carroll, Cass,  
Gintion, DeKalb, Hamilton, Hancock,  
Howard, Huntington, Jay, Johnson,  
Madison, Miami, Shelby, Steuben,  
Tipton, Wabash, Wells, White, &  
Whitley Counties

Basic Hourly Rate	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$11.00	.40	.55		.08
10.15	.40	.55		.08
8.80	.40	.55		.08
7.90	.40	.55		.08

GROUP 1  
GROUP 2  
GROUP 3  
GROUP 4

DECISION NO. IN77-2134

POWER EQUIPMENT OPERATORS  
Boone, Fountain, Hendricks,  
Montgomery, Morgan, & Warren  
Counties

GROUP I  
GROUP II  
GROUP III  
GROUP IV

CLASSIFICATIONS

GROUP 1: Air Compressor (pressurizing shafts, tunnels and divers), Air Tugger, Airt Patrol, Backfiller, Backhoe, Boom Cat, Boring Machine, Bulldozer, Gaisson Drilling Machine, Cherry Picker, Compactor (w/runner blade) Concrete Plant, Concrete Pump, Crane w/all attachments, Crane-Electric Overhead, Derrick, Ditching Machine (18" and over), Dredge, Elevator (when hoisting material or tool) Forklift (machinery), Formless Paver, Generator (power for welders or compressors), Gradall, Helicopter, Helicopter Winch Operator, Highlift-Front End Loader, Hoist, Locomotive, Mechanic on job site, Mucking Machine, Panel Board, Concrete Plant, Piledriver, Push Cat, Scoop and Tractor, Scraper-rubber-tired, Spreader-tractor mounted, Straddle Carrier-Ross type, Sub-base Finish, Machine (C.M.I. or similar tower crane), Tractor w/backhoe (over 4 yd.) Welder

GROUP 2: A-Frame Truck, Batcher Plant (automatic dry batch), Bending Machine-power driven, Bituminous Mixer, Bituminous Paver, Bituminous Plant Engineer, Bostman, Bulfloat, Compactor or Tamper-self-propelled, Concrete Mixer (21 cu. ft. or over), Concrete spreader-power driven, Dinky Engine, Ditching Machine (less than 18"), Drilling Machine, Finish Machine and Bulfloat, Finishing Machine, Fireman, Filtrating and Bolters, Forklift-Masonry and Material, Gunite Machine, Head Greaser, Mechanic in Shop, Mesh Depressor-mesh placer, P.C.C.-Concrete Belt Placer, Roller-Asphalt Stone and Sub-base, Sheepshead Roller self-propelled, Shop Mule, Spreader or Base Paver-self-propelled, Subgrader, Throttle Valve w/air compressor or boiler, Tractor w/backhoe (4 yard and under), Tractor-High lift-Farm-type, Tractor-Industrial type, Tractor w/winch, Well Points, Winch Truck

GROUP 3: Air Compressor (210 cu. ft. and over); Bituminous Distributor, Chair Cart, Concrete Curing Machine, Concrete Saw, Dope pot-power agitated, Flexplane, Form Grader, Hydrohammer, Jacks-Hydraulic-power driven, Minor Equipment Operator, Paving Joint Machine, Post Hole Digger, Roller-earth, Throttle Valve, Track Jack-power driven, Tractor-farm type, Truck Crane Driver

GROUP 4: Air Compressor (less than 210 cu. ft.) Concrete Mixer (under 21 cu. ft.), Conveyor, Generator, Mechanical Heater, Oiler, Power Broom, Pump, Welding Machine, Helpers

CLASSIFICATIONS

GROUP I Master Mechanics  
GROUP II Utility Operator

GROUP III Power Cranes, Draglines, Derricks, Electric Overhead Cranes, Shovels, Gradall, Mechanics, Repair and Maintenance of all Equipment, Tractor Highlift, Fork lifts, Tournadozer, Mixer over 115 Capacity, Tournamixer, Two Drum Machine or Two Cages Hoists, Cableways, Tower Machines, Motor Patrol, Boom Tractor, Boom or Winch Truck, Truck Crane, Tournamull, Tractor operating Scoops, Bulldozer, Push Tractor, Finishing Machine on Asphalt, Large Rollers & Rollers on Asphalt, Gravel, Macadam and Brick Surface, Rose Carrier or similar Machine, Gravel Processing Machine, Asphalt Plant Engineer or Pug Mill, Two Air Compressors, Hetherington Paver Operator, Farm Tractor with Half Yard bucket and/or Back Hoe Attachment, Trench Machines-cutting over 24", Dredging Equipment, Central Mix Plant Engineer, CMI or similar type Machine, Concrete Spreader, Cherry Picker, Standard or Dinky Locomotives, Scoopmobiles, Euclid Loader, Soil Cement Machines, Back Filler, Elevating Machine, Power Blade, Asphalt Plant Engineer, Well Drilling Machines, Paint Machine, Pipe Cleaning Machine, Pipe Wrapping Machine, Pipe Bending Machine, Apco Paver, Boring Machine, Tractor Without Winch, Head Equipment Greasers, Barber Green Loaders, Formless Paver, Well Point System Hydra Ax, Resco Concrete Saw, Marine Scoops, Brush Mulcher, Brush Burner, Mesh Placer, Tree Mover, Helicopter Crew (3), Pile Driver Skid or Crawler, Stump Remover, Root Rake, Tug Boat Operator, Refrigerating Machine Freezing Operator, Chair Cart - Self Propelled, Hydra Scooter, Straw Blower, Concrete Mixers with Skip, all one Drum Hoists with Tower or Boom, Dredge Engineer, Dredge Operator, Rock Spreader, Truck or Skid Mounted Tower Crane, Engine or Rock Crusher Plant, Boiler Operator, Concrete Plant Engineer, Loaders, Hydra Crang Gaissons, Shait or any similar type Drilling Machine, Concrete Curb Machine - Self Propelled, Winch or Hydraulic Boom Truck

Basic Hourly Rate	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$10.55	.40	.50		.08
10.45	.40	.50		.08
10.25	.40	.50		.08
8.00	.40	.50		.08

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977



POWER EQUIPMENT OPERATORS

GROUP IV Mixers 1/2S capacity or less, Trench Machine cutting 21" and under, Farm Tractor with less than half yard bucket and other attachments except Back Hoe, Truck Crane Oiler, Power Subgrader, Bul Float, Form Grader, Finishing Machine Pavement Breaker, Rock Crushers, One Drum Machine, One Air Compressor, Concrete Pump, Grout Machine, Air Tuggers, Truck Crane Drivers, House Elevators when used for hoisting material, Two to Four Generators or Welding Machine, Mechanized Heaters irrespective of Motor Power when used for temporary heat, Small Rollers on Earth, Engine Tenders, Firemen, Wagon Drill, Flexplane, Conveyor, Two to Four Water Pumps, Siphon and Pulsometer, Switchman on Paint Pots, Fireman on Asphalt Plants, Distributor Operator on Trucks, Tampers, Power Broom, Post Hole Digger, Sump Filler, Bulk Cement Plant Equipment Machine (Motor Driven), Form Taper, Machine (Motor Driven), Concrete Pump, Greaser, Track Jack, Mud Jack, Operator to do Winter Repair Work in Shop between November 1st and March 1st, Concrete Baggies motor driven, Oilers, Barrel Type Mixer, One Welding Machine or One Water Pump, Air Valves or Steam Valves from Plant, Concrete Mixers without Skip, Curling Machine, Concrete & Blacktop Gurb Machine, Deck Hands

Cranes with booms from 149 ft. to 199 ft. including jib. receive additional \$.75 per hour  
Cranes with boom over 199 ft. including job receive additional \$1.25 per hour.

DECISION NO. IN7-2134

POWER EQUIPMENT OPERATORS  
Fulton & Noble Counties

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$10.52	.65	.85	.40		.05
9.16	.65	.85	.40		.05
8.38	.65	.85	.40		.05
7.70	.65	.85	.40		.05

CLASSIFICATIONS

GROUP I: All power cranes; Truck cranes; Locomotive cranes; Letourneau Tournapulls; Shovels; Draglines; Derricks; Pile drivers; Highlifts; Tractors w/Side boom or "A" Frame; Forklifts 18" 6" in height or over; Motor patrols; Combination backhoe & loader; Mechanic; Conveyor systems; Hoist (3 drum) & over

GROUP II: All bulldozers; Scoops; Push cats; Concrete mixers of more than 21 cu. ft. capacity; Locomotives; Rollers; Stone crushers; Fork lifts under 18" 6"; Air compressors - 600 cu. ft. & over; Combination of Gasoline or Diesel driven welding machine & compressor; Engineers operating throttle valve with boiler and compressor for priedriving; Concrete pumps; Trench machines excluding ditch witches; Cableways; Hoist (2 drum)

GROUP III: Truck winches w/A Frame & Power winches; Tractors-farm type; Drills & conveyors; Small rubber tire end loaders 3/4 cu. yd. & under; Bobcat

GROUP IV : Gin poles; Sasgen derricks & similar hoists; Firemen; Oilers; One drum hoist; Single drum tugger hoist; Automatic hoist; Elevators; Compressor over 210 cu. ft. & under 600 cu. ft.; Well points

DECISION NO IN7-2134

TRUCK DRIVERS  
Blackford, Hamilton, Hancock, Jay, & Madison Cos.

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
\$8.05	13.50a	14.00a	b		
8.10	13.50a	14.00a	b		
8.15	13.50a	14.00a	b		
8.20	13.50a	14.00a	b		
8.25	13.50a	14.00a	b		
8.30	13.50a	14.00a	b		
8.40	13.50a	14.00a	b		
8.45	13.50a	14.00a	b		
8.50	13.50a	14.00a	b		
8.55	13.50a	14.00a	b		
8.70	13.50a	14.00a	b		

CLASSIFICATIONS

GROUP 1: Drivers on single axle, lobby helper or flagman, drivers on air compressors and welding machines including those pulled by cars, pick-up trucks, tractors, fork-lifts, dumpsters

GROUP 2: Drivers on Mixer Trucks 2 yards

GROUP 3: Mechanic Helpers and Greasers

GROUP 4: Drivers on Batch Trucks wet or dry 3 batches or under

GROUP 5: Drivers on Tandem Axle Trucks (Including Dog-Legs), Drivers on Oil Distributors Drivers on Mixers Trucks 3 yards, Winch Trucks

GROUP 6: Drivers on Single axle, semi-trucks, Drivers on batch trucks wet or dry or dry over 3 batches, Drivers on pavement breakers

GROUP 7: Drivers on Tandem-Axle semi-trucks, Drivers on trac-o-trucks, Euclids, Tournapull when pulling other than self-loading equipment up to and including 10 yards, Drivers on mixer trucks 4 yards, Mechanics

GROUP 8: Drivers on Tri-axle Trucks

GROUP 9: Drivers on Low-Boy, Drivers on Tandem, Tandem Axle Semi-trucks

GROUP 10: Drivers on Trac-O-Trucks, Euclids, Tournapulls when pulling other than self-loading equipment 11 yards to and including 16 yards, Drivers on mixer trucks above 4 yards

GROUP 11: Drivers on Trac-O-Trucks, Euclids, Tournapull when pulling other than self-loading equipment over 16 yards, Helicopter pilot

FOOTNOTES:

- a. Per Week per employee  
b. 1 week paid vacation after 1 year service, 2 weeks after 3 years, and 3 weeks after 10 years.







STATE, KENTUCKY  
COUNTIES: ADAMS, BARRON, BELL, BREATHITT, CASEY, CLAY, CLINTON, COCKERLAND,  
ESTILL, FLOYD, GARLAND, GREEN, HARLAN, HART, JACOBSON, KNOTT, KNOW, LAUREL,  
LEE, LESLIE, LETCHER, LINCOLN, MCGHEARY, MAGOFFIN, MARTIN, MENEFEE, METCALFE,  
MONROE, ONSLEY, PERRY, PIKE, POWELL, PULASKI, ROCKCASTLE, RUSSELL, TAYLOR,  
WAYNE, WHITLEY, Wolfe, Johnson, Lawrence & Morgan.  
Supersedes Decision No. KY76-1112, dated October 1, 1976, in 41 FR 43579.  
DATE: DATE OF PUBLICATION  
DESCRIPTION OF WORK:  
HEAVY & HIGHWAY CONSTRUCTION:

	Basic Hourly Rate	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
CARPENTERS	\$ 8.10	.35	.35	.25	
CONCRETE MASONS	7.95	.35	.35	.25	
ELECTRICIANS (OUTSIDE):					1/2 of 1%
Linemen	12.20	.45	3%		3/4 of 1%
Cable splicers	12.15	.45	3%		
Grounders	9.15	.45	3%		
IRONWORKERS:					
Structural	8.20	.35	.35	.25	
Reinforcing	8.00	.35	.35	.25	
PAINTERS (Brush, Spray, Rollers)	8.00	.75	.40	1.00	
PLUMBERS	7.75	.35	.35	.25	
TRUCK DRIVERS:	11.15	.25	.70	.25	.02
Truck helper & Warehousemen	6.10	.35	.35	.25	
Driver, winch truck & A-frame truck when used in transporting materials	6.50	.35	.35	.25	
Driver, semi-trailer or pole trailer, distributor, dump truck, tandem axle	6.60	.35	.35	.25	
Driver on mixer truck - all types	6.65	.35	.35	.25	
Truck mechanic	6.70	.35	.35	.25	
Tire changer or mechanic helper, driver on 3 tons and under truck	6.73	.35	.35	.25	
Driver on pavement breakers	6.75	.35	.35	.25	
Drivers, over 3 tons	6.94	.35	.35	.25	
Driver, euclid & other heavy earth-moving equipment & low-boy	7.51	.35	.35	.25	
Greaser on greasing facility	7.55	.35	.35	.25	
WELDERS: Receive rate prescribed for craft to which welding is incidental					

DECISION NO. KY77-1123

LABORERS:

Laborers, flagmen  
Hand blade operator & batch truck dumper, deck hand or scow man  
Power Driven Tool Operator of the following: wagon drill, chain saw, jack hammer, concrete saw, sand blaster, breaker, vibrator, pavement wheelbarrow, power buggy, sewer pipe layer, bottom men, dry cement handler, concrete rubber, mason tender  
Asphalt lute & rakemen, side rail setter  
Gunnite nozzleman; gunnite operator  
Tunnel laborers (free air)  
Tunnel mucker (free air)  
Tunnel miner, blaster & driller (free air)  
Drill operator of percussion type drills which are both powered and propelled by an independent air supply  
Powdermen  
Calisson workers

Basic Hourly Rate	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 6.15	.35	.35	.25	
6.40	.35	.35	.25	
6.50	.35	.35	.25	
6.55	.35	.35	.25	
6.65	.35	.35	.25	
6.70	.35	.35	.25	
6.75	.35	.35	.25	
7.10	.35	.35	.25	
7.45	.35	.35	.25	
7.55	.35	.35	.25	
7.65	.35	.35	.25	

DECISION NO. KY77-1123

POWER EQUIPMENT OPERATORS:

	HEAVY	HIGHWAY	Fringe Benefits Payments			Education and/or Appr. Tr.
			H & W	Pensions	Vacation	
Basic Hourly Rate	Basic Hourly Rate	Basic Hourly Rate				
\$10.25	\$ 8.95	.40	.45		.05	
7.95	7.20	.40	.45		.05	
7.29	6.56	.40	.45		.05	

NOTE: Railroad and Highway bridges across commercially navigable rivers: i.e., navigable-to-loaded-barge-tow, (including setting of super-structure steel on bridges) shall receive the HEAVY rate of pay.

Class A

Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant operator, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, elevator (regardless of ownership when used for hoisting any building material), elevating grader and all types of loaders, hoe-type machine, hoisting engine (two or more drums), locomotive, motor scraper, bulldozer, mechanic, orange-peel bucket, piledriver, power blade, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, fork lift (regardless of lift height), all types of boom cabs, core drill, tow or push boat, A-Frame winch truck, concrete paver, gradeall, hoist (two or more drums), hystor, pumperete, ross carrier, sideboom, tailboom, rotary drill (5" and over), mucking machine, rock spreader attached to equipment, scoopmobile, Kecal loader, tower crane (French German and other types), hydrocranes, backfiller, guries, subgrader, and dredge engines.

Class B

All air compressors (600 cu. ft. per min. or greater capacity), bituminous mixer, concrete mixer (under 21 cu. ft.), elevator (one drum or buck hoist), welding machine, form grader, scout pump, roller (rock), tractor (50 hp and over), bull float, finish machine, outboard motor boat, electric vibrator compactor/ self-propelled compactor, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakenman, mechanic helper, whirley oiler, tractor and road widening trencher, joint sealing machine, rotary drill (under 5), throttlevalve man tugger, well points, flexplane, fireman, and hoist (one drum).

Class C

Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractors (under 50 hp), vibrator, oiler, concrete saw, burlap and curing machine, hydro seeder, power form handling equipment, deckhand oiler, and hydraulic post driver.



## SUPERSEDES DECISION

STATE: KENTUCKY  
 COUNTRIES: ANDERSON, BATE, BOUBON, BOYD, BOYLE, BRACKEN, BRECKINRIDGE, BULLITT, CARROLL, CARTER, CLARK, ELLIOTT, FAYETTE, FLEMING, FRANKLIN, GALLATIE, GRAYSON, GRANT, GREENUP, HARDEN, HARRISON, HENRY, JEFFERSON, JESSAMINE, LARUE, LEWIS, MADISON, MARION, MASON, MEADE, MERCER, MONTGOMERY, NELSON, NICHOLS, OLDMAN, OWEN, ROBERTSON, ROJAN, SCOTT, SHELBY, SPENCER, TAYLOR, WASHINGTON, & WOODFORD  
 SUPERSEDES Decision No. KY76-1114, dated October 8, 1976, in 41 FR 44633.  
 DATE: DATE OF PUBLICATION  
 DESCRIPTION OF WORK:

## HEAVY &amp; HIGHWAY CONSTRUCTION

BRICKLAYERS  
 CARPENTERS  
 CEMENT MASONS  
 ELECTRICIANS (OUTSIDE):

Linemen  
 Cable splicers  
 Groundmen  
 Ironworkers - Structural,  
 Reinforcing & Ornamental  
 Painters,  
 Brush & Roller  
 Sandblasting  
 Spray

Bridge Work - work on  
 bridges over navigable  
 water shall carry a  
 premium of \$2.00 added  
 to the base rate.

PLUMBERS  
 PIPEFITTERS  
 WELDERS

Welders: Receive rate  
 prescribed for craft  
 to which welding is  
 incidental.

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
\$ 9.83	.40	.40	.40		
8.71	.30	.30	.30		
9.28	.80	.80	.50		
11.60	.50	.50	3% + .40		2 of 1%
11.60	.50	.50	3% + .40		2 of 1%
7.19	.50	.50	3% + .40		
10.95	.90	.90	1.15		.06
8.62	.35	.35	.20		.03
8.97	.35	.35	.20		.03
9.07	.35	.35	.20		.03
11.92	.60	.60	.90		.10
11.84	.50	.50	.80		.08
8.96	.30	.30	.30		

Page 2

DECISION NO. KY77-1124

## LABORERS:

GROUP 1  
 GROUP 2  
 GROUP 3  
 GROUP 4

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
\$ 7.37	.35	.35	.47		
7.82	.35	.35	.47		
7.67	.35	.35	.47		
8.27	.35	.35	.47		

Group 1 - Laborers: Asphalt plant laborers, concrete laborers, asphalt laborers, storm and sanitary sewer laborers, carpenter tenders, cement mason tenders, mesh handlers and placers, landscaping and seeding, planters and tree trimmers, sign, guard rail and fence installers, grade checkers, aging and curing of concrete, truck spotters and dumpers, flagmen, tripod and grouters, dredging laborers, right-of-way laborers, wrecking and demolition laborers, drill helpers, and all hand digging and hand back filling, batch truck dumper.

Group 2 - Vagon drill, jackhammers, paving breakers, chain saw, concrete saw, paving joint machine, vibrator operator, power driven Georgia buggy or wheelbarrow, sandblaster and concrete chippers, green concrete cutting, brickmason tenders and mortar mixers, pipe layers, joint maker, batter board man (saw-tary and storm sewer), dry cement handlers, concrete rubbers, walk-behind tamper machine, surface grinderman, hand operated grouter and grinder machine, deckhand scov man, burner and welder, walk behind trenching machine.

Group 3 - Powderman and blasters, side rail setters including metal rail paved ditches, tunnel laborers (free air), gunnite operators and miners man, gunnite masonman, asphalt luteman and rikeman air tract driller (all types), grout pump operator.

Group 4 - Tunnel blaster, tunnel muckers (free air), miners and drillers (free air), caisson workers (free air)

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977

Page 3

DECISION NO. KY77-1124

## POWER EQUIPMENT OPERATORS:

	HEAVY	HIGHWAY	Fringe Benefits Payments			Education and/or Appr. Tr.
			H & W	Pensions	Vacation	
CLASS A	\$10.25	\$ 8.95	.40	.45		.05
CLASS B	7.95	7.20	.40	.45		.05
CLASS C	7.29	6.56	.40	.45		.05

NOTE: Railroad and Highway bridges across commercially navigable rivers; i.e. navigable to loaded barge tow, (including setting of super structure steel on bridges) shall receive the HEAVY rate of pay.

## Class A

Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant operator, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, elevator (regardless of ownership when used for hoisting any building material), elevating grader and all types of loaders, hoe-type machine, hoisting engine (two or more drums), locomotive, motor scraper, bulldozer, mechanic, orangepeel bucket, piledriver, power blade, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, fork lift (regardless of lift height), all types of boom cats, core drill, tow or push boat, A-Frame winch truck, concrete paver, gradeall, hoist (two or more drums), hystar, pumpcrete, ross carrier, sideboom, tailboom, rotary drill (5" and over), sucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (Framph German and other types), hydrocranes, backfiller, guries, subgrader, and dredge engineer.

## Class B

All air compressors (600 cu. ft. per min. or greater capacity), bituminous mixer, concrete mixer (under 21 cu. ft.), elevator (one drum or buck hoist), welding machine, form grader, grout pump, roller (rock), tractor (50 hp and over), bull float, finish machine, outboard motor boat, electric vibrator compactor/self-propelled compactor, boom type tamping machine, truck crane oiler, graser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, whirley oiler, tractor and road widening trencher, joint sealing machine, rotary drill (under 5), throttlevalve man tugger, well points, floorplane, firemen, and hoist (one drum).

## Class C

Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractors (under 50 hp), vibrator, oiler, concrete saw, burlap and curing machine, hydro seeder, power form handling equipment, deckhand oiler, and hydraulic post driver.

Page 4

DECISION NO. KY77-1124

## TRUCK DRIVERS:

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Truck helper & warehousemen	\$ 7.54	a	b		
Greaser, tire changer & mechanic helper, driver of trucks 3 tons & under	7.65	a	b		
Driver, truck over 3 tons, distributor, dump truck & tandem axle, semi-trailer or pole trailer when used to pull building material or equipment, truck mechanic or equipment, truck mechanic Driver of mixer trucks (all types)	7.83	a	b		
Driver, euclid and other heavy earth moving equipment & low boy, fork lift truck when used to transport building materials, which truck and A-frame truck when used in transporting material	7.86	a	b		
7.93	a	b			

## FOOTNOTES:

- a. Employer contribution of \$17.50 per week per employee who has been employed a minimum of 20 workdays within a 90 consecutive day period for that employer.
- b. Employer contribution of \$18.00 per week per employee who has been employed a minimum of 20 workdays within a 90 consecutive day period for that employer.

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977



STATE: KENTUCKY  
SUPERSEDES DECISION  
COUNTIES: BOONE, CAVESBELL,  
KENTON & FENTLETON  
DATE: DATE OF PUBLICATION  
DECISION NO.: KY77-1125  
Supercedes Decision No. KY6-1113, dated October 1, 1976, in 41 FR 43582.  
DESCRIPTION OF WORK: HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
CARPENTERS	\$11.40	.60	.65		.075
CEMENT MASONS	10.68	.60	.15		.02
ELECTRICIANS (OUTSIDE):					$\frac{1}{2}$ of 1%
Linemens	11.85	.70	$\frac{3}{8}$ + .40		$\frac{1}{2}$ of 1%
IRONWORKERS:	8.89	.70	$\frac{3}{8}$ + .40		
Groundmen	10.63	.90	1.85		.02
Reinforcing	11.48	.90	1.05		.03
Structural					
PAINTERS:	11.15		.25		
Brush & Roller	11.55		.25		
Sandblasting, Hoppertender, & Waterblasting	11.80		.25		
Bridges, when highest point of clearance is 60' or more	12.15		.25		
Sandblasting, Hoppertender, Waterblasting (Bridges when highest point of clearance is 60' or more)	12.80		.25		.075
PLUMBERS	11.40	.60	.65		.05
PLUMBERS	11.82	.90	1.15		
WELDERS - Receive rate prescribed for craft to which welding is incidental.					

DECISION NO. KY77-1125  
LABORERS:

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
GROUP 1	\$ 8.27	.65	.40		.10
GROUP 2	8.395	.65	.40		.10
GROUP 3	8.47	.65	.40		.10
GROUP 4	8.62	.65	.40		.10
GROUP 5	8.92	.65	.40		.10

GROUP 1: Laborers (construction), plant laborers or yardmen, right-of-way laborer, landscape laborer, utility man or handyman, joint setter, flagman, carpenter helper, waterproofing laborer, slurry seal, seal coating, surface treatment or road mix laborer, riprap laborer and grouter, asphalt laborer, dump man (batch trucks), guardrail and fence installers, mesh handlers and placers, concrete curing applicator, scaffold erector

GROUP 2: Asphalt maker, concrete puddler, kettle man (pipeline), all machine driven tools (gas, electric, air), mason tender, mortar mixer, sheeting and shoring man, surface grinder man, power buggy or power wheelbarrow

GROUP 3: Form setter, bottom man, welder helper (pipeline), concrete saw man, outfitting with burning torch, pipe layer, hand spiker (railroad), car pusher (without air), underground man (working in sewer and waterline, cleaning, repairing and reconditioning), tunnel laborer (without air) and caisson, cofferdam (below 25 feet deep), air track and wagon drill

GROUP 4: Blaster and powder man, muckers, wrencher (mechanical joints and utility pipeline), yamer, top lander

GROUP 5: Curb setter and cutter, miner (without aid), concrete crew in tunnels utility pipeline tapper, gunnite nozzle man, waterline caulkier

DECISION NO. KY77-1125  
POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
MASTER MECHANIC	\$11.29	.56	1.00		.15
CLASS A	11.04	.56	1.00		.15
CLASS B	10.92	.56	1.00		.15
CLASS C	9.88	.56	1.00		.15
CLASS D	9.45	.56	1.00		.15
CLASS E	7.64	.56	1.00		.15

CLASS A - Air compressor on steel erection, boiler operator on compressor or generator when mounted on a rig, cableways, combination concrete mixer & tower, concrete plants (over 4 yds. capacity), concrete pumps, cranes (all types, including A-frame, boom truck, cherry picker), derricks, draglines, dredge (dipper, clam or suction), elevating grader or euclid loader, floating equipment (all types), helicopter crew (operator hoist or winch), hoers (all types), hoisting engines or shaft or tunnel work, hoisting engines, industrial type tractor, jet engine dryer (D8 or D9) diesel tractor, locomotives (standard gauge), maintenance operator class A mixer, paving (single or double drum), mucking machines, multiple scraper, pile-driving machine (frezer operation), Rotary drill on caisson work, slip-form paver, survey crew party chief, tower derricks, tree shedder, trench machine, wheel excavator, winch, truck mounted concrete pump, tug boat, tunnel machine, self-propelled (GCI type), bulldozers, end-loader, kolman loader (production type - Dirt), lead grease man, maintenance operators Class B, power grader, power scoop & scrapers, push cat, trench machines (24" wide & under).

CLASS B - Air compressors on tunnel work (low pressure), asphalt plant, locomotive (narrow gauge), mixers, concrete (more than 1 bag capacity), mixers, side loader (1 bag capacity), power boilers over 15 lbs. pressure, pump operator installing and operating well points, pumps (4" and over discharge), rollers (asphalt, utility operator - small equipment), winding machines & generators.

CLASS C - Backfillers, bar, joint & mesh installing machines, batch plant, ball floats, burlap & curing machines, compressors (portable - sewer, heavy & highway), concrete plant (capacity 4 yds. & under), concrete saw (multiple), conveyors (highway), crushers, deckhand, drill (highway with integral power), fam type tractors with attachments (highway), finishing machines, fireman, floating equipment (all types), fork lift (highway), form trenches, hydro seeders, plant mixers, post driver, post hole digger (power auger), power brush burner, power form handling equipment, road widening trencher, rollers (brick, grade, macadam), self-propelled power spreaders, self-propelled subgraders, steam fireman, survey instrument man, tractor (pulling snepfoot Miller or grader), vibratory compactors (with integral power), boring machine operators (48" or less), hydro hammer, pavement breaker.

CLASS E - Drum fireman (asphalt plant), helpers, inboard-outboard motor boat-launch, oil heaters (asphalt plants), oilers, power driven heaters, pumps (under 4" discharge), signalmen, survey rodmen or chainmen, tire repairmen.

DECISION NO. KY77-1125  
TRUCK DRIVERS:

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Truck helpers & warehousemen	\$ 7.65	a	b		
Driver, 3 tons & under, greaser, tire changer & mechanic helper	7.76	a	b		
Driver, over 3 tons, distributor, dump truck & tandem axle, semi-trailer or pole trailer when used to pull building material or equipment, truck mechanic	7.94	a	b		
Driver on mixer trucks (all types)	7.97	a	b		
Driver, euclid & other heavy earth-moving equipment & low boy, fork lift truck when used to transport building materials, winch truck and A-frame truck when used in transporting materials, pavement breakers	8.04	a	b		

Truck helpers & warehousemen Driver, 3 tons & under, greaser, tire changer & mechanic helper

Driver, over 3 tons, distributor, dump truck & tandem axle, semi-trailer or pole trailer when used to pull building material or equipment, truck mechanic

Driver on mixer trucks (all types)

Driver, euclid & other heavy earth-moving equipment & low boy, fork lift truck when used to transport building materials, winch truck and A-frame truck when used in transporting materials, pavement breakers

FOOTNOTES:

a. Employer contribution of \$23.00 per week per employee who has been employed a minimum of 20 workdays within any 90 consecutive day period for that employee.

b. Employer contribution of \$8.00 per week per employee who has been employed a minimum of 20 workdays within any 90 consecutive day period for that employee.











DECISION NO. KY77-1127

TRUCK DRIVERS:

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
GROUP 1	.35	.35		
GROUP 2	.35	.35		
GROUP 3	.35	.35		
GROUP 4	.35	.35		
GROUP 5	.35	.35		
GROUP 6	.35	.35		
GROUP 7	.35	.35		
GROUP 8	.35	.35		
GROUP 9	.35	.35		

GROUP 1  
Single axle straight truck, wet or dry, over 3(3LE) batches  
GROUP 2  
Tandem trucks or dog-legs, trucks over 15 ton payload, single-axle semi-truck (3 axle unit) Low-boys single axle (3-axle unit) Low-boys single axle (3-axle unit), Winch trucks or A-frames when used to transport material; Batch truck wet or dry, over 3(3LE) batches, farm tractors pulling trailers  
GROUP 3  
Tandem axle semi-trucks (4-axle unit), drivers on equipment when not self-loaded or pusher loaded such as Koeberling or similar dumpers, track trucks Euclid bottom dump & hug bottom dump, Tourmarokers or similar equipment 12 cu yds. & under; Low-Boys, Tandem axle (4 axle unit), drivers on pavement breakers  
GROUP 4  
Tandem-Tandem Semi-Trucks (5-axle unit Low Boys Tandem (5-axle unit)  
GROUP 5  
Drivers on equipment when not self-loaded or pusher loaded on such Koeberling or similar dumpers, track trucks Euclid bottom dump & hug bottom dump, Tourmatrall-ers, Tourmarokers or similar equipment over 12 cu. yds. Truck Mechanic Drivers on mixer trucks all types  
GROUP 6  
Drivers on bituminous distributors two-man  
GROUP 7  
Drivers on bituminous distributors one-man  
GROUP 8  
Drivers of pickup trucks when hauling equip., supplies & material to & from & on the job site.  
GROUP 9  
Helpers, Greasers, Tire Men & Members tenders batch boards

DECISION NO. KY77-1127

POWER EQUIPMENT OPERATORS:

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
Class A	.40	.45		.05
Class B	.40	.45		.05
Class C	.40	.45		.05

CLASSIFICATIONS DEFINITIONS

Class A - Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge operator, dredge engineer, elevating grader and all types of loaders, hoe type machine, hoist (1-drum when used for stack or chimney construction or repair), hoisting engine (2 or more drums), locomotive, motor scraper, carry-all scoop, bulldozer, heavy duty welder, mechanic, orangepeel bucket, pile driver, power blade, motor grader, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, forklift (regardless of lift height and except when used for masonry construction), all types of boom cats, core drill, hoist, tow or push boat, A-frame winch truck, concrete paver, gradeall, hoist, hydrator, pumpcrete, Rose carrier, boom, tail boom, rotary drill, hydro hammer, mucking machine, rock spreader attached to equipment, scoopmobile, Kecal loader, tower cranes (French, German and other types), hydrocrane, backfiller, gurrles, sub-graders

Class B - All air compressors (over 900 cu. ft. per min.), bituminous mixer, Joir sealing machine, concrete mixer (under 21 cu. ft.), form grader, roller, (rock), tractor (50 hp and over), bull float, finish machine, outboard motor boat, flexplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, whirley oiler, self-propelled compactor, tractor and road widening trencher and farm tractor with attachments except backhoe, highlift and end loader, elevator (regardless of ownership when used for hoisting any building material), hoisting engine (1-drum or buck hoist), forklift (when used for masonry construction), well points, grout pump, throttle-valve man, tugger, electric vibrator compactor;

Class C - Bituminous distributor, cement gun, conveyor, mid jack, paving joint machine, roller (earth), tamping machine, tractors (under 50hp), vibrator, oiler, concrete saw, burlap and curing machine, hydro-seeder, power form handling equipment, deckhand steersman, hydraulic post driver, drill helper.

SUPERSEDES DECISION

STATE: KENTUCKY  
DECISION NO. KY77-1128  
COUNTY: Franklin  
DATE: DATE OF PUBLICATION  
Supersedes Decision No. KY76-1132, dated November 12, 1976, in 41 FR 52260.  
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4-stories).

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$10.66	.50	1.00	
BOILERMAKERS	10.80	.75	1.00	.02
BRICKLAYERS & STONE MASONS	9.605	.35	.50	
CARPENTERS	10.00	.30		
CEMENT MASONS	10.55	.45	3% + .50	.0025
ELECTRICIANS	11.60	.505	.35	.02
ELEVATOR CONSTRUCTORS:			.35	.02
Mechanics	11.00	.505		
Helpers	7.70			
Probationary helpers	5.50			
GLAZIERS	10.50			
IRONWORKERS - Structural, Ornamental & Reinforcing	10.95	.90	1.15	.06
LATHERS	9.74	.10	.25	.01
LEAD BURNERS	10.75	.40		
Linenen & equipment operators	11.70	.45	3%	1/2 of 1%
Cable splicers	11.95	.45	3%	1/2 of 1%
Groundman truck driver with winch	9.95	.45	3%	1/2 of 1%
Groundman-truck driver	9.36	.45	3%	1/2 of 1%
MARBLE SETTERS	8.95	.35		
MILLWRIGHTS & PILEDRIVERS	8.60	.30		
PAINTERS:	10.50	.30		
Brush, drywall finishers, Paperhangers	9.60			
Steeple Jack work, window Jack work, work in enclosed buildings over 35' in height above permanent working floor area, steam cleaning, sandblasting				
Spray	10.10			
Shift brush	10.35			
FLATIRONERS	10.55			
FLATIRONERS & PIPEFITTERS:	9.65			
Western 3/4 of County, including the City of Frankfort:				
Plumbers	11.85	.60	.90	.10
Pipefitters	12.94	.64	1.15	.09
Remainder of County:				
Plumbers & Pipefitters	10.95	.35	.70	.02

DECISION NO. KY77-1128

ROOFERS:  
Roofers  
Slab, tile, & precast concrete slab  
SHED ROOF WORKERS  
SOFT FLOOR LAYERS  
SPRINKLER FITTERS  
TERRAZZO WORKERS  
TILE SETTERS  
TILE FINISHERS  
THICK DRIVERS:  
3 tons and under;  
Over 3 tons, semi-trailers or pole trailers, dump trucks, tandem axle, farm tractors when used to pull building materials or equipment;  
Truck mechanics, concrete mixer trucks (all types, hauling only on job sites);  
Greasers, tire changers, mechanic helpers;  
Euclide and other heavy moving equipment, lobby winch truck when used to transport building material-  
etc.

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 7.85	.60	.25		
8.25	.60	.25		
11.26	1.09	1.05		.14
10.00	.30	.30		.08
11.65	.65	.95		
8.95	.35	.50		
8.60		.50		
8.95	.35			
8.60				
6.87	d			
6.98	d			
7.05	d			
6.87	d			
7.15	d			



DECISION NO. KY7-1128

LABORERS:

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
\$ 6.85	.35	.47		
7.25	.35	.47		
7.45	.35	.47		
7.55	.35	.47		
8.05	.35	.47		
8.10	.35	.47		

GROUP 1 - General laborers, water boys, tool room checkers, rodman, grade checkers, concrete pouring, wrecking laborers on buildings, hand digging and backfilling of ditches, clearing of right of ways and building sites, wood sheeting and shoring, signalmen for concrete bucket, and general cleaning;

GROUP 2 - Air tool operator, vibrator operators, power driven Georgia Buggy, chain saw, all air tools, bush and chipping hammer, pipe layers, joint makers, asphalt makers, gunnite laborers, flagmen, batcher plant and scale men, scow man and deck hand, concrete saw, sand blaster, sweeper and cleaner machines, introflax burning rod, mason tenders, and plaster tenders;

GROUP 3 - Gunnite nozzle man, sandblaster, nozzleman, powder man helper;

GROUP 4 - Powderman and blaster;

GROUP 5 - Caisson holes (6' & over) including tools, sand hogs (pressure air);

GROUP 6 - Tunnel man & tunnel sand miner.

DECISION NO. KY7-1128

POWER EQUIPMENT OPERATORS:

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
\$10.45	.40	.45		.05
8.01	.40	.45		.05
7.34	.40	.45		.05

Class A  
Class B  
Class C

CLASSIFICATIONS DEFINITIONS

Class A - Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick boat, ditching and trenching machine, dragline, dredge operator, dredge engineer, elevating grader and all types of loaders, hoe type machine, hoist (1-drum when used for stack or chimney construction or repair), hoisting engine (2 or more drums), locomotive, motor scraper, carry-all scoop, bulldozer, heavy duty welder, mechanic, orangepeel bucket, pile driver, power blade, motor grader, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, forklift (regardless of lift height and except when used for masonry construction), all types of boom cats, core drill, hoplo, tow or push boat, A-frame winch truck, concrete paver, gradeall, hoist, hyster, pumpcrete, Moss carrier, boom, tail boom, rotary drill, hydro hammer, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German and other types), hydrocrane, backfiller, guries, sub-grader;

Class B - All air compressors (over 900 cu. ft. per min.), bituminous mixer, joint sealing machine, concrete mixer (under 21 cu. ft.), form grader, roller (rock), tractor (50 hp and over), bull float, finish machine, truck onboard motor boat, flexplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, Whirley oiler, self-propelled compactor, tractor and road widening trencher and farm tractor with attachments except backhoe, highlift and end loader, elevator (regardless of ownership when used for hoisting any building material), hoisting engine (1-drum or buck hoist), forklift (when used for masonry construction), well points, grout pump, throttle-valve man, tugger, electric vibrator compactor;

Class C - Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, roller (earth), tamping machine, tractors (under 50hp), vibrator, oiler, concrete saw, burlap and curing machine, hydro-seeder, power form handling equipment, deckhand steerman, hydraulic post driver, drill helper.

DECISION NO. KY7-1128

FOOTNOTES:

- Six Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.
- Employer contributes 1% of the basic hourly rate for 5 years or more of service, or 2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.
- Nine Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Eve, and Christmas Day, provided the employee has worked 30 full days during the 90 calendar days prior to the holiday and regular scheduled work days immediately preceding and following the holiday.
- Employer contributes \$13.50 per week per employee employed 20 work days within a 90 consecutive day period.
- Employer contributes \$14.00 per week per employee employed 20 work days within a 90 consecutive day period.



STATES: Missouri & Kansas  
COUNTIES: Cass, Clay, Jackson, Platte & Ray Missouri; Johnson & Wyandotte, Kansas  
SUPERSEDES DECISION NO. 1. MO77-4266  
DATE: Date of Publication  
DECISION NO. 1. MO77-4266 dated July 8, 1977 in 42 FR 35447  
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$11.52	.50	.80		.05
BOILERMAKERS	11.00	1.15	1.00		.02
BRICKLAYERS & STONEMASONS	9.725	.55	.35	1.00	
CARPENTERS, MILLWRIGHTS, PILEDRIVERS	10.50	.50	.30		.05
CEMENT MASONS	10.025	.40	.50	.50	
Composition	10.275	.40	.50	.50	
ELECTRICIANS (Up to and including 3 stories); Zone 1 - Johnson County, Kansas (that portion of Johnson County west of Aubrey, Oxford and Shawnee Townships)	6.60	.45	34+.20		.05
ZONE 2 - Cass, Clay, Jackson, Platte and Ray Counties, Missouri; and Wyandotte County, Kansas; and remainder of Johnson County, Kansas	8.31	.39	34+.51	.80	.06
ELECTRICIANS (4 stories); Zone 1 - Western half of Clay and Jackson Counties, Missouri not including Blue Springs; Northern half of Platte County; Northwestern portion of Case County, Missouri, not including Pleasant Hill	11.82	.54	34+.51	.95	.06
ZONE 2 - Remainder of Case, Clay, Jackson and Platte Counties, Missouri; Electricians (contracts \$5,000 and over)	11.82	.54	34+.51	.95	.06
Electricians (contracts under \$5,000)	11.27	.54	34+.51	.95	.06

DECISION NO. MO77-4266

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ELECTRICIANS (4 stories); Contd.; Zone 3 - Ray County, Missouri; Electricians (contracts over \$5,000)	11.82	.54	34+.51	.95	.06
Electricians (contracts \$5,000 and under)	10.66	.54	34+.51	.95	.06
ELEVATOR CONSTRUCTORS	10.56	.445	.29	34+.5b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70LJR	.445	.29	34+.5b	.02
(PROB.1)	50LJR				
FOOTNOTE: a. Employer contributes 4% of basic hourly rate for over 5 yrs.; service, and 2% of basic hourly rate for 6 mos. to 5 yrs., as Vacation Pay Credit.					
b. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.					
GLAZIERS	9.90	.55	.59	16.488	.03
IRONWORKERS	9.60	.70	1.00	1.00	.05
Building Construction Zone 1 - Cass, Clay, Jackson and Platte Counties, Missouri; Johnson and Wyandotte Counties, Kansas					
GROUP I	8.10	.45	.40	.50	.10
GROUP II	8.195	.45	.40	.50	.10
GROUP III	8.295	.45	.40	.50	.10
GROUP IV	8.39	.45	.40	.50	.10
GROUP V	8.49	.45	.40	.50	.10
Zone 2 - Ray County, Missouri					
GROUP I	7.80	.45	.40	.50	.10
GROUP II	7.90	.45	.40	.50	.10
GROUP III	7.975	.45	.40	.50	.10
GROUP IV	8.05	.45	.40	.50	.10
GROUP V	8.15	.45	.40	.50	.10

DECISION NO. MO77-4266

CLASSIFICATION DEFINITIONS

LABORERS:  
GROUP I - General labor; wiremesh handlers or setters; carpenter tender; track men; flagman; signalman; salamander tenders; window cleaners; floor cleaners; landscape men; sod layers; wrecker (for alterations or entire projects)  
GROUP II - Plumber laborers (conduct-pipe, sewer work, drain tile and duct lines, digging and backfilling); power tool operators; pier hole diggers (over 10 ft.); vibrator, jackhammer, and chipping hammer operators; chain saw operators; concrete saw operators; brush feeders on pulverizers; reinforcing steel handlers; air tamp operators; ditch winch operators; swinging scaffolds  
GROUP III - Cutting torch or burner men; goargia buggies (self-propelled) fork lift; hoseman; insulation man  
GROUP IV - Fork lift (masonry); brick tender; plaster tender; stonemasons tender (includes all hod carriers classifications previously shown as mortar men and scaffolding)  
GROUP V - Barco, Jackson or similar tamp operators; asphalt rakers; powder men; mastic hot kettle men; sandblasting and gunnite nozzlemen; wagon and churn drill operators

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
LABORERS: (CONT'D.) Site preparation and grading Zone 3 - Johnson and Wyandotte Counties, Kansas; Site preparation, incidental paving and utilities Clay, Jackson, Platte and Ray Counties, Missouri	8.80	.50	.50	.75	.10
GROUP I	8.95	.50	.50	.75	.10
GROUP II	9.10	.50	.50	.75	.10
GROUP III	9.30	.50	.50	.75	.10
GROUP IV	9.60	.50	.50	.75	.10
GROUP V					

DECISION NO. MO77-4266

CLASSIFICATION DEFINITIONS

LABORERS:  
GROUP I - Carpenter tenders; salamander tenders; dump man and ticket takers on stock piles; flagman; loading trucks under bins, hoppers and conveyors track men and all other general laborers  
GROUP II - Air tool operators; cement handler (bulk or sack); chain or concrete saw; deck hands; dump man on earth fill; grade checkers on cuts and fills; goargia buggies man; material batch hopper man; scale man; material mixer man (except on manholes, coffer dams, abutments and pier hole men working below ground); riprap pavers rock, block or brick; signalman; scaffolds over 10 ft. not self-supported from ground up; skip-man on concrete paving; vibrator man; wire mesh setters on concrete paving; all work in connectin with sewer, water, gas gasoline, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipe lines; power tool operators; all work in connection with hydraulic or general dredging operations; form setter helpers; puddlers (paving only)  
GROUP III - Grubber-feeder men handling cements or concrete materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe and ditch work; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; all laborers working underground tunnels where compressed air is not used.  
GROUP IV - Spreader or screed man on asphalt machine; asphalt raker; laser beam man; barco tamper; Jackson or any similar tamp wagon driver; churn drills; air track drills and all other similar drills; form setters; cutting torch man; liners and stringline man on concrete paving, cuts, gutters and etc.; hot mastic kettleman; hot tar applicator; hand blade operator; manhole builders helpers and mortar menon brick or block manholes; sandblasting and gunnite nozzlemen; rubbing concrete; air tool operator in tunnels  
GROUP V - Manhole builder (brick or block); dynamite and powder man

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
LAYERS	10.60	.40			
MARBLE AND TILE SETTERS	11.25	.58	4.258		
MARBLE AND TILE SETTERS' HELPERS	9.65				
PAINTERS; Brush, tapers and Roller	10.19	.55	.70		.08
Spray	11.19	.55	.70		.08
PLASTERERS	11.90				
PIPEFITTERS	12.22	.62	1.35		.12
PLUMBERS	12.59	.75	.85		.12



POWER EQUIPMENT OPERATORS;  
Building Construction (Zone 1)

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
GROUP I	10.10	.50	1.00	.75	.10
GROUP II	9.85	.50	1.00	.75	.10
GROUP III	9.60	.50	1.00	.75	.10
GROUP IV	9.10	.50	1.00	.75	.10
GROUP V	9.10	.50	1.00	.75	.10
GROUP VI	9.35	.50	1.00	.75	.10
GROUP VII	10.35	.50	1.00	.75	.10
GROUP VIII	10.60	.50	1.00	.75	.10
GROUP IX	11.10	.50	1.00	.75	.10
GROUP X	10.60	.50	1.00	.75	.10
GROUP XI					
GROUP XII					
(a)	9.85	.50	1.00	.75	.10
(b)	9.60	.50	1.00	.75	.10
(c)	9.60	.50	1.00	.75	.10
(d)	8.95	.50	1.00	.75	.10

## CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS-Zone 1  
GROUP I - Asphalt paver and spreader; asphalt plant mixer operator; asphalt plant operator; back fillers; backhoe, all types; barbet-green loader (similar type); blade-power, all types; boats-power; boilers (2); boring machines (all types); cableways; cherry pickers (all types); chip spreader; clamshells; combinatin concrete hoist and mixer, such as mixer-mobile (with tower, 50c per hour additional); compressors (2) 150 ft. or over not more than 20' apart; compressors tandem (any sizes); compressors single, truck mounted; concrete ready-mixed plant, portable (job site); concrete mixer; paver; crane-overhead; crusher, rock; derricks and derricks cars (power operated); ditching machines; dosers; draglines; dredges - any type power; grade-all - similar type; hoist, endless chain-power operated with power trucking machine; orange peelers; pile drivers - all types; pumps - material all types; push cats; scoops all types; self-propelled rotary drill; shovel, power side boom; skimmer scoop; testhole machine; throttle man  
GROUP II - A-frame truck; boilers (1); brooms - power operated (all types); chip spreader (front man); clef plane operator; compressors (1) 150' or over; concrete saws, self-propelled; conveyor operator; crab - power operated; curb finishing machine; firemen on rigs; flex plane; floating machine; form grader; fork lift - all types and sizes (except masonry); greaser hoist; hoist, endless chain - power operated; hopper - power operated; hydra hammer (all types); lad-a-vator - similar type; mixers with side loaders; pumps (with well points); pump rollers - all types; siphons, jets, and jennies, sub-graders; tractors over 50 h.p.

## NOTICES

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
POWER EQUIPMENT OPERATORS (CONTD): Site preparation and grading, Johnson and Wyandotte Counties, Kansas; Site preparation, Incidental paving and utilities Clay, Jackson, Platte and Ray Counties, Missouri Zone 2 GROUP I	10.10	.50	1.00	.75	.10
GROUP II	9.85	.50	1.00	.75	.10
GROUP III	9.60	.50	1.00	.75	.10
GROUP IV	8.60	.50	1.00	.75	.10
GROUP V	9.10	.50	1.00	.75	.10
GROUP VI	10.35	.50	1.00	.75	.10
GROUP VII	10.60	.50	1.00	.75	.10
GROUP VIII	10.10	.50	1.00	.75	.10

## GROUP III - Oiler

## GROUP IV - Fork lift-masonry

## GROUP V - Oiler driver all types

GROUP VI - Clamshells, 80 ft. of boom or over (including jib); crane or rig, 80 ft. of boom or over (including jib); draglines, 80 ft. of boom or over (including jib); piledrivers, 80 ft. of boom or over (including jib)

## GROUP VIII - Crane or rig, over 200 ft. of boom

## GROUP IX - Hoists each additional drum over 1 drum

## GROUP X - Master mechanic

## GROUP XI - Crane - tower or climbing

## GROUP XII - Ready mixed concrete plants;

## (a) Crane operator

## (b) Loader operator

## (c) Plant man

## (d) Conveyor operator

## CLASSIFICATION DEFINITIONS

## POWER EQUIPMENT OPERATORS-Zone 2

GROUP I - Asphalt paver and spreader; asphalt plant console operator; auto grader; backhoe; blade operator, all types; boilers - 2; booster pump on dredge; boring machine (truck or crane mounted); bulldozer operator; clamshell operator; compressor maintenance operator - 2; concrete plant operator; central mix; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dragline operator; dredge engine; dredge operator; drillcut with compressor mounted on cat; drilling or boring machine, rotary, self-propelled; high loader - lift; hoisting engine - 2 active drums; locomotive operator, standard gauge; mechanics and welders, field or shop; maintenance operator; mucking machine; pile driver operator; pitman crane operator; pump - 2; quad-trac; scoop operator - all types; scoops in tandem; self-propelled rotary drill (larry or equal not air trac); shovel operator; side discharge spreader; sideboom cats; skimmer scoop operator; skip - form paver (CM, RM, or equal); throttle man; truck crane; welding machine maintenance operator - 2

GROUP II - A-frame truck; asphalt hot mix silo; asphalt plant fireman, drum or boiler; asphalt plant mixer operator; asphalt plant man; asphalt roller operator; back filler operator; chip spreader; concrete batch plant, dry-power operated; concrete mixer operator, skip loader; concrete pump operator; crusher operator; elevating grader operator; greaser; hoisting engine - 1 drum; latourneau roofer; multiple compactor; pavement breaker, self-propelled, of the hydra-hammer or similar type; power shield; pug mill operator; stump cutting machine; towboat operator tractor operator over 50 h.p.

## GROUP III - Boilers - 1, chip spreader (front man); churn drill operator;

## GROUP V - Oiler driver, all types

GROUP VI - Clamshells, 3 yds. capacity or over; crane or rig, 80 ft. of boom or over (including jib); draglines, 3 yds. capacity or over; piledrivers, 80 ft. of boom or over (including jib); shovels, 3 yds. capacity or over

## GROUP VII - Cranes or rigs, over 200 ft. of boom (including jib)

## GROUP VIII - Hoists (each additional drum over 1 drum)

Men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) ft or more in length or depth will be paid fifty cents (50c) per hour above the regular classification.

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ROOFERS; Roofers SHEET METAL WORKERS SOFT FLOOR LAYERS SPRINKLER FITTERS TERRAZZO WORKERS TRUCK DRIVERS; Building Construction: Zone 1 GROUP I	10.30 11.35 8.71 12.63 10.91	.65 .50 .45 .65 58	.60 .50 .75 .95 4.258		.14 .05 18 .06
GROUP II	9.325	.75	1.00		
GROUP III	9.375	.75	1.00		
GROUP IV	9.45	.75	1.00		
GROUP V	9.575	.75	1.00		
GROUP VI	9.675	.75	1.00		
GROUP VII	9.525	.75	1.00		
GROUP VIII	9.425	.75	1.00		

## CLASSIFICATION DEFINITIONS

## TRUCK DRIVERS-Zone 1

## GROUP I - Warehousemen and stock man

## GROUP II - Flat beds; pick-ups; dump trucks, under 10 yds.

## GROUP III - Dump trucks, 10 yds. and over; steel trucks; semi truck drivers

GROUP IV - Straddle trucks, steel tractors (when used for towing); hydro lift trucks, hydraulically operated serial lifts; heavy hauling, a-frame winch and fork lifts; heavy excavating (dumper, euclid, etc.); double bottom units (20 tons capacity and over)

GROUP V - Distributor truck drivers and operators; oilers, greasers and mechanics' helpers

## GROUP VI - Mechanica

## GROUP VII - Transit mix, 5 yds. and over

## GROUP VIII - Transit mix, under 5 yds.

## NOTICES



	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
TRUCK DRIVERS: (CONTD)					
Site preparation and grading - Johnson and Wyandotte Counties, Kansas; Site preparation, incidental paving and utilities Clay, Jackson, Platte and Ray Counties, Missouri					
Zone 2					
GROUP I	8.89	.75	1.00	.75	
GROUP II	9.09	.75	1.00	.75	
GROUP III	9.40	.75	1.00	.75	
GROUP IV	9.55	.75	1.00	.75	
GROUP V	8.665	.75	1.00	.75	

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS-Zone 2  
Group I - One team station wagons; pickup trucks; material trucks, single axle; tank wagon drivers, single axle  
Group II - Material trucks, tandems; two teams; semi-trailers; winch trucks - fork trucks; distributor drivers and operators; agitator and transit mix; tank wagon drivers; single axle; tank wagon drivers tandem or semi-trailers; inale; wagons; dump trucks, excavating, 5 cu. yds. and over; dumpsters; half-tracks; speeders; euclid and other similar excavating equipment  
Group III - A-frame, lowboy, and boom truck driver  
Group IV - Mechanics and welders  
Group V - Mechanics' helpers, oilers and greasers  
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

SUPPLEMENTAL DECISION  
STATE: Kansas & Missouri

COUNTIES: Cass, Clay, Jackson, Platte, Ray, Henry, Johnson & Lafayette Counties, Missouri; Johnson & Wyandotte Counties, Kansas.  
DATE: Date of Publication  
DECISION NO: MO77-4267  
Supersedes Decision No. MO77-4075, dated April 8, 1977 in 42 FR 18815  
DESCRIPTION OF WORK: Building Construction, (does not include single family homes and garden type apartments up to and including 4 stories) and heavy and highway construction in Johnson and Wyandotte Counties, Kansas only.

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	11.52	.50	.80		.05
ROOFERS	11.00	1.15	1.00	1.00	.02
BRICKLAYERS AND STONEMASONS	9.725	.55	.35		
CARPENTERS:					
Zone 1 - Cass, Clay, Jackson, Lafayette, Platte and Ray Counties, Missouri; Johnson and Wyandotte Counties, Kansas					
Carpenter, Millwrights and Piledrivermen	11.00	.50	.30		.05
Zone 2 - Henry and Johnson Counties, Missouri					
Carpenters	10.625	.50	.30		.05
Millwrights and Piledrivermen	11.00	.50	.30		.05
CEMENT MASONS (Building Construction)					
Zone 1 - Cass, Clay, Jackson, Lafayette, Platte and Ray Counties, Missouri; Johnson and Wyandotte Counties, Kansas					
Cement masons	10.025	.40	.50	.50	
Composition	10.275	.40	.50	.50	
Zone 2 - Henry and Johnson Counties, Missouri	9.325				
CEMENT MASONS (Heavy and Highway Construction); Kansas & Wyandotte Counties, Kansas					
Zone 1 - Western half of Clay and Jackson Counties, Missouri not including Blue Springs; Northern half of Platte County, Missouri; Northwestern portion of Cass County, Missouri not including Pleasant Hill; Electricians	10.20	.40	.50	1.25	
Zone 2 - Henry, Johnson and Lafayette Counties, Missouri and remainder of Clay, Jackson, Platte and Cass Counties, Missouri	11.62	.54	34+.51	.95	.06
Electricians (contracts over \$5,000)	11.62	.54	34+.51	.95	.06

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ELECTRICIANS - Zone 2 (CONTD): Electricians (contracts \$5,000 and under)	11.47	.54	34+.51	.95	.06
Zone 3 - Ray County, Missouri; Electricians (contracts over \$5,000)	11.82	.54	34+.51	.95	.06
Electricians (contracts \$5,000 and under)	10.66	.54	34+.51	.95	.06
Zone 4 - Johnson and Wyandotte Counties, Kansas					
ELEVATOR CONSTRUCTORS' HELPERS	11.82	.54	34+.51	.95	.06
ELEVATOR CONSTRUCTORS' HELPERS	10.65	.445	.29	34+.51	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	704JR	.445	.29	34+.51	.02
	504JR				

FOOTNOTES: - a-Employer contributes 4% of basic hourly rate for over 5 years of service and 3% of basic hourly rate for 6 months to 5 years service as Vacation pay Credit. b-1st 6 months-none; 6 months-5 years 2%; over 5 years 4% of basic hourly rate; also 6 paid holidays.

GLAZIERS	9.90	.55	.59	16.480	.03
TECHNICIANS	9.60	.70	1.00	1.00	.05
LABORERS:					
Building Construction					
Zone 1 - Cass, Clay, Jackson and Platte Counties, Missouri; Johnson and Wyandotte Counties, Kansas					
GROUP I	8.10	.45	.40	.50	.10
GROUP II	8.195	.45	.40	.50	.10
GROUP III	8.295	.45	.40	.50	.10
GROUP IV	8.39	.45	.40	.50	.10
GROUP V	8.49	.45	.40	.50	.10
Zone 2 - Lafayette and Ray Counties, Missouri					
GROUP I	7.80	.45	.40	.50	.10
GROUP II	7.90	.45	.40	.50	.10
GROUP III	7.975	.45	.40	.50	.10
GROUP IV	8.05	.45	.40	.50	.10
GROUP V	8.15	.45	.40	.50	.10



## CLASSIFICATION DEFINITIONS

## LABORERS

GROUP I - General labor; wiremesh handlers or setters; carpenter tender; track men; flagmen; signalmen; salamander tenders; window cleaners; floor cleaners; landscape men; sod layers; wrecker (for alterations or entire projects)

GROUP II - Plumber laborers (conduit pipe, sewer work, drain tile and duck lines, digging and backfilling), power tool operators; pier hole diggers (over 10 ft.); vibrator, jackhammer, and chipping hammer operators; chain saw operators; concrete saw operators; brush feeders on pulverizers; reinforcing steel handlers; air camp operators; ditch winch operators; swinging scaffolds

GROUP III - Cutting torch or burner men; goalgia buggies (self-propelled) fork lift; hosemen; insulation men

GROUP IV - Fork lift (masonry); brick tender; plaster tender; stonemason tender (includes all hod carriers classifications previously shown as mortar men and scaffolding)

GROUP V - Barco, Jackson or similar tamp operators; asphalt rakers; powder men; mastic hot kettle men; sandblasting and gunnite nozzlemen; wagon and churn drill operators

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
6.725	.50	.50	.50	.10
6.825	.50	.50	.50	.10
7.05	.50	.50	.50	.10

Zone 3 - Henry and Johnson Counties, Missouri

## GROUP I

## GROUP II

## GROUP III

## CLASSIFICATION DEFINITIONS

## LABORERS

GROUP I - Carpenter tenders, track men, wreckers (alterations or entire projects); reinforcing rod carriers; flagmen; signal men; all other general laborers

GROUP II - Plumber laborers; stonemason tenders; air tool operators, sewer work, water lines, conduit pipe, drain tile and duct lines; batter board man or pipe & ditch work; pier hole men working below ground; vibrator man; jackhammer & chipping hammer operators; material batch hopper man; scaleman; spreader or screed man on asphalt machine; chain or concrete sawman; brush feeders on pulverizers; swinging scaffold; cement handlers (bulk or sack); laser beam man

GROUP III - Plaster tenders; hod carriers; brick tender; cutting torch & burner men; asphalt rakers; barco tamper; Jackson or any similar tamper; power buggy operator; powderman; mastic kettlemen; sandblasting & gunnite nozzlemen; head pipe layer on sewer work; men working in tunnels; head form setters & stringline men; hot tar applicator

Zone 3 - Henry and Johnson Counties, Missouri

## GROUP I

## GROUP II

## GROUP III

Zone 3 - Henry and Johnson Counties, Missouri

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Zone 3 - Henry and Johnson Counties, Missouri

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Zone 3 - Henry and Johnson Counties, Missouri

## GROUP I

## GROUP II

## GROUP III

Zone 3 - Henry and Johnson Counties, Missouri

## GROUP I



GROUP III - Oiler

GROUP IV - Fork lift-masonry

GROUP V - Oiler driver all types

GROUP VI - Clamshells, 80 ft. of boom or over (including jib); crane or rig, 80 ft. of boom or over (including jib); draglines, 80 ft. of boom or over (including jib); piledrivers, 80 ft. of boom or over (including jib)

GROUP VII - Crane or rig, over 200 ft. of boom

GROUP IX - Hoists each additional drum over 1 drum

GROUP X - Master mechanic

GROUP XI - Crane - tower or climbing

GROUP XII - Ready mixed concrete plants;

- (a) Crane operator
- (b) Loader operator
- (c) Plant man
- (d) Conveyor operator

POWER EQUIPMENT OPERATORS

(Cont'd)

Site preparation and grading, Heavy and Highway Construction Zone I - Johnson and Wyandotte Counties, Kansas

GROUP I

GROUP II

GROUP III

GROUP IV

GROUP V

GROUP VI

GROUP VII

GROUP VIII

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
10.10	.50	1.00	.75	.10
9.85	.50	1.00	.75	.10
9.60	.50	1.00	.75	.10
9.40	.50	1.00	.75	.10
9.10	.50	1.00	.75	.10
10.35	.50	1.00	.75	.10
10.60	.50	1.00	.75	.10
10.10	.50	1.00	.75	.10

GROUP III - Rollers - 1; chip spreader (front man); churn drill operator; compressor maintenance operator - 1; concrete saws, self-propelled; conveyor operator; distributor operator; finishing machine operator; fireman, rig float operator; form grader operator; pump; pump maintenance operator; other than dredge; roller operator, other than high type asphalt; screening and washing plant operator; self-propelled street broom or sweeper; aliphons and jets; sub-grading machine operator; tank car heater operator - combination boiler and boiler; tractor, 30 h.p. or less, without attachments; vibrating machine operator, not hand; welding machine maintenance operator - 1

GROUP IV - Mechanic's helpers; oilers

GROUP V - Oiler driver, all types

GROUP VI - Clamshells, 3 yds. capacity or over; crane or rig, 80 ft. of boom or over (including jib); draglines, 3 yds. capacity or over; piledrivers, 80 ft. of boom or over (including jib); shovels, 3 yds. capacity or over

GROUP VII - Cranes or rigs, over 200 ft. of boom (including jib)

GROUP VIII - Hoists (each additional drum over 1 drum)

Men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) ft or more in length or depth will be paid fifty cents (50c) per hour above the regular classification.

ROOFERS;

Boofers

SHEET METAL WORKERS

SOFT FLOOR LAYERS

SPRINKLER FITTERS

SPRINKLER FITTERS (Henry,

Johnson and Lafayette Counties,

Missouri)

TERAZZO WORKERS

TRUCK DRIVERS:

Building Construction;

GROUP I

GROUP II

GROUP III

GROUP IV

GROUP V

GROUP VI

GROUP VII

GROUP VIII

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
10.30	.65	.60		.14
11.35	.50	.50		.05
9.71	.45	.75	10%	.19
12.63	.65	.95		.06
11.40	.65	.95		.08
10.91	50	4.25%		
9.325	.75	1.00		
9.375	.75	1.00		
9.45	.75	1.00		
9.575	.75	1.00		
9.475	.75	1.00		
9.525	.75	1.00		
9.425	.75	1.00		

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS

GROUP I - Warehousemen and stock man

GROUP II - Flat beds; pick-ups; dump trucks, under 10 yds.

GROUP III - Dump trucks, 10 yds. and over; steel trucks; semi truck drivers

GROUP IV - Straddle trucks, steel tractors (when used for towing); hydro lift trucks, hydraulically operated serial lifts; heavy hauling, a-frame winch and fork lifts; heavy excavating (dumper, euclid, etc.); double bottom units (20 tons capacity and over)

GROUP V - Distributor truck drivers and operators; oilers, greeners and mechanics' helpers.

GROUP VI - Mechanics

GROUP VII - Transit mix, 5 yds. and over

GROUP VIII - Transit mix, under 5 yds.



STATE: Missouri  
COUNTIES: Jasper, McDonald and Newton  
DATE: Date of Publication  
Supersedes Decision No. MO77-4033 dated February 18, 1977, in 42 FR 10240  
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rate	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$10.65	.35	.72		.02
BOILERMAKERS	11.00	1.15	1.00		.02
BRICKLAYERS & STONEMASONS	8.85		.30		
CARPENTERS:					
Carpenters	8.77	.33	.30		
Millwrights & pilledrivers	9.02	.33	.30		
CEMENT MASONS	7.40				
ELECTRICIANS:					
Electricians	9.90	.35	38+.50		.01
Cable splicers	10.25	.35	38+.50		.01
ELEVATOR CONSTRUCTORS:					
Elevator constructors	10.56	.445	.29	38+.4b	.02
Helpers	70NJR	.445	.29	38+.4b	.02
Helpers Probationary	50NJR				

FOOTNOTES: - a-Employer contributes 4% of basic hourly rate for over 5 years of service and 2% of basic hourly rate for 6 months to 5 years service as vacation pay credit; b-late 6 months-one; 6 months-5 years 2%; over 5 years 4% of basic hourly rate; also 6 paid holidays.

GLAZIERS	8.05	.45	.65	.25	.12
IRONWORKERS	10.10				
LABORERS:					
Group 1	6.70	.40	.40		.10
Group 2	6.95	.40	.40		.10
Group 3	7.00	.40	.40		.10
Group 4	7.05	.40	.40		.10

CLASSIFICATION DEFINITIONS

- LABORERS:
- Group 1 - Common labor, carpenter tenders, trackmen, wreckers handling and carrying of reinforced steel
  - Group 2 - Pipelayers, air tool operators, plug hole diggers, vibrators, jackhammer, chipping hammer operators, asphalt rakers, mastic kettlemen, sandblasting, gunnits nozzlemen and barco operator
  - Group 3 - Plasterers and mason tenders, stone mason tenders
  - Group 4 - Powdermen, cutting torch and welders

DECISION NO. MO77-4269

Page 3

	Basic Hourly Rate	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
TRUCK DRIVERS:	6.55	.25			
Pickup or station wagon					
Dump and under 5 tons, flat-bed, warehousemen	6.65	.25			
Transit mix	6.88	.25			
Tandem dump over 5 tons, winch, semi-trailer, lobby, excelsior or other similar equipment	6.92	.25			



SUPERSEDES DECISION

COUNTIES: Franklin, Jefferson, Lincoln, St. Charles, Warren & City & County of St. Louis  
 DATE: Date of Publication  
 SUPERSEDES DECISION NO. MO77-4271 dated July 1, 1977 in 42 FR 34195  
 DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories).

STATE: Missouri

DECISION NO. MO77-4271

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS: Asbestos workers during stage of boom's chair Asbestos workers requiring spray in application	11.65 12.10 12.10 11.15 10.20	.50 .50 .50 1.15 .52	.90 .90 .90 1.00 .70		.02 .03
ROCKLAYERS; STONEWORKERS CARPENTERS; MILLWRIGHTS; PILE-DRIVERS; Zone 1 - St. Louis City & County	10.46	.50	.70		
CARPENTERS: Zone 2 - Franklin County; Contracts \$200,000.00 & under Contracts over \$200,000.00	8.70 10.46	.50 .50	.70 .70		
Zone 3 Contracts \$25,000.00 & under Contracts over \$25,000.00	9.96 10.46	.50 .50	.70 .70		
Zone 4 - St. Charles County; Contracts under \$200,000.00 Contracts over \$200,000.00 or more	9.70 10.46	.50 .50	.70 .70		
Zone 5 - Lincoln & Warren Counties; Contracts \$200,000.00 & under Contracts over \$200,000.00	9.15 10.46	.50 .50	.70 .70		
CEMENT MAJORS: Zone 1 - Jefferson & St. Charles Counties and St. Louis City & County	10.15	1.00	.95		
Zone 2 - Franklin, Lincoln & Warren Counties; Projects less than \$100,000.00 Projects \$100,000.00 & over	9.50 10.15	1.00 1.00	.95 .95		
ELECTRICIANS: Zone 1 - City & County of St. Louis and St. Charles County	10.95	.62	38x54x	154x	.10
Zone 2 - Franklin, Jefferson, Lincoln and Warren Counties where the electrical contracts exceed \$15,000.00	10.95	.62	38x54x	154x	.10
Zone 3 - Franklin, Jefferson, Lincoln and Warren Counties where the electrical contract does not exceed \$15,000.00	10.25	.62	38x54x	154x	.10

DECISION NO. MO77-4271

Page 2

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ELEVATOR CONSTRUCTORS ELEVATOR CONSTRUCTORS HELPERS ELEVATOR CONSTRUCTORS HELPERS' (PROB)	10.05 70LJR 50LJR	.445 .445	.29 .29	38x4b 38x4b	.02 .02
FOOTNOTES: a - Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years as Vacation Pay Credit. b - Paid Holidays; New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday After Thanksgiving Day; Christmas Day.					
GLAZIERS	10.73	.45	1.13	88x	.01
FOOTNOTES: c-Paid Holidays; New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans Day; Thanksgiving Day; Friday After Thanksgiving Day; Christmas Day; Employees Birthday.					
IRONWORKERS: Zone 1 - City & County of St. Louis General laborer Wrecking laborer Plumber laborer Dynamiter or powderman Mason tenders (brick) Residential rehabilitation work	10.625 9.275 9.15 9.65 9.775 9.25 8.05	.55 .45 .45 .45 .45 .45 .45	.70 1.00 1.00 1.00 1.00 1.00 1.00		.05
Zone 2 - Franklin County; Contracts \$250,000.00 or less; General laborer Mason tenders, plumber laborer plaster tender Contracts over \$250,000.00; General laborer Mason tenders, plumber laborer plaster tender	7.25 7.45 8.75 8.95	.50 .50 .50 .50	.40 .40 .40 .40		
Zone 3 - Jefferson County; Laborers Powderman, mason tenders, plaster tenders	8.35 8.85	.50 .50	.30 .30		
Zone 4 - St. Charles County; General laborer Dynamiter or powderman Plumbers laborer	9.575 10.075 10.05	.50 .50 .50	.50 .50 .50		

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977

DECISION NO. MO77-4271

Page 3

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
LABORERS CONTD: Zone 5 - Lincoln & Warren Counties: General laborer Dynamiter or powderman Plumber laborer	9.075 9.575 9.55 10.955	.50 .50 .50 .57	.50 .50 .50 1.00		
PAINTERS: Zone 1 - Lincoln County; Brush Spray	9.66 10.08 7.05 7.45	.555 .555 .42 .52	.555 .555 .30 .30		
Zone 2 - Franklin, Jefferson, St. Charles, Warren Counties & City & County of St. Louis Brush Spray	10.08 11.58	.42 .52	.30 .30		
PIPEFITTERS (Franklin, Jefferson, St. Charles, St. Louis & Warren Counties) PIPEFITTERS & PLUMBERS (Lincoln County) PLASTERERS PLASTERERS (Franklin, Jefferson, St. Charles, St. Louis and Warren Counties)	11.35 11.35 10.295 11.155	2.165 2.165 .48 .70	1.51 1.51 .80 .70		
POWER EQUIPMENT OPERATORS: Zone 1 Group 1 Group 2 Group 3 Group 4: (a) (b) (c) (d) (e)	10.52 9.97 9.52 11.32 12.07 12.52 13.27 11.02	.50 .50 .50 .50 .50 .50 .50 .50	1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00		

DECISION NO. MO77-4271

Page 4

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS (ZONE 1)  
 Group 1 - Backhoe; cableway; crane, crawler or truck; crane, hydraulic-truck or crawler mounted-16 tons & over; crane, locomotive; derrick; steam; derrick car & derrick boat; dragline; dredge; gradall, crawler or tire mounted; locomotive gas, steam & other power; pile driver, land or floating; scoop, skimmer; shovel, power (steam, gas electric or other power); switch boat; whirley; air tugger w/air compressor; anchor placing barge; asphalt spreader; atchy force feed loader (self-propelled); backfilling machine; boat operator-push boat or tow boat (job site); boiler, high pressure breaking in period; boom truck or picher or erecting; boring machine, footing foundation; bullfloat; cherry picker, combination-concrete hoist & mixer-such as mixermobile-compressor, tow, not more than 50 ft. apart; compressor-welder combination; concrete breaker (truck or tractor mounted); concrete pump, such as pumpcrete machine; concrete spreader; conveyor, large (not self-propelled) hoisting or moving brick and concrete into, or into and on floor level, one or both; crane, hydraulic-rough terrain, self-propelled; crane hydraulic-truck or crawler mounted-under 16 tons; drilling machines, self-powered, used for earth or rock drilling or boring (wagon drills and any hand drills obtaining power from other sources including concrete breakers, jack-hammers and barco equipment no engineer required); elevating self-propelled oscillating screed; forklift; grader, road with power blade; grader; engine man, dredge; excavator or powerbelt machine; finishing machine, highlight; hoist, concrete and brick (brick cages on concrete skips operating in or on tower, covermobile, or similar equipment); hoist, stack; hydro-hammer; lad-a-vator, hoisting brick or concrete; loading machine (such as barber-greene); mixer-mobile, mucking machine, pipe cleaning machine; pipe wrapping machine; plant, asphalt; plant, concrete producing or reading-mix-job site; plant, heating-job-site; plant-mixing-job-site; plant, power generating-job site; pumps, two self-powered, over 2" through 6"; pumps, electric submersible, one through three, over 4"; quad-track; roller, asphalt, top or subgrade; scoop tractor drawn; spreader box; subgrader; tile tamper; tractor-crawler, or wheel type with or without power unit, power take-off, and attachments regardless of size; trenching machine, tunnel boring machine; vibrating machine, automatic, automatic propelled; welding machines (gasoline or diesel) more than one but not over four (regardless of size); wall drilling machine.  
 Group 2 - Air tugger w/plant air; boiler, for power or heating on construction projects; boiler, temporary; compressor, air-one; compressor, air (mounted on truck); concrete saw, self-propelled; conveyor, large (not self-propelled); conveyor, large (not self-propelled) moving brick and concrete (distributing) on floor level, curb finishing machine; ditch paving machine; elevator (building construction or alteration); endless chain hoist; fireman; form greaser; generator, one over 30 KW or any number developing over 30 KW; vator, other hoisting; manlift; mixer, asphalt, over 8 cu. ft. capacity; mixer, if two or more mixers of one bag capacity or less are used by one employer on job, an operator is required; mixer, without side loader, 2 bag capacity or more; mixer with side loader, regardless of size, not paver; oiler on dredge; oiler on truck crane; pug mill operator; pump, pump-self-powered, automatic controller over 2" during use in connection with construction work; sweeper, street; welding machine, one over 400 amp.; winch operating from truck.

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977



POWER EQUIPMENT OPERATORS CONTD:  
Group 3 - Boat operator-outboard motor (job-site); conveyor (such as convey-it); regardless of how used; oilat; sweeper, floor

Group 4 - (a)Air pressure; oiler engineer operating under ten pounds.  
(b)Air pressure, oiler engineer operating over ten pounds. (c)Air pressure engineer operating under ten pounds. (d)Air pressure engineer operating over ten pounds. (e)Crane-pile driving and extracting; crane using rock socket tool, dragline-7 cu. yds. & over, shovel, power-7 cu. yds. and over, crane, climbing (such as ladder), derricks, diesel, gas or electric hoisting material or erecting steel 150' or more above ground, hoist; three or more drums; scoop, tandem tractor, tandem crawler.

Crane, with boom (including jib) over 100' from pin to pin (add 1¢ per foot to maximum of 1.00) above basic rate for cranes.

Work in tunnel or tunnel shaft, .50¢ above base rate.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS: Composition; slate and tile Kettlemen SHEET METAL WORKERS SOFT FLOOR LAYERS SPRINKLER FITTERS TERRAZZO WORKERS TILE SETTERS TILE SETTERS HELPERS	9.45 7.25 10.29 8.74 12.21 11.35 9.58 8.58	.47 .47 .51+.38 .58 .60 .60 .555 .325	.45 .45 .35 .90 1.00 1.00 .40	1.00 1.00 .82 .50 f5g f5g f5g	.03 .03 .04 .14 .08
TRUCK DRIVERS: Truck or trailers of a water level capacity of 11.99 cu. yds. or less less fork lift trucks, job site ambulances, pick-up trucks, flat bed trucks Truck or trailers of a water level capacity of 12.0 cu. yds. up to 22.0 cu. yds. including euclids, speeders & similar equipment of same capacity Truck or trailers of a water level of 22.0 cu. yds. & over including euclids, speeders & all floats, flat bed trailers & boom equipment of same capacity	6.99 7.19 7.29	d d d	• • •	f5g f5g f5g	

FOOTNOTES: d-Employer contribution of \$12.50 per week; e-Employer contribution of \$12.00 per week; f-Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Friday After Thanksgiving Day, Christmas Day; g-Paid vacation of 3 days for 600 hours of service in any one contract year, 4 days paid vacation for 800 hours of service in any one contract year, 5 days paid vacation for 1,000 hours of service in any one contract year.

WELDERS - receive rate prescribed for craft performing operation to which is incidental.

SUPERSSEAS DECISION

STATE: Missouri  
COUNTIES: Franklin, Jefferson, Lincoln, St. Charles, Warren & City & County of St. Louis  
DECISION NO: M077-4272  
Supersedes Decision No. M077-4148 dated July 1, 1977, in 42 FR 34198  
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS BRICKLAYERS; STONEMASONS CARPENTERS: Zone 1 - St. Louis City & County Zone 2 - St. Charles County Zone 3 - Lincoln and Warren Counties Zone 4 - Jefferson County Zone 5 - Franklin County CEMENT MASONS: Zone 1 - Franklin, Lincoln & Warren Counties: Projects less than \$100,000.00 Projects \$100,000.00 & over Zone 2 - Jefferson & St. Charles Counties and St. Louis City & County ELECTRICIANS: Zone 1 - City & County of St. Louis and St. Charles County Zone 2 - Franklin, Jefferson, Lincoln and Warren Counties where the electrical contracts exceed \$15,000.00 Zone 3 - Franklin, Jefferson, Lincoln and Warren Counties where the electrical contract does not exceed \$15,000.00 ELEVATOR CONSTRUCTORS ELEVATOR CONSTRUCTORS HELPERS (FROB)	11.85 10.20 10.46 9.70 9.15 9.25 8.70 9.50 10.15 10.15 10.95 10.95 10.25 10.05 70NJR 50NJR	.50 .52 .50 .50 .50 .50 .50 1.00 1.00 1.00 .62 .62 .62 .445 .445	.90 .70 .70 .70 .70 .70 .70 .95 .95 .95 38+544 38+544 38+544 .29 .29	.90 .90 1544 1544 1544 38+4b 38+4b .10 .02 .02	.03

FOOTNOTES:  
a - Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years as Vacation Pay Credit.  
b - Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday After Thanksgiving Day; Christmas Day.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GLAZIERS	10.73	.45	1.13	84c	.01
FOOTNOTES: c-Paid Holidays; New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans Day; Thanksgiving Day; Friday After Thanksgiving Day; Christmas Day; Employee Birthday.					
IRONWORKERS	10.625	.55	.70		.05
LABORERS:					
Zone 1 - 3 & 4 stories (City & County of St. Louis					
General laborer	9.275	.45	1.00		
Wrecking	9.15	.45	1.00		
Plumber laborer	9.65	.45	1.00		
Dynamiter or powderman	9.775	.45	1.00		
Mason tenders (brick)	9.25	.45	1.00		
Residential rehabilitation work	6.05	.45	1.00		
Zone 2 - 2 stories & under (St. Louis City & County)	8.725	.45	1.00		
Zone 3 - Lincoln, Warren & St. Charles Counties	8.275	.50	.50		
Zone 4 - Jefferson County: Laborers	8.35	.50	.30		
Zone 5 - Franklin County: Contractors \$250,000.00 or less:					
General labor	7.25	.50	.40		
Mason tenders, plumber laborer, plaster tender	7.45	.50	.40		
Contracts over \$250,000.00:					
General laborer	8.75	.50	.40		
Mason tenders, plumber laborer, plaster tender	8.95	.50	.40		
LATHERS	10.955	.57	.55		
MARBLE SETTERS	9.66	.555	1.00		
PAINTERS:	10.08				
Zone 1 - St. Charles County: Brush, paperhangers, drywall tapers	8.40	.30			
Spray, steel, sandblaster, pot tenders	9.66	.30			
Zone 2 - Franklin, Jefferson, Warren Counties & City & County of St. Louis					
Brush	10.08	.42	.30		.04
Spray	11.58	.52	.30		.04











AREAS COVERED BY ELECTRICIANS ZONES

Zone 1 - Adair, Audrain (that part east of Highway 19), Clark, Knox, Lewis, Linn, Mason, Marion, Monroe, Montgomery, Pike, Putnam, Ralls, Schuyler, Scotland, Shelby and Sullivan Cos.  
Electrical contracts over \$7,500.00  
Zone 2 - Western half of Clay & Jackson Cos. not including Blue Springs; Northern half of Platte Co.; North Western portion of Cass Co. not including Pleasant Hill  
Zone 3 - Remainder of Clay, Jackson, Platte & Cass Cos.:  
Electrical contracts over \$5,000.00  
Zone 4 - Bates, Benton, Henry, Johnson, Lafayette and Patti Cos.:  
Electrical contracts over \$5,000.00  
Zone 5 - Carroll, Cooper, Morgan, Ray & Saline Counties:  
Electrical contracts over \$5,000.00  
Zone 6 - St. Charles County, St. Louis County and City  
Zone 7 - Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Franklin, Iron, Jefferson, Lincoln, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, Scott, St. Francois, Ste. Genevieve, Stoddard, Warren, Washington and Wayne Cos.:  
Electrical contracts over \$15,000.00  
Zone 8 - Franklin, Jefferson, Lincoln and Warren Cos.  
Electrical contracts \$15,000.00 and under  
Zone 9 - Bollinger, Cape Girardeau, Perry, Scott, St. Francois, and Ste. Genevieve Counties:  
Electrical contract \$15,000.00 and under  
Zone 10 - Butler, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Pemiscot, Ripley, Reynolds, Stoddard, Washington and Wayne Counties:  
Electrical contracts \$15,000.00 and under  
Zone 11 - Christian, Dallas, Douglas, Greene, Hickory, Howell, Laclede, Oregon, Ozark, Polk, Shannon, Stone, Taney, Texas, Webster, and Wright Counties  
Zone 12 - Pulaski County  
Zone 13 - Andrew, Buchanan, Clinton and DeKalb Counties  
Zone 14 - Caldwell, Daviess, Gentry, Holt and Modaway Counties:  
Electrical contracts over \$10,000.00  
Zone 15 - Atchison, Grundy, Harrison, Livingston, Mercer and Worth Counties:  
Electrical contracts \$10,000.00 and under  
Zone 16 - Barry, Barton, Cedar, Dade, Jasper, Lawrence, McDonald, Merton, St. Clair, and Vernon Counties  
Zone 17 - Audrain (except Osage Township), Boone, Callaway, Camden, Chariton, Cole, Crawford, Dent, Gasconade, Howard, Maries, Miller, Monticau, Osage, Phelps and Randolph Counties

Basic Hourly Rates	Fringe Benefits Payments				Education and/or App. Tr.
	H & W	Pensions	Vacation		
10.325	.47	3%+.50	6%		.02
10.815	.47	3%+.50	6%		.02
11.24	.60	3%	7%		.01
11.47	.60	3%	7%		.01
11.24	.60	3%	7%		.01
11.83	.60	3%	7%		.01
11.24	.60	3%	7%		.01
9.90	.35	3%+.50			.01
10.25	.35	3%+.50			.01
10.99	.27	3%	7%+.30	1/4 of 1%	
11.24	.27	3%	7%+.30	1/4 of 1%	

ELECTRICIANS CONTD:

Zone 11  
Electrical contracts over \$20,000.00  
Zone 12  
Electrical contracts \$20,000.00 and under  
Zone 13  
Electrical contracts over \$20,000.00  
Zone 14  
Electrical contracts over \$20,000.00 and under  
Zone 15  
Electrical contracts over \$20,000.00 and under  
Zone 16  
Electricians  
Cable splicers  
Zone 17  
Electricians  
Cable splicers

NOTICES

NOTICES

Basic Hourly Rates	Fringe Benefits Payments				Education and/or App. Tr.
	H & W	Pensions	Vacation		
10.625	.55	.70			.05
9.60	.70	1.00	1.00		.05
9.475	.70	1.00	1.00		.05
10.10	.45	.65			.12
10.75	.55	.65			
9.50	.45	.40			.04
9.90	.45	.65			.02

IRONWORKERS:

Zone 1  
Zone 2  
Zone 3  
Zone 4  
Zone 5  
Zone 6  
Zone 7

AREAS COVERED BY IRONWORKERS ZONES

Zone 1 - Audrain, Boone, Callaway, Cole, Crawford, Dent, Franklin, Gasconade, Iron, Jefferson, Lincoln, Madison, Maries, Miller, Montgomery, Osage, Perry, Phelps, Pike, Pulaski, Reynolds, Shannon, St. Charles, St. Francois, St. Louis & City, Ste. Genevieve, Texas, Warren, Washington, and Wright Cos.  
Zone 2 - Andrew, Atchison, Barton, Bates, Benton, Buchanan, Caldwell, Camden, Carroll, Cass, Cedar, Chariton, Clay, Clinton, Cooper, Dallas, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Hickory, Holt, Howard, Jackson, Johnson, Laclede, Lafayette, Linn, Livingston, Mercer, Monticau, Morgan, Nodaway, Pettis, Platte, Polk, Putnam, Randolph, Ray, St. Clair, Saline, Sullivan, Vernon and Worth Cos.  
Zone 3 - Christian, Dade, Douglas, Greene and Webster Cos.  
Zone 4 - Barry, Jasper, Lawrence, McDonald, Newton and Stone Cos.  
Zone 5 - Adair, Clark, Knox, Lewis, Macon, Marion, Monroe, Ralls, Schuyler, Scotland and Shelby Cos.  
Zone 6 - Howell, Oregon, Ozark and Taney Cos.  
Zone 7 - Butler, Bollinger, Carter, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Ripley, Scott, Stoddard and Wayne Counties.

Basic Hourly Rates	Fringe Benefits Payments				Education and/or App. Tr.
	H & W	Pensions	Vacation		
8.33	.50	.50	.50		.10
6.93	.50	.50	.50		.10
9.20	.50	.50	.50		.10
8.30	.50	.50	.50		.10
8.48	.50	.50	.50		.10
7.08	.50	.50	.50		.10
9.35	.50	.50	.50		.10
8.45	.50	.50	.50		.10
8.63	.50	.50	.50		.10
7.23	.50	.50	.50		.10
9.50	.50	.50	.50		.10
8.60	.50	.50	.50		.10
8.83	.50	.50	.50		.10
7.43	.50	.50	.50		.10
9.70	.50	.50	.50		.10
8.80	.50	.50	.50		.10
9.08	.50	.50	.50		.10
9.68	.50	.50	.50		.10
9.95	.50	.50	.50		.10
9.05	.50	.50	.50		.10

LABORERS:

GROUP 1

Zone 1  
Zone 2  
Zone 3  
Zone 4

GROUP 2

Zone 1  
Zone 2  
Zone 3  
Zone 4

GROUP 3

Zone 1  
Zone 2  
Zone 3  
Zone 4

GROUP 4

Zone 1  
Zone 2  
Zone 3  
Zone 4

GROUP 5

Zone 1  
Zone 2  
Zone 3  
Zone 4



LABORERS CLASSIFICATION DEFINITIONS

GROUP 1 - General Laborer - Carpenter tenders; salamander tenders; dump man and ticket takers on stock piles; flagmen; loading trucks under bins, hoppers, and conveyors; track men and all other general laborers  
GROUP 2 - First Semi-Skill - Air tool operator; cement handler, bulk or sack; dump man on earth fill; georgie buggy man; material batch hopper man; scale man; spreader on asphalt machine; material mixer man (except on manholes); coffer dams; riprap pavers - rock, block or brick; signal man; scaffolds over ten feet not self-supported from ground up; skipman on concrete paving; wire mesh setters on concrete paving; all work in connection with duct lines and all other pipe lines; power tool operators; form setter connection with hydraulic or general dredging operations; form setter helpers; puddlers (paving only); airblow nozzle man.  
GROUP 3 - Second Semi-Skill - Asphalt plant platform man; chuck tender; crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; top of standing trees; batter board man on pipe and ditch work; vibrator man; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; deck hands; pile dike and revetment work; all laborers working on underground tunnels less than 25 feet where compressed air is not used; abutment and pier hole men working six (6) feet or more below ground; men working in coffer dams for bridge piers and footings in the river  
GROUP 4 - Third Semi-Skill - Laser beam man; asphalt raker; barco tamper; Jackson or any other similar tamper; wagon drillers; churn drills; air track drills and all other similar drills; cutting torch man; form setters; liners and stringline men on concrete paving, curb, gutters, ditch liners, etc.; hot mastic kettlemen; hot tar applicator; hand blade operators; sand manhole builder helpers and mortar men on brick or block manholes; sand blasting and gunite nozzle men; rubbing concrete; air tool operator in tunnels; caulker and lead man; screed man on asphalt machine. Chain or concrete saw; cliff scoters working from scaffolds, bosons' chairs or platforms on dams or power plants over ten (10) feet above ground; grade checker on cuts and fillers; string line man for electronic grade control; pressure groutmen  
GROUP 5 - Fourth Semi-Skill - Manhole builders, - brick or block; dynamite and powder men; welder

AREA COVERED BY LABORERS

ZONE 1 - Buchanan, Cass and Lafayette Counties  
ZONE 2 - Andrew, Barton, Bates, Benton, Caldwell, Carroll, Cedar, Christian, Lawrence, Dade, Dallas, DeKalb, Greene, Henry, Jasper, Johnson, Laclede, Wright - Atchison, Barry, Camden, Daviess, Douglas, Gentry, Grundy, Harrison, Hickory, Holt, McDonald, Mercer, Morgan, Nodaway, Ozark, Stone, Taney and North Counties  
ZONE 3 - Franklin, Jefferson, and St. Charles Counties  
ZONE 4 - Audrain, Bollinger, Boone, Callaway, Cape Girardeau, Charlton, Cole, Cooper, Crawford, Dent, Gasconade, Howard, Iron, Lincoln, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, Reynolds, Osage, Peasecot, Perry, Phelps, Pike, Pulaski, Ralls, Randolph, Reynolds, St. Francois, Ste. Genevieve, Scott, Warren and Washington Counties  
Adair, Butler, Carter, Clark, Dunklin, Howell, Knox, Lewis, Linn, Macon, Oregon, Putnam, Ripley, Schuyler, Scotland, Shelby, Shannon,

NOTICES

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
8.80	.50	.50	.75	.10
8.95	.50	.50	.75	.10
9.10	.50	.50	.75	.10
9.30	.50	.50	.75	.10
9.60	.50	.50	.75	.10

CLASSIFICATION DEFINITIONS

GROUP 1 - General laborer - Carpenter tenders, salamander tenders; dump man, a ticket takers on stock piles; flagmen; loading trucks under bins, hoppers and conveyors; track men and all other general laborers  
GROUP 2 - First Semi-Skill - Air tool operator; cement handler (bulk or sack); chain of concrete saw; deck hands; dump man on earth fill; grade checkers on cuts and fills; georgie buggies man; material batch hopper man; scale man; material mixer man (except on manholes, coffer dams, abutments and pierhole men working below ground); riprap pavers rock, block or brick; signal man; scaffolds over 10 ft. not self-supported from ground up; skipman on concrete paving; vibrator man; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile & duct lines and all other pipe lines; power tool operators; all work in connection with hydraulic or general dredging operations; from setter helpers; puddlers (paving only)  
GROUP 3 - Second Semi-Skill - Crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; top of standing trees; batter board man on pipe & ditch work; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; all laborers working on underground tunnels where compressed air is not used  
GROUP 4 - Third Semi-Skill - Spreader on acreed man on asphalt machine; asphalt raker; laser beam man; barco tamper; Jackson or any other similar tamper; wagon drillers, churn drills, air track drills and all other similar drills; cutting torch man; form setter; liners and stringline men on concrete paving, curb, gutters and etc.; hot mastic kettlemen; hot tar applicator; hand blade operators; manhole builders helpers and mortar men on brick or block manholes; sand blasting and gunite nozzle men; rubbing concrete; air tool operator in tunnels  
GROUP 5 - Fourth Semi-Skill - Manhole builder (brick or block); dynamite and powder men.

AREA COVERED BY LABORERS

ZONE 7 - Clay, Jackson, Platte and Ray Counties

LABORERS:

ZONE 6 - St. Louis City and County;  
General laborer  
Plumbers laborer  
Dynamiter or powderman  
Pier hole

LINE CONSTRUCTION:  
Zone 1  
Lineman  
Lineman operator  
Groundman powderman  
Groundman  
Groundman (1st 6 mos.)  
Zone 2  
Lineman  
Lineman operator  
Groundman powderman  
Groundman  
Groundman (1st 6 mos.)  
Zone 3  
Lineman & cable splicers  
Groundman - winch driver  
Groundman - driver  
Equipment operator  
Groundman - 1st 6 mos.  
Groundman - next 12 mos.  
Groundman - next 12 mos.  
Groundman - thereafter

Zone 4  
Lineman  
Groundman - Class I  
Groundman - Class II  
Groundman - Class A  
Groundman - 1st 6 mos.

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
9.575	.45	1.00		
9.65	.45	1.00		
10.075	.45	1.00		
9.825	.45	1.00		
12.28	.45	3 1/2		1/2
11.43	.45	3 1/2		1/2
8.32	.45	3 1/2		1/2
8.09	.45	3 1/2		1/2
6.93	.45	3 1/2		1/2
11.73	.45	3 1/2		1/2
11.18	.45	3 1/2		1/2
8.13	.45	3 1/2		1/2
7.59	.45	3 1/2		1/2
5.69	.45	3 1/2		1/2
11.41	.50	3 1/2	12 1/2	1/2
8.38	.50	3 1/2	12 1/2	1/2
8.08	.50	3 1/2	12 1/2	1/2
10.20	.50	3 1/2	12 1/2	1/2
6.48	.50	3 1/2	12 1/2	1/2
6.75	.50	3 1/2	12 1/2	1/2
7.41	.50	3 1/2	12 1/2	1/2
8.08	.50	3 1/2	12 1/2	1/2
10.58	.45	1 1/2		.25 1/2
9.02	.45	1 1/2		.25 1/2
7.58	.45	1 1/2		.25 1/2
6.72	.45	1 1/2		.25 1/2
6.42	.45	1 1/2		.25 1/2

AREAS COVERED BY LINE CONSTRUCTION

ZONE 1 - Bates, Benton, Carroll, Cass, Clay, Henry, Johnson, Jackson, Lafayette, Pettis, Platte, Ray and Saline Counties  
ZONE 2 - Andrew, Atchison, Barry, Barton, Buchanan, Caldwell, Cedar, Christian, Clinton, Dade, Dallas, DeKalb, Daviess, Douglas, Gentry, Greene, Grundy, Harrison, Hickory, Holt, Jasper, Laclede, Lawrence, Livingston, McDonald, Mercer, Newton, Nodaway, Ozark, Polk, St. Clair, Stone, Taney, Vernon, Webster, Worth and Wright Counties  
ZONE 3 - Crawford, Franklin, Iron, Jefferson, Reynolds, St. Charles, St. Francois, St. Louis, Washington, Adair, Audrain, Boone, Callaway, Camden, Carter, Charlton, Clark, Cole, Cooper, Dent, Gasconade, Howard, Howell, Knox, Lewis, Lincoln, Linn, Macon, Maries, Marion, Miller, Moniteau, Monroe, Montgomery, Morgan, Oregon, Osage, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Ripley, Ste. Genevieve, Schuyler, Scotland, Shannon, Shelby, Sullivan, Texas and Warren Counties  
ZONE 4 - Bollinger, Butler, Cape Girardeau, Dunklin, Madison, Mississippi, New Madrid, Pemiscot, Scott, Stoddard, and Wayne Counties.

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
10.19	.55	.70		.08
11.19	.55	.70		.08
10.94	.55	.70		.08
8.15		.25		
8.90		.25		
7.05				
7.45				
8.75	.70	.35		
10.50	.70	.35		

PAINTERS:

ZONE 1  
Brush and roller  
Spray  
Bridge  
ZONE 2  
Brush  
Spray  
ZONE 3  
Brush  
Spray  
ZONE 4  
Brush and roller  
Spray, structural steel and sandblasting



PAINTERS CONTD:

ZONE 5  
Brush  
Bridge  
Spray; storage bin & storage  
tanks underground, storage  
bin & storage tanks above  
ground which are over (40) ft.  
in height or depth; sandblast-  
ing operator; work performed  
on bridges 75 ft., in height  
All structural steel over 50  
ft. in height

ZONE 6  
Brush  
Spray  
Steel, storage bin and tank

ZONE 7  
Brush  
Spray

ZONE 8  
Brush, roller  
Spray

ZONE 9  
Brush  
Spray

ZONE 10  
Brush  
Spray

ZONE 11  
Brush  
Spray, bridgemen, steelman

ZONE 12  
Brush  
Structural steel  
Spray

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
9.25 10.00	.60 .60 .60	.35 .35 .35		
7.25 7.75		.30 .30		
7.92 8.295		.30 .30		
9.35 9.85		.20 .20		
10.08 11.58	.42 .42	.30 .30		.04 .04
9.05 9.55	.50 .50			
7.50 8.00 6.80				

NOTICES

POWER EQUIPMENT OPERATORS:

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
10.10 9.85 9.60 8.60 10.35	.50 .50 .50 .50 .50	1.00 1.00 1.00 1.00 1.00	.75 .75 .75 .75 .75	.10 .10 .10 .10 .10
10.60 10.10 9.10	.50 .50 .50	1.00 1.00 1.00	.75 .75 .75	.10 .10 .10
10.52 9.97 9.52	.50 .50 .50	1.00 1.00 1.00		
11.32 12.07 12.52 13.27 11.02	.50 .50 .50 .50 .50	1.00 1.00 1.00 1.00 1.00		
10.25 10.05 9.45 9.25 10.50 10.75 11.00	.35 .35 .35 .35 .35 .35 .35	.65 .65 .65 .65 .65 .65 .65	.40 .40 .40 .40 .40 .40 .40	.02 .02 .02 .02 .02 .02 .02
9.80 9.45 9.25 8.40 10.05 10.30 10.55	.35 .35 .35 .35 .35 .35 .35	.65 .65 .65 .65 .65 .65 .65	.40 .40 .40 .40 .40 .40 .40	.02 .02 .02 .02 .02 .02 .02

POWER EQUIPMENT OPERATORS CONTD:

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
10.10 9.90 9.70 8.60 10.35 10.60 10.85 9.10	.50 .50 .50 .50 .50 .50 .50 .50	1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00	.75 .75 .75 .75 .75 .75 .75 .75	.10 .10 .10 .10 .10 .10 .10 .10
9.35 9.00 8.80 7.60 9.35 9.60 9.85 8.10	.50 .50 .50 .50 .50 .50 .50 .50	1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00	.75 .75 .75 .75 .75 .75 .75 .75	.10 .10 .10 .10 .10 .10 .10 .10
10.35 10.00 9.80 8.35 10.60 10.85 11.10 9.10	.50 .50 .50 .50 .50 .50 .50 .50	.25 .25 .25 .25 .25 .25 .25 .25		.02 .02 .02 .02 .02 .02 .02 .02
10.35 10.00 9.80 8.35 10.60 10.85 11.10 9.10	.50 .50 .50 .50 .50 .50 .50 .50	.25 .25 .25 .25 .25 .25 .25 .25		.02 .02 .02 .02 .02 .02 .02 .02

NOTICES



CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS (ZONE 2)

GROUP I - Backhoe; cableway; crane, crawler or truck; crane, hydraulic-truck or crawler mounted-16 tons & over; crane, locomotive; derrick; steam; derrick car & derrick boat; dragline; dredge; grapple, crawler or tire mounted; locomotive gas, steam & other power; pile driver, land or floating; scoop, skimmer; shovel, power (steam, gas electric or other powers); switch boat; winch; air tugger w/air compressor; anchor placing barge; asphalt spreader; they force feed loader (self-propelled); backfilling machine; boat operator; push boat or tow boat (job site); boiler, high pressure breaking in period; boom truck, placing or erecting; boring machine, footing foundation; bulfloat; cherry picker, combination concrete hoist & mixer such as mixermobile; compressors, tow, not more than 50 ft. apart; compressor-welder combination; concrete breaker (truck or tractor mounted); concrete pump, such as pumpcrete machine; concrete spreader; conveyor, large (not self-propelled) hoisting or moving brick and concrete into, or into and on floor level, one or both; crane, hydraulic-rough terrain, self-propelled; crane hydraulic-truck or cruiser mounted-under 16 tons; drilling machines, self-powered, used for earth or rock drilling or boring (wagon drills and any hand drills obtaining power from other sources including concrete breakers, jack-hammers and barco equipment no engineer required); elevating spreader; engine man, dredge; excavator or powerbalt machine; finishing machine, self-propelled oscillating screed; forklift; grader, road with power blade; highlight; hoist, concrete and brick (brick cages on concrete skips operating in or on tower, towermobile, or similar equipment); hoist, stack; hydro-hammer; lad-a-vator, hoisting brick or concrete; loading machine (such as barbor-green); mixer-mobile, mucking machine, pipe cleaning machine; pipe wrapping machine; plant, asphalt; plant, concrete producing or reading-mix-job site; plant, heating-job-site; plant-mixing-job-site; plant, power generating-job site; pumps, two self-powered, over 2" through 6"; pumps, electric submersible, one through three, over 4"; quad-track; roller, asphalt, top or subgrade; scoop tractor drawn; spreader box; subgrader; tie tamper; tractor-crawler, or wheel type with or without power unit, power take-offs, and attachments regardless of size; trenching machine, tunnel boring machine, vibrating machine, automatic, automatic propelled; welding machines (gasoline or diesel) more than one but not over four (regardless of size); well drilling machine.

Group 2 - Mix tugger w/plant air; boiler, for power or heating on construction projects; boiler, temporary; compressor, air-one; compressor, air (mounted on truck); concrete saw, self-propelled; conveyor, large (not self-propelled); conveyor, large (not self-propelled) moving brick and concrete (distributing) on floor level, curb finishing machine; ditch paving machine; elevator (building construction or alteration); endless chain hoist; fireman; form grader; generator, one over 30 KW or any number developing over 30 KW; greaser; hoist, one drum regardless of size (except brick or concrete); lad-a-vator, other hoisting; manlift; mixer, asphalt, over 8 cu. ft. capacity; mixer, if two or more mixers of one bag capacity or less are used by one employer on job, an operator is required; mixer, without side loader, 2 bag capacity or more; mixer with side loader, regardless of size, not paver; oiler on dredge; oiler on truck crane; pug mill operator; pump, pump-self-powered, automatic controller over 2" during use in connection with construction work; sweeper, street; welding machine, one over 400 amp.; winch operating from truck.

NOTICES

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS ZONE 1

GROUP I - Asphalt paver and spreader; asphalt plant console operator; auto grader; back hoe; blade operator, all types; boilers-2; booster pump on dredge; boring machine (truck or crane mounted); bulldozer operator; clamshell operator; compressor maintenance operator-2; concrete plant operator, central mix; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dragline operator; dredge engineer; dredge operator; drillcat with compressor mounted on cat; drilling or boring machine, rotary, self-propelled; highloader-fork lift; hoisting engine-2 active drums; locomotive operator; mucking machine; mechanics and welders, field or shop; maintenance operator; mucking machine; piledriver operator; pitman crane operator; pump-2; quad-track; scoop operator-all types; scoops in tandem, self-propelled rotary drill (Leroy or Equal-not All Trac); shovel operator; side discharge spreader; side boom cats; skimmer scoop operator; slip form paver (CHI, REX, OR Equal); throttle man; truck crane; welding machine maintenance operator-2

GROUP II - "A" frame truck; asphalt hot mix silo; asphalt plant fireman; drum or boiler; asphalt plant mixer operator; asphalt plant man; asphalt roller operator; backfiller operator; chip spreader; concrete batch plant, dry, power operated; concrete mixer operator; skip loader; concrete pump operator; crusher operator; elevating grader operator; greaser; hoisting engine-1 drum; latourneau roofer; multiple compactor; pavement breaker, self-propelled, of the hydra-hammer or similar type; power shield; pug mill operator; stump cutting machine; towboat operator; tractor operator-over 50 h.p.

GROUP III - Boilers - 1, chip spreader (front man); churn drill operator; compressor maintenance operator - 1, concrete saws, self-propelled; conveyor operator; distributor operator; finishing machine operator; fireman, rig; float operator; form grader operator; pump; pump maintenance operator, other than dredge; roller operator, other than high type asphalt; screening and washing plant operator; self-propelled street broom or sweeper, siphons and jets; sub-grading machine operator; tank car heater operator-combination boiler and booster; tractor, 50 hp or less, without attachment; vibrating machine operator, not hand; welding machine maintenance operator - 1

GROUP IV - Mechanic's helper, oiler

GROUP V - Clamshell, 3 yd. capacity or over, crane or rigs 80 ft. of boom or over (including jib); draglines, 3 yds. capacity or over; pile drivers, 80 ft. of boom or over (including jib); shovels, 3 yd. capacity or over

GROUP VI - Crane or rigs, over 200 ft. of boom (including jib) GROUP VII - Hoist (each additional drum over 1 drum)

GROUP VIII - Oiler driver, all types

Men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) ft. or more in length or depth will be paid fifty cents (50c) per hour above the regular classification.

POWER EQUIPMENT OPERATORS ZONE 2 CONTD.

Group 3 - Boat operator-outboard motor (job-site); conveyor (such as con-vay-it); regardless of how used; oiler; sweeper, floor

Group 4 - (a)Air pressure; oiler engineer operating under ten pounds. (b)Air pressure, oiler engineer operating over ten pounds. (c)Air pressure engineer operating under ten pounds. (d)Air pressure engineer operating over ten pounds. (e)Crane-pile driving and extracting; crane using rock socket tool, dragline-7 cu. yds. & over, shovel, power-7 cu. yds. and over, crane, climbing (such as linden), derrick, diesel, gas or electric hoisting material or erecting steel 150' or more above ground, hoist, three or more drums; scoop, tandem; tractor, tandem crawler.

Crane, with boom (including jib) over 100' from pin to pin (add 1¢ per foot to maximum of 1.00) above basic rate for cranes.

Work in tunnel or tunnel shaft, .50¢ above base rate.

POWER EQUIPMENT OPERATORS ZONE 3 and 4

GROUP I - Asphalt finishing machine & trench widening spreader; asphalt plant console operator; autograder; automatic slipform paver; back hoe; blade operator - all types; boat operator - tow; boilers - 2; central mix concrete plant operator; clam shell operator; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dozer operator; dragline operator; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine rotary self-propelled; highloader; hoisting engine - 2 active drums; launchhammer wheel; locomotive operator - standard gauge; mechanics and welders; mucking machine; piledriver operator; pitman crane operator; push cat operator quad-trac; scoop operator; sideboom cats; skimmer scoop operator; trenching machine operator; truck crane, shovel op. GROUP II - A-frame; asphalt hot-mix silo; asphalt roller operator; asphalt plant fireman (drum or boiler); asphalt plant man; asphalt plant mixer operator; backfiller operator; barber-greene loader; boat operator (bridge & dams); chip spreader; compressor maintenance operator - 2; concrete mixer operator - skip loader; concrete plant operator, concrete pump operator; crusher operator; dredge oiler; elevating grader operator; fork lift; greaser-fleet; hoisting engine - 1; locomotive operator - narrow gauge; multiple compactor; pavement breaker powerbroom - self-propelled; power shield; roofer; slip-form finishing machine; stumpcutter machine; side discharge concrete spreader; throttleman; tractor operator (over 50 hp); welding machine maintenance operator - 2 winch truck

NOTICES

POWER EQUIPMENT OPERATORS ZONE 3 and 4 CONTD.

GROUP II - Boilers - 1; chip spreader (front man); churn drill operator; chief plane operator; compressor maintenance operator - 1; concrete saw operator (self-propelled); conveyor operator; curb finishing machine; distributor operator; finishing machine operator; fireman - rig; flex plane operator; float operator; form grader operator; generator-main-tenance operator; light plant maintenance operator; maintenance op.; oiler driver; pugmill operator; pump maintenance operator (other than dredge); roller operator, other than high type asphalt; screening & washing plant operator, siphons & jets; subgrading machine operator; box operator, self-propelled (not asphalt); tank car heater operator (combination Boiler & Booster); ulmac, ultric or similar spreader; vibrating machine operator, not hand; welding machine maintenance operator - 1; tractor operator (50 hp or less)

GROUP IV - Oiler

GROUP V - Dragline operator - 3 yds. & over; shovel - 3 yds. & over; clamshell - 3 yds. & over; crane, rig or piledriver, 100' to 150'; of boom (incl. jib); hoiste - each additional active drum over 2 drums 200' or boom (incl. jib)

GROUP VI - Tandem scoop operator; crane, rigs or piledrivers, 150' to 200' of boom (incl. jib)

GROUP VII - Crane, rigs or piledrivers 200 ft. of boom or over (incl. jib)

POWER EQUIPMENT OPERATORS ZONES 5, 6, 7, and 8

GROUP I - Asphalt finishing machine & trench widening spreader; asphalt plant console operator; autograder; automatic slipform paver; backhoe; blade operator - all types; boat operator - tow; boilers - 2; central mix concrete plant operator; clamshell operator; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dozer operator; dragline operator; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine rotary self-propelled; highloader; hoisting engine - 2 active drums; launchhammer wheel; locomotive operator - standard gauge; mechanics and welders; mucking machine; piledriver operator; pitman crane operator; push cat operator; quad-trac; shovel operator; sideboom cats; skimmer scoop operator all types; trenching machine operator; truck crane

GROUP II - A-frame; asphalt hot mix silo; asphalt plant fireman (drum or boiler); asphalt roller operator; asphalt plant man; asphalt plant mixer operator; backfiller operator; barber-greene loader; boat operator (bridge & dams); chip spreader; compressor maintenance operator - 2; concrete mixer operator - skip loader; concrete plant operator; concrete pump operator; crusher operator; dredge oiler; elevating grader operator; fork lift; greaser-fleet; hoisting engine - 1; locomotive operator - narrow gauge; multiple compactor, pavement breaker; power-broom - self-propelled; power shield; roofer; slip form finishing machine; stumpcutter machine; side discharge concrete spreader; throttle man; tractor operator (over 50 hp); welding machine maintenance operator - 2 winch truck



POWER EQUIPMENT OPERATORS ZONES 5, 6, 7, and 8 CONT'D:

GROUP III - 1; chip spreader (front man); chum drill operator; claf plane operator; compressor maintenance operator - 1; concrete saw operator (self-propelled); conveyor operator; curb finishing machine; distributor operator; finishing machine operator; fireman rig; flex plane operator; float operator; form grader operator; generator-maintenance operator; light plant maintenance operator; maintenance operator; oiler driver; pugmill operator; pump maintenance operator other than dredge; roller operator; other than high type asphalt; screening & washing plant operator; siphons & jets; subgrading machine operator; spreader box operator; self-propelled (not asphalt); tank car heater operator (combination boiler & booster); ulmac, ultric or similar spreader; vibrating machine operator; welding machine maintenance operator - 1; tractor operator (50 hp or less)

GROUP IV - Oiler

GROUP V - Dragline operator - 3 yds. & over; shovel - 3 yds. & over; clam-shell - 3 yds. & over; crane, rigs or piledrivers, 100' to 150' of boom (incl. jib); bolists - each additional active drum over 2 drums

GROUP VI - Tandem scoop operator; crane, rigs or piledrivers 150' to 200' of boom (incl. jib)

GROUP VII - Crane rigs, or piledrivers 200 ft. of boom or over (incl. jib)

GROUP VIII - Oiler - drivers

AREAS COVERED BY POWER EQUIPMENT OPERATORS ZONES

ZONE 1 - Clay, Jackson, platte and Ray Counties

ZONE 2 - St. Louis City & County

ZONE 3 - Franklin, Jefferson, Lincoln, St. Charles, and Warren Counties

ZONE 4 - Adair, Audrain, Bollinger, Boone, Butler, Callaway, Cape Girardeau, Carter, Clark, Cole, Crawford, Dent, Dunklin, Gasconade, Howell, Iton, Knox, Lewis, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Francois, Ste. Genevieve, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Texas, Washington, and Wayne Counties

ZONE 5 - Buchanan, Cass, Clinton and Lafayette Counties

ZONE 6 - Andrew, Atchison, Bates, Benton, Caldwell, Carroll, Charlton, Cooper, Daviess, DeKalb, Genett, Grundy, Harrison, Henry, Holt, Howard, Johnson, Linn, Livingston, Mercer, Nodaway, Pettis, Saline, Sullivan and Worth Counties

ZONE 7 - Christiana, Greene, Jasper, Lawrence and Taney Counties

ZONE 8 - Barry, Barton, Camden, Cedar, Dade, Dallas, Douglas, Hickory, Laclede, McDonald, Newton, Ozark, Polk, St. Clair, Stone, Vernon Webster and Wright Counties

NOTICES

FOOTNOTES:  
a - Employer contribution of \$12.50 per week  
b - Employer contribution of \$12.50 per week  
c - Paid Holidays; New Year's Day, Thanksgiving Day, Memorial Day, Independence Day, Friday after Thanksgiving Day, Labor Day, Veterans Day, Christmas.  
d - Paid vacation of 3 days for 600 hours of service in any one contract year;  
4 days paid vacation for 800 hours of service in any one contract year;  
5 days paid vacation for 1,000 hours of service in any one contract year

CLASSIFICATION DEFINITIONS

GROUP 1 - Truck or trailers of a water level capacity of 11.99 cu. yds. or less for lift trucks, job site ambulances, pick-up trucks, flat bed trucks

GROUP 2 - Trucks or trailers of a water level capacity of 12.0 cu. yds. up to 22.0 cu. yds. including euclids, speedace & similar equipment of same capacity

GROUP 3 - Truck or trailers of a water level capacity of 22.0 cu. yds. & over including euclids, speedace & all floats, flat bed trailers & boom trucks & similar equipment of same capacity

	Fringe Benefits Payments			Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation
TRUCK DRIVERS				
ZONE 1 - St. Louis City and County				
GROUP 1	6.99	a	b	c&d
GROUP 2	7.19	a	b	c&d
GROUP 3	7.29	a	b	c&d

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
TRUCK DRIVERS					
ZONE 2					
GROUP 1	8.89	.75	1.00	.75	
GROUP 2	9.09	.75	1.00	.75	
GROUP 3	9.40	.75	1.00	.75	
GROUP 4	9.55	.75	1.00	.75	
GROUP 5	8.665	.75	1.00	.75	

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS

GROUP 1 - One team; station wagons; pickups, material, single axle; tank wagon, single axle

GROUP 2 - Two teams; material tandem; semi-trailers; winch, fork distributor drivers and operators, agitator and transit mix, tank wagon, tandem or semi-trailers, insley wagons, dump, excavating, 5 cu. yds. & over, dumpsters, half-trackers, speedace, euclids and other similar excavating equipment

GROUP 3 - A-frame, low boy, boom

GROUP 4 - Mechanic & welders

GROUP 5 - Mechanic's helpers, oilers, & greasers

AREA COVERED BY TRUCK DRIVERS ZONES

ZONE 2 - Clay, Jackson, Platte and Ray Counties

NOTICES

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
TRUCK DRIVERS					
ZONE 3					
GROUP 1	11.45				
GROUP 2	11.60				
GROUP 3	11.67				
GROUP 4	11.56				
GROUP 5	11.35				
ZONE 4					
GROUP 1	10.75				
GROUP 2	10.90				
GROUP 3	10.97				
GROUP 4	10.86				
GROUP 5	10.65				
ZONE 5					
GROUP 1	9.99	.75	1.00		
GROUP 2	10.14	.75	1.00		
GROUP 3	10.21	.75	1.00		
GROUP 4	10.10	.75	1.00		
GROUP 5	9.89	.75	1.00		
ZONE 6					
GROUP 1	9.13	.75	1.00		
GROUP 2	9.28	.75	1.00		
GROUP 3	9.40	.75	1.00		
GROUP 4	9.29	.75	1.00		
GROUP 5	9.03	.75	1.00		
ZONE 7					
GROUP 1	8.40	.75	1.00		
GROUP 2	8.55	.75	1.00		
GROUP 3	8.67	.75	1.00		
GROUP 4	8.56	.75	1.00		
GROUP 5	8.30	.75	1.00		



CLASSIFICATION DEFINITIONS  
TRUCK DRIVERS

GROUP 1 - Flat bed trucks - single axle; station wagon; pickup trucks; material trucks - single axle; tank wagon - single axle  
GROUP 2 - Flat bed trucks - tandem axle; material trucks, tandem axle; tank wagon - tandem axle  
GROUP 3 - Semi and/or pole trailers; winch fork and steel trucks; inslay wagons, dumpsters, half trucks, speeders, euclids, and other similar equipment, a-frame and derrick trucks, float or low boy, distributor drivers and operators, tank wagon, semi-trailer  
GROUP 4 - Agitator and transit mix trucks  
GROUP 5 - Warehouseman

AREAS COVERED BY TRUCK DRIVERS ZONES

ZONE 3 - Franklin, Jefferson and St. Charles Counties  
ZONE 4 - Lincoln and Warren Counties  
ZONE 5 - Buchanan, Cass, Johnson and Lafayette Counties  
ZONE 6 - Andrew, Audrain, Barton, Bates, Benton, Bollinger, Boone, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Carter, Cedar, Chariton, Christian, Clinton, Cole, Cooper, Crawford, Dade, Dallas, Daviess, DeKalb, Dent, Douglas, Gasconade, Greene, Henry, Hickory, Howard, Iron, Jasper, Laclede, Lawrence, Linn, Livingston, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Newton, Osage, Pemisacot, Perry, Pettis, Phelps, Pike, Polk, Pulaski, Ralls, Randolph, Reynolds, St. Clair, St. Francois, St. Genevieve, Saline, Scott, Shannon, Shelby, Stoddard, Texas, Vernon, Washington, Wayne, Webster, and Wright Counties  
ZONE 7 - Adair, Atchison, Barry, Butler, Clark, Dunklin, Gentry, Grundy, Harrison, Holt, Howell, Knox, Lewis, McDonald, Mercer, Nodaway, Oregon, Ozark, Putnam, Ripley, Schuyler, Scotland, Stone, Sullivan, Taney and Worth Counties

NOTICES

SUPERSEDING DECISION

STATE: Nebraska  
DECISION NUMBER: NE77-4281  
Superseding Decision No.: NE77-4135 dated July 1, 1977 in LZ FR 34201  
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories).

DECISION NO. NE77-4281

Page 2

COUNTY: Lancaster  
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
BUILDING CONSTRUCTION					
ASBESTOS WORKERS	\$12.62	.40	.51		.03
BOILERMAKERS	10.30	.85	1.00		.02
BRICKLAYERS, Stonemasons	8.875	.45	.30		
CARPENTERS:					
Carpenters	8.325	.45	.30		
Filedrivers	8.575	.45	.30		
CEMENT MASONS:					
Cement masons	8.30	.45	.30		
Swing stage	8.55	.45	.30		
ELECTRICIANS:					
Electricians Zone Definition					
Electricians from the main Post Office in Lincoln, Nebraska:					
Zone A - 0 - 15 miles	11.43	.52	344.30		.04
Zone B 15 - 30 miles	11.73	.52	344.30		.04
Zone C 30 - 75 miles	12.03	.52	344.30		.04
Zone D 75 miles & over	12.43	.52	344.30		.04
ELEVATOR CONSTRUCTORS	10.99	.545	.35	44+545	.02
ELEVATOR CONSTRUCTORS' HELPERS	70KJR	.545	.35	44+545	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50KJR	.55	.35		.01
GLAZIERS	10.55	.50	.55	1.00	.05
IRONWORKERS	8.88				
LABORERS:					
Common laborers	6.465	.45	.30		
Machine and air tool operators;					
Mason tenders	6.615	.45	.30		
Plasterers tenders	6.69	.45	.30		
LATHERS	8.35	.50	.40		
MARBLE MASONS	8.10				
PAINTERS:					
Brush	8.50	.45	.30		
Spray, steel, swing stage	9.00	.45	.30		
Papechangers, taper	8.50	.45	.30		
PLASTERERS	8.755	.45	.30		
PLUMBERS: Pipefitters	11.06	.58	.60		.10
ROOFERS:					
Composition	8.30		.10		
Slate and tile	8.70		.10		
SHEET METAL WORKERS	10.32	.40	.20	.50	.03
SOFT FLOOR LAYERS	10.35			C	.05
SPRINKLER FITTERS	11.65	.65	.95		.08
TERRAZZO WORKERS & TILE SETTERS	8.10		.25		

TRUCK DRIVERS:  
Single axle  
Tandem axle  
Trailers and Lowboys  
Lumber carriers  
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
5.825	.25	.25		
5.95	.25	.25		
6.075	.25	.25		
6.25	.25	.25		

FOOTNOTES:

- Employer contributes 2% of the basic hourly rate for 6 months to 5 years' service and 4% of the basic hourly rate for over 5 years service as Vacation Pay Credit.
- The following paid holidays: A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.
- Eight paid holidays, A thru H; also employees with one year's continuous service with the same employer, but less than 4 years shall receive 1 week's paid vacation; after 4 year's continuous service with the same employer shall receive 2 week paid vacation.

PAID HOLIDAYS:  
A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-Christmas Eve; H-Day after Thanksgiving.

NOTICES



	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocaten	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Linemen	9.51	.45	18	D	48
Cable splicers	9.91	.45	18	D	48
Truck driver	6.87	.45	18	D	48
Equipment operator	8.94	.45	18	D	48
GROUNDMEN:					
(Inexperience) 1st 6 months	3.17	.45	18	D	48
(Inexperience) 2nd 6 months	4.67	.45	18	D	48
Thereafter	6.20	.45	18	D	48
POWER EQUIPMENT OPERATORS:					
Group 1	6.875	.45	.30		
Group 2	7.00	.45	.30		
Group 3	7.75	.45	.30		
Group 4	7.955	.45	.30		
Group 5	7.35	.45	.30		
Group 6	8.275	.45	.30		
Group 7	8.20	.45	.30		
Group 8	8.25	.45	.30		
Group 9	8.35	.45	.30		
Group 10	8.60	.45	.30		

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS'S CLASSIFICATION DEFINITION

Group 1 - Piramen oilers; greasers; mechanic's helpers; industrial type tractor without attachments  
Group 2 - Pumps - 4 inches and over  
Group 3 - Industrial type tractor with attachments  
Group 4 - Forklift or similar type equipment  
Group 5 - Compressors - 300 cu. ft. or over, or a series of compressors equalling 300 cu. ft. or over  
Group 6 - Automobile  
Group 7 - Single drum trucks or boom hoists; winch trucks; concrete pumps  
Group 8 - One drum hoists; air tugger; mixer with capacity or 1 yard or more; Blade graders; bulldozers; front end loaders; hydraulic backhoe on industrial type tractor  
Group 9 - Rubber tired earth moving equipment; hydrocrane  
Group 10 - Two drum hoists; mechanics; cranes; piledrivers; shovels; draglines; clamshells; crane peel; backhoe; all shovel type equipment; all derricks and cranes

D - FOOTNOTE:  
Employees who are on the employer's payroll on the scheduled work day immediately preceding or following New Years Day, Fourth of July, Labor Day, and Christmas Day or days celebrated as such holidays, shall received eight hours pay at straight time rate; also shall receive eight hours pay for memorial day and thanksgiving day.

SUPERSEDES DECISION

STATE: Nebraska  
DECISION NUMBER: NE77-1282  
Supersedes Decision No. NE77-1115 dated June 10, 1977 in L2 FR 30131  
DESCRIPTION OF WORK: Building Construction including single family homes and garden type apartments up to and including 4 stories.

DECISION NO. NE77-1282

PAGE 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocaten	Education and/or Appr. Tr.
ASBESTOS WORKERS	\$12.62	.40	.51		.03
BOILERMAKERS	10.30	.85	1.00		.02
BRICKLAYERS, Stonemasons	9.43	.50	.40	.75	
Residential Rehabilitation	8.02	.50	.40	.75	
CARPENTERS:					
Carpenters	9.16	.50	.40	.60	.05
Residential Rehabilitation	7.79	.50	.40	.60	.05
Millwrights	9.41	.50	.40	.60	.05
Residential Rehabilitation	8.04	.50	.40	.60	.05
Piledrivers	9.285	.50	.40	.60	.05
Residential Rehabilitation	7.915	.50	.40	.60	.05
CEMENT MASONS	9.82	.50	.40	.60	.05
Residential Rehabilitation	8.35	.50	.40	.60	.05
DRYWALL:					
Tapers and Finishers	10.34	.55		.50	.04
Residential Rehabilitation	8.79	.55		.50	.04
ELECTRICIANS - Douglas & Sarpy Co.	12.38	.68	38+.65		.06
Residential Rehabilitation - Douglas & Sarpy Co.	10.19	.68	38+.65		.06
ELECTRICIANS - Otce County	11.21	.42	18+.80		.04
ELEVATOR CONSTRUCTORS	10.99	.545	.35	48+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70UJR	.545	.35	48+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50UJR	.55	.35		.01
GLAZIERS	10.55	.50	.55	1.00	.05
IRONWORKERS	8.88	.50	.55		.05
LABORERS:					
Common Laborers	7.17	.50	.40		.05
Residential Rehabilitation	7.315	.50	.40		.05
Bugymobile Oprs., Mortar Mixers, Mason Tenders	6.26	.50	.40		.05
Residential Rehabilitation	7.165	.50	.40		.05
Pipelayers	6.37	.50	.40		.05
Residential Rehabilitation	7.185	.50	.40		.05
Plasterers Tenders	6.40	.50	.40		.05
Residential Rehabilitation	8.35	.50	.40		.05
LATHERS					
MARBLE SETTERS, Tile and Terrazzo Workers	9.45	b	.25		
Residential Rehabilitation	8.03	.25	.40		
MARBLE, Tile and Terrazzo Workers' Helpers	8.11				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocaten	Education and/or Appr. Tr.
PAINTERS:					
Brush	9.90		.45		.02
Residential Rehabilitation	8.42		.45		.02
Structural Steel and Paperhangers	10.25		.45		.02
Residential Rehabilitation	8.71		.45		.02
Spray, Swing Stager, Hazardous and Sandblasting	10.50		.45		.02
Residential Rehabilitation	8.93		.45		.02
PLASTERERS	9.68	.50	.40		.10
Residential Rehabilitation	11.74	.70	.65		.10
ROOFERS:	9.98	.70	.65		.10
Composition - Douglas & Sarpy Co.	9.68	.15	.20		.01
Otce County	7.45	.10	.10		.01
Slate, Tile - Douglas & Sarpy Co.	9.98	.15	.20		.07
Otce County	7.85	.50	.10		.07
SHEET METAL WORKERS	11.71	.50			.05
Residential Rehabilitation	9.98			C	.05
SOFT FLOOR LAYERS	10.35			C	.05
Residential Rehabilitation	8.20	.65	.95		.08
SPRINKLER FITTERS	11.65	.60	.75		.15
STEAMFITTERS	11.99	.60	.75		.15
Residential Rehabilitation	10.20	.60	.75		.15
LINE CONSTRUCTION:					
Linemen	9.51	.45	18	d	48
Cable splicers	9.91	.45	18	d	48
Truck Driver	6.87	.45	18	d	48
Equipment Operator's	8.94	.45	18	d	48
Groundmen					
(Inexperience) 1st 6 months	3.17	.45	18	d	48
(Inexperience) 2nd 6 months	4.67	.45	18	d	48
Thereafter	6.20	.45	18	d	48
POWER EQUIPMENT OPERATORS:					
Group 1	8.01	.50	.40		
Group 2	8.11	.50	.40		
Group 3	8.36	.50	.40		
Group 4	9.50	.50	.40		
Group 5	9.50	.50	.40		
Group 6	9.85	.50	.40		















## TRUCK DRIVERS CLASSIFICATION DEFINITIONS

GROUP I - Truck drivers for heavy equipment such as loaders, heavy winch & floats.  
 GROUP II - Heavy earth moving equipment such as dump trucks and euclids.  
 GROUP III - Truck drivers and swamper, such as dump trucks, flat beds, stake bodies and 3/4 and 1/2 ton pick-up trucks.

WELDERS - receive rate prescribed for craft to which welding is incidental.  
 FOOTNOTES:  
 a - 1st 6 mos. to 5 yrs. 2%; over 5 yrs. 4% of basic hourly rate.  
 b - Paid Holidays, A through F

PAID HOLIDAYS:  
 A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

## SUPERSEDES DECISION

STATE: Oklahoma  
 DECISION NO: OK77-4275  
 Supersedes Decision No. OK77-4150 dated July 1, 1977 in 42 FR 34228  
 Description of Work: Building Construction (but does not include single family homes and garden type apartments up to and including 4 stories)

COUNTY: COMANCHE

DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$11.05	.45	1.00		.02
BOILERMAKERS	10.00	.50	1.00		.02
BRICKLAYERS-Stonemasons	9.25	.45	.30		.10
CARPENTERS:					
Millerwrights-Pile-drivers	7.90	.45	.25		.04
Power saw operator	8.40	.45	.25		.04
CEMENT MASONS	8.025	.45	.25		.04
ELECTRICIANS	7.00				
ELEVATOR CONSTRUCTORS	9.60	.40	.12	2 1/2%+a+b	1/4%
ELEVATOR CONSTRUCTORS HELPER	8.855	.495	.32	2 1/2%+a+b	.02
ELEVATOR CONSTRUCTORS HELPER (probationary)	707JR	.495	.32	2 1/2%+a+b	.02
IRONWORKERS:					
Group I	507JR	.45	.60		.12
Group II	5.95	.25	.40		
Group III	6.20	.25	.40		
Group XI	6.70	.25	.40		

## LABORERS CLASSIFICATION DEFINITIONS

GROUP I - All digging & dirt work, firing of salamanders & smudge pots; loading & unloading of materials & equipment; loading & unloading of materials to & from hoist or cages for stock piling only; wheeling and placing of concrete; handling of lumber, steel, cement & distribution of materials; all cleaning, including cleaning of windows; wrecking and razing of building and all structures, cleaning and clearing of debris; loading & unloading of materials, hoist or cages, except when the man is directly tending; and common laborers.

GROUP II - All machine tool operators that come under the jurisdiction of the laborers; all sewer and drain tile layers and handling at the ditch, excluding distribution; operators of water pumps up to 4 inches and slip form jacks; men erecting scaffolds and directly tending lathers, masons, cement masons & plasterers, mortar mixers, hod carriers and dry mixers; high work over 30 feet from the ground or floors; cement finisher helper; work on swinging scaffold; all kettle and pot men, tank cleaning, all pipe dopping, treating and wrapping, including all men working with dope; mortar and plaster mixing machine, pump-crete machines, and gunite mixing machines, including placing of concrete; handling creosoted or treated materials, liquid acids, or like materials when injurious to health, eye and skin or clothes; all newly developed mechanical equipment which replaces wheel barrows or buggies previously used by laborers; all scale men on batch plants; all laborers screening sand, running sand drier, and feeding operating sand blaster, except nozzle; signal men & cutting torch operators in connection with laborers work; concrete grader

GROUP III - Wagon drill operator and powdermen or blaster

## DECISION NO. OK77-4275

## Page 2

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	V. cation	
LINE CONSTRUCTION:					
Linemen	\$ 9.85		3%		1/2%
Cable splicers	10.44		3%		1/2%
Hole digger operator	8.94		3%		1/2%
Heavy equipment operators (or pole cat equivalent)	8.94		3%		1/2%
Line truck driver (winch op)	8.09		3%		1/2%
Jack hammerman	7.37		3%		1/2%
Powdermen	8.94		3%		1/2%
Groundmen	6.57		3%		1/2%
Truck driver (flat bed, ton and half and under)	7.02		3%		1/2%
MARBLE SETTERS	10.05		.30		
PAINTERS:					
Brush and roller	7.70		.25	.45	.05
Brush & roller (structural steel)	7.95		.25	.45	.05
Spray stage, bosun chair work	8.40		.25	.45	.05
Taping & bedding (hand tools)	7.95		.25	.45	.05
Sandblasting	8.10		.25	.45	.05
PLASTERERS	7.25		.25	.45	.05
PLUMBERS & PIPEFITTERS	10.97	.60	.85		.10
POWER EQUIPMENT OPERATORS:					
GROUP I	\$10.75	.45	.50		.12
GROUP II	10.50	.45	.50		.12
GROUP III	10.25	.45	.50		.12
GROUP IV	10.00	.45	.50		.12
GROUP V	9.75	.45	.50		.12
GROUP VI	9.50	.45	.50		.12
GROUP VII	9.25	.45	.50		.12
GROUP VIII	8.85	.45	.50		.12
GROUP IX	8.50	.45	.50		.12
GROUP X	8.25	.45	.50		.12
GROUP XI	8.25	.45	.50		.12

## POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I  
 All crane type equipment with 250' of boom or over (including jib)  
 GROUP II  
 All crane type equipment with 200' of boom or over (including jib)  
 GROUP III  
 All crane type equipment with 150 - 200' of boom (including jib)  
 GROUP IV  
 All crane type equipment with 100 - 150' of boom (including jib), all tower cranes and all crane type equipment of 3 cu. yd. or more (as rated by mfg), sideboom (booms 30' & over), guy derrick  
 GROUP V  
 Heavy duty mechanic, welder, crane-hood & overhead monorail, whirley, panel board, batch plant operator, piledriver engineer, dragline, shovel, clamshell, backhoe (3/4 yd & over); sideboom (under 30'), gradeall, hydro crane, cherry picker, hoist while operating 2 or more drums, hoists while doing stacks & chimney work (1 or 2 drums), power driven hole digger (with 30' and longer mast)



**GROUP VI**  
Motor patrol (blade), fork lift (35' & over), dozer (engine h.p. 65 or over), fordon tractor or like equipment with hoe or loader equipment of ditcher, excavator type equipment, townpull, DM 10, 15, 16, 20, 21 and similar rubber tired equipment, euclid, TS-24 and similar, loader operator or H-lift (engine h.p. 65 or over), asphalt lay machine, tail boom, conveyor-multiple, panel board control, powder driven hole digger with less than 30' mast, trenching machine, concrete pump-boom type - Engineers for machine not listed under the above classifications shall receive the scale comparable to these classifications

**GROUP VII**  
Locomotive engineer, boring machine, tug boat, mixer, 18 cu. ft. and over, used barge, dredging machine, tugger, hoist - when operating one drum, welding machine, 3 to 6, air compressor, 3 to 5, 500 cu. ft. & under, air compressor, over 500 cu. ft. (1) pump, battery, 3 to 6, fork-lift, bobcat and similar equipment, generator plant engineer, diesel elec., winch truck with A-frame, roller, all types, outside elevator or building type of personnel, hoist, concrete buster or tamper, heaters under jurisdiction of Operating Engineers, fireman, boiler operator, crushing plants, oiler distributor, pulverizer, farmer tractor with or without attachments, batch plant operator (portable), conveyor-operator duel, continuous or belt bulk handling, screed operator, concrete pump, form grader, screening plant, well point pump operator, signal man on large wharves when and if required, operator for rotary drilling machines when operated from console or machines - Engineers for machines not listed under the above classifications shall receive the scale comparable to these classifications

**GROUP VIII**  
Gresser, tilt top trailer operator

**GROUP IX**  
Permanent elevator - building type (automatic), concrete mixer, with hopper less than 18 cu. ft., air compressor, 500 cu. ft., and under (1 or 2), welding machine (1 or 2) pump (1 or 2), fuelmao, conveyor operator-single-continuous belt bulk handling

**GROUP X**  
Asphalt lay machine back end man, mechanic helper and welder helper

**GROUP XI**  
Truck crane, oiler driver or track crane oiler

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ROOFERS	\$ 9.15	.60	.25		.04
SHEET METAL WORKERS	9.36	.40	.40		.05
SOFT FLOOR LAYERS:					
Resilient floor layers and carpet layers	9.10	.50		.25	.03
SPRINKLER FITTERS	11.15	.65	.95		.08
TERRAZZO WORKERS:					
Terrazzo workers	10.05		.30		
Terrazzo workers helper	6.98				
Terrazzo workers floor machine op.	7.08				
Terrazzo base machine operator	7.28				

TRUCK DRIVERS CLASSIFICATION DEFINITION

**Group I** - Truck drivers for heavy equipment such as loadboys, heavy winch, and floats

**Group II** - Heavy earth moving equipment such as dump trucks and Euclid

**Group III** - Truck drivers and sawmops, such as dump trucks, flat beds, stake bodies, and 3/4 and 1/2 ton pick-up trucks

**WELDERS** - received rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:

A. 1st 6 mos. - none; 6 mos. to 5 yrs. - 2% over 5 yrs. - 4% of basic hourly rate.

B. Paid Holiday A through F

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

SUPERSEDES DECISION

STATE: Oklahoma  
DECISION NO.: OK77-4276  
Supersedeas Decision No. OK77-4165 dated July 15, 1977 in 42 FR 36769  
DESCRIPTION OF WORK: Building Construction, (but does not include single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$ 11.50	.35	.75		.015
BOILERMAKERS	10.00	.50	1.00		.02
BRICKLAYERS	9.36	.45	.40		.04
CARPENTERS	8.50	.45	.65		.06
Millwrights-Piledrivers	9.00	.65	.65		.06
CEMENT MASONS:					
Zone I - That portion of Wagoner county on a diagonal line from the northeast corner of Okmulgee to the Southeast corner of Wagoner	9.28		.40		.10
Zone II - Remainder of Wagoner Co.	8.85				
ELECTRICIANS:					
Zone I	9.73	.60	3%		1/2%
Electricians	10.13	.60	3%		1/2%
Cable splicers	10.03	.60	3%		1/2%
Electricians	10.43	.60	3%		1/2%
Cable splicers	10.65	.46	3%+.40	.30	.07
Electricians	10.90	.46	3%+.40	.30	.07
Cable splicers					
ELECTRICIANS - CABLE SPlicERS ZONE DEFINITIONS:					
Blue Mount, Coweta, Gatesville, Shannon, Tullahoma, Porter and Stone Bluff Townships.					
Zone I - A 20 mile radius from the Post Office in Muskogee					
Zone II - That area outside zone I					
Zone III - Adams, Creek, Lone Star and Shahan Townships Only					
GLAZIERS	9.16	.50	.30		.01
IRONWORKERS	10.10	.45	.65		.12
LABORERS:					
Group I - Construction laborers	6.40	.25	.40		
Group II - Mason tenders, mortar mixers, sewer drain, tile layers, machine tool operators	6.70	.25	.40		
Group III - Powdermen (make-up) wagon drill operator	6.90	.25	.40		

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
LINE CONSTRUCTION:					
Linenmen	\$ 9.85		3%		1/2%
Cable splicers	10.44		3%		1/2%
Heavy digger operator	8.94		3%		1/2%
Hole equipment operator for pole cat equivalent	8.94		3%		1/2%
Line truck driver (ditch operator)	8.09		3%		1/2%
Jack-hammerman	7.31		3%		1/2%
Powderman	8.94		3%		1/2%
Groundman	6.57		3%		1/2%
Truck driver (flat bed, ton and half and under)	7.02		3%		1/2%
PAINTERS:					
Brush and roller	8.25		.40	.20	.07
Highwork and stage	8.65		.40	.20	.07
Sandblasting	8.90		.40	.20	.07
Spray painting	8.90		.40	.20	.07
Hot or bituminous	9.55		.40	.20	.07
Hazardous work	10.40		.40	.20	.07
Sheetrock power tools	8.60		.40	.20	.07
PLUMBERS-Steamfitters	11.30	.50	.80		.15
POWER EQUIPMENT OPERATORS:					
GROUP I	\$10.75	.45	.50		.12
GROUP II	10.50	.45	.50		.12
GROUP III	10.25	.45	.50		.12
GROUP IV	10.00	.45	.50		.12
GROUP V	9.75	.45	.50		.12
GROUP VI	9.50	.45	.50		.12
GROUP VII	9.25	.45	.50		.12
GROUP VIII	8.85	.45	.50		.12
GROUP IX	8.50	.45	.50		.12
GROUP X	8.50	.45	.50		.12
GROUP XI	8.25	.45	.50		.12

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
TILE LAYERS	10.05		.30		
TITLE & MARBLE HELPERS(EXPERIENCED)	6.65				
TRUCK DRIVERS:					
Group I	6.92				
Group II	6.92				
Group III	6.62				

TRUCK DRIVERS CLASSIFICATION DEFINITION

**Group I** - Truck drivers for heavy equipment such as loadboys, heavy winch, and floats

**Group II** - Heavy earth moving equipment such as dump trucks and Euclid

**Group III** - Truck drivers and sawmops, such as dump trucks, flat beds, stake bodies, and 3/4 and 1/2 ton pick-up trucks

**WELDERS** - received rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:

A. 1st 6 mos. - none; 6 mos. to 5 yrs. - 2% over 5 yrs. - 4% of basic hourly rate.

B. Paid Holiday A through F

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

V 4 2 1 1 0 9 0 3 0 3 7 7 UMI



## POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

- GROUP I**  
All crane type equipment with 250' of boom or over (including jib)
- GROUP II**  
All crane type equipment with 200' of boom or over (including jib)
- GROUP III**  
All crane type equipment with 150 - 200' of boom (including jib)
- GROUP IV**  
All crane type equipment with 100 - 150' of boom (including jib), all tower cranes and all crane type equipment of 3 cu. yd. or more (as rated by mfg), sideboom (booms (30' & over), guy derrick mast)
- GROUP V**  
Heavy duty mechanic, welder, crane-hood & overhead monorail, whiskey, panel board, batch plant operator, pilledriver engineer, dragline, shovel, clamshell, backhoe (3/4 yd & over); sideboom (under 30'), gradeall, hydro crane, cherry picker, hoist while operating 2 or more drums, hoists while doing stacks & chimney work (1 or 2 drums), power driven hole digger (with 30' and longer mast)
- GROUP VI**  
Motor patrol (blade), fork lift (35' & over), dorer (engine h.p. 65 or over) fordon tractor or like equipment with hoe or loader equipment of ditcher, scraper type equipment, tournapull, DM 10, 15, 16, 20, 21 and similar rubber tired equipment, euclid, TS-24 and similar, loader operator or Hi-lift (engine h.p. 65 or over), asphalt lay machine, tail boom, conveyor-multiple, panel board control, powder driven hole digger with less than 30' mast, trenching machine, concrete pump-boom type - Engineers for machine not listed under the above classifications shall receive the scale comparable to these classifications
- GROUP VII**  
Locomotive engineer, boring machine, tug boat, mixer, 18 cu. ft. and over, sand barge, dredging machine, tugger, hoist - when operating one drum, welding machine, 3 to 6, air compressor, 3 to 5, 500 cu. ft. & under, air compressor, over 500 cu. ft. (1) pumps, Battery, 3 to 6, fork-lift, bobcat and similar equipment, generator plant engineer, diesel elec., winch truck with A-frame, roller, all types, outside elevator or building type of personnel, hoist, concrete buster or tamper, heaters under jurisdiction of Operating Engineers, fireman, boiler operator, crushing plant, oiler distributor, pulverizer, farm tractor with or without attachments, batch plant operator (portable), conveyor-operator dual, continuous or belt bulk handling, screed operator, concrete pump, form grader, screening plant, well point pump operator, signal man on large wharves when and if required, operator for rotary drilling machines when operated from console or machines -- Engineers for machines not listed under the above classifications shall receive the scale comparable to those classifications
- GROUP VIII**  
Greaser, tilt top trailer operator
- GROUP IX**  
Permanent elevator - building type (automatic), concrete mixer, with bopper less than 18 cu. ft., air compressor, 500 cu. ft., and under (1 or 2), welding machine (1 or 2) pump (1 or 2), fuelman, conveyor operator-single-continuous belt bulk handling
- GROUP X**  
Asphalt lay machine back end man, mechanic helper and welder helper
- GROUP XI**  
Truck crane oiler driver or track crane oiler

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ROOFERS	\$ 9.15	.60	.25		.04
SHEET METAL WORKERS	9.53	.50	.66		.10
SPRINKLER FITTERS	11.15	.65	.95		.08
TRUCK DRIVERS:					
Group I	8.03				
Group II	8.13				
Group III	8.23				
Group IV	8.18				
Group V	8.33				

## TRUCK DRIVERS CLASSIFICATION DEFINITION

- Group I**  
Pick-up, 1 1/2 tons or 2 1/2 yards and up to but not including 3 tons or 4 yards, such as dump trucks, flat beds, stake bodies and buses.
- Group II**  
3 tons or 4 yards and up to but not including 4 tons or 6 yards
- GROUP III**  
5 tons or 6 yards and over including heavy equipment such as pole trucks, winch trucks, euclids, Mississippi wagons, semi-dumps, tournerpulls, or other heavy material moving equipment; tractor trailer drivers and similar equipment, such as tractors, ten wheelers.
- GROUP IV**  
Ready-mix concrete trucks up to but not including 3 yards
- GROUP V**  
Ready-mix concrete trucks 3 yards and over

**WELDERS** - receive rate prescribed for craft performing operation to which welding is incidental.

## NOTICES

53100

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977

## SUPERSEDES DECISION

STATE: Oklahoma  
DECISION NO. OK77-4277  
Supersedes Decision NO.: OK77-4167 dated July 15, 1977 in 42 FR 36773  
DESCRIPTION OF WORK: Building Construction (but does not include single family homes and garden type apartments up to and including 4 stories)

## LABORERS CLASSIFICATION DEFINITIONS (CONT'D)

handling creosoted or treated materials, liquid acids, or like materials when injurious to health, eye and skin or clothes; all newly developed mechanical equipment which replaces wheel barrows or buggies previously used by laborers; all scale men on batch plants; all laborers screening sand, running sand drier, and feeding operating sand blaster, except nozzle; signal men and cutting torch operators in connection with laborers' work; concrete grader

- GROUP III**  
Wagon drill operator and powdermen or blaster

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$11.50	.35	.75		.015
BOILERMAKERS	10.00	.50	1.00		.02
BRICKLAYERS-Stonemasons	9.75	.45	.40		.05
CARPENTERS:					
Carpenters	7.60	.45	.40		
Milwrights-Pile-drivers	8.40	.45	.40		
CEMENT MASONS	7.00				
ELECTRICIANS:					
Electricians	10.65	.46	374.40	.30	.07
Cable splicers	10.90	.46	374.40	.30	.07
GLAZIERS	9.16	.50	.30		.01
IRONWORKERS	10.10	.45	.65		.12
LABORERS:					
Group I	6.10	.25	.40		
Group II	6.40	.25	.40		
Group III	6.60	.25	.40		

## LABORERS CLASSIFICATION DEFINITIONS

**GROUP I**  
All digging and dirt work, firing of salamanders and smudge pots; loading and unloading materials and equipment; loading and unloading of materials to and from hoist, or cages for stock piling only; wheeling and placing of concrete; handling of lumber, steel, cement and distribution of materials; all cleaning, including cleaning of windows; wrecking and razing of building and all structures, cleaning and clearing of debris; loading & unloading of materials, hoist or cages, except when the man is directly tending lathers, masons or plasterers; water boys, when used, carpenter tenders, and common laborers.

**GROUP II**  
All machine tool operators that come under the jurisdiction of the laborers; all sewer & drain tile layers & handling at the ditch, excluding distribution; operators of water pumps up to four inches and slip form jacks; men erecting scaffolds and directly tending lathers, masons, cement masons and plasterers, motorax mixers, hod carriers and dry mixers; high work over 30 ft. from the ground or floors; cement finisher helper; work on swinging scaffold; all kettle & pot men, tank cleaning, all pipe doping treating and wrapping, including all men working with dope; mortar & plaster mixing machine, pump-crete machines, and gunnite mixing machines, including placing of concrete;

## NOTICES

53101

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977







	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
PAINTERS (Craig, Ottawa and Delaware Counties):					
Brush, roller, tapers, paper-hangers	\$ 7.92		.30		
Spray, steamclean, sandblast, and pot tenders	8.295		.30		
PAINTERS (Tulsa, Creek, Rogers and Mayes Counties):					
Brush	9.70		.40		.07
Highwork and stage	10.10		.40		.07
Spray and sandblasting	10.35		.40		.07
Hot or bituminous	11.00		.40		.07
Sheetrock handtools	9.70		.40		.07
Sheetrock power tools	11.05		.40		.07
Hazardous work	11.90		.40		.07
PIPEFITTERS	11.02	.50			.08
PLUMBERS	9.15				.01
PLUMBERS	11.27	.35	.55		.08
POWER EQUIPMENT OPERATORS:					
GROUP I	\$10.75	.45	.50		.12
GROUP II	10.50	.45	.50		.12
GROUP III	10.25	.45	.50		.12
GROUP IV	10.00	.45	.50		.12
GROUP V	9.75	.45	.50		.12
GROUP VI	9.50	.45	.50		.12
GROUP VII	9.25	.45	.50		.12
GROUP VIII	8.85	.45	.50		.12
GROUP IX	8.50	.45	.50		.12
GROUP X	8.50	.45	.50		.12
GROUP XI	8.25	.45	.50		.12

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I - All crane type equipment with 250' of boom or over (including jib)

GROUP II - All crane type equipment with 200' of boom or over (including jib)

GROUP III - All crane type equipment with 150 - 200' of boom (including jib)

GROUP IV - All crane type equipment with 100 - 150' of boom (including jib), all tower cranes and all crane type equipment of 3 cu. yd. or more (as rated by mfg), sideboom (booms (30' & over), guy derrick

GROUP V - Heavy duty mechanic, welder, crane-hood & overhead monorail, whirley, panel board, batch plant operator, piledriver engineer, dragline, shovel, clamshell, backhoe (3/4 yd & over), sideboom (under 30'), grapple, hydro crane, cherry picker, hoist while operating 2 or more drums, hoists while doing stacks & chimney work (1 or 2 drums), power driven hole digger (with 30' and longer mast)

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ROOFERS	\$ 9.15	.60	.25		.04
SHEET METAL WORKERS	9.53	.50	.66		.10
SOFT FLOOR LAYERS	7.71		.35	744b	.03
SPRINKLER FITTERS	11.15	.65	.95		.08
TERRAZZO WORKERS	9.90		.30		
TERRAZZO WORKERS' & Tile layers helper	8.19				
TERRAZZO WORKERS' Helpers floor machine operator	8.30				
TERRAZZO WORKERS' Helpers base machine operator	8.51				
TILE LAYERS	9.90		.30		

GROUP VIII - Greaser, tilt top trailer operator

GROUP IX - Permanent elevator - building type (automatic), concrete mixer, with hopper less than 18 cu. ft., air compressor, 500 cu. ft., and under (1 or 2), welding machine (1 or 2) pump (1 or 2), fuelman, conveyor operator-single-continuous belt bulk handling

GROUP X - Asphalt lay machine back end man, mechanic helper and welder helper

GROUP XI - Truck crane oiler driver or track crane oiler

GROUP VI - Motor patrol (blade), fork lift (35' & over), dozer (engine h.p. 65 or over) forson tractor or like equipment with hoe or loader equipment of ditcher, scraper type equipment, tourmapull, DW 10, 15, 16, 20, 21 and similar rubber tired equipment, euclid, TS-24 and similar, loader operator or Hi-lift (engine h.p. 65 or over), asphalt lay machine, tail boom, conveyor-multiple, panel board control, powder driven hole digger with less than 30' mast, trenching machine, concrete pump-boom type - Engineers for machine not listed under the above classifications shall receive the scale comparable to these classifications

GROUP VII - Locomotive engineer, boring machine, tug boat, mixer, 18 cu. ft. and over, sand barge, dredging machine, tugger, hoist - when operating one drum, welding machine 3 to 6, air compressor: 3 to 5, 500 cu. ft. & under, air compressor, over 500 cu. ft. (1) pumps, Battery, 3 to 6, fork-lift, bobcat and similar equipment, generator plant engineer, diesel elec., winch truck with A-frame, roller, all types, outside elevator or building type of Personnel, hoist, concrete buater or tamper, heaters under jurisdiction of Operating Engineers, fireman, boiler operator, crushing plants, oiler distributor, pulvimer, farmer tractor with or without attachments, batch plant operator (portable), conveyor-operator duel, continuous or belt bulk handling, screed operator, concrete pump, form grader, screening plant, well point pump operator, signal man on large wharfs when and if required, operator for rotary drilling machines when operated from console or machines -- Engineers for machines not listed under the above classifications shall receive the scale comparable to those classifications

GROUP VIII - Greaser, tilt top trailer operator

GROUP IX - Permanent elevator - building type (automatic), concrete mixer, with hopper less than 18 cu. ft., air compressor, 500 cu. ft., and under (1 or 2), welding machine (1 or 2) pump (1 or 2), fuelman, conveyor operator-single-continuous belt bulk handling

GROUP X - Asphalt lay machine back end man, mechanic helper and welder helper

GROUP XI - Truck crane oiler driver or track crane oiler

TRUCK DRIVERS: (DELAWARE COUNTY)

Group I

Group II

Group III

Group IV

Group V

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Group I	7.55				
Group II	7.65				
Group III	7.75				
Group IV	7.70				
Group V	7.85				

DELAWARE COUNTY - TRUCK DRIVERS CLASSIFICATION DEFINITIONS

GROUP I - Pick-up 1 1/2 tons, or 2 1/2 yards and up to but not including 3 tons or 4 yards, such as dump trucks, flat beds, stake bodies and buses.

GROUP II - 3 tons or 4 yards and up to but not including 4 tons or 6 yards

GROUP III - 5 tons or 6 yards and over including heavy equipment such as pole trucks, winch trucks, euclids, Mississippi wagons, semi-dumps, tourist pulls, or other heavy material moving equipment, tractor trailer drivers and similar equipment, such as tractors, ten wheelers

GROUP IV - Ready mix concrete trucks up to but not including 3 yards

GROUP V - Ready mix concrete trucks 3 yards and over

TRUCK DRIVERS(TULSA, CREEK, CRAIG, OTTAWA, MAYES & ROGERS COUNTIES)

Group I

Group II

Group III

Group IV

Group V

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Group I	7.68				
Group II	7.73				
Group III	7.83				
Group IV	7.83				
Group V	7.83				

TULSA, CREEK, CRAIG, OTTAWA, MAYES AND ROGERS COUNTIES - TRUCK DRIVERS CLASSIFICATION DEFINITIONS

Group I - Truck drivers, including pick-up, 1 1/2 tons or 2 1/2 yards up to but not including 3 tons or 4 yards, such as dump trucks, flat beds, stake body or bus driver.

Group II - 3 tons or 4 yards up to but not including 4 tons or 6 yards.

Group III - 5 tons or 6 yards and over including heavy equipment.

Group IV - Ready mix concrete truck

Group V - Tractor-trailer and similar equipment

FOOTNOTES:

a - 1st 6 mos. none; 6 mos. to 5 yrs. - 2%; over 5 years - 6% of basic hourly rate.

b - Paid Holidays - A through F

PAID HOLIDAYS:

A-New Year's Day; Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.











	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
Lathers	\$8.65		.30		.01
Line Construction:					
Lineman	9.85		3%		1/2%
Cable splicers	10.44		3%		1/2%
Hole digger operator	8.94		3%		1/2%
Heavy equipment operator (pole or cat equivalent)	8.94		3%		1/2%
Jack hammerman	7.37		3%		1/2%
Line truck driver (winch operator)	8.09		3%		1/2%
Powderman	8.94		3%		1/2%
Groundman	6.57		3%		1/2%
Truck driver (flat bed ton and half and under)	7.02		3%		1/2%
Marble, tile & Terrazzo Workers	9.90		.30		
Painters (Oklahoma):					
Brush	9.70		.40	.20	.07
Highwork and stage	10.10		.40	.20	.07
Spray and sandblasting	10.35		.40	.20	.07
Hot or bituminous	11.00		.40	.20	.07
Sheetrock hand tools	9.70		.40	.20	.07
Sheetrock power tools	10.05		.40	.20	.07
Hazardous work	11.90		.40	.20	.07
Painters (Adair, Muskogee & Cherokee Counties, Oklahoma):					
Brush painting & roller	8.25		.40	.20	.07
Highwork & Stage	8.65		.40	.20	.07
Sandblasting & Spray	8.90		.40	.20	.07
Hot or Bituminous	9.55		.40	.20	.07
Hazardous work	10.45		.40	.20	.07
Sheetrock power tools	8.60	.50	.40	.20	.15
Plumbers & Pipefitters	11.30		.80		.01
Plasterers	9.15				

POWER EQUIPMENT OPERATORS:

	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
GROUP I	\$10.75	.45	.50		.12
II	10.50	.45	.50		.12
III	10.25	.45	.50		.12
IV	10.00	.45	.50		.12
V	9.75	.45	.50		.12
VI	9.50	.45	.50		.12
VII	9.25	.45	.50		.12
VIII	8.65	.45	.50		.12
IX	8.50	.45	.50		.12
X	8.25	.45	.50		.12
XI	8.25	.45	.50		.12

NOTICES

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

- Group I  
All crane type equipment with 250' of boom or over (including jib)
- Group II  
All crane type equipment with 200' of boom or over (including jib)
- Group III  
All crane type equipment with 150 - 200' of boom (including jib)
- Group IV  
All crane type equipment with 100 - 150' of boom (including jib), all tower cranes all crane type equipment of 3 cu. yd. or more (as rated by mfg), side-boom (booms 30' & over), guy derrick
- Group V  
Heavy duty mechanic, welder, crane-hook & overhead monorail, whirley, panel board, batch plant operator, piledriver, engineer, dragline, shovel, clamshell, backhoe (3/4 yd & over); sideboom (under 30'), gradall, hydro crane, cherry picker, hoist while operating 2 or more drums, hoists while doing stack & chimney work (1 or 2 drums), power driven hole digger (with 30' & longer mast)
- Group VI  
Motor patrol (blade), fork lift (35' & over), dozer (engine h.p. 65 or over) forsdon tractor or like equipment with hoe or loader equipment or ditcher, scraper type equipment, toumapull, DW 10, 15, 16, 20, 21 and similar rubber-tired equipment, Euclid, TS-24 and similar, loader operator or lift-lift (engine h.p. 65 or over), asphalt lay machine, tail boom, conveyor-multiple, panel board control, power driven hole digger with less than 30' mast, trenching machine, concrete pump boom type--- Engineers for machine not listed under the above classifications shall receive the scale comparable to these classifications
- Group VII  
Locomotive engineer, boring machine, tug boat, mixer, 18 cu. ft. & over, sand barge, dredging machine, tugger, hoist --- When operating one drum, welding machine, 3 to 6, air compressor, 3 to 5, 500 cu. ft. & under, air compressor, over 500 cu. ft. (1) pumps, Battery, 3 to 6, fork-lift, bobcat and similar equipment, generator plant engineer, diesel elec., winch truck with a frame, roller, all types, outside elevator or building type of personnel, hoist, concrete buster or tamper, heaters under jurisdiction of Opera. engs., fireman, boiler operator, crushing plants, oiler distributor, pulvixer, famer tractor with or without attachments, batch plant operator (portable) conveyor pump, form grader, screening plant, well point pump operator, signal man on large whirleys when and if required, operator for rotary drilling machines when operated from console or machines -- Engineers for machines not listed under the above classifications shall receive the scale comparable to those classifications
- Group VIII  
Greaser, tilt top trailer operator
- Group IX  
Permanent elevator -- building type (automatic), concrete mixer with hopper less than 1- cu. ft., air compressor, 500 cu. ft., and under (1 or 2), welding machine (1 or 2), pump (1 or 2), fuelman, conveyor operator--single-continuous belt bulk handling
- Group X  
Asphalt lay machine back end man, mechanic helper, welder helper
- Group XI  
Truck Crane oiler driver or track crane oiler

	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
Roofers	\$ 9.15	.60	.25		.05
Sheet Metal Workers	9.53	.50	.60		.10
Sprinkler Fitters	11.15	.65	.95		.08
Terrazzo Workers Finisher	8.19				
Terrazzo Workers Floor Operator	8.30				
Terrazzo Workers Base Machine Op.	8.51				
Truck Drivers:					
Group 1	\$ 8.03				
2	8.13				
3	8.23				
4	8.18				
5	8.33				

TRUCK DRIVERS CLASSIFICATION DEFINITIONS

- Group I  
Pick-up 1 1/2 tons, or 2 1/2 yards and up to but not including 3 tons or 4 yards, such as dump trucks, flat beds, stake bodies and buses
- Group II  
3 tons or 4 yards and up to but not including 4 tons or 6 yards
- Group III  
5 tons or 6 yards and over including heavy equipment such as pole trucks, winch trucks, euclids, Mississippi wagons, semi-dumps, turner pulls, or other heavy material moving equipment, tractor trailer drivers and similar equipment, such as tractors, ten wheelers
- Group IV  
Ready-mix concrete trucks up to but not including 3 yards
- Group V  
Ready-mix concrete trucks 3 yards and over

FOOTNOTES:  
a. 1st 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.  
b. Paid Holidays - A through F  
PAID HOLIDAYS:  
A-New Years Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanks-giving Day, F-Christmas Day

NOTICES



STATE: Rhode Island  
 COUNTY: Washington  
 DATE: Date of Publication  
 SUPERSEDES DECISION NO. R176-2152, dated November 19, 1976 in 41 FR 51362  
 DESCRIPTION OF WORK: Building (including Residential), Heavy, Highway and Marine Construction

DECISION NO. R177-3113

5-R1-1-1

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$ 10.38	1.00	1.18		.01
BOTHELMANERS	10.00	.60	1.00		
BRICKLAYERS & STONEMASONS:					
Westerly, Hopkinton, S. King-					
stown, Charlestown, Richmond,					
Wakefield, Peace Dale, King-					
stown	9.55	1.00	.95		
Exeter, Johnston, N. Kingtown,					
Narragansett (including the					
Pier of Point Judith)	9.55	.95	1.00		.01
CARPENTERS & PILEDRIEVERMEN	9.70	.65	.90		.05
Residential	7.76	.65	.90		.05
Millwrights	9.95	.65	.90		
CEMENT MASONS:					
Westerly, Hopkinton, So. King-					
stown, Charlestown, Richmond,					
Wakefield, Peace Dale, King-					
stown	8.85	.55	.45		
Exeter, Narragansett, No.					
Kingtown, Gould	9.80	.90	.45		
ELECTRICIANS:					
Westerly Township	9.95	.75	18+.40		.40
Westerly Township Residential	5.50	.75	18+.40		.40
Remainder of County:					
Building	9.40	.48	18+.40		.02
Residential - up to and					
including 3 stories	6.75	.38	18		.02
ELEVATOR CONSTRUCTORS	9.70	.495	.21	48+	.02
ELEVATOR CONSTRUCTORS' HELPERS	6.79	.495	.32	48+	.02
ELEVATOR CONSTRUCTORS' HELPERS					
(PROB.)	4.85	.495	.32	48+	.02
GLAZIERS	8.88	.52	1.03		.01
IRONWORKERS: Structural & Orna-					
mental & reinforcing	9.43	.70	1.50		.05
LABORERS, BUILDING					
Labors, Carpenters' tenders,					
cement finisher tenders, mason					
tenders, & wrecking laborers	7.75	.60	.75		.10
Asphalt rakers, ademas, pipe					
trench bracers, demolition burn-					
ers, chain saw ops. fence and					
guard rail erectors, setters of					
metal forms for roadways, mortar					
mixers, pipelayers, tiprap & dry					
stonewall builders, highway stone					

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977

DECISION NO. R177-3113

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
SPRINKLER FITTERS	\$ 10.56	.60	.90		.01
STEAMFITTERS	10.85	.83	1.03		
TRUCK DRIVERS: Building					
Two-axle; dump	7.35	.48	.5125		
Three-axle; trailers	7.43	.48	.5125		
Low bed trailers (24 tons &					
over), Trailers (1-Bean),					
specialized earth moving	7.68	.48	.5125		
equipment (Euclid type)					
Euclid type equipment over					
35 ton capacity	7.93	.48	.5125		

## PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;  
 E-Thanksgiving Day; F-Christmas Day

## FOOTNOTES:

- a. Holidays: A through F; employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years as vacation pay credit
- b. Holidays: A through F; Washington's Birthday, Good Friday and Christmas Eve providing employee has worked 45 full days during 120 calendar days prior to the holiday, and the regular work days immediately preceding and following the holiday.
- c. Holiday: A through F; Columbus Day, providing employee has been employed 5 working days prior to the holiday and provided employee works the scheduled work days immediately preceding and following the holiday.

DECISION NO. R177-3113

HEAVY, HIGHWAY AND MARINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Bricklayers, Stonemasons, catch basin, manhole builders	\$ 9.55	.95	.65		.01
Carpenters, piledrivers	9.71	.65	.90		.05
Cement masons - finishers	8.00	.50	.35		
Electricians:					
Westerly	9.95	.75	18+.40		.40
Remainder of County:	9.40	.48	18+.40		.02
Ironworkers, Structural,					
Ornamental & Reinforcing	9.43	.55	90+.50		.05
Labors:					
Adsemen, asphalt taker, barco	7.75	.60	.75		.10
type jumping tamper, chain					
saw operators, concrete and					
power buggy operators, concrete					
saw operators demolition					
burners, fence and guard					
rail erectors, highway stone					
spreaders, mechanical grinder					
operators, mortar mixers,					
pipelayers, pipe trench					
bracers, pneumatic tool					
operators, setters of metal					
forms for roadways, stump					
operators, trench-toppers,					
tree trimmers wagon drill					
operators, wood chipper					
operators	8.00	.60	.75		.10
Air track operator, pavers,					
rammers and curb setters	7.825	.60	.75		.10
Blasterers and powdermen	8.50	.60	.75		.10
Open air calson, underpinning					
work and boring crew:					
Bottom man	8.50	.60	.75		.10
Laborer; top man	7.75	.60	.75		.10
Laborer helper	7.87	.60	.75		.10
Laborer driller	8.62	.60	.75		.10
Line Construction:					
Linenen	10.48	.65	18+.50		3/8 of 10
Equipment Operator	9.36	.65	18+.50		3/8 of 10
Groundman	7.167	.65	18+.50		3/8 of 10
Driver Ground	8.709	.65	18+.50		3/8 of 10

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977



DECISION NO. R177-3113

Basic Hourly Rates	Fringe Benefits Payments		
	H & W	Pensions	Vacation and/or Appr. Tr.
Painters:			
Brush & Roller	.50	.50	
Structural Steel	.50	.50	
Spray	.50	.50	
Air Power Brush	.50	.50	
Plumbers	.86	1.19	.07
Welders receive rate prescribed for craft performing operation to which welding is incidental.			

PAID HOLIDAYS:  
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

## FOOTNOTES:

- a. Holidays: A through F, Columbus Day provided employee has been employed 5 working days prior to the holiday and provided the employee works the scheduled work days immediately preceding and following the holiday

DECISION NO. R177-3113

Basic Hourly Rates	Fringe Benefits Payments		
	H & W	Pensions	Vacation and/or Appr. Tr.
BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS			
Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists pavers, and front-end loaders 3 yds. and over	.95	1.15	.10
Economy type equipment	.95	1.15	.10
Fork lift	.95	1.15	.10
Firemen and Oilers			
Bulldozers, graders, spreaders, tractors, scrapers, rollers, and front-end loaders less than 3 yds	.95	1.15	.10
Pippin type backhoes	.95	1.15	.10
Maintenance Engineers	.95	1.15	.10
Well-point Installation	.95	1.15	.10
Gas or electric driven pumps, heater, concrete mixer, stone crushers, air compressors, welding machines and generators for light plants	.95	1.15	.10

RI-1-PDO-1-P

BRIDGES, CAISSONS, DOCKS, MARINE PIERS, SUB-BASEMENT, SUBTERRANEAN, TUNNELS, & HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS

Basic Hourly Rates	Fringe Benefits Payments		
	H & W	Pensions	Vacation and/or Appr. Tr.
Digging Machines, cranes, pile, lighters, locomotives, derricks, hoists, pavers, and front end loaders, 3 yds. and over	.95	1.15	.10
Firemen and Oilers			
Bulldozers, graders, spreaders, scrapers, rollers, and front-end loaders, less than 3 yds.	.95	1.15	.10
Maintenance Engineers	.95	1.15	.10
Well-point Installation Crews	.95	1.15	.10
Gas or electric driven pumps, heaters, concrete mixers, stone crushers, air compressors, welding machines, and generators, for light plants	.95	1.15	.10
Boat and Tug Operators	.95	1.15	.10
Deckhands	.95	1.15	.10

RI-1-PDO-2-4-P

DECISION NO. R177-3113

Basic Hourly Rates	Fringe Benefits Payments		
	H & W	Pensions	Vacation and/or Appr. Tr.
HEAVY, HIGHWAY AND MARINE CONSTRUCTION (CONT'D)			
Painters:			
Brush & Roller	.50	.50	
Structural Steel	.50	.50	
Spray	.50	.50	
Air Power Brush	.50	.50	
Plumbers	.86	1.19	.07
Welders receive rate prescribed for craft performing operation to which welding is incidental.			

PAID HOLIDAYS:  
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

## FOOTNOTES:

- a. Holidays: A through F, Columbus Day provided employee has been employed 5 working days prior to the holiday and provided the employee works the scheduled work days immediately preceding and following the holiday

DECISION NO. R177-3113

Basic Hourly Rates	Fringe Benefits Payments		
	H & W	Pensions	Vacation and/or Appr. Tr.
HIGHWAY & BRIDGE INCIDENTAL TO HIGHWAY CONSTRUCTION			
POWER EQUIPMENT OPERATORS:			
Class I	10.085	.95	1.15
Class II	7.615	.95	1.15
Class III	8.565	.95	1.15
Class IV	8.685	.95	1.15
Class V	8.315	.95	1.15
Class VI	8.435	.95	1.15
Class VII	7.465	.95	1.15
Class VIII	7.665	.95	1.15
Class IX	8.135	.95	1.15
Class X	8.815	.95	1.15
Class XI	8.665	.95	1.15

R.I. 1-PDO-2 R

Class I - Shovels, cranes, gradalls  
Class II - Oiler  
Class III - Bulldozer, roller and spreaders  
Class IV - Scrapers and graders  
Class V - Mechanics  
Class VI - Pumps and compressors  
Class VII - Dozers in yards or pits  
Class VIII - Mechanics and welders  
Class IX - Loaders and cranes in yard  
Class X - Master mechanic  
Class XI - Pippin type backhoe

DECISION NO. R177-3113

Basic Hourly Rates	Fringe Benefits Payments		
	H & W	Pensions	Vacation and/or Appr. Tr.
HEAVY & HIGHWAY CONSTRUCTION TRUCK DRIVERS			
CLASS I	\$ 7.12	.65	a+b
CLASS II	7.27	.65	a+b
CLASS III	7.32	.65	a+b
CLASS IV	7.42	.65	a+b
CLASS V	7.52	.65	a+b
CLASS VI	7.77	.65	a+b
CLASS VII	8.02	.65	a+b

RHODE ISLAND-1-TD-2-3-L

CLASS I - Pick-up trucks, station wagons and Panel Trucks  
CLASS II - Two Axle, Helpers on Low Beds  
CLASS III - Three Axle equipment and ready mix equipment  
CLASS IV - Four and Five Axle equipment  
CLASS V - Low Bed Trailers, Special earth moving equipment under 35 tons, Mechanics, Paving Restoration Vehicle & Vac Haul  
CLASS VI - Special earth moving equipment over 35 tons  
CLASS VII - Trailers when used on a double hook-up (pulling 2 trailers)

## PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

## FOOTNOTES:

- a. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, V-J Day, providing employee has worked at least one day in the calendar week in which the holiday falls.
- b. Employee who has been on payroll for 1 year or more but less than 5 years and has worked 150 days during the last year of employment shall receive 1 week's vacation; 5 years or more - 2 weeks vacation.



TN77-1087 - (Cont'd)

STATE: Tennessee  
DECISION NO. TN77-1087  
Supersedes Decision No.: TN76-1061, dated May 14, 1976, in 41 FR-20148,  
No. TN76-1045, dated April 2, 1976, in 41 FR-14306, and No. TN76-1052, dated  
April 23, 1976, in 41 FR-17301.  
DESCRIPTION OF WORK: Building Construction (excludes single family homes  
and garden type apartments of 4 stories or less).

COUNTIES: \*See below  
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ASBESTOS WORKERS	5.75	.37		.01		
BRICKLAYERS	7.15					
CARPENTERS	6.40					.01
CEMENT MASONS	5.80					0.56
ELECTRICIANS	8.20	.40	36			
IRONWORKERS:						
Structural & Ornamental	8.34	.50	.50			.02
Reinforcing	8.20	.50	.50			.02
LABORERS:						
General	2.88					
Mason tenders	3.35					
Pipelayers	4.00					
LATHERS	5.00					
MILLWRIGHTS	6.30					
PAINTERS	4.48					
PLASTERERS	5.50	.45	.45			.02
PLUMBERS & STEAMFITTERS						
ROOFERS	8.80					
Sheet Metal Workers	5.40					
TILE SETTERS	5.24					
TRUCK DRIVERS	4.00					
	3.25					

\*Counties: Carter, Hawkins,  
Johnson, Sullivan, & Washington.

GROUP A: Backhoes; cable ways; roas carriers; clamshells; cranes; derricks;  
draglines; tounapulls; pans; scrapers; scoops, etc.; head tower machines;  
locomotives (over 20 tons); shovels; mechanics & welders; winch trucks with  
A-frame; skimmer scoops; locomotive cranes; over-head cranes; pile drivers;  
skid rigs; side boom tractors; euclid loaders; hoist (any size handling steel  
or stone); derrick boats; dredge boats; engines used in connection with hoist  
material with an attached device on tower or engine; marking machines; hi-lifts  
or end loaders; finish graders; cherry-pickers; tower cranes; skylift &  
gradall; dozers; earth augers and pole machine operators; core drill &  
foundation drills

GROUP B: Tractors, farm type tractors with attachments; central compressor  
plants; elevators, used for hoisting building material, central mixing plants;  
hoist; pump crete machines; concrete pumps; trenching machines; backfillers  
(other than cranes); crushing plant operators; elevating graders; paving  
machines (black top); fork-lift; paving machines, concrete; boat operator or  
engineer (30 tons or over); tracomobile; maintainer; blacktop roller;  
switchman; locomotive under 20 tons

GROUP C: Asphalt plant operators; barber green type loaders; engine tender  
other than steam; mixers, over 2 bags not include central plants; pumps, 2  
not more than 3; scarifiers; spreader box (bituminous); asphalt mixers;  
portable compressors, 2 not more than 3; rollers; sub-grader machine;  
tractors, farm type without attachments; cable head tower engineman; dredge  
booster pump operators; boat operator or engine, under 30 tons; finishing  
machine; fireman & oiler (combination); motor crane oiler & driver; welding  
machine, 2 not more than 3; heaters, stationary or portable (to 5); compressors  
(portable 2 not more than 3); greaser or fuel trucks

GROUP D: Air compressor (1 portable); fireman; portable crushers; welding  
machine (1); conveyors; pumps (1); oiler; heater (1)

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977

SUPERSEDEAS DECISION

TN77-1114 - (Cont'd)

Page 2

STATE: Tennessee  
DECISION NUMBER: TN77-1114  
Supersedes Decision No.: TN77-1022 dated March 4, 1977 in 42 FR 2667  
DESCRIPTION OF WORK: Building Construction (does not include single  
family homes or garden type apartments of 4 stories or less).

SUPERSEDEAS DECISION

COUNTY: Rutherford  
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Asbestos workers	10.35	.45	.35			
Bricklayers	7.34					
Carpenters	5.55					
Cement masons	5.40					
Electrician	5.50					
Elevator Constructors:						
Mechanics	6.46	.545	.35	6 1/2%		.02
Helpers	5.92	.545	.35	6 1/2%		.02
Glaziers	8.05	.50				
Ironworkers:						
Structural	5.15					
Reinforcing	5.96					
Laborers:						
Air tool operators	3.50					
Mason tenders	3.50					
Mortar mixers	3.50					
Unskilled	3.42					
Lathers	8.30		.20	.40		.08
Painters	5.67		.20	.10		.07
Plumbers	7.90	.40				
Roofers	6.65					
Sheet metal workers	4.90					
Soft floor layers	5.65					
Sprinkler fitters	5.15					
Steam fitters	10.10	.60	.90			.08
Tile setters	8.84	.45	.45	.25		.05
Tile grinders	5.25					
Truck drivers	4.30					
	4.75					
POWER EQUIPMENT OPERATORS:						
Air compressors	4.20					
Asphalt paver	3.62					
Backhoe	4.75					
Bulldozer	4.20					
Crane	6.00					
Motor grader	4.20					
Roller	4.20					
Tractor	5.00					
Trencher	5.45					
	4.20					

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977



SUPERSEDES DECISION

STATE: Texas

COUNTIES: Archer, Armstrong, Baylor, Briscoe, Carson, Castro, Childress, Clay, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hardeman, Hartley, Hemphill, Hutchinson, Lipscomb, Montague, Moore, Ochiltree, Oldham, Parker, Potter, Randall, Roberts, Sherman, Sutherland, Wheeler, Wichita & Wilbarger

DECISION NO.: TX77-4236  
Supersedes Decision No. TX77-4174, dated August 19, 1977 in 42 PR 42086  
DESCRIPTION OF WORK: Heavy (does not include tunnels & dams) and Highway (does not include building structures in rest area projects) Construction.

DECISION NO. TX77-4236

DATE: Date of Publication

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 3.70				
4.10				
4.90				
4.70				
4.00				
4.30				
3.30				
4.75				
4.00				
4.75				
4.30				
4.00				
3.90				
5.05				
4.40				
3.00				
3.65				
4.00				
5.10				
3.30				
4.20				
4.05				
5.00				
3.75				
3.25				
4.20				
4.35				
4.85				
3.65				

Asphalt Hesterman  
Asphalt Raker  
Batching Plant Scaleman  
Carpenter  
Concrete Finisher (Paving)  
Concrete Finisher Helper (Paving)  
Concrete Finisher (Structures)  
Concrete Finisher Helper (Structures)  
Form Builder (Structures)  
Form Builder Helper (Structures)  
Form Liner (Paving and Curb)  
Form Setter (Paving and Curb)  
Form Setter Helper (Paving and Curb)  
Form Setter (Structures)  
Form Setter Helper (Structures)  
Laborer, Common  
Laborer, Utility Man  
Machinist Builder, Brick  
Mechanic  
Mechanic Helper  
Miller  
Sawyer  
Painter (Structures)  
Pipelayer  
Pipelayer Helper  
Powderman  
Reinforcing Steel Setter (Paving)  
Reinforcing Steel Setter (Structures)  
Reinforcing Steel Setter Helper

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 3.50				
4.35				
3.10				
4.65				
5.00				
3.55				
4.20				
4.85				
4.75				
4.80				
3.75				
4.80				
4.30				
4.55				
5.05				
4.95				
5.35				
5.85				
4.00				
4.20				
4.90				
4.65				
5.50				
5.00				
3.50				
3.90				
3.85				
4.35				
4.80				
4.00				

Sign Erector  
Spreader Box Man  
Swamp  
Power Equipment Operators:  
Asphalt Distributor  
Asphalt Paving Machine  
Broom or Sweeper Operator  
Bulldozer, 150 HP and Less  
Bulldozer, over 150 HP  
Concrete Paving Curing Machine  
Concrete Paving Finishing Machine  
Concrete Paving Form Grader  
Concrete Paving Mixer  
Concrete Paving Saw  
Crane, Gannahell, Backhoe, Derrick, Dragline, Shovel (less than 1 1/2 CY)  
Crane, Gannahell, Backhoe, Derrick, Dragline, Shovel (1 1/2 CY and over)  
Crusher or Screening Plant Op.  
Foundation Drill Operator (Crawler Mounted)  
Foundation Drill Operator (Truck Mounted)  
Foundation Drill Operator Helper  
Front End Loader (2 1/2 CY & Less)  
Front End Loader (Over 2 1/2 CY)  
Mixer (Over 16 CF)  
Motor Grader Operator, Fine Grade  
Motor Grader Operator  
Roller, Steel Wheel (Plant-Mix Pavements)  
Roller, Steel Wheel (Other-Plant Wheel or Tamping)  
Roller, Pneumatic (Self-Propelled)  
Scrapers (17 CY and Less)  
Scrapers (Over 17 CY)  
Side Boom

DECISION NO. TX77-4236

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 3.80				
4.30				
3.75				
4.30				
4.35				
4.00				
4.00				
4.00				
3.00				
3.75				
3.45				
3.55				
3.50				
3.05				
3.25				
5.50				

Power Equipment Operators (Cont'd):  
Tractor (Crawler Type) 150 HP and Less  
Tractor (Crawler Type) over 150 HP  
Tractor (Pneumatic) 80 HP and Less  
Tractor (Pneumatic) over 80 HP  
Traveling Mixer  
Trenching Machine, Light  
Trenching Machine, Heavy  
Wagon Drill, Boring Machine or Post Hole Driller Operator  
Truck Drivers:  
Single Axle, Light  
Single Axle, Heavy  
Tandem Axle or Semitrailer  
Lowboy-Float  
Transit-Mix  
Vibrator Man (Hand Type)  
Weighman (Truck Scales)  
Welder



## SUPERSEDES DECISION

STATE: Texas

COUNTIES: Bailey, Borden, Cochran, Cottle, Crosby, Dawson, Dickens, Fitts, Floyd, Ford, Gaines, Garza, Hale, Haskell, Hockley, Jones, Kent, King, Knox, Lamb, Lubbock, Lynn, Motley, Scurry, Shackelford, Stephens, Stone-wall, Terry, Throckmorton, Tarrant & Young

DECISION NO.: TX77-4237

DATE: Date of Publication

SUPERSEDES DECISION NO. TX77-4175, dated August 19, 1977, at 42 35 42088

DESCRIPTION OF WORK: Heavy (does not include tunnels & dams) and highway (does not include building structures in rest area projects) construction.

DECISION NO. TX77-4237

Power Equipment Operators:  
Asphalt Distributor  
Asphalt Paving Machine  
Broom or Sweeper Operator  
Bulldozer, 150 HP and Less  
Bulldozer, over 150 HP  
Concrete Paving Finishing Machine  
Concrete Paving Saw  
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)  
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)  
Crusher or Screening Plant Op.  
Elevating Grader  
Foundation Drill Operator (Gravitar Mounted)  
Foundation Drill Operator (Truck Mounted)  
Front End Loader (2½ CY & Less)  
Front End Loader (Over 2½ CY)  
Motor Grader Operator, Fine Grade  
Motor Grader Operator  
Roller, Steel Wheel (Plant-Mix Pavement)  
Roller, Steel Wheel (Other-Flat Wheel or Tamping)  
Roller, Pneumatic (Self-Propelled)  
Scrapers (17 CY and Less)  
Scrapers (Over 17 CY)  
Side Boom  
Tractor (Crawler Type) 150 HP and Less  
Tractor (Crawler Type) over 150 HP  
Tractor (Pneumatic) 80 HP & Less  
Tractor (Pneumatic) over 80 HP

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
\$ 4.00				
4.30				
3.00				
3.85				
4.00				
4.35				
4.00				
4.70				
5.05				
4.25				
4.00				
5.85				
6.00				
3.80				
4.45				
5.00				
4.75				
4.00				
3.45				
3.00				
3.80				
4.00				
3.25				
3.40				
4.50				
3.40				
4.00				

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
\$ 3.00				
3.55				
3.75				
3.00				
4.35				
3.00				
4.75				
3.80				
4.15				
3.35				
4.45				
3.50				
6.75				
3.80				
3.75				
4.55				
4.00				
5.30				
4.10				
3.00				
3.55				
4.75				
3.75				
4.15				
3.90				
3.75				
3.50				
5.00				
4.45				
3.90				
3.25				

Air Tool Man  
Asphalt Heaterman  
Asphalt Maker  
Asphalt Shovel  
Batching Plant Scaleman  
Batchboard Setter  
Carpenter  
Concrete Finisher (Paving)  
Concrete Finisher Helper (Paving)  
Concrete Finisher (Structures)  
Concrete Finisher Helper (Structures)  
Electrician  
Electrician Helper  
Form Builder (Structures)  
Form Setter (Paving and Curb)  
Form Setter Helper (Paving and Curb)  
Form Setter (Structures)  
Form Setter Helper (Structures)  
Laborer, Common  
Laborer, Utility Man  
Mechanic  
Mechanic Helper  
Miller  
Serviceman  
Pipelayer  
Pipelayer Helper  
Roadman  
Reinforcing Steel Setter (Structures)  
Spreader Box Man  
Swamp

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977

DECISION NO. TX77-4237

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
\$ 3.25				
3.00				
3.75				
3.25				
3.25				
3.25				
3.00				
5.50				
3.25				

Power Equipment Operators (Cont'd):  
Traveling Mixer  
Trenching Machine, Light  
Wagon Drill, Boring Machine or Post Hole Driller Operator  
Truck Drivers:  
Single Axle, Light  
Single Axle, Heavy  
Tandem Axle or Semitrailer  
Weighman (Truck Scales)  
Welder  
Welder Helper

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977



SUPERSEDES DECISION

STATE: Texas

COUNTIES: Andrews, Brown, Brown, Callahan, Coke, Coleman, Comanche, Concho, Cline, Crockett, Eastland, Factor, Fratt, Glascock, Howard, Irion, Kinble, Loving, Martin, McCulloch, Menard, Midland, Mills, Mitchell, Nolan, Reagan, Runnels, San Saba, Schleicher, Sterling, Sutton, Taylor, Tom Green, Upton, Hard & Winkler

DECISION NO.: TX77-4238  
Supersedes Decision No. TX77-4176, dated August 19, 1977, in 42 LR 42090  
DESCRIPTION OF WORK: Heavy (does not include tunnels & dams) and Highway (does not include building structures in rest area projects) Construction.

	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Vacation
Air Tool Man	\$ 3.00			
Asphalt Heaterman	3.25			
Asphalt Raker	3.50			
Asphalt Shoveler	3.50			
Batching Plant Scaleman	4.25			
Batterboard Setter	3.65			
Carpenter	4.40			
Carpenter Helper	3.30			
Concrete Finisher (Paving)	4.50			
Concrete Finisher Helper (Paving)	3.25			
Concrete Finisher (Structures)	4.40			
Concrete Finisher Helper (Structures)	3.50			
Electrician	6.30			
Form Builder (Structures)	4.50			
Form Builder Helper (Structures)	3.15			
Form Setter (Paving and Curb)	4.65			
Form Setter Helper (Paving and Curb)	4.00			
Form Setter (Structures)	4.75			
Form Setter Helper (Structures)	3.70			
Laborer, Common	3.00			
Laborer, Utility Man	3.50			
Manhole Builder, Brick	4.00			
Mechanic	4.00			
Mechanic Helper	3.75			
Miller	3.50			
Service man	3.50			
Painter (Structures)	3.50			
Pipelayer	3.60			
Pipelayer Helper	3.50			
Powerman	4.00			
Powerman Helper	3.10			

53122

NOTICES

Page 2

DECISION NO. TX77-4238

	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Vacation
Reinforcing Steel Setter (Structures)	\$ 3.75			
Reinforcing Steel Setter Helper	3.25			
Steel Worker (Structural)	3.75			
Sign Erector	4.15			
Sign Erector Helper	3.25			
Spreader Box Man	3.85			
Power Equipment Operators:				
Asphalt Distributor	4.10			
Broom or Sweeper Operator	4.00			
Bulldozer, 150 HP and Less	4.00			
Bulldozer, over 150 HP	4.50			
Concrete Paving Saw	4.50			
Crane, Girderless, Backhoe, Derrick, Dragline, Shovel (less than 1 1/2 CY)	4.25			
Crane, Girderless, Backhoe, Derrick, Dragline, Shovel (1 1/2 CY and Over)	5.00			
Grusher or Screening Plant Op.	4.05			
Elevating Grader	4.10			
Foundation Drill Operator (Crawler Mounted)	4.60			
Foundation Drill Operator (Truck Mounted)	5.50			
Front End Loader (2 1/2 CY & Less)	3.75			
Front End Loader (over 2 1/2 CY)	4.45			
Motor Grader Op., Fine Grade	5.00			
Motor Grader Operator	4.40			
Roller, Steel Wheel (Plant-Mix Pavements)	3.50			
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.45			
Roller, Pneumatic (Self-Propelled)	3.75			
Scrapers (17 CY and Less)	3.70			
Scrapers (Over 17 CY)	4.00			
Self-Propelled Hammer	3.50			
Side Boom	3.50			

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977

Page 3

DECISION NO. TX77-4238

	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Vacation
Power Equipment Operators (Cont'd):				
Tractor (Crawler Type) 150 HP and Less	\$ 3.45			
Tractor (Crawler Type) over 150 HP	3.85			
Tractor (Pneumatic)-60 HP and Less	3.25			
Tractor (Pneumatic) over 60 HP	3.75			
Traveling Mixer	3.00			
Trenching Machine, Light	4.05			
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.50			
Truck Drivers:				
Single Axle, Light	3.25			
Single Axle, Heavy	3.25			
Tandem Axle or Semitrailer	3.40			
Lowboy-Float	3.95			
Witch	3.50			
Weldman (Truck Scales)	3.50			
Welder	4.00			

NOTICES

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FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977

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DECISION NO. TX77-4239

STATE: Texas  
COUNTIES: Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Pecos, Presidio, Reeves & Terrell  
DATE: Date of Publication  
Supersedes Decision No. TX77-4177, dated August 19, 1977, in 42 FR 42092  
DESCRIPTION OF WORK: Heavy (does not include tunnels & dams) and Highway (does not include building structures in rest area projects) Construction.

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
Asphalt Heaterman	\$ 3.00				
Asphalt Raker	3.30				
Asphalt Shoveler	2.50				
Batching Plant Scaleman	3.25				
Batterboard Setter	2.50				
Carpenter	4.25				
Concrete Finisher (Paving)	3.60				
Concrete Finisher Helper (Paving)	4.00				
Concrete Finisher (Structures)	3.00				
Concrete Finisher Helper (Structures)	3.90				
Concrete Rubber	3.00				
Electrician Helper	3.00				
Form Builder (Structures)	6.75				
Form Builder Helper (Structures)	5.25				
Form Liner (Paving and Curb)	3.40				
Form Setter (Paving and Curb)	3.00				
Form Setter Helper (Paving and Curb)	2.85				
Form Setter (Structures)	3.50				
Form Setter Helper (Structures)	3.25				
Laborer, Common	3.90				
Laborer, Utility Man	3.20				
Mechanic	2.50				
Mechanic Helper	2.75				
Miller	4.30				
Serviceman	3.00				
Painter (Structures)	3.70				
Painter Helper (Structures)	5.00				
Piledriverman	4.00				
Pipelayer	3.40				
Pipelayer Helper	3.75				
Powderman	2.75				
Powderman Helper	4.50				
Reinforcing Steel Setter (Paving)	3.45				
Reinforcing Steel Setter (Structures)	3.50				
	3.50				

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
Reinforcing Steel Setter Helper	\$ 3.00				
Steel Marker (Structural)	3.50				
Sign Erector	3.50				
Spreader Box Man	3.55				
Swamper	3.75				
Power Equipment Operators:					
Asphalt Distributor	3.30				
Asphalt Paving Machine	3.55				
Broom or Sweeper Operator	3.30				
Bulldozer, 150 HP and Less	3.60				
Bulldozer, over 150 HP	4.00				
Concrete Paving, Curling Machine	4.25				
Concrete Paving Finishing Machine	4.65				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (Less than 1 1/2 CY)	4.15				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1 1/2 CY and Over)	4.60				
Crusher or Screening Plant Op.	3.80				
Front End Loader (2 1/2 CY and Less)	3.65				
Front End Loader (Over 2 1/2 CY)	4.25				
Hofst (Double Drum and Less)	3.10				
Motor Grader Op., Fine Grade	4.70				
Motor Grader Operator	4.00				
Roller, Steel Wheel (Plant-Mix Pavement)	3.35				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.25				
Roller, Pneumatic (Self-Propelled)	3.25				
Scrapers (17 CY and Less)	3.75				
Scrapers (Over 17 CY)	4.00				
Tractor (Crawler Type) 150 HP and Less	3.00				
Tractor (Crawler Type) over 150 HP	3.80				

DECISION NO. TX77-4239

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
Power Equipment Operators (Cont'd.):					
Tractor (Pneumatic) 80 HP and Less	\$ 3.00				
Tractor (Pneumatic) over 80 HP	3.25				
Traveling Mixer	4.15				
Trenching Machine, Light	3.50				
Trenching Machine, Heavy	4.25				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.50				
Truck Drivers:					
Single Axle, Light	3.30				
Lowboy-Flat	3.30				
Transit-Mix	3.35				
Weighman (Truck Scales)	2.65				
Welder	4.90				



DECISION NO. TX77-4260

SUPERSEDES DECISION

STATE: Texas  
COUNTIES: Alameda, Bandera, Bexar, Bexar, Comal, Dimmit, Edwards, Frio, Guadalupe, Kendall, Kerr, Kinney, LaSalle, Maverick, McAllen, Medina, Real, Uvalde, Val Verde, Wilson & Zavala

DATE: Date of Publication  
Supersedes Decision No. TX77-4178, dated August 19, 1977, in 42 FR 42094  
DESCRIPTION OF WORK: Heavy (does not include tunnels & dams) and Highway (does not include building structures in rest area projects) Construction.

DECISION NO.: TX77-4260

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
Air Tool Man	\$ 2.75			
Asphalt Heaterman	3.25			
Asphalt Baker	3.70			
Asphalt Shovel	2.50			
Backing Plant Scaleman	3.60			
Backboard Setter	3.25			
Carpenter	4.00			
Carpenter Helper	3.40			
Concrete Finisher (Paving)	3.75			
Concrete Finisher Helper (Paving)	3.50			
Concrete Finisher (Structures)	3.80			
Concrete Finisher Helper (Structures)	3.40			
Concrete Rubber	3.25			
Electrician	7.25			
Electrician Helper	5.50			
Form Builder (Structures)	4.00			
Form Builder Helper (Structures)	3.40			
Form Liner (Paving and Gurb)	4.00			
Form Setter (Paving and Gurb)	4.00			
Form Setter Helper (Paving and Gurb)	3.55			
Form Setter (Structures)	4.00			
Form Setter Helper (Structures)	3.20			
Laborer, Common	2.50			
Laborer, Utility Man	3.05			
Mechanic	4.60			
Mechanic Helper	3.25			
Oilier	3.25			
Service Man	4.90			
Painter (Structures)	3.00			
Painter Helper (Structures)	4.75			
Piledriver	3.30			
Pipelayer	2.75			
Pipelayer Helper				

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
Pneumatic Mortarman	\$ 2.65			
Powderman	3.80			
Reinforcing Steel Setter (Paving)	2.50			
Reinforcing Steel Setter (Structures)	3.80			
Reinforcing Steel Setter Helper	3.90			
Steel Worker (Structural)	3.50			
Sign Erector	3.35			
Spreader Box Man	3.75			
Swamp	3.25			
Power Equipment Operators:				
Asphalt Distributor	3.85			
Asphalt Paving Machine	4.00			
Broom or Sweeper Operator	3.00			
Bulldozer, 150 HP and Less	4.00			
Bulldozer, over 150 HP	4.25			
Concrete Paving Curing Machine	4.00			
Concrete Paving Mixer	3.25			
Concrete Paving Spreader	4.35			
Crane, Crawler, Backhoe, Derrick, Dragline, Shovel (less than 1 1/2 CY)	4.00			
Crane, Crawler, Backhoe, Derrick, Dragline, Shovel (1 1/2 CY and Over)	4.50			
Crusher or Screening Plant Op.	3.75			
Elevating Grader	3.50			
Form Loader	3.25			
Foundation Drill Operator	6.00			
(Crawler Mounted)				
Foundation Drill Operator (Truck Mounted)	6.30			
Front End Loader Operator Helper	3.75			
Front End Loader (2 1/2 CY & Less)	3.65			
Front End Loader (Over 2 1/2 CY)	4.00			
Mixer (Over 16 CY)	3.80			
Motor Grader Op., Fine Grade	5.00			
Motor Grader Operator	4.20			

DECISION NO. TX77-4260

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
Power Equipment Operators (Cont'd):				
Roller, Steel Wheel (Plant-Mix Pavements)	\$ 3.00			
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.00			
Roller, Pneumatic (Self-Propelled)	3.05			
Scrapers (17 CY and Less)	3.75			
Scrapers (Over 17 CY)	4.00			
Self-Propelled Hammer	3.00			
Tractor (Crawler Type) 150 HP and Less	3.25			
Tractor (Crawler Type) over 150 HP	4.00			
Tractor (Pneumatic) 80 HP and Less	3.40			
Tractor (Pneumatic) over 80 HP	3.80			
Traveling Mixer	3.50			
Trenching Machine, Light	3.75			
Trenching Machine, Heavy	4.50			
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.60			
Truck Drivers:				
Single Axle, Light	2.95			
Tandem Axle or Semitrailer	3.00			
Lowboy-Flat	3.25			
Winch	3.25			
Welder	4.25			
Welder Helper	4.00			



DECISION NO. TX77-4261

SUPPLEMENTAL DECISION

STATE: Texas COUNTRIES: Brooks, Cameron, Duval, Hidalgo, Jim Hogg, Kennedy, Starr, Webb, Wilbrey & Zapata

DATE: Date of Publication SUPERSEDAS Decision No. TX77-4179, dated August 19, 1977, in 42 FR 42096 DESCRIPTION OF WORK: Heavy (does not include tunnels & dams) and Highway (does not include building structures in rest area projects). Construction and Shore Work.

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Air Tool Man	\$ 2.75				
Asphalt Heaterman	3.25				
Asphalt Raker	3.40				
Asphalt Shoveler	3.50				
Batching Plant Scaleman	3.40				
Carpenter	4.00				
Carpenter Helper	2.90				
Concrete Finisher (Paving)	3.75				
Concrete Finisher Helper (Paving)	2.75				
Concrete Finisher (Structures)	4.00				
Concrete Finisher Helper (Structures)	2.85				
Electrician	7.50				
Form Builder (Structures)	4.25				
Form Builder Helper (Structures)	3.25				
Form Liner (Paving and Curb)	3.00				
Form Setter (Paving and Curb)	3.70				
Form Setter Helper Paving and Curb)	2.85				
Form Setter (Structures)	3.50				
Form Setter Helper (Structures)	3.25				
Laborer, Common	2.70				
Laborer, Utility Man	3.00				
Machinist Builder, Brick	3.30				
Mechanic	4.05				
Mechanic Helper	3.55				
Miller	3.30				
Service Man	3.30				
Pipelayer	3.95				
Pipelayer Helper	3.45				
Powderman	2.75				
Reinforcing Steel Setter (Paving)	3.75				
Reinforcing Steel Setter (Structures)	3.80				
Reinforcing Steel Setter Helper	4.30				
Spreader Box Man	3.05				
	3.55				

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Power Equipment Operator: Asphalt Distributor	\$ 3.40				
Asphalt Paving Machine	3.60				
Broom or Sweeper Operator	3.05				
Bulldozer, 180 HP and Less	3.75				
Bulldozer, over 150 HP	3.85				
Concrete Paving Saw	3.50				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1 1/2 CY)	3.50				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1 1/2 CY and Over)	4.60				
Crusher or Screening Plant Op. (Truck Mounted)	3.00				
Foundation Drill Operator	5.10				
Foundation Drill Operator Helper	3.75				
Front End Loader (2 1/2 CY and Less)	3.50				
Front End Loader (Over 2 1/2 CY)	3.85				
Mixer (16 CY and Less)	3.00				
Motor Grader Operator, Fine Grade	4.50				
Motor Grader Operator	3.85				
Roller, Steel Wheel (Plant-Mix Pavements)	3.50				
Roller, Steel Wheel (Other-Plant Wheel or Tamping)	3.00				
Roller, Pneumatic (Self-Propelled)	3.25				
Scrapers (17 CY and Less)	3.40				
Scrapers (Over 17 CY)	3.75				
Self-Propelled Hammer	3.15				
Tractor (Crawler Type) 150 HP and Less	2.80				
Tractor (Crawler Type) over 150 HP	3.95				
Tractor (Pneumatic) 80 HP and Less	3.25				
Tractor (Pneumatic) over 80 HP	3.75				
Traveling Mixer	3.50				
Trenching Machine, Light	3.75				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.75				

DECISION NO. TX77-4261

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Truck Drivers: Single Axle, Light	\$ 2.90				
Lowboy-Float	3.50				
Winch	3.50				
Welder	3.75				

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DECISION NO. TX77-4242

SUPERSEDAS DECISION

STATE: Texas

COUNTIES: Aransas, Bee, Calhoun, DeWitt, Collier, Jackson, Jim Wells, Karnes, Kiebert, Lavaca, Live Oak, Nueces, Refugio, San Patricio & Victoria

DECISION NO.: TX77-4242  
Supersedes Decision No. TX77-4180, dated August 19, 1977, in 42 FR 42098  
DESCRIPTION OF WORK: Heavy (does not include tunnels & dams) and Highway (does not include building structures in rest area projects) Construction and Shore Work

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
Power Equipment Operators: Asphalt Distributor Asphalt Paving Machine Broom or Sweeper Operator Bulldozer, 150 HP and Less Bulldozer, over 150 HP Concrete Paving Paving Machine Concrete Paving Finishing Machine Concrete Paving Form Grader Concrete Paving Gang Vibrator Concrete Paving Grinder Paving Sub Grader Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1 1/2 CY) Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1 1/2 CY and Over) Grusher or Screening Plant Op. Elevating Grader Front End Loader (2 1/2 CY and Less) Front End Loader (Over 2 1/2 CY) Mixer (Over 16 CY) Motor Grader Operator, Fine Grade Motor Grader Operator Roller, Steel Wheel (Plant-Mix Pavement) Roller, Steel Wheel (Other-Flat Wheel or Tamping) Roller, Pneumatic (Self-Pro-pelled) Scrapers (17 CY and Less) Scrapers (Over 17 CY) Tractor (Crawler Type) 150 HP and Less Tractor (Crawler Type) over 150 HP Tractor (Pneumatic) 80 HP and Less Tractor (Pneumatic) over 80 HP	\$ 3.75 4.00 3.60 3.50 4.50 3.50 3.00 3.50 3.50 3.50 3.50 4.00 5.00 3.50 4.00 4.25 4.25 5.00 4.25 3.50 3.15 3.15 3.50 4.50 3.00 3.70 3.00 3.45			

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
Air Tool Man Asphalt Heaterman Asphalt Raker Asphalt Shovel Batching Plant Scaleman Batteryboard Setter Carpenter Carpenter Helper Concrete Finisher (Paving) Concrete Finisher Helper (Paving) Concrete Finisher (Structures) Concrete Finisher Helper (Structures) Concrete Rubber Electrician Electrician Helper Form Builder (Structures) Form Builder Helper (Structures) Form Liner (Paving and Curb) Form Setter (Paving and Curb) Form Setter Helper (Paving and Curb) Form Setter (Structures) Form Setter Helper (Structures) Laborer, Common Laborer, Utility Man Masonry Builder, Brick Mechanic Helper Mechanic Miller Serviceman Painter (Structures) Painter Helper (Structures) Filedriever Pipelayer Pipelayer Helper Reinforcing Steel Setter (Structures) Reinforcing Steel Setter Helper Spreader Box Man	\$ 2.50 3.50 3.50 2.90 3.25 3.80 4.00 3.25 4.05 2.50 4.00 3.25 3.00 7.65 3.15 4.00 3.75 3.50 3.70 3.00 4.15 3.70 2.50 3.00 3.75 4.50 3.75 3.45 3.50 4.00 3.50 3.75 3.25 3.85 3.50 3.60			

DECISION NO. TX77-4242

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
Power Equipment Operators (Cont'd): Traveling Mixer Trenching Machine—light Wagon Drill, Boring Machine or Post Hole Driller Operator Truck Drivers: Single Axle, Light Single Axle, Heavy Tandem Axle or Semitrailer Lowboy-Float Winch Vibrator Man (Hand Type) Welder Welder Helper	\$ 3.35 3.25 3.75 3.00 3.00 3.40 3.50 3.25 2.50 3.90 3.50			



DECISION NO. TX77-4243

SUPERSEDES DECISION

COUNTIES: Austin, Bastrop, Blanco, Burnet, Caldwell, Colorado, Fayette, Gillespie, Gonzales, Hays, Lee, Llano, Mason, Travis, & Williamson

DATE: Data of Publication  
Supersedes Decision No. TX77-4181, dated August 19, 1977, in 42 FR 42100  
DESCRIPTION OF WORK: Heavy (does not include tunnels & dams) and Highway (does not include building structures in rest area projects) Construction.

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
Air Tool Man	\$ 3.30				
Asphalt Heaterman	3.25				
Asphalt Raker	4.00				
Batching Plant Scaleman	3.75				
Carpenter	4.25				
Carpenter Helper	3.30				
Concrete Finisher (Paving)	4.65				
Concrete Finisher Helper (Paving)	3.75				
Concrete Finisher (Structures)	4.00				
Concrete Finisher Helper (Structures)	3.75				
Concrete Rubber	2.75				
Electrician	7.50				
Electrician Helper	2.75				
Form Builder (Structures)	4.00				
Form Builder Helper (Structures)	3.75				
Form Liner (Paving and Curb)	4.50				
Form Setter (Paving and Curb)	4.50				
Form Setter Helper (Paving and Curb)	3.75				
Form Setter (Structures)	4.00				
Form Setter Helper (Structures)	3.25				
Laborer, Common	2.50				
Laborer, Utility Man	3.00				
Mechanic	4.60				
Mechanic Helper	4.00				
Oiler	3.25				
Serviceman	3.50				
Painter (Structures)	4.25				
Pipelayer	3.75				
Pipelayer Helper	3.00				
Powerman	4.60				
Powerman Helper	3.75				
Reinforcing Steel Setter (Structures)	4.00				
Reinforcing Steel Setter Helper	3.50				

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
Steel Worker (Structural)	\$ 4.50				
Steel Worker Helper (Structural)	3.70				
Sign Erector	3.50				
Sign Erector Helper	2.95				
Spreader Box Man	3.00				
Power Equipment Operators:					
Asphalt Distributor	3.85				
Broom or Sweeper Operator	4.00				
Bulldozer, 150 HP and Less	3.10				
Bulldozer, over 150 HP	4.00				
Concrete Paving Grading Machine	4.25				
Crane, Gantahell, Backhoe, Derrick, Dragline, Shovel (Less than 1 1/2 CY)	4.00				
Crane, Gantahell, Backhoe, Derrick, Dragline, Shovel (1 1/2 CY and Over)	4.00				
Foundation Drill Operator	5.00				
Foundation Drill Operator (Crawler Mounted)	5.75				
Foundation Drill Operator (Truck Mounted)	5.50				
Front End Loader (2 1/2 CY and Less)	4.00				
Front End Loader (Over 2 1/2 CY)	3.70				
Motor Grader Operator, Fine Grade	4.00				
Motor Grader Operator	4.50				
Roller, Steel Wheel (Plant-Mix Pavements)	4.35				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.80				
Roller, Pneumatic (Self-Propelled)	3.00				
Scrapers (17 CY and Less)	3.30				
Scrapers (Over 17 CY)	3.75				
Tractor (Crawler Type) 150 HP and Less	4.25				
Tractor (Crawler Type) over 150 HP	3.00				
Tractor (Crawler Type) over 150 HP	3.50				

DECISION NO. TX77-4243

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
Power Equipment Operators (Cont'd):					
Tractor (Pneumatic) 80 HP and Less	\$ 3.25				
Tractor (Pneumatic) over 80 HP	3.75				
Trenching Machine, Light	3.25				
Trenching Machine, Heavy	4.50				
Wagon Drill, Boring Machine or Post Hole Driller Operator	4.00				
Truck Drivers:					
Single Axle, Light	3.00				
Single Axle, Heavy	3.00				
Tandem Axle or Semitrailer	3.00				
Vibrator Man (Hand Type)	5.00				
Welder					



DECISION NO. TX77-4244

SUPERSEDES DECISION

STATES: Texas  
COUNTIES: Bell, Bosque, Coryell, Falls, Freestone, Hamilton, Hill, Lampasas, Llano, McLennan & Navarro  
DATE: Date of Publication  
SUPERSEDES DECISION NO. TX77-4182, dated August 19, 1977, in 42 FR 42102  
DESCRIPTION OF WORK: Heavy (does not include tunnels & dams) and Highway (does not include building structures in rest area projects) Construction.

Basic Hourly Rates	Fringe Benefits Payments				Education end/or Appr. Tr.
	H & W	Pensions	Vacation		
Alr Tool Man	\$ 3.00				
Asphalt Heaverman	3.55				
Asphalt Baker	4.00				
Batching Plant Scaleman	4.25				
Carpenter	4.35				
Carpenter Helper	3.55				
Concrete Finisher (Paving)	4.75				
Concrete Finisher Helper (Paving)	3.75				
Concrete Finisher (Structures)	4.50				
Concrete Finisher Helper (Structures)	3.50				
Concrete Rubber	3.35				
Electrician	6.50				
Electrician Helper	4.00				
Form Builder (Structures)	4.00				
Form Builder Helper (Structures)	3.50				
Form Setter (Paving and Gurb)	4.20				
Form Setter (Structures)	4.25				
Form Setter Helper (Structures)	3.55				
Laborer, Common	3.00				
Laborer, Utility Man	3.00				
Mechanic	4.60				
Mechanic Helper	3.60				
Miller	3.25				
Serviceaman	3.50				
Painter (Structures)	3.50				
Piledriverman	4.00				
Pipelayer	4.00				
Pipelayer Helper	3.00				
Powderman	4.35				
Reinforcing Steel Satter (Structures)	4.50				
Reinforcing Steel Satter Helper	3.00				
Sign Erector	4.50				
Sign Erector Helper	3.00				
Spreader Box Man	4.10				
Suamper	4.05				

Basic Hourly Rates	Fringe Benefits Payments				Education end/or Appr. Tr.
	H & W	Pensions	Vacation		
Power Equipment Operators:					
Asphalt Distributor	\$ 4.00				
Asphalt Paving Machine	4.10				
Broom or Sweeper Operator	3.90				
Bulldozer, 150 HP and Less	3.75				
Bulldozer, over 150 HP	4.50				
Concrete Paving Curing Machine	4.00				
Crane, Crawler, Backhoe, Derrick, Dragline, Shovel (less than 1 1/2 CY)	4.75				
Crane, Crawler, Backhoe, Derrick, Dragline, Shovel (1 1/2 CY and over)	4.00				
Crusher or Screening Plant Op.	4.75				
Foundation Drill Operator (Truck Mounted)	4.15				
Foundation Drill Operator Helped	5.40				
Front End Loader (2 1/2 CY & Less)	4.25				
Front End Loader (Over 2 1/2 CY)	4.00				
Motor Grader Operator, Fine Grade	4.40				
Motor Grader Operator, Fine Grade	5.00				
Motor Grader Operator	4.50				
Roller, Steel Wheel (Plant-Mix Pavement)	3.85				
Roller, Steel Wheel (Other-Plant Wheel or Tamping)	3.65				
Roller, Pneumatic (Self-Propelled)	3.40				
Scrapers (17 CY and Less)	3.75				
Scrapers (Over 17 CY)	4.00				
Tractor (Crawler Type) 150 HP and Less	3.35				
Tractor (Crawler Type) over 150 HP	3.75				
Tractor (Pneumatic) 80 HP & Less	3.40				
Tractor (Pneumatic) over 80 HP	4.00				
Traveling Mixer	4.25				
Trenching Machine, Light	4.00				
Trenching Machine, Heavy	4.85				

DECISION NO. TX77-4244

Basic Hourly Rates	Fringe Benefits Payments				Education end/or Appr. Tr.
	H & W	Pensions	Vacation		
Power Equipment Operators (Cont'd):					
Wagon Drill, Boring Machine or Post Hole Driller Operator	\$ 3.80				
Truck Drivers					
Single Axle, Light	3.45				
Tandem Axle or Semitrailer	3.55				
Lowboy-Float	4.15				
Welder	4.50				
Welder Helper	3.25				



DECISION NO. TX77-4245

SUPERSEDES DECISION

STATE: Texas

COUNTIES: Cooke, Denton, Hood, Jack, Johnson, Palo Pinto, Parker, Somervell, Tarrant (does not include Dallas-Fort Worth Regional Airport) & Wise

DATE: Date of Publication  
Supercedes Decision No. TX77-4245, dated August 19, 1977, in 42 FR 42104  
DESCRIPTION OF WORK: Heavy (does not include tunnels, dams & work performed on the site of water or sewage treatment facilities) and highway (does not include building structures in rest area projects) Construction.

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
Air Tool Man	\$ 3.40			
Asphalt Heaterman	3.50			
Asphalt Raker	4.25			
Asphalt Shoveler	3.25			
Batching Plant Scaleman	4.25			
Carpenter	4.75			
Carpenter Helper	3.90			
Concrete Finisher (Paving)	4.75			
Concrete Finisher Helper(Paving)	4.00			
Concrete Finisher (Structures)	4.75			
Concrete Finisher Helper (Structures)	4.00			
Concrete Rubber	4.00			
Electrician Helper	3.50			
Form Builder (Structures)	7.00			
Form Builder Helper (Structures)	4.75			
Form Liner (Paving and Curb)	3.75			
Form Setter (Paving and Curb)	4.75			
Form Setter Helper (Paving and Curb)	4.25			
Form Setter (Structures)	3.75			
Form Setter Helper (Structures)	4.25			
Laborer, Common	3.50			
Laborer, Utility Man	3.40			
Mechanic	4.75			
Mechanic Helper	4.25			
Miller	4.05			
Oilerman	4.20			
Piledriver	4.50			
Pipelayer Helper	4.00			
Pipelayer	3.55			
Powderman	4.50			
Reinforcing Steel Setter(Paving)	4.50			
Reinforcing Steel Setter (Structures)	3.50			
Reinforcing Steel Setter Helper	4.35			
Reinforcing Steel Setter Helper	3.00			

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
Steel Worker (Structural)	\$ 4.15			
Steel Worker Helper (Structural)	3.75			
Sign Erector	4.25			
Sign Erector Helper	3.90			
Spreader Box Man	3.90			
Power Equipment Operators:				
Asphalt Distributor	4.50			
Asphalt Paving Machine	4.50			
Broom or Sweeper Operator	3.50			
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1 1/2 CY)	4.00			
Bulldozer, over 150 HP	4.50			
Concrete Paving Curing Machine	4.75			
Concrete Paving Finishing Machine	4.75			
Concrete Paving Longitudinal Float	4.50			
Concrete Paving Mixer	4.00			
Concrete Paving Saw	4.50			
Concrete Paving Spreader	4.35			
Paving Sub Grader	4.00			
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1 1/2 CY)	4.45			
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1 1/2 CY and Over)	4.75			
Form Loader	3.25			
Foundation Drill Operator (Truck Mounted)	5.35			
Foundation Drill Operator Helper	3.95			
Front End Loader (2 1/2 CY and Less)	4.00			
Front End Loader (Over 2 1/2 CY)	4.90			
Mixer (Over 16 CF)	3.75			
Mixer (16 CF and Less)	3.75			
Motor Grader Operator, Fine Grade	4.95			
Motor Grader Operator	4.45			
Roller, Steel Wheel (Plant-Mix Pavements)	4.45			
Roller, Steel Wheel (Other-Plant Mix or Tamping)	4.25			
Wheel or Tamping	3.50			

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977

DECISION NO. TX77-4245

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
Power Equipment Operators (Cont'd.)				
Roller, Pneumatic (Self-Propelled)	\$ 3.75			
Scrapers (17 CY and Less)	3.85			
Scrapers (Over 17-CY)	4.25			
Self-Propelled Hammer and Less	4.25			
Tractor (Crawler Type) 150 HP and Less	3.85			
Tractor (Crawler Type) over 150 HP	4.50			
Tractor (Pneumatic) 80 HP and Less	3.50			
Tractor (Pneumatic) over 80 HP	3.60			
Traveling Mixer	3.65			
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.80			
Truck Drivers:				
Single Axle, Light	3.25			
Single Axle, Heavy	3.85			
Tandem Axle or Semitrailer	3.65			
Loubov-Float	4.50			
Transit-Mix	3.25			
Weightman (Truck Scales)	3.00			
Welder	4.75			

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977



## SUPERSEDES DECISION

STATE: Texas

COUNTIES: Collin, Dallas (does not include Dallas-Fort Worth Regional Airport), Ellis, Grayson & Rockwall

DECISION NO.: TX77-4246  
 Supersede Decision No. TX77-4184, dated August 19, 1977, in 42 FR 42106  
 DESCRIPTION OF WORK: Heavy (does not include tunnels, dams & work performed on the site of water or sewage treatment facilities) and Highway (does not include building structures in rest area projects) Construction.

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
Air Tool Man	\$ 3.15				
Asphalt Hauler/Man	3.75				
Asphalt Raker	4.50				
Asphalt Shovel	3.25				
Batching Plant Scaleman	4.25				
Carpenter	4.80				
Carpenter Helper	3.80				
Concrete Finisher (Paving)	4.75				
Concrete Finisher Helper (Paving)	4.00				
Concrete Finisher (Structures)	4.50				
Concrete Finisher Helper (Structures)	3.75				
Concrete Rubber	3.25				
Electrician	7.00				
Electrician Helper	4.25				
Form Builder (Structures)	4.50				
Form Builder Helper (Structures)	4.00				
Form Liner (Paving and Curb)	4.75				
Form Setter (Paving and Curb)	4.50				
Form Setter Helper (Paving and Curb)	3.50				
Form Setter (Structures)	4.60				
Form Setter Helper (Structures)	3.50				
Laborer, Common	3.00				
Laborer, Utility Man	3.00				
Mechanic Builder, Brick	4.50				
Mechanic	5.00				
Mechanic Helper	3.25				
Oil	3.90				
Service Man	3.50				
Painter (Structures)	3.50				
Painter Helper (Structures)	4.50				
Pipelayer	3.95				
Pipelayer Helper	3.35				
Powerman	4.50				
Reinforcing Steel Setter (Paving)	3.90				

DECISION NO. TX77-4246

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
Reinforcing Steel Setter (Structures)	\$ 4.35				
Reinforcing Steel Setter Helper	3.50				
Steel Worker (Structural)	3.75				
Steel Worker Helper (Structural)	3.50				
Sign Erector	4.50				
Sign Erector Helper	4.00				
Spreader Box Man	4.10				
Swamp	4.00				
Power Equipment Operators:					
Asphalt Distributor	4.25				
Asphalt Paving Machine	4.50				
Broom or Sweeper Operator	3.50				
Bulldozer, 150 HP and Less	4.00				
Bulldozer, over 150 HP	4.50				
Concrete Paving Curing Machine	4.50				
Concrete Paving Finishing Machine	3.70				
Concrete Paving Form Grader	4.00				
Concrete Paving Joint Sealer	4.00				
Concrete Paving Mixer	4.00				
Concrete Paving Saw	4.00				
Paving Sub Grader	4.00				
Crane, Crawler, Backhoe, Derrick, Dragline, Shovel (less than 1 1/2 CY)	4.50				
Crane, Crawler, Backhoe, Derrick, Dragline, Shovel (1 1/2 CY and Over)	5.00				
Crusher or Screening Plant Op.	4.50				
Form Loader	3.25				
Foundation Drill Operator (Truck Mounted)	5.00				
Foundation Drill Operator Helper	3.35				
Front End Loader (2 1/2 CY & Less)	4.00				
Front End Loader (Over 2 1/2 CY)	4.50				
Mixer (16 CY and Less)	3.75				
Motor Grader Op., Final Grade	5.00				
Motor Grader Operator	4.35				

DECISION NO. TX77-4246

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
Power Equipment Operators (Continued)					
Roller, Steel Wheel (Plant-Mix Pavements)	\$ 4.25				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.75				
Roller, Pneumatic (Self-Propelled)	3.50				
Scrapers (17 CY and Less)	3.75				
Scrapers (Over 17 CY)	4.75				
Tractor (Crawler Type) 150 HP and Less	3.25				
Tractor (Crawler Type) over 150 HP	4.00				
Tractor (Pneumatic) 80 HP & Less	3.00				
Tractor (Pneumatic) over 80 HP	3.75				
Traveling Mixer	3.75				
Trenching Machine, Light	3.75				
Trenching Machine, Heavy	3.85				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.35				
Truck Drivers:					
Single Axle, Light	3.25				
Single Axle, Heavy	3.50				
Tandem Axle or Semitrailer	3.50				
Lowboy-Float	3.75				
Transit-Mix	3.75				
Winch	3.50				
Vibrator Man (Hand Type)	3.00				
Wagonman (Truck Scales)	4.75				
Welder Helper	3.50				







STATE: Texas

COUNTIES: Anderson, Angelina, Cherokee, Henderson, Houston, Jasper, Nacogdoches, Newton, Panola, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity & Tyler

DECISION NO.: TX77-4248

Supersedes Decision No. TX77-4186, dated August 19, 1977, in 42 FR 42110

DESCRIPTION OF WORK: Heavy (does not include tunnels & dams) and Highway (does not include building structures in rest area projects) Construction and Shore Work.

DECISION NO. TX77-4248

DATE: Date of Publication

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
Air Tool Man	\$ 3.00			
Asphalt Heaterman	3.00			
Asphalt Raker	3.50			
Asphalt Shoveler	3.10			
Batching Plant Scaleman	3.00			
Carpenter	4.95			
Carpenter Helper	3.65			
Concrete Finisher (Paving)	4.50			
Concrete Finisher Helper (Paving)	3.65			
Concrete Finisher (Structures)	4.55			
Concrete Finisher Helper (Structures)	3.70			
Electrician	5.00			
Fitterman	3.00			
Form Builder (Structures)	4.45			
Form Builder Helper (Structures)	4.00			
Form Liner (Paving and Curb)	3.75			
Form Setter (Paving and Curb)	5.00			
Form Setter Helper (Paving and Curb)	4.00			
Form Setter (Structures)	4.95			
Form Setter Helper (Structures)	3.50			
Laborer, Common	3.00			
Laborer, Utility Man	3.00			
Mechanic	4.75			
Mechanic Helper	4.00			
Oiler	3.90			
Service Man	3.75			
Pipelayer	4.25			
Pipelayer Helper	4.00			
Reinforcing Steel Setter (Structures)	4.00			
Reinforcing Steel Setter Helper	4.00			
Spreader Box Man	3.75			

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
Power Equipment Operators:				
Asphalt Distributor	\$ 4.30			
Broom or Sweeper Operator	4.00			
Bulldozer, 150 HP and Less	3.00			
Bulldozer, over 150 HP	5.00			
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1 1/2 CY)	4.50			
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1 1/2 CY and Over)	5.00			
Foundation Drill Operator (Crawler Mounted)	3.50			
Foundation Drill Operator (Truck Mounted)	5.75			
Front End Loader (2 1/2 CY & Less)	4.00			
Front End Loader (Over 2 1/2 CY)	4.85			
Motor Grader Operator, Fine Grade	5.00			
Motor Grader Operator (Roller, Steel Wheel (Plant-Mix Pavements))	4.50			
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.60			
Roller, Pneumatic (Self-Propelled)	3.90			
Scrapers (17 CY and Less)	3.95			
Scrapers (Over 17 CY)	4.00			
Slide Boom	4.70			
Tractor (Crawler Type) 150 HP and Less	3.35			
Tractor (Crawler Type) over 150 HP	4.00			
Tractor (Pneumatic) 80 HP & Less	4.85			
Tractor (Pneumatic) over 80 HP	3.00			
Traveling Mixer	4.00			
Truck Drivers:	4.15			
Single Axle, Light	3.45			
Tandem Axle or Semitrailer	3.70			
Lowboy-Float	5.00			
Welder	4.50			

SUPERSEDES DECISION

STATE: Texas

COUNTIES: Brazos, Burleson, Grimes, Leon, Madison, Milan, Robertson, Walker & Washington

DECISION NO.: TX77-4249

Supersedes Decision No. TX77-4187, dated August 19, 1977 in 42 FR 42111

DESCRIPTION OF WORK: Heavy (does not include tunnels & dams) and Highway (does not include building structures in rest area projects) Construction.

DECISION NO. TX77-4249

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
Air Tool Man	\$ 2.75			
Asphalt Raker	3.45			
Batching Plant Scaleman	2.85			
Carpenter	4.50			
Carpenter Helper	3.75			
Concrete Finisher (Paving)	4.50			
Concrete Finisher Helper (Paving)	4.00			
Concrete Finisher (Structures)	4.50			
Concrete Finisher Helper (Structures)	4.00			
Electrician	3.80			
Electrician Helper	6.00			
Fitterman	3.50			
Form Builder (Structures)	3.00			
Form Builder Helper (Structures)	4.75			
Form Setter (Paving & Curb)	3.00			
Form Setter Helper (Paving & Curb)	4.85			
Form Setter (Structures)	3.50			
Form Setter Helper (Structures)	4.80			
Laborer, Common	3.50			
Laborer, Utility Man	2.75			
Mechanic	3.00			
Mechanic Helper	5.25			
Oiler	3.80			
Service Man	4.00			
Pipelayer	3.05			
Pipelayer Helper	3.50			
Powderman	2.75			
Reinforcing Steel Setter (Structures)	3.40			
Reinforcing Steel Setter Helper	3.75			
Spreader Box Man	3.75			
Power Equipment Operators:				
Asphalt Distributor	3.90			
Asphalt Paving Machine	3.90			
Broom or Sweeper Operator	3.25			
Bulldozer, 150 HP and Less	3.50			
Bulldozer, over 150 HP	4.70			
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1 1/2 CY)	4.35			
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1 1/2 CY and Over)	5.50			

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
Power Equipment Operators (Cont'd):				
Crusher or Screening Plant Op.	\$ 3.75			
Foundation Drill Operator (Truck Mounted)	6.00			
Foundation Drill Operator-Helper	3.95			
Front End Loader (2 1/2 CY & Less)	3.65			
Front End Loader (Over 2 1/2 CY)	4.50			
Motor Grader Op., Fine Grade	5.00			
Motor Grader Operator	4.20			
Roller, Steel Wheel (Plant-Mix Pavements)	3.80			
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.45			
Roller, Pneumatic (Self-Propelled)	3.00			
Scrapers (17 CY and Less)	4.00			
Scrapers (Over 17 CY)	4.50			
Tractor (Crawler Type) over 150 HP	4.00			
Tractor (Pneumatic) 80 HP & Less	3.00			
Traveling Mixer	3.80			
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.00			
Truck Drivers:				
Single Axle, Light	3.00			
Single Axle, Heavy	3.00			
Tandem Axle or Semitrailer	3.00			
Wagonman (Truck Scales)	2.95			
Welder	3.60			



SUPENSEDEAS DECISION

STATE: Texas  
COUNTIES: Brazoria, Fort Bend, Galveston, Harris, Matagorda, Montgomery, Waller & Wharton

DECISION NO.: TX77-4230  
DATE: Date of Publication  
Supersedes Decision No. TX77-4188, dated August 19, 1977, in 42 FR 42112  
DESCRIPTION OF WORK: Heavy (does not include tunnels, dams & work performed on the site of water or sewage treatment facilities) and Highway (does not include building structures in rest area projects) Construction and Shore Work

DECISION NO. TX77-4230

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Pensions	Vacation	
Reinforcing Steel Setter (Paving)	\$ 4.05				
Reinforcing Steel Setter (Structures)	4.50				
Reinforcing Steel Setter Helper	3.45				
Steel Worker (Structural)	4.90				
Steel Worker Helper (Structural)	3.45				
Sign Erector	3.45				
Spreader Box Man	4.00				
Power Equipment Operators:					
Asphalt Distributor	4.50				
Asphalt Paving Machine	4.75				
Broom or Sweeper Operator	3.60				
Bulldozer, 150 HP and Less	5.00				
Bulldozer, over 150 HP	5.25				
Concrete Paving Curling Machine	4.50				
Concrete Paving Finishing Machine	5.50				
Concrete Paving Form Grader	4.25				
Concrete Paving Joint Machine	5.25				
Concrete Paving Longitudinal Float	4.75				
Concrete Paving Saw	5.00				
Concrete Paving Spreader	5.00				
Paving Sub Grader	4.50				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (Less than 1 1/2 CY)	5.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1 1/2 CY and Over)	5.50				
Crusher or Screening Plant Op.	3.80				
Form Loader	6.00				
Foundation Drill Operator (Crawler Mounted)	4.75				
Foundation Drill Operator (Truck Mounted)	3.75				
Foundation Drill Operator Helper	4.45				
Front End Loader (2 1/2 CY & Less)	5.00				
Front End Loader (Over 2 1/2 CY)	5.60				
Hoist (Double Drum and Less)	5.00				
Mixer (Over 16 CY)	4.00				
Mixer (16 CY and Less)					

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Pensions	Vacation	
Air Tool Man	\$ 3.45				
Asphalt Hacerman	3.75				
Asphalt Baker	4.20				
Asphalt Shovelers	4.00				
Batching Plant Scaleman	5.10				
Batterboard Setter	4.15				
Carpenter	5.50				
Carpenter Helper	4.20				
Concrete Finisher (Paving)	5.20				
Concrete Finisher Helper (Paving)	4.00				
Concrete Finisher (Structures)	5.00				
Concrete Finisher Helper (Structures)	4.50				
Concrete Rubber	6.25				
Electrician	7.45				
Electrician Helper	3.45				
Form Builder (Structures)	5.00				
Form Builder Helper (Structures)	3.75				
Form Liner (Paving and Curb)	5.50				
Form Setter (Paving and Curb)	4.50				
Form Setter Helper (Paving and Curb)	4.00				
Form Setter (Structures)	4.85				
Form Setter Helper (Structures)	4.00				
Laborer, Common	3.45				
Laborer, Utility Man	3.80				
Masonry Builder, Brick	5.10				
Mechanic	5.65				
Mechanic Helper	4.40				
Miller	5.00				
Painter	4.00				
Painter (Structures)	6.50				
Painter Helper (Structures)	3.60				
Pile Driverman	6.00				
Pipelayer	4.55				
Pipelayer Helper	3.50				

DECISION NO. TX77-4230

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Pensions	Vacation	
Power Equipment Operators (Cont'd):					
Motor Grader Op., Fine Grade	\$ 5.50				
Motor Grader Operator	4.90				
Roller, Steel Wheel (Plant-Mix Pavements)	4.95				
Roller, Steel Wheel (Other-Plant Wheel or Tamping)	4.00				
Roller, Pneumatic (Self-Propelled)	4.00				
Scrapers (17 CY and Less)	4.50				
Scrapers (Over 17 CY)	4.95				
Tractor (Crawler Type) 150 HP and Less	4.00				
Tractor (Crawler Type) over 150 HP	5.00				
Tractor (Pneumatic) 80 HP & Less	3.50				
Tractor (Pneumatic) over 80 HP	5.00				
Traveling Mixer	3.75				
Trenching Machine, Light	3.45				
Wagon Drill, Boring Machine or Post Hole Driller Operator					
Truck Drivers:					
Single Axle, Light	4.00				
Single Axle, Heavy	4.10				
Tandem Axle or Semitrailer	4.00				
Lowboy-Float	4.35				
Transit-Mix	4.50				
Truckman (Truck Scales)	3.45				
Welder	5.55				
Welder Helper	4.40				



STATE: Texas  
COUNTIES: Chambers, Hardin, Jefferson, Liberty & Orange  
DATE: Date of Publication  
Supersedes Decision No. TX77-4189, dated August 19, 1977, in 42 FR 42114  
DESCRIPTION OF WORK: Heavy (does not include tunnels & dams and not to be used for Heavy Construction in Jefferson & Orange Counties) and Highway (does not include building structures in rest area projects) Construction and Shore work (not to be used for Shore Work in Jefferson & Orange Counties)

DECISION NO. TX77-4251

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
Asphalt Hacterman	\$ 3.60			
Asphalt Raker	4.00			
Batching Plant Scaleman	3.60			
Carpenter	5.00			
Carpenter Helper	4.30			
Concrete Finisher (Paving)	6.00			
Concrete Finisher Helper (Paving)	4.00			
Concrete Finisher (Structures)	5.00			
Concrete Finisher Helper (Structures)	4.35			
Electrician	7.35			
Form Builder (Structures)	4.25			
Form Builder Helper (Structures)	4.00			
Form Limer (Paving and Curb)	4.50			
Form Satter (Paving and Curb)	5.00			
Form Satter (Structures)	5.10			
Form Satter Helper (Structures)	3.75			
Laborer, Common	3.60			
Laborer, Utility Man	4.25			
Mechanic	5.25			
Mechanic Helper	4.25			
Oilier	4.35			
Serviceman	6.00			
Painter (Structures)	4.60			
Piledriverman	3.75			
Pipelayer	3.60			
Pipelayer Helper	4.75			
Reinforcing Steel Satter (Structures)	4.75			
Spreader Box Man	4.75			
Power Equipment Operators:				
Asphalt Distributor	5.00			
Asphalt Paving Machine	4.60			
Broom or Sweeper Operator	3.60			
Bulldozer, 130 HP and Less	4.75			
Bulldozer, over 150 HP	5.00			
Concrete Paving Curing Machine	4.50			
Concrete Paving Finishing Machine	4.50			

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
Power Equipment Operators (Cont'd):				
Concrete Paving Form Grader	\$ 4.50			
Concrete Paving Joint Machine	4.50			
Concrete Paving Longitudinal Float	4.75			
Concrete Paving Spreader	5.00			
Crane, Clanshell, Backhoe, Derrick, Dragline, Shovel (less than 1 1/2 CY)	5.00			
Crane, Clanshell, Backhoe, Derrick, Dragline, Shovel (1 1/2 CY and Over)	5.50			
Front End Loader (2 1/2 CY & Less)	4.25			
Front End Loader (Over 2 1/2 CY)	5.10			
Motor Grader Op., Fine Grade	5.50			
Motor Grader Operator	5.00			
Roller, Steel Wheel (Plant-Mix Pavements)	4.50			
Roller, Steel Wheel (Other-Plant Wheel or Tamping)	4.50			
Roller, Pneumatic (Self-Propelled)	4.10			
Scrapers (17 CY and Less)	4.75			
Scrapers (Over 17 CY)	5.00			
Tractor (Crawler Type) 150 HP & Less	3.75			
Tractor (Crawler Type) over 150 HP	4.50			
Tractor (Pneumatic) 80 HP & Less	3.60			
Tractor (Pneumatic) over 80 HP	4.50			
Traveling Mixer	4.50			
Truck Drivers:				
Single Axle, Light	3.60			
Single Axle, Heavy	3.60			
Tandem Axle or Semitrailer	4.50			
Lobby-Floot	6.25			
Welder	5.50			

STATE: Texas  
COUNTIES: Armstrong, Carson, Castro, Childress, Collinsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler

SUPERSEDES DECISION

DECISION NO. TX77-4252

DECISION NO.: TX77-4252  
Supersedes Decision No. TX77-4190, dated August 19, 1977, in 42 FR 42115  
DESCRIPTION OF WORK: Building Construction (does not include single family homes & garden type apartments up to & including 4 stories). Building Construction includes construction of sheltered enclosures with walk-in access for the purpose of housing persons, machinery, equipment or supplies. It includes all construction of such structures, the installation of utilities & the installation of equipment, both above & below ground level, as well as excavation & foundation.

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$10.00	.65	.55	.07
BOILERMAKERS	10.00	.50	1.00	.02
BRICKLAYERS & STONEMAKERS	9.70		.30	
CARPENTERS:				
ZONE 1 - Armstrong, Carson, Castro, Collinsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties:				
Carpenters	9.39		.20	.01
Millwrights	9.74		.20	.01
ZONE 2 - Childress County:				
Carpenters	9.07	.43	.40	.07
Millwrights	9.57	.43	.40	.07
CEMENT MASONS:				
Cement masons	8.30			
Machinists:				
Machinists operators	8.55			
ELECTRICIANS:				
ZONE 1 - Armstrong, Carson, Castro, Collinsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties:				
Electricians	10.13	.60	3%	1/2%
Cable splicers	11.16	.60	3%	1/2%
ZONE 2 - Childress County:				
Electricians	10.35	.40	3%	1/10%
Cable splicers	10.60	.40	3%	1/10%

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
GLAZIERS	\$ 7.40			
IRONWORKERS	9.00	.55	1.00	.10
LABORERS:				
GROUP 1 - Construction laborers, including excavation, pouring concrete, carpenter tenders, reinforcing, shoring, digging, loading & unloading materials, wrecking buildings & all structures & all unskilled laborers	4.99	.53	.27	
GROUP 2 - Air tool operator (jackhammer, tamper, brush hammer, chipping hammer, air or electric), sand blaster, power buggy man, pipelayer (concrete & clay & all non-metallic pipe) & pipe wrappers; mortar mixers, mason tenders, plasterer tenders, cement finisher tenders, lather tenders, asphalt rakers, tamperers, well drillers, ball hole men, dumpers, spotters, signal men	5.14	.53	.27	.01
LATHERS	9.55			
LINE CONSTRUCTION:				
ZONE 1 - Armstrong, Carson, Castro, Collinsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties:				
Linemen	10.13	.60	3%	1/2%
Cable splicer	11.16	.60	3%	1/2%
Groundman, more than 1 year experience	6.61	.60	3%	1/2%
Groundman, less than 1 year experience	5.76	.60	3%	1/2%
Operator-hole digger, line truck	7.71	.60	3%	1/2%
Flat bed truck driver	5.76	.60	3%	1/2%



DECISION NO. TX77-4252

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.	
	H & W	Pensions	Vacation		
FOOTNOTE: a - Paid Holidays A thru F PAID HOLIDAYS A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day					
POWER EQUIPMENT OPERATORS					
GROUP 1	.40	.50		.10	
GROUP 2	.40	.50		.10	
GROUP 3	.40	.50		.10	

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Blade Grader, self-propelled; Clam Shells; Cable Hays; Cranes, power operated (all types); Air Compressors, Pumps, Welding Machines & Light Plants (7 to 12 machines); Derricks, power operated (all types); Dragline; Elevating Graders, self-propelled; Hoist, 2 drum or more; Locomotive; Mixermobiles; Paving Mixers, all types; Pile Drivers; Scrapers; Bulldozers; Side Boos; Cherry Pickers - 12½ ton & over; Shovels; Heavy Duty Machines; All Welders; All tractors with power attachments; Ditching Machines - crawler type; Farm type Tractor (Loader, 1 yd. & over) with Backhoe; All other equipment of similar nature coming within the Heavy Equipment Classification, when power operated

GROUP 2 - Air Compressors, Pumps, Welding Machines, Throttle Valves, Light Plants (3 to 6 machines); Cherry Pickers, 12½ ton & under; 12½ ton; Ditch Witch J30 and under; Farm type Tractor (Loader under 1 yd.) with Backhoe; Go-Devil; Mixers, 14 cu. ft. or over; Rollers over 10 tons; Air Compressor and one Tugger; Boilers, 2 or more; Munch Trucks; Front End Scoopmobile, Loader and Payloader; Blade Grader, Cowed Elevators, Building; Fork lifts; Hoist, single drum or 1 line hoisting (1 tuger); Mixers less than 15 cu. ft.; Rollers; Screening Plants; Crushing Plants; Tractors - wheel type except when hauling material; All other equipment of similar nature coming within the Light Equipment Classification, when power operated

GROUP 3 - Otter-Firman-Greaser

DECISION NO. TX77-4252

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
LINE CONSTRUCTION (CONT'D):				
ZONE 2 - Childress County:				
Lifeman; Operator		3%		1/2%
Cable splicer		3%		1/2%
Groundman, 1st 6 months		3%		1/2%
Groundman, 2nd 6 months		3%		1/2%
Groundman, 1 year & over		3%		1/2%
MARBLE MASONS (EXTERIOR)		.30		
PAINTERS:				
GROUP 1 - Brush & roller; paper-hangers; perfa-tapers	8.20	.40		
GROUP 2 - Structural steel painters; swinging stage or chair below 50 ft.	8.32	.40		
GROUP 3 - Spray painters & sand blasters	8.95	.40		
GROUP 4 - Perfa-tape machine operator	8.45	.40		
PLASTERERS	9.55			.01
PLUMBERS & PIPEFITTERS:				
ZONE 1 - shall extend a distance of 75 road miles from the police station in either Amarillo or Borger	9.21	.45	.65	.60
ZONE 2 - shall extend a distance of 25 to 50 road miles from either Amarillo or Borger	9.46	.45	.65	.60
ZONE 3 - shall extend a distance of 50 road miles & over from either Amarillo or Borger	9.71	.45	.65	.60
ROOFERS				
SHEET METAL WORKERS	10.17	.35	.33	.10
SPRINKLER FITTERS	11.15	.65	.95	.08
TRUCK DRIVERS:				
1/2 ton to 3 tons	2.88			
3 to 5 tons	3.13			
5 tons and over	3.38			
Ready mix concrete to 3 yds.	2.88			
Ready mix concrete over 3 yds.	3.13			
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.				

SUPERSEDAS DECISION

STATE: Texas  
COUNTIES: Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Scharer & Wheeler

DECISION NO.: TX77-4253  
Supersede Decision No. TX77-4137, dated July 1, 1977, in 42 FR 34243.  
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

Basic Hourly Rates	Fringe Benefits Payments			Education ad/or Appr. Tr.
	H & W	Pensions	Vacation	
\$10.00	.30	1.00		.02
9.70	.30	.30		.01
9.39	.20	.20		1/2%
8.30	.60	3%		
10.13				
4.99	.53	.27		
5.14	.53	.27		
8.20	.40	.40	.60	.10
9.21	.45	.65		
6.61	.35	.35		

ROILERMAKERS  
BRICKLAYERS  
CARPENTERS  
CEMENT MASONS  
ELECTRICIANS  
LABORERS:  
Laborers  
Mason tenders  
PAINTERS  
PLUMBERS  
SHEET METAL WORKERS







DECISION NO. TX77-4255

## SUPERSEDES DECISION

STATE: Texas COUNTY: Bowie  
 DECISION NO.: TX77-4255 DATE: Date of Publication  
 SUPERSEDES DECISION NO. TX77-4194, dated August 19, 1977, in 42 FR 42123  
 DESCRIPTION OF WORK: Building Construction (does not include single family homes & garden type apartments up to and including 4 stories). Building Construction includes construction of sheltered enclosures with walk-in access for the purposes of housing persons, machinery, equipment or supplies. It includes all construction of such structures, the installation of utilities & the installation of equipment, both above & below ground level, as well as excavation & foundation.

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$10.03	.40	.76		.025
BOILERMAKERS	10.00	.50	1.00		.02
BRICKLAYERS & STONEMASONS	9.25		.25		
CARPENTERS:	8.20				.01
Millwrights	10.35				.04
PAINTERS	8.85				.01
CEMENT MASONS	8.67	.25			.03
ELECTRICIANS	9.80	.60	3%		1/4%
ELEVATOR CONSTRUCTORS:					
Mechanics	9.33	.565	.35	42*rb	.02
Helpers	7.02JR	.545	.35	42*rb	.02
IRONWORKERS	10.20	.45	.50		.04
LABORERS, UNSKILLED	2.85				
LINE CONSTRUCTION:					
Linemen	10.40		3%		1/2%
Cable splicer	10.71		3%		1/2%
Hole digger operator, Heavy equipment operators (or pole cat equivalent); powderman	9.46		3%		1/2%
Line truck driver (winch operator)	8.53		3%		1/2%
Jackhammer man	7.80		3%		1/2%
Groundman	6.97		3%		1/2%
Truck driver (flat bed, ton & half & under)	5.20		3%		1/2%
PAINTERS:	7.38				
GROUP 1 - Brush	6.05				
GROUP 2 - Spray	8.35				
GROUP 3 - Painters brush working from window jacks	8.00				
GROUP 4 - Brush structural steel iron & galvanized pipe	8.25				

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
PAINTERS (CONT'D):					
GROUP 5 - Brush structural steel iron & galvanized pipe over 40 ft. up & down to ground	9.65				
GROUP 6 - Brush siding stage & chair work	8.50				
GROUP 7 - Brush siding stage & chair work over 40 ft. up & down to ground	8.80				
GROUP 8 - Spray, sandblasters & power tools	9.35				
GROUP 9 - Spray, sandblasters & power tools over 40 ft. up & down to ground	9.60				
PUMBERS & PIPEFITTERS	10.25	.50	.55		.05
ROOFERS	4.50				
SHEET METAL WORKERS	9.945	3%+.45	.66		.055
SOFT FLOOR LAYERS	8.20				.01
SPRINKLER FITTERS	11.15	.65	.95		.06
TRUCK DRIVERS	2.45				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					
FOOTNOTES:					
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate					
b - Paid Holidays A thru F					
PAID HOLIDAYS					
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day					

DECISION NO. TX77-4255

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
POWER EQUIPMENT OPERATORS					
GROUP 1	9 7.79	.40	.875		.10
GROUP 2	8.575	.40	.875		.10
GROUP 3	8.975	.40	.875		.10

## POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Otter-Vismann  
 GROUP 2 - Air Compressor, Pumps, Welding Machines, Throttle Valves, Light Plants; Conveyor; Hagon Drill; Elevators Building; Form Graders; Roller, Single Drum; Ford Tractor including blade and mower on rear; Mixers, less than 14 cubic feet; Screening Plants; Crushing Plants; Fork Lifts (short, under 25 feet); Concrete Pumps (all types); Bobcat type equipment; All other equipment of similar nature coming under the Light Equipment Classification, when power operated.  
 GROUP 3 - Ford Tractor or like with any attachment (except blade and mower on rear); Drilling Machine (all types); Scoopmobile; Roata, two drums or more; Forklifts (over 25 ft.); Winch Truck; Six Wheel Truck, when used continuously for 5 days; Mixmobile; Locomotives; Mixers, 14 cubic ft. or over; Blade Graders, self-propelled; Cableways; Cranes-power operated to 100 ft.; Derricks, power operated (all types); Grapple; By-Ho; Hop-To; Paving Mixers (all types); Pile Drivers; Mobile Concrete Mixers over 14 cu. ft.; Bulldozers, Loaders, Tractocators; Scrapers and Pulls; Welders; Trenching Machines; Rollers, ten tons or over; Air Compressor & Air Tugger; Rollers, two or more fired by one man; Heavy Duty Machine; All other equipment of similar nature coming under the Heavy Equipment Classification, when power operated.



DECISION NO. TX77-4256

## SUPERSEDES DECISION

STATE: Texas  
 COUNTY: Brazos  
 DATE: Date of Publication  
 SUPERSEDES Decision No. TX77-4195, dated August 19, 1977, in 42 PR 42125  
 DESCRIPTION OF WORK: Building-Construction (does not include single family homes & garden type apartments up to & including 4 stories). Building Construction includes construction of sheltered enclosures with walk-in access for the purpose of housing persons, machinery, equipment or supplies. It includes all construction of such structures, the installation of utilities & the installation of equipment, both above & below ground level, as well as excavation & foundation.

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ASBESTOS WORKERS	\$10.00	.70	.70			.06
BOILERMAKERS	10.00	.50	1.00			.02
BRICKLAYERS	10.53	.63	.60			.06
CARPENTERS	9.25	.52	.55			.08
CEMENT MASONS	9.86	.55	.75			.06
ELECTRICIANS	11.05					
ELEVATOR CONSTRUCTORS:						
Mechanics	9.33	.545	.35	42%+ab		.02
Helpers	702JR	.545	.35	42%+ab		.02
GLAZIERS	50ZJK	.60	.425			.01
IRONWORKERS	11.17	.55	1.00			.10
LABORERS:	10.28					
GROUP 1	4.78	.33	.27			.02
GROUP 2	4.88	.33	.27			.02
GROUP 3	4.98	.33	.27			.02
GROUP 4	4.93	.33	.27			.02
GROUP 5	5.03	.33	.27			.02
GROUP 6	5.18	.33	.27			.02

## LABORERS CLASSIFICATION DEFINITIONS

GROUP 1 - Construction labor, including excavation, concrete work, reinforcing, mason handler and wheeler (stock pile), asphalt ironer and raker, water proofing tender, pipe layer (non-metallic), pumpcrete pipe (handling and laying) and all building construction labor excepting that hereinafter classified; window washer, carpenters tender, cement mason tender, vibrator operator, other mechanic tender (except as otherwise classified); Dumper & spotter

GROUP 2 - Air tool operator

GROUP 3 - Well driller

GROUP 4 - Cutting torch man; mason tender; mason handler & wheelers handling material from first stock pile; concrete pipe (handling and laying); Sand blaster; power buggy operator; plasterer tender & hod carrier; lather tender; well driller tender

GROUP 5 - Tool room tender; mortar mixer (hoe and otherwise); Blaster, powder man; gunite worker

GROUP 6 - Gunite nozzleman

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977

DECISION NO. TX77-4256

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
POWER EQUIPMENT OPERATORS						
GROUP 1	\$ 9.87	.35	.65		.06	
GROUP 2	8.38	.35	.65		.06	
GROUP 3	7.84	.35	.65		.06	
GROUP 4	7.66	.35	.65		.06	

## POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy Duty Mechanic; Blade Grader, Self-propelled; Bull Cam; Back Filler; Derrick-power operated (all types); Clim shell; Draglines; Push Cat Operator; Bull Dozer & all types Cat Tractors; Cable-lay; Backhoe; Shovel, power operated; Crane, power operated (all types); Elevating Grader, Self-propelled; Hoist, Motor-driven, Two Drums or more; Mix Mobile; Water Well Drilling Machines, used on construction; Building Elevator, used on construction; Tug Boat Operator, assigned to construction; Winch Truck; Locomotive Crane; Concrete Mixer, 14 cubic feet or more; Paving Mixer (all types); Pile Driver; Scraper, heavy type, over 3 cubic yards; Tranching Machine (all types); Grapple; High-Lift; Foundation Boring Machine; Gasoline or Diesel-Driven Welding Machines, 7 or more; Pumpcrete Machine Operator; Turntable; Die-13 Caterpillar, 8-18 Euclid and similar tractors; Asphalt Plant Mixer Operator on job; Crusher Operator on job; Scoopmobiles; Portlift used on construction (not including warehousing); Well Point Pump; Concrete Batch Plant Operator; Pneumatic Rollers, self-propelled; All other equipment of similar nature coming under the Heavy Equipment Class, when power operated

GROUP 2 - Air Compressor; Blade Grader, Towed; Flex Plane; Form Grader; Concrete Mixer, less than 14 cubic feet; Pumps; Pulsmeter; Truck Crane Driver; Gasoline or diesel driven welding machines (on 3 or more, up to 6 machines); Hoist, Single Drum; Scraper, 3 cubic yards or less; Wagon Drill Operator; Conveyor; Generator, Gasoline or diesel driven, over 1500 watts; Rubber Tired Pave Tractor with attachments; A light equipment operator may run 1 or 2 105 cfm compressors; All other equipment of similar nature coming under the Light Equipment Class, when power operated

GROUP 3 - Fireman

GROUP 4 - Oiler

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977



STATE: Texas  
COUNTY: El Paso  
DATE: Date of Publication  
Supersedes Decision No. TX77-4257  
Supersedes Decision No. TX77-4198, dated August 19, 1977, in 42 PR 42131  
DESCRIPTION OF WORK: Building Construction (does not include single family homes & garden type apartments up to & including 4 stories). Building Construction includes construction of sheltered enclosures with walk-in access for the purpose of housing persons, machinery, equipment or supplies. It includes all construction of such structures, the installation of utilities & the installation of equipment, both above & below ground level, as well as excavation & foundation.

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ASBESTOS WORKERS	9.836	.50	1.27(a)			.03
BOILERMAKERS	10.00	.50	1.00			.02
BRICKLAYERS; BLOCKLAYERS; ROCK MASONS; STONEMASONS	7.41	.57	.20			.05
CARPENTERS	7.75	.67				.02
Hillwrights	8.22	.67				.02
Stationary radial arm power saw operator	7.81	.67				.02
Floor layers	7.75	.67				.02
CEMENT MASONS	6.51	.68				.03
DRYMALL:						
GROUP 1 - Tapers	7.03	.30	.10			.02
GROUP 2 - Area tools	7.25	.30	.10			.02
GROUP 3 - Texture spray	7.73	.30	.10			.02
ELECTRICIANS:						
Cable splicers	9.10	.30	.35			1/10%
Electricians	9.35	.30	.35			1/10%
ELEVATOR CONSTRUCTORS' HELPERS (FROM 1)	8.17	.545	.35	47-48-49		.02
ELEVATOR CONSTRUCTORS' HELPERS	7.07JR	.545	.35	47-48-49		.02
GLAZIERS	5.07JR	.30	.10			.02
IRONWORKERS	6.94	.35	1.00			.10
LABORERS:						
GROUP 1 - Powderman or blaster	6.12	.42	.35			
GROUP 2 - Outside wagon drill; wagon drill tenders; miner	5.87	.42	.35			
GROUP 3 - Cement gun or gunite; mason tender; mortar mixer; machine man; truck man; chuck tender	5.62	.42	.35			
GROUP 4 - Pipelayer, main sewer and drainages	5.50	.42	.35			
GROUP 5 - Jackhammer operator, asphalt paver; Kettlemen; asphalt or pot man	5.37	.42	.35			
GROUP 6 - Common, flag man	5.22	.42	.35			
LATHERS	8.55					.01

DECISION NO. TX77-4257

LINE CONSTRUCTION:  
Linsman-Technician; Equipment operators  
Cable splicers  
Groundman (less than 6 months)  
HARLIE MASONS  
PAINTERS:  
GROUP 1 - Brush & roller, paper-hanger; tapers  
GROUP 2 - Steel after erection, steam cleaning, power driven tools  
GROUP 3 - Spray, sandblasting, waterblasting & swing stage, stripping machine  
GROUP 4 - Area tools  
GROUP 5 - Water tanks, smoke stacks, tower from 70 - 100 ft.  
PLASTERERS  
PLUMBERS & STAMPERS  
ROOFERS: Waterproofers; Pipe-wrapers  
SHEET METAL WORKERS  
SOFT FLOOR LAYERS  
SPRINKLER FITTERS  
TERRAZZO WORKERS  
TERRAZZO WORKERS' HELPERS  
TILE SETTERS  
TILE SETTERS' HELPERS  
TRUCK DRIVERS:  
GROUP 1 - Up to and including 2 tons  
GROUP 2 - Flat bed dump trucks, mechanically  
GROUP 3 - Tank trucks, up to 2500 gallons

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$ 9.10	.30	.35			1/10%
9.35	.30	.35			1/10%
7.57JR	.30	.35			1/10%
5.07JR	.30	.35			.05
6.40	.57	.20			
7.13	.30				.02
7.54	.30				.02
7.835	.30				.02
7.35	.30				.02
8.49	.30				.02
7.88	.67				.01
8.54	.59	.44			.03
6.65					.04
9.42	37-451	.385			.02
6.88	.30	.10			.08
11.15	.65	.95			.05
6.40	.57	.20			
4.78	.57	.20			
6.40	.57	.20			
4.78	.57	.20			
3.50	.26				
3.60	.26				
3.50	.26				

DECISION NO. TX77-4257

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
TRUCK DRIVERS (CONT'D): GROUP 4 - Standard dump trucks, up to and including 4 cu. yds. GROUP 5 - Dump trucks, over 4 cu. yds.; trucks over 4 tons including transit mix, all semitruck, etc.; Lowboy WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.	\$ 3.60	.26				
FOOTNOTES: a - Includes 90.07 contribution to Occupational Health Fund b - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate. c - Paid Holidays A thru F PAID HOLIDAYS A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day	3.75	.26				

DECISION NO. TX77-4257

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$ 6.74	.60	.60			.10
7.32	.60	.60			.10
7.41	.60	.60			.10
7.46	.60	.60			.10
7.54	.60	.60			.10
7.78	.60	.60			.10
7.94	.60	.60			.10
7.41	.60	.60			.10
7.64	.60	.60			.10
7.94	.60	.60			.10

POWER EQUIPMENT OPERATORS  
GROUP 1  
GROUP 2  
GROUP 3  
GROUP 4  
GROUP 5  
GROUP 6  
GROUP 7  
GROUP 8  
GROUP 9  
GROUP 10

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Fireman, Oiler; Mechanic, Grease Truck and Welder's Helpers; Screedman. Pneumatic roller towed by farm type tractor or truck; Scale Operator and such as bin-a-batch; Rubber-tired farm type tractors and tractors under 35 HP without attachments  
GROUP 2 - Air Compressor, Power Plants, pumps and welding machines; Concrete mixers, under 1 yd. & concrete batch plants, under 1 yd., gunnite & pumpcrete machine, mechanical bull floats, spreading & finishing machines. Screening Plants. Drilling machines, Diamond, rotary, core & cable drilling; Wall under 6". Hoists, scoops, A-frame Air tugger; Hydraulic, Hydram, winch truck. Loaders: Elevating, belt type loader, front end loader (under 2 yds.) & over head loaders; fork lift & lumber stacker on construction job site. Motor man & Industrial Locomotive. Tractors under 35 HP with attachments  
GROUP 3 - Concrete mixer 1 yd. & over and batch plants 1 yd. & over, single drum paving machines, Grouting plant. Drilling Machine, 6" & over; Front end loaders, 2 yds. & over; Paving; Asphalt plants, boiler or retort heater, distributor, lay down machine, pug mill, Breakdown & tandem rollers. Steam Engineer. Trenching Machines. Patrol, rough, not required to blue top or finish  
GROUP 4 - Tractor Equipment: Athey & Barber Green Loader, Bulldozer, DM10, DM20, DUMET, DUMOR, Elevating Grader; Euclid, Highlander, Scraper, Tractorator, Turnapull, Turnarocker & Tractors 35 HP & up & farm type tractors with backhoe & shovel type attachments  
GROUP 5 - Concrete paving machines, double drum, Catcranes, Hydrants, Cherry Pickers, Attachments cranes, side & swing boom tractors; Mechanic, Welder, Patrol, Finish; Grease Truck Operator (Head Oiler). Building Hoist, 1 drum. Concrete Pump (Shuttle Type Trailer Mounted)  
GROUP 6 - Shovel, Backhoe, clam & dragline 3/4 yds. & under; Grease 25 tons & under; Building Hoist, 2 drums & up. Concrete pump (Shuttle Type Truck Mounted)  
GROUP 7 - Guy & sciff leg derrick, Pile-drivers; Crawler or skid rig, Shovel, Backhoe, clam & dragline over 3/4 yds.; Crane over 25 tons. Pecco type cranes  
GROUP 8 - Refrigration, slusher, Jumbo form operators  
GROUP 9 - Pucking machines  
GROUP 10 - Mine Hoists



## SUPERSEDES DECISION

STATE: Texas  
 DECISION NO.: TX77-4258  
 COUNTY: Galveston & Harris  
 DATE: Date of Publication  
 SUPERSEDES Decision No. TX77-4199, dated August 19, 1977, in 42 FR 42133  
 DESCRIPTION OF WORK: Building Construction (Does not include single family homes & garden type apartments up to & including 4 stories). Building Construction includes construction of sheltered enclosures with walk-in access for the purpose of housing persons, machinery, equipment or supplies. It includes all construction of such structures, the installation of utilities & the installation of equipment, both above & below ground level, as well as excavation & foundation.

Basic Hourly Rates	Fringe Benefits Payments			Education end/yr Appr. Tr.
	H & W	Pensions	Vacation	
ASBESTOS WORKERS	.70	.70		.06
BOILERMAKERS	.50	1.00		.02
BRICKLAYERS & STONEMASONS:				
Galveston County	.63	.60		.06
Harris County	.63	.60		.06
CARPENTERS:				
Carpenters	.75	.70		.05
Millwrights	10.36	.70		.05
Piledrivermen	10.00	.70		.05
CEMENT MASONS:				
Galveston County	.52	.55		.08
Harris County	.52	.55		.08
ELECTRICIANS:				
Galveston County	11.34	3 1/2 - .40		.06
Harris County	11.05	7 1/2		.06
ELEVATOR CONSTRUCTORS:				
Mechanics	.545	.35	4 1/2 - 5 1/2	.02
Helpers	.545	.35	4 1/2 - 5 1/2	.02
HAULERS (Prob.)	.60	.425		.01
GLAZIERS	.55	1.00		.02
IRONWORKERS				
LABORERS:				
GROUP 1 - Common	7.45	.33	.53	.02
GROUP 2 - Air tool operator (jackhammer-vibrator); Mason tenders; Pipelayers (concrete & clay); Sandblasters; Power buggy operator; Mortar mixers; Plaster tenders & hod carriers	7.625	.33	.53	.02
GROUP 3 - Lather tender; Mortar mixers; Plaster tenders & hod carriers	7.725	.33	.53	.02
GROUP 4 - Well driller	8.00	.33	.53	.02
GROUP 5 - Well driller tender	7.575	.33	.53	.02
GROUP 6 - Blaster, powderman	7.875	.33	.53	.02
LATHERS (Harris County only)	10.62	.60	.35	.02
LINE CONSTRUCTION:				
Lineman & cable splicer	11.62	.40	3 1/2	1/2
Groundmen (1st 6 mos.)	4.07	.40	3 1/2	1/2
Groundmen (2nd 6 mos.)	4.88	.40	3 1/2	1/2
Groundmen	6.74	.40	3 1/2	1/2

DECISION NO. TX77-4258

Basic Hourly Rates	Fringe Benefits Payments			Education end/yr Appr. Tr.
	H & W	Pensions	Vacation	
MARBLE MASONS:				
Galveston County	9.26			
Harris County	10.46			
MARBLE MASONS' FINISHERS	7.90			
PAINTERS:				
East Harris County:				
GROUP 1 - All brush painting, hand rolling and all other work other than that below	10.46			
GROUP 2 - All pneumatic and electric tools and steam cleaning	10.815			
GROUP 3 - All tape and float on drywall	10.585			
GROUP 4 - All paper and vinyl hanging	10.71			
GROUP 5 - All spray painting, sandblasting & waterblasting	10.855			
GROUP 6 - Steeple jack work, hot materials	11.12			
Remainder of Harris County:				
GROUP 1 - All brush painting, hand roller, steam cleaning, all pneumatic tools	9.795	.45	.40	.04
GROUP 2 - All spray painting, sandblasting, waterblasting	10.17	.45	.40	.04
GROUP 3 - Tape, float & drywall	9.92	.45	.40	.04
GROUP 4 - Steeple jack work, hot materials	10.42	.45	.40	.04
Galveston County:				
GROUP 1 - Painters on new work	9.65	.50	.75	.035
GROUP 2 - Painters on existing stage work or using materials injurious to the skin	9.90	.50	.75	.035
GROUP 3 - Painters on rework & repaint	8.895	.50	.75	.035
PIPEFITTERS:				
That part of Galveston County east of the Trinity River:				
Commercial work up to \$50,000	10.55	.445	.50	.03
Commercial work \$50,000 & over	11.005	.445	.50	.03

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977

DECISION NO. TX77-4258

Basic Hourly Rates	Fringe Benefits Payments			Education end/yr Appr. Tr.
	H & W	Pensions	Vacation	
PIPEFITTERS (CONT'D):				
Harris County and that part of Galveston County west of the Trinity River	.45	.65		.045
PLASTERERS	.77	.30		.02
PLUMBERS:				
Galveston County:				
Commercial work up to \$50,000	10.55	.445	.50	.03
Commercial work \$50,000 & over	11.005	.445	.50	.03
Harris County	10.72	.55	.70	.12
NOOFS	8.89	.20	.25	.03
SHEET METAL WORKERS:				
Galveston County	10.12	.70	.50	.10
Harris County	10.48	.70	.50	.10
SOFT FLOOR LAYERS	9.17	.35	.42	.06
SPRINKLER FITTERS	11.15	.65	.45	.09
TERRAZZO WORKERS:				
Galveston County	9.26	.55	.55	.08
Harris County	10.46	.55	.55	.08
TERRAZZO WORKERS' FINISHERS:				
Terrazzo workers' finishers	7.90			
Terrazzo floor machinemen	8.05			
Terrazzo base machinemen	8.20			
TILE SETTERS:				
Galveston County	9.26			
Harris County	10.46			
TILE SETTERS' FINISHERS	7.90			
TRUCK DRIVERS:				
GROUP 1 - Under 1 1/2 tons; wash, grease, tireman, fuel pump operator when used on construction jobs	7.84			
GROUP 2 - 1 1/2 thru 2 1/2 tons; dump truck less than 7 yds.	8.23			
GROUP 3 - Over 2 1/2 tons; farm tractors; fork lifts, floats	8.45			

DECISION NO. TX77-4258

Basic Hourly Rates	Fringe Benefits Payments			Education end/yr Appr. Tr.
	H & W	Pensions	Vacation	
TRUCK DRIVERS (CONT'D):				
GROUP 4 - Euclids (not self-loading)	9.861			
GROUP 5 - Warehouseman	8.10			
GROUP 6 - Material checker; pick-up drivers	9.34			
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.				
FOOTNOTES:				
a - Inc 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rates				
b - Paid Holidays A thru F				
PAYD HOLIDAYS				
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day				

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977



DECISION NO. TX77-4258

POWDER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pension	Vacation	
GROUP 1	\$ 9.87	.35	.65		.06
GROUP 2	8.38	.35	.65		.06
GROUP 3	7.84	.35	.65		.06
GROUP 4	7.66	.35	.65		.06

POWDER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy Duty Mechanic; Blade Grader, Self-propelled; Bull Cram; Back Filler; Derrick - power operated (all types); Clim Shell; Draglines; Push Cat Operator; Bull Dozer & all types Cat Tractors; Cable-Way; Backhoe; Shovel, power operated; Crane, power operated (all types); Elevating Grader, Self-propelled; Hoist, Motor-Driven, Two Drums or more, Mix Mobile; Water Well Drilling Machine, Used on Construction; Building Elevator, used on Construction; Tug Boat Operator, Assigned to Construction; Winch Truck; Locomotive Crane; Concrete Mixer, 14 cu. ft. or more; Paving Mixer (all types); Pile Driver; Scraper, Heavy Type, over 3 cu. yds.; Tranching Machine (all sizes); Grapple, High-Lift; Foundation Roring Machine; Gasoline or Diesel Driven Welding Machine, 7 or more; Pumpcrete Machine Operator; Turnapulle; DM-10 Caterpillar, 9-18 Euclid and similar Tractors; Asphalt Plant Mixer Operator on Job; Crusher Operator on Job; Scoopmobiles; Forklift used on construction (not including warehousing); Well Point Pump; Concrete Batch Plant Operator; Pneumatic Rollers, Self-propelled; All other equipment of similar nature coming under the Heavy Equipment Class, when power operated

GROUP 2 - Air Compressor; Blade Grader, Towed; Flex Plane; Pave Grader, Concrete Mixer, less than 14 cu. ft.; Pumps; Pileometer; Truck Crane Driver; Gasoline or diesel Driven Welding Machine (on 3 or more, up to 6 machines); Hoist, Single Drum; Scraper, 3 cu. yds. or less; Mason Drill Operator; Conveyor; Generator, Gasoline or Diesel-driven, over 1500 watts; Rubber Tired Farm Tractor with attachments; A Light Equipment Operator may run 1 or 2 105 cfm compressors; All other equipment of similar nature coming under the Light Equipment Class, when power operated

GROUP 3 - Fireman

GROUP 4 - Other

SUPERSEDES DECISION

STATE: Texas COUNTY: Gregg  
DECISION NO.: TX77-4259 DATE: Date of Publication  
Supersedes Decision No. TX77-4200, dated August 19, 1977, in 42 FR 42136  
DESCRIPTION OF WORK: Building Construction (does not include single family homes & garden type apartments up to & including 4 stories). Building Construction includes construction of sheltered enclosures with walk-in access for the purpose of housing persons, machinery, equipment or supplies. It includes all construction of such structures, the installation of utilities & the installation of equipment, both above & below ground level, as well as excavation & foundation.

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	910.00	.40	.76		.025
BOTTLERMAKERS	10.00	.50	1.00		.02
BRICKLAYERS	9.10		.35		.05
CARPENTERS:					
Carpenters	8.00				.015
Millwright	10.25				.015
Piledrivers	8.50				.015
CEMENT MASONS	6.50				.015
ELECTRICIANS:					
Electricians	9.05	.60	3%		1/4%
Cable splicers	9.45	.60	3%		1/4%
GLAZIERS	5.80				
IRONWORKERS	8.95	.35	.35		.04
LABORERS:					
Laborers	3.40				
Mason tenders	3.80				
Plasterers' tenders	4.40				
LATHERS	6.875	.20	.10		.01
PAINTERS, BRUSH	6.75				
PLASTERERS	7.68				
PLASTERERS & PIPEFITTERS	7.79	.43	.90		.10
ROOFERS	6.40				
SHEET METAL WORKERS	8.455	3%+.35	.50		.055
TILE SETTERS	6.90				
TILE SETTERS' HELPERS	3.65				
TRUCK DRIVERS	3.50				
POWER EQUIPMENT OPERATORS:					
Backhoes	4.50				
Blade graders	4.50				
Bulldozers	4.75				
Cherry pickers	4.50				
Drilling machine operators	3.75				
Loaders	4.50				
Motor graders	5.00				
Rollers	4.87				
Scrapers	4.28				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					







DECISION NO. XX7-4260

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
POWER EQUIPMENT OPERATORS					
GROUP 1	\$10.585				
GROUP 2	9.05		.25		
GROUP 3	8.43		.25		
GROUP 4	8.24		.25		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy Duty Mechanic; Blade Grader, Self-propelled; Bull Giam; Back Filler; Derrick - Power Operated; all types; Draglines; Back-Hoe; Shovel; Crane-Bull Dozer and all types of Cat Tractors; Cable-lay; Self-propelled; Hoist - motor Power Operated, all types; Elevating Grader, Self-propelled; Hoist - motor driven, two drums or more; Mix mobile; Winch Truck; Locomotive Crane; Mixer, 14 cu. ft. or more; Paving Mixer, all sizes; Pile-drivers; Scraper - heavy type, over 3 cu. yds.; Trench Machine, all sizes; Grapple; High-Lift; Foundation Boring Machine; Grapple or Diesel driven welding machines - 7 to 12 machines; Pumps; Machine; Drill Operator - Water Well; DW-10 Euclid; Tournapulls; Asphalt Plants; Crushing Machine and Batch-plant; Scoopmobiles; Fingerlift Operator; Elevator when used to haul run or material on construction work; Wall Point System & operation of similar dewatering devices

GROUP 2 - Air Compressor; Blade Grader - Towed; Pile Plane; Form Grader; Mixer, less than 14 cu. ft.; Pump, Pulcometer; Truck Crane Driver; Gasoline or Diesel Driven Welding Machine, 3 to 6 machines; Hoist - Single Drum; Scraper, 3 cu. yds. or less; Conveyors - power operated

GROUP 3 - Fireman

GROUP 4 - Oiler

SUPERSTEDAS DECISION

STATE: Texas  
COUNTY: Lubbock  
DATE: Date of Publication  
DECISION NO.: XX7-4261  
Supersedes Decision No. XX7-4202, dated August 19, 1977, in 42 FR 42137  
DESCRIPTION OF WORK: Building Construction (does not include single family homes & garden type apartments up to & including 4 stories). Building Construction includes construction of sheltered enclosures with walk-in access for the purpose of housing persona, machinery, equipment or supplies. It includes all construction of such structures, the installation of utilities & the installation of equipment, both above & below ground level, as well as excavation & foundation.

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS-WORKERS	\$10.00	.65	.55		.07
BOILERMAKERS	10.00	.50	1.00		.02
BRICKLAYERS & STONEMASONS	9.60	.30	.30		.03
CARPENTERS	8.67	.48	.40		.01
CEMENT MASONS	7.10				
ELECTRICIANS	9.55	.60	.32		1/102
Cable splicers	9.80	.60	.32		1/102
IRONWORKERS:					
Structural; Ornamental; Reinforcing	8.53	.55	1.00		.10
All ironworkers on jobs 30 miles or more from the city of Lubbock	8.655	.55	1.00		.10
LABORERS:					
GROUP 1 - Construction laborers, including excavation, pouring concrete, carpenter tenders, reinforcing, shoring, digging, loading & unloading materials, wrecking buildings & all structures & all construction laborers except those named below	4.925	.275		.20	
GROUP 2 - Air tool operator (jackhammer, vibrator, tamper, brush hammer, chipping hammer, air or electric), power buggy man, pipelayer (concrete & clay & all non-metallic pipe); handling, laying & cleaning pumpcrete pipe	5.20	.275		.20	
GROUP 3 - Mortar mixers, mason tenders, plasterer tenders, cement finisher tenders, lather tenders	5.125	.275		.20	
GROUP 4 - Wagon drill	5.275	.275		.20	
GROUP 5 - Blasters & powder make-up men	5.525	.275		.20	

DECISION NO. XX7-4261

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
LATHERS	\$ 6.75	.20			.01
LINE CONSTRUCTION:					
Linenmen	9.55	.60	.32		
Operators	8.05JR	.60	.32		
Groundmen (more than 1 year experience)	57JR	.60	.32		
Groundmen (less than 1 year experience)	50JR	.60	.32		
Flat bed truck operator	70JR	.60	.32		
PAINTERS:					
Brush	6.95	.30	.20		.04
Spray	7.70	.30	.20		.04
PLASTERERS	7.00	.39	.45		.04
PLUMBERS & STEAMFITTERS	9.26				
ROOFERS	3.50				
SHEET METAL WORKERS	10.17	.35	.33		.10
SPRINKLER FITTERS	11.15	.65	.95		.08
TRUCK DRIVERS	3.00				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

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## SUPERSEDES DECISION

STATE: Texas  
 COUNTY: Tom Green  
 DECISION NO.: TX77-4264  
 DATE: Date of Publication  
 SUPERSEDES DECISION NO. TX77-4205, dated August 19, 1977, in 42 FR 42140  
 DESCRIPTION OF WORK: Building Construction (does not include single family homes & garden type apartments up to & including 4 stories). Building Construction includes construction of sheltered enclosures with walk-in access for the purpose of housing persons, machinery, equipment or supplies. It includes all construction of such structures, the installation of utilities & the installation of equipment, both above & below ground level, as well as excavation & foundation.

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Pensions	Vacation	
BRICKLAYERS	\$ 8.50				.02
CARPENTERS	8.25				
CEMENT MASONS	4.75				
ELECTRICIANS:					
Zone 1 - Shall consist of the following cities of towns: Christoval & San Angelo	8.20		3%		1/4%
Zone 2 - Shall consist of all areas outside the five (5) road miles of the city limits of the above named cities and towns	8.55		3%		1/4%
IRONWORKERS:					
Ironworkers	8.53	.55	1.00		.10
On jobs 30 miles or more from the city of San Angelo	8.655	.55	1.00		.10
LABORERS	2.50				.01
LATHERS	7.65				.01
PAINTERS, BRUSH	4.00				
PLASTERERS	7.25				
PLUMBERS & PIPEFITTERS	5.50				
ROOFERS	4.00				
SHEET METAL WORKERS	5.00				
SOFT FLOOR LAYERS	5.00				
TILE SETTERS	5.00				
TRUCK DRIVERS	2.75				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977

STATE: Texas

COUNTY: Wichita

DATE: Date of Publication

DECISION NO. TX77-4265  
 SUPERSEDES DECISION NO. TX77-4207, dated August 19, 1977, in 42 FR 42143  
 DESCRIPTION OF WORK: Building Construction (does not include single family homes & garden type apartments up to & including 4 stories). Building Construction includes construction of sheltered enclosures with walk-in access for the purpose of housing persons, machinery, equipment or supplies. It includes all construction of such structures, the installation of utilities & the installation of equipment, both above & below ground level, as well as excavation & foundation.

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$10.03	.40	.76		.025
BILLERS	10.00	.50	1.00		.02
BRICKLAYERS & STONEMASONS	9.64		.30		.05
CARPENTERS:					
Carpenters	9.07	.43	.40		.07
Hillwrights,	9.57	.43	.40		.07
CEMENT MASONS	8.55				
ELECTRICIANS:					
Zone 1 - Work performed within a road mile radius from the Local Union 681 business office up to 30 miles:					
Electricians	10.00	.40	3%		1/10%
Cable splicers	10.25	.40	3%		1/10%
Zone 2 - All work performed beyond Zone 1:					
Electricians	10.35	.40	3%		1/10%
Cable splicers	10.60	.40	3%		1/10%
ELEVATOR CONSTRUCTORS:					
Mechanics	9.33	.545	.35	4%+*b	.02
Helpers (Probationary)	707JR	.545	.35	4%+*b	.02
GLAZIERS	4.97				
IRONWORKERS:					
Structural; Ornamental; Reinforcing	8.53	.55	1.00		.10
Ironworkers on jobs 30 miles or more from the city of Wichita	8.655	.55	1.00		.10
Falle					
LABORERS:					
GROUP 1 - General laborers (concrete & clay); Power buggy operator; Gunite mixer; Cement work mixer	5.025	.275	.27		
Power tool operator; Ball hole man (piers)					
GROUP 2 - Mason tender; Mason mortar mixer; Plasterer tender; Mud carrier; Plasterer mortar mixer; Gunite over 1 1/2" thick; Nozzelman & machine operator	5.275	.275	.27		
GROUP 4 - Powderman, blaster	5.525	.275	.27		

Page 2

DECISION NO. TX77-4265

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Pensions	Vacation	
LATHERS	\$ 7.65				.01
LINE CONSTRUCTION:					
Lineman; Lineman operator	11.52		3%		1/2%
Cable splicer	12.67		3%		1/2%
Groundman, 1st 6 months	6.91		3%		1/2%
Groundman, 2nd 6 months	7.49		3%		1/2%
Groundman, 1 year & over	8.06		3%		1/2%
PAINTERS:					
Brush	7.50				
Spray	8.50				
PLASTERERS	9.80				.01
PLUMBERS & PIPEFITTERS:					
Zone 1 - Within 25 miles of Wichita Falls City limits	9.55	.35	.55		.02
Zone 2 - Between 25 & 40 miles of Wichita Falls City limits	10.05	.35	.55		.02
Zone 3 - Between 40 & 70 miles of Wichita Falls City limits	10.35	.35	.55		.02
Zone 4 - Between 70 & 100 miles of Wichita Falls City limits	10.65	.35	.55		.02
Zone 5 - Over 100 miles of Wichita Falls City limits	10.95	.35	.55		.02
ROOFERS	5.42				.07
SHEET METAL WORKERS	9.98				
SOFT FLOOR LAYERS	5.50				
TERRAZZO WORKERS	7.50				
TILE SETTERS	6.50				
TRUCK DRIVERS	2.30				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					
FOOTNOTES:					
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate					
b - Paid Holidays A thru F					
PAID HOLIDAYS					
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day					

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977



DECISION NO. TX77-4265

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
POWER EQUIPMENT OPERATORS						
GROUP 1	\$ 7.20	.30	.50			.10
GROUP 2	8.10	.30	.50			.10
GROUP 3	8.50	.30	.50			.10

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Oiler-Pitman  
GROUP 2 - Air Compressors, Pumps, Welding Machines, Throttle Valves, Light Plants (3 to 6 machines); Conveyor; Wagon Drill; Elevators Building; Porm Graders; Hoist, Single Drum; Ford Tractor including blade and mower on rear; Mixers less than 14 cubic feet; Screening Plants; Crushing Plants; Fork Lifts (short, under 25 feet); Concrete Pumps (all types); Bobcat type equipment; Ford tractor or like with any attachments (except blade and mower on rear); All other equipment of similar nature coming under the Light Equipment Class, when power operated  
GROUP 3 - Backhoe; Drilling Machines (all types); Scoopmobiles; Hoists, two drums or more; Fork lifts (over 25 feet); Hitch Truck; Six wheel truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixers, 14 cubic feet or over; Blade Graders, self-propelled; Cabsaws; Cranes-power operated (to 100 feet of boom); Derricks, power operated (all types); Gradall; Hy-Ho; Hop-to; Paving Mixer (all types); Mile Drivers; Mobile Concrete Mixers over 14 cu. ft.; Bulldozers, Loaders, Tractors; Scrapers and Pulls; Welders; Trenching Machines; Roller, ten tons or over; Air Compressors, Pumps, Welding Machines and Light Plants (7 to 12 Machines); Air Compressor & Air Tugger; Boilers, two or more fired by one man; Heavy Duty Mechanic; All other equipment of similar nature coming under the Heavy Equipment Class, when power operated

SUPERSEDES DECISION

STATE: Texas  
COUNTIES: Cameron, Hidalgo, Starr & Wilbrey  
DECISION NO.: TX77-4280  
DATE: Date of Publication  
Supersedes Decision No. TX77-4196, dated August 19, 1977, in 42 FR 42126  
DESCRIPTION OF WORK: Building Construction (does not include single family homes & garden type apartments up to & including 4 stories). Building Construction includes construction of sheltered enclosures with walk-in access for the purpose of housing persons, machinery, equipment or supplies. It includes all construction of such structures, the installation of utilities & the installation of equipment, both above & below ground level, as well as excavation & foundation.

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ASBESTOS WORKERS	\$ 9.79	.50	.50			.02
BOILERMAKERS	10.00	.50	1.00			
BRICKLAYERS	6.00					
CARPENTERS	5.11					
CEMENT MASONS	3.50					
ELECTRICIANS	5.50					
GLAZIERS	3.55					
IRONWORKERS:						
Structural & ornamental	3.50					
Reinforcing	4.02					
LABORERS:						
Common laborers	2.30					
Air tool operators	2.30					
Mason tenders	2.30					
Mortar mixers	2.30					
Plasterers' tenders	2.30					
PAINTERS	4.19					
PLASTERERS	7.00					
PLUMBERS & PIPEFITTERS	8.20	.40	.15			.05
ROOFERS:						
Roofers	4.06					
Kettlemen	4.40					
SHEET METAL WORKERS	4.23					
SPRINKLER FITTERS	11.15	.65	.95			.08
TILE SETTERS	3.75					
TRUCK DRIVERS	2.30					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						



## SUPERSEDES DECISION

STATE: West Virginia COUNTY: Statewide  
 DECISION NO.: WV77-3083 DATE: Date of Publication  
 Supersedes Decision No. WV77-3051, dated April 29, 1977, in 42 FR 22112  
 DESCRIPTION OF WORK: Heavy and Highway Construction.

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
BRICKLAYERS & STONEMASONS:					
AREA 1	\$10.72	.65	.75		.03
AREA 2	10.43	.55	.50		.02
AREA 3	9.63	.50	.52		.02
AREA 4	10.73	.50	.25		
AREA 5	11.84	.50	.30		
AREA 6	10.05	.60			
AREA 7	10.34		.40		
AREA 8	8.70				

## AREAS COVERED BY BRICKLAYERS &amp; STONEMASONS

AREA 1 - Boone, Braxton, Clay, Fayette, Greenbrier, Kanawha, Putnam, Raleigh & Summers Counties.  
 AREA 2 - Barbour, Doddridge, Gilmer, Grant, Hardy, Harrison, Lewis, Marion, Monongalia, Pendleton, Pocahontas, Preston, Randolph, Taylor, Tucker, Upshur & Webster Counties.  
 AREA 3 - Marshall, Ohio, Tyler & Wetzel Counties.  
 AREA 4 - Brooke & Hancock Counties.  
 AREA 5 - Cabell, Lincoln, Mason, Mingo & Wayne Counties.  
 AREA 6 - Calhoun, Jackson, Mason, Ritchie, Roane, Wirt & Wood Counties.  
 AREA 7 - Berkeley, Hampshire, Jefferson, Mineral & Morgan Counties.  
 AREA 8 - McDowell, Mercer, Monroe & Wyoming Counties

	HEAVY HIGHWAY	Fringe Benefits Payments			Education and/or Appr. Tr.
		Basic Hourly Rates	H & W	Pensions	
CARPENTERS:					
AREA 1	\$ 8.80	8.63	.35	.35	.02
AREA 2	8.70	8.55	.35	.35	.02

Carpenters working inside tunnel shall receive an additional 25¢ per hour.

## DECISION NO. WV77-3083

## AREAS COVERED BY CARPENTERS

AREA 1 - Brooke, Cabell, Hancock, Harrison, Jackson, Kanawha, Lewis, Marion, Marshall, Mason, Monongalia, Ohio, Pleasants, Preston, Putnam, Tyler, Wayne, Wetzel & Wood Counties.  
 AREA 2 - Barbour, Berkeley, Boone, Braxton, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hardy, Jefferson, Lincoln, Logan, McDowell, Mercer, Mineral, Mingo, Monroe, Morgan, Nicholas, Pendleton, Pocahontas, Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tucker, Upshur, Webster, Wirt & Wyoming Counties.

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
CEMENT MASONS:					
Heavy Construction	\$ 9.27	.25			
Highway Construction	9.09	.25			
ELECTRICIANS:					
AREA 1	11.70	.50	3% + .25	.25	.04
Wiremen	12.42	.50	3% + .25	.25	.04
Cable splicers					
AREA 2					
Contracts \$15,000 or less:					
Wiremen	7.52	.50	3% + .52	.77	.06
Cable splicers	7.82	.50	3% + .52	.77	.06
Contracts over \$15,000:					
Wiremen	10.42	.50	3% + .52	.77	.06
Cable splicers	10.72	.50	3% + .52	.77	.06
AREA 3					
Wiremen	9.10	.50	3% + .52	2.02	.03
Cable splicers	10.01	.50	3% + .52	2.02	.03
AREA 4					
Wiremen	10.50	.50	3% + .32	1.02	.04
Cable splicers	10.75	.50	3% + .32	1.02	.04

## DECISION NO. WV77-3083

## ELECTRICIANS (CONT'D.):

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
AREA 5					
Wiremen	\$12.00	6%	9%	8%	1/4 of 1%
Cable splicers	12.40	6%	9%	8%	1/4 of 1%
Contracts under \$12,000:					
Wiremen	6.05	.50	3% + 1.02	1.52	.02
Cable splicers	9.40	.50	3% + 1.02	1.52	.02
Contracts \$12,000 or more:					
Wiremen	9.55	.50	3% + 1.02	1.52	.02
Cable splicers					
AREA 7					
Wiremen	10.65	.50	3% + 1.02	1.00	.04
Cable splicers	10.90	.50	3% + 1.02	1.02	.04
AREA 8					
Wiremen	11.02	.50	3% + .52	1.02	.04
Cable splicers	11.57	.50	3% + .52	1.02	.04
AREA 9					
Wiremen	11.47	.50	3% + .52	1.02	.04
Cable splicers	12.04	.50	3% + .52	1.02	.04
AREA 10					
Wiremen	11.22	.50	3% + .52	1.02	.04
Cable splicers	11.76	.50	3% + .52	1.02	.04
AREA 11					
Wiremen	10.15	.50	3% + .25		.12
Cable splicers					
AREA 12					
Wiremen	10.35	.50	3% + .25		.12
Cable splicers					
AREA 13					
Wiremen	10.55	.50	3% + .25		.12
Cable splicers					
AREA 14					
Wiremen	8.51	.30	3%		1/4 of 1%
Cable splicers	8.91	.30	3%		1/4 of 1%

## DECISION NO. WV77-3083

## ELECTRICIANS (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
AREA 15					
Contracts \$15,000 or less:					
Wiremen	\$ 7.82	.50	3% + .52	.77	.06
Cable splicers	8.12	.50	3% + .52	.77	.06
Contracts over \$15,000:					
Wiremen	10.72	.50	3% + .52	.77	.06
Cable splicers	11.02	.50	3% + .52	.77	.06
AREA 16					
Contracts \$15,000 or less:					
Wiremen	8.02	.50	3% + .52	.77	.06
Cable splicers	8.32	.50	3% + .52	.77	.06
Contracts over \$15,000:					
Wiremen	10.92	.50	3% + .52	.77	.06
Cable splicers	11.22	.50	3% + .52	.77	.06
AREA 17					
Contracts under \$30,000:					
Wiremen	6.25	.50	3%		3/4 of 1%
Cable splicers					
Contracts \$30,000 or more:					
Wiremen	9.65	.50	3%		3/4 of 1%
Cable splicers					
AREA 18					
Wiremen	10.26	.8%	6%	8%	.1%
Cable splicers	10.66	.8%	6%	8%	.1%

## AREAS COVERED BY ELECTRICIANS

AREA 1 - Boone, Braxton, Calhoun, Clay, Fayette (Falla & Kanawha Townships only), Gilmer, Kanawha, Nicholas, Putnam, Raleigh (Clear Fork & Marsh Fork Townships only), Roane & Webster Counties.  
 AREA 2 - Raleigh (remainder of county) County.  
 AREA 3 - Barbour, Doddridge, Harrison, Lewis, Randolph & Upshur Counties.  
 AREA 4 - Brooke (Buffalo Twp Only), Marshall, Ohio & Wetzel Counties.  
 AREA 5 - Brooke (except Buffalo Twp) & Hancock (except Grant Twp.) Counties.  
 AREA 6 - Marion, Monongalia, Preston, Taylor & Tucker Counties.  
 AREA 7 - Jackson, Pleasants, Ritchie, Tyler, Wirt & Wood Counties.  
 AREA 8 - Cabell & Wayne Counties.  
 AREA 9 - Logan, Mason & Mingo Counties.  
 AREA 10 - Lincoln County.  
 AREA 11 - Mineral County.  
 AREA 12 - Berkeley, Hampshire & Morgan Counties.  
 AREA 13 - Grant County.  
 AREA 14 - Greenbrier, McDowell, Mercer, Monroe & Pocahontas Counties.  
 AREA 15 - Fayette (remainder of county) County.  
 AREA 16 - Summers & Wyoming Counties.  
 AREA 17 - Hardy, Jefferson & Pendleton Counties.  
 AREA 18 - Hancock County - Grant Twp. only



Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$10.85	.90	1.05		.09
11.28	.70	.85		.01
10.57	.90	1.05		
11.27	.90	1.05		.01
11.42	.90	1.05		.01
11.52	.90	1.05		.01
11.62	.90	1.05		.01
10.24	.60	.90		
9.55	.60	.65		.03

IRONWORKERS:

- AREA 1
- AREA 2
- AREA 3
- AREA 4
- Zone 1 - 10 miles from Union Hall
- Zone 2 - 10 to 15 miles from Union Hall
- Zone 3 - 15 to 20 miles from Union Hall
- Zone 4 - 20 to 25 miles from Union Hall
- AREA 5
- AREA 6

AREAS COVERED BY IRONWORKERS

- AREA 1 - Boone, Braxton, Clay, Fayette, Kanawha, Lincoln, Logan, McDowell, Nicholas, Putnam, Raleigh, Webster & Wyoming Counties.
- AREA 2 - Barbour, Brooke, Hancock, Harrison, Marion, Marshall, Monongalia, Ohio, Taylor, Tyler & Wetzel Counties.
- AREA 3 - Calhoun, Doddridge, Gilmer, Jackson, Lewis, Mason, Pleasants, Ritchie, Boone, Upshur, Wirt & Wood Counties.
- AREA 4 - Cabell, Mingo & Wayne Counties.
- AREA 5 - Berkeley, Grant, Hampshire, Hardy, Mineral, Morgan, Pendleton, Preston, Randolph & Tucker Counties.
- AREA 6 - Greenbrier, Mercer, Monroe, Pocahontas & Summers Counties.

HEAVY	HIGHWAY
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Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 8.48	.35	.35		.03
8.07	.35	.35		.03
7.58	.35	.35		.03
7.44	.35	.35		.03
7.19	.35	.35		.03
6.51	.35	.35		.03

LABORERS:

- GROUP 1
- GROUP 2
- GROUP 3
- GROUP 4
- GROUP 5
- GROUP 6

All classifications who are required to work in open vertical ditches and manholes that are 6' or more in depth shall receive 15¢ per hour above their regular rate of pay.

LABORERS' CLASSIFICATIONS DEFINITIONS

- GROUP 1 - Blacksmith, Tunnel Driller, Tunnel Miner.
- GROUP 2 - Powderman, Mucker-Chucker.
- GROUP 3 - Cason Bitmen, Pipe Layer (including Laser Beam Set-up), Form setter (road), Drill Operator and Inside Laborer.
- GROUP 4 - Airtool Operator, Vibrator Man, Wacker, Chainaw Operator, Mortar-men, Mason Tender, Blacksmith Helper, Cement Finisher Helper, Drill Helper, Powderman Helper, Waterproofer, Sheeter and Shorer, Pipelayers Helper, Bulfloat Man, Pavement Reinforcing Placer, Bandyman, Signal Man, Asphalt Maker, Greencutter, Georgia Power Buggie, Burner, Grade Checker, Concrete Slower Men.
- GROUP 5 - Laborer, Deckhand, Mulcher and Seeder (hand or machine), Trees Trimmer, Flagman.
- GROUP 6 - Watchman

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$11.08	.45	3% + .52	1.02	1/4 of 12
12.19	.45	3% + .52	1.02	1/4 of 12
8.86	.45	3% + .52	1.02	1/4 of 12
10.42	.50	3% + .52	.77	1/4 of 12
10.72	.50	3% + .52	.77	1/4 of 12
8.34	.50	3% + .52	.77	1/4 of 12
10.70	.45	3% +1.02	1.02	1/4 of 12
11.77	.45	3% +1.02	1.02	1/4 of 12
8.56	.45	3% +1.02	1.02	1/4 of 12
9.10	.50	3% + .52	2.02	1/4 of 12
10.01	.50	3% + .52	2.02	1/4 of 12
7.28	.50	3% + .52	2.02	1/4 of 12
10.50	.50	3% + .32	1.02	1/4 of 12
10.75	.50	3% + .32	1.02	1/4 of 12
8.40	.50	3% + .32	1.02	1/4 of 12
12.00	.68	9%	8%	1/4 of 12
12.40	.68	9%	8%	1/4 of 12
7.80	.68	9%	8%	1/4 of 12
9.50	.50	3% +1.02	1.52	1/4 of 12
10.45	.50	3% +1.02	1.52	1/4 of 12
7.60	.50	3% +1.02	1.52	1/4 of 12

LINE CONSTRUCTION:

- AREA 1
- Linenmen & operators (all mechanized equipment)
- Cable splicers
- Groundmen
- AREA 2
- Linenmen & operators (all mechanized equipment)
- Cable splicers
- Groundmen
- AREA 3
- Linenmen & operators (all mechanized equipment)
- Cable splicers
- Groundmen
- AREA 4
- Linenmen & operators (all mechanized equipment)
- Cable splicers
- Groundmen
- AREA 5
- Linenmen & operators (all mechanized equipment)
- Cable splicers
- Groundmen
- AREA 6
- Linenmen & operators (all mechanized equipment)
- Cable splicers
- Groundmen
- AREA 7
- Linenmen & operators (all mechanized equipment)
- Cable splicers
- Groundmen

LINE CONSTRUCTION (CONT'D):

- AREA 8
- Linenmen
- Equipment operators
- Truck drivers, groundmen
- AREA 9
- Linenmen
- Equipment operators
- Truck drivers, groundmen
- AREA 10
- Linenmen
- Equipment operators
- Truck drivers, groundmen
- AREA 11
- Linenmen, cable splicers & equipment operators
- Truck with winch, pole or steel handling
- Groundmen
- AREA 12
- Linenmen & operators (all mechanized equipment)
- Cable splicers
- Groundmen
- AREA 13
- Linenmen & operators (all mechanized equipment)
- Cable splicers
- Groundmen
- AREA 14
- Linenmen
- Cable splicers
- Equipment operators
- Trucks with earth boring auger
- Trucks with winch, groundmen
- AREA 15
- Linenmen & Equipment Operators
- Cable splicers
- Truck drivers & Groundmen

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 10.15	.50	3% + .25		1/4 of 12
9.64	.50	3% + .25		1/4 of 12
6.60	.50	3% + .25		1/4 of 12
10.35	.50	3% + .25		1/4 of 12
9.84	.50	3% + .25		1/4 of 12
6.80	.50	3% + .25		1/4 of 12
10.55	.50	3% + .25		1/4 of 12
10.04	.50	3% + .25		1/4 of 12
7.00	.50	3% + .25		1/4 of 12
12.11	.45	3%		1/4 of 12
7.43	.45	3%		1/4 of 12
7.17	.45	3%		1/4 of 12
10.72	.50	3% + .52	.77	1/4 of 12
11.02	.50	3% + .52	.77	1/4 of 12
8.58	.50	3% + .52	.77	1/4 of 12
10.92	.50	3% + .52	.77	1/4 of 12
11.22	.50	3% + .52	.77	1/4 of 12
8.74	.50	3% + .52	.77	1/4 of 12
8.66	.35	3%		1/4 of 12
9.06	.35	3%		1/4 of 12
7.45	.35	3%		1/4 of 12
6.06	.35	3%		1/4 of 12
4.76	.35	3%		1/4 of 12
10.26	8%	6 1/4%	8%	1%
10.66	8%	6 1/4%	8%	1%
9.36	8%	6 1/4%	8%	1%



DECISION NO. W77-3083

## AREAS COVERED BY LINE CONSTRUCTION

AREA 1 - Boone, Braxton, Cabell, Calhoun, Clay, Gilmer, Knott's, Lincoln, Logan, Mason, Mingo, Nicholas, Putnam, Roane, Wayne & Webster Counties.  
 AREA 2 - Raleigh County.  
 AREA 3 - Jackson, Pleasants, Ritchie, Tyler, Wirt & Wood Counties.  
 AREA 4 - Barbour, Doddridge, Harrison, Lewis, Randolph & Upshur Counties.  
 AREA 5 - Brooke (Buffalo Twp. only), Marshall, Ohio & Metchel Counties.  
 AREA 6 - Boone (except Buffalo Twp.) & Hancock (except Grant Twp.) Counties.  
 AREA 7 - Marion, Monongalia, Preston, Taylor & Tucker Counties.  
 AREA 8 - Mineral County.  
 AREA 9 - Berkeley, Hampshire & Morgan Counties.  
 AREA 10 - Grant County.  
 AREA 11 - Hardy, Jefferson & Pendleton Counties.  
 AREA 12 - Summets & Wyoming Counties.  
 AREA 13 - Greenbrier, McDowell, Mercer, Monroe & Pocahontas Counties.  
 AREA 14 - Hancock County - Grant Twp. only.

## PAINTERS:

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$ 8.22	.30	.35			.02
9.47	.30	.35			.02
9.32	.30	.35			.02
10.57	.30	.35			.02
10.04	.30	.35			.02
11.29	.30	.35			.02

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
\$ 8.50	.50	.20	.30		.01
9.00	.50	.20	.30		.01
10.00	.50	.20	.30		.01
8.40	.50	.20	.30		.01
9.25	.50	.20	.30		.01
9.15	.50	.20	.30		.01
9.40	.50	.20	.30		.01
9.65	.50	.20	.30		.01
8.50	.50	.20	.30		.01
10.25	.50	.20	.30		.01
8.75	.50	.20	.30		.01
9.56	.50	.20	.30		.01
9.82	.50	.20	.30		.01
10.58	.50	.20	.30		.01
8.14	.50	.20	.30		.01
8.42	.50	.20	.30		.01
10.56	.50	.20	.30		.01
10.26	.50	.20	.30		.01
10.51	.50	.20	.30		.01
11.26	.50	.20	.30		.01
9.91	.50	.20	.30		.01
10.51	.50	.20	.30		.01

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977

DECISION NO. W77-3083

DECISION NO. W77-3083

## PAINTERS:

NEW	REPAINT	Fringe Benefits Payments				App. Tr.
		Basic Hourly Rates	H & W	Pensions	Vacation	
\$ 8.38	\$ 7.56	.55				.02
7.56	.55					.02
8.70	7.92	.55				.02
9.23	8.67	.55				.02
9.61	9.10	.55				.02
9.94	9.43	.55				.02
10.89	10.49	.55				.02
9.94	9.36	.55				.02

DECISION NO. W77-3083

## PAINTERS (CONT'D):

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$ 6.42	.50				.01
6.67	.50				.01
7.42	.50				.01
7.75	.50				.01
7.50	.50				.01
8.50	.50				.01
8.74	.50				.01
7.74	.50				.01
7.99	.50				.01
8.74	.50				.01
6.20	.50	.40			.01
7.20	.50	.40			.01
9.35		.50			.01
9.85		.50			.01
10.35		.50			.01
10.85		.50			.01
11.35		.50			.01
11.85		.50			.01

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977

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AREAS COVERED BY PAINTERS

AREA 1 - Cabell, Lincoln, Logan, Mason, Mingo & Wayne Counties.  
AREA 2 - Monongalia & Preston Counties.  
AREA 3 - Barbour, Doddridge, Gilmer, Harrison, Lewis, Marion, Randolph, Taylor, Tucker, Upshur & Webster Counties.  
AREA 4 - Calhoun, Jackson, Pleasants, Ritchie, Roane, Tyler, Wirt & Wood Counties.  
AREA 5 - Boone, Braxton, Clay, Fayette, Greenbrier, Kanawha, McDowell, Mercer, Monroe, Pocahontas, Putnam, Raleigh, Summers & Wyoming Counties.  
AREA 6 - Brooke (south of Buffalo Creek), Marshall, Ohio & Wetzel Counties.  
AREA 7 - Brooke (remainder of county), & Hancock Counties.  
AREA 8 - Grant, Hampshire, Hardy, Mineral, Morgan & Pendleton Counties.

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
PILEDRIVERMEN - HEAVY CONSTRUCTION:					
AREA 1	\$ 9.13	.35	.35		.02
AREA 2	9.03	.35	.35		.02
AREA 3	10.60	.57	.107		.17

AREAS COVERED BY PILEDRIVERMEN  
HEAVY CONSTRUCTION

AREA 1 - Cabell, Harrison, Jackson, Kanawha, Lewis, Marion, Mason, Pleasants, Preston, Putnam, Tyler, Wayne & Wood Counties.  
AREA 2 - Barbour, Berkeley, Boone, Braxton, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hardy, Jefferson, Lincoln, Logan, McDowell, Mercer, Mineral, Mingo, Monroe, Morgan, Nicholas, Pendleton, Pocahontas, Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tucker, Upshur, Webster, Wirt & Wyoming Counties.  
AREA 3 - Brooke, Hancock, Marshall, Monongalia, Ohio & Wetzel Counties.

PILEDRIVERMEN - HIGHWAY CONSTRUCTION:

AREA 1

AREA 2

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
AREA 1	\$ 8.95	.35	.35		.02
AREA 2	8.85	.35	.35		.02

AREAS COVERED BY PILEDRIVERMEN  
HIGHWAY CONSTRUCTION

AREA 1 - Brooke, Cabell, Hancock, Harrison, Jackson, Kanawha, Lewis, Marion, Marshall, Mason, Monongalia, Ohio, Pleasants, Preston, Putnam, Tyler, Wayne, Wetzel & Wood Counties.  
AREA 2 - Barbour, Berkeley, Boone, Braxton, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hardy, Jefferson, Lincoln, Logan, McDowell, Mercer, Mineral, Mingo, Monroe, Morgan, Nicholas, Pendleton, Pocahontas, Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tucker, Upshur, Webster, Wirt & Wyoming Counties.

PLUMBERS & PIPEFITTERS:

AREA 1  
AREA 2  
AREA 3  
AREA 4  
AREA 5  
AREA 6  
Plumbers  
Steamfitters  
AREA 7  
Zone 1 - within 8 mile radius of Cabell Co. Courthouse  
Zone 2 - 8 to 15 miles from the Courthouse  
Zone 3 - 15 to 25 miles from the Courthouse  
Zone 4 - Over 25 miles from the Courthouse

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
AREA 1	\$10.45	.40	.84	.107	.05
AREA 2	10.46	.50	.77	.82	.05
AREA 3	10.02	.50	.60	.107	.04
AREA 4	10.27	.50	.60	.107	.04
AREA 5	10.23	.40	.50		
AREA 6					
Plumbers	9.78	.45	.30		.05
Steamfitters	9.82	.45	.15		.05
AREA 7					
Zone 1 - within 8 mile radius of Cabell Co. Courthouse	10.88	.60	1.40		.02
Zone 2 - 8 to 15 miles from the Courthouse	11.08	.60	1.40		.02
Zone 3 - 15 to 25 miles from the Courthouse	11.28	.60	1.40		.02
Zone 4 - Over 25 miles from the Courthouse	11.53	.60	1.40		.02

PLUMBERS & PIPEFITTERS (CONT'D)

AREA 8

Contracts \$75,000 or less

Contracts over \$75,000

AREA 9

AREA 10

AREA 11

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
AREA 8	8.05	.45	.50		.09
Contracts \$75,000 or less	10.52	.45	.50		.09
Contracts over \$75,000	10.52	.50	.60	.107	.04
AREA 9	10.77	.50	.60	.107	.04
AREA 10	7.82	.60	.80		
AREA 11					

AREAS COVERED BY PLUMBERS & PIPEFITTERS

AREA 1 - Brooke (south of Buffalo Creek), Marshall, Ohio & Wetzel Counties.  
AREA 2 - Brooke (remainder of county), & Hancock Counties.  
AREA 3 - Harrison, Marion & Monongalia Counties.  
AREA 4 - Barbour, Doddridge, Lewis, Taylor & Upshur Counties.  
AREA 5 - Calhoun, Jackson (northern portion to but not including the Town of Ripley), Pleasants, Ritchie, Roane (northern portion to but not including the Town of Spencer), Tyler, Wirt & Wood Counties.  
AREA 6 - Boone (northeast portion including the Towns of Madison & Whitesville), Braxton (southern portion up to but not including the Town of Sutton), Clay, Fayette, Greenbrier, Jackson (remainder of county), Kanawha, Nicholas, Pocahontas, Putnam, Roane (remainder of county), Summers & Webster (southern portion up to but not including the Town of Webster Springs) Counties.  
AREA 7 - Boone (remainder of county), Cabell, Lincoln, Logan, Mason, Mingo & Wayne Counties.  
AREA 8 - McDowell, Mercer, Monroe, Raleigh & Wyoming Counties.  
AREA 9 - Braxton (remainder of county), Gilmer, Randolph, Tucker & Webster (remainder of county) Counties.  
AREA 10 - Grant, Hampshire, Hardy, Mineral & Pendleton Counties.  
AREA 11 - Berkeley, Jefferson & Morgan Counties.

HEAVY

HIGHWAY

POWER EQUIPMENT OPERATORS:

GROUP 1

GROUP 2

GROUP 3

GROUP 4

GROUP 5

GROUP 6

GROUP 7

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
GROUP 1	\$ 9.63	.45	.55		.04
GROUP 2	8.63	.45	.55		.04
GROUP 3	8.09	.45	.55		.04
GROUP 4	7.92	.45	.55		.04
GROUP 5	7.85	.45	.55		.04
GROUP 6	7.52	.45	.55		.04
GROUP 7	7.20	.45	.55		.04
	8.41	.45	.55		.04

All classifications performing tunneling and all other underground work shall receive an additional 25c per hour.

CLASSIFICATION DEFINITIONS POWER EQUIPMENT OPERATORS

GROUP 1 - Equipment with booms of 150 and/or capacity of 3 yards and over, or 30 tons or over, front end loader with capacity of 4 yards and over, capacities to be based on manufacturer's specifications, transloader.  
GROUP 2 - Cable way, crane, derrick (2 drums or more) derrick boat, drag-line, dredge, gradall, hoist (2 drums or more) mechanic (heavy), mixer plant (2 or more mixers including batch control), paver (dual drums), pile driver, shovel, side boom tractor, cone drill, operator tracher (20" or over), truck crane, back hoe, li-lift (14 cubic yards or over), dozer with ripper (when dozer is D-8 class or larger), double hitched equipment, bulldozer with roller, standard gauge locomotive, tug boat, concrete pump, controlled fine grade machine.  
GROUP 3 - Bulldozer, derrick (single drum), hi-lift (under 14 cubic yards), hoist (single drum), single drum paver, tracher (under 20"), motor grader, air tugger, rubber-tired scraper, self-loading tractor pan, Ross Carrier, "A" frame, multiple concrete saw, asphalt paver, hydraulic post driver, base paver, rotary drill, lead greaser on grease truck or service island, snake or push tractor, and horizontal road boring machine.  
GROUP 4 - Concrete mixer (single drum), one cubic yard or over fork lift, asphalt batch plant, concrete batch plant, crushing plant, screening and washing plant, self-propelled power concrete spreader, sub-grader, power form handling equipment, burlap and curing machine, concrete finishing machine, form grader, bull float, portable concrete saw, roller and compactor, bar and joint installing machine.  
GROUP 5 - High pressure fireman and fireman.  
GROUP 6 - Air compressor, concrete mixer (under 1 cubic yard), conveyor-belt or bucket, light plant, narrow gauge locomotive, welding machine, low pressure fireman, mechanic's helper, oiler, exceed man, spreader box man, farm tractor, joint sealer and pump.  
GROUP 7 - Group 6 operating up to 5 pieces of utility equipment.



DECISION NO. WV77-3083

FOOTNOTES:

- a. Paid Holiday - Christmas Day.
- b. Employers contribute \$8.50 per month per employee employed 30 days or more.
- c. Employers contribute \$60.67 per month per employee employed 30 days or more.
- d. Paid Holidays - New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; & Christmas Day.

DECISION NO. WV77-3083

	HEAVY	HIGHWAY	Fringe Benefits Payments			
			Basic Hourly Rates	H & W	Pensions	Vacation
TRUCK DRIVERS:						
GROUP 1	\$ 7.37	\$ 7.16	b	c		
GROUP 2	7.52	7.38	b	c		
GROUP 3	7.77	7.56	b	c		
GROUP 4	8.12	7.91	b	c		
GROUP 5	8.13	7.99	b	c		
GROUP 6	8.37	8.16	b	c		
GROUP 7	8.58	8.31	b	c		
GROUP 8	8.60	8.39	b	c		
All classifications performing tunneling and all other underground work shall receive an additional \$5c per hour.						

CLASSIFICATION DEFINITIONS TRUCK DRIVERS

- GROUP 1 - Warehousemen, yardmen, truck helpers, pick-ups, station wagons, panel trucks, team 2-up.
- GROUP 2 - Single axle trucks used as dump, supply, fuel, water, van, flatbody, monorail, distributor, (other than bituminous distributors), and including towed single units-material checkers, material receivers, Team 4-Up, greasers, tiremen and mechanic helpers (trucks).
- GROUP 3 - Tandem axle trucks used as dump, supply, fuel, water, van flat-body, monorail and including towed single units, truck tractors used in combination with dump, van, tank, flatbed, low platform, or pole trailers, bituminous distributors, off highway near dump - to 22 tons-agitator or mixer trucks (up to and including 5 c.y.).
- GROUP 4 - Rubber tired tractors (towing or pushing).
- GROUP 5 - Tri-axle trucks used as dump, supply, fuel, water, van, flatbed, monorail and including towed single units, agitator or mixer trucks (over 12 c.y. to 20 c.y.), off highway near dump - 23 tons to 40 tons - mucker trucker.
- GROUP 6 - Agitator or mixer trucks (over 20 c.y.), off highway near dump 40 tons to 75 tons.
- GROUP 7 - "A" frame operator.
- GROUP 8 - Mechanics (truck), off highway near dump - over 75 tons.

[FR Doc.77-28869 Filed 9-29-77;8:45 am]

FEDERAL REGISTER, VOL. 42, NO. 190—FRIDAY, SEPTEMBER 30, 1977

# federal register

FRIDAY, SEPTEMBER 30, 1977

PART X



## PRIVACY ACT ISSUANCES, ANNUAL PUBLICATION

Department/ Agency	FR Page Numbers	
	Systems of Records	Rules
Agriculture Department.....	53182	53538
Justice Department.....	53287	53542
Community Services Administration .....	53429	53566
Energy Research and Development Administration	53434	53572
Federal Energy Administration	53479	53578
National Transportation Policy Study Commission .....	53494	—
Postal Service.....	53496	53586
Telecommunications Policy Office.....	53532	—

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DEPARTMENT OF AGRICULTURE  
OFFICE OF THE SECRETARY  
PRIVACY ACT OF 1974

Systems of Records; Annual Publication

Pursuant to 5 U.S.C. § 552a(e)(4), the Department of Agriculture (USDA) hereby republishes its annual notice of the existence and character of the systems of records currently maintained pursuant to the Privacy Act of 1974. The last such annual republication was at 41 Fed. Reg. 39195 (Sept. 14, 1976). Interim amendments, revisions, and system deletions have been published at: 41 Fed. Reg. 34089 (Aug. 12, 1976); 41 Fed. Reg. 47400 (Oct. 28, 1976); 42 Fed. Reg. 6195 (Feb. 1, 1977); 42 Fed. Reg. 22133 (Apr. 29, 1977); 42 Fed. Reg. 25515 (May 18, 1977); 42 Fed. Reg. 27190 (May 26, 1977).

There are numerous minor revisions in USDA's system notices (e.g., address changes, and changes in titles of system managers) necessitated by changes in agency organization. There are no changes in the routine use section of any existing system notice.

The following systems of records are being deleted in this year's republication for the reasons stated:

USDA/AMS—2, Milk Market Administrators (MMA)—Personnel and Payroll System: separate system notice not needed as these records are included within Department-wide system USDA/OP—1.

USDA/ACSC—10, Defense Executive Reserve File: the system is no longer maintained and all existing records have been destroyed.

USDA/ASCS—26, Rice Cross Compliance System: records no longer collected or maintained; all existing records have been destroyed. USDA/APHIS—1, Meat and Poultry Inspection Program—Slaughter Processing and Allied Industries Compliance Records System: records and functions which generate them have been transferred to a new agency, the Food Safety and Quality Service. The new system will be designated USDA-FSQS—1.

USDA/ERS—2, Rappahannock Land Information System: the records in the system were comprised entirely of a study which has now been completed; all records in the system have been destroyed.

USDA/FCS—2, Ohio Livestock Producers Survey: the records in the system were comprised entirely of a one-time study which has now been completed; all records in the system have been destroyed.

USDA/FNS—6, Personnel Security Clearance Status Files: separate system notice not needed as these records are included within Department-wide system USDA/OP—2.

USDA/FS—3, Casual Firefighter Data: separate system notice not needed as these records are included within Department-wide system USDA/OP—1.

USDA/SRS—6, Telephone, Electric and L. P. Gas Services Survey: the information contained therein is no longer collected or maintained; all records in the system have been destroyed.

Below are listed notices of systems of records which have not previously been published in the Federal Register. These are not new systems of records, for the categories of records and individuals covered by these systems were previously within existing systems of records. Their description as a separate system of records has been necessitated by organizational changes within the component agencies of USDA.

USDA/FGIS—1, Employment History Records for Licensed Non-federal Employees: The Federal Grain Inspection Service (FGIS) is a new agency which was created in October 1976, by separating its functions from those of the Agricultural Marketing Service (AMS). The records and individuals covered by this system were previously included within USDA/AMS—1.

USDA/FGIS—2, Court cases brought by the Government pursuant to the Agricultural Marketing Act of 1946, as amended, or the United States Grain Standards Act, as amended: See discussion for USDA/FGIS—1. The records and individuals covered by this system were previously included within USDA/AMS—6.

USDA/FGIS—3, Subsidiary Personnel and Pay Records: See discussion for USDA/FGIS—1. The records and individuals covered by this system were previously included within USDA/AMS—8.

USDA/FSQS—1, Meat and Poultry Inspection Program—Slaughter, Processing and Allied Industries Compliance Records System: The Food Safety and Quality Service (FSQS) was created in June, 1977, through an internal reorganization. It is comprised of personnel, and performs functions, previously assigned to the Animal and Plant Health Inspection Service (APHIS) and the Agricultural Marketing Service (AMS). This system of records was previously designated USDA/APHIS—1, which is being deleted in this republication.

USDA/FSQS—2, Employment History Records for Licensed Non-

federal Employees: See discussion for USDA/FSQS—1. The records and individuals covered by this system were previously included within USDA/AMS—1.

USDA/FSQS—3, Court cases brought by the Government pursuant to the following Acts: Agricultural Marketing Act of 1946, Egg Products Inspection Act, Agricultural Fair Practices Act: See discussion for USDA/FSQS—1. The records and individuals covered by this system were previously included within USDA/AMS—6.

USDA/OGC—76, Cases by and against the Department under the Virus-Serum Toxin Act: Responsibility within the Office of the General Counsel was previously assigned to the Marketing Division, but has recently been shifted to the Animal and Plant Health Inspection Service Division, thus necessitating publication of a separate system notice. The records and individuals covered by this system were previously included within USDA/OGC—33.

The following system notice of a new system of records has not been previously published in the Federal Register. A New System Report has previously been submitted in accordance with 5 U.S.C. sec. 552a(o) and OMB—Circular A—108.

USDA/AUDIT—3, Audit Information System: this system contains various records relating to participants in various USDA farms, food, loan, and research programs. The principal purpose of these records is use by the Office of Audit in conducting audits of these programs.

Although the Privacy Act requires only that the portion of each system notice which describes that system's "routine use" be published for public comment, USDA invites such comment on all portions of the system notices not previously published in the Federal Register, as well as on all system notices herein republished.

Interested persons may submit written comments to: Director, Research and Operations Division, Office of the General Counsel, U.S. Department of Agriculture, Washington, D.C. 20250, on or before October 31, 1977. All comments submitted will be available for public inspection during regular business hours in Room 2321 of the South Building, USDA, 12th Street and Independence Avenue, SW., Washington, D.C.

The notices of systems of records not previously published in the Federal Register will be adopted without further publication as set forth below October 1, 1977, unless modified by a subsequent notice to incorporate comments received from the public.

Dated: August 29, 1977.

Bob Bergland,  
Secretary.

Note: Systems of records for the Agriculture Department are current as of August 29, 1977.

USDA/AMS—1

System name: Employment History Records for Licensed Non-federal Employees

System location: Agricultural Marketing Service, USDA, 14th and Independence Avenue, Washington, D.C. 20250.

Categories of individuals covered by the system: Commodity Inspectors, Graders, Weighers, Classers, Collaborators, Licensed Plant Employees, Agents, Appointees, Samplers.

Categories of records in the system: This system consists of such information as applications for license, license files, bonding records, biographical data, periods of employment, performance ratings, commodities qualified to inspect, grader's powers of attorney, recommendations for reemployment, factors which affect or might affect desirability as an inspector, supervisory potential, declaration sheets, preference sheets, current, expired, and voided licenses, license examinations and score sheets, license renewal score sheets, miscellaneous notes and memoranda, e.g., transfers, cancellations, corrective action letters, letters of caution or warning, inspection/grading performance/productivity data, letters of suspension, indictment, complaint, proposals to revoke license, etc. Content and extent of these records vary by commodity, program and season.

Authority for maintenance of the system: 7 U.S.C. 51-65, 241-273, 451-469, 471-476, 491, 493-499, 499a-499s, 511-511q, 601 et seq., 1551-1611.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to states or other Federal agencies to determine verification of employment or length of service for retirement purposes; referral to Civil Service Commission for required records and reports; to Government Accounting Office for required records and reports to Department of Justice for required records and reports. Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the

responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders, notebooks, and cardex files.

Retrievability: Records are indexed by name of licensee and/or license number.

Safeguards: Government office buildings, locked and unlocked file cabinets and locked offices.

Retention and disposal: Records maintained indefinitely or until separation or retirement or in accordance with prescribed retention schedule. They are destroyed in conformance with prescribed retention schedules. These records schedules have been implemented by Agricultural Marketing Service Instruction 270-1, Records Management Program.

System manager(s) and address: Each of the following commodity division directors:

Cotton Division  
Grain and Seed Division  
Fruit and Vegetable Division  
Tobacco Division  
Transportation and Warehouse Division

Notification procedure: Any individual may request information concerning himself from this system from the Office of the Commodity Division Director having custody of his records at the system location.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to a record in the system that pertains to him by submitting a request to the appropriate Commodity Division Director listed above.

Contesting record procedures: Any individual may obtain information as to the procedure for contesting a record in the system that pertains to him by submitting a request to the appropriate Commodity Division Director listed above.

Record source categories: Information in this System comes primarily from licensees, supervisors, with additional data provided by references and investigative personnel.

USDA/AMS—3

System name: Milk Market Administrators (MMA) Producer Payroll System, USDA/AMS.

System location: Milk Market Administrator's Offices at the following locations:

Arizona  
Market Administrator  
2617 North 24th Street  
Phoenix, AZ 85008  
Phone: 602 275-7641  
Arkansas  
Market Administrator  
P.O. Box 4225  
Asher Avenue Station  
Little Rock, AK 72204  
Phone: 501 663-6395  
Colorado  
Market Administrator  
7 Parker Pl.  
2600 S. Parker Rd.  
Denver, CO 80232  
Phone: 303 837-2461  
Florida  
Market Administrator  
P.O. Box 11368  
Fort Lauderdale, FL 33306  
Phone: 305 565-2583  
Georgia

Market Administrator  
P.O. Box 49025  
Atlanta, GA 30359  
Phone: 404 455-6323  
Illinois  
Market Administrator  
72 West Adams Street, Room 800  
Chicago, IL 60603  
Phone: 312 263-4402  
Indiana  
Market Administrator  
P.O. Box 55527  
Indianapolis, IN 46205  
Phone: 317 269-6107  
Kansas  
Market Administrator  
P.O. Box 4606  
Overland Park, KS 66204  
Phone: 913 648-1050  
Kentucky  
Market Administrator  
P.O. Box 18030  
Louisville, KY 40218  
Phone: 502 499-0040  
Louisiana  
Market Administrator  
P.O. Box 7250  
Metairie, LA 70011  
Phone: 504 837-9381  
Massachusetts  
Market Administrator  
230 Congress Street, Room 403  
Boston, MA 02110  
Phone: 617 542-8636  
Michigan  
Market Administrator  
2684 West Eleven Mile Road  
Berkley, MI 48072  
Phone: 313 548-1603  
Market Administrator  
4570 West 77th Street, Suite 210  
Minneapolis, MN 55435  
Phone: 612 831-5292  
Missouri  
Market Administrator  
P.O. Box 1485  
Maryland Heights, MO 63043  
Phone: 314 567-4730  
New York  
Market Administrator  
205 East 42nd Street  
New York, NY 10017  
Phone: 212 557-0343  
Ohio  
Market Administrator  
P.O. Box 30128  
Cleveland, OH 44130  
Phone: 216 826-3220  
Market Administrator  
P.O. Box 29226  
Columbus, OH 43229  
Phone: 614 891-1851  
Oklahoma  
Market Administrator  
P.O. Box 45563  
Tulsa, OK 74145  
Phone: 918 622-3411  
Oregon  
Market Administrator  
P.O. Box 23606  
Portland, OR 97223  
Phone: 503 639-8806  
Texas  
Market Administrator  
P.O. Box 29529  
Dallas, TX 75229  
Phone: 214 243-1504  
Virginia  
Market Administrator  
P.O. Box 710

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Alexandria, VA 22313  
Phone: 703 549-7000

**Categories of individuals covered by the system:** Dairy farmers delivering producer milk to regulated handlers.

**Categories of records in the system:** This system consists of information pertaining to the quantities and value of milk delivered to regulated handlers by individual dairy farmers.

**Authority for maintenance of the system:** 7 U.S.C. 601 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto.

Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual card files or automated disk or tape files.

**Retrievability:** Records are indexed by name of producer and/or by ID number.

**Safeguards:** Government office building, locked offices, locked files cabinets.

**Retention and disposal:** Records are maintained and destroyed in accordance with retention schedule number II NNA-1588 approved by the 84th Congress, first session, on July 13, 1955.

**System manager(s) and address:** Each Market Administrator at the address listed above.

**Notification procedure:** Any individual may request information about himself from the appropriate Market Administrator at the address listed above. The request should indicate the individual's name, address and type of information being sought.

**Record access procedures:** Any individual may obtain information as to the procedure for gaining access to a record in the System which pertains to him by submitting a written request to the appropriate offices referred to in the preceding paragraph.

**Contesting record procedures:** Any individual may obtain information as to the procedure for contesting a record in the System which pertains to him by submitting a written request to the appropriate offices referred to in the preceding paragraph.

**Record source categories:** Information in this system comes primarily from regulated handlers and cooperative associations. Some additional data is provided by health authorities with respect to Grade A quality standards and investigative personnel.

#### USDA/AMS-4

**System name:** Perishable Agricultural Commodities Act (PACA)—History Files of Principals

**System location:** Regulatory Branch, Fruit and Vegetable Division, Agricultural Marketing Service, USDA, Washington, D.C. 20250

**Categories of individuals covered by the system:** Partners of General or limited partnerships, individual proprietors, officers, directors and holders of more than ten percent of outstanding stock of a corporate entity subject to the PACA.

**Categories of records in the system:** Card files used to identify the partnership, corporate entity in which the principal is or was "responsibly connected" as defined by the PACA. This system also contains felony and bankruptcy information relating to the principal.

**Authority for maintenance of the system:** 7 U.S.C. 499a-499s.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of

law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto.

Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Unlocked cardex file cabinets.

**Retrievability:** Alphabetical by name.

**Safeguards:** Government office building.

**Retention and disposal:** Records are maintained and destroyed in accordance with retention schedule number NN 165-106 approved by the 89th Congress, first session on April 1, 1965.

**System manager(s) and address:** Chief, Regulatory Branch at the address listed above.

**Notification procedure:** Any individual may request information concerning himself from the system manager listed at the address above.

**Record access procedures:** Any individual may obtain information as to the procedure for gaining access to a record in the system that pertains to him by submitting a request to the system manager at the address above.

**Contesting record procedures:** Any individual may obtain information as to the procedure for contesting a record in the system that pertains to him by submitting a request to the system manager at the address above.

**Record source categories:** Individuals, partners, and authorized officers of corporate entities.

#### USDA/AMS-5

**System name:** Administrative proceedings brought pursuant to the authority of section 8c(15)(a) of the Agricultural Marketing Agreement Act of 1937, as amended, USDA/AMS.

**System location:** Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250 and Milk Market Administrator's Offices at locations listed in USDA/AMS-3.

**Categories of individuals covered by the system:** Individuals regulated by the subject Act who file a petition with the Secretary of Agriculture pursuant to the authority of the subject Act.

**Categories of records in the system:** The system consists of investigatory material which may include intra- and interdepartmental recommendations.

**Authority for maintenance of the system:** 7 USC 601 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation of potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations. (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of the individual.

**Safeguards:** Government office buildings, locked offices, or locked file cabinets.

**Retention and disposal:** Records are maintained in conformance with appropriate General Services Administration destruction schedules and implemented by AMS Instruction 270-1, Records Management Program.

**System manager(s) and address:** Fruit and Vegetable Division Director or Dairy Division Director and each Milk Market Administrator at the addresses cited in the System location.

**Notification procedure:** Any individual may request information concerning himself from this system from Fruit and Vegetable Division Director or from the appropriate Milk Market Administrator's office having custody of his records. A request for information should be addressed to Director, Fruit and Vegetable Division or to the Milk Market Administrator, United States Department of Agriculture, as appropriate, at the address shown under Location and should contain: Name, address, and particular information requested.

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the System which pertains to him by submitting a written request to the Director, Fruit and Vegetable Division or to the appropriate Milk Market Administrator's office, as appropriate, referred to in the preceding paragraph.

**Contesting record procedures:** Any individual may obtain information as to the procedures for contesting a record in the System which pertains to him by submitting a written request to the Director, Fruit and Vegetable Division or to the appropriate Milk Market Administrator's office referred to in the preceding paragraph.

**Record source categories:** Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

#### USDA/AMS-6

**System name:** Court cases brought by the Government pursuant to the following Acts, as amended: Agricultural Marketing Agreement Act of 1937, Agricultural Marketing Act of 1946, Agricultural Fair Practices Act, Cotton Research and Promotion Act of 1966, Egg Products Inspection Act, or the United States Grain Standards Act, USDA/AMS.

**System location:** Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250 and Milk Market Administrator's Offices at the locations listed in USDA/AMS-3.

**Categories of individuals covered by the system:** Individuals who are regulated by the subject Acts and who may be investigated for possible violations of the Acts and/or against whom the Department recommends that an enforcement action be brought by the Government.

**Categories of records in the system:** The system consists of investigatory material which may include intra- and interdepartmental recommendations pertaining to an alleged violation of the subject Acts.

**Authority for maintenance of the system:** 7 USC 601 et seq, 2101 et seq, and 2301 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, or local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, law, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations. (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate, or administrative tribunal. (4) Disclosure may be made to a congressional

office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in the file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of the individual.

**Safeguards:** Government office buildings, locked offices or locked file cabinets.

**Retention and disposal:** Records are maintained in conformance with appropriate General Services Administration destruction schedules and implemented by AMS Instruction 270-1, Records Management Program.

**System manager(s) and address:** Cotton, Dairy, Fruit and Vegetable, and Poultry Division Directors and each Milk Market Administrator at the addresses cited in the System location.

**Systems exempted from certain provisions of the act:** This system has been exempted pursuant to 5 USC 552a(k)(2) from the requirements of 5 USC 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and Procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

#### USDA/AMS-7

**System name:** Court cases brought pursuant to the authority of the Agricultural Marketing Agreement Act of 1937, as amended in which the Government is defendant, USDA/AMS.

**System location:** Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250 and Milk Market Administrator's Offices at the locations listed in USDA/AMS-3.

**Categories of individuals covered by the system:** Individuals regulated or not regulated by the subject Act who bring suit against the Government or a Government official pursuant to, or as a consequence of the Department's administration of, the subject Act.

**Categories of records in the system:** The system consists of investigatory material which may include intra- and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

**Authority for maintenance of the system:** 7 USC 601 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations. (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of the individual.

**Safeguards:** Government office buildings, locked offices, or locked file cabinets.

**Retention and disposal:** Records are maintained in conformance with appropriate General Services Administration destruction



chedules and implemented by AMS Instruction 270-1, Records Management Program.

**System manager(s) and address:** Fruit and Vegetable Division Director or Dairy Division Director and each Milk Market Administrator at the addresses cited in the System location.

**Notification procedure:** Any individual may request information concerning himself from this system from the Fruit and Vegetable Division Director or from appropriate Milk Market Administrator's office having custody of his records. A request for information should be addressed to the Director, Fruit and Vegetable Division or to the Milk Market Administrator, United States Department of Agriculture, as appropriate, at the address shown under Location and should contain: Name, address, and particular information requested.

**Record access procedures:** Any individual may obtain information as to the procedure for gaining access to a record in the System which pertains to him by submitting a written request to the Director, Fruit and Vegetable Division, or to the appropriate Milk Market Administrator's office referred to in the preceding paragraph.

**Contesting record procedures:** Any individual may obtain information as to the procedures for contesting a record in the System which pertains to him by submitting a written request to the Director, Fruit and Vegetable Division or to the appropriate Milk Market Administrator's office referred to in the preceding paragraph.

**Record source categories:** Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

#### USDA/AMS-8

**System name:** Subsidiary Personnel and Pay Records, USDA/AMS.

**System location:** Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250 and Region, District, Area, Main Station, and Field Offices at locations listed in the Agricultural Marketing Service Field Office Listing publication.

**Categories of individuals covered by the system:** Present and former employees and applicants for employment with the Agricultural Marketing Service.

**Categories of records in the system:** The system consists of copies of materials maintained in Official Personnel Folders, such as personnel action documents, applications for employment, education and training data, performance and appraisal ratings, as well as time and attendance reports, earnings statements, and service record cards.

**Authority for maintenance of the system:** 5 U.S.C. 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) By agency officials for purposes of review in connection with appointments, promotions, within-grade increases, training, transfers, and determination of qualifications of an individual. (2) To provide information to a prospective employer of a Federal Government employee or former Federal Government employee or to an organization at the request of the individual. (3) Referral to the Civil Service Commission, Department of Labor, and Office of Management and Budget for required records and reports. (4) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. (5) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within this system which constitutes evidence in that proceeding, or which is sought in the course of discovery. (6) Presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. (7) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders and on file cards at the applicable addresses listed above.

**Retrievability:** Records are indexed by name of the individual.

**Safeguards:** Government office buildings, locked offices, or locked file cabinets.

**Retention and disposal:** Records are maintained in conformance with appropriate General Services Administration disposal schedules and implemented by AMS Instruction 270-1, Records Management Program.

**System manager(s) and address:** Personnel Division Director.

**Notification procedure:** Any individual may request information concerning himself from this system from the Personnel Division Director or from the individual's supervisor at the appropriate office having custody of his records. A request for information should be addressed to Director, Personnel Division or to the Officer-in-Charge, as appropriate, at the address shown under Location and should contain: Name, address, and particular information requested.

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the System which pertains to him by submitting a written request to the Director, Personnel Division or to the appropriate Officer-in-Charge referred to in the preceding paragraph.

**Contesting record procedures:** Any individual may obtain information as to the procedures for contesting a record in the System which pertains to him by submitting a written request to the Director, Personnel Division or to the appropriate Officer-in-Charge referred to in the preceding paragraph.

**Record source categories:** Information in this System comes from the individual to whom it applies or is derived from information the individual supplied except information provided by agency officials on performance, appraisal, pay, leave, and allowance records.

#### USDA/ARS-1

**System name:** Biographical material and nominating statements on ARS employees proposed for major awards, USDA/ARS.

**System location:** Office of the Director, Information Division, Agricultural Research Service, USDA, Washington, D.C. 20250.

**Categories of individuals covered by the system:** ARS employees who have been proposed, or actually nominated, by ARS for major national or international awards in science, administration, and public service.

**Categories of records in the system:** The system consists of biographical information, material on the nature and significance of the individual's achievements, and file copies of nominating statements prepared for the Administrator of ARS.

**Authority for maintenance of the system:** 5 USC 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Preparation of nominating statements on ARS employees for major national and international awards, and references to nominations previously prepared, for submission to the U.S. Civil Service Commission, the Executive Office of the President, the National Civil Service League, the Junior Chamber of Commerce, and various educational or public service foundations which administer national or international awards. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders.

**Retrievability:** Records are indexed alphabetically by name of employee.

**Safeguards:** Stored in offices within Government office building protected by security guards.

**Retention and disposal:** Records are maintained indefinitely.

**System manager(s) and address:** Director, Information Division, Agricultural Research Service, USDA, Washington, D.C. 20250. (202-447-4048)

**Notification procedure:** Any individual may request information about this system of records, or information as to whether the system contains records pertaining to him, from the System Manager.

**Record access procedures:** Any individual may obtain a copy of

information pertaining to him by submitting a written request to the System Manager.

**Contesting record procedures:** Any individual may contest information in the system which pertains to him by submitting pertinent written information to the System Manager.

**Record source categories:** Information in this system comes primarily from supervisors and colleagues of the employees, scientific publications and other material provided by the individuals themselves, and nominations and articles related to previous awards.

#### USDA/ARS-2

**System name:** Biographical material on persons related to science or agriculture, USDA/ARS.

**System location:** Office of the Director, and Information Services Branch, Information Division, Agricultural Research Service, USDA, Washington, D.C. 20250, and Regional Information Office, USDA-ARS-Northeastern Region, Room 251, Building 003, Beltsville Agricultural Research Center-West, Beltsville, Maryland 20705.

**Categories of individuals covered by the system:** Persons whose training, position, or achievements make them prominent in either science or agriculture, or both.

**Categories of records in the system:** The system consists of clippings, press releases, newsletters, articles, editorials, biographical sketches, speeches, letters of commendation, award citations, and other similar materials.

**Authority for maintenance of the system:** 5 USC 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Background and illustrations for speeches, introductions, articles, press releases, scripts, and slide presentations, which may be presented to the general public, news media, and professional, fraternal, and social organizations and Government agencies. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders.

**Retrievability:** Records are indexed by first letter of person's name.

**Safeguards:** Stored in offices within Government office building protected by security guards.

**Retention and disposal:** Records are maintained indefinitely.

**System manager(s) and address:** Chief, Information Services Branch, Information Division, Agricultural Research Service, USDA, Washington, D.C. 20250 (telephone 202-447-4048), and Regional Information Officer, USDA-ARS-Northeastern Region, Room 251, Building 003, Beltsville Agricultural Research Center-West, Beltsville, Maryland 20705 (telephone 301-344-2050).

**Notification procedure:** Any individual may request information about this system of records, or information as to whether the system contains records pertaining to him, from the System Manager.

**Record access procedures:** Any individual may obtain a copy of information pertaining to him by submitting a written request to the System Manager.

**Contesting record procedures:** Any individual may contest information in the system which pertains to him by submitting pertinent written information to the System Manager.

**Record source categories:** Information in this system comes primarily from newspapers, magazines, standard reference sources, correspondence circulated in the agency, information materials prepared for public release, and material provided by the individuals themselves.

#### USDA/ARS-3

**System name:** USDA/ARS Manpower File.

**System location:** Personnel Division, Agricultural Research Service, Federal Building, Hyattsville, Maryland 20782.

**Categories of individuals covered by the system:** All employees of the Agricultural Research Service.

**Categories of records in the system:** The system consists of a skeletal personnel record of each employee for organizational, grade analysis, strength accounting, and statistical purposes.

**Authority for maintenance of the system:** 5 USC 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Numerical, statistical, and other special reports, to Civil Service Commission, Office of Management and Budget, General Services Administration, and General Accounting Office; preparation of ARS telephone directory. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The records are maintained on computer disks and tapes at the USDA Computer Centers in Washington, D.C. and New Orleans, Louisiana.

**Retrievability:** Records are indexed by the employee's social security numbers.

**Safeguards:** Records are kept in secured computer tape or disk storage rooms and information requests are accepted only from specifically authorized personnel or high level ARS management officials.

**Retention and disposal:** Records are maintained in current files for as long as an employee remains on ARS rolls, and statistical information since July 1972 is retained indefinitely.

**System manager(s) and address:** Director, Personnel Division, ARS, USDA, Hyattsville, Maryland 20782 (telephone 301-436-8100).

**Notification procedure:** Any individual may request information concerning himself from this system from the System Manager by submitting a request which should include: Name, Agency, address, and particular information requested.

**Record access procedures:** Any individual may obtain information about the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the System Manager.

**Contesting record procedures:** Any individual may contest information in the system which pertains to him by submitting pertinent written information to the System Manager.

**Record source categories:** Information in this system comes primarily from the employees' personnel office, but may also come from the employees or their supervisors.

#### USDA/ARS-4

**System name:** Solicitation of bids or proposals for procurement contracts, USDA/ARS.

**System location:** Office of the Director, General Services Division, USDA/Agricultural Research Service (ARS), Hyattsville, Maryland 20782, and Regional Administrative Offices, ARS, at the following locations:

Regional Administrative Officer  
USDA-ARS-Northeastern Region  
Room 329, Bldg. 003, BARC-W  
Beltsville, Maryland 20705  
(301) 344-3646  
Regional Administrative Officer  
USDA-ARS-Western Region  
2850 Telegraph Avenue  
Berkeley, California 94705  
(415) 486-3367; FTS 449-3367  
Regional Administrative Officer  
USDA-ARS-Southern Region  
P.O. Box 53326  
New Orleans, Louisiana 70153  
(504) 589-2584; FTS 682-2584  
Regional Administrative Officer  
USDA-ARS-North Central Region  
2000 W. Pioneer Parkway  
Peoria, Illinois 61614  
(309) 671-7162; FTS 360-7162

**Categories of individuals covered by the system:** Individuals who submit bids or proposals to furnish supplies or perform services under contract with USDA/ARS.

**Categories of records in the system:** The system consists of files of all bids or offers received and awards made in regard to solicitations issued by USDA/ARS, including copies of actual bids or offers and modifications thereto, and reports or statements by bidders or offerors about their financial and professional or technical capabilities of furnishing the supplies or rendering the services described in the solicitation.

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Authority for maintenance of the system: 5 USC 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** This information is also sometimes used in deciding courses of action in the event of contractor default and in handling protests made by other competing bidders or offerors when the capabilities of the successful bidder or offeror is the basis of the protest. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders.

**Retrievability:** Records are indexed by solicitation number, by contract number, and by name of contractor.

**Safeguards:** Records are kept in a locked office when not in custody of procurement officers or their subordinates.

**Retention and disposal:** Records are maintained until 6 years after contract termination or final contract payment is made.

**System manager(s) and address:** The Director, General Services Division, USDA/ARS, Hyattsville, Maryland 20782, or the Regional Administrative Officers at the address given herein.

**Notification procedure:** Any individual may request information regarding this system of records or information as to whether the system contains records pertaining to him from the appropriate System Manager. If the specific location of the record is not known, the individual should address his request to the Director, General Services Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the date of the solicitation giving rise to the records, date bid or offer was filed, correspondence, etc.).

**Record access procedures:** Any individual may obtain information about the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate System Manager.

**Contesting record procedures:** Any individual may contest a record in the system which pertains to him by submitting pertinent written information to the appropriate System Manager.

**Record source categories:** Information in this system comes from the business firm or individual concerned or the Small Business Administration in the case of small business set-aside procurements, and previous USDA/ARS records of procurement contracts in which the business firm or individual was the principal party to the contract.

#### USDA/ARS—5

**System name:** Training file, USDA/ARS.

**System location:** Personnel Division, Agricultural Research Service, Federal Building, Hyattsville, Maryland 20782.

**Categories of individuals covered by the system:** All employees of the Agricultural Research Service, and any State or local Government employee or other Federal agency employee who receives supervisory training through ARS.

**Categories of records in the system:** The system consists of a skeletal record of each ARS employee and each non-ARS employee who receives supervisory training, for training analysis and statistical purposes.

**Authority for maintenance of the system:** 5 USC 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Identification of employees who have received, or who must receive, mandatory training courses such as Supervisory Training and Specific Labor Management Relations Training; numerical, statistical, and other special training reports to Civil Service Commission, Office of Management and Budget, and General Accounting Office. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The records are maintained on computer disks and tapes at the USDA Computer Centers in Washington, D.C. and New Orleans, Louisiana.

**Retrievability:** Records are indexed by the employee's social security numbers.

**Safeguards:** Records are kept in secured computer tape or disk storage rooms and information requests are accepted only from specifically authorized personnel or high level ARS management officials.

**Retention and disposal:** Records are maintained in current files for as long as an employee remains on ARS rolls, and statistical information since July 1972 is retained indefinitely.

**System manager(s) and address:** Director, Personnel Division, ARS, USDA, Hyattsville, Maryland 20782 (telephone 301-436-8100).

**Notification procedure:** Any individual may request information concerning himself from this system from the System Manager by submitting a request which should include: Name, Agency, address, and particular information requested.

**Record access procedures:** Any individual may obtain information about procedures for gaining access to a record in the system which pertains to him by submitting a written request to the System Manager.

**Contesting record procedures:** Any individual may contest information in the system which pertains to him by submitting pertinent written information to the System Manager.

**Record source categories:** Information in this system comes primarily from the employees' personnel office, but may also come from the employees or their supervisors.

#### USDA/ARS—6

**System name:** Research Medical Records System on Patients and Human Volunteers Participating in Research at the USDA-ARS Human Nutrition Laboratory, USDA/ARS.

**System location:** U.S. Department of Agriculture, Agricultural Research Service, Human Nutrition Laboratory, North Central Region, 2420 Second Avenue North, Grand Forks, North Dakota 58201.

**Categories of individuals covered by the system:** Individuals participating in human research carried out by the staff of the Human Nutrition Laboratory.

**Categories of records in the system:** Medical and nutritional histories, medical and nutritional examinations, diagnostic and treatment data, information of social and economic data, laboratory data, statistical summaries, correspondence.

**Authority for maintenance of the system:** 5 USC 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Analysis of research findings and report of research findings. The identification of individuals who participate in the research is not revealed in the report of research findings. (2) To provide information to a congressional office from the record of an individual in response to an inquiry from a congressional office made at the request of the individual. (3) Referral to an appropriate Agency, whether Federal, State, or Local, charged with the responsibility for investigating or prosecuting a violation of law, rule, regulation, or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. (4) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. (5) Referral to the Department of Justice for the defense of suits against the United States or its officers, or for the institution of suits for the recovery of claims by the United States Department of Agriculture.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders, magnetic tapes, punch cards, punch paper tape.

**Retrievability:** Individuals are identified by identification number and name.

**Safeguards:** Locked storage area, personnel training and instruction. USDA-ARS policy on release of information, job description responsibility.

**Retention and disposal:** Scientific records are maintained indefinitely.

**System manager(s) and address:** Director, USDA, ARS, Human Nutrition Laboratory, North Central Region, 2420 Second Avenue North, Grand Forks, North Dakota 58201.

**Notification procedure:** Any individual may request information about this system of records, or information as to whether the system contains records pertaining to him, from the System Manager.

**Record access procedures:** Any individual may obtain a copy of information pertaining to him by submitting a written request to the System Manager.

**Contesting record procedures:** Any individual may contest information in the system which pertains to him by submitting pertinent information to the System Manager.

**Record source categories:** Individual, health care personnel, other hospitals and physicians, employers, social agencies.

#### USDA/ARS—7

**System name:** Dosimetry Report on Individuals in USDA Required by Radiological Safety Committee to Wear Radiation Exposure Measuring Film Badges When Appropriate, USDA/ARS.

**System location:** Radiological Safety Staff, Agricultural Research Service, USDA, Room 226, Building 001, BARC-West, Beltsville, Maryland 20705.

**Categories of individuals covered by the system:** All individuals who use radioactive material and/or radiation equipment which emit strong beta particles, neutrons, gamma rays or x-rays.

**Categories of records in the system:** The system indicates individual's name, date of birth and social security number, issue date, monthly beta, gamma, neutron and X-ray dosages, classification of dosages as penetrating or non-penetrating, and cumulative totals for the calendar quarter and calendar year.

**Authority for maintenance of the system:** 42 USC 2111 and 42 USC 2201(b).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The system permits the maintenance of a monthly and cumulative record of each film badge wearer's radiation exposure. This information may be:

1. Disclosed to the Nuclear Regulatory Commission for review, compliance, and investigation purposes.

2. Disclosed to a doctor, hospital, or other competent medical authority in event of a medical emergency involving radiation exposure.

3. Disclosed to the Department of Labor; Veterans Administration; Social Security Administration; U.S. Civil Service Commission; Department of Defense; Federal agencies which may have special civilian employee retirement programs; national, State, county, municipal, or other publicly recognized charitable or social security administration agency to adjudicate a claim for benefits under the Bureau of Retirement, Insurance, and Occupational Health or the recipient's benefit program(s), or to conduct an analytical study of benefits being paid under such programs.

4. Disclosed to health insurance carriers or plans participating in Federal Employees' Health Benefits Program in support of a claim for health insurance benefits involving radiation exposure.

5. Disclosed to Federal Employees' Group Life Insurance Program in support of a claim for life insurance benefits involving radiation exposure.

6. Disclosed to an organization to which the individual is transferred, upon written request of that organization.

7. Used to provide information to a congressional office from the record of an individual in response to an inquiry from a congressional office made at the request of the individual.

8. Referred to an appropriate Agency, whether Federal, State, or Local, charged with the responsibility for investigating or prosecuting a violation of law, rule, regulation, or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto.

9. Referred to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery.

10. Referred to the Department of Justice for the defense of suits against the United States or its officers, or for the institution of suits for the recovery of claims by the United States Department of Agriculture.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Current system is maintained in file drawers in Radiological Safety Staff office. Past reports maintained in Federal Records Center (FRC). Microfilms of past reports maintained in FRC and in file cabinet in Radiological Safety Staff office.

**Retrievability:** By assigned individual Code Number, City, and State.

**Safeguards:** Stored in metal file cabinets within Government building protected by security guards.

**Retention and disposal:** U.S. Nuclear Regulatory Commission requires retention of records until such time the Commission authorizes their disposition.

**System manager(s) and address:** Radiological Safety Officer, USDA, Agricultural Research Service, Radiological Safety Staff, Room 226, Building 001, BARC-West, Beltsville, Maryland 20705.

**Notification procedure:** Any individual may request information concerning himself from this system, or information as to whether the system contains records pertaining to him, by writing to the System Manager.

**Record access procedures:** Any individual may obtain a copy of the information pertaining to him by submitting a written request to the System Manager.

**Contesting record procedures:** Any individual may contest information in the system which pertains to him by submitting pertinent written information to the Chairman, Radiological Safety Committee, USDA, Agricultural Research Service, Room 307A, Building 005, BARC-West, Beltsville, Maryland 20705.

**Record source categories:** Personal information about each individual is provided by the individual. Dosimetry information is provided by a commercial film badge supplier under contract with USDA who routinely receives, processes, and evaluates the film packets and furnishes the System Manager the appropriate information.

#### USDA/ARS—8

**System name:** Education and Radiation Training and Experience Report on Persons in USDA Using Radioactive Materials and/or Equipment Which Emits Ionizing Radiation, USDA/ARS.

**System location:** Radiological Safety Staff, Agricultural Research Service, USDA, Room 226, Building 001, BARC-West, Beltsville, Maryland 20705.

**Categories of individuals covered by the system:** All persons in USDA who are responsible for, or independent users of, radioactive materials and/or equipment which emits ionizing radiation.

**Categories of records in the system:** The system consists of information on a person's educational background including formal courses and on-the-job training in radiation; experience in actual use of radioactive materials and/or equipment which emits ionizing radiation; experience in the use of radiation detection and measuring instrumentation; and additional information such as pertinent publications, speeches, etc., which will assist in the evaluation of a person's qualifications to safely use radioactive materials and/or equipment which emits ionizing radiation to protect his health and to minimize danger to life or property.

**Authority for maintenance of the system:** 42 USC 2111 and 42 USC 2201(b).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The system is used by the Department's Radiological Safety Committee and Radiological Safety Staff in its determination to approve or deny a person's procurement and use of potentially hazardous radioactive materials and/or equipment which emits ionizing radiation. When applicable, the system supplies information for maintenance of required radiation exposure records on persons who are required to wear personnel monitoring devices while using radioactive materials and/or equipment which emits ionizing radiation. The information may be:

1. Disclosed to the Nuclear Regulatory Commission for review, compliance, and investigation purposes.

2. Disclosed to the Department of Labor; Veterans Administration; Social Security Administration; U.S. Civil Service Commission; Department of Defense; Federal agencies which may have special civilian employee retirement programs; national, State, county, municipal, or other publicly recognized charitable or social security administration agency to adjudicate a claim for benefits under the Bureau of Retirement, Insurance, and Occupational Health, or the recipient's benefit program(s), or to conduct an analytical study of benefits being paid under such programs.

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3. Disclosed to health insurance carriers or plans participating in Federal Employees' Health Benefits Program in support of a claim for health insurance benefits involving radiation exposure.

4. Disclosed to Federal Employees' Group Life Insurance Program in support of a claim for life insurance benefits involving radiation exposure.

5. Disclosed to an organization to which the individual is transferred, upon written request of that organization.

6. Used to provide information to a congressional office from the record of an individual in response to an inquiry from a congressional office made at the request of the individual.

7. Referred to an appropriate Agency, whether Federal, State, or Local, charged with the responsibility for investigating or prosecuting a violation of law, rule, regulation, or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto.

8. Referred to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery.

9. Referred to the Department of Justice for the defense of suits against the United States or its officers, or for the institution of suits for the recovery of claims by the United States Department of Agriculture.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** System is maintained in files in Radiological Safety Staff office.

**Retrievability:** Alphabetically by name.

**Safeguards:** Stored in the Radiological Safety Staff office within Government building protected by security guards.

**Retention and disposal:** Records are maintained until the Radiological Safety Staff knows that the individual is no longer using radioactive materials and/or equipment which emits ionizing radiation, has retired, or is deceased. Records are disposed of by shredding.

**System manager(s) and address:** Radiological Safety Officer, USDA, Agricultural Research Service, Radiological Safety Staff, Room 226, Building 001, BARC-West, Beltsville, Maryland 20705.

**Notification procedure:** Any individual may request information about this system of records, or information as to whether the system contains records pertaining to him, from the System Manager.

**Record access procedures:** Any individual may obtain a copy of the information pertaining to him by submitting a written request to the System Manager.

**Contesting record procedures:** Any individual may contest information in the system which pertains to him by submitting pertinent information to the Chairman, Radiological Safety Committee, USDA, Agricultural Research Service, Room 307A, Building 005, BARC-West, Beltsville, Maryland 20705.

**Record source categories:** Information for system is supplied directly by the individual applying to the Radiological Safety Committee for authority to procure and use radioactive materials and/or equipment which emits ionizing radiation. The individual signs and dates the form.

#### USDA/ASCS—2

**System name:** Advisory Committee Files, USDA/ASCS

**System location:** USDA/ASCS, Legislation and Committee Management, Room 228W, Administration Building, Washington, D.C. 20250.

**Categories of individuals covered by the system:** Individuals who are nominated and agree to serve as members of the advisory committees.

**Categories of records in the system:** Biographical data sheets, clearance letter from Office of Secretary, letter requesting the individual to serve, and his letter of acceptance.

**Authority for maintenance of the system:** 7 U.S.C. Sec. 1911-1913

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Biographical data used in press releases to announce membership of the committee.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Maintained in individual file folders.

**Retrievability:** By individual's name.

**Safeguards:** Kept in file cabinets in Government office building.

**Retention and disposal:** Retained in active file as long as individual serves on the committee. Maintained in inactive file indefinitely.

**System manager(s) and address:** Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

**Notification procedures:** An individual may inquire as to whether this system contains records pertaining to him by contacting the Committee Management Officer, USDA/ASCS, Room 228-W, Washington, D.C. 20250. A request for information pertaining to an individual should contain: name address, name of system of records, year of records in question, and any other pertinent information that will help identify the file.

**Record access procedures:** Same as notification procedure.

**Contesting record procedures:** Same as notification procedure.

**Record source categories:** From individual.

#### USDA/ASCS—3

**System name:** Biographical Background, USDA/ASCS

**System location:** Deputy Administrator, Management, USDA/ASCS, 14th & Independence Ave., S.W., Washington, D.C. 20250; Data Systems Field Office, USDA/ASCS, 8930 Ward Parkway, Kansas City, Missouri 64114; Prairie Village Commodity Office, Brymar Office Center, 2400 W. 75th Street, Prairie Village, Kansas 66208.

Each State ASCS office at address listed in local telephone directory under the heading "United States Government, Department of Agriculture, Agricultural Stabilization and Conservation Service."

**Categories of individuals covered by the system:** Individuals who hold key positions in ASCS. Guest speakers and recipients of ASCS awards.

**Categories of records in the system:** Brief resume of individuals personal history.

**Authority for maintenance of the system:** 5 U.S.C. 301; 7 CFR 2.65.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To use in introduction of individual at speaking engagements. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Maintained in file folders.

**Retrievability:** Indexed by individual name.

**Safeguards:** Records are kept in locked office.

**Retention and disposal:** Indefinite.

**System manager(s) and address:** Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

**Notification procedures:** An individual may inquire as to whether this system contains records pertaining to him by contacting the head of the office where the records are located. If the specific location of the records is not known, the individual should address his request to Director, Data System Division, USDA/ASCS, Room 5741-South Building, 14th and Independence Avenue, S.W., Washington, D.C. 20250, telephone (202) 447-7561, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain: name, address, name of system of records, year of records in question, and any other pertinent information to help identify the file.

**Record access procedures:** Same as notification procedure.

**Contesting record procedures:** Same as notification procedure.

**Record source categories:** Directly from the individual.

#### USDA/ASCS—4

**System name:** CCC Producer Loan Records, USDA/ASCS

**System location:** County ASCS office which services particular farm. The address of each county ASCS office can be found in the local telephone directory under the heading "United States Government, Department of Agriculture, Agricultural Stabilization and Conservation Service."

**Categories of individuals covered by the system:** Individuals who have applied for commodity, storage structure or drying equipment loans. Includes all commodities for which price support loans are available.

**Categories of records in the system:** Complete files and records pertaining to the loans such as original loan note, collateral, credit ratings, lien searches, financial statements, applications, and disbursement documents.

**Authority for maintenance of the system:** 15 U.S.C. 714-714p.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referral to (1) the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. (3) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office at the request of the individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Maintained in individual folders.

**Retrievability:** Indexed by individual name or loan number.

**Safeguards:** Records are kept in locked fireproof file cabinets in Government office building.

**Retention and disposal:** Upon liquidation, original loan note is returned to producer. All other records destroyed 6 years after liquidation.

**System manager(s) and address:** Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

**Notification procedures:** Any individual may request information regarding a system of records, or information as to whether the system contains records pertaining to him from the head of the office where the records are located. If the specific location of the records is not known, the individual should address his request to Director, Data Systems Division, USDA/ASCS, Room 5741-South Building, 14th and Independence Avenue, S.W., Washington, D.C. 20250, telephone (202) 447-7561, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain: name, address, name of system of records, year of records in question, and any other pertinent information to help identify the file.

**Record access procedures:** Same as notification procedure.

**Contesting record procedures:** Same as notification procedure.

**Record source categories:** Individuals in system, county court records, audit bureaus and ASCS program documents.

#### USDA/ASCS—5

**System name:** Commodity Brokers, USDA/ASCS

**System location:** Prairie Village Commodity Office, Brymar Office Center, 2400 West 75th Street, Prairie Village, Kansas 66208; Chicago Branch Office, Room 106, 226 W. Jackson Blvd., Chicago, Illinois 60604; Minneapolis Branch Office, Room 310, Grain Exchange Building, Minneapolis, Minnesota 55415; Houston Branch Office, 2320 LaBranch Street, Houston, Texas 77002.

**Categories of individuals covered by the system:** Individuals who merchandize CCC owned commodities.

**Categories of records in the system:** Name, address, phone number, volume of CCC business, record of adverse situations, letter of credit.

**Authority for maintenance of the system:** 15 U.S.C. 714-714p.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** "Disclosure may be made to a congressional office from the record of an individual in

response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Documents maintained in file folders. Working list maintained in binders.

**Retrievability:** By individual name.

**Safeguards:** Stored in Government office buildings, which are locked after working hours.

**Retention and disposal:** List updated continuously. Folders maintained 6 years and disposed under normal operations of Federal Records Center.

**System manager(s) and address:** Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

**Notification procedure:** Any individual may request information regarding a system of records, or information as to whether the system contains records pertaining to him from the Director, Prairie Village Commodity Office, 2400 West 75th Street, P.O. Box 8377, Shawnee Mission, Kansas 66208, telephone (816) 926-6401, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain: name, address, name of system of records, year of records in question, and any other pertinent information to help identify the file.

**Record access procedures:** Same as notification procedure.

**Contesting record procedures:** Same as notification procedure.

**Record source categories:** From companies, individuals in system, regulatory authorities, and merchandizing records of Prairie Village ASCS Commodity Office and branch offices.

#### USDA/ASCS—6

**System name:** Consultants File, USDA/ASCS

**System location:** Administrative Services Division, USDA/ASCS, Room 6950-S, 14th and Independence Ave., S.W., Washington, D.C. 20250.

**Categories of individuals covered by the system:** Individuals who perform consultant service for ASCS.

**Categories of records in the system:** Summary of negotiations, executed contract, work schedule, work performed, and purchase order.

**Authority for maintenance of the system:** 5 U.S.C. 301; 7 CFR 2.65.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referral to (1) the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. (3) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Maintained in files at office listed above.

**Retrievability:** Indexed by name and contract number.

**Safeguards:** Filed in standard file cabinets and stored in Government office building with security guard.

**Retention and disposal:** 6 years after fiscal year contract is negotiated.

**System manager(s) and address:** Deputy Administrator, Management, ASCS, USDA, 14th & Independence Ave., S.W., Washington, D.C. 20250.

**Notification procedures:** An individual may inquire as to whether this system contains records pertaining to him by contacting the Director, Administrative Services Division, USDA/ASCS, Room 6950-South Building, 14th and Independence Avenue, S.W., Washington, D.C. 20250. A request for information pertaining to an individual should contain: name, address, name of system of records, year of records in

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question, and any other pertinent information that will help identify the file.

**Record access procedures:** Same as notification procedure.

**Contesting record procedures:** Same as notification procedure.

**Record source categories:** Individual and ASCS employees.

#### USDA/ASCS—7

**System name:** Cotton Loan Clerks, USDA/ASCS

**System location:** County ASCS office in county where approved clerks will execute loan documents. The address of each county ASCS office can be found in the local telephone directory under the heading "United States Government, Department of Agriculture, Agricultural Stabilization and Conservation Service".

**Categories of individuals covered by the system:** Individuals who request permission to process loan documents.

**Categories of records in the system:** Agreement between the clerk and CCC, executed, signed and dated by applicant and the CCC contracting officer.

**Authority for maintenance of the system:** 7 U.S.C. 1421, 15 U.S.C. 714-714p.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** List furnished to lending agencies that participate in CCC Cotton Loan Program. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Maintained in file folders.

**Retrievability:** Indexed by name of individual.

**Safeguards:** Kept in locked Government office building.

**Retention and disposal:** 6 years after agreement is cancelled or suspended.

**System manager(s) and address:** Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

**Notification procedures:** An individual may inquire as to whether this system contains records pertaining to him by contacting the head of the office where the records are located. If the specific location of the records is not known, the individual should address his request to Director, Data Systems Division, USDA/ASCS, Room 5741-South Building, 14th and Independence Avenue, S.W., Washington, D.C. 20250, telephone (202) 447-7561, who is necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain: name, address, name of system of records, year of records in question, and any other pertinent information to help identify the file.

**Record access procedures:** Same as notification procedure.

**Contesting record procedures:** Same as notification procedure.

**Record source categories:** Individuals making application.

#### USDA/ASCS—8

**System name:** County Office Employees Administrative Expense File, USDA/ASCS

**System location:** Data Systems Field Office, USDA/ASCS, 8930 Ward Parkway, Kansas City, Missouri 64114.

**Categories of individuals covered by the system:** ASCS county and community committeemen, and employees who are employed in county ASCS offices on a full or part-time basis.

**Categories of records in the system:** The system contains the names of all county ASCS committeemen and employees and information such as: identifying number (Social Security Number), race code, sex code, State code, county code, biweekly amount of payroll check including deduction amounts for FICA, Federal, State, and local withholding, FEHBA, FEGLI (Optional), NASCOE dues, and bonds. Also records of the date of birth, CO Grade and step, service computation, date last WGI, health code, cumulative and current retirement deduction, date severance pay ceases.

**Authority for maintenance of the system:** 16 U.S.C. 590

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referral to (1) Internal Revenue Service for total annual income as required by the Internal Revenue Code; (2) State Revenue Board and local tax authorities for tax withholding or required by Internal Revenue Code; (3) Civil Service Commission for fringe benefits withholdings 5 U.S.C. 8331, 8701, 8901. (4) Social Security Administration for FICA

withholdings; (5) General public in annual directories of county committeemen; (6) the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto; of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (7) a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery; (8) Summary data produced on microfilm sent to Federal Civilian Personnel Records Center, St. Louis, Missouri, annually as a permanent record of employee's service with ASCS. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic tape by the Kansas City Computer Center, 8930 Ward Parkway, Kansas City, Missouri 64114.

**Retrievability:** Records are indexed by social security number.

**Safeguards:** Records are kept in a fireproof vault in a secured area of the building.

**Retention and disposal:** Maintained indefinitely on a currently updated basis.

**System manager(s) and address:** Director, Data Systems Division, ASCS, USDA, Washington, D.C. 20250.

**Notification procedure:** Any county office employee, county committeemen, or community committeemen may request information on this system of records or information as to whether the system contains records pertaining to him (her) from the Chief, Kansas City Data System Field Office, ASCS/USDA, 8930 Ward Parkway, Kansas City, Missouri 64114, telephone 816-926-6502. A request for information pertaining to an individual should contain his (her) name, address, social security number, and ASCS county office(s) where employee/committeemen is employed.

**Record access procedures:** Any county office employee, county committeeman, may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him (her), by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Same as Records Access Procedure.

**Record source categories:** Information in this system comes primarily from scannable documents prepared by the ASCS county office where individual is employed.

#### USDA/ASCS—9

**System name:** County Personnel Records, USDA/ASCS

**System location:** County ASCS office by which individual is employed, except that some records concerning county office employees are on file in State ASCS offices, the ASCS Management Institute, Stouffers University Inn, 3025 Olenangy River Road, Columbus, Ohio 43202 and the ASCS Personnel Division, Room 4752-South Building, 14th and Independence Avenue, S.W., Washington, D.C. 20250. The address of each ASCS State and county office can be found in the local telephone directory under the heading "United States Government, Department of Agriculture, Agricultural Stabilization and Conservation Service".

**Categories of individuals covered by the system:** ASCS county and community committeemen, and employees who are employed in county ASCS offices on a full or part-time basis.

**Categories of records in the system:** Official record of county ASCS employee. Contains documents such as application, oath of office, personnel actions, job description, performance data, life and health insurance forms, annual pay status record, retirement record card, and any other documents, letters, or records which serve as proof of individual employment from 1933 to date.

**Authority for maintenance of the system:** 5 U.S.C. 8331, 8701, 8901; 16 U.S.C. 590h.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Verification of employment and salary furnished to lending agencies and credit bureaus; (2) Answers inquiries from prospective employers, both

private and Government referrals; (3) State employment bureaus, if applicable, to Bureaus of Employee Compensation to support injury claims; (4) State organizations of National Association State and County Office Employees when employees request dues be withheld from salary; (5) local banks when saving bonds are purchased and local taxing authority when local tax is withheld; (6) referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (7) A court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery; (8) A record from this system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (9) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Maintained in folders.

**Retrievability:** Indexed by individual name and social security number.

**Safeguards:** Records in county offices are kept in locked fireproof file in Government office building. Other records are stored in cabinets in locked or secured Government offices.

**Retention and disposal:** Maintained on site for duration of employment. Transferred to Civilian Personnel Record Center, St. Louis, Missouri, after separation.

**System manager(s) and address:** Deputy Administrator, Management, USDA/ASCS, Washington, D.C. 20250.

**Notification procedure:** Any individual may inquire as to whether this system contains records pertaining to him by contacting the head of the office where the records are located. If the specific location of the records is not known, the individual should address his request to Director, Data Systems Division, USDA/ASCS, Room 5741-South Building, P.O., Washington, D.C. 20250, telephone (202) 447-7561, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain: name, address, name of system of records, year of records in question, and any other pertinent information to help identify the file.

**Record source categories:** Individual employee, agency initiated documents, reference sources.

#### USDA/ASCS—11

**System name:** Emergency Livestock Feed Program, USDA/ASCS

**System location:** County ASCS office where farm is located for administrative purposes. The address of each county ASCS office can be found in the local telephone directory under the heading "United States Government, Department of Agriculture, Agricultural Stabilization and Conservation Service."

**Categories of individuals covered by the system:** Individual requesting authorization to purchase livestock feed.

**Categories of records in the system:** Complete description of emergency on which eligibility and quantity determinations and actual deliveries are based.

**Authority for maintenance of the system:** 7 U.S.C. 1427 and 1427 note.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File Folders.

**Retrievability:** Indexed by name of individual applicant.

**Safeguards:** Locked office.

**Retention and disposal:** Disposed of 6 years after end of program year.

**System manager(s) and address:** Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

**Notification procedures:** An individual may inquire as to whether this system contains records pertaining to him by contacting the head of the office where the records are located. If the specific location of the records is not known, the individual should address his request to Director, Data Systems Division, USDA/ASCS, Room 5741 South Building, 14th and Independence Avenue, S.W., Washington, D.C. 20250, telephone (202) 447-7561, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain: name, address, name of system of records, year of records in question, and any other pertinent information to help identify the file.

**Record access procedures:** Same as notification procedure.

**Contesting record procedures:** Same as notification procedure.

**Record source categories:** Individual applicant.

#### USDA/ASCS—12

**System name:** Employee Resources Master File, USDA/ASCS

**System location:** Data Systems Field Office, USDA/ASCS, 8930 Ward Parkway, Kansas City, Missouri 64114.

**Categories of individuals covered by the system:** Federal employees (career, career conditional, temporary, general schedule, and waoc board) who are presently employed in the Data Systems Field Office.

**Categories of records in the system:** Contains names of all individuals identified in the preceding paragraph and such information as social security number, date of birth, service date (for retirement and annual leave), pay plan, grade, step, occupational series, and annual salary, daily salary rate, hourly salary rate, overtime hourly rate, trainee course number, course sponsor, course title, hour credit, and completion date.

**Authority for maintenance of the system:** 5 U.S.C. 301; 7 CFR 2.65.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** None.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic tape.

**Retrievability:** Records are indexed by employee name.

**Safeguards:** Records are kept in a fireproof vault in a secured area of Government office building.

**Retention and disposal:** Maintained indefinitely on a currently updated basis.

**System manager(s) and address:** Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

**Notification procedures:** An individual may inquire as to whether this system contains records pertaining to him by contacting the Chief, Data Systems Field Office, USDA/ASCS, 8930 Ward Parkway, Kansas City, Missouri 64114. A request for information pertaining to an individual should contain: name, address, name of system of records, year of records in question, and any other pertinent information that will help identify the file.

**Record access procedures:** Same as notification procedure.

**Contesting record procedures:** Same as notification procedure.

**Record source categories:** Summary of data maintained in the Official Personnel Folder.

#### USDA/ASCS—13

**System name:** EEO Committee and Counselors, USDA/ASCS

**System location:** Office of the Administrator, USDA/ASCS, 14th & Independence Ave., S.W., Washington, D.C. 20250.

**Categories of individuals covered by the system:** Individuals who



have been selected or considered to serve on EEO Committee or to be an EEO counselor.

**Categories of records in the system:** Resume of individual's qualifications.

**Authority for maintenance of the system:** 42 U.S.C. 2000d and 2000e; Executive Order 11246, 11375 and 11478.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Maintained in file folders at office listed above. Indexed by individual name.

**Safeguards:** Kept in locked Government office building.

**Retention and disposal:** Destroyed 2 years after individual ceases to serve as a committeeman or counselor.

**System manager(s) and address:** Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

**Notification procedures:** Any individual may request information regarding a system of records, or information as to whether the system contains records pertaining to him from the Assistant to the Administrator for EEO, USDA/ASCS, Room 251-W, 14th and Independence Avenue, S.W., Washington, D.C. 20250. A request for information pertaining to an individual should contain: name, address, name of system of records, year of records in question, and any other pertinent information that will help to identify the file.

**Record access procedures:** Same as notification procedure.

**Contesting record procedures:** Same as notification procedure.

**Record source categories:** Individual.

#### USDA/ASCS—14

**System name:** EEO Complaints and Discrimination Investigation, USDA/ASCS

**System location:** USDA/ASCS, Office of the Administrator, 14th & Independence, Ave., S. W., Washington, D.C. 20250, and in offices of each EEO counselor at address posted on bulletin boards in Washington, D.C. 20250.

**Categories of individuals covered by the system:** Individuals who have been investigated for alleged discrimination as the result of a complaint and subsequent audit.

**Categories of records in the system:** Audit and investigation reports and supporting material. Individual files containing notes on meetings between counselor and employee.

**Authority for maintenance of the system:** 42 U.S.C. 2000d, 2000e, Executive Order 11246, 11375, and 11748.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referred to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Maintained in file folders.

**Retrievability:** Indexed by individual name.

**Safeguards:** Filed in locked files in Government office building.

**Retention and disposal:** Destroyed when case is closed.

**System manager(s) and address:** Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

**Notification procedures:** Any individual may request information regarding a system of records, or information as to whether the system

contains records pertaining to him from the Assistant to the Administrator for EEO, Room 251-W, 14th and Independence Avenue, S.W., Washington, D.C. 20250, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain: name, address, name of system of records, year of records in question, and any other information to help identify the file.

**Record access procedures:** Same as notification procedure.

**Contesting record procedures:** Same as notification procedure.

**Record source categories:** Individual, audit and investigation reports.

**Systems exempted from certain provisions of the act:** This system has been exempted pursuant to 5 U.S.C. 552a(k) from the requirements of 5 U.S.C. 552a(c)(3)(d), (e)(1), (e)(4)(G), (H), and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures, and of the existence and identity of confidential sources of information would hamper law enforcement activity.

#### USDA/ASCS—15

**System name:** Farm Record File (Automated), USDA/ASCS

**System location:** Data Systems Field Office, USDA/ASCS, 8930 Ward Parkway, Kansas City, Missouri 64114.

**Categories of individuals covered by the system:** Farm owners, operators, and other producers.

**Categories of records in the system:** Contains producer identification number, commodity ID, farm number, State code, county code, disaster identification, CCC draft number, CCC draft amount, refund amount, net amount, allotment acres, yield per acre, silage tonnage, and program year.

**Authority for maintenance of the system:** 7 U.S.C. 135b, 450k, 1281-1393, 1421-1449, 1781-1787; 15 U.S.C. 714b and c; 16 U.S.C. 590a-590q, 1301-1311; 26 U.S.C. 6109.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic tape.

**Retrievability:** Records are indexed by State, county, and farmer identification number.

**Safeguards:** Tapes are kept in a fireproof vault in a secured part of Government office building.

**Retention and disposal:** Maintained throughout the program year on a currently updated basis. Prior program year tapes are retained for history purposes.

**System manager(s) and address:** Director, Data Systems Division, ASCS, USDA, Washington, D.C. 20250.

**Notification procedure:** Any individual may request information on this system of records or information as to whether the system contains records pertaining to him (her) from Chief, Kansas City Data Systems Field Office, ASCS/USDA, 8930 Ward Parkway, Kansas City, Missouri 64114, telephone number 816-926-6502. A request for information pertaining to an individual should contain full name, address and zip code.

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him (her), by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Same as Record Access Procedures.

**Record source categories:** Information in this system comes primarily from documents submitted by the ASCS county office maintaining farm records on the individual producer. Information in these records is obtained directly from the individuals in the system.

#### USDA/ASCS—16

**System name:** Farm Records File (Manual), USDA/ASCS

**System location:** County ASCS office which services particular farm. The address of each county ASCS office can be found in the

local telephone directory under the heading "United States Government, Department of Agriculture, Agricultural Stabilization and Conservation Service."

**Categories of individuals covered by the system:** Farm owners, operators, and other producers.

**Categories of records in the system:** Contains complete documentation of participation in active programs as well as discontinued programs. Includes but not necessarily limited to farm allotments, bases, and history, compliance data, production and marketing data, appeals, new grower applications, conservation program documents, program participation and payments, appraisals, leases, and data for farm reconstitutions.

**Authority for maintenance of the system:** 7 U.S.C. 135b, 450k, 1281-1393, 1421-1449, 1781-1787; 15 U.S.C. 714b and c; 16 U.S.C. 590a-590q, 1301-1311; 26 U.S.C. 6109.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referral to (1) the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any records within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery; (3) Farm allotment and quota data for marketing quota crops is made available for public inspection as required by The Agricultural Act of 1938, as amended (7 U.S.C. 1281-1393); 7 CFR Parts 722-726, and 728-730; (4) Tobacco sales bills referred to appropriate loan associations when tobacco is placed under government loan; (5) Name, address, farm number and pounds of quota designated to Flue Cured Tobacco Stabilization Corporation which uses this data to assist in administering the flue cured tobacco warehouse designation program, labs for making chemical analysis of tobacco. Referral to State Forester for technical service on forestry practices. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Maintained in file folders at applicable location above.

**Retrievability:** Indexed by individual name or farm identification number.

**Safeguards:** Records are kept in locked office.

**Retention and disposal:** 5 years after end of program year, except long term agreement conservation records which are 5 years after program year in which a practice is completed.

**System manager(s) and address:** Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

**Notification procedures:** An individual may inquire as to whether this system contains records pertaining to him by contacting the head of the office where the records are located. If the specific location of the records is not known, the individual should address his request to Director, Data Systems Division, USDA/ASCS, Room 5741-South Building, 14th and Independence Avenue, S.W., Washington, D.C. 20250, telephone (202) 447-7561, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain: name, address, name of system of records, year of records in question, and any other pertinent information to help identify the file.

**Record access procedures:** Same as notification procedure.

**Contesting record procedures:** Same as notification procedure.

**Record source categories:** Individual farmer, agency executed documents.

#### USDA/ASCS—17

**System name:** Farmer's Name and Address Master File (Automated) USDA/ASCS

**System location:** Data Systems Field Office, ASCS-USDA, 8930 Ward Parkway, Kansas City, Missouri 64114

**Categories of individuals covered by the system:** All known farmers who reside in area served by the local county ASCS office.

**Categories of records in the system:** Contains names and addresses and zip codes of all farmers and other information, such as, social security or producer identification number, race code, State and county code on farmers who participate.

**Authority for maintenance of the system:** 7 U.S.C. 135b, 450k, 1281-1393, 1421-1449, 1781-1787; 15 U.S.C. 714b and c; 16 U.S.C. 590a-590q, 1301-1311; 26 U.S.C. 6109.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Furnished to (1) Internal Revenue Service to report total annual payments to each producer; (2) approved Cooperative Marketing Associations for price support loan eligibility; (3) State and county taxing authorities and (4) Commodity Promotion Boards where producer funds are withheld by ASCS. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained on mag-tape by the Kansas City Computer Center at the address shown above.

**Retrievability:** Records are indexed by the producer identification number of the individual farmer, in State and county sequence.

**Safeguards:** Records are kept in a fire-proof vault in a secured area of Government office building.

**Retention and disposal:** Records of current producers are maintained indefinitely. Additions, deletions and corrections are made periodically.

**System manager(s) and address:** Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertinent to him, from the Chief, Data Systems Field Office, Kansas City, Missouri 64114, telephone 816-926-6502. A request for information pertaining to an individual should contain: name, address, producer identification number(s) and the ASCS county office(s) where the farm records are maintained.

**Record access procedures:** Any individual may obtain information as to the Procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the official referred to in the preceding paragraph.

**Contesting record procedures:** Same as Records Access Procedure.

**Record source categories:** Directly from individual and from documents submitted by the ASCS county office.

#### USDA/ASCS—18

**System name:** Farmers' Name and Address Master File (Manual), USDA/ASCS

**System location:** County ASCS office where the farmer's farm is located for administrative purposes at address listed in the local telephone directory under the heading of "United States Government, Department of Agriculture, Agricultural Stabilization & Conservation Service."

**Categories of individuals covered by the system:** Farmers who participate in farm programs administered by ASCS, or who are known to the local ASCS office.

**Categories of records in the system:** Contains names and addresses and ZIP codes of all farmers including such information as social security number and producer identification number, race, State and county code, and farm data.

**Authority for maintenance of the system:** 7 U.S.C. 135b, 450k, 1281-1393, 1421-1449, 1781-1787; 15 U.S.C. 714b and c; 16 U.S.C. 590a-590q, 1301-1311; 26 U.S.C. 6109.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used in contacting farmers in carrying on business of ASCS. Appropriate lists are furnished to (1) suppliers of material and services, eligible voters in same county, (2) cotton buyers, and to cotton, rice, and peanut cooperatives. Referral to Commodity Promotion Boards when producer funds are withheld by ASCS. Referral to local taxing authorities and professional appraisal companies or consultants working under contract with such taxing authorities for tax appraisal purposes. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

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**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained on addressograph plates and imprinter plates, at applicable locations above.

**Retrievability:** Records are indexed by name of individual.

**Safeguards:** Records are kept in locked Government office.

**Retention and disposal:** Maintained as a current record until superseded by updated address.

**System manager(s) and address:** Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

**Notification procedures:** An individual may inquire as to whether this system contains records pertaining to him by contacting the head of the office where the records are located. If the specific location of the records is not known, the individual should address his request to Director, Data Systems Division, USDA/ASCS, Room 5741-South Building, 14th and Independence Avenue, S.W., Washington, D.C. 20250, telephone (202) 447-7561, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain: name, address, name of system of records, year of records in question, and any other pertinent information to help identify the file.

**Record access procedures:** Same as notification procedure.

**Contesting record procedures:** Same as notification procedure.

**Record source categories:** From individuals, postal department, and county courthouse, if necessary to locate absentee owner of farm.

#### USDA/ASCS—19

**System name:** Indemnity and Incentive Programs—USDA/ASCS

**System location:** County ASCS Office which services particular farm. The address of each county ASCS office can be found in the local telephone directory under the heading "United States Government, Department of Agriculture, Agricultural Stabilization & Conservation Service".

**Categories of individuals covered by the system:** Individual filing application for Wool, Mohair, Incentive payments, Milk and Bee Indemnity program payments.

**Categories of records in the system:** Contains complete file on which eligibility for payment determinations are based.

**Authority for maintenance of the system:** 7 U.S.C. 1781-1787, 135b, 450k.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referral to the appropriate agency, whether Federal State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Storage:** Records are maintained in file folders.

**Retrievability:** Indexed by individual producer's name.

**Safeguards:** Kept in locked file in Government Office Building.

**Retention and disposal:** Disposed of 6 years after end of program year.

**System manager(s) and address:** Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

**Notification procedures:** An individual may inquire as to whether this system contains records pertaining to him by contacting the head of the office where the records are located. If the specific location of the records is not known, the individual should address his request to Director, Data Systems Division, USDA/ASCS, Room 5741-South Building, 14th and Independence Avenue, S.W., Washington, D.C. 20250, telephone (202) 447-7561, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain: name, address, name of system of records, year of records in question, and any other pertinent information to help identify the file.

**Record access procedures:** Same as notification procedure.

**Contesting record procedures:** Same as notification procedure.

**Record source categories:** Individual furnishes information when making application for payment.

#### USDA/ASCS—20

**System name:** Investigation and Audit Reports—USDA/ASCS

**System location:** USDA/ASCS, 14th and Independence Ave., S.W., Washington, D.C. 20250. Prairie Village Commodity Office, USDA/ASCS, Brymar Office Center, 2400 W. 75th, Prairie Village, Kansas 66208. State ASCS offices at address listed in local telephone directory under United States Government, ASCS/USDA.

**Categories of individuals covered by the system:** Individuals who are the subject of a formal investigation relative to alleged program or administrative irregularities.

**Categories of records in the system:** Contains complete files on individual investigations, including program documents, investigation reports, statements of witnesses, accident reports, and agency reports.

**Authority for maintenance of the system:** 5 U.S.C. 301; 7 CFR 2.65.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, issued pursuant thereto; Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above. Records are indexed by name of individual being investigated and investigation case number.

**Safeguards:** Kept in locked files in Government office building.

**Retention and disposal:** Destroyed when case is closed.

**System manager(s) and address:** Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

**Systems exempted from certain provisions of the act:** This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a (c)(3) (d), (e)(1), (e)(4) (G), (H), and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures, and of the existence and identity of confidential sources of information would hamper law enforcement activity.

#### USDA/ASCS—21

**System name:** Maximum Payment Limitations, USDA/ASCS

**System location:** County ASCS Office which services particular farm. The address of each county ASCS office can be found in the local telephone directory under the heading "United States Government, Department of Agriculture, Agricultural Stabilization & Conservation Service".

**Categories of individuals covered by the system:** Individual subject to Program Payment Limitation.

**Categories of records in the system:** Financial statement and applicable farm information as well as tax statements, will & trust documents and corporation charters.

**Authority for maintenance of the system:** 7 U.S.C. 1307.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of

law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by rule, regulation or order issued pursuant thereto; Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Maintained in file folders.

**Retrievability:** Indexed by name of individual.

**Safeguards:** Kept in locked file in Government office building.

**Retention and disposal:** Destroyed 5 years after end of Program year.

**System manager(s) and address:** Deputy Administrator, Management, ASCS/USDA, Washington, D.C. 20250.

**Notification procedures:** An individual may inquire as to whether this system contains records pertaining to him by contacting the head of the office where the records are located. If the specific location of the records is not known, the individual should address his request to Director, Data Systems Division, USDA/ASCS, Room 5741-South Building, 14th and Independence Avenue, S.W., Washington, D.C. 20250, telephone (202) 447-7561, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain: name, address, name of system of records, year of records in question, and any other pertinent information to help identify the file.

**Record access procedures:** Same as notification procedure.

**Contesting record procedures:** Same as notification procedure.

**Record source categories:** Information furnished by individual producer.

#### USDA/ASCS—22

**System name:** Power of Attorney & Designated Agents, USDA/ASCS

**System location:** County ASCS Office which services particular farm. The address of each county ASCS office can be found in the local telephone directory under the heading "United States Government, Department of Agriculture, Agricultural Stabilization & Conservation Service".

**Categories of individuals covered by the system:** Individuals giving powers of attorney and individuals securing the powers to act as agent.

**Categories of records in the system:** Documents authorizing an individual to act as a representative of a producer or company.

**Authority for maintenance of the system:** 7 U.S.C. 135b, 450k, 1281-1393, 1421-1449, 1781-1787; 15 U.S.C. 714 b and c; 16 U.S.C. 590a-590q, 1301-1311; 26 U.S.C. 6109.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** In file folders

**Retrievability:** Indexed by name of individual.

**Safeguards:** Kept in locked file in Government office building.

**Retention and disposal:** Destroyed 6 years after authority is cancelled or suspended.

**System manager(s) and address:** Deputy Administrator, Management, ASCS/USDA, Washington, D.C. 20250.

**Notification procedures:** An individual may inquire as to whether this system contains records pertaining to him by contacting the head of the office where the records are located. If the specific location of the records is not known, the individual should address his request to Director, Data Systems Division, USDA/ASCS, Room 5741-South Building, 14th and Independence Avenue, S.W., Washington, D.C. 20250, telephone (202) 447-7561, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual

should contain: name, address, name of system of records, year of records in question, and any other pertinent information to help identify the file.

**Record access procedures:** Same as notification procedure.

**Contesting record procedures:** Same as notification procedure.

**Record source categories:** Producer or company which authorized the agent to conduct business.

#### USDA/ASCS—23

**System name:** Producer Appeals, USDA/ASCS

**System location:** ASCS, Program Appeals Staff, Room 3649, So., Building, 14th & Independence Avenue, S.W., Washington, D.C. 20250.

**Categories of individuals covered by the system:** Farm owners, operators or producers who file program appeals on prior determinations made by State ASCS Committees or the Deputy Administrator, Programs.

**Categories of records in the system:** The system consists of complete files on appeals including farm records, correspondence, investigations and audit reports, statements of witnesses, record and verbatim transcript of hearing.

**Authority for maintenance of the system:** 7 U.S.C. 135b, 450k, 1281-1393, 1421-1449, 1781-1787; 15 U.S.C. 714 b and c; 16 U.S.C. 590a-590q, 1301-1311; 26 U.S.C. 6109.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referral to the appropriate agency, whether Federal, State, or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by rule, regulation or order issued pursuant thereto; Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which is sought in the course of discovery. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders.

**Retrievability:** Indexed by name of individual.

**Safeguards:** Kept in office attended by authorized personnel.

**Retention and disposal:** Maintained 6 years after case is closed.

**System manager(s) and address:** Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

**Notification procedures:** Any individual may request information regarding a system of records, or information as to whether the system contains records pertaining to him from the Director, Program Appeals Staff, USDA/ASCS, Room 3649-South Building, 14th and Independence Avenue, S.W., Washington, D.C. 20250. A request for information pertaining to an individual should contain: name, address, name of system of records, year of records in question, and any other pertinent information to help identify the file.

**Record access procedures:** Same as notification procedure.

**Contesting record procedures:** Same as notification procedure.

**Contesting record procedures:** Same as Records Access Procedure.

**Record source categories:** Individual, witnesses, ASCS county personnel.

**Systems exempted from certain provisions of the act:** This system has been exempted pursuant to 5 U.S.C. 552a(k) from the requirements of 5 U.S.C. 552a(c)(3)(d), (e)(1), (e)(4)(G), (H), and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures, and of the existence and identity of confidential sources of information would hamper law enforcement activity.

#### USDA/ASCS—24

**System name:** Producer Payment Reporting File 363 and 368—USDA/ASCS

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**System location:** Data Systems Field Office, USDA/ASCS, 8930 Ward Parkway, Kansas City, Missouri 64114

**Categories of individuals covered by the system:** Farmers who participate in Programs administered by ASCS.

**Categories of records in the system:** Contains names and addresses of all participating farmers including ZIP code, concerned with ASCS farm programs, including such information as: social security number or producer identification number, State and County codes, and program payment data.

**Authority for maintenance of the system:** 26 U.S.C. 6109.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Furnished to (1) Internal Revenue Service for total annual payment to each producer; (2) Farmers for record of payments received by him (her) and reported to IRS. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic tape.

**Retrievability:** Indexed by name of individual.

**Safeguards:** Kept on magnetic tape in a fireproof vault in a secured area of Government office building.

**Retention and disposal:** Maintained indefinitely on a currently updated basis.

**System manager(s) and address:** Deputy Administrator, Management, ASCS/USDA, Washington D.C. 20250.

**Notification procedure:** Any individual may request information on this system of records or information as to whether the system contains records pertaining to him (her) from Chief, Kansas City, Data Systems Field Office, ASCS/USDA, 8930 Ward Parkway, Kansas City, Missouri, 64114, telephone number 816-926-6502. A request for information pertaining to an individual should contain name, address and ASCS county office(s) where farm records are maintained.

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him (her), by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Same as Record Access Procedure.

**Record source categories:** Documents submitted by the ASCS county office maintaining farm records on the individual producer and submitted primarily by such producers to the county office.

#### USDA/ASCS—25

**System name:** Producer Record for Pre-pilot Counties—USDA/ASCS

**System location:** Data Systems Field Office, USDA/ASCS, 8930 Ward Parkway Kansas City, Missouri, 64114

**Categories of individuals covered by the system:** All known farmers who reside in area served by the local county ASCS office.

**Categories of records in the system:** Contains names, addresses, race, sex, employee flags, spouse ID, spouse name, and producer's date of birth on all farmers in the following States and Counties: Pinal County, Arizona; Tift County, Georgia; Lafayette County, Louisiana; Sunflower County, Mississippi; Cooper County, Missouri; Seneca County, New York; Lubbock County, Texas; Adams County, Washington.

**Authority for maintenance of the system:** 7 U.S.C. 1201-1393, 1427, 1781-1787; 26 U.S.C. 6109; 7 CFR 2.65

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic disc by the Kansas City Computer Center, 8930 Ward Parkway, Kansas City, Missouri 64114.

**Retrievability:** Indexed by producer's identification number.

**Safeguards:** Discs are kept in a fireproof vault, in a secured area of Government office building.

**Retention and disposal:** Maintained indefinitely on disc on a cur-

rently updated basis. Inactive records are periodically removed from disc and recorded on magnetic tape.

**System manager(s) and address:** Director, Data Systems Division, ASCS/USDA, Washington, D.C. 20250.

**Notification procedure:** Any individual may request information on this system of records or information as to whether the system contains records pertaining to him (her) from Chief, Kansas City Data Systems Field Office, ASCS/USDA, 8930 Ward Parkway, Kansas City, Missouri 64114, telephone number 816-926-6502. A request for information pertaining to an individual should contain: name, address, social security number, and county where farm is located.

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him (her), by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Same as Records Access Procedure.

**Record source categories:** Documents submitted by the ASCS Pre-pilot county office maintaining farm records on the individual producer who is the primary source of the data.

#### USDA/ASCS—27

**System name:** Shorn and Unshorn Wool and Mohair—USDA/ASCS

**System location:** Data Systems Field Office, USDA/ASCS, 8930 Ward Parkway, Kansas City, Missouri 64114

**Categories of individuals covered by the system:** Farmers who participate in the shorn and unshorn wool and mohair incentive programs administered by ASCS.

**Categories of records in the system:** Contains names and addresses of all farmers Participating in the ASCS Wool and Mohair incentive program for the current marketing year, and other data such as: Social security number and wool production data.

**Authority for maintenance of the system:** 7 U.S.C. 1781-1787; 7 CFR 2.65.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Furnished to (A) Idaho Sheep Commission to report number of head shorn. (B) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. (C) Navaho Indian Agency, Bureau of Indian Affairs sight drafts and payment statements for individual payments for Navaho program participants. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic tape.

**Retrievability:** Indexed by name of individual producer in State and county sequence.

**Safeguards:** Kept in a fireproof vault in a secured area of Government office building.

**Retention and disposal:** Retained for three prior marketing years and disposed of by re-using the obsolete magnetic tapes.

**System manager(s) and address:** Director, Data Systems Division, ASCS/USDA, Washington, D.C. 20250

**Notification procedure:** Any wool producer may request information on this system of records or information as to whether the system contains records pertaining to him (her) from Chief, Kansas City Data Systems Field Office, USDA/ASCS/8930 Ward Parkway, Kansas City, Missouri 64114, telephone 816-926-6502. A request for information pertaining to an individual should contain name, address, social security number, and county where farm is located.

**Record access procedures:** Any wool producer may obtain information as to the procedures for gaining access to and contesting a

record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Same as Records Access Procedure.

**Record source categories:** Information in this system comes primarily from applications for wool and mohair payments documents submitted by the ASCS county offices maintaining farm records on the individual wool producer who is the primary source of the data.

#### USDA/ASCS—28

**System name:** Subsidiary Personnel, Pay, and Travel Records—USDA/ASCS

**System location:** Any ASCS office where individual is employed at address shown in the local telephone directory under United States Government, USDA/ASCS.

**Categories of individuals covered by the system:** Individuals employed by ASCS, except county office employees and committeemen.

**Categories of records in the system:** Agency copies of personnel actions, training records, performance ratings, earning statements, time and attendance reports, travel authorizations and vouchers, payroll deduction records, service record cards, record of accountable documents charged to employee, appeal cases, and conflict of interest statements.

**Authority for maintenance of the system:** 5 U.S.C. 301; 7 CFR 2.65

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Answer inquiries from prospective employers when employee gives immediate supervisor or co-worker as reference.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Maintained in file folders at address shown above.

**Retrievability:** Indexed by name of individual employee.

**Safeguards:** Kept in locked file cabinets at address shown above.

**Retention and disposal:** Maintained in active status during the employee's tenure at the organizational entity. After transfer or separation maintained in inactive status to be used to answer employment inquiries. Conflict of interest statement retained 2 years after employee is separated.

**System manager(s) and address:** Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

**Notification procedures:** An individual may inquire as to whether this system contains records pertaining to him by contacting the head of the office where the records are located. If the specific location of the records is not known, the individual should address his request to Director, Data Systems Division, USDA/ASCS, Room 5741-South Building, 14th and Independence Avenue, S.W., Washington, D.C. 20250, telephone (202) 447-7561, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain: name, address, name of system of records, year of records in question, and any other pertinent information to help identify the file.

**Record access procedures:** Same as notification procedure.

**Contesting record procedures:** Same as notification procedure.

**Record source categories:** Employee, CSC, agency initiated documents.

#### USDA/ASCS—29

**System name:** Supervisor's Notes on Employees—USDA/ASCS

**System location:** At all ASCS Offices

**Categories of individuals covered by the system:** ASCS Employees.

**Categories of records in the system:** Documentation of discussions with employees on performance, attendance, behavior, etc., copies of memos from immediate supervisor to employee, employee's rebuttal, if any; documentation supporting nominations for awards.

**Authority for maintenance of the system:** 5 U.S.C. 301; 7 CFR 2.65

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** May be furnished to CSC if employee appeals a disciplinary action.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Most are maintained in file folders, some in binders or note books.

**Retrievability:** Indexed by name of employee.

**Safeguard:** If derogatory, maintained in locked desk or locked file.

**Retention and disposal:** Retained until no longer needed and then destroyed.

**System manager(s) and address:** Deputy Administrator, Management, ASCS/USDA Washington, D.C. 20250.

**Notification procedures:** An individual may inquire as to whether this system contains records pertaining to him by contacting the head of the office where the records are located. If the specific location of the records is not known, the individual should address his request to Director, Data Systems Division, USDA/ASCS, Room 5741-South Building, 14th and Independence Avenue, S.W., Washington, D.C. 20250, telephone (202) 447-7561, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain: name, address, name of system of records, year of records in question, and any other pertinent information to help identify the file.

**Record access procedures:** Same as notification procedure.

**Contesting record procedures:** Same as notification procedure.

**Record source categories:** Supervisor's observation, work measurement reports, employees completed work.

#### USDA/ASCS—30

**System name:** Tobacco (Flue-cured, Burley) Farm History Master File, USDA/ASCS

**System location:** Data Systems Field Office, USDA/ASCS, 8930 Ward Parkway, Kansas City, Missouri 64114

**Categories of individuals covered by the system:** Farmers who participate in the flue-cured or burley tobacco programs.

**Categories of records in the system:** Contains names and addresses of all participating tobacco farmers and such information as State, county, farm number, allotments and quotas, production and marketing data, lease and transfer data.

**Authority for maintenance of the system:** 16 U.S.C. 590; 7 U.S.C. 1281-1393; 7 U.S.C. 1421-1449; 7 CFR 2.65.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Furnished to Congress upon request from members and Congressional Agencies; Cooperative marketing associations for price support and marketing data; and Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic tape.

**Retrievability:** Indexed by State, county, farm number, community number and producer's name.

**Safeguards:** Kept in fireproof vault in a secured area of Government office building.

**Retention and disposal:** Maintained indefinitely on a currently updated basis.

**System manager(s) and address:** Director, Data Systems Division, ASCS/USDA, Washington, D.C. 20250.

**Notification procedure:** Any individual may request information on this system of records or information as to whether the system contains records pertaining to him from Chief, Kansas City Data Systems Field Office, ASCS/USDA, 8930 Ward Parkway, Kansas City, Missouri 64114, telephone 816-926-6502. A request for information pertaining to an individual should contain name, address, and county where tobacco farm is located.

**Record access procedures:** Any tobacco producer may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Same as Record Access Procedure.

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**Record source categories:** Documents submitted by the ASCS county office maintaining farm records on the individual producer and submitted primarily by him (her) to the county office.

#### USDA/ASCS—31

**System name:** Tort, Program, and Civilian Employee Claims, USDA/ASCS

**System location:** Any ASCS office having jurisdiction over the claim at the location listed in the local telephone directory under United States Government, USDA/ASCS.

**Categories of individuals covered by the system:** Individual by whom or against whom claim involving ASCS or CCC has been filed.

**Categories of records in the system:** Complete files on individual claims, including claim forms, police reports, investigation and accident reports, statement of witnesses, and agency reports.

**Authority for maintenance of the system:** P.L. 83-480; P.L. 89-508; 28 U.S.C. 2671-2680; 31 U.S.C. 240; 5 U.S.C. 8101-8150; 7 U.S.C. 135b, 450k, 1281-1393, 1421-1449, 1781-1787; 15 U.S.C. 714 b and c; 16 U.S.C. 590a-590q, 1301-1311.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referral to (1) The appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or enforcing or implementing the statute, rule, regulation or order issued pursuant thereto; of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery; (2) Department of labor for those arising under the Federal Employees Compensation Act; (3) Insurance companies where necessary for resolution of claim; (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual; and (5) Referral of list of producer names on claim record to cotton loan clerks for offsetting.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Individual claim folders.

**Retrievability:** Indexed by name of claimant number.

**Safeguards:** Kept in locked file cabinets in Government office building.

**Retention and disposal:** Retained after settlement for 6 years if CCC and 5 years if appropriated funds involved.

**System manager(s) and address:** Deputy Administrator, Management, ASCS/USDA, Washington, D.C. 20250.

**Notification procedures:** An individual may inquire as to whether this system contains records pertaining to him by contacting the head of the office where the records are located. If the specific location of the records is not known, the individual should address his request to Director, Data Systems Division, USDA/ASCS, Room 5741-South Building, 14th and Independence Avenue, S.W., Washington, D.C. 20250, telephone (202) 447-7561, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain: name, address, name of system of records, year of records in question, and any other pertinent information to help identify the file.

**Record access procedures:** Same as notification procedure.

**Contesting record procedures:** Same as notification procedure.

**Record source categories:** Information in this system comes primarily from claimants, witnesses, agency employees, and investigative personnel.

#### USDA/APHIS—1

**System name:** Plant Protection and Quarantine Programs—Regulatory Actions, USDA/APHIS

**System location:** Plant Protection and Quarantine Programs - USDA/APHIS, Room 633, Federal Building, Hyattsville, MD 20782

**Categories of individuals covered by the system:** Violators and alleged violators of plant protection and plant quarantine laws and regulations.

**Categories of records in the system:** The system consists of case files on violators and contains copies of violation report forms, compliance agreements, employee or other witness statements,

warning notices, Office of the General Counsel (OGC) recommendations to the U.S. Department of Justice and court disposition documents.

**Authority for maintenance of the system:** 7 U.S.C. 150gg, 163.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. (2) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. (3) Referral to the Department of Justice for the defense of suits against the United States or its officers, or for the institution of suits for the recovery of claims by the United States Department of Agriculture. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders in metal file cabinets.

**Retrievability:** Records are manually retrieved by alphabetized name of the individual violator.

**Safeguards:** Records are maintained in locked files with APHIS employees in attendance during working hours.

**Retention and disposal:** Records are maintained indefinitely.

**System manager(s) and address:** Deputy Administrator, Plant Protection and Quarantine, USDA/APHIS, 14th & Independence Avenue, S.W., Washington, D.C. 20250

**Systems exempted from certain provisions of the act:** This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f). See 7 CFR 1.23. Individual access to these records would impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action to escape prosecution. Any individual who feels, however, that he has been denied any right, privilege or benefit for which he would otherwise be eligible as a result of the maintenance of such material may request access to the material. Such requests should be addressed to: APHIS Privacy Act Coordinator, Administrative Services Division, USDA/APHIS, Fed. Bg., 6505 Belcrest Road, Hyattsville, MD 20782.

#### USDA/APHIS—2

**System name:** Veterinary Services Programs—Records of Accredited Veterinarians, USDA/APHIS

**System location:** Room 801, Federal Building, Veterinary Services, USDA/APHIS, Hyattsville, MD 20782

**Categories of individuals covered by the system:** Private veterinary practitioners who are accredited by the Federal and State governments to issue health certificates for the interstate and international movement of livestock and participate in cooperative State/Federal animal health programs.

**Categories of records in the system:** (1) Record includes name of accredited veterinarian, State in which accredited, State license number, college and date of graduation, and score on accreditation examination. (2) Record also includes material pertaining to alleged violations of accreditation standards. If allegations are proven true the record includes the disposition of the case which may be revocation of accreditation.

**Authority for maintenance of the system:** 21 U.S.C. 105, 111-114a-1, 116, 125, 134b, 134f.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to State Animal Health Officials to certify that a particular individual is indeed accredited. (2) Referral to State Veterinary Examining Boards to certify that a particular individual is indeed accredited. (3) Referral to the appropriate agency, whether Federal, State, local or

foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. (4) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. (5) Referral to the Department of Justice for the defense of suits against the United States or its officers or for the institution of suits for the recovery of claims by the United States Department of Agriculture. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders and on 3x5 cards.

**Retrievability:** Records are manually retrieved by alphabetized names.

**Safeguards:** Records are kept locked in files with APHIS employees in attendance during working hours.

**Retention and disposal:** Records are retained indefinitely.

**System manager(s) and address:** Deputy Administrator, Veterinary Services, USDA/APHIS, 14th & Independence Avenue, S.W., Washington, D.C. 20250

**Notification procedure:** All inquiries should be addressed to: APHIS Privacy Act Coordinator, Administrative Services Division, USDA/APHIS, Fed. Bg., 6505 Belcrest Road, Hyattsville, MD 20782.

**Record access procedures:** All inquiries should be addressed to the APHIS Privacy Act Coordinator.

**Contesting record procedures:** All inquiries should be addressed to the APHIS Privacy Act Coordinator.

**Record source categories:** Material is transcribed from documents submitted by the individual. Material is verified by State and Area Animal Health Officials which sometimes results in additional source material submitted by such officials.

**Systems exempted from certain provisions of the act:** The portions of this system which consist of investigatory material compiled for law enforcement purposes have been exempted pursuant to 5 U.S.C. 552a(k)(2) from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f). See 7 CFR 1.23. Individual access to these records would impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action to escape prosecution. Any individual who feels, however, that he has been denied any right, privilege or benefit for which he would otherwise be eligible as a result of the maintenance of such material may request access to the material. Such requests should be addressed to: APHIS Privacy Act Coordinator, Administrative Services Division, USDA/APHIS, Fed. Bg., 6505 Belcrest Road, Hyattsville, MD 20782.

#### USDA/APHIS—3

**System name:** Veterinary Services Programs—Animal Quarantine Regulatory Actions, USDA/APHIS

**System location:** Program Services, Veterinary Services Program, USDA/APHIS, Federal Center Building, Hyattsville, MD 20782

**Categories of individuals covered by the system:** Veterinarians; Livestock Market Operators; Livestock Haulers; Livestock Dealers, Buyers and Brokers; Livestock Owners and Producers.

**Categories of records in the system:** Investigatory and case files of alleged violations of quarantine laws contain the alleged violator's name and address, type of infraction, and documentation of the alleged infraction. The file includes closed cases as well as the current status of those cases remaining unresolved.

**Authority for maintenance of the system:** 21 U.S.C. 101-105, 111-134.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system

when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. (2) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. (3) Referral to the Department of Justice for the defense of suits against the United States or its officers, or for the institution of suits for the recovery of claims by the United States Department of Agriculture. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders in metal file cabinets.

**Retrievability:** Numbered cases are cross-indexed by alphabetized names. Files are manually retrieved.

**Safeguards:** Records are maintained in locked files with APHIS employees in attendance during working hours.

**Retention and disposal:** After three years closed cases are sent to the Federal Records Center where they are retained indefinitely. Open cases are retained indefinitely in the Program Services Office.

**System manager(s) and address:** Deputy Administrator, Veterinary Services, USDA/APHIS, 14th & Independence Avenue, S.W., Washington, D.C. 20250

**Systems exempted from certain provisions of the act:** This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f). See 7 CFR 1.23. Individual access to these records would impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action to escape prosecution. Any individual who feels, however, that he has been denied any right, privilege or benefit for which he would otherwise be eligible as a result of the maintenance of such material may request access to the material. Such requests should be addressed to: APHIS Privacy Act Coordinator, Administrative Services Division, USDA/APHIS, Fed. Bg., 6505 Belcrest Road, Hyattsville, MD 20782.

#### USDA/APHIS—4

**System name:** Veterinary Services Programs—Animal Welfare and Horse Protection Regulatory Actions, USDA/APHIS

**System location:** Animal Care Staff, Veterinary Services, USDA/APHIS, Room 700, Federal Building, Hyattsville, MD 20782

**Categories of individuals covered by the system:** Dealers, exhibitors, and other individuals required to be licensed or registered under the Federal Laboratory Animal Welfare Act of 1966, as amended. Operators of research facilities and other individuals required to be registered under the Federal Laboratory Animal Welfare Act of 1966, as amended. Horse trainers, owners, exhibitors, and other individuals subject to the Horse Protection Act of 1970.

**Categories of records in the system:** Investigatory and case files contain the alleged violators name and address, type of infraction, and documentation of the alleged infraction. The files include closed cases as well as the current status of those cases not resolved.

**Authority for maintenance of the system:** 7 U.S.C. 2131 et seq.; 15 U.S.C. 1821 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. (2) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a

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congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained on index cards and in file folders in metal file cabinets.

**Retrievability:** Numbered cases are cross indexed by alphabetized names. Files are manually retrieved.

**Safeguards:** Records are maintained in locked files with APHIS employees in attendance during working hours.

**Retention and disposal:** Files are retained indefinitely.

**System manager(s) and address:** Deputy Administrator, Veterinary Services, USDA/APHIS, 14th & Independence Avenue, S.W., Washington, D.C. 20250

**Systems exempted from certain provisions of the act:** This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (c)(4)(G), (H) and (I), and (f). See 7 CFR 1.23. Individual access to these records would impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action to escape prosecution. Any individual who feels, however, that he has been denied any right, privilege or benefit for which he would otherwise be eligible as a result of the maintenance of such material may request access to the material. Such requests should be addressed to: APHIS Privacy Act Coordinator, Administrative Services Division, USDA/APHIS, Fed. Bg., 6505 Belcrest Road, Hyattsville, MD 20782.

#### USDA/APHIS—5

**System name:** Veterinary Services Programs—Candidates for Animal Disease Control Positions in Foreign Countries

**System location:** International Operations Staff, Emergency Programs, Veterinary Services, USDA/APHIS, Hyattsville, MD 20782

**Categories of individuals covered by the system:** Animal health scientists

**Categories of records in the system:** Resumes of previous job and educational experience.

**Authority for maintenance of the system:** 21 U.S.C. 114b.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Advise U.S. scientists in animal health and related field of potential use of their qualifications by international organizations and/or foreign governments. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders in metal file cabinets.

**Retrievability:** Records are retrieved manually by alphabetized name.

**Safeguards:** Records are maintained in locked files with APHIS employees in attendance during normal working hours.

**Retention and disposal:** After 3 years records are sent to the Federal Records Center where they are destroyed after 10 years.

**System manager(s) and address:** Deputy Administrator, Veterinary Services, USDA/APHIS, 14th & Independence Avenue, S.W., Washington, D.C. 20250

**Notification procedure:** All inquiries regarding this system of records should be addressed to: APHIS Privacy Act Coordinator, Administrative Services Division, USDA/APHIS, Fed. Bg., 6505 Belcrest Road, Hyattsville, MD 20782.

**Record access procedures:** All inquiries should be addressed to the APHIS Privacy Act Coordinator.

**Contesting record procedures:** All inquiries should be addressed to the APHIS Privacy Act Coordinator.

**Record source categories:** All information in this system of records is obtained directly from the individual concerned.

#### USDA/OA—1

**System name:** Employee Records, USDA/OA

**System location:** The OA Headquarters Office in the Agriculture,

Administration Building, 14th and Independence Avenue, S.W., Washington, D.C. 20250, and in the following regional offices:

**Northeast**

Room 422 Federal Building

Hyattsville, Maryland 20782;

**Southeast**

Room 900, 1447 Peachtree St., N.E.

Atlanta, Georgia 30309;

**Midwest**

Room 800, 1 North Wacker Drive

Chicago, Illinois 60606;

**Southwest**

3916 South General Bruce Drive

Temple, Texas 76501;

**Great Plains**

8930 Ward Parkway

Kansas City, Missouri 64141;

**Western**

Room 522, 555 Battery Street

San Francisco, California 94111

**Categories of individuals covered by the system:** OA permanent and temporary employees, former employees, and applicants for employment.

**Categories of records in the system:** These records show personnel management and work-related information, including: personal history statements; annual and individual job performance evaluations; data on training and development needs and accomplishments; personnel actions; accident reports; records of accountable property; position descriptions; statements of location preference; records of service, pay, pay rates, addresses and phone numbers; awards and commendations; audit assignments; travel records; employment applications and various correspondence on personnel and administrative matters. Also included are records of employee complaints and grievances, complaints against employees, reports of investigation, and records of adverse actions or other disciplinary actions.

Many of these records are included in the Employee Development folder described in OA directives and many are copies of records included in the Official Personnel Folder maintained by the USDA Office of Personnel.

**Authority for maintenance of the system:** 5 U.S.C. 301; 7 CFR 2.81

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Provided upon request to the Civil Service Commission and General Accounting Office for reviewing personnel management and OA operations. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are cards or sheets of paper and are maintained in file folders, notebooks, and card file boxes.

**Retrievability:** Information is retrieved by name of employee.

**Safeguards:** Available to management and supervisory personnel on official need-to-know basis. Most records are kept in locked file cabinets when not in use and are kept, after office hours, in locked offices within official Government office buildings.

**Retention and disposal:** Records are maintained while the individual is employed by OA or under active consideration for employment and are retired or destroyed in conformance with General Services Administration and USDA records retirement and/or destruction schedules.

**System manager(s) and address:** Assistant to the Director for Administration, OA, USDA, Washington, D.C. 20250, or the appropriate Regional Director at the address specified above.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him, from the appropriate System Manager. If the specific location of the record is not known, the individual should address his request to the Assistant to the Director for Administration, who, if necessary, will refer it to the appropriate regional office. A request for information pertaining to an individual should contain: Name, address, and particular information requested.

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate System Manager.

**Contesting record procedures:** Same as access procedures described above.

**Record source categories:** Information in this system comes primarily from the employee, supervisory personnel, co-workers, references and investigative personnel.

#### USDA/OA—2

**System name:** Management Information and Data Analysis System, USDA/OA

**System location:** Computer files are maintained on the computer Sciences Infont System with main offices at 650 North Sepulveda, El Segundo, California. Source documents and printouts are kept in the Headquarters Office, Office of Audit, Administration Building, 14th and Independence Avenue, S.W., Washington, D.C. 20250 and in the following Regional Offices:

**Northeast**

Room 422 Federal Building

Hyattsville, Maryland 20782;

**Southeast**

Room 900, 1447 Peachtree St., N.E.

Atlanta, Georgia 30309;

**Midwest**

Room 800, 1 North Wacker Drive

Chicago, Illinois 60606;

**Southwest**

3916 South General Bruce Drive

Temple, Texas 76501;

**Great Plains**

8930 Ward Parkway

Kansas City, Missouri 64141;

**Western**

Room 522, 555 Battery Street

San Francisco, California 94111

**Categories of individuals covered by the system:** OA professional employees.

**Categories of records in the system:** USDA/OA Management Information and Data Analysis System provides OA Management with a wide range of information on OA operations including data that can be used to evaluate the job performance of all OA professional employees. The system identifies individual audit assignments of employees and provides information on their use of direct and indirect time; significant dates relating to the audit such as starting date, exit conference date, and report release date; the number and significance of audit findings and the identity of all the professionals who participated in the assignment.

**Authority for maintenance of the system:** 5 U.S.C. 301; 7 CFR 2.81

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Provided upon request to the General Accounting Office for reviewing OA operations. Disclosure may also be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer discs and/or magnetic tape.

**Retrievability:** Information in the system can be retrieved by OA Headquarters and by the applicable inputting region listed above. Retrieval can be audit, report number, employee social security number, and geographic location.

**Safeguards:** Normal computer security is maintained over access to discs and magnetic tapes. Print-outs are available within USDA as necessary and are kept under lock when not in use. Source documents are kept in file cabinets in the offices listed above.

**Retention and disposal:** Discs and/or magnetic tapes are cleared, retired or destroyed when no longer useful in accordance with General Services Administration and USDA retirement and/or destruction schedules.

**System manager(s) and address:** Assistant, Policy and Resources, OA, USDA, Washington, D.C. 20250, or the appropriate Regional Director at the address specified above.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him, from the appropriate System Manager. If the specific location of the record is not known, the individual should address his request to the Assistant Director, Policy and Resources, who, if necessary, will refer it to the

appropriate regional office. A request for information pertaining to an individual should contain: Name, address, and particular information requested.

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate System Manager.

**Contesting record procedures:** Same as access procedures described above.

**Record source categories:** Information in the system comes entirely from OA employees.

#### USDA/OA—3

**System name:** Audit Information System, USDA/OA.

**System location:** Records included in this system may be located at audit sites throughout the United States or at any of the Departmental Computer Centers. The Departmental Computer Centers are: (1) Washington Computer Center, 12th and Independence Avenue, S.W., Washington, D.C. 20250; (2) New Orleans Computer Center, P.O. Box 60900, New Orleans, Louisiana 70160; (3) Kansas City Computer Center, P.O. Box 205, Kansas City, Missouri 64141; (4) St. Louis Computer Center, 1520 Market Street, Room 3441, St. Louis, Missouri 63103; (5) Fort Collins Computer Center, 3825 East Mulberry Street, Fort Collins, Colorado 80521.

**Categories of individuals covered by the system:** This system employs temporary data sets, computer printouts and other audit records obtained from USDA agencies, non-Federal sources and Federal agencies other than USDA. Individuals covered by these records are participants in programs administered and/or funded by the Department of Agriculture, or USDA employees.

**Categories of records in the system:** The system may contain, for short periods of time, various categories of records relating to administration of, or individual participation in, USDA programs. For example, the categories of records may relate to the Department's farm, food, loan and research programs, and to payroll records of USDA employees.

**Authority for maintenance of the system:** 5 U.S.C. 301, 7 CFR 2.81.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Records are routinely used for analysis during the course of audits conducted by the USDA Office of Audit. As a result of this analysis, information may be provided to the Agriculture agency having program responsibility, the USDA Office of Investigation, the non-Federal entity responsible for operating the program, other Executive Branch audit agencies, the General Accounting Office, the Department of Justice, other law enforcement agencies, and the Congress.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information is stored electronically on computer direct access storage devices or magnetic tape, and in computer printouts and other audit records.

**Retrievability:** Electronically stored information may be retrieved using standard audit software analysis and retrieval packages and is limited only by the data elements maintained in the data set. This information may be transmitted and received using standard teleprocessing procedures. Data elements may include such information as an individual's name, address, social security, employee identification, case or farm number, and specific information about the individual's program participation or employment. Information located in computer printouts and other audit records may be retrieved manually while audits are in process.

**Safeguards:** Normal computer security is maintained over access to electronically encoded data. Computer printouts and other audit records are protected in accordance with the sensitivity of data contained therein.

**Retention and disposal:** Electronically encoded data is seldom retained for more than six months. It is then destroyed either by degaussing or overwriting the computer media. Computer printouts and manually prepared audit records may be incorporated into audit files where they are retrievable only by audit number or report title. Audit files are retained in accordance with General Services Administration retirement and/or destruction schedules. Computer printouts not incorporated into audit files are destroyed.

**System manager(s) and address:** The system managers are the USDA Office of Audit Regional Directors in whose geographical areas the audit sites and Departmental Computer Centers are located. These are as follows: (1) Regional Director, Northeast Region, Office of Audit, U.S. Department of Agriculture, Room 422, Federal Building, Hyatts-

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ville, Maryland 20782 (Washington Computer Center); (2) Regional Director, Southeast Region, Office of Audit, U.S. Department of Agriculture, 1447 Peachtree Street, N.E., Room 900, Atlanta, Georgia 30309; (3) Regional Director, Midwest Region, Office of Audit, U.S. Department of Agriculture, 1 North Wacker Drive, Chicago, Illinois 60606; (4) Regional Director, Southwest Region, Office of Audit, U.S. Department of Agriculture, Federal Office Building—Room 324, 101 South Main Street, Temple, Texas 76501 (New Orleans Computer Center); (5) Regional Director, Great Plains Region, Office of Audit, U.S. Department of Agriculture, 8930 Ward Parkway, P.O. Box 205, Kansas City, Missouri 64141 (Kansas City and St. Louis computer Centers); (6) Regional Director, Western Region, Office of Audit, U.S. Department of Agriculture, Room 522 Customs House, 555 Battery Street, San Francisco, California 94111 (Fort Collins Computer Center).

**Notification procedure:** Any individual may request information contained in this system of records or information as to whether the system contains records pertaining to that individual by contacting the system manager. The individual is reminded that this system of records is temporary and usually is accessible only while an audit of a particular program or activity is in process. The period of accessibility normally ranges from one month to approximately six months, depending on the type of audit and the use made of the information. Any request for information pertaining to an individual should contain that person's name, address, the USDA program the individual is participating in, any pertinent identification number such as a case number, and the particular information requested. Proof of identity and/or authorization to access will be required.

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to that person by submitting a written request to the system manager. If the specific location of a record is unknown, the request should be sent to the Assistant Director for Policy and Resources, Office of Audit, USDA, Washington, D.C. 20250.

**Contesting record procedures:** These inquiries also should be sent to the system manager.

**Record source categories:** Information contained in this system of records is obtained mainly from USDA agencies and State and local governments that administer USDA programs on a cooperative basis, and may be obtained from other grantees and program participants, and other Federal agencies.

Information generally relates to a USDA program or activity which is being audited. Upon conclusion of the audit, the information is either destroyed, returned to the originator, or stored in an audit file from which information about individuals cannot be retrieved without manual search.

#### USDA/CSRS—1

**System name:** Biographical Information—Office of Information, USDA/CSRS

**System location:** Cooperative State Research Service, USDA, Washington, D.C. 20250

**Categories of individuals covered by the system:** Individuals who are associated with the U. S. Department of Agriculture, State Agricultural Experiment Stations, Cooperating Schools of Forestry, Colleges of 1890 and Tuskegee Institute, and individuals who are associated with the Land-Grant universities.

**Categories of records in the system:** This system consists of all information that has been collected on individuals as it relates to significant accomplishments, positions held, and honors received.

**Authority for maintenance of the system:** 7 U.S.C. 361a-i, 450i; 16 U.S.C. 582a582a-7; 7 CFR 2.7 and 2.58

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** For resource material in preparing news items for the Cooperative State Research Service's weekly newsletter and for responding to requests for biographic information about an individual. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in a file cabinet in CSRS Office of Information at the address listed above.

**Retrievability:** Majority of records are indexed by name of individual. Some are filed by institution.

**Safeguards:** Official government office building with security guards.

**Retention and disposal:** Biographic information is retained as long as it is deemed necessary to carry out responsibilities of the agency. Disposal of outdated material in the file is at the discretion of the Director responsible for maintaining the file.

**System manager(s) and address:** Director, Office of Information, Cooperative State Research Service, USDA, Washington, D.C. 20250.

**Notification procedure:** Any individual may request information regarding this system of records or information as to whether the system contains records pertaining to him from the System Manager listed above. A request of information pertaining to an individual should contain: name, address, and particulars involved.

**Record access procedures:** Any individual may obtain information as to the procedure for gaining access to the system which pertains to him by submitting a written request to the official referred to in the preceding paragraph.

**Contesting record procedures:** Same as procedures for access described above.

**Record source categories:** Information for this system comes from published articles or correspondence with the individual or from any individual or institutional source that wishes to bring the special achievements of an individual to the attention of CSRS.

#### USDA/CSRS—2

**System name:** Biographical Information on McIntire-Stennis Advisory Board and Advisory Committee Members, USDA/CSRS

**System location:** Cooperative State Research Service, USDA, Washington, D.C. 20250.

**Categories of individuals covered by the system:** Individuals serving as members of the McIntire-Stennis Cooperative Forestry Act Advisory Board or Advisory Committee.

**Categories of records in the system:** This system consists of biographic information on the members on the McIntire-Stennis Advisory Board and members on the McIntire-Stennis Advisory Committee.

**Authority for maintenance of the system:** 16 U.S.C. 582a-7, 7 CFR 2.7 and 2.58

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Press releases or response to requests from public. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in a folder in a file cabinet at the above listed address.

**Retrievability:** Biographical information on each individual is contained in a folder entitled "Biographical Sketches on Advisory Board and Advisory Committee Members." Information is retrieved by name of the individual.

**Safeguards:** Official government office building with security guards.

**Retention and disposal:** Records are maintained as long as needed to carry out agency responsibilities. Disposal of out-of-date material is at the discretion of the Deputy Administrator responsible for the file.

**System manager(s) and address:** Deputy Administrator, Natural Resources and Special Reports, CSRS, USDA, Washington, D.C. 20250.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager. A request for information pertaining to an individual should contain: name, address, and particulars involved.

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Same as procedures for access described above.

**Record source categories:** Information on this system comes primarily from the individuals themselves or the institutions they are associated with.

#### USDA/CSRS—3

**System name:** Current Research Information System, USDA/CSRS

**System location:** Cooperative State Research Service, 14th Street and Independence Avenue, Washington, D.C. 20250.

**Categories of individuals covered by the system:** Scientists listed on research projects entered into the Current Research Information System (CRIS).

**Categories of records in the system:** Research projects of USDA agencies and research projects of those State institutions receiving CSRS administered funds in support of research.

**Authority for maintenance of the system:** 5 U.S.C. 301; 7 CFR 2.7, 2.58

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Documentation and reporting of research activities conducted by USDA agencies and documentation and reporting of research activities conducted by State institutions receiving CSRS administered funds for research. (2) Referral to contractors for preparation in a form that can be entered into the computer. (3) Referral to the Smithsonian Science Information Exchange, Inc. (4) Referral to research scientists and Administrators of all Government agencies and affiliated institutions in connection with information retrieval requests in special subject areas. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Storage:** Records are maintained on computer tape at the USDA Washington Computer Center.

**Retrievability:** By name of project leader.

**Safeguards:** Access to tape storage area limited to Washington Computer Center personnel.

**Retention and disposal:** Records are maintained indefinitely.

**System manager(s) and address:** Director, Current Research Information System, CRIS-CSRS, Washington, D.C. 20250.

**Notification procedure:** Any individual may request information regarding this system of records or information as to whether the system contains records pertaining to him from the System Manager. A request for information pertaining to an individual should contain: name, address, and agency or institution.

**Record access procedures:** Any individual may obtain information as to the procedure for gaining access to the system which pertains to him, by submitting a written request to the Director, Current Research Information System.

**Contesting record procedures:** Same as procedures for access described above.

**Record source categories:** Information in this system primarily comes from USDA research agencies and State institutions receiving CSRS administered funds for research.

#### USDA/OEO—1

**System name:** Discrimination Complaints Under Title VI of the Civil Rights Act of 1964, USDA/OEO

**System location:** Office of Equal Opportunity, USDA, Compliance and Enforcement Division, Auditor's Building, Rm. 4123, Washington, D.C. 20250

**Categories of individuals covered by the system:** Individuals who file complaints alleging discrimination are recipients of USDA benefit programs.

**Categories of records in the system:** The system consists of complete files (i.e., complaint, agency response to complaint, related correspondence, inquiries and investigatory reports) on initial inquiries made by personnel of OEO and the agency complained about. The file, where appropriate, may consist of investigatory reports conducted and compiled by the Office of Investigation.

**Authority for maintenance of the system:** 42 U.S.C. 2000d et. seq., 7 CFR 15, Secy's Memo 1662, Supp 2 and Secy's Memo 1756.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) To initiate corrective action or possible referral to the Department of Justice if voluntary compliance is not achieved. (2) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law,

whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. (3) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, or any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of complainant, agency and address.

**Safeguards:** Records are kept in a locked office.

**Retention and disposal:** Records are maintained for a period of 3 years, after which they are sent to the National Archives and Records Service, Washington, D.C. 20408.

**System manager(s) and address:** Richard J. Peer, Chief, Compliance and Enforcement Division, Office of Equal Opportunity, USDA, Auditor's Building, Rm. 4123, Washington, D.C. 20250

**Notification procedure:** Any individual may request information regarding this system of records from the System Manager as set forth in the preceding paragraph.

**Record access procedures:** A request for access to a record from the system shall be in writing with the envelope and letter marked "Privacy Access Request." Access requests will be directed to the System Manager listed above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Information in this system comes primarily from agency personnel, complainant, witnesses, participants and nonparticipants, investigative personnel and community leaders.

#### USDA/ES—1

**System name:** Cooperative Extension Personnel Records System, USDA/ES.

**System location:** Personnel Staff, Extension Service, Room 6438, South Building, 14th & Independence Ave., SW, Washington, D.C. 20250.

**Categories of individuals covered by the system:** All employees of State Extension Services who hold an Excepted Federal Appointment without compensation.

**Categories of records in the system:** Microfiche copies of personnel actions taken by individual states under delegated personnel authority to support entitlement of employees to the benefit areas of retirement, life and health insurance, workman's and unemployment compensation.

**Authority for maintenance of the system:** 5 U.S.C. 301; 7 U.S.C. 341, et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Civil Service Commission and Department of Labor are supplied supporting documentation for benefit claims of employees and Cooperative Extension Service Personnel Offices are supplied specific assistance upon request. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained on microfiche at the address listed.

**Retrievability:** Records are indexed by name of employee.

**Safeguards:** In authorized locked cabinet.

**Retention and disposal:** Records are disposed of in accordance with General Services Administration retirement and/or destruction schedules.

**System manager(s) and address:** Chief, Cooperative Personnel, Personnel Staff, Extension Service, U. S. Department of Agriculture, Washington, D.C. 20250.

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**Notification procedure:** Any individual may request information concerning himself from this system. A request for information should be addressed to the Director, Personnel Staff, Extension Service, USDA, at the address shown under Location and should contain: Name, address and particular information requested.

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the System which pertains to him by submitting a written request to the Director, Personnel Staff, Extension Service.

**Contesting record procedures:** Use same procedures as for requesting access.

**Record source categories:** Information in this System comes primarily from the employee with additional data provided by the employee's personnel office.

#### USDA/ES—2

**System name:** State Cooperative Extension Service Employees, USDA/ES

**System location:** Reports and Analysis Branch, Management Operations Staff, Extension Service, USDA, Room 6020, South Building, 14th and Independence Ave., SW, Washington, D.C. 20250.

**Categories of individuals covered by the system:** All professional employees of the State Cooperative Extension Services from 1968 to present.

**Categories of records in the system:** Magnetic tapes are made from punch cards on information from the personnel records taken and submitted by State Cooperative Extension Services.

**Authority for maintenance of the system:** 5 U.S.C. 301; 7 U.S.C. 341, et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained on magnetic tape at the address listed.

**Retrievability:** Records are entered by social security number or other unique State identifying number.

**Safeguards:** Authorization must be obtained from the Deputy Administrator of Operations, ES, USDA or Director of Personnel, ES, USDA, before information is released. All printed matter is kept in locked rooms.

**Retention and disposal:** Records are retained indefinitely.

**System manager(s) and address:** Chief, Reports and Analysis Branch, Management Operations Staff, Extension Service, USDA, Washington, D.C. 20250.

**Notification procedure:** Any individual may request information concerning himself from this system. A request for information should be addressed to the Director, Personnel Staff, Extension Service, USDA, Washington, D.C. and should contain: Name, address, social security number, and the particular information requested.

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the System which pertains to him by submitting a written request to the Director, Personnel Staff, Extension Service, USDA.

**Contesting record procedures:** Use same procedures as for requesting access.

**Record source categories:** Information in this System comes primarily from the employee with additional data provided by the employee's personnel office.

#### USDA/FCS—1

**System name:** Director's Study, USDA/FCS

**System location:** Farmer Cooperative Service

Assistant Administrator  
USDA, 500 12th St., Washington, D.C. 20250

**Categories of individuals covered by the system:** Individuals who have voluntarily responded to a mail survey of cooperative directors are included in this system of records.

**Categories of records in the system:** This system consists of a file of questionnaires completed by individuals covering personal

characteristics and their attitudes and opinions toward directorship responsibilities.

**Authority for maintenance of the system:** 7 U.S.C. 451-457 1621-1627.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in files at the applicable address listed above.

**Retrievability:** Records are indexed by name of individual and cooperative membership.

**Safeguards:** Records are kept in a locked cabinet in official Government office building.

**Retention and disposal:** Records are summarized, analyzed and disposed of within one year.

**System manager(s) and address:** Assistant Administrator, FCS

USDA, Washington, D.C. 20250

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager. A request for information pertaining to an individual should contain: Name, address, and Cooperative Represented.

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the System Manager.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, the reasons for contesting it, and the proposed amendment to the information.

**Record source categories:** Information in this system was voluntarily supplied by directors of a nation-wide sample of farmer cooperatives.

#### USDA/FmHA—1

**System name:** Applicant/Borrower or Grantee File, USDA/FmHA

**System location:** Each applicant's/borrower's or grantee's file is located in the County Office through which the financial assistance is sought or was obtained, and the Finance Office in St. Louis, Missouri. A State Office version of the County Office file may be located in or be accessible by the State Office responsible for that County Office. Correspondence about borrowers is located in the National and State Office files.

A list of State Offices and any additional States for which an office is responsible follows:

Montgomery, AL  
Phoenix, AZ  
Little Rock, AR  
Woodland, CA—HI  
Denver, CO  
Newark, DE—MD, NJ  
Gainesville, FL  
Athens, GA  
Boise, ID  
Champaign, IL  
Indianapolis, IN  
Des Moines, IA  
Topeka, KS  
Lexington, KY  
Alexandria, LA  
Orono, ME  
East Lansing, MI  
St. Paul, MN  
Jackson, MS  
Columbia, MO  
Bozeman, MT  
Lincoln, NE  
Albuquerque, NM  
Syracuse, NY—VI  
Raleigh, NC  
Bismarck, ND  
Columbus, OH  
Stillwater, OK

Portland, OR—AK  
Harrisburg, PA  
San Juan, PR  
Columbia, SC  
Huron, SD  
Nashville, TN  
Temple, TX  
Salt Lake City, UT—NV  
Montpelier, VT—CT, MA, NH, RI  
Richmond, VA  
Wenatchee, WA  
Morgantown, WV  
Stevens Point, WI  
Casper, WY

The addresses of State and County Offices are listed in the telephone directory of the appropriate city or town under the heading "United States Government, Department of Agriculture, Farmers Home Administration." The Finance Office is located at 1520 Market Street, St. Louis, Missouri 63103.

**Categories of individuals covered by the system:** Present and former FmHA borrowers/grantees and applicants including members of associations.

**Categories of records in the system:** The system consists of files containing applicant's/borrower's or grantee's characteristics such as gross and net income, sources of income, capital, assets and liabilities, net worth, age, observed race, number of dependents, marital status, credit report, reference material, and operating plans. In addition, a running record of observations concerning the operations of the person being financed is included at the County Office level. A record of deposits in and withdrawals from a person's supervised bank account is also contained in those files where appropriate or, in some County Offices, maintained in a separate folder containing only information relating to activity within supervised bank accounts. Some items of information are extracted from the person's file and placed in a card file for quick reference.

**Authority for maintenance of the system:** 7 U.S.C. 1921 et. seq., 42 U.S.C. 1471 et. seq., 42 U.S.C. 2706.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto.

Information contained in borrowers' files may also provide the basis for USDA news releases citing borrowers' progress.

Referral to employers, businesses, landlords, creditors and others to determine repayment ability and eligibility for FmHA programs.

Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the State, County, and National Office. A limited subset of personal, financial, and characteristics data required for effective management of the programs and borrower repayment status is maintained on disc or magnetic tape at the Finance Office, accessible by each appropriate office.

**Retrievability:** Records are indexed by name, identification number and type of loan or grant. Data may be retrieved from paper records. A limited subset of data is available through telecommunications capability ranging from telephones to intelligent terminals. The telecommunications capability is available to all FmHA offices.

**Safeguards:** Records are kept in locked offices at the State, County, and National Office. A limited subset of data is also maintained in a properly managed tape and disc library and an online retrieval system at the Finance Office. Access is restricted to authorized FmHA personnel. A system of operator and terminal passwords and code numbers is used to restrict access to the online system. These codewords and numbers are changed as necessary.

**Retention and disposal:** Records are maintained subject to the Federal Records Disposal Act of 1943 (44 U.S.C. 366-380) and in

accordance with FmHA's disposal schedules. Disposal of records at the State, County, and National Office is accomplished through deposit in office waste containers. Records at the Finance Office are disposed of by overprinting.

Applications which are rejected, withdrawn, or otherwise terminated are kept in the County Office one full fiscal year after the fiscal year in which final action was taken on the application.

The records of borrowers who have paid or otherwise satisfied their obligation are retained in the County Office one full fiscal year. In those instances where real estate has been acquired by the FmHA through foreclosure, conveyance of title, etc., and subsequently sold to a borrower not eligible for FmHA programs, the State Office folder for this borrower will be transferred to the National Office after the account has been paid in full. The folder will be retained at the Federal Records Center for 10 years. Correspondence records at the National Office which concern borrowers and applicants are retained for 3 fiscal years after the last year in which there was correspondence.

**System manager(s) and address:** The County Supervisor at the County Office level, the State Director at the State Office level, the Director of the Finance Office for Finance Office records, and the Administrator, FmHA, for the National Office file.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the appropriate System Manager. If the specific location of the record is not known, the individual should address his request to the Administrator, (Attention: Freedom of Information Officer), USDA/FmHA, Washington, D.C. 20250, telephone (202) 447-2211. A request for information pertaining to an individual should contain: Name, address, FmHA office where loan/grant was applied for/approved and particulars involved (i.e., date of request/approval, which FmHA program, etc.).

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to one of the System Managers referred to in the preceding paragraph.

**Contesting record procedures:** Same as access.

**Record source categories:** Information in this system comes primarily from the applicant/borrower/grantee.

#### USDA/FmHA—2

**System name:** Biographical Sketch File, USDA/FmHA

**System location:** USDA/FmHA

14th & Independence Avenue, S.W.  
Washington, D.C. 20250

**Categories of individuals covered by the system:** All employees and former employees of FmHA at or above the Division Director level and all current and former State Directors.

**Categories of records in the system:** The system consists of files containing information concerning employee's educational and employment history, awards, marital status, number of children, present employment, place of birth and current residence. The employee knows the file is maintained and has approved the biography.

**Authority for maintenance of the system:** 7 U.S.C. 1921 et. seq., 42 U.S.C. 1471 et. seq., and 5 U.S.C. 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** This information is furnished to the news media, Congressional committees, organizations to which the employee will be speaking and other interested parties. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the National Office.

**Retrievability:** Records are indexed by name.

**Safeguards:** Records are kept in a building with full-time security.

**Retention and disposal:** Indefinite.

**System manager(s) and address:** Administrator, USDA/FmHA

14th & Independence Avenue, S.W.  
Washington, D.C. 20250

**Notification procedure:** Any individual may request information concerning this system of records, or information as to whether the



system contains records pertaining to him from the System Manager. A request for information pertaining to an individual should contain: Name, address, position(s) held in FmHA and dates of employment.

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him by submitting a written request to the System Manager.

**Contesting record procedures:** Same as access.

**Record source categories:** Information in this system is provided by the employee, or is taken from his record with his concurrence.

#### USDA/FmHA—3

**System name:** Credit Report File, USDA/FmHA

**System location:** Each borrower's/grantee's or applicant's credit report file is located in the County Office through which application for credit was made, the State Office responsible for that county, and the National Office. The addresses of FmHA County Offices are listed in the telephone directories of appropriate municipalities under the heading "United States Government, Department of Agriculture, Farmers Home Administration." A listing of State Offices and any additional States for which an office is responsible is included under the system titled "USDA/FmHA Applicant, Borrower or Grantee File."

The National Office is located at 14th & Independence Avenue, S.W., Washington, D.C. 20250.

**Categories of individuals covered by the system:** All FmHA borrowers, grantees and recent applicants are included in this system.

**Categories of records in the system:** This system consists of credit reports and personal references from credit agencies, lenders, and individuals.

**Authority for maintenance of the system:** 7 U.S.C. 1921 et. seq., 42 U.S.C. 1471 et. seq., and 5 U.S.C. 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. "Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in the borrower's/grantee's, or applicant's file folders at all levels.

**Retrievability:** Records are indexed by name and borrower's number.

**Safeguards:** Records are kept in locked offices and access is limited to authorized FmHA personnel.

**Retention and disposal:** Records are maintained subject to the Federal Records Disposal Act of 1943 (44 U.S.C. 366-380) and in accordance with FmHA's disposal schedules. Credit reports and references relating to applications which are rejected, withdrawn or otherwise terminated are retained one full fiscal year after the fiscal year in which the action was taken.

Credit reports concerning borrowers who have paid or otherwise satisfied their obligations are retained as above.

**System manager(s) and address:** The County Supervisor at the County Office level, the State Director at the State Office level, and the Administrator, FmHA, for the National Office file.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the appropriate System Manager. If the specific location of the record is not known, the individual should address his request to the Administrator, (Attention Freedom of Information Officer), USDA/FmHA, Washington, D.C., telephone (202) 447-2211, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, State and county where loan was applied for/approved and particulars involved (i.e., date of request/approval, type of loan, etc.).

**Record access procedures:** Any individual may obtain information

as to the procedures for gaining access to and contesting a record in the system which pertains to him by submitting a written request to one of the System Managers referred to in the preceding paragraph.

**Contesting record procedures:** Same as access.

**Record source categories:** Information in this system comes primarily from credit agencies and creditors.

**Systems exempted from certain provisions of the act:** Information contained in this system which is based on frank statements obtained from sources under express or implied promise that the identity of the source will be held in confidence and is exempt from the provisions of 5 U.S.C. a (d) (1) on the basis of 5 U.S.C. 552 a (k) (5).

#### USDA/FmHA—4

**System name:** Designated Attorney and Escrow Agent File, USDA/FmHA

**System location:** Each designated attorney or escrow agent file is located in the County Office and State Office in the State in which he is designated. In addition, all designated attorneys and escrow agents are listed at the National Office.

A list of State Offices and any additional States for which an office is responsible is included under the system titled "USDA/FmHA Applicant, Borrower, or Grantee File." The addresses of State and County Offices are listed in the telephone directory of the appropriate city or town under the heading "United States Government, Department of Agriculture, Farmers Home Administration."

**Categories of individuals covered by the system:** All FmHA designated attorneys and escrow agents including those whose designations have expired within the last year.

**Categories of records in the system:** The system consists of a list of names of designated attorneys and escrow agents, and may include comments as to whether their performance has been satisfactory.

**Authority for maintenance of the system:** 7 U.S.C. 1921 et. seq., 42 U.S.C. 1471 et. seq., and 5 U.S.C. 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. Information is also provided to FmHA borrowers prior to loan closing and to other interested parties upon request. "Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the appropriate location.

**Retrievability:** Records are indexed by name.

**Safeguards:** Records are kept in locked offices at all levels. Access at all levels is restricted to authorized FmHA personnel.

**Retention and disposal:** Records are maintained subject to the Federal Records Disposal Act of 1943 (44 U.S.C. 366-380) and in accordance with FmHA's disposal schedules. Records are destroyed one year after termination of the designation.

**System manager(s) and address:** The County Supervisor at the County Office level, the State Director at the State Office level, and the Administrator, FmHA, for the National Office file at the following address: USDA/FmHA, 14th & Independence Avenue, S.W., Washington, D.C. 20250.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the appropriate System Manager. If the specific location of the record is not known, the individual should address his request to the Administrator, USDA/FmHA, 14th & Independence Avenue, S.W., Washington, D.C. 20250, telephone (202) 447-2211, (Attention Freedom of Information Officer). A request for information pertaining to an in-

dividual should contain: Name, address, State and county in which the individual was a designated attorney or escrow agent.

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to one of the System Managers referred to in the preceding paragraph.

**Contesting record procedures:** Same as access.

**Record source categories:** Information comes primarily from the subject of the file.

#### USDA/FmHA—5

**System name:** Graduation File, USDA/FmHA

**System location:** Each borrower's graduation file is located in the County Office through which the borrower obtained his loan, and in some cases, at the State Office responsible for that County Office.

A list of State Offices and any additional States for which an office is responsible is included under the system titled "USDA/FmHA Applicant, Borrower or Grantee File." The addresses of State and County Offices are listed in the telephone directory of the appropriate city or town under the heading "United States Government, Department of Agriculture, Farmers Home Administration."

**Categories of individuals covered by the system:** All FmHA borrowers whose loans are eligible for review to determine whether the borrower should obtain credit from other sources. All borrowers who have been in debt for at least two years on an emergency loan, three years on an operating loan, or five years on a real estate loan are considered eligible for review.

**Categories of records in the system:** The system consists of files containing names of borrowers eligible for review, type of loan, whether graduation is advisable, and any communications with the borrower concerning whether the loan has been paid off or if the borrower is unable to refinance, as well as comments of the County Committee and the County Supervisor.

**Authority for maintenance of the system:** 7 U.S.C. 1921 et. seq., 42 U.S.C. 1471 et. seq., and 5 U.S.C. 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. "Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders.

**Retrievability:** Records are indexed by name.

**Safeguards:** Records are kept in locked offices at all levels, and access is restricted to authorized FmHA personnel.

**Retention and disposal:** Records are retained for three years after the list of borrowers eligible for review was received by the County Supervisor.

**System manager(s) and address:** The County Supervisor and the State Director at the appropriate levels.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the appropriate System Manager. If the specific location of the record is not known, the individual should address his request to the Administrator, (Attention Freedom of Information Officer), USDA/FmHA, 14th & Independence Avenue, S.W., Washington, D.C. 20250, telephone (202) 447-2211. A request for information pertaining to an individual should contain: Name, address, State and county where loan was applied for or approved and particulars involved (i.e., date of request/approval, type of loan, etc.).

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to one of the System Managers referred to in the preceding paragraph.

**Contesting record procedures:** Same as access.

**Record source categories:** Information in this system comes primarily from the borrower.

#### USDA/FmHA—6

**System name:** Housing Contractor Complaint File, USDA/FmHA

**System location:** Complaints concerning housing contractors may be filed in the County and State Offices in any State or county in which the contractor had conducted business.

A list of State Offices and any additional State for which an office is responsible is included under the system titled "USDA/FmHA Applicant, Borrower or Grantee File." The addresses of State and County Offices are listed in the telephone directory of the appropriate city or town under the heading "United States Government, Department of Agriculture, Farmers Home Administration."

**Categories of individuals covered by the system:** All housing contractors who have performed work for FmHA borrowers and about whom the borrower has seen fit to file a complaint.

**Categories of records in the system:** The system consists of files containing borrowers' complaints concerning contractors.

**Authority for maintenance of the system:** 7 U.S.C. 1921 et. seq., 42 U.S.C. 1471 et. seq., and 5 U.S.C. 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. In addition, prospective FmHA borrowers and other interested parties may obtain information. Further, information contained in this file may be obtained for use in civil or administrative proceedings. "Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders.

**Retrievability:** Records are indexed by the contractor or name of the construction company.

**Safeguards:** Records are kept in locked offices at all levels. Access at all levels is restricted to authorized FmHA personnel.

**Retention and disposal:** Records are maintained subject to the Federal Records Disposal Act of 1943 (44 U.S.C. 366-380) and in accordance with FmHA's disposal schedules. Records are retained for three fiscal years after the fiscal year of the complaint.

**System manager(s) and address:** The County Supervisor at the County Office level, and the State Director at the State Office level.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the appropriate System Manager. If the specific location of the record is not known, the individual should address his request to the Administrator, (Attention Freedom of Information Officer), USDA/FmHA, 14th & Independence Avenue, S.W., Washington, D.C. 20250, telephone (202) 447-2211. A request for information pertaining to an individual should contain: Name, address, and location where work was performed for FmHA borrowers.

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to one of the System Managers referred to in the preceding paragraph.

**Contesting record procedures:** Same as access.

**Record source categories:** Information in this system comes primarily from the complainants.

#### USDA/FmHA—7

**System name:** Reserved Mineral Interests, USDA/FmHA

**System location:** This system is maintained at the National Office at the following address: USDA/FmHA, 14th & Independence Avenue, S.W., Washington, D.C. 20250.

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**Categories of individuals covered by the system:** All FmHA borrowers who purchased land with a FmHA loan prior to 1951 where FmHA retained mineral interests.

**Categories of records in the system:** The system consists of files containing borrower's name, county where property is located, fair market value of mineral interest at the time such interests were offered for sale, date of acceptance or rejection of governmental offer for sale of mineral interest, percentage of mineral interest owned by Federal Government, the date on which the borrower made a deposit for the purchase of the mineral interest, and the date on which such a deposit was refunded. Additionally, the file contains remarks generally pertaining to additional names which have been added to the title.

**Authority for maintenance of the system:** 7 U.S.C. 1921 et. seq., 42 U.S.C. 1471 et. seq., and 5 U.S.C. 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. The information is also available to interested parties. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders.

**Retrievability:** Records are indexed by name.

**Safeguards:** Records are kept in locked offices. Access at all levels is restricted to authorized FmHA personnel.

**Retention and disposal:** Records are maintained subject to the Federal Records Disposal Act of 1943 (44 U.S.C. 366-380) and in accordance with FmHA's disposal schedules. Records will be retained permanently.

**System manager(s) and address:** The Administrator, Farmers Home Administration, USDA, 14th and Independence Avenue, S.W., Washington, D.C. 20250.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager. A request for information pertaining to an individual should contain: Name, address, State and county loan was applied for/approved and particulars involved (i.e., date of request/approval, type of loan, etc.).

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to one of the System Managers referred to in the preceding paragraph.

**Contesting record procedures:** Same as access.

**Record source categories:** Information in this system comes primarily from the borrower.

#### USDA/FmHA—8

**System name:** Tort Claims File, USDA/FmHA

**System location:** Each claimant's file is located in the office of the employee against whom the action was filed, the applicable State Office, and the National Office. A list of State Offices and any additional States for which an office is responsible is included under the system titled "USDA/FmHA Applicant, Borrower or Grantee File." The addresses of State and County Offices are listed in the telephone directory of the appropriate city or town under the heading "United States Government, Department of Agriculture, Farmers Home Administration." The National Office is located at the following address: USDA/FmHA, 14th & Independence Avenue, S.W., Washington, D.C. 20250.

**Categories of individuals covered by the system:** All claimants who have filed civil suits against employees of FmHA, or against the Federal Government including those filed under the Tort Claims Act as a result of circumstances involving the Farmers Home Administration.

**Categories of records in the system:** The system consists of files

containing information as to the circumstances of the loss for which the claimant is seeking relief, opinions of the Office of General Counsel, USDA, and disposition of the case.

**Authority for maintenance of the system:** 7 U.S.C. 1921 et. seq., 42 U.S.C. 1471 et. seq., and 5 U.S.C. 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders.

**Retrievability:** Records are indexed by claimant's name.

**Safeguards:** Records are kept in locked offices at all levels. Access at all levels is restricted to authorized FmHA personnel.

**Retention and disposal:** Records are maintained subject to the Federal Records Disposal Act of 1943 (44 U.S.C. 366-380) and in accordance with FmHA's disposal schedules. Records are retained for five years after the last written report or document was placed in the file.

**System manager(s) and address:** The County Supervisor at the County Office level, the State Director at the State Office level, and the Administrator, FmHA, for the National Office file.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the appropriate System Manager. If the specific location of the record is not known, the individual should address his request to the Administrator (Attention Freedom of Information Officer), USDA/FmHA, 14th & Independence Avenue, S.W., Washington, D.C. 20250, telephone (202) 447-2211. A request for information pertaining to an individual should contain: Name, address, defendant in the action, and date of the initiation of the action.

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to one of the System Managers referred to in the preceding paragraph.

**Contesting record procedures:** Same as access.

**Record source categories:** Information in this file comes primarily from the claimant.

#### USDA/FmHA—9

**System name:** Training Files, USDA/FmHA

**System location:** Training files may be located at the FmHA Training Center, 1408 Asp Avenue, Norman, Oklahoma 73069, or the FmHA National Office, 14th & Independence Avenue, S.W., Washington, D.C. 20250.

**Categories of individuals covered by the system:** All persons who have received or applied for training at the FmHA Training Center and other locations if such training was to be at FmHA expense.

**Categories of records in the system:** Name of individual, date(s) of training, and course(s) taken or applied for are included in this record.

**Authority for maintenance of the system:** 7 U.S.C. 1921 et. seq., 42 U.S.C. 1471 et. seq., and 5 U.S.C. 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in a card file at Norman, Oklahoma and in file folders at the National Office.

**Retrievability:** Records are indexed by the name of the individual receiving/applying for training.

**Safeguards:** Records are kept in a locked office.

**Retention and disposal:** Retention is indefinite.

**System manager(s) and address:** Resident Manager, FmHA Training Center; Administrator, FmHA, Washington, D.C. 20250.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the appropriate System Manager. Requests should include name and address.

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the System Manager.

**Contesting record procedures:** Same as access.

**Record source categories:** Information in this system comes from the applicant.

#### USDA/FmHA—10

**System name:** Travel Records, USDA/FmHA

**Security classification:** Each traveler's file is located in the County Office in which he is employed, the State Office responsible for that County Office, or in the National or Finance Office if the traveler is employed at either of those levels.

A list of State Offices and any additional States for which an office is responsible is included under the system titled "USDA/FmHA Applicant, Borrower or Grantee File." The addresses of State and County Offices are listed in the telephone directory of the appropriate city or town under the heading "United States Government, Department of Agriculture, Farmers Home Administration."

**Categories of individuals covered by the system:** All FmHA employees and former employees whose travel expenses have been paid for by the Farmers Home Administration.

**Categories of records in the system:** The system consists of files containing employees' itineraries and travel vouchers.

**Authority for maintenance of the system:** 7 U.S.C. 1921 et. seq., 42 U.S.C. 1471 et. seq., and 5 U.S.C. 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders.

**Retrievability:** Records are indexed by name.

**Safeguards:** Records are kept in locked offices at all levels. Access at all levels is restricted to authorized FmHA personnel.

**Retention and disposal:** Records are maintained subject to the Federal Records Disposal Act of 1943 (44 U.S.C. 366-380) and in accordance with FmHA's disposal schedules. Records are disposed of two years after the fiscal year in which the travel occurred.

**System manager(s) and address:** The County Supervisor at the County Office level, the State Director at the State Office level, the Director of the Finance Office for Finance Office records, and the Administrator, FmHA, for the National Office file.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the appropriate System Manager. If the specific location of the record is not known, the individual should address his request to the Administrator (Attention Freedom of Information Officer), USDA/FmHA, 14th & Independence Avenue, S.W., Washington, D.C. 20250, telephone (202) 447-2211. A request for information pertaining to an

individual should contain: Name, address, and dates and places of employment.

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to one of the System Managers referred to in the preceding paragraph.

**Contesting record procedures:** Same as access.

**Record source categories:** Information in this system comes primarily from the employee.

#### USDA/FCIC—1

**System name:** Accounts Receivable, USDA/FCIC

**System location:** National Service Office, Federal Crop Insurance Corporation, 8930 Ward Parkway, Kansas City, Missouri 64114. A copy is also maintained in the applicable Regional Office for the state, and the office for the county of the Federal Crop Insurance Corporation, as well as the ASCS County Offices of the United States Department of Agriculture. Addresses of these field offices may be obtained from the Director, National Service Office, Kansas City, Missouri 64114.

**Categories of individuals covered by the system:** Individuals who are indebted to the Federal Crop Insurance Corporation.

**Categories of records in the system:** System consists of a master list of indebtedness by county and individual.

**Authority for maintenance of the system:** 7 U.S.C. 1501-1520; 7 CFR 2.67.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto.

(2) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained on computer printouts, magnetic tape, microfiche, and also in a card index in county ASCS offices.

**Retrievability:** Records are indexed by state, county, and name of individual.

**Safeguards:** Records are accessible only to authorized personnel and are maintained in offices which are locked during nonduty hours.

**Retention and disposal:** Records are maintained until the indebtedness is paid. Paper records for disposal are delivered to custodial services for disposal as waste paper. Magnetic tape records are erased.

**System manager(s) and address:** Manager, Federal Crop Insurance Corporation, USDA, Washington, D.C. 20250.

**Notification procedure:** An individual may request information regarding this system of records or information as to whether the system contains records pertaining to himself from the office for the county. Addresses of locations where records are maintained may be obtained from the Director, National Service Office, Federal Crop Insurance Corporation, 8930 Ward Parkway, Kansas City, Missouri 64114. The request for information should contain: (1) Individual's name and address, (2) state(s) and county(ies) where he farms, and (3) the individual policy number, if known.

**Record access procedures:** An individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the Director, National Service Office, at the address in the preceding paragraph.

**Contesting record procedures:** Same as access procedure.

**Record source categories:** Information in this system comes from the individual debtor.



## USDA/FCIC—2

System name: Inspector's Report (FCIC-26), USDA/FCIC

## System location:

Regional Underwriting Offices and Regional Offices<sup>2</sup> located below:

Southwest Region: Federal Building, 200 NW Fifth Street, Oklahoma City, Oklahoma 73102.

Northwest Region: 2602 First Avenue North, Room 217, Billings, Montana 59101.

Southeast Region: Room 239, 401 North Patterson Street, U.S. Post Office and Federal Building, Valdosta, Georgia 31601.

North Central Region: Federal Building and U.S. Courthouse, 600 East Monroe Street, Room 106, Springfield, Illinois 62701.

## Regional Offices:

Fresno, California  
Indianapolis, Indiana  
Des Moines, Iowa  
Manhattan, Kansas  
St. Paul, Minnesota  
Jackson, Mississippi  
Billings, Montana  
Lincoln, Nebraska  
Raleigh, North Carolina  
Bismarck, North Dakota  
Columbia, South Carolina  
Nashville, Tennessee  
College Station, Texas  
Spokane, Washington

Addresses of each Regional Office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Federal Crop Insurance Corporation."

**Categories of individuals covered by the system:** Policyholders whose land productivity and/or farming practices are found to warrant a change in their actuarial classification or individuals who have filed applications for insurance with the total anticipated liability which substantially exceeds the average for the area.

**Authority for maintenance of the system:** 7 U.S.C. 1501-1520; 7 CFR 2.67.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto.

(2) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery.

(3) Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders.

**Retrievability:** Records are indexed by State, county, and policy number.

**Safeguards:** Records are accessible only to authorized personnel and are maintained in offices which are locked during nonduty hours.

**Retention and disposal:** Records are normally retained for two years following the crop year in which the reports were prepared. Records for disposal are delivered to custodial services for disposal as waste paper.

**System manager(s) and address:** Manager, Federal Crop Insurance Corporation, USDA, Washington, D.C. 20250.

**Notification procedure:** An individual may request information regarding this system of records, or information as to whether the system contains records pertaining to himself from the Director, Actuarial Division, Federal Crop Insurance Corporation, USDA, 8930 Ward Parkway, Kansas City, Missouri 64114, or the Regional Underwriting Supervisor at the appropriate address previously furnished. A request for information pertaining to an individual

should contain (1) individual's name and address, (2) state(s) and county(ies) where farm(s) is located, and (3) the individual's policy number(s), if known.

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Same as access procedure.

**Record source categories:** Information in this system comes sometimes from the applicant for insurance, the FCIC employee inspecting the farming operation, and in some cases, acreage and yield data obtained from the Agricultural Stabilization and Conservation Service.

## USDA/FCIC—3

System name: Crop Insurance Actuarial Listing, USDA/FCIC

**System location:** Regional Underwriting Offices, Valdosta, Georgia; Springfield, Illinois; Oklahoma City, Oklahoma; Billings, Montana; Regional Offices located in

Fresno, California  
Indianapolis, Indiana  
Des Moines, Iowa  
Manhattan, Kansas  
St. Paul, Minnesota  
Jackson, Mississippi  
Billings, Montana  
Lincoln, Nebraska  
Raleigh, North Carolina  
Bismarck, North Dakota  
Columbia, South Carolina  
Nashville, Tennessee  
College Station, Texas  
Spokane, Washington

Also individual offices for the county of the Federal Crop Insurance Corporation.

Addresses of each field office may be obtained from the telephone directories under United States Government, Department of Agriculture, Federal Crop Insurance Corporation.

**Categories of individuals covered by the system:** Individuals who produce specific crop(s) in the county.

**Categories of records in the system:** The system contains the name and address of the owner or operator of a farm, ASCS farm serial number, allotment or planted acres of the crop, and the actuarial classification for the crop(s).

**Authority for maintenance of the system:** 7 U.S.C. 1501-1520; 7 CFR 2.67.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto.

(2) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery.

(3) Information in the system of records is on file and available to the public for inspection in the office for the county.

"(4) Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders.

**Retrievability:** Records are indexed by state, county, crop, and name of operator/owner or ASCS farm serial number.

**Safeguards:** Records are available for public inspection in offices for the county. These offices are locked during nonduty hours.

**Retention and disposal:** Indefinite.

**System manager(s) and address:** Manager, Federal Crop Insurance Corporation, USDA, Washington, D.C. 20250.

**Notification procedure:** An individual may request information re-

**Record source categories:** Information in this system comes from prospective insureds and representatives of the Federal Crop Insurance Corporation.

## USDA/FCIC—5

System name: Rejected Applications, USDA/FCIC

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**System location:** Regional Offices located in: Fresno, California; Indianapolis, Indiana; Des Moines, Iowa; Manhattan, Kansas; St. Paul, Minnesota; Jackson, Mississippi; Billings, Montana; Lincoln, Nebraska; Raleigh, North Carolina; Bismarck, North Dakota; Columbia, South Carolina; Nashville, Tennessee; College Station, Texas; and Spokane, Washington. Also individual offices for the county of the Federal Crop Insurance Corporation. The address of each field office may be obtained from the local telephone directory under the "United States Government, Department of Agriculture, Federal Crop Insurance Corporation."

**Categories of individuals covered by the system:** Producers whose applications for insurance have been rejected.

**Categories of records in the system:** System consists of the rejected application, related materials and correspondence received between the applicant and Federal Crop Insurance Corporation offices.

**Authority for maintenance of the system:** 7 U.S.C. 1501-1520; 7 CFR 2.67.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto.

(2) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery.

(3) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders in the county and regional offices involved.

**Retrievability:** Records are indexed by individual names and crop years.

**Safeguards:** Records are accessible only to authorized personnel and are maintained in offices which are locked during non-duty hours.

**Retention and disposal:** Records are normally retained for 3 years following the crop year in which the file was prepared. Records for disposal are delivered to custodial services for disposal as waste paper.

**System manager(s) and address:** Manager, Federal Crop Insurance Corporation, USDA, Washington, D.C. 20250.

**Notification procedure:** An individual may request information regarding this system of records, or information as to whether the system contains records pertaining to himself from the office for the county. The addresses of the individual office for the county may be obtained from the Director, National Service Office, Federal Crop Insurance Corporation, 8930 Ward Parkway, Kansas City, Missouri 64114. A request for information pertaining to an individual should contain (1) individual's name and address, (2) state(s), and county(ies) where farm(s) is located and (3) crop year in which application for insurance was rejected.

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in this system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Same as access procedure.

**Record source categories:** Information in this system comes from prospective insureds and employees of the Federal Crop Insurance Corporation.

## USDA/FCIC—6

System name: Insurance Contract Analysis, USDA/FCIC

**System location:** National Service Office, Federal Crop Insurance Corporation, 8930 Ward Parkway, Kansas City, Missouri; Regional Underwriting Offices in Valdosta, Georgia, Springfield, Illinois,

garding this system of records or information as to whether the system contains records pertaining to himself from the office for the county. The addresses of the individual office for the county may be obtained from the Director, National Service Office, Federal Crop Insurance Corporation, 8930 Ward Parkway, Kansas City, Missouri 64114. A request for information pertaining to an individual should contain (1) Individual's name and address, (2) state(s) and county(ies) where farm(s) is located, (3) whether owner or operator, and (4) ASCS farm serial number.

**Record access procedures:** An individual may obtain information as to procedures for gaining access to a record in this system which pertains to him by submitting a written request to the Director, Actuarial Division, Federal Crop Insurance Corporation, 8930 Ward Parkway, Kansas City, Missouri 64114.

**Contesting record procedures:** Same as access procedure.

**Record source categories:** Information in this system comes from county ASCS offices, data obtained from producers and from Corporation records of producers' insurance experience.

## USDA/FCIC—4

System name: Contact Report File—USDA/FCIC

**System location:** Federal Crop Insurance Corporation County offices throughout the United States. To obtain addresses of field offices contact: Manager, Federal Crop Insurance Corporation, U. S. Department of Agriculture, Washington, D.C. 20250.

**Categories of individuals covered by the system:** Prospective policyholders.

**Categories of records in the system:** This system of records is comprised solely of the Contact Report (Form FCI-18) prepared by FCIC representatives during the sales presentation.

**Authority for maintenance of the system:** 7 U.S.C. 1501-1520; 7 CFR 2.67.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. (2) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. (3) Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in the office for the county in separate files or in the contract files.

**Retrievability:** Records are indexed by state, county, and individuals' names.

**Safeguards:** Records are accessible only to authorized personnel and are maintained in offices which are locked during nonduty hours.

**Retention and disposal:** These forms are retained for 3 years. Records for disposal are delivered to custodial services for disposal as waste paper.

**System manager(s) and address:** Manager, Federal Crop Insurance Corporation, USDA, Washington, D.C. 20250.

**Notification procedure:** An individual may request information regarding this system of records, or information as to whether the system contains records pertaining to himself from the Chief Marketing Staff, FCIC, USDA, 8930 Ward Parkway, Kansas City, Missouri 64114 or the office representative at the appropriate office for the county. Addresses of locations where records are maintained may be obtained from the above office. A request for information pertaining to an individual should contain: (1) An individual's name and address, and (2) state(s) and county(ies) where farm(s) is located.

**Record access procedures:** An individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Same as access procedure.

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Oklahoma City, Oklahoma; Billings, Montana; Regional offices at 14 different locations, and individual offices for the county of the Federal Crop Insurance Corporation. Addresses of each field office may be obtained from the Director, National Service Office, Federal Crop Insurance Corporation, USDA, Kansas City, Missouri 64114.

**Categories of individuals covered by the system:** Individuals who have, or have had in the past, insurance with the Federal Crop Insurance Corporation.

**Categories of records in the system:** The system contains the name, crops insured by crop years, the amount of premium paid by the insured, the amount of indemnity paid to the insured, the cause of loss, loss ratio of each crop insured under the policy, the number of years no loss, the wheat bushel balance for premium discount purposes, the total number of years a premium was earned, and the number of years an indemnity was paid.

**Authority for maintenance of the system:** 7 U.S.C. 1501-1520; 7 CFR 2.67.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto.

(2) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery.

(3) Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in bound books and on magnetic tape.

**Retrievability:** Records are indexed by state, county, and policy number.

**Safeguards:** Records are accessible only to authorized personnel and are maintained in offices which are locked during nonduty hours.

**Retention and disposal:** Records are maintained for 3 years after a policy is cancelled, except indefinite retention applies where the loss ratio for an individual crop was 1.20 or greater. Paper records for disposal are delivered to custodial services for disposal as waste paper. Magnetic tape records are erased.

**System manager(s) and address:** Manager, Federal Crop Insurance Corporation, USDA, Washington, D.C. 20250.

**Notification procedure:** An individual may request information regarding this system of records or information as to whether the system contains records pertaining to himself from the office for the county. Addresses of locations where records are maintained may be obtained from the Director, National Service Office, Federal Crop Insurance Corporation, Kansas City, Missouri 64114. A request for information should contain: (1) Individual's name, (2) state(s) and county(ies) where farm(s) is located, and (3) the individual policy number(s), if known.

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Same as access procedure.

**Record source categories:** Information in this system is a summary of data obtained from insured producers.

#### USDA/FCIC-7

**System name:** Insurance Contract Files, USDA/FCIC

**System location:** National Service Office, Federal Crop Insurance Corporation, 8930 Ward Parkway, Kansas City, Missouri 64114, and/or various offices for the county throughout the United States. To obtain addresses of the field offices, contact: Manager, Federal Crop Insurance Corporation, U. S. Department of Agriculture, Washington, D.C. 20250.

**Categories of individuals covered by the system:** Individual farmers who participate in the Federal Crop Insurance program are included in this system of records.

**Categories of records in the system:** This system consists of a complete file containing all basic insurance documents; i.e., the application for insurance, the annual acreage report, inspection reports, claim forms, miscellaneous correspondence, etc. Selected data obtained from the basic insurance documents is also maintained on magnetic tape.

**Authority for maintenance of the system:** 7 U.S.C. 1501-1520; 7 CFR 2.67.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto.

(2) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery.

(3) Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in individual file folders and on magnetic tape.

**Retrievability:** Records are indexed by state, county, and policy number.

**Safeguards:** Records are accessible only to authorized personnel and are maintained in offices which are locked during nonduty hours.

**Retention and disposal:** Records are maintained for 3 years following cancellation of the policy, except where there is an outstanding debt the file is retained 5 years following the year of the debt. Paper records for disposal are delivered to custodial services for disposal as waste paper. Magnetic tape records are erased.

**System manager(s) and address:** Manager, Federal Crop Insurance Corporation, USDA, Washington, D.C. 20250.

**Notification procedure:** An individual may request information regarding this system of records, or information as to whether the system contains records pertaining to himself from the Director, National Service Office, Federal Crop Insurance Corporation, USDA, 8930 Ward Parkway, Kansas City, Missouri 64114.

**Addresses of locations where records are maintained may be obtained from the above office or Manager, Federal Crop Insurance Corporation, USDA, Washington, D.C. 20250.**

**A request for information pertaining to an individual should contain:** (1) Individual's name and address, (2) state(s) and county(ies) where farm(s) is located, and (3) the individual policy number(s), if known.

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Same as access procedure.

**Record source categories:** Information in this system comes primarily from individual insureds, Federal Crop Insurance Corporation employees and investigative personnel.

#### USDA/FCIC-8

**System name:** List of Ineligible Producers, USDA/FCIC

**System location:** National Service Office, Federal Crop Insurance Corporation, 8930 Ward Parkway, Kansas City, Missouri 64114; Regional Underwriting Offices; Offices of Regional Directors; and each office for the county of the Federal Crop Insurance Corporation. Addresses of each field office may be obtained from the Director, National Service Office, Federal Crop Insurance Corporation, USDA, Kansas City, Missouri 64114.

**Categories of individuals covered by the system:** Individuals who have been determined as not eligible for Federal Crop Insurance on

specific crop(s) due to excessive losses, questionable farming practices, or who have had contracts voided due to suspected or apparent fraud.

**Categories of records in the system:** Record contains only lists of names of producers and prior policy numbers, if any, for a specific state and county.

**Authority for maintenance of the system:** 7 U.S.C. 1501-1520; 7 CFR 2.67.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto.

(2) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery.

(3) Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders by county, and on magnetic tape.

**Retrievability:** Records are indexed by state, county, and name of individual.

**Safeguards:** Records are accessible only to authorized personnel and are maintained in offices which are locked during nonduty hours.

**Retention and disposal:** Records are maintained indefinitely.

**System manager(s) and address:** Manager, Federal Crop Insurance Corporation, USDA, Washington, D.C. 20250.

**Notification procedure:** An individual may request information regarding this system of records, or information as to whether the system contains records pertaining to himself from the Director, National Service Office, Federal Crop Insurance Corporation, USDA, 8930 Ward Parkway, Kansas City, Missouri 64114.

**Addresses of locations where records are maintained may be obtained from the above office or Manager, Federal Crop Insurance Corporation, USDA, Washington, D.C. 20250.**

**A request for information pertaining to an individual should contain:** (1) Individual's name and address, (2) state(s) and county(ies) where farm(s) is located, and (3) the individual policy number(s), if known.

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Same as access procedure.

**Record source categories:** Information in this system comes from reports of inspections made by FCIC personnel of producers' operations and from records of previous insurance experience.

#### USDA/FCIC-9

**System name:** Listing of Indemnities Paid, USDA/FCIC

**System location:** National Service Office, Federal Crop Insurance Corporation, 8930 Ward Parkway, Kansas City, Missouri 64114. A copy is also sent to the applicable County Courthouse and ASCS County Office of the United States Department of Agriculture. Addresses of these offices may be obtained from the Director, National Service Office, Kansas City, Missouri.

**Categories of individuals covered by the system:** Persons who were paid an indemnity by the Federal Crop Insurance Corporation for the crop year.

**Categories of records in the system:** Record contains name of policyholder who was paid an indemnity, policy number, and total amount of indemnity(ies) paid for the crop year.

**Authority for maintenance of the system:** 7 U.S.C. 1501-1520; 7 CFR 2.67.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

Referral to county courthouses for posting on public bulletin boards. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained on bulletin boards.

**Retrievability:** Records are indexed by policy number and name of insured.

**Safeguards:** None.

**Retention and disposal:** County courthouse retention is at the discretion of county judge. Records in ASCS office are maintained for one year.

**System manager(s) and address:** Manager, Federal Crop Insurance Corporation, USDA, Washington, D.C. 20250.

**Notification procedure:** An individual may determine whether or not there is information pertaining to him on the list by inspecting the posted list in the county courthouse or county ASCS office.

**Record access procedures:** An individual may gain access to records pertaining to him as specified above.

**Contesting record procedures:** He may contest the record by contacting the Manager, Federal Crop Insurance Corporation, at the address above.

**Record source categories:** Information in this system comes from data supplied by insured producers.

#### USDA/FGIS-1

**System name:** Employment History Records for Licensed Non-federal Employees, USDA/FGIS.

**System location:** Federal Grain Inspection Service, USDA, 14th and Independence Avenue SW., Washington, D.C. 20250.

**Categories of individuals covered by the system:** Commodity Inspectors, Graders, Weighers, Samplers, Technicians.

**Categories of records in the system:** This system consists of such information as applications for license, license files, biographical data, periods of employment, performance ratings, commodities qualified to inspect, grader's powers of attorney, recommendations for reemployment, factors which affect or might affect desirability as an inspector, supervisory potential, declaration sheets, preference sheets, current, expired, and voided licenses, license examination and score sheets, license renewal score sheets, miscellaneous notes and memoranda, e.g., transfers, cancellations, corrective action letters, letters of caution or warning, inspection/grading performance/productivity data, letters of suspension, indictment, complaint, proposals to revoke license, etc. Content and extent of these records vary by commodity, program and season.

**Authority for maintenance of the system:** 7 U.S.C. 71 et seq. 1621, et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referral to: (1) States or other Federal agencies to determine verification of employment or length of service for retirement purposes; (2) The Civil Service Commission for required records and reports; (3) The Government Accounting Office for required records and reports; (4) The Department of Justice for required records and reports; (5) The appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (6) A court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders, notebooks, and cardex files.

**Retrievability:** Records are indexed by name of licensee and/or license number.

**Safeguards:** Government office buildings, locked and unlocked file cabinets and locked offices.

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**Retention and disposal:** Records maintained indefinitely or until separation or retirement or in accordance with prescribed retention schedule. They are destroyed in conformance with prescribed retention schedules. These records schedules have been implemented by Agricultural Marketing Service Instruction 270-1, Records Management Program.

**System manager(s) and address:** Each of the following division directors: Compliance Division and Weighing Division.

**Notification procedure:** Any individual may request information concerning himself from this system from the Office of the Division Director having custody of his records at the system location.

**Record access procedures:** Any individual may obtain information as to the procedure for gaining access to a record in the system that pertains to him by submitting a request to the appropriate Division Director listed above.

**Contesting record procedures:** Any individual may obtain information as to the procedure for contesting a record in the system that pertains to him by submitting a request to the appropriate Division Director listed above.

**Record source categories:** Information in this System comes primarily from licensees, supervisors, with additional data provided by references and investigative personnel.

#### USDA/FGIS—2

**System name:** Court cases brought by the Government pursuant to the Agricultural Marketing Act of 1946 as amended, or the United States Department of Agriculture, Washington, D.C. 20250.

**System location:** Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250.

**Categories of individuals covered by the system:** Individuals who are regulated by the subject Acts and who may be investigated for possible violations of the Acts and/or against whom the Department recommends that an enforcement action be brought by the Government.

**Categories of records in the system:** The system consists of investigatory material which may include intra and interdepartmental recommendations pertaining to an alleged violation of the subject Acts.

**Authority for Maintenance of the system:** 7 U.S.C. 71 et seq, 1621 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, or local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, law, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or particular program statute, or by rule, regulation or order issued pursuant thereto. (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations. (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate, or administrative tribunal. (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in the file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of the individual.

**Safeguards:** Government office buildings, locked offices or locked file cabinets.

**Retention and disposal:** Records are maintained in conformance with appropriate General Services Administration disposal schedules, as implemented by AMS Instruction 270-1, Records Management Program.

**System manager(s) and address:** Compliance Division Director at the address cited in the System location.

**Systems exempted from certain provisions of the act:** The system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirement of 5 U.S.C. 552a(c)(3), (d), (e)(4)(G), (H), and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their

activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

#### USDA/FGIS—3

**System name:** Subsidiary Personnel and Pay Records, USDA/FGIS.

**System location:** Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, and Region, and Field Offices at locations listed in the Federal Grain Inspection Service Field Office Listing publication.

**Categories of individuals covered by the system:** Present and former employees and applicants for reemployment with the Federal Grain Inspection Service.

**Categories of records in the system:** The system consists of copies of materials maintained in Official Personnel Folders, such as personnel action documents, applications for employment, education and training data, performance and appraisal ratings, as well as time and attendance reports, earnings statements, and service record cards.

**Authority for maintenance of the system:** 5 U.S.C. 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) By agency officials for purposes of review in connection with appointments, promotions, within-grade increases, training, transfers, and determination of qualification of an individual. (2) To provide information to a prospective employer of a Federal Government employee or former Federal Government employee or to an organization at the request of the individual. (3) Referral to the Civil Service Commission, Department of Labor, and Office of Management and Budget for required records and reports. (4) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. (5) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within this system which constitutes evidence in that proceeding, or which is sought in the course of discovery. (6) Presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. (7) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders and on file cards at the applicable addresses listed above.

**Retrievability:** Records are indexed by name of the individual.

**Safeguards:** Government office buildings, locked offices, or locked file cabinets.

**Retention and disposal:** Records are maintained in conformance with appropriate General Services Administration disposal schedules and implemented by AMS Instruction 270-1, Records Management Program.

**System manager(s) and address:** Director, Personnel Division, AMS, USDA, 14th and Independence Avenue, SW., Washington, D.C. 20250.

**Notification procedure:** Any individual may request information concerning himself from this system from the Personnel Division Director or from the individual's supervisor at the appropriate office having custody of his records. A request for information should be addressed to Director, Personnel Division or to the Officer-in-Charge, as appropriate, at the address shown under Location and should contain: Name, address, and particular information requested.

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the System which pertains to him by submitting a written request to the Director, Personnel Division or to the appropriate Officer-in-Charge referred to in the preceding paragraph.

**Contesting record procedures:** Any individual may obtain information as to the procedures for contesting a record in the System which pertains to him by submitting a written request to the Director, Personnel Division or to the appropriate Officer-in-Charge referred to in the preceding paragraph.

**Record source categories:** Information in this System comes from the individual to whom it applies or is derived from information the individual supplied except information provided by agency officials on performance, appraisal, pay, leave, and allowance records.

#### USDA/FNS—1

**System name:** Civil Rights Complaints and Investigations—USDA/FNS

**System location:** Civil Rights Staff, Food and Nutrition Service, United States Department of Agriculture, 500 12th St., SW., Room 750, Washington, D.C. 20250, and FNS Regional Offices located in: Atlanta, Georgia which covers the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee; Burlington, Massachusetts which covers the States of Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, and Vermont; Chicago, Illinois which covers the States of Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin; Dallas, Texas which covers the States of Arkansas, Louisiana, New Mexico, Oklahoma, and Texas; Denver, Colorado which covers the States of Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming; Robbinsville, New Jersey which covers the States of Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, Virginia, Virgin Islands, and West Virginia; and San Francisco, California which covers the States of Alaska, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, American Samoa, Trust Territories of the Pacific, and Washington.

The address of each Regional Office is listed in the telephone directory of the respective cities listed above under the heading "United States Government, Department of Agriculture, Food and Nutrition Service."

**Categories of individuals covered by the system:** Included in this system are (1) files of persons who have alleged discrimination of the type prohibited by Title VI of the Civil Rights Act of 1964 and subsequent regulations; (2) files, names and case numbers, and case file information regarding State or local agency compliance with Title VI (includes names and case numbers referencing individuals who have been contacted or whose case files have been reviewed to ascertain a State's compliance).

**Categories of records in the system:** The system consists of records on individual complaints alleging discrimination and includes: (1) Evidentiary information to disprove or substantiate the allegations; (2) Sources of information; (3) Statements from witnesses; and (4) Statistical data supplied by the State or local agency.

**Authority for maintenance of the system:** 42 U.S.C. 2000 d-1.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation, or order issued pursuant thereto; (2) Referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery; and (3) Staff evaluations of the availability of FNS food assistance programs without regard to race, color, national origin, religious belief, or political affiliation. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable addresses listed above.

**Retrievability:** Civil Rights complaints are indexed by State and complainant's name. Office of Investigation reports are indexed by complainant's name and investigation number.

**Safeguards:** Records are kept in either locked filing cabinets or in locked offices.

**Retention and disposal:** Closed cases are retained for one fiscal year following the end of the fiscal year in which they are closed. Thereafter, they are transferred to Federal Records Centers and maintained for three additional fiscal years before disposal.

**System manager(s) and address:** Director, Civil Rights Staff, Food and Nutrition Service, United States Department of Agriculture, Washington, D.C. 20250 (202-447-8410), or the appropriate Regional Administrator at the address listed above.

**Notification procedure:** An individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the appropriate manager as set forth in the preceding paragraph.

A request for information pertaining to an individual should contain the name and address of the individual, and whether the records were compiled as a result of a complaint or an FNS compliance review.

**Record access procedures:** An individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate system manager listed above. The envelope and the letter should be marked "Privacy Act Request."

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager listed above, the reasons for contesting it, and the proposed amendment to the information.

**Record source categories:** Information in this system comes primarily from complainants, witnesses, agency employees, and investigative personnel.

**Systems exempted from certain provisions of the act:** This material has been exempted in 7 C.F.R. 1.23 pursuant to 5 U.S.C. 552 a(k)(2) from the requirements of subsections (c)(3), (d), (G), and (H). The above system contains information received under an express or implied promise of confidentiality, or investigative techniques, processes, or procedures, the disclosure of which could be detrimental to legitimate agency functions.

#### USDA/FNS—2

**System name:** Food Stamp Program Inquiries and Complaints—USDA/FNS

**System location:** FNS Regional Offices located in: Atlanta, Georgia which covers the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee; Burlington, Massachusetts which covers the States of Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, and Vermont; Chicago, Illinois which covers the States of Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin; Dallas, Texas which covers the States of Arkansas, Louisiana, New Mexico, Oklahoma, and Texas; Denver, Colorado which covers the States of Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming; Robbinsville, New Jersey which covers the States of Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, Virginia, Virgin Islands, and West Virginia; and San Francisco, California which covers the States of Alaska, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, American Samoa, Trust Territories of the Pacific, and Washington.

The address of each Regional Office is listed in the telephone directory of the respective cities listed above under the heading "United States Government, Department of Agriculture, Food and Nutrition Service."

**Categories of individuals covered by the system:** Recipients and other persons dissatisfied with or seeking information about local Food Stamp Program policy and procedures.

**Categories of records in the system:** The system consists of copies of each complaint or inquiry and the resulting documentation gathered in responding to it.

**Authority for maintenance of the system:** 78 STAT. 703 as amended; 7 U.S.C. 2011-2025; and 7 CFR 270.271.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Serves as a record of action taken and as resource information to determine trends and patterns; (2) Referral to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation, or order issued pursuant thereto; and (3) Referral to court, magistrate,

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or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the addresses listed above.

**Retrievability:** Records are indexed by State, name of individual, and food stamp project area.

**Safeguards:** Records are kept either in locked file cabinets or locked offices.

**Retention and disposal:** Cases remain in the agency's files until the end of the fiscal year following the fiscal year in which they are closed; thereafter they are transferred to Federal Records Centers and maintained for three additional years before disposal.

**System manager(s) and address:** Regional Food Stamp Program Directors at the addresses listed above.

**Notification procedure:** Any individual may request information regarding this system of records or information as to whether the system contains records pertaining to him from the appropriate system manager as set forth in the preceding paragraph. A request for information should contain name, address, and particulars involved (i.e., the date of action giving rise to the inquiry, complaint, etc.)

**Record access procedures:** An individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate system manager as set forth in the preceding paragraph. The envelope and the letter should be marked "Privacy Act Request."

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, the reasons for contesting it, and the proposed amendment to the information.

**Record source categories:** Information in this system comes primarily from recipient and non-recipient inquiries and complaints, case file reviews, collateral contacts, and investigative reports.

#### USDA/FNS—3

**System name:** Claims Against Food Stamp Recipients—USDA/FNS

**System location:** Claims Branch, Finance and Program Accounting Division, Food and Nutrition Service, United States Department of Agriculture, Room 105, West Auditors Building, Washington, D.C. 20250, and FNS Regional Offices located in: Atlanta, Georgia which covers the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee; Burlington, Massachusetts which covers the States of Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, and Vermont; Chicago, Illinois which covers the States of Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin; Dallas, Texas which covers the States of Arkansas, Louisiana, New Mexico, Oklahoma, and Texas; Denver, Colorado which covers the States of Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming; Robbinsville, New Jersey which covers the States of Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, Virginia, Virgin Islands, and West Virginia; San Francisco, California which covers the States of Alaska, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, American Samoa, Trust Territories of the Pacific, and Washington.

The address of each Regional Office is listed in the telephone directory of the respective cities listed above under the heading "United States Government, Department of Agriculture, Food and Nutrition Service."

**Categories of individuals covered by the system:** Individuals who have received food stamps to which they are not entitled due to excess income, excess resources, household size reported incorrectly, etc.

**Categories of records in the system:** The system consists of Claim Determinations and supporting documents prepared by the State showing amounts due FNS and the basis for the claim. An individual file is maintained on each recipient showing amount of claim and a running balance of amounts paid until claim is paid in full.

**Authority for maintenance of the system:** 78 STAT. 703 as amended; 7 U.S.C. 2011-2025; 7 CFR 271.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Establish accounts receivable for money due FNS; (2) Referral to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation, or order issued pursuant thereto; and (3) Referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the addresses listed above.

**Retrievability:** Records are filed by name of recipient, County, and State.

**Safeguards:** Records are kept either in locked file cabinets or in locked offices.

**Retention and disposal:** Cases remain in the active files until the end of the fiscal year following the fiscal year in which they are closed. Thereafter they are transferred to Federal Records Centers and maintained for three additional fiscal years before disposal.

**System manager(s) and address:** Director, Finance and Program Accounting Division, Food and Nutrition Service, United States Department of Agriculture, Washington, D.C. 20250 (202-447-6990), or the appropriate Regional Food Stamp Program Director at the addresses listed above.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the appropriate system manager as set forth in the preceding paragraph. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the date of action giving rise to claim, date claim was filed, correspondence, etc.)

**Record access procedures:** An individual may obtain information as to the procedure for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate system manager listed above. The envelope and letter should be marked "Privacy Act Request."

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager listed above, the reasons for contesting it, and the proposed amendment to the information.

**Record source categories:** Information in this system comes primarily from investigations made by Office of Investigation, audits conducted by Office of Audit, food stamp application and participation records, collateral contacts, and State agency personnel.

**Systems exempted from certain provisions of the act:** This material has been exempted in 7 C.F.R. 1.23 pursuant to 5 U.S.C. 552 a(k)(2) from the requirements of subsections (c)(3), (d), (G), and (H). The above system contains information received under an express or implied promise of confidentiality, or investigative techniques, processes, or procedures, the disclosure of which could be detrimental to legitimate agency functions.

#### USDA/FNS—4

**System name:** Food Stamp Recipient Refunds—USDA/FNS

**System location:** Fiscal Branch, Finance and Program Accounting Division, Food and Nutrition Service, United States Department of Agriculture, Room 105 West Auditors Building, Washington, D.C. 20250, and FNS Regional Offices located in: Atlanta, Georgia which covers the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee; Burlington, Massachusetts which covers the States of Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, and Vermont; Chicago, Illinois which covers the States of Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin; Dallas, Texas which covers the States of Arkansas, Louisiana, New Mexico, Oklahoma, and Texas;

#### USDA/FNS—5

**System name:** Investigations of Fraud, Theft, or Other Unlawful Activities of Individuals Involving Food Stamps—USDA/FNS

**System location:** Director, Food Stamp Division, Food and Nutrition Service, United States Department of Agriculture, 500 12th St., S.W., Room 650, Washington, D.C. 20250, and FNS Regional Offices located in: Atlanta, Georgia which covers the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee; Burlington, Massachusetts which covers the States of Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, and Vermont; Chicago, Illinois which covers the States of Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin; Dallas, Texas which covers the States of Arkansas, Louisiana, New Mexico, Oklahoma, and Texas; Denver, Colorado which covers the States of Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming; Robbinsville, New Jersey which covers the States of Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, Virginia, Virgin Islands, and West Virginia; San Francisco, California which covers the States of Alaska, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, American Samoa, Trust Territories of the Pacific, and Washington.

The address of each Regional Office is listed in the telephone directory of the respective cities listed above under the heading "United States Government, Department of Agriculture, Food and Nutrition Service."

**Categories of individuals covered by the system:** Individuals who have been investigated for fraudulently obtaining food stamps, stealing food stamps or engaged in other unlawful activities involving food stamps are included in this system of records.

**Categories of records in the system:** The system consists of files on individuals, including investigation reports, police reports, court records, agency reports, and claim determinations as appropriate.

**Authority for maintenance of the system:** 78 STAT. 703 as amended; 7 U.S.C. 2011-2025; and 7 CFR 271-273.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation, or order issued pursuant thereto; (2) Referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery; (3) Referral to Finance and Program Accounting Division, FNS for appropriate fiscal action; and (4) Analysis of patterns, trends, and problem areas. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the locations previously named.

**Retrievability:** Records are indexed by name, State, and fiscal year of receipt.

**Safeguards:** Records are kept in either locked file cabinets or in locked offices. Only persons who have specific responsibility in their use have access to them.

**Retention and disposal:** Cases remain in the active files until the end of the fiscal year following the fiscal year in which they are closed. Thereafter, they are transferred to Federal Records Centers and maintained for three additional fiscal years before disposal.

**System manager(s) and address:** Director, Food Stamp Division, Food and Nutrition Service, United States Department of Agriculture, Washington, D.C. 20250 (202-447-8982), or the appropriate Regional Food Stamp Program Director at the addresses listed above.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the system manager as set forth in the preceding paragraph, or the appropriate Regional Food Stamp Program Director at the addresses listed above. A request for information pertaining to an individual should contain

Denver, Colorado which covers the States of Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming; Robbinsville, New Jersey which covers the States of Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, Virginia, Virgin Islands, and West Virginia; San Francisco, California which covers the States of Alaska, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, American Samoa, Trust Territories of the Pacific, and Washington.

The address of each Regional Office is listed in the telephone directory of the respective cities listed above under the heading "United States Government, Department of Agriculture, Food and Nutrition Service."

**Categories of individuals covered by the system:** Individuals who request refunds from FNS of: (1) The proportionate purchase price paid for food stamps purchased but not used; or (2) The amount they have been inadvertently overcharged for their food stamps.

**Categories of records in the system:** (1) Form FNS-288, Request for Reimbursement for Unused Food Coupons, required documentation and signatures, as applicable, to the specific reason for the request; and Issuance, required documentation and signatures, as applicable to the refund.

**Authority for maintenance of the system:** 78 STAT. 703 as amended; 7 U.S.C. 2011-2025; 7 CFR 271.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Establish eligibility for reimbursement to recipient or agent; (2) Referral to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation, or order issued pursuant thereto; and (3) Referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders and file cabinets at the address listed above.

**Retrievability:** Records are filed by date and month of payment and by name of recipient or his agent.

**Safeguards:** Records are kept either in locked cabinets or locked offices.

**Retention and disposal:** Closed cases are retained for one fiscal year following the end of the fiscal year in which they are closed. Thereafter, they are transferred to Federal Records Centers and maintained for three additional fiscal years before disposal.

**System manager(s) and address:** Director, Finance and Program Accounting Division, Food and Nutrition Service, United States Department of Agriculture, Washington, D.C. 20250 (202-447-6990), or the appropriate Regional Food Stamp Program Director at the addresses listed above.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the appropriate system manager as set forth in the preceding paragraph. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the date of action giving rise to claim, date claim was filed, correspondence, etc.)

**Record access procedures:** An individual may obtain information as to the procedure for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate system manager. The envelope and letter should be marked "Privacy Act Request."

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, the reasons for contesting it, and the proposed amendment to the information.

**Record source categories:** Information in this system comes primarily from State agency records and collateral contacts by claims reviewers.

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the name and address of the individual and whether it involved a complaint or has reference to a compliance review which may have been conducted.

**Record access procedures:** An individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate system manager listed above. The envelope and letter should be marked "Privacy Act Request."

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager listed above, the reasons for contesting it, and the proposed amendment to the information.

**Record source categories:** Information in this system comes primarily from complainants, witnesses, agency employees, and investigative personnel.

**Systems exempted from certain provisions of the act:** This material has been exempted in 7 CFR 1.23 pursuant to 5 U.S.C. 552 a (k)(2) from the requirements of subsection (c)(3), (d), (G), and (H). The above system contains information received under an express or implied promise of confidentiality, or investigative techniques, processes, or procedures, the disclosure of which could be detrimental to legitimate agency functions.

#### USDA/FNS—7

**System name:** Quality Control Subsample of Nonassistance Households Participating in the Food Stamp Program—USDA/FNS

**System location:** Quality Control and Evaluation Branch, Food Stamp Division, Food and Nutrition Service, United States Department of Agriculture, 500 12th St., S.W., Room 678, Washington, D.C. 20250 and FNS Regional Offices located in: Atlanta, Georgia which covers the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee; Burlington, Massachusetts which covers the States of Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, and Vermont; Chicago, Illinois which covers the States of Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin; Dallas, Texas which covers the States of Arkansas, Louisiana, New Mexico, Oklahoma, and Texas; Denver, Colorado which covers the States of Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming; Robbinsville, New Jersey which covers the States of Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, Virginia, Virgin Islands, and West Virginia; San Francisco, California which covers the States of Alaska, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, American Samoa, Trust Territories of the Pacific, and Washington.

The address of each Regional Office is listed in the telephone directory of the respective cities listed above under the heading "United States Government, Department of Agriculture, Food and Nutrition Service."

**Categories of individuals covered by the system:** Nonassistance households (those in which not all members are receiving public assistance) which are participating in the Food Stamp Program or those households which have been terminated from the program or denied benefits.

**Categories of records in the system:** The system consists of subsamples of records containing personal household circumstances and financial information originally obtained from selected samples of individual households by each State's food stamp quality control staff and validated by FNS quality control personnel.

**Authority for maintenance of the system:** 78 STAT. 703 as amended; 7 U.S.C. 2011-2025; 7 CFR 271.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Assessing the operation of State food stamp quality control system as a basis for improvement; (2) Testing the validity of State quality control findings; (3) Projecting national error rates; (4) Identifying trends toward potential system problems and high error areas; (5) Referral to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program

statute, or by rule, regulation, or order issued pursuant thereto; and (6) Referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in the proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable addresses listed above.

**Retrievability:** Records are indexed by State and household name.

**Safeguards:** Records are kept in either locked filing cabinets or in locked offices.

**Retention and disposal:** Records are retained for one fiscal year following the end of the fiscal year in which the reviews are completed. Thereafter, they are transferred to Federal Records Centers and maintained for three additional fiscal years before disposal.

**System manager(s) and address:** Director, Food Stamp Division, Food and Nutrition Service, United States Department of Agriculture, Washington, D.C. 20250 (202-447-8982) or the appropriate Regional Food Stamp Program Director at the addresses listed above.

**Notification procedure:** An individual may request information regarding this system or records, or information as to whether the system contains records pertaining to him from the system manager as set forth in the preceding paragraph, or the appropriate Regional Food Stamp Program Director at the address listed above. A request for information pertaining to an individual should contain name, address, dates of participation in the Food Stamp Program, and date of contact by the Federal reviewer, if available.

**Record access procedures:** An individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate system manager listed above. The envelope and letter should be marked "Privacy Act Request."

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager listed above, the reasons for contesting it, and the proposed amendment to the information.

**Record source categories:** Information in this system comes primarily from participants in the Food Stamp Program and through collateral contacts by quality control reviewers to verify financial and other circumstances as they relate to the household's application for, or participation in, the Food Stamp Program.

#### USDAS/FSQS—1

**System name:** Meat and Poultry Inspection Program—Slaughter, Processing and Allied Industries Compliance Records System, USDA/FSQS.

**System location:** Food Safety and Quality Service, USDA, 14th and Independence Avenue, S.W., Washington, D.C. 20250.

**Categories of individuals covered by the system:** Individuals engaged in the slaughter of meat or poultry animals; or the preparation, transportation, storage, or distribution of meat or poultry products, or similar activities are included in this system of records.

**Categories of records in the system:** The system consists of: investigatory files concerning alleged violations of the Federal Meat and Poultry Inspection Acts and related laws; investigatory files compiled for enforcement of provisions of the Federal Meat and Poultry Inspection Acts concerning detention or seizure of alleged violative product; correspondence, allegations, inquiries, reports of actions taken, complaints and similar records concerning alleged violations of enforcement actions; records compiled to carry out provisions of 21 U.S.C. 671 and 21 U.S.C. 467 concerning the refusal to provide or withdrawal of inspection service from unfit applicants as defined by law; includes application forms, notations of past violations, court records, and other documentation; files, microfilm and computer records concerning systematic reviews conducted at the places of business of individuals covered by the records system.

**Authority for maintenance of the system:** 21 U.S.C. 451 et seq., and 601 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the

responsibility of investigating or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. (2) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. (3) Referral to the Department of Justice for the defense of suits against the United States or its officers, or for the institution of suits for the recovery of claims by the United States Department of Agriculture. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders, cards, microfilm, magnetic tape and computer printouts.

**Retrievability:** All categories of records concerning enforcement actions are cross referenced through an alphabetical name index system. Files on violations and other enforcement actions are indexed alphabetically by name and by year of violation. Printouts and microfilm records are alphabetically arranged with unique number identifiers assigned as well.

**Safeguards:** Records are maintained in locked file cabinets with attendants on duty during normal operating hours.

**Retention and disposal:** Active records are maintained indefinitely. Closed cases are retired to records storage centers after 3 years unless reopened. Microfilm and computer records are maintained indefinitely. Computer printouts are destroyed after 6 months.

**System manager(s) and address:** Privacy Act Coordinator, USDA/FSQS, 14th and Independence Avenue, S.W., Washington, D.C. 20250

**Systems exempted from certain provisions of the act:** This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f). See 7 CFR 1.23. Individual access to these records would impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action to escape prosecution. Any individual who feels, however, that he has been denied any right, privilege or benefit for which he would otherwise be eligible as a result of the maintenance of such material may request access to the material. Such requests should be addressed to: Privacy Act Coordinator, Legislative and Special Assignments Staff, USDA/FSQS, 14th and Independence Avenue, S.W., Washington, D.C. 20250.

#### USDA/FSQS—2

**System name:** Employment History Records for Licensed Non-Federal Employees.

**System location:** Food Safety and Quality Service, USDA, 14th and Independence Avenue, S.W., Washington, D.C. 20250.

**Categories of individuals covered by the system:** Commodity Inspectors, Graders, Weighers, Classers, Collaborators, Licensed Plant Employees, Agents, Appointees, Samplers.

**Categories of records in the system:** This system consists of such information as applications for license, license files, bonding records, biographical data, periods of employment, performance ratings, commodities qualified to inspect, grader's powers of attorney, recommendations for reemployment, factors which affect or might affect desirability as an inspector, supervisory potential, declaration sheets, preference sheets, current, expired, and voided score sheets, miscellaneous notes and memoranda, e.g., transfers, cancellations, corrective action letters, letters of caution or warning, inspection/grading performance/productivity data, letters of suspension, indictment, complaint, proposals to revoke license, etc. Content and extent of these records vary by commodity, program and season.

**Authority for maintenance of the system:** 7 U.S.C. 1621-1627.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to States or other Federal agencies to determine verification of employment or length of service for retirement purposes; referral to Civil Service Commission for required records and reports; to Government Accounting Office for required records and reports; to Department of Justice for required records and reports. Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or

implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folder, notebooks, and cardex files.

**Retrievability:** Records are indexed by name of licensee and/or license number.

**Safeguards:** Government office buildings, locked and unlocked file cabinets and locked offices.

**Retention and disposal:** Records maintained indefinitely or until separation or retirement or in accordance with prescribed retention schedules.

**System manager(s) and address:** Privacy Act Coordinator, USDA/FSQS, 14th and Independence Avenue, S.W., Washington, D.C. 20250

**Notification procedure:** Any individual may request information concerning himself from this system from: Privacy Act Coordinator, USDA/FSQS, 14th and Independence Avenue, S.W., Washington, D.C. 20250

**Record access procedures:** Any individual may obtain information as to the procedure for gaining access to a record in the system that pertains to him by submitting a request to: Privacy Act Coordinator, USDA/FSQS, 14th and Independence Avenue, S.W., Washington, D.C. 20250

**Record source categories:** Information in this System comes primarily from licensees, supervisors, with additional data provided by references and investigative personnel.

#### USDA/FSQS—3

**System name:** Court cases brought by the Government pursuant to the following Acts: Agricultural Marketing Act of 1946, Egg Products Inspection Act, Agricultural Fair Practices Act.

**System location:** Food Safety and Quality Service, USDA, 14th and Independence Avenue, S.W., Washington, D.C. 20250.

**Categories of individuals covered by the system:** Individuals who are regulated by the subject Acts and who may be investigated for possible violations of the Acts and/or against whom the Department recommends that an enforcement action be brought by the Government.

**Categories of records in the system:** The system consists of investigatory material which may include intra- and interdepartmental recommendations pertaining to an alleged violation of the subject Acts.

**Authority for maintenance of the system:** 7 U.S.C. 1621 et seq., and 1031 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, law, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations. (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate, or administrative tribunal. (4) Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in the file folders at the applicable address listed above.



**Retrievability:** Records are indexed by name of the individual.

**Safeguards:** Government office buildings, locked offices or locked file cabinets.

**Retention and disposal:** Records are maintained in conformance with appropriate General Services Administration destruction schedules.

**System manager(s) and address:** Privacy Act Coordinator, USDA/FSQS, 14th and Independence Avenue, SW., Washington, D.C. 20250.

**Systems exempted from certain provisions of the act:** This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(g), (h), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action to escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

#### USDA/FAS—1

**System name:** Applicant Files for Employment with International Organizations, USDA/FAS.

**System location:** International Organization Affairs, Foreign Agriculture Service, United States Department of Agriculture, 14th and Independence Avenue, Washington, D.C. 20250.

**Categories of individuals covered by the system:** U.S. Citizens who have applied for specific post or indicated an interest in employment with international organizations. Occasionally includes person who has been only suggested as a possible candidate by someone else.

**Categories of records in the system:** Resumes and/or employment application forms solicited and unsolicited letters of recommendation, reference checks, interview notes, and correspondence with candidates; communications to and from U.S. Missions and International organizations concerning applicant's candidacy; letters of referral to and from Federal Agencies and other recruitment sources and users.

**Authority for maintenance of the system:** 5 U.S.C. 301; 7 CFR 2.68.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Resume or application referred to international organizations and other Federal Agencies involved in the recruitment of candidates for international organizations. Referral in rare instances made when private foundations or other Federal Agencies request assistance in locating specialized candidates. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the address listed above.

**Retrievability:** Records are indexed by name of individual.

**Safeguards:** Records are kept in file cabinet in official Government office building with security guards.

**Retention and disposal:** Records are maintained indefinitely.

**System manager(s) and address:** Personnel Staffing Specialist, International Organization Affairs, Foreign Agricultural Service, United States Department of Agriculture, 14th and Independence Avenue, Washington, D.C. 20250.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him by contacting the System Manager.

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the System Manager.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Information in this system comes primarily from candidates themselves, educational institutions, previous employers, Federal Agencies, non-Governmental organizations private foundations, and professional associations.

#### USDA/FAS—2

**System name:** Cooperator Employee Data, USDA/FAS.

**System location:** Program Services Branch, Planning and Evaluation Division, Foreign Agricultural Service, U.S. Department of Agriculture, 14th and Independence Avenue, Washington, D.C. 20250.

**Categories of individuals covered by the system:** U.S. citizens stationed overseas who supervise the operation of U.S. Cooperator foreign offices.

**Categories of records in the system:** The system consists of files on individual employment contracts, overseas assignment letters which include authorized salary allowances, various correspondence on individual personnel actions, position descriptions, employment applications, etc.

**Authority for maintenance of the system:** 7 U.S.C. 1704 (b) (1), 7 U.S.C. 1761, and 7 CFR 2.68.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** It is essential that FAS maintain this data since Government funds are used to pay a portion of the salaries. The data is provided to the U.S. Cooperator who is employing the individual. Personal data is also required on U.S. citizens in order to determine allowances, such as housing allowances and post allowances which are paid with funds made available by the U.S. Government. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the address listed above.

**Retrievability:** Records are indexed by name of individual and Cooperator.

**Safeguards:** Records are kept in a locked file cabinet in official Government office building with security guards.

**Retention and disposal:** Records are maintained indefinitely.

**System manager(s) and address:** Chief, Program Services Branch, Planning and Evaluation Division, Foreign Agricultural Service, U.S. Department of Agriculture, 14th and Independence Avenue, Washington, D.C. 20250.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him by contacting the System Manager.

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the System Manager.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Information in this system comes primarily from Cooperator officials, agricultural attaches, agency employees and trade officials.

#### USDA/FAS—3

**System name:** Visa and Passport Clearance Information Data, USDA/FAS

**System location:** Foreign Travel Section, Management Services Division, Foreign Agricultural Service, USDA, 14th and Independence Avenue, S.W., Washington, D.C. 20250.

**Categories of individuals covered by the system:** The System consists of a card index containing information required by foreign countries to grant visas.

**Authority for maintenance of the system:** 22 U.S.C. 213; 7 AR 557j.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Maintenance of this data expedites issuance of passports and visas. The information is transferred from the card to visa forms required by various foreign countries to issue entrance visas. The visa forms are sent to the respective foreign country's embassy located in Washington, D.C.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Maintained in file boxes in file cabinet at above address.

**Retrievability:** Records are filed by name of individual applying for Official and Diplomatic passports.

**Safeguards:** Records are kept in file cabinet in locked office in Government building with security guards.

**Retention and disposal:** Records are maintained indefinitely as long as valid passport is maintained.

**System manager(s) and address:** Head, Foreign Travel Section, MSD, Foreign Agricultural Service, USDA, 14th and Independence Avenue, S.W., Washington, D.C. 20250.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him by contacting the System Manager.

**Contesting record procedures:** Amended, corrected or new cards can be submitted at any time to System Manager listed above. Old card will be destroyed and new one inserted in its place.

**Record source categories:** Information in this system is provided by the individual applying for Official and Diplomatic passports.

#### USDA/FS—1

**System name:** Appeals and Administrative Reviews, USDA/FS

**System location:** Forest Service Headquarters in Washington, D.C., the 9 Regional Offices, 121 Forest Supervisor Offices, 673 District Ranger Offices, 10 Experiment Station Offices and Two State and Private Area Offices. The address for the Headquarters is Forest Service, U.S. Department of Agriculture, 12th and Independence Avenue, SW., Washington, D.C., 20250. The addresses of all other Forest Service offices may be found in 36 CFR 200.2, Subpart A, or in the telephone directory of the applicable locality under the heading, United States Government, Department of Agriculture, Forest Service.

**Categories of individuals covered by the system:** Any person who has appealed or formally requested review or reconsideration of a decision or action by a Forest Service officer in any contract involving the Forest Service. Does not include personnel matters which are excluded. The appeal, administrative review, or reconsideration request may have been submitted directly to an officer of the Forest Service or through the Board of Forest Appeals.

**Categories of records in the system:** The record includes information regarding the circumstances of the matter under appeal. This may involve information on the appellant, his use of National Forest lands, effects of the decision being appealed on his activities, and other information supplied by appellant on his behalf. Information is also provided by the Forest Service Officer whose decision is under appeal, review, or reconsideration.

**Authority for maintenance of the system:** 5 U.S.C. 22 and 301; 7 U.S.C. 1011(f); 15 U.S.C. 714(b)(g) and (h); 16 U.S.C. 551; 40 U.S.C. 486(c); 7 CFR 24; 36 CFR 211.20 thru 211.37

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Vertical file folders

**Retrievability:** Records are maintained under file designation 1570, identified by the appellant's name, date of appeal, review, or reconsideration request, and/or Forest Service Docket Number (if case docketed by the Board of Forest Appeals).

**Safeguards:** Normal security for routine file material. Locked office of file room.

**Retention and disposal:** Upon final decision case is closed. Transferred to closed files at end of fiscal year. Cases reaching National level are retained 25 years, Regional level is 5 years, and other levels maintained 3 years. Transfer to Federal Records Center after 3 years.

**System manager(s) and address:** Chief, Forest Service, U.S. Department of Agriculture, Washington, D.C. 20250 or the appropriate Regional Forester, Forest Supervisor, or District Ranger at the address listed above.

**Notification procedure:** Address inquiries to the office at which the individual filed his original notice of appeal or request for review or reconsideration. Identifying information should include name, date of appeal or request, Forest Service Docket (if applicable), and date of decision and by whom issued (if applicable).

**Record access procedures:** Use same procedures as for requesting Notification.

**Contesting record procedures:** Use same procedures as for requesting Notification.

**Record source categories:** Information obtained from appellant on his behalf, witnesses or experts solicited by appellant, Forest Service Officers, and witnesses and technical experts solicited by Forest Service.

#### USDA/FS—2

**System name:** Blaster's Certification Program, USDA/FS

**System location:** Forest Service Regional Headquarters and/or Forest Supervisor Headquarters where individual is or was employed. The addresses for these offices are listed in 36 CFR 200., Subpart A.

**Categories of individuals covered by the system:** Forest Service employees who have applied for a Forest Service Blaster's certificate are included in this system of records.

**Categories of records in the system:** This system consists of complete files on individual applications for the Forest Service Blaster's certificate including examination results, application form (FS 6100-24), and certificate issued or revoked.

**Authority for maintenance of the system:** 5 U.S.C. 301; 7 CFR 2.60 and 29 CFR 1926.901

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Standard Forest Service Form 6100-24 and supporting documents.

**Retrievability:** System is indexed by name and organizational location.

**Safeguards:** Records are maintained in standard filing system and are available only to authorized Forest Service personnel. Offices are locked during non-working hours.

**Retention and disposal:** Records are maintained for the duration of individual's employment and thereafter filed in the Federal Records Center and disposed of in accordance with the Agency's approved retention schedule.

**System manager(s) and address:** Regional Forester and/or Forest Supervisor in charge of the unit where the individual is or was employed.

**Notification procedure:** Any employee (past or present) may request information as to whether or not the system contains records pertaining to him from the appropriate Regional Forester or Forest Supervisor. A request for information should be in writing and should include the individual's full name and address; approximate date of application and place of employment at that time.

**Record access procedures:** Use same procedures as for requesting Notification.

**Contesting record procedures:** Use same procedures as for requesting Notification.

**Record source categories:** Information in this system comes primarily from written, oral, and applied examinations.

#### USDA/FS—4

**System name:** Certification of Engineering Personnel, USDA/FS

**System location:** At the Forest Service Headquarters Offices of the Chief, Regional Foresters, and Forest Supervisors as listed in 36 CFR 200.2, Subpart A, where individual is or was employed, and at the Ft. Collins Computer Center, 3825 East Mulberry St., Fort Collins, CO, 80521.

**Categories of individuals covered by the system:** Forest Service employees who are professionals or para-professionals working in activities normally assigned to Engineering Staff units.

**Categories of records in the system:** Consists of a skills inventory for all employees defined in the preceding paragraph and written and oral examination results, certificates issued, and training requirements for each Forest Service employee defined in the preceding paragraph and who has participated in the Certification Program.



**Authority for maintenance of the system:** 5 U.S.C. 301; 7 CFR 2.60

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Forest Service Skills Inventory form, examination results, and supporting documents. Skills data also on magnetic tape.

**Retrievability:** Manual system is indexed by name and location. ADP System is indexed by individual Social Security numbers.

**Safeguards:** Records are maintained in standard file folders and on magnetic tape. The records are located in offices that are locked during non-office hours. They are available only to authorized personnel.

**Retention and disposal:** Records are maintained for the duration of individual's employment and thereafter filed in the Federal Records Center in accordance with standard procedures. Entries on magnetic tape are eliminated when employee leaves the organization.

**System manager(s) and address:** Director of Engineering, Forest Service, U.S. Department of Agriculture, Washington, DC, 20250 or the appropriate Regional Forester, Forest Supervisor in charge of the unit where the individual is or was employed.

**Notification procedure:** Any employee (past or present) may request information as to whether or not the system contains records pertaining to him from the appropriate system manager listed in the preceding paragraph. A request for information should be in writing and should include the individual's full name, address, and social security number; approximate date of last skills inventory record and place of employment at that time.

**Record access procedures:** Use same procedures as for requesting Notification.

**Contesting record procedures:** Use same procedures as for requesting Notification.

**Record source categories:** Information in this system comes primarily from written, oral, and applied examinations and a skills inventory form.

#### USDA/FS-5

**System name:** Certified Cost Collectors, USDA/FS

**System location:** Office of the Regional Forester, Forest Service, 630 Sansome St., San Francisco, CA, 94111.

**Categories of individuals covered by the system:** Forest Service employees who have completed the necessary training to qualify as Cost Collectors.

**Categories of records in the system:** Name and date of individual's certification.

**Authority for maintenance of the system:** 16 U.S.C. 476

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by organization and name of individual certified.

**Safeguards:** Records are kept in a locked office

**Retention and disposal:** Records are maintained until superseded.

**System manager(s) and address:** Director of Timber Management, Forest Service, 630 Sansome St., San Francisco, CA, 94111.

**Notification procedure:** Any employee may request information regarding the system of records or information as to whether the system contains records pertaining to him from the System Manager. A request for information should contain name and date of certification.

**Record access procedures:** Use same procedures as for requesting Notification.

**Contesting record procedures:** Use same procedures as for requesting Notification.

**Record source categories:** Forest Service records of accounting experience and training obtained from information in the employee's personnel file.

#### USDA/FS-6

**System name:** Certified Scalars, USDA/FS

**System location:** Headquarters of 9 Regional Offices and 121 Forest Supervisor Offices. The addresses are listed in 36 CFR 200.2, Subpart A.

**Categories of individuals covered by the system:** Forest Service employees who have completed the necessary training to qualify.

**Categories of records in the system:** Name, grade, date of certification, and organization. Includes record of certification action.

**Authority for maintenance of the system:** 16 U.S.C. 476

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** None

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by organization and name of individual certified.

**Safeguards:** Records are kept in a locked office.

**Retention and disposal:** Records are maintained until superseded.

**System manager(s) and address:** Director of Timber Management in each of the 9 Regional Offices and 121 Forest Supervisor Offices.

**Notification procedure:** Any employee may request information regarding the system of records, or information as to whether the system contains records pertaining to him from the System Manager. A request for information should contain the name, grade, date of certification, and organization.

**Record access procedures:** Use same procedures as for requesting Notification.

**Contesting record procedures:** Use same procedures as for requesting Notification.

**Record source categories:** Forest Service records of scaling experience and training obtained from information in the employee's personnel file and check scale records filed in the office.

#### USDA/FS-7

**System name:** Certified Silviculturists, USDA/FS

**System location:** At headquarters of nine Regional Offices as listed in 36 CFR 200.2, Subpart A.

**Categories of individuals covered by the system:** Forest Service employees who have completed the necessary training to qualify.

**Categories of records in the system:** Name, grade, date of certification, and organization. Includes record of certification action.

**Authority for maintenance of the system:** 16 U.S.C. 476

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by organization and name of individual certified.

**Safeguards:** Records are kept in a locked office.

**Retention and disposal:** Records are maintained until superseded.

**System manager(s) and address:** Director of Timber Management in each of the nine Regional Offices referred to above.

**Notification procedure:** Any employee may request information regarding the system of records, or information as to whether the system contains records pertaining to him from the System Manager. A request for information should contain the name, grade, date of certification, and organization.

**Record access procedures:** Use same procedures as for requesting Notification.

**Contesting record procedures:** Use same procedures as for requesting Notification.

**Record source categories:** Forest Service records of silviculture experience and training obtained from information in employee's personnel file.

#### USDA/FS-8

**System name:** Check-Before-Using Pilot List, USDA/FS.

**System location:** Records in this system are presently maintained at the Forest Service headquarters of the 9 Regional Offices as listed in 36 C.F.R. 200.2, Subpart A. The record is coordinated by the Director of Aviation Management, Forest Service, U.S. Department of Agriculture, 12th and Independence Ave., SW., Washington, D.C., 20250, and disseminated to all Regional Air Officers at above mentioned locations.

**Categories of individuals covered by the system:** Pilots who have performed unsatisfactorily, while working under a contract for services.

**Categories of records in the system:** The record contains the pilot's name, FAA pilot's license number and the Region or area which reported the unsatisfactory performance.

**Authority for maintenance of the system:** 5 U.S.C. 301; 7 C.F.R. 2.60.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** None.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The records are maintained in file folders.

**Retrievability:** Records are indexed by the name of the individual.

**Safeguards:** Records are kept in the general files in a locked office.

**Retention and disposal:** Records are updated currently as needed and then filed in the National Archives in accordance with standard procedures. Names may be added or deleted from the list, as appropriate.

**System manager(s) and address:** The Director of Aviation Management, Forest Service, U.S. Department of Agriculture, 12th and Independence Ave., SW., Washington, D.C. 20250, and the Regional Air Officers at Regional Offices as listed in 36 C.F.R. 200.2, Subpart A.

**Notification procedure:** Any individual may request information as to whether he is on the list by writing the appropriate System Manager. He will be furnished information as to who he may contact at the Regional Offices to obtain additional information as to why his name appears on the list. A request for information pertaining to an individual should contain name, FAA pilot licence number, and information as to previous employers while performing services for the agency.

**Record access procedures:** Use same procedures as for requesting Notification.

**Contesting record procedures:** Use same procedures as for requesting Notification.

**Record source categories:** Information in this system comes from Regional Aviation Officers, Contracting Officers, and pilot inspectors.

#### USDA/FS-9

**System name:** Employee Assistance Program CONCERN, USDA/FS

**System location:** The records in this system are maintained in the Forest Service Headquarters in Washington, D.C. and in nine Regional Offices, ten Experiment Station Offices, and the Forest Products Laboratory. The addresses of these offices are listed in 36 CFR 200.2, Subpart A.

**Categories of individuals covered by the system:** Any employee with problems affecting their job performance.

**Categories of records in the system:** Documentation of referral; notes supervisory or employee discussions; therapy progress records.

**Authority for maintenance of the system:** 5 U.S.C. 7901 and 42 U.S.C. 4551

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information in the system is referred to the professional counselor working with the employee. Information is used only as a background for counseling or advising the employee and/or work supervisor. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** Records are indexed by name of employee and/or program number.

**Safeguards:** Folders are maintained in locked file cabinet or drawers. Only Program Advisor has access to information.

**Retention and disposal:** Record is maintained through any treat-

ment and/or rehabilitation therapy, and destroyed upon completion of treatment by tearing up or shredding devices, if available.

**System manager(s) and address:** CONCERN Program Administrator, Forest Service, U.S. Department of Agriculture, 12th and Independence, S.W. Washington, D.C. 20250.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the CONCERN Program Coordinator for the appropriate Region or Station, the Forest Products Laboratory, or the Washington Office. If the specific location of the record is not known, the individual should address his request to the System Manager, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain the employee's name, address and the unit on which he/she works.

**Record access procedures:** To gain information on procedures of gaining access, employee may call CONCERN telephone numbers shown in published brochure or posters.

**Contesting record procedures:** Use same procedures as for requesting Notification.

**Record source categories:** Information in the system comes from confidential discussions with employee and/or supervisor, discussions with the professional counselor on his report on employee progress.

#### USDA/FS-10

**System name:** Employee Development Record, USDA/FS

**System location:** Records are maintained at all official duty stations of Forest Service (FS) employees. Addresses of the individual offices are listed in the telephone directories for the city or town in which they are located under the heading United States Government, Department of Agriculture, Forest Service.

**Categories of individuals covered by the system:** All Forest Service employees with a permanent appointment.

**Categories of records in the system:** A Biographical Section referring to the education, experience, physical capacity and career desires of the employee. Summary sheets or forms such as SF-171, Employee Performance Appraisals, etc., and an ADP printout, if available. A Special Qualification Section containing information on specialized qualifications of the employee. Examples of such material are driver-qualification records, blasting or other skill certificates, letters of commendation, employee suggestions, special requests from the employee, and records of special assignments on committees, boards, etc. A Development Section containing the current individual Employee Development Plan and other records of training such as copies of AD-281's, reports of training meetings attended, copies of previous individual development plans and records of details and other training assignments, and copies of accident and injury reports.

**Authority for maintenance of the system:** 5 U.S.C. 301; 7 CFR 2.60

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Responding to reference checks by potential employers or supervisors, and referral to selection groups considering candidates for special training.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Folders are kept by the immediate supervisor usually in his desk or immediate office.

**Retrievability:** By name.

**Safeguards:** Records are kept in a locked room or a locked file cabinet.

**Retention and disposal:** Maintained as long as an employee is under permanent appointment. Folder is sent through channels to the appointing office when an employee is transferring to another location in the Forest Service. When an employee is separated, the material in the Employee Development Record is mutilated and destroyed.

**System manager(s) and address:** Director, Personnel Management Staff, Forest Service, U.S. Department of Agriculture, 12th and Independence Avenue, S.W., Washington, DC, 20250.

**Notification procedure:** Any individual may request information concerning himself from his present or former immediate supervisor at the official duty station shown on his latest employment action.

**Record access procedures:** Immediate supervisor, or unit head or Personnel Officer of a District, Forest, Region, Research Project, Research Station, Area, or Washington Office.

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**Contesting record procedures:** Same as for requesting Access.

**Record source categories:** Information in this folder comes from the employee and his supervisor.

#### USDA/FS-11

**System name:** Employee Emergency Information, USDA/FS

**System location:** Records are maintained at all official duty stations of Forest Service (FS) employees. Addresses of the individual offices are listed in the telephone directories for the city or town in which they are located under the heading United States Government, Department of Agriculture, Forest Service.

**Categories of individuals covered by the system:** All Forest Service employees.

**Categories of records in the system:** This is an optional system which some offices may choose not to use. The record contains the employee's home address and phone, and the name, address and phone of the person designated by the employee to be contacted in case of emergency. Some offices also include the name and phone of the employee's physician and special health information such as blood type, allergy or disease which may affect the kind of emergency treatment given.

**Authority for maintenance of the system:** 5 U.S.C. 301, 7 CFR 2.60.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in work supervisor's office.

**Retrievability:** Records are indexed alphabetically by name of employee.

**Safeguards:** Records are kept in a locked office.

**Retention and disposal:** Card record is updated at least semi-annually or more often when there is a change in information. Record is destroyed when employee transfers, retires, or is separated.

**System manager(s) and address:** Head of the Operating Office at the employee's duty station.

**Notification procedure:** Individual employee initially prepares and makes revision to the record. Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to her/him from the System Manager at the address listed above.

**Record access procedures:** Use same procedures as for requesting Notification.

**Contesting record procedures:** Use same procedures as for requesting Notification.

**Record source categories:** Information in this system comes exclusively from the employee.

#### USDA/FS-12

**System name:** Fire Qualification and Experience Records, USDA/FS

**System location:** Records are presently kept by the respective Regional Office and Forest Supervisor's Office where the individual is presently employed. The records are currently being entered into an automatic data processing system at the Fort Collins Computer Center, Fort Collins, CO, 80521.

**Categories of individuals covered by the system:** Forest Service employees with sufficient fire experience to qualify for supervisory positions or non-supervisory crews.

**Categories of records in the system:** The system contains a record of the actual fire experience, fire related training received, age, physical condition, training needed and an evaluation of fire overhead positions in which he has been deemed qualified to perform. An evaluation of his performance may also be included.

**Authority for maintenance of the system:** 5 U.S.C. 301; 7 CFR 2.60; 16 U.S.C. 551.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disseminated to Federal, State and local agencies involved in wildland fire protection activities, including but not limited to the Forest Service, Bureau of Land Management, Bureau of Indian Affairs, National Park Service, State Forestry Organizations, and Rural Fire Departments, so that the

individuals and their assigned fire crews can be called upon for emergency duty.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The records are currently stored on file cards at each respective Regional Office and Forest Supervisor's Office. An ADP system is being devised and all records will be placed on magnetic tape at Fort Collins Computer Center.

**Retrievability:** The system is currently indexed by the individual's last name, but it will also be cross-referenced by social security number when it is placed in the ADP system.

**Safeguards:** The records do not contain any information considered to be of a confidential or personal nature, therefore, they are kept in a general file and in an ADP storage system without access restrictions.

**Retention and disposal:** The records are kept for the entire employment period of the individual, which could be up to 35 years, or until he is unable to perform fire related work due to health or lack of current experience or training.

**System manager(s) and address:** The Regional Forester, Forest Supervisor, or his designated representative, at appropriate office where the individual is employed.

**Notification procedure:** An employee can obtain the information from the Supervisor's Office or Regional Office under which he is or had been employed. If the specific location of the record is not known, the individual should direct his request to the Director of Fire Management, in the Regional Office of the respective geographic area where he was employed. A request for information pertaining to an individual should contain name, social security number, place and period of employment, and position held.

**Record access procedures:** Use same procedures as for requesting Notification.

**Contesting record procedures:** Use same procedures as for requesting Notification.

**Record source categories:** The information in this system comes primarily from the individual, from other in-service documents, or from supervisory personnel.

#### USDA/FS-13

**System name:** Geometronics Skills Inventory, USDA/FS

**System location:** This system of records is maintained by the Director of Engineering, Forest Service, U.S. Department of Agriculture, Washington, DC 20250, the Fort Collins Computer Center, 3525 East Mulberry St., Fort Collins, CO 80521, the Geometronics Service Center and Regional offices. The addresses for the Regional Headquarters offices are listed in 36 CFR 200.2, Subpart A.

**Categories of individuals covered by the system:** Forest Service employees who are professional or para-professional and are assigned to Geometronics activities.

**Categories of records in the system:** This system contains the series, grade, and skills of each Forest Service employee who is identified by the preceding paragraph.

**Authority for maintenance of the system:** 5 U.S.C. 301; 7 CFR 2.60

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Skill data is stored on the FCC computer on magnetic tape and in Section X of the Geometronics annual reports.

**Retrievability:** The system is indexed by organizational unit, name, grade, series, or key word for a particular skill.

**Safeguards:** Records are maintained in standard filing systems and on mag-tape. They are available only to authorized personnel. The buildings are locked when unoccupied.

**Retention and disposal:** Records are maintained for the duration of the individual's employment and purged from the system.

**System manager(s) and address:** Director of Engineering, Forest Service, U.S. Department of Agriculture, Washington, DC 20250, the Director of Geometronics Service Center, and the appropriate Regional Forester, at the addresses specified above.

**Notification procedure:** Any Forest Service employee (past or present) may request information as to whether or not the system contains records pertaining to him from the appropriate system manager listed in the preceding paragraph. Request for information should be in writing. The request should include the individual's name, address, and his organizational unit.

**Record access procedures:** Use same procedures as for requesting Notification.

**Contesting record procedures:** Use same procedures as for requesting Notification.

**Record source categories:** Information in this system comes primarily from Section X of the Geometronics Annual Report and Supervisory evaluation of the individual as recorded in the employee's personnel folder.

#### USDA/FS-14

**System name:** Grazing Permittees, Individual, National Forest System, USDA/FS

**System location:** The records in this system are maintained in the Regional Forester's office as pertains to special limits of some grazing permittees, in the headquarters offices of the Forest Supervisors for all permittee records, and offices of District Rangers for duplicate records of those kept by Forest Supervisors. The address for Regional Foresters and Forest Supervisors are listed in 36 C.F.R. 200.2, Subpart A, and addresses for District Rangers are in the telephone directory of the applicable locality under the heading, United States Government, Department of Agriculture, Forest Service.

**Categories of individuals covered by the system:** Individuals who hold permits to graze livestock on Forest Service administered land are included in this system of records.

**Categories of records in the system:** The system contains information on names and post office addresses of permittees, numbers and kinds of livestock permitted, kinds of permits (term or temporary), periods of use, grazing allotments (areas) involved.

**Authority for maintenance of the system:** 5 U.S.C. 301; 36 CFR 231.3

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders.

**Retrievability:** Records are indexed by name of individual grazing permittee.

**Safeguards:** Records are kept in locked government offices.

**Retention and disposal:** Records are maintained in open file while permit is active, transferred to closed files for 3-year period following cancellation, and then sent to Federal Records Center for permanent retention.

**System manager(s) and address:** Director of Ranger Management, Forest Service, U.S. Department of Agriculture, Washington, D.C. 20250; and/or the appropriate Regional Forester or Forest Supervisor.

**Notification procedure:** Any individual may request information from this system or information as to whether the system contains records pertaining to himself from the appropriate System Manager. If specific locations are known, requests should be made to the Forest Supervisor involved.

**Record access procedures:** Use same procedures as for requesting Notification.

**Contesting record procedures:** Use same procedures as for requesting Notification.

**Record source categories:** Information in the system comes from individual grazing permittees and Forest Service records concerning grazing allotments and permitted livestock.

#### USDA/FS-15

**System name:** Manpower Programs, USDA/FS

**System location:** The records for this system are located in Forest Service offices out of which enrollees worked. The addresses of these offices are the same as listed for the Appeals and Administrative Review system described above.

**Categories of individuals covered by the system:** Persons performing work for the Forest Service but not employed by the agency.

Includes volunteers on the National Forests, persons sponsored by other organizations under the Comprehensive Employment and Training Act, and persons under employment and/or training programs, such as College Work Study, who are assigned to the Forest Service.

**Categories of records in the system:** File may contain any of a variety of documents relating to the enrollee, such as: correspondence about the individual, application form, timekeeping records, emergency notification data, driver qualification record, receipt for property issued, compensation for injury forms, performance evaluation, and other materials.

**Authority for maintenance of the system:** 5 U.S.C. 301; 7 CFR 260

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used by Forest Service officials for all necessary purposes pertaining to the individual's work for the Forest Service. This may include reporting time worked and other information to the sponsoring organization, providing employment confirmation and recommendations to other organizations, and data to the Office of Worker's Compensation Programs in the event of a compensation for injury claim. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Documents are maintained in regular file folders.

**Retrievability:** Stored alphabetically by name of person

**Safeguards:** Kept in locked cabinets or locked offices.

**Retention and disposal:** Files are destroyed 2 years after the person has ceased to perform work for the Forest Service unless they become part of another system (such as Official Personnel Folder or Compensation for Injury Claim) which is governed by other authorities.

**System manager(s) and address:** Director, Division of Manpower and Youth Conservation Programs, U.S. Department of Agriculture, Forest Service, Washington, DC, 20250.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him, from the organizational unit for which he performed work. A request for information pertaining to an individual should contain the name, address, dates when work was performed, program under which enrolled, and location where work was performed.

**Record access procedures:** Use same procedures as for requesting Notification.

**Contesting record procedures:** Use same procedures as for requesting Notification.

**Record source categories:** Information in this system comes primarily from the individual himself, the sponsoring organization, work supervisors, and other Forest Service officials.

#### USDA/FS-16

**System name:** Mineral Lessees and Permittees, USDA/FS

**System location:** At the Forest Service headquarters offices of the Chief, Regional Foresters, and Forest Supervisors as listed in 36 CFR 200.2, Subpart A.

**Categories of individuals covered by the system:** Parties who have applied for or hold mineral leases or permits issued by the Bureau of Land Management or the Forest Service covering National Forest System lands.

**Categories of records in the system:** The system consists of inter- and intra-agency, Secretarial, Presidential and Congressional correspondence, leases, permits, sale contracts, environmental reports, mineral evaluations, operating plans, reclamation plans, and pleadings.

**Authority for maintenance of the system:** 16 U.S.C. 520, and 30 U.S.C. 181, 351 and 601

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law or enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and

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whether arising by general statute, or by rule, regulation or order issued thereto. Referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Storage:** Records are maintained in file folders.

**Retrievability:** Records are indexed by the name of the individual lessee, permittee, or purchaser.

**Safeguards:** Records are kept in a locked office.

**Retention and disposal:** Records are maintained indefinitely.

**System manager(s) and address:** Director, Watershed and Minerals Area Management, Forest Service, U.S. Department of Agriculture, Washington, DC 20250.

**Notification procedure:** Any individual may request information regarding this system of records or information as to whether the system contains records pertaining to him from the System Manager. A request for information pertaining to an individual should contain name, address, State in which the lease, permit, or sale exists, and identification number, if any.

**Record access procedures:** Use same procedures as for requesting Notification.

**Contesting record procedures:** Use same procedures as for requesting Notification.

**Record source categories:** Information in this system comes from the records developed during the processing of applications, evaluations made during course of lease or permit, and from data furnished by the individual.

#### USDA/FS-17

**System name:** Mineral Operators, USDA/FS

**System location:** At the Forest Service headquarters offices of the Chief, Regional Foresters, and Forest Supervisors as listed in 36 CFR 200.2, Subpart A.

**Categories of individuals covered by the system:** Parties who have filed operating plans or notices of intention to operate under authority of the 1872 mining law or who intends to exercise mineral rights pursuant to mineral reservations on National Forest System lands.

**Categories of records in the system:** The system consists of inter- and intra-agency, Secretarial, Presidential and Congressional correspondence, notices of intention to operate, operating plans, reclamation plans, mineral evaluations, environmental reports and pleadings.

**Authority for maintenance of the system:** 16 U.S.C. 478, 486, 518, 551; 36 CFR 252

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law or enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by rule, regulation or order issued pursuant thereto. Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders.

**Retrievability:** Records are indexed by the name of the individual operator.

**Safeguards:** Records are kept in a locked office.

**Retention and disposal:** Records are maintained indefinitely.

**System manager(s) and address:** Director, Watershed and Minerals Area Management, Forest Service, U.S. Department of Agriculture, Washington, DC 20250.

**Notification procedure:** Any individual may request information regarding this system of records or information as to whether the system contains records pertaining to him from the System Manager listed above. A request for information pertaining to an individual should contain name, address, and State in which mineral operations are located.

**Record access procedures:** Use same procedures as for requesting Notification.

**Contesting record procedures:** Use same procedures as for requesting Notification.

**Record source categories:** Information in this system is provided by the individual, agency staff personnel, and other organizations.

#### USDA/FS-18

**System name:** Mining Claimants, USDA/FS

**System location:** At the Forest Service headquarters offices of the Chief, Regional Foresters, and Forest Supervisors as listed in 36 CFR 200.2, Subpart A.

**Categories of individuals covered by the system:** Parties who have filed or hold mining claims on public domain National Forest System lands.

**Categories of records in the system:** The system consists of inter- and intra-agency, Secretarial, Presidential, and Congressional correspondence, reports of mineral examination, and pleadings.

**Authority for maintenance of the system:** 30 U.S.C. 22

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referral to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute, or by rule, regulation or order issued pursuant thereto. Referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders.

**Retrievability:** Records are indexed by the name of the individual claimant.

**Safeguards:** Records are kept in a locked office.

**Retention and disposal:** Records are maintained indefinitely.

**System manager(s) and address:** Director, Watershed and Minerals Area Management, Forest Service, U.S. Department of Agriculture, Washington, DC 20250.

**Notification procedure:** Any individual may request information regarding this system of records or information as to whether the system contains records pertaining to him from the System Manager. A request for information pertaining to an individual should contain name, address, and State in which mining claims are located.

**Record access procedures:** Use same procedures as for requesting Notification.

**Contesting record procedures:** Use same procedures as for requesting Notification.

**Record source categories:** Information in this system is provided by the individual, agency staff personnel, and other organizations.

#### USDA/FS-19

**System name:** Person Interested in Forestry and Related Programs, USDA/FS

**System location:** All Forest Service field locations. Addresses of Forest Service offices are listed in the telephone directories of the respective cities under the heading United States Government, Department of Agriculture, Forest Service.

**Categories of individuals covered by the system:** Persons in communications, industry, conservation, elected office, and communities who are known (or expressed) to have an interest in obtaining up to date information about Forest Service activities in forestry or natural resource related matters.

**Categories of records in the system:** Record includes name, address, and kind of Forest Service activities and programs, i.e., wood, forage, water, recreation, wildlife, land use planning, wilderness, etc., in which the individual has demonstrated a special interest.

**Authority for maintenance of the system:** 5 U.S.C. 301; 7 CFR 2.60

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Keep interested persons informed concerning current forestry or natural resource related activities. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File cards, folders, computer

**Retrievability:** Indexed by name of individual for whom address is written.

**Safeguards:** File cabinets.

**Retention and disposal:** Retained as long as there is a current address or evidence of continuing interest in forestry and natural resource related matters.

**System manager(s) and address:** Chief, Forest Service, U.S. Department of Agriculture, 12th and Independence Avenue, S.W., Washington, DC 20250 or responsible line officer at each field unit.

**Notification procedure:** An individual may request information regarding this system of records or information as to whether the system contains records pertaining to him from any Forest Service office, with the one in proximity to requester's home address most likely.

**Record access procedures:** Use same procedures as for requesting Notification.

**Contesting record procedures:** Use same procedures as for requesting Notification.

**Record source categories:** Respondents on public involvement issues, meetings, hearings, conversations, correspondence, telephone, and published directories.

#### USDA/FS-20

**System name:** Public Correspondence Concerning Timber Management, USDA/FS

**System location:** Records in this system are maintained by the Director of Timber Management, Forest Service, U.S. Department of Agriculture, 12th and Independence Ave., SW., Washington, D.C., 20250.

**Categories of individuals covered by the system:** Individuals who correspond with the Washington Office of the Forest Service regarding timber management affairs.

**Categories of records in the system:** Contains the writer's name, who the original letter was addressed to, subject matter, record of final disposal of letter, including author of response and date of response.

**Authority for maintenance of the system:** 7 U.S.C. 1010-1031a, 16 U.S.C. 460, 471-594, 616, 694, and 1131-1136; and 33 U.S.C. 701.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in a data terminal in a locked room.

**Retrievability:** Records are indexed by name of individual correspondent.

**Safeguards:** Records are kept in a data terminal in a locked room.

**Retention and disposal:** Records are retained in the data base for 1 year. An annual printout is then prepared and stored in a file.

**System manager(s) and address:** Director of Timber Management, Forest Service, U.S. Department of Agriculture, Washington, D.C. 20250.

**Notification procedure:** Any individual may request information from this system, or information as to whether the system contains records pertaining to himself from the System Manager.

**Record access procedures:** Use same procedures as for requesting Notification.

**Contesting record procedures:** Use same procedures as for requesting Notification.

**Record source categories:** Information is obtained from letters addressed directly to the Forest Service, Division of Timber Management or referred to it by others for reply.

#### USDA/FS-21

**System name:** Public Involvement Respondents on Forest Service Activities, USDA/FS

**System location:** Records in this system are maintained at Forest Service Headquarters in Washington, DC, the 9 Regional Offices, 123 Forest Supervisor Offices, and 673 District Ranger Offices. The address for the Headquarters is Forest Service, U.S. Department of Agriculture, 12th and Independence Avenue, S.W., Washington, DC, 20250; the addresses for Regional Foresters and Forest Supervisors are listed in 36 CFR 200.2, Subpart A; and addresses for District Rangers are in the telephone directory of the applicable locality under the heading, United States Government, Department of Agriculture, Forest Service.

**Categories of individuals covered by the system:** Volunteer respondents in public involvement efforts related to natural resource management issues.

**Categories of records in the system:** May include one or more elements of: Correspondence, news clippings, questionnaires, response forms, summary address lists.

**Authority for maintenance of the system:** Executive Order No. 11514, March 5, 1970, and 42 U.S.C. 4321

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** By issue on published documents; key-sort cards, magnetic tape; punched cards; original correspondence.

**Retrievability:** By Issue.

**Safeguards:** File Cabinets.

**Retention and disposal:** Records are retained for 2 years after the decision is made and then destroyed.

**System manager(s) and address:** Director of the Office of Information, Forest Service, U.S. Department of Agriculture, Washington, DC, 20250, or the appropriate Regional Forester, Forest Supervisor, or District Ranger at the addresses specified under Location above.

**Notification procedure:** Any Forest Service field office or the WO, where the respondent gave or mailed comment or any Forest Service office to which such comments might have been sent for review or analysis. Identifying information should be by public involvement issue and approximate year.

**Record access procedures:** Use same procedures as for requesting Notification.

**Contesting record procedures:** Use same procedures as for requesting Notification.

**Record source categories:** Respondents voluntarily give the information to agency in meetings, hearings, and by correspondence.

#### USDA/FS-22

**System name:** Sawtooth National Recreation Area Certifications, USDA/FS

**System location:** Headquarters, Sawtooth National Recreation Area, Ketchum, ID, 83340

**Categories of individuals covered by the system:** Any person who has requested a certification from the Area Ranger concerning use of private lands within the Sawtooth National Recreation Area.

**Categories of records in the system:** Includes an application for Certification form and supplemental information provided by the appellant. Information obtained by the Area Ranger and staff may also be included. The data will describe the applicant's privately owned land, his plans for the land, and other information relating to the effect of the applicant's request on NRA resource values and objectives.

**Authority for maintenance of the system:** 5 U.S.C. 301; 36 CFR 292.14-292.16

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** "Disclosure may be made to a congressional office from the record of an individual in

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response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Vertical file folders.

**Retrievability:** Files are maintained under 5400 designation, identified by the applicant's name, date of application, and sequential application number.

**Safeguards:** Normal security for routine file material. Locked office or file room.

**Retention and disposal:** Permanent.

**System manager(s) and address:** Area Ranger, Sawtooth National Recreation Area, Ketchum, ID, 83340.

**Notification procedure:** Any individual may request information regarding this system of records or information as to whether this system contains records by writing to the Area Ranger, Sawtooth NRA. Identifying information should include the individual's name, date of certification application, and application number.

**Record access procedures:** Use same procedures as for requesting Notification.

**Contesting record procedures:** Use same procedures as for requesting Notification.

**Record source categories:** Information obtained from applicant, experts or consultants acting on behalf of applicant, Area Ranger and Staff through field investigation, county records, and experts and consultants solicited by Forest Service.

#### USDA/FS-23

**System name:** Skill Needs Inventory Program (R-6), USDA/FS

**System location:** This system of records is maintained by the Forest Service Headquarters Office of Region 6 at 319 S.W. Pine St., Portland, OR, 97208, the Fort Collins Computer Center, 3825 East Mulberry St., Fort Collins, CO, 80521, and the Region 6 Forest Supervisor offices. The addresses for Forest Supervisors Offices are listed in 36 CFR 200.2, Subpart A.

**Categories of individuals covered by the system:** System involves Region 6 Forest Service employees who have permanent full time or when-actually-employed appointments.

**Categories of records in the system:** The system consists of a skills inventory written and oral examination results, certificates issued, and training requirements for each Forest Service employee defined under category of individuals.

**Authority for maintenance of the system:** 5 U.S.C. 301; 7 CFR 2.60

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Data is stored on magnetic tapes and on FS-6100-2 (Employee Career Development Plan) and AD-281 (Request, Authorization and Record of Training) forms.

**Retrievability:** Data on individual is indexed by Social Security Number. Existing skills and skill needs are indexed by a numeric series code which converges for an alpha readout. Data is retrieved by computer terminals.

**Safeguards:** When an employee leaves the Forest Service, data concerning him is erased from the tape, or transferred to another Government Agency upon written request by the individual stating his name, Social Security Number, address, and last Agency location. Access to data on the computer is limited to those authorized and having an assigned access code for data only within their unit. The buildings are locked when not occupied.

**Retention and disposal:** Records are maintained for the duration of the individual's employment and thereafter filed in the Federal Record Center in accordance with approved retention schedules. Entries on magnetic tape are eliminated when the employee leaves the organization.

**System manager(s) and address:** Region 6 Regional Forester, 319 S.W. Pine St., Portland, OR 97208 or the appropriate Region 6 Forest Supervisor.

**Notification procedure:** An employee (past or present) may request information as to whether or not the system contains records pertaining to him from the appropriate Regional Forester or Forest Supervisor. A request for information should be in writing

and should include the name, address, Social Security Number, approximate date of last skill needs inventory record, and place of employment at that time.

**Record access procedures:** Use same procedures as for requesting Notification.

**Contesting record procedures:** Use same procedures as for requesting Notification.

**Record source categories:** Information stored in the system comes from direct input by the employee and his work supervisor and is based on development plans, certification exams, observed training needs, and needs identified through the development of the program of work.

#### USDA/FS-24

**System name:** Special Use Permits, Easements, and Licenses, USDA/FS

**System location:** Records in this system are maintained at Forest Service Headquarters in Washington, D.C., the 9 Regional Offices, 123 Forest Supervisor Offices, and 673 District Ranger Offices. The address for the Headquarters is Forest Service, U.S. Department of Agriculture, 12th and Independence Avenue, S.W., Washington, D.C., 20250; the addresses for Regional Foresters and Forest Supervisors are listed in 36 CFR 200.2, Subpart A; and addresses for District Rangers are in the telephone directory of the applicable locality under the heading, United States Government, Department of Agriculture, Forest Service.

**Categories of individuals covered by the system:** Any person holding a special use permit, easement, or license authorizing use or occupancy of National Forest land or land administered for National Forest purposes.

**Categories of records in the system:** The record includes information on the specific use or activity which the individual is authorized to conduct as reflected in inspections of the use or activity, qualifications and competence to perform the use or activity, and financial resources such as liability insurance and performance bonds. Other circumstances reflecting the conduct of the activity or use, negotiations on tenure and performance, etc., may be included.

**Authority for maintenance of the system:** 16 U.S.C. 472 and 551; 36 CFR 251.1 thru 251.65

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Primarily vertical file folders. Some case files or parts of files may be maintained on microfilm, aperture cards, etc.

**Retrievability:** Files are maintained under various sub-parts of 2700, identified by the kind of case (special use permit, easement, license, etc.), permittee's name, and date of permit (etc.) issuance. Applications and pending permits are maintained in the same manner except are designated Pending or Application.

**Safeguards:** Normal security for routine file material. Locked office or file room.

**Retention and disposal:** Upon termination of use or activity, case is closed. Transferral to closed files at end of fiscal year. Majority of cases are retained permanently although some issued under Ranger District or Forest Supervisor authority are specified for disposal from 5 to 50 years depending upon type of use (etc.).

**System manager(s) and address:** Director of Recreation, Forest Service, U.S. Department of Agriculture, 12th and Independence Avenue, S.W., Washington, D.C., 20250, and the appropriate Regional Forester, Forest Supervisor, or District Ranger.

**Notification procedure:** Any individual may request information regarding the system of records, or information as to whether it contains records about him by writing to the office at which the individual's special use permit, easement, or license was issued. Identifying information should include the kind of case (special use permit, easement, or license), permittee's name, date of issuance, and location of permitted use or activity.

**Record access procedures:** Use same procedures as for requesting Notification.

**Contesting record procedures:** Use same procedures as for requesting Notification.

**Record source categories:** Information obtained from individual, consultants contracted by the individual, Forest Service personnel

in course of inspection and administration of activity or use, and Forest Service consultants and technical experts.

#### USDA/FS-25

**System name:** Temporary Employee Performance and Training Record, USDA/FS

**System location:** Records in this system are maintained at Forest Service Headquarters in Washington, D.C., the 9 Regional Offices, 8 Forest and Range Experiment Stations, the Forest Products Laboratory, the Institute of Tropical Forestry, 123 Forest Supervisor Offices, and 673 District Ranger Offices. The address for the Headquarters is Forest Service, U.S. Department of Agriculture, 12th and Independence Avenue, S.W., Washington, D.C., 20250; the addresses for Regional Foresters, Forest and Range Experiment Stations, Forest Products Laboratory, Institute of Tropical Forestry, and Forest Supervisors are listed in 36 CFR 200.2, Subpart A; and addresses for District Rangers are in the telephone directory of the applicable locality under the heading, United States Government, Department of Agriculture, Forest Service.

**Categories of individuals covered by the system:** Forest Service Employees with temporary appointment.

**Categories of records in the system:** Performance evaluations; training planned and completed on a crew or group basis as well as individually; may also include an employment history and a copy of the latest hiring action. The system is similar to the Employee Development Record but less formal.

**Authority for maintenance of the system:** 5 U.S.C. 301; 7 CFR 2.60

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Respond to reference checks from potential employers or supervisors, and referral of performance records to schools or colleges when the individual was recruited through a special student employment program. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Folders in files of the unit where individual worked.

**Retrievability:** By name.

**Safeguards:** Kept in locked files in locked offices.

**Retention and disposal:** Upon termination of employment, record is transferred to closed files where it is retained for 3 years and then destroyed.

**System manager(s) and address:** Director, Personnel Management Staff; USDA Forest Service; 1621 N. Kent St., Arlington, Virginia 22209. (Mailing address—USDA Forest Service, Washington, D.C. 20250.)

**Notification procedure:** Any individual may request information concerning himself from this system from the unit where he worked.

**Record access procedures:** Use same procedures as for requesting Notification.

**Contesting record procedures:** Use same procedures as for requesting Notification.

**Record source categories:** Information in this system comes from the temporary employee and his supervisors.

#### USDA/FS-26

**System name:** Trespass and Claims, USDA/FS

**System location:** At the Forest Service headquarters offices of the Chief and the Regional Foresters. The addresses of these offices are listed in 36 CFR 200.2, Subpart A.

**Categories of individuals covered by the system:** Individuals who file claims against Forest Service pursuant to the Federal Tort Claims Act, the Military Personnel and Civilian Claims Act and the various Forest Service Claims Act; also individuals against whom the Forest Service has filed claims pursuant to the Federal Claims Collection Act; and individuals who claim title to National Forest System lands pursuant to the Adjustment of Land Titles Act, Quit Claim Act, Color of Title Act, Wisconsin Land Title Act or the Real Property—Quiet Title Act.

**Categories of records in the system:** The system consists of complete files on individual claims, including claim forms, police reports, investigation and accident reports, statement of witnesses, agency reports, and financial data of individuals subject to a claim of the Forest Service.

**Authority for maintenance of the system:** 7 U.S.C. 2253; 16 U.S.C. 502, 556c and 574; 28 U.S.C. 2409a and 2671-2680; 31 U.S.C. 240-243 and 951-953; and 43 U.S.C. 872, 1068 and 1221.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referral to Office of the General Counsel for advice, settlement; referral to Department of Justice for defense of a land suit brought against the United States or its officers, or the filing of suit for the recovery of claims by USDA. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders.

**Retrievability:** Records are indexed by name of individual claimant or trespasser.

**Safeguards:** Records are kept in a locked office.

**Retention and disposal:** Records are retained until the statutory limitations for the filing of such claim or suit arising therefrom has expired; then they are destroyed.

**System manager(s) and address:** Director, Fiscal and Accounting Management, Forest Service, U.S. Department of Agriculture, Washington, D.C. 20250, or the appropriate Regional Director of Fiscal and Accounting Management at the address specified above.

**Notification procedure:** Any individual may request information regarding this system of record or information as to whether the system contains record pertaining to him from the Director, Fiscal and Accounting Management, Forest Service, U.S. Department of Agriculture, Washington, D.C., telephone 202-447-6697, or the appropriate Regional Director of Fiscal and Accounting Management at the address listed above. If the specific location of the record is not known, the individual should address his request to the Director of Fiscal and Accounting Management, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain name, address, and particulars involved (i.e., the date of the action giving use to the claim or trespass, date claim or trespass was filed, correspondence, etc.)

**Record access procedures:** Use same procedures as for requesting Notification.

**Contesting record procedures:** Use same procedures as for requesting Notification.

**Record source categories:** Information in this system comes primarily from claimant's witnesses, agency employees, and investigative personnel.

#### USDA/FS-27

**System name:** Youth Conservation Corps (YCC) Enrollee Medical Records, USDA/FS

**System location:** Forest Service Office responsible for administration of the YCC camp. Addresses of these offices are the same as listed under 36 CFR 200.2, Subpart A.

**Categories of individuals covered by the system:** Current and former YCC enrollees.

**Categories of records in the system:** Medical History Forms, Accident Injury and Medical Treatment Forms, and Parental Permission portion of the application forms.

**Authority for maintenance of the system:** 16 U.S.C. 1703

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Disclosure to a Federal, State or local agency maintaining Civil, Criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (2) Disclosure to a Federal agency, in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."



**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Maintained in file folders.

**Retrievability:** Indexed by name of enrollee.

**Safeguards:** Stored in metal filing cabinets in locked office.

**Retention and disposal:** Manual records are maintained for 3 years. Everything is then destroyed, except accident forms and medical treatment forms. These are retained permanently or until such time as enrollee may submit a claim.

**System manager(s) and address:** Director, Staff of Manpower and Youth Conservation Programs, U.S. Department of Agriculture, Forest Service, Washington, D.C., 20250.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Forest Service organizational unit where the YCC camp was located. The addresses for these offices are in 36 CFR 200.2, Subpart A. A request for information pertaining to an individual should contain name, address, dates when work was performed, program under which enrolled, and location where work was performed.

**Record access procedures:** Use same procedures as for requesting Notification.

**Contesting record procedures:** Use same procedures as for requesting Notification.

**Record source categories:** Information in this system comes primarily from the individual himself, medical doctor, and camp official compiling accident or injury information.

#### USDA/FS—28

**System name:** Youth Conservation Corps (YCC) Enrollee Payroll Records, USDA/FS

**System location:** YCC Administrative Services Center, Bureau of Reclamation, P.O. Box 11568, Salt Lake City, UT, 84147

**Categories of individuals covered by the system:** Current and former YCC Enrollees.

**Categories of records in the system:** UC-507, Pay Notification Form information on magnetic tapes

**Authority for maintenance of the system:** 16 U.S.C. 1703

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Payroll purposes for current enrollees. (2) Disclosure to a Federal, State or local agency maintaining Civil, Criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to any agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (3) Disclosure to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Current and past UC-507 Forms information on magnetic tape and printouts.

**Retrievability:** Tapes heels are coded by number.

**Safeguards:** Tapes are stored in a tape file and vault while printouts are stored in locked metal filing cabinets.

**Retention and disposal:** Current payroll information is purged from magnetic tapes at the termination of the program after being transferred to a single magnetic tape which is retained permanently. Printouts are destroyed after 5 years.

**System manager(s) and address:** Director, Staff of Manpower and Youth Conservation Programs, U.S. Department of Agriculture, Forest Service, Washington, D.C., 20250; Director, Office of Manpower Training and Youth Activities, Department of the Interior, Office of the Secretary, Washington, D.C., 20240.

**Notification procedure:** Any individual may obtain information about the system of records, or whether it contains records about him by writing to the appropriate System Manager listed above. Inquiries should state name, address, and camp in which enrolled.

**Record access procedures:** Use same procedures as for requesting Notification.

**Contesting record procedures:** Use same procedures as for requesting Notification.

**Record source categories:** The records in this system originated from the individual on whom the record is maintained and from camp staff.

#### USDA/FS—29

**System name:** Youth Conservation Corps (YCC) Enrollee Records, USDA/FS

**System location:** Forest Service Office responsible for administration of the YCC camp. Addresses of these offices are the same as listed under 36 CFR 200.2, Subpart A.

**Categories of individuals covered by the system:** Current and former YCC enrollees.

**Categories of records in the system:** Current enrollees: Application Forms, Medical History Forms; copies of UC-507 Forms; Evaluation of enrollee's performance by camp staff; Accident and Injury Forms. Past enrollees: list of names and addresses. Current alternates: Application Forms.

**Authority for maintenance of the system:** 16 U.S.C. 1702

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Enrollee participation record for school credit. (2) Disclosure to a Federal, State or local agency maintaining Civil, Criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (3) Disclosure to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Maintained in file folders.

**Retrievability:** Indexed by name of enrollee.

**Safeguards:** Stored in metal filing cabinets in locked office.

**Retention and disposal:** Records are maintained until the end of the current program. At termination, a list of the names and addresses of enrollees is retained, while the parental permission portion of the Application Form, Medical History Form and any Accident Forms are retained. All other information in the system of records is destroyed. The list of enrollee names and addresses is retained for 5 years and then destroyed. The application forms of current alternates are destroyed at the termination of the current program.

**System manager(s) and address:** Director, Staff of Manpower and Youth Conservation Programs, U.S. Department of Agriculture, Forest Service, Washington, D.C., 20250.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him, from the organizational unit for which he performed work. A request for information pertaining to an individual should contain: name, address, dates when work was performed, program under which enrolled, and location where work was performed.

**Record access procedures:** Use same procedures as for requesting Notification.

**Contesting record procedures:** Use same procedures as for requesting Notification.

**Record source categories:** Information in this system comes primarily from the individual himself, the sponsoring organization, work supervisors, and other Forest Service officials.

#### USDA/FS—30

**System name:** Youth Conservation Corps (YCC) Recruitment System, USDA/FS

**System location:** Office of the YCC recruiter in each State. Address of the State recruiters may be obtained each year by writing to the System Managers as listed below.

**Categories of individuals covered by the system:** Youth between the ages of 15 and 18 who file an application to attend a Forest Service, Department of the Interior, or State grant YCC camp with one of the named recruiters.

**Categories of records in the system:** The system consists of application forms submitted by eligible youth.

**Authority for maintenance of the system:** 16 U.S.C. 1703

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Selection is made from among applications of all eligible applicants. Persons selected are either offered employment in a YCC camp or placed on a substitute list to be used in case of declinations. Applications of those selected are sent to camps operated by the Forest Service, Department of the Interior, States, Counties, Cities, and other sub-grantees for use in the YCC Enrollee File subsystem.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Medium of storage is the applications themselves. HK Applications are filled alphabetically by name of individual applicant.

**Safeguards:** Records are kept in office files available to responsible officials only.

**Retention and disposal:** Records on non-selected applicants are disposed of by September 31 of each year.

**System manager(s) and address:** Director, Division of Manpower and Youth Conservation Programs, U.S. Department of Agriculture, Forest Service, Washington, D.C. 20250; and Director, Office of Manpower Training and Youth Activities, Department of the Interior, Office of the Secretary, Washington, D.C., 20240.

**Notification procedure:** Any individual may request information regarding the system of records, or information as to whether it contains records about him by writing to the appropriate System Managers listed above.

**Record access procedures:** Use same procedures as for requesting Notification.

**Contesting record procedures:** Use same procedures as for requesting Notification.

**Record source categories:** The YCC application form prepared by the applicant and any additions or corrections thereto, also prepared by the applicant, and additional information as may be added to the file by the State recruiter concerning the applicant's selection, nonselection, or declination.

#### USDA/FS—31

**System name:** Youth Conservation Corps (YCC) Research Files USDA/FS

**System location:** Institute for Social Research, University of Michigan, Ann Arbor, MI, 48106

**Categories of individuals covered by the system:** A random sample of 600 1973 YCC enrollees.

**Categories of records in the system:** The file contains questionnaire responses, environmental education scores, and verbal skills test data.

**Authority for maintenance of the system:** 16 U.S.C. 1705

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** None

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File is on a magnetic tape.

**Retrievability:** Data on each person is identified by a case number. It can be retrieved by matching the case number with a mailing list containing case numbers, name and address.

**Safeguards:** Kept in locked files and only the System Manager and other research staff have access to the mailing list.

**Retention and disposal:** Files are being retained indefinitely for possible future longitudinal studies of long range benefit.

**System manager(s) and address:** Donna A. Lingwood, Institute for Social Research, The University of Michigan, Ann Arbor, MI, 48106.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from: Director, Division of Manpower and Youth Conservation Programs, U.S. Department of Agriculture, Forest Service, Washington, D.C., 20250; Director, Office of Manpower Training and Youth Activities, Department of the Interior, Office of the Secretary, Washington, D.C., 20240. A

request for information pertaining to an individual should contain name, address, dates when work was performed, program under which enrolled, and location where work was performed.

**Record access procedures:** Use same procedures as for requesting Notification.

**Contesting record procedures:** Use same procedures as for requesting Notification.

**Record source categories:** Information in this system comes primarily from the individual himself, the sponsoring organization, work supervisors, and other Forest Service officials.

#### USDA/FS—32

**System name:** Professional Registration and Professional Society Affiliation, Engineering—Related Personnel—Eastern Region—USDA/FS

**System location:** Office of the Regional Forester, Headquarters, Eastern Region, USDA Forest Service, 633 West Wisconsin Avenue, Milwaukee, Wisconsin, and at National Forest Headquarters at the following Location: Allegheny National Forest, Warren, PA; Chequamegon National Forest, Park Falls, WI; Chippewa National Forest, Cass Lake, MN; Green Mountain National Forest, Rutland, VT; Hiawatha National Forest, Escanaba, MI; Huron-Manistee National Forest, Cadillac, MI; Monongahela National Forest, Elkins, WV; National Forests in Missouri, Rolla, MO; Nicolet National Forest, Rhinelander, WI; Ottawa National Forest, Ironwood, MI; Shawnee National Forest, Harrisburg, IL; Superior National Forest, Duluth, MN; Wayne-Hoosier National Forest, Bedford, IN; White Mountain National Forest, Laconia, NH;

Addresses at each field office are listed in the telephone directories of the respective cities listed above under the heading, "United States Government, Department of Agriculture, Forest Service, National Forest Supervisor."

**Categories of individuals covered by the system:** Forest Service employees of the Eastern Region who presently are Registered Professional Engineers, Engineers-in-Training, Registered Land Surveyors, Engineers and/or Technicians presently affiliated with an Engineering-related professional or technical society or organization are included in this system of records.

**Categories of records in the system:** The system consists of a directory listing Registered Professional Engineers, Engineers-in-Training, Registered Land Surveyors, including the name of the State(s) and the Year(s) acquired. The directory also lists the "Professional Society Affiliations" of Land Surveyors and Engineering employees, including society name, category of membership and responsibility.

**Authority for maintenance of the system:** 5 U.S.C. 5301; 7 CFR 22.60.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Promoting Professional Registration and involvement in Professional and/or Technical societies; and (2) Providing assistance (through the directory listing) to employees currently seeking professional registration; and (3) Providing recognition of employees' efforts in these endeavors.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The directory (records) in the form of a spiral-bound booklet is maintained at the applicable address(s) listed above. Also, each individual whose name appears in the directory receives a copy for his personal use.

**Retrievability:** The directory (records) is indexed by organizational unit within the Region and by name of individual listed therein.

**Safeguards:** Since a copy of this directory is sent to all the individuals listed in it, no identifiable safeguards exist. Employees are instructed to treat the directory as an Official Forest Service document for in-service use only.

**Retention and disposal:** The directory (record) is maintained for the duration of an employee's registration or society affiliation. All information is deleted when (1) The employee is no longer employed within the region; (2) Is no longer registered and/or is no longer affiliated with a professional society.

**System manager(s) and address:** Director, Engineering Staff Group, USDA—Forest Service, Eastern Region, 633 West Wisconsin Avenue, Milwaukee, Wisconsin 53203.

**Notification procedure:** Any Eastern Region employee, past or present, may request information regarding this directory system,



or information as to whether the system contains records pertaining to him from the Director, Engineering Staff Group, at the address above, Telephone 414-224-3602, or the appropriate Forest Supervisor at the address previously listed. A request for information pertaining to an individual should contain: Name and address, Unit Headquarters and Particulars involved, i.e., Registered Surveyor, Registered Engineer, etc.

**Record access procedures:** Any individual may obtain information as to the procedure for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Any individual may contest a record in the system by using the same procedures as those for requesting access.

**Record source categories:** Information in this system comes primarily from individual employees, the employee's supervisor, and line and staff officers.

#### USDA/FS—33

**System name:** Law enforcement Investigation Records, USDA/FS

**System location:** Records in this system are maintained at Forest Service Headquarters in Washington, D.C., the nine Regional Offices and 123 Forest Supervisor Offices. The address for the Headquarters is Forest Service, U.S. Department of Agriculture, 12th and Independence Avenue, SW., Washington, D.C., 20250; the addresses for Regional Foresters and Forest Supervisors are listed in 36 CFR 200.2, Subpart A.

**Categories of individuals covered by the system:** Subjects: Individuals against whom allegations of wrongdoing have been made. Principals: Individuals not named as subjects, but yet may be responsible for alleged violations. Complainants: Those who allege wrongdoing. Others: Those closely connected with the matter of investigation.

**Categories of records in the system:** Files containing investigative and other reports, correspondence, informal notes, statements of witnesses, names, addresses, social security records and dates of birth.

**Authority for maintenance of the system:** 16 U.S.C. 559.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to appropriate agency, whether Federal, State, or local, charged with the responsibility for investigating or prosecuting a violation of law, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. (2) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. (3) Referral to the Department of Justice for the defense of suits against the United States or its officers, or for the institution of suits for the recovery of claims by the United States Department of Agriculture. (4) Referral to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Vertical file folders.

**Retrievability:** Files are maintained under 5340 designation, identified by the individual's name.

**Safeguards:** Staff are instructed to allow access to authorized persons only. The files are kept in locked file cabinets.

**Retention and disposal:** Files are retained indefinitely.

**System manager(s) and address:** Director, Fiscal and Accounting Management Staff, USDA—Forest Service, Washington, D.C., 20250 or the appropriate Regional Forester or Forest Supervisor at the address specified above.

**Systems exempted from certain provisions of the act:** This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f). See 7 CFR 1.23. This exemption will only be used to maintain the efficacy and integrity of lawful investigations, and to prevent access to certain law enforcement files which would alert subjects of investigations that their activities are being scrutinized and thus allow them time to take measures to prevent detection of

illegal action or escape prosecution. Any individual who feels, however, that he has been denied any right, privilege or benefit for which he would otherwise be eligible as a result of the maintenance of such material may request access to the material. Such requests should be addressed to the appropriate system manager.

#### USDA/FS—34

**System name:** Land Adjustments (Purchase, Donation, Exchange) USDA/FS

**System location:** Records in this system are maintained at Forest Service Headquarters in Washington, D.C., the nine Regional Offices, the ten Experiment Station Offices, Forest Supervisor Offices, and District Ranger Offices. The address for the Headquarters is Forest Service, U.S. Department of Agriculture, 12th and Independence Avenue, SW., Washington, D.C. 20250, the addresses for Regional Foresters, Station Directors and Forest Supervisors are listed in 36 CFR 202.2, Subpart A; and addresses for District Rangers are in the telephone directory of the applicable locality under the heading, United States Government, Department of Agriculture, Forest Service.

**Categories of individuals covered by the system:** Individuals who sell, donate, or exchange lands or interests in lands to or with the United States through the Forest Service, USDA.

**Categories of records in the system:** The system consists of complete files on individual land adjustment cases, including appraisal reports and justification statements for the land adjustment action being taken.

**Authority for maintenance of the system:** 40 U.S.C. 257, 16 U.S.C. 515-517, 16 U.S.C. 485-486; 16 U.S.C. 569, 16 U.S.C. 555, 40 U.S.C. 258a, 7 U.S.C. 1010, 1011(c), 7 U.S.C. 428a(a), 43 U.S.C. 315g-1, 16 U.S.C. 555a, 16 U.S.C. 1131-1136, 16 U.S.C. 4601-9, 16 U.S.C. 484a, 42 U.S.C. 4601(6), 4601(8), 4621, 4622, 4651, 4653, National Trails 16 U.S.C. 1241-1249, Wild and Scenic Rivers 16 U.S.C. 1271-1287, National Recreation Areas 16 U.S.C. 460p et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referred to (1) Department of Justice for (a) filing condemnation in court and (b) for information in suits filed against the Government, (2) Bureau of Land Management for review of cases involving exchange of public domain lands, (3) Bureau of Outdoor Recreation for review in authorizing use of land and water conservation funds, (4) Treasury Department for tax purposes, (5) Federal Power Commission for licensing of Federal Power Commission projects, (6) Environmental Protection Agency for preparation of environmental statements, (7) Corps of Engineers for information on joint land acquisition projects, (8) General Accounting Office for review of specific cases, (9) Congressional Committees and members of congress for (a) National Forest Reservation Commission for approval of Weeks Law purchases or exchanges, and (b) to appropriation committees for budget purposes, (10) State and local governments for (a) compliance with OMB Circular A-95 and (b), for compliance with the Rare and Endangered Species Act and the Historic and Cultural Preservation Act.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable field offices and the Washington Office.

**Retrievability:** Records are indexed by name of individual involved in land adjustment case.

**Safeguards:** Safeguards: Records are kept in a locked official government office.

**Retention and disposal:** Records are retained at the applicable office until the cases are closed, at which time one combined record is retained by the applicable Regional Office for a period of twenty-five years, except for deeds and title papers which are retained permanently at the applicable Field Offices.

**System manager(s) and address:** Director, Lands, Forest Service, USDA, Washington, D.C., 20250 and designees at Region, Station, Forest, Ranger, Research Work Units and Project Headquarters Offices when applicable.

**Notification procedure:** Any individual may request information regarding this system of record or information as to whether the system contains a record pertaining to him from the Director, Lands, Forest Service, USDA, Washington, D.C., telephone 703-235-8212. He will advise the individual of the locations of any records and the local designated individual responsible for those records at the appropriate Field Offices. A request for information pertaining to an individual should contain:

Name, address, and any available particulars involved in the specific case, i.e., name of owner of properties, location of property and dates of any correspondence, if available, etc.

**Record access procedures:** Use same procedures as for requesting notifications.

**Contesting record procedures:** Use same procedures as for requesting notification.

**Record source categories:** Information in this system comes primarily from individual landowners, employees of the agency or agencies to which cases are referred and contract real property appraisers or consultants which they hire.

#### USDA/FS—35

**System name:** Congressional Correspondence Records, USDA/FS.

**System location:** Records in this system are maintained at Forest Service Headquarters in Washington, D.C., the 9 Regional Offices, the 10 Experiment Station Offices, Area Offices, Forest Supervisor Offices, and District Ranger Offices. The address for the Headquarters is: Forest Service, U.S. Department of Agriculture, 12th and Independence Avenue, SW., Washington, D.C. 20250; the addresses for Regional Foresters, Station Directors, Area Offices, and Forest Supervisors are listed in 36 C.F.R. 200.2, subpart A; and addresses for District Rangers are in the telephone directory of the applicable locality under the heading, U.S. Government, Department of Agriculture, Forest Service.

**Categories of individuals covered by the system:** Current Members of the House of Representatives and U.S. Senate.

**Categories of records in the system:** Files containing congressional letters with attached congressional constituent correspondence; copies of FS responses to written correspondence from congressional members; Congressional Record and newspaper clippings of statements made by Members of Congress on forestry, forestry legislation or the Forest Service; statistical data on Forest Service activities in the congressional district or State, that is, payments to States and counties from national forest receipts, by congressional district, county, State, and national forest acreage by congressional district, county and State; copies of letters to the record by Forest Service officials summarizing meetings with Congressmen and/or visits to Forest Service offices and National Forest System land by Members and Committees of Congress and their staffs, and biographies of Members of Congress.

**Authority for maintenance of the system:** 5 U.S.C. 201; 16 U.S.C. 582a—582a-7; U.S.C. 1601-1610.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To Members of Congress to enable them to (1) respond to constituents, (2) judge the agency's response to the constituent, (3) obtain factual information on National Forest acreage, Forest Service projects, receipts to States and local governments by district or State, (4) to prepare statements on forestry legislation and issues.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are stored in individual file folders.

**Retrievability:** Material is filed alphabetically by name.

**Safeguards:** All information in this file is a matter of public record and subject to the Freedom of Information Act. Special safeguards are not required.

**Retention and disposal:** Files are retained until a Member leaves Congress. Within the files, copies of correspondence are retained for 12 months. Factual material on Forest Service activities in the District or State are updated annually and previous material destroyed. Statements made in the Congressional Record are retained in the file until the entire file is destroyed.

**System manager(s) and address:** Director, Legislative Affairs, Forest Service, U.S. Department of Agriculture, 12th and Independence Avenue, SW., Washington, D.C. 20250; appropriate Regional Information Officer; appropriate National Forest Administrative Officer.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him by contacting the appropriate system manager.

**Record access procedures:** A request for information pertaining to an individual should contain: Name, address, and any available particulars involved in the specific case, that is, dates of correspondence, subject matter, et cetera.

**Contesting record procedures:** Use same procedures as for notification.

**Record source categories:** Records in this system come from U.S. Congressmen and replies from within the agency; attachments to congressional correspondence from constituents, newspapers, the Congressional Record, and Forest Service records.

#### USDA/FS—36

**System name:** Certified Timber Sale Administrators, USDA/FS.

**System location:** Forest Service Regional Headquarters and/or Forest Supervisor Headquarters. The addresses for these offices are listed in 36 C.F.R. 200.2, subpart A.

**Categories of individuals covered by the system:** Employees certified as administrators of timber sale contracts.

**Categories of records in the system:** Name, grade, and date of individual's certification. Includes record of certification action.

**Authority for maintenance of the system:** 16 U.S.C. 476.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** None.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders.

**Retrievability:** Records are indexed by organization and name of individual certified.

**Safeguards:** Records are kept in a locked office.

**Retention and disposal:** Records are maintained until superseded.

**System manager(s) and address:** Director of Timber Management at addresses listed above.

**Notification procedure:** Requests should be directed to the system manager.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Forest Service records of administration experience and training.

#### USDA/FS—37

**System name:** Certified Timber Appraisers, USDA/FS.

**System location:** Office of the Regional Foresters, Forest Supervisors, and the Forest Manager, Savannah River Plant, Aiken, S.C. 29801; the addresses for these offices are listed in 36 C.F.R. 200.2 subpart A.

**Categories of individuals covered by the system:** Employees certified to appraise timber for sale.

**Categories of records in the system:** Name, grade, and date of individual's certification. Includes record of certification action.

**Authority for maintenance of the system:** 16 U.S.C. 476.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** None.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders.

**Retrievability:** Records are indexed by organization and name of individual certified.

**Safeguards:** Records are kept in a locked office.

**Retention and disposal:** Records are maintained until superseded.

**System manager(s) and address:** Director of Timber Management at addresses listed above.

**Notification procedure:** Send requests for information to the system manager.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Forest Service records of appraisal experience, training, and written, oral or applied examinations.

#### USDA/FA—38

**System name:** Certified Check Scaler, USDA/FS.

**System location:** Records in this system are maintained at the Southern Regional Office, 15 Forest Supervisor Offices and 1 Forest Manager Office. The address of the Southern Regional Office is: Forest Service, USDA, 1720 Peachtree Road, NW., Atlanta, Ga. 30309. The Forest Supervisor Offices are listed in 36 C.F.R. 200.2, subpart A, under Region 8, Southern Region. The address for the Forest Manager is: Forest Manager, Savannah River Plant, P.O. Box A, Aiken, S.C. 29801.

**Categories of individuals covered by the system:** Employees qualified and authorized to check work of timber workers.

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**Categories of records in the system:** Name, grade, and date of employees certification. Includes record of certification.

**Authority for maintenance of the system:** 16 U.S.C. 476.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** None

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders.

**Retrievability:** Records are indexed by organization and name of individual certified.

**Safeguards:** Records are kept in a locked office.

**Retention and disposal:** Records are maintained until superseded.

**System manager(s) and address:** Director of Timber Management at addresses listed above.

**Notification procedure:** Send requests for information to the appropriate system manager.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Forest Service records of administration experience, training, oral, and applied examination.

#### USDA/FS—39

**System name:** Certified Timber Marker, USDA/FS.

**System location:** At headquarters of 15 Forest Supervisor Offices in Region 8, Southern Region, as listed in 36 C.F.R. 200.2 subpart A, and one Forest Manager Office. The address for the Forest Manager is: Forest Manager, Savannah River Plant, P.O. Box A, Aiken, S.C. 29801.

**Categories of individuals covered by the system:** Employees qualified to mark and make volume estimates of trees for sale.

**Categories of records in the system:** Name, grade, and date of individual's certification. Includes record of certification action.

**Authority for maintenance of the system:** 16 U.S.C. 476.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** None.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by organization and name of individual certified.

**Safeguards:** Records are kept in a locked office.

**Retention and disposal:** Records are maintained until superseded.

**System manager(s) and address:** Director of Timber Management at addresses listed above.

**Notification procedure:** Send requests to the appropriate system manager.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Forest Service records of administration experience and training.

#### USDA/FS—40

**System name:** Certified Power Saw Operator, USDA/FS.

**System location:** At headquarters of 15 Forest Supervisor Offices in Region 8, Southern Region, as listed in 36 C.F.R. 200.2 subpart A, and one Forest Manager Office. The address for the Forest Manager is: Forest Manager, Savannah River Plant, P.O. Box A, Aiken, S.C. 29801.

**Categories of individuals covered by the system:** Employees who qualify as saw operators.

**Categories of records in the system:** Name, grade, and date of individual's certification. Includes record of certification action.

**Authority for maintenance of the system:** 16 U.S.C. 476.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** None.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders.

**Retrievability:** Records are indexed by organization and name of individual certified.

**Safeguards:** Records are kept in a locked office.

**Retention and disposal:** Records are maintained until superseded.

**System manager(s) and address:** Director of Timber Management at addresses listed above.

**Notification procedure:** Send requests to the appropriate system manager.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Forest Service records of administration experience, and training. Information may also come from written, oral, and applied examinations.

#### USDA/FS—41

**System name:** Certified Pesticide Applicators, USDA/FS.

**System location:** Records in this system are maintained at the Southern Regional Office and 15 Forest Supervisor Offices and one Forest Manager Office. The address of the Southern Regional Office is: Forest Service, USDA, 1720 Peachtree Road, NW., Atlanta, Ga. 30309. The Forest Supervisor Offices are listed in 36 C.F.R. 200.2 subpart A, under Region 8, Southern Region. The address for the Forest Manager is: Forest Manager, Savannah River Plant, P.O. Box A, Aiken, S.C. 29801.

**Categories of individuals covered by the system:** Forest Service employees who have completed the necessary training to qualify as pesticide applicators.

**Categories of records in the system:** Name, grade, and date of certification and organization. Includes record of certification action.

**Authority for maintenance of the system:** 16 U.S.C. 476.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** None.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by organization and name of individual certified.

**Safeguards:** Records are kept in a locked office.

**Retention and disposal:** Records are maintained until superseded.

**System manager(s) and address:** Director of Range, Timber, and Wildlife, Forest Service, USDA, 1720 Peachtree Road, NW., Atlanta, Ga. 30309, and the appropriate Forest Supervisor or Forest Manager at the address specified above.

**Notification procedure:** Any employee may request information regarding the system of records, or information as to whether the system contains records pertaining to him from the system manager. A request for information should contain the name, grade, date of certification, and organization.

**Record access procedures:** Use same procedures as for requesting notification.

**Contesting record procedures:** Use same procedures as for requesting notification.

**Record source categories:** Forest Service records of Pesticide Application experience and training obtained from information in employee's personnel file information in this system may also come from written, oral and applied examinations.

#### USDA/FS—42

**System name:** Certified Prescriptionists, USDA/FS.

**System location:** At appropriate Regional headquarters and appropriate Forest Supervisor Offices and one Forest Manager Office. The addresses are listed in 36 C.F.R. 200.2 subpart A. The address for the Forest Manager is: Forest Manager, Savannah River Plant, P.O. Box A, Aiken, S.C. 29801.

**Categories of individuals covered by the system:** Forest Service employees who have completed the necessary training to qualify as Prescriptionists.

**Categories of records in the system:** Name, grade, and date of certification and organization. Includes record of certification action.

**Authority for maintenance of the system:** 16 U.S.C. 476.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** None.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by organization and name of individual certified.

**Safeguards:** Records are kept in a locked office.

**Retention and disposal:** Records are maintained until superseded.

**System manager(s) and address:** Forest Supervisors and Forest Manager at the addresses specified above.

**Notification procedure:** Any employee may request information regarding the system of records or information as to whether the system contains records pertaining to him from the system manager. A request for information should contain name and date of certification.

**Record access procedures:** Use same procedures as for requesting notification.

**Contesting record procedures:** Use same procedures as for requesting notification.

**Record source categories:** Forest Service records of prescription experience and training obtained from information in the employee's personnel file. Information in the system may also come from written, oral, and applied examinations.

#### USDA/FS—43

**System name:** Emergency Fire Mobilization Plan Directory, USDA/FS.

**System location:** Records are kept by the Fire Management staff, Forest Service, U.S. Department of Agriculture, Washington, D.C. 20250, and by the respective Regional Office, Forest Supervisor's Office, and Ranger District Office where the individual is employed.

**Categories of individuals covered by the system:** Employees and cooperators who are involved in wildland fire suppression.

**Categories of records in the system:** The system may include names, working titles, fire-job qualifications, home addresses and telephone numbers of these individuals.

**Authority for maintenance of the system:** 16 U.S.C. 551, 5 U.S.C. 301; 7 C.F.R. 2.60.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosed to Federal, State, and local agencies involved in wildland fire protection activities, including but not limited to the Forest Service, Bureau of Land Management, Bureau of Indian Affairs, National Park Service, State Forestry Organizations, and Rural Fire Departments, so that the individuals and their assigned fire crews can be called upon for emergency duty.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information may be kept on file cards, loose-leaf or bound fire mobilization plans, pocket-sized directories, and may be placed on magnetic tape, drums, or disks at Forest Service computer facilities.

**Retrievability:** System may be indexed by organization, geographic area of residence, fire-job qualifications, or by last name.

**Safeguards:** Records do not contain information that is considered highly confidential so they may be kept in a general file and in ADP storage systems.

**Retention and disposal:** The information in this system will be maintained currently. Out of date information will be kept in the general files for 10 years and then destroyed.

**System manager(s) and address:** Directors of Fire Management in the Washington Office and Regional Offices, Forest Fire Management Staff Officers, and District Rangers.

**Notification procedure:** An employee can obtain the information from the Washington Office, Regional Office, Forest Supervisor's Office, or Ranger District Office under which he is or had been employed. If the specific location of the record is not known the individual may direct his request to the Director of Fire Management in Washington or in the Regional Office of the geographic area where he was employed. A request for information from this system should include name, address, place, period of employment, and position held.

**Record access procedures:** Use same procedures as for requesting notification.

**Contesting record procedures:** Use same procedures as for requesting notification.

**Record source categories:** The information in this system comes primarily from the individual, from other in-service documents, or from supervisory personnel.

#### USDA/FS—44

**System name:** Pilot Qualification Record, USDA/FS.

**System location:** Records in this system are maintained at the Forest Service headquarters of the nine Regional Offices. Addresses are listed in 36 C.F.R. 200.2 subpart A.

**Categories of individuals covered by the system:** Pilots employed by contractors, aircraft equipment rental vendors, and self-employed pilots providing aviation services to the USDA/FS.

**Categories of records in the system:** Form 5700-2, Pilot Qualification

Record, which includes pilot licenses, ratings, medical examination, flying experience and training, accident records, any records of unsatisfactory performance, and evaluation checkflights.

**Authority for maintenance of the system:** 5 U.S.C. 301; 7 C.F.R. 2.60.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referred to Bureau of Land Management and Office of Aircraft Services who contract for similar services.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Vertical file folders.

**Retrievability:** Indexed by the name of the individual.

**Safeguards:** Records are in the general files in a locked office.

**Retention and disposal:** Records are updated currently as needed and then filed in the National Archives in accordance with standard procedures. Names may be added or deleted from the list, as appropriate.

**System manager(s) and address:** Regional Aviation Officers located at the addresses listed above.

**Notification procedure:** Any individual may request information as to whether he is on the list by writing the system manager. A request for information pertaining to an individual should contain name, FAA pilot license number, and information as to previous employers while performing services for the agency.

**Record access procedures:** Use same procedures as for requesting notification.

**Contesting record procedures:** Use same procedures as for requesting notification.

**Record source categories:** Information in this system comes from Regional Aviation Officers, Contracting Officers, and pilot inspectors.

#### USDA/OGC—1

**System name:** Cases against the Department under the Federal Meat Inspection Act, the Poultry Products Inspection Act, the voluntary inspection and certification provisions of the Agricultural Marketing Act of 1946, and related laws, USDA/OGC.

**System location:** Office of the General Counsel, APHIS Division, USDA, Washington, D.C.

**Categories of individuals covered by the system:** Individuals regulated or not regulated by the subject Acts who bring suit against the Government or a Governmental official pursuant to, or as a consequence of the Department's administration of, the subject Acts.

**Categories of records in the system:** The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to the subject Acts.

**Authority for maintenance of the system:** 21 U.S.C. 601 et seq., 21 U.S.C. 451 et seq., 7 U.S.C. 1621 et seq., and 7 U.S.C. 450.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal; (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of the individual.

**Safeguards:** Records are kept in a locked office or file cabinet.

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**Retention and disposal:** Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

**System manager(s) and address:** Director, APHIS Division, OGC, USDA, Washington, D.C. 20250.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, APHIS Division, OGC, USDA, Washington, D.C., telephone 202-447-5550. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.)

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Same as Record Access Procedures.

**Record source categories:** Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

#### USDA/OGC—2

**System name:** Cases against the Department under the Horse Protection Act of 1970, as amended, USDA/OGC.

**System location:** Office of the General Counsel, APHIS Division, USDA, Washington, D.C.

**Categories of individuals covered by the system:** Individuals regulated or not regulated by the subject Act who bring suit against the Government or a Governmental official pursuant to, or as a consequence of the Department's administration of, the subject Act.

**Categories of records in the system:** The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to the subject Act.

**Authority for maintenance of the system:** 15 U.S.C. 1821 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal; (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of the individual.

**Safeguards:** Records are kept in a locked office or file cabinet.

**Retention and disposal:** Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

**System manager(s) and address:** Director, APHIS Division, OGC, USDA, Washington, D.C. 20250.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, APHIS Division, OGC, USDA, Washington, D.C., telephone 202-447-5550. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.)

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Same as Record Access Procedures.

**Record source categories:** Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

#### USDA/OGC—3

**System name:** Cases against the Department under the Humane Methods of Livestock Slaughter law (i.e., the Act of August 27, 1958), USDA/OGC.

**System location:** Office of the General Counsel, APHIS Division, USDA, Washington, D.C.

**Categories of individuals covered by the system:** Individuals regulated or not regulated by the subject Act who bring suit against the Government or a Governmental official pursuant to, or as a consequence of the Department's administration of, the subject Act.

**Categories of records in the system:** The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to the subject Act.

**Authority for maintenance of the system:** 7 U.S.C. 1901-1906.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal; (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of the individual.

**Safeguards:** Records are kept in a locked office or file cabinet.

**Retention and disposal:** Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

**System manager(s) and address:** Director, APHIS Division, OGC, USDA, Washington, D.C. 20250.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, APHIS Division, OGC, USDA, Washington, D.C., telephone 202-447-5550. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.)

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Same as Record Access Procedures.

**Record source categories:** Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

#### USDA/OGC—4

**System name:** Cases against the Department under the Laboratory Animal Welfare Act, as amended, USDA/OGC.

**System location:** Office of the General Counsel, APHIS Division, USDA, Washington, D.C.

**Categories of individuals covered by the system:** Individuals regulated or not regulated by the subject Act who bring suit against the Government or a Governmental official pursuant to, or as a consequence of the Department's administration of, the subject Act.

**Categories of records in the system:** The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to the subject Act.

**Authority for maintenance of the system:** 7 U.S.C. 2131 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal; (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of the individual.

**Safeguards:** Records are kept in a locked office or file cabinet.

**Retention and disposal:** Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

**System manager(s) and address:** Director, APHIS Division, OGC, USDA, Washington, D.C. 20250.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, APHIS Division, OGC, USDA, Washington, D.C., telephone 202-447-5550. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.)

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Same as Record Access Procedures.

**Record source categories:** Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

#### USDA/OGC—5

**System name:** Cases against the Department under the 28 Hour Law, as amended, USDA/OGC.

**System location:** Office of the General Counsel, APHIS Division, USDA, Washington, D.C.

**Categories of individuals covered by the system:** Individuals regulated or not regulated by the subject Act who bring suit against the Government or a Governmental official pursuant to, or as a consequence of the Department's administration of, the subject Act.

**Categories of records in the system:** The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to the subject Act.

**Authority for maintenance of the system:** 45 U.S.C. 71-74.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal; (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal; (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of the individual.

**Safeguards:** Records are kept in a locked office or file cabinet.

**Retention and disposal:** Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

**System manager(s) and address:** Director, APHIS Division, OGC, USDA, Washington, D.C. 20250.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, APHIS Division, OGC, USDA, Washington, D.C., telephone 202-447-5550. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.)

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Same as Record Access Procedures.

**Record source categories:** Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

#### USDA/OGC—6

**System name:** Cases against the Department under the various Animal Quarantine and related laws, USDA/OGC.

**System location:** Office of the General Counsel, APHIS Division, USDA, Washington, D.C.

**Categories of individuals covered by the system:** Individuals regulated or not regulated by the subject Acts who bring suit against the Government or a Governmental official pursuant to, or as a consequence of the Department's administration of, the subject Acts.

**Categories of records in the system:** The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to the subject Acts.

**Authority for maintenance of the system:** 21 U.S.C. 101-135b, 19 U.S.C. 1306, 1202, 46 U.S.C. 466a-466b, and 7 U.S.C. 450.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal; (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.



is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal; (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of the individual.

**Safeguards:** Records are kept in a locked office or file cabinet.

**Retention and disposal:** Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

**System manager(s) and address:** Director, APHIS Division, OGC, USDA, Washington, D.C. 20250.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, APHIS Division, OGC, USDA, Washington, D.C., telephone 202-447-5550. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.)

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Same as Record Access Procedures.

**Record source categories:** Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

#### USDA/OGC—7

**System name:** Cases against the Department under the various Plant Protection and Quarantine and related laws, USDA/OGC.

**System location:** Office of the General Counsel, APHIS Division, USDA, Washington, D.C.

**Categories of individuals covered by the system:** Individuals regulated or not regulated by the subject Acts who bring suit against the Government or a Governmental official pursuant to, or as a consequence of the Department's administration of, the subject Acts.

**Categories of records in the system:** The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to the subject Acts.

**Authority for maintenance of the system:** 7 U.S.C. 145, 147a, 148e, 149, 150-150g, 150aa-150jj, 151-165, 167, 166, 281-282, 450, 1651-1656, 2801-2813.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal; (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of the individual.

**Safeguards:** Records are kept in a locked office or file cabinet.

**Retention and disposal:** Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

**System manager(s) and address:** Director, APHIS Division, OGC, USDA, Washington, D.C. 20250.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, APHIS Division, OGC, USDA, Washington, D.C., telephone 202-447-5550. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.)

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Same as Record Access Procedures.

**Record source categories:** Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

#### USDA/OGC—8

**System name:** Cases by the Department under the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the voluntary inspection and certification provisions of the Agricultural Marketing Act of 1946, USDA/OGC.

**System location:** Office of the General Counsel, APHIS Division, USDA, Washington, D.C.

**Categories of individuals covered by the system:** Individuals who are regulated by the subject Acts and against whom the Department recommends that an enforcement action be brought by the Government.

**Categories of records in the system:** The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Acts.

**Authority for maintenance of the system:** 21 U.S.C. 601 et seq., 21 U.S.C. 451 et seq., and 7 U.S.C. 1621 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal; (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of the individual.

**Safeguards:** Records are kept in a locked office or file cabinet.

**Retention and disposal:** Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

**System manager(s) and address:** Director, APHIS Division, OGC, USDA, Washington, D.C. 20250.

**Systems exempted from certain provisions of the act:** This system has been exempted pursuant to 5 U.S.C. 552a (k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and

(I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

#### USDA/OGC—9

**System name:** Cases by the Department under the Horse Protection Act of 1970, as amended, USDA/OGC.

**System location:** Office of the General Counsel, APHIS Division, USDA, Washington, D.C.

**Categories of individuals covered by the system:** Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

**Categories of records in the system:** The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

**Authority for maintenance of the system:** 15 U.S.C. 1821 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal; (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of the individual.

**Safeguards:** Records are kept in a locked office or file cabinet.

**Retention and disposal:** Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

**System manager(s) and address:** Director, APHIS Division, OGC, USDA, Washington, D.C. 20250.

**Systems exempted from certain provisions of the act:** This system has been exempted pursuant to 5 U.S.C. 552a (k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

#### USDA/OGC—10

**System name:** Cases by the Department under the Humane Methods of Livestock Slaughter law (i.e., the Act of August 27, 1958), USDA/OGC.

**System location:** Office of the General Counsel, APHIS Division, USDA, Washington, D.C.

**Categories of individuals covered by the system:** Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

**Categories of records in the system:** The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

**Authority for maintenance of the system:** 7 U.S.C. 1901-1906.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal; (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of the individual.

**Safeguards:** Records are kept in a locked office or file cabinet.

**Retention and disposal:** Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

**System manager(s) and address:** Director, APHIS Division, OGC, USDA, Washington, D.C. 20250.

**Systems exempted from certain provisions of the act:** This system has been exempted pursuant to 5 U.S.C. 552a (k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

#### USDA/OGC—11

**System name:** Cases by the Department under the Laboratory Animal Welfare Act, as amended, USDA/OGC.

**System location:** Office of the General Counsel, APHIS Division, USDA, Washington, D.C.

**Categories of individuals covered by the system:** Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

**Categories of records in the system:** The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

**Authority for maintenance of the system:** 7 U.S.C. 2131 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which



is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal; (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of the individual.

**Safeguards:** Records are kept in a locked office or file cabinet.

**Retention and disposal:** Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

**System manager(s) and address:** Director, APHIS Division, OGC, USDA, Washington, D.C. 20250.

**Systems exempted from certain provisions of the act:** This system has been exempted pursuant to 5 U.S.C. 552a (k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

#### USDA/OGC—12

**System name:** Cases by the Department under the 28 Hour Law, as amended, USDA/OGC.

**System location:** Office of the General Counsel, APHIS Division, USDA, Washington, D.C.

**Categories of individuals covered by the system:** Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

**Categories of records in the system:** The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

**Authority for maintenance of the system:** 45 U.S.C. 71-74.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal; (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of the individual.

**Safeguards:** Records are kept in a locked office or file cabinet.

**Retention and disposal:** Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

**System manager(s) and address:** Director, APHIS Division, OGC, USDA, Washington, D.C. 20250.

**Systems exempted from certain provisions of the act:** This system has been exempted pursuant to 5 U.S.C. 552a (k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

#### USDA/OGC—13

**System name:** Cases by the Department under the various Animal Quarantine and related laws, USDA/OGC.

**System location:** Office of the General Counsel, APHIS Division, USDA, Washington, D.C.

**Categories of individuals covered by the system:** Individuals who are regulated by the subject Acts and against whom the Department recommends that an enforcement action be brought by the Government.

**Categories of records in the system:** The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Acts.

**Authority for maintenance of the system:** 21 U.S.C. 101-135b, 19 U.S.C. 1306, 1202, and 46 U.S.C. 466a-466b.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal; (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of the individual.

**Safeguards:** Records are kept in a locked office or file cabinet.

**Retention and disposal:** Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

**System manager(s) and address:** Director, APHIS Division, OGC, USDA, Washington, D.C. 20250.

**Systems exempted from certain provisions of the act:** This system has been exempted pursuant to 5 U.S.C. 552a (k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

#### USDA/OGC—14

**System name:** Cases by the Department under the various Plant Protection and Quarantine and related laws, USDA/OGC.

**System location:** Office of the General Counsel, APHIS Division, USDA, Washington, D.C.

**Categories of individuals covered by the system:** Individuals who are regulated by the subject Acts and against whom the Department recommends that an enforcement action be brought by the Government.

**Categories of records in the system:** The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Acts.

**Authority for maintenance of the system:** 7 U.S.C. 145, 147a, 148-148e, 149, 150-150g, 150aa-150jj, 151-165, 167, 166, 281-282, 1651-1656, 2801-2813.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal; (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of the individual.

**Safeguards:** Records are kept in a locked office or file cabinet.

**Retention and disposal:** Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

**System manager(s) and address:** Director, APHIS Division, OGC, USDA, Washington, D.C. 20250.

**Systems exempted from certain provisions of the act:** This system has been exempted pursuant to 5 U.S.C. 552a (k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

#### USDA/OGC—15

**System name:** Community Development Division Litigation, USDA/OGC

**System location:** Office of the General Counsel, USDA 14th and Independence Ave., S. W., Washington, D.C. 20250, and offices of Regional Attorneys and Attorneys-in-Charge, OGC, USDA, at the following locations: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma; Temple, Texas. Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

**Categories of individuals covered by the system:** Past and present parties to litigation involving FmHA program participants and parties against whom litigation was proposed but not commenced.

**Categories of records in the system:** The system consists of records on individual litigation cases, sometimes including FmHA loan dockets, copies of documents filed with State and Federal agencies, court records, legal opinions, correspondence, investigation reports, contracts, and related documents.

**Authority for maintenance of the system:** 5 U.S.C. 201, 42 U.S.C. 1471-1490; 4401-19; 4453-55 and 7 U.S.C. 1921-29.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, or any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery; (3) Referral to Department of Justice for suits against the United States or its officers or instrumentalities concerning USDA activities; (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders in file cabinets.

**Retrievability:** Records are indexed by name; sometimes cross-indexed.

**Safeguards:** Files stored in Attorney's office.

**Retention and disposal:** Files sent to Federal Records Center when cases are closed, some retained indefinitely for research purposes.

**System manager(s) and address:** Director, Community Development Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney-in-Charge at the address specified above.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or the appropriate Regional Attorney or Attorney-in-Charge. A request should indicate the name, address and particulars involved.

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the System Manager or appropriate Regional Attorney or Attorney-in-Charge.

**Contesting record procedures:** Same as Record Access Procedures.

**Record source categories:** Records in this system come from Federal and State courts, witnesses, agency employees, attorneys, title companies, Farmers Home Administration loan, grant, and applicant dockets, and the Department of Justice.

**Systems exempted from certain provisions of the act:** Those records in this system which consist of investigatory material compiled for law enforcement purposes have been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f). See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

#### USDA/OGC—16

**System name:** Farmers Home Administration (FmHA) General Case Files, USDA/OGC.

**System location:** Offices of Regional Attorneys and Attorneys-in-Charge, OGC, USDA, at the following locations: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma; Temple, Texas.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

**Categories of individuals covered by the system:** Primarily applicants for FmHA financial assistance and FmHA borrowers and

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grantees, in some regional offices also parties to litigation, purchasers of FmHA security property, vendors to FmHA borrowers, contractors and builders of FmHA financed projects, packagers of FmHA loan dockets, real estate salesmen and brokers dealing with FmHA property applicants or having a security interest in property owned or financed or to be financed by FmHA or to whom FmHA notes are assigned, present and former owners and holders of an interest in real property serving as security for FmHA loans, third party converters, and individuals who file claims against FmHA.

**Categories of records in the system:** Records on individual applicant, borrower or grantee cases, sometimes including FmHA loan dockets, copies of promissory notes and security instruments, title evidence, legal opinions, correspondence, investigation reports, contracts, pleadings, legal documents covering foreclosures and loan or grant making or servicing, title opinions, contracts, closing instructions, notices, and related documents.

**Authority for maintenance of the system:** 5 U.S.C. 301, 42 U.S.C. 1471-1490, 4401-19; 4453-55 and 7 U.S.C. 1921-92.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral of certain records to trustees for reconveyance or foreclosure of deeds of trust, or correction of errors, to appropriate State and County officials for recording or filing of legal documents, to title companies or Bureau of Indian Affairs for title clearance, to appropriate agencies and individuals for institution of nonjudicial foreclosure and other loan servicing and liquidation actions, and to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. (2) Referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, or any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. (3) Referral to Department of Justice for suits against the United States or its officers or instrumentalities concerning USDA activities. (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the addresses listed above.

**Retrievability:** Records are usually indexed by the name of the individual on whom the file is maintained. In some instances records are maintained in numerical order corresponding to the FmHA account number. In some instances they are also cross-indexed by the names of individuals mentioned in the files.

**Safeguards:** Records are kept in locked offices. Secretive materials such as Office of Investigation reports are kept in locked drawers or file cabinets.

**Retention and disposal:** Records are usually retained for 12 to 18 months after the case is closed. In some Regional Offices certain records are maintained indefinitely, primarily for research value.

**System manager(s) and address:** Appropriate Regional Attorney or Attorney-in-Charge.

**Notification procedure:** Any individual may request information regarding this system of records, or information whether the system contains records pertaining to him from the appropriate System Manager. A request should contain the name and address of the individual involved and as much other identifying information as possible.

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request for same to the appropriate System Manager at the above address.

**Contesting record procedures:** Same as Records Access Procedures.

**Record source categories:** Information in this system comes primarily from applicants, borrowers, grantees, FmHA or other USDA employees, attorneys, credit reporting agencies, title companies, and State and Federal government agencies.

**Systems exempted from certain provisions of the act:** Those records in this system which consist of investigatory material compiled for law enforcement purposes have been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f). See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

#### USDA/OGC—17

**System name:** Claims by and Against USDA under the Food Assistance Legislation, USDA/OGC.

**System location:** Office of the General Counsel, Food and Nutrition Division, USDA, Washington, D.C. and Offices of Regional Attorneys and Attorneys-in-Charge, OGC, USDA, at the following locations: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Missoula, Montana; Ogden, Utah; Portland, Oregon; Raleigh, North Carolina; San Francisco, California; Santurce, Puerto Rico; Stillwater, Oklahoma; Temple, Texas.

**Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel".**

**Categories of individuals covered by the system:** Individuals who seek to participate in the Food Stamp Act of 1964, National School Lunch Act, or Child Nutrition Act of 1966, and individuals reported to be in violation of one or more of these acts.

**Categories of records in the system:** The system consists of files on all individual cases, including investigation reports, pleadings, transcripts, legal correspondence, statements of witnesses, and related documents.

**Authority for maintenance of the system:** 7 U.S.C. 2011-2026; 42 U.S.C. 1751-1763; 42 U.S.C. 1771-1786.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. (2) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. (3) Referral to the Department of Justice for defense of suits brought against the United States or its officers, and for institution of suit for recovery of claims by USDA. (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable locations listed above.

**Retrievability:** Records are indexed by the name of the individual involved.

**Safeguards:** Records are kept in a locked office or file cabinet.

**Retention and disposal:** Records are maintained for a length of time left to the discretion of the Director of the Food and Nutrition Division or Regional Attorney or Attorney-in-Charge, after legal action has been concluded.

**System manager(s) and address:** Director, Food and Nutrition Division, OGC, USDA, Washington, D.C. 20250. Each Regional Attorney or Attorney-in-Charge at the locations specified above.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, Food and Nutrition Division, OGC, USDA, Washington, D.C., telephone

202-447-4631, or the appropriate Regional Attorney or Attorney-in-Charge at the locations specified above. A request for information pertaining to an individual should contain his name, address, and the particulars involved (i.e. the date of any action complained of, date a claim was filed, correspondence, etc.).

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Any individual may obtain information concerning the process for contesting a record in the system that pertains to him by following the procedures referred to directly above.

**Record source categories:** Information in this system comes primarily from claimants, witnesses, agency employees, and investigative personnel.

**Systems exempted from certain provisions of the act:** The portions of the system consisting of investigatory material that has been compiled for law enforcement purposes have been exempted pursuant to 5 U.S.C. 552a(k)(2), from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f). Individual access to these files could impair investigations and alert the subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action. Disclosure of investigative technique and procedures, and of the identity of confidential sources of information, would hamper law enforcement activity.

#### USDA/OGC—18

**System name:** Perishable Agricultural Commodities Act, USDA/OGC—disciplinary proceedings to deny issuance of a license to an applicant thereunder or to suspend or revoke a license already issued, or to publish the facts and circumstances of violations of the Act.

**System location:** Office of the General Counsel, Food and Nutrition Division, USDA, Washington, D.C., and offices of Regional Attorneys and Attorneys-in-Charge, OGC, USDA, at the following locations: Albuquerque, New Mexico; Missoula, Montana; Atlanta, Georgia; Ogden, Utah; Chicago, Illinois; Portland, Oregon; Denver, Colorado; Harrisburg, Pennsylvania; San Francisco, California; Santurce, Puerto Rico; Little Rock, Arkansas; Shawnee Mission, Kansas; Milwaukee, Wisconsin; Stillwater, Oklahoma; Temple, Texas.

**Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel".**

**Categories of individuals covered by the system:** Individuals who apply for or who hold licenses to do business in the perishable agricultural commodities industry in their individual capacities; partners of partnerships which apply for or which hold licenses to do business in the perishable agricultural commodities industry; officers, directors and holders of 10 percent or more of the stock of corporations which apply for or hold licenses to do business in the perishable agricultural commodities industry under the Perishable Agricultural Commodities Act of 1930, as amended, are included in this system of records.

**Categories of records in the system:** The system consists of reports of investigation, statements of witnesses, agency reports.

**Authority for maintenance of the system:** 7 U.S.C. 499a et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Use by the Office of the General Counsel for (1) administrative proceedings pursuant to the Administrative Procedure Act to deny the issuance of a license to an applicant therefor to do business in the perishable agricultural commodities industry; (2) administrative proceedings pursuant to the Administrative Procedure Act to suspend or revoke an already existent license, or alternatively to have the facts and circumstances of violations published for violations thereof by the holder of such license; (3) disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the addresses listed above.

**Retrievability:** Records are indexed by name of individual license applicant or holder.

**Safeguards:** Records are kept in a locked office or file cabinet.

**Retention and disposal:** Records are maintained indefinitely.

**System manager(s) and address:** Director, Food and Nutrition Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney-in-Charge at the addresses specified above.

**Systems exempted from certain provisions of the act:** This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or to escape administrative procedures to deny to them the issuance of a license or to suspend or revoke such license, or to have published the facts and circumstance of the violations. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

#### USDA/OGC—19

**System name:** Agricultural Stabilization and Conservation Service (ASCS), Foreign Agricultural Service (FAS), Office of the General Sales Manager (OGSM) and Commodity Credit Corporation (CCC) cases, USDA/OGC

**System location:** Office of the General Counsel, Washington, D.C., and/or Offices of Regional Attorneys and Attorneys-in-Charge, OGC, USDA, at the following locations: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Milwaukee, Wisconsin; Stillwater, Oklahoma; Temple, Texas.

**Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel".**

**Categories of individuals covered by the system:** Individuals who apply for and/or receive marketing quotas or acreage allotments from ASCS, or loans, payments, credits or indemnities from ASCS, FAS, OGSM or CCC; or who apply for and/or enter into contracts or agreements with ASCS, FAS, OGSM or CCC or participate in programs financed or administered by ASCS, FAS, OGSM or CCC, or who violate or may have violated ASCS, FAS, OGSM or CCC regulations, federal or state laws, or who may otherwise be involved in litigation with ASCS, FAS, OGSM or CCC.

**Categories of records in the system:** Contains files on individual cases, including but not limited to the original or copies of loan applications, program forms, security agreements, mortgages, notes, program participation agreements, repayment records, financial status reports, statements of account, collector's contact report, agency recommendations for making, servicing or liquidating loans, collection of civil penalties, readjustment of allotments and quotas, contracts, closing instructions, legal opinions, title evidence, investigation reports, agency recommendation for the institution of civil or criminal action, records of telephone calls, various correspondence and material, intradepartmental memos and interdepartmental letters, pleadings, transcripts of hearings, and other legal documents.

**Authority for maintenance of the system:** 7 U.S.C. 135b note, 442-449, 612c-3, 624, 1110-1162, 1282-1292, 1301-1393, 1421-1449, 1692, 1701-1710, 1721-1725, 1731-1736e, 1707a, 1781-1787, 1851-1857; 15 U.S.C. 713a, 714-714p; 16 U.S.C. 590g-590q, 1501-1510; 18 U.S.C. 286-287, 371, 1001; 19 U.S.C. 1202 Note, 31 U.S.C. 231-235; 7 C.F.R. 2.31, Part 6, Part 16, Part 17, Part 20, Part 700-896; Chap. XIV, 22 C.F.R. Part 211.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the U.S. Department of Justice for defense of suits brought against the United States, its agencies or its officers, and for institution of suits for recovery of claims by USDA or CCC; (2) referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program

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statute, or by rule, regulation or order issued pursuant thereto; (3) referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable addresses listed above.

**Retrievability:** Records are indexed by name of individual on whom the file is primarily maintained. In some instances, they are also cross indexed by the names of other individuals mentioned in the files.

**Safeguards:** Records are kept in a locked office, locked file cabinet or locked drawers.

**Retention and disposal:** Records are maintained until case is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

**System manager(s) and address:** Director, Foreign Agriculture and Commodity Stabilization Division, OGC, USDA, Washington, D.C., 20250, or the appropriate Regional Attorney or Attorney-in-Charge at the address specified above.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, Foreign Agriculture and Commodity Stabilization Division, OGC, USDA, Washington, D.C., 20250, telephone 202-447-2562, or the appropriate Regional Attorney or Attorney-in-Charge at the address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Foreign Agriculture and Commodity Stabilization Division, OGC, USDA, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain his name, address, and particulars involved.

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request for same to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Same as record access procedures.

**Record source categories:** From individuals categorized above, referring agency, employees, farmers, warehousemen, borrowers, loan applicants, title companies, title and lien searches, investigative personnel, attorneys, and from others.

**Systems exempted from certain provisions of the act:** The portion of this system which consist of investigatory material compiled for law enforcement purposes, has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f). See 7 CFR 1.123. Individual access to these files could (1) impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution; and (2) disclose investigative techniques and procedures and the existence and identity of confidential sources.

#### USDA/OGC—20

**System name:** Federal Crop Insurance Corporation (FCIC) Cases, USDA/OGC.

**System location:** Office of the General Counsel, Washington, D.C. and/or Offices of Regional Attorneys and Attorneys-in-Charge, OGC, USDA, at the following locations: Albuquerque, New Mexico; Atlanta, Georgia; Portland, Oregon; Chicago, Illinois; San Francisco, California; Denver, Colorado; Shawnee Mission, Kansas; Harrisburg, Pennsylvania; Stillwater, Oklahoma; Little Rock, Arkansas; Temple, Texas.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

**Categories of individuals covered by the system:** Individuals who apply for and/or have insurance contracts with the FCIC; who have delinquent premiums or are otherwise indebted to FCIC; who have indemnity claims against FCIC; who are suspected of fraudulent dealings with FCIC; who violate or may have violated FCIC regulations, federal or state laws; or who may otherwise be involved in litigation with FCIC.

**Categories of records in the system:** Contains files on individual cases, including but not limited to the originals or copies of insurance contracts (application, policy and endorsements), reports of FCIC personnel with respect to the application, claims for indemnities or other matters pertaining to the contract, program forms, acreage reports, production records, statements of account, financial report, collector's contact report, agency recommendation for services, agency recommendation for the institution of criminal and civil action, investigation reports, correspondence, legal opinions, various correspondence and material, intra- and interdepartmental memos and letters, transcripts of hearings, pleadings and other legal documents.

**Authority for maintenance of the system:** 7 U.S.C. 1501-1520; 18 U.S.C. 657-658, 1001, 1006, 1014, 1903; 31 U.S.C. 231; 7 CFR 2.31, 401-413.25

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the U.S. Department of Justice for defense of suits brought against the United States, its agencies, or its officers, and for institution of suits for recovery of claims by USDA; (2) referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (3) referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of individual on whom the file is primarily maintained. In some instances, they are also cross indexed by the names of other individuals mentioned in the files.

**Safeguards:** Records are kept in a locked office, locked cabinets or locked drawers.

**Retention and disposal:** Records are maintained until case is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

**System manager(s) and address:** Director, Foreign Agricultural and Commodity Stabilization Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney-in-Charge at the address specified above.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, Foreign Agriculture and Commodity Stabilization Division, OGC, USDA, Washington, D.C., telephone 202-447-2562, or the appropriate Regional Attorney or Attorney-in-Charge at the address listed above. If the specified location of the record is not known, the individual should address his request to the Director, Foreign Agricultural and Commodity Stabilization Division, OGC, USDA, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain his name, address, and particulars involved.

**Record access procedures:** Any individual may obtain information as to the procedure for gaining access to a record in the system which pertains to him by submitting a written request for same to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Same as for record access procedures.

**Record source categories:** From individuals categorized above, referring agency employees, farmers, investigative personnel, attorneys and from others.

**Systems exempted from certain provisions of the act:** The portion of this system which consist of investigatory material compiled for law enforcement purpose has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f). See 7 CFR 1.123. Individual access to these files could (1) impair investigations and alert subjects of in-

vestigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution; and (2) disclose investigative techniques and procedures and the existence and identity of confidential sources.

#### USDA/OGC—21

**System name:** Administrative proceedings brought by individuals pursuant to the Plant Variety Protection Act or the Egg Products Inspection Act, as amended, USDA/OGC.

**System location:** Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

**Categories of individuals covered by the system:** Individuals regulated by the subject Act who file a petition with the Secretary pursuant to the authority of the subject Act.

**Categories of records in the system:** The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

**Authority for maintenance of the system:** 7 U.S.C. 2321 et seq. or 21 U.S.C. 1044 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal; (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of the individual.

**Safeguards:** Records are kept in a locked office or file cabinet.

**Retention and disposal:** Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

**System manager(s) and address:** Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

**Notification procedure:** Any individual may request information regarding this system of records or information as to whether the system contains records pertaining to him from the Director, Marketing Division, OGC, USDA, Washington, D.C., telephone 202-447-5935.

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Same as Record Access Procedures.

**Record source categories:** Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

#### USDA/OGC—22

**System name:** Administrative proceedings brought by the Department pursuant to the Plant Variety Protection Act, the Federal Seed Act, or the Agricultural Marketing Act of 1946, USDA/OGC.

**System location:** Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

**Categories of individuals covered by the system:** Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

**Categories of records in the system:** The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

**Authority for maintenance of the system:** 7 U.S.C. 2321 et seq., 7 U.S.C. 1561 et seq. or 7 U.S.C. 1621 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal; (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of the individual.

**Safeguards:** Records are kept in a locked office or file cabinet.

**Retention and disposal:** Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

**System manager(s) and address:** Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

**Systems exempted from certain provisions of the act:** This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

#### USDA/OGC—23

**System name:** Administrative proceedings brought pursuant to the authority of section 8c(15)(a) of the Agricultural Marketing Agreement Act of 1937, as amended, or the Anti-Hog-Cholera Serum and Hog Cholera Virus Act, USDA/OGC.

**System location:** Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

**Categories of individuals covered by the system:** Individuals regulated by the subject Act who file a petition with the Secretary of Agriculture pursuant to the authority of the subject Act.

**Categories of records in the system:** The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations.

**Authority for maintenance of the system:** 7 U.S.C. 601 et seq. or 7 U.S.C. 851 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential viola-

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tion of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, or to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of the individual.

**Safeguards:** Records are kept in a locked office or file cabinet.

**Retention and disposal:** Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

**System manager(s) and address:** Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, Marketing Division, OGC, USDA, Washington, D.C., telephone 202-447-5935. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.)

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Same as Record Access Procedures.

**Record source categories:** Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

#### USDA/OGC—24

**System name:** Administrative proceedings brought pursuant to the authority of the Cotton Research and Promotion Act, the Potato Research and Promotion Act or the Egg Research and Consumer Information Act, USDA/OGC.

**System location:** Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

**Categories of individuals covered by the system:** Individuals regulated by the subject Act who file a petition with the Secretary of Agriculture pursuant to the authority of the subject Act.

**Categories of records in the system:** The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

**Authority for maintenance of the system:** 7 U.S.C. 2101 et seq., 7 U.S.C. 2611 et seq. or 7 U.S.C. 2701 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of

defending the Government before a court, magistrate or administrative tribunal. (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of the individual.

**Safeguards:** Records are kept in a locked office or file cabinet.

**Retention and disposal:** Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

**System manager(s) and address:** Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, Marketing Division, OGC, USDA, Washington, D.C., telephone 202-447-5935. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.)

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Same as Record Access Procedures.

**Record source categories:** Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

#### USDA/OGC—25

**System name:** Administrative proceedings brought pursuant to the Tobacco Inspection Act or the United States Grain Standards Act, USDA/OGC.

**System location:** Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

**Categories of individuals covered by the system:** Individuals who file a petition pursuant to the authority of the subject Act.

**Categories of records in the system:** The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

**Authority for maintenance of the system:** 7 U.S.C. 511 et seq. or 7 U.S.C. 71 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of the individual.

**Safeguards:** Records are kept in a locked office or file cabinet.

**Retention and disposal:** Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

**System manager(s) and address:** Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, Marketing Division, OGC, USDA, Washington, D.C., telephone 202-447-5935. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.)

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Same as Record Access Procedures.

**Record source categories:** Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

#### USDA/OGC—26

**System name:** Cases brought by the Government pursuant to the Cotton Futures provisions of the Internal Revenue Code of 1954, USDA/OGC.

**System location:** Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

**Categories of individuals covered by the system:** Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

**Categories of records in the system:** The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

**Authority for maintenance of the system:** 26 U.S.C. 4851-54, 61-65, 71-73, 75-77, 6001, 6804, 7233, 7263, 7493, 7701(a)(1), (11), (12).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal; (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of the individual.

**Safeguards:** Records are kept in a locked office or file cabinet.

**Retention and disposal:** Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

**System manager(s) and address:** Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

**Systems exempted from certain provisions of the act:** This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access

to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

#### USDA/OGC—27

**System name:** Cases brought pursuant to the United States Grain Standards Act or the Federal Seed Act in which the Government is defendant, USDA/OGC.

**System location:** Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

**Categories of individuals covered by the system:** Individuals regulated or not regulated by the subject Act who bring suit against the Government or a Governmental official pursuant to, or as a consequence of the Department's administration of, the subject Act.

**Categories of records in the system:** The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

**Authority for maintenance of the system:** 7 U.S.C. 71 et seq. or 7 U.S.C. 1561 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal; (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of the individual.

**Safeguards:** Records are kept in a locked office or file cabinet.

**Retention and disposal:** Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

**System manager(s) and address:** Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, Marketing Division, OGC, USDA, Washington, D.C., telephone 202-447-5935. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.)

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Same as Record Access Procedures.

**Record source categories:** Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

#### USDA/OGC—28

**System name:** Court cases brought by the Government pursuant to either the Agricultural Marketing Act of 1946 or the Tobacco Inspection Act, USDA/OGC.

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**System location:** Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

**Categories of individuals covered by the system:** Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

**Categories of records in the system:** The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

**Authority for maintenance of the system:** 7 U.S.C. 1621 et seq. or 7 U.S.C. 511 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of the individual.

**Safeguards:** Records are kept in a locked office or file cabinet.

**Retention and disposal:** Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

**System manager(s) and address:** Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

**Systems exempted from certain provisions of the act:** This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

#### USDA/OGC—29

**System name:** Court cases brought by the Government pursuant to either the Agricultural Marketing Agreement Act of 1937, as amended or the Anti-Hog-Cholera Serum and Hog Cholera Virus Act, USDA/OGC.

**System location:** Office of the General Counsel, Marketing Division, USDA, Washington, D.C., and Offices of Regional Attorneys, OGC, USDA, at the following locations: Atlanta, Georgia; Portland, Oregon; San Francisco, California; Temole, Texas. Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

**Categories of individuals covered by the system:** Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

**Categories of records in the system:** The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

**Authority for maintenance of the system:** 7 U.S.C. 601 et seq. or 7 U.S.C. 851 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of the individual.

**Safeguards:** Records are kept in a locked office or file cabinet.

**Retention and disposal:** Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

**System manager(s) and address:** Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

**Systems exempted from certain provisions of the act:** This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

#### USDA/OGC—30

**System name:** Court cases brought by the Government pursuant to either the Cotton Research and Promotion Act, Potato Research and Promotion Act or the Egg Research and Consumer Information Act, USDA/OGC.

**System location:** Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

**Categories of individuals covered by the system:** Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

**Categories of records in the system:** The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

**Authority for maintenance of the system:** 7 U.S.C. 2101 et seq., 7 U.S.C. 2611 et seq. or 7 U.S.C. 2701 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative

tribunal; (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of the individual.

**Safeguards:** Records are kept in a locked office or file cabinet.

**Retention and disposal:** Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

**System manager(s) and address:** Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

**Systems exempted from certain provisions of the act:** This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

#### USDA/OGC—31

**System name:** Court cases brought by the Government pursuant to either the Export Apple and Pear Act or the Export Grape and Plum Act, USDA/OGC.

**System location:** Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

**Categories of individuals covered by the system:** Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

**Categories of records in the system:** The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

**Authority for maintenance of the system:** 7 U.S.C. 581 et seq. or 7 U.S.C. 591 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of the individual.

**Safeguards:** Records are kept in a locked office or file cabinet.

**Retention and disposal:** Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

**System manager(s) and address:** Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

**Systems exempted from certain provisions of the act:** This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

#### USDA/OGC—32

**System name:** Court cases brought by the Government pursuant to either the Cotton Statistics and Estimates Act of 1927 or the United States Cotton Standards Act, USDA/OGC.

**System location:** Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

**Categories of individuals covered by the system:** Individuals who are regulated by the subject Act and against whom the Department recommends that an action be brought by the Government.

**Categories of records in the system:** The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

**Authority for maintenance of the system:** 7 U.S.C. 471 et seq. or 7 U.S.C. 51 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of the individual.

**Safeguards:** Records are kept in a locked office or file cabinet.

**Retention and disposal:** Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

**System manager(s) and address:** Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

**Systems exempted from certain provisions of the act:** This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

#### USDA/OGC—33

**System name:** Court cases brought by the Government pursuant to either the Naval Stores Act, or the Tobacco Seed and Plant Exportation Act, USDA/OGC.

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System location: Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

**Categories of individuals covered by the system:** Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

**Categories of records in the system:** The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

**Authority for maintenance of the system:** 7 U.S.C. 91 et seq., or 7 U.S.C. 516 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal; (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of the individual.

**Safeguards:** Records are kept in a locked office or file cabinet.

**Retention and disposal:** Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

**System manager(s) and address:** Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

**Systems exempted from certain provisions of the act:** This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

#### USDA/OGC—34

**System name:** Court cases brought by the Government pursuant to either the Peanut Statistics Act or the Tobacco Statistics Act, USDA/OGC.

**System location:** Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

**Categories of individuals covered by the system:** Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

**Categories of records in the system:** The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

**Authority for maintenance of the system:** 7 U.S.C. 951 et seq. or 7 U.S.C. 501 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of

law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and either arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal; (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of the individual.

**Safeguards:** Records are kept in a locked office or file cabinet.

**Retention and disposal:** Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

**System manager(s) and address:** Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

**Systems exempted from certain provisions of the act:** This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

#### USDA/OGC—35

**System name:** Court cases brought by the Government pursuant to either the Plant Variety Protection Act or the Egg Products Inspection Act, USDA/OGC.

**System location:** Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

**Categories of individuals covered by the system:** Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

**Categories of records in the system:** The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

**Authority for maintenance of the system:** 7 U.S.C. 2321 et seq. or 21 U.S.C. 1031 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal; (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of the individual.

**Safeguards:** Records are kept in a locked office or file cabinet.

**Retention and disposal:** Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

**System manager(s) and address:** Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

**Systems exempted from certain provisions of the act:** This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

#### USDA/OGC—36

**System name:** Court cases brought by the Government pursuant to either the Produce Agency Act, or the Process or Renovated Butter Provisions of the Internal Revenue Code of 1954, USDA/OGC.

**System location:** Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

**Categories of individuals covered by the system:** Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

**Categories of records in the system:** The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

**Authority for maintenance of the system:** 7 U.S.C. 491 et seq. or 26 U.S.C. 4817, 4826 and 7235(c).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal; (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of the individual.

**Safeguards:** Records are kept in a locked office or file cabinet.

**Retention and disposal:** Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

**System manager(s) and address:** Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

**Systems exempted from certain provisions of the act:** This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the

requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

#### USDA/OGC—37

**System name:** Court cases brought by the Government pursuant to either the United States Grain Standards Act or the Federal Seed Act, USDA/OGC.

**System location:** Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

**Categories of individuals covered by the system:** Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

**Categories of records in the system:** The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

**Authority for maintenance of the system:** 7 U.S.C. 71 et seq. or 7 U.S.C. 1551 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal; (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of the individual.

**Safeguards:** Records are kept in a locked office or file cabinet.

**Retention and disposal:** Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

**System manager(s) and address:** Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

**Systems exempted from certain provisions of the act:** This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

#### USDA/OGC—38

**System name:** Court cases brought by the Government pursuant to the Agricultural Fair Practices Act, USDA/OGC.

**System location:** Office of the General Counsel, Marketing Division, USDA, Washington, D.C.



**Categories of individuals covered by the system:** Individuals against whom the Department recommends that an enforcement action be brought by the Government.

**Categories of records in the system:** The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

**Authority for maintenance of the system:** 7 U.S.C. 2301 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal; (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of the individual.

**Safeguards:** Records are kept in a locked office or file cabinet.

**Retention and disposal:** Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

**System manager(s) and address:** Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

**Systems exempted from certain provisions of the act:** This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

#### USDA/OGC—39

**System name:** Court cases brought pursuant to either the Cotton Research and Promotion Act, Potato Research and Promotion Act or the Egg Research and Consumer Information Act in which the Government is defendant, USDA/OGC.

**System location:** Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

**Categories of individuals covered by the system:** Individuals regulated or not regulated by the subject Act who bring suit against the Government or a Governmental official pursuant to, or as a consequence of the Department's administration of, the subject Act.

**Categories of records in the system:** The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

**Authority for maintenance of the system:** 7 U.S.C. 2101 et seq., 7 U.S.C. 2611 et seq. or 7 U.S.C. 2701 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential viola-

tion of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal; (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of the individual.

**Safeguards:** Records are kept in a locked office or file cabinet.

**Retention and disposal:** Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

**System manager(s) and address:** Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, Marketing Division, OGC, USDA, Washington, D.C., telephone 202-447-5935. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.)

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Same as Record Access Procedures.

**Record source categories:** Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

#### USDA/OGC—40

**System name:** Court cases brought pursuant to the Agricultural Marketing Act of 1946 or the Tobacco Inspection Act in which the Government is defendant, USDA/OGC.

**System location:** Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

**Categories of individuals covered by the system:** Individuals regulated or not regulated by the subject Act who bring suit against the Government or a Governmental official pursuant to, or as a consequence of the Department's administration of, the subject Act.

**Categories of records in the system:** The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

**Authority for maintenance of the system:** 7 U.S.C. 1621 et seq. or 7 U.S.C. 511 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative

appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal; (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of the individual.

**Safeguards:** Records are kept in a locked office or file cabinet.

**Retention and disposal:** Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

**System manager(s) and address:** Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, Marketing Division, OGC, USDA, Washington, D.C., telephone 202-447-5935. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.)

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Same as Record Access Procedures.

**Record source categories:** Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

#### USDA/OGC—41

**System name:** Court cases brought pursuant to the authority of the Agricultural Marketing Agreement Act of 1937, as amended or the Anti-Hog-Cholera Serum and Hog Cholera Virus Act in which the Government is defendant, USDA/OGC.

**System location:** Office of the General Counsel, Marketing Division, USDA, Washington, D.C., and Offices of Regional Attorneys, OGC, USDA, at the following locations: Atlanta, Georgia; Portland, Oregon; San Francisco, California; Temple, Texas.

**Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."**

**Categories of individuals covered by the system:** Individuals regulated or not regulated by the subject Act who bring suit against the Government or a Governmental official pursuant to, or as a consequence of the Department's administration of, the subject Act.

**Categories of records in the system:** The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

**Authority for maintenance of the system:** 7 U.S.C. 601 et seq. or 7 U.S.C. 851 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative

tribunal; (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of the individual.

**Safeguards:** Records are kept in a locked office or file cabinet.

**Retention and disposal:** Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

**System manager(s) and address:** Director, Marketing Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney at the address specified above.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, Marketing Division, OGC, USDA, Washington, D.C., telephone 202-447-5935, or the appropriate Regional Attorney at the address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Marketing Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.)

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Same as Record Access Procedures.

**Record source categories:** Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

#### USDA/OGC—42

**System name:** Court cases brought pursuant to the Plant Variety Protection Act or the Egg Products Inspection Act in which the Government is defendant, USDA/OGC.

**System location:** Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

**Categories of individuals covered by the system:** Individuals regulated or not regulated by the subject Act who bring suit against the Government or a Governmental official pursuant to, or as a consequence of the Department's administration of, the subject Act.

**Categories of records in the system:** The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

**Authority for maintenance of the system:** 7 U.S.C. 2321 et seq. or 21 U.S.C. 1031 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal; (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

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**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of the individual.

**Safeguards:** Records are kept in a locked office or file cabinet.

**Retention and disposal:** Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

**System manager(s) and address:** Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, Marketing Division, OGC, USDA, Washington, D.C., telephone 202-447-5935. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.)

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Same as Record Access Procedures.

**Record source categories:** Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

#### USDA/OGC—43

**System name:** Acquisitions—Forest Service—USDA/OGC

**System location:** Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

**Categories of individuals covered by the system:** Persons having or believed to have an interest in lands which are expected to be or have been acquired by the United States by condemnation, direct purchase, or donation, for the use of USDA agencies.

**Categories of records in the system:** Partial or complete records on individual cases, sometimes including legal opinions, correspondence, title evidence, deeds, affidavits, certificates of use and possession, pleadings, transcripts, and related documents.

**Authority for maintenance of the system:** 16 U.S.C. 460 1-4 through 460 1-11; 16 U.S.C. 473-482, 535, 551 and 555; 23 U.S.C. 205; 7 CFR 2.31.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referral to (1) Department of Justice for institution of condemnation proceedings, (2) title companies for title evidence, (3) notaries public for acknowledgment, and (4) appropriate State and county officials for filing or recording as required by law. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by the name of the individual on whom the file is primarily maintained.

**Safeguards:** All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

**Retention and disposal:** Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

**System manager(s) and address:** Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Any individual may contest a record in the system by using the same procedures as those for requesting access.

**Record source categories:** Primarily the individuals in the system, agency employees and title companies.

#### USDA/OGC—44

**System name:** Claims, other than Tort claims, by or against the Forest Service—Forest Service—USDA/OGC

**System location:** Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

**Categories of individuals covered by the system:** Individuals who have filed appeals relating to the breach of terms or provisions of a contract with the United States Forest Service.

**Categories of records in the system:** The system consists of files on individual appeals, including pleadings, agency reports, and correspondence.

**Authority for maintenance of the system:** 16 U.S.C. 471-2, 16 U.S.C. 551, 7 C.F.R. Part 24, 36 C.F.R. Part 211.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The system is used by attorneys in all phases of preparing and conducting hearings before the United States Department of Agriculture Board of Contract Appeals. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by the name of the individual on whom the file is primarily maintained.

**Safeguards:** All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

**Retention and disposal:** Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

**System manager(s) and address:** Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Any individual may contest a record in the system by using the same procedure as those for requesting access.

**Record source categories:** Information in this system comes primarily from claimants, witnesses, agency employees, and investigative personnel.

#### USDA/OGC—45

**System name:** Contract Appeals - Forest Service - USDA/OGC

**System location:** Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

**Categories of individuals covered by the system:** Individuals who have filed appeals relating to the breach of terms or provisions of a contract with the United States Forest Service.

**Categories of records in the system:** The system consists of files on individual appeals, including pleadings, agency reports, and correspondence.

**Authority for maintenance of the system:** 16 U.S.C. 471-2, 16 U.S.C. 551, 7 C.F.R. Part 24, 36 C.F.R. Part 211.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The system is used by attorneys in all phases of preparing and conducting hearings before the United States Department of Agriculture Board of Contract Appeals. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by the name of the individual on whom the file is primarily maintained.

**Safeguards:** All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

**Retention and disposal:** Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

**System manager(s) and address:** Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for in-

formation pertaining to an individual should contain: Name, address, and particulars involved (i.e., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Any individual may contest a record in the system by using the same procedures as those for requesting access.

**Record source categories:** The information in this system comes primarily from the appellant, witnesses, agency employees, and private experts.

#### USDA/OGC—46

**System name:** Conveyances—Forest Service—USDA/OGC

**System location:** Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

**Categories of individuals covered by the system:** Parties or potential parties (1) to transactions involving the conveyance, reconveyance, exchange, quitclaim or other disposal of lands or interests therein owned or claimed by the United States in behalf of USDA agencies, (2) having boundary disputes with USDA agencies, and (3) claiming title to lands also claimed by the United States for the use of USDA agencies.

**Categories of records in the system:** Partial or complete records on individual cases, sometimes including legal opinions, correspondence, title evidence, deeds, affidavits, certificates of use and possession, pleadings, transcripts, and related documents.

**Authority for maintenance of the system:** 7 U.S.C. 1011(c); 7 U.S.C. 2253; 16 U.S.C. 460 1-8 and 460 q; 16 U.S.C. 485-486, 516, 519, 533, 555a, 565b, 567b; 40 U.S.C. 471, 484(c); 7 CFR 2.31.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referral to (1) Department of Justice or United States Attorney for institution of ejectment or similar actions or to bring or defend quiet title actions, (2) title companies for title evidence, (3) notaries public for acknowledgment, and (4) appropriate State and County officials for filing or recording as required by law. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by the name of the individual on whom the file is primarily maintained.

**Safeguards:** All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

**Retention and disposal:** Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

**System manager(s) and address:** Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if neces-

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sary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

**System manager(s) and address:** Any individual may contest a record in the system by using the same procedures as those for requesting access.

**Record source categories:** Primarily the individuals in the system, agency employees and title companies.

#### USDA/OGC—47

**System name:** Easements—Forest Service—USDA/OGC

**System location:** Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

**Categories of individuals covered by the system:** Persons having or believed to have an interest in lands across which the United States has acquired or expects to acquire an easement by direct purchase or donation, for the use of USDA agencies.

**Categories of records in the system:** Partial or complete records on individual cases, sometimes including legal opinions, correspondence, title evidence, deeds, affidavits, certificates of use and possession, pleadings transcripts, and related documents.

**Authority for maintenance of the system:** 16 U.S.C. 532-538 and 551; 23 U.S.C. 205; 7 CFR 2.31.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referral to (1) title companies for title evidence, (2) notaries public for acknowledgment, and (3) appropriate State and County officials for filing or recording as required by law. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by the name of the individual on whom the file is primarily maintained.

**Safeguards:** All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

**Retention and disposal:** Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

**System manager(s) and address:** Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system

which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Any individual may contest a record in the system by using the same procedures as those for requesting access.

**Record source categories:** Primarily the individuals in the system, agency employees and title companies.

#### USDA/OGC—48

**System name:** Forest Appeals—Forest Service—USDA/OGC

**System location:** Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

**Categories of individuals covered by the system:** Individuals who have filed appeals with the United States Department of Agriculture Board of Forest Appeals.

**Categories of records in the system:** The system consists of files on individual appeals, including pleadings, agency reports, and correspondence.

**Authority for maintenance of the system:** 16 U.S.C. 471-2, 16 U.S.C. 551, 36 CFR Subpart B.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The system is used by attorneys in all phases of preparing and conducting the hearings before the United States Department of Agriculture Board of Forest Appeals. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by the name of the individual on whom the file is primarily maintained.

**Safeguards:** All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

**Retention and disposal:** Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

**System manager(s) and address:** Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Any individual may contest a record in the system by using the same procedures as those for requesting access.

**Record source categories:** The information in this system comes primarily from the appellant, witnesses, agency employees, and private experts.

#### USDA/OGC—49

**System name:** General Case Files—Forest Service—USDA/OGC

**System location:** Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

**Categories of individuals covered by the system:** Parties involved or expected to be involved in negotiations, administrative appeals, litigation, or other attempts to resolve legal issues or disputes pertaining to those aspects of the organization, administration, regulations and other activities relating to the forestry and lands of the USDA not provided for under another system of OGC records. This includes but is not limited to land use planning, wilderness, forest practice, weather modification, and other environmental issues.

**Categories of records in the system:** Partial or complete records on individual cases sometimes including investigation reports, copies of contracts or permits, legal opinions, pleadings, transcripts, correspondence, notices of appeal, decisions of forest officers, witness statements, and related documents.

**Authority for maintenance of the system:** 16 U.S.C. 471-583, 661-63, 668aa-bb, 683, 1001-09, 1131-32 and 1271-75; 42 U.S.C. 4321-74; 7 CFR 2.31.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referral to Department of Justice and United States Attorneys to defend suits brought against the Government or its officers. Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute or by rule, regulation or order issued pursuant thereto. Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by the name of the individual on whom the file is primarily maintained.

**Safeguards:** All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

**Retention and disposal:** Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

**System manager(s) and address:** Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Any individual may contest a record in the system by using the same procedures as those for requesting access.

**Record source categories:** Primarily the individuals in the system, agency employees, witnesses, attorneys and investigative personnel.

#### USDA/OGC—50

**System name:** Grazing—Forest Service—USDA/OGC

**System location:** Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

**Categories of individuals covered by the system:** Persons grazing, who have grazed, or who are expected to graze livestock on land owned by the United States and administered by USDA agencies.

**Categories of records in the system:** Partial or complete records on individual cases sometimes including investigation reports, copies of contracts or permits, legal opinions, pleadings, transcripts, correspondence, notices of appeal, decisions of the Board of Forest Appeals or Agriculture Board of Contract Appeals, and related documents.

**Authority for maintenance of the system:** 7 U.S.C. 1011; 16 U.S.C. 472 and 551; 7 CFR 2.31.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referral to United States Attorney or Department of Justice to defend suits brought against the Government or its officers. Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute or by rule, regulation or order issued pursuant thereto. Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by the name of the individual on whom the file is primarily maintained.

**Safeguards:** All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

**Retention and disposal:** Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

**System manager(s) and address:** Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific loca-



tion of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Any individual may contest a record in the system by using the same procedures as those for requesting access.

**Record source categories:** Primarily the individuals in the system, agency employees, witnesses, attorneys and investigative personnel.

#### USDA/OGC—51

**System name:** Insecticide, Fungicide, Herbicide, and Rodenticide Cases—Soil Conservation Service—USDA/OGC

**System location:** Office of the General Counsel, Natural Resources Division, USDA, Washington, D. C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma; Temple, Texas.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

**Categories of individuals covered by the system:** Persons claiming that certain existing or proposed United States Department of Agriculture activities involving the application of insecticides, pesticides, fungicides, rodenticides, herbicides, nematocides, defoliants, desiccants or plant regulators may be unlawful, and parties or potential parties to litigation or administrative hearings involving such activities.

**Categories of records in the system:** Partial or complete records files on individual cases, sometimes including investigation reports, copies of contracts or permits, pleadings, transcripts, correspondence, witness statements, legal opinions, and related documents.

**Authority for maintenance of the system:** 7 U.S.C. 135-36y; 42 U.S.C. 4321-74; 5 U.S.C. 301; 44 U.S.C. 3101; 7 CFR 2.31.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referral to (1) Department of Justice to defend suits brought against the Government or its officers and (2) Environmental Protection Agency (EPA) for administrative handling under the above-cited authority. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by the name of the individual on whom the file is primarily maintained or, in some instances, cross-indexed by the names of other individuals mentioned in the files.

**Safeguards:** Records are kept in locked offices, with pending case files and investigation reports being kept in locked drawers.

**Retention and disposal:** Records are retained up to 5 years after case is closed, then are destroyed unless retained for research value.

**System manager(s) and address:** Director, Natural Resources Division, OGC, USDA, Washington, D. C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific loca-

tion of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Any individual may contest a record in the system by using the same procedures as those for requesting access.

**Record source categories:** The individuals in the system, agency and EPA employees, witnesses, attorneys, and investigative personnel.

#### USDA/OGC—52

**System name:** Land Acquisitions—Forest Service—USDA/OGC

**System location:** Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

**Categories of individuals covered by the system:** Individuals from whom the Forest Service purchases a fee interest in real estate.

**Categories of records in the system:** The system consists of files on individual sellers of land, including options and title information.

**Authority for maintenance of the system:** 16 U.S.C. 515-517, 555, 4601-4609, and 7 U.S.C. 428a.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The system is used by attorneys in title clearance and acquisition closings. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by the name of the individual on whom the file is primarily maintained.

**Safeguards:** All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

**Retention and disposal:** Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

**System manager(s) and address:** Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Any individual may contest a record in the system by using the same procedures as those for requesting access.

**Record source categories:** The information in this system comes primarily from the individuals from whom the land is being purchased, abstract and title companies, and agency employees.

#### USDA/OGC—53

**System name:** Land Exchanges, General Exchange Act—Forest Service—USDA/OGC

**System location:** Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

**Categories of individuals covered by the system:** Individuals who have offered to exchange private lands for National Forest lands or National Grasslands.

**Categories of records in the system:** The system consists of files on individual exchanges, including offers, title information, and correspondence.

**Authority for maintenance of the system:** 16 U.S.C. 485, 486.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The system is used by attorneys in title evaluation and exchange closings. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by the name of the individual on whom the file is primarily maintained.

**Safeguards:** All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

**Retention and disposal:** Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

**System manager(s) and address:** Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Any individual may contest a record in the system by using the same procedures as those for requesting access.

**Record source categories:** The information in this system comes primarily from the exchange proponent, title and abstract companies, and agency employees.

#### USDA/OGC—54

**System name:** Land Exchanges, other than Exchange Act—Forest Service—USDA/OGC

**System location:** Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United

Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

**Categories of individuals covered by the system:** Individuals who have offered to exchange private lands for National Forest lands or National Grasslands.

**Categories of records in the system:** The system consists of files on individual land exchanges, including title information and agency reports.

**Authority for maintenance of the system:** 16 U.S.C. 516, 555a and 484a, and many other general and specific acts authorizing land exchanges.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The system is used by attorneys in title examination and exchange closings. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by the name of the individual on whom the file is primarily maintained.

**Safeguards:** All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

**Retention and disposal:** Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

**System manager(s) and address:** Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Any individual may contest a record in the system by using the same procedures as those for requesting access.

**Record source categories:** The information in this system comes primarily from the land exchange proponent, title and abstract companies, and agency employees.

#### USDA/OGC—55

**System name:** Leases—Forest Service—USDA/OGC

**System location:** Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United

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States Government, Department of Agriculture, Office of the General Counsel."

**Categories of individuals covered by the system:** Persons leasing or intending to lease property to or from USDA agencies; persons occupying property subject to or under such leases or proposed leases, and persons having or claiming an interest in land covered by such leases or proposed leases.

**Categories of records in the system:** Partial or complete records on individual cases sometimes including investigation reports, copies of contracts, leases or permits, legal opinions, pleadings, transcripts, correspondence, and related documents.

**Authority for maintenance of the system:** 7 U.S.C. 1011(c); 16 U.S.C. 460d-2 and 580g; 43 U.S.C. 931c-d; 7 CFR 2.31.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referral to Department of Justice and United States Attorneys to defend suits brought against the Government or its officers. Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation, or order issued pursuant thereto. Referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by the name of the individual on whom the file is primarily maintained.

**Safeguards:** All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

**Retention and disposal:** Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

**System manager(s) and address:** Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Any individual may contest a record in the system by using the same procedures as those for requesting access.

**Record source categories:** Primarily the individuals in the system, agency employees, witnesses, attorneys and investigative personnel.

#### USDA/OGC-56

**System name:** Legislation—Forest Service—USDA/OGC

**System location:** Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Lit-

tle Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

**Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."**

**Categories of individuals covered by the system:** Persons occupying USDA lands who are involved or expected to be involved in disputes concerning the applicability of Federal, State, or local civil or criminal legislation or administrative regulations to their activities or possessory interests.

**Categories of records in the system:** Partial or complete records on individual cases—sometimes including investigation reports, copies of contracts or permits, legal opinions, pleadings, transcripts, correspondence, notices of appeal, decisions of forest officers, witness statements, and related documents.

**Authority for maintenance of the system:** 16 U.S.C. 471-583, 661-63, 668aa-bb, 683, 1001-09, 1131-32 and 1271-75; 42 U.S.C. 4321-74; 7 CFR 2.31.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referral to Department of Justice and United States Attorneys to defend suits brought against the Government or its officers.

**Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by rule regulation, or order issued pursuant thereto. Referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."**

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by the name of the individual on whom the file is primarily maintained.

**Safeguards:** All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

**Retention and disposal:** Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

**System manager(s) and address:** Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Any individual may contest a record in the system by using the same procedures as those for requesting access.

**Record source categories:** Primarily the individuals in the system, agency employees, witnesses, attorneys and investigative personnel.

#### USDA/OGC-57

**System name:** Minerals and Mining Claims—Forest Service—USDA/OGC

**System location:** Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

**Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."**

**Categories of individuals covered by the system:** Persons claiming mining or mineral rights on lands owned or claimed by the United States in behalf of USDA agencies; persons occupying or claiming an interest in such lands pursuant to such claims or under color thereof; persons having an interest in land in which the United States has reserved, or claims, minerals or mineral rights from the United States.

**Categories of records in the system:** Partial or complete records on individual cases, sometimes including notices of claim and related documents; copies of leases, contracts or permits; title evidence; investigation reports; pleadings; transcripts; legal opinions; correspondence; etc.

**Authority for maintenance of the system:** 16 U.S.C. 478, 482, 495 and 520; 30 U.S.C. 22-47, 141-42, 181, 351-59, 601-02, 611-15, 621, 701-08; 7 CFR 2.31.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referral to (1) Department of Justice or United States Attorney for institution of ejectment or similar actions or to bring or defend quiet title actions or other litigation pertaining to actual or claimed mineral rights, uses, or reservations; (2) Department of the Interior for performance of its functions under the foregoing-cited authority and related laws and for administrative determinations regarding the validity of mining claims; (3) Evaluation and preparation of proposed mineral contests. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by the name of the individual on whom the file is primarily maintained.

**Safeguards:** All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

**Retention and disposal:** Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

**System manager(s) and address:** Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system

which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Any individual may contest a record in the system by using the same procedures as those for requesting access.

**Record source categories:** Primarily the individuals in the system, agency employees, witnesses, attorneys, Department of the Interior employees and Administrative Law Judges, and investigative personnel.

#### USDA/OGC-58

**System name:** Program \Cooperators—Soil Conservation Service—USDA/OGC

**System location:** Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma; Temple, Texas.

**Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."**

**Categories of individuals covered by the system:** Persons applying for or receiving financial aid, engineering services, advice or assistance under Soil Conservation Service (SCS) - sponsored or financed programs; parties or potential parties to litigation or administrative hearings involving SCS-sponsored or financed programs; and parties contracting with soil conservation districts and similar organizations formed pursuant to state laws to pursue programs of watershed protection, flood prevention or soil conservation with the assistance of SCS.

**Categories of records in the system:** Partial or complete records, files on individual cases, sometimes including legal opinions, deeds, contracts, permits, title evidence, investigation reports, legal opinions, affidavits, pleadings, correspondence, transcripts and related documents.

**Authority for maintenance of the system:** 16 U.S.C. 590a-590f, 1001-1011; 5 U.S.C. 301; 44 U.S.C. 3101; 7 CFR 2.31.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referral to (1) the United States Attorney or Department of Justice for the investigation or prosecution of a violation of law, or for the enforcement or implementation of statutes, rules, regulations or orders issued pursuant thereto, or for the defense of suits brought against the Department of Agriculture, the Soil Conservation Service, cooperating local organizations or officers thereof; (2) a court, magistrate or administrative tribunal, or to assisting or opposing counsel in a proceeding before any of the above; (3) title companies for title evidence; and (4) appropriate state and local officials for filing or recording. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by the name of the individual on whom the file is primarily maintained or, in some instances, cross-indexed by the names of other individuals mentioned in the files.

**Safeguards:** Records are kept in locked offices, with pending case files and investigation reports being kept in locked drawers.

**Retention and disposal:** Records are retained up to 5 years after case is closed, then are destroyed unless retained for research value.

**System manager(s) and address:** Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System

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Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Any individual may contest a record in the system by using the same procedures as those for requesting access.

**Record source categories:** The individuals in the system, agency employees, State and local officials, attorneys, witnesses, title companies, credit bureaus, and investigative personnel.

## USDA/OGC—59

**System name:** Rights-of-Way—Acquisition—Forest Service—USDA/OGC

**System location:** Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

**Categories of individuals covered by the system:** Individuals from whom the Forest Service purchases easements or rights-of-way for the forest roads and trails system.

**Categories of records in the system:** The system consists of options, title information and correspondence.

**Authority for maintenance of the system:** 16 U.S.C. 471.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information is used by attorneys in preparing and evaluating acquisition documents and title to the land on which the right-of-way lies. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by the name of the individual on whom the file is primarily maintained.

**Safeguards:** All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

**Retention and disposal:** Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

**System manager(s) and address:** Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

**Record access procedures:** Any individual may obtain information

as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Any individual may contest a record in the system by using the same procedures as those for requesting access.

**Record source categories:** Information in this system comes primarily from abstract and title companies, individual sellers and agency personnel.

## USDA/OGC—60

**System name:** Special Uses—Forest Service—USDA/OGC

**System location:** Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

**Categories of individuals covered by the system:** Applicants for Forest Service special use permits, persons occupying land owned by the United States pursuant to such permits, and persons claiming under those persons.

**Categories of records in the system:** Partial or complete records on individual cases, sometimes including investigation reports, copies of contracts or permits, legal opinions, pleadings, transcripts, correspondence, notices of appeal, decisions of forest officers, witness statements, decisions of the Board of Forest Appeals or Agriculture Board of Contract Appeals, and related documents.

**Authority for maintenance of the system:** 16 U.S.C. 432, 497, 522, 551 and 580d; 43 U.S.C. 931c-d; 7 CFR 2.31.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referral to United States Attorney or Department of Justice to defend suits brought against the Government or its officers. Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation, or order issued pursuant thereto. Referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by the name of the individual on whom the file is primarily maintained.

**Safeguards:** All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

**Retention and disposal:** Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

**System manager(s) and address:** Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific loca-

tion of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Any individual may contest a record in the system by using the same procedures as those for requesting access.

**Record source categories:** Primarily the individuals in the system, agency employees, witnesses, attorneys and investigative personnel.

## USDA/OGC—61

**System name:** Timber Sales—Forest Service—USDA/OGC

**System location:** Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

**Categories of individuals covered by the system:** Persons contracting to purchase timber from the Forest Service and persons which the Forest Service seeks to debar from such contracting; Unsuccessful bidders at such sales and persons protesting awards or proposed awards of same; Individuals who have breached a provision of a timber contract or who have otherwise engaged in conduct which raises a legal question concerning timber sale administration.

**Categories of records in the system:** Partial or complete records on individual cases, sometimes including legal opinions, copies of timber sale agreements, notices of appeal, investigation reports, pleadings, decisions of the Board of Forest Appeals or Agriculture Board of Contract Appeals, transcripts, correspondence, and related documents.

**Authority for maintenance of the system:** 16 U.S.C. 476-77, 491 and 616; 7 CFR 2.31.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referral to the Department of Justice or United States Attorney to defend suits brought against the Government or its officers. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation, or order issued pursuant thereto. Referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by the name of the individual on whom the file is primarily maintained.

**Safeguards:** All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

**Retention and disposal:** Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

**System manager(s) and address:** Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Any individual may contest a record in the system by using the same procedures as those for requesting access.

**Record source categories:** Primarily the individuals in the system, forest officers, agency employees, witnesses, attorneys, and investigative personnel.

## USDA/OGC—62

**System name:** Title Claims and Occupancy and Use Cases—Forest Service—USDA/OGC

**System location:** Office of the General Counsel, Research and Operations Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

**Categories of individuals covered by the system:** Individuals who file claims against USDA arising out of Forest Service land acquisitions under the Treaty of Paris, the Weeks Law and the Uniform Relocation Assistance and Real Property Acquisition Policies Act; and cases arising out of the occupancy and use of properties administered by the Forest Service in the Caribbean National Forest.

**Categories of records in the system:** The system consists of complete files on individual claims, including correspondence, claim forms, deeds, land surveys, aerial photographs, disclaimers, abstract of title reports, maps, statements of witnesses, agency reports.

**Authority for maintenance of the system:** 30 Stat. at Large, page 1754, Revised Stat. 1911, sections 6503-6610, 36 Stat. 961, as amended, 16 U.S.C. 515-517, 521, 46 Stat. 1516, 43 Stat. 1133, as amended, 16 U.S.C. 555, 70 Stat. 1034, 7 U.S.C. 428(a), 78 Stat. 903, as amended, 16 U.S.C. 4601-9, 42 U.S.C. 4601(6), 4601(8), 4621, 4622, 4651, 4653, 16 U.S.C. 476, 16 U.S.C. 478, 16 U.S.C. 529-531, 16 U.S.C. 477, 16 U.S.C. 491, 16 U.S.C. 481, 38 Stat. 1101, as amended.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referral to (1) internal; (2) Department of Justice and United States Attorneys for defense of suits that may be brought against the United States. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

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**Retrievability:** Records are indexed by the name of the individual on whom the file is primarily maintained.

**Safeguards:** All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

**Retention and disposal:** Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

**System manager(s) and address:** Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Any individual may contest a record in the system by using the same procedures as those for requesting access.

**Record source categories:** Information in this system comes primarily from claimants, witnesses, agency employees, and investigative personnel.

#### USDA/OGC—63

**System name:** Trespass and Claims Cases—Forest Service—USDA/OGC

**System location:** Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

**Categories of individuals covered by the system:** Persons who have or are suspected of having committed trespasses, other torts, and breaches of contract on USDA lands involving unauthorized cutting of timber, occupancy and use, grazing, or removal of minerals; the negligent or willful setting of fires, and fire suppression costs; breaches of timber sales agreements and similar actions.

**Categories of records in the system:** Partial or complete files on individual cases, sometimes including copies of contracts or permits, investigation reports, statements of witnesses, pleadings, transcripts, legal opinions, correspondence, and related documents.

**Authority for maintenance of the system:** 16 U.S.C. 471-583, 661-63, 668aa-bb, 683, 1001-09, 1131-32 and 1271-75; 42 U.S.C. 4321-74; 7 CFR 2.31.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referral to Department of Justice and United States Attorneys to defend suits brought against the Government or its officers. Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation, or order issued pursuant thereto. Referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a

proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by the name of the individual on whom the file is primarily maintained.

**Safeguards:** All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

**Retention and disposal:** Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

**System manager(s) and address:** Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Any individual may contest a record in the system by using the same procedures as those for requesting access.

**Record source categories:** Primarily the individuals in the system, agency employees, witnesses, attorneys and investigative personnel.

#### USDA/OGC—64

**System name:** United States Magistrates—Forest Service—USDA/OGC

**System location:** Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

**Categories of individuals covered by the system:** Alleged and convicted violators of Forest Service petty offense regulations (36 CFR, Parts 211-95) and other minor offenses.

**Categories of records in the system:** Partial or complete records on individual cases, sometimes including copies of citations, pleadings, correspondence, and related documents.

**Authority for maintenance of the system:** 16 U.S.C. 472, 528-31, and 551; 18 U.S.C. 711 and 3401; 36 CFR, Parts 211-95; 7 CFR 2.31.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referral to United States Attorneys for consideration of criminal action by the Government and to Magistrates for trial. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by the name of the individual on whom the file is primarily maintained.

**Safeguards:** All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

**Retention and disposal:** Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

**System manager(s) and address:** Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Any individual may contest a record in the system by using the same procedures as those for requesting access.

**Record source categories:** Primarily Forest officers, witnesses, attorneys, State and local law enforcement officers, and investigative personnel.

#### USDA/OGC—65

**System name:** Water Cases—Forest Service—USDA/OGC

**System location:** Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

**Categories of individuals covered by the system:** Persons claiming or believed to be claiming water rights, water use privileges, or rights-of-way to transport water (1) on land owned or leased by the United States and administered by USDA agencies, (2) in conflict with or from the same sources as water rights claimed or reserved by the United States for the benefit of USDA agencies, or (3) by reason of a permit from or agreement with USDA agencies.

**Categories of records in the system:** Partial or complete files on individual cases, sometimes including investigation reports, notices of claims, copies of contracts or permits, legal opinions, pleadings, transcripts, correspondence and related documents.

**Authority for maintenance of the system:** 16 U.S.C. 481, 524, 552a-552d, and 460 1-12; 33 U.S.C. 701b-1; 42 U.S.C. 1962-1962b; 43 U.S.C. 946-49 and 951.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referral to appropriate State agencies for administrative hearings and to the Department of Justice and United States Attorneys to defend suits brought against the Government or its officers.

Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto of any record within this system when information available indicates a

violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation, or order issued pursuant thereto. Referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by the name of the individual on whom the file is primarily maintained.

**Safeguards:** All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

**Retention and disposal:** Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

**System manager(s) and address:** Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Any individual may contest a record in the system by using the same procedures as those for requesting access.

**Record source categories:** Primarily the individuals in the system, agency employees, witnesses, State officials, attorneys, and investigative personnel.

#### USDA/OGC—66

**System name:** Court cases brought pursuant to the Packers and Stockyards Act, as amended, in which the Government is defendant, USDA/OGC

**System location:** Office of the General Counsel, Packers and Stockyards Division, USDA, Washington, D.C.

**Categories of individuals covered by the system:** Individuals who bring suit against the Government or a Governmental official pursuant to, or as a consequence of the Department's administration of, the subject Act.

**Categories of records in the system:** The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

**Authority for maintenance of the system:** 7 U.S.C. 181 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which



is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal; (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of the individual.

**Safeguards:** Records are kept in a locked office or file cabinet.

**Retention and disposal:** Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

**System manager(s) and address:** Director, Packers and Stockyards Division, OGC, USDA, Washington, D.C. 20250.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, Packers and Stockyards Division, OGC, USDA, Washington, D.C., telephone 202-447-5935. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.).

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Same as Record Access Procedures.

**Record source categories:** Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

#### USDA/OGC—67

**System name:** Packers and Stockyards Act—Administrative Cases—USDA/OGC

**System location:** Office of the General Counsel, Packers and Stockyards Division, USDA, Washington, D.C., and Offices of Regional Attorneys and Attorneys-in-Charge, OGC, USDA, at the following locations: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Juneau, Alaska; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; St. Paul, Minnesota; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

**Categories of individuals covered by the system:** Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

**Categories of records in the system:** The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

**Authority for maintenance of the system:** 7 U.S.C. 181 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, or rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of

any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal; (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of the individual.

**Safeguards:** Records are kept in a locked office or file cabinet.

**Retention and disposal:** Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

**System manager(s) and address:** Director, Packers and Stockyards Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the address specified above.

**Systems exempted from certain provisions of the act:** This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

#### USDA/OGC—68

**System name:** Packers and Stockyards Act—Civil and Criminal Cases—USDA/OGC

**System location:** Office of the General Counsel, Packers and Stockyards Division, USDA, Washington, D.C., and Offices of Regional Attorneys and Attorneys-in-Charge, OGC, USDA, at the following locations: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Juneau, Alaska; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; St. Paul, Minnesota; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

**Categories of individuals covered by the system:** Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

**Categories of records in the system:** The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

**Authority for maintenance of the system:** 7 U.S.C. 181 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, or rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of

defending the Government before a court, magistrate or administrative tribunal; (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of the individual.

**Safeguards:** Records are kept in a locked office or file cabinet.

**Retention and disposal:** Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

**System manager(s) and address:** Director, Packers and Stockyards Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the address specified above.

**Systems exempted from certain provisions of the act:** This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

#### USDA/OGC—69

**System name:** Civil Rights, administrative and judicial actions—USDA/OGC

**System location:** Office of the General Counsel, Research and Operations Division, USDA, Washington, D.C. 20250, and Offices of Regional Attorneys and Attorneys-in-Charge, OGC, USDA, at the following locations: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

**Categories of individuals covered by the system:** Individuals who have brought suit or filed administrative complaints against USDA or USDA employees or recipients of USDA assistance alleging discrimination on the basis of race, color, or national origin by USDA, its employees or recipients of assistance from USDA.

**Categories of records in the system:** The system consists of complete files on individual suits or administrative actions, including investigation reports, administrative determinations, statements of witnesses, and agency reports.

**Authority for maintenance of the system:** 42 USC 2000(d); 5 U.S.C. 301; 7 CFR 2.31.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referral to (1) Department of Justice for defense or prosecution of suits brought involving USDA, an officer or employee of USDA, or the United States; (2) the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (3) a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery; (4) the Civil Rights Commission in response to its request for information; (5) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of individual.

**Safeguards:** Records are kept in a locked office.

**Retention and disposal:** Records are maintained until case is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records center in accordance with such directives.

**System manager(s) and address:** Director, Research and Operations Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney-in-Charge at the address specified above.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, Research and Operations Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney-in-Charge at the address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Research and Operations Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved.

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Same as Record Access Procedures.

**Record source categories:** Information in this system comes primarily from litigants, witnesses, agency employees, and investigative personnel.

#### USDA/OGC—70

**System name:** Claims By and Against USDA, USDA/OGC

**System location:** Office of the General Counsel, Research and Operations Division, USDA, Washington, D.C. 20250, and Offices of Regional Attorneys and Attorneys-in-Charge, OGC, USDA, at the following locations: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma; Temple, Texas.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

**Categories of individuals covered by the system:** Individuals who file or may file (1) claims against USDA pursuant to the Federal Tort Claims Act and the Military Personnel and Civilian Employees Claims Act, (2) claims against the Forest Service pursuant to 16 USC 502, 556c, or 574, and (3) tort suits against the United States or its officers or instrumentalities concerning USDA activities; individuals against whom the Department has a monetary claim arising out of USDA-provided services, their employment by USDA, or damages to USDA property.

**Categories of records in the system:** The system consists of files on individual claims, including claim forms, police reports, investigation and accident reports, statements of witnesses, agency reports, correspondence, legal opinions, pleadings, transcripts, and related documents, and other information pertaining to matters referred by USDA agencies requesting legal assistance in settlement of claims against individuals arising out of USDA-provided services, their employment by USDA, or damages to USDA property.

**Authority for maintenance of the system:** 16 U.S.C. 502, 556c, 574; 28 USC 1345, 1346, 2671-2680; 31 USC 240-243; 7 CFR 2.31.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referral to (1) Department of Justice for concurrence of allowance of tort claims over 25,000, for defense of tort suits brought against the United States or its officers, and for institution of suit for recovery of claims by USDA; (2) Department of Labor in cases involving Job Corpsmen

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or arising under the Federal Employees Compensation Act (5 USC Chapter 81); (3) insurance companies for handling of claims; (4) the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto; of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (5) a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery; (6) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of individual. In some instances, they are also cross-indexed by the names of other individuals mentioned in the files.

**Safeguards:** Records are kept in a locked office. Some sensitive materials are kept in locked drawers.

**Retention and disposal:** Records are maintained until case is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records center in accordance with such directives.

**System manager(s) and address:** Director, Research and Operations Division, OGC, USDA, Washington, D. C., 20250, or the appropriate Regional Attorney or Attorney-in-Charge at the address specified above.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, Research and Operations Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney-in-Charge at the address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Research and Operations Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved.

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Same as Record Access Procedures.

**Record source categories:** Information in this system comes primarily from claimants, witnesses, agency employees, and investigative personnel.

**USDA/OGC-71**

**System name:** Contract Cases, USDA/OGC.

**System location:** Office of the General Counsel, Research and Operations Division, USDA, Washington, D. C., 20250, and Offices of Regional Attorneys and Attorneys-in-Charge, OGC, USDA, at the following locations: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma; Temple, Texas.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

**Categories of individuals covered by the system:** Persons who submit offers or bids to solicitations of agencies of USDA or who contract with agencies of USDA.

**Categories of records in the system:** The system consists of partial and/or complete files relating to legal issues that arise out of the procurement activities of USDA; it includes copies of contracts,

contract claims, investigation reports, contracting officer's decisions, correspondence, and pleadings, transcripts, and related documents in contract appeal cases before the USDA Board of Contract Appeals.

**Authority for maintenance of the system:** 41 U.S.C. 251 et seq; 7 CFR 2.31; 41 CFR Chapters 1 and 4.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referral to (1) the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery; (3) the General Accounting Office for determination of bid protests, and questions on information, rescission, mistake in bid, and remission of liquidated damages; (4) Department of Justice for defense of suits filed against Government or for institution of suit for recovery of claims arising under the contract; (5) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of individual bidder, offeror, or contractor.

**Safeguards:** Records are kept in a locked office.

**Retention and disposal:** Records are maintained until case is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records center in accordance with such directives.

**System manager(s) and address:** Director, Research and Operations Division, OGC, USDA, Washington, D. C., or the appropriate Regional Attorney or Attorney-in-Charge at the address specified above.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, Research and Operations Division, OGC, USDA, Washington, D.C., or the appropriate Regional Attorney or Attorney-in-Charge at the address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Research and Operations Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved.

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Same as Record Access Procedures.

**Record source categories:** Information in this system comes primarily from bidders, offerors, contractors, witnesses, agency employees, and investigation personnel.

**USDA/OGC-72**

**System name:** Patents and Inventions of Department Employees, USDA/OGC.

**System location:** Office of the General Counsel, Research and Operations Division, USDA, Washington, D. C. 20250.

**Categories of individuals covered by the system:** Individuals who make inventions pursuant to their employment by USDA.

**Categories of records in the system:** The system consists of files on descriptions of the individual's invention, and all papers and forms in connection with matters pending before the U. S. Patent and Trademark Office.

**Authority for maintenance of the system:** 5 USC 301; 35 USC 1-293; 37 CFR 100-100.11; 7 CFR 2.31.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Copies of all papers and forms sent to the U.S. Patent and Trademark Office are simultaneously placed in said files. Referral to the Department of Justice in the event of appeal from action by the Patent and Trademark Office. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of individual inventor.

**Safeguards:** Records are maintained in Government building with security guards.

**Retention and disposal:** Records are maintained for 20 years.

**System manager(s) and address:** Director, Research and Operations Division, OGC, USDA, Washington, D. C. 20250.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager. A request for information pertaining to an individual should contain: Name and address of the inventor, and other particulars (i.e., the date of the papers filed with the U. S. Patent and Trademark Office, etc.).

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the System Manager. This request should contain the information specified in the preceding paragraph.

**Contesting record procedures:** Same as Record Access Procedures.

**Record source categories:** Information in this system comes primarily from agency employee-inventors, agency patent personnel and employees of the U. S. Patent and Trademark Office.

**USDA/OGC-73**

**System name:** Personnel Irregularities, USDA/OGC.

**System location:** Office of the General Counsel, Research and Operations Division, USDA, Washington, D. C. 20250, and Offices of Regional Attorneys and Attorneys-in-Charge, OGC, USDA, at the following locations: Albuquerque, New Mexico; Atlanta, Georgia; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma; Temple, Texas.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

**Categories of individuals covered by the system:** Employees and former employees of USDA, members of local and county committees established pursuant to 16 USC 590h(b), employees of such county committees, and extension service agents performing duty pursuant to 7 USC 341-349.

**Categories of records in the system:** The system consists of investigation reports and other relevant documents pertaining to violations of criminal statutes.

**Authority for maintenance of the system:** Titles 5, 18 USC; 7 CFR 2.31.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referral to (1) the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery; (3) Department of Justice for in-

stitution of suits to recover claims by USDA arising out of irregularities; (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of individual employee.

**Safeguards:** Records are kept in a locked office.

**Retention and disposal:** Records are maintained until case is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

**System manager(s) and address:** Director, Research and Operations Division, OGC, USDA, Washington, D. C., 20250, or the appropriate Regional Attorney or Attorney-in-Charge at the address specified above.

**Systems exempted from certain provisions of the act:** This system has been exempted pursuant to 5 USC 552a(k) (2) from the requirements of 5 USC 552a(c)(3), (d), (e)(1), (e)(4) (G), (H), and (I) and (f) because it consists of investigatory material compiled for law enforcement purposes. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

**USDA/OGC-74**

**System name:** Personnel Suits, USDA/OGC.

**System location:** Office of the General Counsel, Research and Operations Division, USDA, Washington, D. C., 20250, and Offices of Regional Attorneys and Attorneys-in-Charge, OGC, USDA, at the following locations: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma; Temple, Texas.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

**Categories of individuals covered by the system:** Employees and former employees of USDA, and applicants for employment with USDA who institute suits against USDA, an officer or employee thereof, or the United States, alleging a wrongful personnel action taken against them.

**Categories of records in the system:** The system consists of complete files on individual suits, including personnel records, investigation reports, administrative determinations, statements of witnesses, and agency reports.

**Authority for maintenance of the system:** 5 USC 301, 5596, 7501, 7511-7512; 42 USC 2000e-16; 7 CFR 2.31.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referral to (1) Department of Justice for defense of personnel suits brought against USDA, an officer or employee of USDA, or the United States; (2) the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (3) a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery; (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

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**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of individual litigant.

**Safeguards:** Records are kept in a locked office.

**Retention and disposal:** Records are maintained until case is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records center in accordance with such directives.

**System manager(s) and address:** Director, Research and Operations Division, OGC, USDA, Washington, D. C., 20250, or the appropriate Regional Attorney or Attorney-in-Charge at the address specified above.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, Research and Operations Division, OGC, USDA, Washington, D.C., 20250, or the appropriate Regional Attorney or Attorney-in-Charge at the address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Research and Operations Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved.

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Same as Record Access Procedures.

**Record source categories:** Information in this system comes primarily from litigants, witnesses, agency employees, and investigative personnel.

USDA/OGC-75

**System name:** Administrative proceedings brought by the Department, court cases in which the Government is plaintiff and court cases in which the Government is a defendant brought pursuant to the United States Warehouse Act, USDA/OGS.

**Security classification:**

**System location:** Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

**Categories of individuals covered by the system:** Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government or individuals regulated or not regulated by the subject Act who bring suit against the Government or a Governmental official pursuant to, or as a consequence of the Department's administration of, the subject Act.

**Categories of records in the system:** The system consists of investigatory material which may include intradepartmental recommendations and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

**Authority for maintenance of the system:** 7 U.S.C. 241-273.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal; (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of the individual.

**Safeguards:** Records are kept in a locked office or file cabinet.

**Retention and disposal:** Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate record centers in accordance with such directives.

**System manager(s) and address:** Director Marketing Division, OGC, USDA, Washington, D.C. 20250.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Marketing Division, OGC, USDA, Washington, D.C., telephone 202-447-5935. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.).

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Same as Record Access Procedures.

**Record source categories:** Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

**Systems exempted from certain provisions of the act:** The portions of this system which involves records pertaining to administrative proceeding brought by the Department or court cases in which the Government is plaintiff has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a (e)(3), (d), (e)(1), (e)(4) (g), (h), (i) and (f) because they consist of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC-76

**System name:** Cases by and against the Department under the Virus-Serum Toxin Act, USDA/OGC.

**System location:** Office of the General Counsel, APHIS Division, USDA, Washington, D.C.

**Categories of individuals covered by the system:** Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government, and individuals regulated or not regulated by the subject Act who bring suit against the Government or a Governmental official pursuant to, or as a consequence of the Department's administration of, the subject Act.

**Categories of records in the system:** The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations, pertaining to the subject Act and an alleged violation of the subject Act.

**Authority for maintenance of the system:** 21 U.S.C. 151-158.

**Routine use of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the



PRIVACY ACT ISSUANCES,  
ANNUAL PUBLICATION

Department/ Agency	FR Page Numbers	
	Systems of Records	Rules
Agriculture Department	53182	53538
Justice Department	53287	53542
Community Services Administration	53429	53566
Energy Research and Development Administration	53434	53572
Federal Energy Administration	53479	53578
National Transportation Policy Study Commission	53494	—
Postal Service	53496	53586
Telecommunications Policy Office	53532	—



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### GERALD R. FORD

1974	\$16.00
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SEP 30 77

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# NEW BILLING PROCEDURES FOR AGENCIES

As part of the new billing procedures announced in the FEDERAL REGISTER of August 24, 1977, and to insure that each agency is correctly billed for only its own documents, the Office of the Federal Register requests agencies to insert the proper billing code on all of their documents. The six-digit billing code should be typed or handwritten in ink at the top of the first page on all three copies of documents submitted to the Office of the Federal Register for publication, as follows:

## BILLING CODE 0000-00

The list of agency billing codes assigned by the Government Printing Office follows:

Department	Billing Code	Department	Billing Code
Action	6050-01	Federal Maritime Commission	6730-01
Administrative Conference of the United States	6110-01	Federal Mediation and Conciliation Service	6732-01
Agency for International Development	4710-02	Federal Power Commission	6740-02
Agriculture Department		Federal Reserve System Board of Governors	6210-01
Agricultural Marketing Service	3410-02	Federal Trade Commission	6750-01
Agricultural Research Service	3410-03	Fine Arts Commission	6330-01
Agricultural Stabilization and Conservation Service	3410-05	Foreign Claims Settlement Commission	6770-01
Farmer Cooperative Service	3410-06	General Services Administration	
Farmer's Home Administration	3410-07	OASD	6820-04
Federal Crop Insurance Corporation	3410-08	Administrative Management Division, Public Buildings	
Extension Service	3410-09	Service	6820-22
Forest Service	3410-11	Public Buildings Service	6820-23
Rural Electrification Administration	3410-15	Federal Supply Service	6820-24
Soil Conservation Service	3410-16	Automated Data and Telecommunications Service	6820-25
Economic Research Service	3410-18	NAA	6820-26
Statistical Reporting Service	3410-20	NARS	6820-27
Cooperative State Research Service	3410-22	Office of Stockpile Disposal, Federal Preparedness	
Food and Nutrition Service	3410-30	Agency	6820-28
Rural Development Service	3410-32	Executive Director, Federal Preparedness Agency	6820-29
Animal and Plant Health Inspection Service	3410-34	Office of Personnel	6820-30
Economic Management Support Center	3410-35	Government Printing Office	1505-01
Food Safety and Quality Service	3410-37	Health, Education and Welfare Department	
WPAO	3410-38	Office of Education	4110-02
Office of Management and Finance	3410-90	Food and Drug Administration	4110-03
Office of Automated Data Systems	3410-94	National Institutes of Health	4110-08
Office of Personnel	3410-96	Health Resources Administration	4110-83
Office of Operations	3410-98	Health Services Administration	4110-84
Air Force Department	3910-01	Office of Assistant Secretary for Health	4110-85
American Battle Monuments Commission	6120-01	Center for Disease Control	4110-86
Arms Control and Disarmament Agency	6820-32	CSC, NIOSH	4110-87
Army Adjutant General Center	3710-08	Alcohol, Drug Abuse and Mental Health Administration	4110-88
Defense Command	3710-04	Social Security Administration	4110-07
Chief of Engineers Civil Works	3710-92	Housing and Urban Development Department	
Blind and Other Severely Handicapped Committee	6820-12	Indian Claims Commission	7030-01
Civil Aeronautics Board	6320-01	Interior Department	
Civil Rights Commission	6325-01	Office of Secretary	4310-10
Civil Service Commission	6325-01	Indian Affairs Bureau	4310-02
Commerce Department		Outdoor Recreation Bureau	4310-03
Maritime Administration	3510-03	Surface Mining Office	4310-05
National Technical Information Service	3510-04	Reclamation Bureau	4310-09
Bureau of Economic Analysis	3510-06	Bonneville Power Administration	4310-11
Census Bureau	3510-07	Solicitor	4310-17
U.S. Travel Service	3510-11	Geological Survey	4310-31
National Oceanic and Atmospheric Administration	3510-12	Mines Bureau	4310-53
Standards National Bureau	3510-13	Fish and Wildlife Service	4310-55
Patents and Trademark Office	3510-16	National Park Service	4310-70
Office of Secretary	3510-17	Land Management Bureau	4310-84
Office of Secretary	3510-18	Water Research and Technology Office	4310-49
Office of Secretary	3510-19	Mine Enforcement and Safety Administration	4310-68
Economic Development Administration	3510-24	International Broadcasting Board for	1155-01
Domestic and International Business Administration	3510-25	International Trade Commission	7020-02
National Fire-Prevention and Control Administration	3510-49	Interstate Commerce Commission	7035-01
Telecommunications Office	3510-60	Justice Department	4410-01
Commodity Futures Trading Commission	6351-01	Labor Department	
Community Services Administration	6315-01	Employment and Training Administration	4510-01
Consumer Product Safety Commission	6355-01	Secretary, Administrative Law Judges	4510-20
Cost Accounting Standards Board	1610-01	Secretary, Audit and Investment	4510-21
Defense Logistics Agency	3620-01	Secretary, Office of Information	4510-22
Energy Research and Development Administration	6170-01	Secretary	4510-23
Environmental Protection Agency	6560-01	Labor Statistics	4510-24
Environmental Quality Council	3125-01	OSHA, Standards	4510-26
Equal Employment Opportunity Commission	6570-06	Employment Standards Administration	4510-27
Export-Import Bank of the United States	6690-01	International Labor Affairs Bureau	4510-28
Farm Credit Administration	6705-01	Labor Management Service Administration	4510-19
Federal Communications Commission	6712-01	Libraries and Information Science, National Commission	7527-01
Federal Deposit Insurance Corporation	6714-01	Management and Budget Office	3110-01
Federal Election Commission	6715-01	Marine Mammal Commission	6820-31
Federal Energy Administration	3128-01	National Capital Planning Commission	7515-01
Federal Home Loan Bank Board	6720-01	National Credit Union Administration	7535-01

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Department	Billing Code	Department	Billing Code
National Institute of Education	4110 39	Transportation Department	
National Mediation Board	7550 01	Office of Secretary	4910-01
National Labor Relations Board	7545 01	Federal Railroad Administration	4910-06
National Science Foundation		Federal Aviation Administration	4910 13
Administration	7555 01	Coast Guard	4910-14
OSTP	7555 02	Federal Highway Administration	4910-22
Navy Department		Urban Mass Transportation Administration	4910 57
DCPA U 8	3810 01	National Transportation Safety Board	4910-58
OSD SD 0859	3810 70	National Highway Traffic Safety Administration	4910 59
Navy Judge Advocate General	3810 71	Materials Transportation Board	4910 60
Nuclear Regulatory Commission	7590 01	St. Lawrence Seaway Development Corporation	4910 61
Occupational Safety and Health Review Commission	7600 01	Treasury Department	
Overseas Private Investment Corporation	3210 01	Customs Service	4810-22
Panama Canal Company	3640 01	Administrative Programs	4810 25
Pennsylvania Avenue Development Corporation	7630 01	Revenue Sharing	4810 28
Pension Benefit Guaranty Corporation	7708 01	Alcohol, Tobacco and Firearms	4810-31
Postal Rate Commission		Federal Law Enforcement Training Center	4810-32
Postal Service	7710 12	Comptroller of the Currency	4810 33
Railroad Retirement Board	7905 01	Engraving and Printing	4810 34
Renegotiation Board	7910 01	Government Finance Operations	4810 35
Securities and Exchange Commission	8010 01	Min. Bureau	4810-37
Selective Service System	8015 01	Public Debt	4810 40
Small Business Administration	8025 01	Secret Service	4810-42
Smithsonian Institution	8030 01	Internal Revenue Service	4830-01
State Department	4710 01	U.S. Information Agency	8230-01
Susquehanna River Basin Commission	7040 01	Veterans Administration	8320 01
Technical Assessment Office of	1630 01	Water Resources Council	8410 01
Telecommunications Policy Office	3160 01	White House Office	3195 01
Tennessee Valley Authority	8120 01		

If your agency's name does not appear above, GPO may not have received your printing and binding requisition (Standard Form 1). Your documents can not be printed in the FEDERAL REGISTER without a billing code.

INFORMATION AND ASSISTANCE Mr. William Rose, 202-275-2867

V 42-190

SEP 30 77



responsibility of defending the Government before a court, magistrate or administrative tribunal; (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above.

**Retrievability:** Records are indexed by name of the individual.

**Safeguards:** Records are kept in a locked office or file cabinet.

**Retention and disposal:** Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

**System manager(s) and address:** Director, APHIS Division, OGC, USDA, Washington, D.C. 20250.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, APHIS Division, OGC, USDA, Washington, D.C. telephone 202-447-5550. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.).

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Same as Record Access Procedures.

**Record source categories:** Information in this system come primarily from witnesses, agency employees, and investigative personnel.

**Systems exempted from certain provisions of the act:** The portions of this system which involve cases by the Department under the Virus-Serum Toxin Act have been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), (I) and (f) because they consist of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

#### USDA/OI-1

**System name:** Employees Records, USDA/OI

**System location:** In the Headquarters Office in the Agriculture Administration Building, 14th and Independence Avenue, S.W., Washington, D.C. 20250, and in the following field offices:

Room 1707, 26 Federal Plaza  
New York, New York 10007  
Room 432A, Federal Center Building  
Hyattsville, Maryland 20782  
Room 901, 1447 Peachtree Street, NE.  
Atlanta, Georgia 30309  
Room 800, 1 North Wacker Drive  
Chicago, Illinois 60606  
Room 311, Federal Office Building  
101 South Main Street  
Temple, Texas 76501  
8930 Ward Parkway  
P.O. Box 205  
Kansas City, Missouri 64141  
Room 526, 555 Battery Street  
San Francisco, California 94111  
Room 220, U.S. Court House  
Hato Rey, Puerto Rico 00918  
900 Dekalb Pike  
King of Prussia, Pennsylvania 19406  
Room 328, 310 New Bern Avenue  
Raleigh, North Carolina 27611  
Room 444, 80 North Hughey Avenue  
Orlando, Florida 32801  
Room 214, Imperial Towers Office Building  
333 Waller Avenue  
Lexington, Kentucky 40504  
Room 5, 5305 Executive Place  
Jackson, Mississippi 39206  
Room 202, Federal Building

3rd and State Streets  
Columbus, Ohio 43215  
Room 614, Federal Building  
600 South Street  
New Orleans, Louisiana 70130  
Suite 18-A, 1 Diamond Plaza  
2490 West 26th Avenue  
Denver, Colorado 80211  
Building 7, 4747 Eastern Avenue  
Bell, California 90201

**Categories of individuals covered by the system:** OI temporary and permanent employees, former employees, and applicants for employment.

**Categories of records in the system:** These records show personnel management and work-related information, including position, title, grade, pay rate, pay, temporary and permanent address, phone number, performance evaluations, promotions, travel information, accident reports and related information, activity reports, participation in savings and contribution programs, availability for employment, for assignment, or for transfer, qualifications, awards, hours worked, issuance of credentials, passports, and other identification, assignment and accountability of property and other things of value, parking space assignments, training and development, and special assignments. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Authority for maintenance of the system:** 5 U.S.C. 301, 7 CFR 2.33

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To other agencies in the Department and Executive Branch agencies, such as the Civil Service Commission, as necessary for proper personnel actions.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders, notebooks, and card file boxes.

**Retrievability:** By name of individual employee.

**Safeguards:** Available on official need-to-know basis. Kept in locked offices after office hours.

**Retention and disposal:** Records are retained as long as needed and then discarded. Personal information that might be considered derogatory or embarrassing is burned when no longer needed.

**System manager(s) and address:** Administrative Officer, OI, U.S. Department of Agriculture, Washington, D.C. 20250.

**Notification procedure:** Inquiries and requests should be addressed to Assistant Director for Information, Research and Development (IRD), Office of Investigation, U.S. Department of Agriculture, Washington, D.C. 20250.

**Record access procedures:** To gain access to information in this system, send request to the Assistant Director, IRD.

**Contesting record procedures:** To contest information in this system, send request to the Assistant Director, IRD.

**Record source categories:** The primary information is from employee himself. Additional information is provided by supervisors, coworkers, references, and investigative personnel.

#### USDA/OI-2

**System name:** Intelligence Records, USDA/OI

**System location:** In the Headquarters Office in the Agriculture Administration Building, 14th and Independence Avenue, S.W., Washington, D.C. 20250, and in the field offices listed in the system of records designated USDA/OI-1.

**Categories of individuals covered by the system:** Suspects and unpaid informants

**Categories of records in the system:** Allegations against suspects and types of information previously furnished by or to be expected from informants.

**Authority for maintenance of the system:** 5 U.S.C. 301, 7 CFR 2.33

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Routine uses for law enforcement purposes will include referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law.



whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation, or order issued pursuant thereto.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Stored on sheets of paper and index cards

**Retrievability:** Retrievable by name of individual subject

**Safeguards:** Available on an official need-to-know basis and kept in locked storage when not in use.

**Retention and disposal:** Kept indefinitely and continually updated; out-of-date material is burned.

**System manager(s) and address:** Administrative Officer, Office of Investigation, U.S. Department of Agriculture, Washington, D.C. 20250. Inquiries and requests should be addressed to Assistant Director for Information, Research and Development, Office of Investigation, U.S. Department of Agriculture, Washington, D.C. 20250.

**Systems exempted from certain provisions of the act:** This system has been exempted from the provisions of sections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f) pursuant to 5 U.S.C. 552a (k)(2) as investigatory material compiled for law enforcement purposes. This exemption is contained in 7 CFR 1.123, 40 Fed. Reg. 45103 (1975).

#### USDA/OI-3

**System name:** Investigative Files and Subject/Title Index, USDA/OI

**System location:** In the Headquarters Office in the Agriculture Administration Building, 14th and Independence Ave., S.W., Washington, D.C. 20250, and in the field offices set forth in the system of records designated USDA/OI.

Except for inadvertent errors, all entries in regional indexes (at the first seven field offices listed in USDA/OI-1) are duplicated in the Headquarters index. Thus the Headquarters index is the only complete index in OI. The Headquarters files also contain a copy of every OI investigative report, but not the correspondence in all cases. Older investigative files of each OI office may have to be retrieved from Federal Records Centers when needed.

**Categories of individuals covered by the system:** The individual names in the OI index fall into one or more of the following categories:

**Subjects:** These are applicants for OI employment or individuals against whom allegations of wrongdoing have been made. In some instances, these individuals have been the subjects of investigations conducted to establish whether allegations were true. In other instances, the allegations were deemed to frivolous or indefinite to warrant inquiry.

**Principals:** These are individuals who are not named subjects of investigative inquiries, but may be responsible for alleged violations. For example, the president of a firm alleged to have violated laws or regulations would likely be individually listed in the OI index.

**Complainants:** These are individuals who allege wrongdoing, mismanagement, or unfair treatment relating to USDA employees and/or programs.

**Others:** These are all other individuals closely connected with a matter of investigative interest or whose names have been checked through the index to determine whether they were of record. Among these names are those of people who are connected with a matter only in that they have shown unusual interest in having allegations investigated or in learning the results of investigation. Also included in the index are the names of persons on the Department of Justice crime list.

**Categories of records in the system:** The OI Subject/Title Index and Investigative Files consist of:

1 Index cards and/or a microfiche index filed alphabetically by the names of individuals, organizations, and firms with a separate card or line item for each; dates of entries made into the index or dates of materials containing information about the named subjects; and identification of the OI file or files containing information on that subject.

2 Files containing bound sheets of paper or microfiche of such sheets from investigative and other reports, correspondence, and informal notes and notations concerning (a) one investigative matter or (b) a number of incidents of the same sort of alleged violation or irregularity.

If such information was available when an index card or line item

was made, the card or microfiche on an individual will include the individual's address, date of birth, and Social Security number.

3 Where investigation is being or will be conducted, but has not been completed, various case management records, investigator's notes, statements of witnesses, and copies of records. These are contained on index slips or cards and sheets of paper located in an OI office or in the possession of the OI investigator. Certain management records are retained after the investigation report is released as a means of following action taken on the basis of the OI investigative report.

**Authority for maintenance of the system:** 5 U.S.C. 301, 7 CFR 2.33

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Routine use for law enforcement purposes will include referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility for investigating or prosecuting a violation of law or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The OI Subject/Title Index consists of 3 inch by 5 inch cards or microfiche line items stored in steel cabinets. The investigative files are stored in steel file cabinets.

**Retrievability:** The cards or line items are arranged alphabetically, and each card or line item identifies one or more OI investigative case file or administrative file arranged numerically by file number, but not individually identifiable.

**Safeguards:** These records are available within USDA and to others in the Executive Branch only upon proper identification and a need-to-know and are kept in a limited-access area during normal duty hours and in a locked office after duty hours.

**Retention and disposal:** The cards or line items are kept indefinitely and investigative case files are maintained for 30 years. Certain investigative case files of unusual significance are also kept indefinitely. Administrative files are kept for five years.

**System manager(s) and address:** Administrative Officer, Office of Investigation, U.S. Department of Agriculture, Washington, D.C. 20250.

Inquiries and requests should be addressed to Assistant Director for Information, Research and Development, Office of Investigation, U.S. Department of Agriculture, Washington, D.C. 20250.

**Systems exempted from certain provisions of the act:** This system has been exempted from the provisions of sections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f) pursuant to 5 U.S.C. 552a (k)(2) and (k)(5) as investigatory material compiled for law enforcement purposes or compiled solely for determining suitability, eligibility or qualifications for Federal civilian employment. This exemption is contained in 7 CFR 1.123, 40 Fed. Reg. 45103 (1975).

#### USDA/OI-4

**System name:** Liaison Records, USDA/OI

**System location:** Headquarters Office in the Agriculture Administration Building, 14th and Independence Avenue, S.W., Washington, D.C. 20250, and in the field offices set forth in the system of records designated USDA/OI.

**Categories of individuals covered by the system:** Employees or officials of Federal, State, and local governmental agencies

**Categories of records in the system:** Such information as name, title, address, phone number, and type of assistance previously given or interest previously shown or expected

**Authority for maintenance of the system:** 5 U.S.C. 301, 7 CFR 2.33

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosed to other investigative agencies (e.g., FBI, Secret Service, IRS) to coordinate investigative efforts or for those agencies to use in their independent investigations and to facilitate referral of OI investigative information to other Executive Agencies that have an official interest.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Index cards and sheets of paper

**Retrievability:** By name of person and Agency

**Safeguards:** Information usually obtained from public records and available to OI employees and to others on request

**Retention and disposal:** Information is kept indefinitely and disposed of when updated. Out-of-date information is discarded.

**System manager(s) and address:** Administrative Officer, Office of Investigation, U.S. Department of Agriculture, Washington, D.C. 20250

**Notification procedure:** Inquiries and requests should be addressed to Assistant Director for Information, Research and Development, Office of Investigation, U.S. Department of Agriculture, Washington, D.C. 20250

**Record access procedures:** To gain access to information in this system, send request to Assistant Director, IRD.

**Notification procedure:**

**Contesting record procedures:** To contest information in this system, send request to the Assistant Director, IRD.

**Record source categories:** Public documents and directories and previous contacts with individuals listed.

#### USDA/OF-1

**System name:** Administrative Billings and Collections, USDA/OF

**System location:** USDA, Office of Finance, National Finance Center, New Orleans, Louisiana 70160

**Categories of individuals covered by the system:** Individuals (USDA, former USDA or non-USDA employees) who are indebted, to the Department for any reason. Some examples of indebtedness are: lost or damaged property, salary overpayments, outstanding travel advances, violations of transfer-of-station agreements, and misuse of Federal facilities.

**Categories of records in the system:** The automated system establishes a master file containing debtors name, address, social security number, or assigned vendor number, amount of indebtedness, amount of current collection and amount of total billing. After a short while these records are transferred to a history file for inquiry use.

**Authority for maintenance of the system:** 5 U.S.C. 301; 7 CFR 2.75

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Forwarded to another agency when a USDA employee accepts employment with such agency; (2) Referred to the General Accounting Office for review in cases involving possible fraud. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained on magnetic tape files and in file folders at the National Finance Center addressed above.

**Retrievability:** Records are indexed by social security number or equivalent identifying number in case of non-USDA employees.

**Safeguards:** File folders are kept in locked cabinets. Magnetic tape files are in locked computer room and library which can be accessed by authorized personnel only.

**Retention and disposal:** Master history magnetic tape files are retained indefinitely. Manual records are transferred for storage and disposition by the Federal Records Center in accordance with General Services Administration regulations.

**System manager(s) and address:** Director, National Finance Center, Office of Finance, USDA, New Orleans, Louisiana 70160

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager. A request for information pertaining to an individual should be in writing and should contain: name, address, social security number and particulars involved (i.e., dates of claims, copies of correspondence, etc.).

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the System Manager.

**Contesting record procedures:** Any individual may obtain information as to the procedures for contesting a record in the system which pertains to him, by submitting a written request to the System Manager.

**Record source categories:** Information in this system comes primarily from USDA employees, former USDA employees, non-USDA employees, agency claimants, and USDA or other investigation personnel.

#### USDA/OBPE-1

**System name:** Committee Management Records System

**USDA/OBPE**

**System location:** USDA, Office of Budget, Planning and Evaluation, Management Division, Washington, D.C. 20250.

**Categories of individuals covered by the system:** All individuals who are public members of USDA advisory committees are included in this system of records.

**Categories of records in the system:** The system consists of membership listings by committee name, state, ethnic affiliation, and female members. Key punch cards are the basis for some of the above listings.

**Authority for maintenance of the system:** 5 U.S.C. App. 1

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Maintained as a means of responding to Congressional inquiries for names and numbers of citizens serving on committees from a particular State. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in notebooks and on key punch cards.

**Retrievability:** Records are indexed by names of individuals and by committee name.

**Safeguards:** Records contain no sensitive information and are kept in regular office files.

**Retention and disposal:** Records are retained until committee membership is changed. Obsolete listings are sent to the USDA historian.

**System manager(s) and address:** Assistant Director, Management, Office of Budget, Planning and Evaluation, USDA, Washington, D.C. 20250 (202-447-6111).

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him, from the System Manager. A request for information pertaining to an individual should contain the individual's name, address, and name of the committee on which he is serving.

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to records in this system which pertain to him by submitting a written request to the System Manager.

**Contesting record procedures:** Any individual may obtain information as to the procedures for contesting a record in the system which pertains to him by submitting a request to the System Manager.

**Record source categories:** Information in this system is collected by USDA agencies from published reference books (Who's Who, etc.), from organizations which make recommendations of possible members, and from the prospective members.

#### USDA/OF-2

**System name:** Employee Travel and Transportation System

**USDA/OF**

**System location:** USDA, Office of Finance, National Finance Center, New Orleans, Louisiana 70160

**Categories of individuals covered by the system:** Individuals who have funds advanced to them for official travel use, individuals who have U. S. Government Transportation Requests assigned to them for use in purchasing tickets to be used for official travel and individuals who perform official USDA Travel and are reimbursed with Government Funds are included in this system.

**Categories of records in the system:** This system consists of complete files on advances to and repayments by individuals, assignment and use of Government Transportation Requests by individuals, and payments for official travel to individuals.

**Authority for maintenance of the system:** 5 U.S.C. 301; 7 CFR 2.75

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**



ries of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained on computer tapes and disks at the National Finance Center addressed above.

**Retrievability:** Records are indexed by Social Security Number and by name of individual.

**Safeguards:** Limited access by authorized personnel with the information needed to gain access into the system.

**Retention and disposal:** Master history magnetic tapes are retained indefinitely. Manual records are transferred for storage and disposition by the Federal Records Center in accordance with General Services Administration regulations.

**System manager(s) and address:** Director, National Finance Center, Office of Finance, USDA, P.O. Box 60,000, New Orleans, Louisiana 70160.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager.

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the System Manager.

**Contesting record procedures:** Any individual may obtain information as to the procedures for contesting a record in the system which pertains to him, by submitting a written request to the System Manager.

**Record source categories:** Information in this system comes primarily from individuals that request advances prior to travel, submit Travel Vouchers for reimbursement after travel is performed or request Government Transportation Requests for use in purchasing passenger tickets. Some of the information is obtained from the payroll and personnel systems maintained by the National Finance Center.

#### USDA/OE-3

**System name:** Imprest Fund Payment System, USDA/OE

**System location:** USDA, Office of Finance, National Finance Center, New Orleans, Louisiana 70160.

**Categories of individuals covered by the system:** All USDA imprest cashiers and alternates and USDA employees designated as chiefs of field party.

**Categories of records in the system:** The automated system establishes master files containing the name, social security number, employment address and telephone, and amount of advance for each cashier, alternate cashier and chief of field party. It also includes records of disbursements, reimbursements, accountability reports and verification and audit of funds.

**Authority for maintenance of the system:** 5 U.S.C. 301; 7 CFR 2.75.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referral to the Treasury Disbursing Office, Kansas City, Kansas, for approval and/or payment and internal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained on microfilm cartridges, magnetic disks, magnetic tape, microfiche, and to a limited degree, in file folders.

**Retrievability:** Records are indexed primarily by social security number of the individual cashier, alternate cashier, or chief of field party; and secondarily by imprest fund number.

**Safeguards:** Records are kept in a locked room, to be accessed by authorized personnel only.

**Retention and disposal:** Records will be retained indefinitely.

**System manager(s) and address:** Director, National Finance Center, Office of Finance, USDA, P.O. Box 60,000, New Orleans, Louisiana 70160.

**Notification procedure:** Any individual may request information

regarding this system of records, or ascertain whether the system contains records pertaining to him from the System Manager. The request should be in writing and should contain: name, address, social security number and particulars involved (i.e., date and type of document in question, etc.).

**Record access procedures:** Any individual may obtain information on procedures for gaining access to a record in the system that pertains to him by submitting a written request to the System Manager.

**Contesting record procedures:** Any individual may obtain information on procedures for contesting a record in the system that pertains to him by submitting a written request to the System Manager.

**Record source categories:** Information in this system is derived from documents submitted by USDA agencies and the Treasury Disbursing Office, Kansas City, Kansas.

#### USDA/OE-4

**System name:** Employees Personnel File, USDA/OE

**System location:** Office of Finance, Administrative Office, United States Department of Agriculture, Washington, D.C. 20250.

**Categories of individuals covered by the system:** Employees past and present that have been or are now employed by this office.

**Categories of records in the system:** System consists of agency copies of personnel actions.

**Authority for maintenance of the system:** 5 U.S.C. 301; 7 CFR 2.75.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the address listed above.

**Retrievability:** Records are kept in alphabetical file order with last name first under Divisional headings.

**Safeguards:** Records are maintained in metal filing cabinets with access limited to those requiring the information for official purposes.

**Retention and disposal:** Records are maintained indefinitely.

**System manager(s) and address:** Administrative Officer, Office of Finance, United States Department of Agriculture, Washington, D.C. 20250.

**Notification procedure:** Any employee whose folder is maintained in this system may request information from and/or review his own folder at any time. Requests for review are normally informal and should be addressed to the System Manager.

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a request to the System Manager.

**Contesting record procedures:** Any individual may obtain information as to the procedures for contesting a record in the system which pertains to him by submitting a request to the System Manager.

**Record source categories:** Information contained in this system is primarily constructed from copies of personnel type actions routed to this office earmarked "Agency Copy."

#### USDA/OE-5

**System name:** Uniform Allowance System, USDA/OE.

**System location:** USDA, Office of Finance, National Finance Center, New Orleans, Louisiana.

**Categories of individuals covered by the system:** All USDA employees entitled to and receiving allowances for uniforms required in their work.

**Categories of records in the system:** This system consists of complete files on advances, accruals and payments, to individuals within the Department, for uniform allowances.

**Authority for maintenance of the system:** 5 U.S.C. 301; 7 CFR 2.75.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** None.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained on computer tapes and disks at the National Finance Center addressed above.

**Retrievability:** Records are indexed by Social Security Number and by name of individual.

**Safeguards:** Limited access by authorized personnel and passwords on the Data Base.

**Retention and disposal:** Master history magnetic tapes are retained indefinitely. Manual records are transferred for storage and disposition by the Federal Records Center in accordance with General Services Administration regulations.

**System manager(s) and address:** Director, National Finance Center, Office of Finance, USDA, New Orleans, Louisiana 70160.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, National Finance Center, Office of Finance, USDA, P.O. Box 60,000, New Orleans, Louisiana 70160.

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a request to the System Manager.

**Contesting record procedures:** Any individual may obtain information as to the procedures for contesting a record in the system which pertains to him by submitting a request to the System Manager.

**Record source categories:** Information in this system comes primarily from individuals that request payments of uniform allowances.

#### USDA/OO-1

**System name:** Debarred, Ineligible and Suspended Bidders, USDA/OO

**System location:** Office of Operations, Procurement, Grants and Agreements Management Staff, United States Department of Agriculture, Washington, D.C. 20250.

**Categories of individuals covered by the system:** Individuals who, as principles or responsible employees of companies contracting with USDA or other Federal agencies, have committed or are suspected of having committed illegal or irresponsible acts in connection with the performance of those contracts.

**Categories of records in the system:** The system consists of files on companies and their principle owners, officers or responsible employees. The files contain correspondence relating to the performance of individuals and their companies under government contracts.

**Authority for maintenance of the system:** 41 CFR 1-1.602 and 4-1.602.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Publication of the Debarred, Ineligible and Suspended List for distribution to USDA and other Federal purchasing offices. 2. Referral to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. 3. Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual." Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the address above.

**Retrievability:** Records are indexed by date and company or individual name.

**Safeguards:** Records are maintained in metal filing cabinets with access limited to those requiring the information for official purposes.

**Retention and disposal:** Records are sent to Federal Records Centers approximately 3 years after the close of a case and are destroyed approximately 2 years thereafter.

**System manager(s) and address:**

Director, Office of Operations  
United States Department of Agriculture  
Washington, D.C. 20250

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Assistant Director, Office of Operations, Procurement, Grants and Agreements Management Staff, United States Department of Agriculture, Washington, D.C. 20250, Telephone—202-447-7527. A request for information pertaining to an individual should contain: Name; address; company name; date of debarment; ineligibility or suspension date or date of last correspondence.

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the Director, Office of Operations.

**Contesting record procedures:** Any individual may obtain information as to the procedures for contesting a record in the system which pertains to him by submitting a written request to the Director, Office of Operations.

**Record source categories:** Information in this system comes primarily from agency employees, other Federal agencies, law enforcement officials or judicial officers.

#### USDA/P&SA-1

**System name:** Packers and Stockyards Administration-administrative records, USDA/P&SA.

**System location:** Packers and Stockyards Administrative Office, Rm. 3044 South Building, United States Department of Agriculture, Washington, D.C. and the Area Supervisors in charge of the following Administration field offices located at: Route 1, Box 109, Sterling, Virginia 22170. Rm. 635, 1720 Peachtree Street, N.W., Atlanta, Georgia 30309; 208 Livestock Exchange Building, Denver, Colorado 80216; Rm. 8A36, Federal Building, 819 Taylor Street, Fort Worth, Texas 76102; Suite 24, 537 Turtle Creek, South Drive, Indianapolis, Indiana 46277; 828 Livestock Exchange Building, Kansas City, Missouri 64102; Rm. 2W6, Federal Office Building, 15000 Aviation Boulevard, Lawndale, California 90260; Rm. 459, Federal Building, 167 North Main Street, Memphis, Tennessee 38103; 525 Milltown Road, North Brunswick, New Jersey 08902; 909 Livestock Exchange Building, Omaha, Nebraska 68107; 9370 S. W. Greenburg Road, Suite E., Portland, Oregon 97223; 208 Post Office Building, Box 8, South St. Paul, Minnesota 55075; and Emerson Building Annex, State Fairgrounds, Springfield, Illinois 62706.

**Categories of individuals covered by the system:** Present and former employees of the Packers and Stockyards Administration.

**Categories of records in the system:** The system includes personnel (personnel record cards reflecting the name, date of birth, grade, salary, and employment history of present and former employees; performance evaluation forms; requests for training authorizations; recommendations for promotion; copies of personnel actions; and correspondence relating to individual employees' conduct), payroll and fiscal data required to meet the needs of agency personnel and fiscal responsibilities.

**Authority for maintenance of the system:** 5 U.S.C. 301; 7 CFR 2.54.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The data contained in the foregoing records is routinely used to answer inquiries from agencies considering the employees identified in the system for employment as well as for credit checks. This information is also used to initiate requests for investigation of Packers and Stockyards Administration employees for purposes of security and conduct.



"Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** With the exception of personnel record cards, all of these records are maintained on paper in file folders at the appropriate addresses cited.

**Retrievability:** All of the records are indexed and retrievable by name of the individual employees.

**Safeguards:** The records are maintained in locked files.

**Retention and disposal:** The personnel record cards are maintained indefinitely. The performance evaluation forms for current employees are maintained indefinitely and for separated employees two years after separation. The Time and Attendance reports are maintained for the current year and three years thereafter for employees currently on the rolls. Final Time and Attendance reports are maintained for ten years after the date of separation of the employees. Travel vouchers, copies of personnel actions, training documents, and recommendations for promotion are maintained for five years from the date of submission. Correspondence with respect to employee conduct is maintained while the employee remains on the rolls and for three years thereafter. The administrative officer of the Packers and Stockyards Administration physically mutilates the records on the scheduled disposal date and they are thrown away with the agency's waste.

**System manager(s) and address:** Executive Assistant to the Administrator, Packers and Stockyards Administration, Rm. 3042, South Building, United States Department of Agriculture, Washington, D.C. 20250 and Area Supervisors of field offices at locations previously specified.

**Notification procedure:** Any individual may request information regarding this system of records or information as to whether the system contains records pertaining to him from the Executive Assistant to the Administrator, P&SA, USDA, Washington, D.C. 20250 Telephone (202-447-7202) or the appropriate Area Supervisor. Requests for information pertaining to an individual should contain: Name, location at which the individual worked for the agency, and the approximate dates.

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate officials previously specified.

**Contesting record procedures:** Use same procedures as for requesting access.

**Record source categories:** Information in this system comes primarily from the individuals concerned, personnel, training, travel and payroll records.

#### USDA/P&SA—2

**System name:** Persons engaged in business as livestock market agencies and dealers under the provisions of the Packers and Stockyards Act, USDA/P&SA.

**System location:** Registrations, Bonds, and Reports Branch, Livestock Marketing Division, Packers and Stockyards Administration, United States Department of Agriculture, Washington, D.C. Also duplicate files for specific geographical areas maintained in the thirteen (13) Area Supervisory Offices of the P&SA.

**Categories of individuals covered by the system:** Individuals who have applied for registration or are registered as livestock market agencies and dealers under the Packers and Stockyards Act.

**Categories of records in the system:** The system consists of index cards bearing the names of individuals who are registered under the provisions of the Act. Also cross-reference cards bearing the names of individuals who are owners or officers of registrant firms. From the index cards access may be gained to other systems of records identified as follows: (1) Registration Record Cards, (2) Case Record Cards, (3) Bond Claim Record Cards, (4) Registration Jurisdictional Files and (5) Stockyard Jurisdictional Files.

**Authority for maintenance of the system:** 7 U.S.C. 181 et. seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To answer inquiries from Federal and State agencies, livestock trade organizations, and others having a definite and proved interest in such records.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in card file cabinets and file folders at the applicable address listed above.

**Retrievability:** All index cards are maintained in an alphabetical order by name of registrant and by name of owners or officers of registrant firms.

**Safeguards:** Records are kept in locked cabinets under the supervision of competent personnel.

**Retention and disposal:** All files mentioned are maintained during active life of registration. When rendered inactive records are maintained for a period of two years in accordance with an approved records disposition schedule.

**System manager(s) and address:** Chief, Registrations, Bonds and Reports Branch, Livestock Marketing Division, Packers and Stockyards Administration, USDA, Washington, D.C. 20250

**Notification procedure:** Any individual may request information regarding this system of records or information as to whether the system contains records pertaining to him from the Chief, Registrations, Bonds and Reports Branch, Livestock Marketing Division, P&SA, USDA, Washington, D.C. 20250, Telephone (202-447-4615 or 16). A request for information pertaining to an individual should contain that individual's full name, and current mailing address.

**Record access procedures:** Any individual desiring to gain access to a record maintained in the system which pertains to him may do so by submitting a written request to the appropriate official referred to in the preceding paragraph.

**Contesting record procedures:** Use same procedures as followed in seeking access.

**Record source categories:** Information in this system comes primarily from individuals who make application for registration or who are registered under the Packers and Stockyards Act, 1921, as amended. A limited amount of information in the system is obtained from other sources such as corporate surety companies, persons acting as trustee on bonds or bond equivalents and Packers and Stockyards Area Supervisory personnel.

#### USDA/OP—1

**System name:** Personnel and Payroll System for USDA employees, USDA/OP.

**System location:** Office of Personnel, USDA, Washington, D.C., the National Finance Center, P.O. Box 60,000, New Orleans, Louisiana; and the personnel Offices at the following locations:

**ALABAMA** Soil Conservation Service State Office, Soil Conservation Bldg., P.O. Box 311, Auburn, AL 36830; Farmers Home Administration State Office, Aronov Bldg., Rm. 717, 474 South Court St., Montgomery, AL 36104; Forest Service National Forest, National Forests in Alabama, 1765 Highland Ave., P.O. Box 40, Montgomery, AL 36101.

**ALASKA** Forest Service Regional Office, Federal Office Bldg., P.O. Box 1628, Juneau, AK 99801.

**ARIZONA** Forest Service National Forest, Coconino National Forest, P.O. Box 1268, Flagstaff, AZ 86002; Forest Service, RM Forest and Range Experiment Station, Forestry Sciences Laboratory, Northern Arizona University, Flagstaff, AZ 86001; Agricultural Marketing Service Milk Market Office, 2617 North 24th St., Phoenix, AZ 85008; Farmers Home Administration State Office, Federal Bldg., Rm. 6095, 230 North First Ave., Phoenix, AZ 85025; Soil Conservation Service State Office, 230 North First Avenue, 6029 Federal Bldg., Phoenix, AZ 85025; Forest Service National Forest, Tonto National Forest, 102 So. 28th St., Phoenix, AZ 85034; Forest Service National Forest, Prescott National Forest, P.O. Box 2549, Prescott, AZ 86301; Forest Service National Forest, Apache-Sitgreaves National Forests, Federal Bldg., P.O. Box 640, Springerville, AZ 85938; Forest Service, RM Forest and Range Experiment Station, Forest Hydrology Laboratory, Arizona State University, Tempe, AZ 85281; Forest Service National Forest, Coronado National Forest, P.O. Box 551, Tucson, AZ 85702; Forest Service, RM Forest and Range Experiment Station, Tumamoc Hill, University of Arizona, P.O. Box 4460, Tucson, AZ 85717; Forest Service National Forest, Kaibab National Forest, P.O. Box 817, Williams, AZ 86046.

**ARKANSAS** Forest Service National Forest, Ouachita National Forest, Reserve and Broadway Street, Federal Bldg., P.O. Box 1270, Hot Springs National Park, AR 71901; Agricultural Marketing Service Milk Market Office, 3518 W. Roosevelt Rd., Little Rock,

AR 72204; Farmers Home Administration State Office, 5529 Federal Office Bldg., 700 W. Capitol, Little Rock, AR 72203; Forest Service National Forest, Ozark-St. Francis National Forest, W. Main and Fargo, P.O. Box 1008, Russellville, AR 72801.

**CALIFORNIA** Forest Service National Forest, Modoc National Forest, P.O. Box 611, Alturas, CA 96101; Agricultural Research Service Western Regional Administrative Office, 2850 Telegraph Ave., Berkeley, CA 94705; Forest Service Pacific Southwest Forest and Range Experiment Station, 1960 Addison St., P.O. Box 245 Berkeley, CA 94704; Forest Service National Forest, Inyo National Forest, 2957 Birch St., Bishop, CA 93514; Soil Conservation Service State Office, 2828 Chiles Rd., P.O. Box 1019, Davis, CA 95616; Forest Service National Forest, Six Rivers National Forest, 710 E. Street, Eureka, CA 95501; Forest Service National Forest, Sierra National Forest, Federal Bldg., Rm. 3304, 1130 O Street, Fresno, CA 93721; Forest Service National Forest, Los Padres National Forest, 42 Acro Camino, Goleta, CA 93017; Forest Service National Forest, Tahoe National Forest, Highway 49 and Coyote St., Nevada City, CA 95959; Forest Service National Forest, Angeles National Forest, 150 South Robles, Pasadena, CA 91101; Forest Service National Forest, Eldorado National Forest, 100 Forni Rd., Placerville, CA 95667; Forest Service National Forest, Sequoia National Forest, 900 W. Grand Ave., Porterville, CA 93257; Forest Service National Forest, Plumas National Forest, 159 Lawrence St., Quincy, CA 95971; Forest Service National Forest, Shasta-Trinity National Forest, 1615 Continental St., Redding, CA 96001; Forest Service National Forest, San Bernardino National Forest, 144 N. Mountain View Ave., San Bernardino, CA 92408; Forest Service National Forest, Cleveland National Forest, 3211 Fifth Ave., San Diego, CA 92103; Food and Nutrition Service Western Regional Office, 550 Kearny St., Rm. 400, San Francisco, CA 94111; Forest Service National Forest, Stanislaus National Forest, 175 S. Fairview Ln., Sonoma, CA 95370; Forest Service National Forest, Lassen National Forest, 707 Nevada St., Susanville, CA 96130; Forest Service National Forest, Mendocino National Forest, 420 E. Laurel St., Willows, CA 95988; Farmers Home Administration State Office, 459 Cleveland St., Woodlawn, CA 95695; Forest Service National Forest, Klamath National Forest, 1215 S. Main, Yreka, CA 96097.

**COLORADO** Forest Service National Forest, Grand Mesa-Uncampagne Gunnison National Forests, 11th and Main, P.O. Box 138, Delta, CO 81416; Agricultural Marketing Service Milk Market Office, 4411 E. Kentucky Ave., Denver, CO 80222; Farmers Home Administration State Office, 1 Diamond Plaza, Rm. 231, 2490 W. 26th Ave., Denver, CO 80211; Forest Service Regional Office, Federal Center, Bldg. 85, Denver, CO 80225; Soil Conservation Service State Office, 1 Diamond Plaza, Rm. 313, 2490 W. 26th Ave., Denver, CO 80211; Forest Service National Forest, San Juan National Forest, Oliver Bldg., P.O. Box 341, Durango, CO 81301; Forest Service Rocky Mountain Forest and Range Experiment Station, 240 W. Prospect St., Ft. Collins, CO 80521; Forest Service National Forest, Arapaho-Roosevelt National Forests, Rocky Mountain Bank and Trust Bldg., 211 Canyon St., Ft. Collins, CO 80521; Forest Service National Forest, White River National Forest, P.O. Bldg., Box 948, Glenwood Springs, CO 81601; Forest Service National Forest, Rio Grande National Forest, Rt. 2, Monte Vista, CO 81144; Forest Service National Forest, Pike-San Isabel National Forests, P.O. Bldg., Box 753, Pueblo, CO 81002; Forest Service National Forest, Routt National Forest, Hunt Bldg., P.O. Box 1198, Steamboat Springs, CO 80477.

**CONNECTICUT** Soil Conservation Service State Office, Mansfield Professional Park, Rt. 44A, Storrs, CT 06268.

**DELAWARE** Farmers Home Administration State Office, 153 Chestnut Hill Rd., Newark, DE 19711.

**FLORIDA** Agricultural Marketing Service Milk Market Office, Sunrise Center, Professional Bldg., P.O. Box 4886, Ft. Lauderdale, FL 33304; Farmers Home Administration State Office, Federal Bldg., Rm. 212, 401 SE, First Ave., Gainesville, FL 32601; Soil Conservation Service State Office, Federal Bldg., P.O. Box 1208, Gainesville, FL 32601; Forest Service National Forest, National Forests in Florida, 214 S. Bronough St., P.O. Box 1050, Tallahassee, FL 32302.

**GEORGIA** Agricultural Marketing Service Milk Market Office, 11 Corporate Square, Rm. 200, P.O. Box 49025, Atlanta, GA 30329; Forest Service Regional Office, Suite 800, 1720 Peachtree Rd., NW, Atlanta, GA 30309; Forest Service Southeastern Area, State and Private Forestry, Suite 700, 1720 Peachtree Rd., NW, Atlanta, GA 30309; Agricultural Research Service Richard B. Russell Agricultural Research Center, College Station Rd., P.O. Box 5677,

Athens, GA 30604; Farmers Home Administration State Office, 355 E. Hancock, P.O. Box 1848, Athens, GA 30601; Soil Conservation Service State Office, Federal Bldg., 355 E. Hancock Ave., P.O. Box 832, Athens, GA 30601; Forest Service National Forest, Chatahoochee-Oconee National Forest, 601 Broad St., Gainesville, GA 30501.

**HAWAII** Soil Conservation Service State Office, Alexander Young Bldg. Rm. 440, Honolulu, HI 96813.

**IDAHO** Farmers Home Administration State Office, Federal Bldg., Rm. 402, 304 N. 8th St., Boise, ID 83702; Forest Service National Forest, Boise National Forest, 1075 Park Blvd., Boise, ID 83706; Soil Conservation Service State Office, 304 N. 8th St., P.O. Box 38, Boise, ID 83702; Forest Service National Forest, Challis National Forest, Forest Service Bldg., P.O. Box 247, Challis, ID 83226; Forest Service National Forest, Idaho Panhandle National Forest, 218 N. 23rd, Coeur d'Alene, ID 83814; Forest Service National Forest, Nezperce National Forest, 319 E. Main St., Grangeville, ID 83530; Forest Service National Forest, Payette National Forest, Forest Service Bldg., P.O. Box 1026, McCall, ID 83638; Forest Service National Forest, Clearwater National Forest, P.O. Box 752, Orofino, ID 83544; Forest Service National Forest, Caribou National Forest, 427 N. Sixth Ave., P.O. Box 4189, Pocatello, ID 83201; Forest Service National Forest, Targhee National Forest, 420 N. Bridge St., St. Anthony, ID 83445; Forest Service National Forest, Salmon National Forest, Forest Service Bldg., P.O. Box 729, Salmon, ID 83467; Forest Service National Forest, Sawtooth National Forest, 1525 Addison Ave., F. Twin Falls, ID 83301.

**ILLINOIS** Farmers Home Administration State Office, 2106 W. Springfield Ave., Champaign, IL 61820; Soil Conservation Service State Office, Federal Bldg., 200 W. Church St., P.O. Box 678, Champaign, IL 61820; Agricultural Marketing Service Milk Market Office, 72 W. Adams St., Rm. 814, Chicago, IL 60603; Food and Nutrition Service Midwest Regional Office, 536 S. Clark St., Chicago, IL 60605; Forest Service National Forest, Shawnee National Forest, 317 E. Poplar, Harrisburg, IL 62946; Agricultural Research Service Northcentral Regional Administrative Office, 200 W. Pioneer Pkwy., Peoria, IL 61614.

**INDIANA** Forest Service National Forest, Wayne-Hoosier National Forest, 1615 J St., Bedford, IN 47421; Agricultural Marketing Service Milk Market Office, 5130 N. Brouse Ave., P.O. Box 55527, Indianapolis, IN 46205; Farmers Home Administration State Office, Suite 1700, Atkinson Square-W 5610 Crawfordsville Rd., Indianapolis, IN 46224.

**IOWA** Farmers Home Administration State Office, Federal Building, Rm. 873, 210 Walnut St., Des Moines, IA 50309; Soil Conservation Service State Office, Federal Bldg., Rm. 823, 210 Walnut St., Des Moines, IA 50309.

**KANSAS** Agricultural Marketing Service Milk Market Office, 7939 Floyd Ave., P.O. Box 4606, Overland Park, KS 66204; Soil Conservation Service State Office, 760 S. Broadway, P.O. Box 600, Salina, KS 67401; Farmers Home Administration State Office, New England Bldg., Rm. 630, 5th and Kansas, Topeka, KS 66603.

**KENTUCKY** Farmers Home Administration State Office, 333 Waller Ave., Lexington, KY 40504; Soil Conservation Service State Office 333 Waller Ave., Lexington, KY 40504; Agricultural Marketing Service Milk Market Office, 3920 Bardstown Rd., P.O. Box 18030, Louisville, KY 40218; Forest Service National Forest, Daniel Boone National Forest, 100 Vaught Rd., Winchester, KY 40391.

**LOUISIANA** Farmers Home Administration State Office, 3727 Government St., Alexandria, LA 71301; Soil Conservation Service State Office, 3737 Government St., P.O. Box 1630, Alexandria, LA 71301; Agricultural Marketing Service Milk Market Office, 3001 Ridgeland Dr., P.O. Box 456, Metairie, LA 70004; Agricultural Research Service Southern Regional Administrative Office, 701 Loyola Ave., P.O. Box 53326, New Orleans, LA 70153; Forest Service Southern Experiment Station, T-10210 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113; Forest Service National Forest, Kisatchie National Forest, 2500 Shreveport Hwy., Pineville, LA 71360; Forest Service, SA, State and Private Forestry, Alexandria Field Office, 2500 Shreveport Hwy., Pineville, LA 71360.

**MAINE** Farmers Home Administration State Office, USDA Office Bldg., Orono, ME 04473; Soil Conservation Service State Office, USDA Bldg., University of Maine, Orono, ME 04473.

**MARYLAND** Agricultural Research Service Northeastern Regional Administrative Office, Administration Bldg., Beltsville Agricultural Research Center-West, Beltsville, MD 20705; Soil Con-



ervation Service State Office, Hartwick Bldg., Rm. 522, 4321 Hartwick Rd., College Park, MD 20740; Soil Conservation Service Cartographic Division, Federal Center Bldg., Hyattsville, MD 20782.

MASSACHUSETTS Soil Conservation Service State Office, 27 Cottage St., Amherst, MA 01002; Agricultural Marketing Service Milk Market Office, 230 Congress St., Rm. 403, Boston, MA 02110.

MICHIGAN Agricultural Marketing Service Milk Market Office, 2684 W. 11 Mile Rd., Berkley, MI 48072; Forest Service National Forest, Huron-Manistee National Forest, 421 S. Mitchell St., Cadillac, MI 49601; Farmers Home Administration State Office 1405 S. Harrison Rd., Rm. 209, E. Lansing, MI 48823; Soil Conservation Service State Office, 1405 S. Harrison Rd., E. Lansing, MI 48823; Forest Service National Forest, Hiawatha National Forest, P.O. Bldg., Escanaba, MI 49829; Forest Service National Forest, Ottawa National Forest, Ironwood, MI 49938.

MINNESOTA Forest Service National Forest, Chippewa National Forest, Cass Lake, MN 56633; Agricultural Marketing Service Milk Market Office, 508 Providence Bldg., P.O. Box 62, Duluth, MN 55801; Forest Service National Forest, Superior National Forest, Duluth, MN 55801; Agricultural Marketing Service Milk Market Office, 7703 Normandale Rd., Rm. 100, Minneapolis, MN 55435; Animal and Plant Health Inspection Service Minneapolis Commodity Office, 6400 France Ave., S. Minneapolis, MN 55435; Agricultural Marketing Service Milk Market Office, 909 6th St. NW, Rochester, MN 55901; Farmers Home Administration State Office, 252 Federal Office Bldg. and U.S. Court House, St. Paul, MN 55101; Forest Service Northeast Forest Experiment Station, Folwell Ave., St. Paul, MN 55101; Soil Conservation Service State Office, 200 Federal Bldg. and U.S. Courthouse, 316 N. Roberts St., St. Paul, MN 55101.

MISSISSIPPI Farmers Home Administration State Office, Milner Bldg., Rm. 528, Jackson, MS 39201; Soil Conservation Service State Office, Milner Bldg., P.O. Box 610, Jackson, MS 39205; Forest Service National Forest, National Forests in Mississippi, 350 Milner Bldg., Jackson, MS 39205; Forest Service, SA, State and Private Forestry, Project Manager, Y.L.F. Adams Bldg., P.O. Box 69, Oxford, MS 38655.

MISSOURI Farmers Home Administration State Office, Parkade Plaza, Terrace Level, Columbia, MO 65201; Soil Conservation Service State Office, Parkade Plaza, Terrace Level, P.O. Box 459, Columbia, MO 65201; Agricultural Stabilization and Conservation Service Personnel Field Office, 8930 Ward Pky., Kansas City, MO 64114; Forest Service National Forest, National Forests in Missouri, Rolla, MO 65401; Agricultural Marketing Service Milk Market Office, 2550 Schuetz Rd., P.O. Box 1485, Maryland Heights, St. Louis, MO 63042; Farmers Home Administration Finance Office, 1520 Market St., St. Louis, MO 63103.

MONTANA Forest Service National Forest, Custer National Forest, P.O. Box 2556, Billings, MT 59103; Farmers Home Administration State Office, Federal Bldg., P.O. Box 850, Bozeman, MT 59715; Forest Service National Forest, Gallatin National Forest, Federal Bldg., Bozeman, MT 59715; Soil Conservation Service State Office, Federal Bldg., P.O. Box 970, Bozeman, MT 59715; Forest Service National Forest, Deerlodge National Forest, 107 E. Granite, Butte, MT 59701; Forest Service National Forest, Beaverhead National Forest, State Hwy. 41 and Skihi St., Dillon, MT 59725; Forest Service National Forest, Lewis and Clark National Forest, Federal Bldg., Great Falls, MT 59401; Forest Service National Forest, Helena National Forest, Steamboat Block Bldg., 616-618 Helena Ave., Helena, MT 59601; Forest Service National Forest, Flathead National Forest, 290 N. Main, Kalispell, MT 59901; Forest Service National Forest, Kootenai National Forest, 418 Mineral Ave., Libby, MT 59923; Forest Service Regional Office, Federal Bldg., Missoula, MT 59801; Forest Service National Forest, Lolo National Forest, 2801 Russell, Missoula, MT 59801; Forest Service, Intermountain Forest and Range Experiment Station, Forestry Sciences and Northern Forest Fire Laboratories, University of Montana, Drawer G, Missoula, MT 59801.

NEBRASKA Forest Service National Forest, Nebraska National Forest, P.O. Box 999, Chadron, NB 69337; Farmers Home Administration State Office, Federal Bldg. and Courthouse, Rm. 430, 129 N. 10th St., Lincoln, NB 68508; Forest Service, RM Forest and Range Experiment Station, University of Nebraska, 205 Miller Hall, E. Campus, Lincoln, NB 68503; Soil Conservation Service State Office, 134 S. 12th St., Lincoln, NB 68508.

NEVADA Forest Service National Forest, Humboldt National Forest, 976 Mountain City Hwy., Elko, NV 89801; Soil Conservation Service State Office, U.S. Post Office Bldg., Rm. 234, P.O. Box 4850, Reno, NV 89505; Forest Service National Forest,

Toiyabe National Forest, 111 N. Virginia, Rm. 601, Reno, NV 89501.

NEW HAMPSHIRE Soil Conservation Service State Office, Federal Bldg., Durham, NH 03824.

NEW JERSEY Food and Nutrition Service Northeast Regional Office, 707 Alexander Rd., Princeton, NJ 08540; Soil Conservation Service State Office, 1370 Hamilton St., P.O. Box 219, Somerset, NJ 08873.

NEW MEXICO Forest Service National Forest, Lincoln National Forest, Federal Bldg., 11th and New York, Alamogordo, NM 88310; Farmers Home Administration State Office, Federal Bldg., Rm. 3414, 517 Gold Ave., SW, Albuquerque, NM 87102; Forest Service Regional Office, 517 Gold Ave., SW, Albuquerque, NM 87102; Forest Service National Forest, Cibola National Forest, 10408 Candelaria, NE, Albuquerque, NM 87112; Forest Service Rocky Mountain Forest and Range Experiment Station, New Federal Bldg., Rm. 5423, 517 Gold Ave., SW, Albuquerque, NM 87101; Soil Conservation Service State Office, 517 Gold Ave., SW, P.O. Box 2007, Albuquerque, NM 87103; Forest Service National Forest, Santa Fe National Forest, P.O. Box 1689, Santa Fe, NM 87501; Forest Service National Forest, Gila National Forest, 301 W. College Ave., Silver City, NM 88061; Forest Service National Forest, Carson National Forest, Forest Service Bldg., P.O. Box 558, Las, NM 87571.

NEW YORK Agricultural Research Service Plum Island Animal Disease Center, P.O. Box 848, Greenport, Long Island, NY 11944; Agricultural Marketing Service Milk Market Office, 205 E. 42nd St., New York, NY 10017; Farmers Home Administration State Office, Midtown Plaza, Rm. 214, 700 E. Water St., Syracuse, NY 13210; Soil Conservation Service State Office, Midtown Plaza, Rm. 400, 700 E. Water St., Syracuse, NY 13210.

NORTH CAROLINA Forest Service Southeastern Experiment Station, P.O. Box 2570, Asheville, NC 28802; Forest Service National Forest, National Forests in North Carolina, 50 S. French Broad Ave., P.O. Box 2750, Asheville, NC 28802; Farmers Home Administration State Office, Federal Bldg., Rm. 514, 310 New Bern Ave., Raleigh, NC 27601; Soil Conservation Service State Office, Federal Office Bldg., 310 New Bern Ave., P.O. Box 27307, Raleigh, NC 27611.

NORTH DAKOTA Farmers Home Administration State Office, Federal Bldg., Rm. 208, 3rd and Rosser Ave., Bismarck, ND 58501; Soil Conservation Service State Office, Federal Bldg., P.O. Box 1458, Bismarck, ND 58501; Forest Service, RM Forest and Range Experiment Station, Shelterbelt Laboratory, P.O. Box 25, Bottineau, ND 58318.

OHIO Agricultural Marketing Service Milk Market Office, 7503 Brookpark Rd., P.O. Box 29066, Cleveland, OH 44129; Agricultural Marketing Service Milk Market Office; 4560 Heaton Rd., P.O. Box 29226, Columbus, OH 43229; Farmers Home Administration State Office, Old Post Office Bldg., Rm. 316, 121 E. State St., Columbus, OH 43215; Soil Conservation Service State Office, 311 Old Federal Bldg., 3rd and State Sts., Columbus, OH 43215.

OKLAHOMA Farmers Home Administration State Office, Agricultural Center Office Bldg., Stillwater, OK 74074; Soil Conservation Service State Office, Agriculture Center Bldg., Farm Rd. and Brumley St., Stillwater, OK 74074; Agricultural Marketing Service Milk Market Office, 4325 E. 51st St., P.O. Box 45563 Tulsa, OK 74145.

OREGON Forest Service National Forest, Wallowa-Whitman National Forest, Main and Auburn, Baker, OR 97814; Forest Service National Forest, Deschutes National Forest, 211 E. Revere Ave., Bend, OR 97701; Forest Service National Forest, Siuslaw National Forest, 545 S. 2nd St., Corvallis, OR 97330; Forest Service Pacific Northwest Forest and Range Experiment Station, Forestry Sciences Laboratory, 3200 Jefferson Way, Corvallis, OR 97331; Forest Service National Forest, Willamette National Forest, 210 E. 11th St., Eugene, OR 97401; Forest Service National Forest, Siskiyou National Forest, 1504 NW 6th St., Grants Pass, OR 97526; Forest Service National Forest, Malheur National Forest, 139 NE Dayton St., John Day, OR 97845; Forest Service National Forest, Winema National Forest, P.O. Bldg., Klamath Falls, OR 97601; Forest Service National Forest, Fremont National Forest, 34 D St., N., Lakeview, OR 97630; Forest Service National Forest, Rogue River National Forest, P.O. and Federal Bldg., Medford, OR 97501; Forest Service National Forest, Umatilla National Forest, 2517 SW Hailey Ave., Pendleton, OR 97801; Farmers Home Administration State Office, 1218 SW Washington St., Portland, OR 97205; Forest Service Pacific Northwest Forest and Range Experiment Station,

P.O. Box 3141, Portland, OR 97208; Forest Service Regional Office, P.O. Box 3623, Portland, OR 97208; Forest Service National Forest, Mt. Hood National Forest, 2440 SE 195th Ave., Portland, OR 97223; Soil Conservation Service State Office, Washington Bldg., 1218 SW Washington St., Portland, OR 97205; Soil Conservation Service Technical Service Center, 511 NW Broadway, Portland, OR 97209; Agricultural Marketing Service Milk Market Office, Farmers Center Bldg., 6700 SW Varns St., P.O. Box 23354, Portland, OR 97223; Forest Service National Forest, Ochoco National Forest, Federal Bldg., Prineville, OR 97754; Forest Service National Forest, Umpqua National Forest, Federal Office Bldg., Roseburg, OR 97470.

PENNSYLVANIA Farmers Home Administration State Office, Federal Bldg., Rm. 728, 228 Walnut St., P.O. Box 905, Harrisburg, PA 17108; Soil Conservation Service State Office, Federal Bldg. and Court House, P.O. Box 985 (Fed. Square Station), Harrisburg, PA 17108; Agricultural Research Service Eastern Regional Research Center, 600 E. Mermaid Ln., Philadelphia, PA 19118; Forest Service Northeastern Area, State and Private Forestry, 6816 Market St., Upper Darby, PA 19082; Forest Service Northeastern Experiment Station, 6816 Market St., Upper Darby, PA 19082; Soil Conservation Service Technical Service Center, 7700 W. Chester Pike, Upper Darby, PA 19082; Forest Service National Forest, Allegheny National Forest, P.O. Bldg., Warren, PA 16365.

SOUTH CAROLINA Forest Service, Forest Manager, Savannah River Project, AEC, P.O. Box A, Aiken, SC 29802; Farmers Home Administration State Office, Federal Bldg., Rm. 604, 901 Sumter St., Columbia, SC 29201; Forest Service National Forest, Francis Marion-Sumter National Forest, 1801 Assembly St., 2nd Floor, Columbia, SC 29201.

SOUTH DAKOTA Forest Service National Forest, Black Hills National Forest, Forest Service Office Bldg., P.O. Box 792, Custer, SD 57730; Farmers Home Administration State Office, Christen and Hohm Bldg., 239 Wisconsin Ave., SW, Huron, SD 57350; Soil Conservation Service State Office, 239 Wisconsin Ave., SW, P.O. Box 1357, Huron, SD 57350; Forest Service, RM Forest and Range Experiment Station, Forest Research Laboratory, South Dakota School of Mines and Technology, Rapid City, SD 57701.

TENNESSEE Agricultural Marketing Service Milk Market Office, 119 Belmont Dr., P.O. Box 3007, Bristol, TN 37620; Forest Service National Forest, Cherokee National Forest, 2321 Ocoee St., NW, P.O. Box 400, Cleveland, TN 37311; Farmers Home Administration State Office, 538 U.S. Court House Bldg., 801 Broadway, Nashville, TN 37203; Soil Conservation Service State Office, 561 U.S. Court House, Nashville, TN 37203.

TEXAS Agricultural Marketing Service Milk Market Office, 11061 Shady Trail, P.O. Box 34689, Dallas, TX 75234; Food and Nutrition Service West-Central Regional Office, 1100 Commerce St., Rm. 5-D-22, Dallas, TX 75202; Forest Service National Forest, National Forests in Texas, 3rd and Lufkin Ave., P.O. Box 969, Lufkin, TX 75901; Farmers Home Administration State Office, 3920 S. General Bruce Dr., Temple, TX 76501; Soil Conservation Service State Office, 16-20 S. Main St., P.O. Box 648, Temple, TX 76501; Soil Conservation Service Technical Service Center, Ft. Worth Federal Center, P.O. Box 11222, Fort Worth, TX 76110.

UTAH Forest Service National Forest, Dixie National Forest, 500 S. Main St., Cedar City, UT 84720; Forest Service Intermountain Experiment Station, Federal Bldg., 507-25th St., Ogden, UT 84401; Forest Service Regional Office, Federal Office Bldg., 324 - 25th St., Ogden, UT 84401; Forest Service National Forest, Manti-LaSal National Forest, 350 E. Main St., Price, UT 84501; Forest Service National Forest, Uinta National Forest, Federal Bldg., P.O. Box 1428, Provo, UT 84601; Forest Service National Forest, Fishlake National Forest, 170 N. Main St., Richfield, UT 84701; Farmers Home Administration State Office, Federal Bldg., Rm. 5311, 125 S. State St., Salt Lake City, UT 84138; Forest Service National Forest, Wasatch National Forest, 4438 Federal Bldg., 125 S. State St., Salt Lake City, UT 84111; Soil Conservation Service State Office, 4012 Federal Bldg., 125 S. State St., Salt Lake City, UT 84138; Forest Service National Forest, Ashley National Forest, 437 E. Main St., Vernal, UT 84078.

VERMONT Soil Conservation Service State Office, 1 Burlington Square, Burlington, VT 05401; Farmers Home Administration State Office, 141 W. Main St., P.O. Box 588, Montpelier, VT 05602; Forest Service National Forest, Green Mountain National Forest, Federal Bldg., Rutland, VT 05701.

VIRGINIA Agricultural Marketing Service Milk Market Office, 300 N. Lee St., Rm. 320, Alexandria, VA 22314; Forest Service National Forest, George Washington National Forest, 210 Federal

Bldg., P.O. Box 233, Harrisonburg, VA 22801; Farmers Home Administration State Office, Federal Bldg., Rm. 8213, 400 N. Eighth St., Richmond VA 23240; Soil Conservation Service State Office, 400 N. Eighth St., P.O. Box 10026, Richmond, VA 23240; Forest Service National Forest, Jefferson National Forest, 3517 Brandon Ave., SW, P.O. Box 4009, Roanoke, VA 24015.

WASHINGTON Forest Service National Forest, Colville National Forest, Colville, WA 99114; Forest Service National Forest, Okanogan National Forest, 219 2nd Ave., S., Okanogan, WA 98840; Forest Service National Forest, Olympic National Forest, Federal Bldg., Olympia, WA 98501; Agricultural Marketing Service Milk Market Office, 16 W. Harrison St., Seattle, WA 98119; Forest Service National Forest, Mt. Baker-Snoqualmie National Forests, 1601 Second Ave., Bldg., Seattle, WA 98101; Soil Conservation Service State Office, 360 U.S. Courthouse, W. 920 Riverside Ave., Spokane, WA 99201; Forest Service National Forest, Gifford Pinchot National Forest, 500 W. 12th St., Vancouver, WA 98660; Farmers Home Administration State Office, Federal Office Bldg., Rm. 319, 301 Yakima St., Wenatchee, WA 98801; Forest Service National Forest, Wenatchee National Forest, 301 Yakima St., Wenatchee, WA 98801.

WEST VIRGINIA Forest Service National Forest, Monongahela National Forest USDA Bldg., Sycamore St., Elkins, WV 26241; Farmers Home Administration State Office, Federal Bldg., Rm. 320, 75 High St., Morgantown, WV 26505; Soil Conservation Service State Office, 75 High St., P.O. Box 865, Morgantown, WV 26505.

WISCONSIN Forest Service Forest Products Laboratory, N. Walnut St., P.O. Box 5130, Madison, WI 53705; Soil Conservation Service State Office, 4601 Hammersley Rd., P.O. Box 4248, Madison, WI 53711; Forest Service Regional Office, 633 W. Wisconsin Ave., Milwaukee, WI 53203; Forest Service National Forest, Chequamegon National Forest, Federal Bldg., Park Falls, WI 54552; Forest Service National Forest, Nicolet National Forest, Federal Bldg., Rhinelander, WI 54501; Farmers Home Administration State Office, First Financial Plaza, Suite 209, 1305 Main St., Stevens Point, WI 54481.

WYOMING Farmers Home Administration State Office, Federal Bldg., Rm. 3213, 100 E. B. St., Casper, WY 82601; Soil Conservation Service State Office, Federal Office Bldg., P.O. Box 2440, Casper, WY 82601; Forest Service National Forest, Shoshone Bighorn National Forests, Blair Bldg., No. 1, Cody, WY 82414; Forest Service National Forest, Bridger-Teton National Forest, Forest Service Bldg., P.O. Box 1888, Jackson, WY 83001; Forest Service National Forest, Medicine Bow National Forest, Box 3355, University Station, Laramie, WY 82070; Forest Service, RM Forest and Range Experiment Station, Forest Range and Watershed Laboratory, University of Wyoming, Laramie, WY 82070.

PUERTO RICO Farmers Home Administration State Office, Segarra Bldg., Fifth Floor, 1409 Ponce deLeon Ave., STOP 20, Santurce, Puerto Rico 00907; Soil Conservation Service Caribbean Office, 1409 Ponce deLeon Ave., STOP 20, Santurce, Puerto Rico, 00908.

HEADQUARTERS Agricultural Research Service, Personnel Division, Federal Center Bldg., Rm. 557, Hyattsville, MD 20782; Agricultural Marketing Service, Personnel Division, Rm. 1709-S, Washington, D.C. 20250; Agricultural Stabilization and Conservation Service, Personnel Division, Rm. 4752-S, Washington, D.C. 20250; Animal and Plant Health Inspection Service, Personnel Division, Rm. 3911-S, Washington, D.C. 20250; Economic Management Support Center, Division of Personnel, Rm. 1441-S, Washington, D.C. 20250; Extension Service, Personnel Division, Rm. 6439-S, Washington, D.C. 20250; Farmers Home Administration, Personnel Division, Rm. 6319-S, Washington, D.C. 20250; Federal Crop Insurance Corporation, Personnel, Management, and Administrative Service Division, Rm. 4622-S, Washington, D.C. 20250; Foreign Agricultural Service, Personnel Division, Rm. 5649-S, Washington, D.C. 20250; Forest Service, Division of Personnel Management, Rm. 910, Rosslyn Plaza E, Arlington, VA 22209; Food and Nutrition Service, Personnel Division, Rm. 712-B, 500 12th St., SW, Washington, D.C. 20250; Office of Personnel, Personnel Operations Division, Rm. 347-W, Washington, D.C. 20250; Soil Conservation Service, Personnel Division, Rm. 6212-S, Washington, D.C. 20250; Rural Electrification Administration, Personnel Management Division, Rm. 4078-S, Washington, D.C. 20250.

Categories of individuals covered by the system: Current and prior employees of USDA and applicants who were not hired, as well as, its permittees, cooperators, and contractor.



**Categories of records in the system:** The System consists of personnel (Official Personnel Folders, Applicant Supply Files, performance files, retention lists, appeals, grievances, complaints, disciplinary, conflict of interest, health, suggestion and incentive awards, accident, training, time and attendance, travel voucher, and classification files) and payroll data needed to conform to all applicable laws, Government Regulations and procedures, and the needs of the Department and agencies in carrying out their personnel management responsibilities.

**Authority for maintenance of the system:** 5 U.S.C. 301

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referral to (1) Civil Service Commission for required action, records, and reports; (2) Department of Treasury for issuance of checks and bonds; (3) Department of Labor for Office of Workers Compensation Program and Office of Safety and Health Administration; (4) Department of Commerce for distribution of Federal payrolls; (5) Congress for special reports; (6) White House for special reports; (7) Office of Management and Budget for special reports; (8) General Accounting Office for special reports; (9) Department of Justice; (10) General Services Administration for records retirement and/or destruction; (11) State Department for passport and foreign assignments; (12) Department of Transportation, Environmental Protection Agency, and cooperating state and local agencies for accident and safety records; (13) Internal Revenue Service and State and local governments for matters in connection with payment of income taxes; (14) Social Security Administration for social security payment information; (15) United funds for reports and records; (16) Department of Health, Education, and Welfare for scheduling physical examinations; (17) All Government agencies and potential employers concerning employment inquiries; (18) Equal Employment Opportunity Commission for handling complaints; (19) Appropriate agency, whether Federal, State local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this System when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; and (20) A court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders at the applicable address listed above, except for the National Finance Center where it is maintained on computer tape and disk storage.

**Retrievability:** Records are indexed by name of employee and/or identification number.

**Safeguards:** Records are kept in locked file, locked offices, and/or in secured computer tape storage rooms.

**Retention and disposal:** Records are maintained indefinitely until employees are separated from the Department and are then retired or transferred to a new employing agency or destroyed in conformance with appropriate General Services Administration retirement and/or destruction schedules.

**System manager(s) and address:** Director, Office of Personnel, USDA, Washington, D.C. 20250.

**Notification procedure:** Employees may request information from this System from the appropriate personnel office having custody of his records. A request for information should be addressed to the Director, Personnel Division, (name of appropriate agency), USDA, at the address shown under LOCATION and should contain:

Name of requestor, employing agency in USDA or agency to which information was furnished, address of agency, and particular information requested.

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to and contesting a record in the System which pertains to him by submitting a written request to the appropriate offices referred to in the preceding paragraph.

**Contesting record procedures:** Same as RECORD ACCESS PROCEDURES.

**Record source categories:** Information in this System comes from the employee, applicants, permittees, cooperators, contractors, employee's personnel offices, supervisors, references, investigative personnel, colleges and universities, and former employers.

#### USDA/OP-2

**System name:** Security Records for USDA employees, USDA/OP.

**System location:** Security and Employee Relations Division, Office of Personnel, USDA, Room 16-W, Administration Building, 14th Street and Independence Avenue, SW, Washington, D.C. 20250.

**Categories of individuals covered by the system:** All USDA applicants and/or employees investigated under the authority of Executive Order 10450.

**Categories of records in the system:** The System consists of investigative files maintained by the Department Security Officer in fulfilling his responsibilities in granting security clearances under the Personnel Security Program of the Department.

**Authority for maintenance of the system:** 5 U.S.C. 22-1; 22-3; Executive Order 10450.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) Referral to the Civil Service Commission and/or the Federal Bureau of Investigation for appropriate investigation; (2) referral to the agency which conducted the investigation upon the retirement or transfer of the employee; (3) referral to the General Services Administration for retirement and/or destruction purposes; (4) certification of Security Clearances to other Government agencies; (5) referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this System when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (6) referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in locked Lektrier 100's which are contained in a locked room.

**Retrievability:** Records are indexed by name of the employee or applicant.

**Safeguards:** As stated above under STORAGE.

**Retention and disposal:** Records are maintained until employee has retired, or transferred to another Government agency. They are then returned to the agency that conducted the investigation, or retired to the General Services Administration for destruction under the appropriate destruction schedule.

**System manager(s) and address:** Department Security Officer, U.S. Department of Agriculture, Washington, D.C. 20250.

**Notification procedure:** Employees may request information, other than that exempted, from this System from the Department Security Officer, U.S. Department of Agriculture, under the address shown above in LOCATION. All requests should include the name of the requestor, employing agency or agency to where application was made, address of requestor, location of employing agency, and particular information requested.

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to and contesting a record in the System which pertains to him by submitting a written request to the office mentioned above.

**Contesting record procedures:** Same as RECORD ACCESS PROCEDURES

**Record source categories:** Information in this System comes from the employee, his references, present and former supervisors, educational institutions, the Civil Service Commission, the Federal Bureau of Investigation, the investigative arms of the various agencies

of the Department of Defense, the investigative arms of other Executive Departments and Agencies, and various local and state law enforcement agencies.

#### USDA/SEC-1

**System name:** Non-Career Applicant File, USDA/SEC

**System location:** Office of the Secretary, 14th and Independence Avenue, S.W., Room 202A, Administration Building, Washington, D.C. 20250

**Categories of individuals covered by the system:** Individuals who have applied or have been referred to the Department for non-career appointments.

**Categories of records in the system:** Consists of resumes and correspondence regarding individuals who are generally interested in non-career appointments, who are candidates for specific appointments and those who have been appointed.

**Authority for maintenance of the system:** 5 USC 3301-3302; 5 CFR Part 9

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referred to agency heads in anticipation of or in the case of specific non-career vacancies. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records maintained in file folders in the Office of the Deputy Under Secretary, United States Department of Agriculture, Washington, D.C. 20250.

**Retrievability:** Records indexed by name of individual.

**Safeguards:** Records kept in locked files with a pad locked security bar.

**Retention and disposal:** Records more than a year old are usually disposed of or if an applicant has accepted employment elsewhere, the files are discarded.

**System manager(s) and address:** Deputy Under Secretary, Office of the Secretary, United States Department of Agriculture, Room 202-E, Administration Building, Washington, D.C. 20250.

**Notification procedure:** Any person may request information regarding this system of records, or information as to whether the system contains records pertaining to him, from the System Manager. Such requests should include the name and address of the requester and a statement of his reasons for believing the system may contain records about him.

**Record access procedures:** Use same procedures as for requesting Notification.

**Contesting record procedures:** Use same procedures as for requesting Notification.

**Record source categories:** Information on this system comes from the individuals themselves, various federal, state and local governmental agencies, and persons having knowledge of the individual's character and capabilities.

**Systems exempted from certain provisions of the act:** This system has been exempted pursuant to 5 USC 552a (k)(5) from the requirements of 5 USC 552a(c)(3), (d), (e) (1), (e)(4)(G), (H) and (I) and (f), but only to the extent that disclosure of records contained in the system would reveal the identity of a source who had furnished information to the Government under an express promise that the identity of the source would be held in confidence (or, prior to September 27, 1975, under an implied promise the identity of the source would be held in confidence). See 7 CFR 1.123. If such promise of confidentiality could not be made, the Department's ability to obtain candid evaluations of persons being considered for appointment to non-career positions would be greatly impaired. This exemption enables the Department to obtain needed information when the source will not provide it unless he has promised that his identity will be kept confidential.

#### USDA/SCS-1

**System name:** Program Cooperators - Soil Conservation Service, USDA/SCS

**System location:** All field offices of the Soil Conservation Service, usually located in county seats of government. Addresses of each field office are listed in the telephone directories of the field office locations under the heading, "United States Government, Department of Agriculture, Soil Conservation Service."

**Categories of individuals covered by the system:** Cooperators with SCS Programs including Soil and Water District Cooperators, Great Plains Conservation Program Cooperators, Water Bank Cooperators, Irrigation District Cooperators, and Welton-Mohawk Project Cooperators.

**Categories of records in the system:** The System consists of file folders on individual cooperators recording the planning, development and accomplishments of the plan on his land. These files contain personal and economic data.

**Authority for maintenance of the system:** P.L. 46-74th Congress, as amended, (16 U.S.C. 590 a-f, i-l, q, q-l;) and related laws 42 U.S.C. 3271-3274; 7 U.S.C. 2201; and implementing regulations.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders in field offices.

**Retrievability:** Records are indexed by name of cooperator and maintained alphabetically.

**Safeguards:** Records are maintained in standard files and offices are locked during off hours.

**Retention and disposal:** Records are maintained until plans are cancelled, at which time basic resource data is retained, as appropriate, and other data is destroyed.

**System manager(s) and address:** District Conservationists or other designees in charge of field offices.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him by contacting the respective district conservationist or other designee. If the specific location of the record is not known, the individual should address his request to the Chief, Records and Communications Management Branch, USDA-Soil Conservation Service, Washington, D.C. 20250, who will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., name or nature of program, name of cooperating body, etc.)

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the District Conservationist or his designated representative or to Chief, Records and Communications Management Branch, USDA-SCS, Washington, D.C.

**Contesting record procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the District Conservationist or his designated representative or to Chief, Records and Communications Management Branch, USDA-SCS, Washington, D.C.

**Record source categories:** Information in this system comes from landowners and occupiers (cooperators) and SCS technicians who develop and manage plans with them.

#### USDA/SRS-1

**System name:** Administrative Records System, USDA/SRS

**System location:** Statistical Offices at the following locations:

Montgomery, AL  
Phoenix, AZ  
Little Rock, AR  
Sacramento, CA  
Denver, CO  
Washington, DC  
Orlando, FL  
Athens, GA  
Boise, ID  
Springfield, IL  
West Lafayette, IN  
Des Moines, IA  
Topeka, KS  
Louisville, KY  
Alexandria, LA  
College Park, MD  
Lansing, MI  
St. Paul, MN  
Jackson, MS



Columbia, MO  
Helena, MT  
Lincoln, NE  
Reno, NV  
Concord, NH  
Trenton, NJ  
Las Cruces, NM  
Albany, NY  
Raleigh, NC  
Fargo, ND  
Columbus, OH  
Oklahoma City, OK  
Portland, OR  
Harrisburg, PA  
Columbia, SC  
Sioux Falls, SD  
Nashville, TN  
Austin, TX  
Salt Lake City, UT  
Richmond, VA  
Seattle, WA  
Charleston, WV  
Madison, WI  
Cheyenne, WY

Addresses of each Statistical Office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Statistical Reporting Service."

**Categories of individuals covered by the system:** All Federal and State employees who work in SRS offices.

**Categories of records in the system:** The system consists of employee's name, home address, telephone number, salary rate, accumulated salary for year, accumulated hours worked, and accumulated travel expenses, which includes per diem, mileage, and total miles travelled.

**Authority for maintenance of the system:** 5 U.S.C. 301 and 7 U.S.C. 2204.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information in the system of records for State Department of Agriculture employees is made available to the Head of the State Department of Agriculture or his designee. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Documents (CEF-201's and bi-weekly Time and Attendance reports) are retained in the State Statistical Offices specified above.

Machine readable data are maintained on the INFONET network with each office only able to access its own files.

**Retrievability:** The master employee data base is indexed by employee number assigned by each office.

**Safeguards:** Source documents are kept in file cabinets in the offices listed above.

**Retention and disposal:** The two data bases in this system are handled in the following manner:

1. Bi-weekly Data Base—After initial usage, stored on tape and retained for one year.

2. Master Employee Data Base—Inactive employee records are deleted at the end of each fiscal year.

A copy of this file will be retained for five years.

**System manager(s) and address:** The Assistant Administrator for Washington, D.C. or the Statistician in Charge for each State Statistical Office is responsible for employee's records, at the address specified above.

**Notification procedure:** Any employee working in an SRS Statistical Office since 1975 may request information regarding this system of records, or information stating whether the system contains records pertaining to him from the System Manager at the appropriate Statistical Office. A written request for information pertaining to an individual's records should contain name, address, and most recent dates of employment with USDA/SRS.

**Record access procedures:** Anyone actively employed by USDA/SRS during the past five years may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the paragraph entitled "Notification procedure."

**Contesting record procedures:** Anyone actively employed by USDA/SRS during the past five years may obtain information as to the procedures for contesting a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the paragraph entitled "Notification procedure."

**Record source categories:** Information in this system comes from enumerator time and mileage forms (CEF-201), time and attendance forms from all other employees, and employment forms (SF-171 and NASDA-171).

#### USDA/SRS—2

**System name:** June Acreage and Livestock Enumerative Survey, USDA/SRS

**System location:** Survey questionnaires are located in State Statistical Offices at the following locations:

Montgomery, AL  
Phoenix, AZ  
Little Rock, AR  
Sacramento, CA  
Denver, CO  
Orlando, FL  
Athens, GA  
Boise, ID  
Springfield, IL  
West Lafayette, IN  
Des Moines, IA  
Topeka, K  
Louisville, KY  
Alexandria, LA  
College Park, MD  
Lansing, MI  
St. Paul, MN  
Jackson, MS  
Columbia, MO  
Helena, MT  
Lincoln, NE  
Reno, NV  
Concord, NH  
Trenton, NJ  
Las Cruces, NM  
Albany, NY  
Raleigh, NC  
Fargo, ND  
Columbus, OH  
Oklahoma City, OK  
Portland, OR  
Harrisburg, PA  
Columbia, SC  
Sioux Falls, SD  
Nashville, TN  
Austin, TX  
Salt Lake City, UT  
Richmond, VA  
Seattle, WA  
Charleston, WV  
Madison, WI  
Cheyenne, WY

Addresses of each State Statistical Office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Statistical Reporting Service."

Magnetic tapes are located on the INFONET network, Chicago Center, Chicago, Illinois.

**Categories of individuals covered by the system:** Farmers and ranchers residing in selected small land areas. Also included are non-farm residents living rent free in houses on farms in these same selected small land areas.

**Categories of individuals covered by the system:** Questionnaires and magnetic tapes containing information on farm population in those households described above.

**Authority for maintenance of the system:** 7 U.S.C. 2204.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Questionnaires are packed in boxes and stored in State Statistical Offices at the following locations:

Montgomery, AL  
Phoenix, AZ  
Little Rock, AR  
Sacramento, CA  
Denver, CO  
Orlando, FL  
Athens, GA  
Boise, ID  
Springfield, IL  
West Lafayette, IN  
Des Moines, IA  
Topeka, KS  
Louisville, KY  
Alexandria, LA  
College Park, MD  
Lansing, MI  
St. Paul, MN  
Jackson, MS  
Columbia, MO  
Helena, MT  
Lincoln, NE  
Reno, NV  
Concord, NH  
Trenton, NJ  
Las Cruces, NM  
Albany, NY  
Raleigh, NC  
Fargo, ND  
Columbus, OH  
Oklahoma City, OK  
Portland, OR  
Harrisburg, PA  
Columbia, SC  
Sioux Falls, SD  
Nashville, TN  
Austin, TX  
Salt Lake City, UT  
Richmond, VA  
Seattle, WA  
Charleston, WV  
Madison, WI  
Cheyenne, WY

Magnetic tapes stored in tape library of the INFONET network, Chicago, Center, Chicago, Illinois.

**Retrievability:** Questionnaires are stored in boxes which are identified by location of selected small land areas. Magnetic tapes are indexed by a number assigned to selected small land areas.

**Safeguards:** Questionnaires are kept in locked storage rooms. Magnetic tapes are stored in an area to which access is limited to authorized personnel of the INFONET network.

**Retention and disposal:** Questionnaires are kept 2 years in individual offices (except in Texas) and sent to Federal Record Centers for the balance of the retention period (4 years). Texas questionnaires are kept in the State Statistical Office for 1 year and then destroyed. Magnetic tapes are retained for 6 years on the INFONET network and then destroyed.

**System manager(s) and address:** Chairman, Crop Reporting Board, Statistical Reporting Service, USDA, Washington, D.C. 20250, or the appropriate Statistician in Charge, State Statistical Office at the address specified above.

**Notification procedure:** Any individual may request information as to whether the system contains records pertaining to him from the Chairman, Crop Reporting Board, Statistical Reporting Service, USDA, Washington, D.C. telephone 202-447-4415, or the appropriate Statistician in Charge at the address listed above. If the specific location of the record is not known, the individual should address his request to the Chairman, Crop Reporting Board, who, if necessary, will refer it to the appropriate State Statistical Office. A request for information pertaining to an individual should contain, name, address, and date (year) that questionnaire was completed.

**Record access procedures:** Any individual who was interviewed in the survey may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the paragraph entitled "Notification procedure."

**Contesting record procedures:** Any individual who was interviewed in the survey may obtain information as to the procedure for contesting a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the paragraph entitled "Notification procedure."

**Record source categories:** Information in this system comes solely from farmers and ranchers who were interviewed in this survey, or from non-farm residents who are located in selected small land areas.

#### USDA/SRS—3

**System name:** Personnel Data Base, USDA/SRS

**System location:** Computer Records—INFONET network, Chicago Center, Chicago, Illinois. Inputs-coding sheets and punch cards in file cabinet in Room 5868 South Building, Statistical Reporting Service, USDA, Washington, D.C. 20250. Outputs-listings distributed to and retained by Administrative Officer, each Division Director, Deputy Administrator, Statistical Reporting Service, USDA, Washington, D.C.; and Economic Management Support Center, USDA, Washington, D.C. 20250.

**Categories of individuals covered by the system:** Statistical Reporting Service Federal employees (except enumerators).

**Categories of records in the system:** The system consists of information pertaining to Statistical Reporting Service employee's name; job series; grade; age; service computation date; date began in Statistical Reporting Service; work experience; training; and awards.

**Authority for maintenance of the system:** 5 U.S.C. 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Documents are maintained in offices of officials identified previously. Machine readable data are maintained on the INFONET network, Chicago Center, Chicago, Illinois.

**Retrievability:** Records are indexed by Social Security Number.

**Safeguards:** Source documents are kept in locking file cabinet in office of Administrative Officer, Statistical Reporting Service, USDA, Washington, D.C.

**Retention and disposal:** A review is made each quarter. Records which are no longer needed are destroyed.

**System manager(s) and address:** Administrative Officer, Statistical Reporting Service, USDA, Washington, D.C. 20250.

**Notification procedure:** Any employee may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Administrative Officer, Statistical Reporting Service, USDA, Washington, D.C., telephone 202-447-6546.

**Record access procedures:** Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the Administrative Officer referred to in the paragraph entitled "Notification procedure."

**Contesting record procedures:** Any individual may obtain information as to the procedures for contesting a record in the system which pertains to him by submitting a written request to the Administrative Officer referred to in the paragraph entitled "Notification procedure."

**Record source categories:** Information in this system comes primarily from form SF-52, Request for Personnel Action; form AD-281, Request and Authorization for Outside Training; and form AD-287-2, Approval and Certification of Cash Award.

#### USDA/SRS—4

**System name:** Quarterly Agricultural Labor Survey, USDA/SRS.

**System location:** Survey questionnaires are located in State Statistical Offices at the following locations:

Montgomery, AL  
Phoenix, AZ  
Little Rock, AR  
Sacramento, CA  
Denver, CO  
Orlando, FL  
Athens, GA  
Boise, ID  
Springfield, IL  
West Lafayette, IN



Des Moines, IA  
Topeka, KS  
Louisville, KY  
Alexandria, LA  
College Park, MD  
Lansing, MI  
St. Paul, MN  
Columbia, MO  
Helena, MT  
Lincoln, NE  
Reno, NV  
Concord, NH  
Trenton, NJ  
Las Cruces, NM  
Albany, NY  
Raleigh, NC  
Fargo, ND  
Columbus, OH  
Oklahoma City, OK  
Portland, OR  
Harrisburg, PA  
Columbia, SC  
Sioux Falls, SD  
Nashville, TN  
Austin, TX  
Salt Lake City, UT  
Richmond, VA  
Seattle, WA  
Charleston, WV  
Madison, WI  
Cheyenne, WY

Addresses of each State Statistical Office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Statistical Reporting Service."

Magnetic tapes are located on the INFONET network, Chicago Center, Chicago, Illinois.

**Categories of individuals covered by the system:** Farmers and ranchers who report the following information on the Quarterly Agricultural Labor Survey: (1) number of hours worked in the survey week by the operator, (2) number of unpaid family workers working more than 15 hours in the survey week, (3) number of paid family workers working in the survey week, (4) hours worked by unpaid family workers, and (5) wages paid to paid family workers.

**Categories of records in the system:** Questionnaires, punch cards and magnetic tapes containing information as listed under "Category of Individuals" reported by farmers and ranchers who are interviewed in the survey.

**Authority for maintenance of the system:** 7 U.S.C. 2204.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Questionnaires are packed in boxes and stored in State Statistical Offices at the following locations:

Montgomery, AL  
Phoenix, AZ  
Little Rock, AR  
Sacramento, CA  
Denver, CO  
Orlando, FL  
Athens, GA  
Boise, ID  
Springfield, IL  
West Lafayette, IN  
Des Moines, IA  
Topeka, KS  
Louisville, KY  
Alexandria, LA  
College Park, MD  
Lansing, MI  
St. Paul, MN  
Jackson, MS  
Columbia, MO  
Helena, MT  
Lincoln, NE

Reno, NV  
Concord, NH  
Trenton, NJ  
Las Cruces, NM  
Albany, NY  
Raleigh, NC  
Fargo, ND  
Columbus, OH  
Oklahoma City, OK  
Portland, OR  
Harrisburg, PA  
Columbia, SC  
Sioux Falls, SD  
Nashville, TN  
Austin, TX  
Salt Lake City, UT  
Richmond, VA  
Seattle, WA  
Charleston, WV  
Madison, WI  
Cheyenne, WY

Magnetic tapes stored in tape library on the INFONET network, Chicago Center, Chicago, Illinois.

**Retrievability:** Questionnaires are stored in boxes which are identified by Reporter Identification number. Punch cards and magnetic tapes are indexed by Reporter Identification number.

**Safeguards:** Questionnaires are kept in locked storage rooms. Punch cards are kept in file drawers. Magnetic tapes are stored in an area to which access is limited to authorized personnel of the INFONET network.

**Retention and disposal:** Questionnaires are kept 2 years in individual offices and sent to Federal Records Centers for the balance of the retention period (4 years). Magnetic tapes are retained for 5 years on the INFONET network and then destroyed.

**System manager(s) and address:** Chairman, Crop Reporting Board, Statistical Reporting Service, USDA, Washington, D.C. 20250, or the appropriate Statistician in Charge, State Statistical Office at the address specified above.

**Notification procedure:** Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Chairman, Crop Reporting Board, Statistical Reporting Service, USDA, Washington, D.C. telephone 202-447-4415, or the appropriate Statistician in Charge at the address listed above. If the specific location of the record is not known, the individual should address his request to the Chairman, Crop Reporting Board, who, if necessary, will refer it to the appropriate State Statistical Office. A request for information pertaining to an individual should contain name, address, and date (month and year) that questionnaire was completed.

**Record access procedures:** Any farmer who was interviewed in the survey may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the paragraph entitled "Notification procedure."

**Contesting record procedures:** Any farmer or rancher who was interviewed in the survey may obtain information as to the procedures for contesting a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the paragraph entitled "Notification procedure."

**Record source categories:** Information in this system comes solely from farmers and ranchers who were interviewed in this survey.

#### USDA/SRS-5

**System name:** State Farm Census, USDA/SRS.

**System location:** Illinois Crop and Livestock Reporting Service, SRS/USDA, 202 U.S. Post Office and Court House Building, Springfield, IL 62705.

**Categories of individuals covered by the system:** Farmers who report number of persons living in farm household to county assessors or other enumerators.

**Categories of records in the system:** Reporting forms and magnetic tapes containing data on number of persons living in farm households.

**Authority for maintenance of the system:** 7 U.S.C. 2204.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Supplied to Illinois State government.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Reporting forms are maintained in files in the office of the Illinois Crop Livestock Reporting Service, and magnetic tapes are maintained in the Computer Center, Management Information Division, State of Illinois, Springfield, IL.

**Retrievability:** Records are indexed by a unique identification number assigned by the Illinois Crop and Livestock Reporting Service.

**Safeguards:** Records are kept in a room locked after working hours.

**Retention and disposal:** Reporting forms are retained for 2 years in the Illinois Crop and Livestock Reporting Service office and then sent to the State Archives where they are retained indefinitely.

**System manager(s) and address:** Statistician in Charge, Illinois Crop and Livestock Reporting Service, SRS/USDA, 202 U.S. Post Office & Court House Building, Springfield, Illinois 62705.

**Notification procedure:** Any farmer in Illinois may request information regarding this system of records. He can determine whether the system contains records relating to him from the Statistician in Charge at the address listed above. A request for information pertaining to an individual should contain name, address and year of the report.

**Record access procedures:** Any farmer may obtain information as to the procedure for gaining access to a record in the system which pertains to him by submitting a written request to the Statistician in Charge referred to in the paragraph entitled "Notification procedure."

**Contesting record procedures:** Any farmer may obtain information as to the procedure for contesting a record in the system which pertains to him by submitting a written request to the Statistician in Charge referred to in the paragraph entitled "Notification procedure."

**Record source categories:** Information in this system comes primarily from farmers.

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# DEPARTMENT OF JUSTICE OFFICE OF THE ATTORNEY GENERAL

[Order No. 748-77]

## PRIVACY ACT OF 1974

### Systems of Records; Annual Publication

Pursuant to section 3(e)(4) of the Privacy Act of 1974 (5 U.S.C. 552a(e)(4)), attached is the annual compilation of notices of the systems of records maintained by the Department of Justice. This document incorporates all published changes and additions to the Department's systems notices which have been published and adopted since the 1976 compilation (41 FR 39916, September 16, 1976), and also corrects omissions, spelling and typographical errors, and makes other necessary editorial changes. In some systems, system managers and addresses have been changed to reflect internal reorganizations of the Department of Justice.

Following is a list of major or substantive changes that have been made to the systems since the 1976 compilation:

(a) Four systems have been deleted. JUSTICE/OSG—001, Attorney Assignment Reports are no longer maintained by the Department of Justice as their use has been discontinued by the Office of the Solicitor General. JUSTICE/WSPF—001 and 002 were transferred to the Archivist of the United States upon termination of the Office of the Watergate Special Prosecution Force. JUSTICE/WSPF—003 has been destroyed as these records were duplicative of records maintained elsewhere in the Department of Justice.

(b) JUSTICE/ATR—009, Consumer Inquiry Index: A new routine use was adopted effective April 25, 1977. (42 FR 22953)

(c) JUSTICE/BOP—006, Inmate Commissary Accounts Record System: A change in the storage and retrievability (as a result of automating the system) was adopted effective April 25, 1977. (42 FR 22953)

(d) JUSTICE/CIV—001, Civil Division Case File System was divided into three separate systems to describe more accurately the categories of records, the routine uses and the methods of access. The new systems are CIV—001, Civil Division Case File System, CIV—002, Civil Division Case File System—Customs Section, and CIV—003, Office of Alien Property Case File System. (42 FR 23558)

(e) JUSTICE/CRM—999, Appendix to Criminal Division System of Records: Field Offices of the Organized Crime and Racketeering Section: Four locations for the maintenance of records were deleted and the records transferred to the U.S. Attorneys within those districts. (42 FR 1311)

(f) Due to a reorganization of the Department of Justice, 12 systems were transferred from the Office of the Deputy Attorney General to the Office of the Associate Attorney General, and two DAG systems were renumbered. JUSTICE/DAG—001 is now AAG—001, DAG—002 is now AAG—002, DAG—005 is now AAG—003, DAG—006 is now AAG—004, DAG—007 is now AAG—005, DAG—008 is now AAG—006, DAG—009 is now AAG—007, DAG—010 is now AAG—008, DAG—011 is now AAG—009, DAG—012 is now AAG—010, DAG—013 is now AAG—011, DAG—014 is now AAG—012, DAG—003 is now DAG—001, DAG—004 is now DAG—002. (42 FR 33810)

(g) JUSTICE/DEA—027, DEA Employee Profile System which was inadvertently omitted from the 1976 compilation was adopted on April 25, 1977. (42 FR 22953)

(h) JUSTICE/DEA/INS—111, Automated Intelligence Record System (Pathfinder) was proposed to enlarge and redesignate DEA—002 (Pathfinder 1), to reflect the sharing of the data base by the Drug Enforcement Administration and the Immigration and Naturalization Service. (42 FR 15075)

(i) JUSTICE/FBI—002, FBI Central Records System: A new routine use was adopted and the description of categories of records was revised for clarification. (42 FR 21668 and 22953)

(j) JUSTICE/FBI—010, Employee Travel Vouchers and Individual Earning Records, and JUSTICE/FBI—011, Employee Earning Records, two existing systems that were inadvertently omitted from the 1976 compilation, were reported on March 30, 1977. (42 FR 16875)

(k) JUSTICE/FBI—012, Time Utilization Record-Keeping (TURK) System is a new system which was reported in the March 30, 1977, Federal Register. (42 FR 16875)

(l) JUSTICE/INS—001, Immigration and Naturalization Service Index System: The retrievability capacity of a portion of the system was expanded and new routine uses were proposed. (42 FR 15349)

(m) JUSTICE/LEAA—012, Public Safety Officers' Benefits System is a new system which was adopted April 25, 1977. (42 FR 22953)

(n) JUSTICE/OMF—013, Employee Locator File: The retrievability capacity of the system was expanded and changes were proposed in the storage, retrievability and safeguards of the system. (42 FR 15151)

(o) JUSTICE/OPA—001, Executive Clemency Files: A new routine use was adopted April 25, 1977. (42 FR 22953)

(p) JUSTICE/TAX—001, Central Classification Cards, Index Docket Cards and Associated Records was redesignated TAX—001 and TAX—002, separating the Criminal and Civil Records. (42 FR 15146)

(q) JUSTICE/TAX—005, Tax Division Special Projects Files is a new system proposed in the March 18, 1977, Federal Register. (42 FR 15146)

(r) JUSTICE/USA—007, Criminal Case Files: A new routine use was adopted April 25, 1977. (42 FR 22953)

(s) JUSTICE/USA—015, Pre-Trial Diversion Program Files is a new system proposed January 27, 1977. (42 FR 5104) A new routine use was adopted for this system April 25, 1977. (42 FR 23506)

(t) A system-wide routine use was proposed which would permit the routine disclosure of information to the National Archives and Records Service in connection with records management inspections. (42 FR 22612)

SEPTEMBER 26, 1977

Griffin B. Bell,  
Attorney General.

### TABLE OF CONTENTS

JUSTICE/BOP—001, Custodial and Security Record System	JUSTICE/CRM—001, Central Criminal Division Index File and Associated Records
JUSTICE/BOP—002, Freedom of Information Act Record System	JUSTICE/CRM—002, Criminal Division Witness Security File
JUSTICE/BOP—003, Industrial Inmate Employment Record System	JUSTICE/CRM—003, File of Names Checked to Determine if those Individuals have been the Subject of an Electronic Surveillance
JUSTICE/BOP—004, Inmate Administrative Remedy Record System	JUSTICE/CRM—004, General Crimes Section, Criminal Division, Central Index File and Associated Records
JUSTICE/BOP—005, Inmate Central Records System	JUSTICE/CRM—005, Index to Names of Attorneys Employed by the Criminal Division, U.S. Department of Justice, Indicating the Subject of the Memoranda on Criminal Matters they have Written
JUSTICE/BOP—006, Inmate Commissary Accounts Record System	JUSTICE/CRM—006, Information File on Individuals and Commercial Entities Known or Suspected of Being Involved in Fraudulent Activities
JUSTICE/BOP—007, Inmate Physical and Mental Health Record System	JUSTICE/CRM—007, Name Card File on Criminal Division Personnel Authorized to have Access to the Central Criminal Division Records
JUSTICE/BOP—008, Inmate Safety and Accident Compensation Record System	JUSTICE/CRM—008, Name Card File on Department of Justice Personnel Authorized to have Access to Classified Files of the Department of Justice
JUSTICE/BOP—009, Federal Tort Claims Act Record System	JUSTICE/CRM—009, Narcotic and Dangerous Drug Witness Security Program File
JUSTICE/BOP—999, Appendix of Field Locations for the Bureau of Prisons, Regional Offices	JUSTICE/CRM—010, Organized Crime and Racketeering Information System
JUSTICE/DEA—001, Air Intelligence Program	JUSTICE/CRM—011, Organized Crime and Racketeering Section File Check Out System
JUSTICE/DEA/INS—111, Automated Intelligence Records System (Pathfinder)	JUSTICE/CRM—012, Organized Crime and Racketeering Section, General Index File and Associated Records
JUSTICE/DEA—003, Automated Records and Consummated Orders System/Diversion Analysis and Detection System (ARCOS/DADS)	JUSTICE/CRM—013, Organized Crime Information Management System
JUSTICE/DEA—004, Congressional Correspondence File	JUSTICE/CRM—014, Organized Crime and Racketeering Section, Intelligence and Special Services Unit, Information Request System
JUSTICE/DEA—005, Controlled Substances Act Registration Records (CSA)	JUSTICE/CRM—015, Organized Crime and Racketeering Section Intelligence and Special Services Unit Visitor Pass System
JUSTICE/DEA—006, Freedom of Information/Privacy Act Records	JUSTICE/CRM—016, Records on Persons who have Outstanding and Uncollected Federal Criminal Fines or Federal Bond Forfeitures
JUSTICE/DEA—007, International Intelligence Data Base	JUSTICE/CRM—017, Registration and Propaganda Files Under the Foreign Agents Registration Act of 1938, As Amended
JUSTICE/DEA—008, Investigative Reporting and Filing System	JUSTICE/CRM—018, Registration Files of Individuals who have Knowledge of, or have Received Instruction or Assignment in, Espionage, Counterespionage, or Sabotage Service or Tactics of a Foreign Government or of a Foreign Political Party
JUSTICE/DEA—009, Medical Records	JUSTICE/CRM—019, Requests to the Attorney General for Approval of Applications to Federal Judges for Electronic Interceptions
JUSTICE/DEA—010, Office of Internal Security Records	JUSTICE/CRM—020, Requests to the Attorney General for Approval of Applications to Federal Judges for Electronic Interceptions
JUSTICE/DEA—011, Operations Files	
JUSTICE/DEA—012, Registration Status/Investigation Records	
JUSTICE/DEA—013, Security Files	
JUSTICE/DEA—014, System to Retrieve Information from Drug Evidence (STRIDE/Ballistics)	
JUSTICE/DEA—015, Training Files	
JUSTICE/DEA—016, Drug Enforcement Administration Accounting System (DEAAS)	
JUSTICE/DEA—017, Grants of Confidentiality Files (GCF)	
JUSTICE/DEA—018, DEA Applicant Investigations (DAI)	
JUSTICE/DEA—019, Specialized Automated Intelligence Files (NIMROD)	
JUSTICE/DEA—027, DEA Employee Profile System (DEPS)	
JUSTICE/DEA—999, DEA Appendix I	
JUSTICE/LEAA—001, Personnel System	
JUSTICE/LEAA—002, Law Enforcement Education System	
JUSTICE/LEAA—003, General Investigative System	
JUSTICE/LEAA—004, Grants Program System	
JUSTICE/LEAA—005, Financial Management System	
JUSTICE/LEAA—006, Congressional Correspondence System	

JUSTICE/LEAA—007, Public Information System  
JUSTICE/LEAA—008, Civil Rights Investigative System  
JUSTICE/LEAA—009, Federal Advisory Committee Membership Files

JUSTICE/LEAA—010, Technical Assistance Resource Files  
JUSTICE/LEAA—011, Registered Users File—National Criminal Justice Reference Service (NCJRS)

JUSTICE/LEAA—012, Public Safety Officers' Benefits System  
JUSTICE/BIA—001, Decisions of the Board of Immigration Appeals

JUSTICE/BIA—002, Roster of Organizations and their Accredited Representatives Recognized by the Board of Immigration Appeals

JUSTICE/CIV—001, Civil Division Case File System  
JUSTICE/CIV—002, Civil Division Case File System—Customs Section

JUSTICE/CIV—003, Office of Alien Property File System  
JUSTICE/CR—001, Central Civil Rights Division Index File and Associated Records

JUSTICE/CR—002, Files of Applications for the Position of Attorney with the Civil Rights Division

JUSTICE/CR—003, Files of Pending Applications for Clerical or Research Analyst Positions with the Civil Rights Division

JUSTICE/CR—004, Registry of Names of Interested Persons Desiring Notification of Submissions under Section 5 of the Voting Rights Act

JUSTICE/CR—005, Records Obtained by Office of Special Litigation Concerning Residents of Certain State Institutions

JUSTICE/CR—006, Files of Federal Programs Section, Civil Rights Division

JUSTICE/CR—007, Files on Employment Civil Rights Matters Referred by the Equal Employment Opportunity Commission

JUSTICE/CR—008, Files on Correspondence Relating to Civil Rights Matters from Persons Outside the Department of Justice

JUSTICE/CR—009, Civil Rights Division Employees Travel Reporting

JUSTICE/CR—010, Freedom of Information/Privacy Act Records

JUSTICE/CRM—001, Central Criminal Division Index File and Associated Records

JUSTICE/CRM—002, Criminal Division Witness Security File

JUSTICE/CRM—003, File of Names Checked to Determine if those Individuals have been the Subject of an Electronic Surveillance

JUSTICE/CRM—004, General Crimes Section, Criminal Division, Central Index File and Associated Records

JUSTICE/CRM—005, Index to Names of Attorneys Employed by the Criminal Division, U.S. Department of Justice, Indicating the Subject of the Memoranda on Criminal Matters they have Written

JUSTICE/CRM—006, Information File on Individuals and Commercial Entities Known or Suspected of Being Involved in Fraudulent Activities

JUSTICE/CRM—007, Name Card File on Criminal Division Personnel Authorized to have Access to the Central Criminal Division Records

JUSTICE/CRM—008, Name Card File on Department of Justice Personnel Authorized to have Access to Classified Files of the Department of Justice

JUSTICE/CRM—009, Narcotic and Dangerous Drug Witness Security Program File

JUSTICE/CRM—010, Organized Crime and Racketeering Information System

JUSTICE/CRM—011, Organized Crime and Racketeering Section File Check Out System

JUSTICE/CRM—012, Organized Crime and Racketeering Section, General Index File and Associated Records

JUSTICE/CRM—013, Organized Crime Information Management System

JUSTICE/CRM—014, Organized Crime and Racketeering Section, Intelligence and Special Services Unit, Information Request System

JUSTICE/CRM—015, Organized Crime and Racketeering Section Intelligence and Special Services Unit Visitor Pass System

JUSTICE/CRM—016, Records on Persons who have Outstanding and Uncollected Federal Criminal Fines or Federal Bond Forfeitures

JUSTICE/CRM—017, Registration and Propaganda Files Under the Foreign Agents Registration Act of 1938, As Amended

JUSTICE/CRM—018, Registration Files of Individuals who have Knowledge of, or have Received Instruction or Assignment in, Espionage, Counterespionage, or Sabotage Service or Tactics of a Foreign Government or of a Foreign Political Party

JUSTICE/CRM—019, Requests to the Attorney General for Approval of Applications to Federal Judges for Electronic Interceptions

JUSTICE/CRM—020, Requests to the Attorney General for Approval of Applications to Federal Judges for Electronic Interceptions

proval of Applications to Federal Judges for Electronic Interceptions in Narcotic and Dangerous Drug Cases

JUSTICE/CRM—021, The Stocks and Bonds Intelligence Control Card File System

JUSTICE/CRM—022, Witness Immunity Records

JUSTICE/CRM—023, Weekly Statistical Report

JUSTICE/CRM—024, Freedom of Information Privacy Act Records

JUSTICE/CRM—999, Appendix to Criminal Division System of Records

JUSTICE/IDN—001, Appraisers File

JUSTICE/IDN—002, Congressional Correspondence File

JUSTICE/IDN—003, Docket Card System

JUSTICE/IDN—004, Title Abstracts, Attorneys and Insurance Corporations File

JUSTICE/LDN—005, Freedom of Information Act and Privacy Act Records System

JUSTICE/DAG—001, Declassification Review Index

JUSTICE/DAG—002, Freedom of Information and Privacy Appeals Index

JUSTICE/AAG—001, Appointed Assistant United States Attorneys Personnel System

JUSTICE/AAG—002, Assistant United States Attorney Applicant Records System

JUSTICE/AAG—003, Honor Program Applicant System

JUSTICE/AAG—004, Master Index File of Names

JUSTICE/AAG—005, Presidential Appointee Candidate Records System

JUSTICE/AAG—006, Presidential Appointee Records System

JUSTICE/AAG—007, Special Candidates for Presidential Appointments Records System

JUSTICE/AAG—008, Summer Intern Program Records System

JUSTICE/AAG—009, United States Judge and Department of Justice Presidential Appointee Records

JUSTICE/AAG—010, United States Judges Records System

JUSTICE/AAG—011, Miscellaneous Attorney Personnel Records System

JUSTICE/AAG—012, Financial Disclosure Statements

JUSTICE/OIC—001, Attorney Assignment Reports

JUSTICE/OIC—002, Citizens Mail Index

JUSTICE/OIA—001, Congressional Committee Chairman Correspondence File

JUSTICE/OIA—002, Congressional Correspondence File

JUSTICE/OIA—003, Citizen Correspondence File

JUSTICE/OPA—001, Executive Clemency Files

JUSTICE/OPI—001, News Release, Document and Index System

JUSTICE/PRC—001, Docket, Scheduling and Control

JUSTICE/PRC—002, Freedom of Information Act Record System

JUSTICE/PRC—003, Inmate and Supervision Files

JUSTICE/PRC—004, Labor and Pension Case, Legal File and General Correspondence System

JUSTICE/PRC—005, Office Operation and Personnel System

JUSTICE/PRC—006, Statistical, Educational and Developmental System

JUSTICE/PRC—007, Workload Record, Decision Result, and Annual Report System

JUSTICE/INS—001, The Immigration and Naturalization Service Index System

JUSTICE/FBI—001, National Crime Information Center (NCIC)

JUSTICE/FBI—002, The "FBI Central Records System"

JUSTICE/FBI—003, Bureau Mailing List

JUSTICE/FBI—004, Routine Correspondence Handled by Pre-printed Form

JUSTICE/FBI—005, Routine Correspondence Prepared Without File Yellow

JUSTICE/FBI—006, Electronic Surveillance (Elsur) Indices

JUSTICE/FBI—007, FBI Automated Payroll System

JUSTICE/FBI—008, Personnel Information Network System (PINS)

JUSTICE/FBI—009, Identification Division Records System

JUSTICE/FBI—010, Employee Travel Vouchers and Individual Earning Records

JUSTICE/FBI—011, Employee Health Records

JUSTICE/FBI—012, Time Utilization Record-Keeping (TURK) System

JUSTICE/FBI—999, Appendix of Field Divisions for the Federal Bureau of Investigation

JUSTICE/TAX—001, Tax Division Central Classification Cards, Index Docket Cards, and Associated Records—Criminal Tax Cases

JUSTICE/TAX—002, Tax Division Central Classification Cards, Index Docket Cards, and Associated Records—Civil Tax Cases



JUSTICE/TAX-003, Files of Applications for the Position of Attorney with Tax Division  
 JUSTICE/TAX-004, Freedom of Information Privacy Act Request Files  
 JUSTICE/TAX-005, Tax Division Special Projects Files  
 JUSTICE/ATR-001, Antitrust Division Expert Witness File  
 JUSTICE/ATR-002, Congressional Correspondence Log File  
 JUSTICE/ATR-003, Index of Defendants in Pending and Terminated Antitrust Cases  
 JUSTICE/ATR-004, Statistics by Antitrust Division Officials (ATD) (See also)  
 JUSTICE/ATR-005, Antitrust Caseload Evaluation System (ACE) (See also)  
 JUSTICE/ATR-006, Antitrust Caseload Evaluation System (ACE) (See also)  
 JUSTICE/ATR-007, Antitrust Decision Case Cards  
 JUSTICE/ATR-008, Freedom of Information Privacy Requester/Subject Index File  
 JUSTICE/ATR-009, Consumer Inquiry Index  
 JUSTICE/USM-001, United States Marshals Service Badge & Credentials File  
 JUSTICE/USM-002, United States Marshals Service Internal Inspection System  
 JUSTICE/USM-003, United States Marshals Service Prisoner Control System  
 JUSTICE/USM-004, Special Deputy File  
 JUSTICE/USM-005, Special Detail System  
 JUSTICE/USM-006, United States Marshals Service Training Files  
 JUSTICE/USM-007, Warrant-Information System  
 JUSTICE/USM-008, Witness Security Files Information System  
 JUSTICE/USM-009, Appendix to U.S. Marshals Systems of Records Names and Official Addresses of United States Marshals  
 JUSTICE/USA-001, Administrative Files  
 JUSTICE/USA-002, AUSA Applicant Files  
 JUSTICE/USA-003, Citizen Complaint Files  
 JUSTICE/USA-004, Citizen Correspondence Files  
 JUSTICE/USA-005, Civil Case Files  
 JUSTICE/USA-006, Consumer Complaints  
 JUSTICE/USA-007, Criminal Case Files  
 JUSTICE/USA-008, Freedom of Information Act/Privacy Act Files  
 JUSTICE/USA-009, Kline-District of Columbia and Maryland-Stock and Land Fraud Interrelationship Filing System

JUSTICE/USA-010, Major Crimes Division Investigative Files  
 JUSTICE/USA-011, Prosecutor's Management Information System (PROMIS)  
 JUSTICE/USA-012, Security Clearance forms for Grand Jury Reporters  
 JUSTICE/USA-013, U.S. Attorney, District of Columbia Superior Court Division, Criminal Files, including but not limited to the following subsystems: (a) Criminal File Folder (USA-SI), (b) Criminal File Folder (USA-SI), (c) Criminal, Docket Card (USA-17), and (d) Index  
 JUSTICE/USA-015, Pre-Trial Diversion Program Files  
 JUSTICE/USA-999, Appendix of United States Attorney Office Locations  
 JUSTICE/OMI-001, Background Investigation Check-off Card (OMI-154)  
 JUSTICE/OMI-002, Controlled Substances Act Nonpublic Records  
 JUSTICE/OMI-003, Department of Justice Payroll System  
 JUSTICE/OMI-004, Employee Clearance Record  
 JUSTICE/OMI-005, Employee Time Distribution Record  
 JUSTICE/OMI-006, Interim Performance Appraisal Record  
 JUSTICE/OMI-007, Legal and General Administration Accounting System (LAGAS)  
 JUSTICE/OMI-008, Security Clearance Information System (SCIS)  
 JUSTICE/OMI-009, Justice Data Services Center Utilization Data  
 JUSTICE/OMI-010, Data Index System for Classified Documents (DIS)  
 JUSTICE/OMI-011, Justice Data Services Center Tape Library System  
 JUSTICE/OMI-012, Executive Biography  
 JUSTICE/OMI-013, Employee Locator File  
 JUSTICE/OMI-014, Directory of Organization, Functions, and Staff for Office of Management and Finance  
 JUSTICE/OMI-015, EEO (Equal Employment Opportunity) Volunteer Representative Roster  
 JUSTICE/OMI-016, Inter-Divisional Information System (IDIS), (A non-operational, deactivated system)  
 JUSTICE/OMI-017, Department of Justice Controlled Parking Records  
 JUSTICE/OMI-018, Occupational Health Physical Fitness Files  
 JUSTICE/OMI-019, Freedom of Information/Privacy Act Records

## JUSTICE/BOP-001

**System name:** Custodial and Security Record System

**System location:** Records may be retained at any of the Bureau's facilities, the Regional Offices and the Central Office. All requests for records may be made to the Central Office: U. S. Bureau of Prisons, 320 First Street, N.W., Washington, D.C. 20534.

**Categories of individuals covered by the system:** Current and former inmates under the custody of the Attorney General.

**Categories of records in the system:** 1) Conduct Records; 2) Escape Information; 3) Assault Information; 4) Disturbance Information; 5) Investigative Reports; 6) Social Data; 7) Bus Movements; 8) Transfers; 9) Emergency Plans; 10) Daily Activity Sheet; 11) Intelligence Information; 12) Segregation Reports and Log Book; 13) Special Offender List; 14) Physical Health Data; 15) Personal Property Records; 16) Identification and Sentence Data; 17) Records of Work and Housing Assignments; 18) Visiting and Mail Records; 19) Confidential Informant Information from Inmates, Staff, and Others; 20) Work and Study Release Information; 21) FBI Referral Record; 22) Rectal and X-ray Examination Record; 23) Phone Call Record

**Authority for maintenance of the system:** This system is established and maintained under authority of 18 U.S.C. 4003, 4042, 4082

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The routine uses of this system are: (a) to provide information source and documented records of the protection given Federal inmates, and security in Federal penal facilities; (b) to provide information source-to-officers and employees of the Department of Justice who have a need for the information in the performance of their duties; (c) to provide information source to state and federal law enforcement officials for investigations, possible criminal prosecutions, civil court actions, or regulatory proceedings; (d) to provide information source for responding to inquiries from federal inmates involved or Congressional inquiries; (e) to provide information source for contracting or consulting correctional agencies who provide services to federal inmates; (f) to provide information relating to federal offenders to federal and state courts, court personnel, and probation officials

**Release of information to news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information maintained in the system is stored on documents

**Retrievability:** Documents are indexed by name and/or register number.

**Safeguards:** Information is safeguarded in accordance with Bureau of Prisons rules governing access and release.

**Retention and disposal:** Records in this system are retained for a period of ten (10) years after expiration of sentence, then destroyed by shredding

**System manager(s) and address:** Chief, Management and Information Systems Group; U.S. Bureau of Prisons; 320 First Street, N.W., Washington, D.C. 20534.

**Notification procedure:** Address inquiries to: Director; Bureau of Prisons, 320 First Street, N.W., Washington, D.C. 20534. The major part of this system is exempt from this requirement under 5 U.S.C.

552a (j). Inquiries concerning this system should be directed to the System Manager listed above.

**Record access procedures:** The major part of this system is exempt from this requirement under 5 U.S.C. 552a (j). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received.

**Contesting record procedures:** Same as the above.

**Record source categories:** 1) Inmates; 2) Federal Law Enforcement Agencies; 3) State and Federal Probation Services; 4) Non-Federal Law Enforcement Agencies; 5) Educational Institution (Study Release); 6) Relatives, friends, and other interested community individuals; 7) Former or Future Employers; 8) Evaluations, Observations, and Findings of Institutional Staff; 9) Foreign Law Enforcement Agencies.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(2) and (3), (e)(4)(H), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

## JUSTICE/BOP-002

**System name:** Freedom of Information Act Record System

**System location:** Records may be retained at any of the Bureau's facilities, the Regional Offices and the Central Office. All requests for records may be made to the Central Office: U. S. Bureau of Prisons; 320 First Street, N.W., Washington, D.C. 20534.

**Categories of individuals covered by the system:** Current and former inmates under the custody of the Attorney General.

**Categories of records in the system:** 1) Administrative requests and responses to requests for information and records under 5 U.S.C. 552; 2) Personal data; 3) Litigation reports; 4) Litigation pleadings and court decisions; 5) Reports made in preparation for litigation.

**Authority for maintenance of the system:** This system is established and maintained under authority of 5 U.S.C. 552.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The routine uses of this system are: (a) to maintain public records concerning the processing and determination of requests for information made pursuant to the Freedom of Information Act 5 U.S.C. 552; (b) to provide documentation of receipt and processing requests for information made pursuant to the Freedom of Information Act for purposes of litigation of contested denial of release of information; (c) to furnish information to employees of the Department of Justice who have a need for information from the system in performance of their duties; (d) to provide information relating to federal offenders and state courts, court personnel, and probation officials.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information maintained in the system is stored on documents.

**Retrievability:** Documents are indexed by name and/or register number.

**Safeguards:** Information is safeguarded in accordance with Bureau of Prisons rules governing access and release.



**Retention and disposal:** Records in this system are retained for a period of ten (10) years after expiration of sentence, then destroyed by shredding.

**System manager(s) and address:** Chief, Management and Information Systems Group, U. S. Bureau of Prisons, 320 First Street, N.W., Washington, D.C. 20534.

**Notification procedure:** Address inquiries to: Director, Bureau of Prisons, 320 First Street, N.W., Washington, D.C. 20534.

**Record access procedures:** Same as the above.

**Contesting record procedures:** Same as the above.

**Record source categories:** 1) Inmates, 2) Department of Justice Employees, 3) State and Federal Law Enforcement Agencies, 4) Courts, 5) Attorneys.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/BOP - 003

**System name:** Industrial Inmate Employment Record System.

**System location:** Records may be retained at any of the Bureau's facilities, the Regional Offices and the Central Office. All requests for records may be made to the Central Office, U. S. Bureau of Prisons, 320 First Street, N.W., Washington, D.C. 20534.

**Categories of individuals covered by the system:** Current and former inmates under the custody of the Attorney General.

**Categories of records in the system:** 1) Inmate assignment records, 2) Time and Attendance Reports, 3) Work Performance Reports, 4) Payroll Records.

**Authority for maintenance of the system:** This system is established and maintained under authority of 31 U.S.C. 841, 18 U.S.C. 4002, 4121 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The routine uses of this system are: (a) to determine compensation of inmates pursuant to 18 U.S.C. 4002, 4126, 4125, 4121 et seq.; (b) to record employment history of an inmate within the Federal Prison Industries, Inc.; (c) to record disbursement of Federal Prison Industries, Inc., funds for payroll purposes; (d) to evaluate effectiveness of industrial training of inmates; (e) to evaluate authenticity of Federal Prison Industries, Inc., accounting records; (f) to provide information source to officers and employees of the Department of Justice who have need for information in the performance of their duties; (g) to provide information source to state and federal law enforcement officials for investigations, possible criminal prosecutions, civil court actions, or regulatory proceedings; (h) to provide information relating to federal offenders to federal and state courts, court personnel and probation officials.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information maintained in the system is stored on documents, magnetic tape, magnetic disk, tab cards, and microfilm.

**Retrievability:** 1) Documents, Tab Cards and Microfilm - Information is indexed by name and/or register number, 2) Magnetic Tape and Disk - Information is indexed by Name, Register Number, Social Security Number, and FBI Number.

**Safeguards:** Information is safeguarded in accordance with Bureau of Prisons rules governing access and release.

**Retention and disposal:** Records in this system are retained for a period of ten (10) years after expiration of sentence, then destroyed by electronic means or shredding.

**System manager(s) and address:** Chief, Management and Information Systems Group, U. S. Bureau of Prisons, 320 First Street, N.W., Washington, D.C. 20534.

**Notification procedure:** Address inquiries to: Director, Bureau of Prisons, 320 First Street, N.W., Washington, D.C. 20534. The major part of this system is exempt from this requirement under 5 U.S.C. 552a (j). Inquiries concerning this system should be directed to the System Manager listed above.

**Record access procedures:** The major part of this system is exempt from this requirement under 5 U.S.C. 552a (j). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received.

**Contesting record procedures:** Same as the above.

**Record source categories:** 1) The inmate, 2) Bureau of Prisons/Federal Prison Industries staff members, 3) U. S. Treasury Department.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(2) and (3), (e)(4)(H), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/BOP - 004

**System name:** Inmate Administrative Remedy Record System.

**System location:** Records may be retained at any of the Bureau's facilities, the Regional Offices and the Central Office. All requests for records may be made to the Central Office, U. S. Bureau of Prisons, 320 First Street, N.W., Washington, D.C. 20534.

**Categories of individuals covered by the system:** Current and former inmates under the custody of the Attorney General.

**Categories of records in the system:** 1) ARS records include information on the current offense and sentence; 2) Prior criminal record, 3) Social background, 4) Institution adjustment, 5) Institution program data, 6) Medical information; 7) Personal property data.

**Authority for maintenance of the system:** This system is established and maintained under authority of 18 U.S.C. 4042.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The routine uses of this system are: (a) to maintain records of receipt, processing and responses to grievances filed by inmates; (b) to provide source of information for reconsideration or amendment of Federal Prison System policy with regard to its operations; (c) to maintain source of information as to the exhaustion of administrative remedies for purposes of civil suits filed against the Federal Prison System by inmates; (d) to provide source of information for purposes of defending civil actions filed against the Federal Prison System by inmates; (e) to provide source of information for statistical reports furnished to Federal Courts for purpose of determining effectiveness of the Administrative Remedy Program in reducing the backlog of cases in Federal Court; (f) furnished to employees of the Department of Justice who have a need for the information in the performance of their duties; (g) furnished to appropriate law enforcement authorities, state and federal, for investigation and possible criminal prosecution, civil court action, or regulatory proceedings.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A Record from a

system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information maintained in the system is stored on documents.

**Retrievability:** Documents are indexed by name and/or register number.

**Safeguards:** Information is safeguarded in accordance with Bureau of Prisons rules governing access and release.

**Retention and disposal:** Records in this system are retained for a period of ten (10) years after expiration of sentence, then destroyed by shredding.

**System manager(s) and address:** Chief, Management and Information Systems Group, U. S. Bureau of Prisons, 320 First Street, N.W., Washington, D.C. 20534.

**Notification procedure:** Address inquiries to: Director, Bureau of Prisons, 320 First Street, N.W., Washington, D.C. 20534. The major part of this system is exempt from this requirement under 5 U.S.C. 552a (j). Inquiries concerning this system should be directed to the System Manager listed above.

**Record access procedures:** The major part of this system is exempt from this requirement under 5 U.S.C. 552a (j). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received.

**Contesting record procedures:** Same as the above.

**Record source categories:** 1) ARS records sources include inmates, employees, 2) U. S. Department of Justice and its Bureaus, 3) U. S. Courts.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(2) and (3), (e)(4)(H), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/BOP - 005

**System name:** Inmate Central Records System.

**System location:** Records may be retained at any of the Bureau's facilities, the Regional Offices and the Central Office. All requests for records may be made to the Central Office, U. S. Bureau of Prisons, 320 First Street, N.W., Washington, D.C. 20534.

**Categories of individuals covered by the system:** Current and former inmates under the custody of the Attorney General.

**Categories of records in the system:** 1) Computation of sentence and supportive documentation; 2) Correspondence concerning pending charges, and wanted status, including warrants; 3) Requests from other federal and non-federal law enforcement agencies for notification prior to release; 4) Records of the allowance, forfeiture, withholding and restoration of good time; 5) Information concerning present offense, prior criminal background, sentence and parole from the U.S. Attorneys, the Federal Courts, and federal prosecuting agencies; 6) Identification data, physical description, photograph and fingerprints; 7) Order of designation of institution of original commitment; 8) Records and reports of work and housing assignments; 9) Program selection, assignment and performance adjustment/progress reports; 10) Conduct Records; 11) Social background; 12) Educational data; 13) Physical and mental health data; 14) Parole Board orders, actions and related forms; 15) Correspondence regarding release planning, adjustment and violations; 16) Transfer orders; 17) Mail and visit records; 18) Personal property records; 19) Safety reports and rules; 20) Release processing forms and certificates; 21) Interview request forms from inmates; 22) General correspondence; 23) Copies of inmate court petitions.

**Authority for maintenance of the system:** This system is established and maintained under authority of 18 U.S.C. 4003, 4042, 4082.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The routine uses of this system are: (a) to provide documented records of the classification, care, subsistence, protection, discipline and programs, etc., of persons committed to the custody of the Attorney General; (b) to pro-

vide information source to officers and employees of the Department of Justice who have a need for the information in the performance of their duties; (c) to provide information source to state and federal law enforcement officials for investigations, possible criminal prosecutions, civil court actions, or regulatory proceedings; (d) to provide information source for disclosure of information that are matters solely of general public record, such as name, offense, sentence data, release date, and etc.; (e) to provide information source for disclosure to contracting or consulting correctional agencies that provide correctional services for federal inmates; (f) to provide information source for responding to inquiries from federal inmates involved or Congressional inquiries; (g) Internal Users - Employees of the Department of Justice who have a need to know information in the performance of their duties; (h) External Users - State and Federal law enforcement officials for the purposes of investigation, possible criminal prosecution, civil court actions, and regulatory proceedings, state correctional agencies providing services to federal inmates, (i) to provide information relating to federal offenders to federal and state courts, court personnel, and probation officials.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information maintained in the system is stored on documents, magnetic tape, magnetic disk, tab cards, and microfilm.

**Retrievability:** 1) Documents, Tab Cards and Microfilm - Information is indexed by name and/or register number, 2) Magnetic Tape and Disk - Information is indexed by name, register number, social security number, and FBI number.

**Safeguards:** Information is safeguarded in accordance with Bureau of Prisons rules governing access and release.

**Retention and disposal:** Records in this system are retained for a period of ten (10) years after expiration of sentence, then destroyed by electronic means or shredding.

**System manager(s) and address:** Chief, Management and Information Systems Group, U. S. Bureau of Prisons, 320 First Street, N.W., Washington, D.C. 20534.

**Notification procedure:** Address inquiries to: Director, Bureau of Prisons, 320 First Street, N.W., Washington, D.C. 20534. The major part of this system is exempt from this requirement under 5 U.S.C. 552a (j). Inquiries concerning this system should be directed to the System Manager listed above.

**Record access procedures:** The major part of this system is exempt from this requirement under 5 U.S.C. 552a (j). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received.

**Contesting record procedures:** Same as the above.

**Record source categories:** 1) Individual inmate, 2) Federal law enforcement agencies and personnel; 3) State and federal probation services; 4) Non-federal law enforcement agencies; 5) Educational institutions; 6) Hospital or medical sources; 7) Relatives, friends and other interested individuals or groups in the community; 8) Former or future employers; 9) Evaluations, observations, reports, and findings of institution supervisors, counselors, boards and committees.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3) and (4),

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(d), (e)(2) and (3), (e)(4)(H), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/BOP - 006

**System name:** Inmate Commissary Accounts Record System

**System location:** Records may be retained at any of the Bureau's facilities, the Regional Offices and the Central Office. All requests for records may be made to the Central Office: U. S. Bureau of Prisons; 320 First Street, N.W.; Washington, D.C. 20534.

**Categories of individuals covered by the system:** Current and former inmates under the custody of the Attorney General.

**Categories of records in the system:** 1) Financial data; 2) Identification data. Both categories of records will be automated. The Bureau facilities will have responsibility for their maintenance. The records will be accessible by the telecommunications means of BOP facilities, Regional Offices and the Central Office.

**Authority for maintenance of the system:** This system is established and maintained under authority of 18 U.S.C. 4042.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The routine uses of this system are: (a) to maintain financial accounting of payments into and out of inmate trust fund accounts; (b) to provide accounts of inmate trust fund accounts for purposes of verifying pauper status under 28 U.S.C. 1915; (c) to provide information source to officers and employees of the Department of Justice who have need for information in the performance of their duties; (d) to provide information source to state and federal law enforcement officials for investigations, possible criminal prosecutions, civil court actions, or regulatory proceedings.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information maintained in the system will be stored on documents electronically on the Department of Justice Computer System separate from the BOP Central Office.

**Retrievability:** Information on the automated system will be indexed by name and/or register number.

**Safeguards:** The Inmate Commissary Accounts Record System will be protected by both physical security methods and dissemination and access controls. Access to this information will be limited to those persons with a demonstrated and lawful need to know in order to perform assigned functions.

Protection of the automated system will be provided by physical, procedural and electronic means. The files will reside on the Department of Justice Computer System which is physically attended or guarded on a full-time basis. For retrieval purpose, access to active telecommunications terminals will be limited to those persons with a demonstrated need to know. For update purposes, access to the files will be limited to BOP facilities employees, as required in the performance of their assigned duties. Surreptitious access to an unattended terminal will be precluded by a complex authentication procedure. The procedure will be provided only to authorized BOP employees.

An automated log of queries will be maintained for each terminal. Improper procedure will result in no access, and under certain conditions complete lockout of the terminal, pending restoration by the master controller at the BOP Central Office after appropriate verification has been received. Unattended terminals, after normal office hours, will be electronically disconnected by the master controller at the BOP Central Office. All terminals will have key locks and will be located in lockable facilities.

**Retention and disposal:** Records in this system will be retained for a period of ten (10) years after expiration of sentence, then destroyed by electronic means.

**System manager(s) and address:** Chief, Management and Information Systems Group; U. S. Bureau of Prisons; 320 First Street, N.W.; Washington, D.C. 20534.

**Notification procedure:** Address inquiries to: Director, Bureau of Prisons; 320 First Street, N.W.; Washington, D.C. 20534. The major part of this system is exempt from this requirement under 5 U.S.C. 552a (j). Inquiries concerning this system should be directed to the System Manager listed above.

**Record access procedures:** The major part of this system is exempt from this requirement under 5 U.S.C. 552a (j). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received.

**Contesting record procedures:** Same as the above.

**Record source categories:** 1) Inmates; 2) Department of Justice employees.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(2) and (3), (e)(4)(H), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/BOP - 007

**System name:** Inmate Physical and Mental Health Record System.

**System location:** Records may be retained at any of the Bureau's facilities, the Regional Offices and the Central Office. All requests for records may be made to the Central Office: U. S. Bureau of Prisons; 320 First Street, N.W.; Washington, D.C. 20534.

**Categories of individuals covered by the system:** Current and former inmates under the custody of the Attorney General.

**Categories of records in the system:** 1) Medical history and examination (past and present); 2) Dental history and examination (past and present); 3) Medical information concerning deaths of inmates; 4) Offense; 5) Mental Health and Drug Abuse interview and testing data, generated in Bureau of Prisons; 6) Mental Health information generated outside Bureau of Prisons by other corrections agencies, mental hospitals, private therapists, etc.; 7) Information as per 5 and 6 above on unsentenced individuals committed under Title 18, sections 4244 and 4246; 8) Mental Health Treatment progress notes and observations made by other staff members; 9) Urine surveillance reports of drug program participants.

**Authority for maintenance of the system:** This system is established and maintained under authority of 18 U.S.C. 4003, 4042, 4082.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The routine uses of this system are: (a) to provide documented records of the diagnosis, treatment, and cure of illnesses of persons committed to the custody of the Attorney General pursuant to 18 U.S.C. 4082; (b) to provide documented records and background medical, mental, or dental history to contracting, or consulting physicians, psychologists and psychiatrists, and dentists, or other specialists, for diagnosis, treatment and cure of federal inmates; (c) to provide information source to officers and employees of the Department of Justice who have a need for the information in the performance of their duties; (d) to provide information source for disclosure to state and federal law enforcement officials for investigations, possible criminal prosecutions, civil court actions, or regulatory proceedings; (e) to provide information source for responding to inquiries from federal inmates or Congressional inquiries; (f) to provide information relating to federal offenders to federal and state courts, court personnel, and probation officials; (g) to provide medical information relevant to the treatment being provided by physicians, psychiatrists, psychologists, state and federal medical

facility personnel, other medical agencies and etc., providing treatment for a pre-existing condition for ex-federal offenders.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information maintained in the system is stored on documents, magnetic tape, magnetic disk, tab cards, and microfilm.

**Retrievability:** 1) Documents, Tab Cards and Microfilm - Information is indexed by name and/or register number. 2) Magnetic Tape and Disk - Information is indexed by name, register number, social security number, and FBI number.

**Safeguards:** Information is safeguarded in accordance with Bureau of Prisons rules governing access and release.

**Retention and disposal:** Records in this system are retained for a period of ten (10) years after expiration of sentence, then destroyed by electronic means of shredding.

**System manager(s) and address:** Chief, Management and Information Systems Group; U. S. Bureau of Prisons; 320 First Street, N.W.; Washington, D.C. 20534.

**Notification procedure:** Address inquiries to: Director, Bureau of Prisons; 320 First Street, N.W.; Washington, D.C. 20534. The major part of this system is exempt from this requirement under 5 U.S.C. 552a (j). Inquiries concerning this system should be directed to the System Manager listed above.

**Record access procedures:** The major part of this system is exempt from this requirement under 5 U.S.C. 552a (j). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received.

**Contesting record procedures:** Same as the above.

**Record source categories:** 1) Individual; 2) Hospital and/or medical sources; 3) Pre-sentence reports; 4) Other mental health care giving agencies; 5) Observation reports from other Bureau of Prisons staff.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(2) and (3), (e)(4)(H), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/BOP - 008

**System name:** Inmate Safety and Accident Compensation Record System

**System location:** Records may be retained at any of the Bureau's facilities, the Regional Offices and the Central Office. All requests for records may be made to the Central Office: U. S. Bureau of Prisons; 320 First Street, N.W.; Washington, D.C. 20534.

**Categories of individuals covered by the system:** Current and former inmates under the custody of the Attorney General.

**Categories of records in the system:** Inmate accident/injuries data sustained by: a) Work related accidents; b) Recreational injuries; c) Vehicle accidents; d) Assaults; e) Other non-work accident/injuries.

**Authority for maintenance of the system:** This system is established and maintained under authority of 18 U.S.C. 4042, 4126.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The routine uses of this

system are: (a) to provide a documented record of inmate accidents, injuries, for the purpose of measuring safety programs effectiveness; (b) to provide information source for compliance with the Occupational Safety and Health Act; (c) to provide documented records of inmate accidents, injuries, and disabilities for adjudication of claims by inmates filed pursuant to the Inmate Accident Compensation System, 18 U.S.C. 4126; Chapter III, Federal Prisons Industries, 28 C.F.R., Part 301; (d) furnished to employees of the Department of Justice who require information from these records for performance of their duty; (e) to provide background information and litigation reports to United States Attorneys for purpose of defending civil actions filed against the Bureau of Prisons; (f) furnished to consultant physicians, and physicians treating inmates following release from custody for the purpose of providing prior medical history in conjunction with further treatment of the individual inmate; (g) to provide documented records for disclosure to appropriate law enforcement authorities, state or federal, for investigation and possible criminal prosecution, civil court action, or regulatory proceeding; (h) to provide information source for responding to inquiries from the inmate involved or Congressional inquiries; (i) to provide information relating to federal offenders to federal and state courts, court personnel, and probation officials.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information maintained in the system is stored on documents.

**Retrievability:** Documents are indexed by name and/or register number.

**Safeguards:** Information is safeguarded in accordance with Bureau of Prisons rules governing access and release.

**Retention and disposal:** Records in this system are retained for a period of ten (10) years after expiration of sentence, then destroyed by electronic means or shredding.

**System manager(s) and address:** Chief, Management and Information Systems Group; U. S. Bureau of Prisons; 320 First Street, N.W.; Washington, D.C. 20534.

**Notification procedure:** Address inquiries to: Director, Bureau of Prisons; 320 First Street, N.W.; Washington, D.C. 20534. The major part of this system is exempt from this requirement under 5 U.S.C. 552a (j). Inquiries concerning this system should be directed to the System Manager listed above.

**Record access procedures:** The major part of this system is exempt from this requirement under 5 U.S.C. 552a (j). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received.

**Contesting record procedures:** Same as the above.

**Record source categories:** 1) The inmate; 2) Bureau of Prisons staff members; 3) Medical staff members and medical consultants; 4) U. S. Probation Officers; 5) Attorneys; 6) Relatives of inmates; 7) Inquiries and replies to Congressmen; 8) U. S. Attorneys.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(2) and (3), (e)(4)(H), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.



## JUSTICE/BOP - 009

**System name:** Federal Tort Claims Act Record System

**System location:** Records may be retained at any of the Bureau's facilities, the Regional Offices and the Central Office. All requests for records may be made to the Central Office: U. S. Bureau of Prisons; 320 First Street, N.W.; Washington, D.C. 20534.

**Categories of individuals covered by the system:** Current and former inmates under the custody of the Attorney General.

**Categories of records in the system:** 1) Administrative Tort claims and supporting documents; 2) Personal data; 3) Investigative reports; 4) Medical reports; 5) Property records; 6) Litigation reports; 7) Reports made in preparation of litigation; 8) Social and Criminal Background; 9) Employment History; 10) Correspondence; 11) Litigation Pleadings and Court Decisions.

**Authority for maintenance of the system:** This system is established and maintained under authority of 28 U.S.C. 2671 et seq. FTCA.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The routine uses of this system are: (a) to provide information source for purposes of adjudicating claims for personal injury and property damages pursuant to the Federal Tort Claims Act, 28 U.S.C. 2675; (b) to provide information source for purposes of preparing reports concerning litigation in United States Courts under the Federal Tort Claims Act, 28 U.S.C. 2671 et seq; (c) to provide information source that is furnished to counsel for claimants under the Federal Tort Claims Act; (d) to provide information source that is furnished to medical officials when requested by claimants under the Federal Tort Claims Act; (e) to provide information source that is disclosed to employees of the Department of Justice who have a need for the information in the performance of their duties; (f) to provide information source to state and federal law enforcement officials for the purpose of investigations, possible criminal prosecutions, civil court actions, or regulatory proceedings; (g) to provide information relating to federal offenders to federal and state courts, court personnel, and probation officials.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information maintained in the system is stored in documents.

**Retrievability:** Documents are indexed by name and/or register number.

**Safeguards:** Information is safeguarded in accordance with Bureau of Prisons rules governing access and release.

**Retention and disposal:** Records in this system are retained for a period of ten (10) years after expiration of sentence, then destroyed by shredding.

**System manager(s) and address:** Chief, Management and Information Systems Group; U. S. Bureau of Prisons; 320 First Street, N.W.; Washington, D.C. 20534.

**Notification procedure:** Address inquiries to: Director; Bureau of Prisons; 320 First Street, N.W.; Washington, D.C. 20534. The major part of this system is exempt from this requirement under 5 U.S.C. 552a (j). Inquiries concerning this system should be directed to the System Manager listed above.

**Record access procedures:** The major part of this system is exempt from this requirement under 5 U.S.C. 552a (j). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received.

**Contesting record procedures:** Same as the above.

**Record source categories:** 1) Inmates; 2) Department of Justice Employees; 3) U. S. Probation Service; 4) Contract and Consulting Physicians including Hospitals; 5) Attorneys; 6) Relatives and friends of Inmates; 7) Congress; 8) State and Federal Law Enforcement Agencies.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(2) and (3), (e)(4)(H), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

## JUSTICE/BOP - 999

**System name:** Appendix of Field Locations for the Bureau of Prisons.

## Regional Offices

## North East Region

Scott Plaza II, Industrial Highway  
Philadelphia, Pa. 10113

## South East Region

Bldg. No. 300, Greenbriar Office Park  
3500 Greenbriar Parkway, S.W.  
Atlanta, Georgia 30331

## North Central Region

K.C.I. Bank Bldg.  
8800 Northwest 112th Street  
Kansas City, Missouri 64153

## South Central Region

3883 Turtle Creek Blvd.  
Dallas, Texas 75219

## Western Region

330 Primrose Road, Fifth Floor  
Burlingame, California 94010

## United States Penitentiaries

Atlanta, Georgia 30315  
Leavenworth, Kansas 66048  
Lewisburg, Pennsylvania 17837  
Marion, Illinois 62959  
McNeil Island, Steilacoom, Washington 98388  
Terre Haute, Indiana 47808

## Federal Correctional Institutions

Alderson, West Virginia 24910  
Ashland, Kentucky 41101  
Butner, North Carolina 27509  
Danbury, Connecticut 06801  
El Reno, Oklahoma 73036  
Englewood, Colorado 80110  
Ft. Worth, Texas 76119  
La Tuna, Texas 88021  
Lexington, Kentucky 40507  
Lompoc, California 93436  
Memphis, Tennessee 38134  
Miami, Florida 33177  
Milan, Michigan 48160  
Morgantown, West Virginia 26505  
Oxford, Wisconsin 53952  
Petersburg, Virginia 23803  
Pleasanton, California 94568  
Sandstone, Minnesota 55072  
Seagoville, Texas 75159  
Tallahassee, Florida 32304  
Terminal Island, California 90731  
Texarkana, Texas 75501

## Federal Prison Camps

Allenwood -- Montgomery, Pennsylvania 17752  
Eglin Air Force Base, Florida 32542  
Maxwell Air Force Base, Montgomery, Alabama 36112  
Safford, Arizona 85546

## Medical Center for Federal Prisoners

Springfield, Missouri 65802

## Federal Detention Centers

Florence, Arizona 85232  
El Paso, Texas 79925

## Metropolitan Correctional Centers

71 W. Van Buren Street  
Chicago, Illinois 60605

150 Park Row  
New York, New York 10007

808 Union Street  
San Diego, California 92101

## Community Treatment Centers

715 McDonald Blvd. S.E.  
Atlanta, Georgia 30315

826 S. Wabash Ave.  
Chicago, Illinois 60605

3401 Gaston Ave.  
Dallas, Texas 75248

1950 Trumbull Ave.  
Detroit, Michigan 43216

2320 LaBranch Ave.  
Houston, Texas 77044

404 E. 10th St.  
Kansas City, Missouri 64106

600 Long Beach Blvd.  
Long Beach, California 90802

1212 S. Alvarado St.  
Los Angeles, California 90006

Woodward Hotel  
210 West 55th Street  
New York, New York 10019

205 MacArthur Blvd.  
Oakland, California 94610

316 W. Roosevelt Rd.  
Phoenix, Arizona 85003

## JUSTICE/DEA - 001

**System name:** Air Intelligence Program

**System location:** Drug Enforcement Administration; 1405 Eye Street, N.W.; Washington, D. C. 20537. Also, field offices. See Appendix 1 for list of addresses.

**Categories of individuals covered by the system:** (A.) Aircraft Owners; (B.) Licensed Pilots.

**Categories of records in the system:** (A.) FAA Civil Aircraft Registry; (B.) FAA Aircraft Owners Registry; (C.) FAA Airman Directory; (D.) Entries into NADDIS.

**Authority for maintenance of the system:** The System is maintained to provide intelligence and law enforcement activities pursuant to the Comprehensive Drug Abuse Prevention and Control Act of 1970 (P.L. 91-513) and Reorganization Plan No. 2 of 1973.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The system provides a

research data base for identification of aircraft, aircraft owners and pilots that are known or suspected of involvement in illicit air transportation of narcotics. Information developed from this system is provided to the following categories of users for law enforcement purposes on a routine basis: (A.) Other Federal law enforcement agencies; (B.) State and local law enforcement agencies; (C.) Foreign law enforcement agencies with whom DEA maintains liaison.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Reference materials are maintained on microfiche. Information developed from the reference materials is entered onto the NADDIS magnetic tape.

**Retrievability:** This system is indexed by name and identifying numbers.

**Safeguards:** This system of records is maintained at DEA Headquarters which is protected by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. Access to the system is restricted to authorized DEA employees with appropriate clearance on a need-to-know basis.

**Retention and disposal:** Reference materials are retained until updated and then destroyed. Entries into NADDIS are retained for fifty-five years.

**System manager(s) and address:** Assistant Administrator for Intelligence; Drug Enforcement Administration; 1405 Eye Street, N.W.; Washington, D.C. 20537.

**Notification procedure:** The reference materials in this system are matters of public record. Information developed from this system and entered into the Narcotics and Dangerous Drug Information System (NADDIS) has been exempted from compliance with subsection (d) of the Act by the Attorney General.

**Record access procedures:** Same as the above.

**Contesting record procedures:** Same as the above.

**Record source categories:** Federal Aviation Administration

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (3); (e)(4)(G), and (H), (e)(5) and (8), (f), (g), (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

## JUSTICE/DEA-INS - 111

**System name:** Automated Intelligence Records System (Pathfinder)

**System location:** Drug Enforcement Administration, 1405 Eye Street, N.W., Washington, D.C. 20537 and El Paso Intelligence Center (EPIC), El Paso, Texas 79902.

**Categories of individuals covered by the system:** (1) Those individuals who are known, suspected, or alleged to be involved in (a) narcotic trafficking, (b) narcotic-arms trafficking, (c) alien smuggling or transporting, (d) illegally procuring, using, selling, counterfeiting, reproducing, or altering identification documents relating to status under the immigration and nationality laws, (e) terrorist activities (narcotic, arms or alien trafficking/smuggling related), (f) crewman desertions and stowaways, and (g) arranging or contract-



ing a marriage to defraud the immigration laws; (2) In addition to the categories of individuals listed above, those individuals who (a) have had citizenship or alien identification documents put to fraudulent use or have reported them as lost or stolen, (b) arrive in the United States from a foreign territory by private aircraft, and (c) are informants or witnesses (including non-implicated persons) who have pertinent knowledge of some circumstances or aspect of a case or suspect; may be the subject of a file within this system, and (3) In the course of criminal investigation and intelligence gathering, DEA and INS may detect violations of non-drug or non-alien related laws. In the interests of effective law enforcement, this information is retained in order to establish patterns of criminal activity and to assist other law enforcement agencies that are charged with enforcing other segments of criminal law. Therefore, under certain limited circumstances, individuals known, suspected, or alleged to be involved in non-narcotic or non-alien criminal activity may be subject to a file maintained in this system.

**Categories of records in the system:** In general, this system contains computerized and manual intelligence information gathered from DEA and INS investigative records and reports. Specifically, intelligence information is gathered and collated from the following DEA and INS records and reports: (1) DEA Reports of Investigation (DEA-6), (2) DEA and INS Intelligence Reports, (3) INS Air Detail Office Index (I-92A), (4) INS Anti-Smuggling Indices (G-170), (5) INS Marine Intelligence Index, (6) INS Fraudulent Document Center Index, (7) INS Terrorist Index, and (8) INS Reports of Investigation and Apprehension (I-44, I-213, G-166).

**Authority for maintenance of the system:** This system has been established in order for DEA and INS to carry out their law enforcement, regulatory, and intelligence functions mandated by the Comprehensive Drug Abuse Prevention and Control Act of 1970 (84 Stat. 1236), Reorganization Plan No. 2 of 1973, the Single Convention on Narcotic Drugs, (18 U.S.T. 1407), and Sections 103, 265, and 290 and Title III of the Immigration and Nationality Act, as amended, (8 U.S.C. 1103, 1305, 1360, 1401 et seq.). Additional authority is derived from Treaties, Statutes, Executive Orders and Presidential Proclamations which DEA and INS have been charged with administering.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** This system will be used to produce association and link analysis reports and such special reports as required by intelligence analysts of DEA and INS. The system will also be used to provide 'real-time' responses to queries from Federal, state, and local agencies charged with border law enforcement responsibilities.

Information from this system will be provided to the following categories of users for law enforcement and intelligence purposes provided a legitimate and lawful 'need to know' is demonstrated: (a) Other Federal law enforcement agencies, (b) state and local law enforcement agencies, (c) foreign law enforcement agencies with whom DEA and INS maintain liaison, (d) U.S. intelligence and military intelligence agencies involved in border criminal law enforcement, (e) clerks and judges of courts exercising appropriate jurisdiction over subject matter maintained within this system, and (f) in the event there is an indication of a violation or potential violation of law whether civil, criminal, regulatory, or administrative in nature, the relevant information may be referred to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulations, or order issued pursuant thereto.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual subsets of the Pathfinder Information System are maintained on standard index cards and manual folders. Standard security formats are employed.

The automated Pathfinder Information System is stored on digital computers in the Drug Enforcement Administration Office of Intelligence Secured Computer facilities located at DEA Headquarters and El Paso, Texas.

**Retrievability:** Access to individual records can be accomplished by reference to either the manual indices or the automated information system. Access is achieved by reference to personal identifiers, other data elements or any combination thereof.

**Safeguards:** The Pathfinder System of Records is protected by both physical security methods and dissemination and access controls. Fundamental in all cases is that access to intelligence information is limited to those persons or agencies with a demonstrated and lawful need to know for the information in order to perform assigned functions.

Physical security when intelligence files are attended is provided by responsible DEA and INS employees. Physical security when files are unattended is provided by the secure locking of material in approved containers or facilities. The selection of containers or facilities is made in consideration of the sensitivity or National Security Classification, as appropriate, of the files, and the extent of security guard and/or surveillance afforded by electronic means.

Protection of the automated information system is provided by physical, procedural, and electronic means. The master file resides in the DEA Office of Intelligence Secured Computer System and is physically attended or safe-guarded on a full time basis. Access or observation to active telecommunications terminals is limited to those with a demonstrated need to know for retrieval information.

Surveillance access to an unattended terminal is precluded by a complex authentication procedure. The procedure is provided only to authorized DEA and INS employees. Transmission from DEA Headquarters to El Paso, Texas is accomplished via a dedicated secured line.

An automated log of queries is maintained for each terminal. Improper procedure results in no access and under certain conditions completely locks out the terminal pending restoration by the master controller at DEA Headquarters after appropriate verification. Unattended terminals are otherwise located in locked facilities after normal working hours.

The dissemination of intelligence information to an individual outside the Department of Justice is made in accordance with the routine uses as described herein and otherwise in accordance with conditions of disclosure prescribed in the Privacy Act. The need to know is determined in both cases by DEA and INS as a prerequisite to the release of information.

**Retention and disposal:** Records maintained within this system are retained for fifty-five (55) years.

**System manager(s) and address:** Assistant Administrator for Intelligence, Drug Enforcement Administration, 1405 Eye Street, N.W., Washington, D.C. 20537 and Associate Commissioner, Management, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, D.C. 20536.

**Notification procedure:** Inquiries should be addressed to Freedom of Information Unit, Drug Enforcement Administration, 1405 Eye Street, N.W., Washington, D.C. 20537.

**Record access procedures:** Same as notification procedure.

**Contesting record procedures:** Same as notification procedure.

**Record source categories:** DEA intelligence and investigative records/reports; INS investigative, intelligence and statutory mandated records/reports; records and reports of other Federal, state and local agencies; and reports and records of foreign agencies with whom DEA maintains liaison.

**Systems exempted from certain provisions of the act:** The Attorney General has proposed exemption of this system from subsections (c) (3) and (4), (d), (e) (1), (2), and (3), (e) (4) (g), (H) and (I), (e) (5) and (8), (f), (g), and (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j) and (k).

#### JUSTICE/DEA - 003

**System name:** Automated Records and Consumated Orders System/Diversion Analysis and Detection System (ARCOS/DADS)

**System location:** Drug Enforcement Administration; 1405 Eye Street, N.W.; Washington, D. C. 20537. Also, field offices. See Appendix 1 for list of addresses.

**Categories of individuals covered by the system:** Persons registered with DEA under the Comprehensive Drug Abuse Prevention and Control Act of 1970 (P.L. 91-513).

**Categories of records in the system:** The information contained in this system consists of individual business transactions between levels of handlers of controlled substances to provide an audit trail of all manufactured and/or imported controlled substances to the dispensing level.

**Authority for maintenance of the system:** This system of records is maintained pursuant to the reporting requirements of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826(d)) and to enable the United States to fulfill its treaty obligations under the Single Convention on Narcotic Drugs and the Convention on Psychotropic Substances.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

Information contained in this system is provided to the following categories of users for the purposes stated: A) Other Federal law enforcement and regulatory agencies for law enforcement or regulatory purposes; B) State and local law enforcement and regulatory agencies for law enforcement and regulatory purposes; C) The International Narcotics Control Board as required by treaty obligations.

The ARCOS/DADS system of records generates the following reports: 1) Reports to the United Nations on Narcotics and Psychotropic Substances; 2) Aggregate Individual Quota Allocation Supportive Data; 3) Usage of Controlled Substances; 4) Controlled Substance Summary by Reporting Registrant; 5) Controlled Substance Summary by Location; 6) Controlled Substance Usage & Inventory Summary - by Schedule; 7) Discrepancy Notice Reports; 8) Discrepancy Error Analysis Report; 9) Potential Diversion Reports; 10) Incomplete Transfers; 11) Unauthorized Purchases; 12) Excess Inventory & Purchases; 13) Order Form Monitoring; 14) Improper Reporting of Partial Shipments; 15) Discrepancies in Quantities; 16) Waste & Sampling of Controlled Substances Beyond Limits; 17) Controlled Substances Used in Manufacturing of Non-controlled Substances; 18) Controlled Substances Used in Research; 19) Controlled Substances Sold to Government Agencies; 20) Controlled Substances Destroyed; 21) Controlled Substances Imported/Exported; 22) Quota Excess.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** All automated data files associated with ARCOS/DADS are maintained in the Department of Justice Data Center and the Drug Enforcement Administration Data Center.

**Retrievability:** The system is indexed by name and identifying number. In addition a number of telecommunication terminals have been added to the existing network.

**Safeguards:** The portion of the records maintained in DEA headquarters is protected by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. Access to the system is restricted to ARCOS Unit employees who have appropriate security clearances on a need to know basis. Information that is retrievable by terminals requires user identification numbers which are issued to authorized employees of the Department of Justice.

**Retention and disposal:** Input data received from registrants is maintained for 60 days for backup purposes and then destroyed by shredding or electronic erasure. ARCOS master inventory records are retained for eight consecutive calendar quarters. As the end of

a new quarter is reached the oldest quarter of data is purged from the record. ARCOS transaction history will be retained for a maximum of five years and then destroyed.

**System manager(s) and address:** Director, Office of Compliance and Regulatory Affairs, Drug Enforcement Administration; 1405 Eye Street, N.W.; Washington, D. C. 20537.

**Record source categories:** Business forms and individuals registered with DEA under the Comprehensive Drug Abuse Prevention and Control Act of 1970 (P.L. 91-513).

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3), (d), (e)(4)(G) and (H), (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/DEA - 004

**System name:** Congressional Correspondence File

**System location:** Drug Enforcement Administration, 1405 Eye Street, N.W.; Washington, D.C. 20537. Also, field offices. See Appendix 1 for list of addresses.

**Categories of individuals covered by the system:** Members of the United States Congress

**Categories of records in the system:** (A) Inquiries from members of Congress; (B) Reply to Congressional inquiries

**Authority for maintenance of the system:** 5 U.S.C. 301

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** This system is maintained to provide a history of Congressional inquiries. The information is not disseminated outside the Department of Justice.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The documents in this system are maintained in standard file folders.

**Retrievability:** The system is indexed by the name of the member of Congress.

**Safeguards:** This system of records is maintained at DEA Headquarters which is protected by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. In addition, the records are stored in bar lock filing cabinets and access to the system is restricted to members of the DEA Congressional Relations Staff.

**Retention and disposal:** These records are retained indefinitely.

**System manager(s) and address:** Director of Congressional Relations, Drug Enforcement Administration; 1405 Eye Street, N.W., Washington, D.C. 20537.

**Notification procedure:** Inquiries should be addressed to Freedom of Information Unit, Drug Enforcement Administration, 1405 Eye Street, N.W. Washington, D.C. 20537.

**Record access procedures:** Same as the above.

**Contesting record procedures:** Same as the above.

**Record source categories:** Members of Congress

**Systems exempted from certain provisions of the act:** None



## JUSTICE/DEA - 005

**System name:** Controlled Substances Act Registration Records (CSA)

**System location:** Drug Enforcement Administration, 1405 Eye Street, N.W., Washington, D.C. 20537. Also, field offices. See Appendix 1 for list of addresses.

**Categories of individuals covered by the system:** Records are maintained on the following categories of individuals registered under the Controlled Substances Act including registrants doing business under their individual name rather than a business name: (A) Physicians and related practitioners; (B) Dentists; (C) Veterinarians; (D) Persons conducting research with controlled substances; (E) Importers of controlled substances; (F) Exporters of controlled substances; (G) Manufacturers of controlled substances; (H) Distributors of controlled substances; (I) Pharmacies.

**Categories of records in the system:** The Controlled Substances Act Registration Records are maintained in a manual system which contains the original of the application for registration under 225, 226, 227, and 363, order forms (DEA 222's) and any correspondence concerning a particular registrant. In addition, the same basic data is maintained in an automated system for quick retrieval.

**Authority for maintenance of the system:** The Drug Enforcement Administration is required under the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91-513) to register all handlers of controlled substances.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The Controlled Substances Act Registration Records produce special reports as required for statistical analytical purposes. Disclosures of information from this system are made to the following categories of users for the purposes stated: (A) Other Federal law enforcement and regulatory agencies for law enforcement and regulatory purposes; (B) State and local law enforcement and regulatory agencies for law enforcement and regulatory purposes; (C) Persons registered under the Controlled Substances Act (Public Law 91-513) for the purpose of verifying the registration of customers and practitioners.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The automated portion of this system is maintained on magnetic tape and the manual portion is by batch.

**Retrievability:** The automated system is retrieved by name and registration number. The manual portion is filed in batches by date of application and indexed within each batch by name. A microfiche system of the names in each batch is maintained for quick reference purposes. In addition, a number of telecommunication terminals have been added to the existing network.

**Safeguards:** This system of records is maintained in DEA Headquarters which is protected by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. Access to the system is restricted to DEA personnel on a need-to-know basis. A specific computer program is necessary to extract information. Information that is retrievable by terminals requires user identification numbers which are issued to authorized employees of the Department of Justice.

**Retention and disposal:** Records in the manual portion of the system are retired to the Federal Records Center after one year and destroyed after five years. The automated data is stored in the Department of Justice Computer Center and destroyed after five years.

**System manager(s) and address:** Director, Office of Compliance and Regulatory Affairs, Drug Enforcement Administration, 1405 Eye Street, N.W., Washington, D.C. 20537.

**Notification procedure:** The Attorney General has exempted the Controlled Substances Act Registration Records from compliance with subsection (d) of the Act.

**Record access procedures:** Same as the above.

**Contesting record procedures:** Same as the above.

**Record source categories:** Information contained in this system of records is obtained from: (A) Registrants under the Controlled Substances Act (Public Law 91-513); (B) DEA Compliance Investigators.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (e)(3), (d), (e)(4)(G) and (H), (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

## JUSTICE/DEA - 006

**System name:** Freedom of Information/Privacy Act Records

**System location:** Freedom of Information Division, Drug Enforcement Administration, 1405 I Street, N.W., Room 200, Washington, D.C. 20537.

**Categories of individuals covered by the system:** Persons who request disclosure of records pursuant to the Freedom of Information Act, persons who request access to or correction of records pertaining to themselves contained in DEA's system of records pursuant to the Privacy Act; and, where applicable, persons about whom records have been requested or about whom information is contained in requested records.

**Categories of records in the system:** The system contains: (1) copies of all correspondence and internal memorandums related to the Freedom of Information Act and Privacy Act requests, and related records necessary to the processing of such requests received after January 1, 1975; (2) copies of all documents relevant to appeals and lawsuits under the Freedom of Information Act and Privacy Act.

**Authority for maintenance of the system:** This system is established and is maintained pursuant to the authority of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Reorganization Plan No. 2 of 1973, and is maintained to implement the provisions of 5 U.S.C. 552 and 552a and the provisions of 28 C.F.R. 16.1 et seq. and 28 C.F.R. 16.40 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** A record maintained in this system may be disseminated as a routine use of such records as follows: (1) a record may be disseminated to a Federal agency which furnished the record for the purpose of permitting a decision as to access or correction to be made by that agency, or for the purpose of consulting with that agency as to the propriety of access or correction; (2) a record may be disseminated to any appropriate Federal, State, local, or foreign agency for the purpose of verifying the accuracy of information submitted by an individual who has requested amendment or correction of records contained in systems of records maintained by the Freedom of Information Division.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National

Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The records in this system are maintained in standard case file folders.

**Retrievability:** A record is retrieved by the name of the individual or person making a request for access or correction of records.

**Safeguards:** This system of records is maintained at DEA Headquarters which is protected by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. In addition, the system is stored in Diebold combination vault and access is restricted to the staff of the Freedom of Information Division on a need-to-know basis.

**Retention and disposal:** Currently there are no provisions for disposal of records contained in this system. Destruction schedules will be developed as the system requirements become known.

**System manager(s) and address:** Chief, Freedom of Information Division, Drug Enforcement Administration, 1405 I Street, N.W., Room 200, Washington, D.C. 20537.

**Notification procedure:** A part of this system is exempted from this requirement under 5 U.S.C. 552a (j) or (k). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request is received by the Drug Enforcement Administration, 1405 I Street, Washington, D.C. 20537. A request shall be made in writing, with the envelope and the letter clearly marked 'Privacy Request'. Each Privacy request shall contain the name of the individual involved, his date and place of birth, and other verification of identity as required by 28 C.F.R. 16.41. Each requestor shall also provide a return address for transmitting the information. Requests shall be directed to the System Manager listed above.

**Record access procedures:** Same as Notification Procedures above.

**Contesting record procedures:** Same as Notification Procedures above except individuals desiring to contest or amend information maintained in the system should direct their written request to the System Manager listed above, and state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Sources of information contained in this system are the individuals and persons making requests, the systems of records searched in the processing of responding to requests, and other agencies referring requests for access to or correction of records originating in the Drug Enforcement Administration.

**Systems exempted from certain provisions of the act:** Records secured from other systems of records have been exempted from the provisions of the Freedom of Information/Privacy Acts to the same extent as the systems of records from which they were obtained. Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b)(c), and (e) and have been published in the Federal Register.

## JUSTICE/DEA - 007

**System name:** International Intelligence Data Base

**System location:** Drug Enforcement Administration, 1405 Eye Street, N.W., Washington, D.C. 20537. Also, field offices. See Appendix 1 for list of addresses.

**Categories of individuals covered by the system:** Known and suspected drug traffickers.

**Categories of records in the system:** (A) Intelligence reports; (B) Investigative reports; (C) Subject files.

**Authority for maintenance of the system:** This system is maintained for law enforcement and intelligence purposes pursuant to the Comprehensive Drug Abuse Prevention and Control Act of 1970, Reorganization Plan No. 2 of 1973 and the Single Convention on Narcotic Drugs.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

This system is maintained to further criminal investigations through the collation, analysis and dissemination of intelligence in-

formation. This system produces the following reports: a) Tactical, operational and strategic intelligence reports; b) Major organizational reports; c) Network analysis; d) Trafficker profiles; e) Intelligence briefs on prior experience with individuals, firms, countries, etc; f) Country profiles; g) Country Intelligence Action Plans; h) Current situational reports; i) Special reports as requested; j) Drug patterns and trends and drug trafficking from source to U.S. distributors.

In addition, information is provided to the following categories of users for law enforcement purposes on a routine basis: A) Other Federal law enforcement agencies; B) State and local law enforcement agencies; C) Foreign law enforcement agencies with whom DEA maintains liaison; D) U.S. Intelligence and Military Intelligence Agencies involved in drug enforcement; E) U.S. Department of State; F) The Cabinet Committee on International Narcotics Control.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** These records are maintained in standard case files and on index cards.

**Retrievability:** The system is indexed by name and subject category and retrieved by use of a card file index.

**Safeguards:** This system of records is maintained at DEA Headquarters which is protected by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. In addition, all records contained in this system are stored in GSA approved security containers. Access to the system is restricted to authorized DEA personnel with Secret Clearance or above.

**Retention and disposal:** The Records contained in this system are currently retained for an indefinite period.

**System manager(s) and address:** Assistant Administrator for Intelligence, Drug Enforcement Administration, 1405 Eye Street, N.W., Washington, D.C. 20537.

**Record source categories:** A) Other Federal agencies; B) State and local law enforcement agencies; C) Foreign law enforcement agencies; D) Confidential informants.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (e)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G), (H), (e)(5) and (8), (f), (g), (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j) and (k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

## JUSTICE/DEA - 008

**System name:** Investigative Reporting and Filing System

**System location:** Drug Enforcement Administration, 1405 Eye Street, N.W., Washington, D.C. 20537. Also, field offices. See Appendix 1 for list of addresses.

**Categories of individuals covered by the system:**

- A. Drug offenders.
- B. Alleged drug offenders.
- C. Persons suspected of drug offenses.
- D. Confidential informants.
- E. Defendants.
- F. Witness.

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G. Non-implicated persons with pertinent knowledge of some circumstance or aspect of a case or suspect. These are pertinent references of fact developed by personal interview or third party interview and are recorded as a matter for which a probable need for recall will exist. In the regulatory portion of the system, records are maintained on the following categories of individuals: A) Individuals registered with DEA under the Comprehensive Drug Abuse Prevention and Control Act of 1970; B) Responsible officials of business firms registered with DEA; C) Employees of DEA registrants who handle controlled substances or occupy positions of trust related to the handling of controlled substances; D) Applicants for DEA registration and their responsible employees.

**Categories of records in the system:** The Investigative Reporting and Filing System includes, among other things, a system of records as defined in the Privacy Act of 1974. Individual records, i.e., items of information on an individual may be decentralized in separate investigative file folders. Such records as well as certain other records on persons and subjects not covered by the act, are made retrievable and are retrieved by reference to the following sub-systems.

A. The Narcotics and Dangerous Drugs Information (NADDIS) is a central automated index maintained by DEA Headquarters. It is accessible by the telecommunication means of appropriately equipped DEA headquarters and field offices. The index record contains names and selected items of information extracted from investigative reports. Direct references to the discrete file folders in which the source reports are filed are provided, therefore, the records point to the more comprehensive manual reports. The central index reflects records maintained at all DEA echelons. Records are retrievable by name and by certain identifying numbers.

B. Manual name indices covering regional and district investigative activities are maintained by DEA field offices. A residual card index is retained at DEA headquarters that predates the automated central index. The items of information on the manual index records are extracted only from investigative reports and point to the more comprehensive information in pertinent investigative file folders. The records in the field office indices are subsets of the central automated and manual indices. Records are retrievable by name only by this manual technique. Four basic categories of files are maintained within the Investigative Reporting and Filing System. DEA does not maintain a dossier type file in the traditional sense on an individual. Instead, the files are compiled on separate investigations, topics and on a functional basis for oversight and investigative support. A) Criminal Investigative Case Files, B) General Investigative Files, Criminal and Regulatory, C) Regulatory Audit and Investigative Files, D) Confidential Informant Files.

The basic document contained in these files is a multi-purpose report of investigation (DEA-6) on which investigative activities and findings are rigorously documented. The reports pertain to the full range of DEA criminal drug enforcement and regulatory investigative functions that emanate from the Comprehensive Drug Prevention and Control Act of 1970. Within the categories of files listed above, the general file category includes preliminary investigations of a criminal nature, certain topical or functional aggregations and reports of pre-registrant inspections/investigations. The case files cover targeted conspiracies, trafficking situations and formal regulatory audits and investigations. Frequently the criminal drug cases are the logical extension of one or more preliminary investigations. The distinction between the case file and general file categories, therefore, is based on internal administrative policy and should not be construed as a differentiation of investigation techniques or practices. These files, except for Confidential Informant Files, contain also adopted reports received from other agencies to include items that comprise, when indexed, individual records within the meaning of the Act. The central files maintained at DEA Headquarters include, in general, copies of investigative reports and most of the supporting documents that are generated or adopted by DEA Headquarters and field offices.

**Authority for maintenance of the system:** This system is established and maintained to enable DEA to carry out its assigned law enforcement and regulatory functions under the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91-513), Reorganization Plan No. 2 of 1973, and to fulfill United States obligations under the Single Convention on Narcotics Drugs.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** This system may be used as a data source or reference facility for numerous summary, management and statistical reports produced by the Drug Enforcement Administration. Only on rare occasions do such reports con-

tain identifiable individual records. Information contained in this system is provided to the following categories of users as a matter of routine use for law enforcement and regulatory purposes: A) Other Federal law enforcement and regulatory agencies; B) State and local law enforcement and regulatory agencies; C) Foreign law enforcement agencies with whom DEA maintains liaison; D) The Department of Defense and Military Departments; E) The Department of State; F) U.S. intelligence agencies concerned with drug enforcement; G) The United Nations; H) Interpol; I) To individuals and organizations in the course of investigations to elicit information.

In addition, disclosures are routinely made to the following categories for the purposes stated: A) To federal agencies for national security clearance purposes and to federal and state regulatory agencies responsible for the licensing or certification of individuals in the fields of pharmacy and medicine; B) To the Office of Management and Budget upon request in order to justify the allocation of resources; C) To State and local prosecutors for assistance in preparing cases concerning criminal and regulatory matters; D) To the news media for public information purposes; E) To respondents and their attorneys for purposes of discovery, formal and informal, in the course of an adjudicatory, rule making, or other hearing held pursuant to the Controlled Substances Act of 1970.

Release of information to the news media. Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** Administration regulations include detailed instructions for the preparation, adoption, handling, dissemination, indexing of individual records, storage, safeguarding of investigative reports and the accounting of disclosure of individual records.

#### Storage:

1. The Headquarters central files and the field office subsets of the Investigative Reporting and Filing System are maintained in standard file folders. Standard formats are employed. Manual indices are maintained using standard index record formats.

2. The Narcotics and Dangerous Drugs Information subset is stored electronically on the Department of Justice Information System separate from DEA Headquarters.

**Retrievability:** Access to individual records is gained by reference to either the automated or manual indices. Retrievability is a function of the presence of items in the index and the matching of names in the index with search argument names or identifying numbers in the case of the automated system. Files identified from field office indices are held by the field office and Headquarters. Files identified from the automated index may not be held by the interested office, but the originators of such files are identified. In addition a number of telecommunication terminals have been added to the existing network.

**Safeguards:** The Investigative Reporting and Filing System is protected by both physical security methods and dissemination and access controls. Fundamental in all cases is that access to investigative information is limited to those persons or agencies with a demonstrated and lawful need to know for the information in order to perform assigned functions.

1. Physical security when investigative files are attended is provided by responsible DEA employees. Physical security when files are unattended is provided by the secure locking of material in approved containers or facilities. The selection of containers or facili-

ties is made in consideration of the sensitivity or National Security Classification, as appropriate, of the files and the extent of security guard and/or surveillance afforded by electronic means.

2. Protection of the automated index is provided by physical, procedural and electronic means. The Master file resides on the Department of Justice Computer System and is physically attended or guarded on a full-time basis. Access or observation to active telecommunications terminals is limited to those with a demonstrated need to know for retrieval information. Surreptitious access to an unattended terminal is precluded by a complex sign-on procedure. The procedure is provided only to authorized DEA employees. For certain terminals, access is further restricted by cryptological equipment.

3. An automated log of queries is maintained for each terminal. Improper procedure results in no access. Terminals are signed-off after use. The terminals are otherwise located in locked facilities after normal working hours.

4. The dissemination of investigative information on an individual outside the Department of Justice is made in accordance with the routine uses as described herein or otherwise in accordance with the conditions of disclosure prescribed by the Act. The need to know of the recipient is determined in both cases by DEA as a prerequisite of the release.

**Retention and disposal:** Records contained within this system except for those in general files are retained for fifty-five (55) years. Records in general files are retained for twenty (20) years.

**System manager(s) and address:** Assistant Administrator for Enforcement; Drug Enforcement Administration; 1405 Eye Street, N.W., Washington, D.C. 20537.

**Record source categories:** A) DEA personnel; B) Cooperating individuals; C) Suspects and defendants; D) Federal, State and local law enforcement and regulatory agencies; E) Other federal agencies; F) Foreign law enforcement agencies; G) Business records by subpoena; H) Drug and chemical companies; I) Concerned citizens.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2), and (3), (e)(4)(G), (H), (e)(5) and (8), (f), (g), (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j) and (k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/DEA - 009

**System name:** Medical Records

**System location:** Drug Enforcement Administration; 1405 Eye Street, N.W.; Washington, D.C. 20537. Also, field offices. See Appendix 1 for list of addresses.

**Categories of individuals covered by the system:** A) DEA Employees; B) Cooperating Individuals;

**Categories of records in the system:** A) Annual physical examinations; B) Reports of disease or injury pertaining to DEA Special Agents and Chemists; C) Reports of job related injury or illness for employees and cooperating individuals; D) Pre-employment physical examination of DEA Special Agents and Compliance Investigators; E) Physical examination reports of non-federal police personnel applying to attend the National Training Institute.

**Authority for maintenance of the system:** These records are maintained to establish and maintain an effective and comprehensive health program for employees pursuant to 5 U.S.C. 7901, 29 U.S.C. 655 and 668 and Executive Order 11807 of September 28, 1974.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records are maintained for internal use DEA. The only disclosure outside the agency would be to a physician when authorized by the subject.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The records are maintained in standard file folders.

**Retrievability:** Records are retrieved by name.

**Safeguards:** This system of records is maintained at DEA Headquarters which is protected by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. In addition, the records are stored in file safes in an alarmed, controlled access area. Access to the system is limited to employees of the medical office on a need-to-know basis.

**Retention and disposal:** These records are retained indefinitely.

**System manager(s) and address:** Chief Medical Officer; Drug Enforcement Administration; 1405 Eye Street, N.W.; Washington, D.C. 20537.

**Notification procedure:** Inquiries should be addressed to Freedom of Information Unit, Drug Enforcement Administration, 1405 Eye Street, N.W., Washington, D.C. 20537. Inquiries should contain the following information: Name, Date and Place of Birth, Dates of Employment with DEA, Employee number.

**Record access procedures:** Same as the above.

**Contesting record procedures:** Same as the above.

**Record source categories:** Individuals on whom records are maintained; Employees of Medical Office.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/DEA - 010

**System name:** Office of Internal Security Records

**System location:** Drug Enforcement Administration; 1405 Eye Street, N.W.; Washington, D.C. 20537. Also, field offices. See Appendix 1 for list of addresses.

**Categories of individuals covered by the system:** A) DEA employees, past and present B) Applicants for employment with DEA C) Drug offenders, alleged drug offenders, and persons suspected of drug offenses D) Offenders, alleged offenders, and persons suspected of committing Federal and state crimes broadly characterized as corruption or integrity offenses E) Confidential informants F) Witnesses G) Non-implicated persons with pertinent knowledge of circumstances or aspects of a case or suspect. These are pertinent references of fact developed by personal interview or third party interview and are recorded as a matter for which a probable need will exist.

**Categories of records in the system:** A) Investigative reports with supporting memoranda and work papers relating to investigations of individuals and situations. B) General files which include, among other things, supporting memoranda and work papers and miscellaneous memoranda relating to investigations of and the purported existence of situations and allegations about individuals. C) Audit and inspection reports of inspections of DEA offices, personnel, and situations. D) Zero files containing general correspondence and memoranda relating to the subject matter of the categories of individuals covered by the system.

**Authority for maintenance of the system:** Reorganization Plan No. 1 of 1968 and 5 U.S.C. 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information contained in this system is provided to the following categories of users as a matter of routine uses for law enforcement and regulatory purposes: A. Other Federal law enforcement and regulatory agencies; B. State and local law enforcement and regulatory agencies; C. Foreign law enforcement agencies with whom DEA maintains liaison; D. The Department of State, E. The Department of Defense and Military Departments; F. U.S. intelligence agencies concerned with drug enforcement; G. The United Nations, H. Interpol, I. To individuals and organizations in the course of investigations to elicit information.

In addition, disclosures are routinely made to the following categories for the purposes stated: A. To Federal agencies for na-

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tional security clearance purposes and to Federal and state regulatory agencies responsible for the licensing or certification of individuals in the fields of pharmacy and medicine; B To the Office of Management and Budget upon request in order to justify the allocation of resources; C To state and local prosecutory for assistance in preparing cases concerning criminal and regulatory matters; D To the news media for public information purposes.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** These records are maintained in standard investigation folders.

**Retrievability:** These records are retrieved by use of a card index maintained alphabetically by employee name.

**Safeguards:** These records are maintained at DEA Headquarters which is protected by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. Access to the system is restricted to employees of the Office of Internal Security and upper level management officials. The records are stored in safe-type combination lock file cabinets.

**Retention and disposal:** These records are maintained for 55 years.

**System manager(s) and address:** Chief Inspector, Drug Enforcement Administration; 1405 Eye Street, N.W., Washington, D.C. 20537.

**Record source categories:** A) DEA Investigations; B) Federal, State and local law enforcement agencies; C) Cooperating individuals.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G), (H), (e)(5) and (8), (f), (g), (h) of the Privacy Act pursuant to 5 U.S.C. 552a(j) and (k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/DEA - 011

**System name:** Operations Files

**System location:** Drug Enforcement Administration; 1405 Eye Street, N.W.; Washington, D.C. 20537. Also, field offices. See Appendix 1 for list of addresses.

**Categories of individuals covered by the system:** A) Cooperating Individuals; B) Confidential Informants

**Categories of records in the system:** A) Biographic and background information; B) Official Contact Reports; C) Intelligence Reports (DEA-6).

**Authority for maintenance of the system:** This system of records is maintained to assist in intelligence operations pursuant to the Comprehensive Drug Abuse Prevention and Control Act of 1970 (P.L. 91-513) and Reorganization Plan No. 2 of 1973.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** This system is used to keep a history of intelligence operations against narcotics traffickers and their support networks. Information contained in this system is provided to the following categories of users for law enforcement purposes on a routine basis: A) Other Federal law enforcement agencies; B) State and local law enforcement agencies;

C) Foreign law enforcement agencies with whom DEA maintains liaison; D) United States Intelligence and Military Intelligence agencies involved in drug enforcement; E) The United States Department of State.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** These records are maintained in standard case files.

**Retrievability:** These files are retrieved manually by subject matter category and coded identification number.

**Safeguards:** This system of records is maintained at DEA Headquarters which is protected by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. In addition, all files are stored in GSA approved security containers approved for Secret material and treated as if they carried a Secret classification whether classified or not. Access to the files is restricted to authorized DEA employees with Top Secret clearances on a limited need-to-know basis.

**Retention and disposal:** These records are retained indefinitely.

**System manager(s) and address:** Assistant Administrator for Intelligence; Drug Enforcement Administration; 1405 Eye Street, N.W., Washington, D.C. 20537.

**Record source categories:** A) DEA Reports; B) Reports of federal, state and local agencies; C) Reports of foreign agencies with whom DEA maintains liaison.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G), (H), (e)(5) and (8), (f), (g), (h) of the Privacy Act pursuant to 5 U.S.C. 552a(j) and (k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/DEA - 012

**System name:** Registration Status/Investigation Records

**System location:** Drug Enforcement Administration; 1405 Eye Street, N.W.; Washington, D.C. 20537. Also, field offices. See Appendix 1 for list of addresses.

**Categories of individuals covered by the system:** Individuals who have a Controlled Substances Act registration number under their personal name who have had some action taken against their license or registration.

**Categories of records in the system:** A) DEA reports of investigation; B) Information received from state regulatory agencies.

**Authority for maintenance of the system:** This system of records is maintained to enable the Drug Enforcement Administration to perform its regulatory functions under the Comprehensive Drug Abuse Prevention and Control Act of 1970.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information contained in this system of records is provided for law enforcement and regulatory purposes to the following categories of users on a routine basis: A) Other federal law enforcement and regulatory agencies; B) State and local law enforcement and regulatory agencies; C) To respondents and their attorneys for purposes of discovery, formal and informal, in the course of an adjudicatory, rule-making, or

other hearing held pursuant to the Controlled Substances Act of 1970.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** These records are maintained in standard case file folders.

**Retrievability:** This system is indexed by name of registrant.

**Safeguards:** This system of records is maintained in DEA Headquarters which is protected by 24-hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. Access to the system is restricted to authorized employees of the Compliance Investigations Division on a need-to-know basis.

**Retention and disposal:** These records are retained as long as there is a need for the file. These are working files and may be destroyed when no longer required or merged into the Investigative Case File and Reporting System.

**System manager(s) and address:** Director, Office of Compliance and Regulatory Affairs; Drug Enforcement Administration; 1405 Eye Street, N.W.; Washington, D.C. 20537.

**Record source categories:** A) DEA Investigators; B) State and local regulatory agencies.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3), (d), (e)(4)(G) and (H), (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/DEA - 013

**System name:** Security Files

**System location:** Drug Enforcement Administration; 1405 Eye Street, N.W.; Washington, D.C. 20537. Also, field offices. See Appendix 1 for list of addresses.

**Categories of individuals covered by the system:** A) DEA personnel; B) Cooperating individuals and informants; C) Drug traffickers and suspected drug traffickers; D) Individuals who might discover DEA investigations or undercover operations by chance.

**Categories of records in the system:** This system of records contains reports concerning the categories of individuals stated above.

**Authority for maintenance of the system:** This system of records is maintained to identify and correct security problems in the area of intelligence operations and installations pursuant to the Comprehensive Drug Abuse Prevention and Control Act of 1970 (P.L. 91-513) and Reorganization Plan No. 2 of 1973.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** This system is utilized to generate reports on security problems in the area of intelligence operations and installations. In addition, information is provided to the following categories of users for law enforcement purposes on a routine basis: A) Other federal law enforcement agencies; B) State and local law enforcement agencies; C) Foreign law enforcement agencies with whom DEA maintains liaison.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28

C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** These records are maintained in standard case folders.

**Retrievability:** The information in this system is retrieved by subject matter category or by coded identification number.

**Safeguards:** This system of records is maintained at DEA Headquarters which is protected by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. In addition, these records are stored in GSA approved security containers authorized for Secret material. Access to the system is restricted to authorized DEA personnel who have Top Secret Clearances on a limited need-to-know basis.

**Retention and disposal:** Records in this system are retained as long as the individual remains active and then destroyed or retired to the Federal Records Center.

**System manager(s) and address:** Assistant Administrator for Intelligence; Drug Enforcement Administration; 1405 Eye Street, N.W.; Washington, D.C. 20537.

**Record source categories:** A) DEA Reports; B) Reports of federal, state and local agencies.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G), (H), (e)(5) and (8), (f), (g), (h) of the Privacy Act pursuant to 5 U.S.C. 552a(j) and (k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/DEA - 014

**System name:** System to Retrieve Information from Drug Evidence (STRIDE/Ballistics).

**System location:** Drug Enforcement Administration; 1405 Eye Street, N.W.; Washington, D.C. 20537. Also, field offices. See Appendix 1 for list of addresses.

**Categories of individuals covered by the system:** Defendants and suspected violators

**Categories of records in the system:** Ballistics report.

**Authority for maintenance of the system:** This system is maintained to provide drug intelligence for law enforcement purposes pursuant to the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Reorganization Plan No. 2 of 1973.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information from this system is provided to the following categories of users for law enforcement purposes on a routine basis: A) Other federal law enforcement agencies; B) State and local law enforcement agencies; C) Foreign law enforcement agencies with whom DEA maintains liaison.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C.



552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The information is stored on magnetic tape.

**Retrievability:** The system is indexed by case number and subject name. The information can be retrieved by name or DEA case number. In addition, a number of telecommunication terminals have been added to the existing network.

**Safeguards:** This system of records is maintained at DEA Headquarters which is protected by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. Access to the system is restricted to authorized DEA employees with appropriate clearance on a need-to-know basis. Information that is retrievable by terminals requires user identification numbers which are issued to authorized employees of the Department of Justice.

**Retention and disposal:** The information contained in this system is retained indefinitely.

**System manager(s) and address:** Chief, Forensic Sciences Division; Drug Enforcement Administration; 1405 Eye Street, N.W.; Washington, D.C. 20537.

**Record source categories:** DEA Reports; Scientific Analysis.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G), (H), (e)(5) and (8), (f), (g), (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and been published in the Federal Register.

#### JUSTICE/DEA - 015

**System name:** Training Files

**System location:** Drug Enforcement Administration; 1405 Eye Street, N.W.; Washington, D.C. 20537. Also, field offices. See Appendix 1 for list of addresses.

**Categories of individuals covered by the system:** Individuals who have attended the Drug Enforcement Administration National Training Institute.

**Categories of records in the system:** A) Class rosters; B) Biographic data; C) Evaluation reports; D) Application and attendance records.

**Authority for maintenance of the system:** This system is maintained to provide educational and training programs on drug abuse and controlled substances law enforcement pursuant to the Comprehensive Drug Abuse Prevention and Control Act of 1970.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** This system is maintained to assist in performing the administrative functions of the National Training Institute and is used to prepare Class Directories, Class Rosters, Program Evaluation Reports and Statistical Reports. In addition, information from this system is provided to federal, state and local law enforcement and regulatory agencies employing former students and to students in the programs.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The records in this system are maintained on index cards and in file folders.

**Retrievability:** The system is indexed by name.

**Safeguards:** This system of records is maintained at DEA Headquarters which is protected by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. In addition, the records are maintained in locked file cabinets and access is limited to National Training Institute Personnel on a need-to-know basis.

**Retention and disposal:** Records in this system are currently maintained indefinitely.

**System manager(s) and address:** Director; Office of Training, Drug Enforcement Administration; 1405 Eye Street, N.W.; Washington, D.C. 20537.

**Notification procedure:** Inquiries should be addressed to: Freedom of Information Unit, Drug Enforcement Administration, 1405 Eye Street, N.W., Washington, D.C. 20537. Inquiries should contain: Name; Date and Place of Birth; Dates of attendance at the National Training Institute.

**Record access procedures:** Same as the above.

**Contesting record procedures:** Same as the above.

**Record source categories:** A) Students; B) Instructors.

**Systems exempted from certain provisions of the act:** None

#### JUSTICE/DEA - 016

**System name:** Drug Enforcement Administration Accounting System (DEAAS).

**System location:** Drug Enforcement Administration; 1405 Eye Street, N.W.; Washington, D.C. 20537. Also field offices. See Appendix 1 for list of addresses.

**Categories of individuals covered by the system:** All individuals who submit vouchers requesting payment for goods or services rendered, except payroll vouchers for DEA employees. These include vendors, contractors, experts, witnesses, court reporters, travelers, relocated employees, etc.

**Categories of records in the system:** All vouchers paid except payroll vouchers for DEA employees.

**Authority for maintenance of the system:** The system is established and maintained in accordance with the Budget and Accounting Procedures Act of 1950 as amended 31 U.S.C. 66(a) and 31 U.S.C. 200(a).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** After payment of the vouchers, the accounting data is used for the purpose of internal management reporting and external reporting to agencies such as OMB, U.S. Treasury, and the GAO.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual voucher files are maintained alphabetically by payees name.

**Retrievability:** Information is retrieved primarily by using the name of the payee.

**Safeguards:** Information contained in the system is unclassified. It is safeguarded in accordance with organizational rules and procedures. Information that is retrievable by terminals requires user identification numbers which are issued to authorized employees of the Department of Justice.

**Retention and disposal:** The payment documents are retained at this location for three fiscal years (current and two prior years). The records are then shipped to a Federal Records Center for storage in accordance with the General Record Schedule published by the General Services Administration.

**System manager(s) and address:** Controller, Drug Enforcement Administration, 1405 Eye Street, N.W.; Washington, D.C., 20537.

**Notification procedure:** Inquiries should be addressed to: Freedom of Information Unit, Drug Enforcement Administration, 1405 Eye Street, N.W., Washington, D.C., 20537.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Submitted by the payee involved

**Systems exempted from certain provisions of the act:** None

#### JUSTICE/DEA - 017

**System name:** Grants of Confidentiality Files (GCF).

**System location:** Drug Enforcement Administration; 1405 Eye Street, N.W., Washington, D.C., 20537.

**Categories of individuals covered by the system:** Applicants for grants of confidentiality.

**Categories of records in the system:** A) Requests for and actual Grants of Confidentiality; B) Correspondence relating to above; C) Documents relating to investigations of said applicants.

**Authority for maintenance of the system:** Pursuant to 21 U.S.C. 872 of the Comprehensive Drug Abuse Prevention and Control Act of 1970

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information in these records are utilized for the purpose of investigating applicants prior to the granting of confidentiality. In the course of such investigations, information may be disseminated to state and local law enforcement and regulatory agencies to other federal law enforcement and regulatory agencies.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** These records are maintained on standard case folders.

**Retrievability:** The information in this system is retrieved by name of grantee.

**Safeguards:** This system of records is maintained at DEA Headquarters which is protected by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. In addition, the

records are stored in bar lock filing cabinets and access to the system is restricted to members of the DEA employees on a 'need to know basis'.

**Retention and disposal:** Records in this system are retained indefinitely.

**System manager(s) and address:** Chief Counsel; Drug Enforcement Administration; 1405 Eye Street, N.W., Washington, D.C., 20537.

**Notification procedure:** Inquiries should be addressed to: Freedom of Information Unit, Drug Enforcement Administration, 1405 Eye Street, N.W.; Washington, D.C., 20537. Inquiries should include the inquirer's name, date, and place of birth.

**Record access procedures:** Same as above

**Contesting record procedures:** Same as above.

**Record source categories:** A) DEA investigative reports, B) Applicants; C) Reports from other federal, state and local agencies.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (d)(1) and (e)(1) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/DEA - 018

**System name:** DEA Applicant Investigations (DAI)

**System location:** Drug Enforcement Administration, 1405 Eye Street, N.W.; Washington, D.C., 20537

**Categories of individuals covered by the system:** Applicants for employment with DEA.

**Categories of records in the system:** Information in records may include date and place of birth, citizenship, marital status, military and social security status. These records contain investigative information regarding an individual's character, conduct, and behavior in the community where he or she lives or lived; arrests and convictions for any violations against the law; information from inquiries directed to present and former supervisors, co-workers, associates, educators, etc., credit and National Agency checks; and other information developed from the above.

**Authority for maintenance of the system:** 5 U.S.C. 301 and Executive Order No. 10450.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records are used by DEA to implement an effective screening process for applicants. To foreign, federal, state and local law enforcement and regulatory agencies, where appropriate, for referral to avoid duplication of the investigative process and where the appropriate agency is charged with the responsibility of investigating or prosecuting potential violations of law.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** These records are maintained in standard investigative folders.

**Retrievability:** These records are retrieved by use of a card index maintained alphabetically by employee name.

**Safeguards:** These records are maintained at DEA Headquarters which is protected by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees



and those persons transacting business within the building who are escorted by DEA employees. Access to the system is restricted to employees of the office of Internal Security and upper level management officials. The records are stored in safe-type combination lock file cabinets.

**Retention and disposal:** These records are maintained indefinitely. **System manager(s) and address:** Chief Inspector, Drug Enforcement Administration; 1405 Eye Street, N.W., Washington, D.C., 20537.

**Notification procedure:** Inquiries should be addressed to: Freedom of Information Unit, Drug Enforcement Administration; 1405 Eye Street, N.W., Washington, D.C., 20537. Inquiries should include the inquirer's name, date, and place of birth.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** DEA investigations, federal, state and local law enforcement agencies, cooperating individuals, employees, educational institutions, references, neighbors, associates, credit bureaus, medical officials, probation officials.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (d)(1) and (e)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5). Rules have been promulgated in accordance with the requirements at 5 U.S.C. 553(b)(3)(c) and (e) and have been published in the Federal Register.

#### JUSTICE/DEA - 019

**System name:** Specialized Automated Intelligence Files (NIMROD).

**System location:** Drug Enforcement Administration, 1405 Eye Street, N.W., Washington, D.C., 20537.

**Categories of individuals covered by the system:** Known and suspected drug traffickers.

**Categories of records in the system:** Special purpose applications from which information includes, but is not limited to, comprehensive personality data, activity data, significant event data, phone numbers, addresses, and special purpose information related to individuals.

**Authority for maintenance of the system:** This system will be maintained to provide DEA with an automated intelligence capability pursuant to the Comprehensive Drug Abuse Prevention and Control Act of 1970, Reorganization Plan No. 2 of 1973 and the Single Convention on Narcotic Drugs.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** This system will be used to produce association and link analysis reports and such special reports as required by DEA intelligence analysts. Information from this system will be provided to the following categories of users for law enforcement purposes: A) Other federal law enforcement agencies, B) State and local law enforcement agencies.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** These records are maintained on magnetic tape. Reference materials are maintained on microfiche.

**Retrievability:** This system is retrievable by data elements as a single entity or by a combination of data elements.

**Safeguards:** This system of records is maintained by DEA Headquarters which is protected by twenty-four hour guard service

and surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. In addition, the system is housed in a special computer facility which meets CIA and NSA standards for intrusion, electronic and acoustic penetration. Access to the system is strictly limited to DEA intelligence analysts with appropriate clearances on a specific need-to-know basis.

**Retention and disposal:** Information will be maintained in the system indefinitely.

**System manager(s) and address:** Assistant Administrator for Intelligence, Drug Enforcement Administration; 1405 Eye Street, N.W., Washington, D.C., 20537.

**Record source categories:** A) DEA Intelligence Reports; B) Reports of other Federal agencies.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G) and (H), (e)(5) and (8), (f)(g) and (h) of the Privacy Act pursuant to 5 U.S.C. 552a(j) and (k)(1). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(3)(c) and (e) and have been published in the Federal Register.

#### JUSTICE/DEA - 027

**System name:** DEA Employee Profile System (DEPS).

**System location:** Drug Enforcement Administration, 1405 Eye Street, N.W., Washington, D.C., 20537.

**Categories of individuals covered by the system:** DEA employees.

**Categories of records in the system:** The following eight categories of information will be maintained in the system:

1. Personal identification
2. Work experience
3. Language & geographical areas
4. Formal education
5. Special skills
6. Record of training
7. Consideration for vacancies
8. Awards

**Authority for maintenance of the system:** This system is maintained to effectively place and assign employees to positions to further the mandates of the Comprehensive Drug Abuse Prevention and Control Act of 1970.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The records will be used principally by the Personnel Management Division. Selected data will be forwarded by this personnel section to the Career Development Board and operational units throughout DEA for the purpose of:

1. Identifying employees with particular skills or qualifications for assignment to special projects.
  2. Identification of candidates for overseas assignments who have specific language skills.
  3. Insuring that the Career Development Board will be reviewing the entirety of an applicant's background.
  4. Calculating DEA's human resources on hand and to project more accurately future resource needs and capabilities.
- Information from this system will not be disseminated outside of DEA.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** These records will be maintained on magnetic tape and a disk storage device.

**Retrievability:** The information in this system can be retrieved by the individual's name, special skills information, special knowledge information or by some combination of the above information.

**Safeguards:** The records of the system will be maintained at DEA Headquarters which is protected by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those transacting business within the building who are escorted by DEA employees. In addition, the area where

the tapes and disks are stored is a secured area and access is restricted to those employees who have business in the area and those non-DEA people who are transacting business within the area and escorted by a DEA employee. Inquiries to the system are only made by the written request of the Chief, Personnel Management Division.

**Retention and disposal:** Records in this system are retained as long as the individual is employed by DEA.

**System manager(s) and address:** Chief, Computer Services Division, Drug Enforcement Administration, 1405 Eye Street, N.W., Washington, D.C., 20537.

**Notification procedure:** Inquiries should be addressed to Freedom of Information Unit, Drug Enforcement Administration, 1405 Eye Street, N.W., Washington, D.C., 20537. Inquiries should include inquirer's name, date of birth, and social security number.

**Record access procedures:** Same as Notification Procedure.

**Contesting record procedures:** Same as Notification Procedure.

**Record source categories:**

1. DEA employee
2. Servicing personnel office
3. The Justice Uniform Personnel System (Juniper)

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/DEA - 999

**System name:**

DEA Appendix 1 - List of record location addresses. Copies of all or part of any system of records published by the Drug Enforcement Administration pursuant to 5 U.S.C. 552a may be maintained at the DEA field offices listed below. However, procedures for processing inquiries concerning DEA systems of records have been centralized in DEA Headquarters. Inquiries concerning all DEA systems of records should be addressed to:

Freedom of Information Unit  
Drug Enforcement Administration  
1405 Eye Street, N.W.  
Washington, D.C. 20537

**Drug Enforcement Administration field offices:**

#### Region 1

Boston Regional Office  
JFK Federal Building  
Room G-64  
Boston, Massachusetts 02203

Portland District Office  
U.S. Courthouse Building  
156 Federal Street  
P.O. Box 451  
Portland, Maine 04112

Burlington District Office  
P.O. Box 327  
Essex Junction, Vermont 05452

Concord District Office  
Federal Building & Post Office  
55 Pleasant Street  
P.O. Box 1314  
Concord, New Hampshire 03301

Providence District Office  
Post Office & Federal Building  
Room 232  
Exchange Terrace  
Providence, Rhode Island 02903

Hartford District Office  
450 Main Street  
Room 628-E  
Hartford, Connecticut 06103

#### Region 2

New York Regional Office  
555 West 57th Street  
New York, New York 10019

Buffalo District Office  
268 Main Street, Suite 300  
Buffalo, New York 14202

Long Island District Office  
2 Huntington Quadrangle  
Melville, New York 11746

Montreal District Office  
P.O. Box 65, Postal Station Disjardins  
Consulate General of the U.S.A.  
Montreal, Quebec, Canada H5B 161

Rouses Point District Office  
P.O. Box 38  
Rouses Point, New York 12979

Albany District Office  
Leo W. O'Brien Federal Building  
Clinton Avenue & Pearl Street, Room 746  
Albany, New York 12207

JFK Airport District Office  
P.O. Box 361  
JFK Airport Station  
Jamaica, New York 11430

Toronto District Office  
U.S. Consulate General  
360 University Avenue  
Toronto, Canada M5G 1S4

Newark District Office  
Federal Office Building  
970 Broad Street  
Newark, New Jersey 07101

New York DEA Drug Task Force  
555 West 57th Street  
Suite 1700  
New York, New York 10019

#### Region 3

Philadelphia Regional Office  
William J. Green Federal Building  
600 Arch Street  
Room 10224  
Philadelphia, Pennsylvania 19106

Pittsburgh District Office  
Federal Building  
1000 Liberty Avenue  
Room 2306  
Pittsburgh, Pennsylvania 15222

Wilmington District Office  
Courthouse, Customs House & Federal Office Building  
844 King Street  
Room 5305  
Wilmington, Delaware 19801

#### Region 4

Baltimore District Office  
955 Federal Building  
31 Hopkins Plaza  
Baltimore, Maryland 21201

Charleston District Office  
22 Capital Street  
Charleston, West Virginia 25324

Greensboro District Office  
925 West Market Street  
Room 111  
Greensboro, North Carolina 27401

Norfolk District Office  
870 North Military Highway  
Suite 301



Norfolk, Virginia 23502

Washington District Office  
400 Sixth Street, S.W.  
Room 2558  
Washington, D.C. 20024

Wilmington District Office  
3909-D Oleander Drive  
Lambe Young Building  
Wilmington, North Carolina 28401

## Region 5

Miami Regional Office  
8400 N.W. 53rd Street  
Miami, Florida 33166

Atlanta District Office  
United Family Life Building  
230 Houston Street, N.E.  
Suite 200  
Atlanta, Georgia 30303

Charleston District Office  
1529 Highway 7  
Suite 5 & 6  
Charleston, South Carolina 29407

Columbia District Office  
2611 Forest Drive  
P.O. Box 702  
Columbia, South Carolina 29202

Jacksonville District Office  
4077 Woodcock Drive  
Suite 210  
Jacksonville, Florida 32207

Orlando District Office  
1080 Woodcock Road  
Suite 180  
Orlando, Florida 32803

San Juan District Office  
Housing Investment Building  
Suite 154  
416 Ponce de Leon Avenue  
Hato Rey, Puerto Rico 00919

Savannah District Office  
430 Mall Boulevard  
Suite C  
Savannah, Georgia 31406

Tampa District Office  
700 Twiggs Street  
Suite 400  
Tampa, Florida 33602

West Palm Beach District Office  
700 Clematis Street  
Room 253  
West Palm Beach, Florida 33402

Kingston District Office  
U.S. Embassy Kingston  
2 Oxford Road  
Kingston, 5, Jamaica

## Region 6

Detroit Regional Office  
357 Federal Building  
231 West Lafayette  
Detroit, Michigan 48226

Cleveland District Office  
601 Rockwell  
Room 300  
Cleveland, Ohio 44114

Cincinnati District Office  
Federal Office Building  
550 Main Street  
P.O. Box 1196  
Cincinnati, Ohio 45201

Columbus District Office  
Federal Office Building  
85 Marconi Blvd.  
Room 120  
Columbus, Ohio 43215

Grand Rapids District Office  
310 Federal Building, U.S. Courthouse  
110 Michigan NW  
Grand Rapids, Michigan 49502

Louisville District Office  
Federal Building  
600 Federal Plaza  
Room 1006  
Louisville, Kentucky 40202

## Region 7

Chicago Regional Office  
1800 Dirksen Federal Building  
219 South Dearborn Street  
Chicago, Illinois 60604

Indianapolis District Office  
575 N. Pennsylvania  
Room 267  
Indianapolis, Indiana 46204

Milwaukee District Office  
Federal Building & U.S. Courthouse  
517 East Wisconsin  
Room 232  
Milwaukee, Wisconsin 53202

Mount Vernon District Office  
Federal Building  
105 South Sixth Street  
P.O. Box 748  
Mount Vernon, Illinois 62864

Hammond District Office  
Federal Building  
507 State Street  
Room 407  
Hammond, Indiana 46320

## Region 8

New Orleans Regional Office  
1001 Howard Avenue  
New Orleans, Louisiana 70113

Birmingham District Office  
236 Goodwin Crest  
Suite 520  
Birmingham, Alabama 35209

Little Rock District Office  
One Union National Plaza  
Suite 850  
Little Rock, Arkansas 72201

Shreveport District Office  
500 Fanin Street  
Federal Building, U.S. Courthouse  
Room 8A20  
P.O. Box 105  
Shreveport, La. 71102

Jackson District Office  
First Federal Building  
525 East Capitol Street  
P.O. Box 22631

Jackson, Mississippi 39205

Nashville District Office  
U.S. Courthouse Annex  
Room 929  
8th & Broadway  
P.O. Box 1189  
Nashville, Tennessee 37202

Memphis District Office  
Federal Building  
167 North Main Street  
Room 401  
Memphis, Tennessee 38103

Baton Rouge District Office  
4560 North Boulevard  
Suite 118  
Baton Rouge, Louisiana 70806

Mobile District Office  
2 Office Park  
Suite 216  
Mobile, Alabama 36609

## Region 10

Kansas City Regional Office  
U.S. Courthouse  
811 Grand Avenue  
Kansas City, Missouri 64106

Des Moines District Office  
U.S. Courthouse  
P.O. Box 1784  
Des Moines, Iowa 50309

Duluth District Office  
Federal Building & U.S. Courthouse  
515 West First Street  
P.O. Box 620  
Duluth, Minnesota 55801

Minneapolis District Office  
Federal Building  
110 South Fourth Street  
Room 402  
Minneapolis, Minnesota 55401

Omaha District Office  
New Federal Building  
215 North 17th Street  
P.O. Box 661, Downtown  
Omaha, Nebraska 68101

Minot District Office  
123 Southwest First Street  
Room 414  
Minot, North Dakota 58701

Sioux Falls District Office  
400 S. Philips  
Room 309  
Sioux Falls, South Dakota 57102

St. Louis District Office  
Suite 300  
Chromalay Plaza  
120 S. Central Avenue  
St. Louis, Missouri 63105

Wichita District Office  
202 West First Street  
Room 505  
Wichita, Kansas 67201

## Region 11

Dallas Regional Office  
Earle Cabell Federal Building  
1100 Commerce Street

Room 4A5  
Dallas, Texas 75202

Brownsville District Office  
2100 Boca Chica Blvd.  
Suite 305  
Brownsville, Texas 78520

Corpus Christi District Office  
723 Upper N. Broadway  
P.O. Box 2443  
Corpus Christi, Texas 78403

Del Rio District Office  
3605 Highway 90, West  
P.O. Drawer 1247  
Del Rio, Texas 78840

Eagle Pass District Office  
342 Rio Grande Street  
Room 102  
Eagle Pass, Texas 78852

El Paso District Office  
4110 Rio Bravo  
Suite 100  
El Paso, Texas 79902

Houston District Office  
1540 Esperson Building  
815 Walker Street  
Houston, Texas 77002

Laredo District Office  
P.O. Drawer 2307  
Laredo, Texas 78041

Midland District Office  
100 East Wall Street  
P.O. Drawer 2668  
Midland, Texas 79701

McAllen District Office  
3017 N. 10th Street  
P.O. Box 338  
McAllen, Texas 78501

Oklahoma City District Office  
Old Federal Building  
215 N.W. 3rd Street  
Room 250  
Oklahoma City, Oklahoma 73102

San Antonio District Office  
4th Floor, 1800 Central Building  
1802 N.E. Loop 410  
San Antonio, Texas 78217

Tulsa District Office  
333 W. 4th Street  
Room 3335  
Tulsa, Oklahoma 74103

Austin District Office  
55 N. Interregional Highway  
P.O. Box 8  
Austin, Texas 78767

Lubbock District Office  
3302 67th Street  
Building No. 2  
Lubbock, Texas 79413

## Region 12

Denver Regional Office  
U.S. Customs House  
Room 336  
P.O. Box 1860  
Denver, Colorado 80201



Cheyenne District Office  
Federal Center  
2120 Capitol Avenue  
Room 8020  
Cheyenne, Wyoming 82001

Albuquerque District Office  
First National Bank Building, East  
5301 Central Avenue, N.E.  
Albuquerque, New Mexico 87108  
Las Cruces District Office  
Federal Building  
200 E. Griggs Avenue  
Room A-100  
Las Cruces, New Mexico 88001

Phoenix District Office  
Valley Bank Center, Suite 1980  
201 North Central  
Phoenix, Arizona 85073

Tucson District Office  
Tucson International Airport  
P.O. Box 27063  
Tucson, Arizona 85726

San Luis District Office  
P.O. Box 445  
San Luis, Arizona 85349

Nogales District Office  
P.O. Box 39  
Mile Post 4 1/2  
U.S. Highway 89  
Nogales, Arizona 85621

Douglas District Office  
2130 15th Street  
P.O. Box 1294  
Douglas, Arizona 85607

Salt Lake City District Office  
Federal Building  
125 South State Street  
Room 2218  
Salt Lake City, Utah 84138

## Region 13

Seattle Regional Office  
221 1st Avenue West  
Suite 200  
Seattle, Washington 98119

Anchorage District Office  
Loussac-Sogn Building  
429 D Street  
Room 306  
Anchorage, Alaska 99501

Blaine District Office  
170 C Street  
P.O. Box 1680  
Blaine, Washington 98230

Eugene District Office  
Federal Building  
211 East 7th Avenue  
Room 230  
Eugene, Oregon 97401

Boise District Office  
American Reserve Building  
2404 Bank Drive  
Suite 212  
Boise, Idaho 83705

Great Falls District Office  
1111 14th Street South  
P.O. Box 2887  
Great Falls, Montana 59403

Portland District Office  
Georgia-Pacific Building  
900 S.W. Fifth Avenue  
Suite 1515  
Portland, Oregon 97204

Spokane District Office  
U.S. Courthouse  
920 W. Riverside  
P.O. Box 1504  
Spokane, Washington 99210

Vancouver B.C. District Office  
DEA/Justice  
American Consulate General  
1199 West Hastings Street  
Vancouver, B.C., Canada V6E2Y4

## Region 14

Los Angeles Regional Office  
350 So. Figuero Street  
Suite 800  
Los Angeles, California 90017

San Francisco District Office  
450 Golden Gate Avenue  
Box 36035  
San Francisco, California 94102

San Diego District Office  
402 West 35th Street  
National City, California 92050

Calexico District Office  
632 Imperial Avenue  
P.O. Box J  
Calexico, California 92231

Las Vegas District Office  
Federal Building & U.S. Courthouse  
300 Las Vegas Blvd. South  
P.O. Box 16023  
Las Vegas, Nevada 89101

Fresno District Office  
P.O. Box 72  
Fresno, California 93707

Honolulu District Office  
300 Ala Moana Blvd.  
Honolulu, Hawaii 96815

Tecate District Office  
Post of Entry-Tecate  
P.O. Box 67  
Tecate, California 92080

Sacramento District Office  
Federal Building  
2800 Cottage Way  
P.O. Box 4495  
Sacramento, California 95825

Los Angeles Airport Office  
600 Worldway  
P.O. Box 91160  
Los Angeles, California 90009

## Region 15

Mexico City Regional Office  
DEA/Justice  
American Embassy  
Apartado Postal 88 Bis  
Mexico 1, D.F., Mexico

Guadalajara District Office  
DEA/Justice  
American Consulate General

Apartado Postal 1 - 1 BIS  
Guadalajara, Jalisco, Mexico

Hermosillo District Office  
DEA/Justice  
American Consulate General  
Apartado Postal 972  
Hermosillo, Sonora, Mexico

Mazatlan District Office  
DEA/Justice  
American Consulate  
Apartado Postal 321  
Mazatlan, Sinaloa, Mexico

Merida District Office  
SAIC  
Dept. of State  
Washington, D.C. 20521

Monterrey District Office  
DEA/Justice  
c/o Dept. of State  
Washington, D.C. 20521

San Jose District Office  
DEA/Justice  
American Embassy  
APO N.Y., N.Y. 09883

Guatemala District Office  
American Embassy  
APO N.Y., N.Y. 09891

## Region 16

Bangkok Regional Office  
Drug Enforcement Administration  
American Embassy  
APO San Francisco, California 96346

Chiang Mai District Office  
Drug Enforcement Administration  
American Consulate  
APO San Francisco, California 96272

Hong Kong District Office  
DEA/Justice  
American Consulate General  
Box 30  
FPO San Francisco, California 96659

Kuala Lumpur District Office  
DEA/Justice  
Dept. of State  
Kuala Lumpur  
Washington, D.C. 20520

Vientiane District Office  
DEA/Justice  
APO San Francisco, California 96352

Singapore District Office  
DEA/Justice  
FPO San Francisco, California 96699

Saigon District Office  
DEA/Justice  
APO San Francisco, California 96243

Songkhla District Office  
DEA/Justice  
American Consulate  
APO San Francisco, California 96346

## Region 17

Paris Regional Office  
DEA/Justice  
American Embassy  
APO New York, New York 09777

Marseilles District Office  
DEA/Justice  
American Embassy (m)  
APO New York, New York 09777

Vienna District Office  
DEA/Justice  
American Embassy Vienna  
Department of State  
Washington, D.C. 20520

Brussels District Office  
DEA/Justice  
American Embassy  
APO New York, New York 09667

London District Office  
DEA/Justice  
American Embassy  
Box 40  
FPO New York, New York 09510

Bonn District Office  
DEA/Justice  
American Embassy  
Box 290  
APO New York, New York 09080

Frankfurt District Office  
DEA/Justice  
American Consulate General  
APO New York, New York 09757

Hamburg District Office  
DEA/Justice  
American Consulate General  
Box 2  
APO New York, New York 09069

Munich District Office  
DEA/Justice  
American Consulate General  
APO New York, New York 09108

Rome District Office  
DEA/Justice  
Consulate 301  
APO New York, New York 09794

Genoa District Office  
DEA/Justice  
American Consulate General  
Box G  
APO New York, New York 09794

Milan District Office  
DEA/Justice  
American Consulate General  
APO New York, New York 09689

The Hague District Office  
DEA/Justice  
American Embassy  
APO New York, New York 09159

Madrid District Office  
DEA/Justice  
American Embassy  
APO New York, New York 09285

Barcelona District Office  
DEA/Justice  
American Consulate General  
APO New York, New York 09285

## Region 18

Caracas Regional Office  
DEA/Justice  
American Embassy



A.P.O. New York, New York 09893

Buenos Aires District Office  
DEA/Justice  
American Embassy  
A.P.O. New York, New York 09871

Asuncion District Office  
DEA/Justice  
American Embassy  
Asuncion, Paraguay  
Dept. of State Pouch Mail  
Washington, D.C. 20520

Bogota District Office  
DEA/Justice  
American Embassy  
A.P.O. New York, New York 09895

Brazilia District Office  
DEA/Justice  
American Embassy  
A.P.O. New York, New York 09876

Guayaquil District Office  
DEA/Justice  
U.S. Consulate  
Guayaquil, Ecuador  
Dept. of State Pouch Mail  
Washington, D.C. 20520

La Paz District Office  
DEA/Justice  
American Embassy  
A.P.O. New York, New York 09867

Lima District Office  
DEA/Justice  
American Embassy  
Lima, Peru  
Dept. of State Pouch Mail  
Washington, D.C. 20520

Montevideo District Office  
DEA/Justice  
American Embassy  
Montevideo, Uruguay  
Dept. of State Pouch Mail  
Washington, D.C. 20520

Panama District Office  
DEA/Justice  
American Embassy  
Panama City, Panama  
Dept. of State Pouch Mail  
Washington, D.C. 20520

Balboa District Office  
DEA/Justice  
American Embassy  
Balboa Canal Zone  
Dept. of State Pouch Mail  
Washington, D.C. 20520

Quito District Office  
DEA/Justice  
American Embassy  
Quito, Ecuador  
Dept. of State Pouch Mail  
Washington, D.C. 20520

Santiago District Office  
DEA/Justice  
American Embassy  
A.P.O. New York, New York 09869

## Region 19

Ankara Regional Office  
DEA/Justice  
American Embassy

A.P.O. New York, New York 09254

Istanbul District Office  
DEA/Justice  
American Consulate General  
A.P.O. New York, New York 09380

Izmir District Office  
DEA/Justice  
American Consulate General  
A.P.O. New York, New York 09224

Beirut District Office  
DEA/Justice  
Dept. of State Pouch Mail  
Washington, D.C. 20520

Kabul District Office  
DEA/Kabul  
Dept. of State Pouch Mail  
Washington, D.C. 20520

Tehran District Office  
DEA/Justice  
American Embassy  
Box 2000  
A.P.O. New York, New York 09205

Islamabad District Office  
DEA/Islamabad  
Dept. of State Pouch Mail  
Washington, D.C. 20520

New Delhi District Office  
DEA/Delhi  
Dept. of State Pouch Mail  
Washington, D.C. 20520

Karachi District Office  
DEA/Karachi  
Department of State Pouch Mail  
Washington, D.C. 20520

## Region 20

Manila Regional Office  
DEA/Justice  
American Embassy  
A.P.O. San Francisco, California 96528

Guam District Office  
P.O. Box 2137  
Agana, Guam 96910  
Jakarta District Office  
DEA/Justice  
American Embassy  
A.P.O. San Francisco, California 96356  
Taipei District Office  
DEA/Justice  
American Embassy  
A.P.O. San Francisco, California 96263

Sukiran/Okinawa District Office  
DEA/Justice, P.O. Box 792  
A.P.O. San Francisco, California 96331

Tokyo District Office  
DEA/Justice  
American Embassy  
A.P.O. San Francisco, California 96503

Seoul District Office  
DEA/Justice ext. 4260  
American Embassy  
A.P.O. San Francisco, California 96301

## Regional Laboratories

Special Testing & Research Lab  
Watergate Research Park  
7704 Old Springhouse Road

## JUSTICE/LEAA - 001

System name: Personnel System

System location: Law Enforcement Assistance Administration;  
633 Indiana Avenue, N.W.; Washington, D.C. 20531.

Categories of individuals covered by the system: Regional Operating Files; Motor Vehicle Operators Permit, Form SF 74; Interagency Motor Pool Service Authorization, Form GSA 1313; Government Parking Spaces, Form GSA 7415; Property Sign-out, LEAA Form 1820/4; Equipment Control Records, LEAA Form 1820/5; Annual Physical Examination File

Categories of records in the system: Motor Vehicle Operators Permit, Form SF 74; Interagency Motor Pool Service Authorization, Form GSA 1313; Government Parking Spaces, Form GSA 7415; Property Sign-out, LEAA Form 1820/4; Equipment Control Records, LEAA Form 1820/5; Annual Physical Examination File

Authority for maintenance of the system: The system is established and maintained in accordance with 5 U.S.C. 301, 1302

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The motor vehicle and property data is used for inventory control, parking space control, and to allow use of government vehicles for official purposes. Routine user would be GSA. Physical examination information is non-releasable except upon written authorization of individual

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information maintained in system is stored in file folders and index cards.

Retrievability: Information is retrieved by name of employee.

Safeguards: Data is maintained in locked file cabinets

Retention and disposal: Documents relating to equipment control and motor vehicles are closed when employee leaves agency. Records are destroyed three years thereafter. Health records are placed in sealed envelopes upon separation of employee and filed with official personnel folder. Such data is destroyed in accordance with Civil Service regulations. Operating files are destroyed when an individual resigns, transfers or is separated from Federal service.

System manager(s) and address: Assistant Administrator; Office of Operations Support; Law Enforcement Assistance Administration; 633 Indiana Avenue, N.W.; Washington, D.C. 20531 Regional Operating Files: Regional Administration, applicable region

Notification procedure: Same as the above.

Record access procedures: A request for access to a record from the system shall be in writing, with the envelope and letter clearly marked "Privacy Access Request." Access requests will be directed to the System Manager listed above.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

Record source categories: Individual to whom record pertains, employee's supervisors.

Systems exempted from certain provisions of the act: None

McLean, Virginia 22101

Mid-Atlantic Regional Lab  
460 New York Avenue, N.W.  
Washington, D.C. 20537

Northeast Regional Lab  
555 West 57th Street  
New York, New York 10019

Southeast Regional Lab  
15655 S.W. 127th Avenue  
Miami, Florida 33157

North-Central Regional Lab  
500 U.S. Customs House  
610 South Canal Street  
Chicago, Illinois 60607

South-Central Regional Lab  
1114 Commerce Street  
Room 1020  
Dallas, Texas 75202

Southwest Regional Lab  
410 West 35th Street  
National City, California 92050

Western Regional Lab  
450 Golden Gate Avenue  
Box 36075  
San Francisco, California 92102

Ottawa Office  
DEA/Justice  
U.S. Embassy  
100 Wellington Street  
Ottawa, Ontario, Canada  
K1P-5T1

Special Project Division  
Aircraft Section  
(Addison Texas)  
DEA/Justice  
P.O. Box 534  
Addison, Texas 75001

El Paso Intelligence Center  
2211 E. Missouri  
Suite 200  
El Paso, Texas 79903

## Field Offices of Inspection

Northeast Field Office of Internal Security  
Suite 208  
222 South Marginal Road  
Fort Lee, New Jersey 07024

Western Field Office of Internal Security  
P.O. Box 807, Main Office  
Los Angeles, California 90053

South Central Field Office of Internal Security  
P.O. Box 907  
Addison Texas 75001

North Central Field Office of Internal Security  
219 S. Dearborn  
Room 422  
Chicago, Illinois 60604

Southeast Field Office of Internal Security  
P.O. Box 660316  
Miami Springs, Florida 33166

Mid-Atlantic Field Office of Internal Security  
1325 K Street, N.W.  
Washington, D.C. 20537



## JUSTICE/LEAA - 002

**System name:** Law Enforcement Education System

**System location:** Law Enforcement Assistance Administration, 633 Indiana Avenue, N.W.; Washington, D.C. 20531.

**Categories of individuals covered by the system:** Recipients of LEAA Law Enforcement Education Loans and Grants

**Categories of records in the system:** LEEP Master Computer File; LEEP Promissory Note File; LEAA Form 03

**Authority for maintenance of the system:** The system is established and maintained pursuant to 42 U.S.C. 3746.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To contractors for coding and statistical analysis, educational institutions for record reconciliation, IRS and references listed on application for address verification, referees in bankruptcy for claim action.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information maintained in the system is stored on computer magnetic tape, discs and folders.

**Retrievability:** Information is retrievable by name of recipient and social security number.

**Safeguards:** Computerized information is safeguarded and protected by computer password key and limited access. Noncomputerized data is safeguarded in file room which is locked after business hours. Access is limited to LEAA authorized personnel.

**Retention and disposal:** Computerized records are kept indefinitely. Uncollected loans/grants are transferred to GAO as soon as determined uncollectable. Cancelled or repaid loan/grants are closed at end of fiscal year, held three years, sent to Federal Records Center and destroyed in accordance with instructions from GAO.

**System manager(s) and address:** Comptroller; Law Enforcement Assistance Administration; 633 Indiana Avenue, N.W.; Washington, D.C. 20531.

**Notification procedure:** Same as the above.

**Record access procedures:** A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request.' Include in the request the name and personal identifier number. Access requests will be directed to the System Manager listed above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Sources of information are the recipients of loans/grants and their educational institutions

**Systems exempted from certain provisions of the act:** None

## JUSTICE/LEAA - 003

**System name:** General Investigative System.

**System location:** Office of Audit and Investigation; Law Enforcement Assistance Administration; 633 Indiana Avenue, N.W.; Washington, D.C. 20531.

**Categories of individuals covered by the system:** Grantees, subgrantees, contractors, subcontractors, employees, and applicants.

**Categories of records in the system:** Resolution of Investigations of Criminal or Civil Violations Investigatory Case Index Card File

**Authority for maintenance of the system:** 5 U.S.C. 301; 42 U.S.C. 3791, 3792, 3793.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Investigation of possible violations of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order pursuant thereto. Records may be referred to the appropriate agency, whether federal, state, or local for the purpose of investigating or prosecuting such violations or enforcing compliance with statute, rule, regulation or order.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information in the system is stored in file folders and on index cards

**Retrievability:** Information is retrieved by name of respondent and complainant.

**Safeguards:** Information is kept in locked file cabinets and combination safe. Access is limited to investigative personnel.

**Retention and disposal:** Complaint control logs are destroyed upon completion of action on the inquiry or complaint. Complaint case files thereafter are not retrievable by name, number, or other information identifiable to the individual. Other investigative information is destroyed four years after the investigation is completed.

**System manager(s) and address:** Assistant Administrator; Office of Audit and Investigation; Law Enforcement Assistance Administration; 633 Indiana Avenue, N.W.; Washington, D.C. 20531.

**Notification procedure:** Same as the above.

**Record source categories:** Information contained in this system was received from individual complainants, witnesses, grant files, respondents, official state and federal records.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (d), (e)(4)(G) and (H), and (f) of the Privacy Act pursuant to 5 U.S.C. 522a(k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register

## JUSTICE/LEAA - 004

**System name:** Grants Program System

**System location:** Law Enforcement Assistance Administration; 633 Indiana Avenue, N.W.; Washington, D.C. 20531.

**Categories of individuals covered by the system:** The system contains recipients of LEAA funds, project monitors and project directors.

**Categories of records in the system:** Grant/Contract Applicant Index; Grant/Contract Award Computer Data File.

**Authority for maintenance of the system:** The system is established and maintained in accordance with 5 U.S.C. 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Records from this system of records may be disclosed for the purpose of technical review and fiscal or program evaluation to experts in particular subject areas related to the substantive or fiscal components of the program.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information maintained in the system is stored on computer discs for use in a computer environment.

**Retrievability:** Data is retrievable by name and grant/contract number.

**Safeguards:** Information in the system is safeguarded and protected by computer password key. Direct access is limited to computer personnel.

**Retention and disposal:** Data is maintained for current fiscal year and three previous fiscal years in Master File; thereafter information is retired to Historical File. No authority to destroy.

**System manager(s) and address:** Comptroller; Law Enforcement Assistance Administration; 633 Indiana Avenue, N.W.; Washington, D.C. 20531.

**Notification procedure:** Same as the above.

**Record access procedures:** A request for access to a record from this system shall be made in writing with the envelope and letter clearly marked 'Privacy Access Request.' Include in the request the name and grant/contract number. Access requests will be directed to the System Manager listed above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Sources of information contained in the system are grant/contract award documents and applications for award.

**Systems exempted from certain provisions of the act:** None

## JUSTICE/LEAA - 005

**System name:** Financial Management System

**System location:** Law Enforcement Assistance Administration; 633 Indiana Avenue, N.W.; Washington, D.C. 20531.

**Categories of individuals covered by the system:** Recipients of LEAA funds; Employees.

**Categories of records in the system:** Employee Travel files; time and attendance files; Government Transportation Requests; Paid Vendor Document File.

**Authority for maintenance of the system:** 5 U.S.C. 301

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** There are no uses outside the Department.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computerized discs, file folders.

**Retrievability:** Name, social security numbers, digital identifiers assigned by accounting office.

**Safeguards:** Manual information in system is safeguarded in locked file cabinets. Computerized password key is needed to access computerized information. Direct access only by comptroller personnel.

**Retention and disposal:** Employee travel files, time and attendance files and Government transportation files are closed at end of fiscal year, held three years thereafter; the records are then retired to Federal Records Center. Federal Records Center destroys in accordance with instructions of GAO.

**System manager(s) and address:** Comptroller; Law Enforcement Assistance Administration; 633 Indiana Avenue, N.W.; Washington, D.C. 20531.

**Notification procedure:** Same as the above.

**Record access procedures:** A request for access to a record from this system shall be made in writing with the envelope and letter clearly marked 'Privacy Access Request.' Access requests will be directed to the System Manager listed above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Sources of information contained in the system are the individuals to whom the information pertains.

**Systems exempted from certain provisions of the act:** None

## JUSTICE/LEAA - 006

**System name:** Congressional Correspondence System

**System location:** Law Enforcement Assistance Administration; 633 Indiana Avenue, N.W.; Washington, D.C. 20531.

**Categories of individuals covered by the system:** Members of Congress

**Categories of records in the system:** Correspondence with Congressional Committees and members of Congress.

**Authority for maintenance of the system:** The system is established and maintained in accordance with 5 U.S.C. 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** No uses are made outside the Department.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information maintained in the system is stored in file folders.



**Retrievability:** Information is retrieved by name of the member of Congress who is the correspondent.

**Safeguards:** Information contained in the system is of a general correspondence nature and maintained pursuant to LEAA Handbook Instruction HB 1330.2.

**Retention and disposal:** Records are retained for two years, then retired to Federal Records Center. Six years thereafter records are destroyed.

**System manager(s) and address:** Director; Office of Congressional Liaison; Law Enforcement Assistance Administration, 633 Indiana Avenue, N.W.; Washington, D.C. 20531.

**Notification procedure:** Same as the above.

**Record access procedures:** A request for access to a record from the system shall be in writing, with the envelope and letter clearly marked 'Privacy Access Request.' Access requests will be directed to the System Manager listed above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Sources of information are congressional members.

**Systems exempted from certain provisions of the act:** None

#### JUSTICE/LEAA - 007

**System name:** Public Information System

**System location:** Law Enforcement Assistance Administration; 633 Indiana Avenue, N.W.; Washington, D.C. 20531.

**Categories of individuals covered by the system:** Public figures

**Categories of records in the system:** Biographical, Morgue, and Speech files. Photograph files.

**Authority for maintenance of the system:** The system is maintained and established in accordance with 5 U.S.C. 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Available to the public under the Freedom of Information Act.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress.** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information maintained in system is stored in file folders.

**Retrievability:** Information is retrieved by name of person to whom information pertains.

**Safeguards:** This information is of a nonconfidential nature and maintained pursuant to LEAA Handbook Instruction HB 1330.2.

**Retention and disposal:** Records are retained for four years, retired to Federal Record Center, and destroyed pursuant to Disposal Instructions in LEAA Handbook Instruction HB 1330.2.

**System manager(s) and address:** Director; Office of Public Information; Law Enforcement Assistance Administration; 633 Indiana Avenue, N.W.; Washington, D.C. 20531.

**Notification procedure:** Same as the above.

**Record access procedures:** A request for access to a record from the system shall be in writing, with the envelope and letter clearly

marked 'Privacy Access Request.' Access requests will be directed to the System Manager listed above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Newspaper, magazine and press service teletype clippings as well as individual to whom information pertains.

**Systems exempted from certain provisions of the act:** None

#### JUSTICE/LEAA - 008

**System name:** Civil Rights Investigative System.

**System location:** Law Enforcement Assistance Administration; 633 Indiana Avenue, N.W.; Washington, D.C. 20531.

**Categories of individuals covered by the system:** Complaints of discrimination by individuals affected by the agency program for which the agency has compliance responsibility, grantees, subgrantees, contractors, subcontractors, employees, and applicants.

**Categories of records in the system:** Civil Rights Complaint Control Logs; Civil Rights Litigation Reference Files.

**Authority for maintenance of the system:** 42 U.S.C. 3766(c); E.O. 11246 (3 C.F.R. 173) as amended by E.O. 11375.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Investigation of complaints and to obtain compliance with Civil Rights laws. Users of the data are State Planning Agencies, State Governors and Attorneys General, Criminal Justice Agencies, Office of Federal Contract Compliance, Equal Employment Opportunity Commission, Office of Federal Revenue Sharing, and a United States Commission on Civil Rights.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress.** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information in the system is stored in file folders and on index cards.

**Retrievability:** Information is retrieved by name of respondent and complainant.

**Safeguards:** Information is kept in locked file cabinets and combination safe. Access is limited to investigative personnel.

**Retention and disposal:** Complaint control logs are destroyed upon completion of action on the inquiry or complaint. Complaint case files thereafter are not retrievable by name, number, or other information identifiable to the individual. Other investigative information is destroyed four years after the investigation is completed.

**System manager(s) and address:** Office of Civil Rights Compliance; Law Enforcement Assistance Administration; 633 Indiana Avenue, N.W.; Washington, D.C. 20531.

**Notification procedure:** Same as the above.

**Record access procedures:** A request for access to a record containing civil rights investigatory material shall be made in writing with the envelope and letter clearly marked 'Privacy Access Request' to the Civil Rights System Manager listed above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their

request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** The information contained in this system was received from individual complainants, witnesses, grant files, respondents, official State and Federal records.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/LEAA - 009

**System name:** Federal Advisory Committee Membership Files.

**System location:** Law Enforcement Assistance Administration; 633 Indiana Avenue, N.W.; Washington, D.C. 20531.

**Categories of individuals covered by the system:** Individuals who have been or are presently members of or are being considered for membership on advisory committees within the jurisdiction of the Law Enforcement Assistance Administration.

**Categories of records in the system:** Correspondence with and documents relating to committee members.

**Authority for maintenance of the system:** Federal Advisory Committee Act, 5 U.S.C. App. 1 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Annual Report to the President; administrative reports to OMB and other federal agencies.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress.** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information in system is stored in file folders.

**Retrievability:** Information is retrieved by name of individual.

**Safeguards:** Data is maintained in file cabinets. The entrance to the building requires building pass or security sign-in.

**Retention and disposal:** The data is placed in an inactive file upon discontinuance of membership, held for two years and then retired to the Federal Records Center.

**System manager(s) and address:** Federal Advisory Committee Officer; Office of General Counsel; Law Enforcement Assistance Administration; 633 Indiana Avenue, N.W.; Washington, D.C. 20531.

**Notification procedure:** Same as the above.

**Record access procedures:** A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request.' Access requests will be directed to the System Manager listed above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Sources of information are supplied directly by individuals about whom the record pertains, references, recommendations, program personnel, and biographical reference books.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/LEAA - 010

**System name:** Technical Assistance Resource Files

**System location:** Law Enforcement Assistance Administration; 633 Indiana Avenue, N.W.; Washington, D.C. 20531.

**Categories of individuals covered by the system:** Consultants with expertise in criminal justice systems.

**Categories of records in the system:** The system consists of resumes and other documents related to technical assistance requests.

**Authority for maintenance of the system:** The system is maintained under authority of 42 U.S.C. 3763(c).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The system is used to determine the qualifications and availability of individuals for technical assistance assignments. Users are State planning agencies and the Law Enforcement Assistance Administration.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress.** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information contained in the system is on hard copy and stored in file cabinets.

**Retrievability:** Information is manually retrieved by the name of the individual.

**Safeguards:** Records are stored in file cabinets. Admittance to the building in which they are stored requires a building pass or an individual's signature at the main entrance to the building.

**Retention and disposal:** Records are placed in an inactive file at the end of the fiscal year in which final use was made. They are held two years in the inactive file; then transferred to the Federal Records Center. Records are destroyed after six years.

**System manager(s) and address:** Technical Assistance Coordinator; Office of Regional Operations; Law Enforcement Assistance Administration; 633 Indiana Avenue, N.W.; Washington, D.C. 20531, or the National Institute of Law Enforcement and Criminal Justice; Law Enforcement Assistance Administration; 633 Indiana Avenue, N.W.; Washington, D.C. 20531.

**Notification procedure:** Address inquiries to the system manager(s) at the above address.

**Record access procedures:** A request for access to a record contained in this system shall be made in writing with the envelope and letter clearly marked 'PRIVACY ACCESS REQUEST.' Include in the request the name and grant/contract number for the record desired. Access requests will be directed to the system manager(s) listed above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their requests to the system manager(s) listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Sources of information contained in this system are those individuals to whom the information pertains.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/LEAA - 011

**System name:** Registered Users File--National Criminal Justice Reference Service (NCJRS).

**System location:** Justice Data Service Center; U.S. Department of Justice; 4th & I Streets, N.W.; Washington, D.C. 20537.

**Categories of individuals covered by the system:** The system contains information on those individuals engaged in criminal justice activities, citizen groups and academicians.

**Categories of records in the system:** The system provides a record for registrants for services and products of NCJRS.

**Authority for maintenance of the system:** The system is maintained and established in accordance with 42 U.S.C. 3742.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The information contained in the system is used within the Department of Justice. No external dissemination of information is made.

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Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information is stored on magnetic disc pack for use in a computer environment.

**Retrievability:** Information is retrieved by the name and user identity number of the desired record.

**Safeguards:** Information is maintained in the Justice Data Services Center which is a secured area. Special identity cards are required for admittance to the area.

**Retention and disposal:** Information is retained until the individual no longer wishes to utilize the service. Upon notification by an individual that he no longer wishes to use the service, his record is electronically purged from the file.

**System manager(s) and address:** Director, Reference and Dissemination Division; National Criminal Justice Reference Service; Law Enforcement Assistance Administration; U.S. Department of Justice; Washington, D.C. 20531.

**Notification procedure:** Address inquiries to the system manager(s) at the above address.

**Record access procedures:** A request for access to a record contained in this system shall be made in writing with the envelope and letter clearly marked 'PRIVACY ACCESS REQUEST.' Access requests will be directed to the system manager(s) at the above address.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their requests to the system manager(s) listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Sources for the information contained in this system are those individuals to whom the information pertains.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/LEAA-012

**System name:** Public Safety Officers' Benefits System

**System location:** Law Enforcement Assistance Administration, 633 Indiana Avenue, N.W., Washington, D.C. 20531.

**Categories of individuals covered by the system:** Public Safety Officers who died while in the line of duty and their surviving beneficiaries.

**Categories of records in the system:** This system contains an index by claimant and deceased Public Safety Officers; case files of eligibility documentation; and benefit payment records.

**Authority for maintenance of the system:** Authority for maintaining this system exists under 42 U.S.C. 3701, et seq., Pub. L. No. 94-430 (Sept. 29, 1976) and 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** (1) State and local agencies to verify and certify eligibility for benefits; (2) educational institutions where beneficiary is full-time student to verify eligibility status; (3) appropriate Federal agencies to coordinate benefits paid under similar programs; and (4) members of Congress or staff acting upon the member's behalf when the member or staff requests the information on behalf of and at the request of the individual who is a party in interest.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information in this system is maintained on a master index, in folders and on computer magnetic tape.

**Retrievability:** Information is retrievable by name of claimant, name of deceased Public Safety Officer, and case file number.

**Safeguards:** Computerized information is safeguarded and protected by computer password key and limited access. Noncomputerized data is safeguarded in locked cabinets. All files are maintained in a guarded building.

**Retention and disposal:** Files are retained, retired to Federal records centers and disposed of in accordance with General Services Administration disposal schedules.

**System manager(s) and address:** PSOB Program Officer, 633 Indiana Avenue, N.W., Washington, D.C. 20531.

**Notification procedure:** Same as above.

**Record access procedures:** Request for access to a record from this system should be made in writing with the envelope and the letter clearly marked 'Privacy Access Request.' Access requests will be directed to the System Manager listed above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above and state clearly and concisely what information is being contested, the reason for contesting it and the proposed amendment to the information sought.

**Record source categories:** Public agencies including employing agency, beneficiaries, educational institutions, physicians, hospitals, official state and Federal documents.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/BIA - 001

**System name:** Decisions of the Board of Immigration Appeals.

**System location:** 521 12th Street, N.W., Washington, D.C. 20530.

**Categories of individuals covered by the system:** (a) Aliens, including those previously admitted for lawful permanent residence, in deportation proceedings; (b) Aliens and alleged aliens in exclusion proceedings; (c) Aliens seeking waivers of inadmissibility; (d) Aliens in bond determination proceedings; (e) Aliens in whose behalf a preference classification is sought.

**Categories of records in the system:** This system of records consists of the formal orders and decisions of the Board of Immigration Appeals, including the indices and logs pertaining thereto.

**Authority for maintenance of the system:** This system is established and maintained under the authority granted the Attorney General by sections 103 and 292 of the Immigration and Nationality Act, 8 U.S.C. 1103 and 1362. Such authority has been delegated to the Board of Immigration Appeals by 8 C.F.R. Part 3.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The Decisions of the Board of Immigration Appeals are disseminated to the following categories of users for the purposes indicated:

(a) Parties appearing before the Board, (including the Immigration and Naturalization Service), their attorneys or other representatives. Purpose: Parties are entitled to the decision as a matter of due process; and in accordance with the requirements of 8 C.F.R. 3.1(g).

(b) Other lawyers, organizations recognized to appear before the Immigration and Naturalization Service and their representatives. Purpose: To permit these users to be informed of current case law and general maintenance of open system of jurisprudence.

(c) Members of Congress. Purpose: Constituent inquiries.

(d) General public. Purpose: Selected decisions, designated as precedent decisions pursuant to 8 C.F.R. are published in bound volumes of Administrative Decisions Under Immigration and Nationality Laws of the United States. These are published to provide the public with guidance on the administrative interpretation of the immigration laws and to facilitate open and uniform adjudication of cases.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information in the system is kept in typed form and stored in loose leaf binders.

**Retrievability:** Each decision is indexed by name and a numerical identifier.

**Safeguards:** Information contained in the records is unclassified and intended for wide dissemination. No specific safeguards to prevent unauthorized disclosure are employed since no type of disclosure is presently regarded as 'unauthorized'. Access to buildings in which records are stored is controlled by guards provided by GSA.

**Retention and disposal:** Records are retained indefinitely and are not disposed of.

**System manager(s) and address:** Executive Assistant; Board of Immigration Appeals; Department of Justice; Washington, D.C. 20530.

**Notification procedure:** Same as the above.

**Record access procedures:** Decisions of the Board of Immigration Appeals are available to anyone upon request pursuant to 5 U.S.C. 552a(b)(2).

**Contesting record procedures:** Decisions of the Board of Immigration Appeals constitute official opinions and are not subject to correction or amendment except in accordance with accepted standards of due process. Decisions have been exempted from the correction provisions of 5 U.S.C. 552a(d).

**Record source categories:** Sources of information contained in this system are provided primarily by the record of proceedings forwarded by the Immigration and Naturalization Service. Additionally, the person concerned and his representative provide information.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsection (d)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/BIA - 002

**System name:** Roster of Organizations and their Accredited Representatives Recognized by the Board of Immigration Appeals.

**System location:** 521 12th Street, N.W., Washington, D.C. 20530.

**Categories of individuals covered by the system:** (a) Persons associated in an official capacity with a recognized organization; (b) Persons who have applied for, have been granted or have been denied accreditation as representatives of recognized organizations.

**Categories of records in the system:** This system consists of (a) a roster of charitable, social service and similar organizations, and of their accredited representatives; (b) applications and related documents submitted by such organizations and their representatives and (c) orders of the Board of Immigration Appeals granting or denying recognition to such organizations and their representatives. Recognized organizations and their accredited representatives are authorized to practice before the Immigration and Naturalization Service and Board of Immigration Appeals.

**Authority for maintenance of the system:** This system is established and maintained under the authority granted the Attorney General by sections 103 and 292 of the Immigration and Nationality Act, 8 U.S.C. 1103 and 1362. Such authority has been delegated to the Board of Immigration Appeals by 8 C.F.R. Part 292.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Copies of decisions granting or denying applications for recognition and accreditation are sent to (a) the organization seeking recognition and (b) the Immigration and Naturalization Service.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information contained in the system is stored in file folders.

**Retrievability:** Information is retrieved by use of the name of the organization or person accredited.

**Safeguards:** Information contained in this record system is unclassified. Access to building in which records are stored is controlled by guards provided by GSA. No specific safeguards are employed.

**Retention and disposal:** Records in this system are retained indefinitely.

**System manager(s) and address:** Executive Assistant; Board of Immigration Appeals; Department of Justice; Washington, D.C. 20530.

**Notification procedure:** Address inquiries to: Chairman; Board of Immigration Appeals; Department of Justice; Washington, D.C. 20530.

**Record access procedures:** A request for access to a record from this system shall be made in writing, with the envelope and letter clearly marked 'Privacy Access Request'. Include in the request (a) the name of the organization which has sought, or has been granted or denied recognition and the name of the individual who has sought accreditation as a representative of such organization, or (b) where no organization is concerned, the name of the individual who has sought accreditation or recognition. The requester will provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

**Contesting record procedures:** The procedures for contesting or amending information contained in this system of records is governed by 8 C.F.R. Part 292. The procedures require that organizations seeking accreditation of their representatives be notified of adverse information and be given an opportunity to rebut such information.

**Record source categories:** Sources of information contained in this system are supplied by the organization seeking recognition, individuals seeking accreditation, and reports supplied by the Immigration and Naturalization Service.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/CIV - 001

**System name:** Civil Division Case File System.

**System location:** U.S. Department of Justice; 10th and Constitution Avenue, N.W., Washington, D.C. 20530.



**Categories of individuals covered by the system:** Any and all parties involved in the cases handled by the Civil Division will have identifying data contained in this system.

**Categories of records in the system:**

1) The main record of the system is the case file which is retained on each case under the jurisdiction of the Civil Division except for those cases for which files are maintained in the Civil Division Case File System: Customs Section and the Office of Alien Property File System, and constitutes the official record of the Department of Justice. All record material relating to a case is retained in the file. Each case is assigned a number comprised of the category designation for the subject matter, the code number for the judicial district where the action originated, and the number of cases of that category which have arisen in that district.

2) Alphabetical and numerical indices are utilized as a means of access to the proper file by the cross-referencing of the names of all parties to a suit with the file number. Forms CV-54 and carbon-interleaf index cards are used in these indices.

3) A Docket Card Index is maintained on each case in order to follow the progress of all Division cases and to obtain statistical data for monthly and fiscal reports. However, all information contained on the cards has been taken from the record material contained in the official file.

**Authority for maintenance of the system:** General authority to maintain the system is contained in 5 U.S.C. 301 and 44 U.S.C. 3101. The particular system was established in accordance with 28 C.F.R. 0.77(f) and was delegated to the Civil Division pursuant to the memorandum from the Deputy Attorney General, dated July 17, 1974.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Any record pertaining to any case or matter in the Civil Division may be disseminated to any other component of the Department of Justice, including the F.B.I. and the United States Attorneys' Offices, for use in connection with the consideration of that case or matter or any other case or matter under consideration by the Civil Division or any other component of the Department of Justice. A record maintained in this system of records may be disseminated as a routine use of such record as follows: (1) in any case in which there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, the record in question may be disseminated to the appropriate federal, state, local or foreign agency charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law; (2) in the course of investigating the potential or actual violation of any law, whether civil, criminal or regulatory in nature, or during the course of a trial or hearing, or the preparation for a trial or hearing for such violation, a record may be disseminated to a federal, state, local or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual or organization possesses information relating to the investigation, trial or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant; (3) a record relating to a case or matter may be disseminated in an appropriate federal, state, local or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice; (4) a record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing; (5) a record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion of such matters as settlement of the case or matter, plea bargaining, or formal or informal discovery proceedings; (6) a record relating to a case or matter that has been referred by an agency for investigation, prosecution, or enforcement, or that involves a case or matter within the jurisdiction of an agency, or where the agency or officials thereof are a party to litigation or where the agency or officials may be affected by a case or matter, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter; (7) a record relating to a person held in custody pending or during arraignment, trial, sentence or extradition proceedings, or after conviction or after extradition proceedings, may be disseminated to a federal, state, local or foreign prison, probation, parole, or pardon authority, or to any other agency or individual concerned with the maintenance, transportation, or release of such a person; (8) a record relating to a

case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement; (9) a record may be disseminated to a federal, state, local, foreign, or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency; (10) a record may be disseminated to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter; (11) a record may be disseminated to the public, news media, trade associations, or organized groups, when the purpose of the dissemination is educational or informational, provided that the record does not contain any information identifiable to a specific individual other than is necessary to identify the matter or where the information has previously been filed in a judicial or administrative office, including the clerk of the court; (12) a record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in civil or criminal proceedings in which the United States or one of its officers or agencies has an interest; (13) a record that contains classified national security information and material may be disseminated to persons who are engaged in historical research projects, or who have previously occupied policy making positions to which they were appointed by the President, in accordance with the provisions of 28 C.F.R. 17.60.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** 1) The case files utilize standard file jackets and are retained in electronic, rotary power files; 2) The alphabetical and numerical index cards, as well as the docket cards, are retained in standard file cabinets.

**Retrievability:** The files and docket cards must be retrieved by file number. The file number can be ascertained from the alphabetical index if the name of any party to the suit is known.

**Safeguards:** Information contained in the system is unclassified. However, only attorneys who have their names recorded in the File Unit can be issued a case file. Minimal information about a case is provided from the various indices to telephone callers, since there is a problem with identifying the identity of a caller. If a party desires detailed information, he is referred directly to the attorney of record.

**Retention and disposal:** When a case file is closed by the legal section, it is sent to the Federal Records Center for retention in accordance with the authorized Record Disposal Schedule for the classification of the case. Such schedules are approved by the National Archives. After the designated period has passed, the file is destroyed. However, the index and docket cards are not purged.

**System manager(s) and address:** Assistant Attorney General; Civil Division; U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** Address inquiries to: Assistant Attorney General; Civil Division; U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Record access procedures:** A request for information concerning the cases of the Civil Division should be submitted in writing, with the envelope and letter clearly marked 'Privacy Access Request'. The request should include the file number and/or the names of any litigants known to the requestor. The requestor should also provide a return address for transmitting the information. Such access requests should be submitted to the System Manager listed above. Requests may also be made by telephone. In such cases the caller will be referred to the attorney of record. The attorney, in turn, may require an official written request.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above. The request should clearly state, what information is being contested, the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** All litigants involved in the cases of this Division are sources of information. Such information is either contained in the record material in the case files or has been extracted from that record material and put onto docket and index cards.

**Systems exempted from certain provisions of the act:** None.

**JUSTICE/CIV - 002**

**System name:** Civil Division Case File System: Customs Section

**System location:** 26 Federal Plaza, New York, New York 10007, and U.S. Department of Justice Data Services Center, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Categories of individuals covered by the system:** Any and all parties and counsel involved in the cases handled by the Customs Section of the Civil Division will have identifying data contained in this system.

**Categories of records in the system:**

1. The main record of the system is the case file which is retained on each case under the jurisdiction of the Customs Section of the Civil Division and constitutes the official record of the Department of Justice thereon. All record material relating to a case is retained in the file. Each file is assigned the Customs Court number given to the summons filed in that court or, in cases filed prior to October 1, 1970, to reappraisal appeals or to protests filed with the Customs Court.

The number assigned to the file will change to the number assigned by the Court of Customs and Patent Appeals, if that case becomes the subject of an appeal before that court. In addition, the Customs Section retains a log of communications received and communications sent. The correspondence is identified thereon by court (case) number, identification of the kind of communication, and the person receiving it.

2. The case file and communication logs are physically retained at the offices of the Customs Section, 26 Federal Plaza, New York, New York 10007. From these records, the Customs Section inputs certain information for conversion into a data processing system which is maintained at the Department of Justice Data Services Center, 10th and Constitution Avenue, N.W., Washington, D.C. 20530. Included in the information contained in the data processing system is the identity of the parties and their counsel, as well as the merchandise involved, the port of entry and the competing statutory provisions.

3. Alphabetical and numerical indices are maintained as a means of access to the proper file number by the cross-referencing of the names of non-government parties to suits with the appropriate file (court) numbers. These indices are made of index cards and maintained in the Chief Clerk's office in the Customs Section.

**Authority for maintenance of the system:** The Customs Section case files are maintained under the authority of 28 U.S.C. 2601(b) and 2632(e) and established in accordance with 28 C.F.R. 0.45(c) which gives the Civil Division responsibility for 'all litigation incident to the reappraisal and classification of imported goods, including the defense of all suits in the Court of Customs and Patent Appeals', and with 28 C.F.R. 0.48 which designates the Chief, Customs Section, to accept service of notices of appeals to the Court of Customs and Patent Appeals and all pleadings and other papers filed in the Customs Court, when the United States is an adverse Party in any customs litigation'.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Any record pertaining to

any case or matter in the Civil Division may be disseminated to any other component of the Department of Justice, including the Federal Bureau of Investigation and the United States Attorney offices, for use in connection with the consideration of that case or matter or any other case or matter under consideration by the Civil Division or any other component of the Department of Justice.

Certain information contained in the record may also be disseminated to the U.S. Customs Service, the Department of the Treasury, the International Trade Commission, the Department of State, or any other agency of the Government whose decision is being challenged in a case assigned to the Customs Section for disposition. A record maintained in this system of records may be disseminated as a routine use of such record as follows: (1) in any case in which there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, the record in question may be disseminated to the appropriate Federal, state, local or foreign agency charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law; (2) in the course of investigating the potential or actual violation of any law, whether civil, criminal or regulatory in nature, or during the course of a trial or hearing, or the preparation for a trial or hearing for such violation, a record may be disseminated to a Federal, state, local or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual or organization possesses information relating to the investigation, trial or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant; (3) a record relating to a case or matter may be disseminated in an appropriate Federal, state, local or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice; (4) a record relating to a case or matter may be disseminated to a Federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing; (5) a record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion of such matters as settlement of the case or matter, plea bargaining, or formal or informal discovery proceedings; (6) a record relating to a case or matter that has been referred by an agency for investigation, prosecution, or enforcement, or that involves a case or matter within the jurisdiction of an agency, or where the agency or officials thereof are a party to litigation or where the agency or officials may be affected by a case or matter, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter; (7) a record relating to a person held in custody pending or during arraignment, trial, sentence or extradition proceedings, or after conviction or after extradition proceedings, may be disseminated to a Federal, state, local or foreign prison, probation, parole, or pardon authority, or to any other agency or individual concerned with the maintenance, transportation, or release of such a person; (8) a record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement; (9) a record may be disseminated to a Federal, state, local, foreign, or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency; (10) a record may be disseminated to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter; (11) a record may be disseminated to the public, news media, trade associations, or organized groups, when the purpose of the dissemination is educational or informational, provided that the record does not contain any information identifiable to a specific individual other than is necessary to identify the matter or where the information

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has previously been filed in a judicial or administrative office, including the clerk of the court; (12) a record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in civil or criminal proceedings in which the United States or one of its officers or agencies has an interest; (13) a record that contains classified national security information and material may be disseminated to persons who are engaged in historical research projects, or who have previously occupied policy making positions to which they were appointed by the President, in accordance with the provisions of 28 C.F.R. 17.60; (14) copies of the summons (protest and reappraisal appeals, where appropriate) and the communication logs are made available to employees of the private contractor who services the data processing system in New York for the purpose of enabling such employees to extract all pertinent information from said documents so that such information may be encoded and converted to punch card form.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** (1) The case files utilize standard file jackets or envelopes and are maintained in standard file cabinets; (2) The alphabetical index cards are maintained in standard file cabinets; (3) The communication logs are maintained in looseleaf binders and, when not being currently referred to, are also maintained in standard file cabinets; (4) The information in the data processing system is maintained on tapes stored in the Data Services Center.

**Retrievability:** (1) The case files must be retrieved by number. The file number may be ascertained from the alphabetical index when the name of any non-government litigant is known. (2) The information contained in the data processing system may be retrieved through the retrieval tool activated by an attorney making a request for a report to the computer technician who codes the request on a form in the format of the retrieval language. The action words of the retrieval reports are: List - lists the case numbers of the cases which satisfy certain criteria such as plaintiff's name, counsel's name, court number, merchandise, competing statutory provisions, Government counsel. Write - output and the full history for any case specified by case number. Write \* - a limited case history for any case specified by case number. Count - tallying the number of cases in the data base contained in the request.

**Safeguards:** (1) Information contained in the system is unclassified. However, only attorneys in the Customs Section who have responsibility for the case may properly obtain a case file. Correspondence and telephone calls about particular cases are referred to the attorney having responsibility for the case. In the attorney's absence, another attorney covering for the absent attorney or the Chief of the Section may respond to the telephone call or correspondence. The index files and the communication logs are utilized only by the personnel of the Customs Section in locating or verifying information contained in the system. (2) Information from the data processing system may be obtained only by attorneys on the basis of requests made in writing on a proper form supplied by the Customs Section. The request is made of the computer technician. Normally these requests are mailed to the technician in charge at the Data Services Center, but occasionally the request may be related telephonically by the computer technician.

**Retention and disposal:** (1) Closed case files are sent to the Federal Records Center for retention in accordance with the authorized Records Disposal Schedule for the classification of the case. Such schedules are approved by the National Archives. After the designated period is passed, the file is destroyed. The communication logs are sent to the Federal Records Center for retention in accordance with the authorized records disposal schedule after five years. After the designated period those records are also destroyed. The index cards, however, are not purged. (2) Periodically, the inactive cases will be purged from the main tape in the data processing system and transferred to the historical tape where the information will be retained indefinitely. There is a provision in the data processing system to delete and remove an entire case history from the main or historical tape. This may be done on request from the Chief of the Customs Section and such removed cases will not be saved or written on any other tape.

**System manager(s) and address:** Assistant Attorney General, Civil Division, U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Record access procedures:** A request for information concerning the cases of the Customs Section of the Civil Division should be submitted in writing, with the envelope and letter clearly marked "Privacy Access Request". The request should include the file number and/or the names of any non-government litigant known to the requestor. The requestor should also provide a return address for transmitting the information. Such access request should be submitted to the System Manager listed above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the Assistant Attorney General, Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530. The request should clearly state what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** All litigants involved in the cases of this Division are sources of information. Such information is either contained in the record material in the case files or has been extracted from that record material and put on communication logs and/or index cards.

**Systems exempted from certain provisions of the act:** None.

JUSTICE/CIV - 003

**System name:** Office of Alien Property File System.

**System location:** 550 11th Street, N.W., Washington, D.C. 20530.

**Categories of individuals covered by the system:** Any and all parties involved in the cases, claims and matters handled by the Office of Alien Property may have identifying data contained in this system.

**Categories of records in the system:**

1. This system consists of indices and files relative to enemy-owned property, reporting sources, ownership, vesting, and claims for the return thereof. Each vesting order is assigned a general file number, and each claim has a separate file number. Separate account files are maintained on vested property for each alien account.
2. Alphabetical and numerical indices are utilized as a means of access to the proper general file by the cross-referencing of the names of all individual former property owners and claimants with the general files.
3. Records of litigation involving the Office of Alien Property are contained in this system. There are also alphabetical and numerical indices to facilitate access to these cases.

**Authority for maintenance of the system:** The Office of Alien Property files are maintained under the authority of 44 U.S.C. 3101 and 50 U.S.C. App. 40, Title II of the International Claims Settlement Act, and was established in accordance with 28 C.F.R. 0.47 which states in part "The Office of Alien Property shall be a part of the Civil Division ..." and thereafter describes the authority, rights, privileges, powers, duties and functions of that office.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Any record pertaining to any case or matter in the Civil Division may be disseminated to any other component of the Department of Justice, including the Federal Bureau of Investigation and the United States Attorney offices, for use in connection with the consideration of that case or matter or any other case or matter under consideration by the Civil Division or any other component of the Department of Justice.

Certain information contained in the record may also be disseminated to the U.S. Customs Service, the Department of the Treasury, the International Trade Commission, the Department of State, or any other agency of the Government whose decision is being challenged in a case assigned to the Customs Section for disposition. A record maintained in this system of records may be disseminated as a routine use of such record as follows: (1) in any case in which there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, the record in question may be disseminated to the appropriate Federal, state, local or foreign agency charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law; (2) in the course of investigating the potential or actual violation of any law, whether civil, criminal or regulatory in nature, or during the course of a trial or hearing, or the preparation for a trial or hearing for such violation, a record may be disseminated to a Federal, state, local or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual or organization possesses information relating to the investigation, trial or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant; (3) a record relating to a case or matter may be disseminated in an appropriate Federal, state, local or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice; (4) a record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing; (5) a record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion of such matters as settlement of the case or matter, plea bargaining, or formal or informal discovery proceedings; (6) a record relating to a case or matter that has been referred by an agency for investigation, prosecution, or enforcement, or that involves a case or matter within the jurisdiction of an agency, or where the agency or officials thereof are a party to litigation or where the agency or officials may be affected by a case or matter, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter; (7) a record relating to a person held in custody pending or during arraignment, trial, sentence or extradition proceedings, or after conviction or after extradition proceedings, may be disseminated to a Federal, state, local or foreign prison, probation, parole, or pardon authority, or to any other agency or individual concerned with the maintenance, transportation, or release of such a person; (8) a record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement; (9) a record may be disseminated to a Federal, state, local, foreign, or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency; (10) a record may be disseminated to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter; (11) a record may be disseminated to the public, news media, trade associations, or organized groups, when the purpose of the dissemination is educational or informational, provided that the record does not contain any information identifiable to a specific individual other than is necessary to identify the matter or where the information has previously been filed in a judicial or administrative office, including the clerk of the court; (12) a record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in civil or criminal proceedings in which the United States or

one of its officers or agencies has an interest, (13) a record that contains classified national security information and material may be disseminated to persons who are engaged in historical research projects, or who have previously occupied policy making positions to which they were appointed by the President, in accordance with the provisions of 28 C.F.R. 17.60; (14) records are also available to the public for inspection and distribution as set forth at 8 C.F.R. 503.1, including (a) Annual Reports of the Office of Alien Property, and (b) final determinations, opinions and orders in cases heard or reviewed within the Office of Alien Property; (15) records and documents are available for inspection by persons properly and directly concerned in connection with claims filed with the Office, records in cases heard or reviewed in the Office, and authorizations for sale and records of bids in public sales and orders for their acceptance or rejection and notifications thereof; (16) any record or portion thereof may also be disseminated to the Department of the Treasury and to the Foreign Claims Settlement Commission as a matter of routine use when such record relates to matters within the jurisdiction of the Office of Foreign Assets Control, Department of the Treasury, or claims being processed before the Foreign Claims Settlement Commission; (17) any record or portion thereof relating to an estate or trust matter under the jurisdiction of the probate courts of the several states may be disseminated to the parties and their representatives or to the courts, in proceedings involving the property owned or claimed to have been owned by a designated national of an enemy country under the provisions of the Trading with the Enemy Act; (18) any record may be disseminated to the Department of State for any negotiation or other action relating to the Office of Alien Property or to any subject matter which is, or was at one time, under the jurisdiction of the Office of Alien Property.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information in the system is stored in standard file jackets, and on index cards, within standard filing cabinets.

**Retrievability:** The files and index cards must be retrieved by file numbers, which can be ascertained from alphabetical indices if the name of the non-government party is known, or from numerical indices relating to the various vesting orders, accounts, claims, or cases.

**Safeguards:** Information in the system is regarded as confidential, pursuant to 8 C.F.R. 503.17. Departmental rules and procedures are in force that insure that only Departmental attorneys and their authorized agents have access to this information.

**Retention and disposal:** A file is closed when one of the following occurs:

1. The vesting order has been complied with and the property disposed of pursuant to the Trading with the Enemy Act, and all claims have been processed.
2. A case involving the Office of Alien Property has ended by the final termination of the litigation through a compromise settlement, court decision or any other method of termination for court cases.

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The file is then retained in the Federal Records Center for a number of years and thereafter may be destroyed. Index cards are retained for as long as may be practicable.

**System manager(s) and address:** Assistant Attorney General, Civil Division, U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Notification procedure:** Address inquiries to Assistant Attorney General, Civil Division, U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Record access procedures:** A request for access to a record within the Office of Alien Property system involving matters of privacy and which is not otherwise available to the party requesting the same should be submitted in writing, with the envelope and letter clearly marked "Privacy Access Request". The request should include file or account numbers and/or the names of any known non-government parties. The requestor should also provide a return address for transmitting the information. Such access requests should be submitted to the System Manager listed above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above. The request should clearly state what information is being contested, the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** All claimants to property, as well as former depositories, are sources of information, also other offices and agencies operating under provisions of the Trading with the Enemy Act.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/CRT - 001

**System name:** Central Civil Rights Division Index File and Associated Records.

**System location:** U.S. Department of Justice; Civil Rights Division; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530, and, Todd Building; 550 - 11th Street, N.W.; Washington, D.C. 20530; and, Federal Records Center; Suitland, Maryland.

**Categories of individuals covered by the system:** Persons referred to in potential or actual cases and matters of concern to the Civil Rights Division and correspondents on subjects directed or referred to the Civil Rights Division.

**Categories of records in the system:** The system consists of alphabetical indices bearing individual names and the associated records to which the indices relate containing the general and particular records of all Civil Rights Division correspondence, cases, matters, and memoranda, including but not limited to, investigative reports, correspondence to and from the Division, memoranda, legal papers, evidence, and exhibits.

**Authority for maintenance of the system:** This system is established and maintained pursuant to 44 U.S.C. 3101. It is also maintained to implement the Civil Rights Division's responsibilities under 28 C.F.R. 0.50 to enforce Federal criminal and civil statutes affecting civil rights.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

A. Information in the system may be used by employees and officials of the Department to make decisions in the course of investigations and legal proceedings; to assist in preparing responses to correspondence from persons outside the Department; to prepare budget requests, Management by Objective (MBO) Program descriptions, and various reports on the work product of the Civil Rights Division; and to carry out other authorized internal functions of the Department.

B. A record maintained in this system of records may be disseminated as a routine use of such record as follows: (1) a record relating to a possible or potential violation of law, whether civil, criminal, or regulatory in nature may be disseminated to the appropriate federal, state or local agency charged with the responsibility of enforcing or implementing such law; (2) in the course of investigation or litigation of a case or matter, a record may be disseminated to a federal, state or local agency, or to an individual or organization, if there is reason to believe that such agency, individual or organization possesses information relating to the investigation, trial or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a prospective witness or informant; (3) a record relating to a case or matter may be disseminated to an appropriate court, grand jury

or administrative or regulatory proceeding in accordance with applicable law or practice; (4) a record relating to a case or matter may be disseminated to an actual or potential party to litigation or his attorney a) for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or b) in formal or informal discovery proceedings; (5) a record relating to a case or matter that has been referred for investigation may be disseminated to the referring agency to notify such agency of the status of the case or matter or of any determination that has been made; (6) a record relating to a person held in custody or probation during a criminal proceeding, or after conviction, may be disseminated to any agency or individual having responsibility for the maintenance, supervision or release of such person; (7) a record may be disseminated to the United States Commission on Civil Rights in response to its request and pursuant to 42 U.S.C. 1975d.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information in this system is stored manually on index cards and in file jackets.

**Retrievability:** A retrieval capability exists in this system through use of an index card system arranged alphabetically by the names of individuals or organizations that have been involved in possible civil rights violations either as the subjects of investigations by the Department or as victims and/or complainants. (Complaints received from individuals which have not been investigated by the Department have not been systematically indexed and information pertaining to such individuals may or may not be retrievable.) Information on such individuals may be retrievable from the file jackets by a number assigned and appearing on the index cards.

**Safeguards:** Information is safeguarded and protected in accordance with applicable Departmental rules and procedures.

**Retention and disposal:** There are no provisions for disposal of the records in the system although such procedures are currently under active consideration.

**System manager(s) and address:** Assistant Attorney General, Civil Rights Division; U.S. Department of Justice; Washington, D.C. 20530.

**Notification procedure:** Part of this system is exempted from this requirement under 5 U.S.C. 552a(j)(2) and (k)(2). Address inquiries to the System Manager listed above.

**Record access procedures:** Part of this system is exempted from this requirement under 5 U.S.C. 552a(j)(2), and (k)(2). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record retrievable in this system shall be made in writing, with the envelope and letter clearly marked "Privacy Access Request." Include in the request the name of the individual involved, his birth date and place, and any other information which is known and may be of assistance in locating the record, such as the name of the civil rights related case or matter involved, where and when it occurred and the name of the judicial district involved. The requestor will also provide a return address for transmitting the information. Access requests should be directed to the System Manager listed above.

**Contesting record procedures:** Individuals desiring to contest or amend non-exempt information retrievable in the system should

direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Sources of information contained in this system may be any agency or person who has or offers information related to the law enforcement responsibilities of the Division.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted parts of this system from subsections (c)(3), (d), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(3) and (c) and have been published in the Federal Register.

#### JUSTICE/CRT - 002

**System name:** Files of Applications for the Position of Attorney with the Civil Rights Division.

**System location:** U.S. Department of Justice; Civil Rights Division, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Categories of individuals covered by the system:** Persons who have applied for a position as an attorney with the Civil Rights Division.

**Categories of records in the system:** The system may contain SF 171 forms, resumes, referral letters, letters of recommendation, writing samples, interview notes, internal notes or memoranda, and other correspondence and documents.

**Authority for maintenance of the system:** This system of records is maintained in the ordinary course of meeting the responsibilities assigned to Civil Rights Division under 28 U.S.C. 0.50, 0.51.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The records in this system are used by employees and officials of the Department in making employment decisions. If an individual is hired, the records may become part of his or her standard personnel file.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records in the system are primarily original papers or reproductions or copies thereof. The system consists of files pertaining to individual applicants.

**Retrievability:** Information is retrieved by using an applicant's name.

**Safeguards:** Information in the system is unclassified. It is safeguarded and protected in accordance with Departmental rules and procedures governing access, production and disclosure of any materials contained in its official files.

**Retention and disposal:** Information is retained in the system until a final employment decision is made or until such time as the Civil Rights Division is notified by the applicant that he or she is no longer interested in or available for the position. If an individual is hired, some or all of the records may become part of his or her standard personnel file.

**System manager(s) and address:** Deputy Assistant Attorney General; Civil Rights Division; U.S. Department of Justice; Washington, D.C. 20530.

**Notification procedure:** Address inquiries to the Assistant Attorney General; Civil Rights Division; U.S. Department of Justice; Washington, D.C. 20530.

**Record access procedures:** A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request." The request should include the name of the applicant and the position applied for. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Sources of information contained in the system generally are the applicants, persons referring or recommending the applicant, and employees and officials of the Department.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/CRT - 003

**System name:** Files of Pending Applications for Clerical or Research Analyst Positions with the Civil Rights Division.

**System location:** U.S. Department of Justice; Civil Rights Division, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Categories of individuals covered by the system:** Persons who have applied for a clerical or research analyst position with the Civil Rights Division and upon whose applications no final action has been taken.

**Categories of records in the system:** The system contains S.F. 171 forms and resumes provided by the applicant. It may also contain letters of recommendation, letters rejecting the application, letters indicating that no positions are available, interview notes or internal memoranda, and other correspondence and documents.

**Authority for maintenance of the system:** This system is maintained in the ordinary course of meeting the responsibilities assigned to the Civil Rights Division under 28 C.F.R. 0.50, 0.51.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The records in this system are used by employees and officials of the Department in making employment decisions. If an individual is hired, the records may become part of his or her standard personnel file.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records in the system are primarily original papers or copies thereof. The system consists of files pertaining to individual applicants.

**Retrievability:** Information is retrieved by using an applicant's name.

**Safeguards:** Information in the system is unclassified. It is safeguarded and protected in accordance with Departmental rules and procedures governing access, production and disclosure of any materials contained in its official files.

**Retention and disposal:** Information is retained in this system until a final employment decision has been made or until such time as the Civil Rights Division is notified by the applicant that he or she is no longer interested in or available for the position. If an in-

V 42-190 SEP 30 77



dividual is hired, some or all of the records may become part of his or her standard personnel file.

**System manager(s) and address:** Chief, Administrative Section; Civil Rights Division; U.S. Department of Justice; Washington, D.C. 20530.

**Notification procedure:** Address inquiries to the Assistant Attorney General; Civil Rights Division; U.S. Department of Justice; Washington, D.C. 20530.

**Record access procedures:** A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request." The request should include the name of the applicant and the position applied for. The requester will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Sources of information contained in the system generally are the applicants, persons recommending or referring the applicant, and the employees and officials of the Department.

**Systems exempted from certain provisions of the act:** None

#### JUSTICE/CRT - 004

**System name:** Registry of Names of Interested Persons Desiring Notification of Submissions under Section 5 of the Voting Rights Act.

**System location:** U.S. Department of Justice; Civil Rights Division; Washington, D.C. 20530.

**Categories of individuals covered by the system:** Persons who have requested that the Attorney General send them notice of submissions under Section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c.

**Categories of records in the system:** The Registry contains the name, address and telephone numbers of interested persons and, where appropriate, the area or areas with respect to which notification was requested by such persons.

**Authority for maintenance of the system:** 28 C.F.R. 51.13; 42 U.S.C. 1973c; 5 U.S.C. 301 and 28 U.S.C. 509, 510.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The Registry is used to identify persons interested in receiving notice of Section 5 submissions and to comply with their requests. The Registry may be used to notify the persons listed therein of any proposed changes in the "Procedure for the Administration of Section 5 of the Voting Rights Act of 1965," 28 C.F.R. 51-1 et seq., and to solicit their comments with respect to any such proposed changes.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Names are stored in a card file system.

**Retrievability:** Records in this system are retrievable by the names of interested persons or organizations.

**Safeguards:** Information in the system is safeguarded in accordance with Departmental rules and procedures governing access, production and disclosure of any materials contained in its official files.

**Retention and disposal:** An individual or organizational name is retained in the Registry until such time as that person or organization requests that the name be deleted.

**System manager(s) and address:** Chief, Voting Section; Civil Rights Division; U.S. Department of Justice; Washington, D.C. 20530.

**Notification procedure:** Address inquiries to: Assistant Attorney General; Civil Rights Division; U.S. Department of Justice; Washington, D.C. 20530.

**Record access procedures:** This system contains no information about any individual other than as described in Category of Record above. Persons whose names appear on the Registry may have access thereto or have their names and other information pertaining to them deleted or modified upon a request of the same nature as indicated in 28 C.F.R. 51.13.

**Contesting record procedures:** Same as the above.

**Record source categories:** Sources of information in the Registry are those persons or organizations whose names appear therein by virtue of their having requested inclusion in the Registry pursuant to 28 C.F.R. 51.13.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/CRT - 005

**System name:** Records Obtained by Office of Special Litigation Concerning Residents of Certain State Institutions.

**System location:** U.S. Department of Justice; Civil Rights Division; Todd Building, 550 11th Street, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:** The information in this system pertains primarily to individuals who are residents of state operated or supported institutions for mentally and physically handicapped persons, juveniles and the aged, if such institutions have been the subject of litigation or investigation involving the Civil Rights Division. Information may also pertain to other individuals who are not receiving but may be entitled to forms of educational, habilitative or rehabilitative care under state or federal law.

**Categories of records in the system:** Information collected in the course of business by state agencies on persons generally identified by categories of individuals above including admission notes, commitment papers, transfer reports, juvenile records, psychological and social behavior notes, programming progress notes, disease records, restraint or seclusion notes, security reports, dental records, confinement notes, Medicaid histories, incident and missing person reports, and death reports.

**Authority for maintenance of the system:** Collection and maintenance of these records is pursuant to 44 U.S.C. 3101 and is necessary to accomplish the Division's responsibility under 28 C.F.R. 0.50 to enforce Federal statutes involving unlawful discrimination including 42 U.S.C. 2000b, 2000d and 2000h-2 (Titles III, VI and IX of the Civil Rights Act of 1964).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

A. Information in this system may be used by authorized persons within the Civil Rights Division to make decisions in the course of investigations and legal proceedings and to assist in preparing memoranda, legal papers and responses to correspondence from persons outside the Department.

B. Except as prohibited by order of a court of competent jurisdiction, a record maintained in this system may be disseminated as a routine use of such record as follows: (1) to the extent the record relates to a possible or potential violation of law it may be disseminated to the appropriate federal, state or local agency charged with responsibility of enforcing or implementing such law; (2) a record may be disseminated to an appropriate court, grand jury or administrative or regulatory proceeding in accordance with applicable law or practice; (3) a record may be disseminated to an actual or potential party to litigation or his attorney (a) for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or (b) in formal or informal discovery proceedings; (4) a record may be returned or disseminated to the agency or institution from which it was obtained.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information maintained in the system is stored on xeroxed or microfilm reproductions of original documents or on computer printouts.

**Retrievability:** Information is retrieved primarily by reference to the name of the appropriate state institution or agency. Within the files maintained with respect to such institutions or agencies, records are often filed by individual names or identification numbers.

**Safeguards:** These records are maintained in accordance with (1) the terms of any applicable court orders (many of the records in this system are subject to outstanding court orders protecting their confidentiality), (2) applicable agreements or understandings made with the state and local agencies which furnished the records, and (3) Departmental rules and procedures governing the maintenance of its official files.

**Retention and disposal:** These records are retained and disposed of in accordance with applicable court orders and agreements as outlined under safeguards. Provisions for the disposal of records maintained by the Civil Rights Division are under active consideration.

**System manager(s) and address:** Civil Rights Division; U.S. Department of Justice; Washington, D.C. 20530.

**Record source categories:** Sources of information in this system are the state operated or supported agencies responsible for administration of institutions which confine or treat individuals identified in categories of individuals of this notice.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3), and (d) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/CRT - 006

**System name:** Files of Federal Programs Section, Civil Rights Division.

**System location:** U.S. Department of Justice; Civil Rights Division; Federal Programs Section; Safeway Building; 521 12th Street, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:**

A. Individuals listed on the U.S. Department of Agriculture's EMIS (Extension Management Information System) personnel records for state extension service employees of the states of Mississippi, Alabama, North Carolina, Kansas, Illinois, Louisiana, Arkansas, Georgia, Texas and Maryland.

B. Children in the state of Alabama, and their families, including but not limited to: children receiving foster family care and day care under the jurisdiction of the state of Alabama Department of Pensions and Security, (DPS) 1970-1973; children receiving care in public and private institutions from 1964 through 1973; children and families having records maintained by juvenile courts as of July 1, 1973; children and families having records as AFDC assistance and/or as service cases as of July 1, 1973, with state and county DPS; adults functioning as foster parents in Montgomery County, Ala. as of January 1973, and foster families caring for children at any time, in other counties, appearing in above-mentioned AFDC-

service files; and persons receiving AFDC, APTD, AB, or OAA (categorical assistance) in the state of Alabama as of January 31, 1973.

**Categories of records in the system:**

A. With respect to the category described in category of individual (A) of this notice, the records contain personnel information on individual employees.

B. With respect to the category described in category of individual (B) of this notice, the records contain identifications, social, psychological, economic, judicial, and educational histories of persons.

**Authority for maintenance of the system:** Collection and maintenance of the records in this system is pursuant to 44 U.S.C. 3101 and is necessary to fulfill the Civil Rights Division's responsibility under 28 C.F.R. 0.50 and Executive Order 11764 (Jan. 21, 1974) to enforce Federal statutes protecting the civil rights of beneficiaries of Federal assistance programs including 42 U.S.C. 2000d, 2000e, and 2000h.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

A. Information in this system be used by authorized persons within the Civil Rights Division to make decisions in the course of investigations and legal proceedings and to assist in preparing memoranda, legal papers and responses to correspondence from persons outside the Department.

B. Except as prohibited by order of a court of competent jurisdiction, a record maintained in this system may be disseminated as a routine use of such record as follows: (1) to the extent the record relates to a possible or potential violation of law, it may be disseminated to the appropriate federal, state or local agency charged with responsibility of enforcing or implementing such law; (2) a record may be disseminated to an appropriate court, grand jury or administrative or regulatory proceeding in accordance with applicable law or practice; (3) a record may be disseminated to an actual or potential party to litigation or his attorney (a) for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or (b) in formal or informal discovery proceedings; (4) a record may be returned or disseminated to the agency or institution from which it was obtained.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records in this system consist of computer printouts of information stored electronically, and original papers or reproductions thereof stored manually.

**Retrievability:** Records described in categories of individuals and records of this notice are retrievable by name and identifying number of an individual.

**Safeguards:** Information in this system is safeguarded and protected in accordance with applicable Departmental rules and procedures. In addition, records described in category of individual (B) and category of record (B) of this notice are subject to the terms of a protective order entered by a United States District Court in *Player v. Alabama Department of Pensions and Security*, No. 3835-N (M.D. Ala.), to protect the confidentiality of their contents.

**Retention and disposal:** There are no provisions for disposal of the records in the system although such procedures are currently under active consideration.



System manager(s) and address: Assistant Attorney General, Civil Rights Division, Washington, D.C. 20530.

Record source categories: Sources of information described in categories of individuals and records of this notice were the federal or state agencies referred to therein.

Systems exempted from certain provisions of the act: The Attorney General has exempted this system from subsections (c)(3) and (d) of the Privacy Act pursuant to 5 U.S.C. 552a(k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/CRT - 007

System name: Files on Employment Civil Rights Matters Referred by the Equal Employment Opportunity Commission.

System location: U.S. Department of Justice, Civil Rights Division, 10th and Constitution Avenue, N.W., Washington, D.C. 20530, and, Todd Building, 550 11th Street, N.W., Washington, D.C. 20530.

Categories of individuals covered by the system: Persons seeking employment or employed by a state or a political subdivision of a state who have filed charges alleging discrimination in employment with the Equal Employment Opportunity Commission (hereinafter EEOC) which have resulted in a determination by EEOC that there is probable cause to believe that such discrimination has occurred, and attempts by EEOC at conciliation have failed.

Categories of records in the system: The system may contain copies of charges filed with EEOC; copies of EEOC's 'determination' letters, letters of transmittal from and to EEOC, analyses or evaluations summarizing the charge and other materials in the EEOC file, internal memoranda, attorney notes, and copies of 'right to sue' letters issued by the Civil Rights Division.

Authority for maintenance of the system: The system is maintained pursuant to 44 U.S.C. 3101 and in order to accomplish the Civil Rights Division's responsibility under 28 C.F.R. 0.50 to enforce Federal statutes affecting civil rights including 42 U.S.C. 2000e-5(f) and 2000e-6.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The system is used by employees and officials of the Department to make decisions regarding prosecution of alleged instances of employment discrimination, to issue 'right to sue' letters on behalf of individuals; to make policy and planning determinations; to prepare annual budget requests and justifications; to prepare statistical reports on the work product of the Employment and Education Sections and to carry out other authorized internal functions of the Department. If the Department has determined to initiate an investigation or litigate a matter referred by EEOC, the records pertaining to that matter are not contained in this system. Such records and their routine uses are described under the notice for the system named: Central Civil Rights Division Index File and Associated Records.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information in the system is stored manually on index cards and file jackets which are maintained by the Education Section, Civil Rights Division, if the charge relates to a public educational agency or institution, or the Employment Section, Civil Rights Division, if the charge relates to any other public employer.

Retrievability: Information is retrieved primarily by using the appropriate Department of Justice file number, or the name of the charging party, or the state in which the alleged discrimination occurred.

Safeguards: Information in the system is unclassified. It is safeguarded and protected in accordance with Departmental rules and procedures.

Retention and disposal: There are no provisions for the disposal of the records in the system although such procedures are under active consideration.

System manager(s) and address: Assistant Attorney General, Civil Rights Division, U.S. Department of Justice, Washington, D.C. 20530.

Notification procedure: Same as the above.

Record access procedures: A request for access to a record from this system shall be made in writing with the envelope and letter clearly marked 'Privacy Access Request.' The request should indicate the state where the alleged employment discrimination took place and the employer to which the charge was related. The requester will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought. Disclosure of part of the materials in this system may be prohibited by 42 U.S.C. 2000e-8(e) and 44 U.S.C. 3508. Part of this system is exempted from access and contest under 5 U.S.C. 552(k)(2).

Record source categories: Sources of information in this system are charging parties, information compiled and maintained by EEOC, and employees and officials of the Department of Justice responsible for the disposition of the referral request.

Systems exempted from certain provisions of the act: The Attorney General has exempted this system from subsection (d) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/CRT - 008

System name: Files on Correspondence Relating to Civil Rights Matters from Persons Outside the Department of Justice.

System location: U.S. Department of Justice, Civil Rights Division, 10th and Constitution Avenue, N.W., Washington, D.C. 20530; and, Todd Building, 550 11th Street N.W., Washington, D.C. 20530.

Categories of individuals covered by the system: Persons communicating in written form in person or by telephone, including complaints, requests for information or action, or expressions of opinion regarding civil rights matters.

Categories of records in the system: The system contains original correspondence regarding civil rights matters from persons, cover letters or notes from persons referring original correspondence to the Department, attorney or other employee notes regarding the correspondence, and copies of Civil Rights Division's responses to the original correspondence.

Authority for maintenance of the system: This system of records is maintained pursuant to 44 U.S.C. 3101 and in the ordinary course of fulfilling the responsibilities assigned to the Civil Rights Division under the provisions of 28 C.F.R. 0.50.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

A. The system is used by employees and officials of the Department to respond to incoming correspondence, to compile statistics for use in preparing budget requests, to insure proper disposition of incoming mail, to determine the status and content of responses to correspondence, to respond to inquiries from Division personnel, Office of Legislative Affairs and Congressional offices regarding the status of correspondence, and to carry out other authorized functions of the Department.

B. Information in the system regarding individual pieces of correspondence may be provided to members of Congress upon request in instances where the member making the request referred the correspondence in question to the Department.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28

C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records in the system are primarily index cards and original letters or copies thereof. They are stored manually.

Retrievability: Information may be retrieved through use of a card index file system which is subdivided into indexes (1) arranged according to the name of citizens that corresponded with the Department and (2) arranged according to the name of members of Congress or White House staff members who have referred correspondence to the Department.

Safeguards: Information in the system is unclassified. It is safeguarded and protected in accordance with Departmental rules and procedures.

Retention and disposal: There are no provisions for disposal of the records in this system although such procedures are currently under active consideration.

System manager(s) and address: Assistant Attorney General, Civil Rights Division, U.S. Department of Justice, Washington, D.C. 20530.

Notification procedure: Same as the above.

Record access procedures: A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request.' The request should include the name of the correspondent, his address or the name of the member of Congress or White House staff member who referred the correspondence to the Department, if known, the Department of Justice file number, if known, and the date of the correspondence. The requester will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

Record source categories: Sources of information contained in this system are the original correspondents, persons referring original correspondence to the Department, and employees and officials of the Department responsible for the disposition of the correspondence.

Systems exempted from certain provisions of the act: None.

#### JUSTICE/CRT - 009

System name: Civil Rights Division Employees Travel Reporting

System location: U.S. Department of Justice, Todd Building, 550 11th Street, N.W., Washington, D.C. 20530.

Categories of individuals covered by the system: Employees of the Civil Rights Division who have traveled on official assignments for the Civil Rights Division.

Categories of records in the system: The system contains information, concerning travel expenditures, which was recorded by Division employees on travel authorization forms (Form JD-10) and travel voucher forms (Form OBD-157) and submitted to the Fiscal Unit of the Civil Rights Division, from Fiscal Year 1972 to the present.

Authority for maintenance of the system: This system is maintained in the ordinary course of meeting the responsibilities assigned the Civil Rights Division under 28 C.F.R. 0.50, 0.51.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The records in this system are used to make monthly reports to the Executive Office, Civil Rights Division, and to the Fiscal Unit, Civil Rights Division, for use in controlling and reviewing Division expenditures. Copies of individual's reports may be disclosed to the individual when appropriate forms are not submitted following a return from travel status.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records in the system are stored on magnetic tape and on computer punch cards, and on monthly reports printed on computer. Individual vouchers and travel authorization forms are stored in file jackets.

Retrievability: Records in this system are retrievable by the names of present and former Division employees who have filed travel authorization forms or travel voucher forms.

Safeguards: Information in the system is unclassified. It is safeguarded and protected in accordance with Departmental rules and procedures.

Retention and disposal: There are no provisions for disposal of the records in the system.

System manager(s) and address: Executive Officer, Civil Rights Division, United States Department of Justice, Washington, D.C. 20530.

Notification procedure: Same as the above.

Record access procedures: Requests by former employees for access to records in this system may be made in writing with the envelope and letter clearly marked 'Privacy Act Request.' The request should clearly state the dates on which official travel was taken. The requestor should also provide a return address for transmitting the information. Access requests will be directed to the System Manager. Present employees may request access by contacting the System Manager directly.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reason for contesting it, and the proposed amendment to the information sought.

Record source categories: Sources of information are the Civil Rights Division employees filing travel authorization and travel voucher forms.

Systems exempted from certain provisions of the act: None.

#### JUSTICE/CRT - 010

System name: Freedom of Information/Privacy Act Records.

System location: U.S. Department of Justice, Civil Rights Division, 10th & Constitution Avenue, N.W., Washington, D.C. 20530.

Categories of individuals covered by the system: Persons who request disclosure of records pursuant to the Freedom of Information Act; persons who request access to or correction of records pertaining to themselves contained in Civil Rights Division systems of records pursuant to the Privacy Act; and, where applicable, persons about whom records have been requested or about whom information is contained in requested records.



**Categories of records in the system:** The system contains copies of all correspondence and internal memoranda relating to Freedom of Information and Privacy Act requests, and related records necessary to the processing of such requests received on or after January 1, 1975.

**Authority for maintenance of the system:** This system is established and maintained pursuant to 44 U.S.C. 3101 and is maintained to implement the provisions of 5 U.S.C. 552 and 552a and the provisions of 28 C.F.R. 16.1 et seq. and 28 C.F.R. 16.40 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** A record maintained in this system may be disseminated as a routine use of such record as follows: (1) a record may be disseminated to a Federal agency which furnished the record for the purpose of permitting a decision as to access or correction to be made by that agency, or for the purpose of consulting with that agency as to the propriety of access or correction; (2) a record may be disseminated to any appropriate Federal, State, local, or foreign agency for the purpose of verifying the accuracy of information submitted by an individual who has requested amendment or correction of records contained in systems of records maintained by the Criminal Division.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** A record contained in this system is stored manually in alphabetical order in file cabinets.

**Retrievability:** A record is retrieved by the name of the individual or person making a request for access or correction of records.

**Safeguards:** Access to physical records is limited to personnel of the Freedom of Information/Privacy Act Unit of the Civil Rights Division and known Department of Justice personnel who have a need for the record in the performance of their duties. The records are safeguarded and protected in accordance with applicable Departmental rules.

**Retention and disposal:** Currently there are no provisions for disposal of records contained in this system.

**System manager(s) and address:** Assistant Attorney General, Civil Rights Division, U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Notification procedure:** Parts of this system are exempted from this requirement under 5 U.S.C. 552a(j)(2) or (k)(2). Address inquiries to the System Manager listed above.

**Record access procedures:** Parts of this system are exempted from this requirement under 5 U.S.C. 552a(j)(2), or (k)(2). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record contained in this system shall be made in writing, with the envelope and letter clearly marked 'Privacy Access Request'. Include in the request the name of the individual involved, his birth date and place, or any other information which is known and may be of assistance in locating the record. The requester shall also provide a return address for transmitting the information. Access requests should be directed to the System Manager listed above.

**Contesting record procedures:** Individuals desiring to contest or amend non-exempt information maintained in the system should direct their request to the System Manager listed above, stating

clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Sources of information contained in this system are the individuals and persons making requests, the systems of records searched in the process of responding to requests, and other agencies referring requests for access to or correction of records originating in the Civil Rights Division.

**Systems exempted from certain provisions of the act:** Records secured from other systems of records have been exempted from the provisions of the Privacy Act to the same extent as the systems of records from which they were obtained. The Attorney General has also exempted certain categories of records in this system from subsection (c) (3), (d) of the Privacy Act pursuant to 5 U.S.C. 552a (k) (2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(c), and (e) and have been published in the Federal Register.

#### JUSTICE/CRM - 001

**System name:** Central Criminal Division Index File and Associated Records

**System location:** U.S. Department of Justice; Criminal Division, 10th and Constitution Avenue N.W., Washington, D.C. 20530, and, Federal Records Center; Suitland, Maryland 20409.

**Categories of individuals covered by the system:** Persons referred to in potential or actual cases and matters of concern to the Criminal Division and correspondents on subjects directed or referred to the Criminal Division.

**Categories of records in the system:** The system consists of alphabetical indices bearing individual names, and the associated records to which they relate, arranged either by subject matter or individual identifying number containing the general and particular records of all Criminal Division correspondence, cases, matters, and memoranda, including but not limited to, investigative reports, correspondence to and from the Division, legal papers, evidence, and exhibits. The system also includes items classified in the interest of national security with such designations as confidential, secret, and top secret received and maintained by the Department of Justice. This system may also include records concerning subject matters more particularly described in other systems of records of the Criminal Division.

**Authority for maintenance of the system:** This system is established and maintained pursuant to 44 U.S.C. 3101, and is intended to assist in implementing and enforcing the criminal laws of the United States, particularly those codified in title 18, United States Code. The system is also maintained to implement the provisions codified in 28 C.F.R. 0.55 and 0.61.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** A record maintained in this system of records may be disseminated as a routine use of such record as follows: (1) in any case in which there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, the record in question may be disseminated to the appropriate federal, state, local, or foreign agency charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law; (2) in the course of investigating the potential or actual violation of any law, whether civil, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a federal, state, local, or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant; (3) a record relating to a case or matter may be disseminated in an appropriate federal, state, local, or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice; (4) a record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing; (5) a record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings; (6) a record relating to a case or matter that has been referred by an agency for investigation, prosecution, or enforcement, or that involves a case or matter

within the jurisdiction of an agency, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter; (7) a record relating to a person held in custody pending or during arraignment; trial, sentence, or extradition proceedings, or after conviction or after extradition proceedings, may be disseminated to a federal, state, local, or foreign prison, probation, parole, or pardon authority, or to any other agency or individual concerned with the maintenance, transportation, or release of such a person; (8) a record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement; (9) a record may be disseminated to a federal, state, local, foreign, or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency; (10) a record may be disseminated to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter; (11) a record may be disseminated to the public, news media, trade associations, or organized groups, when the purpose of the dissemination is educational or informational, such as descriptions of crime trends or distinctive or unique modus operandi, provided that the record does not contain any information identifiable to a specific individual other than such modus operandi; (12) a record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in apprehending and/or returning a fugitive to a jurisdiction which seeks his return; (13) a record that contains classified national security information and material may be disseminated to persons who are engaged in historical research projects, or who have previously occupied policy making provisions to which they were appointed by the President, in accordance with the provisions codified in 28 C.F.R. 17.60; (14) a record relating to an actual or potential civil or criminal violation of title 17, United States Code, may be disseminated to a person injured by such violation to assist him in the institution or maintenance of a suit brought under such title.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** A record contained in this system is stored manually on index cards and in file jackets.

**Retrievability:** A record is retrieved from index cards by the name of the individual and from the file jackets by a number assigned and appearing on the index cards.

**Safeguards:** The records are safeguarded and protected in accordance with applicable Departmental rules.

**Retention and disposal:** Currently there is an agreement with the Federal Records Center for retention and disposal after ten years applicable to approximately 20 percent of the Division records; there are no provisions for disposal of the other records in the system although such procedures are currently under active consideration.

**System manager(s) and address:** Assistant Attorney General, Criminal Division; U.S. Department of Justice; 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Notification procedure:** The major part of this system is exempted from this requirement under 5 U.S.C. 552a (j)(2), (k)(1), or (k)(2). Inquiry concerning this system should be directed to the system manager listed above.

**Record access procedures:** The major part of this system is exempted from this requirement under 5 U.S.C. 552a (j)(2), (k)(1), or (k)(2). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record contained in this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request'. Include in the request the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record, the name of the case or matter involved, if known, and the name of the judicial district involved, if known. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the system manager listed above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Department officers and employees, and other federal, state, local, and foreign law enforcement and non-law enforcement agencies, private persons, witnesses, and informants.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (e)(4)(G), (H) and (I), (e)(5) and (8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/CRM - 002

**System name:** Criminal Division Witness Security File.

**System location:** U.S. Department of Justice, Criminal Division, 10th Street and Constitution Avenue, N.W.; Washington, D.C. 20530. In addition, some of the records contained in this system may be located at one or more of the Organized Crime and Racketeering Sections Field Offices listed in the appendix to the Criminal Division Systems of Records.

**Categories of individuals covered by the system:** Persons who are potential or actual witnesses and/or informants, relatives, and associates of those individuals.

**Categories of records in the system:** The system consists of the Witness Security Program files on all persons who are considered for admission or who have been admitted into the program. The files contain information concerning the individuals, the source and degree of danger to which they are exposed, the cases in which they are expected to testify, relocation information and documentation, job assistance, sponsoring office, requirements for reimbursement and administration of the program, and protection techniques. Records concerning subject matters described in this system may also be contained in JUSTICE/CRM - 001.

**Authority for maintenance of the system:** This system is authorized pursuant to sections 501 through 504 of Public Law 91-452.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** A record maintained in this system of records may be disseminated as a routine use of such record as follows: 1. dissemination of a record may be made to a federal, state, local, or foreign agency to acquire information concerning the individual, or those associated with him, relating to the protection of the subject or to a criminal investigation; 2. in any case in which there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, the record in question may be disseminated to the appropriate federal, state, local, or foreign agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing such law; 3. in the course of investigating the potential or actual violation of any law, whether civil, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record

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may be disseminated to a federal, state, local, or foreign agency, or to an individual or organization if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant; 4. a record relating to a case or matter may be disseminated in an appropriate federal, state, local, or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice; 5. a record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing; 6. a record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings; 7. a record relating to an individual in a matter that has been referred for either consideration or investigation by an agency may be disseminated to the referring agency to notify such agency of the status of the case or matter or of any decision or determination that has been made; 8. a record relating to an individual held in custody pending arraignment, trial, or sentence, or extradition proceedings, or after conviction or after extradition proceedings, may be disseminated to a federal, state, local, or foreign prison, probation, parole, or pardon authority, or to any other agency or individual concerned with the maintenance, transportation, or release of such a person; 9. a record may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement; 10. a record may be disseminated to a federal, state, local, or foreign law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency; 11. a record may be disseminated to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter; 12. a record may be disseminated to a non-governmental entity or individual in the acquisition of employment or other services in behalf of the witnesses.

Release of information to the news media. Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** A record contained in this system is kept on index cards and in files stored in safe type filing cabinets.

**Retrievability:** A record is retrieved by name of the individual.

**Safeguards:** The records are maintained in safes with additional physical safeguards as well as limited access by Departmental personnel.

**Retention and disposal:** Currently there are no provisions for the disposal of the records in the system.

**System manager(s) and address:** Assistant Attorney General; Criminal Division; U.S. Department of Justice; 10th Street and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** Inquiry concerning the system should be addressed to the System Manager listed above.

**Record access procedures:** The major part of this system is exempted from this requirement under 5 U.S.C. 552a (j)(2), (k)(1), or (k)(2). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record contained in this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request". Include in the request the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record, the name of the case or matter involved, if known, and the name of the judicial district involved, if known. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the system manager listed above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** 1. Federal, state, local, or foreign government agencies concerned with the administration of criminal justice; 2. Members of the public; 3. Government agency employees; 4. Published material; 5. Persons considered for admission or admitted to the program.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G), (H) and (I), (f)(5) and (8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/CRM - 003

**System name:** File of Names Checked to Determine If Those Individuals Have Been the Subject of An Electronic Surveillance

**System location:** U.S. Department of Justice; Criminal Division; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:** Grand jury witnesses, defendants and potential defendants in criminal cases and their attorneys

**Categories of records in the system:** The system contains the names of those persons submitted by federal prosecutors to inquire whether such persons have been the subject of electronic surveillances. The file consists of the names, the inquiries made to federal investigatory agencies, the replies received from such agencies, and the reply submitted to the prosecutor. Records concerning subject matters described in this system may also be contained in JUSTICE/CRM - 001

**Authority for maintenance of the system:** This system is established and maintained pursuant to 44 U.S.C. 3101. The system is also maintained to implement the provisions of 18 U.S.C. 3504.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** A record maintained in this system of records may be disseminated as a routine use of such record as follows: 1. in an appropriate federal court proceeding in accordance with established constitutional, substantive, or procedural law or practice; 2. to an actual or potential party or his attorney in the case or matter in which the request was made.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** A record contained in this system is stored manually in file jackets.

**Retrievability:** A record is retrieved by the name of the individual checked.

**Safeguards:** The records are safeguarded and protected in accordance with applicable Departmental rules.

**Retention and disposal:** Currently there are no provisions for disposal of the records in this system.

**System manager(s) and address:** Assistant Attorney General; Criminal Division; U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** A part of this system is exempted from this requirement under 5 U.S.C. 552a (j)(2). Inquiry concerning this system should be directed to the System Manager listed above.

**Record access procedures:** A part of this system is exempted from this requirement under 5 U.S.C. 552a (j)(2). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request". Include in the request the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record, the name of the case or matter, if known, and the name of the judicial district involved, if known. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Sources of information contained in this system are an actual or potential party or his attorney in the case or matter in question, federal prosecutors, and the federal investigative agencies.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(4), (d), (e)(4)(G), (H) and (I), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/CRM - 004

**System name:** General Crimes Section, Criminal Division, Central Index File and Associated Records.

**System location:** U.S. Department of Justice; Criminal Division; 10th Street and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:** Persons referred to in potential or actual cases and matters of concern to the General Crimes Section, Criminal Division, and correspondents on subjects directed or referred to the Criminal Division.

**Categories of records in the system:** The system consists of an alphabetical index by individual name or subject matter of all incoming correspondence, cases, and matters assigned, referred, or of interest to the General Crimes Section, Criminal Division. A large percentage of these records are duplicated in the central Criminal Division records; some, however, are not sent through central records and come to the General Crimes Section directly.

**Authority for maintenance of the system:** This system is established and maintained pursuant to 44 U.S.C. 3101, and is intended to assist in implementing and enforcing the criminal laws of the United States, particularly those codified in title 18, United States Code. The system is also maintained to implement the provisions codified in 28 C.F.R. 0.55.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** A record maintained in this system of records may be disseminated as a routine use of such record as follows: (1) in any case in which there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, the record in question may be disseminated to the appropriate federal, state, local, or foreign agency

charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law; (2) in the course of investigating the potential or actual violation of any law, whether civil, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a federal, state, local, or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant; (3) a record relating to a case or matter may be disseminated in an appropriate federal, state, local, or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice; (4) a record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing; (5) a record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings; (6) a record relating to a case or matter that has been referred by an agency for investigation, prosecution, or enforcement, or that involves a case or matter within the jurisdiction of an agency, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter; (7) a record relating to a person held in custody pending or during arraignment, trial, sentence, or extradition proceedings, or after conviction or after extradition proceedings, may be disseminated to a federal, state, local, or foreign prison, probation, parole, or pardon authority, or to any other agency or individual concerned with the maintenance, transportation, or release of such a person; (8) a record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement; (9) a record may be disseminated to a federal, state, local, foreign, or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency; (10) a record may be disseminated to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter; (11) a record may be disseminated to the public, news media, trade associations, or organized groups, when the purpose of the dissemination is educational or informational, such as descriptions of crime trends or distinctive or unique modus operandi, provided that the record does not contain any information identifiable to a specific individual other than such modus operandi; (12) a record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in apprehending and/or returning a fugitive to a jurisdiction which seeks his return.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

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**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** A record contained in this system is stored manually on index cards.

**Retrievability:** A record is retrieved from index cards by the name of the individual or matter which will then indicate the Section Unit or attorney assigned to work on the correspondence, case, or matter.

**Safeguards:** Records are safeguarded and protected in accordance with applicable Departmental rules.

**Retention and disposal:** Currently there are no provisions for disposal of the records contained in this system.

**System manager(s) and address:** Assistant Attorney General; Criminal Division; U.S. Department of Justice; 10th Street and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** The major part of this system is exempted from this requirement under 5 U.S.C. 552a (j)(2), (k)(1), or (k)(2). Inquiries concerning this system should be directed to the System Manager listed above.

**Record access procedures:** The major part of this system is exempted from this requirement under 5 U.S.C. 552a (j)(2), (k)(1), or (k)(2). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to the applicability of an exemption as to a specific record shall be made at the time a request for access is received. A request for access to a record contained in this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request'. Include in the request the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record, the name of the case or matter involved, if known, and the name of the judicial district involved, if known. The requestor will also provide a return address for transmitting information. Access requests will be directed to the System Manager listed above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Department offices and employees and other federal, state, local, and foreign law enforcement and non-law enforcement agencies, private persons, witnesses, and informants.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), and (e)(4)(G), (H) and (I), (e)(5) and (8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/CRM - 005

**System name:** Index to Names of Attorneys Employed by the Criminal Division, U.S. Department of Justice, Indicating the Subject of the Memoranda on Criminal Matters They Have Written.

**System location:** U.S. Department of Justice; Criminal Division; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:** Past and present attorneys employed by the Criminal Division, U.S. Department of Justice.

**Categories of records in the system:** This system of records consists of the names of past and present Criminal Division attorneys and lists the memoranda they have written on various matters, generally involving legal research, on matters of interest to the Division. This system is a cross-reference index maintained for convenience only and does not include the memoranda themselves other than the fact of authorship.

**Authority for maintenance of the system:** This system is established and maintained pursuant to the authority granted by 44 U.S.C. 3101. The system is also maintained to implement the provisions codified in 28 C.F.R. 0.55 and 0.61.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** There are no uses of the records in this system outside of the Department of Justice.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** A record contained in this system is stored manually on index cards.

**Retrievability:** A record is retrieved by name of the individual.

**Safeguards:** Records are safeguarded and protected in accordance with applicable Departmental rules.

**Retention and disposal:** Currently there are no provisions for disposal of the records in this system.

**System manager(s) and address:** Assistant Attorney General; Criminal Division; U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** Same as the above.

**Record access procedures:** A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request'. Include in the request the name of the past or present attorney employed by the Criminal Division. The requestor shall also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Past and present attorneys employed by the Criminal Division, U.S. Department of Justice.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/CRM - 006

**System name:** Information File on Individuals and Commercial Entities Known or Suspected of Being Involved in Fraudulent Activities.

**System location:** U.S. Department of Justice; Criminal Division; 10th Street and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:** Individuals involved in actual or suspected fraudulent activities and their victims.

**Categories of records in the system:** This system of records consists of alphabetized indices of the names of those individuals or commercial entities known or suspected of involvement in fraudulent activities both foreign and domestic, and of computerized printouts of information obtained from documents, records, and other files in the possession of the Criminal Division that indicate the scope, details, and methods of operation of known or suspected fraudulent activities. The system also consists of the documents, records, and other files to which the printouts relate. Records concerning subject matters described in this system may also be contained in JUSTICE/CRM - 001.

**Authority for maintenance of the system:** This system is established and maintained pursuant to 44 U.S.C. 3101, and is intended to assist in implementing and enforcing the criminal laws of the United States, codified in title 18, United States Code and elsewhere, particularly the laws relating to offenses involving fraudulent activities. The system is also maintained to implement the provisions codified in 28 C.F.R. 0.55, particularly subsection (b).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** A record maintained in this system of records may be disseminated as a routine use of such record as follows: (1) in any case in which there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, the record in question may be disseminated to the appropriate federal, state, local, or foreign agency charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law; (2) in the course of investigating the potential or actual violation of any law, whether civil, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a federal, state, local, or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant; (3) a record relating to a case or matter may be disseminated in an appropriate federal, state, local, or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice; (4) a record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing; (5) a record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings; (6) a record relating to a case or matter that has been referred by an agency for investigation, prosecution, or enforcement, or that involves a case or matter within the jurisdiction of an agency, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter; (7) a record relating to a person held in custody pending or during arraignment, trial, sentence, or extradition proceedings, or after conviction or after extradition proceedings, may be disseminated to a federal, state, local, or foreign prison, probation, parole, or pardon authority, or to any other agency or individual concerned with the maintenance, transportation, or release of such a person; (8) a record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement; (9) a record may be disseminated to a federal, state, local, foreign, or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency; (10) a record may be disseminated to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter; (11) a record may be disseminated to the public, news media, trade associations, or organized groups, when the purpose of the dissemination is educational or informational, such as descriptions of crime trends or distinctive or unique modus operandi, provided that the record does not contain any information identifiable to a specific individual other than such modus operandi; (12) a record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in apprehending and/or returning a fugitive to a jurisdiction which seeks his return.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** A record contained in this system is stored on lists, index cards, and on computer printout paper. The documents, records, and other files to which the printouts relate are stored in file jackets in file cabinets.

**Retrievability:** A record is retrieved by name of the individual, trade style used, or by source of the information of the preceding.

**Safeguards:** The computer center is maintained by the Office of Management and Finance which has designed security procedures consistent with the sensitivity of the data. Materials related to the system maintained at locations other than the location of the computer center are protected and safeguarded in accordance with applicable Departmental rules.

**Retention and disposal:** Currently there are no provisions for disposal of records contained in this system.

**System manager(s) and address:** Assistant Attorney General; Criminal Division; U.S. Department of Justice; 10th Street and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** Inquiries concerning the system should be directed to the System Manager listed above.

**Record access procedures:** The major part of this system is exempted from this requirement under 5 U.S.C. 552a (j)(2), (k)(1), or (k)(2). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record contained in this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request'. Include in the request the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record, the name of the case or matter involved, if known, and the name of the judicial district involved, if known. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the system manager listed above. Records in this system are exempt from the access provisions of the Act in accordance with the applicable exemption notice.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought. Records in this system are exempt from the contesting provisions of the Act in accordance with the applicable exemption notice.

**Record source categories:** Federal, state, local, or foreign agencies, investigators, and prosecutors, private organizations, quasi-governmental agencies, trade associations, private individuals, publications, and the news media.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2), and (3), (e)(4)(G), (H) and (I), (e)(5) and (8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/CRM - 007

**System name:** Name Card File on Criminal Division Personnel Authorized to Have Access to the Central Criminal Division Records.

**System location:** U.S. Department of Justice; Criminal Division; 10th Street and Constitution Avenue, N.W.; Washington, D.C. 20530, or Federal Records Center; Suitland, Maryland 20409.

**Categories of individuals covered by the system:** Current personnel of the Criminal Division, generally attorneys.

**Categories of records in the system:** The file contains the names of those attorneys and others currently employed by the Criminal Division who are authorized to have access to the central records of the Division.

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**Authority for maintenance of the system:** This system is established and maintained pursuant to 44 U.S.C. 3101. The system is also maintained to implement the provisions codified in 28 C.F.R. 0.55 and 0.61.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** There are no uses of the records in this system outside of the Department of Justice.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** A record contained in this system is stored manually on index cards.

**Retrievability:** A record is retrieved by name from the index cards.

**Safeguards:** The records are safeguarded and protected in accordance with applicable Departmental rules.

**Retention and disposal:** A name card is destroyed upon notification that the individual is no longer employed by the Criminal Division.

**System manager(s) and address:** Assistant Attorney General, Criminal Division; U.S. Department of Justice; 10th Street and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** Same as the above.

**Record access procedures:** A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request'. Include in the request the name of the individual involved. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Personnel of the Criminal Division.

**Systems exempted from certain provisions of the act:** None

#### JUSTICE/CRM - 008

**System name:** Name Card File on Department of Justice Personnel Authorized to Have Access to Classified Files of the Department of Justice.

**System location:** U.S. Department of Justice; Criminal Division; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:** Current personnel of the Department of Justice, generally attorneys.

**Categories of records in the system:** This index file contains the names of those attorneys and others currently employed in the Department of Justice who are authorized to have access to records of the Department of Justice classified in the interest of national security with such designations as confidential, secret, and top secret.

**Authority for maintenance of the system:** This system is established pursuant to Executive Order No. 11652. The system is also maintained to implement the provisions codified in 28 C.F.R. 17.1 through 17.82.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** There are no uses of the records in this system outside of the Department of Justice.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** A record contained in this system is stored manually on index cards.

**Retrievability:** A record is retrieved by name from the index cards.

**Safeguards:** The index is contained in the vault maintained for classified files of the Department of Justice.

**Retention and disposal:** The names in the index are maintained and deleted in accordance with Departmental regulations.

**System manager(s) and address:** Assistant Attorney General, Criminal Division; U.S. Department of Justice; 10th Street and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** Same as the above.

**Record access procedures:** A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request'. Include in the request the name of the individual involved. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Personnel of the Department of Justice.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/CRM - 009

**System name:** Narcotic and Dangerous Drug Witness Security Program File.

**System location:** U.S. Department of Justice; Criminal Division; 10th Street and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:** Persons who are potential or actual witnesses and/or informants, relatives, and associates of those individuals in narcotic and dangerous drug cases.

**Categories of records in the system:** The system consists of the Witness Security Program files on all persons who are considered for admission or who have been admitted into the program. The files contain information concerning the individuals, the source and degree of danger to which they are exposed, the cases in which they are expected to testify, relocation information and documentation, job assistance, sponsoring office, requirements for reimbursement and administration of the program, and protection techniques. Records concerning subject matters described in this system may also be contained in JUSTICE/CRM - 001.

**Authority for maintenance of the system:** This system is authorized pursuant to sections 501 through 504 of Public Law 91-452.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** A record maintained in this system of records may be disseminated as a routine use of

such record as follows. 1. dissemination of a record may be made to a federal, state, local, or foreign agency to acquire information concerning the individual, or those associated with him, relating to the protection of the subject or to a criminal investigation; 2. in any case in which there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, the record in question may be disseminated to the appropriate federal, state, local, or foreign agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing such law; 3. in the course of investigating the potential or actual violation of any law, whether civil, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a federal, state, local, or foreign agency, or to an individual or organization if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant; 4. a record relating to a case or matter may be disseminated in an appropriate federal, state, local, or foreign court or grand jury proceeding, in accordance with established constitutional, substantive, or procedural law or practice; 5. a record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing; 6. a record relating to a case or matter may be disseminated to an actual or potential party or his attorney, for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings; 7. a record relating to an individual in a matter that has been referred for either consideration or investigation by an agency may be disseminated to the referring agency to notify such agency of the status of the case or matter or of any decision or determination that has been made; 8. a record relating to an individual held in custody pending arraignment, trial, or sentence, or extradition proceedings, or after conviction or after extradition proceedings, may be disseminated to a federal, state, local, or foreign prison, probation, parole, or pardon authority, or to any other agency or individual concerned with the maintenance, transportation, or release of such a person; 9. a record may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement; 10. a record may be disseminated to a federal, state, local, or foreign law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency; 11. a record may be disseminated to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter; 12. a record may be disseminated to a non-government entity or individual in the acquisition of employment or other services in behalf of the witnesses.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** A record contained in this system is kept on index cards and files stored in safe type filing cabinets.

**Retrievability:** A record is retrieved by name of the individual.

**Safeguards:** The records are maintained in safes with additional physical safeguards as well as limited access by Department personnel.

**Retention and disposal:** Currently there are no provisions for the disposal of the records in the system.

**System manager(s) and address:** Assistant Attorney General, Criminal Division; U.S. Department of Justice; 10th Street and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** Inquiry concerning this system should be addressed to the System Manager listed above.

**Record access procedures:** The major part of this system is exempted from this requirement under 5 U.S.C. 552a (j)(2), (k)(1), or (k)(2). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record contained in this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request'. Include in the request the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record, the name of the case or matter involved, if known, and the name of the judicial district involved, if known. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the system manager listed above. Records in this system are exempt from the access provisions of the Act in accordance with the applicable exemption notice.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought. Records in this system are exempt from the contesting provisions of the Act in accordance with the applicable exemption notice.

**Record source categories:** 1. Federal, state, local, or foreign government agencies concerned with the administration of criminal justice; 2. Members of the public; 3. Government agency employees; 4. Published material; 5. Persons considered for admissions or admitted to the program.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G), (H) and (I), (e)(5) and (8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/CRM - 010

**System name:** Organized Crime and Racketeering Information System.

**System location:** U.S. Department of Justice; Criminal Division; 10th Street and Constitution Avenue, N.W.; Washington, D.C. 20530. In addition, some of the records contained in this system may be located at one or more of the Organized Crime and Racketeering Section Field Offices listed in the appendix to the Criminal Division's systems of records.

**Categories of individuals covered by the system:** Persons who have been prosecuted or who are under investigation for potential or actual criminal prosecution as well as persons allegedly involved in organized criminal activity and those alleged to be associated with the subject.

**Categories of records in the system:** The records contained in this system of records consist of a variety of categories related to the background, current and past activities, as well as records of investigation, if any, and prosecution, if any, of persons under investigation for potential or actual involvement in criminal activity relating to organized crime as well as those alleged to be associated with such persons. The records in this system concern matters primarily involving organized crime and include, but are not limited to, information obtained from investigative reports, grand jury files and records of indictments, prosecution, conviction, parole, probation, or immunity. The system also includes information as to those individuals involved in the investigation, prosecution, or trial of such persons. Records are originally recorded on forms CRM 75 - CRM 85 inclusive and are subsequently computerized. Additional information of the same nature is maintained on disc packs or tapes having been recorded prior to the advent of forms CRM 75 - CRM 85. Additional information of a similar nature is received from various federal investigatory agencies in machine readable form. In-

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cluded within the system are various management control documents. Records concerning subject matters described in this system may also be contained in JUSTICE/CRM - 001.

**Authority for maintenance of the system:** This system is established and maintained pursuant to 44 U.S.C. 3101 and the Presidential Directive on the Federal Drive Against Organized Crime issued May 5, 1966 (Weekly Compilation of Presidential Documents, Vol. 2, No. 18 (1966)). In addition, this system is maintained to assist in implementing and enforcing the criminal laws of the United States, particularly those codified in title 18, United States Code. This system is also maintained to implement the provisions codified in 28 C.F.R. 0.55 particularly subsection (g).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** A record maintained in this system of records may be disseminated as a routine use of such record as follows: (1) a record may be disseminated to a federal agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency; (2) a record may be disseminated to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** A record contained in this system is stored on forms CRM 75 - 85 inclusive, magnetic tape, disc packs and microfiche, index cards, computer paper, and punch cards.

**Retrievability:** The system is accessed by one or more of the components of the information contained in the system; accessing is by several methods including by-individual name.

**Safeguards:** The computer center is maintained by the Office of Management and Finance which has designed security procedures consistent with the sensitivity of the data. Materials related to the system maintained at locations other than the location of the computer center are similarly protected by being maintained in a restricted area at the Department of Justice.

**Retention and disposal:** Information in the system is constantly modified as new information is received. Historical data is maintained as an audit trail until sufficient experience with the system is received to develop appropriate procedures for the elimination and destruction of the data. Such procedures are consistent with applicable governmental procedures.

**System manager(s) and address:** Assistant Attorney General; Criminal Division; U.S. Department of Justice; 10th Street and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** Inquiry concerning the system should be addressed to the System Manager listed above.

**Record access procedures:** The major part of this system is exempted from this requirement under 5 U.S.C. 552a (j)(2), (k)(1), or (k)(2). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record contained in this system shall be made in writing, with the envelope and the letter clearly

marked 'Privacy Access Request'. Include in the request the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record, the name of the case or matter involved, if known, and the name of the judicial district involved, if known. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the system manager listed above. Records in this system are exempt from the access provisions of the Act in accordance with the applicable exemption notice.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought. Records in this system are exempt from the contesting provisions of the Act in accordance with the applicable exemption notice.

**Record source categories:** 1. Federal, state, local, or foreign government agencies concerned with administration of criminal justice and non-law enforcement agencies both public and private; 2. Members of the public; 3. Government employees; 4. Published material; 5. Witnesses and Informants.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3), and (4), (d), (e)(1), (2) and (3), (e)(4)(G), (H) and (I), (f), (g) and (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/CRM - 011

**System name:** Organized Crime and Racketeering Section File Check Out System.

**System location:** U.S. Department of Justice; Criminal Division; 10th Street and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:** Individuals having access to the Organized Crime and Racketeering Section files and subjects of the files.

**Categories of records in the system:** This system consists of a manual and automated index of those individuals who have had access to Organized Crime and Racketeering Section files with accompanying notations of the numbers of the files to which access was granted.

**Authority for maintenance of the system:** This system is established and maintained pursuant to 44 U.S.C. 3101. The system is also maintained to implement the provisions codified in 28 C.F.R. 0.55, particularly subsection (g).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** There are no uses of the records in this system outside of the Department of Justice.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** A record contained in this system is stored on disc pack, tape, and paper.

**Retrievability:** A record in this system may be accessed by name or file number.

**Safeguards:** The computer center is maintained by the Office of Management and Finance which has designed security procedures consistent with the sensitivity of the data. Materials related to the system maintained at locations other than the location of the computer are similarly protected by being maintained in a restricted area at the Department of Justice.

**Retention and disposal:** Information in the system is constantly modified as new information is received. Historical data is maintained as an audit trail until sufficient experience with the system is received to develop appropriate procedures for the elimination and destruction of the data. Such procedures are consistent with applicable governmental procedures.

**System manager(s) and address:** Assistant Attorney General; Criminal Division; U.S. Department of Justice; 10th Street and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** Inquiry concerning the system should be addressed to the System Manager listed above.

**Record access procedures:** The major part of this system is exempted from this requirement under 5 U.S.C. 552a (j)(2), (k)(1), or (k)(2). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record contained in this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request'. Include in the request the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record, the name of the case or matter involved, if known, and the name of the judicial district involved, if known. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the system manager listed above. Records in this system are exempt from the access provisions of the Act in accordance with the applicable exemption notice.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought. Records in this system are exempt from the contesting provisions of the Act in accordance with the applicable exemption notice.

**Record source categories:** Employees of governmental agencies and personnel of the Department of Justice.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(4)(G), (H) and (I), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/CRM - 012

**System name:** Organized Crime and Racketeering Section, General Index File and Associated Records.

**System location:** The general files of the Organized Crime and Racketeering Section are located at several locations and not all files are located at all locations. The location of the files are: 1. U.S. Department of Justice; Criminal Division, Organized Crime and Racketeering Section; 10th Street and Constitution Avenue, N.W.; Washington, D.C. 20530; and 2. Organized Crime and Racketeering Section Field offices listed in the Appendix to the Criminal Division's systems of records.

**Categories of individuals covered by the system:** Persons who have been prosecuted or are under investigation for potential or actual criminal prosecution as well as persons allegedly involved in organized criminal activity and those alleged to be associated with the subject.

**Categories of records in the system:** The system consists of alphabetical indices bearing individual names and the associated records to which they relate, arranged either by subject matter or individual identifying number, of all incoming correspondence, cases, matters, investigations, and memoranda assigned, referred, or of interest, to the Organized Crime and Racketeering Section and its field offices. The records in this system concern matters primarily involving organized crime and include, but are not limited to, case files; investigative reports; intelligence reports; subpoena and grand jury files; records of warrants and electronic surveillances; records of indictment, prosecution, conviction, parole, probation, or immunity; legal papers; evidence; exhibits; items clas-

sified confidential, secret, and top secret; and various other files related to the Section's activities and its ongoing investigations, prosecutions, cases, and matters. Records concerning subject matters described in this system may also be contained in JUSTICE/CRM - 001.

**Authority for maintenance of the system:** This system is established and maintained pursuant to 44 U.S.C. 3101 and the Presidential Directive on the Federal Drive Against Organized Crime, issued May 5, 1966 (Weekly Compilation of Presidential Documents, Vol. 2, No. 18 (1966)). In addition, this system is maintained to assist in implementing and enforcing the criminal laws of the United States, particularly those codified in title 18, United States Code. This system is also maintained to implement the provisions codified in 28 C.F.R. 0.55 particularly subsection (g).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** A record maintained in this system of records may be disseminated as a routine use of such record as follows: (1) in any case in which there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, the record in question may be disseminated to the appropriate federal, state, local, or foreign agency charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law; (2) in the course of investigating the potential or actual violation of any law, whether civil, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a federal, state, local, or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant; (3) a record relating to a case or matter may be disseminated in an appropriate federal, state, local, or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice; (4) a record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing; (5) a record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings; (6) a record relating to a case or matter that has been referred by an agency for investigation, prosecution, or enforcement, or that involves a case or matter within the jurisdiction of an agency, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter; (7) a record relating to a person held in custody pending or during arraignment, trial, sentence, or extradition proceedings, or after conviction or after extradition proceedings, may be disseminated to a federal, state, local, or foreign prison, probation, parole, or pardon authority, or to any other agency or individual concerned with the maintenance, transportation, or release of such a person; (8) a record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement; (9) a record may be disseminated to a federal, state, local, foreign, or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency; (10) a record may be disseminated to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter; (11) a record may be disseminated to the public, news media, trade associations, or organized groups, when the purpose of the dissemination is educational or informational, such as descriptions of crime trends or distinctive or unique modus operandi, provided that the record does not contain any information identifiable to a specific individual other than such modus operandi; (12) a record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in apprehending and/or returning a fugitive to a jurisdiction which seeks his

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return; (13) a record that contains classified national security information and material may be disseminated to persons who are engaged in historical research projects, or who have previously occupied policy making provisions to which they were appointed by the President, in accordance with the provisions codified in 28 C.F.R. 17.60.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The records in this system are stored on various documents, tapes, disc packs, and punch cards, some of which are contained in files, on index cards, or in related type materials.

**Retrievability:** The system is accessed by name but may be grouped for the convenience of the user by subject matter, e.g., parole file, photograph file, etc.

**Safeguards:** Materials related to the system are maintained in appropriately restricted areas and are safeguarded and protected in accordance with applicable Department rules.

**Retention and disposal:** Currently there are no provisions for the disposal of the records in the system.

**System manager(s) and address:** Assistant Attorney General; Criminal Division; U.S. Department of Justice; 10th Street and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** Inquiry concerning the system should be addressed to the System Manager listed above.

**Record access procedures:** The major part of this system is exempted from this requirement under 5 U.S.C. 552a (j)(2), (k)(1), or (k)(2). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record contained in this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request'. Include in the request the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record, the name of the case or matter involved, if known, and the name of the judicial district involved, if known. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the system manager listed above. Records in this system are exempt from the access provisions of the Act in accordance with the applicable exemption notice.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought. Records in this system are exempt from the contesting provisions of the Act in accordance with the applicable exemption notice.

**Record source categories:** 1. Federal, state, local, or foreign government agencies concerned with the administration of criminal justice and non-law enforcement agencies both public and private; 2. Members of the public; 3. Government employees; 4. Published material; 5. Witnesses and informants.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G), (H), and (I), (e)(5) and (8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2). Rules have

been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register

#### JUSTICE/CRM - 013

**System name:** Organized Crime Information Management System.

**System location:** U.S. Department of Justice; Criminal Division; 10th Street and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:** Intelligence clerks and technicians of the Organized Crime and Racketeering Section, Criminal Division.

**Categories of records in the system:** This system consists of a record of the quantity and accuracy of data input by various clerical and technical personnel of the Organized Crime and Racketeering Section, Criminal Division.

**Authority for maintenance of the system:** This system is established and maintained pursuant to 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** A record maintained in this system of records may be disseminated as a routine use of the record as follows: 1. to data transcription service personnel from outside of the Department of Justice; 2. to demonstrate data transcription techniques to potential user agencies outside of the Department of Justice.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** A record contained in this system is stored on magnetic tape, disc pack, and paper.

**Retrievability:** A record in this system is accessed by individual name.

**Safeguards:** The records in this system are maintained in safes with additional physical safeguards as well as limited access by Departmental personnel.

**Retention and disposal:** Currently there are no provisions for disposal of records contained in this system.

**System manager(s) and address:** Assistant Attorney General; Criminal Division; U.S. Department of Justice; 10th Street and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** Same as the above.

**Record access procedures:** A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request'. Include in the request the name of the individual concerned and the dates of his or her employment, if known. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Input clerks and technicians.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/CRM - 014

**System name:** Organized Crime and Racketeering Section, Intelligence and Special Services Unit, Information Request System.

**System location:** U.S. Department of Justice; Criminal Division; 10th Street and Constitution Avenue, N.W.; Washington, D.C. 20530. In addition, some of the records contained in this system are located at one or more of the Organized Crime and Racketeering Section Field Offices listed in the appendix to the Criminal Division's systems of records.

**Categories of individuals covered by the system:** Individuals making inquiries of the Intelligence and Special Services Unit data sources, Unit personnel processing those inquiries, Intelligence Analysts assigned to the Strike Forces, and those individuals about whom such inquiries are made.

**Categories of records in the system:** The information request record system provides an audit trail of the Organized Crime and Racketeering Section information system. Included in this system of records is such information as the request from an agency and the date of the request, the employee processing the request, the subject of the request, and a brief summary of the results of the check.

**Authority for maintenance of the system:** This system is established and maintained pursuant to 44 U.S.C. 3101. The system is also maintained to implement the provisions codified in 28 C.F.R. 0.55 particularly subsection (g).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** A record maintained in this system of records may be disseminated as a routine use of such record to a federal agency at its request if such agency has a need for the record to perform its duties.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** A record contained in this system is stored on computer tapes, paper, magnetic tape, and disc pack.

**Retrievability:** A record in this system is accessed by one or more of the components of the information contained in the system including accessing by the name of the individual.

**Safeguards:** The computer center is maintained by the Office of Management and Finance which has designed security procedures consistent with the sensitivity of the data. Materials related to the system maintained at locations other than the location of the computer are similarly protected by being maintained in a restricted area at the Department of Justice.

**Retention and disposal:** Information in the system is constantly modified as new information is received. Historical data is maintained as an audit trail until sufficient experience with the system is received to develop appropriate procedures for the elimination and destruction of the data. Such procedures are consistent with applicable governmental procedures.

**System manager(s) and address:** Assistant Attorney General; Criminal Division; U.S. Department of Justice; 10th Street and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** Inquiry concerning this system should be directed to the System Manager listed above.

**Record access procedures:** The major part of this system is exempted from this requirement under 5 U.S.C. 552a (j)(2), (k)(1), or (k)(2). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record contained in this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request'. Include in the request the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record, the name of the case or matter involved, if known, and the name of the judicial district involved, if known. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the system manager listed above. Records in this system are exempt from the access provisions of the Act in accordance with the applicable exemption notice.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Individuals who make inquiry of the Organized Crime and Racketeering Information System.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(4)(G), (H) and (I), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/CRM - 015

**System name:** Organized Crime and Racketeering Section Intelligence and Special Services Unit Visitor Pass System.

**System location:** U.S. Department of Justice; Criminal Division; 10th Street and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:** Individuals from outside the Criminal Division who are permitted to enter the Intelligence and Special Services Unit for the purpose of transacting business, and the employee being visited.

**Categories of records in the system:** The system consists of an alphabetical index of the names of those from outside the Criminal Division who have visited the Intelligence and Special Services Unit of the Organized Crime and Racketeering Section. It includes the name of the visitor, the name of the person visited, the visitor's date of birth, address, employment, citizenship, security clearance, time of arrival and departure, the signature of the visitor, a brief statement of the purpose of the visit, and occasional comments by unit personnel on the visit.

**Authority for maintenance of the system:** This system is established and maintained pursuant to 44 U.S.C. 3101. The system is also maintained to implement the provisions codified in 28 C.F.R. 0.55 particularly subsection (g).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** There are no uses of the records in this system outside of the Department of Justice.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

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**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** A record contained in this system is prepared on form CM-67 and kept in filing cabinets.

**Retrievability:** A record is retrieved either alphabetically by name of the person visited or chronologically.

**Safeguards:** The records are maintained in safe type filing cabinets.

**Retention and disposal:** Currently there are no provisions for disposal of the records in this system.

**System manager(s) and address:** Assistant Attorney General, U.S. Department of Justice, 10th Street and Constitution Avenue, N.W., Washington, D.C. 20530.

**Notification procedure:** Same as the above.

**Record access procedures:** A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request." Include in the request the name of the individual involved, his birth date and place, or other identifying numbers or information which may be of assistance in locating the record. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Visitors to the Intelligence and Special Services Unit, Organized Crime and Racketeering Section, and Unit personnel

**Systems exempted from certain provisions of the act:** None

#### JUSTICE/CRM - 016

**System name:** Records on Persons Who Have Outstanding and Uncollected Federal Criminal Fines or Federal Bond Forfeitures.

**System location:** U.S. Department of Justice; Criminal Division; 10th Street and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:** Persons who have outstanding and uncollected federal criminal fines or federal bond forfeitures whose address is presently unknown or was, at one time, unknown.

**Categories of records in the system:** This system contains the names of persons, and correspondence relating to such persons, who have federal criminal fines or federal bond forfeitures outstanding and whose whereabouts are presently unknown or were, at one time, unknown. The system is maintained to gather information on the whereabouts of such persons and to assist in federal collection efforts.

**Authority for maintenance of the system:** This system is established and maintained pursuant to 44 U.S.C. 3101. This system is also maintained to implement the provisions codified in 28 C.F.R. 0.171(a).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** A record maintained in this system of records may be disseminated as a routine use of such record as follows: (A) in the case of an individual whose whereabouts are unknown, to any individual, organization, or government agency for the purpose of gathering information to locate such person; or (B) in the case of any individual whose name is contained in the system whether or not his whereabouts are known as follows: (1) in any case in which there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, the record in question may be disseminated to the appropriate federal, state, local, or foreign agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing such law; (2) in the course of investigating the potential or actual violation of any law, whether civil, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a federal, state, local, or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant; (3) a

record relating to a case or matter may be disseminated in an appropriate federal, state, local, or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice; (4) a record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing; (5) a record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings; (6) a record may be disseminated to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** A record contained in this system is stored manually in file jackets.

**Retrievability:** A record is retrieved by the name of the individual.

**Safeguards:** Records are safeguarded and protected in accordance with applicable Departmental rules.

**Retention and disposal:** Currently there are no provisions for disposal of the records in this system.

**System manager(s) and address:** Assistant Attorney General, Criminal Division, U.S. Department of Justice, 10th Street and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** Same as the above.

**Record access procedures:** A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request." Include in the request the name and address of the individual involved, his address, his birth date and place, or other identifying number or information which may be of assistance in locating the record, the name of the case involved, if known, and the name of the judicial district, if known. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Sources of information contained in this system are federal, state, local, or foreign agencies, and private individuals and organizations.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/CRM - 017

**System name:** Registration and Propaganda Files Under the Foreign Agents Registration Act of 1938, As Amended.

**System location:** U.S. Department of Justice; Criminal Division; 10th Street and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:** Persons required to file under the Foreign Agents Registration Act of 1938, 22 U.S.C. 611 et seq.

**Categories of records in the system:** The system contains the statement of the registrant and other documents required to be filed under the Foreign Agents Registration Act of 1938. Records concerning subject matters described in this system may also be contained in JUSTICE/CRM - 001.

**Authority for maintenance of the system:** This system is established and maintained pursuant to 22 U.S.C. 611 et seq. The system is also maintained to implement the provisions of 28 C.F.R. 5.1 through 5.801.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** A record maintained in this system of records may be disseminated as a routine use of such record to any individual, organization, or government agency.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** A record contained in this system is stored manually, on index cards and in file jackets.

**Retrievability:** A record is retrieved by name of the individual.

**Safeguards:** Records are safeguarded and protected in accordance with applicable Departmental rules.

**Retention and disposal:** Currently there are no provisions for disposal of the records in this system.

**System manager(s) and address:** Assistant Attorney General, Criminal Division, U.S. Department of Justice, 10th Street and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** Same as the above.

**Record access procedures:** A request for access to a record from this system shall be made pursuant to the provisions of 28 C.F.R. 5.600 and 5.601.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** The source of information contained in this system is the registrant.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/CRM - 018

**System name:** Registration Files of Individuals Who Have Knowledge of, or Have Received Instruction or Assignment in, Espionage, Counterespionage, or Sabotage Service or Tactics of a Foreign Government or of a Foreign Political Party.

**System location:** U.S. Department of Justice; Criminal Division; 10th Street and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:** Persons who have knowledge of, or who have received instruction or assignment in, espionage, counterespionage, or sabotage service or tactics of a foreign government or of a foreign political party.

**Categories of records in the system:** The system contains the statement of the registrant and other documents required to be filed

under 50 U.S.C. 851. The system is a public record except that certain statements may be withdrawn from public examination pursuant to 50 U.S.C. 853 and 28 C.F.R. 12.40 by the Attorney General having due regard for national security and the public interest. Records concerning subject matters described in this system may also be contained in JUSTICE/CRM-001.

**Authority for maintenance of the system:** This system is established and maintained pursuant to 50 U.S.C. 851 et seq. The system is also maintained to implement the provisions codified in 28 C.F.R. 12.1 through 12.70.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** A record maintained in this system of records may be disseminated as a routine use of such record as follows: (A) in the case of a record not withdrawn by the Attorney General from public examination, to any individual, organization, or government agency; or (B) in the case of a record withdrawn by the Attorney General from public examination as follows: (1) in any case in which there is an indication of a violation or potential violation of law, whether civil, or criminal or regulatory in nature, the registration record in question may be disseminated to the appropriate federal, state, local, or foreign agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing such law; (2) in the course of investigating the potential or actual violation of any law, whether civil, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a registration record may be disseminated to a federal, state, local, or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant; (3) a record relating to a registration may be disseminated in an appropriate federal, state, local, or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice; (4) a record relating to a registration may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing; (5) a record relating to a registration may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings; (6) a record relating to a registration that has been referred by an agency for investigation may be disseminated to the referring agency to notify such agency of the status of the registration or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the matter; (7) a registration record relating to a person held in custody pending or during arraignment, trial, sentence, or extradition proceedings, or after conviction or after extradition proceedings may be disseminated to a federal, state, local, or foreign prison, probation, parole, or pardon authority, or to any other agency or individual concerned with the maintenance, transportation, or release of such person; (8) a record relating to a registration may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement; (9) a registration record may be disseminated to a federal, state, local or foreign law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency; (10) a registration record may be disseminated to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decisions on the matter; (11) a registration record that contains classified national security information and material may be disseminated to persons who are engaged in historical research projects, or who have previously occupied policy making provisions to which they were appointed by the President, in accordance with the provisions codified in 28 C.F.R. 17.60.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

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Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service. A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** A record contained in this system is stored manually on index cards and in file jackets.

**Retrievability:** A record is retrieved by name of the individual registrant.

**Safeguards:** Records are safeguarded and protected in accordance with applicable Departmental files.

**Retention and disposal:** Currently there are no provisions for disposal of the records in this system.

**System manager(s) and address:** Assistant Attorney General, Criminal Division, U.S. Department of Justice; 10th Street and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** Same as the above.

**Record access procedures:** A request for access to a record from this system shall be made pursuant to the provisions of 28 C.F.R. 12.40 and 12.41.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** The source of information contained in this system is the registrant.

**Systems exempted from certain provisions of the act:** None

#### JUSTICE/CRM - 019

**System name:** Requests to the Attorney General For Approval of Applications to Federal Judges For Electronic Interceptions.

**System location:** U.S. Department of Justice; Criminal Division; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:** Individuals who have been the subject of requests by federal investigative agencies for electronic surveillance.

**Categories of records in the system:** The system contains requests received from federal investigative agencies and federal prosecutors, and associated documents, seeking the authorization of the Attorney General required by 18 U.S.C. 2516 for an application to a federal court for an order authorizing the interception of a wire or oral communication in cases involving federal criminal violations. Records concerning subject matters described in this system may also be contained in JUSTICE/CRM - 001.

**Authority for maintenance of the system:** This system is established and maintained pursuant to 44 U.S.C. 3101. The system is also maintained to implement the provisions of 18 U.S.C. 2516 and 18 U.S.C. 2519.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** A record maintained in this system of records may be disseminated as a routine use of such record as follows: 1. in an appropriate federal, state, or local court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice; 2. to the requesting agency to notify such agency of the status of the case or matter or of any decision or determination that has been made; 3. to furnish such information for reports to the Administrative Office of the United States Courts as is necessary to comply with the reporting provisions of 18 U.S.C. 2519; 4. to a party pursuant to 18 U.S.C. 2518 (8)(d), (9), and (10) and 18 U.S.C. 3504.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that

release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress.** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service. A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** A record contained in this system is stored manually in file jackets.

**Retrievability:** A record is retrieved by the name of the individual who appears first on the application or affidavit that is first received.

**Safeguards:** The records are safeguarded and protected in accordance with applicable Departmental rules.

**Retention and disposal:** Currently there are no provisions for disposal of the records in this system.

**System manager(s) and address:** Assistant Attorney General, Criminal Division, U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** Inquiry concerning this system should be directed to the System Manager listed above.

**Record access procedures:** The major part of this system is exempted from this requirement under 5 U.S.C. 552a (j)(2), (k)(1), or (k)(2). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record contained in this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request". Include in the request the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record, the name of the case or matter involved, if known, and the name of the judicial district involved, if known. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the system manager listed above. Records in this system are exempt from the access provisions of the Act in accordance with the applicable exemption notice.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought. Records in this system are exempt from the contesting provisions of the Act in accordance with the applicable exemption notice.

**Record source categories:** Sources of information contained in this system are federal investigative agencies, federal prosecutors, and personnel of the Criminal Division, Department of Justice.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(2) and (3), (e)(4)(G), (H) and (I), (e)(8), (f), and (g) of the Privacy Act Pursuant to 5 U.S.C. 552a (j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/CRM - 020

**System name:** Requests to the Attorney General For Approval of Applications to Federal Judges For Electronic Interceptions in Narcotic and Dangerous Drug Cases.

**System location:** U.S. Department of Justice; Criminal Division; 10th Street and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:** Individuals who have been the subject of requests by federal investigative agencies for electronic surveillance.

**Categories of records in the system:** The system contains requests received from federal investigative agencies and federal prosecutors, and associated documents, seeking authorization of the Attorney General required by 18 U.S.C. 2516 for an application to a federal court for an order authorizing an interception of a wire or oral communication in cases involving narcotics and dangerous drugs. Records concerning subject matters described in this system may also be contained in JUSTICE/CRM - 001.

**Authority for maintenance of the system:** This system is established and maintained pursuant to 44 U.S.C. 3101. The system is also maintained to implement the provisions of 18 U.S.C. 2516 and 18 U.S.C. 2519.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** A record maintained in this system may be disseminated as a routine use of such record as follows: 1. in an appropriate federal, state, local, or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice; 2. to the requesting agency to notify such agency of the status of the case or matter or of any decision or determination that has been made; 3. to furnish such information for reports to the Administrative Office of the United States Courts as is necessary to comply with the reporting provisions of 18 U.S.C. 2519; 4. to a party pursuant to 18 U.S.C. 2518 (8)(d), (9), and (10) and 18 U.S.C. 3504.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress.** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service. A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** A record contained in this system is stored manually in file jackets.

**Retrievability:** A record is retrieved by the name of the individual who appears first on the application or affidavit that is first received.

**Safeguards:** The records are safeguarded and protected in accordance with applicable Departmental rules.

**Retention and disposal:** Currently there are no provisions for disposal of the records in this system.

**System manager(s) and address:** Assistant Attorney General, Criminal Division, U.S. Department of Justice; 10th Street and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** Inquiry concerning this system should be directed to the System Manager listed above.

**Record access procedures:** The major part of this system is exempted from this requirement under 5 U.S.C. 552a (j)(2), (k)(1), or (k)(2). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record contained in this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request". Include in the request the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record, the name of the case or matter involved, if known, and the name of the judicial district involved, if known. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the system manager listed above. Records in this system are exempt from the access provisions of the Act in accordance with the applicable exemption notice.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought. Records in this system are exempt from the contesting provisions of the Act in accordance with the applicable exemption notice.

**Record source categories:** Sources of information contained in this system are federal investigative agencies, federal prosecutors, and personnel of the Criminal Division, Department of Justice.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(2) and (3), (e)(4)(G), (H) and (I), (e)(8), (f), and (g) of the Privacy Act Pursuant to 5 U.S.C. 552a (j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/CRM - 021

**System name:** The Stocks and Bonds Intelligence Control Card File System.

**System location:** U.S. Department of Justice; Criminal Division; 10th Street and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:** Individuals, and their known associates, who are actual, potential, or alleged violators, of statutes dealing with stocks, bonds, and other securities.

**Categories of records in the system:** This system is an alphabetical listing of all individuals, and their associates, who are actual, potential, or alleged violators of the statutes dealing with counterfeiting, forging, and theft of stocks, bonds, and other securities including those who traffic, or are suspected of trafficking, in such stocks, bonds, or other securities. Records concerning subject matters described in this system may also be contained in JUSTICE/CRM - 001.

**Authority for maintenance of the system:** This system is established and maintained pursuant to 44 U.S.C. 3101, and is intended to assist in implementing and enforcing the criminal laws of the United States codified in title 18, United States Code and elsewhere, particularly the laws relating to offenses involving stocks and bonds. The system is also maintained to implement the provisions codified in 28 C.F.R. 0.55.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** A record maintained in this system of records may be disseminated as a routine use of such record as follows: (1) in any case in which there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, the record in question may be disseminated to the appropriate federal, state, local, or foreign agency charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law; (2) in the course of investigating the potential or actual violation of any law, whether civil, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a federal, state, local, or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant; (3) a record relating to a case or matter may be disseminated in an appropriate federal, state, local, or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice; (4) a record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing; (5) a record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings; (6) a record relating to a case or matter that has been referred by an agency for investigation, prosecution, or enforcement, or that involves a case or matter within the jurisdiction of an agency, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter; (7) a record relating to a person held in custody pending or during arraignment, trial, sentence, or

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extradition proceedings, or after conviction or after extradition proceedings, may be disseminated to a federal, state, local, or foreign prison, probation, parole, or pardon authority, or to any other agency or individual concerned with the maintenance, transportation, or release of such a person; (8) a record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement; (9) a record may be disseminated to a federal, state, local, foreign, or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency; (10) a record may be disseminated to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter; (11) a record may be disseminated to the public, news media, trade associations, or organized groups, when the purpose of the dissemination is educational or informational, such as descriptions of crime trends or distinctive or unique modus operandi, provided that the record does not contain any information identifiable to a specific individual other than such modus operandi.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** A record contained in this system is stored manually on index cards.

**Retrievability:** A record is retrieved by the name of the individual.

**Safeguards:** Records are safeguarded and protected in accordance with applicable Departmental rules.

**Retention and disposal:** Currently there are no provisions for disposal of the records in this system.

**System manager(s) and address:** Assistant Attorney General; Criminal Division; U.S. Department of Justice; 10th Street and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** Inquiry concerning the system should be directed to the System Manager listed above.

**Record access procedures:** The major part of this system is exempted from this requirement under 5 U.S.C. 552a (j)(2), (k)(1), or (k)(2). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record contained in this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request." Include in the request the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record, the name of the case or matter involved, if known, and the name of the judicial district involved, if known. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the system manager listed above. Records in this system are exempt from the access provisions of the Act in accordance with the applicable exemption notice.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought. Records in this system are exempt from the contesting provisions of the Act in accordance with the applicable exemption notice.

**Record source categories:** Sources of information contained in this system are federal, state, local, and foreign government agencies and prosecutors, private organizations and individuals, and personnel of the Department of Justice.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G), (H) and (I), (e)(5) and (8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/CRM - 022

**System name:** Witness Immunity Records.

**System location:** U.S. Department of Justice, Criminal Division, 10th Street and Constitution Avenue, N.W., Washington, D.C. 20530.

**Categories of individuals covered by the system:** Potential or actual witnesses for whom immunity (pursuant to 18 U.S.C. 6001-6005 and 18 U.S.C. 2514) is proposed.

**Categories of records in the system:** The system contains background information on the individual and the case or matter in which he is expected to testify in a proceeding before or ancillary to a court or grand jury of the United States or an agency of the United States. In criminal cases or matters, the information maintained in the system is entered from DOJ Form-LAA-111, "Request for Immunity Authorization." The system also contains a record of action taken by the Criminal Division on the request.

**Authority for maintenance of the system:** This system is established and maintained pursuant to 44 U.S.C. 3101. The system is also maintained to implement the provisions of 18 U.S.C. 6001-6005 and 18 U.S.C. 2514.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** A record maintained in this system of records may be disseminated as a routine use of such record as follows: (1) a record may be disseminated to a federal, state, local, or foreign law enforcement agency to alert such agency to the proposed immunity or, to the extent necessary for identification purposes, to elicit information concerning the potential or actual witness which may be necessary to an evaluation of the proposed immunity; (2) a record from this system, relating to a proposed immunity that has been referred to the Department of Justice for approval, may be disseminated to the referring agency to notify such agency of the status of the referral or of any decision or determination that has been made, and the reasons therefor.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Index records, cross-indexed to request files, are maintained alphabetically in locked index card cabinets. Request files are maintained numerically in file cabinets.

**Retrievability:** A record is retrieved from the index cards by the name of the individual and from the files by a number assigned and appearing on the index cards.

**Safeguards:** Access to physical records is limited to unit personnel and known Department personnel.

**Retention and disposal:** There are no provisions for disposal of the records contained in this system of records.

**System manager(s) and address:** Assistant Attorney General; Criminal Division; U.S. Department of Justice; 10th Street and Constitution Avenue, N.W., Washington, D.C. 20530.

**Notification procedure:** The major part of this system is exempted from this requirement pursuant to 5 U.S.C. 552a (j)(2) or (k)(2). Inquiry concerning this system should be directed to the System Manager listed above.

**Record access procedures:** The major part of this system is exempted from this requirement pursuant to 5 U.S.C. 552a (j)(2) or (k)(2). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request." Include in the request the name of the individual involved, his birth date and place, or other identifying number or information which may be of assistance in locating the record, the name of the case or matter involved, if known, and the name of the judicial district involved, if known. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** 1. Federal government prosecutors; 2. Federal agencies; 3. Department of Justice attorneys and personnel.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(2), (3) and (e)(4)(G), (H) and (I), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/CRM - 023

**System name:** Weekly Statistical Report.

**System location:** U.S. Department of Justice; Criminal Division; 10th & Constitution Avenue, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:** Past or present attorneys of the Criminal Division.

**Categories of records in the system:** The system consists of weekly statistical reports submitted by each attorney of the Criminal Division detailing the time expended on case or matter oriented activities and on non-case and matter oriented activities. The system also includes periodic computer printout summaries.

**Authority for maintenance of the system:** This system is established and maintained pursuant to 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Statistical compilations arranged by Section and by Division are submitted to the Congress and the Office of Management and Budget in connection with annual appropriations. There are no other uses of the records in this system outside of the Department of Justice.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information

to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Original Weekly Statistical Reports are retained and the information contained thereon is also stored at the Department's computer center. Summaries are also retained on computer printout paper. Records not at the computer center are stored in file cabinets in the Criminal Division.

**Retrievability:** The record is retrieved by date, section, unit, or name of attorney.

**Safeguards:** The computer center is maintained by the Office of Management and Finance which has designed security procedures consistent with the sensitivity of the data. Materials related to the system maintained at locations other than the location of the computer center are protected and safeguarded in accordance with applicable Departmental rules.

**Retention and disposal:** Information as to individuals is destroyed at the computer center annually. Original weekly reports are destroyed approximately every two years. Statistical data and compilations are maintained indefinitely.

**System manager(s) and address:** Assistant Attorney General; Criminal Division; U.S. Department of Justice; 10th & Constitution Avenues, N.W.; Washington, D.C. 20530.

**Notification procedure:** Same as above.

**Record access procedures:** A request for access to a record from this system shall be made in writing with the envelope and the letter clearly marked "Privacy Access Request." Include in the request the name of the past or present attorney employed by the Criminal Division. The requestor shall also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Attorneys of the Criminal Division.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/CRM - 024

**System name:** Freedom of Information/Privacy Act Records.

**System location:** U.S. Department of Justice, Criminal Division, 10th & Constitution Avenue, N.W., Washington, D.C. 20530.

**Categories of individuals covered by the system:** Persons who request disclosure of records pursuant to the Freedom of Information Act, persons who request access to or correction of records pertaining to themselves contained in Criminal Division systems of records pursuant to the Privacy Act; and, where applicable, persons about whom records have been requested or about whom information is contained in requested records.

**Categories of records in the system:** The system contains copies of all correspondence and internal memorandums related to Freedom of Information and Privacy Act requests, and related records necessary to the processing of such requests received on or after January 1, 1975.

**Authority for maintenance of the system:** This system is established and maintained pursuant to 44 U.S.C. 3101 and is maintained to implement the provisions of 5 U.S.C. 552 and 552a and the provisions of 28 C.F.R. 16.1 et seq. and 28 C.F.R. 16.40 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** A record maintained in this system may be disseminated as a routine use of such record as follows: (1) a record may be disseminated to a Federal agency which furnished the record for the purpose of permitting a decision as to access or correction to be made by that agency, or for the purpose of consulting with that agency as to the propriety of access or correction; (2) a record may be disseminated to any appropriate Federal, State, local, or foreign agency for the purpose of verifying the accuracy of information submitted by an individual who has requested amendment or correction of records contained in systems of records maintained by the Criminal Division.



Release of information to the news media; Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress.** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** A record contained in this system is stored manually in alphabetical order in file cabinets.

**Retrievability:** A record is retrieved by the name of the individual or person making a request for access or correction of records.

**Safeguards:** Access to physical records is limited to personnel of the Freedom of Information/Privacy Act Unit of the Criminal Division and known Department of Justice personnel who have a need for the record in the performance of their duties. The records are safeguarded and protected in accordance with applicable Department rules.

**Retention and disposal:** Currently there are no provisions for disposal of records contained in this system.

**System manager(s) and address:** Assistant Attorney General, Criminal Division, U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Notification procedure:** A part of this system is exempted from this requirement under 5 U.S.C. 552a(j)(2), (k) (1), or (k) (2). Inquiry concerning this system should be directed to the system manager listed above.

**Record access procedures:** A part of this system is exempted from this requirement under 5 U.S.C. 552a(j)(2), (k) (1), or (k) (2), to the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record contained in this system shall be made at the time a request for access is received. A request for access to a record contained in this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Requests.' Include in the request the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record, the name of the case or matter involved, if known, and the name of the judicial district involved, if known. The requester shall also provide a return address for transmitting the information. Access requests shall be directed to the system manager listed above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager listed above, stating clearly and concisely what information is being contested, the reason for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Sources of information contained in this system are the individuals and persons making requests, the systems of records searched in the process of responding to requests, and other agencies referring requests for access to or correction of records originating in the Criminal Division.

**Systems exempted from certain provisions of the act:** Records secured from other systems of records have been exempted from the provisions of the Privacy Act to the same extent as the systems of records from which they were obtained. Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b) (c), and (e) and have been published in the Federal Register.

#### JUSTICE/CRM - 999

**System name:** Appendix to Criminal Division System of Records

**Field Offices of the Organized Crime and Racketeering Section** are located as follows:

Organized Crime and Racketeering Section  
U. S. Department of Justice  
P.O. Box 834  
Atlanta, Georgia 30301

Organized Crime and Racketeering Section  
U.S. Department of Justice  
Room 1703  
U.S. Post Office and Courthouse  
Boston, Massachusetts 02109

Organized Crime and Racketeering Section  
U.S. Department of Justice  
Room 327-A, Federal Building  
Brooklyn, New York 11201

Organized Crime and Racketeering Section  
U.S. Department of Justice  
Suite 921 - Genesee Building  
1 West Genesee Street  
Buffalo, New York 14202

Organized Crime and Racketeering Section  
U.S. Department of Justice  
Room 1552  
219 South Dearborn Street  
Chicago, Illinois 60604

Organized Crime and Racketeering Section  
U.S. Department of Justice  
Room 526  
Northern Ohio Bank Building  
Cleveland, Ohio 44113

Organized Crime and Racketeering Section  
U.S. Department of Justice  
Room 940 - Federal Building  
Detroit, Michigan 48226

Organized Crime and Racketeering Section  
U.S. Department of Justice  
Federal Building  
Hartford, Connecticut 06103

Organized Crime and Racketeering Section  
U.S. Department of Justice  
Suite 717  
906 Grand Avenue  
Kansas City, Missouri 64106

Organized Crime and Racketeering Section  
U.S. Department of Justice  
Room 2307 - Federal Building  
300 North Los Angeles Street  
Los Angeles, California 90012

Organized Crime and Racketeering Section  
U.S. Department of Justice  
111 Northwest 5th Street  
Miami, Florida 33128

Organized Crime and Racketeering Section  
U.S. Department of Justice  
P.O. Box 89  
Newark, New Jersey 07101

Organized Crime and Racketeering Section  
U.S. Department of Justice  
P.O. Box B  
9th and Chestnut Streets  
Philadelphia, Pennsylvania 19107

Organized Crime and Racketeering Section  
U.S. Department of Justice  
Federal Building  
Providence, Rhode Island 02901

Organized Crime and Racketeering Section  
U.S. Department of Justice  
Room 318 - New Federal Building

100 State Street  
Rochester, New York 14614

Organized Crime and Racketeering Section  
U.S. Department of Justice  
Box 36132  
450 Golden Gate Avenue  
San Francisco, California 94102

Organized Crime and Racketeering Section  
U. S. Department of Justice  
Box 571 Ben Franklin Station  
Washington, D.C. 20044

Organized Crime and Racketeering Section  
U.S. Department of Justice  
P.O. Box 2799  
Tampa, Florida 33601

#### JUSTICE/LDN - 001

**System name:** Appraisers File.

**System location:** U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:** Appraisers who have indicated their availability for appraisal of real property proposed to be acquired by the United States.

**Categories of records in the system:** Alphabetized list, alphabetized index cards, and associated papers including application and information relating to qualifications.

**Authority for maintenance of the system:** The system is established and maintained as an incident of such of the statutory authority of the Attorney General relating to the conduct of litigation as he has delegated to the Land and Natural Resources Division (28 U.S.C. 509 and 510, and 28 C.F.R. Subpart M), particularly the authority to conduct proceedings for condemnation of property (see 40 U.S.C. 257 et seq.).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The records are utilized in compiling a list of individual appraisers, with their qualifications, who have indicated their availability for appraisal of real property proposed to be acquired by the United States, for use by Federal agencies and the Department of Justice for acquisitions involving or which may finally involve exercise of the power of eminent domain.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress.** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information is maintained in form received.

**Retrievability:** Information is retrieved by alphabetized name of the subject.

**Safeguards:** Information contained in the system is unclassified. It is safeguarded in accordance with Departmental rules and procedures governing Justice records.

**Retention and disposal:** Records are retained during their useful life and are subject to destruction 15 years after the pertinent subject has ceased to be in an active status.

**System manager(s) and address:** Chief, Administrative Section; Land and Natural Resources Division; U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** Address inquiries to the: Assistant Attorney General; Land and Natural Resources Division; U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D. C. 20530.

**Record access procedures:** A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request', and the system and record sufficiently described in the letter for identification.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Sources of information contained in this system are principally the applicant and his references, which sources may be supplemented by others having knowledge of the applicant's professional qualifications.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/LDN - 002

**System name:** Congressional Correspondence File.

**System location:** U.S. Department of Justice; 10th and Constitution Avenue, N. W.; Washington, D. C. 20530.

**Categories of individuals covered by the system:** Senators and Congressmen

**Categories of records in the system:** This file contains the correspondence had by the Land and Natural Resources Division with Members of the Congress.

**Authority for maintenance of the system:** This file is maintained pursuant to requirements for maintenance of records by Federal agencies (see 44 U.S.C. 3101 et seq.).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** This file is routinely consulted by personnel of the Land and Natural Resources Division to determine past actions on specific matters and to expedite any additional action as to which there is correspondence with a Member of the Senate or House of Representatives.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress.** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information is maintained in form received.

**Retrievability:** Information is retrieved by alphabetized name of the subject.

**Safeguards:** Information contained in the system is unclassified. It is safeguarded in accordance with Departmental rules and procedures governing Justice records.

**Retention and disposal:** Records are retained during their useful life and are subject to destruction 15 years after the pertinent subject has ceased to be in an active status.

**System manager(s) and address:** Chief, Administrative Section; Land and Natural Resources Division; U. S. Department of Justice; 10th and Constitution Avenue, N. W.; Washington, D. C. 20530.

**Notification procedure:** Address inquiries to the: Assistant Attorney General; Land and Natural Resources Division; U. S. Department of Justice; 10th and Constitution Avenue, N. W.; Washington, D. C. 20530.

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**Record access procedures:** A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request', and the system and record sufficiently described in the letter for identification.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** The sole sources of the information in this system are the Senators or Congressmen with whom the correspondence is conducted.

**Systems exempted from certain provisions of the act:** None

#### JUSTICE/LDN - 003

**System name:** Docket Card System.

**System location:** U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D. C. 20530.

**Categories of individuals covered by the system:** Persons, associations or corporations whose names may appear in the case name or subject name of a matter coming to the attention of the Land and Natural Resources Division for possible litigation.

**Categories of records in the system:** The system contains index cards on which is maintained a summary of the correspondence, pleadings, and other developments regarding the pertinent matter.

**Authority for maintenance of the system:** The system is established and maintained as an incident of such of the statutory authority of the Attorney General relating to the conduct of litigation as he has delegated to the Land and Natural Resources Division (28 U.S.C. 509 and 510, and 28 C.F.R. Subpart M).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records are used by personnel of the Division as an aid in determining the existence in the Division of a matter relating to the named case or subject, and to facilitate appraisal of the status of the pertinent matter for the purpose of taking timely appropriate action relating thereto.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information is maintained on index cards.

**Retrievability:** Information is retrieved by alphabetized name of the case or subject.

**Safeguards:** Information contained in the system is unclassified. It is safeguarded in accordance with Departmental rules and procedures governing Justice records.

**Retention and disposal:** Records are retained during their useful life and are subject to destruction 15 years after the pertinent case or subject has ceased to be in an active status.

**System manager(s) and address:** Chief, Administrative Section; Land and Natural Resources Division; U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D. C. 20530.

**Notification procedure:** Address inquiries to the: Assistant Attorney General; Land and Natural Resources Division; U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Record access procedures:** A request for access to a record from this system shall be made in writing, with the envelope and the

letter clearly marked 'Privacy Access Request', and the system and record sufficiently described in the letter for identification.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Sources of information contained in this system are the correspondence, pleadings, and other indices of developments regarding the pertinent case or subject, from wheresoever received.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3) and (d) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/LDN - 004

**System name:** Title Abstractors, Attorneys and Insurance Corporations File.

**System location:** U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D. C. 20530.

**Categories of individuals covered by the system:** Abstractors, Attorneys and Insurance Corporations requesting approval for preparation of title evidence in land acquisitions by the United States.

**Categories of records in the system:** Alphabetized list, alphabetized index cards, and associated papers including application and information relating to qualifications.

**Authority for maintenance of the system:** The system is established and maintained, as an incident to carrying out the statutory requirement (R.S. 355; 40 U.S.C. 255) that the Attorney General pass on title to land acquired by the United States or delegate such responsibility in accordance with regulations promulgated by him (see 28 C.F.R. 0.66).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records are utilized in compiling a list of those abstractors, attorneys and insurance corporations which are approved, for advising agencies of the United States as to the fact of such approval and consequent eligibility for preparation of title evidence.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information is maintained in form received.

**Retrievability:** Information is retrieved by alphabetized name of the subject.

**Safeguards:** Information contained in the system is unclassified. It is safeguarded in accordance with Departmental rules and procedures governing Justice records.

**Retention and disposal:** Records are retained during their useful life and are subject to destruction 15 years after the pertinent subject has ceased to be in an active status.

**System manager(s) and address:** Chief, Administrative Section, Land and Natural Resources Division; U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D. C. 20530.

**Notification procedure:** Address inquiries to the: Assistant Attorney General; Land and Natural Resources Division; U. S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D. C. 20530.

**Record access procedures:** A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request', and the system and record sufficiently described in the letter for identification.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Sources of information contained in this system are the Abstractors, Attorneys and Insurance Corporations involved and the United States Attorneys for the districts in which they principally do business, with the latter supplementing his personal knowledge with information from local banks, clients and other sources having knowledge reflecting on the professional qualifications of the subject involved.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/LDN - 005

**System name:** Freedom of Information Act and Privacy Act Records System.

**System location:** U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:** All persons who request, under the Freedom of Information and Privacy Acts, access to or copies of records maintained by the Land and Natural Resources Division.

**Categories of records in the system:** This system contains, in alphabetical order, requests, under the Freedom of Information and Privacy Acts, for access to Division records, responses thereto and related materials.

**Authority for maintenance of the system:** 5 U.S.C. 552.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The system is used: a) to maintain records concerning the processing and determination of requests for information made pursuant to the Freedom of Information Act and the Privacy Act; b) to provide documentation of receipt and processing of requests for information made pursuant to the Freedom of Information Act and the Privacy Act if needed for processing contested denials of release of data; c) to furnish information to employees of the Department of Justice who have a need for information from the system in performance of their duties; d) to maintain a count of requests and method of compliance as required by the Freedom of Information Act and the Privacy Act.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information is maintained in form received.

**Retrievability:** Information is retrieved by alphabetized name of the subject.

**Safeguards:** Information contained in the system is unclassified. It is safeguarded in accordance with Departmental rule, and procedures governing Justice records.

**Retention and disposal:** Records are retained during their useful life and are subject to destruction 15 years after the pertinent subject has ceased to be in an active status.

**System manager(s) and address:** Division Control Officer; Land and Natural Resources Division, U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** Address inquiries to the: Assistant Attorney General; Land and Natural Resources Division; U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Record access procedures:** A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request' and the system and record sufficiently described in the letter for identification.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Source of information contained in this system is the applicant for information.

**Systems exempted from certain provisions of the act:** Records secured from other systems of records have been exempted from the provisions of the Privacy Act to the same extent as the systems of records from which they were obtained. The Attorney General has also exempted certain categories of records in this system from subsection (c) (3) and (d) of the Privacy Act pursuant to 5 U.S.C. 552a (k) (2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b),(c) and (e) and have been published in the Federal Register.

#### JUSTICE/DAG - 001

**System name:** Declassification Review Index.

**System location:** Office of the Deputy Attorney General; United States Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:** All persons who request declassification of Department documents.

**Categories of records in the system:** Copies, filed by year of requests for declassification of Department of Justice documents.

**Authority for maintenance of the system:** These records are maintained pursuant to 5 U.S.C. 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The records are public information.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** These records are stored in paper folders.

**Retrievability:** By name of the requester.

**Safeguards:** These records are stored in cabinets in a lockable room.

**Retention and disposal:** These records are maintained indefinitely.

**System manager(s) and address:** Staff Assistant to the Deputy Attorney General; Office of the Deputy Attorney General; United States Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

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**Notification procedure:** Same as the above.

**Record access procedures:** Same as the above.

**Contesting record procedures:** Same as the above.

**Record source categories:** The individuals who request declassification.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/DAG - 002

**System name:** Freedom of Information and Privacy Appeals Index.

**System location:** Office of the Deputy Attorney General; United States Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:** The system encompasses all individuals who submit administrative appeals under the Freedom of Information or Privacy Acts.

**Categories of records in the system:** The system contains copies of administrative appeals and other related correspondence filed under the Freedom of Information and Privacy Acts and copies are filed sequentially by date of receipt based on a numerical identifier assigned to each appeal.

**Authority for maintenance of the system:** The system was established and is maintained to enable the Office of the Deputy Attorney General to comply with the reporting requirements set forth in 5 U.S.C. 552 and 552a.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records are maintained for the purpose of processing administrative appeals under the Freedom of Information and Privacy Acts and to comply with the reporting requirements of those Acts.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** These records are stored in file folders in cabinets.

**Retrievability:** These folders are filed by the number assigned to each.

**Safeguards:** These records are stored in cabinets in a lockable room.

**Retention and disposal:** These folders are kept indefinitely.

**System manager(s) and address:** Director, Office of Privacy and Information Appeals, Office of the Deputy Attorney General; United States Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** Same as the System Manager.

**Record access procedures:** Same as the System Manager.

**Contesting record procedures:** Same as the System Manager.

**Record source categories:** Those individuals who submit appeals under the Freedom of Information and Privacy Acts.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/AAG - 001

**System name:** Appointed Assistant United States Attorneys Personnel System.

**System location:** Office of the Associate Attorney General; United States Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:** The system encompasses all Assistant United States Attorneys.

**Categories of records in the system:** This system of records consists of records folders which may contain up to a total of five sections. The personnel section contains personnel records such as completed Civil Service forms, letters of recommendation, law school grade transcripts, appointment letters, appointment affidavits, bar affidavits, locator forms and personnel action forms. The character section contains completed or portions of ongoing background investigations and matters related thereto. The Congressional section contains Congressional and other political type recommendations regarding appointment. The protest section contains correspondence, if any exists, protesting the appointment of applicants. The complaint section contains correspondence from individuals or groups complaining about office holders. Rarely does a personnel folder contain more than the personnel and character sections.

**Authority for maintenance of the system:** These records are maintained pursuant to 5 U.S.C. 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records are used only by Department of Justice personnel. Information contained in a folder may be used as the basis for answering future inquiries from other government agencies about a former assistant's qualifications. The personnel section may be made available to other federal agencies, at their request, upon the transfer of the assistant to such an agency.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** These records are stored in paper folders.

**Retrievability:** Information is retrieved by use of the assistant's name, as the folders are filed alphabetically by name.

**Safeguards:** These records are maintained in cabinets stored in a locked room.

**Retention and disposal:** These records are retained until the subjects of the files resign or otherwise leave their offices for non-federal government employment. In that instance, the personnel section is sent to the St. Louis Records Center for an indefinite period. If the assistant transfers to another agency of the federal government, the personnel section is sent to the gaining agency. All other sections of the folder are destroyed six months after the assistant leaves office.

**System manager(s) and address:** Deputy Associate Attorney General; Office of the Associate Attorney General; United States Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** Address all inquiries to the System Manager. These records will be exempted from subsections (d)(1) and (e)(1) of section 552a, Title 5, United States Code, by the Attorney General under the authority of 5 U.S.C. 552a(k)(5) to the extent therein permitted.

**Record access procedures:** A request for access to non-exempt portions of records from this system should be directed orally or in writing to the System Manager. When requests are in writing, the envelope and letter should clearly be marked "Privacy Access Request."

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment(s) to the information.

**Record source categories:** Sources of information contained in this system include the individuals, government agencies as appropriate, and interested third parties.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (d)(1) and (e)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/AAG - 002

**System name:** Assistant United States Attorney Applicant Records System.

**System location:** Office of the Associate Attorney General; United States Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:** The system encompasses all applicants for Assistant United States Attorney positions.

**Categories of records in the system:** This system of records consists of records folders which may contain up to a total of four sections. The personnel section contains records such as resumes, letters of recommendation, law school grade transcripts, completed Civil Service forms, and related personnel matters. The character section contains completed or portions of ongoing background investigations and matters related thereto. The Congressional section contains Congressional and other political type recommendations regarding appointment. The protest section contains correspondence, if any exists, protesting the appointment of applicants. Rarely does a personnel folder contain more than the personnel and character sections.

**Authority for maintenance of the system:** These records are maintained pursuant to 5 U.S.C. 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records are used only by Department of Justice personnel for recruitment purposes. However, the fact that the applicant was being considered would be made known to the references supplied by the applicant and others contacted. Information about the applicant, as then known, might be supplied to contacted individuals as necessary to verify already obtained information or to seek elaboration of that information.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** These records are stored in paper folders.

**Retrievability:** Information is retrieved by use of the applicant's name, as the folders are filed alphabetically by name.

**Safeguards:** These records are maintained in cabinets stored in a locked room.

**Retention and disposal:** These records are retained, in the case of applicants who are not offered positions, for two years and then destroyed. If the applicant is offered a position and accepts it, his folder is transferred to the Appointed Assistant United States Attorney Personnel System and retained as specified therein.

**System manager(s) and address:** Deputy Associate Attorney General; Office of the Associate Attorney General; United States Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** Address all inquiries to the System Manager. These records will be exempted from subsections (d)(1) and (e)(1) of section 552a, Title 5, United States Code, by the Attorney General under the authority of 5 U.S.C. 552a(k)(5) to the extent therein permitted.

**Record access procedures:** A request for access to non-exempt portions of records from this system should be directed orally or in writing to the Deputy Associate Attorney General. When requests are in writing, the envelope and letter should clearly be marked "Privacy Access Request."

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the Deputy Associate Attorney General, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment(s) to the information.

**Record source categories:** Non-exempt sources of information contained in this system include the individual, government agencies as appropriate, and interested third parties.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (d)(1) and (e)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/AAG - 003

**System name:** Honor Program Applicant System.

**System location:** Office of the Associate Attorney General; United States Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:** The system encompasses third year law students who will be honor graduates of law schools and law clerks of federal judges who file applications for attorney positions in the Department.

**Categories of records in the system:** These records consist of items supplied by the applicant, such as resumes, completed Civil Service forms, application forms, and transcripts of grades, items supplied by third parties such as letters of recommendation, and items supplied by the Department such as acceptance or rejection letters and interview evaluation sheets.

**Authority for maintenance of the system:** This system is established and maintained pursuant to 5 U.S.C. 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records are made available within the Department for recruitment purposes and may be made available to other federal agencies, at their request, for recruitment purposes.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** These records are stored in paper folders.

**Retrievability:** Information is retrieved in various ways, depending upon the age of the record. Initially, the records are indexed by the name of the applicant's law school, then by the names of the

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applicants according to their ranking by interviewers. Therefore, to locate an individual's file, it is necessary to know both the name of the individual and his or her law school. After the Department's annual attorney hiring is completed, these files are transferred to the control of the Deputy Associate Attorney General. His staff then places the files in alphabetical order by name and stores them.

**Safeguards:** These records are maintained in cabinets stored in a locked room.

**Retention and disposal:** These records are maintained and stored for two years and then destroyed if the applicant is not offered a position with the Department or rejects an offered position. If a position is accepted by the applicant, his folder is transferred to another system.

**System manager(s) and address:** Honor Program Director, Office of the Associate Attorney General, United States Department of Justice, 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** Same as the System Manager.

**Record access procedures:** A request for access to a record from this system may be made in person or in writing to the System Manager. Any written request should clearly be marked "Privacy Access Request" on both the letter and envelope.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager and clearly and concisely state what information is being contested, the reasons for contesting it, and the proposed amendment(s) to the information.

**Record source categories:** Sources of information contained in this system are as noted in Categories of Records.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/AAG - 004

**System name:** Master Index File of Names.

**System location:** Office of the Associate Attorney General, United States Department of Justice, 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:** This system encompasses all individuals having file folders contained in the following systems of records: Appointed Assistant U.S. Attorneys Personnel System, Assistant U.S. Attorney Applicant Records, Presidential Appointee Candidate Records System, Presidential Appointee Records System, Special Candidates for Presidential Appointments Records System, and U.S. Judges Records System, dating from 1932 until the present.

**Categories of records in the system:** This system consists of file cards containing an individual's date of birth, date of entry on duty in Federal Service, date of termination of Federal Service, notes as to the disposition of his records folder, and title.

**Authority for maintenance of the system:** These records are maintained pursuant to 5 U.S.C. 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These cards contain information used solely for Department internal purposes.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** These records are maintained on file cards.

**Retrievability:** Information is retrieved by using the name of the individual, as these cards are filed alphabetically.

**Safeguards:** These cards are kept in file drawers stored in a locked room.

**Retention and disposal:** These cards are retained indefinitely, except in the instance of cards relating to applicants for attorney positions within the Department. If the applicant is rejected, his card is destroyed after two years.

**System manager(s) and address:** Deputy Associate Attorney General, Office of the Associate Attorney General, United States Department of Justice, 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** Address all inquiries to the System Manager.

**Record access procedures:** A request for access to these records should be directed orally or in writing to the System Manager. When requests are in writing, the envelope and letter should clearly be marked "Privacy Access Request."

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment(s) to the information.

**Record source categories:** Information contained in this system is obtained from the individual's records folder.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/AAG - 005

**System name:** Presidential Appointee Candidate Records System.

**System location:** Office of the Associate Attorney General, United States Department of Justice, 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:** This system encompasses all individuals who are brought to the attention of the Department of Justice as potential candidates for appointment as United States Judges, United States Attorneys, or United States Marshals.

**Categories of records in the system:** As to any particular individual, the number and kind of records may vary according to the qualifications of the individual. Thus, these records, in some instances, contain merely single letters from the individual himself or some other person recommending his consideration for one of the positions mentioned in Categories of Individuals. The records may also contain biographical sketches of the individual, supplied either by the individual himself or the person recommending him. If the individual is under serious consideration for nomination for appointment, a confidential evaluation of his qualifications for the position will be in his folder. Also present may be completed background investigations on the individual. Letters, if any are received, protesting the individual's potential appointment may also be in his folder. Also present would be any information supplied by the individual or any other letters of recommendation.

**Authority for maintenance of the system:** These records are maintained pursuant to 5 U.S.C. 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The routine uses of these records vary with the amount of consideration given to nominating the individual for appointment. In some instances, the records are stored, reviewed by Department personnel, and destroyed as outlined under Retention and Disposal. The candidate's entire records folder would be sent to the President upon his request. After a candidate is nominated and his nomination is pending Senate confirmation, the background investigation is routinely provided to the Chairman of the Senate Judiciary Committee. The fact that the candidate was being considered for appointment would be made known to the references supplied by the candidate and others contacted. Information about the candidate, as then known, might be supplied to contacted individuals as necessary to verify already obtained information or to seek elaboration of that information.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of

Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** These records are stored in paper folders.

**Retrievability:** Information is retrieved from this system by reference first to the office, indexed geographically or by the circuit or district, for which the individual is being considered, and then alphabetically by name of the candidate.

**Safeguards:** These records are stored in cabinets which are kept in a locked room.

**Retention and disposal:** These records are kept for five years and then destroyed, unless the individual receives the appointment. In that event, his individual record is transferred to another records system.

**System manager(s) and address:** Deputy Associate Attorney General, Office of the Associate Attorney General, United States Department of Justice, 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** Address all inquiries to the System Manager. These records will be exempted from subsections (d)(1) and (e)(1) of section 552a, Title 5, United States Code, by the Attorney General under the authority of 5 U.S.C. 552a(k)(5) to the extent therein permitted.

**Record access procedures:** A request for access to non-exempt portions of records from this system should be directed orally or in writing to the Deputy Associate Attorney General. When requests are in writing, the envelope and letter should clearly be marked "Privacy Access Request."

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the Deputy Associate Attorney General stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment(s) to the information.

**Record source categories:** Non-exempt sources of information in this system include the general public, the candidates themselves, government agencies where appropriate, and any other interested party.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (d)(1) and (e)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/AAG - 006

**System name:** Presidential Appointee Records System.

**System location:** Office of the Associate Attorney General, United States Department of Justice, 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:** The system encompasses the following: Department of Justice Presidential appointees and retired, resigned, or deceased appointees.

**Categories of records in the system:** This system of records consists of records folders which may contain up to five sections. The personnel section includes such items as biographical sketches, qualification statements, completed Civil Service forms if applicable, letters recommending appointment, notifications of appointment, and other personnel-related matters. The character section contains completed or portions of ongoing background investigations and matters related thereto. The Congressional section contains Congressional and other political type recommendations regarding appointment. The protest section contains correspondence, if any exists, protesting the appointment of candidates. The complaint section contains correspondence from individuals or groups complaining about office holders.

**Authority for maintenance of the system:** These records are maintained pursuant to 5 U.S.C. 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Generally, these records are used only for internal Department of Justice purposes. Prior to appointment, routine uses would include those specified for the Presidential Appointee Candidate Records System. If an appointee leaves the Department, information contained in his personnel folder might be used as the basis for answering inquiries from prospective employers about his qualifications and performance. The personnel section of his folder would be made available to other federal agencies, at their request, upon the transfer of the appointee to such an agency.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** These records are stored in paper folders.

**Retrievability:** Information is retrieved by using the name of the individual who is the subject of the folder.

**Safeguards:** These records are stored in cabinets which are kept in a locked room.

**Retention and disposal:** The personnel section of these records is retained indefinitely at the Office of the Associate Attorney General, except in the instance of an appointee who resigns or dies, in which case that section is sent to the St. Louis Records Center for indefinite storage. All other sections of the folders, in the instance where an appointee dies or resigns, are sent to the Suitland, Maryland Records Center for storage for five years and then destroyed.

**System manager(s) and address:** Deputy Associate Attorney General, Office of the Associate Attorney General, United States Department of Justice, 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** Address all inquiries to the System Manager. These records will be exempted from subsections (d)(1) and (e)(1) of section 552a, Title 5, United States Code, by the Attorney General under authority of 5 U.S.C. 552a(k)(5) to the extent therein permitted.

**Record access procedures:** A request for access to non-exempt portions of records from this system should be directed orally or in writing to the System Manager. When requests are in writing, the envelope and letter should clearly be marked "Privacy Access Request."

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment(s) to the information.

**Record source categories:** Non-exempt sources of information contained in this system include the general public, the subjects of the records themselves, government agencies when appropriate, and any other interested party.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (d)(1) and (e)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c), and (e) and have been published in the Federal Register.

#### JUSTICE/AAG - 007

**System name:** Special Candidates for Presidential Appointments Records System.

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**System location:** Office of the Associate Attorney General; United States Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:** The system encompasses all individuals under consideration for presidential appointments as heads of divisions or sections of the Department of Justice.

**Categories of records in the system:** This system of records consists of records folders which may contain up to a total of four sections. The personnel section contains records such as resumes, letters of recommendation, and related personnel matters. The character section contains completed and portions of ongoing background investigations and matters related thereto. The Congressional section contains Congressional and other political type recommendations regarding appointment. The protest section contains correspondence, if any exists, protesting the appointment of candidates. The majority of these personnel folders contain only the personnel section.

**Authority for maintenance of the system:** These records are maintained pursuant to 5 U.S.C. 301 to assist the President in obtaining information necessary for determining the qualifications and availability of individuals for appointed offices.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The routine uses of these records vary with the amount of consideration given to nominating the candidate for appointment. In some instances, the records are stored, reviewed by Department personnel, and destroyed as outlined under Retention and Disposal. The candidate's entire records folder would be sent to the President upon his request. After a candidate is nominated and his nomination is pending Senate confirmation, the background investigation is routinely provided to the Chairman of the Senate Judiciary Committee. The fact that the candidate was being considered for appointment would be made known to the references supplied by the candidate and others contacted. Information about the candidate, as then known, might be supplied to contacted individuals as necessary to verify already obtained information or to seek elaboration of that information.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** These records are stored in paper folders.

**Retrievability:** Information is retrieved by the name of individuals seeking appointment as the files are arranged alphabetically by name.

**Safeguards:** These records are stored in cabinets in a locked room.

**Retention and disposal:** In the event a candidate is not nominated for appointment, his record is maintained for five years and then destroyed. If the candidate is appointed, his records are transferred to the Presidential Appointee Records System.

**System manager(s) and address:** Deputy Associate Attorney General; Office of the Associate Attorney General; United States Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** Address all inquiries to the System Manager. These records will be exempted from subsections (d)(1) and (e)(1) of section 552a, Title 5, United States Code, by the Attorney General under the authority of 5 U.S.C. 552a(k)(5) to the extent therein permitted.

**Record access procedures:** A request for access to non-exempt portions of records from this system should be directed orally or in writing to the System Manager. When requests are in writing, the envelope and letter should clearly be marked 'Privacy Access Request.'

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment(s) to the information.

**Record source categories:** Non-exempt sources of information contained in this system include the general public, the subjects of the records themselves, government agencies when appropriate, and any other interested party.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (d)(1) and (e)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/AAG - 008

**System name:** Summer Intern Program Records System.

**System location:** Office of the Associate Attorney General; United States Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:** All individuals who submit applications for the Department's Summer Intern Program for Law Students.

**Categories of records in the system:** This system of records consists of items such as completed Civil Service forms, law school grade transcripts, letters of recommendation, and completed Summer Law Intern Applications.

**Authority for maintenance of the system:** These records are maintained pursuant to 5 U.S.C. 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records are used by Department personnel for recruitment purposes. However, in the case of an applicant with regard to whom the Department has decided not to extend an offer of employment, his or her application and Civil Service forms might be referred to another agency, upon its request, for that agency's recruitment purposes.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** These records are stapled together.

**Retrievability:** Information is retrieved by use of the applicant's name, as these records are filed by use of the first letter of the applicant's last name.

**Safeguards:** These records are maintained in cabinets stored in a locked room.

**Retention and disposal:** These records are retained, in the case of applicants who are not offered positions, for one year and then destroyed. In the case of accepted applicants, their records enter the Civil Service system.

**System manager(s) and address:** Deputy Associate Attorney General; Office of the Associate Attorney General; United States Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** Same as the above.

**Record access procedures:** A request for access to these records should be directed orally or in writing to the System Manager. When requests are in writing, the envelope and letter should clearly be marked 'Privacy Access Request.'

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment(s) to the information.

**Record source categories:** Information contained in this system is obtained from the applicant and references provided by him.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/AAG - 009

**System name:** United States Judge and Department of Justice Presidential Appointee Records.

**System location:** Office of the Associate Attorney General; United States Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:** This system encompasses all United States Judges and all Department of Justice Presidential Appointees.

**Categories of records in the system:**

A. Card index relating to United States Judges which includes name, salary, Congress of appointment, state of birth, political party (if known), religion (if known), and American Bar Association rating.

B. Cross index of judges' names and districts.

C. Roster of districts showing the dates of duty of district court judges and Department of Justice Presidential Appointees, indexed alphabetically by name.

D. Book of commissions of United States Judges and Department of Justice Presidential Appointees in order by date of appointment and indexed alphabetically by name.

E. Nomination book showing the name of the nominated judge or Department of Justice Presidential Appointee, the date the proposed nomination was sent to the White House, the date the nomination was made to the Senate, the date of confirmation, the date of appointment, and the date of entrance on duty. This book is in chronological order, and is indexed alphabetically by name of the nominee.

**Authority for maintenance of the system:** These records are maintained pursuant to 5 U.S.C. 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records are maintained to make responses to public inquiries regarding those individuals noted in Categories of Individuals, (the political party and religion of an appointee is not released), and for Department internal purposes.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** These records are kept on cards, in folders or in books.

**Retrievability:** As noted above in Categories of Records.

**Safeguards:** Biographical sketches are kept in a lockable safe. All other information is kept in cabinets or card files.

**Retention and disposal:** This information is maintained indefinitely.

**System manager(s) and address:** Deputy Associate Attorney General; Office of the Associate Attorney General, United States Department of Justice, 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** Same as the above.

**Record access procedures:** A request for access to these records should be directed orally or in writing to the System Manager. When requests are in writing, the envelope and letter should clearly be marked 'Privacy Access Request.'

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment(s) to the information.

**Record source categories:** Information contained in this system is obtained from the individuals who are the subjects of the records and from other Department of Justice records.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/AAG - 010

**System name:** United States Judges Records System.

**System location:** Office of the Associate Attorney General, United States Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:** The system encompasses every United States Judge except those appointed to the United States Court of Military Appeals and Tax Court.

**Categories of records in the system:** This system of records consists of records folders which may contain up to five sections. The personnel section contains general, personnel-type information and includes such items as biographical sketches, oaths of office, copies of commissions, nomination letter, qualifications statements, letters of recommendation, and copies of notifications of appointment. The character section contains completed or portions of ongoing background investigations and matters related thereto. The Congressional section contains Congressional and other political type recommendations regarding appointment. The complaint section contains correspondence from individuals or groups complaining about office holders. The protest section contains correspondence, if any exists, protesting the appointment of candidates.

**Authority for maintenance of the system:** These records are maintained pursuant to 5 U.S.C. 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Generally, these records are used only for internal Department of Justice purposes. Prior to appointment, routine uses would include those specified for the Presidential Appointee Candidate Record System.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** These records are maintained in paper folders.

**Retrievability:** Information is retrieved by use of the name of the judge, as these records are filed alphabetically.

**Safeguards:** These records are maintained in cabinets stored in a locked room.

**Retention and disposal:** The personnel section of the folders of United States Supreme Court Judges are sent to the National

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**System location:** Office of the Associate Attorney General, United States Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Categories of individuals covered by the system:** The system encompasses all individuals under consideration for presidential appointments as heads of divisions or sections of the Department of Justice.

**Categories of records in the system:** This system of records consists of records folders which may contain up to a total of four sections. The personnel section contains records such as resumes, letters of recommendation, and related personnel matters. The character section contains completed and portions of ongoing background investigations and matters related thereto. The Congressional section contains Congressional and other political type recommendations regarding appointment. The protest section contains correspondence, if any exists, protesting the appointment of candidates. The majority of these personnel folders contain only the personnel section.

**Authority for maintenance of the system:** These records are maintained pursuant to 5 U.S.C. 301 to assist the President in obtaining information necessary for determining the qualifications and availability of individuals for appointed offices.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The routine uses of these records vary with the amount of consideration given to nominating the candidate for appointment. In some instances, the records are stored, reviewed by Department personnel, and destroyed as outlined under Retention and Disposal. The candidate's entire records folder would be sent to the President upon his request. After a candidate is nominated and his nomination is pending Senate confirmation, the background investigation is routinely provided to the Chairman of the Senate Judiciary Committee. The fact that the candidate was being considered for appointment would be made known to the references supplied by the candidate and others contacted. Information about the candidate, as then known, might be supplied to contacted individuals as necessary to verify already obtained information or to seek elaboration of that information.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service. A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** These records are stored in paper folders.

**Retrievability:** Information is retrieved by the name of individuals seeking appointment as the files are arranged alphabetically by name.

**Safeguards:** These records are stored in cabinets in a locked room.

**Retention and disposal:** In the event a candidate is not nominated for appointment, his record is maintained for five years and then destroyed. If the candidate is appointed, his records are transferred to the Presidential Appointee Records System.

**System manager(s) and address:** Deputy Associate Attorney General, Office of the Associate Attorney General, United States Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Notification procedure:** Address all inquiries to the System Manager. These records will be exempted from subsections (d)(1) and (e)(1) of section 552a, Title 5, United States Code, by the Attorney General under the authority of 5 U.S.C. 552a(k)(5) to the extent therein permitted.

**Record access procedures:** A request for access to non-exempt portions of records from this system should be directed orally or in writing to the System Manager. When requests are in writing, the envelope and letter should clearly be marked "Privacy Access Request."

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment(s) to the information.

**Record source categories:** Non-exempt sources of information contained in this system include the general public, the subjects of the records themselves, government agencies when appropriate, and any other interested party.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (d)(1) and (e)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/AAG - 008

**System name:** Summer Intern Program Records System

**System location:** Office of the Associate Attorney General, United States Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Categories of individuals covered by the system:** All individuals who submit applications for the Department's Summer Intern Program for Law Students.

**Categories of records in the system:** This system of records consists of items such as completed Civil Service forms, law school grade transcripts, letters of recommendation, and completed Summer Law Intern Applications.

**Authority for maintenance of the system:** These records are maintained pursuant to 5 U.S.C. 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records are used by Department personnel for recruitment purposes. However, in the case of an applicant with regard to whom the Department has decided not to extend an offer of employment, his or her application and Civil Service forms might be referred to another agency, upon its request, for that agency's recruitment purposes.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service. A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** These records are stapled together.

**Retrievability:** Information is retrieved by use of the applicant's name, as these records are filed by use of the first letter of the applicant's last name.

**Safeguards:** These records are maintained in cabinets stored in a locked room.

**Retention and disposal:** These records are retained, in the case of applicants who are not offered positions, for one year and then destroyed. In the case of accepted applicants, their records enter the Civil Service system.

**System manager(s) and address:** Deputy Associate Attorney General, Office of the Associate Attorney General, United States Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Notification procedure:** Same as the above.

**Record access procedures:** A request for access to these records should be directed orally or in writing to the System Manager. When requests are in writing, the envelope and letter should clearly be marked "Privacy Access Request."

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment(s) to the information.

**Record source categories:** Information contained in this system is obtained from the applicant and references provided by him.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/AAG - 009

**System name:** United States Judge and Department of Justice Presidential Appointee Records

**System location:** Office of the Associate Attorney General, United States Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Categories of individuals covered by the system:** This system encompasses all United States Judges and all Department of Justice Presidential Appointees.

**Categories of records in the system:**

A. Card index relating to United States Judges which includes name, salary, Congress of appointment, state of birth, political party (if known), religion (if known), and American Bar Association rating.

B. Cross index of judges' names and districts.

C. Roster of districts showing the dates of duty of district court judges and Department of Justice Presidential Appointees, indexed alphabetically by name.

D. Book of commissions of United States Judges and Department of Justice Presidential Appointees in order by date of appointment and indexed alphabetically by name.

E. Nomination book showing the name of the nominated judge or Department of Justice Presidential Appointee, the date the proposed nomination was sent to the White House, the date the nomination was made to the Senate, the date of confirmation, the date of appointment, and the date of entrance on duty. This book is in chronological order, and is indexed alphabetically by name of the nominee.

**Authority for maintenance of the system:** These records are maintained pursuant to 5 U.S.C. 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records are maintained to make responses to public inquiries regarding those individuals noted in Categories of Individuals, (the political party and religion of an appointee is not released), and for Department internal purposes.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service. A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** These records are kept on cards, in folders or in books.

**Retrievability:** As noted above in Categories of Records.

**Safeguards:** Biographical sketches are kept in a lockable safe. All other information is kept in cabinets or card files.

**Retention and disposal:** This information is maintained indefinitely.

**System manager(s) and address:** Deputy Associate Attorney General, Office of the Associate Attorney General, United States Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Notification procedure:** Same as the above.

**Record access procedures:** A request for access to these records should be directed orally or in writing to the System Manager. When requests are in writing, the envelope and letter should clearly be marked "Privacy Access Request."

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment(s) to the information.

**Record source categories:** Information contained in this system is obtained from the individuals who are the subjects of the records and from other Department of Justice records.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/AAG - 010

**System name:** United States Judges Records System

**System location:** Office of the Associate Attorney General, United States Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Categories of individuals covered by the system:** The system encompasses every United States Judge except those appointed to the United States Court of Military Appeals and Tax Court.

**Categories of records in the system:** This system of records consists of records folders which may contain up to five sections. The personnel section contains general, personnel-type information and includes such items as biographical sketches, oaths of office, copies of commissions, nomination letter, qualifications statements, letters of recommendation, and copies of notifications of appointment. The character section contains completed or portions of ongoing background investigations and matters related thereto. The Congressional section contains Congressional and other political type recommendations regarding appointment. The complaint section contains correspondence from individuals or groups complaining about office holders. The protest section contains correspondence, if any exists, protesting the appointment of candidates.

**Authority for maintenance of the system:** These records are maintained pursuant to 5 U.S.C. 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Generally, these records are used only for internal Department of Justice purposes. Prior to appointment, routine uses would include those specified for the Presidential Appointee Candidate Record System.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service. A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** These records are maintained in paper folders.

**Retrievability:** Information is retrieved by use of the name of the judge, as these records are filed alphabetically.

**Safeguards:** These records are maintained in cabinets stored in a locked room.

**Retention and disposal:** The personnel section of the folders of United States Supreme Court Judges are sent to the National



Archives upon the death of the judge. All other sections are retained indefinitely as are the entire records folders of all other United States Judges.

**System manager(s) and address:** Deputy Associate Attorney General, Office of the Associate Attorney General, United States Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Notification procedure:** Address all inquiries to the System Manager. These records will be exempted from subsections (d)(1) and (e)(1) of section 552a, Title 5, United States Code, by the Attorney General under the authority of 5 U.S.C. 552a(k)(5) to the extent therein permitted.

**Record access procedures:** A request for access to non-exempt portions of records from this system should be directed orally or in writing to the System Manager. When requests are in writing, the envelope and letter should clearly be marked "Privacy Access Request."

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment(s) to the information.

**Record source categories:** Non-exempt sources of information contained in this system include the general public, organizations, associations, the subjects of the records themselves, government agencies as appropriate, and other interested parties.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (d)(1) and (e)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/AAG - 011

**System name:** Miscellaneous Attorney Personnel Records System.

**System location:** Office of the Associate Attorney General, United States Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Categories of individuals covered by the system:** Persons who applied to or are employed by the Department of Justice as attorneys and are not included within another OAAG system.

**Categories of records in the system:** This system of records consists of records folders which may contain up to a total of four sections. The personnel section contains records such as resumes, letters of recommendation, law school grade transcripts, completed Civil Service forms, and related personnel matters. The character section contains completed or portions of ongoing background investigations and matters related thereto. The Congressional section contains Congressional and other political type recommendations regarding appointment. The protest section contains correspondence, if any exists, protesting the appointment of applicants. The complaint section contains correspondence from individuals or groups complaining about office holders and may contain matters relating to the disposition of those complaints. Rarely does a personnel folder contain more than the personnel and character sections.

**Authority for maintenance of the system:** These records are maintained pursuant to 5 U.S.C. 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records are used only by Department of Justice personnel. Information contained in a folder may be used as the basis for answering future inquiries from other government agencies about a former employee's qualifications. The personnel section may be made available to other federal agencies, at their request, upon the transfer of an employee to such an agency.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** These records are stored in paper folders.

**Retrievability:** Information is retrieved by use of an individual's name, as the folders are filed alphabetically by name.

**Safeguards:** These records are maintained in cabinets stored in a lockable room.

**Retention and disposal:** These records are retained until the subjects of the files resign or otherwise leave their offices for non-federal employment. In that instance, the personnel section is sent to the St. Louis Records Center for an indefinite period. If the individual transfers to another agency of the Federal government, the personnel section is sent to the gaining agency. All other sections of the folder are destroyed six months after the individual leaves office. The entire folders of individuals who were applicants and were not offered employment or did not accept employment with the Department are destroyed one year after final action is taken on the application.

**System manager(s) and address:** Deputy Associate Attorney General, Office of the Associate Attorney General, United States Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Notification procedure:** Address all inquiries to the System Manager. These records will be exempted from subsections (d)(1) and (e)(1) of section 552a, Title 5, United States Code, by the Attorney General under the authority of 5 U.S.C. 552a(k)(5) to the extent therein permitted.

**Record access procedures:** A request for access to non-exempt portions of records from this system should be directed orally or in writing to the System Manager. When requests are in writing, the envelope and letter should clearly be marked "Privacy Access Request."

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment(s) to the information.

**Record source categories:** Non-exempt sources of information contained in this system include the individuals who are the subjects of the records, government agencies as appropriate, and interested third parties.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (d)(1) and (e)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/AAG - 012

**System name:** Financial Disclosure Statements.

**System location:** Department of Justice, 10th and Constitution Ave. N.W., Washington, D.C. 20530. Statements are filed with the head of the office in which the particular employee works or in the Office of the Associate Attorney General.

**Categories of individuals covered by the system:** Current employees required to file statements by 28 C.F.R. 45.735-22. Special government employees of the Department required to file statements pursuant to 28 C.F.R. 45.735-23.

**Categories of records in the system:** The financial disclosure statement includes lists of business and nonprofit entities and educational institutions with which the employee has a connection and financial holdings or interests in those entities. Names of creditors of the employee and spouse and other members of the household. Lists of interests of the employee, spouse and household members in real property.

**Authority for maintenance of the system:** 28 C.F.R. 45.735-22, 45.735-23.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records are confidential and are made available only to officials of the Department

and (1) To the Civil Service Commission in order to carry out its responsibilities; (2) To courts or agencies, of federal, state or local government where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and the court or agency is charged with the responsibility of investigating or prosecuting such violation or enforcing or implementing the statute or a rule, regulation or order issued pursuant thereto; (3) To an agency, organization or individual when the Associate Attorney General has determined that there is good cause for such disclosure in order to obtain necessary information concerning the subject of the record; (4) To parties involved in litigation in which the record is relevant, and their counsel, in accordance with the Federal Rules of Civil and Criminal Procedure.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are filed on D.J. Forms 120 or 121 and are maintained in confidential files in the immediate office of the division or bureau head.

**Retrievability:** The arrangement of the records for purpose of retrieval will vary from office to office, but the small number of such records makes them readily retrievable under a variety of systems.

**Safeguards:** Records are secured in accordance with applicable regulations of the Department of Justice and as required by 28 C.F.R. 45.735-22, 45.735-23.

**Retention and disposal:** Records are retained during the employment of the individual. Upon termination of employment they are destroyed in the manner provided for confidential records.

**System manager(s) and address:** Associate Attorney General, U.S. Department of Justice, Washington, D.C. 20530.

**Notification procedure:** Inquiries should be addressed directly to the head of the Office, Board, Division or Bureau in which the individual is employed.

**Record access procedures:** Individuals may seek access and contest from the head of the employing office in accordance with Department of Justice regulations.

**Contesting record procedures:** Same as the above.

**Record source categories:** The individual employee completing the statement.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/OLC - 001

**System name:** Attorney Assignment Reports.

**System location:** Office of Legal Counsel, U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Categories of individuals covered by the system:** Attorneys employed in the Office of Legal Counsel, U.S. Department of Justice at the time each report was filed.

**Categories of records in the system:** The system consists of memoranda addressed to the Assistant Attorney General by each staff attorney at periodic intervals listing current assignments. Some reports also list completed assignments, projected workload and anticipated leave.

**Authority for maintenance of the system:** These records are kept for administrative convenience pursuant to 5 U.S.C. 301 and 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information from the system is not used outside the Department except to advise Executive Branch agencies as to the identity of the attorney working on a specific assignment, when inquiry is made.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The Assistant Attorney General, each of his Deputies, the Administrative Officer and the attorney who filed the report each have copies. Some are retained chronologically in file folders, some alphabetically in note books.

**Retrievability:** Information may be retrieved by name, alphabetically, or chronologically.

**Safeguards:** Information is maintained in offices occupied during the day and locked at night.

**Retention and disposal:** The Administrative Officer's file is chronological and maintained indefinitely. Attorneys may retain their copies indefinitely, others are kept for about two years and disposed of.

**System manager(s) and address:** Assistant Attorney General, Office of Legal Counsel, U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Notification procedure:** Address inquiries to the System Manager, the Administrative Officer or the two Deputies at the above address.

**Record access procedures:** A request for access to a record from this system may be made in person or in writing, specifying the name of the attorney and the dates of reports requested.

**Contesting record procedures:** Any requests for correction should be addressed to the System Manager.

**Record source categories:** Information is supplied by the attorneys employed by the Office of Legal Counsel on the date the report is filed.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/OLC - 002

**System name:** Citizens Mail Index.

**System location:** Office of Legal Counsel, U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Categories of individuals covered by the system:** A. Individuals who write to the Office of Legal Counsel, its Assistant Attorney General, or one of his Deputies; B. Individuals who write to the Attorney General or the Department of Justice and whose letters are referred to the Office of Legal Counsel; C. Individuals whose letters have been referred to the Office of Legal Counsel for a response by the White House or Executive Agencies. In all of the above categories, the individuals include only those who express general views or seek information or assistance. Official correspondence and Freedom of Information Act requests are not indexed in this system.

**Categories of records in the system:** The system consists of 3" X 5" index cards, arranged alphabetically, and containing the name and address of the correspondent, the date of the letter or the date received, the Department of Justice file number, if known, the person to whom addressed, the attorney to whom it was assigned for



response, the date of response, and an indication if it was referred by the White House or an Executive Agency.

**Authority for maintenance of the system:** These records are kept for administrative convenience pursuant to 5 U.S.C. 301 and 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information from the index card may be provided to the White House or the agency which referred the letter to the Department. All other uses are internal within the Department.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The information is on 3 X 5 index cards and stored in a cabinet.

**Retrievability:** The system is indexed by name, arranged alphabetically. White House and Department of Justice cards are separated.

**Safeguards:** The cards are maintained in a room which is occupied by office personnel during the day and locked at night.

**Retention and disposal:** Cards are maintained for approximately two years from the date of the letter and then discarded.

**System manager(s) and address:** Assistant Attorney General; Office of Legal Counsel, U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** Same as the above.

**Record access procedures:** A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request.' Include in the request the name and address as included in the original letter, together with the current address if different, the date of the letter and to whom it was addressed. Requests should be directed to the System Manager listed above.

**Contesting record procedures:** Any requests for correction should also be directed to the System Manager and should indicate the exact correction required.

**Record source categories:** Sources of information in this system are the actual letter received, the response letter, and any transmittal from the White House or an Executive Agency.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/OLA - 001

**System name:** Congressional Committee Chairman Correspondence File.

**System location:** U. S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:** Current and past Chairman of Congressional Committees who correspond with the Department on legislative and other related matters.

**Categories of records in the system:** The system contains letters and attachments transmitted by Congressional Committee Chairmen together with copies of the Departmental responses to these letters.

**Authority for maintenance of the system:** The system is established and maintained in accordance with 5 U.S.C. 301 and 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Use of the information is entirely within the Department on a need to know basis.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information maintained in the system is stored in locked file cabinets.

**Retrievability:** Information is retrieved by using the name of the particular Congressional Committee Chairman who initiated the correspondence in a particular matter.

**Safeguards:** Information contained in the system is unclassified. Routine protection is provided.

**Retention and disposal:** Information maintained in this system contains correspondence generated during the 93rd, 94th and 95th Congresses. This system was not maintained prior to the 93rd Congress.

**System manager(s) and address:** Legislative Counsel; Office of Legislative Affairs; U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** Address inquiries to the: Assistant Attorney General; Office of Legislative Affairs; U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Record access procedures:** A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request'. Include in the request the nature of the letter or document as well as the general subject matter of the document. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** The source of the information contained in this system comes directly from the individual initiating the correspondence.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/OLA - 002

**System name:** Congressional Correspondence File.

**System location:** U. S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:** Current and past members of Congress who correspond with the Department on legislative and other related matters.

**Categories of records in the system:** The system contains letters and attachments transmitted by the individual members of Congress together with copies of the Departmental responses to these letters.

**Authority for maintenance of the system:** The system is established and maintained in accordance with 5 U.S.C. 301 and 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Use of the information is entirely within the Department on a need to know basis.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information maintained in the system is stored in file cabinets.

**Retrievability:** Information is retrieved by using the name of the individual member of Congress who initiated the correspondence in a particular matter.

**Safeguards:** Information contained in the system is unclassified. Routine protection is provided.

**Retention and disposal:** Information maintained in this system contains correspondence generated during the 93rd, 94th and 95th Congresses. This system was not maintained prior to the 93rd Congress.

**System manager(s) and address:** Legislative Counsel; Office of Legislative Affairs; U. S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** Address inquiries to the: Assistant Attorney General; Office of Legislative Affairs; U. S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Record access procedures:** A request for access to a record from this system shall be made in writing, with the envelope and letter clearly marked 'Privacy Access Request'. Include in the request the nature of the letter or document as well as the general subject matter of the document. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** The source of the information contained in this system comes directly from the individual initiating the correspondence.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/OLA - 003

**System name:** Citizen Correspondence File.

**System location:** U. S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:** Persons corresponding with the Department on legislative and other related matters.

**Categories of records in the system:** The system contains letters and attachments transmitted by individuals together with copies of the Departmental responses to these letters.

**Authority for maintenance of the system:** The system is established and maintained in accordance with 5 U.S.C. 301 and 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Use of the information is entirely within the Department on a need to know basis.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records main-

tained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information maintained in the system is stored in file cabinets.

**Retrievability:** Information is retrieved by using the name of the individual who initiated the correspondence in a particular matter.

**Safeguards:** Information contained in the system is unclassified. Routine protection is provided.

**Retention and disposal:** Information maintained in this system contains correspondence from individuals during 1974 to the present. This system was not maintained prior to 1974.

**System manager(s) and address:** Legislative Counsel; Office of Legislative Affairs; U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** Address inquiries to the: Assistant Attorney General; Office of Legislative Affairs; U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Record access procedures:** A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request'. Include in the request the nature of the letter or document as well as the general subject matter of the document. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** The source of the information contained in this system comes directly from the individual initiating the correspondence.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/OPA - 001

The following Notice is published for the benefit of the public. Executive Clemency Files, while maintained in the Office of the Pardon Attorney, U.S. Department of Justice, are files of the President of the United States compiled and maintained to provide for the exercise of his constitutional responsibilities pursuant to Article II, section 2, and are not subject to the provisions of the Privacy Act of 1974, P.L. 93-579.

**System name:** Executive Clemency Files

**System location:** Office of the Pardon Attorney; U. S. Department of Justice; HOLC Building; 320 First Street, N.W.; Washington, D.C. 20534.

**Categories of individuals covered by the system:** Applicants for Executive clemency.

**Categories of records in the system:** The system contains the individual petitions for Executive clemency (OPA-6 or 6-15) submitted by the applicants and accompanying oath and character affidavits (DOJ-1973-06), investigatory material, evaluative reports, inter-agency and intra-agency correspondence and memoranda relating to individual petitions for clemency. The system includes Presidential Clemency Board files transferred to the Office of the Pardon Attorney upon termination of the Board's existence on Sept. 15, 1975.



**Authority for maintenance of the system:** The system is established and maintained in accordance with the United States Constitution, Article II, Section 2, Executive Order of the President dated June 16, 1893, Order No. 288-62, 27 F.R. 11002, November 10, 1962, as codified in 28 CFR 1.1 through 1.9 and E.O. 11878 dated Sept. 19, 1975.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The Executive Clemency files are used to (a) enable the Attorney General to investigate each petition for Executive clemency, to review each petition and information developed by his investigation thereof and to advise the President whether, in his judgment, the request for clemency is of sufficient merit to warrant favorable action by the President, (b) prepare notices to the public of the name of each grantee of clemency, date of Presidential action, nature of clemency granted, nature of grantee's offense, date and place of sentencing, description of sentence imposed, and names of character affiliates and interested members of Congress; (c) prepare bound and indexed volumes containing photocopies of the official warrant of clemency granted each recipient of clemency as a public and official record of Presidential action; (d) upon request of the President and members of his staff, to make available to them individual clemency files; (e) upon specific request to advise the requestor whether a named person has applied for, been granted or denied clemency, the date thereof and the nature of the clemency granted or denied; and (f) upon specific request, to make closed files available for historical research purposes when in the public interest and in conformity with Department of Justice policy.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information maintained in the system is stored in the Office of the Pardon Attorney and in Archives.

**Retrievability:** Information is retrieved by reference to the file number assigned to the name of each applicant for clemency.

**Safeguards:** Information contained in the system is safeguarded and protected in accordance with Department of Justice rules governing petitions for Executive clemency, specifically, 28 CFR 1.6. Executive clemency files are maintained in the Office of the Pardon Attorney and are not commingled with Department of Justice records.

**Retention and disposal:** Records are stored in the Office of the Pardon Attorney and closed cases are transferred to the Federal Archives Records Center when five years old. Except for the 'letter of advice' furnished to the President in connection with clemency applications and Presidential responses and cases designated by the Pardon Attorney as having significant public interest, records are destroyed after 25 years.

**System manager(s) and address:** Pardon Attorney; Office of the Pardon Attorney; Department of Justice; 654 HOLC Building; 320 First Street, N.W.; Washington, D.C. 20530.

**Notification procedure:** Address inquiries to the Pardon Attorney; Department of Justice; Washington, D.C. 20530.

**Record access procedures:** While the Attorney General has exempted Executive Clemency files from the access provisions of the Privacy Act, requests for discretionary releases of records contained in the system shall be made in writing with the envelope and the letter clearly marked 'Privacy Access Request.' Include in the

request the general subject matter of the document and the name of the clemency applicant in whose file it is contained. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

**Contesting record procedures:** While the Attorney General has exempted Executive Clemency files from the correction (contest and amendment) provisions of the Privacy Act, requests for the discretionary correction (contest or amendment) of records contained in this system should be directed to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Sources of information contained in this system are the individual applicants for clemency, Federal Bureau of Investigation or other official investigatory reports, Bureau of Prison records, Selective Service System and Armed Forces Reports, probation or parole reports and reports from individuals or non-Federal organizations, both solicited and unsolicited.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsection (d) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/OPI - 001

**System name:** News Release, Document and Index System.

**System location:** Room 5114; U.S. Department of Justice; 10th Street and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:** A. Defendants in civil and criminal actions brought by the Department of Justice for which news releases were issued; B. Current and former employees of the Department of Justice on which news releases and biographical information were prepared.

**Categories of records in the system:** The system contains an index record of each news release and document issued by the Department of Justice and copies of the news release and document.

**Authority for maintenance of the system:** The system is established and maintained at the direction of the Attorney General pursuant to 5 U.S.C. 301 and 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The index is used to retrieve news releases and documents issued by the Department upon request.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information maintained in the system is stored manually on index cards and letter- and legal-size paper.

**Retrievability:** Information is retrieved by using the name of the defendant, subject matter of legal action, state in which action is filed, and name of current or former employee.

**Safeguards:** Information contained in the system is unclassified.

**Retention and disposal:** The index and one copy of each news release are retained indefinitely. Additional copies are retained for one year and then destroyed.

**System manager(s) and address:** Director of Public Information; U.S. Department of Justice; 10th Street and Constitution Avenue, N.W.; Washington D.C. 20530.

**Notification procedure:** Same as the above.

**Record access procedures:** A request for a copy of a record from this system may be made in writing, by telephone, or in person.

**Contesting record procedures:** Persons desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendments to the information sought.

**Record source categories:** Sources of information contained in this system are those employees who prepared the document on which a news release is based.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/PRC - 001

**System name:** Docket, Scheduling and Control.

**System location:** Records are maintained at each of the Regional Offices for inmates incarcerated in and persons under supervision in each region, except for the National Appeals Board docket maintained in Washington. All requests for records should be made to the appropriate regional office or Headquarters at the following addresses: United States Parole Commission; Scott Plaza II; Industrial Highway; 6th Floor; Philadelphia, Pennsylvania 19113; United States Parole Commission; 3500 Greenbriar Parkway, Bldg. 300; Atlanta, Georgia 30331; United States Parole Commission; 320 First Street; Washington, D.C. 20537; ATTN: National Appeals Board; United States Parole Commission; KCI Bank Bldg; 8800 N.W. 112th Street; Kansas City, Missouri 64153; United States Parole Commission; 3883 Turtle Creek Blvd. Suite I; Dallas, Texas 75219; United States Parole Commission; 330 Pramrose Drive - 5th Floor; Burlingame, Calif. 94010.

**Categories of individuals covered by the system:** Current and former inmates under the custody of the Attorney General who have become eligible for parole. Former inmates includes those presently under supervision as parolees or mandatory releasees and those against whom a revocation warrant has been issued.

**Categories of records in the system:** (a) Docket Sheets - Each region and the National Appeals Board in Washington maintain a cumulative series of Docket sheets in time sequence showing Commission Action. Principal data elements are name and register number of inmate, offense, sentence, and previous and present Action. The Appeal Docket includes the date and type of appeal in addition to much of the above data. These provide a continual running record of the basic data elements per inmate and former inmate. (b) Hearing Schedules - When inmates become eligible for parole through operation of law, their names appear on an eligibility list prepared by the Bureau of Prisons, for initial parole hearings. Inmates denied parole are 'continued' by the Commission to future dates for review hearings or record reviews. There is a legal requirement for record reviews of certain inmates at the 1/3 point of their sentences. Other types of hearings and reviews are provided for in the Code of Federal Regulations as part of parole rescission or revocation procedures. All of the different types of hearings and reviews are placed on schedules for panels of examiners to process when they visit the various institutions or hold 'local' hearings. The data elements are similar to those on the docket but indicate the number and type of hearing or review to be held instead of the result.

**Authority for maintenance of the system:** 18 U.S.C. 4201-4218, 5005-5041, 28 C.F.R. Part O, Subpart V, and 28 C.F.R. Part-2.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

(a) The dockets provide the basis of answering basic inquiries, mostly from within the Parole Commission, as to when a hearing came up for an individual and what action was taken. The schedules indicate to examiners and prison staff the specific hearings and reviews to be prepared for and held.

(b) In the event that material in this system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(c) A record from this system of records may be disclosed to a federal, state or local agency maintaining civil, criminal or other relevant information if necessary to obtain information relevant to an agency decision concerning parole matters.

(d) A record from this system may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

(e) Internal Users - Employees of the Department of Justice who have a need to know the information in the performance of their duties.

(f) External Users - As noted above, on occasion employees of federal, state and local enforcement, correctional, prosecutive, or other agencies, and courts may have access to this information.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the U.S. Parole Commission unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the U.S. Parole Commission, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and with the consent of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information stored in the system is on sheets of paper, one item per line, stored in folders or binders. An experimental program to store such data on tape, disk, or microfiche using ADP technology, is in the beginning stages.

**Retrievability:** Name, register number, date, institution, Commission action.

**Safeguards:** Copies of dockets and schedules are not disseminated outside of Commission offices and Bureau of Prisons installations. They are available only to Commission and Bureau employees on a 'need to know' basis. Information therefrom may be given outside the Department as indicated in the 'Routine Uses.' If so, a letter will be written covering the item disclosed, date, and identity of the recipient. If information must be given over the phone due to urgency, the caller will be identified beforehand and details of the call recorded.

**Retention and disposal:** Records in this system are kept for five (5) years after the effective date of the schedule or date of the last item recorded on the docket. They are then shredded.

**System manager(s) and address:** Herman Levy - Attorney-Management Analyst; United States Parole Commission; 320 First Street N.W., Rm. 342; Washington, D.C. 20537.

**Notification procedure:** Address inquiries to Regional Director at appropriate location. For general inquiries, address System Manager. The Attorney General has exempted this system from compliance with the provisions of Subsection (d), under the provisions of Subsection (j).

**Record source categories:** 1) Bureau of Prisons files; 2) Parole Commission and Bureau of Prison's employees; 3) Court Records; 4) Parole Commission inmate files.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(2) and (3), (e)(4)(G) and (H), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/PRC - 002

**System name:** Freedom of Information Act Record System.



**System location:** Records may be retained at any of the Regional Offices as indicated in the Inmate and Supervision Files System and the Headquarter's Office. All requests for records may be made to the Central Office: United States Parole Commission; 320 First Street, N.W.; Washington, D.C. 20537; ATTN: Executive Assistant to Chairman, or to the appropriate Regional Office.

**Categories of individuals covered by the system:** Current and former inmates under the custody of the Attorney General, including former inmates on supervision.

**Categories of records in the system:** 1) Administrative Requests and Responses to requests for information and records under 5 U.S.C. 552, and appeals from denials of data; 2) Final orders of Commission following all parole rescission and revocation hearings, record reviews, and appeals are maintained in the Freedom of Information Act Reading Room at Commission Headquarters with names and register numbers removed to protect individual privacy of inmates and persons on supervision. Final decisions in labor and pension cases are maintained in said reading room.

**Authority for maintenance of the system:** 5 U.S.C. 552.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The system is used: a) to maintain records concerning the processing and determination of requests for information made pursuant to the Freedom of Information Act 5 U.S.C. 552; and make final orders available in a reading room pursuant to 5 U.S.C. 552; b) to provide documentation of receipt and processing requests for information made pursuant to the Freedom of Information Act if needed for processing contested denials of release of data; c) to furnish information to employees of the Department of Justice who have a need for information from the system in performance of their duties; d) to maintain a count of requests and method of compliance as required by Freedom of Information Act.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the U.S. Parole Commission unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the U.S. Parole Commission not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and with the consent of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information maintained in the system is stored on documents.

**Retrievability:** Documents are indexed by name and/or register number. Final orders in the reading room are indexed by type, and within each type the source (Region or National Appeals Board).

**Safeguards:** Information is stored in file cabinets in rooms supervised by day and locked at night and are made available to Commission personnel and other Department of Justice employees on a "need to know" basis. Each requestor may see his own file. The public may use the reading room.

**Retention and disposal:** Records in this system are retained for a period of ten (10) years after expiration of sentence, then destroyed by shredding.

**System manager(s) and address:** General Counsel; United States Parole Commission; 320 First Street, N.W.; Washington, D.C. 20537.

**Notification procedure:** Same as the above.

**Record access procedures:** Same as the above.

**Contesting record procedures:** Same as the above.

**Record source categories:** 1) Inmates and persons on supervision; 2) Department of Justice employees.

**Systems exempted from certain provisions of the act:** None.

## JUSTICE/PRC - 003

**System name:** Inmate and Supervision Files.

**System location:** Records are maintained at each of the Commission's Regional Offices for inmates incarcerated in and persons under supervision in each region. Records are housed temporarily at the Commission's Headquarters office located at 320 First Street, Washington, D.C. 20537 when used by the National Appeals Board or other Headquarter's personnel. Prior to the first parole hearing, the inmate's file is maintained at the institution at which he is incarcerated. All requests for records should be made to the appropriate regional office at the following addresses: U.S. Parole Commission; Scott Plaza II; Industrial Highway - 6th Floor; Philadelphia, Pennsylvania 19113. U.S. Parole Commission; 3500 Greenbriar Parkway - Bldg. 0300; Atlanta, Georgia 30331. U.S. Parole Commission; KCI Bank Bldg.; 8800 N.W. 112th Street; Kansas City, Missouri 64153. U.S. Parole Commission; 3883 Turtle Creek Blvd. - Suite I; Dallas, Texas 75219. U.S. Parole Commission; 330 Primrose Drive - 5th Floor; Burlingame, Calif. 94010.

**Categories of individuals covered by the system:** Current and former inmates under the custody of the Attorney General. Former inmates include those presently under supervision as parolees or mandatory releasees.

**Categories of records in the system:**

1. Computation of sentence and supportive documentation.
2. Correspondence concerning pending charges, and wanted status, including warrants.
3. Requests from other federal and non-federal law enforcement agencies for notification prior to release.
4. Records of the allowance, forfeiture, withholding and restoration of good time.
5. Information concerning present offense, prior criminal background, sentence and parole from the U.S. Attorneys, the Federal Courts, and federal prosecuting agencies.
6. Identification data, physical description, photograph and fingerprints.
7. Order of designation of institution of original commitment.
8. Records and reports of work and housing assignments.
9. Program selection, assignment and performance adjustment/progress reports.
10. Conduct records.
11. Social background.
12. Educational data.
13. Physical and mental health data.
14. Parole Commission applications, appeal documentation, orders, actions, examiner's summaries, transcripts or tapes of hearings, guideline evaluation documents, parole or mandatory release certificates, statements of third parties for or against parole, special reports on youthful offenders and adults required by statute and related documents.
15. Correspondence regarding release planning, adjustment and violations.
16. Transfer orders.
17. Mail and visit records.
18. Personal property records.
19. Safety reports and rules.
20. Release processing forms and certificates.
21. Interview request forms from inmates.
22. General correspondence.
23. Copies of inmate court petitions and other court documents.
24. Reports of probation officers, Commission correspondence with former inmates and others, and Commission orders and memoranda dealing with supervision and conditions of parole or mandatory release.
25. If an alleged parole violation exists, correspondence requesting a revocation warrant, warrant application, warrant, instructions as to service, detainers and related documents.

**Authority for maintenance of the system:** 18 U.S.C. 4201-4218, 5005-5041, 28 C.F.R. Part O, Subpart V, and 28 C.F.R. Part 2.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

(a) The file is the "working tool" used by Parole Commission examiners to frame the questions at the inmates initial hearing. After that hearing, it is placed in the appropriate regional office where it provides the principle information source for decisions necessary during the pre-release stage (before parole), the review hearing or record review, and the post release stage (when supervision takes place). It is sent temporarily to Commission Headquarters when appeals come before the National Appeals Board or when needed by

Counsel and others on the Headquarters Staff. It is used by employees at all levels including Commission Members to provide the information for decision making in every area of Commission responsibility. Files of released inmates are used to make statistical studies of subjects related to parole and revocation.

(b) The system is used to provide information source to officers and employees of the Department of Justice who have a need for the information in the performance of their duties.

(c) The system is used to provide information source for disclosure of information that are matters solely of general public record, such as offense, sentence data, release date, and etc. Names are not disclosed when information is so provided.

(d) The system is used to provide informational source for responding to inquiries from federal inmates involved, their families or representatives, or Congressional inquiries.

(e) Internal Users - Employees of the Department of Justice who have a need to know information in the performance of their duties.

(f) External Users - U.S. Probation Officers, who supervise parolees and mandatory releasees, and U.S. District Court judges on rare occasions when Commission action is attacked in litigation. Very rarely, to enforcement authorities outside of the Department of Justice.

(g) In the event that material in this system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order, issued pursuant thereto.

(h) A record from this system may be disclosed to a federal, state or local agency maintaining civil, criminal or other relevant information if necessary to obtain information relevant to an agency decision relating to current or former inmates under supervision.

(i) A record from this system may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the U.S. Parole Commission unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the U.S. Parole Commission, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and with the consent of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information maintained in the system is stored on papers fastened into file jackets and a minimal amount is on cards stored in card file drawers. Active files and card indices are located in each region; inactive files are at the Washington Federal Records Center and the card index to inactive files is at Board Headquarters in Washington. An experimental program to store such data on tape, disk or microfiche using ADP technology is in the beginning stages.

**Retrievability:** All data is indexed by name and/or register number. When ADP technology is used in the future, such data may be available by Social Security Number, FBI identification number, or other indices.

**Safeguards:** Within the Department of Justice, routine use is made available to employees only on a "need to know" basis. Files are stored in rooms which are supervised by day and locked at

night. Data from files for recipients outside of the Parole Commission and Bureau of Prisons is conveyed by letter so that a record exists. When files are sent they are covered by a letter with a follow-up on return of the file. Such disclosure is infrequent, and is within the federal enforcement-prosecution-judicial area only.

**Retention and disposal:** Records in this system are retained for a period of ten (10) years after expiration of sentence, then destroyed by electronic means or shredding.

**System manager(s) and address:** Herman Levy - Attorney-Management Analyst; United States Parole Commission; 320 First Street, N.W. - Rm. 342; Commission D.C. 20537.

**Notification procedure:** Address inquiries to Regional Director at appropriate location. For general inquiries, address System Manager. The Attorney General has exempted this system from compliance with the provisions of Subsection (d) under the provisions of Subsection (j).

**Record source categories:** 1. Individual inmate; 2. Federal law enforcement agencies and personnel; 3. State and federal probation services; 4. Non-Federal law enforcement agencies; 5. Educational institutions; 6. Hospital or medical sources; 7. Relatives, friends and other interested individuals or groups in the community; 8. Former or future employers; 9. Evaluations, observations, reports, and findings of institution supervisors, counselors, boards and committees, Parole Commission examiners, Parole Commission Members; 10. Federal Court records; 11. U.S. Bureau of Prisons personnel and records.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(2) and (3), (e)(4)(G) and (H), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

## JUSTICE/PRC - 004

**System name:** Labor and Pension Case, Legal File and General Correspondence System.

**System location:** All Labor and Pension cases, and Legal file and some general correspondence material is located at: Commission Headquarters; 320 First Street, N.W.; Washington, D.C. 20537. The balance of the general correspondence material is located at the Commission's Regional Offices, the addresses of which are specified in the Inmate and Supervision System.

**Categories of individuals covered by the system:** All applicants for exemptions under 29 U.S.C. 504 and 29 U.S.C. 1111, all persons litigating with the U.S. Parole Commission, all persons corresponding with the Commission on subjects not amenable to being filed in an inmate or supervision file identified by an individual, and all congressmen inquiring about constituents.

**Categories of records in the system:** The Commission processes applications of persons convicted of certain crimes for exemptions to allow their employment in the Labor field under 29 U.S.C. 504 or by Employee Benefit Plans under 29 U.S.C. 1111. The files contain memoranda, correspondence, and legal documents with information of a personnel nature, i.e., family history, employment history, income and wealth, etc., and of a criminal history nature, i.e., record of arrests and convictions, and details as to the crime which barred employment. The final decision of the Commission in each case is a public document under the Freedom of Information Act. The Counsel's Office of the Parole Commission maintains work files for each inmate or person on supervision who is litigating with the Commission. These files contain personnel and criminal history type data regarding inmates, and internal communications among attorneys, Members and others developing the Commission's legal position in these cases. Files of the Commission's correspondence with Congressmen who inquire about groups of constituents who have paroles or revocations pending or other subjects are maintained in the Chairman's Office and in the regions. Files of correspondence, notes, and memoranda concerning parole revocation and related problems are also maintained in those locations. Some of this material duplicates material in the inmate files and contains personnel-criminal history type information about individuals.

**Authority for maintenance of the system:** These files are maintained pursuant to 18 U.S.C. 4201-4218, 5005-5041, 28 C.F.R. Part O, Subpart V, 28 C.F.R. Parts 2 and 4, 29 U.S.C. 504, 1111, and all statutory sections and procedural rules allowing inmates, persons under supervision, or others to litigate with the Parole Commission.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Within the Parole Com-

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mission material in this system is used respectively by Counsel's Office staff and Commission Members in processing exemption applications. The legal file material is used by Counsel's Office staff in asserting the litigation position of the Commission. The general correspondence is used by Commission personnel in responding to Congressmen, and by Commission Members and others in transacting the day-to-day business of the Commission. Final pension and labor case decisions are used by the Commission, the Justice, and Labor Departments, and the public to establish precedents in this field of litigation. In the event that material in this system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. A record from this system of records may be disclosed to a federal, state or local agency maintaining civil, criminal or other relevant information if necessary to obtain information relevant to an agency decision relating to pension or labor matters. A record from this system may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the U.S. Parole Commission unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the U.S. Parole Commission, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and with the consent of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** All data is on documents or other papers in bound files. Labor and pension case material is in Counsel's Office or the Chairman's Office at Headquarters, except for final decisions which are in the Freedom of Information Act reading room. Legal files are in Counsel's Office at Headquarters, general correspondence is in the Chairman's Office, the office of his staff at Headquarters, and the offices of each regional director. Files are in file cabinets.

**Retrievability:** Labor, pension, and legal file material is indexed or filed by name of applicant or litigant, respectively. General correspondence is indexed or filed by subject, time sequence or individuals to whom the items refer.

**Safeguards:** Material is available only to Commission employees on a 'need to know' basis. Storage locations are supervised by day and locked at night. Only disclosure made therefrom is to other agencies of the Department of Justice, the U.S. Probation Office, federal enforcement agencies or the Congress. Disclosure to congressmen in response to inquiries concerning constituents is subject to the exemptions of the Freedom of Information Act. The Commission decisions in labor and pension cases are public information under the Freedom of Information Act.

**Retention and disposal:** Records are maintained for 10 years and are shredded or destroyed electronically thereafter.

**System manager(s) and address:** Herman Levy, Attorney/Management Analyst; United States Parole Commission; 320 First Street, N.W. - Rm. 342; Washington, D.C. 20537.

**Record source categories:** a. Applicants for Exemptions under 29 U.S.C. 504 and 29 U.S.C. 1111; b. U.S. Department of Labor, c.

Administrative Law Judges and others connected with labor or pension cases; d. Litigants proceeding against Parole Commission; e. The Commission's legal staff and other Commission personnel; f. Congressmen and others making inquiries of Commission; g. Commission Members and employees responding to inquiries, corresponding with others, preparing speeches, policy statements and other means of contact with other branches of the Federal Government, state and local governments, and the public.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(2) and (3), (4)(G) and (H), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/PRC - 005

**System name:** Office Operation and Personnel System.

**System location:** At each regional office as indicated in the 'Inmate and Supervision File System Report' and at the: United States Parole Commission; 320 First Street, N.W.; Washington, D.C. 20537.

**Categories of individuals covered by the system:** Present and former Commission Members and employees of the United States Parole Commission.

**Categories of records in the system:** Personnel records, leave records, property schedules, budgets and actual expense figures, obligation schedules, expense and travel vouchers, and the balance of the usual paperwork to run a government office efficiently.

**Authority for maintenance of the system:** All statutory sections, C.F.R. sections, and CSC, GSA, and OMB directives establishing procedures for government personnel, financial, and operational functions.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Day to day activity involving personnel, financial, procurement, maintenance, record-keeping, mail delivery and management functions.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are in paper files or on computer printouts. They are stored in operations areas of offices.

**Retrievability:** Data of a personal nature is in employee personnel files, used by Commission personnel on a 'need to know' basis. Each employee has a right to see his own file on request. Other files are used by Commission personnel on a 'need to know' basis.

**Safeguards:** Files are supervised by appropriate personnel during the working day and are in locked rooms at night.

**Retention and disposal:** Subject to applicable CSC, OMB, DOJ, and GSA regulations.

**System manager(s) and address:** Executive Assistant to the Chairman; United States Parole Commission; 320 First Street, N.W. - Rm. 354B; Washington, D.C. 20537.

**Notification procedure:** Same as the above.

**Record access procedures:** Same as the above.

**Contesting record procedures:** Same as the above.

**Record source categories:** Parole Commission employees, Office of Management and Finance. All other contributing government agencies.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/PRC - 006

**System name:** Statistical, Educational and Developmental System.

**System location:** Parole Commission Headquarters; 320 First Street - 3rd Floor; Washington, D.C. 20537.

**Categories of individuals covered by the system:** Any inmate or former inmate under custody of the Attorney General including former inmates supervised as parolees or mandatory releasees.

**Categories of records in the system:** All records as described in the Workload Record, Decision Result, and Annual Report System plus data on additional input forms known as Revocation Data Sheets, Parole Decision Information Sheet, certain follow-up forms and the Salient Factor Worksheet Form. These forms include criminal history-type data elements regarding specific individuals selected from the above category of individual. This data is either organized and processed by hand or is input into a computer through punch cards and has been used to provide the following one-time reports in pamphlet-text form: a) Administrative Review of Parole Selection and Revocation decisions; b) Parole Decision Making; a Salient Factor Score; c) Effect of Representation at Parole Hearings; d) Parole Decision Making - Structuring Discretion; e) Time Served and Release Performance - A Federal Sample and certain additional reports, all available in the public reading room. The data base collected as described in this and the preceding system will be used to prepare studies on similar or related subjects in the future. It has recently been used to develop revocation guidelines similar to parole guidelines. Items collected for this data base may change depending on the subject matter of new studies to be undertaken by the Commission.

**Authority for maintenance of the system:** 18 U.S.C. 4201-4218, 5005-5041, 28 C.F.R. Part O, Subpart V, 28 C.F.R. Part 2.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

a. Internal - Develop methodology for a more scientific determination of parolability and revocability, methodology to comply with changing concepts of due process, and methodology to select persons to be released from prison who will be less likely to recidivate.

b. External - Add to the general body of knowledge in the parole area of criminology, and provide educational material for other parole boards, and members of the criminal justice and academic communities interested in this subject. Published pamphlets in text form are prepared on subjects of interest in this area of criminology and are circulated freely. They contain no references to individuals, either by name, address, register number or other means of identification. They do not contain recognizable fact situations, descriptions, or other writings through which identification of any individual within the present or former jurisdiction of the Parole Commission can be made.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the U.S. Parole Commission unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the U.S. Parole Commission not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and with the consent of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Data is in input forms, IBM card decks and on computer tape. It is stored as described in the preceding system description. Pamphlet text reports are public documents stored in offices, libraries, and in bookshelves, and in the public reading room.

**Retrievability:** Information by name, register number or FBI identification number may be retrieved from the input forms, card

decks, or tape. This material is used only by authorized parole board research personnel on a 'need to know' basis and is data processed only by authorized Bureau of Prisons personnel. Material is not retrieved in identifiable form except that computer produced 'hard copy' may be used as a temporary expedient to prepare a report. The final pamphlet-text reports and material resulting from studies are used by Commission Personnel for internal purposes and the public externally. None of this material contains any reference to an individual. One source form, the Salient Factor Worksheet, which contains information retrievable as to one individual is made available to that individual if requested under the Freedom of Information Act.

**Safeguards:** See 'Safeguards' of preceding system regarding input forms, IBM cards or tape. Reports in pamphlet form are not safeguarded.

**Retention and disposal:** See 'Retention and Disposal' of preceding system. The studies in pamphlet form are not disposed of on schedule. Some will be maintained perpetually in archives.

**System manager(s) and address:** Research Director; U.S. Parole Commission; 320 First Street, N.W.; Room 366; Washington, D.C. 20537.

**Record source categories:** a. Commission inmate files; b. Docket Sheets; c. Commission Notices of Action, orders and documentation following hearings; d. Commission warrant applications and warrants; e. General Commission records and data; f. Enforcement agency records regarding former inmates.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(2) and (3), (e)(4)(G) and (H), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/PPC - 007

**System name:** Workload Record, Decision Result, and Annual Report System.

**System location:** U.S. Parole Commission Headquarters, 320 First Street, 3rd Floor; Washington, D.C. 20537.

**Categories of individuals covered by the system:** Any inmate and parolee or mandatory releasee who has been the subject of a decision for the period covered in the report for which the data is used (prior month, prior quarter, or prior year).

**Categories of records in the system:** Certain original input forms indicate the inmate or person under supervision by name and register number and give the date and specific statistical detail as to the decision made. They include criminal history type of information regarding the persons in question. Types of decisions covered in order of the form numbers above are after hearing or record review, after recommendation, after Regional Appeal, after National Appeal, and after a decision reopening and modifying. The data is input into a computer through punch cards and is used to provide the following: (a) A monthly report of workload containing number and type of hearings per region further broken out by institutions within regions and type of sentence; (b) A quarterly report on decision results indicating, among other statistics, number and type of decisions within, above, and below guidelines broken out by examiners making the decisions; (c) Together with hand posted data on other items of statistical value, this data is being used to create the Annual Report of the Commission.

**Authority for maintenance of the system:** 18 U.S.C. 4201-4218, 5005-5041, 28 C.F.R. Part O, Subpart V, 28 C.F.R. Part 2.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

(a) These records are used internally to analyze work product, the performance of evaluators, and various types of procedures and hearings and to evaluate the guidelines themselves.

(b) These records are used to prepare an annual report to the Attorney General and Congress and the public indicating in quantitative and qualitative terms Commission activity and accomplishment.

(c) In the event that material in this system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

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(d) A record from this system of records may be disclosed to a federal, state or local agency maintaining civil, criminal or other relevant information if necessary to obtain information relevant to Parole Commission matters.

(e) A record from this system may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that information is relevant and necessary to the requesting agency's decision on the matter.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the U.S. Parole Commission unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the U.S. Parole Commission not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and with the consent of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper input forms are stored in folders only until information from them is punched into cards. Data is stored principally on punch cards and plans are being developed to convert it to tape storage. Monthly and quarterly reports in the form of computer printouts are filed in folders. Annual report is in book form and stored in library shelves.

**Retrievability:** Data in this system can be retrieved by inmate's name and register number from the original input forms, IBM card decks, and planned tape substitute for card decks. It is only retrieved by region, by examiner, by type of decision made or hearing held, by relation to the guidelines and other similar means except for individual case retrievability in the guideline section of the quarterly report. Except for this, there is no output from this system now produced in which any information is identifiable by the name or register number of any person. Such identification exists in the input and storage data area.

**Safeguards:** Data on forms and IBM cards and/or tape retrievable by individual is stored in the Research Sections Office in cabinets. Research personnel (all selected Commission employees) supervise this data by day and use it on a 'need to know' basis. The room where it is stored is locked outside of office hours, and the entire Headquarters building is guarded and secured. Monthly and quarterly reports are for use of the Chairman, his Executive Assistant and Commission Members and professional personnel. No information thereon is retrievable as pertaining to any individual except certain breakouts by Parole Commission employee examiners and by inmate in the guideline section of the quarterly reports. These printouts are stored in the Commission Headquarters offices, all of which are supervised by day, locked at night, and are in a secured building. The Annual Report contains no information identifiable by individual and is a public document.

**Retention and disposal:** Completed input forms - Until data is keypunched into IBM cards - usually one month after forms are completed. They are then destroyed; 2. IBM card decks or planned tape substitute - Ten years after preparation, cards will be destroyed - tape degassed; 3. Printouts of annual and quarterly reports - 10 years; 4. Annual Reports - Some copies retained perpetually in Archives.

**System manager(s) and address:** Executive Assistant to the Chairman; Rm. 354-B; U.S. Parole Commission; 320 First Street, N.W.; Washington, D.C. 20537.

**Record source categories:** (a) Commission inmate files; (b) Docket sheets; (c) Commission notices of action, orders and documentation following hearings; (d) Commission warrant applications and warrants; (e) General Commission records and data.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(2) and (3), (e)(4)(G) and (H), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/INS - 001

**System name:** THE IMMIGRATION AND NATURALIZATION SERVICE INDEX SYSTEM WHICH CONSIST OF THE FOLLOWING SUBSYSTEMS.

- A. Agency information control record index.
- B. Alien address report index.
- C. Alien enemy index.
- D. Automobile decal parking identification system for employees.
- E. Centralized index and records relating to, but not limited to, aliens lawfully admitted for permanent residence and United States citizens (Master index).
- F. Congressional Mail Unit correspondence control index.
- G. Document vendors and alterers index (Service documents).
- H. Enforcement branch indices:
  - 1. Air detail office index system.
  - 2. Anti-smuggling index (general).
  - 3. Anti-smuggling information centers systems for Canadian and Mexican borders.
  - 4. Border Patrol Academy index.
  - 5. Border Patrol sectors general index system.
  - 6. Contact index.
  - 7. Criminal, immoral, narcotic, racketeer, and subversive indices.
  - 8. Enforcement correspondence control index.
  - 9. Fraudulent document center index system.
  - 10. Informant index.
  - 11. Suspect third party index.
- I. Examinations correspondence control index.
  - 1. Branch indices.
  - 2. Service lookout system.
- J. Extension training program enrollees.
- K. Finance section indices.
  - 1. Accounts with creditors.
  - 2. Accounts with debtors.
- L. Freedom of Information correspondence control index.
- M. Intelligence index.
- N. Microfilmed manifest records.
- O. Naturalization and citizenship indexes.
  - 1. Naturalization and citizenship docket cards.
  - 2. Examiner's docket lists of petitioners for naturalization.
  - 3. Master docket list of petitions for naturalization pending one year or more.
- P. Personnel investigations index.
- Q. Procurement - property issued employees.
- R. Security system access clearance information index system.
- S. White House and Attorney General correspondence control index.
- T. Health Record System.
- U. Personal Data Card System.
- V. Compassionate Cases System.
- W. Emergency Reassignment Index.
- X. Alien Documentation Identification and Telecommunication (ADIT) System.

#### System location:

- A. Central Office: 425 'I' Street; N.W. Washington; D.C. 20536.
- B. Regional Offices:
  - 1. Burlington, Vermont
  - 2. Fort Snelling, Twin Cities, Minnesota
  - 3. Dallas, Texas
  - 4. San Pedro, California
- C. District Offices in the United States:
  - 1. Anchorage, Alaska
  - 2. Atlanta, Georgia
  - 3. Baltimore, Maryland
  - 4. Boston, Massachusetts
  - 5. Buffalo, New York
  - 6. Chicago, Illinois
  - 7. Cleveland, Ohio
  - 8. Denver, Colorado
  - 9. Detroit, Michigan
  - 10. El Paso, Texas
  - 11. Hartford, Connecticut
  - 12. Helena, Montana

- 13. Honolulu, Hawaii
- 14. Houston, Texas
- 15. Kansas City, Missouri
- 16. Los Angeles, California
- 17. Miami, Florida
- 18. Newark, New Jersey
- 19. New Orleans, Louisiana
- 20. New York, New York
- 21. Omaha, Nebraska
- 22. Philadelphia, Pennsylvania
- 23. Phoenix, Arizona
- 24. Portland, Maine
- 25. Portland, Oregon
- 26. St. Albans, Vermont
- 27. St. Paul, Minnesota
- 28. San Antonio, Texas
- 29. San Diego, California
- 30. San Francisco, California
- 31. San Juan, Puerto Rico
- 32. Seattle, Washington
- 33. Washington, D.C.

#### D. District offices in foreign countries

- 1. Hong Kong, B.C.C.
- 2. Mexico City, Mexico
- 3. Rome, Italy

#### E. Sub Offices:

- 1. Agana, Guam
- 2. Albany, New York
- 3. Cincinnati, Ohio
- 4. Dallas, Texas
- 5. Hammond, Indiana
- 6. Harlingen, Texas
- 7. Las Vegas, Nevada
- 8. Memphis, Tennessee
- 9. Milwaukee, Wisconsin
- 10. Norfolk, Virginia
- 11. Pittsburgh, Pennsylvania
- 12. Providence, Rhode Island
- 13. Reno, Nevada
- 14. St. Louis, Missouri
- 15. Salt Lake City, Utah
- 16. Spokane, Washington

#### F. Border Patrol Sector Headquarters:

- 1. Blaine, Washington;
- 2. Buffalo, New York;
- 3. Chula Vista, California;
- 4. Del Rio, Texas;
- 5. Detroit, Michigan;
- 6. El Centro, California;
- 7. El Paso, Texas;
- 8. Grand Forks, North Dakota;
- 9. Havre, Montana;
- 10. Houlton, Maine;
- 11. Laredo, Texas;
- 12. Livermore, California;
- 13. Marfa, Texas;
- 14. McAllen, Texas;
- 15. Miami, Florida;
- 16. New Orleans, Louisiana;
- 17. Ogdensburg, New York;
- 18. Spokane, Washington;
- 19. Swanton, Vermont;
- 20. Tucson, Arizona;
- 21. Yuma, Arizona

#### G. Border Patrol Academy - Los Fresnos, Texas

#### H. Charlotte Amalie, St. Thomas, Virgin Islands

#### I. Sub offices in foreign countries:

- 1. Athens, Greece
- 2. Frankfurt, Germany
- 3. Naples, Italy
- 4. Palermo, Italy
- 5. Rome, Italy
- 6. Tokyo, Japan
- 7. Vienna, Austria

J. El Paso Intelligence Center (EPIC) - El Paso, Texas. Addresses of each office are listed in the telephone directories of the respective cities listed above under the heading 'United States Government, Immigration and Naturalization Service'.

#### Categories of individuals covered by the system:

- A. Agency information control record index (Location A, supra)

- 1. United States citizens, resident and non-resident aliens named in documents classified for National Security reasons
- 2. Individuals referenced in documents classified for National Security reasons.

B. Alien address reports (Form I-53), 1975 and subsequent years. (Location A, supra), 1974 and previous years (Locations C, D, and H supra).

#### C. Alien enemy index (Location: A supra)

- 1. Alien enemies who were interned during World War II
- 2. Americans of Japanese ancestry (Nisei) who returned to Japan and, during World War II, either accepted employment by the Japanese Government or became naturalized in Japan

D. Automobile decal parking identification for employees. (Location B-4 supra)

Current Service employees of this office who have the privilege of parking their cars on government premises, have a decal for their cars for parking identification.

E. Centralized index (Master index). (Locations: A, C, D, E and I supra)

- 1. Aliens lawfully admitted for permanent residence and United States citizens, and individuals who are under investigation, were investigated in the past, or who are suspected of violating the criminal or civil provisions of treaties, statutes, Executive orders and Presidential proclamation administered by the Immigration and Naturalization Service, hereinafter referred to as the Service, and witnesses and informants having knowledge of such violations

#### F. Congressional Mail Unit (Location A, supra)

- 1. Aliens lawfully admitted for permanent residence and United States citizens named in correspondence received including, but not necessarily limited to: a. employees and past employees; b. federal state and local officials; and c. members of the general public.

- 2. Aliens lawfully admitted for permanent residence and United States citizens named in reports or correspondence received, as individuals investigated in the past or under active investigations for, or suspected of violations of, the criminal or civil provisions of statutes enforced by the Service, including Presidential proclamations and Executive orders relating thereto, and witnesses and informants having knowledge of violations.

G. Document vendors and alterers index (Service documents) (Location B-4: duplicates are housed in several Service offices in the southwest region). This index relates to, but is not limited to, aliens lawfully admitted for permanent residence and United States citizens.

#### H. Enforcement Branch Indices

- 1. Group one -- (Locations: A, B, C and E, supra) -- contact index; informant index; anti-smuggling index (General); criminal, immoral, narcotic, racketeer and subversive indices; and suspect third party index -- all relate to same general categories of individuals as follows:

(a) Aliens lawfully admitted for permanent residence, and citizens who are in a position to know or learn of, and assist in locating aliens illegally in the United States.

(b) Aliens lawfully admitted for permanent residence, and citizens who are former or present members of an organization subversive in nature, whether foreign or domestic, and are willing to appear as government witnesses to testify as to their knowledge of an individual's membership therein, or as to the nature, aims and purpose of the organization, or as to the identification, publication, distribution and authenticity of the literature of such organization, or are in possession of information relative to such organization or on specific individuals and are willing to cooperate with the Immigration and Naturalization Service, or who although they have not been members of subversive organizations, are in possession of information relating to such organizations or members thereof, and are willing to cooperate with the Service on a continuing basis;

(c) Aliens lawfully admitted for permanent residence, and citizens who are known or suspected of being professional arrangers, transporters, harborers, and smugglers of aliens, who operate or conspire to operate with others to facilitate the surreptitious entry of an alien over a coastal or land border of the United States and witnesses having knowledge of such matters;



- (d) Aliens lawfully admitted for permanent residence and citizens who are known or suspected of being habitual or notorious criminals, immoral, narcotic violators or racketeers, or subversive functionaries or leaders;
- (e) Aliens lawfully admitted for permanent residence, and citizens who are known, or are believed, to be engaged in fraud operations involving the preparation and submission of visa petitions and other applications for Service benefits, or the preparation and submission of applications for immigrant visas and/or Department of Labor certifications, or the filing of false United States birth registrations for alien children to enable parents who are immigrant visa applicants to evade the labor certification requirements or to enable such children to pose as citizens.
2. Group two -- relate to specific categories of individuals as follows:
- (a) Air detail office index system (Location: J, supra) (1) The majority of the system contains information relating to United States citizens and aliens lawfully admitted for permanent residence who are pilots and/or owners of private aircraft and who have engaged in flying between the United States and foreign countries. (2) The system also contains information of an investigative nature relative to pilots, owners, and associates, including United States citizens and aliens lawfully admitted for permanent residence, who engage in, or are suspected of being engaged in, illegal activity, such as alien smuggling or entry without inspection.
- (b) Anti-smuggling information centers for the Canadian border and Mexican border. (Location: Northern Border: F-19, supra - Southern Border: J, supra) Categories of individuals include United States citizens and aliens lawfully admitted for permanent residence who are smugglers or transporters of illegal aliens, or who are suspects in the violation of statutes relating to smuggling and transporting illegal aliens.
- (c) Border Patrol Academy index system -- (Location: G, supra). United States citizens who are: students in attendance at the Border Patrol Academy; former students who have attended the Academy; and officers attending advanced training classes at the Academy.
- (d) Border Patrol Sectors general index -- (Locations: F, supra). (1) United States citizens who are past or present employees of the Service, and (2) United States citizens and aliens lawfully admitted for permanent residence classified as law violators, witnesses, contacts, informants, members of the general public, federal, state, county and local officials.
- (e) Fraudulent Document Center index system -- (Location: J, supra). The system contains information relating to United States citizens and/or aliens lawfully admitted for permanent residence categorized as members of the general public, Notaries Public, state and local birth registration officials and employees, immigration law violators, vendors of documents, donors of documents, midwives and witnesses. Also included in the system are names and information of fictitious non-existent individuals such as may be used by counterfeiters or alterers of citizenship documents.
3. Group three --
- (a) Enforcement correspondence control index -- (Location: A, supra -- Associate Commissioner, Enforcement). (1) Aliens lawfully admitted for permanent residence and citizens of the United States named in correspondence received, including but not necessarily limited to: a. employees and past employees; b. federal, state, and local officials; and c. members of the general public. (2) Aliens lawfully admitted for permanent residence and citizens of the United States named in documents, reports or correspondence received as individuals under investigation, or investigated in the past, or suspected of violation of the criminal or civil provisions of the statutes enforced by the Service, including Presidential Executive Orders and Proclamations relating thereto, and witnesses and informants having knowledge of violations.
1. Examinations branch indexes (Location: A, supra (duplicates in some local offices)) Aliens lawfully admitted for permanent residence and United States citizens and individuals who are violators or suspected violators of the criminal or civil provisions of statutes enforced by the Service.
- J. Extension training program enrollees (Location: A, supra) contains the names of Service employees, and other federal agency employees enrolled in extension training program courses.
- K. Finance Section indexes -- (Locations: A and B, supra)
1. Individuals who are indebted to the United States Government for goods, services, or benefits or for administrative fines and assessments;
2. Employees who have received travel advances or overpayments from the United States Government, who are in arrears in their accounts, or who are liable for damage to Government property.
3. Vendors who have furnished supplies, material, equipment and services to the Government;
4. Employees, witnesses and special deportation attendants who have performed official travel; and
5. Employees and individuals who have a valid claim against the Government.
- L. Freedom of Information correspondence control index (Locations: A; B; C; D; E; F; G; H and I, supra) Individuals who request, under the Freedom of Information Act, access to, or copies of, records maintained by the Service.
- M. Intelligence index -- (Locations: A and B, supra) Aliens who have been lawfully admitted to the United States for permanent residence and United States citizens, who have, or who are suspected of having, violated the criminal or civil provisions of the statutes enforced by the Service.
- N. Microfilmed manifest records -- (Locations: A, C-26, C-10, C-20, and C-29, supra) Aliens lawfully admitted for permanent residence to the United States and United States citizens.
- O. Naturalization and citizenship indexes.
1. Naturalization and citizenship docket cards (Locations: C and E supra, except E-6, 7, 8 and 13). Aliens lawfully admitted for permanent residence and citizens of the United States, and other individuals seeking benefits under Title III of the Immigration and Nationality Act of 1952, as amended.
2. Examiner's docket lists of petitioners for naturalization. (Locations: C and E supra, except E-6, 7, 8, and 13.) Petitioners for naturalization and beneficiaries.
3. Master docket list of petitioners for naturalization pending one year or more. (Locations: A, B, C and E supra, except E-6, 7, 8 and 13.) Petitioners for naturalization and beneficiaries.
- P. Personnel Investigations -- (Location: A, supra) Employees, former employees, other Government agency employees designated to perform immigration functions, witnesses, informants, and certain persons having contacts with Service operations.
- Q. Property issued to employees -- (Locations: A, B, C, E and I, supra). Employees of the Service who have been issued property and have in addition signed for receipt of the property on Form G-570.
- R. Security system -- (Location: A supra). United States citizens and aliens lawfully admitted for permanent residence to the United States currently employed with the Service who have been cleared for access to documents and materials classified in the interest of National Security.
- S. White House and Attorney General correspondence control index -- (Location: A, supra). Citizens and aliens lawfully admitted for permanent residence to the United States named in correspondence received, including, but not necessarily limited to: (a) employees and past employees of the Service; (b) federal, state and local officials; and (c) members of the general public.
- T. Health Record System (Location: A, supra). Persons at Location A, supra, who need health services or who require emergency treatment.
- U. Personal Data Card System (Locations: A and B, supra) Employees and former employees of the Service.
- V. Compassionate Cases System. (Locations: A and B-I and A, supra). Employees of the Service.
- W. Emergency Reassignment Index (Locations: B, C, E and F). Employees of the Service.
- X. Alien Documentation, Identification, and Telecommunication (ADIT) system -- (Location: A, supra). Aliens lawfully admitted for permanent residence, commuters and others authorized frequent border crossings, nonimmigrant persons other than transients.
- Categories of records in the system:
- A. Agency information control record index system contains.
1. Top secret and secret material originated, received or transmitted by Service officers that has been classified as National Security information including all copies prepared from a controlled document.
2. Confidential material originated by another agency which is received by this Service including all copies prepared from a controlled document.

3. All investigative reports, responses to security checks, and material of an intelligence nature concerning individuals, organizations, movements, conditions in foreign countries, received from sources within the Department of Justice and other federal intelligence sources.
- B. Alien address report index. This system contains information such as name, address, occupation, date of admission into the United States and Alien Registration number.
- C. Alien enemy index. This system contains a microfilm index of each file opened on these individuals.
- D. Automobile decal parking identification system for employees vehicles. This system contains a list by number of each DJ decal car sticker issued by the Security Division to regional employees who require car parking permission.
- E. Centralized index and records relating to permanent resident aliens, and citizens of the United States (Master index). The system consists of records relating to the categories of individuals described in E-1, supra. The records contain various Service forms, applications and petitions for benefits under the immigration and nationality laws, reports of investigation, sworn statements, and reports, correspondence and memoranda. Records which may be accessed electronically are limited to index and file locator data including name, identifying number, date and place of birth, date and port of entry, coded status transaction data, and location of relating records or files.
- F. Congressional mail unit. This system contains a permanent index record for each report or piece of correspondence received. Information maintained in the index of this subsystem is that which is entered on a 3' x 5' index card. The index record is solely a locator reflecting the name of the individual and the number of the file in which specific information concerning the individual is maintained.
- G. Document vendors and alterers index (Service documents). This system consists of 'mug book' containing photos of alleged immigration law violators involved in the supply of fraudulent documents, and data relating to the pictured violators including: name, aliases, vital statistics, method of operation, list of convictions, present location, and source material.
- H. Enforcement branch.
1. Group one -- contact index; informant index; anti-smuggling index (general); criminal, immoral, narcotic, racketeer and subversive indices; and suspect third party index: These systems of records are maintained on the following.
- (a) Form G-598, 'Contact Record'.
- (b) Form G-169, 'Informant Record'.
- (c) Form G-170, 'Smuggler Information Index Card'.
- (d) Alphabetical index cards reflecting the name of the individual and the file in which specific information concerning the individual is housed. Some index cards reflect the individual's biographic data, address, etc., and may contain a brief description of the individual's activities.
2. Group two.
- (a) Air detail office index. The primary record in the system is Form I-92A, Report of Private Aircraft Arrival, which is executed by the inspecting official upon arrival of a private aircraft from foreign territory. There are also indices, forms, investigative reports, records, and correspondence relative to aircraft arrivals, failure to report for inspection, and known or suspected alien smuggling operations wherein aircraft are utilized. In addition, microfiche containing names of owners of aircraft of United States registry are maintained at this location.
- (b) Anti-smuggling information centers for the Canadian and Mexican borders. This system contains G-170, Smuggler Information Index Card, other index cards, and correspondence relating to anti-smuggling activities. Two indices of active smugglers are compiled, one for the Canadian border and the other for the Mexican border area. These indices are in loose leaf booklet form and are distributed to Border Patrol offices in the respective border areas.
- (c) Border Patrol Academy index. This system contains general information and correspondence regarding the student's academic progress in training. The information is maintained on the following forms. (1) SW 91 - Probationary Achievement Report. (2) SW 91A - Scholastic Grade Worksheets. (3) SW 91B-10 BTC Achievement Report Immigration Inspector. (4) SW 91C - 10 BTC Achievement Report Investigator. (5) SW 96 - Class Rating Form. (6) SW 128 - Training Data. (7) SW 282 - Registration Information
- Form. (8) 446 - Conduct and Efficiency Report of Probationary Employee 5 1/2 and 10 months exam grades.
- (d) Border Patrol sectors general index. (1) This system contains indices, forms, reports and records relating to activities of the Border Patrol. Included in the various segments of the system are the following numbered and titled forms: a. Form I-44 - Record of Apprehension or Seizure; b. Form I-215W - Affidavit - witness; c. Form I-263A and I-263B - Record of Sworn Statement; d. Form I-195 - Criminal Prosecution Control Card; e. Form I-263W - Records of Sworn Statement - witness; f. Form I-326 - Prosecution Reports; g. Form G-170 - Smuggler Information Index Card; h. Form G-296 - Report of Violation of Section 239, Immigration and Nationality Act; i. Form G-330 - Notice of Action Information; j. Form G-445 - Conduct and Efficiency Evaluation of Probationary Appointees; and k. Form G-598 - Contact Record. (2) This system also contains copies of correspondence and memoranda between offices of the Service and with outside agencies and individuals, as well as photographs of some violators of the immigration laws or of individuals suspected of being involved in immigration law violations. (3) The Service lookout book and booklets of indexes of active smugglers are at each location; however, these are duplicated records which are reported separately in other systems of records.
- (e) Fraudulent document center index. This system contains birth certificates, baptismal certificates, and other identification documents used by aliens to support their fraudulent claims to United States citizenship. Most of the documents are genuine, however, there are also counterfeit and altered documents in the system. Also within the system are cross indexes, investigative reports, and records of individuals involved in fraud schemes and of individuals whose documents have been put to fraudulent use. Correspondence and memoranda between the Fraudulent Document Center and other Service Offices, outside agencies and individuals are retained.
3. Group three.
- (a) Enforcement correspondence control index. This system contains a semi-permanent index record for each document, report or piece of correspondence received. Information maintained in the system is that which is entered on Form G-617, 'Correspondence Control Card', and CO Form 147, 'Call-Up Index - Domestic Control'. The index record is primarily a locator reflecting the name of the individual and the file in which specific information concerning the individual is housed.
- I. Examinations branch.
1. Examinations correspondence control index: contains a semi-permanent index record for each document, report or piece of correspondence received. Information maintained in the system is that which is entered on Form G-617, 'Correspondence Control Card'. The index record is primarily a locator reflecting the name of the individual and the file in which specific information concerning the individual is housed.
2. Service lookout system contains names of violators, alleged violators and suspected violators of the criminal or civil provisions of statutes enforced by the Service.
- J. Extension training program enrollees. The system contains a folder for each enrollee. Each folder contains a complete record of the enrollee's test scores, correspondence and dates of every action taken with regard to the mailing of lesson materials, receipt of tests, scoring and mailing out test results and dates certificates were completed and mailed.
- K. -
1. Accounts with creditors. The records consist of vendors' invoices, purchase orders, travel vouchers and claims filed by appropriation for the fiscal year from which payment is chargeable.
2. Accounts with debtors. The records consist of bills for inspection services performed under the Act of March 2, 1931 (8 U.S.C. 1353a); fees, fines, penalties and deportation expenses assessed pursuant to the Immigration and Nationality Act; and employee indebtedness for travel advances, for the unofficial use of Government facilities and services, for damage to or loss of Government property, and for the erroneous or overpayment of compensation for travel expenses.

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## PRIVACY ACT ISSUANCES

L. Freedom of Information correspondence control index. The system contains an index record for each piece of correspondence received requesting information under the Freedom of Information Act.

M. Intelligence index. This system contains a semi-permanent index record for each document, report, bulletin or correspondence received. The index is categorized by name, violation, and activity. The index is primarily a locator reflecting the category, source of material and specific housing of information.

N. Microfilmed manifest records. Microfilmed indices, and arrival and departure manifests reflecting brief biographical data and facts of arrival or departure. The arrival records for certain ports date from 1891 and departure records date from 1900. The records are not complete; certain records were destroyed and were not microfilmed.

O.

1. Naturalization and citizenship docket cards. Docket cards consist of 3' x 5' or 5' x 8' index cards arranged alphabetically according to name of applicant, beneficiary or petitioner, indicating type of application submitted, date of receipt, file and/or petition number, and court number wherein petition for naturalization was filed. The docket cards are locators for the files in which specific information concerning the individuals is maintained.

2. Examiner's docket lists of petitioners for naturalization. Lists of petitioners for naturalization (Form N-476) are arranged chronologically for each court exercising naturalization jurisdiction, showing petition number, petition filing date, file number, court number, name of petitioner for naturalization, name of beneficiary in whose behalf a petition is filed, proposed recommendation by the naturalization examiner and reasons for the continuance. The lists serve as locators for the files in which specific information concerning the petitioners is maintained.

3. Master docket lists of petitions for naturalization pending one year or more. Master docket lists of petitions for naturalization (Form N-476) pending for a year or more are arranged chronologically for each court exercising naturalization jurisdiction showing the petition number, petition filing date, petitioner's name, recommendation and issues and reason why petition is still pending. The lists serve as locators for the files in which specific information concerning the petitioners is maintained.

P. Personnel investigations index. Contains two separate card index files, one for cases under active investigation, and the other for formerly active cases now closed. These cards are locator cards listing names of investigation subjects, their locations, and the allegations under investigation. Two relating sets of temporary work folders exist housing open/closed allegations of misconduct and investigative reports.

Q. Property issued to employees. The records consist of a Form G-570, 'Record-Receipt-Property Issued to Employee,' which lists property issued to an employee. The Form G-570 lists the employee's name, description of the property, serial number, date received and employee's initials, and finally date returned and supervisor's initials.

R. Security system index. The system is comprised of 3' x 5' index cards filed alphabetically which reflect levels of access clearances granted to employees of the Service and the dates when the clearances were granted.

S. White House and Attorney General correspondence control index. Contains an index record for each piece of correspondence addressed to the President and the Attorney General, with certain exceptions, which has been referred to this Service for appropriate attention. Information maintained in the system is that which is entered on Form G-617, 'Correspondence Control Card'. The index record is primarily a locator reflecting the name of the correspondent and/or the subject individual of the correspondence and the file in which specific information concerning the individual is housed.

T. Health Record System. The record consists of a 5' x 7' index card that lists the name, date and treatment given any person in the Health Unit.

U. Personal Data Card System. The record consists of a 3' x 5' card for each employee or former employee (G-74). The entries on the card (G-74) include name, date of birth, height, weight, sex, blood type, photograph, and color of hair and eyes.

V. Compassionate Cases System. The record consists of a 3' x 5' index card containing employee's name, position, grade, present location, date request received in Central Office, date circulated to,

compassionate committee, disposition, new location of employee whose request is granted; and a folder containing copy of employee's Form G-410, employee's request (memo), local and regional recommendations, doctor's statement (where applicable), record of committee action, and response to employee.

W. Emergency Reassignment Index. The record consists of 3' x 5' card (G-560) which reflects the name, age, grade, title, official station, residence, telephone number and emergency assignment activity.

X. Alien Documentation, Identification and Telecommunication (ADIT) system. The records consist of formatted data base records of personal and biographical information such as name, date of birth, picture and fingerprint coordinates, height, mother's first name, father's first name, city/town/village of birth.

#### Authority for maintenance of the system:

A. General, applicable to all Service index systems, includes but is not limited to: Sections 103, 265 and 290 and Title III of the Immigration and Nationality Act, hereinafter referred to as the Act (66 Stat. 163), as amended, (8 U.S.C. 1103; 8 U.S.C. 1305; 8 U.S.C. 1360), and the regulations pursuant thereto.

B. Specific, applicable to some of the indices, including but not limited to: (1) Executive Order 11652, and 28 C.F.R. 17.79 - agency control information record index, and access clearance information system. (2) 31 U.S.C. 66a - Finance branch indices. (3) Title III of the Act, as amended, (8 U.S.C. sections 1401 through 1503), and the regulations promulgated thereunder - naturalization and citizenship indices. (4) Sections 235 and 287 of the Act, as amended, (8 U.S.C. 1225; and 8 U.S.C. 1357), and the regulations promulgated pursuant thereto in personnel investigations. (5) Section 231 of the Act, as amended, (8 U.S.C. 1221) - manifest records. (6) 40 U.S.C. 483 - property management system. (7) 5 U.S.C. 4113 - extension training program. (8) 5 U.S.C. 552. The Freedom of Information Act, requires certain record keeping. This system was established and is maintained in order to enable the Service to comply with this requirement. (9) 5 U.S.C. 301 - Health Record System. Personal Data Card System, and Compassionate Cases System. (10) Executive Order 11490 - Emergency Reassignment Index.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** This system of records is used to serve the public by providing data for responses, when authorized, to written inquiries, complaints, and so forth. It is also used to administer the management, operational, and enforcement activities of the Service. The records are used by officers and employees of the Service and the Department of Justice in the administration and enforcement of the immigration and nationality laws, and related statutes, including the processing of applications for benefits under these laws, detecting violations of these laws, and for referrals for prosecution.

A. Relevant information contained in this system of records maintained by the Service to carry out its functions may be referred, as a routine use, to clerks and judges of courts exercising naturalization jurisdiction for the purpose of filing petitions for naturalization and to enable such courts to determine eligibility for naturalization or grounds for revocation of naturalization.

B. Relevant information contained in this system of records maintained by the Service to carry out its functions may be referred, as a routine use, to the Department of State in the processing of petitions or applications for benefits under the Immigration and Nationality Laws Act, and all other immigration and nationality laws, including treaties and reciprocal agreements.

C. Relevant information contained in this system of records maintained by the Service to carry out its functions may be provided, as a routine use, to other federal, state, and local government law enforcement and regulatory agencies, foreign governments, the Department of Defense, including all components thereof, the Department of State, the Department of the Treasury, the Central Intelligence Agency, the Selective Service System, the United States Coast Guard, the United Nations, Interpol, and individuals and organizations during the course of investigation in the processing of a matter or a proceeding within the purview of the immigration and nationality laws, to elicit information required by the Service to carry out its functions and statutory mandates.

D. In the event that this system of records maintained by the Service to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or

regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in this system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

E. In the event that this system of records maintained by the Service to carry out its functions indicates a violation or potential violation of the immigration and nationality laws, or of a general statute within Service jurisdiction, or by regulation, rule, or order issued pursuant thereto, the relevant records in this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal and to opposing counsel in the course of discovery.

F. A record from this system of records may be disclosed, as a routine use, to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

G. A record from this system of records may be disclosed, as a routine use, to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a decision of this Service concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

H. Indication of a violation or potential violation of the laws of another nation, whether civil or criminal, may be referred to the appropriate foreign agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing such laws; indication of any such violation or potential violation may also be referred to international organizations engaged in the collection and dissemination of intelligence concerning criminal activity.

I. Relevant information contained in this system of records may be disclosed, as a routine use, to the office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

J. A record from this system may be disclosed to other Federal agencies for the purpose of conducting national intelligence and security investigations.

K. Information contained in this system of records may be disclosed to an applicant, petitioner or respondent or to his or her attorney or representative (as defined in 8 C.F.R. 1.1(j) in connection with any proceeding before the Service.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** General.

**Storage:** Generally, information is stored manually; in some instances, in automated index systems. The actual records relating to individuals are stored in file folders at the addresses located in locations A, B, C, E, F and H, supra.

**Retrievability:** In general, records are indexed alphabetically by name and/or 'A' file number or petition and court number, some include date and port of entry. Access: Most systems are accessed manually. In some cases, index records may be accessed electronically from remote terminals.

**Safeguards:** Each system of records is safeguarded and protected in accordance with Department of Justice and Service rules and procedures.

#### Retention and disposal:

a. The period of retention for alien registration records is 100 years from the closing date or date of last action.

b. Materials retained in correspondence portion of subject files are normally retained no longer than two years and are then either microfilmed or destroyed by burning.

c. Materials retained in policy portions of subject files are retained indefinitely.

d. Indexes and records not enumerated above are generally retained only so long as they serve a useful purpose.

e. Microfilmed manifest records are retained permanently.

f. Freedom of Information Act index cards and materials kept in the correspondence portion of files are retained for one year; the disposal is by burning, shredding or pulverizing.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** Exceptions to the general practices above:

#### Storage:

a. Air detail office index systems. Forms I-92 are filed in rotary index machines by calendar year. Suspect files are in letter size cabinets, both are operated manually.

b. Alien address reports, I-53, are microfilmed from 1975 and subsequent. In 1973 and 1974 they are filed in cabinets in Service offices and in Federal Record Centers.

c. Alien enemy index information is maintained in the system and is on microfilm. The actual files are stored in Federal Record Centers.

d. Intelligence indices, are stored not by name, but by organization, activity or violation.

e. Some systems are stored numerically, or by subject, or by court and petition number or time sequence, as well as alphabetically.

f. Alien Documentation, Identification and Telecommunication (ADIT) system information is stored on magnetic tape and disk. Original forms completed by the individuals to whom the records pertain are filed with other records in subsystem E, 'Centralized index and records.'

g. Centralized index records which can be accessed electronically are stored on magnetic disk and tape.

Access: a. Centralized index records stored on magnetic disk are accessed from remote terminals located in INS offices on the Department of Justice Telecommunications System (JUST).

**Retrievability:** Aircraft data is filed in numerical sequence (air detail office index system).

#### Retention and disposal:

a. Access clearance index is maintained on a current basis. Cards forms completed by the index are destroyed upon the resignation, death or retirement of the employee.

b. Air detail office index, Form I-92A, forms information is retained for 5 years.

c. Border Patrol examination papers are destroyed 6 months after the trainee officer completes his probationary year.

d. Finance indices: Accounts with creditors and debtors are retained by the Service for 2 years from the close of the fiscal year to which they relate and are then transferred to the Federal Record Centers pending their ultimate disposition. The records are disposed of in accordance with General Service Administration regulations.

e. Intelligence indices: Intelligence bulletins are retained indefinitely.

f. Index Form G-617 is maintained for three years, then destroyed. However, in the White House and Attorney General Correspondence Indexes, form G-617 information is retained through the administration of each President and one year beyond.

g. Index Form CO - 147 is maintained until the subject matter is finally acted upon and is then destroyed.

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h. Personnel investigations are generally destroyed in June of the year following the one year anniversary of the close of the investigation. Operation Clean Sweep cases are being retained as a package until the program is terminated. Criminal matters of unusual sensitivity are retained as long as there is a useful need.

i. Health Unit records: The records are retained for a period of 6 years after the date of the last entry therein. The records are disposed of by burning, shredding, macerating or pulverizing.

j. Indexes relating to law violators and witnesses are retained for 3 years and then destroyed. General correspondence is retained for no longer than 2 years. Investigative matters of a routine nature may be disposed of when the investigation is closed. Information on present and past employees is retained only as long as such information serves a useful purpose.

k. Naturalization examiners docket lists and master docket lists of petitioners for naturalization are retained for two years, disposal is by tearing, shredding, pulverizing, or burning. Naturalization and citizenship docket cards are purged after applications are rejected, closed, petitions non-filed, applications granted or denied, or petitions for naturalization granted, or denied, the disposal is by tearing the cards.

l. Personal Data Card System: The record is retained for a period of 3 years after an employee is separated and then destroyed (Location: A, supra). The record is retained until an employee is separated and then destroyed (Location: B, supra). The records are disposed of by burning, shredding, macerating or pulverizing (Locations: A and B, supra).

m. Compassionate Cases System: The records are retained for 3 years and then destroyed. The records are disposed of by burning, shredding, macerating or pulverizing.

n. Emergency Reassignment Index: The records are retained on a current basis and are destroyed upon the transfer, separation, retirement or death of the employee. The records are destroyed by burning.

o. Alien Documentation, Identification and Telecommunication (ADIT) system records are maintained until naturalization, death or other material change in status of the individual, or until the registration card is relinquished.

p. Centralized index records stored on magnetic disk and tape are updated periodically and maintained for the life of the relating record. Original index cards are microfilmed, then destroyed.

#### System manager(s) and address:

A. The system manager, service-wide is the Associate Commissioner, Management (Location: A supra).

B. The Associate Commissioner, Management is the sole manager of the following systems:

1. Agency information control record index;
2. Alien address report (I-53);
3. Alien enemy index;
4. Centralized index (Master index);
5. Congressional mail unit index;
6. Document vendors and alterers;
7. Enforcement correspondence control index;
8. Examinations correspondence control index;
9. Finance unit indexes;
10. Freedom of Information Act correspondence control index;
11. Intelligence indexes;
12. Microfilmed manifest records;
13. Property issued to employees;
14. Access clearance information system; and
15. White House and Attorney General correspondence control index.
16. Health Record System.
17. Alien Documentation, Identification and Telecommunication (ADIT) system.

C. The following official for Service personnel investigations: Director, Internal Investigations (Location: A supra).

D. The following officials (for inquiry for special need) by category:

1. Alien address reports for portion of system maintained: (a) Associate Commissioner, Management; (b) District Directors (Locations: C supra), and/or (c) Officers in Charge - (Locations: - E supra).
2. Investigation units indices for: Contact index; enforcement index; anti-smuggling index (general); criminal, immoral, narcotic, racketeer and subversive indices; and suspect third party index, the managers are the ranking Service officer, of the Service offices in which such indices are maintained - (Location: A, B, C and E supra).

3. Border Patrol unit indices: (a) Air detail office index: Deputy Director (Location: J, supra) (b) Anti-smuggling information center: (1) Canadian Border: Chief Patrol Agent (Location: F-19 supra); and (2) Mexican Border: Deputy Director (Location: J, supra) (c) Fraudulent Document Center: Deputy Director (Location: J, supra) (d) Border Patrol Academy: Chief Patrol Agent (Location: G supra) (e) Border Patrol sector general indices: Chief Patrol Agent (Location: F-1 thru 21 supra).
4. Assistant Regional Commissioner, Security (Location: B-4 supra) For automobile decal identification system.
5. Chief, Employee Development Branch, Office of Assistant Commissioner, Personnel (Location: A supra) for extension training program enrollee file.
6. Naturalization and Citizenship indexes: (a) Naturalization and citizenship docket cards: District Directors and Officers in Charge (Locations: C and E supra, except E-6, 7, 8 and 13). (b) Docket lists of Petitioners for Naturalization Form N-476: District Directors and Officers in Charge (Locations: C and E supra, except E-6 and 8) (c) Docket lists of petitions pending at least one year (Form N-476): The Associate Commissioner Mgt (Location: A supra), Regional Commissioners (Location: B supra), District Directors and OIC's (Locations: C and E supra, except E-6, 7, 8 and 13).
7. Personal Data Card System: Associate Commissioner, Management (Location: A supra); Regional Commissioners (Location: B, supra).
8. Compassionate Cases System: Associate Commissioner, Management (Location: A supra); Regional Commissioners (Locations: B-1 and 4, supra).
9. Emergency Reassignment Index: Regional Commissioners (Location: B, supra), District Directors (Location: C, supra), Officers in charge (Location: E, supra); and Chief patrol agents (Location: F, supra).

#### Notification procedure:

A. Address inquiries to the respective systems managers listed in System Manager supra, except Finance unit inquiries shall be addressed to the office of the Service at which the individual did business (for locations see Location supra) and Freedom of Information Act inquiries shall be addressed to the office of the Service nearest the requestor's place of residence, or if known, the office of the Service where the requestor knows his record is located.

B. Systems totally exempt from disclosure pursuant to 5 U.S.C. 552a (j) and (k).

1. Agency information control index system.
2. Anti-smuggling index (general).
3. Anti-smuggling information centers system for Canadian and Mexican Borders.
4. Contact index.
5. Criminal, immoral, narcotic, racketeer and subversive indexes.
6. Document vendors and alterers index.
7. Informant index.
8. Intelligence indexes.
9. Service look out system.
10. Suspect third party index.
11. Emergency Reassignment Index.

**Record access procedures:** In all cases, requests for access to a record from any record subsystem shall be in writing or in person; if request for access is made in writing, the envelope and letter shall be clearly marked 'Privacy Access Request'. The requester must include a description of the general subject matter and, if known, the relating numerical identifier. The request must also include sufficient data to identify a relating record, such as the individual's full name, date and place of birth, and if appropriate, the date and place of entry into the United States, or departure from the United States. The requester shall also provide a return address for transmitting the information. Most of the systems contain records which the Attorney General has exempted from disclosure pursuant to 5 U.S.C. 552a (j) and (k) and records which are classified pursuant to Executive order. The requester will be accorded access to the records relating to himself only to the extent that such records are not within the scope of exemptions and are not classified.

**Contesting record procedures:** Any individual desiring to contest or amend information maintained in the system should direct his request to the office of this Service nearest his residence, or in which he believes a record concerning him may exist, (see Notification, supra), stating clearly and concisely what information is being

contested, the reasons for contesting it, and the proposed amendment to the information.

**Record source categories:** The basic information contained in these records is supplied by the individual on Department of State and Service applications and reports; inquiries and/or complaints from members of the general public, members of the Congress; referrals of inquiries and/or complaints directed to the White House or to the Attorney General by members of the general public, Service reports of investigation, sworn statements, correspondence and memoranda; official reports, memoranda and written referrals from other government agencies, including Federal, state and local; from the various courts and regulatory agencies; and information from foreign government agencies and international organizations.

The source of the data in the Freedom of Information Act correspondence control index is those individuals who seek information under that Act.

The information contained in the Emergency Reassignment Index is supplied by the individual and the Associate Commissioner, Management.

Nearly all the systems contain information received from sources which are exempted from disclosure pursuant to 5 U.S.C. 552a (j) and (k).

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G), (H) and (I), (e)(5) and (8), (f), (g), (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j) and (k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/FBI - 001

**System name:** National Crime Information Center (NCIC).

**System location:** Federal Bureau of Investigation; J. Edgar Hoover Bldg., 10th and Pennsylvania Avenue, N.W.; Washington, D.C. 20535

#### Categories of individuals covered by the system:

- A. Wanted Persons
  1. Individuals for whom Federal warrants are outstanding.
  2. Individuals who have committed or have been identified with an offense which is classified as a felony or serious misdemeanor under the existing penal statutes of the jurisdiction originating the entry and felony or misdemeanor warrant has been issued for the individual with respect to the offense which was the basis of the entry. Probation and parole violators meeting the foregoing criteria.
  3. A 'Temporary Felony Want' may be entered when a law enforcement agency has need to take prompt action to establish a 'want' entry for the apprehension of a person who has committed, or the officer has reasonable grounds to believe has committed, a felony and who may seek refuge by fleeing across jurisdictional boundaries and circumstances preclude the immediate procurement of a felony warrant. A 'Temporary Felony Want' shall be specifically identified as such and subject to verification and support by a proper warrant within 48 hours following the initial entry of a temporary want. The agency originating the 'Temporary Felony Want' shall be responsible for subsequent verification or re-entry of a permanent want.
- B. Individuals who have been charged with serious and/or significant offenses.
- C. Missing Persons
  1. A person of any age who is missing and who is under proven physical/mental disability or is senile, thereby subjecting himself or others to personal and immediate danger.
  2. A person of any age who is missing under circumstances indicating that his disappearance was not voluntary.
  3. A person of any age who is missing and in the company of another person under circumstances indicating that his physical safety is in danger.
  4. A person who is missing and declared unemancipated as defined by the laws of his state of residence and does not meet any of the entry criteria set forth in 1, 2, or 3 above.

#### Categories of records in the system:

- A. Stolen Vehicle File
  1. Stolen vehicles.
  2. Vehicles wanted in conjunction with felonies or serious misdemeanors.
  3. Stolen vehicle parts, including certificates of origin or title.

#### B. Stolen License Plate File

1. Stolen or missing license plates.

#### C. Stolen/Missing Gun File

1. Stolen or missing guns.
2. Recovered gun, ownership of which has not been established.

#### D. Stolen Article File

#### F. Wanted Person File

Described in 'Categories of individuals covered by the system.'

#### A. Wanted Persons'

#### F. Securities File

1. Serially numbered stolen, embezzled, counterfeited, missing securities.

2. 'Securities' for present purposes of this file are currency (e.g. bills, bank notes) and those documents or certificates which generally are considered to be evidence of debt (e.g. bonds, debentures, notes) or ownership of property (e.g. common stock, preferred stock), and documents which represent subscription rights (e.g. rights, warrants) and which are of those types traded in the securities exchanges in the United States, except for commodities futures. Also included are warehouse receipts, travelers checks and money orders.

#### G. Boat File

#### H. Computerized Criminal History File

A cooperative Federal-State program for the interstate exchange of criminal history record information for the purpose of facilitating the interstate exchange of such information among criminal justice agencies.

#### I. Missing Person File

Described in 'Categories of individuals covered by the system.'

#### C. Missing Persons'

**Authority for maintenance of the system:** The system is established and maintained in accordance with Title 28, United States Code, Section 534 and Title 28 - Judicial Administration, Chapter I - Department of Justice (Order No. 601-75) Part 20 - Criminal Justice Information Systems.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Data in NCIC files is exchanged with and for the official use of authorized officials of the Federal Government, the states, cities, and penal and other institutions in accordance with Title 28, U.S. Code, Section 534. The data is exchanged through NCIC terminals under the control of criminal justice agencies in the 50 states, FBI Field Offices, and other Federal law enforcement agencies. Dissemination of criminal history record information is set forth in Title 28 - Judicial Administration, Chapter I - Department of Justice (Order No. 601-75) Part 20 - Criminal Justice Information Systems, Subpart C, Section 20.33.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress.** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information maintained in the NCIC system is stored electronically for use in a computer environment.

**Retrievability:** On-line access to data in NCIC is achieved by using the following search descriptors. 1. Vehicle File: a) Vehicle identification number; b) License plate number; c) NCIC number (unique number assigned by the NCIC computer to each NCIC record).

2. License Plate File: a) License plate number; b) NCIC number
3. Gun File: a) Serial number of gun; b) NCIC number

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4. Article File: a) Serial number of article, b) NCIC number.
5. Wanted Person File: a) Name and one of the following numerical identifiers: date of birth, FBI number (number assigned by the Federal Bureau of Investigation to an arrest fingerprint record), Social Security number (It is noted the requirements of the Privacy Act with regard to the solicitation of Social Security numbers have been brought to the attention of the members of the NCIC system), Operator's license number (driver's license number), Miscellaneous identifying number (military number or number assigned by Federal, state or local authorities to an individual's record), Originating agency case number, b) Vehicle or license plate known to be in the possession of the wanted person, c) NCIC number (unique number assigned to each NCIC record).
6. Securities File: a) Serial number, denomination of security, b) Type of security and name of owner of security, c) Social Security number of owner of security, d) NCIC number.
7. Boat File: a) Registration document number, b) Hull serial number, c) NCIC number.
8. Computerized Criminal History File: a) Name, sex, race, and date of birth; b) FBI number, State identification number, d) Social Security Number, e) Miscellaneous number.
9. Missing Person File SAME AS WANTED PERSON FILE.

**Safeguards:** Data stored in the NCIC is documented criminal justice agency information. Access to that data is restricted to duly authorized criminal justice agencies. The following security measures are the minimum to be adopted by all criminal justice agencies having access to the NCIC Computerized Criminal History File. These measures are intended to prevent unauthorized access to the system data and the unauthorized use of data obtained from the computerized file.

#### 1. Computer Centers

- a. The criminal justice agency computer site must have adequate physical security to protect against any unauthorized person gaining access to the computer equipment or to any data stored on the equipment.
- b. Since personnel at computer centers can access data stored in the system, they must be screened thoroughly under the authority and supervision of an NCIC control terminal agency. Authority and supervision may be delegated to responsible criminal justice agency personnel in the case of a satellite computer center being serviced through a state control terminal agency. This screening will also apply to non-criminal justice maintenance or technical personnel.
- c. All visitors to these computer centers must be accompanied by staff personnel at all times.
- d. Computers having access to the NCIC must have the proper computer instructions written and other built-in controls to prevent criminal history data from being accessible to any terminals other than authorized terminals.
- e. Computers having access to the NCIC must maintain a record of all transactions against the criminal history file in the same manner the NCIC computer logs all transactions. The NCIC identifies each specific agency entering or receiving information and maintains a record of those transactions. This transaction record must be monitored and reviewed on a regular basis to detect any possible misuse of criminal history data.
- f. Each state control terminal shall build its data system around a central computer through which each inquiry must pass for screening and verification. The configuration and operation of the center shall provide for the integrity of the data base.

#### 2. Communications

- a. Lines/channels being used to transmit criminal history information must be dedicated solely to criminal justice use, i.e., there must be no terminals belonging to agencies outside the criminal justice system sharing these lines/channels.
- b. Physical security of the lines/channels must be protected to guard against clandestine devices being utilized to intercept or inject system traffic.

#### 3. Terminal Devices Having Access to NCIC

- a. All agencies having terminals on the system must be required to physically place these terminals in secure locations within the authorized agency.
- b. The agencies having terminals with access to criminal history must have terminal operators screened and restrict access to the terminal to a minimum number of authorized employees.

- c. Copies of criminal history data obtained from terminal devices must be afforded security to prevent any unauthorized access to or use of that data.
- d. All remote terminals on NCIC Computerized Criminal History will maintain a hard copy of computerized criminal history inquiries with notations of individual making request for record (90 days).

**Retention and disposal:** Unless otherwise removed, records will be retained in file as follows:

1. Vehicle File
  - a. Unrecovered stolen vehicle records (including snowmobile records) which do not contain vehicle identification numbers (VIN) therein, will be purged from file 90 days after the end of the license plate's expiration year as shown in the record.
  - b. Unrecovered stolen vehicle records (including snowmobile records) which contain VIN's will remain in file for the year of entry plus 4.
  - c. Unrecovered vehicles wanted in conjunction with a felony will remain in file for 90 days after entry. In the event a longer retention period is desired, the vehicle must be re-entered.
  - d. Unrecovered stolen VIN plates, certificates of origin or title, and serially numbered stolen vehicle engines or transmissions will remain in file for the year of entry plus 4.
2. License Plate File
  - a. Unrecovered stolen license plates not associated with a vehicle will remain in file for one year after the end of the plate's expiration year as shown in the record.
3. Gun File
  - a. Unrecovered weapons will be retained in file for an indefinite period until action is taken by the originating agency to clear the record.
  - b. Weapons entered in file as 'recovered' weapons will remain in file for the balance of the year entered plus 2.
4. Article File
  - a. Unrecovered stolen articles will be retained for the balance of the year entered plus one year.
5. Wanted Person File
  - a. Persons not located will remain in file indefinitely until action is taken by the originating agency to clear the record (except 'Temporary Felony Wants' which will be automatically removed from file after 48 hours).
6. Securities File
  - a. Unrecovered, stolen, embezzled, counterfeited or missing securities will be retained for the balance of the year entered plus 4, except for travelers checks and money orders which will be retained for the balance of the year entered plus 2.
7. Boat File
  - a. Unrecovered stolen boats will be retained in file for the balance of the year entered plus 4.
8. Missing Person File
  - a. Will remain in the file until the individual is located or, in the case of unemancipated persons, the individual reaches the age of emancipation as defined by laws of his state.
9. Computerized Criminal History File
  - a. When an individual reaches age of 80.

**System manager(s) and address:** Director, Federal Bureau of Investigation, J. Edgar Hoover FBI Building, 9th and Pennsylvania Avenue, N.W., Washington, D.C. 20535.

**Notification procedure:** Same as the above.

#### Record access procedures:

It is noted the Attorney General is exempting this system from the access and contest procedures of the Privacy Act. However, the following alternative procedures are available to a requester. The procedures by which an individual may obtain a copy of his Computerized Criminal History are as follows:

If an individual has a criminal record supported by fingerprints and that record has been entered in the NCIC CCH File, it is available to that individual for review, upon presentation of appropriate identification, and in accordance with applicable state and Federal administrative and statutory regulations.

Appropriate identification includes being fingerprinted for the purpose of insuring that he is the individual that he purports to be. The record on file will then be verified as his through comparison of fingerprints.

**Procedure:** 1. All requests for review must be made by the subject of his record through a law enforcement agency which has access to the NCIC CCH File. That agency within statutory or regula-

tory limits can require additional identification to assist in securing a positive identification.

2. If the cooperating law enforcement agency can make an identification with fingerprints previously taken which are on file locally and if the FBI identification number of the individual's record is available to that agency, it can make an on-line inquiry of NCIC to obtain his record on-line or, if it does not have suitable equipment to obtain an on-line response, obtain the record from Washington, D.C., by mail. The individual will then be afforded the opportunity to see that record.

3. Should the cooperating law enforcement agency not have the individual's fingerprints on file locally, it is necessary for that agency to relate his prints to an existing record by having his identification prints compared with those already on file in the FBI or, possibly, in the State's central identification agency.

**Contesting record procedures:** The subject of the requested record shall request the appropriate arresting agency, court, or correctional agency to initiate action necessary to correct any stated inaccuracy in his record or provide the information needed to make the record complete.

**Record source categories:** Information contained in the NCIC system is obtained from local, state, Federal and international criminal justice agencies.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G), (H), (e)(8), (f), (g) and (m) of the Privacy Act pursuant to 5 U.S.C. 552a (j). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/FBI - 002

**System name:** The 'FBI Central Records System.'

**System location:** a. Federal Bureau of Investigation, J. Edgar Hoover FBI Building, 10th and Pennsylvania Avenue, N.W., Washington, D.C. 20535, b. 59 field divisions (see Appendix); c. 14 Legal Attaches (see Appendix).

#### Categories of individuals covered by the system:

- a. Individuals who relate in any manner to official FBI investigations including, but not limited to suspects, victims, witnesses, and close relatives and associates that are relevant to an investigation.
- b. Applicants for and current and former personnel of the FBI and persons related thereto that are considered relevant to an applicant investigation, personnel inquiry, or persons related to personnel matters.
- c. Applicants for and appointees to sensitive positions in the United States Government and persons related thereto that are considered relevant to the investigation.
- d. Individuals who are the subject of unsolicited information, who offer unsolicited information, request assistance, and make inquiries concerning record material, including general correspondence, contacts with other agencies, businesses, institutions, clubs, the public and the news media.
- e. Individuals, associated with administrative operations or services including pertinent functions, contractors and pertinent persons related thereto.

#### Categories of records in the system:

The FBI Central Records System - The FBI utilizes a central records system of maintaining its investigative, personnel, applicant, administrative, and general files. This system consists of one numerical sequence of subject matter files, an alphabetical index to the files, and a supporting abstract system to facilitate processing and accountability of all important mail placed in file. Files kept in FBI field offices are also structured in the same manner, except they do not utilize an abstract system.

The FBI has 198 classifications used in its basic filing system.

They pertain primarily to Federal violations over which the FBI has investigative jurisdiction. However, included in the 198 classifications are personnel, applicant, and administrative matters to facilitate the overall filing scheme. These classifications are as follows (the word 'obsolete' following the name of the classification indicates that documents are no longer being filed under this heading):

#### CLASSIFICATIONS

1. Training Schools: National Academy Matters; FBI National Academy Applicants
2. Neutrality Matters
3. Overthrow or Destruction of the Government

4. National Firearms Act; Federal Firearms Act; State Firearms Control Assistance Act; Unlawful Possession or Receipt of Firearms
5. Income Tax
6. Interstate Transportation of Strikebreakers
7. Kidnaping
8. Migratory Bird Act
9. Extortion
10. Red Cross Act
11. Tax (Other than Income)
12. Narcotics
13. Miscellaneous National Defense Act; Prostitution; Selling Whiskey Within Army Camps (obsolete)
14. Sedition
15. Theft from Interstate Shipment
16. Violation Federal Injunction (obsolete)
17. Veterans Administration Matters
18. May Act
19. Censorship Matter (obsolete)
20. Federal Grain Standards Act (obsolete)
21. Food and Drugs
22. National Motor Vehicle Traffic Act (obsolete)
23. Prohibition
24. Profiteering (obsolete)
25. Selective Service Act; Selective Training and Service Act
26. Interstate Transportation of Stolen Motor Vehicle; Interstate Transportation of Stolen Aircraft
27. Patent Matter
28. Copyright Matter
29. Bank Fraud and Embezzlement
30. Interstate Quarantine Laws (obsolete)
31. White Slave Traffic Act
32. Identification (Fingerprint Matters)
33. Uniform Crime Reporting
34. Violation of Lacy Act (obsolete)
35. Civil Service
36. Mail Fraud
37. False Claims Against the Government (obsolete)
38. Application for Pardon to Restore Civil Rights (obsolete)
39. Falsely Claiming Citizenship
40. Passport and Visa Matter
41. Explosives (obsolete)
42. Deserter; Deserter, Harboring
43. Illegal Wearing of Uniform: False Advertising or Misuse of Names, Words, Emblems or Insignia; Illegal Manufacture, Use, Possession, or Sale of Emblems and Insignia; Illegal Manufacture, Possession, or Wearing of Civil Defense Insignia; Miscellaneous, Forging or Using Forged Certificate Of Discharge from Military or Naval Service; Miscellaneous, Falsely Making or Forging Naval, Military, or Official Pass; Miscellaneous, Forging or Counterfeiting Seal of Department or Agency of the United States; Misuse of the Great Seal of the United States or of the Seals of the President or the Vice President of the United States; Unauthorized Use of 'Johnny Horizon' Symbol; Unauthorized Use of 'Smokey Bear' Symbol
44. Civil Rights; Civil Rights, Election Laws, Civil Rights, Election Laws, Voting Rights Act, 1965
45. Crime on the High Seas (Includes stowaways on boats and aircraft)
46. Fraud Against the Government; Anti-Kickback Statute; Dependent Assistance Act of 1950, False Claims, Civil; Federal-Aid Road Act; Lead and Zinc Act; Public Works and Economic Development Act of 1965; Renegotiation Act, Criminal; Renegotiation Act, Civil; Trade Expansion Act of 1962; Unemployment Compensation Statutes; Economic Opportunity Act
47. Impersonation
48. Postal Violation (Except Mail Fraud)
49. National Bankruptcy Act
50. Involuntary Servitude and Slavery
51. Jury Panel Investigations
52. Theft, Robbery, Embezzlement, Illegal Possession or Destruction of Government Property
53. Excess Profits on Wool (obsolete)
54. Customs Laws and Smuggling
55. Counterfeiting
56. Election Laws
57. War Labor Disputes Act (obsolete)
58. Bribery; Conflict of Interest
59. World War Adjusted Compensation Act (obsolete)

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60. Anti-Trust
61. Treason or Misprison of Treason
62. Miscellaneous -- Including Administrative Inquiry (formerly Misconduct in Office)
63. Miscellaneous, Non-Subversive, including, Black Market in Railroad Tickets (obsolete), Civil Aeronautics Act (obsolete), Eight-Hour-Day Law, Federal Judiciary Investigations, Federal Juvenile Delinquency Act, Kickback Racket Act, Lands Division Matter (Condemnation Proceedings), Miscellaneous -- Civil Suit, Miscellaneous, O.P.A. Violation (Civil) (obsolete), Miscellaneous -- Wage and Hour Law (Fair Labor Standards Act of 1938), Soldiers and Sailors Civil Relief Act of 1940, Tariff Act of 1930, Top Hoodlum Coverage, Unreported Interstate Shipment of Cigarettes, Federal Cigarette Labeling and Advertising Act
64. Foreign Miscellaneous
65. Espionage
66. Administrative Matters
67. Personnel Matters
68. Asylum Matters (obsolete)
69. Contempt of Court
70. Crime on Indian Reservation, Inducing Conveyance of Indian Trust Land, Crime on Government Reservation, Embezzlement or Theft of Indian Property
71. Bills of Lading Act
72. Obstruction of Criminal Investigations
73. Application for Pardon After Completion of Sentence and Application for Executive Clemency
74. Perjury
75. Bondsmen and Sureties
76. Escaped Federal Prisoner, Escape and Rescue, Probation Violator, Parole Violator, Mandatory Release Violator
77. Applicants (Special Inquiry, Departmental and Other Government Agencies, except those having special classifications)
78. Illegal Use of Government Transportation Requests
79. Missing Persons
80. Laboratory Research Matters
81. Gold Hoarding (obsolete)
82. War Risk Insurance (National Service Life Insurance) (obsolete)
83. Court of Claims
84. Reconstruction Finance Corporation Act (obsolete)
85. Home Owner Loan Corporation (obsolete)
86. Federal Lending and Insurance Agencies
87. Interstate Transportation of Stolen Property (Fraud by Wire, Radio, or Television)
88. Unlawful Flight to Avoid Prosecution, Custody, or Confinement; Unlawful Flight to Avoid Giving Testimony
89. Assaulting or Killing a Federal Officer, Congressional Assassination Statute
90. Irregularities in Federal Penal Institutions
91. Bank Burglary; Bank Larceny; Bank Robbery
92. Anti-Racketeering; A.R., Lea Act, A.R., Interference with Government Communications System, A.R., Hobbs Act
93. Ascertaining Financial Ability
94. Research Matters
95. Laboratory Cases (Examination of Evidence in Other Than Bureau Cases)
96. Alien Applicant (obsolete)
97. Registration Act
98. Sabotage
99. Plant Survey (obsolete)
100. Subversive Matter (Individuals), Internal Security (Organization)
101. Hatch Act (obsolete)
102. Voorhis Act
103. Interstate Transportation of Stolen Cattle
104. Servicemen's Dependents Allowance Act of 1942 (obsolete)
105. Internal Security (Nationalistic Tendency, Foreign Intelligence) (Individuals and Organizations, by country)
106. Alien Enemy Control; Escaped Prisoners of War and Internees (obsolete)
107. Denaturalization Proceedings (obsolete)
108. Foreign Travel Control (obsolete)
109. Foreign Political Matters
110. Foreign Economic Matters
111. Foreign Social Conditions
112. Foreign Funds
113. Foreign Military and Naval Matters

114. Alien Property Custodian Matter (obsolete)
115. Bond Default, Bail Jumper
116. Atomic Energy Act, Applicant Atomic Energy Act, Employee
117. Atomic Energy Act, Criminal
118. Applicant, Central Intelligence Agency (obsolete)
119. Federal Regulations of Lobbying Act
120. Federal Tort Claims Act
121. Loyalty of Government Employees (obsolete)
122. Labor Management Relations Act, 1947
123. Special Inquiry, State Department, Voice of America (U.S. Information Center) (Public Law 402, 80th Congress)
124. European Recovery Program (International Cooperation Administration), formerly Foreign Operations Administration, Economic Cooperation Administration or F.R.P., European Recovery Program, A.I.D., Agency for International Development (obsolete)
125. Railway Labor Act, Railway Labor Act, Employer's Liability Act
126. National Security Resources Board, Special Inquiry (obsolete)
127. Sensitive Positions in the United States Government, Public Law 266 (obsolete)
128. International Development Program (Foreign Operations Administration)
129. Evacuation Claims (obsolete)
130. Special Inquiry, Armed Forces Security Act (obsolete)
131. Admiralty Matter
132. Special Inquiry, Office of Defense Mobilization (obsolete)
133. National Science Foundation Act, Applicant (obsolete)
134. Security Informants
135. PROSAB (Protection of Strategic Air Command Bases of the U.S.A. Air Force)
136. American Legion Contact (obsolete)
137. Criminal Informants
138. Loyalty of Employees of the United Nations and Other Public International Organizations
139. Interception of Communications (Formerly, Unauthorized Publication or Use of Communications)
140. Security of Government Employees; S.G.E., Fraud Against the Government
141. False Entries in Records of Interstate Carriers
142. Illegal Use of Railroad Pass
143. Interstate Transportation of Gambling Devices
144. Interstate Transportation of Lottery Tickets
145. Interstate Transportation of Obscene Matter; Broadcasting Obscene Language
146. Interstate Transportation of Prison-Made Goods
147. Federal Housing Administration Matters
148. Interstate Transportation of Fireworks
149. Destruction of Aircraft or Motor Vehicles
150. Harboring of Federal Fugitives, Statistics
151. (Referral cases received from CSC under P.L. 298) Agency for International Development; Atomic Energy Commission (Civil Service Commission); National Aeronautics and Space Administration; National Science Foundation; Peace Corps; Action; U.S. Arms Control and Disarmament Agency; World Health Organization; International Labor Organization; U.S. Information Agency
152. Switchblade Knife Act
153. Automobile Information Disclosure Act
154. Interstate Transportation of Unsafe Refrigerators
155. National Aeronautics and Space Act of 1958
156. Welfare and Pension Plans Disclosure Act
157. Extremist Matters; Civil Unrest
158. Labor-Management Reporting and Disclosure Act of 1959 (Security Matter) (obsolete)
159. Labor-Management Reporting and Disclosure Act of 1959 (Investigative Matter)
160. Federal Train Wreck Statute
161. Special Inquiries for White House, Congressional Committee and Other Government Agencies
162. Interstate Gambling Activities
163. Foreign Police Cooperation
164. Crime Aboard Aircraft
165. Interstate Transmission of Wagering Information
166. Interstate Transportation in Aid of Racketeering
167. Destruction of Interstate Property
168. Interstate Transportation of Wagering Paraphernalia
169. Hydraulic Brake Fluid Act (obsolete)
170. Extremist Informants

171. Motor Vehicle Seat Belt Act (obsolete)
172. Sports Bribery
173. Public Accommodations, Civil Rights Act of 1964 Public Facilities, Civil Rights Act of 1964 Public Education, Civil Rights Act of 1964 Employment, Civil Rights Act of 1964
174. Explosives and Incendiary Devices; Bomb Threats (Formerly, Bombing Matters; Bombing Matters, Threats)
175. Assaulting the President (or Vice President) of the United States
176. Anti-riot Laws
177. Discrimination in Housing
178. Interstate Obscene or Harassing Telephone Calls
179. Extortionate Credit Transactions
180. Desecration of the Flag
181. Consumer Credit Protection Act
182. Illegal Gambling Business; Illegal Gambling Business, Obstruction; Illegal Gambling Business, Forfeiture
183. Racketeer, Influenced and Corrupt Organizations
184. Police Killings
185. Protection of Foreign Officials and Official Guests of the United States
186. Real Estate Settlement Procedures Act of 1974
187. Privacy Act of 1974, Criminal
188. Crime Resistance
189. Equal Credit Opportunity Act
190. Freedom of Information/Privacy Acts
191. False Identity Matter
192. Hobbs Act - Financial Institutions
193. Hobbs Act - Commercial Institutions
194. Hobbs Act - Corruption of Public Officials
195. Hobbs Act - Labor Related
196. Fraud by Wire
197. Civil Actions or Claims Against the Government
198. Crime on Indian Reservations

Files kept in FBI Field Offices - Field offices maintain certain records that are not contained at FBI Headquarters that include files, index cards, and related material pertaining to cases in which there was no prosecutive action undertaken; perpetrators of violations not developed during investigation; or investigation revealed allegations were unsubstantiated or not within the investigative jurisdiction of the Bureau. These investigations were closed in field offices and correspondence not forwarded to FBI Headquarters. Duplicate records and records which extract information reported in the main files are also kept in the various divisions of the FBI to assist them in their day-to-day operation. These records are lists of individuals which contain certain biographic data, including physical description and photograph. They may also contain information concerning activities of the individual as reported to FBIHQ by the various field offices. The establishment of these lists is necessitated by the needs of the Divisions to have immediate access to pertinent information duplicative of data found in the Central Records without the delay caused by a time-consuming manual search of central indices. The manner of segregating these individuals varies depending on the particular needs of the FBI Division. The information pertaining to individuals who are a part of the list is derivative of information contained in the Central Records System. These duplicative records fall into the following categories:

- (1) Listings of individuals used to assist in the location and apprehension of individuals for whom legal process is outstanding (fugitives);
- (2) Listings of individuals used in the identification of particular offenders in cases where the FBI has jurisdiction. These listings include various photograph albums and background data concerning persons who have been formerly charged with a particular crime and who may be suspect in similar criminal activities; and photographs of individuals who are unknown but suspected of involvement in a particular criminal activity, for example, bank surveillance photographs;
- (3) Listings of individuals as part of an overall criminal intelligence effort by the FBI. This would include photograph albums, lists of individuals known to be involved in criminal activity, including theft from interstate shipment, interstate transportation of stolen property, and individuals in the upper echelon of organized crime;
- (4) Listings of individuals in connection with the FBI's mandate to carry out Presidential directives on January 8, 1943, July 24, 1950, December 15, 1953, and February 18, 1976, which designated the FBI to carry out investigative work in matters relating to espionage, sabotage, and foreign

counterintelligence. These listings may include photograph albums and other listings containing biographic data regarding individuals. This would include lists of identified and suspected foreign intelligence agents and informants;

(5) Special indices duplicative of the central indices used to access the Central Records System have been created from time to time in conjunction with the administration and investigation of major cases. This duplication and segregation facilitates access to documents prepared in connection with major cases.

Some of the information contained in the main files has also been extracted and placed on computer to enable various divisions to retrieve information more rapidly by avoiding the need for a manual search for information maintained in the main files. For example, since investigation of major frauds requires the Agent to collect and organize massive volumes of evidence and other investigative information, the FBI is using computers to do this in a more accurate and expeditious manner. Additionally, Agents occasionally seize evidence in computerized form and FBI computers are used to organize and sort the information in preparation for trial. Also, personnel type information dealing with such matters as attendance and production and accuracy requirements is maintained by some divisions.

**Authority for maintenance of the system:** Federal Records Act of 1950, The Constitution of the United States, various provisions of U.S. Code, Executive Orders and Presidential directives.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The records contained in this system are utilized by the FBI in support of its mission to conduct investigations within its jurisdiction and for various administrative purposes. Information from these files is disseminated to appropriate Federal, state, local, and foreign agencies where the right and need to have access to this information exists -- For example, to assist in the general crime prevention and detection efforts of the recipient agency. Information is also disseminated to these agencies and to individuals and organizations, where such dissemination is necessary to elicit information from such agencies and individuals. Information from this system is also disseminated during appropriate legal proceedings. For example, witness interviews are made available to defendants pursuant to the Jencks Act during Federal criminal trials. In the event that a system of records maintained by this agency to carry out its functions indicated a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. A record from this system of records may be disclosed as a 'routine use' to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. For example, in discharging its obligations under Executive Order 10450, this agency would disseminate record information as a direct result of a name check request submitted by another government agency. A record relating to an actual or potential civil or criminal violation of title 17, United States Code, may be disseminated to a person injured by such violation to assist him/her in the institution or maintenance of a suit brought under such title. Background and descriptive information on Federal fugitives is disseminated to the general public and the news media in an effort to bring about the apprehension of these wanted individuals. News releases are also disseminated to the public and the news media concerning apprehensions of FBI fugitives and other notable accomplishments. Additionally, public source information is distributed on a continuing basis, upon request, to the general public.



and representatives of the media. Upon specific approval of the Director, information may be disseminated from this system to individuals in the private sector in extenuating circumstances in order to protect life or property. Information which relates to foreign counter-intelligence matters may be disseminated to individuals in the private sector with the specific authority of the Attorney General where he deems it necessary in order for the Federal Bureau of Investigation (FBI) to fulfill its statutory responsibilities to investigate espionage in the United States. The FBI has received inquiries from private citizens and Congressional offices in behalf of constituents seeking assistance in locating such individuals as missing children or heirs to estates. Where the need is acute and where it appears FBI files may be the only lead in locating the individual, consideration will be given to furnishing relevant information to the inquiring individual. Information will be provided only in those instances where it can be determined from the information at hand that the individual being sought would want the information to be furnished, e.g. an heir to a large estate. Information with regard to missing children will not be provided where they have reached their majority. The decision to make any dissemination under these circumstances can be made only by the Director, and this authority cannot be delegated.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress.** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Files are maintained in hardcopy form, computer tape, and microfilm.

**Retrievability:** The FBI General Index must be searched to determine what information, if any, the FBI may have in its files. The index cards are on all manner of subject matters, but primarily a name index of individuals. It should be noted the FBI does not index all individuals that furnish information or names developed in an investigation. Only that information that is considered pertinent and relevant and essential for future retrieval, is indexed. In certain major cases most persons contacted are indexed in order to facilitate the proper administrative handling of a large volume of material. The FBI is in the process of automating its 'Central Records System' and, therefore, the retrieval of certain data will be accomplished by utilizing certain computer peripheral equipment such as CRT (Cathode Ray Tube) video screens, and printers. This will basically involve certain personnel information, general index information, and the abstracting system. Automation in no way changes the 'Central Records System'; it only facilitates access more effectively and efficiently.

**Safeguards:** Records are maintained in a restricted area and are accessed only by FBI employees. All FBI employees receive a complete background investigation prior to being hired. All employees are cautioned about divulging confidential information or any information contained in FBI files. Failure to abide by this provision violates Department of Justice regulations and may violate certain statutes providing maximum severe penalties of a 10,000 dollar fine or 10 years' imprisonment or both. Employees that resign or retire are also cautioned about divulging information acquired in the job.

**Retention and disposal:** The Bureau, by its investigative mandate, collects and maintains information from a wide variety of sources. The records support the Bureau's investigative and administrative needs and its obligation to act as a clearinghouse under Executive Order 10450 regarding the security of Government employees. An

active destruction program includes microfilming of certain files over 10 years old and researching files to determine whether they contain sufficient historical, research, investigative, or intelligence value to warrant their retention. The Code of Federal Regulations, Title 41, and Title 44 of the U.S. Code set forth Records Management procedures to be followed by government agencies in relation to their records. All agencies are required to retain any material made or received during the course of public business which has been preserved or is appropriate for preservation. Accordingly, disposition of record material must be in accordance with established regulations. Subsequent destruction is accomplished through authority granted by National Archives and Records Service, GSA, utilizing either the General Records Schedules or a specific request for record destruction which is approved by the Archivist. Records are also destroyed or returned to source as a result of Court Order. Subsequent to 1/27/75, a Congressional moratorium on all destruction, and a later decision rendered on further retention of security and intelligence material, has substantially reduced the tangible effects of the destruction program.

**System manager(s) and address:** Director; Federal Bureau of Investigation; Washington, D.C. 20535.

**Notification procedure:** Same as above.

**Record access procedures:** A request for access to a record from the system shall be made in writing with the envelope and the letter clearly marked 'Privacy Access Request'. Include in the request your full name, complete address, date of birth, place of birth, notarized signature, and other identifying data you may wish to furnish to assist in making a proper search of our records. Also include the general subject matter of the document or its file number. The requester will also provide a return address for transmitting the information. Access requests will be directed to the Director, Federal Bureau of Investigation, Washington, D.C. 20535.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should also direct their request to the Director, Federal Bureau of Investigation, Washington, D.C. 20535, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** The FBI, by the very nature and requirement to investigate violations of law within its investigative jurisdiction and its responsibility for the internal security of the United States, collects information from a wide variety of sources. Basically it is the result of investigative efforts and information furnished by other Government agencies, law enforcement agencies, and the general public, informants, witnesses, and public source material.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G) and (H), (e)(5) and (8), (f), (g) and (m) of the Privacy Act pursuant to 5 U.S.C. 552a (j) and (k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/FBI - 003

**System name:** Bureau Mailing List.

**System location:** Federal Bureau of Investigation; J. Edgar Hoover Bldg.; 10th and Pennsylvania Ave., N.W.; Washington, D.C. 20535.

**Categories of individuals covered by the system:** Individuals who have requested receipt of published Bureau material and who meet established criteria (basically law enforcement or closely related areas).

**Categories of records in the system:** Name, address and business affiliation, if appropriate.

**Authority for maintenance of the system:** Title 5, U.S. Code, Section 301 and Title 44, U.S. Code Section 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** For mailing of FBI material published on a regular basis.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress.** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computerized and 3X5 index card.

**Retrievability:** ID number in computer, alphabetically for card index.

**Safeguards:** Computer records maintained by Administrative Services Division, system operated by FBI personnel.

**Retention and disposal:** Revised on a monthly basis.

**System manager(s) and address:** Director, FBI, Washington, D.C. 20535.

**Notification procedure:** Director, FBI, Washington, D.C. 20535.

**Record access procedures:** Inquiry directed to Director, FBI, Washington, D.C. 20535.

**Contesting record procedures:** Same as the above.

**Record source categories:** Individual requests for FBI material or official recommendation, from individuals associated with law enforcement.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/FBI - 004

**System name:** Routine Correspondence Handled By Preprinted Form.

**System location:** Federal Bureau of Investigation; J. Edgar Hoover Bldg.; 10th and Pennsylvania Ave., N.W.; Washington, D.C. 20535.

**Categories of individuals covered by the system:** Routine correspondence from citizens not requiring a dictated response.

**Categories of records in the system:** Original correspondence and 3x5 index card.

**Authority for maintenance of the system:** Title 5, U.S. Code, Section 301 and Title 44, U.S. Code, Section 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Internal reference use of record of such correspondence.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress.** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Filing of original correspondence plus 3x5 index card.

**Retrievability:** Correspondence alphabetically and chronologically; index card alphabetically.

**Safeguards:** Maintained by FBI personnel; locked file cabinets during nonduty hours.

**Retention and disposal:** Original correspondence retained 90 days and destroyed; 3x5 index cards maintained one year and destroyed.

**System manager(s) and address:** Director, FBI, Washington, D.C. 20535.

**Notification procedure:** Director, FBI, Washington, D.C. 20535.

**Record access procedures:** Inquiry directed to Director, FBI, Washington, D.C. 20535.

**Contesting record procedures:** Same as the above.

**Record source categories:** Incoming citizen correspondence.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/FBI - 005

**System name:** Routine Correspondence Prepared Without File Yellow.

**System location:** Federal Bureau of Investigation; J. Edgar Hoover Bldg.; 10th and Pennsylvania Ave., N.W.; Washington, D.C. 20535.

**Categories of individuals covered by the system:** Routine requests received via correspondence from citizens.

**Categories of records in the system:** Tickler copy of routine response plus original citizen's letter.

**Authority for maintenance of the system:** Title 5 U.S. Code, Section 301 and Title 44, U.S. Code, Section 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Temporary record of routine inquiries without substantive, historical or record value for which no record is to be made in central FBI files.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress.** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Onionskin copy of outgoing correspondence.

**Retrievability:** Alphabetically and chronologically filed.

**Safeguards:** Maintained by FBI personnel; locked file cabinets during nonduty hours.

**Retention and disposal:** Retained 90 days, destroyed through confidential trash disposal.

**System manager(s) and address:** Director, FBI, Washington, D.C. 20535.

**Notification procedure:** Director, FBI, Washington, D.C. 20535.

**Record access procedures:** Inquiry directed to Director, FBI, Washington, D.C. 20535.

**Contesting record procedures:** Same as the above.

**Record source categories:** Incoming citizen correspondence.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/FBI - 006

**System name:** Electronic Surveillance (Elsur) Indices.

**System location:** Federal Bureau of Investigation; J. Edgar Hoover Bldg.; 10th and Pennsylvania Ave., N.W.; Washington, D.C. 20535.

**Categories of individuals covered by the system:** Individuals who have been the targets of direct electronic surveillance coverage by the FBI, who have participated in conversations monitored by an FBI electronic installation, or who have owned, leased, or licensed premises on which the FBI has conducted an electronic surveillance.



**Categories of records in the system:** The Elsur Indices are maintained on 3' x 5' cards, which set forth the name of each person monitored or the proprietor of premises on which an electronic surveillance was conducted by the FBI since January 1, 1960, a source number to identify the electronic surveillance, the date the conversation occurred, the location of the field office which conducted the monitoring, and the address and/or telephone number where the electronic surveillance occurred.

**Authority for maintenance of the system:** The Elsur Indices were initiated in October, 1966, at the instructions of the Department of Justice, which also established the cutoff date of January 1, 1960. The authority for the maintenance of these records is Title 5, Section 301, USC, which grants the Attorney General the authority to issue rules and regulations prescribing how Department of Justice information can be employed Title 18, USC, Section 2519, also sets forth recordkeeping requirements.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The Elsur Indices are utilized: (1) To respond to judicial inquiries about possible electronic surveillance coverage of witnesses, defendants, or attorneys involved in Federal court proceedings, and (2) To enable the Government to certify whether a person regarding whom court-order authority is being sought for electronic coverage has ever been so covered in the past. The actual users of the indices are always Agents of the FBI.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The records are maintained manually on 3' x 5' cards.

**Retrievability:** They are indexed alphabetically under the two general categories of 'Criminal' and 'Security.'

**Safeguards:** They are maintained in a guarded room at all times, with a special locking system for off-duty hours when they are not in use.

**Retention and disposal:** Until advised to the contrary by the Department, the courts, or Congress, these indices will be maintained indefinitely.

**System manager(s) and address:** Director, Federal Bureau of Investigation, Washington, D.C. 20535.

**Notification procedure:** Same as the above.

**Record source categories:** See Category of Individual.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G), (H), (e)(5) and (8), (f), (g) and (m) of the Privacy Act pursuant to 5 U.S.C. 552a (j). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/FBI - 007

**System name:** FBI Automated Payroll System

**System location:** Federal Bureau of Investigation, J. Edgar Hoover Bldg., 10th and Pennsylvania Avenue, N.W., Washington, D.C. 20535.

**Categories of individuals covered by the system:** A) Current employees of the Federal Bureau of Investigation (FBI); B) Resigned employees of the FBI are retained in the automated file for the current year for the purposes of clearing all pay actions and providing for any retroactive actions that might be legislated.

**Categories of records in the system:** System contains full record for each employee reflecting all elements relative to payroll status, plus accounting records and authorization records through which payrolls are issued and by which payrolls are audited. For example, this system contains the employees' Social Security Number, time and attendance data, and place of assignment.

**Authority for maintenance of the system:** System is established and maintained in accordance with Federal pay requirements, and all legislative enactments, Civil Service Commission regulations, General Accounting Office rulings and decisions, Treasury Department requirements, and Office of Management and Budget regulations relative thereto. Title 5, U.S. Code, Section 301 and Title 44, U.S. Code, Section 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Biweekly issuance of payroll and related matters. Quarterly issuance of State Tax Report and Federal Insurance Contributions Act Report. Resign and End-of-Year Federal Tax Records (W-2's). Bi-weekly, quarterly, fiscal and annual Budget and Accounting Reports. Appropriate information is made available to the Internal Revenue Service and state and city tax bureaus.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information maintained in the system is stored electronically on magnetic tapes and disks for use in a computer environment.

**Retrievability:** Information is retrieved by Social Security Number. (The authority to solicit an employee's Social Security Number is based on Title 26, Code of Federal Regulations, Section 31.6011(b)-2(b).)

**Safeguards:** Information contained in the system is relative to the individual employee's payroll status and is considered confidential to that employee and to official business conducted for that employee's pay and accounting purposes. It is safeguarded and protected in accordance with the FBI's Computer Center's regulations that permit access and use by only authorized personnel.

**Retention and disposal:** Master Payroll and Accounting Records stored electronically are retained for a period of three years, as are Federal Tax files. Auxiliary files pertinent to main payroll functions are retained for periods varying from three pay periods to three years, depending on support files needed for any retroactive or audit purposes. Hard copy records are retained in accordance with instructions contained in General Records Schedule 2, GSA Reg. 3, and GSA Bulletin FPMR B-47 Archives and Records.

**System manager(s) and address:** Director, Federal Bureau of Investigation, Ninth and Pennsylvania Avenue, Washington, D.C. 20535.

**Notification procedure:** Same as the above.

**Record access procedures:** A request of access to information may be made by an employee through his supervisor or by a former employee by writing to the Federal Bureau of Investigation, 9th and Pennsylvania Avenue, Washington, D.C. 20535, Attention Payroll Office.

**Contesting record procedures:** Contest of any information should be set out in detail and a check of all supportive records will be made to determine the factual data in existence, which is predetermined by source documents and accounting procedures governing pay matters.

**Record source categories:** Source of information is derived from personnel actions, employee authorizations, and time records which are issued and recorded in accordance with regulations governing Federal pay.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/FBI - 008

**System name:** Personnel Information Network System (PINS).

**System location:** Federal Bureau of Investigation, J. Edgar Hoover Building, 10th Street and Pennsylvania Avenue, N.W.; Washington, D.C. 20535.

**Categories of individuals covered by the system:** Federal Bureau of Investigation employees and former employees.

**Categories of records in the system:** The system contains personnel information which includes information set forth on (1) FBI form 3-634 in lieu of Standard Form 50 - Notification of Personnel Action, (2) SF 176-T-Federal Employee Group Life Insurance Plan, (3) FBI form 12-60 in lieu of SF 1126 - Notification of Pay Change, (4) SF 2801 and CSC 1084 - Application for and additional information in support of retirement, respectively, (5) SF 2809 - Federal Employee Health Benefit Plan and (6) various intra-agency forms and memoranda.

**Authority for maintenance of the system:** The system is established and maintained pursuant to regulations set forth in the Federal Personnel Manual, Title 5, U.S. Code, Section 301 and Title 44, U.S. Code, Section 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The PINS is used (1) to prepare the Notification of Personnel Action, copies of which are furnished to the Civil Service Commission (2) to locate and charge out personnel files for official use, (3) to generate lists of employees which are used internally by authorized personnel for record keeping, planning, and decision making purposes, and (4) as a source for the dissemination of information (A) to federal, state and local agencies and to private organizations pursuant to service record inquiries and (B) pursuant to credit inquiries (In response to proper credit inquiries from credit bureaus and financial institutions, the FBI will verify employment and furnish salary and length of service).

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information maintained in PINS is stored by disc and magnetic tape.

**Retrievability:** Information is retrieved (1) on-line through Cathode Ray Tubes by keying the name or Social Security Number of the employee and (2) off-line by tape reading. (It is noted the authority to solicit an employee's Social Security Number is based on Title 26, Code of Federal Regulations, Section 31.6011(b)-2(b).)

**Safeguards:** Areas housing the system and access terminals are located in secure buildings available to authorized FBI personnel and escorted maintenance and repair personnel only. Access terminals are operational only during normal daytime working hours at which time they are constantly attended.

**Retention and disposal:** Electronically stored records for employees and former employees are maintained indefinitely in a vault under the control of a vault supervisor. Pursuant to regulations set forth in the Federal Personnel Manual a copy of the Notification of Personnel Action is made a part of the employees' personnel file.

**System manager(s) and address:** Director, Federal Bureau of Investigation, John Edgar Hoover Building, 10th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20535.

**Notification procedure:** Same as the above.

**Record access procedures:** A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request'. Include in the request the name and return address of the requestor. Access requests will be directed to the Director, Federal Bureau of Investigation.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the Director, FBI stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Sources of information contained in this system are present and former FBI employees and employee personnel files.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/FBI - 009

**System name:** Identification Division Records System.

**System location:** Federal Bureau of Investigation, J. Edgar Hoover Bldg., 10th and Pennsylvania Avenue, N.W.; Washington, D.C. 20535.

**Categories of individuals covered by the system:**

A. Individuals fingerprinted as a result of arrest or incarceration by Federal, state or local law enforcement agencies.

B. Persons fingerprinted as a result of federal employment applications, military service, alien registration and naturalization purposes and individuals desiring to have their fingerprints placed on record with the FBI for personal identification purposes.

**Categories of records in the system:**

A. Criminal fingerprint cards and related criminal justice information submitted by authorized agencies having criminal justice responsibilities.

B. Civil fingerprint cards submitted by Federal agencies and civil fingerprint cards submitted by persons desiring to have their fingerprints placed on record for personal identification purposes.

C. Identification records sometimes referred to as 'rap sheets' which are compilations of criminal history information pertaining to individuals who have criminal fingerprint cards maintained in the system.

D. An alphabetical name index pertaining to each individual whose fingerprints are maintained in the system. The criminal records and the civil records are maintained in separate files and each file has an alphabetical name index related to the data contained therein.

**Authority for maintenance of the system:** The system is established, maintained and used under authority granted by 28 U.S.C. 534 and P.L. 92-544 (86 Stat. 1115). The authority is also codified in 28 C.F.R. 0.85(b), and (j).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The FBI operates the Identification Division Records System to perform identification and criminal history record information functions for federal, state, and local criminal justice agencies, and for noncriminal justice agencies, and other entities where authorized by Federal statute, state statute pursuant to Public Law 92-544 (86 Stat. 1115), Presidential executive order, or regulation of the Attorney General of the United States. In addition, identification assistance is provided in disasters and for other humanitarian purposes. Dissemination is also conducted in accordance with Public Law 94-29, known as the Securities Acts Amendments of 1975.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.



**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service. A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information in the system is stored manually in file cabinets either in its natural state or on microfilm. In addition, some of the information is stored electronically in converting the manual system to an automated system.

**Retrievability:** (1) All information in the system is retrievable by technical fingerprint classification index and positive identification is effected only by comparison of the unique characteristics obtained from fingerprint impressions submitted for search against the fingerprint cards maintained within the system.

(2) An auxiliary means of retrieval is through the alphabetical name indexes which contain names of the individuals, their birth data, other physical descriptors and the individuals' technical fingerprint classifications and FBI numbers, if such have been assigned.

(3) The name of an individual and his FBI number may assist in retrieval of information about that individual from within the system. Since July, 1971, all individuals whose fingerprints have been placed in the criminal file have been assigned unique FBI numbers. Prior to July, 1971, all individuals who had two or more fingerprint cards in the criminal file were assigned FBI numbers.

**Safeguards:** Information in the system is unclassified. Disclosure of information from within the system is made only to authorized recipients upon authentication and verification of the right to access the system by such persons and agencies. The physical security and maintenance of information within the system is provided by FBI rules, regulations and procedures.

**Retention and disposal:**

(1) The Archivist of the United States has approved the destruction of records maintained in the criminal file when the records indicate individuals have reached 80 years of age and the destruction of records maintained in the civil file when the records indicate individuals have reached 75 years of age.

(2) Fingerprint cards and related arrest data in the system are destroyed seven years following notification of the death of an individual whose record is maintained within the system.

(3) Fingerprint cards submitted by state and local criminal justice agencies are returned upon requests of the submitting agencies. The return of a fingerprint card under this procedure results in the deletion from the system of all arrest information related to that fingerprint card.

(4) Fingerprint cards and related arrest data are removed from the Identification Division Records System upon receipt of Federal court orders for expunctions when accompanied by necessary identifying information. Recognizing lack of jurisdiction of local and state courts over an entity of the Federal Government, the Identification Division Records System, as a matter of comity, returns fingerprint cards and related arrest data to local and state criminal justice agencies upon receipt of orders of expunction directed to such agencies by local and state courts when accompanied by necessary identifying information.

**System manager(s) and address:** Director, Federal Bureau of Investigation, 10th and Pennsylvania Avenue, N.W., Washington, D.C. 20535.

**Notification procedure:** Address inquiries to the System Manager. The Attorney General has exempted the Identification Division Records System from compliance with subsection (d) of the Act.

**Record access procedures:** The Attorney General has exempted the Identification Division Records System from compliance with subsection (d) of the Act. However, pursuant to 28 C.F.R. 16.30-34, and Rules and Regulations promulgated by the Department of Justice on May 20, 1975 at 40 Fed. Reg. 22114 (Section 20.34) for Criminal Justice Information Systems, an individual is permitted access to his identification record maintained in the Identification Division Records System and procedures are furnished for correcting or challenging alleged deficiencies appearing therein.

**Contesting record procedures:** Same as the above.

**Record source categories:** See Categories of Individuals.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G), (H), (e)(5) and (8), (f), (g) and (m) of the Privacy Act pursuant to 5 U.S.C. 552a (j). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

**JUSTICE/FBI - 010**

**System name:** Employee Travel Vouchers and Individual Earning Records.

**System location:** Federal Bureau of Investigation; J. Edgar Hoover Bldg. 10th and Pennsylvania Avenue, N.W., Washington, D.C. 20535. Records pending audit are located at Federal Records Centers.

**Categories of individuals covered by the system:** Former and current employees of the FBI.

**Categories of records in the system:** Payroll, travel and retirement records of current and former employees of the FBI.

**Authority for maintenance of the system:** The head of each executive agency, or his delegate, is responsible for establishing and maintaining an adequate payroll system, covering pay, leave and allowances, as a part of the system of accounting and internal control of the Budget and Accounting Procedures Act of 1950, as amended, 31 U.S.C. 66, 66a and 200(a).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records are used by Departmental personnel to prepare and document payment to employees of the FBI and to carry out financial matters related to the payroll or accounting functions.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual on paper files.

**Retrievability:** The records can be retrieved by name; and either social security account number or employee identification number.

**Safeguards:** Accessed by Bureau employees at FBI Headquarters and by Field Office employees at Records Centers. Transmittal document contains Bureau statement concerning security, i.e., who may access or view records. Records are maintained in rooms under the control of employees during working hours and maintained in locked file cabinets in locked rooms at other times. Security guards further restrict access to the building to authorized personnel only.

**Retention and disposal:** Employee travel vouchers - retained indefinitely. Individual earning records - retained 56 years after date of last entry.

**System manager(s) and address:** Director, Federal Bureau of Investigation, 9th and Pennsylvania Avenue, N.W., Washington, D.C. 20535.

**Notification procedure:** Written inquiries, including name, date of birth, and social security number, to determine whether this system contains records about an individual may be addressed to Director, Federal Bureau of Investigation, 9th and Pennsylvania Avenue, N.W., Washington, D.C. 20535.

**Record access procedures:**

**Contesting record procedures:** Written inquiries, including name, date of birth and social security number, requesting access or contesting the accuracy of records may be addressed to: Director, Federal Bureau of Investigation, 9th and Pennsylvania Avenue, N.W., Washington, D.C. 20535.

**Record source categories:** Travel vouchers turned in by individual employees for official business. Pay records - time and attendance records, pay determined by the agency.

**Systems exempted from certain provisions of the act:** None.

**JUSTICE/FBI - 011**

**System name:** Employee Health Records.

**System location:** Federal Bureau of Investigation, Finance and Personnel Division, Health Service, J. Edgar Hoover Bldg., 10th and Pennsylvania Avenue, N.W., Washington, D.C. 20535 and the

following field offices: New York, Newark, Philadelphia, Chicago, Los Angeles, San Francisco, and FBI Academy, Quantico, Virginia. Addresses for these offices can be found in JUSTICE/FBI-999, the appendix of Field Offices for the Federal Bureau of Investigation.

**Categories of individuals covered by the system:** Current and former employees of the FBI.

**Categories of records in the system:** Records of visits to health facilities relating to sickness, injuries or accidents.

**Authority for maintenance of the system:** The head of each agency is responsible, under 5 U.S.C. 7902, for keeping a record of injuries and accidents to its employees and for reducing accidents and health risks. These records are maintained under the general authority of 5 U.S.C. 301 so that the FBI can be kept aware of the health related matters of its employees and more expeditiously identify them.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records are maintained by the FBI to identify matters relating to the health of its present and former employees. Information is available to employees of the FBI whose job function relates to identifying and resolving health matters of former and current personnel of the FBI.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Filing of 3 x 5 index record cards.

**Retrievability:** These index cards are retrievable by the name of an individual.

**Safeguards:** These records are maintained by FBI personnel during working hours and in locked file cabinets during non-working hours. Security guards further restrict access to the building to authorized personnel.

**Retention and disposal:** These 3 x 5 index cards are maintained for the duration of an employee's service with the FBI.

**System manager(s) and address:** Director, Federal Bureau of Investigation, 9th and Pennsylvania Avenue, N.W., Washington, D.C. 20535.

**Notification procedure:** Written inquiries, including name, date of birth and social security number, to determine whether this system of records contains records about an individual may be addressed to: Director, Federal Bureau of Investigation, 9th and Pennsylvania Avenue, N.W., Washington, D.C. 20535.

**Record access procedures:**

**Contesting record procedures:** Written inquiries, including name, address and social security number, requesting access or contesting the accuracy of records may be addressed to: Director, Federal Bureau of Investigation, 9th and Pennsylvania Avenue, N.W., Washington, D.C. 20535 and the above-mentioned field offices at addresses referred to in JUSTICE/FBI-999.

**Record source categories:** Employees of the Federal Bureau of Investigation originate their own records.

**Systems exempted from certain provisions of the act:** None.

**JUSTICE/FBI - 012**

**System name:** Time Utilization Record-Keeping (TURK) System.

**System location:** Administrative Services Division, Federal Bureau of Investigation, J. Edgar Hoover Building, 10th and Pennsylvania Avenue, N.W., Washington, D.C. 20535.

**Categories of individuals covered by the system:** Special Agents, Accounting Technicians, Investigative Assistants, and Laboratory Technicians.

**Categories of records in the system:** System contains bi-weekly time utilization data of Special Agents, Accounting Technicians, Investigative Assistants and Laboratory Technicians.

**Authority for maintenance of the system:** This system of records is maintained under the authority of 31 U.S.C. 66a which requires the head of the Department, or his delegate, to establish a system of accounting and internal control designed to provide full disclosure

of the financial results of the FBI's activities; adequate financial information needed for the FBI's management purposes and effective control over and accountability for all funds, property and other assets for which the FBI is responsible.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** For the purpose of producing cost accounting reports reflective of personnel utilization, records may be made available to the General Accounting Office, the Office of Management and Budget and the Treasury Department.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information maintained in the system is stored electronically on magnetic tapes and discs for use in a computer environment.

**Retrievability:** Information is retrieved by name and/or social security number.

**Safeguards:** Information is safeguarded and protected in accordance with the FBI's Computer Center regulations that permit access and use by authorized personnel only.

**Retention and disposal:** Bi-weekly magnetic tapes are retained for a period of 3 years. Hard copy records are retained in accordance with instructions contained in General Records Schedule 8, and GSA Bulletin FPMR-47 Archives and Records. Hard copy records will be destroyed, magnetic tapes will be erased and reused.

**System manager(s) and address:** Director, Federal Bureau of Investigation, 9th and Pennsylvania Avenue, N.W., Washington, D.C. 20535.

**Notification procedure:** Same as above.

**Record access procedures:**

**Contesting record procedures:** Written requests for access to information may be made by an employee through his supervisor or by former employees by writing to: Federal Bureau of Investigation, 9th and Pennsylvania Avenue, N.W., Washington, D.C. 20535 (Attn: Administrative Services Division). Contesting of any information should be set out in written detail and forwarded to the above address. A check of all supportive records will be made to determine the factual data in existence.

**Record source categories:** Source of information is derived from daily time utilization recording made by the employees.

**Systems exempted from certain provisions of the act:** None.

**JUSTICE/FBI - 999**

**System name:** Appendix of Field Divisions for the Federal Bureau of Investigation.

**Field Office:**

502 U.S. Post Office & Court House  
Albany, New York 12207

4303 Federal Office Building  
Albuquerque, New Mexico 87101

Room 500, 300 North Lee Street  
Alexandria, Virginia 22314

Room 238, Federal Building  
Anchorage, Alaska 99510

275 Peachtree Street, N.E.  
Atlanta, Georgia 30303

7142 Ambassador Road  
Baltimore, Maryland 21207

Room 1400 - 2121 Building  
Birmingham, Alabama 35203

John F. Kennedy Federal Office Building  
Boston, Massachusetts 02203

Room 1400 - 111 West Huron Street  
Buffalo, New York 14202

115 U.S. Court House and Federal Building  
Butte, Montana 59701



1120 Jefferson Standard Life Building  
Charlotte, North Carolina 28202

Room 905, Everett McKinley Dirksen Building  
Chicago, Illinois 60604

415 U.S. Post Office & Court House Building  
Cincinnati, Ohio 45202

3005 Federal Office Building  
Cleveland, Ohio 44199

1529 Hampton Street  
Columbia, South Carolina 29201

Room 200, 1810 Commerce Street  
Dallas, Texas 75201

Room 18218, Federal Office Building  
Denver, Colorado 80202

Patrick V. McNamara Building  
477 Michigan Avenue  
Detroit, Michigan 48226

202 U.S. Court House Building  
El Paso, Texas 79901

Kalaniana'ole Federal Building  
Room 4307  
300 Ala Moana Boulevard  
Honolulu, Hawaii 96850

6015 Federal Building and U.S. Court House  
Houston, Texas 77002

575 North Pennsylvania St.  
Indianapolis, Indiana 46202

800 Unifirst Federal Savings & Loan Building  
Jackson, Mississippi 39205

414 U.S. Court House & Post Office Building  
Jacksonville, Florida 32202

Room 300 - U.S. Courthouse  
Kansas City, Missouri 64106

Room 800, 1111 Northshore Drive  
Knoxville, Tennessee 37919

Room 2-011, Federal Office Building  
Las Vegas, Nevada 89101

215 U.S. Post Office Building  
Little Rock, Arkansas 72201

11000 Wilshire Boulevard  
Los Angeles, California 90024

Room 502, Federal Building  
Louisville, Kentucky 40202

841 Clifford Davis Federal Building  
Memphis, Tennessee 38103

3801 Biscayne Boulevard  
Miami, Florida 33137

Room 700, Federal Building and U.S. Court House  
Milwaukee, Wisconsin 53202

392 Federal Building  
Minneapolis, Minnesota 55401

520 Federal Building  
Mobile, Alabama 36602

Gateway I, Market Street  
Newark, New Jersey 07101

770 Chapel Building  
New Haven, Connecticut 06510

701 Loyola Avenue  
New Orleans, Louisiana 70113

201 East 69th Street  
New York, New York 10021

Room 300, 870 Military Highway  
Norfolk, Virginia 23502

50 Penn Place, N.W., 50th at Pennsylvania  
Oklahoma City, Oklahoma 73118

1010 Federal Office Building  
Omaha, Nebraska 68102

8th Floor, Federal Office Building  
600 Arch Street  
Philadelphia, Pennsylvania 19106

2721 North Central Avenue  
Phoenix, Arizona 85004

1300 Federal Office Building  
Pittsburgh, Pennsylvania 15222

Crown Plaza Building  
Portland, Oregon 97201

200 West Grace Street  
Richmond, Virginia 23220

Federal Building  
2800 Cottage Way  
Sacramento, California 95825

2704 Federal Building  
St. Louis, Missouri 63103

3203 Federal Building  
Salt Lake City, Utah 84138

433 Federal Building  
Box 1630  
San Antonio, Texas 78296

Federal Office Building  
Room 6531  
88 Front Street  
San Diego, California 92188

450 Golden Gate Avenue  
San Francisco, California 94102

U.S. Courthouse and Federal Building  
Room 526  
Hato Rey, Puerto Rico 00918

5401 Paulsen Street  
Savannah, Georgia 31405

915 Second Avenue  
Seattle, Washington 98174

535 West Jefferson Street  
Springfield, Illinois 62702

Room 610, Federal Office Building  
Tampa, Florida 33602

506 Old Post Office Building  
Washington, D.C. 20535

Federal Bureau of Investigation Academy  
Quantico, Virginia 22135

LEGAL ATTACHE (all c/o The American Embassy for the cities indicated):

Bern, Switzerland

Bonn, Germany (Box 310, APO, New York 09080)

Buenos Aires, Argentina

Caracas, Venezuela (APO, New York 09893)

Hong Kong, B.C.C. (FPO, San Francisco 96659)

London, England (Box 40, FPO, New York 09510)

Madrid, Spain (APO, New York 09285)

Manila, Philippines (APO, San Francisco 96528)

Mexico City, Mexico

Ottawa, Canada

Paris, France (APO, New York 09777)

Rome, Italy (APO, New York 09794)

Tokyo, Japan (APO, San Francisco 96503)

#### JUSTICE/TAX - 001

**System name:** Tax Division Central Classification Cards, Index Docket Cards, and Associated Records - Criminal Tax Cases

**System location:** U.S. Department of Justice; Tax Division; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:** Persons referred to in potential or actual criminal tax cases and related matters of concern to the Tax Division under the Internal Revenue laws.

**Categories of records in the system:** The system consists of an alphabetical index by individual name of all criminal tax cases, and related matters assigned, referred, or of interest to the Tax Division. Records in many instances are duplicated in the criminal section of the Division which has specific jurisdiction over criminal tax cases.

**Authority for maintenance of the system:** This system is established and maintained pursuant to 28 C.F.R., 0.70 and 0.71.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

A. Classification cards are maintained on each Tax Division criminal case to identify and assign mail to the proper office within the Division; to relate incoming material to an existing case; to establish a file number for a new case upon receipt; and to provide a central index of cases within the Division.

B. Docket cards are records pertaining to the flow of legal work in the Division. They are maintained on each criminal case which is being or was handled by the Division's sections.

C. Case files maintained allow Division attorneys immediate access to information which is essential in carrying out their responsibilities concerning all criminal tax cases.

D. A record maintained in this system of records may be disseminated as a routine use as follows: (1) In any case in which there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, the record in question may be disseminated to the appropriate federal, state, local, or foreign agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing such law; (2) In the course of investigating the potential or actual violation of any law whether civil, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a federal, state, local or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant; (3) A record relating to a case or matter may be disseminated to the appropriate Federal, state, local, or foreign court or grand jury in accordance with applicable constitutional, substantive, or procedural law or practice; (4) A record relating to a case or matter may be disseminated to a Federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing; (5) A record relating to a case or matter may be dis-

seminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings; (6) A record relating to a case or matter that has been referred to the Tax Division may be disseminated to the referring agency to notify such agency of the status of the case or matter or of any decision or determination that has been made; (7) A record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement; (8) A record may be disseminated to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information contained in this system is stored manually on index cards and in folders.

**Retrievability:** Information is retrieved manually by the name of the individual from the index card which in turn indicates the case number, and the section unit or attorney assigned to work on the material.

**Safeguards:** Information contained in this system is safeguarded and protected in accordance with applicable Departmental rules and procedures governing access, production and disclosure of any materials contained in its official files.

**Retention and disposal:** Currently there are no provisions for the disposal of the cards in this system, however, the records of the closed classes are forwarded to the Federal Record Center, where they are destroyed after 25 years.

**System manager(s) and address:** Assistant Attorney General; Tax Division; U.S. Department of Justice; 10th Street and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** An inquiry concerning this system should be directed to the System Manager listed above.

**Record access procedures:** To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to the applicability of an exemption as to a specific record shall be made at the time a request for access is received. A request for access to a record contained in this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request". Include in the request the name of the individual involved, his birth date and place, or any other identifying number which may be of assistance in locating the record, the name of the case or matter involved, if known, the name of the judicial district involved, if known, and any other information which may be of assistance in locating the record. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Internal Revenue Service, Department offices and employees, and other Federal, state, local, and foreign law enforcement and non-law enforcement agencies, private persons, witnesses, and informants.

**Systems exempted from certain provisions of the act:** The Attorney General has proposed exemption of this system from subsection (c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

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## JUSTICE/TAX - 002

**System name:** Tax Division Central Classification Cards, Index Docket Cards, and Associated Records - Civil Tax Cases.

**System location:** U.S. Department of Justice, Tax Division, 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:** Persons referred to in potential or actual civil tax cases and related matters of concern to the Tax Division under the Internal Revenue laws.

**Categories of records in the system:** The system consists of an alphabetical index by individual name of all civil tax cases, and related matters assigned, referred or of interest to the Tax Division. Records in many instances are duplicated in the various Civil Tax Sections of the Division which have specific jurisdiction over civil tax cases.

**Authority for maintenance of the system:** This system is established and maintained pursuant to 28 C.F.R. 0.70 and 0.71.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

- A. Classification cards are maintained on each Tax Division civil case in order to identify and assign mail to the proper office within the Division; to relate incoming material to an existing case; to establish a file number for a new case upon receipt; and to provide a central index of civil tax cases within the Division.
- B. Docket cards are records pertaining to the flow of legal work in the Division. They are maintained on each civil tax case which is being or was handled by the Division's Sections.
- C. Case files maintained allow Division attorneys immediate access to information which is essential in carrying out their responsibilities concerning all civil tax cases.
- D. A record maintained in this system of records may be disseminated as a routine use as follows: (1) In any case in which there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, the record in question may be disseminated to the appropriate Federal, state, local, or foreign agency charged with the responsibility of investigating or prosecuting such violations or charged with enforcing or implementing such law; (2) In the course of investigating the potential or actual violation of any law whether civil, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a Federal, state, local or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation, trial or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant; (3) A record relating to a case or matter may be disseminated to the appropriate Federal, state, local, or foreign court or grand jury in accordance with applicable constitutional, substantive, or procedural law or practice; (4) A record relating to a case or matter may be disseminated to a Federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing; (5) A record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings; (6) A record relating to a case or matter that has been referred to the Tax Division may be disseminated to the referring agency to notify such agency of the status of the case or matter of any decision or determination that has been made; (7) A record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement; (8) A record may be disseminated to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information

to the National Archives and Records Service. A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information contained in this system is stored manually on index cards and in folders.

**Retrievability:** Information is retrieved manually by the name of the individual from the index card which, in turn, indicates the case number, and the section unit or attorney assigned to work on the material.

**Safeguards:** Information contained in the system is safeguarded and protected in accordance with Departmental rules and procedures governing access, production and disclosure of any materials contained in its official files.

**Retention and disposal:** Currently, there are no provisions for the disposal of the cards in this system; however, the records of the closed classes are forwarded to the Federal Record Center, where they are destroyed after 25 years.

**System manager(s) and address:** Assistant Attorney General; Tax Division, U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** An inquiry concerning this system should be directed to the System Manager listed above.

**Record access procedures:** To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to the applicability of an exemption to a specific record shall be made at the time a request for access is received. A request for access to a record contained in this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request'. Include in the request the name of the individual involved, his birth date and place, or any other identifying number which may be of assistance in locating the record, the name of the case or matter involved, if known, the name of the judicial district involved, if known, and any other information which may be of assistance in locating the record. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Internal Revenue Service, Department offices and employees, and other Federal, state, local, and foreign law enforcement and non-law enforcement agencies, private persons, witnesses and informants.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3), (d)(1), (d)(2), (d)(3), and (d)(4), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f) of the Privacy Act pursuant to 5 U.S.C., Section 552a(k). Rules have been promulgated in accordance with the requirements of 5 U.S.C., Section 553(b), (c) and (e) and have been published in the FEDERAL REGISTER.

## JUSTICE/TAX - 003

**System name:** Files of Applications for the Position of Attorney with the Tax Division.

**System location:** U.S. Department of Justice; Tax Division; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:** Applicants who have applied for a position as an attorney with the Tax Division.

**Categories of records in the system:** This system contains a card of each applicant filed alphabetically. Files may contain background information of the applicant, including SF 171 forms, resumes, referral letters, letters of recommendation, interview notes, internal notes or memoranda, and other miscellaneous correspondence.

**Authority for maintenance of the system:** This system is established and maintained pursuant to the responsibilities assigned the Tax Division under 28 C.F.R., 0.70 and 0.71.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** A) This system may be used by employees and officials of the Division and the Justice De-

partment in making employment decisions; B) A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring of an employee, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information contained in this system is stored manually, alphabetically by name.

**Retrievability:** Information is retrieved manually by using the name of the applicant desired.

**Safeguards:** Information contained in the system is unclassified. It is safeguarded and protected in accordance with Departmental rules and procedures governing access, production and disclosure of any materials contained in its official files.

**Retention and disposal:** Information is retained in the card system for 10 years. Information in the files is retained in the system until a decision is made as to the employment of the applicant.

**System manager(s) and address:** Assistant Attorney General; Tax Division; U.S. Department of Justice; 10th Street and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** Same as the above.

**Record access procedures:** A request for access to a record contained in this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request'. Include in the request the name of the individual involved, his birth date and place, or any other identifying number which may be of assistance in locating the record, as well as the position applied for. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Generally, sources of information contained in the system are the individual applicants, persons referring or recommending the applicant, and employees and officials of the Division and the Department.

**Systems exempted from certain provisions of the act:** None.

## JUSTICE/TAX - 004

**System name:** Freedom of Information - Privacy Act Request Files.

**System location:** U.S. Department of Justice, Tax Division; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:** Persons who have requested information under the Freedom of Information Act.

**Categories of records in the system:** (a) Correspondence relating to requests for information; (b) documents relevant to appeals and lawsuits under the Freedom of Information Act.

**Authority for maintenance of the system:** The system is maintained to enable the Tax Division to process requests under the Freedom of Information Act (5 U.S.C. 552).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The system is maintained to insure the efficient processing of requests made pursuant to the Freedom of Information Act (5 U.S.C. 552).

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information contained in this system is stored manually in standard file folders, alphabetically by name of the person making the request.

**Retrievability:** Information is retrieved manually by name of the persons making the request.

**Safeguards:** The system of records is stored in a file cabinet in a locked closet. Access is restricted to the Freedom of Information Unit staff on a need-to-know basis.

**Retention and disposal:** Destruction schedules will be developed as the needs of the system requirements become known. Presently, records are retained indefinitely.

**System manager(s) and address:** Assistant Attorney General; Tax Division; U.S. Department of Justice; 10th Street and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** Inquiry concerning this system should be directed to the System Manager listed above. Inquiries should contain the inquirer's name, date and place of birth.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** (a) Persons requesting information; (b) Department of Justice employees.

**Systems exempted from certain provisions of the act:** None.

## JUSTICE/TAX - 005

**System name:** Tax Division Special Projects Files

**System location:** U.S. Department of Justice; Tax Division; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:** Persons referred to in potential or actual cases under the jurisdiction of the Criminal Section of the Tax Division.

**Categories of records in the system:** The system consists of investigatory files, records and associated documents and information indexed by individual name and entity and relating to matters assigned, referred or of interest to the Criminal Section of the Tax Division.

**Authority for maintenance of the system:** This system is established and maintained pursuant to 28 C.F.R., Sections 0.70 and 0.71.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

- A. Materials maintained in this system may be used by Division attorneys and attorneys in other appropriate offices, boards and divisions for purposes of pursuing investigative leads and for purposes of initiating, developing, preparing and prosecuting criminal and civil tax cases.

- B. Additionally, a record maintained in this system of records may be disseminated as a routine use as follows: (1) In any case in which there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in



nature, the material in question may be disseminated to the appropriate Federal, state, local, or foreign agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing such law; (2) In the course of investigating the potential or actual violation of any law, whether civil, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, material may be disseminated to a Federal, state, local or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation, trial or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant; (3) Material may be disseminated to the appropriate Federal, state, local, or foreign court or grand jury in accordance with established constitutional, substantive, or procedural law or practice; (4) Material may be disseminated to Federal, state or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing; (5) Material may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings; (6) Material that has been referred to the Tax Division may be disseminated to the referring agency to notify such agency of the status of a potential or actual case or of any decision or determination that has been made; (7) Material may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Material contained in this system is stored manually.

**Retrievability:** Material is retrieved by the name of an individual or entity both manually and through the use of an automated data retrieval system.

**Safeguards:** Information contained in the system is safeguarded and protected in accordance with Departmental rules and procedures governing access, production and disclosure of any materials contained in its official files.

**Retention and disposal:** Currently there are no provisions for the disposal of material in this system.

**System manager(s) and address:** Assistant Attorney General; Tax Division, U.S. Department of Justice, 10th Street and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** An inquiry concerning this system should be directed to the System Manager listed above.

**Record access procedures:** To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to the applicability of an exemption to a specific record shall be made at the time a request for access is received. A request for access to a record contained in this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request'. Include in the request the name of the individual involved, his birth date and place, or any other identifying number which may be of assistance in locating the record, the name of the case or matter involved, if known, the name of the judicial district involved, if known, and any other information which may be of assistance in locating the record. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Internal Revenue Service, Department Offices and employees, and other Federal, state, local, and foreign law enforcement and non-law enforcement agencies, private persons, witnesses, and informants.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. Section 552a(j). Rules have been promulgated in accordance with the requirements of 5 U.S.C., Section 552(b), (c) and (e) and have been published in the FEDERAL REGISTER.

#### JUSTICE/ATR - 001

**System name:** Antitrust Division Expert Witness File.

**System location:** U.S. Department of Justice; 10th & Constitution Avenue, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:** Individuals who have served in the capacity of an 'expert' for the Department of Justice in connection with civil or criminal antitrust litigation.

**Categories of records in the system:** This system contains the names of persons used by the Antitrust Division in an expert capacity and also indicates the area of their specialty, the type of service rendered, the fees paid, and the dates on or during which such services were performed.

**Authority for maintenance of the system:** Authority for the establishment and maintenance of this system exists under 44 U.S.C. 3101 and 28 U.S.C. 522.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** This system is routinely used by trial attorneys of the Antitrust Division when considering the selection of experts as consultants or expert witnesses for the development or presentation of specific antitrust cases. The system also serves as a reference resource for Division personnel in compiling statistical information or reports regarding the actual or anticipated costs of litigation.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information maintained in this system is contained in documents organized in individual file folders.

**Retrievability:** Information is retrieved primarily by using the name of the individual retained as a consultant or called as an expert witness for the Government in antitrust cases brought by the Department.

**Safeguards:** Information contained in the system is unclassified. During working hours access to the system is controlled and monitored by Antitrust Division personnel in the area where the system is maintained; during non-duty hours all doors to that area are locked.

**Retention and disposal:** Indefinite.

**System manager(s) and address:** Administrative Officer; Antitrust Division; U.S. Department of Justice; 10th & Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** Address inquiries to the Assistant Attorney General; Antitrust Division; U.S. Department of Justice; 10th & Constitution Avenue, N.W.; Washington, D.C. 20530.

**Record access procedures:** Requests for access to a record from this system shall be in writing and be clearly identified as a 'Privacy Access Request'. Included in the request should be the name of the person retained as a consultant or presented as an expert witness for the Government and the name of the case in which such services were rendered. The requestor should indicate a return address. Requests will be directed to the System Manager shown above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their requests to the System Manager and state clearly and concisely what information is being contested, the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Sources of information maintained in this system are those records reflecting the commitment between the individual and the Department of Justice (including matters of compensation etc.) and staff attorneys or other employees directly involved with the individual in the preparation or conduct of the litigation.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/ATR - 002

**System name:** Congressional Correspondence Log File.

**System location:** U.S. Department of Justice; 10th & Constitution Avenue, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:** Present and former members of Congress and White House staff members.

**Categories of records in the system:** This system contains an index record to inquiries or referrals from members of the Congress and White House staff.

**Authority for maintenance of the system:** Authority for the establishment and maintenance of this system exists under 44 U.S.C. 3101 and 5 U.S.C. 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** This system is maintained as a record of inquiries or referrals by members or committees of the Congress and by White House staff. Routine use is made of this file by Antitrust Division personnel incident to monitoring the response status of or identifying other material related to such inquiries or referrals.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information in this system is maintained on index cards.

**Retrievability:** Information is retrieved primarily by using the name of the member of Congress or the White House staff making an inquiry or referral to the Department of Justice, Antitrust Division.

**Safeguards:** Information contained in the system is unclassified. During working hours access to the system is controlled and monitored by Antitrust Division personnel in the area where the system is maintained; during non-duty hours all doors to such area are locked.

**Retention and disposal:** Indefinite.

**System manager(s) and address:** Assistant Attorney General; Antitrust Division; U.S. Department of Justice; 10th & Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** Address inquiries to the Assistant Attorney General; Antitrust Division; Department of Justice; 10th & Constitution Avenue, N.W.; Washington, D.C. 20530.

**Record access procedures:** Requests for access for a record from this system shall be written and clearly identified as a 'Privacy Access Request'. The request should include the name of the member of Congress or White House staff originating a request or referral and the date thereof. Requester should indicate a return address.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should state clearly and concisely what information is being contested, the reasons for contesting it and the proposed amendment to the information sought.

**Record source categories:** Source of information maintained in the system are those records (e.g., that Congressional or White House correspondence), reflecting inquiries or referrals by members of Congress or White House staff.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/ATR - 003

**System name:** Index of Defendants in Pending and Terminated Antitrust Cases.

**System location:** U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:** Individual defendants in pending and terminated criminal and civil cases brought by the United States under the antitrust laws.

**Categories of records in the system:** This system contains an index reference to the case in which an individual (or corporation) is or was a defendant; included in information is proper case name, the judicial district and number of the case, and the date filed.

**Authority for maintenance of the system:** Authority for the establishment and maintenance of this index system exists under 28 U.S.C. 522 and 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Routine use of this cross index system is generally made by Department personnel for reference to proper case name. In addition a compilation of antitrust cases filed is prepared semi-annually showing the names of all defendants in pending civil and criminal Government antitrust cases. This compilation is utilized within the Department and distributed to some 30 other Government agencies for reference and statistical purposes.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information in the system is maintained on index cards.

**Retrievability:** Information in the system is retrieved by reference to the name of individual or corporate defendants in antitrust cases.

**Safeguards:** Information contained in the system is unclassified and of a public nature. During working hours access to the index is monitored by Antitrust Division personnel; during non-duty hours the area in which the system is maintained is locked.

**Retention and disposal:** Indefinite.

**System manager(s) and address:** Chief, Legal Procedure Unit; Antitrust Division; U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.



**Notification procedure:** Address inquiries to the Assistant Attorney General, Antitrust Division, U.S. Department of Justice, Washington, D.C. 20530.

**Record access procedures:** Requests for access to a record from this system shall be in writing and be clearly identified as a 'Privacy Access Request'. Included in the request should be the name of the defendant in pending or terminated Government antitrust litigation. Requesters should indicate a return address. Requests will be directed to the System Manager shown above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the index should direct their request to the System Manager and state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Sources of information contained in this index are complaints filed under the antitrust laws by the United States and from Department records relating to such cases.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/ATR - 004

**System name:** Statements by Antitrust Division Officials (ATD Speech File).

**System location:** U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Categories of individuals covered by the system:** Past and present employees of the Antitrust Division.

**Categories of records in the system:** This system contains an index record for each public statement or speech issued or made by employees of the Antitrust Division.

**Authority for maintenance of the system:** Authority for maintaining this system exists under 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** This index is maintained for ready reference by Department personnel for the identification of the subject matter of and persons originating public statements by Antitrust Division employees; such reference is utilized in aid of compliance with requests from the public and within the agency for access to texts of such statements.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information contained in the index system is maintained on index cards.

**Retrievability:** This reference index utilizes name of present and former employees making or issuing statements as well as the subject matter or title of the statement.

**Safeguards:** Information contained in the system is unclassified. During duty hours personnel monitor access to this index; the area is locked during non-duty hours.

**Retention and disposal:** Indefinite.

**System manager(s) and address:** Chief, Legal Procedure Unit, Antitrust Division, U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Notification procedure:** Address inquiries to the Assistant Attorney General, Antitrust Division, U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Record access procedures:** Request for access to a record from this system should be made in writing and be clearly identified as a 'Privacy Access Request'. Included in the request should be the name of the Antitrust Division employee making or issuing a public statement. Requesters should indicate a return address. Requests will be directed to the System Manager shown above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the index should direct their request to the System Manager and state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Sources of information maintained in the index are those records reflecting public statements issued or made by Antitrust Division employees.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/ATR - 005

**System name:** Antitrust Caseload Evaluation System (ACES) - Time Reporter.

**System location:** U.S. Department of Justice, 10th and Constitution Ave., N.W., Washington, D.C. 20530.

**Categories of individuals covered by the system:** Professional Employees (lawyers and economists) of the Antitrust Division of the U.S. Department of Justice.

**Categories of records in the system:** The file contains the employee's name and allocations of his/her work time.

**Authority for maintenance of the system:** The file will be established and maintained pursuant to the following authorities: 28 C.F.R. 40 (f) and 28 U.S.C. 522.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The file is used by Antitrust Division personnel as a basis for determining Antitrust Division allocations of resources (professional time) to particular products and industries (e.g., oil, autos, chemicals) and to broad categories of resource use such as civil cases, criminal cases, regulatory agency cases and Freedom of Information Act requests. In addition, the file will be employed in the preparation of reports for the Division's budget requests and to the Attorney General and Congress.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained electronically in the Economic Policy Office's ACES computerized information system and in file folders.

**Retrievability:** Information is retrieved by a variety of key words.

**Safeguards:** Information contained in the system is unclassified. It is safeguarded and protected in accordance with Department rules and procedures governing the handling of computerized information. Access to the file is limited to those persons whose official duties require such access and to employees of the Antitrust Division.

**Retention and disposal:** Information contained in the file is retained for 14 months or the life of the matter to which the lawyer or economist is assigned whichever is longer.

**System manager(s) and address:** Director of the Economic Policy Office, Antitrust Division, U.S. Department of Justice, Star Building, 11th and Pennsylvania Avenue, N.W., Washington, D.C. 20530.

**Notification procedure:** Same as System Manager.

**Record access procedures:** Same as Notification.

**Contesting record procedures:** Same as Notification.

**Record source categories:** Information on time allocation is provided by Antitrust Division section and field office chiefs.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/ATR - 006

**System name:** Antitrust Caseload Evaluation System (ACES) - Monthly Report.

**System location:** U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Categories of individuals covered by the system:** Professional employees (lawyers and economists) of the Antitrust Division of the U.S. Department of Justice and individual defendants and investigation targets involved in past and present Antitrust investigations and cases.

**Categories of records in the system:** The system contains the names of Division employees and their case/investigation assignments and the names of individual defendants/investigation targets as they relate to a specific case/investigation. In addition, information reflecting the current status and handling of Antitrust cases/investigations is included within this system.

**Authority for maintenance of the system:** The file is established and maintained pursuant to 28 C.F.R. 40(f), 28 U.S.C. 552, and 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The file is used by Antitrust Division personnel as a basis for determining Antitrust Division allocation of resources to particular products and industries (e.g., oil, autos, chemicals), to broad categories of resource use such as civil cases, criminal cases, regulatory agency cases, and Freedom of Information Act requests. It is employed by the section chiefs, the Director and Deputy Director of Operations, and other Division personnel, to ascertain the progress and current status of cases and investigations within the Division. In addition, the files will be employed in the preparation of reports for the Division's budget requests and to the Attorney General and Congress.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained electronically in the Economic Policy Office's ACES Computerized information system and in file folders.

**Retrievability:** Information is retrieved by a variety of key words.

**Safeguards:** Information contained in the system is unclassified. It is safeguarded and protected in accordance with Department rules and procedures governing the handling of computerized information. Access to the file is limited to those persons whose official duties require such access and employees of the Antitrust Division.

**Retention and disposal:** Information contained in the file is retained for 14 months or the life of the specific case/investigation, whichever is longer.

**System manager(s) and address:** Director of the Economic Policy Office, Antitrust Division, U.S. Department of Justice, Star Building, 11th and Pennsylvania Avenue, N.W., Washington, D.C. 20530.

**Notification procedure:** Address inquiries to the Assistant Attorney General, Antitrust Division, U.S. Department of Justice, 10th and Constitution Avenue, Washington, D.C. 20530.

**Record source categories:** Information for the monthly reports is provided by the Antitrust Division section and field office chiefs.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3), (d), (e)(4)(G)-(H), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c), and (e) and have been published in the Federal Register.

#### JUSTICE/ATR - 007

**System name:** Antitrust Division Case Cards.

**System location:** U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Categories of individuals covered by the system:** Individual defendants in pending and terminated criminal and civil cases brought by the United States under the antitrust laws where the defendant's name appears in the case title.

**Categories of records in the system:** This system contains an index reference to the case in which an individual (or corporation) is or was a defendant; included information is proper case name, the judicial district, number of the case, the commodity involved, each alleged violation, the section of the Antitrust Division responsible for the matter, and the disposition of the case.

**Authority for maintenance of the system:** Authority for maintaining this system exists under 44 U.S.C. 3101 and 28 U.S.C. 552.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** This index is maintained for ready reference by Department personnel. It is utilized for referrals to case names, the preparation of speeches and to aid in determinations of the antitrust histories of companies.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information contained in this system is maintained on index cards.

**Retrievability:** Information is retrieved by case name.

**Safeguards:** Information contained in the system is unclassified. During duty hours access to this system is monitored and controlled by Antitrust Division personnel in the area where the system is maintained. This area is locked during non-duty hours.

**Retention and disposal:** Indefinite.

**System manager(s) and address:** Chief, Legal Procedure Unit, Antitrust Division, U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Notification procedure:** Address inquiries to the Assistant Attorney General, Antitrust Division, U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Record access procedures:** Request for access to a record from this system should be made in writing and be clearly identified as a 'Privacy Access Request'. Included in the request should be the name of the defendant appearing in the title of the pending or terminated Government antitrust litigation. Requester should indicate a return address. Requests will be directed to the System Manager above.



(6) Material in the course of hearing in accordance with the provisions of the Federal Rules of Civil Procedure or hearing by a Federal grand jury in accordance with the Federal Rules of Criminal Procedure for the purpose of negotiation or discussion of such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings; (9) Material that has been referred to the Tax Division may be disseminated to the referring agency to notify such agency of the status of a potential or actual case or of any decision or determination that has been made; (7) Material may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** Release of information to the National Archives and Records Service: A record from a system may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Material contained in the system is stored manually.

**Retrievability:** Material is retrieved by the name of an individual involved in the case manually and through the use of an automated data base system.

**Safeguards:** Information contained in the system is safeguarded and protected in accordance with Departmental rules and procedures governing access, production and disclosure of information contained in its official files.

**Retention and disposal:** Currently there are no provisions for the disposal of material in this system.

**System manager(s) and address:** Assistant Attorney General, Tax Division, U.S. Department of Justice, 10th Street and Constitution Avenue, N.W., Washington, D.C. 20530.

**Notification procedure:** An inquiry concerning this system should be directed to the System Manager listed above.

**Record access procedures:** To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to the applicability of an exemption to a specific record shall be made at the time a request for access is received. A request for access to a record contained in this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request." Include in the request the name of the individual involved, his birth date and place, or any other identifying number which may be of assistance in locating the record, the name of the case or matter involved, if known, the name of the judicial district involved, if known, and any other information which may be of assistance in locating the record. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Categories of records in the system:** This system contains the names, name or address of the Antitrust Division in an expert capacity and also indicate the area of their specialty. The type of service rendered, the fees paid, and the dates on or during which such services were performed.

**Authority for maintenance of the system:** Authority for the establishment and maintenance of this system exists under 44 U.S.C. 3101 and 28 U.S.C. 522.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** This system is routinely used by U.S. attorneys of the Antitrust Division when considering the selection of experts as consultants or expert witnesses for the development of a case. It is also used as a reference resource for Division personnel in compiling statistical information or reports regarding the actual or anticipated costs of litigation.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information maintained in this system is contained in documents organized in individual file folders.

**Retrievability:** Information is retrieved primarily by using the name of the individual retained as a consultant or called as an expert witness for the Government in antitrust cases brought by the Department.

**Safeguards:** Information contained in the system is unclassified. During working hours access to the system is controlled and monitored by Antitrust Division personnel in the area where the system is maintained; during non-duty hours all doors to that area are locked.

**Retention and disposal:** Indefinite.

**System manager(s) and address:** Administrative Officer, Antitrust Division, U.S. Department of Justice, 10th & Constitution Avenue, N.W., Washington, D.C. 20530.

**Notification procedure:** Address inquiries to the Assistant Attorney General, Antitrust Division, U.S. Department of Justice, 10th & Constitution Avenue, N.W., Washington, D.C. 20530.

Systems exempted from certain provisions of the act: None.

JUSTICE ATR - 002.

**System name:** Congressional Correspondence Log File.

**System location:** U.S. Department of Justice, 10th & Constitution Avenue, N.W., Washington, D.C. 20530.

**Categories of individuals covered by the system:** Present and former members of Congress and White House staff members.

**Categories of records in the system:** This system contains an index record to inquiries or referrals from members of the Congress and White House staff.

**Authority for maintenance of the system:** Authority for the establishment and maintenance of this system exists under 44 U.S.C. 3101 and 5 U.S.C. 552.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** This system is maintained as a record of inquiries or referrals by members or committees of the Congress and by White House staff. Routine use is made of the file by Antitrust Division personnel incident to monitoring the response status of or identifying other material related to such inquiries or referrals.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information in this system is maintained on index cards.

**Retrievability:** Information is retrieved primarily by using the name of the member of Congress or the White House staff making an inquiry or referral to the Department of Justice, Antitrust Division.

**Safeguards:** Information contained in the system is unclassified. During working hours access to the system is controlled and monitored by Antitrust Division personnel in the area where the system is maintained; during non-duty hours all doors to such area are locked.

**Retention and disposal:** Indefinite.

**System manager(s) and address:** Assistant Attorney General, Antitrust Division, U.S. Department of Justice, 10th & Constitution Avenue, N.W., Washington, D.C. 20530.

**System name:** Index of Defendants in Pending and Terminated Antitrust Cases.

**System location:** U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Categories of individuals covered by the system:** Individual defendants in pending and terminated criminal and civil cases brought by the United States under the antitrust laws.

**Categories of records in the system:** This system contains an index reference to the case in which an individual (or corporation) is or was a defendant, included in information is proper case name, the judicial district and number of the case, and the date filed.

**Authority for maintenance of the system:** Authority for the establishment and maintenance of this index system exists under 44 U.S.C. 3101 and 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Routine use of this index system is generally made by Department personnel for reference to proper case name. In addition a compilation of antitrust cases filed is prepared semi-annually showing the names of all defendants in pending civil and criminal Government antitrust cases. This compilation is utilized within the Department and distributed to some 30 other Government agencies for reference and statistical purposes.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information in the system is maintained on index cards.

**Retrievability:** Information in the system is retrieved by reference to the name of individual or corporate defendants in antitrust cases.

**Safeguards:** Information contained in the system is unclassified and of a public nature. During working hours access to the index is monitored by Antitrust Division personnel; during non-duty hours the area in which the system is maintained is locked.

**Retention and disposal:** Indefinite.

**System manager(s) and address:** Chief, Legal Procedure Unit, Antitrust Division, U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

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**Notification procedure:** Address inquiries to the Assistant Attorney General, Antitrust Division, U.S. Department of Justice, Washington, D.C. 20530.

**Record access procedures:** Requests for access to a record from this system shall be in writing and be clearly identified as a "Privacy Access Request." Included in the request should be the name of the defendant in pending or terminated Government antitrust litigation. Requesters should indicate a return address. Requests will be directed to the System Manager shown above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the index should direct their request to the System Manager and state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Sources of information contained in this index are complaints filed under the antitrust laws by the United States and from Department records relating to such cases.

**Systems exempted from certain provisions of the act:** None

#### JUSTICE/ATR - 004

**System name:** Statements by Antitrust Division Officials (ATD Speech File)

**System location:** U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Categories of individuals covered by the system:** Past and present employees of the Antitrust Division.

**Categories of records in the system:** This system contains an index record for each public statement or speech issued or made by employees of the Antitrust Division.

**Authority for maintenance of the system:** Authority for maintaining this system exists under 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** This index is maintained for ready reference by Department personnel for the identification of the subject matter of and persons originating public statements by Antitrust Division employees; such reference is utilized in aid of compliance with requests from the public and within the agency for access to texts of such statements.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information contained in the index system is maintained on index cards.

**Retrievability:** This reference index utilizes name of present and former employees making or issuing statements as well as the subject matter or title of the statement.

**Safeguards:** Information contained in the system is unclassified. During duty hours personnel monitor access to this index; the area is locked during non-duty hours.

**Retention and disposal:** Indefinite.

**System manager(s) and address:** Chief, Legal Procedure Unit, Antitrust Division; U.S. Department of Justice, 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** Address inquiries to the Assistant Attorney General, Antitrust Division; U.S. Department of Justice, 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Record access procedures:** Request for access to a record from this system should be made in writing and be clearly identified as a "Privacy Access Request." Included in the request should be the name of the Antitrust Division employee making or issuing a public statement. Requesters should indicate a return address. Requests will be directed to the System Manager shown above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the index should direct their request to the System Manager and state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Sources of information maintained in the index are those records reflecting public statements issued or made by Antitrust Division employees.

**Systems exempted from certain provisions of the act:** None

#### JUSTICE/ATR - 005

**System name:** Antitrust Caseload Evaluation System (ACES) - Time Reporter

**System location:** U.S. Department of Justice, 10th and Constitution Ave., N.W., Washington, D.C. 20530.

**Categories of individuals covered by the system:** Professional Employees (lawyers and economists) of the Antitrust Division of the U.S. Department of Justice.

**Categories of records in the system:** The file contains the employee's name and allocations of his/her work time.

**Authority for maintenance of the system:** The file will be established and maintained pursuant to the following authorities: 28 C.F.R. 40 (f) and 28 U.S.C. 552.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The file is used by Antitrust Division personnel as a basis for determining Antitrust Division allocations of resources (professional time) to particular products and industries (e.g., oil, autos, chemicals) and to broad categories of resource use such as civil cases, criminal cases, regulatory agency cases and Freedom of Information Act requests. In addition, the file will be employed in the preparation of reports for the Division's budget requests and to the Attorney General and Congress.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained electronically in the Economic Policy Office's ACES computerized information system and in file folders.

**Retrievability:** Information is retrieved by a variety of key words.

**Safeguards:** Information contained in the system is unclassified. It is safeguarded and protected in accordance with Department rules and procedures governing the handling of computerized information. Access to the file is limited to those persons whose official duties require such access and to employees of the Antitrust Division.

**Retention and disposal:** Information contained in the file is retained for 14 months or the life of the matter to which the lawyer or economist is assigned whichever is longer.

**System manager(s) and address:** Director of the Economic Policy Office; Antitrust Division; U.S. Department of Justice; Star Building, 11th and Pennsylvania Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** Same as System Manager.

**Record access procedures:** Same as Notification.

**Contesting record procedures:** Same as Notification.

**Record source categories:** Information on time allocation is provided by Antitrust Division section and field office chiefs.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/ATR - 006

**System name:** Antitrust Caseload Evaluation System (ACES) - Monthly Report

**System location:** U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Categories of individuals covered by the system:** Professional employees (lawyers and economists) of the Antitrust Division of the U.S. Department of Justice and individual defendants and investigation targets involved in past and present Antitrust investigations and cases.

**Categories of records in the system:** The system contains the names of Division employees and their case/investigation assignments and the names of individual defendants/investigation targets as they relate to a specific case/investigation. In addition, information reflecting the current status and handling of Antitrust cases/investigations is included within this system.

**Authority for maintenance of the system:** The file is established and maintained pursuant to 28 C.F.R. 40(f), 28 U.S.C. 552, and 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The file is used by Antitrust Division personnel as a basis for determining Antitrust Division allocation of resources to particular products and industries (e.g., oil, autos, chemicals), to broad categories of resource use such as civil cases, criminal cases, regulatory agency cases, and Freedom of Information Act requests. It is employed by the section chiefs, the Director and Deputy Director of Operations, and other Division personnel, to ascertain the progress and current status of cases and investigations within the Division. In addition, the files will be employed in the preparation of reports for the Division's budget requests and to the Attorney General and Congress.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained electronically in the Economic Policy Office's ACES Computerized information system and in file folders.

**Retrievability:** Information is retrieved by a variety of key words.

**Safeguards:** Information contained in the system is unclassified. It is safeguarded and protected in accordance with Department rules and procedures governing the handling of computerized information. Access to the file is limited to those persons whose official duties require such access and employees of the Antitrust Division.

**Retention and disposal:** Information contained in the file is retained for 14 months or the life of the specific case/investigation, whichever is longer.

**System manager(s) and address:** Director of the Economic Policy Office; Antitrust Division, U.S. Department of Justice, Star Building, 11th and Pennsylvania Avenue, N.W., Washington, D.C. 20530.

**Notification procedure:** Address inquiries to the Assistant Attorney General, Antitrust Division, U.S. Department of Justice, 10th and Constitution Avenue, Washington, D.C. 20530.

**Record source categories:** Information for the monthly reports is provided by the Antitrust Division section and field office chiefs.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3), (d), (e)(4)(G)-(H), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c), and (e) and have been published in the Federal Register.

#### JUSTICE/ATR - 007

**System name:** Antitrust Division Case Cards.

**System location:** U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Categories of individuals covered by the system:** Individual defendants in pending and terminated criminal and civil cases brought by the United States under the antitrust laws where the defendant's name appears in the case title.

**Categories of records in the system:** This system contains an index reference to the case in which an individual (or corporation) is or was a defendant; included information is proper case name, the judicial district, number of the case, the commodity involved, each alleged violation, the section of the Antitrust Division responsible for the matter, and the disposition of the case.

**Authority for maintenance of the system:** Authority for maintaining this system exists under 44 U.S.C. 3101 and 28 U.S.C. 552.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** This index is maintained for ready reference by Department personnel. It is utilized for referrals to case names, the preparation of speeches and to aid in determinations of the antitrust histories of companies.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information contained in this system is maintained on index cards.

**Retrievability:** Information is retrieved by case name.

**Safeguards:** Information contained in the system is unclassified. During duty hours access to this system is monitored and controlled by Antitrust Division personnel in the area where the system is maintained. This area is locked during non-duty hours.

**Retention and disposal:** Indefinite.

**System manager(s) and address:** Chief, Legal Procedure Unit, Antitrust Division, U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Notification procedure:** Address inquiries to the Assistant Attorney General, Antitrust Division, U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Record access procedures:** Request for access to a record from this system should be made in writing and be clearly identified as a "Privacy Access Request." Included in the request should be the name of the defendant appearing in the title of the pending or terminated Government antitrust litigation. Requester should indicate a return address. Requests will be directed to the System Manager above.

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**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the index should direct their request to the System Manager and state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Sources of information maintained in the index are those records reflecting litigation conducted by the Antitrust Division.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/ATR - 008

**System name:** Freedom of Information/Privacy Requester/Subject Index File.

**System location:** U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Categories of individuals covered by the system:** Individuals who have requested information under the Freedom of Information and Privacy Acts from files maintained by the Antitrust Division and individuals about whom material has been requested under the above acts.

**Categories of records in the system:** This system contains an index record of every request under the Freedom of Information and Privacy Acts made to the Antitrust Division since November, 1974, including all request letters and our responses.

**Authority for maintenance of the system:** Authority for maintaining this system exists under 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** This index is maintained for ready reference by Division personnel for the identification of the subject matter of and persons originating Freedom of Information and Privacy Act requests. Such reference is utilized in aid of access to files, maintained by the Freedom of Information and Privacy Unit, for purposes of reference to requests on appeal, questions concerning pending or terminated requests, and compliance with requests similar or identical to past requests.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information in this system is maintained on index cards.

**Retrievability:** Information in the system is retrieved by reference to the names of present and past requesters and names of individuals about whom information is requested under the Freedom of Information and Privacy Act.

**Safeguards:** Information contained in the system is unclassified. During duty hours access to this system is monitored and controlled by Antitrust Division personnel in the area where the system is maintained. The area is locked during non-duty hours.

**Retention and disposal:** Indefinite.

**System manager(s) and address:** Freedom of Information and Privacy Acts Control Officer, Antitrust Division, U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Notification procedure:** Address inquiries to the Assistant Attorney General, Antitrust Division, U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Record access procedures:** Request for access to a record from this system should be made in writing and be clearly identified as a

'Privacy Access Request.' Included in the request should be the name of the individual having made the Freedom of Information request and/or the individual about whom the records were requested. Requesters should indicate a return address. Requests will be directed to the System Manager shown above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the index should direct their request to the System Manager and state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Source of the information maintained in the system are those records derived from the receipt and processing of Freedom of Information and Privacy Act requests.

**Systems exempted from certain provisions of the act:** Records secured from other systems of records have been exempted from the provisions of the Privacy Act to the same extent as the systems of records from which they were obtained. The Attorney General has also exempted certain categories of records in this system from subsection (c) (3), (d) of the Privacy Act pursuant to 5 U.S.C. 552a (k) (2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(c), and (e) and have been published in the Federal Register.

#### JUSTICE/ATR - 009

**System name:** Consumer Inquiry Index

**System location:** U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Categories of individuals covered by the system:** Individuals making inquiries relating to consumer matters.

**Categories of records in the system:** Systems contain an index record to inquiries made directly to the Consumer Affairs Section, Antitrust Division and those referred to the Section both from within the Department and from outside sources.

**Authority for maintenance of the system:** 44 U.S.C. 3101; 5 U.S.C. 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The system is maintained as a record of inquiries and referrals to the Consumer Affairs Section relating to consumer matters. Information provided by consumers and the identity of individuals making the inquiry are occasionally disclosed to outside parties and other governmental agencies in an effort to resolve a matter brought to the attention of the Section through the incoming correspondence.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information in this system is maintained on index cards, which identify incoming letters of inquiry and outgoing letters of response. To a limited extent information may be retrieved by using the name of the inquiring party.

**Retrievability:** Information contained in the system is unclassified. During working hours access to the system is controlled and monitored by Antitrust Division personnel in the area where the system is maintained. Access to the building during non-working hours is limited to Department of Justice personnel.

**Retention and disposal:** Indefinite.

**System manager(s) and address:** Chief, Consumer Affairs Section, Antitrust Division, U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Notification procedure:** Address inquiries to the Assistant Attorney General, Antitrust Division, Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Record access procedures:** Request for access for a record from this system shall be written and clearly identified as a 'Privacy Access Request.' The request should include the name of the party making the consumer inquiry and the date of the inquiry. Requester should indicate a return address.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should state clearly and concisely what information is being contested, the reason for

contesting it and the proposed amendment to the information sought.

**Record source categories:** Sources of information maintained in the system are those records (e.g., consumers' correspondence) reflecting direct inquiries or referrals by other offices or organizations.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/USM - 001

**System name:** United States Marshals Service Badge & Credentials File.

**System location:** United States Marshals Service; Star Building, 414 11th Street, N.W., Room 0056; Washington, D.C. 20530.

**Categories of individuals covered by the system:** United States Marshals Service Personnel.

**Categories of records in the system:** Personnel data system established to control issuance of badges and credentials to U.S. Marshals Service personnel.

**Authority for maintenance of the system:** 28 C.F.R. 0.111-113.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** This file serves as a record of issuance of credentials. Information from this file is requested by various law enforcement agencies, e.g., FBI, Secret Service, state, county & municipal police.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Originals kept in files.

**Retrievability:** Indexed by name and chronological order of number.

**Safeguards:** Access restricted to personnel of Administrative Services Division.

**Retention and disposal:** Records are kept for duration of employee's tenure in the Service.

**System manager(s) and address:** Chief, Administrative Services Division; United States Marshals Service; U.S. Department of Justice; 10th & Constitution Ave. N.W.; Washington, D.C. 20530

**Notification procedure:** Same as System Manager.

**Record access procedures:** A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request.' It should clearly indicate name of requestor, the nature of the record sought and approximate dates covered by the record. The requestor shall also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Record of Notification of Employment by U.S. Marshals Service Personnel Division.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/USM - 002

**System name:** United States Marshals Service Internal Inspections System.

**System location:** United States Marshals Service; Department of Justice; 521 12th Street; Washington, D.C. 20530.

**Categories of individuals covered by the system:** United States Marshals Service employees.

**Categories of records in the system:** The Internal Inspections System contains reports prepared by the Office of Internal Inspections United States Marshals Service on findings of alleged misconduct of U.S. Marshals Service employees.

**Authority for maintenance of the system:** 28 C.F.R. Subpart T. 0.111(n).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The information gathered is used by U.S. Marshals Service in disciplinary proceedings against employees. It is also used in administrative hearings before the Civil Service Commission and in court proceedings.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Originals stored in file.

**Retrievability:** Information is retrieved by name of employee.

**Safeguards:** Records are stored in locked safe.

**Retention and disposal:** Records are retained for 12 months and then referred to Federal Records Center.

**System manager(s) and address:** Chief, Internal Inspections Unit, U.S. Marshals Service; U.S. Department of Justice, 10th & Constitution Ave., N.W.; Washington, D.C. 20530.

**Notification procedure:** Same as System Manager.

**Record access procedures:** The major part of these systems is exempted from this requirement under 5 U.S.C. 552a (k)(5). To the extent that these systems are not subject to exemption they are subject to access and contest. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request.' It should clearly indicate name of the requestor, the nature of the record sought and approximate dates covered by the record. The requestor shall also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Information derived from inspection of alleged malfeasance, by U.S. Marshals Service Internal Inspections Division.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(2) and (3), (e)(4)(G) and (H), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/USM - 003

**System name:** United States Marshals Service Prisoner Coordination System.

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**System location:** United States Marshals Service, Department of Justice, 521 12th Street, Washington, D.C. 20530.

**Categories of individuals covered by the system:** Prisoners taken into U.S. Marshal custody.

**Categories of records in the system:** D.J. 100's, Compilation of identifying information for each prisoner taken into U.S. Marshal custody, when and where the prisoner is taken into custody, what he is charged with and where he is moved to. These files provide a ready reference source on the prisoner for purposes of arranging prisoner transportation.

**Authority for maintenance of the system:** The Prisoner Coordination Program is authorized under 28 C.F.R. Subpart 1.0111(k).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used as working files in the transporting of prisoners, by the U.S. Marshals Service, Bureau of Prisons and other federal, state and local law enforcement officials.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service. A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information is stored in standard file cabinets.

**Retrievability:** Information is retrieved by name of prisoner and number.

**Safeguards:** Access restricted to Operations Personnel.

**Retention and disposal:** Records are disposed of after 3 years.

**System manager(s) and address:** Associate Director for Operations, United States Marshals Service; U.S. Department of Justice; 10th & Constitution Ave., N.W.; Washington, D.C. 20530.

**Notification procedure:** Same as System Manager.

**Record access procedures:** A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request." It should clearly indicate name of requestor, the nature of the record sought and approximate dates covered by the record. The requestor shall also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Identifying material of each prisoner taken into custody by the U.S. Marshal.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/USM - 004

**System name:** Special Deputy File.

**System location:** United States Marshals Service; Department of Justice; 521 12th Street, N.W., Washington, D.C. 20530.

**Categories of individuals covered by the system:** Special Deputies, who are selected law enforcement officers or employees of the U.S. Government.

**Categories of records in the system:** Special deputization file contains oath of office of persons utilized as deputy marshals for a short duration.

**Authority for maintenance of the system:** 28 C.F.R. Subpart T, Section 0.112; 28 U.S.C. 562.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Federal agencies for whom the Marshals Service has deputized employees would have access to this system.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service. A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Originals are filed.

**Retrievability:** Files are indexed by name and by government department.

**Safeguards:** Records are kept in a locked file.

**Retention and disposal:** Records are retained for one year.

**System manager(s) and address:** Chief, Personnel Management & Training; U.S. Marshals Service; U.S. Department of Justice; 10th & Constitution, N.W.; Washington, D.C. 20530.

**Notification procedure:** Address inquiries to: System Manager.

**Record access procedures:** A request for access to a record from this system shall be made in writing with the envelope and letter clearly marked "Privacy Access Request." The requestor shall also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reason for contesting it and the proposed amendment to the information sought.

**Record source categories:** Federal agencies requesting special deputations provide all necessary information required by the Marshals Service in making the special deputations.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/USM - 005

**System name:** Special Detail System.

**System location:** United States Marshals Service; Department of Justice; 521 12th Street, Washington, D.C. 20530. Each of the 96 district offices maintain their own files.

**Categories of individuals covered by the system:** Deputy United States Marshals.

**Categories of records in the system:** Records maintained in this system include a compilation of deputies' special assignments; e.g., civil disturbances, special trials, witness security, process serving, etc.

**Authority for maintenance of the system:** The Special Detail System is authorized under 28 C.F.R. 0.111(a) through (g).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The Special Detail System provides background data on what details were made; who went where, etc. This information may be used in Civil Service Commission hearings and court cases involving the Marshals Service or its personnel.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service. A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Originals are filed.

**Retrievability:** Records are retrieved by name of deputy.

**Safeguards:** Records are kept in a locked file.

**Retention and disposal:** Dispose after 10 years; transfer to Federal Records Center after 3 years.

**System manager(s) and address:** Chief, Operations Division; U.S. Marshals Service; U.S. Department of Justice; 10th & Constitution, N.W.; Washington, D.C. 20530.

**Notification procedure:** Address inquiries to: System Manager.

**Record access procedures:** A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request." It should clearly indicate name of the requestor, the nature of the record sought and approximate dates covered by the record. The requestor shall also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Information provided by designated U.S. Marshals Service Personnel in each district who work on special details.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/USM - 006

**System name:** United States Marshals Service Training Files.

**System location:** United States Marshals Service; Department of Justice; 521 12th Street, Washington, D.C. 20530.

**Categories of individuals covered by the system:** Trainees.

**Categories of records in the system:** 1) Individual United States Marshals Service training files contain information on the individual's educational background and training history, and an individual development plan. 2) Skills files identify special skills possessed by the individual United States Marshals Service employee.

**Authority for maintenance of the system:** The training school is established pursuant to 28 C.F.R. Subpart T, Section 0.111(h) which authorizes the Director to provide a training school for United States Marshals Service personnel.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** 1) Records are used as training histories. 2) records are used to determine training eligibility. 3) records are used in Administrative hearing before U.S. Civil Service Commission, and in court proceedings.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service. A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Standard file cabinets containing original documents.

**Retrievability:** Records are indexed by name.

**Safeguards:** Records are kept in locked files.

**Retention and disposal:** Training files are maintained until the employee leaves the Service.

**System manager(s) and address:** Chief, Employee Development and Training Section; U.S. Marshals Service; U.S. Department of Justice; 10th & Constitution Ave. N.W.; Washington, D.C. 20530.

**Notification procedure:** Address inquiries to: System Manager.

**Record access procedures:** A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request." It should clearly indicate name of requestor, the nature of the record sought and approximate dates covered by the record. The requestor shall also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** 1) The forms, documentation of skills, etc. which are completed by a new trainee; 2) documentation of skills by Training Personnel; 3) evaluation reports prepared by the Combined Federal Law Enforcement Training Academy.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/USM - 007

**System name:** Warrant-Information System.

**System location:** Each district office of the U.S. Marshals Service maintains their own files. See Appendix.

**Categories of individuals covered by the system:** Individuals for whom Federal warrants have been issued.

**Categories of records in the system:** All pertinent information, correspondence, etc. vis-a-vis the warrant, as well as NCIC copy.

**Authority for maintenance of the system:** Authority for this system is established by 28 C.F.R. Subpart T, 0.111(a) and 28 U.S.C. 569(b).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** U.S. Attorneys, Federal Courts and other Federal law enforcement agencies have access to this information.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service. A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are stored on Rolodex Cards.

**Retrievability:** Records are retrieved by individual name.

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**Safeguards:** Access is restricted to personnel in each district's U.S. Marshals office.

**Retention and disposal:** Records are kept in operating file until warrant is executed and then transferred to closed files, where they are indefinitely kept.

**System manager(s) and address:** Chief, Operations Division; U.S. Marshals Service; U.S. Department of Justice; 10th & Constitution Ave. N.W.; Washington, D.C. 20530.

**Record source categories:** Information is obtained from the Bureau of Prisons, Department of Justice and arresting agencies.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(2) and (3), (e)(4)(G) and (H), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/USM - 008

**System name:** Witness Security Files Information System.

**System location:** United States Marshals Service, Department of Justice; 521 12th Street, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:** Government witnesses, who are participants in the Federal Witness Security Program.

**Categories of records in the system:** 1) Request to enter program; 2) background information (education, experience, medical history; names, relatives, etc.); 3) funding information; 4) moving information; 5) documentation of all the above.

**Authority for maintenance of the system:** Authority for the Witness Security Program is O.B.D. 2110.2 January 10, 1975; 28 C.F.R. Subpart T, 0.111(c), 28 U.S.C. 524; 18 U.S.C. prec 3481.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** 1) Background for planning working files; 2) Used to accomplish major functions of witness security e.g. protection of government witnesses and their families; 3) Used in court proceedings.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Originals are kept in files.

**Retrievability:** Filed according to ID special number.

**Safeguards:** Locked files limited access - (Witness Security Personnel)

**Retention and disposal:** All records at this time are being indefinitely maintained.

**System manager(s) and address:** Chief, Witness Security Division; U.S. Marshals Service; U.S. Department of Justice; 10th & Constitution Ave. N.W.; Washington, D.C. 20530.

**Record source categories:** All identifying background criteria of individual: 1) education; 2) job history; 3) medical history; 4) history of residence; 5) relatives, etc.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(2) and (3), (e)(4)(G) and (H), (e)(8), (f)(2) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/USM - 999

**System name:** Appendix to U.S. Marshals Systems of Records

**NAMES AND OFFICIAL ADDRESSES OF UNITED STATES MARSHALS**

Northern Alabama  
Federal Courthouse  
Birmingham, Alabama 35203

Middle Alabama  
P.O. Box 211  
Montgomery, Alabama 36101

Southern Alabama  
P.O. Box 343  
Mobile, Alabama 36601

District of Alaska  
P.O. Box 1979  
Anchorage, Alaska 99510

District of Arizona  
8202 Federal Bldg.  
Phoenix, Arizona 85025

Eastern Arkansas  
P.O. Box 8  
Little Rock, Arkansas 72203

Western Arkansas  
P.O. Box 1572  
Fort Smith, Arkansas 72901

Northern California  
P.O. Box 36056  
San Francisco, California 94102

Eastern California  
1013 U.S. Courthouse  
Sacramento, California 95814

Central California  
G-23 U.S. Courthouse  
Los Angeles, California 90012

Southern California  
223 U.S. Courthouse  
San Diego, California 92101

District of Canal Zone  
P.O. Box 2010  
Balboa Heights, Canal Zone

District of Colorado  
P.O. Box 1796  
Denver, Colorado 80201

District of Connecticut  
P.O. Box 1686  
New Haven, Connecticut 06507

District of Delaware  
P.O. Box 1927  
Wilmington, Delaware 19899

District of Columbia  
U.S. Courthouse  
3rd & Constitution Avenue, N.W.  
Washington, D.C. 20001

Northern Florida  
P.O. Box 1150  
Pensacola, Florida 32595

Middle Florida  
P.O. Box 4967  
Jacksonville, Florida 32201

Southern Florida  
P.O. Box 391

Miami, Florida 33101

Northern Georgia  
P.O. Box 1365  
Atlanta, Georgia 30301

Middle Georgia  
P.O. Box 7  
Macon, Georgia 31202

Southern Georgia  
P.O. Box 9765  
Savannah, Georgia 31402

District of Guam  
P.O. Box 3396  
Agana, Guam 96910

District of Hawaii  
P.O. Box 142  
Honolulu, Hawaii 96810

District of Idaho  
692 Federal Bldg. & Cthse.  
Boise, Idaho 83702

Northern Illinois  
219 S. Dearborn Street  
Chicago, Illinois 60604

Eastern Illinois  
Federal Bldg.  
East St. Louis, Illinois 62201

Southern Illinois  
P.O. Box 156  
Springfield, Illinois 62705

Northern Indiana  
Federal Bldg.  
South Bend, Indiana 46624

Southern Indiana  
P.O. Box 575  
Indianapolis, Indiana 46244

Northern Iowa  
P.O. Box 356  
Dubuque, Iowa 52001

Southern Iowa  
203 U.S. Courthouse  
Des Moines, Iowa 50309

District of Kansas  
P.O. Box 327  
Topeka, Kansas 66601

Eastern Kentucky  
P.O. Box 30  
Lexington, Kentucky 40501

Western Kentucky  
204 P.O. Bldg.  
Louisville, Kentucky 40202

Eastern Louisiana  
400 Royal Street, Room 303  
New Orleans, Louisiana 70130

Middle Louisiana  
U.S. Courthouse  
Baton Rouge, Louisiana 70801

Western Louisiana  
P.O. Box 53  
Shreveport, Louisiana 71161

District of Maine  
P.O. Box 349  
Portland, Maine 04112

District of Maryland  
515 P.O. Bldg.  
Baltimore, Maryland 21202

District of Massachusetts  
P.O. Box 352  
Boston, Massachusetts 02101

Eastern Michigan  
932 Federal Bldg. & Cthse  
Detroit, Michigan 48226

Western Michigan  
514 Federal Bldg.  
Grand Rapids, Michigan 49502

District of Minnesota  
523 U.S. Courthouse  
Minneapolis, Minnesota 55401

Northern Mississippi  
P.O. Box 231  
Oxford, Mississippi 38655

Southern Mississippi  
P.O. Box 959  
Jackson, Mississippi 39205

Eastern Missouri  
322 U.S. Courthouse & Customhouse  
St. Louis, Missouri 63101

Western Missouri  
509 U.S. Cthse.  
Kansas City, Missouri 64106

District of Montana  
5110 Federal Bldg.  
Billings, Montana 59101  
p District of Nebraska  
P.O. Box 1477  
Omaha, Nebraska 68101

District of Nevada  
4033 Federal Bldg.  
Las Vegas, Nevada 89101

District of New Hampshire  
P.O. Box 423  
Concord, New Hampshire 03301

District of New Jersey  
P.O. Bldg. Federal Sq.  
Newark, New Jersey 07101

District of New Mexico  
P.O. Box 444  
Albuquerque, New Mexico 87103

Northern New York  
P.O. Box 418  
Utica, New York 13503

Eastern New York  
U.S. Courthouse  
Brooklyn, New York 11201

Southern New York  
U.S. Courthouse, Foley Sq.  
New York, New York 10007

Western New York  
702 U.S. Courthouse  
Buffalo, New York 14202

Eastern North Carolina  
P.O. Box 25640  
Raleigh, North Carolina 27611

Middle North Carolina



P.O. Box 1528  
Greensboro, North Carolina 27402

Western North Carolina  
P.O. Box 59  
Asheville, North Carolina 28802

North Dakota  
P.O. Box 2425  
Fargo, North Dakota 58102

Northern Ohio  
323 U.S. Courthouse  
Cleveland, Ohio 44114

Southern Ohio  
P.O. Box 963  
Cincinnati, Ohio 45201

Northern Oklahoma  
4557 U.S. Courthouse  
Tulsa, Oklahoma 74101

Eastern Oklahoma  
P.O. Box 738  
Muskogee, Oklahoma 74401

Western Oklahoma  
P.O. Box 886  
Oklahoma City, Oklahoma 73102

District of Oregon  
P.O. Box 388  
Portland, Oregon 97207

Eastern Pennsylvania  
3032 U.S. Courthouse  
Philadelphia, Pennsylvania 19107

Middle Pennsylvania  
P.O. Box 310  
Scranton, Pennsylvania 18501

Western Pennsylvania  
810 Post Office & Cthse.  
Pittsburgh, Pennsylvania 15219

District of Puerto Rico  
P.O. Box 3748  
San Juan, Puerto Rico 00904

Rhode Island  
P.O. Box 1524  
Providence, Rhode Island 02901

District of South Carolina  
P.O. Box 1774  
Columbia, South Carolina 29202

District of South Dakota  
U.S. Cthse. & Fed. Bldg.  
Sioux Falls, South Dakota 57102

Eastern Tennessee  
P.O. Box 551  
Knoxville, Tennessee 37901

Middle Tennessee  
866 U.S. Courthouse  
Nashville, Tennessee 37203

Western Tennessee  
1007 Federal Bldg.  
Memphis, Tennessee 38103

Northern Texas  
1100 Commerce Street, Room 16F47  
Dallas, Texas 75202

Eastern Texas  
P.O. Box 111

Beaumont, Texas 77704

Southern Texas  
P.O. Box 61608  
Houston, Texas 77061

Western Texas  
P.O. Box 359  
San Antonio, Texas 78292

District of Utah  
P.O. Box 1234  
Salt Lake City, Utah 84110

District of Vermont  
P.O. Box 946  
Burlington, Vermont 05401

Eastern Virginia  
P.O. Box 1706  
Norfolk, Virginia 23501

Western Virginia  
P.O. Box 2280  
Roanoke, Virginia 24009

District of the Virgin Islands  
P.O. Box 720  
St. Thomas, Virgin Islands 00801

Eastern Washington  
P.O. Box 1463  
Spokane, Washington 99210

Western Washington  
300 U.S. Courthouse  
Seattle, Washington 98104

Northern West Virginia  
P.O. Box 1629  
Fairmont, West Virginia 26554

Southern West Virginia  
4202 Federal Bldg.  
Charleston, West Virginia 25301

Eastern Wisconsin  
310 Federal Bldg.  
Milwaukee, Wisconsin 53202

Western Wisconsin  
P.O. Box 90  
Madison, Wisconsin 53701

District of Wyoming  
P.O. Box 768  
Cheyenne, Wyoming 82001

#### JUSTICE/USA - 001

System name: Administrative Files.

System location: Ninety-four United States Attorneys' Offices (See attached Appendix).

Categories of individuals covered by the system: a) Office Personnel (present and past); b) Expert professionals whose services are used by the office; c) Applicants for office positions; d) Witnesses in Court proceedings; e) Prisoners-In-Custody; f) Defendants; g) Debtors; h) Vendors; i) Citizens making inquiries; j) Members of local and state Bar Associations.

Categories of records in the system: a) Personnel Files (official/unofficial); b) Applicant Files; c) Employee Record Cards (SF-7B); d) Office Rosters; e) Ticker File System for Promotions; f) Personnel Address and Telephone Number Lists; g) Sign In/Out Sheets; h) Time and Attendance Records (OMF - 44); i) Wage Earnings Statement (DOJ - 296); j) Travel Authorizations and Vouchers (OBD - 1 and SF - 1012); k) Advice of Obligations Incurred (DJ - 60); l) Telephone Records and Logs; m) Fiscal Vouchers; n) Witness Records (LAA - 3); o) Lists of Records at Federal Records Centers; p) In-House Statistical Reports; q) Internal Meetings Records; r) Equal Employment Opportunity (EEO)

Records; s) Employees; Organizations and Unions Records; t) Federal Woman's Program Records; u) Address and Telephone Indexes; v) Lists of State and Local Bar Members; w) Lists of Expert Professionals; x) Requests for Expert Witnesses; y) Teletype Files; z) Correspondence Files; aa) Evaluation Reports by Regional Assistant Directors.

Authority for maintenance of the system: These systems are established and maintained pursuant to 5 U.S.C. 301 and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: A record maintained in this system of records may be disseminated as a routine use of such record as follows:

(a) in any case in which there is an indication of a violation or potential violation of law or legal obligation, criminal, civil, or regulatory in nature, the record in question may be disseminated to the appropriate federal, state, local, or foreign agency charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law or civil remedy;

(b) in the course of investigating the potential or actual violation of any law, criminal, civil, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a federal, state, local, or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation, trial or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant;

(c) a record relating to a case or matter may be disseminated in an appropriate federal, state, local, or foreign court or grand jury proceeding in accordance with established constitutional, substantive or procedural law or practice;

(d) a record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing;

(e) a record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings;

(f) a record relating to a case or matter that has been referred by an agency for investigation, prosecution, or enforcement, or that involves a case or matter within the jurisdiction of an agency, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter;

(g) a record relating to a person held in custody pending or during arraignment, trial, sentence, or extradition proceedings, or after conviction or after extradition proceedings, may be disseminated to a federal, state, local, or foreign prison, probation, parole, or pardon authority, or to any other agency or individual concerned with the maintenance, transportation, or release of such a person;

(h) a record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement;

(i) a record may be disseminated to a federal, state, local, foreign, or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency;

(j) a record may be disseminated to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter;

(k) a record may be disseminated to the public, news media, trade associations, or organized groups, when the purpose of the dissemination is educational or informational, such as descriptions of crime trends or distinctive or unique modus operandi, provided that the record does not contain any information identifiable to a specific individual other than such modus operandi;

(l) a record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in apprehending and/or returning a fugitive to a jurisdiction which seeks his return;

(m) a record that contains classified national security information and material may be disseminated to persons who are engaged in historical research projects, or who have previously occupied policy making provisions to which they were appointed by the President, in accordance with the provisions codified in 28 C.F.R. 17.60.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: All information, except that specified in this paragraph, is recorded on basic paper/cardboard material, and stored within manila file folders, within metal file cabinets, electric file/card retrievers or safes. Some material is recorded and stored on magnetic tape, card or other data processing type storage matter for reproduction later into conventional formats.

Retrievability: Information is retrieved primarily by name of person, case number, complaint number or court docket number. Information within this system of records may be accessed by various U.S. Attorneys' offices by means of catho-ray tube terminals (CRT's).

Safeguards: Information in the system is stored in file cabinets in the United States Attorney's offices. Some materials are located in locked file drawers and safes, and others in unlocked file drawers. Offices are locked during non-working hours and are secured by either Federal Protective Service, United States Postal Service, or private building guards. Information that is retrievable by CRT's within various U.S. Attorneys' offices requires user identification numbers which are issued to authorized employees of the Department of Justice.

Retention and disposal: Records are maintained and disposed of in accordance with Department of Justice retention plans.

System manager(s) and address: System manager for the system in each office is the Administrative Officer/Assistant, for the U.S. Attorney for each district. (See attached Appendix).

Notification procedure: Address inquiries to the System Manager for the judicial district in which the case or matter is pending (See attached Appendix).

Record access procedures: A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request.' Include in the request the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record and the name of the case or matter involved, if known. The requester will also provide a return address for transmitting the information. Access requests will be directed to the System Manager (See attached Appendix).

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager (See attached Appendix) stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

Record source categories: Sources of information contained in this system include, but are not limited to investigative reports of federal, state and local law enforcement agencies; client agencies of the Department of Justice, other non-Department of Justice investigative agencies; forensic reports; statements of witnesses and parties; data, memoranda and reports from the Court and agencies

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thereof; and the work product of Assistant United States Attorneys, Department of Justice attorneys and administrative staff of the divisions, offices and bureaus, work product of secretarial and administrative staff within the U.S. Attorneys office and the Executive Office for U.S. Attorneys, from general public referral sources or as provided by members of the public who participate, assist or observe in pending cases or matters, or commercial establishments which provide goods or services, publications and reports from the Department's other offices, divisions and bureaus and internal U.S. Attorney work product.

Systems exempted from certain provisions of the act: None

#### JUSTICE/USA - 002

System name: A.U.S.A. Applicant files.

System location: Executive Office for United States Attorneys; U.S. Department of Justice; 10th & Constitution Avenue, N.W.; Washington, D.C. 20530.

Categories of individuals covered by the system: Applicants tentatively selected (by nomination of a U.S. Attorney) for the position of Assistant U.S. Attorney.

Categories of records in the system: The system includes the applicants name, status of Bar membership and dates of receipt, status and final determination on the appointment of the applicant. The system is arranged chronologically by date of receipt of file and applicants name.

Authority for maintenance of the system: These records are kept for administrative convenience pursuant to 5 U.S.C. 301 and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: All uses are internal within the Department.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The material is stored within manila file folders, within metal file cabinets.

Retrievability: The system is indexed by name, arranged alphabetically.

Safeguards: The correspondence is maintained in a room which is occupied by office personnel during the day and locked at night.

Retention and disposal: Records are maintained and disposed of in accordance with Department retention plans.

System manager(s) and address: Director, Executive Office of United States Attorneys; U.S. Department of Justice; 10th & Constitution Avenue, N.W.; Washington, D.C. 20530.

Notification procedure: Same as the above.

Record access procedures: A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request.' Include in the request the name and address as included in the original letter, together with the current address if different, the date of the letter and to whom it was addressed. Requests should be directed to the System Manager listed above.

Contesting record procedures: Any requests for correction should also be directed to the System Manager and should indicate the exact correction required.

Record source categories: Sources of information in this system are the actual letter received, the response and any transmitted information and enclosures.

Systems exempted from certain provisions of the act: None

#### JUSTICE/USA - 003

System name: Citizen Complaint Files.

System location: U.S. Attorney's Office; 3rd & Constitution Avenue, N.W.; Washington, D.C. 20001.

Categories of individuals covered by the system: The individuals on whom records are maintained in this system may be broadly classified in four categories: 1) Those individuals who have been charged with Federal and D.C. Code violations; 2) those individuals who are currently under investigation for violations of Federal and D.C. Code; 3) those individuals about whom complaints have been made on upon whom investigations were conducted, but no prosecution was initiated; and 4) complainants.

Categories of records in the system: A file may consist of a single sheet of paper describing briefly the nature of a complaint and its disposition or it may consist of a more comprehensive file containing the results of a hearing, depending on the complexity or seriousness of the complaint. If the complaint results in criminal charges being preferred, the contents of the file are transferred to the appropriate criminal file system.

Authority for maintenance of the system: 5 U.S.C. 301, 28 U.S.C. 547, 23 D.C. Code 101(c).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: A record maintained in this system of records may be disseminated as a routine use of such record as follows:

(1) in any case in which there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, the record in question may be disseminated to the appropriate agency, federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing such law;

(2) in the course of investigating the potential or actual violation of any law, whether civil, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a federal, state, local, or foreign agency, or to an individual, if there is reason to believe that such agency or individual possesses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant;

(3) records or extracts thereof relating to a case or matter may be disseminated to a defendant or his attorney or to the appropriate federal, state, local, or foreign, court or grand jury in accordance with established constitutional, substantive, or procedural law or practice;

(4) a record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing;

(5) a record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings;

(6) a record relating to a case or matter that has been referred for investigation may be disseminated to the referring agency to notify such agency of the status of the case or matter or of any decision or determination that has been made;

(7) a record relating to a person held pending arraignment, trial or sentence, or after conviction, may be disseminated to a federal, state, local, or foreign prison, probation, parole, bail or pardon authority, or to any agency or individual concerned with the custody maintenance, transportation, or release of such a person;

(8) a record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States;

(9) a record may be disseminated to a federal, state, local, or foreign law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency; and

(10) a record may be disseminated to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the is-

suance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Citizen complaint files are maintained in one of two ways: either on a single sheet which is a record of the complaint and disposition thereof or in complaints which result in further proceedings, a file folder would be established.

Retrievability: Information is retrieved either by the name of a complainant, the name of a person about whom a complaint is registered or by a complaint number. If further proceedings are conducted with respect to a citizen's complaint and the complaint materializes into a criminal action, the file folder will become part of the criminal files and then is retrievable in the same manner as any criminal file is retrieved.

Safeguards: Information contained in the system is unclassified. It is safeguarded and protected by being maintained in files at the Citizens Complaint Center which is manned at all times when it is open and at other times is locked. More sensitive files that materialize into hearings or required for further action by the Misdemeanor Trial Section of the Superior Court Division are maintained by the Chief of the Misdemeanor Trial Section in his office in Building B of the Superior Court.

Retention and disposal: Files are retained and disposed of in accordance with Title 8, U.S. Attorney's Manual, pages 70-77.

System manager(s) and address: Chief, Misdemeanor Trial Section; U.S. Attorney's Office; Superior Court Division; Building B, 4th & E Streets, N.W.; Washington, D.C.

Notification procedure: Address inquiries to the System Manager.

Record access procedures: The major part of these systems are exempt from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to access. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request.' Include in the request the general subject matter of the document or its file number. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

Contesting record procedures: The major parts of these systems are exempt from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to contest. A determination as to exemption shall be made at the time a request for contest is received. Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

Record source categories: Sources of information contained in this system come primarily from citizens walking into this unit to register complaints. Sources also include but are not limited to investigative reports of federal, state and local law enforcement agencies, forensic reports, statements of witnesses and parties, as well as verbatim transcripts of grand jury proceedings and court

proceedings, memoranda and reports from the court and agencies thereof and the work product of Assistant United States Attorneys and legal assistants working on particular cases.

Systems exempted from certain provisions of the act: The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G) and (H), (e)(5) and (8), (f), (g) and (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(1) and (2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/USA - 004

System name: Citizen Correspondence Files.

System location: Executive Office for United States Attorneys; U.S. Department of Justice; 10th & Constitution Avenue, N.W.; Washington, D.C. 20530.

Categories of individuals covered by the system:

a) Individuals who write to the Executive Office for United States Attorneys, its Director or a member of his staff.

b) Individuals who write to the Attorney General or the Department of Justice and whose letter is referred to the Executive Office of United States Attorneys.

c) Individuals whose letter has been referred to the Executive Office of United States Attorneys for a response by the White House, Executive Agencies or Members of Congress.

In all of the above categories, the individuals include only those who express general views or seek information or assistance. Freedom of Information requests are not indexed in this system.

Categories of records in the system: The system includes the original correspondence received as well as any response, referral letters or notes concerning the subject of the correspondence and copies of any enclosures. The system is arranged alphabetically by the last name of the original correspondent.

Authority for maintenance of the system: These records are kept for administrative convenience pursuant to 5 U.S.C. 301 and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information from the responses may be provided to the referor of the original correspondence. All other uses are internal within the Department.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The material is stored within manila file folders, within metal file cabinets.

Retrievability: The system is indexed by name, arranged alphabetically.

Safeguards: The correspondence is maintained in a room which is occupied by office personnel during the day and locked at night.

Retention and disposal: Records are maintained and disposed of in accordance with Department retention plans.

System manager(s) and address: Director, Executive Office of United States Attorneys; U.S. Department of Justice; 10th & Constitution Avenue, N.W.; Washington, D.C. 20530.

Notification procedure: Same as the above.

Record access procedures: A request for access to a record from this system shall be made in writing, with the envelope and the



letter clearly marked 'Privacy Access Request.' Include in the request the name and address as included in the original letter, together with the current address if different, the date of the letter and to whom it was addressed. Requests should be directed to the System Manager listed above.

**Contesting record procedures:** Any requests for correction should also be directed to the System Manager and should indicate the exact correction required.

**Record source categories:** Sources of information in this system are the actual letter received, the response and any transmitted information and enclosures.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/USA - 005

**System name:** Civil Case Files.

**System location:** Ninety-four United States Attorneys' Offices (See attached Appendix).

**Categories of individuals covered by the system:** a) Individuals being investigated in anticipation of Civil suits; b) Individuals involved in Civil suits; c) Defense Counsel(s); d) Information sources; e) Individuals relevant to the development of Civil suits.

**Categories of records in the system:** a) All Civil Cases Files (USA - 34); b) Docket Cards (USA - 116); c) Civil Debtor Cards (USA - 117b); d) Civil Case Activity Card (USA - 164); e) Civil Debtor Activity Card (USA - 166); f) 3' X 5' Index Cards; g) Caseload Printouts; h) General Correspondence re: Civil Cases; i) Reading Files re: Civil Cases; j) Information Source File; k) Attorney Assignment sheets; l) Telephone records; m) Miscellaneous Investigative files; n) Lands Condemnation Files (Appraisal and Negotiator Reports); o) Tax Case Resource File; p) Material in Civil File related to Criminal cases arising out of Civil Proceedings; g) Search Warrants; r) Files unique to District; s) Civil Miscellaneous Correspondence File.

**Authority for maintenance of the system:** These systems are established and maintained pursuant to 5 U.S.C. 301 and 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** A record maintained in this system of records may be disseminated as a routine use of such record as follows:

(a) in any case in which there is an indication of a violation or potential violation of law, civil, or regulatory in nature, the record in question may be disseminated to the appropriate federal, state, local, or foreign agency charged with the responsibility for investigating, defending or pursuing such violation, civil claim or remedy, or charged with enforcing, defending or implementing such law;

(b) in the course of investigating the potential or actual violation or civil liability of any government action or law, civil, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such civil action, a record may be disseminated to a federal, state, local, or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation or civil action trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an agency;

(c) a record relating to a case or matter may be disseminated in an appropriate federal, state, local, or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice;

(d) a record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing;

(e) a record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, or informal discovery proceedings;

(f) a record relating to a case or matter that has been referred by an agency for investigation, civil action, or enforcement, or that involves a case or matter within the jurisdiction of an agency, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter;

(g) a record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention

entered into and ratified by the United States or to an executive agreement;

(h) a record may be disseminated to a federal, state, local, foreign, or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency or to assist in general civil matters or cases;

(i) a record may be disseminated to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance as is required, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter;

(j) a record may be disseminated to the public, news media, trade associations, or organized groups, when the purpose of the dissemination is educational or informational, such as descriptions of types or courses of action or distinctive or unique modus operandi, provided that the record does not contain any information identifiable to a specific individual other than such modus operandi;

(k) a record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in general crime prevention, the pursuit of general civil, regulatory or administrative civil actions or to provide investigative leads to such country, or assist in the location and/or returning of witnesses and other evidence;

(l) a record that contains classified national security information and material may be disseminated to persons who are engaged in historical research projects, or who have previously occupied policy making provisions to which they were appointed by the President, in accordance with the provisions codified in 28 C.F.R. 17.60.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** All information, except that specified in this paragraph, is recorded on basic paper/cardboard material, and stored within manila file folders, within metal file cabinets, electric file/card retrievers or safes. Some material is recorded and stored on magnetic tape, card or other data processing type storage matter for reproduction later into conventional formats.

**Retrievability:** Information is retrieved primarily by name of person, case number, complaint number or court docket number. Information within this system of records may be accessed by various U.S. Attorneys' offices by means of cathode-ray tube terminals (CRT's).

**Safeguards:** Information in the system is both confidential and non-confidential and located in file cabinets in the United States Attorney offices. Some materials are located in locked file drawers and safes, and others in unlocked file drawers. Offices are locked during non-working hours and are secured by either Federal Protective Service, United States Postal Service, or private building guards. Information that is retrievable by CRT's within various U.S. Attorneys' offices requires user identification numbers which are issued to authorized employees of the Department of Justice.

**Retention and disposal:** Records are maintained and disposed of in accordance with Department of Justice retention plans.

**System manager(s) and address:** System Manager for the system in each office is the Administrative Officer/Assistant, for the U.S. Attorney for each district. (See attached Appendix).

**Notification procedure:** Address inquiries to the System Manager for the judicial district in which the case or matter is pending (See attached Appendix).

**Record access procedures:** The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to access. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request.' Include in the request the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record and the name of the case or matter involved, if known. The requester will also provide a return address for transmitting the information. Access requests will be directed to the System Manager (See attached Appendix).

**Contesting record procedures:** The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to contest. A determination as to exemption shall be made at the time a request for contest is received. Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager (See attached Appendix) stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Sources of information contained in this system include, but are not limited to investigative reports of federal, state and local law enforcement, civil litigation, regulatory and administrative agencies; client agencies of the Department of Justice; other non-Department of Justice investigative agencies; forensic reports; statements of witnesses and parties; verbatim transcripts of deposition and court proceedings; data, memoranda and reports from the court and agencies thereof; and the work product of Assistant United States Attorneys, Department of Justice attorneys and staff, and legal assistants working on particular cases.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G) and (H), (e)(5) and (8), (f), (g) and (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(1) and (2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/USA - 006

**System name:** Consumer Complaints.

**System location:** U.S. Attorney's Office; 3rd & Constitution Avenue, N.W.; Washington, D.C. 20001.

**Categories of individuals covered by the system:** The individuals on whom records are maintained in this system may be broadly classified in four categories: 1) Those individuals who have been charged with Federal and D.C. Code violations; 2) Those individuals who are currently under investigation for violations of Federal and D.C. Code; 3) Those individuals upon whom investigations were conducted, but no prosecution was initiated; and 4) Complainants.

**Categories of records in the system:** The system contained allegations of consumer fraud by citizens of the District of Columbia Metropolitan area. It includes names, addresses, and the substance of the complaints.

**Authority for maintenance of the system:** 5 U.S.C. 301, 28 U.S.C. 547, 23 D.C. Code 101(c).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** A record maintained in this system of records may be disseminated as a routine use of such record as follows:

(1) in any case in which there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, the record in question may be disseminated to the appropriate agency, federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing such law;

(2) in the course of investigating the potential or actual violation of any law, whether civil, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a federal, state, local, or foreign agency, or to an individual, if there is reason to believe that such agency or individual possesses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant;

(3) records or extracts thereof relating to a case or matter may be disseminated to a defendant or his attorney or to the appropriate federal, state, local, or foreign, court or grand jury in accordance with established constitutional, substantive, or procedural law or practice;

(4) a record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing;

(5) a record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings;

(6) a record relating to a case or matter that has been referred for investigation may be disseminated to the referring agency to notify such agency of the status of the case or matter or of any decision or determination that has been made;

(7) a record relating to a person held pending arraignment, trial or sentence, or after conviction, may be disseminated to a federal, state, local, or foreign prison, probation, parole, bail or pardon authority, or to any agency or individual concerned with the custody maintenance, transportation, or release of such a person;

(8) a record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into or ratified by the United States;

(9) a record may be disseminated to a federal, state, local, or foreign law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency; and

(10) a record may be disseminated to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information maintained in this system is stored in the Fraud Section of the U.S. Attorney's Office.

**Retrievability:** Information is retrieved via a cross-index by complainant and potential defendant.

**Safeguards:** Information contained in this system is unclassified. It is protected in accordance with Departmental rules and is safeguarded in the U.S. Attorney's Office in the Fraud Section.

**Retention and disposal:** The records are stored for a period of at least the statute of limitations for the offense charged.

**System manager(s) and address:** Chief, Fraud Division; U.S. Attorney's Office; U.S. District Court; 3rd & Constitution Avenue, N.W.; Washington, D.C. 20001.



**Notification procedure:** Address inquiries to the System Manager.

**Record access procedures:** The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to access. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request.' Include in the request the general subject matter of the document or its file number. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

**Contesting record procedures:** The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to contest. A determination as to exemption shall be made at the time a request for contest is received. Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** The sources of information contained in this system are complaints referred to the U.S. Attorney's Office by citizens and consumer protection agencies.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G) and (H), (e)(5) and (8), (f), (g) and (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(1) and (2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/USA - 007

**System name:** Criminal Case Files.

**System location:** Ninety-four United States Attorneys' Offices (See attached Appendix).

**Categories of individuals covered by the system:** a) Individuals charged with violations; b) Individuals being investigated for violations; c) Defense Counsel(s); d) Information Sources; e) Individuals relevant to development of Criminal Cases; f) Individuals investigated, but prosecution declined; g) Individuals referred to in potential or actual cases and matters of concern to a U.S. Attorney's Office.

**Categories of records in the system:** a) All case files (USA - 33); b) Docket Cards (USA - 115); c) Criminal Debtor Cards (USA - 117a); d) Criminal Case Activity Card (USA - 163); e) Criminal Debtor Activity Card (USA - 164); f) 3" X 5" Index Cards; g) Caseload Printouts; h) Attorney Assignment Sheets; i) General Correspondence re: Criminal Cases; j) Reading Files re: Criminal Cases; k) Grand Jury Proceedings; l) Miscellaneous Investigative Reports; m) Information Source Files; n) Parole Recommendations; o) Immunity Requests; p) Witness Protection Files; q) Wiretap Authorizations; r) Search Warrants; s) Telephone records; t) Criminal Complaints; u) Sealed Indictment Records; v) Files unique to a District; w) Criminal Miscellaneous Correspondence File; x) Prosecution Declined Reports.

**Authority for maintenance of the system:** These systems are established and maintained pursuant to 5 U.S.C. 301 and 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** A record maintained in this system of records may be disseminated as a routine use of such record as follows:

(a) in any case in which there is an indication of a violation or potential violation of law, criminal, or regulatory in nature, the record in question may be disseminated to the appropriate Federal, state, local, or foreign agency charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law;

(b) in the course of investigating the potential or actual violation of any law, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a Federal, state, local, or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation, trial, or hearing

and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant;

(c) a record relating to a case or matter may be disseminated in an appropriate Federal, state, local, or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice;

(d) a record relating to a case or matter may be disseminated to a Federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing;

(e) a record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings;

(f) a record relating to a case or matter that has been referred by an agency for investigation, prosecution, or enforcement, or that involves a case or matter within the jurisdiction of an agency, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter;

(g) a record relating to a person held in custody pending or during arraignment, trial, sentence, or extradition proceedings, or after conviction or after extradition proceedings, may be disseminated to a Federal, state, local, or foreign prison, probation, parole, or pardon authority, or to any other agency or individual concerned with the maintenance, transportation, or release of such a person;

(h) a record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement;

(i) a record may be disseminated to a Federal, state, local, foreign, or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency;

(j) a record may be disseminated to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter;

(k) a record may be disseminated to the public, news media, trade associations, or organized groups, when the purpose of the dissemination is educational or informational, such as descriptions of crime trends or distinctive or unique modus operandi, provided that the record does not contain any information identifiable to a specific individual other than such modus operandi;

(l) a record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in apprehending and/or returning a fugitive to a jurisdiction which seeks his return;

(m) a record that contains classified national security information and material may be disseminated to persons who are engaged in historical research projects, or who have previously occupied policy making provisions to which they were appointed by the President, in accordance with the provisions codified in 28 C.F.R. 17.60.

(n) A record relating to an actual or potential civil or criminal violation of title 17, United States Code, may be disseminated to a person injured by such violation to assist him in the institution or maintenance of a suit brought under such title.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress.** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

(n) A record relating to an actual or potential civil or criminal violation of title 17, United States Code, may be disseminated to a person injured by such violation to assist him in the institution or maintenance of a suit brought under such title.

#### JUSTICE/USA - 008

**System name:** Freedom of Information Act/Privacy Act Files.

**System location:** Executive Office for United States Attorneys; U.S. Department of Justice; 10th & Constitution Avenue, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:**

a) Individuals who write to the Executive Office for United States Attorneys, its Director or a member of his staff, or a U.S. Attorneys office.

b) Individuals who write to the Attorney General or the Department of Justice or the FOI/PA Unit and whose letter is referred to the Executive Office of United States Attorneys

c) Individuals whose letter has been referred to the Executive Office of United States Attorneys for a response by the FOI/PA Unit or Appeals Unit.

**Categories of records in the system:** The system includes the original correspondence received as well as any response, referral letters or notes concerning the subject of the request and copies of any enclosures. The system is arranged alphabetically by the last name of the original requestor

**Authority for maintenance of the system:** These records are kept for administrative convenience pursuant to 5 U.S.C. 301 and 44 U.S.C. 3101 and the provisions of the Freedom of Information Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information from the responses may be provided to the referrer of the original request or the requester. All other uses are internal within the Department.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress.** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The material is stored within manila file folders, within metal file cabinets.

**Retrievability:** The system is indexed by name, arranged alphabetically.

**Safeguards:** The correspondence is maintained in a room which is occupied by office personnel during the day and locked at night.

**Retention and disposal:** Records are maintained and disposed of in accordance with Department retention plans.

**System manager(s) and address:** Director; Executive Office of United States Attorneys; U.S. Department of Justice; 10th & Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** Address inquiries to the System Manager listed above.

**Record access procedures:** A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked 'Freedom of Information' or 'Privacy Access Request.' Include in the request the name and address as included in the original letter, together with the current address if different, the date of the letter and to whom it was addressed. Requests should be directed to the system manager listed above.

**Contesting record procedures:** Any requests for correction should also be directed to the System Manager and should indicate the exact correction required.

**Record source categories:** Sources of information in this system are the actual letter received, the response and any transmitted information and enclosures.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** All information, except that specified in this paragraph, is recorded on basic paper/cardboard material, and stored within manila file folders, within metal file cabinets, electric file/card retrievers or safes. Some material is recorded and stored on magnetic tape, card or other data processing type storage matter for reproduction later into conventional formats.

**Retrievability:** Information is retrieved primarily by name of person, case number, complaint number or court docket number. Information within this system of records may be accessed by various U.S. Attorneys' offices by means of catho-ray tube terminals (CRT's).

**Safeguards:** Information in the system is both confidential and non-confidential and located in file cabinets in the United States Attorney offices. Some materials are located in locked file drawers and safes, and others in unlocked file drawers. Offices are locked during non-working hours and are secured by either Federal Protective Service, United States Postal Service, or private building guards. Information that is retrievable by CRT's within various U.S. Attorneys' offices requires user identification numbers which are issued to authorized employees of the Department of Justice.

**Retention and disposal:** Records are maintained and disposed of in accordance with Department of Justice retention plans.

**System manager(s) and address:** System manager for the system in each office is the Administrative Officer/Assistant, for the U.S. Attorney for each district (See attached Appendix).

**Notification procedure:** Address inquiries to the System Manager for the judicial district in which the case or matter is pending (See attached Appendix).

**Record access procedures:** The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to access. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request.' Include in the request the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record and the name of the case or matter involved, if known. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the System Manager (See attached Appendix).

**Contesting record procedures:** The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to contest. A determination as to exemption shall be made at the time a request for contest is received. Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager (See attached Appendix) stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Sources of information contained in this system include, but are not limited to investigative reports of federal, state and local law enforcement agencies; client agencies of the Department of Justice; other non-Department of Justice investigative agencies; forensic reports; statements of witnesses and parties; verbatim transcripts of Grand Jury and court proceedings; data, memoranda and reports from the Court and agencies thereof; and the work product of Assistant United States Attorneys, Department of Justice attorneys and staff, and legal assistants working on particular cases.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G) and (H), (e)(5) and (8), (f), (g) and (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(1) and (2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

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**Systems exempted from certain provisions of the act:** Records secured from other systems of records have been exempted from the provisions of the Privacy Act to the same extent as the systems of records from which they were obtained. The Attorney General has also exempted certain categories of records in this system from subsection (c) (3), (d) of the Privacy Act pursuant to 5 U.S.C. 552a (k) (2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(c), and (e) and have been published in the Federal Register.

#### JUSTICE/USA - 009

**System name:** Kline - District of Columbia and Maryland - Stock and Land Fraud Interrelationship Filing System.

**System location:** U.S. Attorney's Office; 3rd & Constitution Avenue, N.W., Washington, D.C. 20001.

**Categories of individuals covered by the system:** The individuals on whom records are maintained in this system may be broadly classified in three categories: 1) Those individuals who have been charged with Federal and D.C. Code violations; 2) Those individuals who are currently under investigation for violations of Federal and D.C. Code; 3) Those individuals upon whom investigations were conducted, but no prosecution was initiated. These include but are not limited to possible witnesses, corporate entities, corporate employees, business contacts, financial institutions and governmental contacts.

**Categories of records in the system:** The system contains an index record for individual names and types of transactions with named individuals.

**Authority for maintenance of the system:** 5 U.S.C. 301, 28 U.S.C. 547, 23 D.C. Code 101(c).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** A record maintained in this system of records may be disseminated as a routine use of such record as follows:

(1) In any case in which there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, the record in question may be disseminated to the appropriate agency, federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing such law;

(2) In the course of investigating the potential or actual violation of any law, whether civil, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a federal, state, local, or foreign agency, or to an individual, if there is reason to believe that such agency or individual possesses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant;

(3) records or extracts thereof relating to a case or matter may be disseminated to a defendant or his attorney or to the appropriate federal, state, local, or foreign, court or grand jury in accordance with established constitutional, substantive, or procedural law or practice;

(4) a record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing;

(5) a record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings;

(6) a record relating to a case or matter that has been referred for investigation may be disseminated to the referring agency to notify such agency of the status of the case or matter or of any decision or determination that has been made;

(7) a record relating to a person held pending arraignment, trial or sentence, or after conviction, may be disseminated to a federal, state, local, or foreign prison, probation, parole, bail or pardon authority, or to any agency or individual concerned with the custody maintenance, transportation, or release of such a person;

(8) a record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States;

(9) a record may be disseminated to a federal, state, local, or foreign law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency; and

(10) a record may be disseminated to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information maintained in the system is stored electronically in the Department of Justice Juris System.

**Retrievability:** Information is retrieved primarily by referencing the individuals' names who participated in the business transactions.

**Safeguards:** Information contained in this system is protected as though it was classified as confidential. It is accessible only to holders of the entry code; the only holders of the code are the U.S. Attorney's Offices for the District of Columbia and Maryland.

**Retention and disposal:** The records are to be retained for the period of usefulness as determined by the U.S. Attorney's Office.

**System manager(s) and address:** Chief, Fraud Division; U.S. Attorney's Office; U.S. District Court; 3rd & Constitution Avenue, N.W.; Washington, D.C. 20001.

**Notification procedure:** All inquiries should be addressed to the System Manager.

**Record access procedures:** The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to access. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request.' Include in the request the general subject matter of the document or its file number. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

**Contesting record procedures:** The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to contest. A determination as to exemption shall be made at the time a request for contest is received. Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Sources of information contained in this system are individuals who have cooperated with the U.S. Attorney's Office in the investigation of criminal activity.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G) and (H), (e)(5) and (8), (f), (g) and (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(1) and (2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/USA - 010

**System name:** Major Crimes Division Investigative Files.

**System location:** U.S. Attorney's Office; 3rd & Constitution Avenue, N.W.; Washington, D.C. 20001.

**Categories of individuals covered by the system:** The individuals on whom records are maintained in the Major Crimes Division Investigative Files may be broadly classified in four categories: 1) Those individuals who have been charged with Federal and D.C. Code violations; 2) those individuals who are currently under investigation for violations of Federal and D.C. Code; 3) those individuals upon whom investigations were conducted, but no prosecution was initiated; and 4) other informants.

**Categories of records in the system:** In addition to the standard files maintained in accordance with the U.S. Attorney's Manual and the Department of Justice Docket and Reporting System, there are also maintained in the Major Crimes Division of this office certain investigative and intelligence files. The type of information maintained is identifying data, criminal records, intelligence compiled for the purpose of investigation of criminal offenses, criminal investigative reports, informant debriefing summaries, and information provided in confidence during investigative and prosecutive states of criminal cases.

**Authority for maintenance of the system:** 5 U.S.C. 301, 28 U.S.C. 547, 23 D.C. Code 101(c).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** A record maintained in this system of records may be disseminated as a routine use of such record as follows:

(1) In any case in which there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, the record in question may be disseminated to the appropriate agency, federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing such law;

(2) In the course of investigating the potential or actual violation of any law, whether civil, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a federal, state, local, or foreign agency, or to an individual, if there is reason to believe that such agency or individual possesses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant;

(3) records or extracts thereof relating to a case or matter may be disseminated to a defendant or his attorney or to the appropriate federal, state, local, or foreign, court or grand jury in accordance with established constitutional, substantive, or procedural law or practice;

(4) a record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing;

(5) a record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings;

(6) a record relating to a case or matter that has been referred for investigation may be disseminated to the referring agency to notify such agency of the status of the case or matter or of any decision or determination that has been made;

(7) a record relating to a person held pending arraignment, trial or sentence, or after conviction, may be disseminated to a federal, state, local, or foreign prison, probation, parole, bail or pardon authority, or to any agency or individual concerned with the custody maintenance, transportation, or release of such a person;

(8) a record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States;

(9) a record may be disseminated to a federal, state, local, or foreign law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency; and

(10) a record may be disseminated to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The information is maintained in memorandum form in file folders.

**Retrievability:** Information is retrieved primarily by the name of a person, complaint number, court docket number, FBI number, Metropolitan Police Department identification number and District of Columbia Department of Corrections number.

**Safeguards:** Information contained in the system is both unclassified and classified and is safeguarded and protected by being maintained in tumbler locked file safes in the Major Crimes Division which is manned during all times that it is open and at other times is locked. This room is located in the U.S. Courthouse which is guarded by the Federal Protective Service twenty four hours a day with roving patrols during non-working hours.

**Retention and disposal:** Files are retained and disposed of in accordance with Title 8, U.S. Attorney's Manual, pages 70-77.

**System manager(s) and address:** Chief, Major Crimes Division; U.S. Attorney's Office; U.S. District Court; 3rd & Constitution Avenue, N.W., Room 4400; Washington, D.C. 20001.

**Notification procedure:** Address inquiries to the System Manager.

**Record access procedures:** The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to access. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request.' Include in the request the general subject matter of the document or its file number. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

**Contesting record procedures:** The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to contest. A determination as to exemption shall be made at the time a request for contest is received. Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Sources of information contained in this system are investigative reports of federal, state and local law enforcement agencies, statement of witnesses, informants and parties, as well as verbatim transcripts of grand jury proceedings and court proceedings, memoranda and reports from the court and agencies thereof and the work product of Assistant United States Attorneys and legal assistants working on particular cases.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G) and (H), (e)(5) and (8), (f), (g) and (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(1) and (2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

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## JUSTICE/USA - 011

**System name:** Prosecutor's Management Information System (PROMIS).

**System location:** U.S. Attorney's Office, 3rd & Constitution Avenue, N.W., Washington, D.C. 20001

**Categories of individuals covered by the system:** The individuals on whom records are maintained in PROMIS are as follows: 1) Those individuals who have been charged with criminal violations; 2) those individuals who are currently under investigation for criminal violations; 3) those individuals upon whom criminal investigations were conducted, but no prosecution was initiated; and 4) the names and addresses of all witnesses and arresting police officers.

**Categories of records in the system:** The data in PROMIS fall into six major categories:

1. Information about the accused or defendant. This includes name, alias, sex, race, date of birth, address, facts about prior arrests and convictions, and employment status. If judged appropriate, additional data could be added, such as information about alcohol or drug abuse. Some of this information is used to rate the gravity of the case in terms of the defendant's criminal history.

2. Information about the crime. The date, time, and place of the crime, the number of persons involved in the crime, and a numerical rating reflecting the gravity of the crime in terms of the amount and degree of personal injury, property damage or loss, and intimidation.

3. Information about the arrest. The date, time, and place of the arrest, the type of arrest, and the identity of the arresting officers.

4. Information about criminal charges. The charges originally placed by the police against the arrestee, the charges actually filed in court against the defendant, the reasons for changes in the charges by the prosecutor, the penal statute for the charge, the FBI Uniform Crime Report Code for the charge, and the Project SEARCH Code for the charge.

5. Information about court events. The dates of every court event in a case from arraignment through motion hearing, continuance hearing, final disposition, and sentencing; the names of the principals involved in each event, including the defense and prosecution attorneys and judge; the outcomes of the events and the reasons therefor.

6. Information about witnesses. The names and addresses of all witnesses, the prosecutor's assessment of whether the witnesses are essential to the case, and any indications of reluctance to testify by the witnesses.

**Authority for maintenance of the system:** 5 U.S.C. 301, 28 U.S.C. 547, 23 D.C. Code 101(c).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** A record maintained in this system of records may be disseminated as a routine use of such record as follows:

(1) In any case in which there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, the record in question may be disseminated to the appropriate agency, federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing such law;

(2) in the course of investigating the potential or actual violation of any law, whether civil, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a federal, state, local, or foreign agency, or to an individual, if there is reason to believe that such agency or individual possesses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant;

(3) records or extracts thereof relating to a case or matter may be disseminated to a defendant or his attorney or to the appropriate federal, state, local, or foreign, court or grand jury in accordance with established constitutional, substantive, or procedural law or practice;

(4) a record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing;

(5) a record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case

or matter, plea bargaining, or informal discovery proceedings, or to the Public Defender Service in connection with caseload management or other purposes;

(6) a record relating to a case or matter that has been referred for investigation may be disseminated to the referring agency to notify such agency of the status of the case or matter or of any decision or determination that has been made or to assist in eliciting additional information;

(7) a record relating to a person held pending arraignment, trial or sentence, or after conviction, may be disseminated to a federal, state, local, or foreign prison, probation, parole, bail or pardon authority, or to any agency or individual concerned with the custody maintenance, transportation, or release of such a person;

(8) a record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States;

(9) a record may be disseminated to a federal, state, local, or foreign law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency; and

(10) a record may be disseminated to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter.

Because PROMIS is an automated information system, this office utilizes it to track the workload of the criminal court process from three separate vantage points. First, the workload is tracked from the vantage point of the crime or criminal incident. This is accomplished by including in PROMIS the complaint number which the police department assigns to a reported crime. With this number, prosecutors can follow the full history of the court actions arising from the crime even though those actions may involve multiple defendants, multiple cases, and multiple trials and dispositions.

Second, PROMIS tracks the court workload from the vantage point of the accused or defendant. This is achieved by incorporating in PROMIS the fingerprint-based number the police department assigns to the individual following his or her arrest. This identification number is used again by the department if the same individual is subsequently arrested. Through this number, prosecuting attorneys accumulate criminal history files on offenders and note incidents of recidivism.

Finally, PROMIS tracks from the vantage point of the court proceedings. This is accomplished by including in PROMIS the docket number the Court assigns to the case pending before it. With this number, prosecutors trace the history of any formal criminal action from arraignment through final disposition and sentencing, and account for the separate fate of each count or charge.

The inclusion of these three numbers is significant. The numbers provide a capability to track the criminal incident, the defendant, or the court actions and provide the basis for the routine communication among the various Federal, state, local, and foreign law enforcement agencies.

In addition, PROMIS generates, on a recurring basis, five categories of reports: misdemeanor calendars, felony calendars, case status reports, workload reports, and special reports. These reports are prepared from information contained in the data base both by persons employed by this office, the Justice Department and persons under contract to the Department for this purpose.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management in-

spection conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** These records are stored on magnetic tapes and discs at the District of Columbia Metropolitan Police Department Computer Center. Printouts from the terminals are stored with case jackets. Status, calendars, and statistical reports are stored in the files and offices of supervisory attorneys.

**Retrievability:** This system has an on-line data retrieval capability with respect to certain information contained in the data base. These subsets of information are retrieved on data display terminals which are located at various work stations throughout the office. Certain of these terminals have a printout capability. All information on these subsets is a matter of public record. The system also has the capability for the production of periodic reports. Both the periodic reports and the on-line displays are utilized in accordance with the above listed routine uses.

**Safeguards:** The magnetic tapes and discs are maintained in a secure vault at the Metropolitan Police Department Computer Center. In addition to the physical security safeguards, there is a twenty-four hour patrol. The data display terminals are located in semi-public areas of the office (i.e., administrative work stations through which the public must pass on official business). However, only trained operators may retrieve the information, which is of public record. The terminals are not open to the public after working hours.

**Retention and disposal:** The files are retained and disposed of in accordance with Title 8, U.S. Attorney's Manual, pages 70-77.

**System manager(s) and address:** Administrative Assistant; United States Attorney; U.S. District Court; 3rd & Constitution Avenue, N.W.; Room 3602-A; Washington, D.C. 20001.

**Notification procedure:** Address inquiries to the System Manager.

**Record access procedures:** The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to access. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request.' Include in the request the general subject matter of the document or its file number. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

**Contesting record procedures:** The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to contest. A determination as to exemption shall be made at the time a request for contest is received. Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** About 80 percent of the data contained in PROMIS is obtained at the intake and screening stage as the by-product of the case documentation process. Carbon copies of various forms completed immediately before or during the case screening stage serve as input documents for PROMIS.

As a case moves through the subsequent proceedings, additional information about its status is fed to PROMIS. This is achieved through turnaround documents--forms generated by PROMIS in advance of a court event--on which the results of a given proceeding (e.g., preliminary hearing, sentencing, etc.) are recorded and then entered in PROMIS.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G) and (H), (e)(5) and (8), (f), (g) and (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(1) and (2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

## JUSTICE/USA - 012

**System name:** Security Clearance Forms for Grand Jury Reporters.

**System location:** U.S. Attorney's Office; 3rd & Constitution Avenue, N.W.; Washington, D.C. 20001.

**Categories of individuals covered by the system:** Proposed Grand Jury Reporters.

**Categories of records in the system:** Request for security clearance of grand jury reporter(s) employed by the reporting firm under contract with the Justice Department, carbon copy of 'PERSONNEL INFORMATION SHEET - Grand Jury Reporting' on which is listed name of proposed grand jury reporter, home address, date and place of birth, and present business affiliation; and clearance or denial of clearance for the proposed reporter from the Department of Justice.

**Authority for maintenance of the system:** 5 U.S.C. 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** All uses of this information are internal within the Department of Justice.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Security clearance forms are kept alphabetically in file cabinets in the Administrative Office.

**Retrievability:** Security clearance forms on grand jury reports are retrievable from an alphabetical filing system.

**Safeguards:** Security clearance forms are maintained in the Administrative Division in the District Court Building which is manned at all times during working hours and at other times is locked.

**Retention and disposal:** Security clearance forms are maintained for five years, at which time they must be renewed. Upon receipt of renewed security clearance, old forms are destroyed.

**System manager(s) and address:** Administrative Officer; U.S. Attorney's Office; U.S. District Court; 3rd & Constitution Avenue, N.W.; Washington, D.C. 20001.

**Notification procedure:** Address inquiries to the System Manager.

**Record access procedures:** A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request.' Include in the request the general subject matter of the document. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** The source of the information contained in these files are the reporter's request for security clearance, personnel information sheet and the clearance or denial of clearance.

**Systems exempted from certain provisions of the act:** None.

## JUSTICE/USA - 013

**System name:** U.S. Attorney, District of Columbia Superior Court Division, Criminal Files, including but not limited to the following subsystems: (a) Criminal File Folder (USA-S1), (b) Criminal File Folder (USA-33), (c) Criminal Docket Card (USA-T7), and (d) Index.

**System location:** U.S. Attorney's Office; 3rd & Constitution Avenue, N.W.; Washington, D.C. 20001.

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**Categories of individuals covered by the system:** The individuals on whom records are maintained may be broadly classified in three categories: 1) Those individuals who have been charged with criminal violations; 2) those individuals who are currently under investigation for criminal violations; and 3) those individuals upon whom criminal investigations were conducted, but no prosecution was initiated.

**Categories of records in the system:** This system of records, consisting of numbered Criminal File Folders, (USA-S1 and USA-33), contains criminal investigative reports about named individuals submitted to this office by federal, state, local and foreign law enforcement agencies involved with the investigation of suspected violations as well as by complaints made by private parties. Those matters which become cases either by way of indictment or information in addition to the data contained in the investigative reports, also contain copies of indictments, informations, complaints, and all pleadings submitted to the court in connection with the actual prosecution of the case. These files also contain communications between the Court and agencies thereof, and the United States Attorney, and all correspondence relative to the case or matter. The files further contain psychiatric, chemical and other forensic reports, documentary evidence and the work product and internal memoranda of the Assistant United States Attorney in charge of the investigation compiled in preparation for the prosecution of each case. In those cases which have gone through trial and appeal, the file would further reflect transcripts of the trial, all pleadings and correspondence between the attorneys and the Court of Appeals, and copies of briefs submitted in the prosecution of the appeal.

A synopsis record of a matter or case is maintained by means of a criminal docket card (USA-T7), for all actions through sentencing. A synopsis record of a case on appeal is maintained on an Appellate Docket Card (USA-9X-199), (Appellate Proceedings). All of these subsystems comprise an internal cross-reference record keeping system of the criminal business at the office. Through the medium of forms and on-line data input, certain of this information is conveyed to a computer center for inclusion in the Prosecutor's Management Information System (a system which will be reported on separately), from which status and statistical reports are issued and distributed back to this office either in the form of computer printouts or on data display terminals which contain much of the same information as the files in different format.

Because of the number of diverse functions which must be performed with respect to each case; and because of the large volume of cases and because operations are conducted in three separate buildings, there are a number of file folder locator mechanisms and cross references utilized to constantly track a file folder when it is not physically located in file control. These indexes or locators are maintained in the form of "out cards," log books, index card files, etc. They are referenced by name, number, and other identifiers. In themselves, they are not separate systems of records, but indexes or references to the primary system.

**Authority for maintenance of the system:** 5 U.S.C. 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** A record maintained in this system of records may be disseminated as a routine use of such record as follows:

(1) In any case in which there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, the record in question may be disseminated to the appropriate agency, federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing such law;

(2) in the course of investigating the potential or actual violation of any law, whether civil, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a federal, state, local, or foreign agency, or to an individual, if there is reason to believe that such agency or individual possesses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant;

(3) records or extracts thereof relating to a case or matter may be disseminated to a defendant or his attorney or to the appropriate federal, state, local, or foreign, court or grand jury in accordance with established constitutional, substantive, or procedural law or practice;

(4) a record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or

hearing in accordance with the procedures governing such proceeding or hearing.

(5) a record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings;

(6) a record relating to a case or matter that has been referred for investigation may be disseminated to the referring agency to notify such agency of the status of the case or matter or of any decision or determination that has been made or to assist in eliciting additional information;

(7) a record relating to a person held pending arraignment, trial or sentence, or after conviction, may be disseminated to a federal, state, local, or foreign prison, probation, parole, bail or pardon authority, or to any agency or individual concerned with the custody maintenance, transportation, or release of such a person;

(8) a record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States;

(9) a record may be disseminated to a federal, state, local, or foreign law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency; and

(10) a record may be disseminated to a federal agency, in response to its request, in connection with the hiring or retention of employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress.** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The information in the various indexes is maintained on index cards, log books, out cards, etc. The criminal files themselves are maintained in criminal file folders (USA-S1 and USA-33). The synopsis information is maintained on a Criminal Docket Card (USA-T7) and Appellate Proceedings (USA-9X-199).

**Retrievability:** Information is retrieved primarily by the name of a person, complaint number, court docket number, FBI number, Metropolitan Police Department identification number and District of Columbia Department of Corrections number.

**Safeguards:** Information contained in the system is both unclassified and classified and is safeguarded and protected by being maintained in filerooms which are manned during all times that they are open and at other times are locked. These rooms are located in the Superior Court for the District of Columbia, Buildings B and G which are guarded by the federal protective service twenty four hours a day with roving patrols during non-working hours. Files which are not in the filerooms but which are checked out to attorneys are maintained in locked offices after working hours.

**Retention and disposal:** The files are retained and disposed of in accordance with Title 8, U.S. Attorney's Manual, pages 70-77.

**System manager(s) and address:** Administrative Officer; U.S. Attorney's Office; Superior Court Division; Room 108, Building B; 4th & F Streets, N.W.; Washington, D.C. 20001.

**Notification procedure:** Address inquiries to the System Manager.

**Record access procedures:** The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to access. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request." Include in the request the general subject matter of the document or its file number. The requester will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

**Contesting record procedures:** The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to contest. A determination as to exemption shall be made at the time a request for contest is received. Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Sources of information contained in this system include but are not limited to investigative reports of federal, state and local law enforcement agencies, forensic reports, statements of witnesses and parties, as well as verbatim transcripts of grand jury proceedings and court proceedings, memoranda and reports from the court and agencies thereof and the work product of Assistant United States Attorney and legal assistants working on particular cases.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G) and (H), (e)(5) and (8), (f), (g) and (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(1) and (2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/USA - 015

**System name:** Pre-Trial Diversion Program Files

**System location:** Ninety-four United States Attorneys' Offices (See attached Appendix)

**Categories of individuals covered by the system:** Individuals referred to in potential or actual pre-trial diversion cases.

**Categories of records in the system:** a) USA Form 184 - Referral letter to Probation Service; b) USA Form 185 - Letter to defendant; c) USA Form 186 - Agreement for Pre-Trial Diversion; d) USA Form 187 - Pre-Trial Diversion Report Form; e) USA Form 188 - Certification of Completion of Program; f) USA Form 189 - Defendant Application Form; g) Telephone Records; h) Miscellaneous Correspondence; and, i) Files Unique to a District.

**Authority for maintenance of the system:** This system is established and maintained pursuant to 5 U.S.C. 301 and 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** A record maintained in this system of records may be disseminated as a routine use of such record as follows:

(a) in any case in which there is an indication of a violation or potential violation of law, criminal, or regulatory in nature, the record in question may be disseminated to the appropriate Federal, state, local, or foreign agency charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law;

(b) in the course of investigating the potential or actual violation of any law, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a Federal, state, local, or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant;

(c) a record relating to a case or matter may be disseminated in an appropriate Federal, state, local, or foreign court or grand

jury proceeding in accordance with established constitutional, substantive, or procedural law or practice; (d) a record relating to a case or matter may be disseminated to a Federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing;

(e) a record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings;

(f) a record relating to a case or matter that has been referred by an agency for investigation, prosecution, or enforcement, or that involves a case or matter within the jurisdiction of an agency, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter;

(g) a record relating to a person held in custody pending or during arraignment, trial, sentence, or extradition proceedings, or after conviction or after extradition proceedings, may be disseminated to a Federal, state, local, or foreign prison, probation, parole, or pardon authority, or to any other agency or individual concerned with the maintenance, transportation, or release of such a person;

(h) a record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement;

(i) a record may be disseminated to a Federal, state, local, foreign, or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency;

(j) a record may be disseminated to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter;

(k) a record may be disseminated to the public, news media, trade associations, or organized groups, when the purpose of the dissemination is educational or informational, such as descriptions of crime trends or distinctive or unique modus operandi, provided that the record does not contain any information identifiable to a specific individual;

(l) a record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in apprehending and/or returning a fugitive to a jurisdiction which seeks his return;

(m) a record that contains classified national security information and material may be disseminated to persons who are engaged in historical research projects, or who have previously occupied policy making positions to which they were appointed by the President, in accordance with the provisions codified in 28 CFR 17.60.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** All information, except that specified in this paragraph, is recorded on basic paper/cardboard material, and stored within manila file folders, within metal file cabinets, electric file/card retrievers or safes. Some material is recorded and stored on magnetic tape, card or other data processing type storage matter for reproduction later into conventional formats.

**Retrievability:** Information is retrieved by the name of the person, case number or complaint number.

**Safeguards:** Information in the system is both confidential and non-confidential and located in file cabinets in the United States

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Attorney offices. Some materials are located in locked file drawers and safes, and others in unlocked file drawers. Offices are locked during non-working hours and are secured by either Federal Protective Service, United States Postal Service, or private building guards.

**Retention and disposal:** Records are maintained and disposed of in accordance with Department of Justice retention plans.

**System manager(s) and address:** System Manager for the system in each office is the Administrative Officer/Assistant, for the U.S. Attorney for each district. (See attached Appendix.)

**Notification procedure:** Address inquiries to the System Manager for the judicial district in which the diversion application or approval was made. (See attached appendix.)

**Record access procedures:** The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a (j)(2), (k)(1), and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to access. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request." Include in the request the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record and the name of the case or matter involved, if known. The requester shall also provide a return address for transmitting the information. Access requests will be directed to the System Manager. (See attached Appendix.)

**Contesting record procedures:** The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to contest. A determination as to exemption shall be made at the time a request for contest is received. Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager (see attached Appendix) stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Sources of information contained in this system include, but are not limited to investigative reports of Federal, state and local law enforcement agencies; client agencies of the Department of Justice; other non-Department of Justice investigative agencies; forensic reports; statements of witnesses and parties; verbatim transcripts of Grand Jury and court proceedings; data, memoranda and reports from the Court and agencies thereof; and the work product of Assistant United States Attorneys, Department of Justice attorneys and staff, and legal assistants working on particular cases.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G) and (H), (e)(5) and (8), (f), (g) and (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(1) and (2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/USA - 999

**System name:** Appendix of United States Attorney Office locations:

Alabama, N  
200 Federal Building  
1800 Fifth Avenue North  
Birmingham, Alabama 35203

Alabama, M  
P.O. Box 197  
Montgomery, Alabama 36101

Alabama, S  
P.O. Drawer E  
Mobile, Alabama 36601

Alaska  
P.O. Box 680  
Anchorage, Alaska 99510

Arizona  
P.O. Box 1951  
Tucson, Arizona 85702

Arkansas, E

P.O. Box 1229  
Little Rock, Arkansas 72203

Arkansas, W  
P.O. Box 1524  
Fort Smith, Arkansas 72901

California, N  
450 Golden Gate Avenue  
San Francisco, Calif. 94102

California, E  
2058 Fed. Bldg. & Court House  
650 Capitol Mall  
Sacramento, Calif. 95814

California, C  
312 N. Spring St.  
Los Angeles, Calif. 90012

California, S  
U.S. Court House, Annex A  
325 West F Street  
San Diego, Calif. 92101

Canal Zone  
Box 2090  
Balboa, Canal Zone

Colorado  
323 U.S. Court House  
P.O. Box 3615  
1961 Stout Street  
Denver, Colorado 80202

Connecticut  
Post Office Bldg.  
141 Church St.  
New Haven, Conn. 06507

Delaware  
5001 New Federal Bldg.  
9th & King Sts.  
Wilmington, Delaware 19801

D.C.  
Room 3600-E U.S. Court House  
3rd & Constitution Ave., N.W.  
Washington, D.C. 20001

Florida, N  
P.O. Box 12313  
Pensacola, Florida 32501

Florida, M  
P.O. Box 600  
Jacksonville, Florida 32201

Florida, S  
300 Ainsley Bldg.  
14 N.E. 1st Avenue  
Miami, Florida 33132

Georgia, N  
P.O. Box 912  
Atlanta, Georgia 30301

Georgia, M  
P.O. Box U  
Macon, Georgia 31202

Georgia, S  
P.O. Box 2017  
Augusta, Georgia 30903

Guam  
P.O. Box Z  
Agana, Guam 96910

Hawaii  
P.O. Box 654

Honolulu, Hawaii 96809

Idaho  
Room 698 Federal Bldg.  
Box 037, 550 W. Fort St.  
Boise, Idaho 83702

Illinois, N  
Everett McKinley Dirksen Bldg.  
219 S. Dearborn St.  
Room 1500 South  
Chicago, Illinois 60604

Illinois, E  
P.O. Box 226  
East St. Louis, Ill. 62202

Illinois, S  
P.O. Box 375  
Springfield, Illinois 62705

Indiana, N  
P.O. Box 327  
Fort Wayne, Indiana 46801

Indiana, S  
Room 246, Federal Bldg. & U.S. Court House  
Ohio & Meridian Sts.  
Indianapolis, Indiana 46204

Iowa, N  
P.O. Box 1138  
Sioux City, Iowa 51102

Iowa, S  
113 U.S. Court House  
Des Moines, Iowa 50309

Kansas  
P.O. Box 2098  
Wichita, Kansas 67201

Kentucky, E  
P.O. Box 1490  
Lexington, Kentucky 40501

Kentucky, W  
U.S.P.O. & Court House Bldg.  
Sixth and Broadway  
Louisville, Kentucky 40202

Louisiana, E  
500 St. Louis Street  
New Orleans, La. 70130

Louisiana, M  
Federal Bldg. & U.S. Court House  
Rm. 130, 707 Florida St.  
Baton Rouge, La. 70801

Louisiana, W  
P.O. Box 33  
Shreveport, La. 71161

Maine  
Federal Court House  
156 Federal St.  
Portland, Maine 04112

Maryland  
405 U.S. Court House  
Fayette & Calvert Sts.  
Baltimore, Maryland 21202

Massachusetts  
1107 John W. McCormack  
P.O. & Court House  
Boston, Mass. 02109

Michigan, E  
817 Federal Building

231 Lafayette  
Detroit, Michigan 48226

Michigan, W  
544 Federal Bldg. & U.S. Court House  
110 Michigan Ave., N.W.  
Grand Rapids, Michigan 49502

Minnesota  
596 U.S. Court House  
110 S. 4th Street  
Minneapolis, Minn. 55401

Mississippi, N  
P.O. Drawer 886  
Oxford, Miss. 38655

Mississippi, S  
P.O. Box 2091  
Jackson, Miss. 39205

Missouri, E  
Room 402  
1114 Market St.  
St. Louis, Missouri 63101

Missouri, W  
549 U.S. Court House  
811 Grand Avenue  
Kansas City, Missouri 64106

Montana  
P.O. Box 1478  
Billings, Montana 59101

Nebraska  
P.O. Box 1228  
Omaha, Nebraska 68101

Nevada  
Box 16030  
Las Vegas, Nevada 89101

New Hampshire  
Federal Building  
Concord, New Hampshire 03301

New Jersey  
P.O. Box 330  
Newark, New Jersey 07101

New Mexico  
P.O. Box 607  
Albuquerque, N. Mex. 87105

New York, N  
P.O. Box 1258  
Federal Bldg.  
Syracuse, N.Y. 13201

New York, S  
U.S. Court House Annex  
One St. Andrew's Plaza  
New York, N.Y. 10007

New York, E  
U.S. Court House  
225 Cadman Plaza East  
Brooklyn, N.Y. 11201

New York, W  
502 U.S. Court House  
Buffalo, N.Y. 14202

N. Carolina, E  
P.O. Box 26897  
Raleigh, N.C. 27611

N. Carolina, M  
P.O. Box 1858  
Greensboro, N.C. 27402



N Carolina, W  
P.O. Box 132  
Asheville, N.C. 28802

N Dakota  
P.O. Box 2505  
Fargo, N.D. 58102

Ohio, N  
Room 400  
U.S. Court House  
Cleveland, Ohio 44114

Ohio, S  
200 Federal Bldg.  
85 Marconi Blvd  
Columbus, Ohio 43215

Oklahoma, N  
Rm. 460, U.S. Court House  
333 West Fourth Street  
Tulsa, Okla. 74103

Oklahoma, E  
P.O. Box 1009  
Muskogee, Okla. 74401

Oklahoma, W  
Room 4434  
U.S. Court House & Federal Office Bldg.  
Oklahoma City, Okla. 73102

Oregon  
P.O. Box 71  
Portland, Oregon 97207

Penn., E  
Room 4042, U.S. Court House  
9th & Market Sts.  
Philadelphia, Penn. 19107

Penn., M  
U.S.P.O. Building  
Room 426  
Scranton, Penn. 18501

Penn., W  
633 U.S.P.O. & Court House  
7th Ave. & Grant St.  
Pittsburgh, Penn. 15219

Puerto Rico  
P.O. Box 3391  
San Juan, Puerto Rico 00904

Rhode Island  
P.O. Box 1401  
Providence, R.I. 02901

S. Carolina  
151 U.S. Court House  
Columbia, S.C. 29201

S. Dakota  
231 Federal Bldg. & U.S. Court House  
400 S. Phillips Avenue  
Sioux Falls, S.D. 57102

Tennessee, E  
201 U.S.P.O. & Court House Bg.  
Knoxville, Tenn. 37902

Tennessee, M  
P.O. Box 800  
Nashville, Tenn. 37202

Tennessee, W  
1058 Federal Office Bldg.  
167 North Main Street  
Memphis, Tenn. 38301

Texas, N  
310 U.S. Court House  
10th at Lamar  
Ft. Worth, Texas 76102

Texas, S  
P.O. Box 61129  
Houston, Texas 77061

Texas, E  
P.O. Box 1049  
Tyler, Texas 75701

Texas, W  
P.O. Box 1701  
San Antonio, Texas 78296

Utah  
200 P.O. & Court House  
350 South Main Street  
Salt Lake City, Utah 84101

Vermont  
P.O. Box 10  
Rutland, Vermont 05701

Virgin Islands  
P.O. Box 1441  
St. Thomas, V.I. 00801

Virginia, E  
Box 749  
Alexandria, Va. 22313

Virginia, W  
P.O. Box 1709  
Roanoke, Va. 24008

Washington, E  
Box 1494  
Spokane, Wash. 99210

Washington, W  
P.O. Box 1227  
Seattle, Wash. 98111

W. Virginia, N  
P.O. Box 591  
Wheeling, W. Va. 26003

W. Virginia, S  
Room 4006 Federal Bldg.  
500 Quarrier Street  
Charleston, W. Va. 25301

Wisconsin, E  
361 Federal Bldg.  
517 East Wisconsin Ave.  
Milwaukee, Wisc. 53202

Wisconsin, W  
P.O. Box 112  
Madison, Wisc. 53701

Wyoming  
P.O. Box 668  
Cheyenne, Wyoming 82001

#### JUSTICE/OMF - 001

System name: Background Investigation Check-off Card (OMF-154).

System location: U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

Categories of individuals covered by the system: All employees of the Offices, Boards, and Divisions except attorneys and employees in the Offices of the Attorney General and Deputy Attorney General.

Categories of records in the system: The system contains an index card for each employee of the Offices, Boards, and Divisions, ex-

cept those excluded in Categories of Individuals above, on whom a name and fingerprint or background investigation has been initiated.

Authority for maintenance of the system: The system is established and maintained in order to fulfill the requirements of Executive Order 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The index cards are used to annotate and monitor the progress of the name and fingerprint checks and the full field character investigations of the employees. The completed cards are used to develop a variety of workload and timeframe data concerning the initiation and completion of these investigations to ensure that the requirements of Executive Order 10450 and Department of Justice Order 17321 are being effectively and efficiently met.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information maintained in the system is manually stored in file boxes.

Retrievability: Information is retrieved manually by reference to the name of the employee on whom the investigation is being conducted.

Safeguards: Information contained in the system is unclassified. It is safeguarded and protected in accordance with Personnel Section policies and procedures.

Retention and disposal: The index cards are retained by the Personnel Section Teams for a period of one year after completion of the background investigation. The cards are then forwarded to the Personnel Programs Unit where they are retained for one additional year and are then destroyed.

System manager(s) and address: Director, Operations Support Staff, Office of Management and Finance; U.S. Department of Justice, 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

Notification procedure: Same as the System Manager.

Record access procedures: Same as the System Manager.

Contesting record procedures: Same as the System Manager.

Record source categories: The sources of information contained in this system are those Personnel Section employees authorized to annotate these cards. Information reported is extracted from personnel documents initiating the various investigations and the resulting reports of completion.

Systems exempted from certain provisions of the act: None.

#### JUSTICE/OMF - 002

System name: Controlled Substances Act Nonpublic Records.

System location: U.S. Department of Justice, 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

Categories of individuals covered by the system: Persons who have been convicted for the first time of violating Section 404 (a) of the Controlled Substances Act (Public Law 91-513), i.e. persons who have knowingly or intentionally possessed a controlled substance except as authorized by the act.

Categories of records in the system: Arrest records of law enforcement agencies, which include personal data, photographs, fingerprints, copies of court orders, DOJ-330 Request for Non-Public Records and/or DOJ-329 Certificate of Expungement.

Authority for maintenance of the system: This system is established and maintained in accordance with the Controlled Substances Act, Public Law 91-513 Sec. 404, 21 U.S.C. 844.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are retained by the Department of Justice and are available only to a Federal court upon a Federal court order issued to the Attorney General demanding such records for use by said court in determining whether or not a person qualified under Public Law 91-513 Sec. 404 (b), 21 U.S.C. 844 (b).

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are stored in locked file cabinets.

Retrievability: These records are indexed by the name of the offender.

Safeguards: Access to these records is restricted to the Chief, Directives and Records Management Unit and the assistant to the Chief.

Retention and disposal: Although these records will ultimately be destroyed by shredding, the establishment of a disposal schedule is still pending.

System manager(s) and address: Director, Operations Support Staff; Office of Management and Finance; U.S. Department of Justice; 10th & Constitution Avenue N.W.; Washington, D.C. 20530.

Notification procedure: Same as the System Manager.

Record access procedures: Same as the System Manager.

Contesting record procedures: Same as the System Manager.

Record source categories: Law enforcement agencies and courts.

Systems exempted from certain provisions of the act: The Attorney General has exempted the system from subsection (d) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/OMF - 003

System name: Department of Justice Payroll System.

System location: Categories of records within the Payroll System of Records are kept at the following locations. (1) Justice Payroll Services Center; 425 EYE St. N.W.; Washington, D.C. 20537. (2) Justice Data Center; 615 Pennsylvania Ave., N.W.; Washington, D.C. (3) At various time and attendance recording and processing stations around the world. (4) At computerized record off-site back-up facilities. (5) At various Federal Record Centers.

Categories of individuals covered by the system: (1) Current DOJ employees with the exception of those employed within the FBI, and; (2) Many past DOJ employees with the exception of those that served within the FBI.

Categories of records in the system:

A. Payroll Master Employee Records: These are machine-readable records containing information on current pay and leave status for individuals serviced by the automated payroll accounting system.

B. Bond, Allotment and Check Mailing Records: These are machine-readable records containing information on Savings Bond deductions, savings account allotments, and net check mailing requested by the employee.

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**C History of Earnings Records:** These are machine-readable records containing information on earnings, leave and other pay related activity during a two-year period.

**D Automated Retirement Records:** These are machine-readable records containing information relevant to the Civil Service Retirement System. These records will be used to automatically generate Individual Retirement Records (SF-2806) upon an employee's separation.

**E Revised Social Security Number Records:** These are machine-readable records containing the new and old social security number for employees whose current social security number is different from that previously entered into the automated system.

**F Employee Pay Records:** These are manilla folders containing all source documents, correspondence and other papers in support of an active employee's pay, leave and allowances.

**G Active Retirement Records:** These are manual records maintained on active employees to facilitate timely compliance with requirements of the Civil Service Retirement System. Upon separation, the original SF-2806 is forwarded to the Civil Service Commission and a copy is filed in the Employee Pay Record (F above). This category of records will eventually be replaced by the automated retirement records (D above).

**H Former Employee Pay Records:** These records are the Employee Pay Records (F above) for employees that have been separated, transferred or retired. In addition to information contained in the Employee Pay Records, these records include information related to the retirement, separation or transfer.

**I Employee Death Records:** These records are the Employee Pay Records (F above) for employees that died while on active duty with the Department of Justice. In addition to information contained in the Employee Pay Records, these records include information related to the employee's death and the settlement of pending pay and allowances.

**J Returned Check Records:** These records are a manual log for recording and controlling checks issued to employees that were returned to the Payroll Services Center because they were undelivered, erroneous or cancelled prior to conversion to cash.

**K Time and Attendance Report:** These records contain information on an employee's attendance and use of leave in a particular pay period. They are also used to indicate leave adjustments and balances. The standard form number is DOJ-296.

**Authority for maintenance of the system:** The head of each executive agency is responsible for establishing and maintaining an adequate payroll system, covering pay, leave, and allowances, as a part of the system of accounting and internal control of the Budget and Accounting Procedures Act of 1950, as amended, 31 U.S.C. 66, 66a and 200(a).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

**Purpose:** The purpose of each use of categories of records within the DOJ Payroll System of Records is to enable the administration of the payroll function and related financial matters in accordance with applicable laws and regulations and to comply with the requirements of the Comptroller General.

**System Uses:**

**A Authorize, prepare and document payment to all Department employees covered by the DOJ Payroll System entitled to be paid, with consideration given to all authorized deductions from gross pay.**

**B Specify and document proper disposition of all authorized deductions from gross pay.**

**C Prepare adequate and reliable payroll reports needed for (1) management, (2) budget, (3) support of payments, (4) the conduct and accounting of payroll related employee services, (5) control and documentation of payroll system operation, and (6) to meet external reporting requirements.**

**D Support effective communication on payroll matters between the Department of Justice and its present and former employees.**

**E Support proper coordination of pay, leave and allowance operations with personnel functions and other related activities.**

**F Support adequate control over all phases and segments of the payroll system including leave accounting.**

**G Support appropriate integration of the payroll system with the Departmental accounting systems.**

**H Records maintained in this system shall include providing a copy of an employee's Department of Treasury Form W-2, Wage and Tax Statement to the State, City, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement**

between the State, City, or other local jurisdiction and the Department of Treasury pursuant to 5 U.S.C. 5516, 5517, and 5520 or in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the System Manager listed below. The request must include a copy of the applicable statute authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both. However, the social security numbers will only be provided to State or local taxing authorities which meet the criteria of section 7(a) (2) (B) of the Privacy Act.

**I Provide permanent record of actions taken pertinent to the administration of pay leave and allowances.**

**J Support legal investigations of suspected fraud.**

**Categories of Users:** Records are accessed by users on a need or right to know basis. A category of user may have potential access under more than one use above.

**A Present or former employees serviced by the DOJ Payroll System.**

**B Payroll Services Center staff.**

**C Department of Treasury Disbursing Offices.**

**D Department of Justice budget and accounting offices.**

**E Department of Justice personnel offices.**

**F Employee supervisors.**

**G Employee administrative offices.**

**H Federal, state and local taxing authorities.**

**I Federal Employees Health Benefits carriers.**

**J Employee organization offices participating in dues allotment program.**

**K Financial organizations participating in savings account allotment program.**

**L Financial organizations participating in net pay to checking account program.**

**M State human resource offices administering unemployment compensation programs.**

**N General Accounting Office and internal audit staffs.**

**O Federal, state or local law enforcement agencies (in support of legal investigations of suspected fraud).**

**P Other Federal agencies requiring information as specified in applicable laws or regulations (i.e., Civil Service Commission).**

**Q Heirs, executors and legal representatives of beneficiaries.**

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service. A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Various categories of records are stored on different mediums. Categories A, B & E are on magnetic discs. Categories C&D are on magnetic tape. All other records are maintained in paper form.

**Retrievability:** Categories of records on magnetic media are retrievable by employee social security number which is maintained to comply with Internal Revenue requirements. Records in paper form are retrievable by employee name and Social Security Number.

**Safeguards:** The principal current safeguard for payroll records is guard force screening of individuals entering buildings within which records are kept. More stringent security practices and procedures are under development.

**Retention and disposal:** Payroll records retention and disposal are in accordance with General Schedule 2 promulgated by the General Services Administration.

**System manager(s) and address:** Director, Information Systems Staff, Office of Management and Finance, U.S. Department of Justice, 10th and Constitution Ave., N.W., Washington, D.C. 20530.

**Notification procedure:** A request for notification of the existence of records upon an individual shall be made in writing by the individual or legal designate, with the envelope and the letter clearly marked 'Privacy Notification Request'. Include in the request the name of the system of records, the individual's full name and social security number while employed with the Department of Justice, the organization within which employed (if available), and whether the individual is a current or former employee. The requestor shall include a return address for the notification response. If the request is submitted by other than the subject individual, indicate the authority under which the information is sought. The request must be signed by the subject individual and, if applicable, by the legal designate. Address inquiries to the System Manager.

**Record access procedures:** A request for access to records from this system shall be made in writing by the subject individual or legal designate, with the envelope and the letter clearly marked 'Privacy Access Request'. Include in the request the name of the system of records, the legal name and social security number of the data subject, the organization within which the individual was employed (if known), and whether the individual is a current or former employee. The requestor shall also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system of records should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reason for contesting it, and the proposed amendment to the information sought. If the request is submitted by other than the subject individual, indicate the authority under which the information is sought. The request must be signed by the subject individual and, if applicable, by the legal designate.

**Record source categories:** Information contained within the DOJ Payroll System of Records is obtained from the following sources:

**A Subject Individual:** Information collected from the subject individual generally consists of that necessary to administer allotments, deductions or other services requested by the individual.

**B Personnel Office:** Information collected from the personnel office generally consists of employment status information which provides the legal basis upon which valid payments are computed.

**C Time and Attendance Clerk:** Information collected from this clerk generally consists of an accounting of the individual's presence or absence from the duty station and the usage of leave.

**D Supervisor or Administrative Officer:** Information collected from these officers generally consists of leave authorizations and information concerning the individual's duty station.

**E Financial Institutions or Employee Organizations:** Information collected from institutions or organizations generally consists of that necessary to insure the timely and accurate forwarding to the institution or organization of monies allotted to an account at the institution or organization by the subject individual.

**F Previous Federal Employer:** Information collected from the previous employer within the Federal government generally consists of leave status information at the time of separation.

**G Other Federal Agencies:** Information collected from other Federal agencies generally consists of program information necessary to properly administer pay, leave, and allowance.

**H Other Officials:** Information collected from other officials consists of that necessary to administer the payroll function. This may include authorization for special payments, death certificate or other documents as necessary.

**Systems exempted from certain provisions of the act:** None.

**JUSTICE/OMF - 004**

**System name:** Employee Clearance Record.

**System location:** U.S. Department of Justice, Office of Management and Finance, Internal Audit Staff, 425 Eye Street, N.W., Room 5031; Washington, D.C. 20530.

**Categories of individuals covered by the system:** Current and former employees of the Internal Audit Staff.

**Categories of records in the system:** This system contains a list of all items of Government property charged to the employee.

**Authority for maintenance of the system:** The system is established and maintained in accordance with 5 U.S.C. 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The employee clearance record is used by administrative officials of the Internal Audit Staff to ensure that all Government property is returned before the employee separates from the service.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service. A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Employee clearance records are stored in a loose-leaf binder and are filed in an open filing system.

**Retrievability:** These records are indexed by name and retrieved manually.

**Safeguards:** Information contained in the system is unclassified and is appropriately safeguarded and protected in accordance with DOJ Order 2900.1A.

**Retention and disposal:** These records are retained continuously. **System manager(s) and address:** Director, Internal Audit Staff, Office of Management and Finance, U.S. Department of Justice, 425 Eye Street, N.W., Room 5031, Washington, D.C. 20530.

**Notification procedure:** Same as the System Manager.

**Record access procedures:** A request for access to a record from this system must be in writing and addressed to the System Manager.

**Contesting record procedures:** Individuals who desire to contest or amend information in the system should include in their request what information is being contested, the reasons for contesting it, the proposed amendment to the information, and documentation to support the proposed amendment. Send this material to the System Manager.

**Record source categories:** Information is entered into the system by an administrative clerk when Government property is issued to employees.

**Systems exempted from certain provisions of the act:** None.

**JUSTICE/OMF - 005**

**System name:** Employee Time Distribution Record.

**System location:** U.S. Department of Justice, Office of Management and Finance, Internal Audit Staff, 425 Eye Street, N.W., Room 5031; Washington, D.C. 20530.

**Categories of individuals covered by the system:** Current and former employees of the Internal Audit Staff.

**Categories of records in the system:** This system shows the manner in which the employee's time was spent during the month. It identifies each audit and the number of hours devoted thereto as well as time spent on other duties. It also shows the number of hours on leave and holidays. This record is submitted by each employee on the last workday of each month.

**Authority for maintenance of the system:** The system is established and maintained in accordance with 5 U.S.C. 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The employee time distribution record is used by Internal Audit Staff officials to support requests for reimbursements from agencies and for statistical purposes.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28

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C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service. A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Employee time distribution records are stored in folders in an open filing system.

**Retrievability:** These records are separated by month and indexed by name.

**Safeguards:** Information contained in the system is unclassified and is appropriately safeguarded and protected in accordance with Department of Justice Order 2900.1A.

**Retention and disposal:** These records are retained continuously.

**System manager(s) and address:** Director, Internal Audit Staff, Office of Management and Finance, U.S. Department of Justice, 425 Eye Street, N.W., Room 5031, Washington, D.C. 20530.

**Notification procedure:** Same as the System Manager.

**Record access procedures:** A request for access to a record from this system must be in writing and addressed to the System Manager.

**Contesting record procedures:** Individuals who desire to contest or amend information in the system should include in their request what information is being contested, the reasons for contesting it, the proposed amendment to the information, and documentation to support the proposed amendment. Send this material to the System Manager.

**Record source categories:** Information in the system is prepared by each employee.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/OMF - 006

**System name:** Interim Performance Appraisal Record.

**System location:** U.S. Department of Justice, Office of Management and Finance, Internal Audit Staff, 425 Eye Street, N.W. Room 5031, Washington, D.C. 20530.

**Categories of individuals covered by the system:** Current and former employees of the Internal Audit Staff.

**Categories of records in the system:** This system contains a rating of each auditor's performance according to a schedule and specific factors.

**Authority for maintenance of the system:** The system is established and maintained in accordance with 5 U.S.C. 4302 and 4303 and 5 U.S.C. 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** When annual performance ratings or potential promotions are considered, Internal Audit Staff officials refer to interim performance appraisals as a measure of actual performance.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service. A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Interim Performance Appraisal records are maintained in a locked filing system.

**Retrievability:** These records are indexed by name and are retrieved manually.

**Safeguards:** Information contained in the system is unclassified and is appropriately safeguarded and protected in accordance with DOJ Order 2900.1A.

**Retention and disposal:** These records are retained continuously.

**System manager(s) and address:** Director, Internal Audit Staff, Office of Management and Finance, U.S. Department of Justice, 425 Eye Street, N.W., Room 5031, Washington, D.C. 20530.

**Notification procedure:** Same as the System Manager.

**Record access procedures:** A request for access to a record from this system must be in writing and addressed to the System Manager.

**Contesting record procedures:** Individuals who desire to contest or amend information in the system should include in their request what information is being contested, the reasons for contesting it, the proposed amendment to the information, and documentation to support the proposed amendment. Send this material to the System Manager.

**Record source categories:** Information in the system is prepared by employee supervisors.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/OMF - 007

**System name:** Legal and General Administration Accounting System (LAGA).

**System location:** U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Categories of individuals covered by the system:** All individuals who submit vouchers requesting payment for goods or services rendered, except payroll vouchers for DOJ employees. These include vendors, contractors, experts, witnesses, court reporters, travelers, relocated employees, etc.

**Categories of records in the system:** All vouchers paid except payroll vouchers for DOJ employees.

**Authority for maintenance of the system:** The system is established and maintained in accordance with the Budget and Accounting Procedures Act of 1950 as amended 31 U.S.C. 66(a) and 31 U.S.C. 200(a).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** After payment of the vouchers, the accounting data is used for the purpose of internal management reporting and external reporting to agencies such as OMB, U.S. Treasury, and the GAO.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service. A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Prior to FY 76, voucher files were maintained alphabetically by payee's name. After FY 76, vouchers are filed by batch, controlled by schedule on which paid.

**Retrievability:** Information is retrieved primarily by using the name of the payee.

**Safeguards:** Information contained in the system is unclassified. It is safeguarded in accordance with organizational rules and procedures.

**Retention and disposal:** The payment documents are retained at this location for three fiscal years (current year and two prior years). The records are then shipped to a Federal Records Center for storage in accordance with the General Record Schedule published by the General Services Administration.

**System manager(s) and address:** Director, Operations Support Staff; Office of Management and Finance; U.S. Department of Justice; 10th & Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** Same as the System Manager.

**Record access procedures:** Same as the System Manager.

**Contesting record procedures:** Same as the System Manager.

**Record source categories:** Submitted by the payee involved.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/OMF - 008

**System name:** Security Clearance Information System (SCIS).

**System location:** U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:** Current employees of the Department of Justice (excluding FBI) who have been investigated and cleared for employment, and for access to data classified for National Security reasons; B. Former employees of the Department of Justice (excluding FBI) who had been investigated and cleared for employment and for access to data classified for National Security reasons, (maintained for a maximum of two years from date of termination).

**Categories of records in the system:** The system contains two subsystems: (a) a Clearance Index Reference Record for identifying the individuals in Categories of Individuals above listing the status of the investigations, the dates of clearances, level of clearances and when appropriate, dates of termination of employment; and (b) a Character File containing (1) Standard Form 86 (U.S. Civil Service Commission), Security Investigation Data for Sensitive Position; (2) Copies of investigative reports from the Civil Service Commission and/or Federal Bureau of Investigation; (3) Correspondence related to the request for the investigation, results of the investigation, and clearance approvals for access to classified national security information and waivers; and (4) other information relating to the trustworthiness of the employee.

**Authority for maintenance of the system:** The system is established and maintained in accordance with Presidential Executive Orders 10450 (clearance for Federal employment) and 11652 (access to data classified for National Security reasons).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

(a) The investigative material compiled in this system is used for the purpose of determining the suitability, eligibility and/or qualifications of applicants for employment in the Department of Justice (except the FBI) and for sensitive positions involving access to classified information. In the event of employee transfers to other Government Agencies, this information could be reviewed by investigators of the gaining agency to expedite the employees transfer if necessary.

(b) The clearance status of the employees is certified to security officials and investigators of other U.S. Government Agencies or Departments, for liaison purposes involving access to classified material during meetings, conferences or training courses.

(c) The personal data in the system is reviewed by Central Intelligence Agency for the purposes of granting Special Intelligence access clearances to Department employees. These clearances are within the purview of the Director, Central Intelligence.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that

release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service. A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** SCIS is a manual system consisting of index name cards and individual file folders. It is planned to convert the index name cards to a computer listing for ease of maintenance and better accuracy.

**Retrievability:** All data is retrieved by searching under the employee's name in the manual system. The computer system will permit the additional retrieval by organization and type of clearance.

**Safeguards:** Information contained in the system is unclassified. It is safeguarded and protected in accordance with Departmental rules and procedures governing the protection of personnel records.

**Retention and disposal:** Clearance Index Reference Record cards are maintained for the tenure of employment and for a maximum of two years after termination. An employee's Character File is maintained for the tenure of employment at which time the investigation reports are returned to the investigating agency or destroyed by shredding.

**System manager(s) and address:** Director, Security and Administration Services Staff; Office of Management and Finance; U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** Same as the System Manager.

**Record access procedures:** A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request'. Include in the request the name, title and organization of the employee and the general subject matter of the inquiry. The requestor will also provide a return address for transmitting a reply. Access requests will be directed to the System Manager listed above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** Sources of information contained in this system are (a) applicants for employment and employees in the Department of Justice (except FBI) and (b) those individuals (informants) contacted by the Investigators for the Civil Service Commission and Special Agents of the Federal Bureau of Investigation who furnished information in the background investigation.

**Systems exempted from certain provisions of the act:** The Attorney General has exempted this system from sections (d)(1) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

#### JUSTICE/OMF - 009

**System name:** Justice Data Services Center Utilization Data.

**System location:** Justice Data Services Center; 615 Pennsylvania Avenue, N.W., Washington, D.C. 20530.

**Categories of individuals covered by the system:** Personnel submitting computer jobs to run at the Justice Data Service Center.

**Categories of records in the system:** The data describes the resource utilization of the individual jobs submitted. Certain information is also recorded which pertains to the entire computer system rather than individual jobs.

**Authority for maintenance of the system:** These records are kept for administrative convenience pursuant to 5 U.S.C. 301.

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**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information is used to recover costs associated with running computer jobs, to analyze the utilization of the Justice Data Services Center computer systems, detect inefficiencies and areas having high potential benefit from optimization.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service. A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Utilization reports are provided to a designated manager for each organization which uses the Justice Data Services Center.

**Retrievability:** Information may be retrieved by name of the individual submitting computer runs.

**Safeguards:** The machine readable (magnetic tape) data is kept in the Justice Data Services Center tape library. Utilization reports are controlled by the designated individual of each using agency.

**Retention and disposal:** The machine readable data is kept indefinitely. Utilization reports are controlled by the designated individual of each using agency.

**System manager(s) and address:** Director, Information Systems Staff; U.S. Department of Justice; Office of Management and Finance; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** Same as above.

**Record access procedures:** A request for access to a record from this system may be made in person or in writing, specifying the name of the individual submitting a computer run and the date and name of the computer run.

**Contesting record procedures:** Requests for correction should be addressed to the System Manager.

**Record source categories:** Information is collected by the IBM 360/370 Operating System and program modules developed by personnel of the Department of Justice.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/OMF - 010

**System name:** Data Index System for Classified Documents (DIS).

**System location:** U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:** Employees of the Department of Justice who have been designated by the Attorney General as authorized to classify documents. Employees of the Department of Justice who have been delegated classifying authority by Attorney General designates. Individuals (mostly aliens) upon whom documents exist which have been classified in the interest of National Security.

**Categories of records in the system:** The system contains records of all documents classified by Department of Justice employees. The system also contains a record on all Department of Justice employees (from January 1, 1973 to present) who have or have had the authority to classify documents.

**Authority for maintenance of the system:** The system was established and is maintained pursuant to Executive Order J1652.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The system is routinely used by the Interagency Classification Review Committee, the Department of Justice Security Staff, and the Department of Justice Review Committee.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service. A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information is stored in machine readable form on magnetic tape. A copy of the data capture form is maintained in originating office for two weeks, then destroyed. The original data capture form is maintained at the Department until data contained therein has been successfully processed, then the form is destroyed.

**Retrievability:** Information is retrieved in any form for all routine uses. Information may be retrieved for non-routine uses with the approval of the Director, Information Systems Staff.

**Safeguards:** Access to information contained in the system is controlled by the Chief, Privacy, Records and Reports Control Group. Access is normally limited to routine users and members of the Privacy, Records and Reports Control Group staff having a 'Need-To-Know'.

**Retention and disposal:** Records contained in the system are retained indefinitely. The system of records is never purged and no disposal schedule is required.

**System manager(s) and address:** Director, Information Systems Staff; Office of Management and Finance, U.S. Department of Justice, 10th & Constitution Avenue, N.W., Washington, D.C. 20530.

**Notification procedure:** Address inquiries to the System Manager.

**Record access procedures:** Same as the System Manager.

**Contesting record procedures:** Same as the System Manager.

**Record source categories:** Employees of the Department who have been designated by the Attorney General as classifying officials and employees who have been delegated classifying authority.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/OMF - 011

**System name:** Justice Data Services Center Tape Library System.

**System location:** Justice Data Services Center; 615 Pennsylvania Avenue, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:** Personnel submitting computer jobs which create magnetic tape data sets.

**Categories of records in the system:** The data describes the contents of the magnetic tape volumes.

**Authority for maintenance of the system:** These records are kept for administrative convenience pursuant to 5 U.S.C. 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information is used to control and protect the data recorded on magnetic tapes.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service. A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Reports can be obtained by any Justice Data Services Center user by submitting a computer job requesting the report.

**Retrievability:** Information can be obtained by name of the individual who submitted the job which created the tape resident data sets.

**Safeguards:** The machine readable data is kept within the Justice Data Services Center. Reports are controlled by the tape librarian and by the individuals receiving the reports.

**Retention and disposal:** Reports are controlled by the tape librarian and by the individuals receiving the reports.

**System manager(s) and address:** Director, Information Systems Staff; U.S. Department of Justice; Office of Management and Finance; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** Same as the System Manager.

**Record access procedures:** A request for access/correction to a record from this system may be made in person or in writing, specifying the serial number of the tape in question. Requests should be addressed to the System Manager.

**Contesting record procedures:** Same as the above.

**Record source categories:** Information is collected by the IBM 360/370 Operating System and other program modules.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/OMF - 012

**System name:** Executive Biography.

**System location:** U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:** Officials of the Department of Justice, generally in grades GS-16 through Executive Level I, who hold key administrative and/or managerial positions within the Department.

**Categories of records in the system:** The file consists of biographical sketches of key staff officials of the Department and includes: position, title, grade, date of birth, education, professional experience, honors and awards, and professional associations and bar membership.

**Authority for maintenance of the system:** The file is maintained pursuant to 5 U.S.C. 301 and 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The file is used to obtain information on the background and qualifications of key staff members for the purpose of acquainting top management officials of the Department of Justice with key members of their staff.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service. A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders.

**Retrievability:** Records are maintained by position and by organization. A periodic report with a distribution limited to ten, top management officials of the Department is produced from the file.

**Safeguards:** Records are maintained in a locked file cabinet. All information in the records is limited to those persons within the Department whose official duties require such access.

**Retention and disposal:** Records are maintained as long as the incumbent remains in a position which is covered by the system. If the incumbent's employment in a covered position ceases, his record is retained for three years and then destroyed.

**System manager(s) and address:** Director, Personnel and Training Staff; Office of Management and Finance; U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** Same as System Manager.

**Record access procedures:** Same as Notification.

**Contesting record procedures:** Same as Notification.

**Record source categories:** Information in this system of records is voluntarily provided by the individual to whom it applies, or is derived from personnel record information he or she supplied.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/OMF - 013

**System name:** Employee Locator File.

**System location:** U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Categories of individuals covered by the system:** All employees of the U.S. Department of Justice, with the exception of individuals employed by the Federal Bureau of Investigation.

**Categories of records in the system:** The system contains information relating to each employee's home and business address, home and business telephone number, information as to next of kin, and personal physician preferred in case of medical emergency.

**Authority for maintenance of the system:** The system is maintained pursuant to 5 U.S.C. 301, 5 U.S.C. 7901, 26 U.S.C. 6011, 26 U.S.C. 6109, 5 U.S.C. 5516, 5 U.S.C. 5517 and 5 U.S.C. 5520.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The locator system is used to provide address data to federal, state and local tax authorities in accordance with the reporting requirements of their income tax withholding programs. The locator system is also used to contact employees of the Department at their official place of business or their residence regarding matters of an official nature relating to their employment with the Department of Justice. It is also used in medical emergencies to contact an employee's personal physician if he or she has an indicated preference, and to notify next of kin. Use of the file for these purposes is limited to supervisors of the employees concerned or individuals having the permission of a supervisor of the employee concerned.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service. A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are stored on magnetic tape and magnetic disk.

**Retrievability:** Records are retrieved by name or any other data item by means of cathode-ray tubes.

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**Safeguards:** Access to terminals is limited to persons with terminal identification numbers. These numbers are issued only to employees who have a need to know in order to perform job functions relating to income tax reporting or personnel matters.

**Retention and disposal:** Records are retained for the duration of an individual's employment with the Department. They are destroyed upon his or her separation.

**System manager(s) and address:** Director, Personnel and Training Staff, Office of Management and Finance, U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Notification procedure:** Same as System Manager.

**Record access procedures:** Same as Notification.

**Contesting record procedures:** Same as Notification.

**Record source categories:** Information is supplied by the individual to whom the record pertains.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/OMF - 014

**System name:** Directory of Organization, Functions, and Staff for Office of Management and Finance.

**System location:** U.S. Department of Justice; 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Categories of individuals covered by the system:** Key officials within the Office of Management and Finance.

**Categories of records in the system:** The Directory consists of biographical information on key officials of OMF and includes position, title, grade, date of birth, education, professional experience, honors and awards, and professional associations and bar membership.

**Authority for maintenance of the system:** The Directory is maintained pursuant to 5 U.S.C. 301 and 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The Directory is used routinely by key officials of the Department as a source of information pertaining to the organization, functions, and staffing of OMF.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The Directory is bound in book form and maintained in a file drawer.

**Retrievability:** Information in the Directory is retrieved in any form, for briefing key officials within the Department.

**Safeguards:** Access to the Directory is limited to key officials of the Department and is controlled by the Director, Management Programs and Budget Staff.

**Retention and disposal:** Information contained in the Directory is retained for a period of one year and revised and republished on a yearly basis, with discarded material being promptly destroyed.

**System manager(s) and address:** Director, Management Programs and Budget Staff, Office of Management and Finance, U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Notification procedure:** Same as System Manager.

**Record access procedures:** Same as Notification.

**Contesting record procedures:** Same as Notification.

**Record source categories:** Information in the Directory is voluntarily provided by the individual key officials within OMF.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/OMF - 015

**System name:** EEO (Equal Employment Opportunity) Volunteer Representative Roster.

**System location:** U.S. Department of Justice; 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Categories of individuals covered by the system:** Employees of the Department of Justice who have volunteered to serve as EEO representatives.

**Categories of records in the system:** The roster provides the representative's name, position, title, organization, office address and telephone number.

**Authority for maintenance of the system:** The roster was established and is maintained pursuant to the following authorities: 5 C.F.R. Part 713, 28 C.F.R. 42.2(a), and Department of Justice Order 1713.5 (October 30, 1973).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The roster is used by Department personnel and applicants for Department jobs who have filed or contemplate filing discrimination complaints based on race, color, religion, sex, national origin, or age.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file folders.

**Retrievability:** Information from the roster is retrieved by name.

**Safeguards:** Access to the roster is limited to those persons whose official duties require such access and to Justice Department employees and applicants for employment with the Department who have filed or contemplate filing discrimination complaints.

**Retention and disposal:** Information contained in the roster is retained for the duration of an individual's services as a volunteer EEO representative.

**System manager(s) and address:** Director, Personnel and Training Staff, Office of Management and Finance, U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Notification procedure:** Same as System Manager.

**Record access procedures:** Same as Notification.

**Contesting record procedures:** Same as Notification.

**Record source categories:** Information in the file is voluntarily provided by employees who wish to serve as volunteer EEO representatives.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/OMF - 016

**System name:** Inter-Divisional Information System (IDIS), (A non-operational, deactivated system).

**System location:** U.S. Department of Justice; 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Categories of individuals covered by the system:** Individuals who were allegedly involved or connected with civil disturbances or other activities.

**Categories of records in the system:** IDIS, consisted of two subsystems. The incident subsystem was used to establish a record of various events, such as meetings and demonstrations. The subject subsystem provides individual's names, biographical sketches, and organizational affiliation(s). Some cross referencing between the two subsystems exists.

**Authority for maintenance of the system:** The system is currently being maintained by reason of an agreement between the Department of Justice and members of the Committee on the Judiciary of the United States Senate.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** There are no present or anticipated operational uses of IDIS records by Department of Justice personnel. IDIS material is exclusively used to respond to inquiries from citizen who are subject of the files and also may be used by litigants involved in court proceedings.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information is maintained on index cards and computer produced reports stored in locked cabinets.

**Retrievability:** Index cards of the subject subsystem are filed alphabetically by individual name.

**Safeguards:** IDIS information is maintained in secured storage devices in a locked room, rendered inaccessible for any operational use and accessible by a limited number of employees who must respond to Freedom of Information Act requests and to decrees in court proceedings.

**Retention and disposal:** IDIS information will be maintained until such time as the legislative and executive branches of government agree to its disposal.

**System manager(s) and address:** Director, Information Systems Staff, U.S. Department of Justice; Office of Management and Finance; 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Notification procedure:** Address inquiries to the System Manager.

**Record access procedures:** Access to information maintained in IDIS will be granted in accordance with the procedures set forth in 28 C.F.R. 16.41. Requests for access will be directed to the System Manager.

**Contesting record procedures:** Requests for correction of IDIS data will be processed in accordance with the procedures set forth in 28 C.F.R. 16.53. Requests for correction will be directed to the System Manager.

**Record source categories:** Information in IDIS was derived from FBI reports and teletypes; U.S. Attorney Offices; the Bureau of Alcohol, Tobacco, and Firearms; U.S. Department of Treasury; citizen complaints; wire service clippings; and articles in periodicals.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/OMF - 017

**System name:** Department of Justice Controlled Parking Records.

**System location:** U.S. Department of Justice; 10th Street and Constitution Avenue, N.W., Washington, D.C. 20530.

**Categories of individuals covered by the system:** Department of Justice employees who have applied for vehicle parking space

which is assigned and controlled by the Department of Justice, per Department of Justice Order 2540.2C, November 11, 1974.

**Categories of records in the system:** This system contains copies of Form DOJ-362, Department of Justice Parking Space Application (DOJ Space), and Form DOJ-OT-20, Department of Justice Parking Space Application (DOJ Carpool Space), which have been completed and submitted by Department of Justice employees.

**Authority for maintenance of the system:** This system is established and maintained in accordance with Federal Energy Office (FEO) memorandum of January 17, 1974, Federal Management Circular 74-1 of January 21, 1974, and Federal Energy Office memorandum of April 5, 1974, as reflected in Federal Property Management (Temporary) Regulation D-47 of May 22, 1974. Operating procedures are contained in Department of Justice Order 2450.2C of November 11, 1974.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records are used to assign, identify and control the use of vehicle parking space for which the Department of Justice is responsible.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** These records are stored in a locked file cabinet.

**Retrievability:** These records are indexed alphabetically, by the last name of the applicant, within the organizational element.

**Safeguards:** Information contained in this system is unclassified and is disseminated on a need to know basis by the Office of the Director, Operations Support Staff, Office of Management and Finance.

**Retention and disposal:** Although these records are currently retained as long as applicants remain as employees of the Department of Justice, the establishment of a disposal schedule is still pending.

**System manager(s) and address:** Director, Operations Support Staff, Office of Management and Finance, U.S. Department of Justice; 10th Street and Constitution Avenue, N.W., Washington, D.C. 20530.

**Notification procedure:** Same as System Manager.

**Record access procedures:** Same as System Manager.

**Contesting record procedures:** Same as System Manager.

**Record source categories:** Applications from employees.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/OMF - 018

**System name:** Occupational Health Physical Fitness Files.

**System location:** U.S. Department of Justice; 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Categories of individuals covered by the system:** Employee/participants in the DOJ Occupational Health Physical Fitness Program.

**Categories of records in the system:** A separate file is established for each Program participant. Data contained in the file consists of a Medical History Questionnaire, Physician Consent Form, Participant Waiver of Liability Form, Physical Fitness Profile, electrocardiographic tracings, Anthropometric Measurement Record, Exercise Prescription, Conditioning Record, attitudinal questionnaires, any positive test results and related correspondence.



**Authority for maintenance of the system:** The files are maintained pursuant to 5 U.S.C. 7901.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Data contained in each file will be used to evaluate the physical condition of each participant and serve as a basis for preparation of the exercise prescription. Changes in physiological and attitudinal data taken at several points throughout the period of participation will be examined relative to program effect. Data will be taken from each file and anonymously aggregated in order to examine group norms. Use of this data is limited to the Occupational Health Physical Fitness Program staff and its contractors. Research findings may occasionally be published in professional journals but only in summary form. Positive examination results will be referred to the participant's physician upon the written request of the participant.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information maintained in the system is manually stored in individual file folders. Summary data will be maintained in the computer data banks of the Department of Justice and the contractor, the University of Maryland.

**Retrievability:** File folders are maintained alphabetically by participant name. A 4-digit sequentially assigned number is used to input computerized data which can subsequently be sorted against any other items pertaining to the participant.

**Safeguards:** File folders are maintained in locked file cabinets. Access to identifiable information is limited to those Department of Justice employees and contract employees whose official duties require such access.

**Retention and disposal:** Records identified to the participant are retained for as long as the participant is associated with the Program and for three years thereafter. Upon completion of the three-year holding period, the file is given to the participant, or destroyed, as determined by the participant.

**System manager(s) and address:** Director, Operations Support Staff, Office of Management and Finance, U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

**Notification procedure:** Same as the System Manager.

**Record access procedures:** Same as the System Manager.

**Contesting record procedures:** Same as the System Manager.

**Record source categories:** Information is supplied by the individual to whom the record pertains, and as a result of fitness evaluations conducted within the Program.

**Systems exempted from certain provisions of the act:** None.

#### JUSTICE/OMF - 019

**System name:** Freedom of Information/Privacy Act Records.

**System location:** U.S. Department of Justice, Office of Management and Finance, 10th & Constitution Avenue, N.W., Washington, D.C. 20530.

**Categories of individuals covered by the system:** Persons who request disclosure of records pursuant to the Freedom of Information Act; persons who pursuant to the Privacy Act request access to or correction of records pertaining to themselves contained in systems of records maintained by the Office of Management and

Finance, and, where applicable, persons about whom records have been requested or about whom information is contained in requested records.

**Categories of records in the system:** The system contains copies of all correspondence and internal memoranda related to Freedom of Information Act and Privacy Act requests or responses associated with the Office of Management and Finance; and related records necessary to the processing of such requests.

**Authority for maintenance of the system:** This system is established and maintained pursuant to 44 U.S.C. 3101 and is maintained to implement the provisions of 5 U.S.C. 552 and 552a and the provisions of 28 C.F.R. 16.1 et. seq. and 28 C.F.R. 16.40 et. seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** A record maintained in this system may be disseminated as a routine use of such record as follows: (1) a record may be disseminated to a Federal agency which furnished the record for the purpose of permitting a decision as to access or correction to be made by that agency, or for the purpose of consulting with that agency as to the propriety of access or correction; (2) a record may be disseminated to any appropriate federal, state, local, or foreign agency for the purpose of verifying the accuracy of information submitted by an individual who has requested amendment or correction of records contained in a system of records maintained by the Office of Management and Finance; (3) records maintained on behalf of the U.S. Civil Service Commission may be disseminated to the U.S. Civil Service Commission on request, as the custodian of these records.

**Release of information to the news media:** Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**Release of information to Members of Congress:** Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** A record contained in this system is stored manually in alphabetical order in file cabinets.

**Retrievability:** A record is retrieved by the name of the individual or person making a request for access or correction of records.

**Safeguards:** Access to physical records is limited to personnel of the U.S. Department of Justice who have a need for the record in the performance of their duties under the Freedom of Information or Privacy Acts. The records are safeguarded and protected in accordance with applicable Departmental and Civil Service Commission regulations.

**Retention and disposal:** A disposal schedule has not been established for these records.

**System manager(s) and address:** Assistant Attorney General, Office of Management and Finance, U.S. Department of Justice, 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**Notification procedure:** Same as the System Manager.

**Record access procedures:** A request for access to a record contained in this system shall be made in writing with the envelope and the letter clearly marked (Freedom of Information) or 'Privacy Access Request'. Include in the request the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record. The requester will also provide a return address for transmitting the information. Access requests will be directed to the system manager listed above.

**Contesting record procedures:** Individuals desiring to contest or amend information maintained in the system should direct their

request to the system manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**Record source categories:** The sources of information contained in this system are the individuals and persons making requests, the

systems of records searched in the process of responding to requests, and other agencies referring requests for access to or correction of records originating in the Office of Management and Finance.

**Systems exempted from certain provisions of the act:** None.

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## COMMUNITY SERVICES ADMINISTRATION

### PRIVACY ACT OF 1974 Systems of Records; Annual Publication

This is to give notice that the CSA systems of records identified in the notice published in the Federal Register of September 15, 1976 at pp. 39684-8 continue in effect. The systems in their entirety are published as follows.

Graciela (Grace) Olivarez,  
Director

#### TABLE OF CONTENTS

Index of CSA Systems of Records  
Prefatory Statement of General Routine Uses  
Geographical Guidance for Accessing Systems of Records  
CSA Systems of Records—descriptions

#### INDEX OF CSA SYSTEMS OF RECORDS

CSA 1 Employee Applicants for Upward Mobility Program  
CSA 2 Employee Attendance, Leave & Payroll Records  
CSA 3 Employee Employment History  
CSA 4 Employee Suggestion System  
CSA 5 Employee of CSA and Other Government Agencies & Invited Travelers' Travel Records  
CSA 6 Freedom of Information Act Requests for Records  
CSA 7 Inspection Reports on Grantees, Contractors and CSA Employees  
CSA 8 Employee and Personnel System  
CSA 9 Contractor Employee, Equal Employment Opportunity System  
CSA 10 Federal Employee Compensation Act System  
CSA 11 Federal Motor Vehicle Accident Reporting System  
CSA 12 Employee Equal Employment Opportunity System  
CSA 13 Grantee Employee Equal Employment Opportunity System  
CSA 14 Grantee Officer and Employee Biographical and Professional Information Supplied to CSA.

#### PREFATORY STATEMENT OF GENERAL ROUTINE USES

The following routine uses apply to and are incorporated by reference into, each system of records set forth below:

(1) In the event that records in this system of records indicate a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by statute or by regulation, rule or order issued pursuant thereto, the records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. Furthermore, presentation of evidence and disclosure to counsel for litigants before any court, magistrate, or administrative tribunal, or in the normal process of discovery attendant to such litigation or procedures shall constitute a routine use of records in this system of records.

(2) Records from this system of records may be disclosed as a "routine use" to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

(3) Records from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

(4) A record from this system of records may be disclosed, as a routine use, to a member of Congress seeking information concerning the individual, but only when the individual is a constituent of the member and has requested assistance from the member with respect to the subject matter of the record.

#### Geographical Guidance for Accessing Systems of Records

Many CSA systems of records are maintained wholly or partially in the CSA Regional Offices. To facilitate access to such records, a listing of the CSA Regional Offices, the states served thereby, their addresses and telephone numbers are provided:

##### Region I

Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont John F. Kennedy Federal Building, Room F-400, Boston, Massachusetts 02203 (617) 223-4025.

##### Region II

New Jersey, New York, Puerto Rico, Virgin Islands. 26 Federal Plaza, 32nd Floor, New York, New York 10007 (212) 264-1900.

##### Region III

Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia. Gateway Building, 3535 Market Street, Room 2260, Philadelphia, Pennsylvania 19104 (215) 597-1000.

##### Region IV

Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee. 730 Peachtree Street, Room 1100, N.E., Atlanta, Georgia 30308 (404) 526-3172.

##### Region V

Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin. 300 South Wacker Drive, 24th Floor, Chicago, Illinois 60606 (312) 353-5987.

##### Region VI

Arkansas, Louisiana, New Mexico, Oklahoma, Texas. 1200 Main Street, Room M130, Dallas, Texas 75202 (214) 749-1301.

##### Region VII

Iowa, Kansas, Missouri, Nebraska. 911 Walnut Street, Room 1300, Kansas City, Missouri 64106 (816) 374-3364.

##### Region VIII

Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming. Federal Building, 1961 Stout Street, Room 12424, Denver, Colorado 80202 (303) 837-4767.

##### Region IX

Arizona, California, Guam, Hawaii, Nevada, Pacific Trust Territories. 450 Golden Gate Avenue, Box 36008, San Francisco, California 94102 (415) 556-5400.

##### Region X

Alaska, Idaho, Oregon, Washington. Arcade Plaza Building, Mail stop 105A, 1321 Second Avenue, Seattle, Washington 98101 (206) 442-4910.

#### CSA SYSTEMS OF RECORDS

##### CSA-1

**System name:** Employee Applicants for Upward Mobility Program—CSA

**System location:** See system manager title and address below for location.

**Categories of individuals covered by the system:** CSA employees making application for crossover positions.

**Categories of records in the system:** Applications include, name, address, social security number, job title, grade, service time, sex, organizational element, present supervisor, work experience, education, training, awards, association memberships, co-worker evaluation and job evaluation.

**Authority for maintenance of the system:** FPM Chapter 410, EEO Act of 1972.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See routine use paragraphs in Prefatory Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Forms in file folders.

**Retrievability:** Filed by name.

**Safeguards:** Locked metal file cabinets accessible by authorized personnel only.

**Retention and disposal:** Maintained for one year or until employee resigns, transfers or retires, then destroyed.

**System manager(s) and address:** Training Officer, Manpower Management and Personnel Division, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506

**Notification procedure:** Information may be obtained from the Privacy Act Reviewing Officer at the appropriate address listed in Appendix A of the CSA rules and regulations published in this issue of the Federal Register.

**Record access procedures:** Requests and inquiries from individuals should be addressed to the system manager at the appropriate address and under the position title listed above.

**Contesting record procedures:** The CSA's rules for access to records and for contesting content and appealing initial determinations by the individual concerned appear in the CSA rules and regulations published in this issue of the Federal Register.

**Record source categories:** Subject individuals, supervisors and co-workers.

##### CSA-2

**System name:** Employee Attendance, Leave & Payroll Records—CSA

**System location:** See System Manager title and address below for location. (Magnetic tapes of this system of records are located at the CSA Data Processing Center, 7981 Eastern Avenue, Silver Spring, Maryland 20910; and a currently updated record (one month) for emergency backup at the General Services Administration, Region 3, 7th and D Streets, N.W., Washington, D.C.)

**Categories of individuals covered by the system:** Current and past employees of the Community Services Administration and its predecessor agency, the Office of Economic Opportunity.

**Categories of records in the system:** Individual employee pay data and leave records which include a pay folder containing copies of Allotment Forms, Health Benefit Forms, SF-50 Personnel Action forms, Payroll Listing and Tax Deductions. The system also produces Master Earnings History Files and numerous reports such as Bond Listings, Tax Withholdings, W-2 Listings with addresses, etc. The records contain name, social security number and employee number, grade, step, and salary; organization (code), retirement or FICA data as applicable; Federal, state, and local tax deductions, as appropriate; IRS tax lien data; savings bond and charity deductions; regular and optional Government life insurance deduction(s), health jury duty data; military leave data; pay differentials; union dues deductions, allotments, by type and amount; financial institution code and employee account number; leave status and leave data of all types (including annual, compensatory, jury duty, maternity, military, retirement disability, sick, transferred, and without pay); time and attendance records, including number of regular, overtime, holiday, Sunday, and other hours worked; pay period number and ending date; cost of living allowances; mailing address; co-owner and/or beneficiary of bonds, marital status and number of dependents; and "Notification of Personnel Action." The individual records listed herein are included only as pertinent or applicable to the individual employee.

**Authority for maintenance of the system:** Title 6, GAO Policy and Procedures Manual, pursuant to 5 U.S.C. and sections 112(a) and 113 of the Budget and Accounting Procedures Act of 1950.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Transmittal of data to U.S. Treasury to effect issuance of paychecks to employee and distribution of pay according to employee directions for savings bonds, allotments, financial institutions and other authorized purposes. Reporting of tax withholdings to Internal Revenue Service and appropriate State and local taxing authorities, FICA deductions to the Social Security Administration, dues deductions to the employee union, withholdings for health insurance to the insurance carriers and the U.S. Civil Service Commission, charity contribution deductions to agents of charitable institutions, annual W-2 statements to taxing authorities and the individual, employee retirement data to the Civil Service Commission.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Both manual and computer-produced paper copy, and magnetic tape.

**Retrievability:** By name of employee and/or social security number.

**Safeguards:** Physical, technical, and administrative security is maintained, with all storage equipment and/or rooms locked when not in use. Admittance, when open, is restricted to authorized personnel only. All payroll personnel and computer operators and programmers are instructed and cautioned on the confidentiality of the records.

**Retention and disposal:** Retained on site until after GAO audit, then disposed of, or transferred to Federal Records Storage Centers in accordance with the fiscal records program approval by GAO, as appropriate, or General Record Schedules of GSA.

**System manager(s) and address:** Chief, Financial Policies, Procedures & Payroll Division, Office of the Controller, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506

**Notification procedure:** Information may be obtained from the Privacy Act Reviewing Officer at the appropriate address listed in Appendix A of the CSA rules and regulations published in this issue of the Federal Register.

**Record access procedures:** Requests and inquiries from individuals should be addressed to the system manager at the appropriate address and under the position title listed above.

**Contesting record procedures:** The CSA's rules for access to records and for contesting content and appealing initial determinations by the individual concerned appear in the CSA rules and regulations published in this issue of the Federal Register.

**Record source categories:** Subject individuals, supervisor, timekeepers, official personnel records and IRS.

##### CSA-3

**System name:** Employee Employment History—CSA

**System location:** See System Manager title and address below for location. (Magnetic tapes of this system of records are located at the CSA Data Processing Center, 7981 Eastern Avenue, Silver Spring, Maryland 20910; and a currently updated record (one month) for emergency backup at the General Services Administration, Region 3, 7th and D Streets N.W., Washington, D.C.)

**Categories of individuals covered by the system:** Current and past employees of the Community Services Administration and its predecessor agency, the Office of Economic Opportunity.

**Categories of records in the system:** Data relating to the employment of each CSA employee including name, social security number, position title, organizational element, veterans preference, entrance on duty date, pay plan and occupational code, last promotion date, tour of duty, total federal service date, salary grade and step, retirement system, within-grade due date, actual salary, position type, physical handicap, educational level, appointment status, college major, birth date, and related data necessary to maintain the accuracy of the file.

**Authority for maintenance of the system:** Title 5, U.S.C. Sections 1302, 2951, 4118, 4308, and 4506.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See routine use paragraphs in Prefatory Statement.

To provide information to a prospective employer of a Government employee.

To provide statistical and background information to Civil Service Commission.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** System is maintained on magnetic tape.

**Retrievability:** By social security number/name.

**Safeguards:** Physical, technical, and administrative security is maintained, with all storage equipment and/or rooms locked when not in use. Admittance when open, is restricted to authorized personnel only. All personnel and computer operators and programmers are instructed and cautioned on the confidentiality of the records.

**Retention and disposal:** Retained on site, then disposed of, or transferred to Federal Records Storage Centers, as appropriate, in accordance with General Record Schedules of GSA.

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**System manager(s) and address:** Chief, Manpower Management and Personnel Division, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506.

**Notification procedure:** Information may be obtained from the Privacy Act Reviewing Officer at the appropriate address listed in Appendix A of the CSA rules and regulations published in this issue of the Federal Register.

**Record access procedures:** Requests and inquiries from individuals should be addressed to the system manager at the appropriate address and under the position title listed above.

**Contesting record procedures:** The CSA's rules for access to records and for contesting content and appealing initial determinations by the individual concerned appear in the CSA rules and regulations published in this issue of the Federal Register.

**Record source categories:** Subject individuals, supervisors and official personnel records.

#### CSA-4

**System name:** Employee Suggestion System—CSA

**System location:** See system manager title and address below for location.

**Categories of individuals covered by the system:** Current and past employees of CSA.

**Categories of records in the system:** Name, position title, grade, social security number, organization element, appraisal of suggestion and supervisory evaluator's name.

**Authority for maintenance of the system:** FPM Chapter 451-7.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See routine use paragraphs in Prefatory Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Forms and description of suggestion in file folders.

**Retrievability:** File is retrieved by individual's name.

**Safeguards:** Locked metal file cabinets accessible by authorized personnel only.

**Retention and disposal:** Maintained two years after close of case and then destroyed.

**System manager(s) and address:** Chief, Manpower Management and Personnel Division, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506, and at each CSA Regional Office the Personnel Officer, address above under "Geographical Guidance for Accessing Systems of Records."

**Notification procedure:** Information may be obtained from the Privacy Act Reviewing Officer at the appropriate address listed in Appendix A of the CSA rules and regulations published in this issue of the Federal Register.

**Record access procedures:** Requests and inquiries from individuals should be addressed to the system manager at the appropriate address under the position title listed above.

**Contesting record procedures:** The CSA's rules for access to records and for contesting content and appealing initial determinations by the individual concerned appear in the CSA rules and regulations published in this issue of the Federal Register.

**Record source categories:** Subject individual and evaluators of suggestion.

#### CSA-5

**System name:** Employees of CSA and Other Government Agencies & Invited Travelers' Travel Records—CSA

**System location:** Paper records, see System Manager Title and address below. Supporting records are maintained in other offices at Headquarters and each of the Regional Offices listed under Geographical Guidance above. Magnetic tape records are at the CSA Data Processing Center, 7981 Eastern Avenue, Silver Spring, Maryland 20910.

**Categories of individuals covered by the system:** Employees of CSA, members of CSA Advisory Committees, other government agency employees and private persons traveling under invitation on official program matters.

**Categories of records in the system:** Name, address, social security number; destination, itinerary, mode and purpose of travel; dates; expenses including amounts advanced (if any), amounts claimed and amounts reimbursed; travel orders, travel vouchers and receipts.

**Authority for maintenance of the system:** Chapter 57, Subchapter 1 of U.S.C. 5, Budget & Accounting Act of 1921, Accounting & Auditing Act of 1950, and Federal Claim Collection Act of 1966.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Transmittal to U.S. Treasury for payment, to GAO for audit support of Accountable Offices and internally to support disbursement of Federal funds.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual and computer-produced paper copy, and magnetic tape.

**Retrievability:** Filed by name, social security number or travel order number.

**Safeguards:** Physical, technical, and administrative security is maintained, with all storage equipment and/or rooms locked when not in use. Admittance, when open, is restricted to authorized personnel only. All processing personnel, including computer operators and programmers are instructed and cautioned on the confidentiality of the records.

**Retention and disposal:** Retained according to GSA Federal Travel Regulations and on site until after GAO audit, then disposed of, or transferred to Federal Records Storage in accordance with the fiscal records program approval by GAO, as appropriate, or General Record Schedules of GSA.

**System manager(s) and address:** Chief, Finance & Grants Management Division, Office of the Controller, Community Services Administration, 1200 19th Street, N.W., Room 320, Washington, D.C. 20506.

**Notification procedure:** Information may be obtained from the Privacy Act Reviewing Officer at the appropriate address listed in Appendix A of the CSA rules and regulations published in this issue of the Federal Register.

**Record access procedures:** Requests and inquiries from individuals should be addressed to the system manager at the appropriate address and under the position title listed above.

**Contesting record procedures:** The CSA's rules for access to records and for contesting content and appealing initial determinations by the individual concerned appear in the CSA rules and regulations published in this issue of the Federal Register.

**Record source categories:** Subject individuals, supervisors, and finance or accounting office standards references.

#### CSA-6

**System name:** Freedom of Information Act Requests for Records—CSA

**System location:** See System Manager's Title and location below. Supporting records are maintained in other offices at Headquarters and the Regional Offices.

**Categories of individuals covered by the system:** Individuals who have requested records from CSA under the provisions of the Freedom of Information Act, as amended.

**Categories of records in the system:** Name, address, and telephone number of requester; description or identification of records requested, furnished and/or denied; dates of request and response; amount of fees paid, reduced or waived, if any; payment delinquencies, if any; appeals of denials, final determinations; and names and titles of denying officials and determining officials.

**Authority for maintenance of the system:** Freedom of Information Act, as amended.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Annual Report to the Congress under section (d) of the Freedom of Information Act, as amended, and available for public inspection at all times. Also see routine use paragraphs of the Prefatory Statement above.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Correspondence in file folders, manual chronological log, suspense control card file and accounts receivable record.

**Retrievability:** Filed by requester name and/or chronological dates of action steps.

**Safeguards:** Records are retained in locked furniture in secured rooms with access limited to those whose official duties require access, and under supervisory controls as defined in the CSA Rules and Regulations published in the Federal Register.

**Retention and disposal:** Retained on site, then disposed of, or transferred to Federal Records Storage Center, as appropriate, in accordance with General Record Schedules of GSA.

**System manager(s) and address:** FOIA Records Officer, Office of Administration, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506.

**Notification procedure:** Information may be obtained from the Privacy Act Reviewing Officer at the appropriate address listed in Appendix A of the CSA rules and regulations published in this issue of the Federal Register.

**Record access procedures:** Requests and inquiries from individuals should be addressed to the system manager at the appropriate address and under the position title listed above.

**Contesting record procedures:** The CSA's rules for access to records and for contesting content and appealing initial determinations by the individual concerned appear in the CSA rules and regulations published in this issue of the Federal Register.

**Record source categories:** Requesters for information under FOIA and CSA officials and employees engaged in processing or making determinations on FOIA requests.

#### CSA-7

**System name:** Inspection Reports on Grantees, Contractors, and CSA Employees—CSA

**System location:** See system manager title and address below for location.

**Categories of individuals covered by the system:** Inspection reports of investigations in complaints alleging misfeasance, malfeasance and nonfeasance by employees of CSA, grantees, contractors and consultants.

**Categories of records in the system:** Name, address, date and place of birth, citizenship, physical characteristics, employment history, financial records, education, arrest records, Federal employee's relatives, names of spouses, relatives, references; personal associates, activities and conflict of interest.

**Authority for maintenance of the system:** Title 18 U.S.C. including sections 201, 287, 508, 641, 1001, and 1913 and sections 602, 603, and 626 of the Community Services Act of 1974 (42 U.S.C. 2942, 2943, and 2971f).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See routine use paragraphs in Prefatory Statement.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records in file folders.

**Retrievability:** Indexed by Grantees, Regional Officer, and/or individual respondents against whom complaints have been filed.

**Safeguards:** Padlock, bar type filing cabinets and used only by authorized screened personnel.

**Retention and disposal:** Retired to Federal Records Center 3 years after close of case.

**System manager(s) and address:** Chief, Inspection Division, Office of General Counsel, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506.

**Notification procedure:** Information may be obtained from the appropriate address listed in Appendix A of the CSA rules and regulations published at 40 FR 45300, October 1, 1975.

**Record access procedures:** Requests and inquiries from individuals should be addressed to the system manager at the appropriate address and under the position title listed above.

**Contesting record procedures:** CSA's rules for access to records and appealing initial determinations by the individual concerned appear in the CSA rules and regulations published at 40 FR 45300, October 1, 1975.

**Systems exempted from certain provisions of the act:** Pursuant to 5 U.S.C. 552a(k)(2), this system is exempted from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(1), and (f)(4). The exemption of this information is necessary to facilitate the enforcement of the Community Services Act of 1974 and other relevant statutes, and to avoid revealing and endangering sources of information.

#### CSA-8

**System name:** Employee and Personnel System—CSA

**System location:** Chief, Manpower Management and Personnel Division, Community Services Administration, 1200 19th Street,

N.W., Washington, D.C. 20506, and at each CSA Regional Office, the Personnel Officer, address above under "Geographical Guidance for Accessing Systems of Records."

**System manager(s) and address:** Same as above.

All other information relating to this system of records is contained in the published notices by the Civil Service Commission in the Federal Register (40 FR 40782), August 27, 1975.

#### CSA-9

**System name:** Contractor Employee, Equal Employment Opportunity System—CSA

**System location:** Associate Director, Office of Human Rights, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506, and at each CSA Regional Office, the Equal Employment Opportunity Officer, address above under "Geographical Guidance for Accessing Systems of Records."

**System manager(s) and address:** Same as above.

All other information relating to this system of records is contained in the published notice on Equal Employment Opportunity under E.O. 11246, as amended—published by the Department of Labor in the Federal Register (40 FR 41739), September 8, 1975.

#### CSA-10

**System name:** Federal Employee Compensation Act System—CSA

**System location:** Chief, Manpower Management and Personnel Division, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506, and at each CSA Regional Office, the Personnel Officer, address above under "Geographical Guidance for Accessing Systems of Records."

**System manager(s) and address:** Same as above.

All other information related to this system of records is contained in the published notices by the Department of Labor in the Federal Register (40 FR 41739), September 8, 1975.

#### CSA-11

**System name:** Federal Motor Vehicle Accident Reporting System—CSA

**System location:** Chief, Office Services, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506, and at each CSA Regional Office, the Property Officer, address above under "Geographical Guidance for Accessing Systems of Records."

**System manager(s) and address:** Same as above.

All other information relating to this system of records is contained in the published notices by the General Services Administration in the Federal Register (40 FR 39137), August 27, 1975.

#### CSA-12

**System name:** Employee Equal Employment Opportunity System—CSA

**System location:** Associate Director, Office of Human Rights, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506, and at each CSA Regional Office, the Equal Employment Opportunity Officer, address above under "Geographical Guidance for Accessing Systems of Records."

**Categories of individuals covered by the system:** Current and past employees and applicants for employment with CSA and its predecessor agency, the Office of Economic Opportunity, who have filed a complaint of discrimination against CSA.

**Categories of records in the system:** Name, address, date and place of birth, race, religion, sex, age, education, employment history, job performance, references, circumstances of alleged act(s) of discrimination, correspondence of parties involved, and findings of Office of Civil Rights.

**Authority for maintenance of the system:** 5 U.S.C. 7151; 42 U.S.C. 2000e et seq.; Executive Order 11478; 5 Code of Federal Regulations 713.222.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Files may be disclosed to the Civil Service Commission and the Equal Employment Opportunity Commission, to the Complainant(s) at an appropriate stage of the proceedings and to the respondent(s) if the EEO proceeding goes to administrative appeal; see also prefatory CSA routine use paragraphs appearing in 40 FR 45328, October 1, 1975.



**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Complaint records stored in file folders in locked file cabinets.

**Retrievability:** File is retrieved by complainant's name or complainant docket number.

**Safeguards:** Locked metal file cabinets accessible by authorized personnel only.

**Retention and disposal:** Maintained five years after close of case, then destroyed.

**System manager(s) and address:** Associate Director, Office of Human Rights, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506, and the Equal Employment Officer at each CSA Regional Office (see Geographical Guidance for Accessing Systems of Records, 40 FR 45328, October 1, 1975).

**Notification procedure:** Information may be obtained from the appropriate address listed in Appendix A of the CSA rules and regulations published at 40 FR 45300, October 1, 1975.

**Record access procedures:** Requests and inquiries from individuals should be addressed to the system manager at the appropriate address and under the position title listed above.

**Contesting record procedures:** CSA's rules for access to records and appealing initial determinations by the individual concerned appear in the CSA rules and regulations published in 40 FR 45300, October 1, 1975.

**Systems exempted from certain provisions of the act:** Pursuant to 5 U.S.C. 552a(k)(2), this system is exempted from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(I), and (f)(4). The exemption of this information is necessary to protect the integrity of the EEO complaint resolution process.

#### CSA-13

**System name:** Grantee Employee Equal Employment Opportunity System—CSA

**System location:** Associate Director, Office of Human Rights, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506, and at each CSA Regional Office, the Equal Employment Opportunity Officer, address above under "Geographical Guidance for Accessing Systems of Records."

**Categories of individuals covered by the system:** Current and past employees and applicants for employment with CSA or OEO grantees who have filed a complaint of discrimination.

**Categories of records in the system:** Name, address, date and place of birth, race, religion, sex, age, education, employment history, job performance, references, circumstances of alleged act(s) of discrimination, correspondence of parties involved, and findings of Office of Civil Rights.

**Authority for maintenance of the system:** 42 U.S.C. 2000d; 42 U.S.C. 2971c; Executive Order 11764.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Files may be disclosed to the Equal Employment Opportunity Commission, to the Complainant(s) at an appropriate stage of the proceedings and to the respondent(s) if the EEO proceeding goes to administrative appeal; see also prefatory CSA routine use paragraphs appearing in 40 FR 45328, October 1, 1975.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Complaint records stored in file folders in locked file cabinets.

**Retrievability:** File is retrieved by complainant's name or complainant docket number.

**Safeguards:** Locked metal file cabinets accessible by authorized personnel only.

**Retention and disposal:** Maintained five years after close of case, then destroyed.

**System manager(s) and address:** Associate Director, Office of Human Rights, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506, and the Equal Employment Officer

at each CSA Regional Office (see Geographical Guidance for Accessing Systems of Records, 40 FR 45328, October 1, 1975).

**Notification procedure:** Information may be obtained from the appropriate address listed in Appendix A of the CSA rules and regulations published at 40 FR 45300, October 1, 1975.

**Record access procedures:** Requests and inquiries from individuals should be addressed to the system manager at the appropriate address and under the position title listed above.

**Contesting record procedures:** CSA's rules for access to records and appealing initial determinations by the individual concerned appear in the CSA rules and regulations published in 40 FR 45300, October 1, 1975.

**Systems exempted from certain provisions of the act:** Pursuant to 5 U.S.C. 552a(k)(2), this system is exempted from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(I), and (f)(4). The exemption of this information is necessary to protect the integrity of the EEO complaint resolution process.

#### CSA-14

**System name:** Grantee Officer and Employee Biographical and Professional Information Supplied to CSA—CSA

**System location:** At each CSA Regional Office, the Deputy Regional Director, see address under "Geographical Guidance for Accessing Systems of Records," in the October 1, 1975 Federal Register at 40 FR 45328; for all Headquarters grants, including title VII, Economic Development, the Chief, Financial Management Division, Office of the Controller, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506.

**Categories of individuals covered by the system:** Current and past officers, board members and employees of grantee organizations funded by the Community Services Administration.

**Categories of records in the system:** Names and addresses of policy advisory members of grantee boards, councils and committees, and biographical information for individuals selected or promoted to fill certain top grantee positions, including place and date of birth, citizenship, professional and educational experience, and organizational affiliations.

**Authority for maintenance of the system:** 42 U.S.C. 2791, 2795, and 2796.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See prefatory CSA routine use paragraphs appearing at 40 FR 45328.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records in file folders.

**Retrievability:** File is retrieved by organization name of the employing grantee organization and then searched by individual name.

**Safeguards:** Locked metal file cabinets accessible by authorized personnel only.

**Retention and disposal:** Retained on-site, then disposed of or transferred to Federal Records Storage Centers as appropriate, in accordance with General Record Schedules of CSA.

**System manager(s) and address:** At each CSA Regional Office, the Deputy Regional Director, see address under "Geographical Guidance for Accessing Systems of Records," 40 FR 45328; CSA Headquarters, Chief, Finance and Grants Management—see system location.

**Notification procedure:** Information may be obtained from the Privacy Act Reviewing Officer at the appropriate address listed in Appendix A of the CSA rules and regulations published in the October 1, 1975 issue of the Federal Register.

**Record access procedures:** Requests and inquiries from individuals should be addressed to the system manager at the appropriate address and under the position title listed above.

**Contesting record procedures:** CSA's rules for access to records and for contesting content and appealing initial determinations by the individual concerned appear in the CSA rules and regulations published in the October 1, 1975 issue of the Federal Register.

**Record source categories:** Subject individuals and officers of the grantee organization.

## ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

### PRIVACY ACT OF 1974

#### Systems of Records

Pursuant to 5 U.S.C. 552a(e)(4) of the Privacy Act of 1974 (Pub. L. 93-579) the Energy Research and Development Administration (ERDA) is publishing the annual notice of systems of records currently maintained by the agency. This notice updates the annual notice of systems of records published in the FEDERAL REGISTER at 41 FR 48272-48315, November 2, 1976, and at 41 FR 56884-56885, December 30, 1976, and incorporates the changes set forth below:

System changes reflect corrections to system locations and notification procedures as noted in the following systems:

#### System 1

Remove the system locations in Schenectady Naval Reactors Office, Pittsburgh Naval Reactors Office, Los Alamos Area Office, Chicago and Idaho Operations Offices are removed as system locations and notification procedures; Albuquerque Operations Office is added as a system location.

#### System 2

Change the System Manager to "The Director, Administrative Services, Office of International Affairs."

#### System 3

Change to categories of records in the system to "... GS-15 and above and appraisal of managerial potential for the agency Executive Development Program;" Storage is changed to "paper form ERDA 622, ERDA 622A, ERDA 622B and ERDA 622C."

#### System 4

Change "Safeguards" to "Division of High Energy and Nuclear Physics Personnel," and System Manager to "Division of High Energy and Nuclear Physics."

#### System 5

Remove system locations at Schenectady Naval Reactors Office, Oak Ridge Operations Office, and Mound Laboratories; Albuquerque Operations Office and Oak Ridge Operations Office are removed as notification procedures.

#### System 8

Remove Los Alamos Area Office as a system location and Albuquerque Operations Office from notification procedures.

#### System 10

System location of Los Alamos Area Office is changed to "528 35th Street," Rocky Flats Area Office and Brookhaven Area Office are added as system locations; "Categories of Individuals Covered" is changed to "ERDA employees as specified in Annex B, ERDAM Appendix 4124, Part II, and consultants and special Government employees of ERDA;" Categories of records begins with "ERDA Forms containing ..."

#### System 11

Add Clinch River Breeder Reactor Plant Project to system location.

#### System 14

Add Idaho Operations Office to system location and notification procedure.

#### System 16

Change Los Alamos Area Office location to 528 35th Street.

#### System 17

Add Schenectady Naval Reactors Office and Grand Junction Office to location and Idaho Operations Office to location and notification procedure; Chicago is removed as a location.

#### System 18

Add Albuquerque and San Francisco to location; Chicago Operations Office is deleted as a system location.

#### System 19

Add Schenectady Naval Reactors Office, Idaho Operations Office and Grand Junction Office to system location.

#### System 20

Change system name to "Files on Operators of Federal Motor Vehicles—ERDA," add Pittsburgh Energy Research Center to system location and notification procedure, change categories of individuals to "ERDA and ERDA contractor personnel." System Manager's address is changed to "Director, Division of Operational and Environmental Safety."

#### System 23

Remove Idaho Operations Office from system location and notification procedure; add "I" 3rd line to category of records in system.

#### System 24

System location, add Bartlesville Energy Research Center, Grand Forks Energy Research Center, and Iramie Energy Research Center, System Manager is changed to "Director, Division of Operational and Environmental Safety."

#### System 25

Add Shippingport Atomic Power Station to system name and to categories of individuals.

#### System 26

Remove Cincinnati Area Office, Paducah Area Office and Portsmouth Area Office from system locations; Brookhaven Office is changed to Brookhaven Area Office; change division name to "Division of Operational and Environmental Safety."

#### System 29

Categories of individuals is changed to "Employees performing critical duties as enumerated in AEC Manual Appendix 0560, Part II, (9)."

#### System 30

System locations added are Mare Island Naval Shipyard, Puget Sound Naval Shipyard and Pearl Harbor Naval Shipyard, Cincinnati, Paducah and Portsmouth Area Offices are removed; Brookhaven Office should read "Brookhaven Area Office," add "Social Security number" to Retrievability; System Manager is changed to "Division of Operational and Environmental Safety."

#### System 32

Grand Junction Office is added to system location; Storage is changed to "Paper file manually retrieved."

#### System 33

Add Pittsburgh Naval Reactors Office, Schenectady Naval Reactors Office and Grand Junction Office to system locations.

#### System 35

Add Schenectady Naval Reactors Office and Pittsburgh Naval Reactors to system location and Idaho Operations Office to system location and notification; Chicago Operations Office is removed from notification.

#### System 36

Add to system location San Francisco and Idaho Operations Offices; remove Chicago Operations Office from system location and notification.

#### System 38

Add Idaho Operations Office to system location and notification; Grand Junction Office to system location, and remove Chicago Operations Office from system location and notification.

#### System 41

Add P.O. Box 1069 to Schenectady Naval Reactors Office; remove Idaho Operations Office from system location and notification.

#### System 42

Remove Idaho Operations Office from system location and notification.

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The notice covers all ERDA systems of records finally adopted up to and including September 26, 1977.  
Dated September 26, 1977

Robert F. Allnutt,  
Acting Assistant Administrator  
for Administration

### Table of Contents

- ERDA 1 Alien visits and participation—ERDA
- ERDA 2 Applications and reference checks for overseas employment with International Atomic Energy Agency (IAEA)—ERDA
- ERDA 3 ERDA Personnel—Appraisal and Development Records—ERDA
- ERDA 4 Census of High Energy Physicists—ERDA
- ERDA 5 Clearance Board Cases Administrative Review and Personnel—ERDA
- ERDA 6 Compensation for Contractor Employees (25,000 dollars or more)—ERDA
- ERDA 7 Consultants to ERDA Contractors—(Directory of)—ERDA
- ERDA 8 Security Correspondence File—ERDA
- ERDA 9 Discrimination Complaint Files—ERDA
- ERDA 10 Employment and Financial Interests—ERDA
- ERDA 11 ERDA Personnel—Supervisor Records—ERDA
- ERDA 12 ERDA Personnel Applicant Records—ERDA
- ERDA 13 ERDA Contractor Employee Insurance Claims—ERDA
- ERDA 14 ERDA Technology Training Program—Skill Training at Technician Level—ERDA
- ERDA 15 ERDA Personnel/General Employment Records—(Addendum to the U.S. Civil Service Commission Federal Register Notice of Records reporting CSC-General Personnel Folder and Related Records)—ERDA
- ERDA 16 FHA Insured Loans (Certificates of Eligibility)—ERDA
- ERDA 17 Firearms Qualifications Record—ERDA
- ERDA 18 Investigations Pertaining to Violations of Law and Losses of Security Interest—ERDA
- ERDA 19 Foreign Travel—ERDA
- ERDA 20 Government Driver's License File—ERDA
- ERDA 21 Investigative Files—ERDA
- ERDA 22 Labor Standards Complaints and Grievance Filed—ERDA
- ERDA 23 Legal Office—Claims; Litigations, Criminal Violations, Patents, and other Legal Files—ERDA
- ERDA 24 Medical History System—ERDA and Contractor Employees—ERDA
- ERDA 25 Nuclear Qualification Examination Records (for personnel to be assigned to ships, shipyards and prototypes)—ERDA
- ERDA 26 Occupational and Industrial Health and Safety Records—ERDA

- ERDA 27 Payroll and Leave—ERDA
- ERDA 28 Payroll and pay related data for employees of terminated contractors—ERDA
- ERDA 29 Personnel Assurance Records—ERDA
- ERDA 30 Personnel radiation exposure information—ERDA
- ERDA 31 Personnel Records of Former and Present Contractor Employees—ERDA
- ERDA 32 Personnel Security Clearance Files—ERDA
- ERDA 33 Personnel Security Clearance Index—ERDA
- ERDA 34 (Reserved)
- ERDA 35 Security Education and/or Infraction Reports—ERDA
- ERDA 36 Special Access Authorization for Categories of Classified Information—ERDA
- ERDA 37 Statistical Analysis Using Personnel Security Questionnaire (Mancuso Study)—ERDA
- ERDA 38 Employee and Visitor Access Control Record—ERDA
- ERDA 39 Weapon Data and Weapons Program Facilities—Access to—ERDA
- ERDA 40 Nationwide Traineeship Reporting System—ERDA
- ERDA 41 Travel Files—ERDA
- ERDA 42 Document Distribution System—ERDA
- Appendix AA Additional Routine Uses

#### ERDA 1

**System name:**  
Alien visits and participation—ERDA

**System location:**  
U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
Dayton Area Office  
P.O. Box 66  
Miamisburg, Ohio 45342

U.S. Energy Research and Development Administration  
Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
San Francisco Operations Office  
1333 Broadway, Wells Fargo Building  
Oakland, California 94612

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Grand Junction Office  
P.O. Box 2567  
Grand Junction, Colorado 81501

#### Categories of individuals covered by the system:

Resident aliens who visit and participate at Energy Research and Development Administration Offices and Energy Research and Development Administration contractor facilities.

#### Categories of records in the system:

Federal Agencies Indices checks and Energy Research and Development Administration records regarding Alien visits and participation at Energy Research and Development Administration offices and/or contractor facilities.

#### Authority for maintenance of the system:

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

#### Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Government agencies with military, intelligence, or law enforcement responsibilities—Investigative purposes and to refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

For additional routine uses see Appendix AA.

#### Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

**Storage:** Paper file, retrieved manually

**Retrievability:** Indexed chronologically, name and visit number

**Safeguards:** Access limited to employees with need-to-know; stored in security areas under guard and/or alarm protection

**Retention and disposal:** Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

#### System manager(s) and address:

The Director, Division of Safeguards and Security,  
U.S. Energy Research and Development Administration,  
Washington, D.C. 20545 has been designated the Agency System Manager for this system. The managers and directors of field locations listed under notification below are designated system managers for their respective portions of this system.

#### Notification procedure: a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
San Francisco Operations Office  
1333 Broadway, Wells Fargo Building  
Oakland, California 94612

U.S. Energy Research and Development Administration  
Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

b. Required Identifying Information: indicate full name, nationality; and, date and location of visit.

#### Record access procedures:

Refer to Notification Procedure.

#### Contesting record procedures:

Refer to Headquarters.

#### Record source categories:

Individual; reports from Federal Investigation Agencies conducting indices investigations; and, letters and/or plans from Energy Research and Development Administration operating office, operating divisions and Energy Research and Development Administration contractor facilities.

**Systems exempted from certain provisions of the act:** The Administrator has exempted this system from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f) of 5 U.S.C. 552a under the Privacy Act of 1974. This exemption applies only to information in this system of records which is exempt pursuant to 5 U.S.C. 552a(k) (1), (2) and (5). See ERDA rules, 10 CFR Chapter 111, Part 708.

#### ERDA 2

#### System name:

Applications and reference checks for overseas employment with International Atomic Energy Agency (IAEA)—ERDA

#### System location:

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

#### Categories of individuals covered by the system:

U.S. citizens interested in employment with International Atomic Energy Agency, Vienna, Austria

#### Categories of records in the system:

Education, employment history, salary and personal reference checks

#### Authority for maintenance of the system:

Executive Order 10422, Executive Order 11552, PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-

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473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.); PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

U.S. Mission to IAEA, Vienna and other governmental agencies interested in foreign programs. Evaluation prior to offers of employment IAEA—Evaluation prior to offers of employment plus selection for employment.

For additional routine uses see Appendix AA.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper files

**Retrievability:** Name, specialty, IAEA organizational designation

**Safeguards:** Maintained in safes, access is limited to personnel of IAEA Branch and Office of Assistant Director for Agreements and Liaison.

**Retention and disposal:** Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

**System manager(s) and address:**

The Director, Administrative Services, Office of Internal Affairs  
U.S. Energy Research and Development Administration,  
Washington, D.C. 20545, has been designated the Agency  
System Manager for this system.

**Notification procedure:**

a. U.S. Energy Research and Development Administration,  
Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

b. Required Identifying Information: Full name, field of  
specialization, and time period.

**Record access procedures:**

Refer to Notification Procedure.

**Contesting record procedures:**

Refer to Headquarters.

**Record source categories:**

Individuals seeking employment, references, and references  
and information provided by knowledgeable agency  
personnel.

**ERDA 3**

**System name:**

ERDA Personnel—Appraisal and Development  
Records—ERDA

**System location:**

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Bartlesville Energy Research Center  
Box 1398  
Bartlesville, Oklahoma 74003

U.S. Energy Research and Development Administration  
Chicago Operations Office  
9800 South Cass Avenue  
Argonne, Illinois 60439

U.S. Energy Research and Development Administration  
Grand Forks Energy Research Center  
Box 8213  
University Station  
Grand Forks, North Dakota 58201

U.S. Energy Research and Development Administration

Grand Junction Office  
P.O. Box 2567  
Grand Junction, Colorado 81501

U.S. Energy Research and Development Administration  
Idaho Operations Office  
550 2nd Street  
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration  
Laramie Energy Research Center  
P.O. Box 3395  
University Station  
Laramie, Wyoming 82071

U.S. Energy Research and Development Administration  
Morgantown Energy Research Center  
Box 880  
Morgantown, West Virginia 26505

U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Pittsburgh Energy Research Center  
4800 Forbes Avenue  
Pittsburgh, Pennsylvania 15213

U.S. Energy Research and Development Administration  
Pittsburgh Naval Reactors Office  
P.O. Box 109  
West Mifflin, Pennsylvania 15122

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
San Francisco Operations Office  
1333 Broadway, Wells Fargo Building  
Oakland, California 94612

U.S. Energy Research and Development Administration  
Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration  
Schenectady Naval Reactors Office  
P.O. Box 1069  
Schenectady, New York 12301

**Categories of individuals covered by the system:**

All Energy Research and Development Administration  
employees

**Categories of records in the system:**

Supervisor-employee appraisal, by name of employee, of  
performance, preparation of development plans, and, for  
employees GG-15 and above an appraisal of managerial poten-  
tial for the agency Executive Development Program

**Authority for maintenance of the system:**

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended  
(42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.),  
PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30  
U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et  
seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.), Public Law 85-  
507, Executive Order 11348

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

For additional routine uses see Appendix AA.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** On Paper Form ERDA 622, 622A, 622B, 622C, some older  
records on ERDA Form 625.

**Retrievability:** Alphabetic by name

**Safeguards:** Usually in file cabinet

**Retention and disposal:** Records retention and disposal authorities  
are contained in ERDA, Manual Appendix 0230, "Records Disposition."  
Records within the ERDA are destroyed by shredding, burning,  
or burial in a sanitary landfill, as appropriate.

**System manager(s) and address:**

The Director, Division of Personnel  
U.S. Energy Research and Development Administration  
Washington, D.C. 20545, has been designated the Agency  
System Manager for this system. The Managers and  
Directors of the field locations listed under Notification  
below are designated the System Managers for their  
respective portions of this system.

**Notification procedure:**

a. U.S. Energy Research and Development Administration,  
Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Bartlesville Energy Research Center  
Box 1398  
Bartlesville, Oklahoma 74003

U.S. Energy Research and Development Administration  
Chicago Operations Office  
9800 South Cass Avenue  
Argonne, Illinois 60439

U.S. Energy Research and Development Administration  
Grand Forks Energy Research Center  
Box 8213  
University Station  
Grand Forks, North Dakota 58202

U.S. Energy Research and Development Administration  
Idaho Operations Office  
550 2nd Street  
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration  
Laramie Energy Research Center  
P.O. Box 3395  
University Station  
Laramie, Wyoming 82071

U.S. Energy Research and Development Administration  
Morgantown Energy Research Center  
Box 880  
Morgantown, West Virginia 26505

U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Pittsburgh Energy Research Center  
4800 Forbes Avenue  
Pittsburgh, Pennsylvania 15213

U.S. Energy Research and Development Administration

Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
San Francisco Operations Office  
1333 Broadway, Wells Fargo Building  
Oakland, California 94612

U.S. Energy Research and Development Administration  
Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

b. Required Identifying Information: Location(s), full name,  
social security number, date of birth, and time period.

**Record access procedures:**

Refer to Notification Procedure.

**Contesting record procedures:**

Refer to Headquarters.

**Record source categories:**

From the supervisor and employee during the annual review,  
information is documented on the ERDA Form 622 or 625.

**ERDA 4**

**System name:**

Census of High Energy Physicists—ERDA

**System location:**

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

**Categories of individuals covered by the system:**

Scientists and graduate students in the field of high energy  
physics

**Categories of records in the system:**

Name, date of birth, education, employment history, research  
support agencies, technical specialties.

**Authority for maintenance of the system:**

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended  
(42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.),  
PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30  
U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et  
seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

Physicists, research organizations and various government  
organizations engaged in physics research—to obtain  
information on individuals and organizations engaged in high  
energy physics research.

For additional routine uses see Appendix AA.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic tape

**Retrievability:** Alphabetical by name, employer or any other combination of data

**Safeguards:** Access limited to Division of High Energy and Nuclear  
Physics Personnel, maintained in locked file cabinet in secured building.

**Retention and disposal:** Records retention and disposal authorities  
are contained in ERDA, Manual Appendix 0230, "Records Disposition."  
Records within the ERDA are destroyed by shredding, burning,  
or burial in a sanitary landfill, as appropriate.

**System manager(s) and address:**

The Director,  
Division of High Energy and Nuclear Physics,  
U.S. Energy Research and Development Administration,  
Washington, D.C. 20545, has been designated the Agency  
System Manager for this system.

**Notification procedure:**

a. U.S. Energy Research and Development Administration,  
Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545



b. Required Identifying Information: Requestor should provide his full name, and education (Degree, date and University).

**Record access procedures:**

Refer to Notification Procedure.

**Contesting record procedures:**

Refer to Headquarters.

**Record source categories:**

High energy physics research group leaders and laboratory directors. Other personnel in field of high energy physics.

**ERDA 5**

**System name:**

Clearance Board Cases Administrative Review and Personnel—ERDA

**System location:**

U.S. Energy Research and Development Administration (Headquarters)  
Washington, D.C. 20545.

**Categories of individuals covered by the system:**

Employees, access permittees, consultants and prospective employees of the Energy Research and Development Administration and Energy Research and Development Administration contractors and access permit holders.

**Categories of records in the system:**

Results of investigation concerning individuals processed for access authorizations (clearances).

**Authority for maintenance of the system:**

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

Personnel involved in administrative review—Information used for reference during review board hearings. Federal law enforcement and investigative agencies—To refer, where there is an indication of a violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

For additional routine uses see Appendix AA.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper file manually retrieved; also maintained on magnetic tape at Oak Ridge office.

**Retrievability:** Indexed by name.

**Safeguards:** Access limited to employees having need-to-know; stored in security areas under guard and/or guard protection.

**Retention and disposal:** Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

**System manager(s) and address:**

The Director, Division of Safeguards and Security  
U.S. Energy Research and Development Administration

Washington, D.C. 20545, has been designated the Agency System Manager for this system. The managers and directors of field locations listed under Notification below are designated system managers for their respective portions of this system.

**Notification procedure:**

a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration (Headquarters)  
Washington, D.C. 20545

b. Required Identifying Information: Full name, date of birth, social security number, clearance processing location, and time period.

**Record access procedures:**

Refer to Notification Procedure.

**Contesting record procedures:**

Refer to Headquarters.

**Record source categories:**

Personnel Security Questionnaire and Fingerprint Card executed by individual; background investigation reports by Federal Bureau of Investigation, Civil Service Commission and other Government agencies conducting background investigations; summaries and transcripts of interviews with the individual; transcripts of Administrative Review Board hearings with individual; correspondence to individual concerning administrative processing of clearance action and local and state police agency reports.

**Systems exempted from certain provisions of the act:** The Administrator has exempted this system from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f) of 5 U.S.C. 552a under the Privacy Act of 1974. This exemption applies only to information in this system of records which is exempt pursuant to 5 U.S.C. 552a(k) (1), (2) and (5). See ERDA rules, 10 CFR Chapter 111, Part 708.

**ERDA 6**

**System name:**

Compensation for Contractor Employees (25,000 Dollars or More)—ERDA

**System location:**

U.S. Energy Research and Development Administration (Headquarters)  
Washington, D.C. 20545

U.S. Energy Research and Development Administration Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration Chicago Operations Office  
9800 South Cass Avenue  
Argonne, Illinois 60439

U.S. Energy Research and Development Administration Clinch River Breeder Reactor Plant Project  
P.O. Box U  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration Grand Junction Office  
P.O. Box 2567  
Grand Junction, Colorado 81501

U.S. Energy Research and Development Administration Idaho Operations Office

550 2nd Street  
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration Pittsburgh Naval Reactors Office  
P.O. Box 109  
West Mifflin, Pennsylvania 15122

U.S. Energy Research and Development Administration Richland Operations Office  
P.O. Box 5501  
Richland, Washington 99352

U.S. Energy Research and Development Administration Schenectady Naval Reactors Office  
P.O. Box 1069  
Schenectady, New York 12301

U.S. Energy Research and Development Administration Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration San Francisco Operations Office  
1333 Broadway, Wells Fargo Building  
Oakland, California 94612

**Categories of individuals covered by the system:**

Administrative, Professional, Scientific personnel.

**Categories of records in the system:**

Name, contractor, salary history, and current salary.

**Authority for maintenance of the system:**

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

For additional routine uses see Appendix AA.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File cabinets in mail and file room.

**Retrievability:** Alphabetically by name, usually on paper.

**Safeguards:** Records kept in file cabinets in guarded buildings.

**Retention and disposal:** Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill as appropriate.

**System manager(s) and address:**

The Director, Division of Labor Relations  
U.S. Energy Research and Development Administration  
Washington, D.C. 20545, has been designated the Agency System Manager for this system. The Managers and Directors of the field locations listed under Notification below are designated the System Managers for their respective portions of this system.

**Notification procedure:**

a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration (Headquarters)  
Washington, D.C. 20545

U.S. Energy Research and Development Administration Albuquerque Operations Office

P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration Chicago Operations Office  
9800 South Cass Avenue  
Argonne, Illinois 60439

U.S. Energy Research and Development Administration Clinch River Breeder Reactor Plant Project  
P.O. Box U  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration Idaho Operations Office  
550 2nd Street  
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration San Francisco Operations Office  
1333 Broadway, Wells Fargo Building  
Oakland, California 94612

U.S. Energy Research and Development Administration Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

b. Required Identifying Information: Full name, location of last employment, and time period.

**Record access procedures:**

Refer to Notification Procedure.

**Contesting record procedures:**

Refer to Headquarters.

**Record source categories:**

From contractor salary administrative personnel.

**ERDA 7**

**System name:**

Consultants to ERDA Contractors—(Directory of)—ERDA

**System location:**

U.S. Energy Research and Development Administration (Headquarters)  
Washington, D.C. 20545

U.S. Energy Research and Development Administration Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration Chicago Operations Office  
9800 South Cass Avenue  
Argonne, Illinois 60439

U.S. Energy Research and Development Administration Clinch River Breeder Reactor Plant Project  
P.O. Box U  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration Grand Junction Office  
P.O. Box 2567  
Grand Junction, Colorado 81501



U.S. Energy Research and Development Administration  
Idaho Operations Office  
550 2nd Street  
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Pittsburgh Naval Reactors Office  
P.O. Box 109  
West Mifflin, Pennsylvania 15122

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
San Francisco Operations Office  
1333 Broadway, Wells Fargo Building  
Oakland, California 94612

U.S. Energy Research and Development Administration  
Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration  
Schenectady Naval Reactors Office  
P.O. Box 1069  
Schenectady, New York 12301

#### Categories of individuals covered by the system:

Consultants to ERDA Contractors

#### Categories of records in the system:

Biographical notes, personal data/correspondence, employment history, education, salary/total compensation, area of specialization, contractual arrangements and duration, service provided and research support.

#### Authority for maintenance of the system:

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

#### Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

For additional routine uses see Appendix AA.

#### Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper

Retrievability: Indexed chronologically, alphabetically by contractor, alphabetically by consultant name.

Safeguards: Secure and guarded building—access on need-to-know basis, combination locked files, locked file cabinets

Retention and disposal: Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate

#### System manager(s) and address:

The Director, Division of Labor Relations  
U.S. Energy Research and Development Administration  
Washington, D.C. 20545, has been designated the Agency System Manager for this system. The Managers and Directors of the field locations listed under Notification below are designated the System Managers for their respective portions of this system.

#### Notification procedure:

#### a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Chicago Operations Office  
9800 South Cass Avenue  
Argonne, Illinois 60439

U.S. Energy Research and Development Administration  
Clinch River Breeder Reactor Plant Project  
P.O. Box U  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Idaho Operations Office  
550 2nd Street  
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
San Francisco Operations Office  
1333 Broadway, Wells Fargo Building  
Oakland, California 94612

U.S. Energy Research and Development Administration  
Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

b. Required Identifying Information: Full name of consultant, name of contractor, area of contract work performed, and time period.

#### Record access procedures:

Refer to Notification Procedure.

#### Contesting record procedures:

Refer to Headquarters.

#### Record source categories:

Reports from individuals, contractors, and Dun and Bradstreet

### ERDA 8

#### System name:

Security Correspondence File—ERDA

#### System location:

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

#### Categories of individuals covered by the system:

Individual of interest to Energy Research and Development Administration officials.

#### Categories of records in the system:

Correspondence received from individuals; news media; and, informational reports.

#### Authority for maintenance of the system:

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

#### Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Federal law enforcement and investigative agencies—To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

For additional routine uses see Appendix AA.

#### Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper file manually retrieved.

Retrievability: Indexed by name.

Safeguards: Access limited to individuals having need-to-know; stored in security area under guard protection.

Retention and disposal: Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

#### System manager(s) and address:

The Director, Division of Safeguards and Security  
U.S. Energy Research and Development Administration  
Washington, D.C. 20545, has been designated the Agency System Manager for this system. The Managers and Directors of the field locations listed under Notification below are designated the System Managers for their respective portions of this system.

#### Notification procedure:

a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

b. Required Identifying Information: Full name, date of birth, social security number, and time period.

#### Record access procedures:

Refer to Notification Procedure.

#### Contesting record procedures:

Refer to Headquarters.

#### Record source categories:

Individual and official records; news media; and, organizations.

#### Systems exempted from certain provisions of the act:

Administrator has exempted this system from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f) of 5 U.S.C. 552a under the Privacy Act of 1974. This exemption applies only to information in this system of records which is exempt pursuant to 5 U.S.C. 552a(k) (1), (2) and (5). See ERDA rules, 10 CFR Chapter 111, Part 708.

### ERDA 9

#### System name:

Discrimination Complaint Files—ERDA

#### System location:

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Albuquerque Operations Office

P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Bartlesville Energy Research Center  
Box 1398  
Bartlesville, Oklahoma 74003

U.S. Energy Research and Development Administration  
Chicago Operations Office  
9800 South Cass Avenue  
Argonne, Illinois 60439

U.S. Energy Research and Development Administration  
Clinch River Breeder Reactor Plant Project  
P.O. Box U  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Grand Forks Energy Research Center  
Box 8213  
University Station  
Grand Forks, North Dakota 58202

U.S. Energy Research and Development Administration  
Grand Junction Office  
P.O. Box 2567  
Grand Junction, Colorado 81501

U.S. Energy Research and Development Administration  
Idaho Operations Office  
550 2nd Street  
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration  
Laramie Energy Research Center  
P.O. Box 3395  
University Station  
Laramie, Wyoming 82071

U.S. Energy Research and Development Administration  
Morgantown Energy Research Center  
Box 880  
Morgantown, West Virginia 26505

U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Pittsburgh Energy Research Center  
4800 Forbes Avenue  
Pittsburgh, Pennsylvania 15213

U.S. Energy Research and Development Administration  
Pittsburgh Naval Reactors Office  
P.O. Box 109  
West Mifflin, Pennsylvania 15122

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
San Francisco Operations Office  
1333 Broadway, Wells Fargo Building  
Oakland, California 94612

U.S. Energy Research and Development Administration  
Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration

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Schenectady Naval Reactors Office  
P.O. Box 1069  
Schenectady, New York 12301

**Categories of individuals covered by the system:**

Each ERDA employee, ERDA contractor employee, or Assigned Facilities contractor employee who has filed a written complaint of discrimination based on race, religion, national origin or sex with ERDA or with another Federal agency which has referred the complaint to ERDA

**Categories of records in the system:**

The complaint, investigative reports and related correspondence.

**Authority for maintenance of the system:**

Executive order 11246 PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.), Executive Order 11478 PUB. L. 92-261.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

Other federal state and local agencies—for purposes of considerations of charges, claims or appeals. CSC (Respecting complaints by ERDA Employees)—Equal Employment Opportunity enforcement purposes. U.S. Equal Employment Opportunity Commission, U.S. Department of Labor and State Fair Employment Commissions (Respecting complaints by contractor employees)—Equal employment opportunity enforcement purposes.

For additional routine uses see Appendix AA

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper files

**Retrievability:** By name of complainant

**Safeguards:** Stored in locked files in guarded buildings, with access only to those personnel involved in processing the complaint.

**Retention and disposal:** Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

**System manager(s) and address:**

The Director, Office of Equal Opportunity  
U.S. Energy Research and Development Administration  
Washington, D.C. 20545, has been designated the Agency System Manager for this system. The Managers and Directors of the field locations listed under Notification below are designated the System Managers for their respective portions of this system.

**Notification procedure:**

- a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Bartlesville Energy Research Center  
Box 1398  
Bartlesville, Oklahoma 74003

U.S. Energy Research and Development Administration  
Chicago Operations Office  
9800 South Cass Avenue  
Argonne, Illinois 60439

U.S. Energy Research and Development Administration  
Clinch River Breeder Reactor Plant Project  
P.O. Box U  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Grand Forks Energy Research Center  
Box 8213  
University Station  
Grand Forks, North Dakota 58202

U.S. Energy Research and Development Administration  
Idaho Operations Office  
550 2nd Street  
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration  
Laramie Energy Research Center  
P.O. Box 3395  
University Station  
Laramie, Wyoming 82071

U.S. Energy Research and Development Administration  
Morgantown Energy Research Center  
Box 880  
Morgantown, West Virginia 26505

U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Pittsburgh Energy Research Center  
4800 Forbes Avenue  
Pittsburgh, Pennsylvania 15213

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
San Francisco Operations Office  
1333 Broadway, Wells Fargo Building  
Oakland, California 94612

U.S. Energy Research and Development Administration  
Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

- b. Required Identifying Information: Full name, and time period.

**Record access procedures:**

Refer to Notification Procedure.

**Contesting record procedures:**

Refer to Headquarters.

**Record source categories:**

Information is derived from personnel and payroll records and from interviews with ERDA and contractor employees.

**ERDA 10**

**System name:**

Employment and Financial Interests—ERDA

**System location:**

U.S. Energy Research and Development Administration  
(Headquarters)  
Office of the General Counsel  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
Office of the Chief Counsel  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Chicago Operations Office

Office of the Chief Counsel  
9800 South Cass Avenue  
Argonne, Illinois 60439

U.S. Energy Research and Development Administration  
Grand Junction Office  
Office of the Chief Counsel  
P.O. Box 2567  
Grand Junction, Colorado 81501

U.S. Energy Research and Development Administration  
Idaho Operations Office  
Office of the Chief Counsel  
550 2nd Street  
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration  
Richland Operations Office  
Office of the Chief Counsel  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
San Francisco Operations Office  
Office of the Chief Counsel  
1333 Broadway, Wells Fargo Building  
Oakland, California 94612

U.S. Energy Research and Development Administration  
Nevada Operations Office  
Office of the Chief Counsel  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
Office of the Chief Counsel  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Savannah River Operations Office  
Office of the Chief Counsel  
P.O. Box A  
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration  
Schenectady Naval Reactors Office  
Office of the Chief Counsel  
P.O. Box 1069  
Schenectady, New York 12301

U.S. Energy Research and Development Administration  
Pittsburgh Naval Reactors Office  
Office of the Chief Counsel  
P.O. Box 109  
West Mifflin, Pennsylvania 15122

U.S. Energy Research and Development Administration  
Los Alamos Area Office  
Office of the Counsel  
528 35th St.  
Los Alamos, New Mexico 87544

U.S. Energy Research and Development Administration  
Kansas City Area Office  
Office of Counsel  
P.O. Box 202  
Kansas City, Missouri 64141

U.S. Energy Research and Development Administration  
Brookhaven Area Office  
Upton, New York 11973

U.S. Energy Research and Development Administration  
Rocky Flats Area Office  
P.O. Box 928  
Golden, Colorado 80401

**Categories of individuals covered by the system:**

ERDA employees as specified in Annex B, ERDA Appendix 4124, Part II, and consultants and special Government employees of ERDA.

**Categories of records in the system:**

"Contains": Information on ERDA Forms 443 and 269, including the name, position title, date of appointment; employment and financial interests; creditors, interests in real property; names and addresses of other persons requested to supply information; individual's certificate of truth and veracity.

**Authority for maintenance of the system:**

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.), EO 11222

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

Cognizant appointing officials—to assist the Agency, CSC and the President in determining whether individuals have conflicts or apparent conflicts of interest in the performance of official duties; for counselling personnel in avoiding violations; for assignment of duties, law enforcement

Counsel within the Agency and Department of Justice—Prosecution or determination as to law enforcement.

For additional routine uses see Appendix AA.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper files.

**Retrievability:** Indexed by name

**Safeguards:** Maintained in locked filing cabinets

**Retention and disposal:** Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill as appropriate.

**System manager(s) and address:**

The General Counsel, ERDA—Headquarters  
U.S. Energy Research and Development Administration  
Washington, D.C. 20545, has been designated the Agency System Manager for this system. The Managers and Directors of the field locations listed under Notification below are designated the System Managers for their respective portions of this system.

**Notification procedure:**

- a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Chicago Operations Office  
9800 South Cass Avenue  
Argonne, Illinois 60439

U.S. Energy Research and Development Administration  
Idaho Operations Office  
550 2nd Street  
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
San Francisco Operations Office  
1333 Broadway, Wells Fargo Building  
Oakland, California 94612

U.S. Energy Research and Development Administration

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Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

b. Required Identifying Information: Individual's name, ERDA location of last employment or cognizant office, and time period

**Record access procedures:**

Refer to Notification Procedure

**Contesting record procedures:**

Refer to Headquarters

**Record source categories:**

Individual on whom the record is maintained

**ERDA 11****System name:**

ERDA Personnel—Supervisor Records—ERDA

**System location:**

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Bartlesville Energy Research Center  
Box 1398  
Bartlesville, Oklahoma 74003

U.S. Energy Research and Development Administration  
Chicago Operations Office  
9800 South Cass Avenue  
Argonne, Illinois 60439

U.S. Energy Research and Development Administration  
Grand Forks Energy Research Center  
Box 8213  
University Station  
Grand Forks, North Dakota 58202

U.S. Energy Research and Development Administration  
Grand Junction Office  
P.O. Box 2567  
Grand Junction, Colorado 81501

U.S. Energy Research and Development Administration  
Idaho Operations Office  
550 2nd Street  
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration  
Laramie Energy Research Center  
P.O. Box 3395  
University Station  
Laramie, Wyoming 82071

U.S. Energy Research and Development Administration  
Morgantown Energy Research Center  
Box 880  
Morgantown, West Virginia 26505

U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Pittsburgh Energy Research Center  
4800 Forbes Avenue  
Pittsburgh, Pennsylvania 15213

U.S. Energy Research and Development Administration  
Pittsburgh Naval Reactors Office

P.O. Box 109  
West Mifflin, Pennsylvania 15122

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
San Francisco Operations Office  
1333 Broadway, Wells Fargo Building  
Oakland, California 94612

U.S. Energy Research and Development Administration  
Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration  
Schenectady Naval Reactors Office  
P.O. Box 1069  
Schenectady, New York 12301

U.S. Energy Research and Development Administration  
Clinch River Breeder Reactor Plant Project  
P.O. Box U  
Oak Ridge, Tennessee 37830

**Categories of individuals covered by the system:**

Current employees, in a few cases, records include former employees, assigned military personnel, or applicants

**Categories of records in the system:**

The contents vary from office to office, but include all or some of the following: copies and summaries of employment history, job descriptions, photography, education, address, next of kin, phone number, date of birth, awards and commendations received, participation in professional or community activities, training, earnings and leave data, travel actions, certification or qualification examinations, injury reports, appraisals, copy of ADP-produced Form ERDA-702, copy of Form ERDA-50, assignment records, security infraction notices, records of supervisory—employee discussions, reprimands, admonitions, adverse actions, contingency planning data, security clearance status, and government property in employee's possession.

**Authority for maintenance of the system:**

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

For additional routine uses see Appendix AA.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

Storage: Paper

Retrievability: By name

Safeguards: In files under control of supervisory official

**Retention and disposal:** Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

**System manager(s) and address:**

The Director of Personnel, U.S. Energy Research and Development Administration, Washington, D.C. 20545, has been designated the Agency System Manager for this system. The cognizant supervisor personnel in the appropriate office and location listed under Notification if said personnel retain such records, are designated System Managers for their respective portions of this system.

**Notification procedure:**

a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

U.S. Energy Research and Development Administration

Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Bartlesville Energy Research Center  
Box 1398  
Bartlesville, Oklahoma 74003

U.S. Energy Research and Development Administration  
Chicago Operations Office  
9800 South Cass Avenue  
Argonne, Illinois 60439

U.S. Energy Research and Development Administration  
Grand Forks Energy Research Center  
Box 8213  
University Station  
Grand Forks, North Dakota 58202

U.S. Energy Research and Development Administration  
Idaho Operations Office  
550 2nd Street  
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration  
Laramie Energy Research Center  
P.O. Box 3395  
University Station  
Laramie, Wyoming 82071

U.S. Energy Research and Development Administration  
Morgantown Energy Research Center  
Box 880  
Morgantown, West Virginia 26505

U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Pittsburgh Energy Research Center  
4800 Forbes Avenue  
Pittsburgh, Pennsylvania 15213

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
San Francisco Operations Office  
1333 Broadway, Wells Fargo Building  
Oakland, California 94612

U.S. Energy Research and Development Administration  
Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

b. Required Identifying Information: Complete name, and, if appropriate, the geographic location(s), organization(s), the name of the supervisor where requester believes such records may be located, and the time period.

**Record access procedures:**

Refer to Notification Procedure.

**Contesting record procedures:**

Refer to Headquarters

**Record source categories:**

The greatest majority of the data comes directly from the individuals or cognizant supervisory official; other data comes from copies of personnel action document.

**Systems exempted from certain provisions of the act:**

The Administrator has exempted this system from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f) of 5 U.S.C. 552a under the Privacy Act of 1974. This exemption applies only to information in this system of records which is exempt pursuant to 5 U.S.C. 552a(k)(5) and (6). See ERDA rules, 10 CFR Chapter 111, Part 708.

**ERDA 12****System name:**

ERDA Personnel Applicant Records—ERDA

**System location:**

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Bartlesville Energy Research Center  
Box 1398  
Bartlesville, Oklahoma 74003

U.S. Energy Research and Development Administration  
Chicago Operations Office  
9800 South Cass Avenue  
Argonne, Illinois 60439

U.S. Energy Research and Development Administration  
Grand Forks Energy Research Center  
Box 8213  
University Station  
Grand Forks, North Dakota 58202

U.S. Energy Research and Development Administration  
Grand Junction Office  
P.O. Box 2567  
Grand Junction, Colorado 81501

U.S. Energy Research and Development Administration  
Idaho Operations Office  
550 2nd Street  
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration  
Laramie Energy Research Center  
P.O. Box 3395  
University Station  
Laramie, Wyoming 82071

U.S. Energy Research and Development Administration  
Morgantown Energy Research Center  
Box 880  
Morgantown, West Virginia 26505

U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Pittsburgh Energy Research Center  
4800 Forbes Avenue  
Pittsburgh, Pennsylvania 15213

U.S. Energy Research and Development Administration  
Pittsburgh Naval Reactors Office  
P.O. Box 109  
West Mifflin, Pennsylvania 15122

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550

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Richland, Washington 99352

U.S. Energy Research and Development Administration  
San Francisco Operations Office  
1333 Broadway, Wells Fargo Building  
Oakland, California 94612

U.S. Energy Research and Development Administration  
Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration  
Schenectady Naval Reactors Office  
P.O. Box 1069  
Schenectady, New York 12301

**Categories of individuals covered by the system:**

Individuals applying for, or inquiring about, employment with ERDA

**Categories of records in the system:**

Standard Form 171, "Personal Qualifications Statement"; letters of inquiry and general applications; resumes of personal data, education, and work experience; personnel evaluation forms; completed reference check letters or forms; interview summary sheets; education, military and employment history statements; correspondence related to recruitment, application and employment; test records and academic transcripts (as appropriate); other documents related to application and employment.

**Authority for maintenance of the system:**

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 221), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

Key operating officials and supervisors (including military personnel assigned to ERDA or directly associated with the naval or military application functions of ERDA—Referrals of applicants, evaluation of qualifications and selection of candidates under consideration for employment, or in other activities directly concerned with their official responsibilities.

Colleges and Universities participating in the ERDA recruiting program—Performance of regular practices in placement of students and in receiving information concerning evaluation or selection of their graduates.

Other Government Investigative Agencies—In the event these records indicate a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

For additional routine uses see Appendix AA.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper and punched cards

**Retrievability:** Occupational category, name, date, register number; in college recruitment files, retrievable by education institution's name

**Safeguards:** Physical security varies: usually administratively-controlled access to authorized personnel in a locked and guarded building or in locked file cabinets.

**Retention and disposal:** Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

**System manager(s) and address:**

The Director of Personnel

U.S. Energy Research and Development Administration  
Washington, D.C. 20545, has been designated the Agency System Manager for this system. The Managers and Directors of the field locations listed under Notification below are designated the System Managers for their respective portions of this system.

**Notification procedure:**

a. U.S. Energy Research and Development Administration,  
Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Bartlesville Energy Research Center  
Box 1398  
Bartlesville, Oklahoma 74003

U.S. Energy Research and Development Administration  
Chicago Operations Office  
9800 South Cass Avenue  
Argonne, Illinois 60439

U.S. Energy Research and Development Administration  
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P.O. Box 3395  
University Station  
Laramie, Wyoming 82071

U.S. Energy Research and Development Administration  
Morgantown Energy Research Center  
Box 880  
Morgantown, West Virginia 26505

U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Pittsburgh Energy Research Center  
4800 Forbes Avenue  
Pittsburgh, Pennsylvania 15213

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
San Francisco Operations Office  
1333 Broadway, Wells Fargo Building  
Oakland, California 94612

U.S. Energy Research and Development Administration  
Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

b. Required Identifying Information: Full name, social security number, date of birth, occupational category and location at which application or other material was submitted; in case of college recruitment material, applicable college or university name; and time period.

**Record access procedures:**

Refer to Notification Procedure.

**Contesting record procedures:**

Refer to Headquarters.

**Record source categories:**

Individuals seeking, or referred for, employment; personal references provided by individuals; personnel administrators, officials, assistants, and other staff; interviewers; current and former employers, teachers, supervisors, and other government agencies; Congressmen, testing officials, State Employment Service; and educational institutions

**Systems exempted from certain provisions of the act:**

The Administrator has exempted this system from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f) of 5 U.S.C. 552a under the Privacy Act of 1974. This exemption applies only to information in this system of records which is exempt pursuant to 5 U.S.C. 552a(k)(5) and (6). See ERDA rules, 10 CFR Chapter 111, Part 708.

**ERDA 13**

**System name:**

ERDA Contractor Employee Insurance Claims—ERDA

**System location:**

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

**Categories of individuals covered by the system:**

Claimants under Workmen's Compensation Insurance, Third party claimants against ERDA contractors.

**Categories of records in the system:**

Accident reports, physician statements, pictures, maps, sketches, claimant and witnesses statements, doctors and hospital bills, reports from engineering firms, claims activity reports.

**Authority for maintenance of the system:**

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

Insurance companies—In administering problem claims against ERDA contractors and ERDA, State and local agencies—for consideration of insurance claims. Physicians—claim evaluation. Lawyers claim evaluation. State industrial commissions—claim evaluation. Claims—adjustment services firms—claim evaluation.

For additional routine uses see Appendix AA.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper, computer, printouts

**Retrievability:** By name, claim number.

**Safeguards:** Locked building.

**Retention and disposal:** Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill as appropriate.

**System manager(s) and address:**

The Director, Division of Labor Relations  
U.S. Energy Research and Development Administration  
Washington, D.C. 20545, has been designated the Agency System Manager for this system.

**Notification procedure:**

a. U.S. Energy Research and Development Administration,  
Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

b. Required Identifying Information: Full name and time period.

**Record access procedures:**

Refer to Notification Procedure.

**Contesting record procedures:**

Refer to Headquarters.

**Record source categories:**

From insurance company's claim files and from claimants and witnesses.

**ERDA 14**

**System name:**

ERDA Technology Training Program—Skill Training at Technician Level—ERDA

**System location:**

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

Oak Ridge Associated Universities  
Oak Ridge Operations Office  
P.O. Box 117  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Idaho Operations Office  
550 2nd Street  
Idaho Falls, Idaho 83401

**Categories of individuals covered by the system:**

Technician skill level training for industrial employers within the energy industry, e.g., Construction, Electro/Mechanical Drafting, Inhalation Toxicologists, Radiation Monitoring, Welding Inspection, Vacuum Technology, and/ASer and Optics Technology.

**Categories of records in the system:**

Application for training assignment, work history, education, training evaluation.

**Authority for maintenance of the system:**

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

For additional routine uses see Appendix AA.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper and punched cards.

**Retrievability:** Participants name.

**Safeguards:** Guarded building.

**Retention and disposal:** Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

**System manager(s) and address:**

The Director  
Division of Labor Relations  
U.S. Energy Research and Development Administration  
Washington, D.C. 20545, has been designated the Agency System Manager for this system. The Managers and Directors of the field locations listed under Notification below are designated the System Managers for their respective portions of this system.

**Notification procedure:**

a. U.S. Energy Research and Development Administration,  
Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E



Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
Idaho Operations Office  
550 2nd Street  
Idaho Falls, Idaho 83401

b. Required Identifying Information: Full name, training program, and time period.

**Record access procedures:**  
Refer to Notification Procedure.

**Contesting record procedures:**  
Refer to Headquarters.

**Record source categories:**  
From individuals and contractors by whom the individual is employed.

## ERDA 15

**System name:**  
ERDA Personnel/General Employment Records—(Addendum to the U.S. Civil Service Commission Federal Register Notice of Records reporting CSC-General Personnel Records (Official Personnel Folder and Related Records))—ERDA

**System location:**  
U.S. Energy Research and Development Administration  
(Headquarters)—  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Bartlesville Energy Research Center  
Box 1398  
Bartlesville, Oklahoma 74003

U.S. Energy Research and Development Administration  
Chicago Operations Office  
9800 South Cass Avenue  
Argonne, Illinois 60439

U.S. Energy Research and Development Administration  
Grand Forks Energy Research Center  
Box 8213  
University Station  
Grand Forks, North Dakota 58202

U.S. Energy Research and Development Administration  
Grand Junction Office  
P.O. Box 2567  
Grand Junction, Colorado 81501

U.S. Energy Research and Development Administration  
Idaho Operations Office  
550 2nd Street  
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration  
Laramie Energy Research Center  
P.O. Box 3395  
University Station  
Laramie, Wyoming 82071

U.S. Energy Research and Development Administration  
Morgantown Energy Research Center  
Box 880  
Morgantown, West Virginia 26505

U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office

P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Pittsburgh Energy Research Center  
4800 Forbes Avenue  
Pittsburgh, Pennsylvania 15213

U.S. Energy Research and Development Administration  
Pittsburgh Naval Reactors Office  
P.O. Box 109  
West Mifflin, Pennsylvania 15122

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
San Francisco Operations Office  
1333 Broadway, Wells Fargo Building  
Oakland, California 94612

U.S. Energy Research and Development Administration  
Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration  
Schenectady Naval Reactors Office  
P.O. Box 1069  
Schenectady, New York 12301

**Categories of individuals covered by the system:** Current and former employees, consultants, board members and applicants only to the extent they are considered for competitive selection.

**Categories of records in the system:**  
Official Personnel Folders (SF-66), Service Record Cards (SF-7), records on suggestions and awards, training request and authorization data, training course evaluation statements, appraisals resulting from annual supervisor-employee review, pay requests and dispositions, reduction-in-force registers (including associated records of competitive levels and competitive areas), reemployment and repromotion priority lists, retirement associated eligibility and calculations, records on competitive selections (Form ERDA-178 and supporting documents), central copy of approved position descriptions, correspondence related to and copies of employee appeals, grievances, and complaints, including records of hearings or examiner's reports, lists of separated employees, correspondence from employees requesting transfer or reassignment, average grade data, data related to and derived from the "Personnel Automated Records and Information System" (PARIS).

**Authority for maintenance of the system:**  
PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**  
Operating officials, supervisors, and administrative staff (Including military personnel assigned to ERDA or directly associated with the naval or military application functions of ERDA.) The employment and management of the personnel resources assigned to or considered for their organization, or in other activities directly concerned with their official responsibilities.  
Federal Bureau of Investigation or other Federal investigative organizations—To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. Nuclear Regulatory Commission—Statistical and historical employment analysis. Congress; Office of Management and Budget—Agency employment and organization analysis. U.S. Civil Service Commission—Federal government employment, record keeping and reporting.

For additional routine uses see Appendix AA.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**  
**Storage:** Paper, computer printouts, punched cards, mag-tape and disk, microfilm.

**Retrievability:** Name, Social Security Number.

**Safeguards:** Locked file cabinets, controlled access rooms; computer center access-control to automated personnel data base; locked records and guarded buildings.

**Retention and disposal:** Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

**System manager(s) and address:**  
The Director, Division of Personnel  
U.S. Energy Research and Development Administration  
Washington, D.C. 20545, has been designated the Agency System Manager for this system. The Managers and Directors of the field locations listed under Notification below are designated the System Managers for their respective portions of this system.

**Notification procedure:**  
a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Bartlesville Energy Research Center  
Box 1398  
Bartlesville, Oklahoma 74003

U.S. Energy Research and Development Administration  
Chicago Operations Office  
9800 South Cass Avenue  
Argonne, Illinois 60439

U.S. Energy Research and Development Administration  
Grand Forks Energy Research Center  
Box 8213  
University Station  
Grand Forks, North Dakota 58202

U.S. Energy Research and Development Administration  
Idaho Operations Office  
550 2nd Street  
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration  
Laramie Energy Research Center  
P.O. Box 3395  
University Station  
Laramie, Wyoming 82071

U.S. Energy Research and Development Administration  
Morgantown Energy Research Center  
Box 880  
Morgantown, West Virginia 26505

U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Pittsburgh Energy Research Center  
4800 Forbes Avenue

Pittsburgh, Pennsylvania 15213

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
San Francisco Operations Office  
1333 Broadway, Wells Fargo Building  
Oakland, California 94612

U.S. Energy Research and Development Administration  
Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

b. Required Identifying Information: Complete name, and, if appropriate, the geographic location(s) and organization(s) where requester believes such record may be located, social security number, date of birth, and time period.

**Record access procedures:**  
Refer to Notification Procedure.

**Contesting record procedures:**  
Refer to Headquarters.

**Record source categories:**  
Data comes directly from individual to whom it applies or is derived from information he/she supplied, except information that is provided by agency officials and/or obtained from official personnel actions.

**Systems exempted from certain provisions of the act:**  
The Administrator has exempted this system from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f) of 5 U.S.C. 552a under the Privacy Act of 1974. This exemption applies only to information in this system of records which is exempt pursuant to 5 U.S.C. 552a(k)(5) and (6). See ERDA rules, 10 CFR Chapter 111, Part 708.

## ERDA 16

**System name:**  
FHA Insured Loans (Certificates of Eligibility)—ERDA

**System location:**  
U.S. Energy Research and Development Administration  
Los Alamos Area Office  
528 35th Street  
Los Alamos, New Mexico 87544

**Categories of individuals covered by the system:**  
Persons having Certificates of Eligibility

**Categories of records in the system:**  
Employment and Loan Information

**Authority for maintenance of the system:**  
National Housing Act, PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**  
Federal Housing Administration—For approval by area manager. (FHA) Personnel Processing of loan by FHA.

For additional routine uses see Appendix AA.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**  
**Storage:** Paper.

**Retrievability:** Subject file, name.

**Safeguards:** Kept in locked building.

**Retention and disposal:** Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

**System manager(s) and address:**  
Manager  
U.S. Energy Research and Development Administration

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Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115, has been designated the  
Agency System Manager for this system.

**Notification procedure:**

a. U.S. Energy Research and Development Administration,  
Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

b. Required Identifying Information: Full name of individual  
and time period.

**Record access procedures:**

Refer to Notification Procedure.

**Contesting record procedures:**

Refer to Headquarters.

**Record source categories:**

Individuals involved, employer, real estate broker

**ERDA 17****System name:**

Firearms Qualifications Record—ERDA

**System location:**

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Amarillo Area Office  
Pantex Plant, P.O. Box 1086  
Amarillo, Texas 79105

U.S. Energy Research and Development Administration  
Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration  
Dayton Area Office  
Mound Laboratory, Box 66  
Miamisburg, Ohio 45342

U.S. Energy Research and Development Administration  
Kansas City Area Office  
2000 E. Bannister Road, P.O. Box 202  
Kansas City, Missouri 64141

U.S. Energy Research and Development Administration  
Los Alamos Area Office  
528 35th Street  
Los Alamos, New Mexico 87544

U.S. Energy Research and Development Administration  
Pittsburgh Naval Reactors Office  
P.O. Box 109  
West Mifflin, Pennsylvania 15122

U.S. Energy Research and Development Administration  
Pinellas Area Office  
GE Pinellas Peninsula, P.O. Box 11500  
St. Petersburg, Florida 33733

U.S. Energy Research and Development Administration  
Rocky Flats Area Office  
P.O. Box 928  
Golden, Colorado 80401

U.S. Energy Research and Development Administration  
Sandia Area Office  
Technical Area I, Kirtland Air Force Base-East  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
San Francisco Livermore Site Office  
Trailer 125, Room 106  
Livermore, California 94550

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Idaho Operations Office  
550 2nd Street  
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration  
Grand Junction Office  
P.O. Box 2567  
Grand Junction, Colorado 81501

U.S. Energy Research and Development Administration  
Schenectady Naval Reactors Office  
P.O. Box 1069  
Schenectady, New York 12301

**Categories of individuals covered by the system:**

Energy Research and Development Administration employees  
and Energy Research and Development Administration  
contractor employees who familiarize or qualify with  
firearms in performance of regular duties.

**Categories of records in the system:**

Records of individual's annual qualification scores; approval of  
gun permits; accountability of firearms.

**Authority for maintenance of the system:**

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended  
(42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.),  
PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30  
U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et  
seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

Wackenhut Services Incorporated (Nevada) Training and  
Administrative Personnel—Performance of regular duties

Los Alamos County Sheriff—Deputation of individuals

Los Alamos County Clerk—Recording of Deputy Commission

Los Alamos District Court Clerk—Recording of Deputy  
Commission.

For additional routine uses see Appendix AA.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper file manually retrieved.

**Retrievability:** Indexed chronologically and by name.

**Safeguards:** Access limited to employees having need-to-know;  
stored in security areas under guard and/or alarm protection.

**Retention and disposal:** Records retention and disposal authorities  
are contained in ERDA, Manual Appendix 0230, "Records Disposition."  
Records within the ERDA are destroyed by shredding, burning,  
or burial in a sanitary landfill, as appropriate.

**System manager(s) and address:** The Director, Division of  
Safeguards and Security

U.S. Energy Research and Development Administration  
Washington, D.C. 20545, has been designated the Agency  
System Manager for this system. The Managers and  
Directors of the field locations listed under Notification  
below are designated the System Managers for their  
respective portions of this system.

**Notification procedure:**

a. U.S. Energy Research and Development Administration,  
Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400

Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
San Francisco Operations Office  
1333 Broadway, Wells Fargo Building  
Oakland, California 94612

U.S. Energy Research and Development Administration  
Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration  
Idaho Operations Office  
550 2nd Street  
Idaho Falls, Idaho 83401

b. Required Identifying Information: Full name, date of birth,  
social security number, and time period.

**Record access procedures:**

Refer to Notification Procedure.

**Contesting record procedures:**

Refer to Headquarters.

**Record source categories:**

Gun permit notifications and firearm qualifications results from  
individual and training personnel.

**ERDA 18****System name:**

Investigations Pertaining to Violations of Law and Losses of  
Security Interest—ERDA

**System location:**

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
Los Alamos Area Office  
528 35th Street  
Los Alamos, New Mexico 87544

U.S. Energy Research and Development Administration  
Batavia Area Office  
P.O. Box 2000  
Batavia, Illinois 60510

U.S. Energy Research and Development Administration  
Idaho Operations Office  
550 2nd Street  
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
San Francisco Operations Office  
1333 Broadway, Wells Fargo Building  
Oakland, California 94612

**Categories of individuals covered by the system:**

Energy Research and Development Administration and ERDA  
contractor employees; private citizens.

**Categories of records in the system:**

Reports to determine cause and circumstance of accidents

and/or incidents; and traffic violators.

**Authority for maintenance of the system:**

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended  
(42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.),  
PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30  
U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et  
seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

Federal, State and local law enforcement agencies—To refer,  
where there is an indication of a violation or potential  
violation of law, whether civil, criminal, or regulatory in  
nature, to the appropriate agency, whether Federal, state, or  
local, charged with the responsibility of investigating or  
prosecuting such violation or charged with enforcing or  
implementing the statute, or rule, regulation, or order issued  
pursuant thereto.

Civil Service Commission—Investigative purposes

Property Owners and Insurance Companies—Insurance claims

ERDA Contractor Fire and Safety and Administrative  
Personnel—Evaluation of fire and safety incidents.

For additional routine uses see Appendix AA.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper file manually retrieved; also on photographs and  
tape recordings at Batavia Office.

**Retrievability:** Indexed by name and chronologically.

**Safeguards:** Access limited to individuals having need-to-know;  
maintained in locked and guarded buildings.

**Retention and disposal:** Records retention and disposal authorities  
are contained in ERDA, Manual Appendix 0230, "Records Disposition."  
Records within the ERDA are destroyed by shredding, burning,  
or burial in a sanitary landfill, as appropriate.

**System manager(s) and address:** The Director, Division of  
Safeguards and Security

U.S. Energy Research and Development Administration  
Washington, D.C. 20545, has been designated the Agency  
System Manager for this system. The Managers and  
Directors of the field locations listed under Notification  
below are designated the System Managers for their  
respective portions of this system.

**Notification procedure:**

a. U.S. Energy Research and Development Administration,  
Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Chicago Operations Office  
9800 South Cass Avenue  
Argonne, Illinois 60439

U.S. Energy Research and Development Administration  
Idaho Operations Office  
550 2nd Street  
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
San Francisco Operations Office  
1333 Broadway, Wells Fargo Building  
Oakland, California 94612

U.S. Energy Research and Development Administration  
Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

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b. Required Identifying Information: Indicate full name, date of birth, employer, dates of employment and social security number.

**Record access procedures:**

Refer to Notification Procedure.

**Contesting record procedures:**

Refer to Headquarters.

**Record source categories:**

Reports of investigations performed by security, fire, safety personnel; reports filed by local and state police departments; and, results of accident investigations and incidents.

**ERDA 19**

**System name:**

Foreign Travel—ERDA

**System location:**

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
Los Alamos Area Office  
528 35th Street  
Los Alamos, New Mexico 87544

U.S. Energy Research and Development Administration  
Pittsburgh Naval Reactors Office  
P.O. Box 109  
West Mifflin, Pennsylvania 15122

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
San Francisco Operations Office  
1333 Broadway, Wells Fargo Building  
Oakland, California 94612

U.S. Energy Research and Development Administration  
Schenectady Naval Reactors Office  
P.O. Box 1069  
Schenectady, New York 12301

U.S. Energy Research and Development Administration  
Grand Junction Office  
P.O. Box 2567  
Grand Junction, Colorado 81501

U.S. Energy Research and Development Administration  
Idaho Operations Office  
550 2nd Street  
Idaho Falls, Idaho 83401

**Categories of individuals covered by the system:**

Energy Research and Development Administration and ERDA contractor employees traveling to foreign countries.

**Categories of records in the system:**

Security evaluation of individual's access to classified information and background data relating to proposed foreign travel; travel itinerary and summary report following completion of travel.

**Authority for maintenance of the system:**

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.).

PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

Law enforcement and intelligence agencies—Post travel discussions.

For additional routine uses see Appendix AA.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper files, retrieved manually.

**Retrievability:** Indexed by name and chronologically.

**Safeguards:** Access limited to employees with need-to-know, stored in guarded buildings.

**Retention and disposal:** Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

**System manager(s) and address:** The Director, Division of Safeguards and Security

U.S. Energy Research and Development Administration  
Washington, D.C. 20545, has been designated the Agency System Manager for this system. The Managers and Directors of the field locations listed under Notification below are designated the System Managers for their respective portions of this system.

**Notification procedure:**

a. U.S. Energy Research and Development Administration,  
Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
San Francisco Operations Office  
1333 Broadway, Wells Fargo Building  
Oakland, California 94612

U.S. Energy Research and Development Administration  
Idaho Operations Office  
550 2nd Street  
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration  
Idaho Operations Office  
550 2nd Street  
Idaho Falls, Idaho 83401

b. Required Identifying Information: Indicate full name, date of birth, employment location and dates of travel.

**Record access procedures:** Refer to Notification Procedure.

**Contesting record procedures:**

Refer to Headquarters.

**Record source categories:**

Individual and employer of individual.

**Systems exempted from certain provisions of the act:**

The Administrator has exempted this system from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f) of 5 U.S.C. 552a under the Privacy Act of 1974. This exemption applies only to information in this system of records which is exempt pursuant to 5 U.S.C. 552a(k) (1), (2) and (5). See ERDA rules, 10 CFR Chapter 111, Part 708.

**ERDA 20**

**System name:**

Files on Operators of Federally-Owned Motor Vehicles—ERDA

**System location:**

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Bartlesville Energy Research Center  
P.O. Box 1398  
Bartlesville, Oklahoma 74003.

U.S. Energy Research and Development Administration  
Pittsburgh Naval Reactors Office  
P.O. Box 109  
West Mifflin, Pennsylvania 15122

U.S. Energy Research and Development Administration  
Chicago Operations Office  
9800 South Cass Avenue  
Argonne, Illinois 60439

U.S. Energy Research and Development Administration  
Grand Junction Office  
P.O. Box 2567  
Grand Junction, Colorado 81501

U.S. Energy Research and Development Administration  
Idaho Operations Office  
550 2nd Street  
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration  
Los Alamos Area Office  
528 35th Street  
Los Alamos, New Mexico 87544

U.S. Energy Research and Development Administration  
Morgantown Energy Research Center  
Box 880  
Morgantown, West Virginia 26505

U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
New Brunswick Laboratory  
P.O. Box 150  
New Brunswick, New Jersey 08930

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
San Francisco Operations Office  
1333 Broadway, Wells Fargo Building  
Oakland, California 94612

U.S. Energy Research and Development Administration  
Rocky Flats Area Office  
P.O. Box 928  
Golden, Colorado 80401

U.S. Energy Research and Development Administration  
Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration  
Laramie Energy Research Center  
P.O. Box 3395, University Station  
Laramie, Wyoming 82071

U.S. Energy Research and Development Administration  
Schenectady Naval Reactors Office  
P.O. Box 1069  
Schenectady, New York 12301

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
Pittsburgh Energy Research Center  
4800 Forbes Ave.  
Pittsburgh, Pennsylvania 15213

**Categories of individuals covered by the system:**

ERDA and ERDA contractor personnel, U.S. Geological Survey personnel, contractor personnel, U.S. Forest Service personnel, and Nuclear Regulatory Commission personnel

**Categories of records in the system:**

Government motor vehicle license applications, government motor vehicle operator's driving record, record of tests, investigations pertaining to possible misuses of government equipment, and vehicle restrictions

**Authority for maintenance of the system:**

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.) CSC Regulations, 40 U.S.C. 471.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

National Safety Council and military personnel—Statistical, awards, determine qualifications for drivers license, employee's license history, managerial control  
Contractors—Same as above and investigation of possible misuse of government equipment.

For additional routine uses see Appendix AA.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper and punched cards

**Retrievability:** Alphabetic by name, chronological by expiration date, date of incident, and numeric by badge number

**Safeguards:** Maintained in buildings with controlled access, combination file safe, and key lock file

**Retention and disposal:** Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

**System manager(s) and address:** The Director, Division of Operational and Environmental Safety

U.S. Energy Research and Development Administration  
Washington, D.C. 20545, has been designated the Agency System Manager for this system. The Managers and Directors of the field locations listed under Notification below are designated the System Managers for their respective portions of this system.

**Notification procedure:**

a. U.S. Energy Research and Development Administration,  
Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545



U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Bartlesville Energy Research Center  
Box 1398  
Bartlesville, Oklahoma 74003

U.S. Energy Research and Development Administration  
Chicago Operations Office  
9800 South Cass Avenue  
Argonne, Illinois 60439

U.S. Energy Research and Development Administration  
Idaho Operations Office  
550 2nd Street  
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration  
Morgantown Energy Research Center  
Box 880  
Morgantown, West Virginia 26505

U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
Laramie Energy Research Center  
P.O. Box 3395, University Station  
Laramie, Wyoming 82071

U.S. Energy Research and Development Administration  
Pittsburgh Energy Research Center  
4800 Forbes Ave.  
Pittsburgh, Pennsylvania 15213

b. Required Identifying Information: Full name, location(s) of ERDA installation, where Government driver's license was issued, and time period.

#### Record access procedures:

Refer to Notification Procedure

#### Contesting record procedures:

Refer to Headquarters.

#### Record source categories:

From individual, examining physician, or nurse, National Driver Register, Department of Transportation, shipment security records and trip summaries, safety engineer, citizens observing misuse of government equipment, and police

#### ERDA 21

#### System name:

Investigative Files—ERDA

#### System location:

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Bartlesville Energy Research Center  
Box 1398  
Bartlesville, Oklahoma 74003

U.S. Energy Research and Development Administration  
Chicago Operations Office  
9800 South Cass Avenue  
Argonne, Illinois 60439

U.S. Energy Research and Development Administration  
Grand Forks Energy Research Center  
Box 8213  
University Station  
Grand Forks, North Dakota 58202

U.S. Energy Research and Development Administration  
Grand Junction Office  
P.O. Box 2567  
Grand Junction, Colorado 81501

U.S. Energy Research and Development Administration  
Idaho Operations Office  
550 2nd Street  
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration  
Laramie Energy Research Center  
P.O. Box 3395  
University Station  
Laramie, Wyoming 82071

U.S. Energy Research and Development Administration  
Morgantown Energy Research Center  
Box 880  
Morgantown, West Virginia 26505

U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Pittsburgh Energy Research Center  
4800 Forbes Avenue  
Pittsburgh, Pennsylvania 15213

U.S. Energy Research and Development Administration  
Pittsburgh Naval Reactors Office  
P.O. Box 109  
West Mifflin, Pennsylvania 15122

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
San Francisco Operations Office  
1333 Broadway, Wells Fargo Building  
Oakland, California 94612

U.S. Energy Research and Development Administration  
Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration  
Schenectady Naval Reactors Office  
P.O. Box 1069  
Schenectady, New York 12301

Resident Investigators, Office of Internal Review, assigned at the following Operations Offices:

Albuquerque Operations Office  
Chicago Operations Office

Nevada Operations Office  
Oak Ridge Operations Office  
Richland Operations Office  
San Francisco Operations Office

#### Categories of individuals covered by the system:

Current and former ERDA and contractor employees who are subjects of investigations, and individuals involved in miscellaneous investigative matters.

#### Categories of records in the system:

Investigative reports, memoranda, letters, and when applicable, performance evaluation of the assigned investigator.

#### Authority for maintenance of the system:

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

#### Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Federal, state and local law enforcement Agencies—To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

General Accounting Office—Administrative evaluation of agency procedures, upon request.

Congress—Evaluation of agency procedures.

Individuals Who File Discrimination Complaints Against ERDA—Review results of discrimination investigation.

ERDA contractor management personnel on a need to know basis—Administrative evaluation and action.

United States Department of Justice—Possible civil suits.

Other Government Agencies—Evaluation with regard to personnel clearance and suitability investigations, upon request.

Federal, state or local agencies authorized under the Civil Rights Act to redress equal opportunity complaints—Evaluation of investigations of discrimination complaints.

For additional routine uses see Appendix AA.

#### Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files and card indices

Retrievability: By name and case number

Safeguards: Files are kept in at least key-locked cabinets, with access on a need-to-know basis. Files may be disclosed outside the agency only with the approval of the Director, Office of Audit and Inspection.

Retention and disposal: Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address: The Director, Office of Internal Review.

U.S. Energy Research and Development Administration  
Washington, D.C. 20545, has been designated the Agency System Manager for this system. The Managers and Directors of the field locations listed under Notification below are designated the System Managers for their respective portions of this system.

#### Notification procedure:

a. U.S. Energy Research and Development Administration,  
Privacy Act Administration Officer's Mail Address:

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Bartlesville Energy Research Center  
Box 1398  
Bartlesville, Oklahoma 74003

U.S. Energy Research and Development Administration  
Chicago Operations Office  
9800 South Cass Avenue  
Argonne, Illinois 60439

U.S. Energy Research and Development Administration  
Grand Forks Energy Research Center  
University Station  
Box 8213  
Grand Forks, North Dakota 58202

U.S. Energy Research and Development Administration  
Idaho Operations Office  
550 2nd Street  
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration  
Laramie Energy Research Center  
P.O. Box 3395  
University Station  
Laramie, Wyoming 82071

U.S. Energy Research and Development Administration  
Morgantown Energy Research Center  
Box 880  
Morgantown, West Virginia 26505

U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Pittsburgh Energy Research Center  
4800 Forbes Avenue  
Pittsburgh, Pennsylvania 15213

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
San Francisco Operations Office  
133 Broadway, Wells Fargo Building  
Oakland, California 94612

U.S. Energy Research and Development Administration  
Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

b. Required Identifying Information: Full name, identity and address of employer, and dates of employment.

#### Record access procedures:

Refer to Notification Procedure.

#### Contesting record procedures:

Refer to Headquarters.

#### Record source categories:

Information comes from ERDA and contractor records, employees of both, and other sources possessing information pertinent to an investigation.

Systems exempted from certain provisions of the act: The Administrator has exempted this system from subsections (c)(3), (d), (e)(1),



(3)(4)(G)(H)(I), and (f) of 5 U.S.C. 552a under the Privacy Act of 1974. This exemption applies only to information in this system of records which is exempt pursuant to 5 U.S.C. 552(k) (1), (2) and (5). See ERDA rules, 10 CFR Chapter 111, Part 708.

## ERDA 22

## System name:

Labor Standards Complaints and Grievance Files—ERDA

## System location:

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Chicago Operations Office  
9800 South Cass Avenue  
Argonne, Illinois 60439

U.S. Energy Research and Development Administration  
Clinch River Breeder Reactor Plant Project  
P.O. Box U  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Idaho Operations Office  
550 2nd Street  
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Pittsburgh Naval Reactors Office  
P.O. Box 109  
West Mifflin, Pennsylvania 15122

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
San Francisco Operations Office  
1333 Broadway, Wells Fargo Building  
Oakland, California 94612

U.S. Energy Research and Development Administration  
Schenectady Naval Reactors Office  
P.O. Box 1069  
Schenectady, New York 12301

## Categories of individuals covered by the system:

Current and former contractor employees.

## Categories of records in the system:

Complaints against contractors, labor unions.

## Authority for maintenance of the system:

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

## Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

U.S. Dept. of Labor—Contract labor standards enforcement.  
For additional routine uses see Appendix AA.

## Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

## Storage: Paper

**Retrievability:** By individual name, by case number.

**Safeguards:** Locked files.

**Retention and disposal:** Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

## System manager(s) and address:

The Director,  
Division of Labor Relations,  
U.S. Energy Research and Development Administration,  
Washington, D.C. 20545, has been designated the Agency  
System Manager for this system. The Managers and  
Directors of the field locations listed under Notification  
below are designated the System Managers for their  
respective portions of this system.

## Notification procedure:

a. U.S. Energy Research and Development Administration,  
Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Chicago Operations Office  
9800 South Cass Avenue  
Argonne, Illinois 60439

U.S. Energy Research and Development Administration  
Clinch River Breeder Reactor Plant Project  
P.O. Box U  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Idaho Operations Office  
550 2nd Street  
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
San Francisco Operations Office  
1333 Broadway, Wells Fargo Building  
Oakland, California 94612

b. Required Identifying Information: Contractor, union,  
individual name, and time period.

## Record access procedures:

Refer to Notification Procedure.

## Contesting record procedures:

Refer to Headquarters.

## Record source categories:

From contractors, public, individuals.

## ERDA 23

## System name:

Legal Office—Claims, Litigations, Criminal Violations,  
Patents, and other Legal Files—ERDA

## System location:

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Bartlesville Energy Research Center  
Box 1398  
Bartlesville, Oklahoma 74003

U.S. Energy Research and Development Administration  
Chicago Operations Office  
9800 South Cass Avenue  
Argonne, Illinois 60439

U.S. Energy Research and Development Administration  
Grand Forks Energy Research Center  
Box 8213  
University Station  
Grand Forks, North Dakota 58202

U.S. Energy Research and Development Administration  
Grand Junction Office  
P.O. Box 2567  
Grand Junction, Colorado 81501

U.S. Energy Research and Development Administration  
Laramie Energy Research Center  
P.O. Box 3395  
University Station  
Laramie, Wyoming 82071

U.S. Energy Research and Development Administration  
Morgantown Energy Research Center  
Box 880  
Morgantown, West Virginia 26505

U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Pittsburgh Energy Research Center  
4800 Forbes Avenue  
Pittsburgh, Pennsylvania 15213

U.S. Energy Research and Development Administration  
Pittsburgh Naval Reactors Office  
P.O. Box 109  
West Mifflin, Pennsylvania 15122

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
San Francisco Operations Office  
1333 Broadway, Wells Fargo Building  
Oakland, California 94612

U.S. Energy Research and Development Administration  
Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration  
Schenectady Naval Reactors Office  
Post Office Box 1069  
Schenectady, New York 12301

## Categories of individuals covered by the system:

ERDA related debtors and bankrupts; claimants-radiation, tort, patent; claimants with respect to employees compensation and workmen's compensation claims; radiation injury and other personal injury claims; property damage and other tort claims; patent claims and contract claims; injured parties, litigants and complaints generally; inventors; those against whom claims have been filed; persons suspected of violating criminal law.

## Categories of records in the system:

Claims of government against others; Administrative claims; personal injury, radiation injury, property damage and other tort claims; contract claims, litigation records, accident reports civil litigation; addendums to inspection reports

employment records consultants agreements, cases alleging discrimination, award, conflict of interest files, criminal litigation records, Personal Security Review Board cases, medical records, photographs, telephone records, investigations, government orders, inventions and correspondence and other data relating to the foregoing.

## Authority for maintenance of the system:

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

## Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Department of Justice, GAO, state and local law enforcement agencies; civil and criminal courts, administrative arbitrators, litigants, investigators, congress, attorneys, physicians, consultants, insurance carriers—For appraisal, evaluation, settlement and denial of claims and other matters and as a basis for advice by counsel and physicians and as a basis for administrative and legal action and all matters pertaining thereto including civil and criminal remedies, law enforcement, disclosure when requesting information, and disclosure of requested information, maintenance of records.

For additional routine uses see Appendix AA.

## Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

## Storage: Paper

**Retrievability:** Name and control card locator

**Safeguards:** Records maintained in vault and locked safes under surveillance during business hours, otherwise locked.

**Retention and disposal:** Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

## System manager(s) and address:

The General Counsel, U.S. Energy Research and Development Administration (Headquarters), Washington, D.C. 20545 has been designated the Agency system manager for this system. The Managers and Directors of the field locations listed under Notification below are designated System Managers for their respective portions of the system.

## Notification procedure:

a. U.S. Energy Research and Development Administration,  
Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Bartlesville Energy Research Center  
Box 1398  
Bartlesville, Oklahoma 74003

U.S. Energy Research and Development Administration  
Chicago Operations Office  
9800 South Cass Avenue  
Argonne, Illinois 60439

U.S. Energy Research and Development Administration  
Grand Forks Energy Research Center  
Box 8213  
University Station  
Grand Forks, North Dakota 58202

U.S. Energy Research and Development Administration  
Laramie Energy Research Center  
P.O. Box 3395  
University Station  
Laramie, Wyoming 82071



U.S. Energy Research and Development Administration  
Morgantown Energy Research Center  
Box 880  
Morgantown, West Virginia 26505

U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Pittsburgh Energy Research Center  
4800 Forbes Avenue  
Pittsburgh, Pennsylvania 15213

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
San Francisco Operations Office  
1333 Broadway, Wells Fargo Building  
Oakland, California 94612

U.S. Energy Research and Development Administration  
Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

b. Required Identifying Information: Full name of individual; approximate date of event, place of origin; category of record; cognizant office

#### Record access procedures:

Refer to Notification Procedure.

#### Contesting record procedures:

Refer to Headquarters.

#### Record source categories:

From individuals, inspection reports, other agencies, Office of General Counsel attorneys and other agency officers and staff, contractors, investigators and auditors.

#### Systems exempted from certain provisions of the act:

The Administrator has exempted this system from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f) of 5 U.S.C. 552a under the Privacy Act of 1974. This exemption applies only to information in this system of records which is exempt pursuant to 5 U.S.C. 552a(k) (1), (2) and (5). See ERDA rules, 10 CFR Chapter 111, Part 708.

#### ERDA 24

#### System name:

Medical History System-ERDA and Contractor Employees—ERDA

#### System location:

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
Idaho Operations Office  
550 Second Street  
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration  
Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Schenectady Naval Reactors Office  
P.O. Box 1069  
Schenectady, New York 12301

U.S. Energy Research and Development Administration  
Los Alamos Area Office  
528 35th Street  
Los Alamos, New Mexico 87544

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Pittsburgh Naval Reactors Office  
P.O. Box 109  
West Mifflin, Pennsylvania 15122

U.S. Energy Research and Development Administration  
Naval Reactors Facility  
P.O. Box 2068  
Idaho Falls, Idaho 83411

U.S. Energy Research and Development Administration  
Bettis Atomic Power Laboratory  
P.O. Box 79  
West Mifflin, Pennsylvania 15122

U.S. Energy Research and Development Administration  
Pittsburgh Energy Research Center  
4800 Forbes Avenue  
Pittsburgh, Pennsylvania 15213

U.S. Energy Research and Development Administration  
Kansas City Area Office  
2006 E. Bannister, Box 202  
Kansas City, Missouri 64141

U.S. Energy Research and Development Administration  
Chicago Operations Office  
9800 South Cass Avenue  
Argonne, Illinois 60439

U.S. Energy Research and Development Administration  
Clinch River Breeder Reactor Plant Project  
P.O. Box U  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
Grand Junction Office  
P.O. Box 2567  
Grand Junction, Colorado 81501

U.S. Energy Research and Development Administration  
Brookhaven National Laboratory  
Industrial Medicine Division  
Upton, New York 11973

U.S. Energy Research and Development Administration  
Dayton Area Office  
Mound Laboratory, Box 66  
Miamisburg, Ohio 45342

U.S. Energy Research and Development Administration  
Bendix Corporation  
P.O. Box 1159  
Kansas City, Missouri 64141

U.S. Energy Research and Development Administration  
Knolls Atomic Power Laboratory  
P.O. Box 1072  
Schenectady, New York 12301

U.S. Energy Research and Development Administration  
San Francisco Operations Office  
1333 Broadway, Wells Fargo Building  
Oakland, California 94612

U.S. Energy Research and Development Administration  
Morgantown Energy Research Center  
P.O. Box 880  
Morgantown, West Virginia 26505

U.S. Energy Research and Development Administration  
Bartlesville Energy Research Center  
P.O. Box 1398  
Bartlesville, Oklahoma 74003

U.S. Energy Research and Development Administration  
Grand Forks Energy Research Center  
Box 8213  
University Station  
Grand Forks, North Dakota 58202

U.S. Energy Research and Development Administration  
Laramie Energy Research Center  
P.O. Box 3395  
University Station  
Laramie, Wyoming 82071

#### Categories of individuals covered by the system:

Employees of ERDA and ERDA contractor personnel.

#### Categories of records in the system:

Medical history on employee resulting from medical examinations and radiation exposure. In case of injury, description of injury occurrence and treatment. In addition, medical records of periodic physical examinations; and psychological testing, routine first aid, and other visits.

#### Authority for maintenance of the system:

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as am(42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

#### Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Physicians, U.S. Department of Labor, various state's departments of labor and industries, and contractors—to describe and record information as a result of periodic and physical examinations to ascertain suitability of an employee to a better job assignment with regard to health, and to maintain a record of occupational injuries or illnesses.

For additional routine uses see Appendix AA.

#### Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computer printouts, magnetic tape, paper, microfilm.

Retrievability: By name, Social Security number, plant area.

Safeguards: Active records are maintained in locked file cabinet in a locked building. Inactive records are maintained in locked storage vault.

Retention and disposal: Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

#### System manager(s) and address:

The Director,  
Division of Operational and Environmental Safety  
U.S. Energy Research and Development Administration,  
Washington, D.C. 20545, has been designated the Agency System Manager for this system. The Managers and Directors of the field locations listed under Notification below are designated the System Managers for their respective portions of this system.

#### Notification procedure:

a. U.S. Energy Research and Development Administration,  
Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Chicago Operations Office  
9800 South Cass Avenue  
Argonne, Illinois 60439

U.S. Energy Research and Development Administration  
Clinch River Breeder Reactor Plant Project  
P.O. Box U  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Idaho Operations Office  
550 2nd Street  
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Pittsburgh Energy Research Center  
4800 Forbes Avenue  
Pittsburgh, Pennsylvania 15213

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration  
San Francisco Operations Office  
1333 Broadway, Wells Fargo Building  
Oakland, California 94612

U.S. Energy Research and Development Administration  
Morgantown Energy Research Center  
P.O. Box 880  
Morgantown, West Virginia 26505

b. Required Identifying Information: Applicable location or location or locations where individual is or was employed, full name of requester, social security number, employer(s), and time period.

#### Record access procedures:

Refer to Notification Procedure.

#### Contesting record procedures:

Refer to Headquarters

#### Record source categories:

From individuals and employer payroll systems. Investigations of accidents or illnesses: From individual and his personnel and Medical records: Physician performing the examination

#### ERDA 25

#### System name:

Nuclear Qualification Examination Records (for personnel to be assigned to ships, shipyards, prototypes and shipping port Atomic Power Station)—ERDA

#### System location:

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

#### Categories of individuals covered by the system:

Candidates for positions: U.S. Naval nuclear ship commanding officers, engineering officers, Naval nuclear prototype plant managers, Naval reactors representatives, shipyard and prototype shift test engineers and shipping port Atomic Power Station operations supervisors and nuclear control operators.

#### Categories of records in the system:

Completed examinations and associated records necessary to locate the exams.

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**Authority for maintenance of the system:**

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

DOD—Performance of regular duties.

For additional routine uses see Appendix AA.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

Storage: Paper

Retrievability: Name and examination serial number

Safeguards: Access controlled by cognizant engineer.

**Retention and disposal:** Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

**System manager(s) and address:**

The Director, Division of Naval Reactors,  
U.S. Energy Research and Development Administration,  
Washington, D.C. 20545 has been designated the Agency  
System Manager for this system.

**Notification procedure:**

a. U.S. Energy Research and Development Administration,  
Privacy Act Administration Officer's Main Addresses:

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

b. Required Identifying Information: Name, position for which  
examination taken and the approximate date of the exam.

**Record access procedures:**

Refer to Notification Procedure.

**Record source categories:**

From the individual to whom the records pertain.

ERDA 26

**System name:**

Occupational and Industrial Health, and Safety  
Records—ERDA

**System location:**

U.S. Energy Research and Development Administration  
(Headquarters),  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Amarillo Area Office  
Pantex Plant  
P.O. Box 1086  
Amarillo, Texas 79105

U.S. Energy Research and Development Administration  
Dayton Area Office  
P.O. Box 66  
Miamisburg, Ohio 45342

U.S. Energy Research and Development Administration  
Kansas City Area Office  
P.O. Box 202  
Kansas City, Missouri 64141

U.S. Energy Research and Development Administration  
Los Alamos Area Office  
180 6th Street  
Los Alamos, New Mexico 87544

U.S. Energy Research and Development Administration  
Pinellas Area Office  
P.O. Box 11500  
St. Petersburg, Florida 33733

U.S. Energy Research and Development Administration  
Rocky Flats Area Office  
P.O. Box 928  
Golden, Colorado 80401

U.S. Energy Research and Development Administration  
Chicago Operations Office  
9800 South Cass Avenue  
Argonne, Illinois 60439

U.S. Energy Research and Development Administration  
Clinch River Breeder Reactor Plant Project  
P.O. Box U  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Brookhaven Area Office  
Upton, New York 11973

U.S. Energy Research and Development Administration  
Grand Junction Office  
P.O. Box 2567  
Grand Junction, Colorado 81501

U.S. Energy Research and Development Administration  
Idaho Operations Office  
550 Second Street  
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
Nevada Test Site  
Mercury, Nevada 89023

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
New Brunswick Laboratory  
P.O. Box 150  
New Brunswick, New Jersey 08903

U.S. Energy Research and Development Administration  
Puerto Rico Area Office  
P.O. Box BB  
San Juan, Puerto Rico 00935

U.S. Energy Research and Development Administration  
Pittsburgh Naval Reactors Office  
P.O. Box 109  
West Mifflin, Pennsylvania 15122

U.S. Energy Research and Development Administration  
Idaho Branch Office  
P.O. Box 2469  
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration  
Shippingport Branch Office  
P.O. Box 11  
Shippingport, Pennsylvania 15077

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
San Francisco Operations Office  
1333 Broadway  
Oakland, California 94612

U.S. Energy Research and Development Administration  
Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration  
Schenectady Naval Reactors Office  
P.O. Box 1069  
Schenectady, New York 12301

U.S. Energy Research and Development Administration  
West Milton Field Office  
P.O. Box 1069  
Schenectady, New York 12301

U.S. Energy Research and Development Administration  
Windsor Field Office  
P.O. Box 393  
Windsor, Connecticut 06095

U.S. Energy Research and Development Administration  
Health and Safety Laboratory  
376 Hudson Street  
New York, New York 10014

U.S. Energy Research and Development Administration  
Morgantown Energy Research Center  
P.O. Box 880  
Morgantown, West Virginia 26505

U.S. Energy Research and Development Administration  
Laramie Energy Research Center  
P.O. Box 3395, University Station  
Laramie, Wyoming 82071

U.S. Energy Research and Development Administration  
Grand Forks Energy Research Center  
Box 8213, University Station  
Grand Forks, North Dakota 58202

U.S. Energy Research and Development Administration  
Bartlesville Energy Research Center  
P.O. Box 1398  
Bartlesville, Oklahoma 74003

U.S. Energy Research and Development Administration  
Pittsburgh Energy Research Center  
4800 Forbes Avenue  
Pittsburgh, Pennsylvania 15213

**Categories of individuals covered by the system:**

ERDA employees, contractor employees, and any other  
persons having access to ERDA facilities.

**Categories of records in the system:**

Accident/incident information; occupational injury and illness  
experience; property damage experience; motor vehicle  
accidents

**Authority for maintenance of the system:**

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended  
(42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.),  
PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30  
U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et  
seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

Physicians—For purpose of treating patients.

Property owners and insurance companies—For purpose of  
processing insurance claims.

ERDA contractor safety and administrative  
personnel—Evaluation of safety incidents.

ERDA contractors and consultants, States' departments of  
labor and industries and other state agencies, U.S.  
Department of Labor, National Drivers' Registry, and  
Department of Transportation—for purposes of processing  
insurance claims and accident reporting.

For additional routine uses see Appendix AA.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

Storage: Magnetic tape, punch cards, paper, microfilm

Retrievability: alphabetic, numeric, or alphanumeric code Medical  
records and motor vehicle accident records—retrievable by name in  
the field organizations.

**Safeguards:** Locked file cabinets, locked safes, guarded areas,  
secured buildings.

**Retention and disposal:** Records retention and disposal authorities  
are contained in ERDA, Manual Appendix 0230, "Records Disposition."  
Records within the ERDA are destroyed by shredding, burning,  
or burial in a sanitary landfill, as appropriate.

**System manager(s) and address:**

The Director,  
Division of Operational and Environmental Safety  
U.S. Energy Research and Development Administration,  
Washington, D.C. 20545, has been designated the Agency  
System Manager for this system. The Managers and  
Directors of the field locations listed under Notification  
below are designated the System Managers for their  
respective portions of this system.

**Notification procedure:**

a. U.S. Energy Research and Development Administration,  
Privacy Act, Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Bartlesville Energy Research Center  
Box 1398  
Bartlesville, Oklahoma 74003

U.S. Energy Research and Development Administration  
Chicago Operations Office  
9800 South Cass Avenue  
Argonne, Illinois 60439

U.S. Energy Research and Development Administration  
Clinch River Breeder Reactor Plant Project  
P.O. Box U  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Grand Forks Energy Research Center  
Box 8213  
University Station  
Grand Forks, North Dakota 58202

U.S. Energy Research and Development Administration  
Idaho Operations Office  
550 2nd Street  
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration  
Laramie Energy Research Center  
P.O. Box 3395  
University Station  
Laramie, Wyoming 82071

U.S. Energy Research and Development Administration  
Morgantown Energy Research Center  
Box 880  
Morgantown, West Virginia 26505

U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Pittsburgh Energy Research Center  
4800 Forbes Avenue  
Pittsburgh, Pennsylvania 15213

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U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
San Francisco Operations Office  
1333 Broadway, Wells Fargo Building  
Oakland, California 94612

U.S. Energy Research and Development Administration  
Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

b. Required Identifying Information: Full name, social security number, and/or birth date, geographic location of the accident and time period.

**Record access procedures:**

Refer to Notification Procedure.

**Contesting record procedures:**

Refer to Headquarters.

**Record source categories:**

Individual concerned,  
Individual's supervisor,  
Medical officer—personal physician,  
Accident investigator,  
Investigation board,  
Investigating law enforcement officer,  
National Drivers Register,  
Previous employer records.

**ERDA 27**

**System name:**

Payroll and Leave—ERDA

**System location:**

U.S. Energy Research and Development Administration  
Headquarters  
Office of the Controller  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Chicago Operations Office  
9800 South Cass Avenue  
Argonne, Illinois 60439

U.S. Energy Research and Development Administration  
Schenectady Naval Reactors Office  
P.O. Box 1069  
Schenectady, New York 12301

U.S. Energy Research and Development Administration  
San Francisco Operations Office  
1333 Broadway, Wells Fargo Building  
Oakland, California 94612

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration  
Grand Junction Office  
P.O. Box 2567  
Grand Junction, Colorado 81501

U.S. Energy Research and Development Administration  
Idaho Operations Office  
550 2nd Street  
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration  
Pittsburgh Naval Reactors Office  
P.O. Box 109  
West Mifflin, Pennsylvania 15122

U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

**Categories of individuals covered by the system:**

ERDA Personnel and Consultants

**Categories of records in the system:**

Time and attendance records, consultant earning records,  
ERDA personnel earning records, payroll actions and  
deduction information, requests and authorizations for  
overtime/night differential, and CSC retirement records

**Authority for maintenance of the system:**

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended  
(42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.),  
PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30  
U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et  
seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)ERDA PR 9-  
7.5005-9 & 9-15.5010-14 (d), Title 5, 31 USC 66A, and  
Federal Personnel Manual supplement 296-31/293-31

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

Treasury Department—Collection of withheld taxes, printing  
payroll checks and issuing savings bonds  
Internal Revenue Service—Federal Income Tax Processing  
State and Local Governments—State and Local Income Tax  
processing  
Civil Service Commission—Retirement Records and Benefits  
Social Security Administration—Social Security Records and  
Benefits  
Department of Labor—Processing workmen's compensation  
claims  
DOD-Military Retired Pay Offices—Adjusting of Military  
Retirement  
Savings Institutions—Crediting accounts for savings made  
through payroll deductions  
Employee Unions—Crediting Accounts for employees with  
union dues deductions  
Health Insurance Carriers—To process insurance claims  
GAO-Audit—Verification of accuracy and legality of  
disbursement  
Veterans' Administration—for evaluation of veteran's benefits  
to which the individual may be entitled.  
States' Departments of Employment Security—for determining  
entitlement to unemployment compensation or other State  
benefits.

For additional routine uses see Appendix AA.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper, punched cards, magnetic tape and disk, and microfiche

**Retrievability:** Individual name (alphabetic), Social Security Number, chronologically, and payroll number

**Safeguards:**

1. Access to magnetic tapes and disk files is controlled through established ERDA computer center procedures (personnel screening and physical security).
2. Locked cabinets and desks.
3. Access or need to know basis
4. Secure building
5. Safe

**Retention and disposal:** Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

**System manager(s) and address:**

The Controller,  
Office of the Controller,

U.S. Energy Research and Development Administration  
Headquarters  
Washington, D.C. 20545, has been designated the Agency  
System Manager for this system.  
The managers and directors of field locations listed under  
notification below are designated system managers for their  
respective portions of this system.

**Notification procedure:**

a. U.S. Energy Research and Development Administration,  
Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Chicago Operations Office  
9800 South Cass Avenue  
Argonne, Illinois 60439

U.S. Energy Research and Development Administration  
Idaho Operations Office  
550 2nd Street  
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
San Francisco Operations Office  
1333 Broadway, Wells Fargo Building  
Oakland, California 94612

U.S. Energy Research and Development Administration  
Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

b. Required Identifying Information: Full name, social security number, location(s) of employment, and time period.

**Record access procedures:**

Refer to Notification Procedure.

**Contesting record procedures:**

Refer to Headquarters.

**Record source categories:**

Individual; Division of Personnel; personnel certifying Time  
and Attendance Records

**ERDA 28**

**System name:**

Payroll and pay related data for employees of terminated  
contractors—ERDA

**System location:**

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400

Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Clinch River Breeder Reactor Plant Project  
P.O. Box U  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

**Categories of individuals covered by the system:**

All types of former contractor employees

**Categories of records in the system:**

Employee payroll data from terminated contractors,  
employment history, job titles, complaints, salary reviews,  
etc.

**Authority for maintenance of the system:**

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended  
(42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.),  
PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30  
U.S.C. 1101 et seq.) PUB. L. 93-577 (42 U.S.C. 5901 et seq.),  
PUB. L. 86-599 30 U.S.C. 661 et seq.)

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

U.S. Department of Labor—to determine compliance with  
Federal labor laws.

For additional routine uses see Appendix AA.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper

**Retrievability:** Alphabetical by name, some by subject matter.

**Safeguards:** ERDA holding records area.

**Retention and disposal:** Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill as appropriate.

**System manager(s) and address:**

The Director, Division of Labor Relations  
U.S. Energy Research and Development Administration,  
Washington, D.C. 20545, has been designated the Agency  
System Manager for this system. The Managers and  
Directors of the field locations listed under Notification  
below are designated the System Managers for their  
respective portions of this system.

**Notification procedure:**

a. U.S. Energy Research and Development Administration,  
Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Clinch River Breeder Reactor Plant Project  
P.O. Box U  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

b. Required Identifying Information: Full name, location(s) of  
employment, and time period.

**Record access procedures:**



Refer to Notification Procedure.  
**Contesting record procedures:**  
 Refer to Headquarters.  
**Record source categories:**  
 From ERDA contractors.

**ERDA 29****System name:**

Personnel Assurance Records—ERDA

**System location:**

U.S. Energy Research and Development Administration  
 Albuquerque Operations Office  
 P.O. Box 5400  
 Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
 Nevada Operations Office  
 P.O. Box 14100  
 Las Vegas, Nevada

U.S. Energy Research and Development Administration  
 San Francisco Operations Office  
 1333 Broadway, Wells Fargo Building  
 Oakland, California 94612

**Categories of individuals covered by the system:**

Employees performing critical duties as enumerated in ERDA Manual, Appx 0560, Part II, Para. B(9).

**Categories of records in the system:**

Results of medical examinations, employment review, credit/consumer reports; and data for access authorizations (clearances).

**Authority for maintenance of the system:**

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

For additional routine uses see Appendix AA.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** paper file manually retrieved

**Retrievability:** indexed by name

**Safeguards:** access limited to employees having need-to-know; stored in locked file cabinets in secured buildings

**Retention and disposal:** Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

**System manager(s) and address:**

The Director, Division of Military Applications,  
 U.S. Energy Research and Development Administration  
 (Headquarters)  
 Washington, D.C. 20545, has been designated the Agency System Manager for this system. The Managers and Directors of the field locations listed under Notification below are designated the System Managers for their respective portions of this system.

**Notification procedure:**

a. U.S. Energy Research and Development Administration,  
 Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration  
 (Headquarters)  
 Washington, D.C. 20545

U.S. Energy Research and Development Administration  
 Albuquerque Operations Office  
 P.O. Box 5400  
 Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
 Nevada Operations Office  
 P.O. Box 14100  
 Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
 San Francisco Operations Office  
 1333 Broadway, Wells Fargo Building  
 Oakland, California 94612

b. Required Identifying Information: Full name, date of birth, social security number, and time period.

**Record access procedures:**

Refer to Notification Procedure.

**Contesting record procedures:**

Refer to Headquarters.

**Record source categories:**

Individual and supervisor.

**ERDA 30****System name:**

Personnel radiation exposure information—ERDA

**System location:**

U.S. Energy Research and Development Administration  
 Albuquerque Operations Office  
 P.O. Box 5400  
 Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
 Amarillo Area Office  
 Pantex Plant  
 P.O. Box 1086  
 Amarillo, Texas 79105

U.S. Energy Research and Development Administration  
 Dayton Area Office  
 P.O. Box 66  
 Miamisburg, Ohio 45342

U.S. Energy Research and Development Administration  
 Kansas City Area Office  
 P.O. Box 202  
 Kansas City, Missouri 64141

U.S. Energy Research and Development Administration  
 Los Alamos Area Office  
 528 35th Street  
 Los Alamos, New Mexico 87544

U.S. Energy Research and Development Administration  
 Pinellas Area Office  
 P.O. Box 11500  
 St. Petersburg, Florida 33733

U.S. Energy Research and Development Administration  
 Rocky Flats Area Office  
 P.O. Box 928  
 Golden, Colorado 80401

U.S. Energy Research and Development Administration  
 Chicago Operations Office  
 9800 South Cass Avenue  
 Argonne, Illinois 60439

U.S. Energy Research and Development Administration  
 Brookhaven Area Office  
 Upton, New York 11973

U.S. Energy Research and Development Administration  
 Grand Junction Office  
 P.O. Box 2567  
 Grand Junction, Colorado 81501

U.S. Energy Research and Development Administration  
 Idaho Operations Office  
 550 Second Street  
 Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration  
 Idaho Health Services Laboratory, CF-690  
 INEL and Computer Science Center  
 Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration  
 Nevada Operations Office  
 P.O. Box 14100  
 Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
 Oak Ridge Operations Office  
 P.O. Box E  
 Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
 New Brunswick Laboratory  
 P.O. Box 150  
 New Brunswick, New Jersey 08903

U.S. Energy Research and Development Administration  
 Puerto Rico Office  
 P.O. Box BB  
 San Juan, Puerto Rico 00935

U.S. Energy Research and Development Administration  
 Pittsburgh Naval Reactors Office  
 P.O. Box 109  
 West Mifflin, Pennsylvania 15122

U.S. Energy Research and Development Administration  
 Idaho Branch Office  
 P.O. Box 2469  
 Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration  
 Shippingport Branch Office  
 P.O. Box 11  
 Shippingport, Pennsylvania 15077

U.S. Energy Research and Development Administration  
 Richland Operations Office  
 P.O. Box 550  
 Richland, Washington 99352

U.S. Energy Research and Development Administration  
 San Francisco Operations Office  
 1333 Broadway, Wells Fargo Building  
 Oakland, California 94612

U.S. Energy Research and Development Administration  
 Savannah River Operations Office  
 P.O. Box A  
 Aiken, South Carolina 29801

U.S. Energy Research and Development Administration  
 Schenectady Naval Reactors Office  
 P.O. Box 1069  
 Schenectady, New York 12301

U.S. Energy Research and Development Administration  
 West Milton Field Office  
 P.O. Box 1069  
 Schenectady, New York 12301

U.S. Energy Research and Development Administration  
 Windsor Field Office  
 P.O. Box 393  
 Windsor, Connecticut 06095

U.S. Energy Research and Development Administration  
 Health and Safety Laboratory  
 376 Hudson Street  
 New York, New York 10014

U.S. Energy Research and Development Administration,  
 Hanford Environmental Health Foundation  
 Kadlec Medical-Dental Building  
 Richland, Washington 99352

U.S. Energy Research and Development Administration  
 Batavia Area Office  
 P.O. Box 2000  
 Batavia, Illinois 60510

U.S. Energy Research and Development Administration  
 Health Physics and Safety Division  
 Brookhaven National Laboratory, Bldg. 535

20 N. Technology St.  
 Upton, New York 11973

U.S. Energy Research and Development Administration  
 Division of Naval Reactors  
 2521 Jefferson Davis Highway  
 Arlington, Virginia 22202

U.S. Energy Research and Development Administration  
 Naval Reactors Representative Office  
 Bldg. 178, Portsmouth Naval Shipyard, P.O. Box 2008  
 Portsmouth, New Hampshire 03801

U.S. Energy Research and Development Administration  
 Naval Reactors Representative Office  
 P.O. Box 21  
 Groton, Connecticut 06340

U.S. Energy Research and Development Administration  
 Naval Reactors Representative Office, P.O. Box 1687  
 Pascagoula, Mississippi 39567

U.S. Energy Research and Development Administration  
 Naval Reactors Representative Office  
 Newport News Shipbuilding & Dry Dock Co., P.O. Box 973  
 Newport News, Virginia 23607

U.S. Energy Research and Development Administration  
 Naval Reactors Representative Office  
 Charleston Naval Shipyard  
 Building 195  
 Charleston, South Carolina 29408

U.S. Energy Research and Development Administration  
 Naval Reactors Representative Office  
 Norfolk Naval Shipyard, P.O. Box 848  
 Portsmouth, Virginia 23705

U.S. Energy Research and Development Administration  
 Morgantown Energy Research Center  
 Box 880  
 Morgantown, West Virginia 26505

U.S. Energy Research and Development Administration  
 Laramie Energy Research Center  
 P.O. Box 3395, University Station  
 Laramie, Wyoming 82071

U.S. Energy Research and Development Administration  
 Grand Forks Energy Research Center  
 Box 8213, University Station  
 Grand Forks, North Dakota 58202

U.S. Energy Research and Development Administration  
 Bartlesville Energy Research Center  
 P.O. Box 1398  
 Bartlesville, Oklahoma 74003

U.S. Energy Research and Development Administration  
 Pittsburgh Energy Research Center  
 4800 Forbes Avenue  
 Pittsburgh, Pennsylvania 15213

U.S. Energy Research and Development Administration  
 Naval Reactors Representative Office  
 Mare Island Naval Shipyard, P.O. Box 2053  
 Mare Island, California 94592

U.S. Energy Research and Development Administration  
 Naval Reactors Representative Office  
 Puget Sound Naval Shipyard  
 P.O. Box 1A  
 Bremerton, Washington 98314

U.S. Energy Research and Development Administration  
 Naval Reactors Representative Office  
 Pearl Harbor Naval Shipyard  
 P.O. Box 128  
 FPO, San Francisco, California 96610

**Categories of individuals covered by the system:**

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ERDA personnel, contractor personnel, and any other persons having access to certain ERDA facilities.

**Categories of records in the system:**

ERDA and contractor personnel and other individuals' radiation exposure records; and other records in connection with the transuranic registry.

**Authority for maintenance of the system:**

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.) 83-703.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

U.S. Navy to monitor radiation exposure of Naval and other personnel at Navy activities.

NRC—To monitor radiation exposure of contractor personnel. ERDA and contractors and consultants, other contractors, and organizations where radiation exposure exceed established levels, various States' departments and labor and industries—to monitor radiation exposure of personnel.

For additional routine uses see Appendix AA.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer printouts, paper, index cards, magnetic tape, punched cards, microfilm

**Retrievability:** Name, alphabetical, numeric, alphanumeric code, chronological, social security number

**Safeguards:** Locked file cabinets, locked safes, guarded areas, secured buildings

**Retention and disposal:** Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

**System manager(s) and address:**

The Director, Division of Operational and Environmental Safety U.S. Energy Research and Development Administration Washington, D.C. 20545, has been designated the Agency System Manager for this system. The Managers and Directors of the field locations listed under Notification below are designated the System Managers for their respective portions of this system.

**Notification procedure:**

a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Bartlesville Energy Research Center  
Box 1398  
Bartlesville, Oklahoma 74003

U.S. Energy Research and Development Administration  
Chicago Operations Office  
9800 South Cass Avenue  
Argonne, Illinois 60439

U.S. Energy Research and Development Administration  
Grand Forks Energy Research Center  
Box 8213  
University Station  
Grand Forks, North Dakota 58201

U.S. Energy Research and Development Administration  
Idaho Operations Office  
550 2nd Street  
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration  
Laramie Energy Research Center  
P.O. Box 3395  
University Station  
Laramie, Wyoming 82070

U.S. Energy Research and Development Administration  
Morgantown Energy Research Center  
Box 880  
Morgantown, West Virginia 26505

U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Pittsburgh Energy Research Center  
4800 Forbes Avenue  
Pittsburgh, Pennsylvania 15213

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
San Francisco Operations Office  
1333 Broadway, Wells Fargo Building  
Oakland, California 94612

U.S. Energy Research and Development Administration  
Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

b. Required Identifying Information: Geographic location of individual while employee of AEC/ERDA or name of field office/contractor, and time period.

**Record access procedures:**

Refer to Notification Procedure.

**Contesting record procedures:**

Refer to Headquarters.

**Record source categories:**

Individual concerned, accident/incident investigation, film badges, dosimetry records, previous employee records

**ERDA 31**

**System name:**

Personnel Records of Former and Present Contractor Employees—ERDA

**System location:**

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Chicago Operations Office  
9800 South Cass Avenue  
Argonne, Illinois 60439

U.S. Energy Research and Development Administration  
Cinch River Breeder Reactor Plant Project  
P.O. Box U  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Idaho Operations Office  
550 2nd Street

Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
San Francisco Operations Office  
1333 Broadway, Wells Fargo Building  
Oakland, California 94612

U.S. Energy Research and Development Administration  
Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

**Categories of individuals covered by the system:**

Former and present contractor employees.

**Categories of records in the system:**

Name, employment history, earnings, medical history, etc.

**Authority for maintenance of the system:**

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

Fed. Agencies—Possible violations of labor statutes under their jurisdiction.

For additional routine uses see Appendix AA.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper

**Retrievability:** By contractor, by employees name and by subject name.

**Safeguards:** In locked or guarded building.

**Retention and disposal:** Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

**System manager(s) and address:**

The Director  
Division of Labor Relations  
U.S. Energy Research and Development Administration  
Washington, D.C. 20545, has been designated the Agency System Manager for this system. The Managers and Directors of the field locations listed under Notification below are designated the System Managers for their respective portions of this system.

**Notification procedure:**

a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Chicago Operations Office

9800 South Cass Avenue  
Argonne, Illinois 60439

U.S. Energy Research and Development Administration  
Cinch River Breeder Reactor Plant Project  
P.O. Box U  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Idaho Operations Office  
550 2nd Street  
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
San Francisco Operations Office  
1333 Broadway, Wells Fargo Building  
Oakland, California 94612

U.S. Energy Research and Development Administration  
Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

b. Required Identifying Information: Full name, location of employment, and period of employment.

**Record access procedures:**

Refer to Notification Procedure.

**Contesting record procedures:**

Refer to Headquarters.

**Record source categories:**

From contractors.

**ERDA 32**

**System name:**

Personnel Security Clearance Files—ERDA

**System location:**

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Chicago Operations Office  
9800 South Cass Avenue  
Argonne, Illinois 60439

U.S. Energy Research and Development Administration  
Idaho Operations Office  
550 2nd Street  
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
Pittsburgh Naval Reactors Office  
P.O. Box 109  
West Mifflin, Pennsylvania 15122

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U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
San Francisco Operations Office  
1333 Broadway, Wells Fargo Building  
Oakland, California 94616

U.S. Energy Research and Development Administration  
Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration  
Schenectady Naval Reactors Office  
P.O. Box 1069  
Schenectady, New York 12301

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Grand Junction Office  
P.O. Box 2567  
Grand Junction, Colorado 81501

#### Categories of individuals covered by the system:

Employees and applicants for employment for ERDA and ERDA contractors; consultants; other individuals requiring access to classified information and facilities; access permittees who are authorized access in accordance with 10 CFR, part 95.

#### Categories of records in the system:

Results of investigations concerning individuals processed for access authorizations (clearances).

#### Authority for maintenance of the system:

Public Law 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

#### Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Civil Service Commission,

Defense Investigative Service,

Department of Defense,

Department of State, Nuclear Regulatory Commission, Central Intelligence Agency,

Federal Bureau of Investigation, and

U.S. Postal Inspectors

To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

Joint Committee on Atomic Energy—Employment purposes.

For additional routine uses see Appendix AA.

#### Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper file, manually retrieved.

Retrievability: Indexed by name and numerical file.

Safeguards: Access limited to employees having need-to-know; stored in repository under either guard or alarm protection.

Retention and disposal: Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

#### System manager(s) and address:

The Director, Division of Safeguards and Security  
U.S. Energy Research and Development Administration  
Washington, D.C. 20545, has been designated the Agency System Manager for this system. The Managers and Directors of the field locations listed under Notification below are designated the System Managers for their respective portions of this system.

#### Notification procedure:

a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Chicago Operations Office  
9800 South Cass Avenue  
Argonne, Illinois 60439

U.S. Energy Research and Development Administration  
Idaho Operations Office  
550 2nd Street  
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
San Francisco Operations Office  
1333 Broadway, Wells Fargo Building  
Oakland, California 94612

U.S. Energy Research and Development Administration  
Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

b. Required Identifying Information: Full name, date of birth, social security number, clearance processing location, and time period.

#### Record access procedures:

Refer to Notification Procedure.

#### Contesting record procedures:

Refer to Headquarters.

#### Record source categories:

Personnel Security Questionnaire and fingerprint card executed by individual; background investigation reports by Federal Bureau of Investigation, Civil Service Commission and other Government agencies conducting background investigations; summaries and transcripts of interviews with the individual; interrogatory letters to the individual; local police departments reports; and, security infraction reports received from the individual's supervisor.

#### Systems exempted from certain provisions of the act:

The Administrator has exempted this system from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f) of 5 U.S.C. 552a under the Privacy Act of 1974. This exemption applies only to information in this system of records which is exempt pursuant to 5 U.S.C. 552a(k) (1), (2) and (5). See ERDA rules, 10 CFR Chapter 111, Part 708.

#### ERDA 33

#### System name:

Personnel Security Clearance Index—ERDA

#### System location:

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Idaho Operations Office  
550 2nd Street  
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration  
San Francisco Operations Office  
1333 Broadway, Wells Fargo Building  
Oakland, California 94612

U.S. Energy Research and Development Administration  
Chicago Operations Office  
9800 South Cass Avenue  
Argonne, Illinois 60439

U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration  
Pittsburgh Naval Reactors Office  
P.O. Box 109  
West Mifflin, Pennsylvania 15122

U.S. Energy Research and Development Administration  
Schenectady Naval Reactors Office  
P.O. Box 1069  
Schenectady, New York 12301

U.S. Energy Research and Development Administration  
Grand Junction Office  
P.O. Box 2567  
Grand Junction, Colorado 81501

#### Categories of individuals covered by the system:

Energy Research and Development Administration employees and Energy Research and Development Administration contractor employees and access permittees for whom access authorizations, clearances, have been initiated, granted and/or terminated.

#### Categories of records in the system:

Records identifying history and status of processed access authorizations (clearances).

#### Authority for maintenance of the system:

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

#### Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

ERDA Contractor employees—Security and Administration—Performance of regular duties;

Federal law enforcement, intelligence and investigative agencies and other Federal agencies possessing classified information—To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

For additional routine uses see Appendix AA.

#### Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper file retrieved manually; also maintained on data cells, magnetic tape, punch cards and disc packs retrieved automatically.

Retrievability: Indexed by name, and access authorization (clearance) number.

Safeguards: Access limited to employees having need-to-know; stored in secured building subject to guard patrols and/or alarm protection.

Retention and disposal: Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

#### System manager(s) and address:

The Director, Division of Safeguards and Security  
U.S. Energy Research and Development Administration  
Washington, D.C. 20545, has been designated the Agency System Manager for this system. The Managers and Directors of the field locations listed under Notification below are designated the System Managers for their respective portions of this system.

#### Notification procedure:

a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Chicago Operations Office  
9800 South Cass Avenue  
Argonne, Illinois 60439

U.S. Energy Research and Development Administration  
Idaho Operations Office  
550 2nd Street  
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
San Francisco Operations Office  
1333 Broadway, Wells Fargo Building  
Oakland, California 94612

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U.S. Energy Research and Development Administration  
Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

b. Required Identifying Information: Indicate full name, date of birth, social security number and dates of employment.

**Record access procedures:**

Refer to Notification Procedure.

**Contesting record procedures:**

Refer to Headquarters

**Record source categories:**

Personnel Security Questionnaire and fingerprint card executed by individual and records of Energy Research and Development Administration Personnel Security Offices.

**Systems exempted from certain provisions of the act:**

The Administrator has exempted this system from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f) of 5 U.S.C. 552a under the Privacy Act of 1974. This exemption applies only to information in this system of records which is exempt pursuant to 5 U.S.C. 552a(k) (1), (2) and (5). See ERDA rules, 10 CFR Chapter 111, Part 708.

**ERDA 35**

**System name:**

Security Education and/or Infraction Reports—ERDA

**System location:**

U.S. Energy Research and Development Administration  
(Headquarters)  
Division of Safeguards and Security  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Amarillo Area Office  
Pantex Plant, P.O. Box 1086  
Amarillo, Texas 79105

U.S. Energy Research and Development Administration  
Dayton Area Office  
P.O. Box 66  
Miamisburg, Ohio 45342

U.S. Energy Research and Development Administration  
Kansas City Area Office  
P.O. Box 202  
Kansas City, Missouri 64141

U.S. Energy Research and Development Administration  
Los Alamos Area Office  
528 35th Street  
Los Alamos, New Mexico 87544

U.S. Energy Research and Development Administration  
Pinellas Area Office  
P.O. Box 11500  
St. Petersburg, Florida 33733

U.S. Energy Research and Development Administration  
Rocky Flats Area Office  
P.O. Box 928  
Golden, Colorado 80401

U.S. Energy Research and Development Administration  
Sandia Area Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration  
Pittsburgh Naval Reactors Office  
P.O. Box 109  
West Mifflin, Pennsylvania 15122

U.S. Energy Research and Development Administration  
Schenectady Naval Reactors Office  
P.O. Box 1069  
Schenectady, New York 12301

U.S. Energy Research and Development Administration  
Idaho Operations Office  
550 2nd Street  
Idaho Falls, Idaho 83401

**Categories of individuals covered by the system:**

Energy Research and Development Administration and Energy Research and Development Administration contractor employees having access authorization (clearance) to classify information and/or materials.

**Categories of records in the system:**

Records of security education lectures and investigative and summary reports of security infraction incidents.

**Authority for maintenance of the system:**

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

For additional routine uses see Appendix AA.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

Storage: Paper file retrieved manually

Retrievability: Chronologically and by name

Safeguards: Access limited to employees with need-to-know; stored in security areas

Retention and disposal: Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

**System manager(s) and address:**

The Director, Division of Safeguards and Security  
U.S. Energy Research and Development Administration  
Washington, D.C. 20545, has been designated the Agency System Manager for this system. The Managers and Directors of the field locations listed under Notification below are designated the System Managers for their respective portion of this system.

**Notification procedure:**

a. U.S. Energy Research and Development Administration,  
Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

**ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION**

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U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration  
Idaho Operations Office  
550 2nd Street  
Idaho Falls, Idaho 83401

b. Required Identifying Information: Full name, date of birth, social security number, employment date and location.

**Record access procedures:**

Refer to Notification Procedure.

**Contesting record procedures:**

Refer to Headquarters.

**Record source categories:**

Records from training officer; investigative reports from Security personnel and employee supervisor; and Local, State and Federal authorities.

**ERDA 36**

**System name:**

Special Access Authorization for Categories of Classified Information—ERDA

**System location:**

U.S. Energy Research and Development Administration  
Division of Safeguards and Security  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Amarillo Area Office  
Pantex Plant, P.O. Box 1086  
Amarillo, Texas 79105

U.S. Energy Research and Development Administration  
Dayton Area Office  
P.O. Box 66  
Miamisburg, Ohio 45342

U.S. Energy Research and Development Administration  
Kansas City Area Office  
P.O. Box 202  
Kansas City, Missouri 64141

U.S. Energy Research and Development Administration  
Los Alamos Area Office  
528 35th Street  
Los Alamos, New Mexico 87544

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Pinellas Area Office  
P.O. Box 11500  
St. Petersburg, Florida 33733

U.S. Energy Research and Development Administration  
Rocky Flats Area Office  
P.O. Box 928  
Golden, Colorado 80401

U.S. Energy Research and Development Administration  
Laramie Energy Research Center  
P.O. Box 3395  
University Station  
Laramie, Wyoming 82071

U.S. Energy Research and Development Administration  
Sandia Area Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration  
San Francisco Operations Office  
1333 Broadway, Wells Fargo Building  
San Francisco, California 94612

U.S. Energy Research and Development Administration  
Idaho Operations Office  
550 2nd Street  
Idaho Falls, Idaho 83401

**Categories of individuals covered by the system:**

Individuals authorized access to special categories of information and compartmentalized Energy Research and Development Administration facilities and/or areas.

**Categories of records in the system:**

Letters and memoranda of authorization to special categories of classified information.

**Authority for maintenance of the system:**

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

ERDA contractors—For purposes of performing contractual functions.

"NATO, National Security Agency, and CIA—for determining individuals who have access to classified information generated by these agencies."

For additional routine uses see Appendix AA.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

Storage: paper file; also magnetic tape at Headquarters.

Retrievability: indexed by name.

Safeguards: access limited to employees with need-to-know; stored in security areas under either guard or alarm protection.

Retention and disposal: Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

**System manager(s) and address:**

The Director, Division of Safeguards and Security  
U.S. Energy Research and Development Administration  
Washington, D.C. 20545, has been designated the Agency System Manager for this system. The Managers and directors of the field locations listed under Notification below are designated the System Managers for their respective portions of this system.



**Notification procedure:**

- a. U.S. Energy Research and Development Administration,  
Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Laramie Energy Research Center  
P.O. Box 3395  
University Station  
Laramie, Wyoming 82071

U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration  
San Francisco Operations Office  
1333 Broadway, Wells Fargo Building  
Oakland, California 94612

U.S. Energy Research and Development Administration  
Idaho Operations Office  
550 2nd Street  
Idaho Falls, Idaho 83401

- b. Required Identifying Information: Full name, date of birth,  
where employed, clearance processing location, and time  
period.

**Record access procedures:**

Refer to Notification Procedure.

**Contesting record procedures:**

Refer to Headquarters.

**Record source categories:**

Requests for access from sponsoring work unit initiated by  
individual and supervisor.

**Systems exempted from certain provisions of the act:**

The Administrator has exempted this system from subsections  
(c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f) of 5 U.S.C. 552a  
under the Privacy Act of 1974. This exemption applies only  
to information in this system of records which is exempt  
pursuant to 5 U.S.C. 552a(k) (1), (2) and (5). See ERDA  
rules, 10 CFR Chapter 111, Part 708.

**ERDA 37****System name:**

Statistical Analysis Using Personnel Security Questionnaire  
(Mancuso Study)—ERDA

**System location:**

U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee, 37830

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

**Categories of individuals covered by the system:**

Energy Research and Development Administration employees,  
consultants and contractor employees and consultants who  
were granted Energy Research and Development  
Administration access authorizations (clearances); and  
employees of Manhattan Engineering District Project.

**Categories of records in the system:**

Records of employees of the Manhattan Engineering District  
Project; and, copies of Personnel Security Questionnaires  
after termination of employment.

**Authority for maintenance of the system:**

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended  
(42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.),  
PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30  
U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.),  
PUB. L. 86-599 (30 U.S.C. 661 et seq.).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

Mancuso Study—Statistical Analyses using Personnel Security  
Questionnaires

Federal law enforcement and investigative agencies—To refer,  
where there is an indication of a violation or potential  
violation of law, whether civil, criminal or regulatory in  
nature, to the appropriate agency, whether Federal, state or  
local, charged with the responsibility of investigating or  
prosecuting such violation or charged with enforcing or  
implementing the statute, or rule, regulation, or order issued  
pursuant thereto.

For additional routine uses see Appendix AA.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

Storage: Paper file retrieved manually.

Retrievability: Indexed by name.

Safeguards: Maintained in guarded security areas in locked file  
cabinets; access limited to individuals having a need-to-know.

Retention and disposal: Records retention and disposal authorities  
are contained in ERDA, Manual Appendix 0230, "Records Disposition."  
Records within the ERDA are destroyed by shredding, burning,  
or burial in a sanitary landfill, as appropriate.

**System manager(s) and address:**

The Director, Division of Biomedical and Environmental  
Research

U.S. Energy Research and Development Administration  
Washington, D.C. 20545, has been designated the Agency  
System Manager for this system. The Managers and  
Directors of the field locations listed under Notification  
below are designated the System Managers for their  
respective portions of this system.

**Notification procedure:**

- a. U.S. Energy Research and Development Administration,  
Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

- b. Required Identifying Information: Full name and time  
period.

**Record access procedures:**

Refer to Notification Procedure.

**Contesting record procedures:**

Refer to Headquarters.

**Record source categories:**

Clearance history of Manhattan Engineering District  
employees, access permittees payments for security  
clearances; and, reports from investigative agencies.

**ERDA 38****System name:**

Employee and Visitor Access Control Record—ERDA

**System location:**

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Amarillo Area Office  
Pantex Plant, P.O. Box 1086  
Amarillo, Texas 79105

U.S. Energy Research and Development Administration  
Dayton Area Office  
P.O. Box 66  
Miamisburg, Ohio 45342

U.S. Energy Research and Development Administration  
Kansas City Area Office  
P.O. Box 202  
Kansas City, Missouri 64141

U.S. Energy Research and Development Administration  
Los Alamos Area Office  
528 35th Street  
Los Alamos, New Mexico 87544

U.S. Energy Research and Development Administration  
Pinellas Area Office  
P.O. Box 11500  
St. Petersburg, Florida 33733

U.S. Energy Research and Development Administration  
Rocky Flats Area Office  
P.O. Box 928  
Golden, Colorado 80401

U.S. Energy Research and Development Administration  
Sandia Area Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Savannah River Operations Office,  
P.O. Box A  
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
San Francisco Operations Office  
1333 Broadway, Wells Fargo Building  
Oakland, California 94612

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
Idaho Operations Office  
550 2nd Street  
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration  
Grand Junction Office  
P.O. Box 2567  
Grand Junction, Colorado 81501

**Categories of individuals covered by the system:**

Individuals visiting Energy Research and Development  
Administration field offices, area offices and contractor  
facilities. ERDA employees seeking access to ERDA facilities  
and classified records.

**Categories of records in the system:**

Records of individuals visiting Energy Research and  
Development Administration and employee identification  
files including photographs maintained for access purposes.

**Authority for maintenance of the system:**

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended  
(42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.),  
PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30  
U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et  
seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

ERDA contractors—Control access to classified information  
and areas

Department of Defense Contractors—Authorize access to  
classified information and areas.

For additional routine uses see Appendix AA.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

Storage: Paper file, photo file, and microfiche retrieved manually.

Retrievability: Indexed chronologically and by name.

Safeguards: Access limited to employees with need-to-know;  
stored in guarded security areas.

Retention and disposal: Records retention and disposal authorities  
are contained in ERDA, Manual Appendix 0230, "Records Disposition."  
Records within the ERDA are destroyed by shredding, burning,  
or burial in a sanitary landfill, as appropriate.

**System manager(s) and address:**

The Director, Division of Safeguards and Security  
U.S. Energy Research and Development Administration  
Washington, D.C. 20545, has been designated the Agency  
System Manager for this system. The Managers and  
Directors of the field locations listed under Notification  
below are designated the System Managers for their  
respective portions of this system.

**Notification procedure:**

- a. U.S. Energy Research and Development Administration,  
Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Chicago Operations Office  
9800 South Cass Avenue  
Argonne, Illinois 60439



U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
San Francisco Operations Office  
1333 Broadway, Wells Fargo Building  
Oakland, California 94612

U.S. Energy Research and Development Administration  
Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
Idaho Operations Office  
550 2nd Street  
Idaho Falls, Idaho 83401

b. Required Identifying Information: Name, social security number, date of birth, clearance processing location, and time period.

#### Record access procedures:

Refer to Notification Procedure.

#### Contesting record procedures:

Refer to Headquarters.

#### Record source categories:

Department of Defense, individual; Energy Research and Development Administration offices and contractors; National Aeronautics and Space Administration; and other Government agencies.

#### ERDA 39

#### System name:

Weapon Data and Weapons Program Facilities—Access to—ERDA

#### System location:

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
San Francisco Operation Office  
1333 Broadway, Wells Fargo Building  
Oakland, California 94612

U.S. Energy Research and Development Administration  
Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

#### Categories of individuals covered by the system:

Employees of ERDA, DOD, and other Government agencies, and their contractors and consultants requiring access to weapon data and/or ERDA nuclear weapons program facilities.

#### Categories of records in the system:

Name, rank, Social Security Number, date of birth, citizenship, employer, type of clearance, number and date of clearance, categories of information requested and authorized, locations to be visited and dates of visit.

#### Authority for maintenance of the system:

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.).

#### Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

DOD and DOD contractors, C.I.A., N.S.C., O.M.B., Executive Office of the President, N.A.S.A., N.R.C., Congress, State Department—for ERDA to maintain list of personnel authorized by ERDA to have access to nuclear weapon data and weapons facilities, and to provide clearance information on ERDA and ERDA contractors to other agencies. Other agencies have access to this system to determine whether ERDA or ERDA contractor personnel have appropriate clearances for access to their facilities.

For additional routine uses see Appendix AA.

#### Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Microfiche and paper files

Retrievability: Alphabetic by name, purpose, and facility to be visited

Safeguards: Maintained in buildings with controlled access

Retention and disposal: Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

#### System manager(s) and address:

The Director, Division of Military Application  
U.S. Energy Research and Development Administration  
Washington, D.C. 20545, has been designated the Agency System Manager for this system. The Managers and Directors of the field locations listed under Notification below are designated the System Managers for their respective portions of this system.

#### Notification procedure:

a. U.S. Energy Research and Development Administration,  
Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
San Francisco Operations Office  
1333 Broadway, Wells Fargo Building  
Oakland, California 94612

U.S. Energy Research and Development Administration  
Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

b. Required Identifying Information: Full name and time period.

#### Record access procedures:

Refer to Notification Procedure.

#### Contesting record procedures:

Refer to Headquarters.

#### Record source categories:

From individual, Government agencies, employers

#### ERDA 40

#### System name:

Nationwide Traineeship Reporting System—ERDA

#### System location:

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

#### Categories of individuals covered by the system:

College graduate students participating in the ERDA sponsored traineeship/laboratory graduate program.

#### Categories of records in the system:

Academic background, employment history, traineeship area of study, and mailing/permanent addresses.

#### Authority for maintenance of the system:

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.).

#### Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

University traineeship advisors—Compliance with contract terms covering traineeship administration functions; Contractor officials—For possible employment selection/notification.

For additional routine uses see Appendix AA.

#### Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, punched cards, and magnetic tape.

Retrievability: Individual name, institution, laboratory, traineeship program class, and traineeship identification number.

Safeguards: Access to magnetic tapes is controlled through established ERDA computer center procedures (personnel screening and physical security); access on need to know basis; and secure building.

Retention and disposal: Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

#### System manager(s) and address:

The Director, Office of University Programs, U.S. Energy Research and Development Administration (Headquarters), Washington, D.C. 20545, has been designated the Agency System Manager for this system. "The Managers and Directors of the field locations listed under Notification have been designated the System Managers for their respective portions of this system."

#### Notification procedure:

a. U.S. Energy Research and Development Administration,  
Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

b. Required Identifying Information: Full name, social security number, and time period.

#### Record access procedures:

Refer to Notification Procedure.

#### Contesting record procedures:

Refer to Headquarters.

#### Record source categories:

University traineeship advisors.

#### ERDA 41

#### System name:

Travel Files—ERDA

#### System location:

U.S. Energy Research and Development Administration  
(Headquarters)  
Office of the Controller  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Chicago Operations Office  
9800 South Cass Avenue  
Argonne, Illinois 60439

U.S. Energy Research and Development Administration  
Clinch River Breeder Reactor Plant Project  
P.O. Box U  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Schenectady Naval Reactors Office  
P.O. Box 1069  
Schenectady, New York 12301

U.S. Energy Research and Development Administration  
San Francisco Operations Office  
1333 Broadway, Wells Fargo Building  
Oakland, California 94612

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration  
Grand Junction Office  
P.O. Box 2567  
Grand Junction, Colorado 81501

U.S. Energy Research and Development Administration  
Pittsburgh Naval Reactors Office  
P.O. Box 109  
West Mifflin, Pennsylvania 15122

U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

#### Categories of individuals covered by the system:

ERDA Personnel, Interviewers, Invitational Travelers (other federal agencies and Congress).

#### Categories of records in the system:

Travel vouchers, authorizations, advance payment records, foreign travel requests and approvals, related correspondence, and real estate transaction documents.



**Authority for maintenance of the system:**

Pub. L. 93-438 (42 U.S.C. 5814), Pub. L. 93-703 as amended (42 U.S.C. 2201), Pub. L. 93-409 (42 U.S.C. 5501 et seq.), Pub. L. 93-473 (42 U.S.C. 5551 et seq.), Pub. L. 93-410 (30 U.S.C. 1101 et seq.), Pub. L. 93-577 (42 U.S.C. 5901 et seq.), Pub. L. 96-599 (30 U.S.C. 661 et seq.).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

GAO Audit and Verification of accuracy and legality of disbursements. Treasury Department—Production of checks for travel advances and payments. IRS—Taxable travel reimbursements.

For additional routine uses see Appendix AA.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper, punched cards, magnetic tape and disk, and microfiche.

**Retrievability:** Individual Name (alphabetic) and chronologically.

**Safeguards:** Access to magnetic tapes and disk files is controlled through established ERDA computer center procedures (personnel screening and physical security), locked cabinets and desks; access on need to know basis; and secure building.

**Retention and disposal:** Records retention and disposal authorities are contained in ERDA Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

**System manager(s) and address:**

The Controller, Office of the Controller, U.S. Energy Research and Development Administration (Headquarters), Washington, D.C. 20545, has been designated the Agency System Manager for this system. The Managers and Directors of the field locations listed under notification have been designated System Manager for their respective portions of this system.

**Notification procedure:**

a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Chicago Operations Office  
9800 South Cass Avenue  
Argonne, Illinois 60439

U.S. Energy Research and Development Administration  
Clinch River Breeder Reactor Plant Project  
P.O. Box U  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
San Francisco Operations Office  
1333 Broadway, Wells Fargo Building  
Oakland, California 94612

U.S. Energy Research and Development Administration  
Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

b. Required Identifying Information: Full name, social security number, and location of employment, and time period

**Record access procedures:**

Refer to Notification Procedure.

**Contesting record procedures:**

Refer to Headquarters.

**Record source categories:**

Individual and ERDA approval officials.

**ERDA 42**

System name: Document Distribution System - ERDA

**System location:**

U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Bartlesville Energy Research Center  
Box 1398  
Bartlesville, Oklahoma 74003

U.S. Energy Research and Development Administration  
Chicago Operations Office  
9800 South Cass Avenue  
Argonne, Illinois 60439

U.S. Energy Research and Development Administration  
Grand Forks Energy Research Center  
University Station Box 8213  
Grand Forks, North Dakota 58201

U.S. Energy Research and Development Administration  
Laramie Energy Research Center  
P.O. Box 3395  
University Station  
Laramie, Wyoming 82071

U.S. Energy Research and Development Administration  
Morgantown Energy Research Center  
Box 880  
Morgantown, West Virginia 26505

U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Pittsburgh Energy Research Center  
4800 Forbes Avenue  
Pittsburgh, Pennsylvania 15213

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
San Francisco Operations Office  
1333 Broadway, Wells Fargo Building  
Oakland, California 94612

U.S. Energy Research and Development Administration  
Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

**Categories of individuals covered by the system:** Persons who have requested information which is distributed by ERDA on a routine basis.

**Categories of records in the system:** One record containing name and address and selection criteria.

**Authority for maintenance of the system:** PUB.L. 93-438.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** For additional routine uses see Appendix AA.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper, punched cards, magnetic tape and disk, and microfiche.

**Retrievability:** Records are retrieved by record identification code number and normally by type of information being disseminated, e.g., solar, nuclear, etc., or by the occupation, profession or other stated interest of an individual, or by selective distributions such as high schools interested in films or public interest organizations in a specific Federal Region.

**Safeguards:** Access limited to employee's with need in performance of duties. System maintained in buildings with controlled access. Computer information is controlled through established ERDA computer center procedures of personnel screening and physical security in secure building.

**Retention and disposal:** Records retention and disposal authorities are contained in ERDA Manual Appendix 0230, "Records Disposition." Records within ERDA are destroyed by shredding, burning, or burial in a sanitary landfill as appropriate.

**System manager(s) and address: Agency system manager**

The Director  
Division of Administrative Services  
Energy Research and Development Administration  
Washington, D.C. 20545.

The managers and directors of field locations listed under Notification procedures below are designated system managers for their respective portions of this system.

**Notification procedure:** a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:  
U.S. Energy Research and Development Administration  
(Headquarters)  
Washington, D.C. 20545

U.S. Energy Research and Development Administration  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration  
Bartlesville Energy Research Center  
Box 1398  
Bartlesville, Oklahoma 74003

U.S. Energy Research and Development Administration  
Chicago Operations Office  
9800 South Cass Avenue  
Argonne, Illinois 60439

U.S. Energy Research and Development Administration  
Grand Forks Energy Research Center  
University Station Box 8213  
Grand Forks, North Dakota 58201

U.S. Energy Research and Development Administration  
Laramie Energy Research Center  
P.O. Box 3395  
University Station  
Laramie, Wyoming 82071

U.S. Energy Research and Development Administration  
Morgantown Energy Research Center  
Box 880  
Morgantown, West Virginia 26505

U.S. Energy Research and Development Administration  
Nevada Operations Office  
P.O. Box 14100  
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration  
Oak Ridge Operations Office  
P.O. Box E  
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration  
Pittsburgh Energy Research Center  
4800 Forbes Avenue  
Pittsburgh, Pennsylvania 15213

U.S. Energy Research and Development Administration  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

U.S. Energy Research and Development Administration  
San Francisco Operations Office  
1333 Broadway, Wells Fargo Building  
Oakland, California 94612

U.S. Energy Research and Development Administration  
Savannah River Operations Office  
P.O. Box A  
Aiken, South Carolina 29801

b. Required Identifying Information: Name as it appears on the mailing label or number as it appears on the mailing label.

**Record access procedures:** Refer to Notification Procedure.

**Contesting record procedures:** Refer to Headquarters.

**Record source categories:** Self-supplied by requesters.

**NOTE:** There will be no new ERDA rules or changes to previously published rules resulting from the addition of this new system of records.

**APPENDIX AA****Additional Routine Uses**

The following routine uses apply to and are incorporated by reference into each system of records as stated therein:

1. In the event that a record within this system of records maintained by this agency indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program pursuant thereto, the relevant records in the system of records may be referred as a routine use to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. A record from this system of records may be disclosed as a routine use to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, if necessary to obtain information relevant to an Agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

3. A record from this system of records may be disclosed, as a routine use, to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. A record from this system of records may be disclosed, as a routine use, in response to a court subpoena, to appropriate parties engaged in litigation or in preparation of possible litigation such as potential witnesses for the purpose of securing their testimony when necessary to courts, magistrates or administrative tribunals, to parties and their attorneys for the purpose of proceeding with litigation or settlement of disputes, to individuals seeking information by using established discovery procedures, whether in connection with civil, criminal, or regulatory proceedings.

5. A record maintained by this agency to carry out its functions which relates to civil and criminal proceedings may be disclosed to the news media in accordance with guidelines contained in Department of Justice regulations 28 C.F.R. 50.2.

6. A record maintained by this agency to carry out its functions may be disclosed to foreign governments in accordance with treaty obligations.

7. A record from this system of records may be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

8. A record from this system of records may be disclosed, as a routine use, to ERDA contractors in performance of their contracts, and their officers and employees who have a need for the record in the performance of their duties subject to the same limitations applicable to ERDA officers and employees under the Privacy Act.

9. Congressional Inquiries—disclosure may be made to congressional office from the record of an individual in response to inquiries from the congressional office made at the request of that individual.

V 42 190 SEP 30 77 UMI



# FEDERAL ENERGY ADMINISTRATION PRIVACY ACT OF 1974 Systems of Records; Annual Publication

Agency: Federal Energy Administration.

Action: Annual Republication of Systems of Records.

Summary: Pursuant to section 3(e)(4) of the Privacy Act of 1974, 5 U.S.C. 552a(e)(4), the Federal Energy Administration (FEA) hereby publishes a notice of the existence and character of each of its systems of records as currently maintained by the agency. Such notice was last previously published at 41 Fed. Reg. 40076 (September 16, 1976).

By notice being published simultaneously with this republication, FEA is proposing two new systems of records to be designated as "FEA-22, Correspondence Files" and "FEA-23, Telephone Numbers of FEA Officials." The text of the proposed system notices are included in the list of system descriptions contained herein, and a Report on New Systems describing these systems is being submitted in accordance with 5 U.S.C. 552a(o), Office of Management and Budget (OMB) Circular No. A-108, and the transmittal memoranda thereto.

In addition, FEA is proposing in the companion notice to amend the routine uses for the records contained in FEA-8, Statements of Financial Interest, FEA-14, Employee Carpool Parking, FEA-18, Mailing Lists for Requestors of Energy Related Information, and FEA-19, Congressional Constituent Inquiries. The texts of the proposed amendments are included in the appropriate system notice contained herein.

Should FEA receive any comments in response to the companion notice which would result in a change in the new or amended system descriptions as published herein, FEA will publish notice of such changes and amend the description of the appropriate system of records.

Included in the Report on New Systems, but not in the companion notice, are such of the amendments to FEA-1, FEA Personnel Records and Management Information System; FEA-8, FEA-18, FEA-19, and FEA-20, Freedom of Information and Privacy Act Requests, as would change the number of types of individuals on whom records are maintained or would expand the type of information maintained. Since these amendments do not involve an alteration of the routine uses of the systems, the Privacy Act does not require notice of them in the Federal Register. FEA has determined that a Report on New Systems is not required for any of the other amendments contained herein.

For further information contact:

John Treanor (Privacy Act Officer)  
12th and Pennsylvania Avenue, NW,  
Room 2121  
Washington, D.C. 20461  
(202) 566-9840

Susan Weinstein (Office of General Counsel)  
12th and Pennsylvania Avenue, NW,  
Room 6144  
Washington, D.C. 20461  
(202) 566-9296

## Supplementary Information:

I. Amendments not previously published to the FEA Notices of Systems of Records (system names are as previously published, rather than as amended)

A. FEA-1, FEA Personnel Records and Management Information System

B. FEA-2, Payroll System

C. FEA-8, Confidential Statements of Employment and Financial Interest

D. FEA-9, Medical Records

E. FEA-14, Employee Carpool Parking

F. FEA-15, Employee Applications for Motor Vehicle Operators Card

G. FEA-16, Intergovernmental Personnel Act (IPA) Contracts

H. FEA-18, Mailing Lists for Requestors of Energy Related Information

I. FEA-19, Congressional Constituent Inquiries

J. FEA-20, Freedom of Information Act Requests for Records

II. Previously Published Amendments to FEA System Notices

I. Amendments not Previously Published to the FEA Notices of Systems of Records

A. FEA-1, FEA Personnel Records and Management Information System

Categories of records in the system: Also included in the system of records are copies of SF-256, "Self-identification of Medical Disability." The completion of this form is entirely voluntary and the information contained therein will be used only to establish programs to facilitate the hiring, placement, and advancement of handicapped individuals in accordance with the Rehabilitation Act of 1973 (Pub. L. 93-112).

B. FEA-2, Payroll System

System location: The payroll system of records is now partially located in the FEA Regional Offices listed in Appendix A to the system description.

System manager(s) and address: The Regional Administrators of the appropriate Regional Offices have been added as system managers.

C. FEA-8, Confidential Statements of Employment and Financial Interest

System name: The system name "Statements of Financial Interest" is being substituted in order to accommodate the inclusion in the system of the non-confidential form "State of Known Financial Interest," an information-gathering mechanism developed to satisfy the reporting requirement of section 522 of the Energy Policy and Conservation Act, Pub. L. 94-163.

Categories of individuals covered by the system: In addition to those presently covered, individuals required by 10 CFR 203.26a to file a "Statement of Known Financial Interest" will be included in the system.

Categories of records in the system: In addition to the records presently listed, the system will contain all known financial interests in energy businesses and properties held by individuals covered under 10 CFR 203.26a during the previous calendar year.

Authority for maintenance of the system: Section 522 of the Energy Policy and Conservation Act, Pub. L. 94-163, is added to the list of authorities.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In addition to the routine uses listed in Appendix B, the "Statement of Known Financial Interest" is available to any member of the public upon request.

D. FEA-9, Medical Records

System location: Medical records are now partially located in the Health Units associated with the FEA Regional Offices listed in Appendix A to the system descriptions.

System manager(s) and address: The Regional Administrators of the appropriate Regional Offices have been added as system managers.

E. FEA-14, Employee Carpool Parking

System location: The system of records is now partially located in the FEA Regional Offices listed in Appendix A to the system descriptions.

Categories of records in the system: The individual's social security number and employer are no longer retained in the system; however, the state of vehicle registration and number of days per week in the carpool are now requested.

Authority for maintenance of the system: Federal Management Circular 1-74 is deleted and substituted therefore is 41 CFR 101-20.117.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Social security numbers are no longer transmitted to the General Services Administration.

Retrievability: Social security numbers and total number of members of carpool are no longer identifying factors for retrieval of information contained in the system.

System manager(s) and address: For records maintained at the National Office the system manager has been changed to "Chief, Division of General Services" at the address presently listed. The Regional Administrators of the appropriate Regional Offices have been added as system managers.

F. FEA-15, Employee Applications for Motor Vehicle Operators Card

Retrievability: Information is retrievable by both applicant name and operator license number. G. FEA-16, Intergovernmental Personnel Act (IPA) Contracts

## TABLE OF CONTENTS

FEA-1, FEA Personnel Records and Management Information System	FEA-13, Training Records
FEA-2, Payroll System	FEA-14, Employee Carpool Parking
FEA-3, Accounts Payable Financial System	FEA-15, Employee Applications for Motor Vehicle Operators Card
FEA-4, Accounts Receivable Financial System	FEA-16, Intergovernmental Personnel Act (IPA) Contracts
FEA-5, Employee Travel Records (Domestic and Foreign)	FEA-17, Advisory Committees
FEA-6, Personnel Security Records	FEA-18, Mailing Lists for Requestors of Energy Related Information
FEA-7, Investigative Report Records	FEA-19, Congressional Constituent Inquiries
FEA-8, Statements of Financial Interest	FEA-20, Freedom of Information and Privacy Act Requests for Records
FEA-9, Medical Records	FEA-21, Electric Rate Demonstration Data Base
FEA-10, Minority Group Data File	FEA-22, Correspondence Files
FEA-11, Equal Opportunity Complaint Files	FEA-23, Telephone Numbers of FEA Officials
FEA-12, Employee Assistance Program (Alcohol and Drug Abuse Program)	Note: Systems of records for the Federal Energy Administration are current as of August 31, 1976.

## FEA-1

System name: FEA Personnel Records and Management Information System.

Security classification: Unclassified.

System location: For the National Office, the location of the records is Office of Personnel, Federal Energy Administration, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, and the administrative office of each individual Office, e.g., Office of General Counsel, Office of Regulatory Programs. For the Regional Offices: The appropriate Regional Office, at the address listed in Appendix A.

Categories of individuals covered by the system: All current employees and applicants for employment by FEA, and all former employees and applicants for employment by FEA whose records have not yet been closed and disposed of by FEA in accordance with the Federal Records Act.

Categories of records in the system: Official personnel folder, service record, position classification, personnel management data, applicant supply, merit promotion records, civil service certification of eligibles, executive management files, incentive awards, grievances, employee relations, labor relations, ceiling control, working case files and operating field files; SF-256, Self-identification of Medical Disability.

Authority for maintenance of the system: 5 U.S.C. 2102 et seq., Federal Energy Administration Act of 1974; Executive Order 11790; Civil Service Commission Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records are used by personnel office staff, and the staff of each Office's Administrative Officer, promotion panel members, internal auditors and Civil Service Commission auditors and investigators. Uses include staffing of vacancies, qualification of personnel for assignment, promotion and training, processing of personnel actions, management information reporting, adjudication of awards, grievances, appeals, labor-management negotiations, verification of employment, ceiling control management; and the routine uses listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, magnetic cards, computer tapes

Retrievability: Name and social security number.

Safeguards: Physical, technical, and administrative security is maintained, with all storage equipment and rooms locked when not in use. Access is restricted to authorized personnel only. All personnel staff and computer operators and programmers are instructed and cautioned with respect to the confidentiality of the records.

G. FEA-16, Intergovernmental Personnel Act (IPA) Contracts

System location: As a result of an internal FEA reorganization, this system is now primarily located in the FEA Office of Congressional and Intergovernmental Affairs. The system is also partially located in the FEA Regional Offices listed in Appendix A to the system descriptions.

System manager(s) and address: At the National Office the system manager is now the Administrative Officer, Office of Congressional and Intergovernmental Affairs. The Regional Administrators of the appropriate Regional Offices also have been added as system managers.

H. FEA-18, Mailing Lists for Requestors of Energy Related Information

System location: National Office machine readable records are now located at Data Technology Industries, 6611 Kenilworth Avenue, Riverdale, Maryland 20840. Mailing lists for press releases are now maintained by FEA, rather than the U.S. Treasury Printing Office.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information is no longer possessed by or transmitted to the U.S. Treasury, however, it is released to contractors handling bulk and single copy mailings for FEA.

I. FEA-19, Congressional Constituent Inquiries

System location: As a result of an internal FEA reorganization this system is now primarily located in Executive Communications, Office of the Administrator. The system is also partially located in the Regional Offices listed in Appendix A to the system descriptions, and in the office within FEA with responsibility for handling the substantive response to the request.

Categories of individuals covered by the system: In addition to the individuals on whose behalf a request is made, the system covers the members of Congress making such requests.

Categories of records in the system: Also included in the system is the FEA response to the inquiry.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In addition to the routine uses previously listed, the information in the system is used to reference FEA responses to Congressional inquiries.

Retrievability: Information is retrievable both by constituent name and the name of the member of Congress making a request.

System manager(s) and address: The National Office records are managed by the Special Assistant for Executive Communications. The Regional Administrators of the appropriate Regional Offices also have been added as system managers.

Record source categories: The sources of information in this system include the subject individual, the members of Congress, and the drafter of the FEA response.

J. FEA-20, Freedom of Information Act Requests for Records

System name: To reflect a consolidation of the Freedom of Information and Privacy Act functions within FEA the system designation is now "FEA-20, Freedom of Information and Privacy Act Requests for Records."

Categories of individuals covered by the system: In addition to individuals already covered, persons requesting copies of records from FEA under the Privacy Act of 1974 are now covered by the system.

Authority for maintenance of the system: Added to the previously listed authorities is the Privacy Act of 1974 (Pub. L. 93-579).

II. Previously Published Amendments to FEA Systems Notices. In the year since the last publication by FEA of its compilation of the notices of its systems of records, FEA has published one new system notice at 41 Fed. Reg. 13584 (March 11, 1977) describing FEA-21, Electric Rate Utility Demonstration Program, and notice of intention to adopt the system as proposed was published in 41 Fed. Reg. 22588 (May 4, 1977). Also, FEA has noticed at 41 Fed. Reg. 22192 the change in location of FEA-7, Investigative Report Records, from the Office of Security to the Office of the Inspector General and the change in the system manager from the Director, Office of Security, to the Inspector General. These referenced changes to the descriptions of FEA systems of records are incorporated into the system notices contained herein.

Issued at Washington, D.C., September 16, 1977.

Eric J. Fygi,

Acting General Counsel, Federal Energy Administration.



**Retention and disposal:** Retained on site as prescribed in Civil Service Commission Regulations, and general records schedules of the General Services Administration.

**System manager(s) and address:** For records at the National Office:

Deputy Director of Personnel  
Federal Energy Administration  
12th and Pennsylvania Avenue, NW.  
Washington, D.C. 20461.

For records at FEA's Regional Offices: The Regional Administrator of the appropriate Regional Office.

**Notification procedure:** Requests by an individual to determine if a system of records contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, or to the Privacy Act Officer at the appropriate Regional Office, at the address listed in Appendix A, in accordance with FEA's Privacy Act Regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975)).

**Record access procedures:** Requests by an individual for access to a system of records that contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, or to the Privacy Act Officer at the appropriate Regional Office, at the address listed in Appendix A, in accordance with FEA's Privacy Act Regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975)). Access is restricted by reason of FEA's claiming of exemptions authorized by 552 U.S.C. 552a (k)(2, 5).

**Contesting record procedures:** Requests by an individual to correct or amend the content of a record containing information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, or to the Privacy Act Officer at the appropriate Regional Office, at the address listed in Appendix A, in accordance with FEA's Privacy Act Regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975)).

**Record source categories:** The individual who is the subject of the record, supervisors, other Government agencies, former employers, references provided by subject individual.

**Systems exempted from certain provisions of the act:** Personnel investigative records concerning current and former FEA employees and applicants for employment by FEA are exempted from certain of the Privacy Act's requirements, in accordance with 5 U.S.C. 552a(k)(2, 5).

#### FEA-2

**System name:** Payroll System.

**Security classification:** Unclassified.

**System location:** For the National Office the location of paper records is:

Office of Payroll Operations Federal Energy Administration  
12th and Pennsylvania Avenue, NW.  
Washington, D.C. 20461.

At the National Office the machine readable records are located at:

DIPS Coordinator  
Department of Interior Building  
Room 1114  
18th and C Streets, NW.  
Washington, D.C. 20420.

For the Regional Offices: The appropriate Regional Office at the address listed in Appendix A.

**Categories of individuals covered by the system:** FEA employees

**Categories of records in the system:** Name, social security number, grade, step, and salary; organization (code), location code, retirement or FICA data as applicable; Federal, State, and local tax deductions, as appropriate; IRS tax lien data; savings bond and charity deductions; regular and optional Government life insurance deduction(s), health insurance deduction and plan or code, cash award data; jury duty data; military leave data; pay differentials; union dues deductions; allotments, by type and amount, financial institution code and employee account number; leave status and leave data of all types (including annual, compensatory, jury duty, maternity, military, retirement, disability, sick, transferred, and without pay); time and attendance records, including number and ending date; cost of living allowances; mailing address, co-owner and/or beneficiary of bonds; marital status and number of dependents; and notification of personnel action. The individual records listed herein are included only as pertinent or applicable to the individual employee.

**Authority for maintenance of the system:** Section 112(a) and 113 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 66(a)); Federal Energy Administration Act of 1974, Executive Order 11790; Title 6, GAO Policy and Procedures Manual.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Transmittal of data to U.S. Treasury for issuance of paychecks to employees and distribution of pay according to employee direction, for savings bonds, allotments, financial institutions, and other authorized purposes; reporting of tax withholding to Internal Revenue Service and appropriate State and local taxing authorities; FICA deductions to the Social Security Administration; dues deductions to labor unions; withholdings for health insurance to the insurance carriers and the Civil Service Commission; charity contribution deductions to agents of charitable institutions; annual W-2 statements to taxing authorities and the individuals; savings deductions to agents of savings institutions; and the routine uses listed in Appendix B.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records and microfilm.

**Retrievability:** Name, employee numbers and social security number.

**Safeguards:** Physical, technical and administrative security is maintained, with all storage equipment and rooms locked when not in use. Access is restricted to authorized personnel only. All payroll personnel and computer operators and programmers are instructed and cautioned with respect to the confidentiality of the records.

**Retention and disposal:** Retained on site until after General Accounting Office audit, then disposed of, or transferred to Federal records storage centers in accordance with the fiscal records program approval by General Accounting Office, as appropriate, or general records schedules of General Services Administration.

**System manager(s) and address:** For records at the National Office:

Director, Office of Budget and Financial Management  
Federal Energy Administration  
12th and Pennsylvania Avenue, NW.  
Washington, D.C. 20461.

For records at FEA's Regional Offices: The Regional Administrator of the appropriate Regional Office.

**Notification procedure:** Requests by an individual to determine if a system of records contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, in accordance with FEA's Privacy Act Regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975)). In addition to the information specified in 10 CFR 206.3, the requestor should provide his name, social security number, period of employment or employment assignment with FEA.

**Record access procedures:** Requests by an individual for access to a system of records that contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, in accordance with FEA's Privacy Act Regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975)).

**Contesting record procedures:** Requests by an individual to correct or amend the content of a record containing information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, in accordance with FEA's Privacy Act Regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975)).

**Record source categories:** The individual who is the subject of the record, supervisors, timekeepers, official personnel records, and the IRS.

**Systems exempted from certain provisions of the act:** None

#### FEA-3

**System name:** Accounts Payable Financial System.

**Security classification:** Unclassified.

**System location:** For the National Office, the location of paper records is:

Financial Operations Office  
Federal Energy Administration  
12th and Pennsylvania Avenue, NW.  
Washington, D.C. 20461.

The machine readable records are located at  
Optimum Systems, Inc.  
5615 Fishers Lane  
Rockville, Maryland 20852.

For the Regional Offices: The appropriate Regional Office, at the address listed in Appendix A.

**Categories of individuals covered by the system:** Creditors due money from the agency (including employees), former employees and members of the general public.

**Categories of records in the system:** Name and address, amount owed and service performed; underpayment or other accounting information; and invoice number.

**Authority for maintenance of the system:** 5 U.S.C. 5701-09; Federal Energy Administration Act of 1974; Executive Order 11790; Federal Property Management Regulations 101-7, Treasury Fiscal Requirements Manual.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Paying creditors and the routine uses listed in Appendix B.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records.

**Retrievability:** Name and purchase order or contract number, as appropriate.

**Safeguards:** Physical, technical and administrative security is maintained, with all storage equipment and rooms locked when not in use. Access is restricted to authorized personnel.

**Retention and disposal:** Retained until payment is made and account is audited, then disposed of in accordance with records control schedule.

**System manager(s) and address:** For records at the National Office:

Chief, Financial Operations  
Federal Energy Administration  
12th and Pennsylvania Avenue, NW.  
Washington, D.C. 20461.

For records at FEA's Regional Offices: The Regional Administrator of the appropriate Regional Office.

**Notification procedure:** Requests by an individual to determine if a system of records contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461 or to the Privacy Act Officer at the appropriate Regional Office, at the address listed in Appendix A, in accordance with FEA's Privacy Act Regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975)). In addition to the information specified in 10 CFR 206.3, the requestor should provide his name, social security number, period of employment, and employment assignment within FEA.

**Record access procedures:** Requests by an individual for access to a system of records that contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461 or to the Privacy Act Officer at the appropriate Regional Office, at the address listed in Appendix A, in accordance with FEA's Privacy Act Regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975)).

**Contesting record procedures:** Requests by an individual to correct or amend the content of a record containing information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461 or to the Privacy Act Officer at the appropriate Regional Office, at the address listed in Appendix A, in accordance with FEA's Privacy Act Regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975)).

**Record source categories:** Subject individual, contracting officer and as appropriate, accounting records.

**Systems exempted from certain provisions of the act:** None

#### FEA-4

**System name:** Accounts Receivable Financial System

**Security classification:** Unclassified.

**System location:** For the National Office, the location of paper records is:

Financial Operations Office  
Federal Energy Administration  
12th and Pennsylvania Avenue, NW.  
Washington, D.C. 20461.

The machine readable records are located at  
Optimum Systems, Inc.  
5615 Fishers Lane  
Rockville, Maryland 20852.

For the Regional Offices: The appropriate Regional Office, at the address listed in Appendix A.

**Categories of individuals covered by the system:** Debtors owing money to the agency, including employees, former employees, and other persons.

**Categories of records in the system:** Name and address, services rendered, amount receivable and invoice number, if any.

**Authority for maintenance of the system:** 5 U.S.C. 5701-09; Federal Energy Administration Act of 1974; Executive Order 11790; Federal Property Management Regulations 101-7, Treasury Fiscal Requirements Manual.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Billing debtors, reporting to Civil Service Commission, and the routine uses listed in Appendix B.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records, magnetic tape, microfilm and microfiche

**Retrievability:** Name or invoice number.

**Safeguards:** Access to records is by authorized personnel only.

**Retention and disposal:** Retained until payment is received and account is audited, then disposed of in accordance with records control schedule.

**System manager(s) and address:** For records at the National Office:

Chief, Financial Operations  
Federal Energy Administration  
12th and Pennsylvania Avenue, NW.  
Washington, D.C. 20461.

For records at FEA's Regional Offices: The Regional Administrator of the appropriate Regional Office.

**Notification procedure:** Requests by an individual to determine if a system of records contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, or to the Privacy Act Officer at the appropriate Regional Office, at the address listed in Appendix A, in accordance with FEA's Privacy Act Regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975)). In addition to the information specified in 10 CFR 206.3, the requestor should provide his name and address, and the invoice number.

**Record access procedures:** Requests by an individual for access to a system of records that contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, or to the Privacy Act Officer at the appropriate Regional Office, at the address listed in Appendix A, in accordance with FEA's Privacy Act Regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975)).

**Contesting record procedures:** Requests by an individual to correct or amend the content of a record containing information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, or to the Privacy Act Officer at the appropriate Regional Office, at the address listed in Appendix A, in accordance with FEA's Privacy Act Regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975)).

**Record source categories:** The individual who is the subject of the record, contracting officer, accounting records.

**Systems exempted from certain provisions of the act:** None.

#### FEA-5

**System name:** Employee Travel Records (Domestic and Foreign).

**Security classification:** Unclassified.

**System location:** For the National Office, the location of the paper records is:

Office of Financial Operations  
Federal Energy Administration  
12th and Pennsylvania Avenue, NW  
Washington, D.C. 20461.

The machine readable records are located at:  
Optimum Systems, Inc.  
5615 Fishers Lane  
Rockville, Maryland 20852.

For the Regional Offices: The appropriate Regional Office, at the address listed in Appendix A.

**Categories of individuals covered by the system:** Employees Advisory Committee members and official guests of the agency

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**Categories of records in the system:** Name, address, social security number, destination, itinerary, mode and purpose of travel, date of travel, expenses—including amounts advanced (if any), amounts claimed, and amounts reimbursed. Travel orders, travel vouchers, receipts, and passport record card.

**Authority for maintenance of the system:** Budget & Accounting Act of 1921; Accounting & Auditing Act of 1950; Federal Claims Collection Act of 1966; Federal Energy Administration Act of 1974; Executive Order 11790.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Transmittal to U.S. Treasury for payment of claim, to State Department for passports, and the routine uses listed in Appendix B.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records.

**Retrievability:** Name, social security number, or travel order number.

**Safeguards:** Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises, with access limited to those whose official duties require access.

**Retention and disposal:** Retained according to GSA Federal Travel Regulations then disposed of according to records control schedule.

**System manager(s) and address:** For records at the National Office

Chief, Financial Operations  
Federal Energy Administration  
12th and Pennsylvania Avenue, NW.  
Washington, D.C. 20461.

For records at FEA's Regional Offices: The Regional Administrator of the appropriate Regional Office.

**Notification procedure:** Requests by an individual to determine if a system of records contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, or to the Privacy Act Officer at the appropriate Regional Office, at the address listed in Appendix A, in accordance with FEA's Privacy Act Regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975)). In addition to the information specified in 10 CFR 206.3, the requestor should provide his name, travel order number, if known, and date of travel.

**Record access procedures:** Requests by an individual for access to a system of records that contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, or to the Privacy Act Officer at the appropriate Regional Office, at the address listed in Appendix A, in accordance with FEA's Privacy Act Regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975)).

**Contesting record procedures:** Requests by an individual to correct or amend the content of a record containing information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, or to the Privacy Act Officer at the appropriate Regional Office, at the address listed in Appendix A, in accordance with FEA's Privacy Act Regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975)).

**Record source categories:** Subject individuals, supervisors, and finance (or accounting) office standard references.

**Systems exempted from certain provisions of the act:** None.

#### FEA—6

**System name:** Personnel Security Records.

**Security classification:** Unclassified. Some classified material might be referenced.

**System location:**

Office of Security  
Federal Energy Administration  
12th and Pennsylvania Avenue, NW.  
Washington, D.C. 20461.

**Categories of individuals covered by the system:**

1. Current and former FEA employees who hold sensitive positions or with respect to whom suitability or security information exists; applicants for FEA positions; FEA contractors and individuals employed by such contractors; and consultants and experts.
2. All current and former FEA employees, contractors, consultants, experts and pre-appointment applicants for critical sensitive positions.

3. All individuals who hold valid, permanent identification passes for FEA Headquarters offices.

4. All individuals who hold FEA credentials.

**Categories of records in the system:**

**Category A—Personnel security folders:** Name, grade, organization, date and place of birth and social security number. Contains requests for security clearance, CSC standard forms 85, 86, 87 and 171, and OS forms DPS 24 and 24A; results of national agency check and inquiries and a record of authorized individuals who have had access to the folder. May also contain action checklist, termination check out sheet, CSC standard forms 50, 52 or 73, as well as notification to Civil Service Commission of agency action on case.

**Category B—Personnel security index:** Name, position, organization, social security number and date and place of birth. May also contain position sensitivity description, date of appointment, date and type of clearance, basis of clearance, briefing and debriefing data, date folder was retired and date folder was destroyed.

**Category C—Automatic data processing index:** Name and social security number of persons included in records described above in Categories A and B. Contains references to organization, position sensitivity, access clearances issued, security briefing data, date of background investigation, date of security interview and existence of personnel security folder or index card.

**Category D—Identification pass index:** Name, social security number, location, issue date and expiration date of passes issued to individuals who hold valid, permanent identification passes for FEA Headquarters offices, and a photograph of the individual.

**Category E—FEA credential index:** Name, organization, location and position of all individuals who hold FEA credentials.

**Authority for maintenance of the system:** Categories A, B, and C: Executive Orders 10450 and 9830; Federal Personnel Manual, Chapters 731 and 736, and 5 U.S.C. 301. Categories D and E: 5 U.S.C. 301. All categories: Federal Energy Administration Act of 1974; Executive Order 11790.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

**Category A:** Adjudication of investigative material regarding agency personnel, contractors, and applicants with regard to loyalty, classified access, and suitability determinations.

**Category B:** Same as category A.

All categories may be disclosed for the routine uses listed in Appendix B.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records

**Retrievability:** Categories A through D: Name.

**Category E:** Name and credential number.

**Safeguards:**

**Category A:** Physical, technical, and administrative security is maintained, with all storage equipment and rooms locked when not in use. Access is restricted to authorized personnel only. User personnel are instructed and cautioned with respect to the confidentiality of the records.

**Category B:** Physical, technical and administrative security is maintained with rooms locked when not in use. Access is restricted to authorized personnel only. Users are instructed and cautioned with respect to the confidentiality of the records.

**Category C:** Same as Category B above.

**Categories D and E:** Same as Category A above.

**Retention and disposal:**

**Category A:** Retained on site and destroyed one year after termination or transfer.

**Category B:** Retained until five years after termination or transfer and then destroyed.

**Category C:** Destroyed one year after entry into data base.

**Categories D and E:** Destroyed eighteen months after termination or transfer.

**System manager(s) and address:**

Director, Office of Security  
Federal Energy Administration  
12th and Pennsylvania Avenue, NW.  
Washington, D.C. 20461.

**Notification procedure:** Requests by an individual to determine if a system of records contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration,

Washington, D.C. 20461, in accordance with FEA's Privacy Act Regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975)).

**Record access procedures:** Requests by an individual for access to a system of records that contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, in accordance with FEA's Privacy Act Regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975)). Access is restricted by reason of FEA's claiming of exemptions authorized by 5 U.S.C. 552a(k)(2, 5).

**Contesting record procedures:** Requests by an individual to correct or amend the content of a record containing information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, in accordance with FEA's Privacy Act Regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975)).

**Record source categories:** The individual who is the subject of the record, other sources contacted during security investigations and official records.

**Systems exempted from certain provisions of the act:** Internal memoranda specifically identified as OS forms DPS 24 and 24A are exempted from certain of the Privacy Act's requirements, in accordance with 5 U.S.C. 552a(k)(2, 5).

#### FEA—7

**System name:** Investigative Report Records.

**Security classification:** Unclassified. Some classified material might be referenced.

**System location:**

Office of the Inspector General  
Federal Energy Administration  
12th and Pennsylvania Avenue, NW.  
Washington, D.C. 20461.

**Categories of individuals covered by the system:** Current and former employees and applicant for employment by FEA who have been the subject of an FEA investigation.

**Categories of records in the system:**

1. Case index sheets—contain chronological list of completed cases by their identifying case number and title of investigative report and/or the name of individual investigated.

2. Investigative reports—contain reports of alleged or suspected impropriety, misconduct, or criminal or civil violations by FEA employees, past and present, and other persons acting with them.

**Authority for maintenance of the system:** 5 U.S.C. 301 and 303; Federal Energy Administration Act of 1974; Executive Orders 10450, as amended, 11652, as amended, and 11790.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The routine uses are those listed in Appendix B.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records.

**Retrievability:** Case number, title of investigative report and name.

**Safeguards:** Information is kept in locked General Services Administration approved Class 6 security containers. Access is limited to investigative personnel and those persons or organization identified in Appendix B.

**Retention and disposal:** Tenure of the employee, and in accordance with Government Services Administration and Department of Justice records retention requirements.

**System manager(s) and address:**

Inspector General  
Office of the Inspector General  
Federal Energy Administration  
12th and Pennsylvania Avenue, NW.  
Washington, D.C. 20461.

**Notification procedure:** Requests by an individual to determine if a system of records contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, in accordance with FEA's Privacy Act Regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975)).

**Record access procedures:** Requests by an individual for access to a system of records that contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, in accordance with FEA's Privacy Act

Regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975)). Access is restricted by reason of FEA's claiming of exemptions authorized by 5 U.S.C. 552a(k)(2, 5).

**Contesting record procedures:** Request by an individual to correct or amend the content of a record containing information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, in accordance with FEA's Privacy Act Regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975)).

**Record source categories:** The individual who is the subject of the record, individual complaints, witnesses, respondents, confidential sources, agency files and records, and official Federal, State, or local records.

**Systems exempted from certain provisions of the act:** Investigative reports concerning current and former FEA employees and applicants for employment by FEA are exempted from certain of the Privacy Act's requirements, in accordance with 5 U.S.C. 552a(k)(2, 5).

#### FEA—8

**System name:** Statements of Financial Interest

**Security classification:** Unclassified.

**System location:** For the National Office, the location of the paper records is

Office of Personnel  
Federal Energy Administration  
12th and Pennsylvania Avenue, NW.  
Washington, D.C. 20461.

For the Regional Offices: The appropriate Regional Office, at the address listed in Appendix A.

**Categories of individuals covered by the system:** FEA regular employees and FEA special employees required by 10 CFR, 203.25, 203.26, or 203.26a to file such statements.

**Categories of records in the system:** Name, employment status with FEA, date of entrance on duty, job title, type of employment; grade, office and division, room number and telephone extension; place of previous employment, kind of previous employment, description of financial interest in benefit plan maintained by a former employer, statement as to compensation received from former employer, statement as to reemployment rights with a former employer, statement as to reimbursement or payment of travel costs by former employer for move to duty station, statement as to former employer's associations with FEA; names of all corporations, companies, firms, or other business enterprises, partnerships, nonprofit organizations, and educational institutions with which employee is connected as employee, officer, owner, director, member, trustee, partner, advisor, or consultant, or in which an employee has a continuing financial interest; creditors; interest in real property; self-assessment of private interests; official responsibilities; and all known financial interests in energy businesses and properties held during the previous calendar year.

**Authority for maintenance of the system:** Federal Energy Administration Act of 1974; section 522, Energy Policy and Conservation Act (Pub. L. 94-163); 3 CFR 1964-1965 Comp., 306; 5 CFR 735.104, Executive Orders 11222, 11790.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The "Statement of Known Financial Interest" is required by statute to be available to the public upon request. Other routine uses for records in the system are as listed in Appendix B.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records

**Retrievability:** Name

**Safeguards:** Records are maintained in a Class C manipulation-proof, three way combination lock, steel container. Access is by authorized personnel only.

**Retention and disposal:** Records are maintained until the individual severs connection with the agency. No time period for retention after severance or procedure for destruction has been developed as of this date.

**System manager(s) and address:** For records at the National Office

Director, Executive Program  
Federal Energy Administration  
12th and Pennsylvania Avenue, NW  
Washington, D.C. 20461



For records at FEA's Regional Offices. The Regional Administrator at the appropriate Regional Office.

**Notification procedure:** Requests by an individual to determine if a system of records contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461 or to the Privacy Act Officer at the appropriate Regional Office, at the address listed in Appendix A, in accordance with FEA's Privacy Act Regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975)).

**Record access procedures:** Requests by an individual for access to a system of records that contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461 or to the Privacy Act Officer at the appropriate Regional Office, at the address listed in Appendix A, in accordance with FEA's Privacy Act Regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975)).

**Contesting record procedures:** Requests by an individual to correct or amend the content of a record containing information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461 or to the Privacy Act Officer at the appropriate Regional Office, at the address listed in Appendix A, in accordance with FEA's Privacy Act Regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975)).

**Record source categories:** The individual who is the subject of the records.

Systems exempted from certain provisions of the act: None

#### FEA-9

**System name:** Medical Records

**Security classification:** Unclassified

**System location:** For the National Office the location of the records is:

Health Unit  
Federal Energy Administration  
12th and Pennsylvania Avenue, NW  
Washington, D.C. 20461.

For the Regional Offices: The Health Unit associated with the appropriate Regional Office at the address listed in Appendix A.

**Categories of individuals covered by the system:** Present and former FEA employees.

**Categories of records in the system:** Disability retirement records, health unit medical records, qualification examinations, Fitness-for-Duty Examinations, Alcohol/Drug patient information records, injury compensation records, blood donor program records.

**Authority for maintenance of the system:** 5 U.S.C. 7901; Federal Energy Administration Act of 1974; Executive Order 11790; and OMB Circular A-72.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information in these records may be provided to officials of other Federal agencies and other Federal benefits programs, and to specific private contractors engaged in providing benefits under Federal contracts. Other routine uses are listed in Appendix B.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records.

**Retrievability:** Name, social security number, date of birth, and claim number.

**Safeguards:** Physical and administrative security is maintained, with all storage equipment and rooms locked when not in use. Access is restricted to authorized personnel only. All authorized personnel are instructed and cautioned with respect to the confidentiality of the records.

**Retention and disposal:** Retained onsite as prescribed in Civil Service Commission regulation and general records schedules of General Services Administration.

**System manager(s) and address:** For records at the National Office:

Deputy Director of Personnel  
Federal Energy Administration  
12th and Pennsylvania Avenue, NW  
Washington, D.C. 20461.

For records located at the Health Units associated with FEA's Regional Offices: The Regional Administrator of the appropriate Regional Office.

**Notification procedure:** Requests by an individual to determine if a system of records contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, in accordance with FEA's Privacy Act Regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975)).

**Record access procedures:** Requests by an individual for access to a system of records that contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, in accordance with FEA's Privacy Act Regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975)). However, the access to medical records is subject to the special procedures provided in 10 CFR 206.5(f), 40 FR 45612 (October 2, 1975).

**Contesting record procedures:** Requests by an individual to correct or amend the content of a record containing information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, in accordance with FEA's Privacy Act Regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975)).

**Record source categories:** The individual who is the subject of the record, private physicians, medical institutions, Office of Workers Compensation Programs, military retired pay systems records, Federal civilian retirement systems, pay and leave records, Civil Service Commission retirement, life insurance and health benefits records system, Civil Service Commission personnel management records system.

Systems exempted from certain provisions of the act: None

#### FEA-10

**System name:** Minority Group Data File

**Security classification:** Classified.

**System location:**

Optimum Systems, Inc.  
5615 Fishers Lane  
Rockville, Maryland 20852

**Categories of individuals covered by the system:** All FEA employees.

**Categories of records in the system:** Name, social security number, minority group code, sex, grade level, occupational code.

**Authority for maintenance of the system:** Equal Employment Opportunity Act of 1972, Federal Energy Administration Act of 1974, Executive Orders 11478, 11790, Federal Personnel Manual 713 subchapter 3.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Monthly summary reports transmitted to the Civil Service Commission and the routine uses listed in Appendix B.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer disks.

**Retrievability:** Name.

**Safeguards:** Records are kept on computer disks with access limited to those whose official duties require access.

**Retention and disposal:** No established guidelines with respect to retention or disposal of records.

**System manager(s) and address:**

Director  
Office of Equal Employment Opportunity  
Federal Energy Administration  
12th and Pennsylvania Avenue, NW  
Washington, D.C. 20461  
Project Manager  
Office of Data Services  
Federal Energy Administration  
2000 M Street, NW  
Washington, D.C. 20461.

**Notification procedure:** Requests by an individual to determine if a system of records contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, in accordance with FEA's Privacy Act Regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975)).

**Record access procedures:** Requests by an individual for access to a system of records that contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, in accordance with FEA's Privacy Act Regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975)).

Regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975)). Access is restricted by reason of FEA's exercising of the exemption authorized by 5 U.S.C. 552a(k)(4).

**Contesting record procedures:** Requests by an individual to correct or amend the content of a record containing information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, in accordance with FEA's Privacy Act Regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975)).

**Record source categories:** Agency personnel standard form 50 and the personnel officer.

**Systems exempted from certain provisions of the act:** These statistical records are exempt from certain of the Privacy Act's requirements, in accordance with 5 U.S.C. 552a(k)(4).

#### FEA-11

**System name:** Equal Opportunity Complaint Files.

**Security classification:** Unclassified.

**System location:** For the National Office, the location of the records is:

Office of Equal Opportunity  
Federal Energy Administration  
12th and Pennsylvania Avenue, NW  
Washington, D.C. 20461.

For the Regional Offices: The appropriate Regional Office at the address listed in Appendix A.

**Categories of individuals covered by the system:** FEA employees or applicants for employment with FEA who have filed complaints in accordance with Federal Personnel Manual No. 713.

**Categories of records in the system:** Name, address, job title, wage rate, earnings, dates of employment, data on applications for employment, race, sex, work history, the complaint, investigation reports (with affidavits), Equal Opportunity (EO) Officer disposition with respect to complaint, and agency head decision regarding complaint.

**Authority for maintenance of the system:** Federal Energy Administration Act of 1974; Executive Orders 11478, 11790; Equal Employment Opportunity Act of 1972; Federal Personnel Manual No. 713.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The routine uses listed in Appendix B.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records.

**Retrievability:** Name.

**Safeguards:** Records are located in a combination safe with access limited to those whose official duties require access.

**Retention and disposal:** No guidelines have been established with respect to retention or disposal of records.

**System manager(s) and address:** For records at the National Office:

Director  
Office of Equal Employment Opportunity  
Federal Energy Administration  
12th and Pennsylvania Avenue, NW  
Washington, D.C. 20461.

For records at FEA's Regional Offices: The Regional Administrator at the appropriate Regional Office.

**Notification procedure:** Requests by an individual to determine if a system of records contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461 or to the Privacy Act Officer at the appropriate Regional Office, at the address listed in Appendix A, in accordance with FEA's Privacy Act Regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975)).

**Record access procedures:** Requests by an individual for access to a system of records that contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461 or to the Privacy Act Officer at the appropriate Regional Office, at the address listed in Appendix A, in accordance with FEA's Privacy Act Regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975)).

**Contesting record procedures:** Requests by an individual to correct or amend the content of a record containing information about him should be directed to the Privacy Act Officer, Federal Energy

Administration, Washington, D.C. 20461 or to the Privacy Act Officer at the appropriate Regional Office, at the address listed in Appendix A, in accordance with FEA's Privacy Act Regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975)).

**Record source categories:** The individual who is the subject of the record, co-workers, other employees.

Systems exempted from certain provisions of the act: None

#### FEA-12

**System name:** Employee Assistance Program (Alcohol and Drug Abuse Program).

**Security classification:** Unclassified.

**System location:** For the National Office, the location of the records is:

Office of Equal Opportunity  
Federal Energy Administration  
12th and Pennsylvania Avenue, NW  
Washington, D.C. 20461.

For the Regional Offices: The appropriate Regional Office at the address listed in Appendix A.

**Categories of individuals covered by the system:** Employees receiving counseling and referral services to resolve alcohol and/or drug abuse problems.

**Categories of records in the system:** Name, address, job title, grade level, date of employment, work history, community social service agency referrals, medical reports.

**Authority for maintenance of the system:** Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970; Federal Energy Administration Act of 1974; Executive Order 11790; Federal Personnel Manual letter No. 792-4.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The routine uses listed in Appendix B.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records.

**Retrievability:** Name.

**Safeguards:** Records are located in lockable metal file cabinets with access limited to those whose official duties require access.

**Retention and disposal:** No established guidelines on retention and disposal of records.

**System manager(s) and address:** For records at the National Office:

Director  
Office of Equal Employment Opportunity  
Federal Energy Administration  
12th and Pennsylvania Avenue, NW  
Washington, D.C. 20461.

For records at FEA's Regional Offices: The Regional Administrator of the appropriate Regional Office.

**Notification procedure:** Requests by an individual to determine if a system of records contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461 or to the Privacy Act Officer at the appropriate Regional Office, at the address listed in Appendix A, in accordance with FEA's Privacy Act Regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975)).

**Record access procedures:** Requests by an individual for access to a system of records that contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461 or to the Privacy Act Officer at the appropriate Regional Office, at the address listed in Appendix A, in accordance with FEA's Privacy Act Regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975)).

**Contesting record procedures:** Requests by an individual to correct or amend the content of a record containing information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461 or to the Privacy Act Officer at the appropriate Regional Office, at the address listed in Appendix A, in accordance with FEA's Privacy Act Regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975)).

**Record source categories:** The individual who is the subject of the record and the individual's supervisors.

Systems exempted from certain provisions of the act: None

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## FEA-13

System name: Training Records.

Security classification: Unclassified.

System location: For the National Office, the location of the records is:

Office of Training and Development  
Federal Energy Administration  
12th and Pennsylvania Avenue, NW  
Washington, D.C. 20461.

For the Regional Offices: The appropriate Regional Office at the address listed in Appendix A.

Categories of individuals covered by the system: All individuals who have requested and participated in training programs administered by FEA, other agencies or other organizations.

Categories of records in the system: Name, grade, organization, date of birth, social security number; home address and telephone number and special interest area, education completed, course name, justification for attending the course, direct and indirect costs of training, coded information dealing with purpose, type, source, OF form 170, FEA forms 34, 35, course evaluation form, accounting records and central personnel data file quarterly training report.

Authority for maintenance of the system: Government Employees Training Act of 1958, Federal Energy Administration Act of 1974, Executive Order 11790, Federal Personnel Manual Regulation (FPM) Bulletin 290-15, FPM chapter 410 and Appendix A.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in these records is transmitted to intra- and inter-agency program offices for purposes of determining eligibility for training; to Federal agencies, including the Civil Service Commission, as source documents for training reports; to training institutions that personnel have requested to attend; and to other Federal agencies as the information documents for payment of funds for training. Other routine uses are listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Name and social security number.

Safeguards: Secured in file cabinets, with access limited to those whose official duties require access.

Retention and disposal: Training request and authorization retained for three years and destroyed. Other training records are incorporated in the individual's personnel folder.

System manager(s) and address: For records at the National Office:

Director  
Office of Training and Development  
Federal Energy Administration  
12th and Pennsylvania Avenue, NW.  
Washington, D.C. 20461.

For records at FEA's Regional Offices: The Regional Administrator of the appropriate Regional Office.

Notification procedure: Requests by an individual to determine if a system of records contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461 or to the Privacy Act Officer at the appropriate Regional Office, at the address listed in Appendix A, in accordance with FEA's Privacy Act Regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975)).

Record access procedures: Requests by an individual for access to a system of records that contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461 or to the Privacy Act Officer at the appropriate Regional Office, at the address listed in Appendix A, in accordance with FEA's Privacy Act Regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975)).

Contesting record procedures: Requests by an individual to correct or amend the content of a record containing information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461 or to the Privacy Act Officer at the appropriate Regional Office, at the address listed in Appendix A, in accordance with FEA's Privacy Act Regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975)).

Record source categories: The individual who is the subject of the record and the individual's supervisors.

Systems exempted from certain provisions of the act: None.

## FEA-14

System name: Employee Carpool Parking.

Security classification: Unclassified.

System location: For the National Office the location of records is:

Office of Administrative Programs  
Federal Energy Administration  
12th and Pennsylvania Avenue, NW.  
Washington, D.C. 20461.

For the Regional Offices: The appropriate Regional Office at the address listed in Appendix A.

Categories of individuals covered by the system: All FEA Employees located in the Federal Triangle (and some non-Federal employees) who apply as members of a carpool for no-cost or reduced-rate parking assignments in the Great Plaza and West Court parking lots.

Categories of records in the system: Name; Federal service computation date, office address and telephone; home address; make, year, state of registration, and tag number of pool vehicles; and number of days per week in the carpool.

Authority for maintenance of the system: Federal Energy Administration Act of 1974; 41 CFR 101-20.117; Executive Order 11790; Federal Management Circular 1-74.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses are those listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Name and location of parking assignment.

Safeguards: Records are located in a lockable metal file cabinet within a secured room. Access is limited to FEA personnel responsible for making parking assignments and to those FEA employees seeking to join a carpool which operates from their residence area.

Retention and disposal: Retained for the duration of parking assignments (not longer than six months), then destroyed after new semi-annual parking applications and assignments are made (usually April and October).

System manager(s) and address: For records at the National Office:

Chief, Division of General Services  
Office of Administrative Programs  
Federal Energy Administration  
12th and Pennsylvania Avenue, NW.  
Washington, D.C. 20461.

For records at FEA's Regional Offices: The Regional Administrator of the appropriate Regional Office.

Notification procedure: Requests by an individual to determine if a system of records contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, in accordance with FEA's Privacy Act Regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975)).

Record access procedures: Requests by an individual for access to a system of records that contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, in accordance with FEA's Privacy Act Regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975)).

Contesting record procedures: Requests by an individual to correct or amend the content of a record containing information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, in accordance with FEA's Privacy Act Regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975)).

Record source categories: The individual who is the subject of the record.

Systems exempted from certain provisions of the act: None.

## FEA-15

System name: Employee Applications for Motor Vehicle Operators Card.

Security classification: Unclassified.

System location: For the National Office, the location of the records is:

Office of Administrative Programs

Federal Energy Administration  
12th and Pennsylvania Avenue, NW.  
Washington, D.C. 20461.

For the Regional Offices: The appropriate Regional Office, at the address listed in Appendix A.

Categories of individuals covered by the system: Each FEA employee whose job duties requires frequent or occasional use of Government-owned or leased vehicles and who apply for motor vehicle operator cards (standard Form 46).

Categories of records in the system: Name, job title, office, physical description, birthplace, social security number, type and serial number of state driver's license, record of traffic arrests and/or accidents over the past five years, and signature. A second form (SF-47) contains the employee's full name, date of birth, job title, home address, and general health history.

Authority for maintenance of the system: Federal Energy Administration Act of 1974, Executive Order 11790; Federal Property Management Regulations concerning use of Government-owned and leased vehicles.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy.

Retrievability: Name and operator license number.

Safeguards: Records are located in a lockable metal file cabinet within a secured room. Access is limited to FEA personnel responsible for preparing and issuing motor vehicle operator cards.

Retention and disposal: Retained for the duration of motor vehicle operator's card (not longer than three years), then destroyed after operator's card expires, is cancelled because employee leaves the agency, or is renewed by re-application.

System manager(s) and address: For the records at the National Office:

Deputy Director  
Office of Administrative Programs  
Federal Energy Administration  
12th and Pennsylvania Avenue, NW.  
Washington, D.C. 20461.

For records at FEA's Regional Offices: The Regional Administrator of the appropriate Regional Office.

Notification procedure: Requests by an individual to determine if a system of records contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461 or to the Privacy Act Officer at the appropriate Regional Office, at the address listed in Appendix A, in accordance with FEA's Privacy Act Regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975)).

Record access procedures: Requests by an individual for access to a system of records that contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461 or to the Privacy Act Officer at the appropriate Regional Office, at the address listed in Appendix A, in accordance with FEA's Privacy Act Regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975)).

Contesting record procedures: Requests by an individual to correct or amend the content of a record containing information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461 or to the Privacy Act Officer at the appropriate Regional Office, at the address listed in Appendix A, in accordance with FEA's Privacy Act Regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975)).

Record source categories: The individual who is the subject of the record.

Systems exempted from certain provisions of the act: None.

## FEA-16

System name: Intergovernmental Personnel Act (IPA) contracts.

Security classification: Unclassified.

System location: For the National Office the location of records is:

Office of Congressional and Intergovernmental Affairs  
Federal Energy Administration  
12th and Pennsylvania Avenue, NW.  
Washington, D.C. 20461.

For the Regional Offices: The appropriate Regional Office at the address listed in Appendix A.

Categories of individuals covered by the system: Individuals who are now or have been under IPA Contract to FEA.

Categories of records in the system: Names, addresses, social security numbers, telephone numbers, salaries and related correspondence.

Authority for maintenance of the system: Federal Energy Administration Act of 1974; Executive Order 11790; Federal Personnel Manual, Chapter 334.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Transmittal of data to State and local governments or institutions of higher education to implement IPA contracts, and the routine uses listed in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Name.

Safeguards: Records are located in lockable metal file cabinet with access limited to those whose official duties require access.

Retention and disposal: Retained for five years and then destroyed.

System manager(s) and address: For records at the National Office:

Administrative Officer  
Office of Congressional and Intergovernmental Affairs  
Federal Energy Administration  
12th and Pennsylvania Avenue, NW.  
Washington, D.C. 20461.

For records at FEA's Regional Offices: The Regional Administrator of the appropriate Regional Office.

Notification procedure: Requests by an individual to determine if a system of records contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, in accordance with FEA's Privacy Act Regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975)).

Record access procedures: Requests by an individual for access to a system of records that contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, in accordance with FEA's Privacy Act Regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975)).

Contesting record procedures: Requests by an individual to correct or amend the content of a record containing information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, in accordance with FEA's Privacy Act Regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975)).

Record source categories: The individual who is the subject of the record, State or local governments, institutions of higher education.

Systems exempted from certain provisions of the act: None.

## FEA-17

System name: Advisory Committees.

Security classification: Unclassified.

System location:

Office of the Administrator  
Federal Energy Administration  
12th and Pennsylvania Avenue, NW.  
Washington, D.C. 20461.

Categories of individuals covered by the system: All individuals who are members of an FEA Advisory Committee.

Categories of records in the system: Biographical Information, home address and telephone number, work address and telephone number, type of business or organizational affiliation, present position with business or other organization, number of years in present position, other related experience, congressional district and photographs.

Authority for maintenance of the system: Federal Advisory Committee Act, Federal Energy Administration Act of 1974; Executive Order 11790, and OMB Circular A-63.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The name and mailing address of an Advisory Committee member is provided to anyone requesting it. Other routine uses are listed in Appendix B.

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**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records.

**Retrievability:** Name.

**Safeguards:** Room secured by lock, with access limited to those whose official duties require access.

**Retention and disposal:** Retained in binder while individual is a member of a committee. Upon termination, resumes are destroyed or returned to individual.

**System manager(s) and address:**

Director Advisory Committee Management Office  
Federal Energy Administration  
12th and Pennsylvania Avenue, NW.  
Washington, D.C. 20461.

**Notification procedure:** Requests by an individual to determine if a system of records contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, in accordance with FEA's Privacy Act Regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975)).

**Record access procedures:** Requests by an individual for access to a system of records that contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, in accordance with FEA's Privacy Act Regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975)).

**Contesting record procedures:** Requests by an individual to correct or amend the content of a record containing information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, in accordance with FEA's Privacy Act Regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975)).

**Record source categories:** The individual who is the subject of the record, the individual's supervisor, members of Congress and public interest groups.

**Systems exempted from certain provisions of the act:** None.

#### FEA-18

**System name:** Mailing Lists for Requestors of Energy Related Information.

**Security classification:** Unclassified.

**System location:** For the National Office, the location of the paper records is:

Office of Communications and Public Affairs  
Federal Energy Administration  
12th and Pennsylvania Avenue, NW.  
Washington, D.C. 20461.

For machine readable records, the location is:

Data Technology Industries  
6611 Kenilworth Avenue  
Riverdale, Maryland 20840

Except that certain records used as mailing lists for press releases and related materials are located at:

Division of Printing Management  
Federal Energy Administration  
12th and Pennsylvania Avenue, NW.  
Washington, D.C. 20461

For the Regional Offices: The appropriate Regional Office, at the address listed in Appendix A.

**Categories of individuals covered by the system:** Persons requesting energy related information.

**Categories of records in the system:** Each of FEA's mailing lists contains the name and address of the subject individual. The mailing list for the "Energy Reporter" also contains the individual's employer or organizational affiliation and the individual's title or position.

**Authority for maintenance of the system:** Federal Energy Administration Act of 1974; Executive Order 11790.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The records are released to contractors handling bulk and single copy mailings for FEA. Names and addresses of such contractors may be requested from the system manager. Other routine uses are as listed in Appendix B.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Both manual and computer cards.

**Retrievability:** Name or identifying number once the regional location of the individual is determined.

**Safeguards:** Locked files.

**Retention and disposal:** Recipients are acquired annually and the list is purged and updated.

**System manager(s) and address:**

Chief Division of Printing Management  
Office of Administrative Programs  
Federal Energy Administration  
Washington, D.C. 20461.

For records at FEA's Regional Offices: The Regional Administrator of the appropriate Regional Office.

**Notification procedure:** Requests by an individual to determine if a system of records contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, or to the Privacy Act Officer at the appropriate Regional Office, at the address listed in Appendix A, in accordance with FEA's Privacy Act Regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975)).

**Record access procedures:** Requests by an individual for access to a system of records that contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, or to the Privacy Act Officer at the appropriate Regional Office, at the address listed in Appendix A, in accordance with FEA's Privacy Act Regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975)).

**Contesting record procedures:** Requests by an individual to correct or amend the content of a record containing information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, or to the Privacy Act Officer at the appropriate Regional Office, at the address listed in Appendix A, in accordance with FEA's Privacy Act Regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975)).

**Record source categories:** The individual who is the subject of the record, generally as the result of a request for information by such individual.

**Systems exempted from certain provisions of the act:** None.

#### FEA-19

**System name:** Congressional Constituent Inquiries.

**Security classification:** Unclassified.

**System location:** For the National Office the location of the records is:

Executive Communications  
Federal Energy Administration  
12th and Pennsylvania Avenue, NW.  
Washington, D.C. 20461

National Office records are also located in the FEA office originating the response.

For the Regional Offices: The appropriate Regional Office at the address listed in Appendix A.

**Categories of individuals covered by the system:** Individuals on whose behalf there have been Congressional inquiries and members of Congress making requests on behalf of their constituents.

**Categories of records in the system:** Name, address of constituent and date of letter by a Senator or member of Congress on behalf of the constituent; materials forwarded by a member of Congress; and FEA response.

**Authority for maintenance of the system:** 5 U.S.C. 301; 44 U.S.C. 3101; Federal Energy Administration Act of 1974; Executive Order 11790.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The records are used to record Congressional inquiries on behalf of constituents, to ensure proper document control of the response; and to reference FEA responses to such inquiries. Other routine uses include those listed in Appendix B.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records.

**Retrievability:** Name of constituent and name of member of Congress.

**Safeguards:** Records are located in lockable metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

**Retention and disposal:** The records are retained in accordance with the office's record control schedule.

**System manager(s) and address:** The National Office records are managed by:

Special Assistant  
Executive Communications  
Federal Energy Administration  
12th and Pennsylvania Avenue, NW.  
Washington, D.C. 20461

For records at FEA's Regional Offices: The Regional Administrator of the appropriate Regional Office.

**Notification procedure:** Requests by an individual to determine if a system of records contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, in accordance with FEA's Privacy Act Regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975)).

**Record access procedures:** Requests by an individual for access to a system of records that contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, in accordance with FEA's Privacy Act Regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975)).

**Contesting record procedures:** Requests by an individual to correct or amend the content of a record containing information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, in accordance with FEA's Privacy Act Regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975)).

**Record source categories:** Subject individual, member of Congress, and drafter of FEA response.

**Systems exempted from certain provisions of the act:** None.

#### FEA-20

**System name:** Freedom of Information and Privacy Act Requests for Records.

**Security classification:** Unclassified.

**System location:** For the National Office, the location of the records is:

Freedom of Information Office  
Federal Energy Administration  
12th and Pennsylvania Avenue, NW.  
Washington, D.C. 20461.

For the Regional Offices: The appropriate Regional Office at the address listed in Appendix A.

**Categories of individuals covered by the system:** Individuals requesting copies of records from the Federal Energy Administration, including all primary operating units, under the provisions of the Freedom of Information Act; and under the Privacy Act of 1974.

**Categories of records in the system:** Name, address, and telephone number; description or identification of records requested, furnished, and/or denied; dates of request and response; amount of fees paid, if any; payment delinquencies, if any; final determinations of appeals or denials; and the names and titles of denying officials and determining officials.

**Authority for maintenance of the system:** Freedom of Information Act; Privacy Act of 1974; Federal Energy Administration Act of 1974; Executive Order 11790.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Annual report to the Congress under section (d) of the Freedom of Information Act, as amended; and the routine uses listed in Appendix B. Available for public inspection at all times.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records.

**Retrievability:** Name of requestor.

**Safeguards:** Records are located in lockable metal file cabinets with access limited to those whose official duties require access, but records are available for public inspection.

**Retention and disposal:** Records are retained in accordance with the Freedom of Information Office record disposal schedule

**System manager(s) and address:**

Director  
Freedom of Information Office  
Federal Energy Administration  
12th and Pennsylvania Avenue, NW.

Washington, D.C. 20461.

For records at FEA's Regional Offices: The Regional Administrator of the appropriate Regional Office.

**Notification procedure:** Requests by an individual to determine if a system of records contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461 or to the Privacy Act Officer at the appropriate Regional Office, at the address listed in Appendix A, in accordance with FEA's Privacy Act Regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975)). In addition to the information specified in 10 CFR 206.3, the requestor should provide name, address, and date, or approximate month and year, on which the request was made.

**Record access procedures:** Requests by an individual for access to a system of records that contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461 or to the Privacy Act Officer at the appropriate Regional Office, at the address listed in Appendix A, in accordance with FEA's Privacy Act Regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975)).

**Contesting record procedures:** Requests by an individual to correct or amend the content of a record containing information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461 or to the Privacy Act Officer at the appropriate Regional Office, at the address listed in Appendix A in accordance with FEA's Privacy Act Regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975)).

**Record source categories:** The individual who is the subject of the record.

**Systems exempted from certain provisions of the act:** None.

#### FEA-21

**System name:** Electric rate demonstration data base.

**Security classification:** Unclassified.

**System location:** As broken out by project, the records will be located at the following participating utilities:

Arizona—Solar Research Commission.  
Arizona Public Service Co.

Arkansas—Public Service Commission.  
Arkansas Power & Light Co.

California—Energy Resources Conservation and Development Commission and Public Utilities Commission.  
Pacific Gas & Electric Co.; San Diego Gas & Electric Co.; Southern California Edison Co.; Sacramento Municipal Utility District.

Connecticut—Public Utilities Commission.  
Connecticut Light & Power Co.

New Jersey—State Energy Office.  
Jersey Central Power & Light Co.

New York—Public Service Commission.

Consolidated Edison.

North Carolina—Utilities Commission.  
Carolina Power & Light Co.; Blue Ridge Electric Membership Corp.

Ohio—Public Utilities Commission.  
Dayton Power & Light Co.; Toledo Edison Co.; Buckeye Power Co.

Rhode Island—Public Utilities Commission.  
Blackstone Valley Electric Co.

Vermont—Public Service Board.  
Green Mountain Power Co.

Washington—State Energy Office.  
Seattle City Light (Department of Lighting, city of Seattle); Clark County Public Utilities District; Puget Sound Power & Light Co.

Wisconsin—Public Service Commission.  
Wisconsin Public Service Corp.

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Puerto Rico—Commonwealth of Puerto Rico.  
Puerto Rico Water Resources Authority.

Edmond Okla.—city of Edmond.  
Edmond Municipal Electric Co.  
Los Angeles—city of Los Angeles.  
Los Angeles Department of Water & Power.

For the FEA National Office, the location of the records is Optimum Systems, Inc., 5615 Fishers Lane, Rockville, Maryland 20852. There are no records at any of the FEA regional offices.

**Categories of individuals covered by the system:** All consumers of electricity participating in FEA-sponsored rate demonstration projects.

**Categories of records in the system:** Consumer identification number, rate code, historical data on past year's energy consumption, hourly current electrical consumption, household information (including age distribution and income), dwelling characteristics, fuel use information, water heating characteristics, and appliance inventory. The records maintained by the FEA and the EPRI will not contain name or other identifying particulars.

**Authority for maintenance of the system:** Section 13 of the Federal Energy Administration Act of 1974; Executive Order 11790; section 204 of the Energy Conservation and Production Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The participating utilities will use the records maintained for the following purposes: Measurement of price elasticity under various non-traditional rate forms, correlation of demographic characteristics with demand and usage patterns, analysis of shifts in usage patterns under various rate forms and at different times of day and seasons of the year, and determination of changes in load and capacity factors attributable to experimental rates and/or load management techniques. The records maintained by the participating utilities will also be made available to the participating utilities' parent companies, the sponsoring state and local agencies, the FEA, and the Electric Power Research Institute, so that these parties can do analyses of the data similar to those contemplated by the utilities. As previously noted, the records made available to the participating utilities' parent companies, the FEA and to EPRI will not contain name or other identifying particulars. The sponsoring state and local agencies will also use the records to deal with any complaints brought by participating consumers of electricity.

**Storage:** Machine readable only.

**Retrievability:** Machine readable records are retrievable by any data element (except by name or EPRI and National Office FEA records).

**Safeguards:** The contracts with the utilities stipulate that the utility will exercise all diligence in controlling access to their computer facility and that only authorized members of the project team and other routine users will be allowed to use the data. At the FEA National Office, physical, technical and administrative security is maintained with all storage areas locked when not in use. Admittance when open, is restricted to authorized personnel only. All personnel that handle or process the data are instructed and cautioned as to the confidentiality of the data and its proper disposition. Remote terminal users need special access code.

**Retention and disposal:** At the participating utilities and the EPRI: three years after the completion of the test on the utility's system. At the FEA National Office: records will be destroyed within two years of completion of the last project.

**Retrievability:** For Records at the Participating Utilities

**System manager(s) and address:**

For Records at the Participating Utilities

Arizona Public Service Co.,  
411 North Central Ave.,  
Phoenix, Ariz. 85004.

Arkansas Power & Light Co.,  
Box 551,  
Little Rock, Ark. 72203.

Blackstone Valley Electric Co.,  
Washington Highway, Box 1111,  
Lincoln, R.I. 02865.

Blue Ridge Electric Membership Corp.,  
1216 Blowing Rock Blvd. NE,  
Lenoir, N.C. 28645.

Buckeye Power Co.,  
4302 Indianola Ave.,  
Columbus, Ohio 43214.

Carolina Power & Light,  
Box 551,  
Raleigh, N.C. 27602.

Clark County Public Utilities District,  
1200 Fort Vancouver Way, Box 1626  
Vancouver, Wash. 98663.

Connecticut Light & Power Co.,  
P.O. Box 270,  
Hartford, Conn. 06101.

Consolidated Edison,  
4 Irving Place,  
New York, N.Y. 10003.

Dayton Power and Light Co.,  
25 North Main St.,  
Dayton, Ohio 45401.

Edmond Municipal Electric Co.,  
Edmond, Okla. 73034.

Green Mountain Power Co.,  
1 Main St.,  
Burlington, Vt. 05401.

Jersey Central Power & Light Co.,  
Madison Ave. and Punch Bowl Rd.,  
Morristown, N.J. 07960.

Los Angeles Department of Water and Power,  
Box 111,  
Los Angeles, Calif. 90051.

Pacific Gas & Electric Co.,  
77 Beale St.,  
San Francisco, Calif. 94106.

Puerto Rico Water Resources Authority, Planning and  
Engineering,  
San Juan, P.R.

Puget South Power & Light Co.,  
600 116th Street, NE.,  
Bellevue, Wash. 98009.

Sacramento Municipal Utility District,  
6201 South St., P.O. Box 15830,  
Sacramento, Calif. 95813.

San Diego Gas & Electric Co.,  
P.O. Box 800,  
San Diego, Calif. 92112.

Seattle City Light (department of lighting, city of Seattle),  
1015 Third Ave.,  
Seattle, Wash. 98104.

Southern California Edison Co.,  
P.O. Box 1831,  
Rosemead, Calif. 91770.

Toledo Edison Co.,  
300 Madison Ave.,  
Toledo, Ohio 43652.  
Wisconsin Public Service Corp.,  
700 North Adams Ave.,  
Green Bay, Wis. 54301.

For the records at the FEA National Office: Electricity Utility Demonstration Program Manager, Regulatory Institutions Programs, National Programs, Energy Conservation and Environment, Federal Energy Administration, 1200 Pennsylvania Avenue, NW., Washington, D.C. 20461.

**Notification procedure:** Requests by an individual to determine if a system of records contains information about him should be

directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461 in accordance with FEA's Privacy Act Regulations (10 CFR 206.2, 40 FR 45610 (October 10, 1975)). The requests will in turn be forwarded to the appropriate participating utility maintaining the complete record pertaining to the individual.

**Record access procedures:** Requests by an individual for access to a system of records that contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. FEA's Privacy Act Regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975)). Requests will in turn be forwarded to the appropriate participating utility maintaining the complete record pertaining to the individual.

**Contesting record procedures:** Requests by an individual to correct or amend the content of a record containing information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461 in accordance with FEA's Privacy Act Regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975)). Requests will in turn be forwarded to the appropriate participating utility maintaining the complete record pertaining to the individual.

**Record source categories:** Utilities participating in the electric rate demonstration project and individuals providing information.

**Systems exempted from certain provisions of the act:** None.

#### FEA—22

**System name:** Correspondence Files.

**Security classification:** Unclassified.

**System location:** For the National Office the location is:

Executive Communications  
Office of the Administrator  
Federal Energy Administration  
12th and Pennsylvania Avenue, NW,  
Washington, D.C. 20461.

Records for the National Office may also be located in the organizational unit with FEA which originates the response to the correspondence or has jurisdiction over its subject matter.

For records at FEA's Regional Offices: The Regional Administrator of the appropriate Regional Office.

**Categories of individuals covered by the system:** Individuals communicating by letter with FEA.

**Categories of records in the system:** Name, address of correspondent, and copies of the agency response.

**Authority for maintenance of the system:** 5 U.S.C. 301; 44 U.S.C. 3101; Federal Energy Administration Act of 1974, Executive Order 11790.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The records are used by FEA personnel to record written communications with FEA from correspondents outside of FEA, to ensure proper document control of the FEA response, as a reference for such response, and for the routine uses listed in Appendix B.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records.

**Retrievability:** Name of correspondent.

**Safeguards:** Records are located in lockable metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

**Retention and disposal:** Records are retained in accordance with the office's record control schedule.

**System manager(s) and address:** For records at the National Office:

Special Assistant  
Executive Communications  
Office of the Administrator  
Federal Energy Administration  
12th and Pennsylvania Avenue, NW,  
Washington, D.C. 20461.

The Administrative Officers of the appropriate National Office organizational sub-units are also system managers.

For records at FEA's Regional Offices: The Regional Administrator of the appropriate Regional Office.

**Notification procedure:** Requests by an individual to determine if a system of records contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, or to the Privacy Act Officer at the ap-

propriate Regional Office, at the address listed in Appendix A, in accordance with FEA's Privacy Act Regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975)).

**Record access procedures:** Requests by an individual for access to a system of records that contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, or to the Privacy Act Officer at the appropriate Regional Office, at the address listed in Appendix A, in accordance with FEA's Privacy Act Regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975)).

**Contesting record procedures:** Requests by an individual to correct or amend the content of a record containing information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, or to the Privacy Act Officer at the appropriate Regional Office, at the address listed in Appendix A, in accordance with FEA's Privacy Act Regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975)).

**Record source categories:** Subject individuals and drafter of FEA response.

**Systems exempted from certain provisions of the Act:** None.

#### FEA—23

**System name:** Telephone Numbers of FEA Officials.

**Security classification:** Unclassified.

**System location:**

Office of the Administrator  
Federal Energy Administration  
12th and Pennsylvania Avenue, NW,  
Washington, D.C. 20461.

**Categories of individuals covered by the system:** FEA senior staff officials.

**Categories of records in the system:** Name and home telephone number.

**Authority for maintenance of the system:** 5 U.S.C. 301; Federal Energy Administration Act of 1974; Executive Order 11790.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The records are available only to FEA staff within the Office of the Administrator and the energy policy staff within the Executive Office of the President. Telephone numbers will be given out on an individual basis from the list to those FEA officials with a demonstrated need for the information in the course of their official duties.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records.

**Retrievability:** Name of FEA official.

**Safeguards:** Records are located in lockable drawers in secured rooms with access limited to those whose official duties require access.

**Retention and disposal:** Records are revised when appropriate, at which point the older records are destroyed.

**System manager(s) and address:**

Staff Assistant  
Office of the Administrator  
Federal Energy Administration  
12th and Pennsylvania Avenue, NW,  
Washington, D.C. 20461.

**Notification procedure:** Requests by an individual to determine if a system of records contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, in accordance with FEA's Privacy Act Regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975)).

**Record access procedures:** Requests by an individual for access to a system of records that contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, in accordance with FEA's Privacy Act Regulations (10 C.F.R. 206.3, 40 FR 45610 (October 2, 1975)).

**Contesting record procedures:** Requests by an individual to correct or amend the content of a record containing information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, in accordance with FEA's Privacy Act Regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975)).

**Record source categories:** The subject individuals.

**System exempted from certain provisions of the Act:** None.



## APPENDIX A

## Region 1

Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont  
Regional Office  
Federal Energy Administration  
150 Causeway Street, Room 700  
Boston, Massachusetts 02114  
(617) 223-3701

## Region 2

New Jersey, New York, Puerto Rico, Virgin Islands  
Regional Office  
Federal Energy Administration  
26 Federal Plaza, Room 3206  
New York, New York 10007  
(212) 264-1021

## Region 3

Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia  
Regional Office  
Federal Energy Administration  
Federal Office Building  
1421 Cherry Street, Room 1001  
Philadelphia, Pennsylvania 19102  
(215) 597-3890

## Region 4

Alabama, Canal Zone, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee  
Regional Office  
Federal Energy Administration  
1655 Peachtree Street, NE  
8th Floor  
Atlanta, Georgia 30309  
(404) 526-2837

## Region 5

Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin  
Regional Office  
Federal Energy Administration  
175 West Jackson Street, Third Floor  
Chicago, Illinois 60604  
(312) 353-8420

## Region 6

Arkansas, Louisiana, New Mexico, Oklahoma, Texas  
Regional Office  
Federal Energy Administration  
P.O. Box 35228  
2626 West Mockingbird Lane  
Dallas, Texas 75235  
(214) 749-7345

## Region 7

Iowa, Kansas, Missouri, Nebraska  
Regional Office  
Federal Energy Administration  
Federal Office Building  
P.O. Box 2208  
112 East 12th Street  
Kansas City, Missouri 64142  
(816) 374-2061

## Region 8

Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming  
Regional Office  
Federal Energy Administration  
P.O. Box 26247—Belmar Branch  
1075 South Yukon Street

Lakewood, Colorado 80226  
(303) 234-2420

## Region 9

American Samoa, Arizona, California, Guam, Hawaii, Nevada, Trust Territory of the Pacific Islands  
Regional Office  
Federal Energy Administration  
111 Pine Street, Third Floor  
San Francisco, California 94111  
(415) 556-7216

## Region 10

Alaska, Idaho, Oregon, Washington  
Regional Office  
Federal Energy Administration  
Federal Building  
915 Second Avenue  
Room 1992  
Seattle, Washington 98174  
(206) 442-7280

APPENDIX B  
Routine Uses

1. In the event that a system of records maintained by the FEA to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. A record from this system of records may be disclosed, as a routine use, to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an FEA decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

3. A record from this system of records may be disclosed, as a routine use, to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation to an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

5. A record in this system of records may be disclosed, as a routine use, to a member of Congress submitting a request involving the individual when the individual is a constituent of the member and has requested assistance from the member with respect to the subject matter of the record.

6. A record in this system of records which contains medical and/or psychological information may be disclosed, as a routine use, to the physician or mental health professional of any individual submitting a request for access to the record under the Privacy Act of 1974 and FEA's Privacy Act Regulations if, in its sole judgment and good faith, FEA believes that disclosure of the medical and/or psychological information directly to the individual who is the subject of the record could have an adverse effect upon that individual, in accordance with the provisions of 5 U.S.C. 552a(f)(3) and 10 CFR 206.5(f).

NATIONAL TRANSPORTATION POLICY  
STUDY COMMISSION  
PRIVACY ACT OF 1974  
Systems of Records; Annual Publication

On December 10, 1976, there was published in the Federal Register 41 FR 45158 a notice of Systems of Records pursuant to the provisions of the Privacy Act of 1974, Public Law 93-579 (5 USC 552). The public was given the opportunity to submit not later than January 17, 1977, written comments concerning the proposed system of records. Comments were received by the Office of Management and Budget and were incorporated in the final system.

The proposed system notices are hereby adopted as amended.

Effective date: September 19, 1977.

Signed at Washington, D.C., on September 15, 1977.

JOHN WILD,  
Executive Director.

## NTPSC—1

**System name:** Payroll Records—National Transportation Policy Study Commission.

**System location:** General Services Administration, Region 3 Office, copies held by the Commission. (GSA holds records for the National Transportation Policy Study Commission under contract.)

**Categories of individuals covered by the system:** Employees of the NTPSC and Commission members.

**Categories of records in the system:** Varied payroll records, including, among other documents, time and attendance cards; payment vouchers; comprehensive listing of employees; health benefits records, requests for deductions; tax forms, W-2 forms, overtime requests; leave data; retirement records. Records are used by Commission and GSA employees to maintain adequate payroll information for Commission employees, and otherwise by Commission and GSA employees who have a need for the record in the performance of their duties.

**Authority for maintenance of the system:** 31 U.S.C., generally. Also, Section 154 of the Federal-Aid Highway Act of 1976 (P.L. 94-280).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See Appendix. Records also are disclosed to GAO for audits; to the Internal Revenue Service for investigation; and to private attorneys, pursuant to a power of attorney.

A copy of an employee's Department of the Treasury Form W-2, Wage and Tax Statement, also is disclosed to the State, city or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, or 5520, or, in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to Honorable Bud Shuster, Chairman, National Transportation Policy Study Commission, 1750 K St. NW, Rm 800, Washington, D.C. 20006. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both.

Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to written request from an appropriate city official to the Chairman, the Honorable Bud Shuster.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** paper and microfilm.

**Retrievability:** Social Security Number.

**Safeguards:** Stored in guarded building; released only to authorized personnel including among others, GSA liaison staff and payroll clerks and Commission administrative staff.

**Retention and disposal:** Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

**System manager(s) and address:** Chairman, National Transportation Policy Study Commission, 1750 K Street NW, Suite 800, Washington, D.C. 20006

**Notification procedure:** Contact General Counsel or refer to Commission access regulations contained in 1 CFR Part 445.

**Record access procedures:** Contact General Counsel or refer to Commission access regulations contained in 1 CFR Part 445.

**Contesting record procedures:** Contact General Counsel or refer to Commission access regulations contained in 1 CFR Part 445.

**Record source categories:** The subject individual; the Commission.

## NTPSC—2

**System name:** General Financial Records—National Transportation Policy Study Commission.

**System location:** General Services Administration, Central Office; copies held by the Commission. (GSA holds records for the Commission under contract.)

**Categories of individuals covered by the system:** Employees of the Commission and members of the Commission.

**Categories of records in the system:** SF-1038, Application and account for advance of funds; Vendor register and vendor payment tape. Information is used by accounting technicians to maintain adequate financial information and by other officers and employees of GSA and the Commission who have a need for the record in the performance of their duties.

**Authority for maintenance of the system:** 31 U.S.C., generally; also, Section 154 of the Federal-Aid Highway Act of 1976 (P.L. 94-280).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See appendix. Records also are released to GAO for audits; to the IRS for investigation; and to private attorneys, pursuant to power of attorney.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper and tape.

**Retrievability:** Manual and automated by name.

**Safeguards:** Stored in guarded building; released only to authorized personnel including among others, GSA liaison staff and finance personnel; and Commission administrative staff.

**Retention and disposal:** Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition.

**System manager(s) and address:** Chairman, National Transportation Policy Study Commission, 1750 K St. NW, Rm 800, Washington, D.C. 20006.

**Notification procedure:** Contact General Counsel or refer to Commission access regulations contained in 1 CFR Part 445.

**Record access procedures:** Contact General Counsel or refer to Commission access regulations contained in 1 CFR Part 445.

**Contesting record procedures:** Contact General Counsel or refer to Commission access regulations contained in 1 CFR Part 445.

**Record source categories:** The subject individual; the Commission.

## NTPSC—3

**System name:** General Informal Personnel Files—National Transportation Policy Study Commission.

**System location:** National Transportation Policy Study Commission, 1750 K St. NW, Rm 800, Washington, D.C. 20006.

**Categories of individuals covered by the system:** The members of the commission, staff and consultants, past and present.

**Categories of records in the system:** Personnel qualifications statements, personnel action requests and notifications, delegations of authority, correspondence with the Commission members, oaths of office.

**Authority for maintenance of the system:** Title 5, U.S.C. generally. Also, Section 154 of the Federal-Aid Highway Act of 1976 (P.L. 94-280).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See Appendix.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper.

**Retrievability:** Manual.

**Safeguards:** Stored in lockable file cabinets, released only to authorized personnel including among others, GSA liaison staff and Commission administrative staff.

**Retention and disposal:** Retained until no longer needed, then discarded.

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**System manager(s) and address:** Chairman, National Transportation Policy Study Commission, 1750 K St. NW, Rm 800, Washington, D.C. 20006.

**Notification procedure:** Contact General Counsel or refer to Commission access regulations contained in 1 CFR Part 445.

**Record access procedures:** Contact General Counsel or refer to Commission access regulations contained in 1 CFR Part 445.

**Contesting record procedures:** Contact General Counsel or refer to Commission access regulations contained in 1 CFR Part 445.

**Record source categories:** The subject individual; the Commission.

#### APPENDIX—National Transportation Policy Study Commission

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a

federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Civil Service Commission in accordance with the agency's responsibility for evaluation and oversight of federal personnel management.

A record from this system of records may be disclosed to officers and employees of a federal agency for purposes of audit.

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

A record from this system of records may be disclosed as a routine use to a Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the request of the individual about whom the record is maintained.

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to this agency under agreement with GSA.

## POSTAL SERVICE PRIVACY ACT OF 1974

### Systems of Records; Annual Publication.

Agency: U.S. Postal Service.

**Action:** Annual report, Advance Notice of major records system description changes, and final notice of minor records system description changes.

**Summary:** The primary purpose of this document is to publish the annual notice under 5 USC 552a(e)(4) of the systems of records, as defined in the Privacy Act of 1974, Pub. L. No. 93-579, which are maintained by the Postal Service. In the interests of providing complete, current information to the public in an easily accessible format, this document also provides final notice of several records system description changes and advanced notice of several other changes.

**Dates:** Effective date of Parts (1) and (7): October 11, 1977. Comments on Parts (2), (3), (4), (5), (6) must be received on or before: October 11, 1977.

**Addresses:** Records Officer, U.S. Postal Service, Washington, D.C. 20260.

For Further Information Contact: Mr. John E. Finlay, (202) 245-4142.

**Supplementary Information:** The last complete list of Postal Service Systems of Records was published in the FEDERAL REGISTER on October 4, 1976 (41 FR 45132). Recent changes to this complete list appeared in the FEDERAL REGISTER on February 24, 1977 (42 FR 10954), April 21, 1977 (42 FR 20806), and June 13, 1977 (42 FR 30259).

In accordance with a provision of the Privacy Act Implementation guidelines issued by the Office of Management and Budget (40 FR 28961:1), the Postal Service has instituted a regular program of review of its record keeping practices. As a result of the second comprehensive review (the results of the first review were reported in the FEDERAL REGISTER at 42 FR 10954 on February 24, 1977), the Postal Service has (1) ascertained that four systems of records are no longer necessary; (2) discovered two previously unannounced systems of records; and (3) determined that the implementation of national Express Mail Service will require the creation of a new system of records. Also, the Postal Service has decided it is necessary (4) to combine into a single consolidated system two records systems previously described separately; and (5) to rewrite the descriptions of two other records systems to make them more accurate. The Postal Service has also determined it is necessary (6) to provide notice of the existence of heretofore unpublished routine uses for several systems of records; and (7) to make minor editorial corrections and revisions in the descriptions of numerous systems of records. Public comment is requested on proposed actions (2), (3), (4), (5), and (6) which are discussed more completely below. Actions (1) and (7) are effective immediately.

Postal Service regulations concerning the privacy of information appear in 39 CFR Part 266. Those Postal Service systems of records which are exempt from certain provisions of the Privacy Act are listed in 39 CFR 266.9(b).

#### Part 1—Deletions of Four Systems of Records

The Postal Service has determined, after a reassessment of USPS 090.010—Non-Mail Services—Food Coupon Program Records, and USPS 140.010—Postage—Postage Refund Records, that the records contained in those systems are used exclusively for financial accounting and are not maintained or used for the purpose of referring to information about an individual by name or other personal identifier. Therefore, those systems do not fall within the definition of a systems of records as that definition applies to the requirements of the Privacy Act. The Postal Service has also determined that the continued maintenance of USPS 020.020—Communications (Public Relations)—Children's Art Contest, and USPS 100.040—Office Administration—Response to General Services Administration (GSA) Basic Order Agreement (BOA) Solicitations, is no longer necessary and relevant to the accomplishment of a useful purpose of the Postal Service.

Under 5 USC 552a(e) (1) and (4), effective immediately, the four systems of records identified above have been deleted from the list of systems which appeared in 41 FR 45132. Consequently, those systems do not appear in the new list which follows. This document constitutes the final notice of these deletions and changes.

#### Part 2—Notice of Two Existing Systems

As required by 5 USC 552a(e)(4), this document presents initial statements of the existence and character of two additional systems of records not previously mentioned in a published notice. USPS 120.098 is now being included as the result of a reevaluation of records maintenance practices while USPS 200.010 was originally omitted due to administrative oversight. These systems are designated:

- (a) USPS 120.098—Personnel Records—Office of Workers' Compensation Program (OWCP) Record Copies.
- (b) USPS 200.010—Non-Mail Monetary Claims—Relocation Assistance Claims.

#### Part 3—Proposed Creation of Additional System

In addition, the Postal Service proposes to implement Express Mail Service on a national basis. The implementation of this service, which has been tested for several years, requires the establishment of a new system of records designated:

USPS 160.030—Special Mail Services—Express Mail Service Insurance Claims for Loss, Delay and Damage.

These records are required so that a customer's claim for loss, delay or damage can be pursued and resolved. As required by 5 USC 552(e)(4), this document also presents an initial description of this system of records.

The Postal Service invites public comment on proposed actions (2) and (3). The descriptions of the new system appear as proposed in the following list of systems.

#### Part 4—Consolidation of Two Systems

The Postal Service, primarily for ease of reference, has determined it is necessary to consolidate the descriptions of two record systems previously reported separately. The description of USPS 130.030—Philately—Philatelic Automatic Distribution Service (PADS), should be combined with the notice of USPS 130.040—Philately—Philatelic Product Sales and Distribution. The Postal Service also determined that the description should be expanded in order to provide a more complete picture of the scope of information maintained.

#### Part 5—General Notification of Two System Descriptions

The Postal Service has rewritten the description of two other previously reported record systems solely for the purpose of more closely aligning the descriptions to current organizational structure and functions. The records systems affected are USPS 160.010—Special Mail Services—Registered Mail Inquiry for Delivery and/or Application for Indemnity, and USPS 160.020—Special Mail Services—Request for Payment of Postal Insurance (Claim) Records.

Public comment is invited on the modified descriptions of systems 130.040, 160.010, and 160.020 which appear in the following list.

#### Part 6—Routine Uses

The Postal Service has determined that a few cases exist in which notice of several long-standing routine uses has not previously been published for public comment. The notice of these routine uses and the systems to which they apply follow:

**Transfer of Information to the Civil Service Commission:** The Civil Service Commission (CSC) requires the Postal Service to provide information about its employees for the CSC Central Personnel Data File (CPDF).

The CPDF is used primarily for the generation of statistics pertaining to the Federal work force. Details pertaining to the further purposes and uses of the CPDF may be acquired from the Civil Service Commission. Although the following routine use is presently a part of another related Postal Service system of records, it has been determined to also include the use in USPS 050.020, Finance Records—Payroll System, at this time:

"24. To provide data for the automated Central Personnel Data File (CPDF) maintained by the U.S. Civil Service Commission."

**Transfer of Inactive Personnel Folders to the General Services Administration:** If an employee separates from the Postal Service and does not immediately become employed by the Federal Government, his Official Personnel Folder is transferred to inactive storage. The General Services Administration provides a central storage facility for these inactive personnel folders. This continuing practice is reflected in the following routine use for USPS 120.070, personnel Records—General Personnel Folders (Official Personnel Folders and Records Related Thereto):

"15. Inactive folders are transferred to the GSA National Personnel Records Center for permanent storage."

**Disclosure of Employee Medical Information:** Two routine uses are being proposed for inclusion in USPS 120.090, Personnel Records—Medical Records.

a. The following routine use reflects the practice of obtaining professional medical assistance from private physicians when a Postal Service medical officer is either unavailable or the employee requests this action. These physicians provide medical services in connection with matters involving employment related health and physical condition. The routine use reads as follows:

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"8. Records in this system may be disclosed to a private physician or other medical personnel retained by the Postal Service to provide medical services in connection with an employee's health or physical condition which is related to his or her employment."

b. The Postal Inspection Service provides for physical examinations to inspectors through a contract with an outside medical service organization. This organization performs the examinations and submits the results to the Postal Service for the purpose of determining the individual's fitness for duty. The routine use reads as follows:

"9. May be disclosed to an outside medical service when that organization performs the physical examinations and submits the evaluations to the Postal Service pursuant to a contract with the USPS as part of an established Postal Service health program; for the purpose of determining a postal employee's fitness for duty."

**Disclosure of Employee Records:** Two routine uses are being proposed for inclusion in USPS 120.190, Personnel Records—Supervisor's Personnel Records.

a. It has been determined that records from this system may properly be released to a labor organization when needed to administer its duties as the representative of postal employees. The proposed routine reads as follows:

"3. Disclosure of records of discipline may be further made to a labor organization pursuant to the National Labor Relations Act upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit."

b. When the Postal Service completes an adverse action against an employee, a record of that fact is included in the Official Personnel Folder (OPF). Since part of the information included in the OPF is derived from USPS 120.190, it is necessary that this system reflects the possible uses which might occur from such a transfer. The proposed use reads:

"4. Records of discipline may become part of USPS 120.070 and would therefore be subject to disclosure under the routine uses of that system of records."

**Transfer of Records to Inactive Storage:** In addition to the above routine uses, the following use must be included in the description of several systems because the Postal Service has traditionally sent inactive records to Federal Records Centers for storage before their destruction. The Postal Service published a broad statement of this use in the introductory section of its previous annual systems notices.

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The applicable routine use follows: "Inactive records may be transferred to a GSA Federal Records Center for storage prior to destruction."

As required by 5 USC 552(e)(11), interested persons are invited to submit written data, views or arguments on any of the above described proposed routine uses.

#### Part 7—Editorial Corrections and Revisions

The Postal Service has determined that it is necessary to make certain editorial corrections and revisions to various systems of records descriptions. These corrections and revisions do not reflect changes in the systems themselves, but are provided only as changes to the descriptions. These changes do not affect the general character or purpose of any system as described nor do they expand the population of individuals to which the systems apply. The modifications merely provide a more accurate description of the affected systems of records. The following constitutes final notice of the necessary changes:

USPS 010.010—Collection and Delivery Records—Address Change and Mail Forwarding Records.

**Retention and disposal:** Change to read, "a. Source document retained for one year from effective date and then destroyed by shredding or burning. b. Information on magnetic tapes is retained for one year from effective date. At the end of that period, the tapes are erased."

USPS 030.010—Equal Employment Opportunity—EEO Discrimination Complaint Investigations.

**Purpose:** Change to read, "Used by EEO officers and the Civil Service Commission to adjudicate complaints of alleged discrimination and to evaluate the effectiveness of the EEO program."

**Storage:** Change to read, "Records are maintained in paper case files. Status information required by the Civil Service Commission is maintained on ADP records."

**Safeguards:** Change to read, "Case files are maintained in filing cabinets within locked rooms. ADP records are protected with password security."

**Retention and disposal:** Change to read, "a. Precomplaint Records—Counselor's notes are destroyed three months after a formal report is submitted to the EEO officer or three months following the final adjustment when made at that level. b. Formal complaint records—All closed cases are removed from the system quarterly. Each closed case is retained as follows: Official file, 4 years; any copies, 1 year; background documents not in case file, 3 years. c. ADP records—Closed case information is removed quarterly and stripped of personal identifiers. It is then moved to an inactive file (not a system of records) for future comparative analyses."

USPS 050.005—Finance Records—Accounts Receivable File Maintenance.

**Categories of individuals covered by the system:** Change to read, "Present and former employees, contractors, vendors and other individuals indebted to the Postal Service."

**Retrievability:** Change to read, "Records are normally retrieved by invoice number but may be retrieved, when necessary, by name of employee, contractor, vendor, or other indebted individual."

USPS 120.010—Personnel Records—Architect/Engineers Selection Records.

**Categories of records in the system:** Change to read, "Information profile on individual's past experience and present qualifications in the field of providing architect-engineer service."

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Change to read, "Purpose—To facilitate the review and assessment of the qualifications of architect-engineer firms which have potential for selection and award of a contract to perform architect-engineer services under a designated facility project."

USPS 120.035—Personnel Records—Employee Accident Records.

**Record source categories:** Change to read, "USPS Accident Reports and OWCP Claim Forms."

USPS 120.036—Personnel Records—Employee Discipline, Grievance and Appeals Records.

**System name:** Change to read, "Personnel Records—Grievance and Appeals Records for Non-Bargaining Unit Employees, 120.036."

USPS 120.070—Personnel Records—General Personnel Folders (Official Personnel Folder and Records Related thereto).

**Categories of records in the system:** Change to read, "Applications, resumes, promotion/salary changes and other personnel actions, letters of commendations, records of disciplinary action, health benefit and life insurance elections and other documents pertinent to preemployment, prior Federal employment and current service as prescribed by the Federal Personnel Manual and related USPS guidelines."

**Authority for maintenance of the system:** Change to read, "39 USC 1001 and 39 USC 1005."

**Retention and disposal:** Change to read, "Paper records considered to be permanent are maintained until employee is separated, then they are sent to the National Personnel Records Center, St. Louis, for storage, or to another Federal agency to which the individual transfers employment. Records considered to be temporary are destroyed two years after creation."

**Record source categories:** Change to read, "Individual employee, personal references, former employers and USPS 050.020 (Finance Records—Payroll System)."

120.090—Personnel Records—Medical Records.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Change the first routine use to read, "1. Information in these records may be provided to the Civil Service Commission in making determinations related to: a. Veterans Preference, b. Disability Retirement, c. Benefit Entitlement."

USPS 120.110—Personnel Records—Personnel Investigation Records.

**System name:** Change to read, "Preemployment Investigation Records, 120.110."

**Categories of records in the system:** Change to read, "Replies from character references, former employers and local police records; drug history records and other investigative reports used to determine suitability for employment. Other records filed with these are:

#### Annual Notice of Systems of Records

The following points are relevant to the annual notice of Postal Service systems of records provided in this document:

a. All systems containing contract records, as well as other legal records relating to those contracts, are considered business records by the Postal Service, rather than systems of personal records, as that term is defined in the Privacy Act. Accordingly, these systems are not listed.

b. All Postal Service records described in this list are subject to:

1. The subpoena of a court of competent jurisdiction.
2. Review by Congress or its representatives upon request.

c. The "routine use" portion of each system notice contains, as the first item, the system "purpose." The "purpose" is included to provide clarity and promote understanding of the system by the layman. It may be defined as that activity performed by those officers and employees of the Postal Service who have a need for component records of the system in the performance of their duties. Disclosure accounting is not maintained by the Postal Service for any activity listed as a "purpose."

USPS 010.010

**System name:** Collection and Delivery Records—Address Change and Mail Forwarding Records, 010.010

**System location:** Post Offices.

**Categories of individuals covered by the system:** Postal customers requesting mail forwarding services from their local postal facilities.

**Categories of records in the system:** Records contain customer name, old address, new mailing address, mail forwarding instructions, effective date, information as to whether the move is permanent or temporary and the customer's signature.

**Authority for maintenance of the system:** 39 USC 403, 404.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—To provide mail forwarding and address correction services to postal customers who have changed address. Use—

1. Records about any named individual are made available to any member of public upon request.

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

3. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

4. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The source document is stored in filing cabinets at the delivery unit. They are filed alphabetically by name within month or quarter. Records generated from the source document are stored on cards or list forms or recorded on magnetic tape where central markup is computerized. These records are filed alphabetically by name and route number or zone.

**Retrievability:** This system of records is indexed by name and address. Information may be retrieved by route number or ZIP Code where a computerized system is in use.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access.

**Retention and disposal:**

a. Source document retained for one year from effective date and then destroyed by shredding or burning.

b. Information on magnetic tape is retained for one year from effective date. At the end of that period, the tapes are erased.

**System manager(s) and address:** APMG, Delivery Service Department, Headquarters.

**Notification procedure:** Customers wishing to know whether information about them is maintained in this system of records should address inquiries to their local postmaster. Inquiries should contain full name and address, effective date of change order, route number (if known) and ZIP Code.

**Record access procedures:** See NOTIFICATION above.

**Contesting record procedures:** See NOTIFICATION above.

Civil Service Commission records (privacy system—CSC/GOVT-4) compiled through a National Agency Check and Inquiry (NACI) and forwarded to the USPS for assistance in making a hiring decision."

**Retention and disposal:** Change to read,

"a. If an applicant is found unsuitable for employment, or if an employee is found unsuitable after he has begun work, all local investigative records which support the decision of unsuitability will be retained for a period of two years from the date action was taken to deny or terminate employment."

b. If an employee is initially found suitable for employment as a result of a local investigation, and is ultimately retained upon receipt of the NACI report from the Civil Service Commission, the local investigative reports will be retained for a period of two years from the date the employee is initially found suitable for employment."

c. CSC NACI reports are retained in the same fashion as local investigative records."

**Records access procedures:** Change to read,

"a. Local Investigative Records—apply to the head of the postal facility where employed. Headquarters employees should submit requests to the system manager."

b. CSC NACI Reports—apply to the Civil Service Commission as instructed by privacy system CSC/GOVT-4."

**Contesting record procedures:** Change to read, "(See Record access procedures above.)"

**Record source categories:** Change to read, "Information is obtained primarily from local police records, former employers, and character references."

USPS 120.150—Personnel—Recruiting, Examining, Training and Placement Records.

**Routine uses of records maintained in the system including categories of users and the purposes of such uses:** Delete Routine use number one (1).

**Retention and disposal:** Change to read, "Records are retained for period of usefulness which varies by type of record and ranges from one day to 10 years. Retention periods for individual record types may be found in official USPS records retention schedules. At the end of period of usefulness, records are destroyed with the exception of lists of eligibles and examination cards which are transferred to the National Personnel Records Center, St. Louis, MO."

USPS 120.190—Personnel Records—Supervisor's Discretionary Records.

**System name:** Change to read, "Personnel Records—Supervisor's Personnel Records, 120.190."

**Categories of records in the system:** Change to read, "Records consist of summaries or excerpts from the following other USPS personnel systems: 120.036, 120.070, 120.150, 120.180, 120.210, as well as records of discipline. In addition, copies of other Postal Service records and records originated by the supervisor may be included at the supervisor's discretion."

**Retention and disposal:** Change to read,

"1. Except for those records of discipline described in subparagraphs 2, 3, and 4 below, supervisor's personnel records may be retained for the duration of the supervisor-employee working relationship. Upon separation of an employee from the Postal Service, the entire file pertaining to that employee is destroyed by burning or shredding within 30 days."

2. Counseling Records shall be destroyed after one year if there has been no disciplinary action initiated against the employee during that period.

3. Letters of Warning shall be destroyed after two years if there has been no disciplinary action initiated against the employee during that period.

4. A record of counseling, a letter of warning, or other disciplinary record, which has been relied upon in a subsequent suspension or discharge, will be retained in this system in accord with subparagraphs 1 through 3 above. Such records also will be permanently filed in USPS 120.070, if the subsequent suspension or discharge ultimately is sustained or modified in a manner requiring the preparation of a Form 50."

**Record source categories:** Change to read, "Other personnel records systems, supervisor notes, employees, postal customers."

USPS 130.010—Philately—Ben Franklin Stamp Club Sponsors Records.

**System name:** Change to read, "Philately—Ben Franklin Stamp Club Direct Mail Responders List, 130.010."

USPS 130.020—Philately—Elementary School Teacher Records File.

**System name:** Change to read, "Philately—Educators Stamp Fun Mailing List, 130.020."

Roger P. Craig,  
Deputy General Counsel.

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**Record source categories:** The individual to whom the record pertains.

#### USPS 010.020

**System name:** Collection and Delivery Records—Boxholder Records, 010.020

**System location:** Post Offices

**Categories of individuals covered by the system:** Postal customers who have applied for lockbox or caller service, whether for private or public purposes.

**Categories of records in the system:** Records are in card form and contain names, addresses, a record of payments, and the names of persons or agents whether family members or business associates or employees.

**Authority for maintenance of the system:** 39 USC 403, 404

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—To provide post office box services to postal patrons.

**Use—**

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

2. Disclosed to Federal, State and local government agencies for use in connection with official business.

3. Disclosed to persons authorized by law to serve judicial process when necessary to serve process.

4. Disclosed to public when box is being used for purpose of doing or soliciting business with the public.

5. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

6. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

7. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information is stored on card form filed in metal file cabinets. In locations where the records have been automated, information may be found on magnetic tape, magnetic cards or mylar strips.

**Retrievability:** Information is filed according to local needs, and the volume of records. Billing forms are filed numerically by box number within month in which rent is due. Applications are filed alphabetically by name of individual or firm.

**Safeguards:** Access limited to employees working in the boxholder section.

**Retention and disposal:** a. Billing forms are destroyed by shredding two years after closeout of the last entry.

b. Boxholder applications are retained for two years after termination of the rental.

**System manager(s) and address:**

APMG, Customer Services Department, Headquarters  
APMG, Finance Department, Headquarters  
APMG, Rates & Classification Department, Headquarters

**Notification procedure:** Inquiries should be addressed to the local postmaster; requestors in person should identify themselves with drivers license, military, government or other form of identification.

**Record access procedures:** See "NOTIFICATION" above.

**Contesting record procedures:** See "NOTIFICATION" above.

**Record source categories:** The individual to whom the record pertains.

#### USPS 010.030

**System name:** Collection and Delivery Records—Carrier Drive-Out Agreements, 010.030

**System location:** District Offices, Sectional Centers, Post Offices, Postal Data Centers.

**Categories of individuals covered by the system:** Letter carriers who use privately owned vehicles to transport the mails pursuant to a valid agreement with the local postmaster.

**Categories of records in the system:** Information in these records contain Route Number, name and address of carrier, social security number and effective dates of the agreement.

**Authority for maintenance of the system:** 39 USC 1206.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—To provide reimbursement to carriers driving their own vehicles.

**Use—**

1. Provide necessary tax information to Internal Revenue Service.

2. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, state or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

3. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

6. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

Information contained in this system of records may be disclosed to an authorized investigator appointed by the United States Civil Service Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 5 CFR 713, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information is contained on preprinted forms, magnetic tape and computer printout reports.

**Retrievability:** The system is indexed by employees' social security number, pay location number and pay period.

**Safeguards:** Normal precautions of filing equipment and limited access and the physical security measures of the computer facility.

**Retention and disposal:** Magnetic tape records are retained for two calendar years (January-December) and then deleted. Source forms are retained until a new or changed agreement and then destroyed by shredding or burning after one year.

**System manager(s) and address:** APMG, Delivery Services Department, Headquarters.

**Notification procedure:** A carrier wishing to know if there is information in this system of records concerning him should notify the post office worked of the pay periods the agreement was in force, the route worked, give his name and social security number.

**Record access procedures:** See NOTIFICATION above.

**Contesting record procedures:** See NOTIFICATION above.

**Record source categories:** The individual to whom the record pertains.

#### USPS 010.040

**System name:** Collection and Delivery Records—City Carrier Route Records, 010.040

**System location:** Delivery Services Department, Headquarters, Regional Headquarters, Sectional Centers, Automatic Data Processing Centers, District Offices, Post Offices, and Postal Data Centers.

**Categories of individuals covered by the system:** Letter carriers, substitute carriers and flexible employees.

**Use—**

**Categories of records in the system:** Employee name, route number, age, length of service, leave time and whether or not a

transportation agreement exists. It also includes information pertaining to workload, work schedule, performance analysis and individuals work habits. Inspection reports of employees, workload, and workload adjustments. Employee and examiners comments on route adjustments and inspection.

**Authority for maintenance of the system:** 39 USC 403, 404

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—To assist management in evaluating mail delivery and collection operations and administering these functions efficiently.

**Use—**

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

2. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

5. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

7. Inactive records may be transferred to a GSA Federal Records Center prior to destruction.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information is contained on printed forms, computer tape, or computer printouts.

**Retrievability:** The system is indexed by route number, employee name, or postal facility name.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access.

**Retention and disposal:** a. Route inspection records are retained for two years where inspections are made annually or more frequently, and for five years where inspections are made less than annually. Disposal of records is by shredding or burning. b. Other records in system are retained for a period of up to one year depending upon the criticality of the information and then destroyed by shredding or burning.

**System manager(s) and address:** APMG, Delivery Services Department, Headquarters.

**Notification procedure:** Inquiries should contain employees name and social security number, specify the type of information being requested, and forwarded to post office where employed.

**Record access procedures:** See NOTIFICATION above.

**Contesting record procedures:** See NOTIFICATION above.

**Record source categories:** From employees, carrier supervisors, and route inspectors.

#### USPS 010.050

**System name:** Collection and Delivery Records—Delivery of Mail Through Agents, 010.050

**System location:** Sectional Centers, Post Offices

**Categories of individuals covered by the system:** Postal customer requesting delivery of mail through an agent and the agent to whom the mail is to be delivered.

**Categories of records in the system:** Records contain the name and address of customer, name and address of agent and the signatures of both parties.

**Authority for maintenance of the system:** 39 USC, 403, 404

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—It serves as the written authority for the delivery of mail other than as addressed.

**Use—**

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature,

to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

2. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in file cabinets on pre-printed forms.

**Retrievability:** Forms are filed by customer name.

**Safeguards:** Access is limited to postal employees in the delivery section.

**Retention and disposal:** Records are maintained until contract is terminated then destroyed by shredding.

**System manager(s) and address:** APMG, Customer Services Department, Headquarters

**Notification procedure:** Submit to local postmaster proof of personal identity and name.

**Record access procedures:** See "NOTIFICATION" above.

**Contesting record procedures:** See "NOTIFICATION" above.

**Record source categories:** Co-signers of the request for delivery of mail through an agent.

#### USPS 010.070

**System name:** Collection and Delivery Records—Mailbox Irregularities, 010.070

**System location:** District Offices, Sectional Centers, Post Offices

**Categories of individuals covered by the system:** Postal Service customers whose mailbox does not comply with USPS standards and regulations.

**Categories of records in the system:** Information consists of the reports of irregularities as submitted by the carrier or route inspector, the name and address of customer and the date and signature of the postmaster.

**Authority for maintenance of the system:** 39 USC, 403, 404

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—To provide for the efficient delivery of the mail.

**Use—**

1. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

3. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information is recorded on pre-printed forms.

**Retrievability:** Information is organized around route number.

**Safeguards:** File in cabinets and access is limited to those USPS personnel having a working requirement.

**Retention and disposal:** Retained for one year after completed action and destroyed by shredding or burning.

**System manager(s) and address:** APMG, Delivery Services Department, Headquarters

**Notification procedure:** Information may be obtained from the local postmaster, by presenting identification as to name and address and zip code.

**Record access procedures:** Make request of the local postmaster.

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**Contesting record procedures:** Make request of the local postmaster.

**Record source categories:** Carrier or route inspector

#### USPS 010.080

**System name:** Collection and Delivery Records—Rural Carrier Routes, 010.080

**System location:** Post Offices having rural carrier operations, Delivery Services Department, Sectional Centers, Regions, Districts, Postal Data Centers.

**Categories of individuals covered by the system:** Postal customers receiving rural mail delivery services, and rural carriers, substitute carriers and flexible employees.

**Categories of records in the system:** Records contained in this system are: Employee workload, work schedule and performance analysis, inspection reports of employees, workload and workload adjustments, route travel description, employee and examiners' comments on adjustments and inspection, Employee name, route number, age, length of service, physical condition, quality of service and vehicle adequacy, Customer addresses and names of persons at address location (some rural routes only)

**Authority for maintenance of the system:** 39 USC 403, 404

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—To assist management in evaluating rural mail delivery and collection operations and administering these functions efficiently and provide basis for payment of salary and vehicle maintenance allowance carriers.

#### Use—

1. Provide Bureau of the Census, Department of Commerce address information as requested to assist them in their statutory requirement of census taking.

2. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

3. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

6. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

8. Inactive records may be transferred to a GSA Federal Records Center for storage prior to destruction.

Information contained in this system of records may be disclosed to an authorized investigator appointed by the United States Civil Service Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 5 CFR 713, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Preprinted forms or lists in ordinary file equipment or on computer tape and printouts.

**Retrievability:** Records are maintained by name and address of customer, and by route number, employee name or postal facility name.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access.

**Retention and disposal:** a. Records in card or list form are maintained as long as the customer resides on the route; they are destroyed by shredding one year after the customer moves. b. Route travel description records, and establishment and discontinuance orders are retained until route is discontinued and then transferred to the Federal Records Center within two years after

discontinuance date. c. Trip reports are retained for three years and then disposed of by shredding or burning. d. Route inspection reports and mail count records (mail counts made annually or more frequently) are retained for two years. Where mail counts are made less than annually records are retained until the next mail counts. Disposal of records is by shredding or burning. e. Other carrier records in system are retained for a period of up to one year depending upon the criticality of the information and then destroyed by shredding or burning.

**System manager(s) and address:** APMG, Delivery Services Department, Headquarters.

**Notification procedure:** Customers wishing to know whether information about them is maintained in this system of records should address inquiries to their local postmaster. Inquiries should contain full name and address. Employee inquiries should state employee name and social security number, route number, specify the type of information being requested, and forward to post office where employed.

**Record access procedures:** See NOTIFICATION above.

**Contesting record procedures:** See NOTIFICATION above.

**Record source categories:** The customer to whom the record pertains and from employees, carrier supervisors and route inspectors.

#### USPS 020.010

**System name:** Communications (Public Relations)—Biographical Summaries of Management Personnel for Press Release, 020.010

**System location:** Office of Public and Media Relations, Headquarters

**Office of Communications and Public Affairs, Regional Headquarters**

**Categories of individuals covered by the system:** USPS executives, directors and managers to include regional staff officers, division directors, district managers, sectional center managers and other key management officials who may have frequent contact with news media or public speaking engagements.

**Categories of records in the system:** Biographical summaries on sheets of paper plus photographs. Summaries include information as to present title and responsibility, length of service, age, place of birth, marital status and participation in local community activities.

**Authority for maintenance of the system:** 39 USC, 401, 1001

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose and Routine

#### Use—

1. To provide the public with background information on postal management personnel in connection with public relations matters such as speaking engagements, media appearances, appearances before civic, fraternal and employee organizations.

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

3. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information is maintained on regular bond paper in file cabinets.

**Retrievability:** Information is filed by name and title.

**Safeguards:** File cabinets are located in communications offices where information is available only to individuals having a need for access.

**Retention and disposal:** a. Biographical sketches maintained at regions are retained while the individual is assigned within the region. If individual is promoted to or assigned to a position within the USPS outside the Region, biographical information is forwarded to the appropriate Public Affairs office; if employment with the USPS is terminated, the sketch is destroyed by shredding.

b. Biographical sketches maintained at USPS, Washington, DC, are retained indefinitely.

**System manager(s) and address:** APMG, Employee and Public Communications, Headquarters

**Notification procedure:** Inquiries should contain name and position held and presented to the Manager of Communications and Public Affairs where currently, or previously, employed.

**Record access procedures:** See "NOTIFICATION" above.

**Contesting record procedures:** See "NOTIFICATION" above.

**Record source categories:** The individual to whom the record pertains

#### USPS 020.030

**System name:** Communications (Public Relations)—School Mailing Lists

**System location:** Customer Services Department, Headquarters

**Categories of individuals covered by the system:** School principals and teachers of the participating schools in the various USPS educational material mailing programs.

**Categories of records in the system:** Principal's name or teacher's name, school and address.

**Authority for maintenance of the system:** 39 USC, 403, 404

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—To mail educational material.

#### Use—

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

2. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic tape and typed or handwritten forms.

**Retrievability:** Zip Code, Principal or teacher name, school name.

**Safeguards:** Normal USPS physical security

**Retention and disposal:** During length of program—3 years then destroyed by shredding or burning.

**System manager(s) and address:** APMG, Customer Services Department, Headquarters.

**Notification procedure:** Inquiries should be addressed to the SYSTEM MANAGER shown above providing the name and Zip Code.

**Record access procedures:** See NOTIFICATION above.

**Contesting record procedures:** See NOTIFICATION above.

**Record source categories:** Information mail-out to principals and teachers.

#### USPS 030.010

**System name:** Equal Employment Opportunity—EEO Discrimination Complaint Investigations, 030.010

**System location:** Office of Equal Employment Compliance, Employee Relations Headquarters; EEO Office at Regions, Post Offices, Sectional Centers, Bulk Mail Centers, Automatic Data Processing Centers and Postal Data Centers.

**Categories of individuals covered by the system:** Current and former postal employees, applicants for positions within the USPS and third party complainants.

**Categories of records in the system:** Records contain names, work locations, dates, social security numbers, and other information as included on affidavits, interviews and investigative forms.

**Authority for maintenance of the system:** Public Law 92-261, Equal Employment Act of 1972; Executive Order 11478.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—Used by EEO officers and the Civil Service Commission to adjudicate complaints of alleged discrimination and to evaluate the effectiveness of the EEO Program.

#### Use—

1. Information contained in this system of records may be disclosed to an authorized investigator appointed by the United States Civil Service Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 5 CFR 713, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

2. Disclosed to courts and counsel in the event of litigation.

3. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

4. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the

collective bargaining representative of postal employees in an appropriate bargaining unit.

5. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

6. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

7. Inactive records may be transferred to a GSA Federal Records Center for storage prior to destruction.

Information contained in this system of records may be disclosed to an authorized investigator appointed by the United States Civil Service Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 5 CFR 713, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained in paper case files. Status information required by the Civil Service Commission is maintained on ADP records.

**Retrievability:** Files are accessed by case number, the custodian must also be furnished with the name of the complainant and the place where the complaint was filed. Case number consists of the last two digits of the year with case in chronological sequence.

**Safeguards:** Case files are maintained in file cabinets within locked rooms. ADP records are protected with password security.

**Retention and disposal:** a. Precomplaint records—Counselor's notes are destroyed three months after a formal report is submitted to the EEO officer or three months following the final adjustment when made at that level. b. Formal complaint records—All closed cases are removed from the system quarterly. Each closed case is retained as follows: Official file, 4 years; any copies, 1 year; background documents not in case file, 3 years. c. ADP records—Closed case information is removed quarterly and stripped of personal identifiers. It is then moved to an inactive file (Not a system of records) for future comparative analyses.

**System manager(s) and addresses:** APMG, Employee Relations Department, Headquarters.

**Notification procedure:** Individuals interested in finding out if there is information in this records system pertaining to them should contact EEO officers at the Region or Headquarters level, giving complainant name, postal location, region, file number and year.

**Records access procedures:** See Notification procedure above.

**Contesting records procedures:** See Notification procedure above.

**Record source categories:** Information is received from the complainant, respondent and from investigations and interviews.

**Systems exempted from certain provisions of the act:** Reference 39 CFR 266.9 for details.

#### USPS 030.020

**System name:** Equal Employment Opportunity—Equal Employment Opportunity Staff Selection Records, 030.020

**System location:** Employee Relations Department, Headquarters, Regional Headquarters, Federal Records Centers

**Categories of individuals covered by the system:** Candidates considered by Promotion Boards for EEO staff position.

**Categories of records in the system:** Name of candidate, level, address, service computation date, date of birth, Social Security Number, postal background, personal information required to assess employee qualifications for position, estimate of potential and record of members of Board.

**Authority for maintenance of the system:** 39 USC 1001, Executive Orders 11478 and 11590

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—To provide Headquarters with information needed to complete selection process.

#### Use—

1. USPS Promotion Board reviews these records to determine applicant's eligibility for appointment.

2. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

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3. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Inactive records may be transferred to a GSA Federal Records Center prior to destruction.

Information contained in this system of records may be disclosed to an authorized investigator appointed by the United States Civil Service Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 5 CFR 713, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Forms, paper files.

**Retrievability:** Name of applicant and pay location.

**Safeguards:** Maintained in locked file cabinets within secured facility.

**Retention and disposal:** Records are transferred to the Federal Records Center and maintained indefinitely.

**System manager(s) and address:** APMG, Employee Relations Department, Headquarters

**Notification procedure:** Inquiries should be addressed to the head of the facility where application was made. Inquiries should contain full name, position applied for, the date the Promotion Board met and Social Security Number.

**Record access procedures:** See "NOTIFICATION" above.

**Contesting record procedures:** See "NOTIFICATION" above.

**Record source categories:** Employee, and employee personnel data.

#### USPS 030.030

**System name:** Equal Employment Opportunity—EEO Administrative Litigation Case Files, 030.030

**System location:** Law Department, Regional and National Headquarters.

**Categories of individuals covered by the system:** Employees and applicants for employment involved in EEO Litigation.

**Categories of records in the system:** (a) Formal pleadings and memoranda of law; (b) Other relevant documents; (c) Miscellaneous notes and case analyses prepared by Postal Service attorneys and other personnel; (d) Correspondence and telephone records.

**Authority for maintenance of the system:** 39 USC 401, 409(d)

**Routine uses of records maintained in the system, including categories of users and the purposes of such users:** Purpose—This information is used to provide legal advice and representation to the Postal Service.

**Use—**

1. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

2. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body or other tribunal.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Transferred to Department of Justice, when needed by that department to perform properly its duties as legal representative of the Postal Service.

5. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper form, original or copies, preprinted or handwritten forms.

**Retrievability:** By name of litigant(s).

**Safeguards:** Records are maintained in ordinary filing equipment under general scrutiny of USPS legal counsels and staff.

**Retention and disposal:** These case files are maintained for three (3) years following close of matter.

**System manager(s) and address:** General Counsel, Law Department, Headquarters.

**Notification procedure:** Persons interested in reviewing records within specific case files should submit their name; and case number, if known; to the General Counsel, Law Department, National Headquarters.

**Record access procedures:** See "System Manager" above.

**Contesting record procedures:** See "System Manager" above.

**Record source categories:** (a) Individuals involved in EEO Litigation; (b) Counsel(s) and other representative(s) for parties in action other than Postal Service; (c) Other individuals involved in the development of EEO litigation. Source documents include administrative complaint/action file, and other records relevant to the case.

#### USPS 040.010

**System name:** Customer Programs—Memo to Mailers Address File, 040.010

**System location:** USPS Headquarters, Customer Services Department

**Categories of individuals covered by the system:** Subscribers to Memo to Mailers monthly newsletter.

**Categories of records in the system:** Subscribers' mailing addresses and status of membership in Postal Customers Councils.

**Authority for maintenance of the system:** 39 USC 403, 404

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—To prepare mailing labels for the monthly mailing of Memo to Mailers.

**Use—**

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic tape and computer printout.

**Retrievability:** Records are maintained by subscriber's name, city, state and ZIP Code.

**Safeguards:** The list contractor is forbidden by contract to use the list for any other means than to produce mailing labels for the U.S. Postal Service.

**Retention and disposal:** The master file is maintained indefinitely, and is updated each month.

**System manager(s) and address:** APMG, Customer Services Department, Headquarters

**Notification procedure:** Persons wishing to know whether information about them is maintained in this system of records should address inquiries to the SYSTEM MANAGER and supply their name and address.

**Record access procedures:** See "SYSTEM MANAGER" above.

**Contesting record procedures:** See "SYSTEM MANAGER" above.

**Record source categories:** Subscribers, Postmasters, USPS Customer Service Representatives.

#### USPS 040.020

**System name:** Customer Programs—Sexually Oriented Advertisements, 040.020

**System location:** Rates and Classification Department, Headquarters; Postal Data Center, Headquarters; Postal Data Center, New York; Postal Inspector-In-Charge NYC and Los Angeles, CA.

**Categories of individuals covered by the system:** Any adult who elects to have his name and address and that of his children under 19 years of age, placed on the list of persons who do not wish to receive sexually oriented advertisements through the mail.

**Categories of records in the system:** Records contain the name and address of head of household or other adult, the names and birth dates of children under 19 years of age.

**Authority for maintenance of the system:** 39 USC, Section 3010

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—To maintain a list, available to mailers of sexually oriented advertisements, of persons desiring not to receive such matter through the mails.

**Use—**

1. Upon payment of prescribed fee, provide mailers of sexually oriented advertisements a list of individuals who do not wish to receive SOA.

2. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information is stored on magnetic tape, computer printouts microfiche cards and preprinted forms.

**Retrievability:** Information is stored in ZIP Code sequence and in application number sequence.

**Safeguards:** Printouts and microfiche are retained by the Office of Mail Classification and Postal Inspection Service; hard copy is maintained in file cabinets at Headquarters with limited access.

**Retention and disposal:** a. Names are retained on the computerized list for a maximum of five years as prescribed by law.

b. Forms, printouts and microfiche are retained indefinitely.

c. Any records that are to be destroyed are shredded.

**System manager(s) and address:** APMG, Rates and Classification Department, Headquarters

**Notification procedure:** Customers will furnish the system manager their name, address, application number and the date of filing.

**Record access procedures:** See "NOTIFICATION" above.

**Contesting record procedures:** See "NOTIFICATION" above.

**Record source categories:** Customers filing to have their names placed on lists so as not to receive SOA.

#### USPS 050.005

**System name:** Finance Records—Accounts Receivable File Maintenance, 050.005

**System location:** Postal Data Centers

**Categories of individuals covered by the system:** Present and former employees, contractors, vendors and other individuals indebted to the Postal Service.

**Categories of records in the system:** Invoice number, location name, Social Security Number, employee name, designation code.

**Authority for maintenance of the system:** 39 USC 401

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—To monitor and record collections made by the USPS.

**Use—**

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

2. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

3. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Information contained in this system of records may be disclosed to an authorized investigator appointed by the United States Civil Service Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 5 CFR 713, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are normally retrieved by invoice number but may be retrieved, when necessary, by name of employee, contractor, vendor, or other indebted individual.

**Retrievability:** Records are indexed by name of employee and his Social Security Number.

**Safeguards:** Authorization is limited to personnel of the General Accounting section. Computerized records are subject to the security of the computer room.

**Retention and disposal:** All information is retained for four years after claim is paid and then destroyed by burning or scratched.

**System manager(s) and address:** APMG, Finance Department, Headquarters

**Notification procedure:** Individuals requesting information from this system of records will apply to the pertinent postal facility and present the debtor's name and Social Security Number.

**Record access procedures:** See "NOTIFICATION" above.

**Contesting record procedures:** See "NOTIFICATION" above.

**Record source categories:** Information is passed to this system from the Payroll Section, General Accounting Section, Claims Section, and Postmasters and Regional Offices.

#### USPS 050.010

**System name:** Finance Records—Employee Travel Records (Accounts Payable), 050.010

**System location:** Postal Data Centers, Postal Service Personnel Offices.

**Categories of individuals covered by the system:** USPS Employees on official travel.

**Categories of records in the system:** Travel vouchers and travel advances containing employee name, social security number, Finance Number, basic travel information, and relocation data.

**Authority for maintenance of the system:** 39 USC 1001, 2008

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—Reimburse Employees for official travel.

**Use—**

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

2. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

3. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

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Information contained in this system of records may be disclosed to an authorized investigator appointed by the United States Civil Service Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 5 CFR 713, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information is stored on pre-printed forms and magnetic tape.

**Retrievability:** Information is indexed by social security number.

**Safeguards:** Access is subject to computer center access control.

**Retention and disposal:** Retained four years after payment and destroyed by burning or magnetic tape by scratching and reuse.

**System manager(s) and address:** APMG, Finance Department, Headquarters.

**Notification procedure:** Requests for information should be presented to Employee's Personnel Officer, furnishing name and social security number.

**Record access procedures:** See NOTIFICATION above.

**Contesting record procedures:** See NOTIFICATION above.

**Record source categories:** Information is received from the employee filing a voucher.

#### USPS 050.020

**System name:** Finance Records—Payroll System, 050.020

**System location:** Payroll system records are located and maintained in all Departments, facilities and certain contractor sites of the Postal Service. However, Postal Data Centers are the main locations for payroll information.

**Categories of individuals covered by the system:** USPS Employees.

**Categories of records in the system:** Records contain general payroll information including retirement deductions, family compensations, benefit deductions, accounts receivable, union dues, leave data, tax withholding, allowances, FICA taxes, salary, name, social security number, payments to financial organizations, dates of appointment or status changes, designation codes, position titles, occupation code, addresses, records of attendance, and other relevant payroll information. Also includes automated Form 50 records.

**Authority for maintenance of the system:** 39 USC 401, 1003, 5 USC 8339

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—

1. Information within the system is for handling all necessary payroll functions and for use by employee supervisors for the performance of their managerial duties.

2. To provide information to USPS Management and executive personnel for use in selection decisions and evaluation of training effectiveness. These records are examined by the Selection Committee and Regional Postmasters General.

3. To compile various lists and mailing lists, i.e., Postal Leader, Women's Programs Newsletter, etc.

4. To support USPS Personnel Programs such as Executive Leadership, Nonbargaining Position Evaluations, Evaluations of Probationary Employees, Merit Evaluations, Membership and Identification Listings, Emergency Locator Listings, Mailing Lists, Women's Programs and analysis of employees in various salary ranges.

**Use—**

1. Retirement Deduction—To transmit to the Civil Service Commission a roster of all USPS employees under Title 5 USC, Section 8334, along with a check.

2. Tax withholdings—To disclose to Federal, state and local government agencies having taxing authority, pertinent records, relating to individual employees, including name, home address, social security number, wages and taxes withheld for other jurisdictions.

3. Unemployment Compensation Data—To reply to State Unemployment Offices at the request of separated USPS employees.

4. Employee Address File—For W-2 tax mailings and Postal mailing such as Postal Life, Postal Leaders, etc.

5. Salary payments and allotments to financial organizations—To provide pertinent information to organizations receiving salary payments or allotments as elected by the employee.

6. FI (SS Tax) Deduction—To SS Administration as record of earnings under the SS Act for all casual employees not under retirement.

7. Information from these records may be stored at emergency record centers.

8. Determine eligibility for coverage and payment of benefits under the Civil Service Retirement System, the Federal Employees' Group Life Insurance Program and the Federal Employees Health Benefits Program and transfer related records as appropriate.

9. Determine the amount of benefit due under the Civil Service Retirement System, the Federal Employees' Group Life Insurance Program and the Federal Employees Health Benefits Program and authorizing payment of that amount and transfer related records as appropriate.

10. Transfer to Office of Workers' Compensation Program, Veterans Administration Pension Benefits Program, Social Security Old Age, Survivor and Disability Insurance and Medicare Programs, military retired pay programs, and Federal Civilian employee retirement systems other than the Civil Service Retirement System, when requested by that program or system or by the individual covered by this system of records, for use in determining an individual's claim for benefits under such system.

11. Transfer earnings information under the Civil Service Retirement System to the Internal Revenue Service as requested by the Internal Revenue Code of 1954, as amended.

12. Transfer information necessary to support a claim for life insurance benefits under the Federal Employees' Group Life Insurance, 4 East 24th Street, New York, NY 10010.

13. Transfer information necessary to support a claim for health insurance benefits under the Federal Employees Health Benefits Program to a health insurance carrier or plan participating in the program.

14. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature to the appropriate agency whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

15. To request information from a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

16. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

17. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

18. Certain information pertaining to Postal Supervisors may be transferred to the National Association of Postal Supervisors.

19. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

20. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

21. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

22. Inactive records may be transferred to a GSA Federal Records Center prior to destruction.

23. To provide data for the automated Central Personnel Data File (CPDF) maintained by the U.S. Civil Service Commission.

Information contained in this system of records may be disclosed to an authorized investigator appointed by the United States Civil Service Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination

filed against the U.S. Postal Service under 5 CFR 713, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Preprinted forms, magnetic tape, microforms, punched cards, computer reports and card forms.

**Retrievability:** These records are organized by location, name and social security number.

**Safeguards:** Records are contained in locked filing cabinets; are also protected by computer passwords and tape library physical security.

**Retention and disposal:** Records are retained and updated throughout employment with the Postal Service. Upon separation records become historical data, this data is retained at the local site for two years then forwarded to the Federal Records Center nearest the pay location.

**System manager(s) and address:** APMG, Finance Department, Headquarters, APMG, Employee Relations Department.

**Notification procedure:** Request for information on this system of records should be made to the head of the facility where employed, giving full name and social security number. Headquarters employees should submit requests to the System Manager.

**Record access procedures:** See NOTIFICATION above.

**Contesting record procedures:** See NOTIFICATION above.

**Record source categories:** Information is furnished by employees, supervisors and the Postal Source Data System.

#### USPS 050.040

**System name:** Finance Records—Uniform Allowance Program, 050.040

**System location:** Postal facilities employing personnel entitled to uniform allowances and the Postal Data Center, St. Louis, MO 63180

**Categories of individuals covered by the system:** USPS Employees entitled to uniform allowances.

**Categories of records in the system:** Information maintained includes name, social security number, designation code, account balance and pay location.

**Authority for maintenance of the system:** 39 USC 1206

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—To fund the procurement of uniforms.

**Use—**

1. Certain information may be furnished to a duly licensed uniform vendor from whom individual employees have made purchases for the purpose of accounting for payments.

2. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

3. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

7. Inactive records may be transferred to a GSA Federal Records Center prior to destruction.

Information contained in this system of records may be disclosed to an authorized investigator appointed by the United States Civil Service Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 5 CFR 713, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information is maintained on preprinted forms, microfilm and magnetic tape.

**Retrievability:** System of records is indexed by Social Security Number.

**Safeguards:** Forms are kept in file cabinets and magnetic tape and microfilm is subject to Computer Center access control.

**Retention and disposal:** a. The Uniform Allowance Payment Record Card is destroyed by shredding 90 days after payment.

b. Pay listing information is retained for 12 years and then destroyed by shredding or burning.

**System manager(s) and address:** APMG, Finance Department, Headquarters.

**Notification procedure:** Correspond with the head of the facility where employed, furnishing name and Social Security Number.

**Record access procedures:** See "NOTIFICATION" above.

**Contesting record procedures:** See "NOTIFICATION" above.

**Record source categories:** Payroll system and Postmasters have input to this system of records.

#### USPS 060.010

**System name:** Fraud and False Representation Records—Consumer Protection Case Records, 060.010

**System location:** Consumer Protection Office, Law Department, USPS Headquarters.

**Categories of individuals covered by the system:** Respondents in proceedings initiated pursuant to 39 USC subsection 3005; names of attorneys representing parties; assigned Postal Inspectors; and promoter of scheme.

**Categories of records in the system:** Describes and provides history of the above and identifies interested parties.

**Authority for maintenance of the system:** 39 USC subsection 3005

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—Ready reference source for determining status of pending case and identification of postal employees most familiar therewith.

**Use—**

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

2. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

5. Inactive records may be transferred to a GSA Federal Records Center prior to destruction.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information in this system is maintained on printed forms.

**Retrievability:** Records are maintained by an alphabetic indexing by name of respondent.

**Safeguards:** Records are maintained in closed filing cabinets under general scrutiny by personnel of the Law Department.

**Retention and disposal:** Records in this system are maintained indefinitely.

**System manager(s) and address:** Assistant General Counsel, Consumer Protection Office, Law Department, USPS Headquarters.

**Notification procedure:** Customers wishing to know whether information about them is maintained in this system of records should address inquiries to the above SYSTEM MANAGER. Inquiries should contain full name, name by which respondent in proceeding may have been designated; approximate time period in which proceedings may have been initiated.

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**Record access procedures:** See SYSTEM MANAGER above.  
**Contesting record procedures:** See SYSTEM MANAGER above.  
**Record source categories:** Complaints, correspondence between parties involved and Postal Inspection Service investigative reports.

## USPS 060.020

**System name:** Fraud and False Representation Records—Prohibitory Order, 060.020

**System location:** Consumer Protection, Law Department, Headquarters, Postal Service Centers, Regional Headquarters, Sectional Management Centers

**Categories of individuals covered by the system:** Persons requesting prohibitory orders, the mailers against whom such orders are issued.

**Categories of records in the system:** Applications for prohibitory orders, the mailing upon which request is predicated, the issued order and the registered mail receipt signed by mailer against whom order was issued.

**Authority for maintenance of the system:** 39 USC 3008

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—To process request of an order to prohibit pandering advertisement and to determine whether violations of orders have occurred. Used by Consumer Protection Office and Regional Counsel to investigate violations of postal statutes.

## Use—

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

3. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

4. Inactive records may be transferred to a GSA Federal Records Center prior to destruction.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information is maintained in letter form, handwritten and typed.

**Retrievability:** Data may be found by prohibitory order number or by name of person requesting order.

**Safeguards:** Records are maintained in closed filing cabinets.

**Retention and disposal:** Information is retained indefinitely.

**System manager(s) and address:** Assistant General Counsel, Consumer Protection Office, Law Department, Headquarters

**Notification procedure:** Name and address of person requesting prohibitory order should be furnished the SYSTEM MANAGER

**Record access procedures:** See NOTIFICATION above.

**Contesting record procedures:** See NOTIFICATION above.

**Record source categories:** Persons requesting prohibitory orders.

## USPS 070.010

**System name:** Inquiries and Complaints—Correspondence Files of the Postmaster General, 070.010

**System location:** Office of the Postmaster General, USPS Headquarters.

**Categories of individuals covered by the system:** USPS employees and Postal Service customers who have corresponded with the Office of the Postmaster General.

**Categories of records in the system:** General postal information

**Authority for maintenance of the system:** 39 USC 401.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—To maintain reference to letters from persons communicating with the Postmaster General.

## Use—

1. Periodically transferred to custody of National Archives and Records Service (NARS) for keeping as historical documentation.

2. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its

request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

5. Inactive records may be transferred to a GSA Federal Records Center prior to destruction.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** In original typed, printed, or handwritten form

**Retrievability:** Records are filed by individual's name, chronologically by date and by subject

**Safeguards:** Records are maintained in locked filing cabinets under scrutiny of PMG's secretary and in secured locked storage room with limited access.

**Retention and disposal:** Records are maintained indefinitely.

**System manager(s) and address:** Postmaster General, Headquarters

**Notification procedure:** Inquiries should be addressed to the SYSTEM MANAGER above and should contain full name, date of letter, and subject.

**Record access procedures:** See SYSTEM MANAGER above.

**Contesting record procedures:** See SYSTEM MANAGER above.

**Record source categories:** Persons communicating with the Postmaster General.

## USPS 070.020

**System name:** Inquiries and Complaints—Government Officials' Inquiry System, 070.020

**System location:** Government Relations Dept., USPS Headquarters

**Categories of individuals covered by the system:** Miscellaneous grouping of employees, former employees, applicants for employment, contractors, lessors, and customers who have written to non-postal Government officials.

**Categories of records in the system:** Miscellaneous information relating to all facts of operation which stems from correspondence described above.

**Authority for maintenance of the system:** 39 USC 401.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—To provide USPS officials with the means of responding to inquiries from and/or for other government officials.

## Use—

1. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

3. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** In original, typed, printed, or handwritten form.

**Retrievability:** Subject category as derived from correspondence and the inquiring official's name.

**Safeguards:** Records are maintained in closed file cabinets under general scrutiny of personnel of Government Relations Dept.

**Retention and disposal:** These records are maintained for four years and then destroyed by shredding.

**System manager(s) and address:** APMG, Government Relations Department, USPS Headquarters.

**Notification procedure:** Persons wishing to know whether information about them is maintained in this system of records should address inquiries to the above SYSTEM MANAGER. Inquiries should contain full name, the name of the Government official to

whom he wrote, the nature of his inquiry, and the approximate date.

**Record access procedures:** See SYSTEM MANAGER above.

**Contesting record procedures:** See SYSTEM MANAGER above.

**Record source categories:** Non-postal Government officials.

## USPS 070.040

**System name:** Inquiries and Complaints—Customer Complaint Records, 070.040

**System location:** Consumer Advocate, USPS, Regional and National Headquarters, District Offices, Post Offices

**Categories of individuals covered by the system:** USPS customers who have initiated complaints against the USPS.

**Categories of records in the system:** The complainant's name, address, and nature of the specific complaint, and resolution of same.

**Authority for maintenance of the system:** 39 USC 403, 404

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—To process USPS customer complaints regarding mail services.

## Use—

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

2. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Stored in file cabinets.

**Retrievability:** Complaints are filed chronologically and by name of complainant.

**Safeguards:** Records are maintained in closed filing cabinets.

**Retention and disposal:** These records are retained for a period of one year after the complaint has been satisfied.

**System manager(s) and address:** APMG, Customer Services Department, Headquarters

**Notification procedure:** Customers wishing to know whether information about them is maintained in this system of records should address inquiries to the same facility to which they submitted their complaint.

**Record access procedures:** See NOTIFICATION above.

**Contesting record procedures:** See NOTIFICATION above.

**Record source categories:** USPS customers.

## USPS 080.010

**System location:** Chief Postal Inspector, Headquarters; Inspection Service Regional Headquarters; Division Headquarters.

**System location:** Chief Postal Inspector, Headquarters, Inspection Service Regional Headquarters, Division Headquarters.

**Categories of individuals covered by the system:** Persons related to investigations, including subjects of investigations, complainants, informants, witnesses, etc.

**Categories of records in the system:** Reports of investigations conducted in criminal, civil, and personnel suitability background matters, and information in various forms received from individuals, other law enforcement agencies and from the public, including information compiled for the purpose of identifying criminal offenders and reports identifiable to individuals. Personal information in this system may include fingerprints, handwriting samples, reports of confidential informants, physical identifying data, voiceprints, polygraph tests, photographs, and individual personnel and payroll information.

**Authority for maintenance of the system:** 39 USC 404

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—To provide information related to investigation of criminal matters; employee and contractor background investigations or other Inspection Service activities. Use—A record maintained in this system of records may be disseminated as a routine use of such records as follows:

1. In any case in which there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, the record in question may be disseminated to the appropriate Federal, state, local, or foreign agency charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law.

2. In the course of investigating the potential or actual violation of any law, whether civil, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a Federal, state, local or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual or organization possesses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant.

3. A record relating to a case or matter may be disseminated to a Federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing.

4. A record relating to a case or matter may be disseminated in an appropriate Federal, state, local or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice.

5. A record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings.

6. A record relating to a case or matter that has been referred by an agency for investigation, prosecution, or enforcement, or that involves a case or matter within the jurisdiction of an agency, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter.

7. A record relating to a person held in custody pending or during arraignment, trial, sentence, or extradition proceedings, or after conviction of after extradition proceeding; may be disseminated to a Federal, state, local or foreign prison, probation, parole, or pardon authority, or to any other agency or individual concerned with the maintenance, transportation or release of such a person.

8. A record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement.

9. A record may be disseminated to a Federal, state, local foreign or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency.

10. A record may be disseminated to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter.

11. A record from this system may be disclosed to the public, news media, trade associations, or organized groups to provide information of interest to the public concerning the activities and the accomplishment of the Postal Service or its employees.

12. A record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in apprehending and/or returning a fugitive to a jurisdiction which seeks his return.

13. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

14. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

15. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its



duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

17. Inactive records may be transferred to a GSA Federal Records Center prior to destruction.

Information contained in this system of records may be disclosed to an authorized investigator appointed by the United States Civil Service Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 5 CFR 713, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information is collected on handwritten documents and located by computerized indexes.

**Retrievability:** Information is located by the name of the individual.

**Safeguards:** Investigative records are maintained in locked file cabinets, safes, or secured areas under the scrutiny of Inspection Service personnel who have been subjected to security clearance procedures. Access is further restricted by computer passwords.

**Retention and disposal:** Postal Service case records are maintained for 30 years. Noncriminal records are maintained for 5 to 30 years, depending on type. Exceptions may be granted in specific instances for indefinite retention. All records are destroyed by burning, pulping or shredding.

**System manager(s) and address:** Chief Postal Inspector, Headquarters.

**Notification procedure:** Persons wishing to know whether information about them is contained in this system of records or if they were the subject of an investigation should furnish the SYSTEM MANAGER sufficient identifying information to distinguish them from other individuals of like name; identifying data will include name, address, type investigation, dates, places and the individuals involvement.

**Record access procedures:** See NOTIFICATION above.

**Contesting record procedures:** See NOTIFICATION above.

**Record source categories:** Personal interviews, written inquiries, and other records concerning persons involved with an investigation, whether subjects, applicants, witnesses, references, or custodians of record information.

**Systems exempted from certain provisions of the act:** Reference 39 CFR 266.9 for details.

#### USPS 080.020

**System name:** Inspection Requirements—Mail Cover Program, 080.020

**System location:** USPS Inspection Service National and Regional Headquarters; Divisional Headquarters

**Categories of individuals covered by the system:** Individuals on whom a mail cover has been duly authorized to obtain information in the interest of (1) protecting the national security (2) locating a fugitive and (3) obtaining evidence of the commission or attempted commission of a crime which is punishable by imprisonment for a term exceeding one year.

**Categories of records in the system:** Names and addresses of individuals, inter-office memorandums, and correspondence with other agencies.

**Authority for maintenance of the system:** 39 USC 401, 404

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—To investigate the commission or attempted commission of acts constituting a crime that is punishable by law.

**Use—**

1. Information from this system of records may be disclosed to an appropriate law enforcement agency, whether federal, state or local, charged by law with the responsibility for investigating, prosecuting or otherwise acting with respect to protecting the national security, locating a fugitive, or obtaining evidence of commission or attempted commission of a crime.

2. A record relating to a case or matter may be disseminated in an appropriate Federal, state, local, or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice.

3. A record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings.

4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

6. Inactive records may be transferred to a GSA Federal Records Center prior to destruction.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Original typed documents and/or duplicate copies.

**Retrievability:** Subject's name filed alphabetically by Fiscal year.

**Safeguards:** Mail cover data is stored in locked cabinets or in a safe. Classified mail cover material and any mail cover data which involves national security is stored in a safe or in metal file cabinets equipped with either steel lockbar hasp and staple, or locking device and an approved three or more combination dial-type padlock from which the manufacturer's identification numbers have been obliterated.

**Retention and disposal:** Files and records pertaining to mail covers are retained for eight years, and older data is destroyed by shredding or burning.

**System manager(s) and address:** Chief Inspector, USPS Headquarters

**Notification procedure:** Persons wishing to know whether information about them is maintained in this system of records should address inquiries to the above SYSTEM MANAGER. Inquiries should contain full name and current address, together with previous addresses for past eight years when applicable.

**Record access procedures:** See SYSTEM MANAGER above.

**Contesting record procedures:** See SYSTEM MANAGER above.

**Record source categories:** Correspondence from requesting authority and record of action taken upon that request.

**Systems exempted from certain provisions of the act:** Reference 39 C.F.R. 266.9 for details.

#### USPS 080.030

**System name:** Inspection Requirements—Vehicular Violations Record System, 080.030

**System location:** USPS National Headquarters (Procurement and Supply Department, Washington, DC 20260; Planning and New Development Department, Rockville, MD 20852). Inspection Service, Special Investigations Division, Washington, DC 20260 and Rockville, MD 20852, Division Headquarters at Washington, DC 20260, Denver, CO 80201; Seattle, WA 98111; Atlanta, GA 30302.

**Categories of individuals covered by the system:** Persons who have been issued courtesy violation notices or violation notices by Security Police Officers.

**Categories of records in the system:** Individual violator's name, state operator permit, state operator permit number, violation cited, date of citation, citation number issued, state automobile license tag number, dates of court appearances.

**Authority for maintenance of the system:** 40 USC 318, annually made applicable to the Postal Service by general provisions of the Treasury, Postal Service, and General Government Appropriations Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—To provide USPS management with information necessary for appropriate administrative remedial action. Use—

1. To provide information to local, state, and Federal enforcement, prosecutive and judicial officials.

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

3. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Information contained in this system of records may be disclosed to an authorized investigator appointed by the United States Civil Service Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 5 CFR 713, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** In original, typed, printed or handwritten form.

**Retrievability:** Records filed by name or violator in alphabetical order and by automobile license tag number.

**Safeguards:** Records maintained in limited access Security Force Control Centers manned 24 hours and in National Headquarters, in locked filing cabinets in Procurement and Supply Department and Planning and New Development Department under general scrutinizing of authorized personnel.

**Retention and disposal:** Records are maintained for two years and then destroyed. Some records may be retained longer when required for law enforcement investigations or court proceeding.

**System manager(s) and address:** Chief Postal Inspector, USPS Headquarters.

**Notification procedure:** Individuals wishing to know whether information about them is maintained in this system of records should furnish name and residence address as follows:

a. For National Headquarters: Inspector in Charge, Special Investigations Division, 475 L'Enfant Plaza West, SW, Washington, DC 20260.

b. For the Field: Inspector in Charge, USPS with appropriate field division title and address as listed above under "System Location."

**Record access procedures:** See NOTIFICATION above.

**Contesting record procedures:** See NOTIFICATION above.

**Record source categories:** Individual violators, Security Police Officers, personnel observation, state motor vehicle registration bureaus, USPS Personnel Department, supervisory personnel of tenant firms, USPS Parking Control Officer, prosecutive and judicial officials; motor vehicle operators' permits, violator's personal identification cards, personnel locator listing and parking applications.

#### USPS 090.020

**System name:** Non-Mail Services—Passport Application Records, 090.020

**System location:** Eight-hundred (880) Post Offices in all states except New Jersey.

**Categories of individuals covered by the system:** Persons applying for passports.

**Categories of records in the system:** Name, telephone number, and services received.

**Authority for maintenance of the system:** 39 USC 401, 411, 22 USC 214

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—To process the application of passports.

**Use—**

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

2. Records may be transferred to the State Department.

3. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information in this system is maintained on printed forms in hard copy.

**Retrievability:** By name of applicant.

**Safeguards:** Information in this system of records is maintained in file cabinets in the Accounting Unit.

**Retention and disposal:** Information is retained at post offices for three months following the close of the quarter in which application is made.

**System manager(s) and address:** APMG, Customer Services Department, Headquarters

**Notification procedure:** A customer wishing to know whether information about him is maintained in this system of records should address inquiries to the postmaster of the post office where a passport application was made. Inquiries should contain full name and date of application.

**Record access procedures:** See "NOTIFICATION" above.

**Contesting record procedures:** See "NOTIFICATION" above.

**Record source categories:** Information in this system of records is obtained from the applicant.

#### USPS 090.030

**System name:** Non-Mail Service—U.S. Savings Bonds Application Record, 090.030

**System location:** Selected Post Offices throughout the United States where the Postal Service is the issuing agent.

**Categories of individuals covered by the system:** Persons applying for U.S. Savings Bonds to be issued in the names of natural persons in their own right only.

**Categories of records in the system:** Name and address, number of bonds applied for and total amount of purchase.

**Authority for maintenance of the system:** 39 USC 401, 411.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—To process applications for U.S. Savings Bonds.

**Use—**

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

2. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

3. To refer, where there is an indication of a violation or potential violator of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, local or foreign charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

4. Records may be transferred to the Treasury Department.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information in this system is maintained on printed forms in hard copy.

**Retrievability:** By name of applicant.

**Safeguards:** Information in this system of records is maintained on secure premises in file cabinets.

**Retention and disposal:** Information in this system is maintained for two years and then destroyed.

**System manager(s) and address:** APMG, Finance Department.

**Notification procedure:** Customers wishing to know whether information about them is maintained in this system of records should address inquiries to the postmaster in whose facility the application was filed, inquiries should contain full name and address of customer.

**Record access procedures:** See NOTIFICATION above.

**Contesting record procedures:** See NOTIFICATION above.

**Record source categories:** Information in this system of record is obtained from the applicant.

#### USPS 100.010

**System name:** Office Administration—Carpool Coordination/Parking Records System, 100.010

**System location:** Employee Relations Department, Headquarters; PST&DI Centers, Procurement & Supply Department, Headquarters

**Categories of individuals covered by the system:** U.S. Postal Service employees at headquarters and PST&DI Centers

**Categories of records in the system:** Records in this system contain name, address, Social Security Number and Finance number of employees.

**Authority for maintenance of the system:** 39 USC 401

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—To provide parking and carpooling services to employees.

**Use—**

1. To provide each employee of Headquarters, USPS, who

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desires to join or establish a carpool with the listing of employees who live in his/her ZIP Code area.

2. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

3. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Information contained in this system of records may be disclosed to an authorized investigator appointed by the United States Civil Service Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 5 CFR 713, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information in this system is maintained on punched cards and printed forms.

**Retrievability:** Alphabetical listing by each ZIP Code number in the surrounding area.

**Safeguards:** Retained in file boxes under minimum security.

**Retention and disposal:** Indefinite period and are destroyed by placing them in the trash.

**System manager(s) and address:** APMG, Procurement & Supply Department, Headquarters

Executive Manager, PST&DI Centers

**Notification procedure:** Employees wishing to know whether information about them is maintained in this system of records should address inquiries to the system manager where employed.

**Record access procedures:** See "NOTIFICATION" above

**Contesting record procedures:** See "NOTIFICATION" above.

**Record source categories:** From employee desiring participation in a carpool.

#### USPS 100.020

**System name:** Office Administration—Marketing Memo, 100.020

**System location:** Regional Headquarters

**Categories of individuals covered by the system:** USPS Central Region Customer Service Representatives, District Managers, District Directors of Customer Services, Sectional Center Director of Customer Services, Regional Sales Division, BMC General Managers and Customer Engineers.

**Categories of records in the system:** Name and address of employees receiving newsletter

**Authority for maintenance of the system:** 39 USC 401, 1001

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—To distribute on a sales and marketing newsletter to Postal Service Marketing employees.

**Use—**

1. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

3. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Addressograph plates.

**Retrievability:** Employee name.

**Safeguards:** Information in this system of records is maintained in closed file cabinets in secured facility.

**Retention and disposal:** Information in this system is maintained only for as long as it is current and then is disposed of by usual means.

**System manager(s) and address:** Regional Postmaster General, Central Region Headquarters

**Notification procedure:** Employees wishing to know whether information about them is maintained in this system of records should address inquiries to the head of the facility where they are employed.

**Record access procedures:** See "NOTIFICATION" above.

**Contesting record procedures:** See "NOTIFICATION" above.

**Record source categories:** Information in this system is obtained from in-house listings of employees in marketing positions.

**Notification procedure:** 00.030

#### USPS 110.010

**System name:** Personal Property—Management—Accountable Property Records, 110.010.

**System location:** All USPS Components.

**Categories of individuals covered by the system:** Employees assigned accountable property.

**Categories of records in the system:** Records controlling the issuance of accountable Postal Service property, such as equipment, credentials, and controlled documents.

**Authority for maintenance of the system:** 39 USC 401

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—To provide a record of accountable property on hand and to whom it has been assigned.

**Use—**

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate law enforcement agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

5. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its requests when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

Information contained in this system of records may be disclosed to an authorized investigator appointed by the United States Civil Service Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 5 CFR 713, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information in this system is maintained on printed forms.

**Retrievability:** Name of recipient of accountable property and types of equipment.

**Safeguards:** Physical security.

**Retention and disposal:** As long as individual is charged with equipment, records are returned to individual when he is no longer accountable.

**System manager(s) and address:** (1) Chief Postal Inspector, Headquarters; (2) APMG, Procurement and Supply Department, Headquarters.

**Notification procedure:** Employees wishing to know whether in-

formation about them is maintained in this system should address inquiries to the Custodian in the facility where assignment was made. Headquarters employees should submit request to the SYSTEM MANAGER.

**Record access procedures:** See NOTIFICATION above.

**Contesting record procedures:** See NOTIFICATION above.

**Record source categories:** Information is obtained by the individual to whom the record pertains.

#### USPS 120.010

**System name:** Personnel Records—Architect Engineers Selection Records, 120.010

**System location:** Real Estate and Buildings Department, USPS Headquarters and Postal Regions.

**Categories of individuals covered by the system:** Professional Architect Engineers.

**Categories of records in the system:** Information profile on individual's past experience and present qualifications in the field of providing architect-engineering services.

**Authority for maintenance of the system:** 39 USC 401

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—To facilitate the review and assessment of the qualifications of architect-engineer firms which have potential for selection and award of a contract to perform architect-engineer services under a designated facility project.

**Use—**

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

2. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained on printed forms.

**Retrievability:** Records are indexed by state, city and name of individual or firm.

**Safeguards:** Records access is limited to authorized personnel in the Department of Real Estate and Buildings. Records are retained in filing receptacles in locked quarters and in a secured building facility.

**Retention and disposal:** Records are retained for one year and then are destroyed.

**System manager(s) and address:** APMG, Real Estate and Building Department, USPS Headquarters.

**Notification procedure:** Persons desiring information about this system of records should address their inquiries to the designated SYSTEM MANAGER and provide his name and project title.

**Record access procedures:** See SYSTEM MANAGER above.

**Contesting record procedures:** See SYSTEM MANAGER above.

**Record source categories:** Persons and firms interested in being considered for the negotiation and award of architect-engineering service contracts under the Major Facilities Program.

#### USPS 120.020

**System name:** Personnel Records—Blood Donor Record System, 120.020

**System location:** Health Units at USPS Facilities; District Chapters of the American Red Cross.

**Categories of individuals covered by the system:** USPS employees who volunteer to join the USPS Blood Donor Program.

**Categories of records in the system:** Name, address, pay location number, and information as to month they wish to donate blood.

**Authority for maintenance of the system:** 39 USC 401

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—To provide the USPS Blood Donation Program with Blood Bank information so that donors can be spread throughout the year in their donation.

**Use—**

1. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

2. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information in this system is maintained on magnetic tape, punched cards, preprinted forms and computer printed reports.

**Retrievability:** Employee's name and social security number.

**Safeguards:** Maintained in closed file cabinets in secured facilities.

**Retention and disposal:** These records are retained for a period of two years and then destroyed by shredding and automatic deletion in the case of computer information.

**System manager(s) and address:** APMG, Employee Relations Department, Headquarters

**Notification procedure:** Employees wishing to know whether information about them is maintained in this system of records should address inquiries to the head of the facility where employed. Headquarters employees should submit requests to the SYSTEM MANAGER. Inquiries should contain full name and social security number.

**Record access procedures:** See NOTIFICATION above.

**Contesting record procedures:** See NOTIFICATION above.

**Record source categories:** Information is obtained from the individual.

#### USPS 120.030

**System name:** Personnel Records—Contract Employee Assignment Records, 120.030

**System location:** Logistics Department, Headquarters; Regional Offices, Sectional Centers; Bulk Mail Centers, Post Offices.

**Categories of individuals covered by the system:** Persons under contract with the USPS.

**Categories of records in the system:** Name and social security number.

**Authority for maintenance of the system:** 39 USC 401

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—To ascertain employees having an assignment requiring access to mail or postal premises under contract with the USPS.

**Use—**

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

2. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Information contained in this system of records may be disclosed to an authorized investigator appointed by the United States Civil Service Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 5 CFR 713, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**



**Storage:** Original typed, printed or handwritten form.  
**Retrievability:** Name of contract employee.  
**Safeguards:** Retained in locked file cabinets by Administrative Official.

**Retention and disposal:** Contract records are maintained for the life of the contract. Upon expiration of the contract, the records are held one year and then destroyed by shredding.

**System manager(s) and address:** APMG, Logistics Department, Headquarters

**Notification procedure:** Contractors wishing to know whether information about them is maintained in this system of records should address inquiries to the head of the Regional Office where employed. Inquiries should contain full name and region where employed. Headquarters contractors should submit requests to the SYSTEM MANAGER.

**Record access procedures:** See NOTIFICATION above.

**Contesting record procedures:** See NOTIFICATION above.

**Record source categories:** Information is obtained from the contractor.

## USPS 120.033

**System name:** Personnel Records—Contractor Employee Fingerprint Records, 120.033

**System location:** Logistics Department, Headquarters; Regional Headquarters; Sectional Centers; Bulk Mail Centers, Post Offices.

**Categories of individuals covered by the system:** Persons under contract with the USPS.

**Categories of records in the system:** Name and social security number, fingerprints.

**Authority for maintenance of the system:** 39 USC 401

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—To provide information to the Contracting Officer with regard to the USPS screening procedures if a contractor employee has had a previous arrest record.

**Use—**  
 1. All USPS fingerprint charts are sent to the Federal Bureau of Investigations.

2. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** In original typed, printed or handwritten form.

**Retrievability:** Contractor employee name.

**Safeguards:** Maintained in locked file cabinets by Administrative Officials.

**Retention and disposal:** Records are kept until employee leaves employment of USPS and then destroyed one year later by shredding.

**System manager(s) and address:** APMG, Logistics Department, Headquarters

**Notification procedure:** Inquiries should be addressed to the Regional Postmaster General within the region where employed. Inquiries should contain full name and social security number.

**Record access procedures:** See NOTIFICATION above.

**Contesting record procedures:** See NOTIFICATION above.

**Record source categories:** Contractor employed by the USPS.

## USPS 120.035

**System name:** Personnel Records—Employee Accident Records, 120.035

**System location:** Safety offices in any USPS facility.

**Categories of individuals covered by the system:** All postal employees that have an accident that involves 100 dollars or more damage and/or an occupational injury or illness.

**Categories of records in the system:** Name, address, age, sex and type of accident.

**Authority for maintenance of the system:** Public Laws 91-596 and 94-82, Executive Orders 11807

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—To provide data for analytical studies.

**Use—**

1.  
 2. To furnish the US Department of Labor with serious accident reports, information to reconcile claims filed with the Office of Worker's Compensation, and quarterly and annual summaries of occupational injuries and illnesses; and to make information available to the Secretary of Labor upon his request.

3. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

4. To a court, party, or counsel for a party, to litigation involving accident or to which it is relevant or to persons insurance companies or counsel for the foregoing settlement or attempting to settle claims involving the accident.

5. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

6. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

7. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

8. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

9. Inactive records may be transferred to a GSA Federal Records Center prior to destruction.

Information contained in this system of records may be disclosed to an authorized investigator appointed by the United States Civil Service Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 5 CFR 713, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information in this system is maintained on index cards, magnetic tape, preprinted forms and computer print-outs.

**Retrievability:** Employee name and social security number

**Safeguards:** Maintained in closed file cabinets within secured facilities.

**Retention and disposal:** Records are maintained locally for two years. Copies are maintained at National Headquarters for five years following the end of the calendar year to which they relate as required by OSHA.

**System manager(s) and address:** APMG, Employee Relations Department, Headquarters.

**Notification procedure:** Employees wishing to know whether information about them is maintained in this system of records should address inquiries to the head of the facility where employed. Headquarters employees should submit requests to the SYSTEM MANAGER. Inquiries should contain full name, address, finance number and social security number.

**Record access procedures:** See NOTIFICATION above.

**Contesting record procedures:** See NOTIFICATION above.

**Record source categories:** USPS Accident Reports and OWCP claim forms.

## USPS 120.036

**System name:** Personnel Records—Employee Discipline, Grievance and Appeals Records, 120.036

**System location:** All postal facilities

**Categories of individuals covered by the system:** Records are maintained on non-bargaining employees in the Postal Service (PS), Postal Management Salary (PMS), Post Technical, Administrative, and Clerical (PTAC), Postal Executive Salary (PES) (except officers) and Non-City Delivery (NCD) who have completed six months of continuous service in the U.S. Postal Service or a minimum of twelve months of combined service, without break of a work day, in positions in the same line of work in the Civil Service and the Postal Service, unless any part of such service was pursuant to a temporary appointment in the competitive service with a definite time limitation.

**Categories of records in the system:** Notice to employee of proposed action, reply to notice, summary of oral reply, employee notice of grievance, employee notice of appeal, records of hearing proceedings, appeal decisions from installation head, region or Headquarters, notice of action, investigative reports and related records.

**Authority for maintenance of the system:** 39 USC 1001

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—Provides a grievance and appeal procedure for an employee, not subject to the provisions of a collective bargaining agreement, who alleges that his rights regarding compensation, benefits, or other terms and conditions of employment have been adversely affected. Use—

1. To respond to a request from a member of Congress regarding the status of an appeal, complaint or grievance.

2. To respond to a court subpoena and/or refer to a court in connection with a civil suit.

3. To adjudicate an appeal, complaint, or grievance.

4. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to Postal Inspection Service, or to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

5. To request information from a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

6. To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

7. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

8. Records from the employee file will be disclosed to the Federal Employees Appeals Authority Office of the Civil Service Commission for action on Veterans Preference Appeals.

9. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

10. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

11. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Information contained in this system of records may be disclosed to an authorized investigator appointed by the United States Civil Service Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 5 CFR 713, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information in this system is maintained on paper in the form of letters, forms, notices. In some instances, records of hearing proceedings are on magnetic tape.

**Retrievability:** Employee name

**Safeguards:** Records are kept in locked filing cabinets or secured record storage rooms and are available only to authorized officials.

**Retention and disposal:** Appeal records are kept for two years after close of file. All others are kept one year after close of file. Records are destroyed by shredding.

**System manager(s) and address:** APMG, Employee Relations Department, Headquarters

**Notification procedure:** Field employees must submit a written request to the head of the field installation where the action was initiated. Headquarters employees must submit a written request to the System Manager. He may also request permission to listen to or record tape recordings of hearings. This must be done in the presence of a postal official. He must identify himself to the satisfaction of official authorized to approve request.

**Record access procedures:** See "NOTIFICATION" above.

**Contesting record procedures:** See "NOTIFICATION" above.

**Record source categories:** Employee initiating actions; employee's supervisors, management, complaining customer, law enforcement agencies, and others.

## USPS 120.038

**System name:** Personnel Records—Employee Bicentennial Awards List, 120.038

**System location:** Customer Services Department, Headquarters

**Categories of individuals covered by the system:** U. S. Postal Service employees nominated for Bicentennial award.

**Categories of records in the system:** Employee's name, work location, supervisor and involvement in the Bicentennial.

**Authority for maintenance of the system:** 39 USC 403, 404

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—To verify bicentennial involvement and to notify supervisor.

**Use—**

1. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

3. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Information contained in this system of records may be disclosed to an authorized investigator appointed by the United States Civil Service Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 5 CFR 713, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Original letters in files.

**Retrievability:** Employee name.

**Safeguards:** Normal physical security with access limited to those members of the Bicentennial Branch.

**Retention and disposal:** Three years, then destroyed by shredding or burning.

**System manager(s) and address:** APMG, Customer Services Department, Headquarters

**Notification procedure:** Inquiries should be addressed to the SYSTEM MANAGER as shown above, providing the employee's name and state.

**Record access procedures:** See "NOTIFICATION" above.

**Contesting record procedures:** See "NOTIFICATION" above.

**Record source categories:** Bicentennial groups and Postal Service employees.



## USPS 120.040

**System name:** Personnel Records—Employee Job Bidding Records, 120.040

**System location:** Most departments, facilities and certain contractor sites of the Postal Service.

**Categories of individuals covered by the system:** Employees who have made a "Bid for Preferred Assignment" with the USPS.

**Categories of records in the system:** Knowledge of schemes, vacant position characteristics, seniority of the employee, level of the candidate, and craft.

**Authority for maintenance of the system:** 39 USC 1001, 1206.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—To provide the Office of Personnel with fair and impartial information to match vacant position to the most qualified candidate.

## Use—

1. To provide information for official bulletin boards and release to various employee organizations.

2. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

3. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Information contained in this system of records may be disclosed to an authorized investigator appointed by the United States Civil Service Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 5 CFR 713, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are stored on magnetic tape, punched cards, pre-printed forms and computer printed reports.

**Retrievability:** This system is indexed by employee name and Social Security Number.

**Safeguards:** Computer center access control and limitation within offices to those employees maintaining the system.

**Retention and disposal:** Computer records are saved two years, then automatically deleted. Paper records are kept six months after a vacancy is filled, then destroyed. Some records are retained until employee separation.

**System manager(s) and address:** APMG, Labor Relations Department, Headquarters.

**Notification procedure:** The employee should state the position of bid and identify himself with name, Social Security Number, closing date of the bid notice, and forward this information to the head of the facility where employed. Headquarters employees should submit requests to the System Manager.

**Record access procedures:** See "NOTIFICATION" above.

**Contesting record procedures:** See "NOTIFICATION" above.

**Record source categories:** Employee personnel data, scheme knowledge, qualifications of the job and of the candidate, successful bidders notices from vacant duty assignment postings.

## USPS 120.050

**System name:** Personnel Records—Employee Suggestion Control, 120.050

**System location:** USPS Headquarters, Regional Headquarters, Post Offices, Bulk Mail Centers, Postal Data Centers

**Categories of individuals covered by the system:** USPS employees

**Categories of records in the system:** Name of employee, employee number, employment location, suggestion number, subject, and

decision. If adopted, estimate of benefits and recognition granted.

**Authority for maintenance of the system:** Chapter 45 of Title 5, USC

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—To provide a source of data on individual performance which is often one factor in identifying nominees for other individual recognitions including cash awards. This information also provides data on the effectiveness of the program which is summarized in an Annual Report

## Use—

1. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

2. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Information contained in this system of records may be disclosed to an authorized investigator appointed by the United States Civil Service Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 5 CFR 713, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information in this system is maintained on printed forms and on magnetic tape.

**Retrievability:** Employee name, region where employed, pay location, and district.

**Safeguards:** This information is maintained in file cabinets in secured facilities.

**Retention and disposal:** Information in this system is retained for two years and then destroyed by shredding and automatic deletions for computer tapes.

**System manager(s) and address:** APMG, Employee Relations Department, Headquarters

**Notification procedure:** Employees wishing to know whether information about them is maintained in this system of records should contact the head of the facility where employed. Also, employees who have appealed decisions or whose suggestions have been adopted nationwide should submit requests to the System Manager. Headquarters employees should submit all requests to the System Manager.

**Record access procedures:** See "NOTIFICATION" above.

**Contesting record procedures:** See "NOTIFICATION" above.

**Record source categories:** Information is obtained from the individual making the suggestion.

## USPS 120.060

**System name:** Personnel Records—Employment and Financial Interest Records, 120.060

**System location:** Law Department, Headquarters, Offices of Associate Ethical Conduct Officers at Headquarters, Regional Headquarters, and Postal Data Centers

**Categories of individuals covered by the system:** USPS employees in levels 22 and above and Special Employees as determined by criteria established in Executive Order 11222 as implemented by Postal Service regulations, vix., 39 C.F.R. 447.41(a).

**Categories of records in the system:** Employee name, title, salary, date of appointment to present position; list of organizations in which employee has a financial interest, types of indebtedness, interest in real property.

**Authority for maintenance of the system:** Executive Orders 11222 and 11590

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—To review a

statement by designated Postal Service officials for possible conflicts of interest.

## Use—

1. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

2. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Original preprinted forms.

**Retrievability:** Records are filed by name of employee, but organized according to organizational components.

**Safeguards:** Records are kept in locked safe and access is limited to designated Postal Service officials on need-to-know basis.

**Retention and disposal:** Records are maintained for as long as employee is subject to reporting requirements and for two years thereafter. They are destroyed by shredding.

**System manager(s) and address:** General Counsel, Law Department, Headquarters.

**Notification procedure:** Employees wishing to gain access to information pertaining to them should direct inquiries to the head of the facility where employed. Headquarters employees should submit requests to the SYSTEM MANAGER. Inquiries should contain full name and place of employment.

**Record access procedures:** See NOTIFICATION above.

**Contesting record procedures:** See NOTIFICATION above.

**Record source categories:** Information submitted by individual employee on PS Form 2417 and 2418.

## USPS 120.070

**System name:** Personnel Records—General Personnel Folders (Official Personnel Folder and records related thereto), 120.070.

**System location:** Personnel Offices of all USPS facilities; St. Louis Personnel Records Center.

**Categories of individuals covered by the system:** USPS employees.

**Categories of records in the system:** Applications, resumes, promotion/salary changes and other Personnel Actions, letters of commendation, records of disciplinary action, health benefit and life insurance elections and other documents pertinent to preemployment, prior Federal employment and current service as prescribed by the Federal Personnel Manual and related USPS guidelines.

**Authority for maintenance of the system:** 39 USC 1001, 1005.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—Used by administrators in Personnel Offices and by individual employee supervisors to perform routine personnel functions.

## Use—

1. To provide information to a prospective employer of a USPS employee or former USPS employee.

2. To provide data for the automated Central Personnel Data File, CPDF, maintained by U.S. Civil Service Commission.

3. To provide statistical reports to Congress, agencies, and the public on characteristics of the USPS work force.

4. To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit to the extent that the information is relevant and necessary.

5. To request information from a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, relevant to a decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

6. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged

with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

7. To provide data for the compilation of a local seniority list that is used by management to make decisions pertaining to appointment and assignments among craft personnel. The list is posted in local facilities where it may be reviewed by USPS employees.

8. Transfer to the CSC upon retirement of an employee for processing retirement benefits.

9. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

10. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

11. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

12. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

13. Disclosure of relevant and necessary information pertaining to an employee's participation in health, life insurance and retirement programs may be made to the Civil Service Commission and private carriers for the provision of related benefits to the participant (also see USPS 050.020).

14. Information contained in this system of records may be disclosed to an authorized investigator appointed by the United States Civil Service Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 5 CFR 713, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

15. Inactive folders are transferred to the GSA National Personnel Records Center for storage.

Information contained in this system of records may be disclosed to an authorized investigator appointed by the United States Civil Service Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 5 CFR 713, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper files, preprinted forms, Official Personnel Folders.

**Retrievability:** Employee name and location of employment

**Safeguards:** Folders are maintained in locked cabinets to which only authorized personnel have access.

**Retention and disposal:** Paper records considered to be permanent are maintained until employee is separated, then they are sent to the National Personnel Records Center, St. Louis, for storage, or to another Federal agency to which the individual transfers employment. Records considered to be temporary are destroyed two years after creation.

**System manager(s) and address:** APMG, Employee Relations Department, Headquarters.

**Notification procedure:** Employees wishing to gain access to their Official Personnel folders should inquire to the facility head where employed. Headquarters employees should submit requests to the System manager. Former employees should submit requests to any Postal Service personnel officer, giving name, date of birth and social security number.

**Record access procedures:** See Notification procedure above.

**Contesting record procedures:** See Notification procedure above.

**Record source categories:** Individual employee, personal references, former employers and USPS 050.020 (Finance Records—Payroll System).

## USPS 120.080

**System name:** Personnel Records—Master Minority File Records, 120.080

**System location:** Employee Relations Department, Headquarters and Postal Data Centers.

**Categories of individuals covered by the system:** All USPS employees.

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**Categories of records in the system:** Consists of the Minority Designation Code and social security number of USPS employees.

**Authority for maintenance of the system:** 42 USC 2000e-16, Executive Orders 11478 and 11590.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—To provide the USPS Office of Equal Employment Opportunity with minority statistics as required.

**Use—**

1. Disclosure may be made to the Civil Service Commission for the oversight and enforcement of Federal EEO regulations.

Information contained in this system of records may be disclosed to an authorized investigator appointed by the United States Civil Service Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 5 CFR 713, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic tapes.

**Retrievability:** Employee's social security number.

**Safeguards:** Computer Password security, physical security, specialized access instructions.

**Retention and disposal:** Computer records are retained for two years.

**System manager(s) and address:** APMG, Employee Relations Department.

**Notification procedure:** Employees wishing to know whether a minority is maintained for them, should address inquiries to the SYSTEM MANAGER. Inquiries should contain full name and social security number.

**Record access procedures:** See NOTIFICATION above.

**Contesting record procedures:** See NOTIFICATION above.

**Record source categories:** Information is obtained from the employee.

#### USPS 120.090

**System name:** Personnel Records—Medical Records, 120.090.

**System location:** Postal Service medical facilities, control points and designee offices.

**Categories of individuals covered by the system:** USPS employees present and former.

**Categories of records in the system:** Name, address, and pertinent medical information, i.e., history, findings, diagnosis, and treatment.

**Authority for maintenance of the system:** 39 U.S.C. 401, 1001.

**Routine uses of records maintained in the system:** Purpose—To provide employees with necessary health care and to determine fitness for duty.

**Use—**

1. Information in these records may be provided to the Civil Service Commission in making the following determinations related to:

- a. Veterans Preference
- b. Disability Retirement
- c. Benefit Entitlement

2. Information in these records may be provided to officials of other Federal agencies responsible for other Federal benefit programs administered by:

- a. Office of Workers' Compensation Programs
- b. Retired Military Pay Centers
- c. Veterans Administration
- d. Social Security Administration

e. Specific private contractors engaged in providing benefits under Federal contracts.

3. Information in these records is used or a record may also be used:

- a. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

- b. To request information from a Federal, state, or local agency, maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information to an agency decision concerning the hiring or retention of

an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

c. To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

d. Used as a record in line of duty injury cases and referral to Public Health Services, HEW.

4. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

5. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

6. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

7. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

8. Records in this system may be disclosed to a private physician or other medical personnel retained by the Postal Service to provide medical services in connection with an employee's health or physical condition which is related to his or her employment.

9. May be disclosed to an outside medical service when that organization performs the physical examinations and submits the evaluations to the Postal Service pursuant to a contract with the USPS as part of an established Postal Service health program; for the purpose of determining a postal employee's fitness for duty.

10. Information contained in this system of records may be disclosed to an authorized investigator appointed by the United States Civil Service Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 5 CFR 713, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

11. Inactive records may be transferred to a GSA Federal Records Center prior to destruction.

Information contained in this system of records may be disclosed to an authorized investigator appointed by the United States Civil Service Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 5 CFR 713, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Preprinted forms and paper files.

**Retrievability:** Records are retrieved by employee name.

**Safeguards:** Maintained in locked files.

**Retention and disposal:** Records are destroyed by the 6th year after employee leaves the USPS. All records are shredded after six years.

**System manager(s) and address:** APMG, Employee Relations Department, Headquarters.

**Notification procedure:** An employee wishing to know whether information about him is maintained in this system of records should address inquiries to the head of the facility where employed. Headquarters employees should submit requests to the System Manager. Inquiries should contain full name.

**Record access procedures:** See Notification procedure above.

**Contesting record procedures:** See Notification procedure above.

**Record source categories:** USPS employees and medical staff.

#### USPS 120.098

**System name:** Personnel Records—Office of Workers' Compensation Program (OWCP) Record Copies, (Proposed), 120.098.

**System location:** All postal facilities.

**Categories of individuals covered by the system:** Postal employees who have voluntarily filed a claim for injury compensation.

**Categories of records in the system:** Copies of Department of Labor forms consisting of claims and supporting information; Postal Service forms and correspondence related to the claim.

**Authority for maintenance of the system:** 39 U.S.C. 1005.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—This information is used to provide injury compensation to qualifying employees and to maintain a record of the events as a basis for managerial decisions.

**Use—**

1. To provide information to the Department of Labor for the purpose of determining whether a claimant qualifies for compensation and to what extent qualification applies.

2. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

6. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether international, Federal, state or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Printed forms and correspondence.

**Retrievability:** Records are retrieved alphabetically by name.

**Safeguards:** Maintained in locked filing cabinets within the exclusive custody of the injury compensation control point.

**Retention and disposal:** Records are destroyed two years after the employee has left the Postal Service.

**System manager(s) and address:** APMG, Employee Relations Department, Headquarters.

**Notification procedure:** Employees wishing to know whether information about them is maintained in this system of records should address inquiries to the head of the facility where employed. Headquarters employees should submit requests to the System Manager.

**Record access procedures:** See Notification procedure above. (Note: The original case file is maintained by OWCP and must be requested from that organization as provided for under Department of Labor Privacy Act System DOL/ESA-14.)

**Contesting record procedures:** The contents of OWCP records may be contested only by contacting OWCP as provided for under the Department of Labor Privacy Act System DOL/ESA-14.

**Record source categories:** Information is obtained from the claimant, the supervisor, witnesses, physicians, and Department of Labor.

#### USPS 120.100

**System name:** Personnel Records—Performance Awards System Records, 120.100.

**System location:** Headquarters Personnel Division and Inspection Service, and Inspection Service Regional and Divisional Offices; District Offices; Post Offices; Bulk Mail Centers; Postal Data Centers.

**Categories of individuals covered by the system:** USPS employees.

**Categories of records in the system:** Name of employee, employee number, pay location, basis for award and award granted.

**Authority for maintenance of the system:** Chapter 45 of Title 39, USC.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—To control and measure the effectiveness of the Cash Awards Program.

**Use—**

1. Information is summarized and furnished to the U.S. Civil Service Commission annually, to be included in the CSC report on incentive awards to the president.

2. May be disclosed to the Office of Management and Budget in

connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

3. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Information contained in this system of records may be disclosed to an authorized investigator appointed by the United States Civil Service Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 5 CFR 713, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic tape and printed forms.

**Retrievability:** Employee name, region where employed, pay location and district.

**Safeguards:** Physical security.

**Retention and disposal:** Records are maintained for three years and then destroyed by shredding.

**System manager(s) and address:** APMG, Employee Relations Department, Headquarters.

**Notification procedure:** Employees wishing to know whether information about them is maintained in this system of records should address inquiries to the head of the facility where employed. Headquarters employees should submit requests to the SYSTEM MANAGER. Inquiries should contain full name, and pay location.

**Record access procedures:** See NOTIFICATION above.

**Contesting record procedures:** See NOTIFICATION above.

**Record source categories:** Information is obtained in summary printouts supplied to each region by Postal Data Centers.

#### USPS 120.110

**System name:** Personnel Records—Preemployment Investigation Records, 120.110.

**System location:** Post Offices/Facilities; Regional and National Headquarters.

**Categories of individuals covered by the system:** Postal Employees and applicants for employment.

**Categories of records in the system:** Replies from character references, former employers and local police records; drug history records and other investigative reports used to determine suitability for employment. Other records filed with these are: Civil Service Commission records (privacy system—CSC/GOVT-4) compiled through a National Agency Check and Inquiry (NACI) and forwarded to the USPS for assistance in making a hiring decision.

**Authority for maintenance of the system:** 39 USC 410(b), 1001.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—To determine suitability for employment.

**Use—**

1. To any agency from which information is requested in the course of an investigation, to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation, and to identify the type of information requested.

2. In the event of an indication of any violation or potential violation of the law, whether civil, criminal, or regulatory in nature, and whether arising by statute, or by regulation, rule or order issued pursuant thereto the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charge with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; such referral shall also include, and be deemed to authorize (1) any and all appropriate and necessary uses of such records in a court of law and before an administrative board or hearing, including referrals related to probation and parole matters, and (2) such other interagency referrals

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as may be necessary to carry out the receiving agency's assigned law enforcement duties.

3. To a Federal agency, in response to its request, in connection with the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on matters.

4. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

5. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

6. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

7. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

8. Information contained in this system of records may be disclosed to an authorized investigator appointed by the United States Civil Service Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 5 CFR 713, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

Information contained in this system of records may be disclosed to an authorized investigator appointed by the United States Civil Service Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 5 CFR 713, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

**Policies and practices for storing, retrieving, accessing, retaining, said disposing of records in the system:**

**Storage:** Information is maintained on preprinted forms and correspondence.

**Retrievability:** Information is indexed alphabetically by name.

**Safeguards:** Information is stored in locked file cabinets accessible to those with an appropriate security clearance.

**Retention and disposal:** a. If an applicant is found unsuitable for employment, or if an employee is found unsuitable after he has begun work, all local investigative records which support the decision of unsuitability will be retained for a period of two years from the date action was taken to deny or terminate employment. b. If an employee is initially found suitable for employment as a result of a local investigation, and is ultimately retained upon receipt of the NACI report from the Civil Service Commission, the local investigative reports will be retained for a period of two years from the date the employee is initially found suitable for employment. c. CSC NACI reports are retained in the same fashion as local investigative records.

**System manager(s) and address:** APMG, Employee Relations Department, Headquarters.

**Notification procedure:** Apply to the head of the postal facility where employed giving name. Headquarters employees should submit requests to the System manager.

**Record access procedures:** a. Local Investigative records—Apply to the head of the postal facility where employed. Headquarters employees should submit requests to the System manager. b. CSC NACI reports—Apply to the Civil Service Commission as instructed by privacy system CSC/GOVT-4.

**Contesting record procedures:** See Record access procedures above.

**Record source categories:** Information is obtained primarily from local police records, former employers, and character reference.

**Systems exempted from certain provisions of the act:** Reference 39 CFR 266.9 for details.

#### USPS 120.120

**System name:** Personnel—Personnel Research and Test Validation Records, 120.120.

**System location:** USPS National Test Administration Center, Los Angeles, CA; USPS National and Regional Headquarters; Bulk Mail Centers; District Offices, and the Oklahoma City Computer Center.

**Categories of individuals covered by the system:** Applicants for postal employment and USPS employee applicants for reassignment and/or promotion.

**Categories of records in the system:** Computer scannable answer sheets which contain the applicants' identification information and the applicants' answers to the test questions.

**Authority for maintenance of the system:** 39 USC 401, 1001.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—To provide verification of the applicants' test score.

**Use—**

1. Data are collected on a project by project basis and are used for the construction, analysis, and validation of written tests; for research on personnel measurement and selection methods and techniques and research on personnel management practices such as performance evaluation or productivity. Routine use includes the exchange of personnel records between the Civil Service Commission and the Postal Service for personnel research purposes and the use of personal identifier such as employee name to identify employees included in research studies that extend over a period of time (longitudinal studies). No personnel decisions are made in the use of these research records. Many data are collected under conditions assuring their confidentiality. This confidentiality will be protected. Personal information in this system of records is used by the personnel research staff in the Civil Service Commission or the U.S. Postal Service.

2. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, or order issued pursuant thereto.

3. To request information from a Federal, State or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

4. To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

5. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

6. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

7. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

8. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Information contained in this system of records may be disclosed to an authorized investigator appointed by the United States Civil Service Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 5 CFR 713, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Answer sheets in handwritten form.

**Retrievability:** This system of records is indexed by employee name, batch number or employee's date of examination and examination center administering the examination.

**Safeguards:** These records are maintained in closed file cabinets in a secured facility.

**Retention and disposal:** These records are maintained for six months and then destroyed by shredding.

**System manager(s) and address:** APMG, Employee Relations Department, Headquarters.

**Notification procedure:** Persons wishing to know whether this system of records contains information on them should address inquiries to the head of the Test Administration Center where they were examined. Headquarters employees should submit requests to the System Manager. Inquiries should contain full name, Social Security Number, date of examination, examination number, and place of participation in the examination.

**Record access procedures:** See "NOTIFICATION" above.

**Contesting record procedures:** See "NOTIFICATION" above.

**Record source categories:** Applicants' test answers.

**Systems exempted from certain provisions of the act:** Reference 39 CFR 266.9 for details.

#### USPS 120.130

**System name:** Personnel Records—Postmaster Selection Program Records, 120.130.

**System location:** USPS Headquarters; Regional Headquarters.

**Categories of individuals covered by the system:** USPS employees desiring to be considered for promotion to Postmaster position.

**Categories of records in the system:** Name, address, date of birth, social security number, education summary, postal background, other employment experience, Postal Inspector's Investigative Memorandum, and other pertinent personal information.

**Authority for maintenance of the system:** 39 USC 401, 1001.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—To provide Regional Management Selection Board and the National Management Selection Board with fair and impartial information to match requirements for Postmaster position to the best qualified candidate.

**Use—**

1. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

3. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

4. Information contained in this system of records may be disclosed to an authorized investigator appointed by the United States Civil Service Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 5 CFR 713, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

5. Inactive records may be transferred to a GSA Federal Records Center prior to destruction.

Information contained in this system of records may be disclosed to an authorized investigator appointed by the United States Civil Service Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 5 CFR 713, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

**Policies and practices for storing, retrieving, accessing, retaining, said disposing of records in the system:**

**Storage:** Printed, typed or handwritten forms.

**Retrievability:** Applicant's name and post office for which application was made.

**Safeguards:** Locked file cabinets in a secured facility.

**Retention and disposal:** Records for positions 24 and above are maintained at National Headquarters for two years. All records are maintained at Regional Headquarters for five years. Records are destroyed by shredding or burning.

**System manager(s) and address:** SAPMG, Employee and Labor Relations Group, Headquarters.

**Notification procedure:** Employees wishing to know whether this system of records contains information on them should address inquiries

to the Regional Postmaster General of the region in which the application was made. Inquiries should contain full name, the postal facility to which application was made, title and place of employment.

**Record access procedures:** See Notification procedure above.

**Contesting record procedures:** See Notification procedure above.

**Record source categories:** Information is obtained from the employee, Postal background personnel data, and from forms completed by the employee.

**Systems exempted from certain provisions of the act:** Reference 39 CFR 266.9 for details.

#### USPS 120.140

**System name:** Personnel Records—Program for Alcoholic Recovery (PAR), 120.140.

**System location:** PAR offices.

**Categories of individuals covered by the system:** USPS employees who volunteer for the Program.

**Categories of records in the system:** Number of counseling contacts and leave usage while participating in the Program, name and personal information necessary to assist employees in a Program of recovery.

**Authority for maintenance of the system:** 39 USC 401.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—To provide Counselors with information to maintain caseload and follow-up counseling of individuals under the Program. Used as a management data source for statistical reporting on the Program.

**Use—None**

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Printed forms and paper files.

**Retrievability:** Employee name and case number.

**Safeguards:** These confidential files are maintained in locked file cabinets with limited access to PAR personnel and in secured facilities.

**Retention and disposal:** 1. Case card is destroyed six years following close of case. 2. Correspondence and reports are destroyed after three years (field) or ten years (headquarters). 3. Historical case records card is destroyed six years after close of case file. 4. Case files are destroyed three years after recovery or one year after participant terminates enrollment. All records are destroyed by shredding.

**System manager(s) and address:** APMG, Employee Relations Dept., Headquarters.

**Notification procedure:** Employees participating in the Program should address inquiries to the head of the facility where participating in the Program. Inquiries should contain employee's name and location of employment. Headquarters employees should submit requests to the SYSTEM MANAGER.

**Record access procedures:** See NOTIFICATION above.

**Contesting record procedures:** See NOTIFICATION above.

**Record source categories:** The participating employee, PAR counselor and the referring source.

#### USPS 120.150

**System name:** Personnel Records—Recruiting, Examining, Training and Placement Records, 120.150.

**System location:** U.S. Postal Service personnel offices and/or other offices within Postal Service facilities authorized to make appointments to positions.

**Categories of individuals covered by the system:** Job applicants.

**Categories of records in the system:** Personal and professional résumés, personal applications, test scores, academic transcripts, letters of recommendation, notes and comments from interviews, investigations and related correspondence, promotion, merit forms and records, including those for the Initial Level Supervisor Selection, Management Associates, Management Trainee, and Executive Leadership Programs as well as those of applicants for PAR Counseling and MAS Instructorships.

**Authority for maintenance of the system:** 39 USC 401, 1001.

**Routine use of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—To provide managers

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and supervisors information in recruiting and recommending appointment of qualified persons to any grade level.

**Use—**

1. To exchange or furnish information to other employees or employment reference services.

2. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, relevant to a decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

4. To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

5. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

6. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

7. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

8. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

9. Information contained in this system of records may be disclosed to an authorized investigator appointed by the United States Civil Service Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 5 CFR 713, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

10. Inactive records may be transferred to a GSA Federal Records Center prior to destruction.

Information contained in this system of records may be disclosed to an authorized investigator appointed by the United States Civil Service Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 5 CFR 713, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper files, Xerox copies, index cards, magnetic tape, punched cards, pre-printed forms, and computer printed reports.

**Retrievability:** Employee name and social security number.

**Safeguards:** Records are maintained in closed filing cabinets under scrutiny of designated managers within secured facilities.

**Retention and disposal:** Records are retained for period of usefulness which varies by type of record and ranges from one day to 10 years. Retention periods for individual record types may be found in official USPS records retention schedules. At the end of period of usefulness, records are destroyed with the exception of lists of eligibles and examination cards which are transferred to the National Personnel Records Center, St. Louis, MO.

**System manager(s) and address:** APMG, Employee Relations Department, Headquarters.

**Notification procedure:** Persons wishing to know whether information is contained on them in this system of records should address inquiries to the head of the facility to which application was made. Headquarters employees should submit requests to the System manager. Inquiries should contain full name, social security number, and if applicable approximate date of application submitted and residence.

**Record access procedures:** See Notification procedure above.

**Contesting record procedures:** See Notification procedure above.

**Record source categories:** Individual, school officials, former employers, supervisors, named references, training coordinators.

**Systems exempted from certain provisions of the act:** Reference 39 CFR 266.9 for details.

**USPS 120.170**

**System name:** Personnel Records—Safe Driver Award Records, 120.170

**System location:** Motor Vehicle Offices of Postal Facilities

**Categories of individuals covered by the system:** USPS employees who are full-time drivers of postal vehicles.

**Categories of records in the system:** Contains employees' name, yearly Safe Driver Awards and record of any accidents in which employee is involved.

**Authority for maintenance of the system:** 39 USC 401

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—To provide information for awarding Safe Driver Awards.

**Use—**

1. To furnish information to the National Safety Council for award purposes.

2. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

3. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Information contained in this system of records may be disclosed to an authorized investigator appointed by the United States Civil Service Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 5 CFR 713, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained on index cards.

**Retrievability:** Filed alphabetically by name of employee.

**Safeguards:** Kept in closed file cabinet with limited access.

**Retention and disposal:** Maintained on each full-time driver until he retires, or otherwise separates from full-time driving, and then destroyed by shredding.

**System manager(s) and address:** APMG, Employee Relations Department, Headquarters

**Notification procedure:** Employees wishing to know whether information about them is maintained in this system of records should address inquiries to the head of the facility where employed. Headquarters employees should submit the request to the SYSTEM MANAGER. Inquiries should contain full name.

**Record access procedures:** See NOTIFICATION above.

**Contesting record procedures:** See NOTIFICATION above.

**Record source categories:** Information is obtained from the driver and from USPS accident reports.

**USPS 120.180**

**System name:** Personnel Records—Skills Bank (Human Resources Records), 120.180

**System location:** Maintained by various postal facilities as determined by local management.

**Categories of individuals covered by the system:** USPS employees.

**Categories of records in the system:** Employee name, Social Security Number, address, job position, educational background, special qualifications, skills, performance code, potential for advancement code, career goals, sex, salary, and other personal information. (The various systems in existence may contain more or less information than specified herein.)

**Authority for maintenance of the system:** Public Law 92-261, 39 USC 401, 1001

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—Used by USPS management to place employees in new positions, and to assist in career planning and training in general; also used by management to provide statistics for management of personnel.

**Use—**

1. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

2. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Information contained in this system of records may be disclosed to an authorized investigator appointed by the United States Civil Service Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 5 CFR 713, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Printed forms, punched cards, magnetic tape, computer reports.

**Retrievability:** Name and Social Security Number.

**Safeguards:** Locked file cabinets, controlled access, computer password authentication, magnetic tape library, physical security.

**Retention and disposal:** Maintained for the period employed and updated as employee status changes. Destroyed by shredding or computer erasure.

**System manager(s) and address:** APMG, Employee Relations Department, Headquarters

**Notification procedure:** Employees wishing to know whether such a system exists at their place of employment or whether information about them is maintained in this system of records should address inquiries to the head of the facility where employed. Headquarters employees should submit requests to the System Manager. Inquiries should contain full name, Social Security Number, and place of employment.

**Record access procedures:** See "NOTIFICATION" above.

**Contesting record procedures:** See "NOTIFICATION" above.

**Record source categories:** Information is obtained directly from employee, and USPS personnel forms.

**USPS 120.190**

**System name:** Personnel Records—Supervisor's Personnel Records, 120.190

**System location:** Any Postal facility.

**Categories of individuals covered by the system:** USPS Employees.

**Categories of records in the system:** Records consist of summaries or excerpts from the following other USPS personnel systems: 120.036, 120.070, 120.150, 120.180, 120.210; as well as records of discipline. In addition, copies of other Postal Service records and records originated by the supervisor may be included at the supervisor's discretion.

**Authority for maintenance of the system:** 39 USC 401, 1001.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—To enable supervisors to efficiently manage assigned personnel.

**Use—**

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

2. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a

party before a court or administrative body.

3. Disclosure of records of discipline may be further made to a labor organization pursuant to the National Labor Relations Act upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

4. Records of discipline may become part of USPS 120.170 and would therefore be subject to disclosure under the routine uses of that system of records.

5. Information contained in this system of records may be disclosed to an authorized investigator appointed by the United States Civil Service Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 5 CFR 713, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

Information contained in this system of records may be disclosed to an authorized investigator appointed by the United States Civil Service Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 5 CFR 713, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper files.

**Retrievability:** Indexed by employee name.

**Safeguards:** Locked in supervisor's desk or filing cabinets.

**Retention and disposal:** 1. Except for those records of discipline described in subparagraphs 2, 3, and 4 below, supervisor's personnel records may be retained for the duration of the supervisor-employee working relationship. Upon separation of an employee from the Postal Service, the entire file pertaining to that employee is destroyed by burning or shredding within 30 days.

2. Counseling Records shall be destroyed after one year if there has been no disciplinary action initiated against the employee during that period.

3. Letters of Warning shall be destroyed after two years if there has been no disciplinary action initiated against the employee during that period.

4. A record of counseling, a letter of warning, or other disciplinary record, which has been relied upon in a subsequent suspension or discharge, will be retained in this system in accord with subparagraphs 1 through 3 above. Such records also will be permanently filed in USPS 120.070, if the subsequent suspension or discharge ultimately is sustained or modified in a manner requiring the preparation of a Form 50.

**System manager(s) and address:** APMG, Employee Relations Department, Headquarters.

**Notification procedure:** Employees wishing to know whether this system of records contains information on them should address inquiries to the head of the facility where employed. Headquarters employees should submit requests to the System manager.

**Record access procedures:** See Notification procedure above.

**Contesting record procedures:** See Notification procedure above.

**Record source categories:** Other personnel records systems, supervisor notes, employees, postal customers.

**USPS 120.210**

**System name:** Personnel Records—Vehicle Maintenance and Operators Records, 120.210

**System location:** Vehicle Service Operations at Post Offices, Sectional Centers, District Offices, Regional Offices, Headquarters, Bulk Mail Centers, Postal Data Centers and Automatic Data Processing Centers.

**Categories of individuals covered by the system:** USPS employees

**Categories of records in the system:** Employee workload, work schedule, performance analysis and work habits. Employee name, age, length of service, physical condition, vehicle accidents, driving citations, safety awards records, driver license revocation and suspension, driving habits, vehicle training, results of driving tests qualifications to drive vehicles.

**Authority for maintenance of the system:** 39 USC 401

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—To provide

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local post office managers, supervisors and Director of Fleet Management Operations with information to adjust workload, change schedules, change type equipment operated, lists of equipment assigned to employee, and used as a basis for corrective action or safe driving awards.

**Use—**

1. To provide GSA and USPS driver credentials.  
2. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to Postal Inspection Service, or to the appropriate agency, whether Federal, State or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

3. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any state of the legislative coordination and clearance process as set forth in that Circular.

4. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

5. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

6. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Information contained in this system of records may be disclosed to an authorized investigator appointed by the United States Civil Service Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 5 CFR 713, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Printed forms, and computer tapes.

**Retrievability:** Employee name, vehicle number, route number, work order number and facility name.

**Safeguards:** Records are maintained in closed file cabinets in secured facilities.

**Retention and disposal:** a. Records pertaining to postal-owned vehicle driver's individual testing and driver's records are retained for three years after separation of the employee and destroyed by shredding.

b. Accident reports are retained for three years and destroyed by shredding.

c. Inspection reports are retained for two years after the date of the report and destroyed by shredding.

d. Other records are retained as long as the individual is employed as a vehicle operator, held for one year from the date of reassignment and destroyed by shredding.

**System manager(s) and address:** APMG, Delivery Services Department, Headquarters.

**Notification procedure:** Employees wishing to know whether information about them is maintained in this system of records should address inquiries to the head of the facility where employed. Inquiries should contain employee's full name, Social Security Number, route number, work station and facility where employed.

**Record access procedures:** See "NOTIFICATION" above.

**Contesting record procedures:** See "NOTIFICATION" above.

**Record source categories:** The employee, medical doctors, driver examiner/instructor state vehicle departments and supervisors.

#### USPS 120.220

**System name:** Personnel Records—Arbitration Case Files, 120.220

**System location:** Law Department, Regional and National Headquarters.

**Categories of individuals covered by the system:** Employees involved in labor arbitration.

**Categories of records in the system:** (a) Formal pleadings and memoranda of law; (b) Other relevant documents; (c) Miscellaneous notes and case analyses prepared by Postal Service attorneys and personnel;

(d) Correspondence and telephone records.

**Authority for maintenance of the system:** 39 USC 401, 409(d)

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—This information is used to provide legal advice and representation to the Postal Service.

**Use—**

1. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

2. Disclosure may be made from the record of an individual, where pertinent in any legal proceeding to which the Postal Service is a party before a court or administrative body or other tribunal.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Transferred to Department of Justice, when needed by that department to perform properly its duties as legal representative of the Postal Service.

5. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper form, original or copies, preprinted or handwritten forms.

**Retrievability:** By name of litigant(s).

**Safeguards:** Records are maintained in ordinary filing equipment under general scrutiny of USPS legal counsels and staff.

**Retention and disposal:** These case files are maintained for three (3) years following close of matter.

**System manager(s) and address:** General Counsel, Law Department, Headquarters.

**Notification procedure:** Persons interested in reviewing records within specific case files should submit their name; and case number, if known, to the General Counsel, Law Department, National Headquarters.

**Record access procedures:** See "System Manager" above.

**Contesting record procedures:** See "System Manager" above.

**Record source categories:** (a) Employees involved in labor arbitration cases; (b) Counsel(s) or other representative(s) for parties involved in the arbitration case other than Postal Service; (c) Arbitrators; (d) Other individuals involved in labor arbitration cases. Source documents include the formal case file, and other records relevant to the case.

#### USPS 120.230

**System name:** Personnel Records—Adverse Action Appeals (Administrative Litigation Case Files) 120.230.

**System location:** Law Department, Regional and National Headquarters.

**Categories of individuals covered by the system:** Employees involved in Veterans' Appeal and other adverse action appeals.

**Categories of records in the system:** (a) Formal pleadings and memoranda of law; (b) Other relevant documents; (c) Miscellaneous notes and case analyses prepared by Postal Service attorneys and other personnel; (d) Correspondence and telephone records.

**Authority for maintenance of the system:** 39 USC 401, 409(d).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—This information is used to provide legal advice and representation to the Postal Service.

**Use—**

1. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

2. Disclosure may be made from the record of an individual, where pertinent in any legal proceeding to which the Postal Service is a party before a court or administrative body or other tribunal.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Transferred to Department of Justice, when needed by that department to perform properly its duties as legal representative of the Postal Service.

5. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper form, original or copies, preprinted or handwritten forms.

**Retrievability:** By name of litigant(s).

**Safeguards:** Records are maintained in ordinary filing equipment under general scrutiny of USPS legal counsels and staff.

**Retention and disposal:** These case files are maintained for three (3) years following close of matter.

**System manager(s) and address:** General Counsel, Law Department, Headquarters.

**Notification procedure:** Persons interested in reviewing records within specific case files should submit their name; and case number, if known, to the General Counsel, Law Department, National Headquarters.

**Record access procedures:** See "System Manager" above.

**Contesting record procedures:** See "System Manager" above.

**Record source categories:** (a) Employees involved in Veterans Appeals and other adverse actions appeals; (b) Counsel(s) or other representative(s) for parties in administrative litigation other than Postal Service; (c) Other individuals involved in appeals. Source documents include the formal case file, and other records relevant to the case.

#### USPS 120.240

**System name:** Personnel Records—Garnishment Case Files, 120.240.

**System location:** Law Department, Headquarters; Regional Counsel Offices, Regional Headquarters.

**Categories of individuals covered by the system:** Employees involved in garnishment cases.

**Categories of records in the system:** (a) Formal pleadings and memoranda of law; (b) Other relevant documents; (c) Miscellaneous notes and case analyses prepared by Postal Service attorneys and other personnel; (d) Correspondence and telephone records.

**Authority for maintenance of the system:** 39 USC 401, 409(d).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—This information is used to provide legal advice and representation to the Postal Service.

**Use—**

1. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

2. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body or other tribunal.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Transferred to Department of Justice, when needed by that department to perform properly its duties as legal representative of the Postal Service.

5. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper form, original or copies, preprinted or handwritten forms.

**Retrievability:** By name of litigant(s) or case and state of court action.

**Safeguards:** Records are maintained in ordinary filing equipment under general scrutiny of USPS legal counsels and staff.

**Retention and disposal:** These case files are maintained for three (3) years following close of matter.

**System manager(s) and address:** General Counsel, Law Department, Headquarters.

**Notification procedure:** Persons interested in reviewing records within specific case files should submit their name; and case number, if known, to the General Counsel, Law Department, National Headquarters.

**Record access procedures:** See "System Manager" above.

**Contesting record procedures:** See "System Manager" above.

**Record source categories:** (a) Employees involved in garnishment cases; (b) Counsel(s) or other representatives for parties other than Postal Service; (c) Other individuals involved in garnishment cases. Source documents include internal memoranda and court related documents.

#### USPS 130.010

**System name:** Philately—Ben Franklin Stamp Club Direct Mail Responders List, 130.010.

**System location:** Office of Stamps, USPS Headquarters.

**Categories of individuals covered by the system:** Adult sponsors of stamp clubs for youth groups as well as club presidents of adult groups.

**Categories of records in the system:** Name and address of club sponsors or president.

**Authority for maintenance of the system:** 39 USC 401, 404

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—As an adjunct to a philatelic program, lists of club sponsors or presidents of stamp clubs are used by Sectional Center personnel and District personnel as well as individual postmasters as follows:

1. To assist sponsors in forming stamp clubs.  
2. Making contact with clubs to assist in program presentation and USPS cooperation at stamp shows and philatelic exhibits.  
3. Responsiveness to philatelic sales requests.  
4. Determining USPS needs of films, graphics, and publications related to philately.

**Use—**

5. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

6. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper files.

**Retrievability:** Indexed by name of individual within the club or stamp group to which he is associated.

**Safeguards:** Records are maintained in closed file cabinets in secured facility.

**Retention and disposal:** Records are maintained for one year and then destroyed by shredding.

**System manager(s) and address:** APMG, Customer Services Department, Headquarters.

**Notification procedure:** Customers wishing to know whether information about them is maintained in this system of records should address inquiries to the SYSTEM MANAGER above. Inquiries should contain full name, address, and the club or stamp group he is associated with.

**Record access procedures:** See "SYSTEM MANAGER" above.

**Contesting record procedures:** See "SYSTEM MANAGER" above.

**Record source categories:** Information is obtained from the individual.

#### USPS 130.020

**System name:** Philately—Educators Stamp Fun Mailing List, 130.020

**System location:** Customer Services Department, Headquarters.

**Categories of individuals covered by the system:** Elementary school teachers in schools around the country.

**Categories of records in the system:** Teachers' name, address of school, number of students in the school, number of known stamp collectors in the school, existence of a stamp club.

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**Authority for maintenance of the system:** 39 USC 401, 404

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—These Records are used by the Philatelic Education Division of the Office of Stamps to mail periodically issues of "Stamp Fun".

**Use—**

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

2. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Punched cards

**Retrievability:** Index by coding number or school teacher name

**Safeguards:** Stored in locked room.

**Retention and disposal:** Indefinitely with annual updates.

**System manager(s) and address:** APMG, Customer Services Department, Headquarters.

**Notification procedure:** Persons wishing to know whether information about them is maintained in this system of records should address inquiries to the above SYSTEM MANAGER. Inquiries should include full name and name and address of school.

**Record access procedures:** See "SYSTEM MANAGER" above.

**Contesting record procedures:** See "SYSTEM MANAGER" above.

**Record source categories:** Return responses from national mailing of "Stamp Fun".

#### USPS 130.040

**System name:** Philately—Philatelic Product Sales and Distribution, 130.040

**System location:** Customer Services Department, Headquarters, and Contracted ADP Sites.

**Categories of individuals covered by the system:** Customers who have initiated correspondence expressing an interest in philately by (1) responding to various philatelic product sales promotion programs by submitting order forms, business reply cards, or cut outs from posters and promotional literature, (2) providing postal clerks with name and address information to receive future philatelic product announcements, (3) opening subscription accounts for philatelic products, or (4) requesting products in unsolicited correspondence, such as letters.

**Categories of records in the system:** Customer/subscriber name and account number, address, funds on deposit, remittance type and amount, order/product specifications, order history; also, special lists identifying individuals who have submitted bad checks, special services customers/subscribers, and individuals who have registered multiple service complaints.

**Authority for maintenance of the system:** 39 USC 401, 404.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—(1) to operate a subscription service for customers who remit money for a particular philatelic product or products; (2) to maintain a file to send philatelic product announcements and sales literature to customers or subscribers; (3) to serve as a source for statistical data for research and market analysis, billing and inventory data, and mailing basis for product shipment and (4) to identify discrete groups of customers/subscribers for better order control and service.

**Use—**

1. Disclosure may be made where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

3. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Maintained in original typed or handwritten form, or microform, and on magnetic tape or disk and computer printouts.

**Retrievability:** Records are indexed by customer/subscriber name and by account number, if assigned.

**Safeguards:** Paper and microform records are maintained in closed filing cabinets under general scrutiny of personnel of the Philatelic Sales Division and the Building Security Guard Force, and when maintained on magnetic tape and disk, the information is protected by ADP physical, technical software and administrative security of the Headquarters Data Center or by contractors providing similar protection which is subject to the audit and inspection of the USPS Inspection Service.

**Retention and disposal:** ADP and microform records are maintained for three years after the individual has failed to make a purchase or has indicated no other interest. ADP records are obliterated after their period of usefulness, microform records are incinerated. Correspondence and other paper documents are retained for 3 years and then destroyed by shredding.

**System manager(s) and address:** APMG, Customer Services Department, Headquarters.

**Notification procedure:** Individuals wishing to know whether information about them is maintained in this system of records should address inquiries to the System Manager above. Inquiries should contain full name and address.

**Records access procedures:** See Notification procedure above.

**Contesting record procedures:** See Notification procedure above.

**Record source categories:** Information is obtained directly from the individual as is described in "Category of Individuals Covered by the System" above.

#### USPS 140.010

**System name:** Postage—Postage Refund Records, 140.010

**System location:** Post Offices

**Categories of individuals covered by the system:** Any postal customer who applies for a refund of funds previously given to the USPS for services, box rentals, postage meter setting, advance deposits, etc.

**Categories of records in the system:** Name and address of customer and reason for request for refund.

**Authority for maintenance of the system:** 39 USC 401, 403, 404

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—Used as official documentation that a legal disbursement of postal funds has been made to customers for services not rendered after customer has paid for service or has advanced funds in anticipation of the service.

**Use—**

1. Provides management information for periodic financial audits of the system.

2. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to Postal Inspection Service, or to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

3. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Completed forms.

**Retrievability:** Indexed by post office, name and accounting period.

**Safeguards:** Maintained in closed file cabinet in secured facilities.

**Retention and disposal:** Records are maintained for three years and then destroyed by shredding.

**System manager(s) and address:** APMG, Finance Group, Headquarters.

**Notification procedure:** Inquiries should be addressed to the postmaster within the facility where monies were deposited. Inquiries should contain full name.

**Record access procedures:** See "NOTIFICATION" above.

**Contesting record procedures:** See "NOTIFICATION" above.  
**Record source categories:** Postal customer completing the form.

#### USPS 140.020

**System name:** Postage—Postal Meter Records, 140.020

**System location:** Post Offices

**Categories of individuals covered by the system:** Meter users

**Categories of records in the system:** Customer Name and address, meter update activity, schedule for meter upgradings for on-site meter settings, license application, and transaction documents.

**Authority for maintenance of the system:** 39 USC 401, 404

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—To enable responsible administration of postal meter activities.

**Use—**

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

2. To disclose identity and address of meter user and identity of agent of user to any member of public upon request.

3. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Printed forms.

**Retrievability:** Records are indexed by customer name and by numeric file of postage meters.

**Safeguards:** Records are maintained in closed file cabinets in secured facilities.

**Retention and disposal:** Records are maintained for one year after final entry or the duration of the license and then destroyed by shredding.

**System manager(s) and address:** APMG, Customer Services Department, Headquarters

**Notification procedure:** Persons wishing to know whether information about them is maintained in this system of records should address inquiries to the local postmaster from which license was obtained supplying name and meter number.

**Record access procedures:** See "NOTIFICATION" above.

**Contesting record procedures:** See "NOTIFICATION" above.

**Record source categories:** Information is obtained from the individual and officials making entries to reflect activities.

#### USPS 150.010

**System name:** Records and Information Management Records—Information Disclosure Accounting Records (Freedom of Information Act), 150.010

**System location:** Records Officer, USPS Headquarters, and records Custodians at all USPS facilities.

**Categories of individuals covered by the system:** USPS employees and citizens requesting information under the Freedom of Information Act.

**Categories of records in the system:** Name of requestor and the type of information requested.

**Authority for maintenance of the system:** 39 USC 401, 412; 5 USC 552; Public Law 93-502

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—These records are kept in order to determine the status of information requested and to facilitate the processing of requests.

**Use—**

1. Disclosure may be made to a congressional office from the

record of an individual in response to an inquiry from the congressional office made at the request of that individual.

2. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper files

**Retrievability:** Individuals name and date of request.

**Safeguards:** Locked file drawers and access control.

**Retention and disposal:** Records are maintained by Custodians and the Records Officer for a period of two years. The Headquarters Library and General Counsel keep permanently copies of legal proceedings and appeals related to these records.

**System manager(s) and address:** Postal Service Records Officer, Headquarters

**Notification procedure:** Persons wishing to know whether information about them is maintained in this system of records should address inquiries to the Custodian at the facility where request was sent. Inquiries should contain full name and date of request.

**Record access procedures:** See "NOTIFICATION" above.

**Contesting record procedures:** See "NOTIFICATION" above.

**Record source categories:** Information is obtained from the individual making the request.

#### USPS 150.015

**System name:** Records and Information Management Records—Freedom of Information Appeals System, 150.015.

**System location:** USPS National Headquarters, Law Department

**Categories of individuals covered by the system:** The system encompasses all individuals who submit appeals under the Freedom of Information Act from denials of access to or copies of records maintained by the Postal Service.

**Categories of records in the system:** The system consists of copies of all correspondence relating to appeals from the denials of requests for access to or copies of records pursuant to the Freedom of Information Act, of pleadings on civil actions arising under the Act, and of other documents incidental thereto.

**Authority for maintenance of the system:** 5 USC 552

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—To enable the General Counsel to carry out his duties as appellate authority and to comply with reporting requirements. Use—

1. These records are used to provide information and records to the Department of Justice in its coordination of responses to requests for information and its representation of the Postal Service in civil actions, and to prepare reports required by 5 USC 552(d).

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

3. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** These records are stored in paper folders.

**Retrievability:** Alphabetically, by name of the requester except in those instances where a requester has an appeal filed on his behalf by an attorney. In those cases, the attorney's name might appear as the requester appellant.

**Safeguards:** These records are stored in locked file cabinets.

**Retention and disposal:** These records are kept indefinitely.

**System manager(s) and address:** General Counsel, Law Department, National Headquarters.

**Notification procedure:** Inquiries should be addressed to the System Manager above and should contain the name of the requester and the name of that person's attorney.

**Record access procedures:** See NOTIFICATION above.

**Contesting record procedures:** See NOTIFICATION above.

**Record source categories:** The individual to whom the record pertains, and that person's attorney.

#### USPS 150.020

**System name:** Records and Information Management

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**Records—Information Disclosure Accounting Records (Privacy Act), 150.020**

**System location:** Records Officer, USPS Headquarters and records Custodians at all USPS facilities.

**Categories of individuals covered by the system:** Any USPS employee or citizen who makes an inquiry under the Privacy Act.

**Categories of records in the system:** Name of inquirer and the type of information requested and USPS response thereto.

**Authority for maintenance of the system:** 39 USC 401; Public Law 93-579, 88 Statute 1896.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—These records are to provide information related to requestors of personal information under the Privacy Act.

**Use—**  
1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

2. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper files.

**Retrievability:** Requesters' name and date of inquiry.

**Safeguards:** Locked file drawers and access control.

**Retention and disposal:** Request letters and related correspondence are retained for two years. Accountings of disclosures are retained for five years or the life of the disclosed record, whichever is longer. All records are destroyed by burning or shredding.

**System manager(s) and address:** Postal Service Records Officer, Headquarters.

**Notification procedure:** Persons wishing to know whether information about them is maintained in this system of records should address inquiries to the Custodian at the facility where request was sent. Inquiries should contain full name, and date of the request.

**Record access procedures:** See "NOTIFICATION" above.

**Contesting record procedures:** See "NOTIFICATION" above.

**Record source categories:** Information is obtained from the individual making the request.

#### USPS 150.025

**System name:** Records and Information Management Records—Privacy Appeals System, 150.025.

**System location:** Postal Service, National Headquarters.

**Categories of individuals covered by the system:** The system encompasses all individuals who submit appeals under the provisions of the Privacy Act of 1974.

**Categories of records in the system:** The system consists of copies of all correspondence relating to appeals from Postal Service denials of amendment of records pursuant to the Privacy Act, of pleadings in civil actions arising under the Act, and of other documents incidental thereto.

**Authority for maintenance of the system:** 5 USC 552a

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—To enable the USPS Privacy Appeals Officer to carry out his duties as appellate authority and to comply with reporting requirements. Use—

1. These records are used to provide information and records to the Department of Justice in its coordination of responses to requests for information and its representation of the Postal Service in civil actions and to prepare reports required by 5 USC 552a(p).

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

3. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

4. Inactive records may be transferred to a GSA Federal Records Center prior to destruction.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** These records are stored as paper files.

**Retrievability:** Alphabetically, by name of the requester except in those instances where a requester has an appeal filed on his behalf

by an attorney. In those cases, the attorney's name might appear as the requester appellant.

**Safeguards:** These records are stored in locked cabinets.

**Retention and disposal:** These records are kept indefinitely.

**System manager(s) and address:** Postal Service Privacy Appeals Officer, Headquarters.

**Notification procedure:** Inquiries should be addressed to the System Manager above and should contain the name of the requester and name of attorney if applicable.

**Record access procedures:** See NOTIFICATION above.

**Contesting record procedures:** See NOTIFICATION above.

**Record source categories:** The individual to whom the record pertains, and that person's attorney.

#### USPS 160.010

**System name:** Special Mail Services—Insured and Registered Domestic Mail Inquiry and Application for Indemnity Records, 160.010.

**System location:** Rates and Classification Department, Headquarters, Postal Data Center, St. Louis, MO; and Post Offices.

**Categories of individuals covered by the system:** Insured and registered domestic mail claimants/inquirers including mail senders and addressees.

**Categories of records in the system:** Name and address of mail sender and addressee; declaration of claimant/inquirer; claim/inquiry status information.

**Authority for maintenance of the system:** 39 USC 401, 404.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—This information is used in responding to inquiries on the status of domestic insured and registered mail, and in the adjudication of claims related to such mail.

**Use—**  
1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, State or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

2. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

3. Where pertinent, in any legal proceeding to which the Postal Service is a party before a court of administrative body.

4. Pursuant to the National Labor Relations Act, to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

5. Inactive records may be transferred to a GSA Federal Records Center prior to destruction.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Handwritten and typed forms, magnetic tape, punched cards, computer printouts.

**Retrievability:** Claimant/inquirer name, case number, registered article number.

**Safeguards:** Handwritten and typed forms are maintained in steel file cabinets with use limited to claims personnel. Computer readable media are stored in protected areas, and access to the media is confined to authorized data processing personnel.

**Retention and disposal:** Domestic inquiries are maintained for two years. Claim records are maintained for one year at St. Louis Postal Data Center and then transferred to the Federal Records Center and maintained for another three years. All records are destroyed by shredding.

**System manager(s) and address:** APMG, Rates and Classification Department, Headquarters.

**Notification procedure:** Persons wishing to know whether information about them is maintained in this system of records should address inquiries to the head of the facility where the insured or registered domestic claim was filed. If claim has been filed, inquiry should include claim number, date of claim, insured or registered number of article mailed.

**Record access procedures:** NOTIFICATION PROCEDURE above.

**Contesting record procedures:** See NOTIFICATION PROCEDURE above.

**Record source categories:** Information from the individual completing the claim/inquiry form.

#### USPS 160.020

**System name:** Special Mail Services—Insured and Registered International Mail Inquiry and Application for Indemnity Records, 160.020.

**System location:** Rates and Classification Department, USPS Headquarters, Postal Data Center, St. Louis, MO; and International Adjusting Offices in Chicago, New York, New Orleans and San Francisco.

**Categories of individuals covered by the system:** Insured and registered international mail claimants/inquirers, including mail sender and addressees; declaration of claimants/inquirers, claim/inquiry status information.

**Authority for maintenance of the system:** 39 USC 401, 404.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—This information is used in responding to inquiries regarding international mail, and in the adjudication of insured and registered international mail claims.

**Use—**  
1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether international, Federal, state or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

2. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

3. Where pertinent in any legal proceeding to which the Postal Service is a party before a court or administrative body.

4. Pursuant to the National Labor Relations Act, to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

5. To refer an international mail inquiry or claim to the appropriate foreign postal authority when required for claim resolution.

6. Inactive records may be transferred to a GSA Federal Records Center prior to destruction.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Handwritten and typed forms, magnetic tape, punched cards, computer printouts.

**Retrievability:** Claimant/inquirer name, case number, registered article number.

**Safeguards:** Handwritten and typed forms are maintained in steel file cabinets with use limited to claims personnel. Computer readable media are stored in protected areas, and access to the media is confined to authorized data processing personnel.

**Retention and disposal:** International inquiries are maintained for three years. Claim records are maintained for one year at St. Louis Postal Data Center and then transferred to the Federal Records Center and maintained for another three years. All records are destroyed by shredding.

**System manager(s) and address:** APMG, Rates and Classification Department, Headquarters.

**Notification procedure:** Persons wishing to know whether information about them is maintained in this system of records should address inquiries to the head of the facility where the insured or registered foreign mail claim was filed. If claim has been filed, inquiry should include claim number, date of claim, insured or registered number of article mailed.

**Record access procedures:** See NOTIFICATION PROCEDURE above.

**Contesting record procedures:** See NOTIFICATION PROCEDURE above.

**Record source categories:** Information from the individual completing the claim/inquiry form.

#### USPS 160.030

**System name:** Special Mail Services—Express Mail Service Insurance Claims for Loss, Delay and Damage (Proposed), 160.030.

**System location:** Customer Services Department, USPS Headquarters.

**Categories of individuals covered by the system:** Express Mail claimants and representatives.

**Categories of records in the system:** Postal Service forms and correspondence related to the claims.

**Authority for maintenance of the system:** 39 USC 401, 404.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—This information is used in the adjudication of express mail service claims for loss, delay and damage.

**Use—**  
1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether international, Federal, state or local, charged with the responsibility of investigating or prosecuting such

violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

2. Pursuant to the National Labor Relations Act, to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

3. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

5. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Stored in file cabinets in original, typed, handwritten, copied or printed form.

**Retrievability:** Claims are ordered by date of mailing but are retrieved by name of claimant through visual scanning.

**Safeguards:** Maintained in steel file cabinets within the exclusive custody of Express Mail Marketing personnel in the Customer Services Department and Claims Personnel in the Rates and Classification Department.

**Retention and disposal:** Records are retained for one year then destroyed by shredding.

**System manager(s) and address:** APMG, Customer Services Department, Headquarters.

**Notification procedure:** Claimants wishing to know whether information about them is maintained in this system of records should address inquiries to the SYSTEM MANAGER.

**Record access procedures:** See NOTIFICATION PROCEDURE above.

**Contesting record procedures:** See NOTIFICATION PROCEDURE above.

**Record source categories:** Information is obtained from the claimant or designated representative.

#### USPS 170.010

**System name:** Workload Reporting Records, 170.010.

**System location:** Workload Reporting Records are located and/or maintained in various Departments and Facilities of the USPS.

**Categories of individuals covered by the system:** USPS employees and contract employees assigned to work on specific projects.

**Categories of records in the system:** May include employee initials and surname, organizational unit and division, work hours on daily, weekly, or pay period basis by course number designated, social security number, systems code, weekly totals and pay period totals, project number, project name, name of customer contact, estimated completion date, estimated resources, actual contact, and general remarks about the development of the project.

**Authority for maintenance of the system:** 39 USC 401, 404.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—The system is used to determine project costs for billing customers for services and by management to schedule work loads and staffing.

**Use—**  
1. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

3. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

4. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

Information contained in this system of records may be disclosed to an authorized investigator appointed by the United States Civil Service Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 5 CFR 713, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

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**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Printed forms, magnetic tape and disks.

**Retrievability:** Employee initials and name, project number, system code, social security number, pay period or project name.

**Safeguards:** Maintained in secured area within secured facility.

**Retention and disposal:** In some cases, records are retained for one year and then automatically deleted from computer disks and paper files are destroyed by shredding. Some records are maintained on computer tape beyond one year for historical and trend analyses.

**System manager(s) and address:** The department or facility head where such records are required.

**Notification procedure:** Employees wishing to gain access to this information should address inquiries to the department or facility head where employed at the time of work load reporting. Inquiries should contain full name and project name and number.

**Record access procedures:** See NOTIFICATION above.

**Contesting record procedures:** See NOTIFICATION above.

**Record source categories:** Prepared by employee or supervisor as activities occur.

#### USPS 180.010

**System name:** Tort Claims—Tort Claims Records, 180.010

**System location:** Law Department at Headquarters and Regions, Postal Inspection Service, Division Headquarters, Post Offices and Postal Data Centers.

**Categories of individuals covered by the system:** Persons involved in accident as a result of postal operations or alleging money damages under the provisions of the Federal Tort Claims Act.

**Categories of records in the system:** Accident reports, tort claims filed, documentary evidence in support of tort claims, and litigation arising out of tort claims.

**Authority for maintenance of the system:** 28 USC 2671-80; 39 USC 409(c)

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—Used by attorneys and other employees of the Postal Service to consider, settle and defend against tort claims made against the USPS under the Federal Tort Claims Act. To refer to accident prevention and safety officers, manufacturers of equipment and supplies and their insurers.

**Use—**

1. Transferred to Department of Justice, other government agencies, and other persons involved in a claim against the Postal Service, for use in adjudication, civil litigation and criminal prosecution.

2. In the case of accidents, provide statistical information to members of the American Insurance Association Index System.

3. Provide information to USPS accident prevention and safety officers.

4. Furnish information to insurance companies that have named the United States as an additional insured or co-insured in liability insurance policies.

5. Provide information to equipment manufacturers and their insurers for claims considerations and possible improvement of equipment.

6. To respond to a subpoena duces tecum and other appropriate court order and summons.

7. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

8. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

9. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

10. Inactive records may be transferred to a GSA Federal Records Center prior to destruction.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper form, original or copies, preprinted or handwritten forms.

**Retrievability:** Information may be retrieved by person's name or Postal Inspection Service case number.

**Safeguards:** Records are maintained in ordinary filing equipment under general scrutiny of postal personnel.

**Retention and disposal:** Paid claims records at Headquarters are retained for seven years after payment; Postal Inspection Service files are retained for 25 years after closing; all other files are retained for five years after closing. All records are destroyed by shredding or burning.

**System manager(s) and address:** General Counsel, Law Department, Headquarters

**Notification procedure:** Furnish person's name, data and place of occurrence giving rise to a claim under the Federal Tort Claims Act, to the head of the facility where the claim was filed.

**Record access procedures:** See NOTIFICATION above.

**Contesting record procedures:** See NOTIFICATION above.

**Record source categories:** Claimants making demands for money damages, reports of postal employees involved in accidents, local police reports, Inspection Service investigative reports and American Insurance Association Index reports.

#### USPS 190.010

**System name:** Labor Law Civil Action—Civil Action Case Files, 190.010

**System location:** Law Department, Regional and National Headquarters.

**Categories of individuals covered by the system:** Individuals involved in litigation pertaining to employee and labor relations.

**Categories of records in the system:** (a) Formal pleadings and memoranda of law; (b) Other relevant documents (c) Miscellaneous notes and case analyses prepared by Postal Service attorneys and other personnel; (d) Correspondence and telephone records.

**Authority for maintenance of the system:** 39 USC 401, 409(d)

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—This information is used to provide legal advice and representation to the Postal Service.

**Use—**

1. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

2. Disclosure may be made from the record of an individual, where pertinent in any legal proceeding to which the Postal Service is a party before a court or administrative body or other tribunal.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Transferred to Department of Justice, when needed by that department to perform properly its duties as legal representative of the Postal Service.

5. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper form, original or copies, preprinted or handwritten forms.

**Retrievability:** By name of litigant(s).

**Safeguards:** Records are maintained in ordinary filing equipment under general scrutiny of USPS legal counsels and staff.

**Retention and disposal:** These case files are maintained for three (3) years following close of matter.

**System manager(s) and address:** General Counsel, Law Department, Headquarters.

**Notification procedure:** Persons interested in reviewing records within specific case files should submit their name; case number and court of record, if known, to the General Counsel, Law Department, National Headquarters.

**Record access procedures:** See "System Manager" above.

**Contesting record procedures:** See "System Manager" above.

**Record source categories:** (a) Individuals involved in litigation pertaining to employee and labor relations; (b) Counsel(s) and other representatives for parties in litigation other than Postal Service; (c) Other individuals involved in litigation pertaining to employee and

labor relations. Source documents include administrative complaint/action file, grievance file, and/or other records relevant to the case.

#### USPS 200.010

**System location:** Non-Mail Monetary Claim—Relocation Assistance Claims (Proposed), 200.010

**System location:** USPS National Headquarters (Real Estate and Buildings Department), Washington, DC 20260, and all Regional Real Estate and Buildings Departments.

**Categories of individuals covered by the system:** Owners and tenants of real property purchased or leased by the U.S. Postal Service.

**Categories of records in the system:** Completed claim forms and other documents related to indemnifying occupants of property acquired by the U.S. Postal Service.

**Authority for maintenance of the system:** Uniform Relocation and Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) and 39 USC 401.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—This information is used to adjudicate claims for reimbursement of relocation expenses incurred by owners and tenants of real property acquired by the U.S. Postal Service.

**Use—**

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

2. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of legislative coordination and clearance process as set forth in that Circular.

3. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body, or in connection with the settlement of any claim or the resolution of any dispute.

4. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

5. Inactive records may be transferred to a GSA Federal Records Center for storage prior to destruction.

6. May be disclosed to a Federal compliance investigator for case or program review.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Stored in file cabinets in original, typed, printed or handwritten form.

**Retrievability:** Claims are ordered and retrieved alphabetically by claimant name within project file.

**Safeguards:** Maintained in locked file cabinets within the exclusive custody of Real Estate and Buildings Department management personnel.

**Retention and disposal:** Records are retained for the life of the facility and then destroyed.

**System manager(s) and address:** APMG, Real Estate and Buildings Department, Headquarters.

**Notification procedure:** Claimants wishing to know whether and what information about them is maintained in this system of records should address inquiries to the same facility to which they applied for relocation benefits.

**Record access procedures:** See NOTIFICATION PROCEDURE above.

**Contesting record procedures:** See NOTIFICATION PROCEDURE above.

**Record source categories:** Information is obtained from previous dwelling owner or tenant claimant and Postal Service claim reviewers and adjudicators.

#### USPS 200.020

**System name:** Non-Mail Monetary Claims—Monetary Claims involving Present or Former employees (case files), 200.020.

**System location:** Law Department, Headquarters; Regional Counsel Offices, Regional Headquarters.

**Categories of individuals covered by the system:** Individuals involved in monetary claims cases.

**Categories of records in the system:** (a) Formal pleadings and memoranda of law; (b) Other relevant documents (c) Miscellaneous notes and case analyses prepared by Postal Service attorneys and other personnel; (d) Correspondence and telephone records.

**Authority for maintenance of the system:** 39 USC 401, 409(d).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Purpose—This information is used to provide legal advice and representation to the Postal Service.

**Use—**

1. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

2. Disclosure may be made from the record of an individual, where pertinent in any legal proceeding to which the Postal Service is a party before a court or administrative body or other tribunal.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Transferred to Department of Justice, when needed by that department to perform properly its duties as legal representative of the Postal Service.

5. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper form, original or copies, preprinted or handwritten forms.

**Retrievability:** By name of litigant(s).

**Safeguards:** Records are maintained in ordinary filing equipment under general scrutiny of USPS legal counsels and staff.

**Retention and disposal:** These case files are maintained for three (3) years following close of matter.

**System manager(s) and address:** General Counsel, Law Department, Headquarters.

**Notification procedure:** Persons interested in reviewing records within specific case files should submit their name; and case number, if known, to the General Counsel, Law Department, National Headquarters.

**Record access procedures:** See "System Manager" above.

**Contesting record procedures:** See "System Manager" above.

**Record source categories:** (a) Individuals involved in monetary claims cases, (b) Counsel(s) or other representatives for parties in litigation other than Postal Service. Source documents include records relevant to the case.

#### LIST OF U.S. POSTAL SERVICE FACILITIES REFERENCED HEREIN

The address of each Postal Service facility referred to in each system notice, other than post offices, and the geographical area served, is provided on the pages following. The addresses of individual post offices are not provided because of their large number and because that information is available locally to all concerned individuals.

The addresses of all Postal facilities, to include locations in the Canal Zone, Guam-Samoa, Puerto Rico, and the Virgin Islands, are contained in THE DIRECTORY OF POST OFFICES, Publication 26, Stock Number 3900-00247, available for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402—Price 3.90.

Postmasters, upon request, will supply the addresses of the District Offices and Sectional Management Centers to which they report.

The following excerpt of addresses and areas serviced is provided for convenience of Privacy Act correspondents, and obviates the repetition in each notice. All "Headquarters" addresses are: (Office), U.S. Postal Service, 475 L'Enfant Plaza West, SW., Washington, D.C. 20260.

#### POSTAL SERVICE REGIONAL OFFICES

Regional Postmaster General, Central Region, Main PO Bldg., Chicago, IL 60699. (States serviced: IL, MI, OH, IN, KY, WI,

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MN, IA, MO, ND, SD, NE, KS (Except 6791).

Regional Postmaster General, Eastern Region, PO Box 8601, Philadelphia, PA 19101. (States serviced: VA, WV, MD, DE, PA, DC, and those portions of New York State and New Jersey outside the Greater New York City Metropolitan area.)

Regional Postmaster General, Southern Region, 5100 Poplar Ave., Memphis, TN 38166. (States serviced: TN, AL, MS, TX, LA, GA, FL, NC, SC, OK, AR and KS (6791).)

Regional Postmaster General, Northeast Region, Main PO Bldg., New York, NY 10098. (States serviced: New York City, RI, MA, NH, VT, ME and those portions of New York State, Connecticut, and New Jersey within the New York City Metropolitan area, also Puerto Rico and Virgin Islands.)

Regional Postmaster General, Western Region, 850 Cherry St., San Bruno, CA 94099. (States serviced: CA, NV, HI, AK, WA, OR, MT, ID, WY, UT, CO, AZ, NM, El Paso, TX Dist and Guam.)

#### INSPECTION SERVICE

Chief Postal Inspector, U.S. Postal Service, 475 L'Enfant Plaza West, SW, Washington DC 20260.

Regional Chief Postal Inspector, Central Region, Chicago, Illinois 60607. (States serviced: IL, MI, OH, IN, KY, WI, MN, IA, MO, ND, SD, NE, and KS (ZIP Codes 660-678 only).)

Regional Chief Postal Inspector, Eastern Region, No. 1 Decker Square, East Lobby, Bala Cynwyd, Pennsylvania 19004. (States serviced: VA, WV, MD, DE, PA, DC and those portions of New York State and New Jersey outside the Greater New York City Metropolitan area.)

Regional Chief Postal Inspector, Northeast Region, 2 Penn Plaza, 20th Street, New York, New York 10097. (States serviced: New York City and those portions of New York State and New Jersey outside the Greater New York City Metropolitan area.)

Regional Chief Postal Inspector, Southern Region, U.S. Postal Service, 5100 Poplar Avenue, Room 1510, Memphis, Tennessee 38161. (States serviced: TN, AL, MS, TX, LA, GA, FL, NC, SC, OK, AR, and KS (ZIP Codes 67901-67954).)

Regional Chief Postal Inspector, Western Region, 850 Cherry Street, San Bruno, California 94099. (States serviced: CA, NV, HI, AK, WA, OR, MT, ID, WY, UT, CO, AZ, NM, El Paso, TX, District and Guam.)

Postal Inspector in Charge, Room 517, U.S. Post Office Federal Annex, South Forsyth and West Hunter Streets, Atlanta, Georgia 30302.

Postal Inspector in Charge, Room 537, Main Post Office Building, Devonshire Street and Milk Street, Boston, Massachusetts 02107.

Postal Inspector in Charge, Room 257, U.S. Post Office and Court House, Georgia Ave. and East Ninth Street, Chattanooga, Tennessee 37401.

Postal Inspector in Charge, Room 642, U.S. Post Office Building, Canal and Van Buren Streets, Chicago, Illinois 60607.

Postal Inspector in Charge, Room 220, U.S. Post Office and Court House, Walnut St. and Government Square, Cincinnati, Ohio 45201.

Postal Inspector in Charge, Room 339, U.S. Post Office and Court House, 18th and Stout Streets, Denver, Colorado 80201.

Postal Inspector in Charge, Room 400, General Post Office Building, 1401 West Fort Street, Detroit, Michigan 48232.

Postal Inspector in Charge, Room 202, U.S. Postal Office Building, Landcaster and Jennings Streets, Fort Worth, Texas 76101.

Postal Inspector in Charge, P.O. Box 30456, Los Angeles, California 90030.

Postal Inspector in Charge, U.S. Postal Service, P.O. Box 3180, Memphis, Tennessee 38103.

Postal Inspector in Charge, Room 233, Post Office and Court House Building, Federal Square, Newark, New Jersey 07101.

Postal Inspector in Charge, Room 4102, U.S. Post Office Main Office Building, Eighth Avenue and 33 Streets, New York, New York 10001.

Postal Inspector in Charge, Room 419, General Post Office Building, 30th and Market Street, Philadelphia, Pennsylvania 19101.

Postal Inspector in Charge, 1500 Chamber of Commerce Building, Pittsburgh, Pennsylvania 15219.

Postal Inspector in Charge, Room 712, 200 South Hanley Building, 200 South Hanley Rd., St. Louis, Missouri 63199.

Postal Inspector in Charge, Room 309, U.S. Post Office and Customhouse, East Kellogg Blvd., and Jackson Street, St. Paul, Minnesota 55165.

Postal Inspector in Charge, P.O. Box 367, San Francisco, California 94101.

Postal Inspector in Charge, Room 306, Main Post Office Building, 3rd Avenue and Union Street, Seattle, Washington 98111.

Postal Inspector in Charge, Room 3016, City Post Office Building, North Capitol Street and Massachusetts Avenue, Washington, D.C. 20013.

Postal Inspector in Charge, Room 3400, Special Investigation Division, 475 L'Enfant Plaza West, SW, Washington, D.C. 20260.

#### USPS POSTAL DATA CENTERS

Minneapolis Postal Data Center, Box 63, Main Post Office Building, Minneapolis, MN 55470. (States serviced: IL, MI, OH, IN, KY, WI, MN, IA, MO, ND, SD, NE, KS, TN, AL, MS, TX, LA, GA, FL, NC, SC, OK, AR.)

New York Postal Data Center, General Post Office Building, New York, NY 10099. (States serviced: NY, NJ, CT, ME, MA, RI, VT, VA, WV, MD, DE, PA, DC, Puerto Rico, and Virgin Islands.)

Saint Louis Postal Data Center, Post Office Building, Saint Louis, MO 63180. (Serves as national financial support.)

San Bruno Postal Data Center, 850 Cherry Street, San Bruno, CA 94097. (States serviced: CA, NV, HI, AK, WA, OR, MT, ID, WY, UT, CO, AZ, NM, and Guam.)

#### TRAINING INSTITUTE

Postal Service Training and Development Institute, 7900 Wisconsin Avenue, Washington, D.C. 20014.

#### BULK MAIL CENTERS

Atlanta, 1805 Bolton Road, NW., Atlanta, GA 30369.  
Chicago, 7500 West Roosevelt Road, Building No. 1, Forest Park, IL 60130.

Cincinnati, 3055 Crescentville Road, Cincinnati, OH 45235.  
Dallas, P.O. Box 21106, Dallas, TX 75211.

Denver, 7755 East 56th Avenue, Commerce City, CO 80022.  
Des Moines, 4000 NW., 109th Street, Des Moines, IA 50395.

Detroit, 17500 Oakwood Boulevard, Allen Park, MI 48101.  
Greensboro, 3701 West Wendover Avenue, Greensboro, NC 27495.

Jacksonville, 7415 Commonwealth Avenue, Jacksonville, FL 32099.

Kansas City, 4900 Speaker Road, Kansas City, KS 66106.  
Los Angeles, 4701 South Eastern Avenue, Bell, CA 90201.

Memphis, 1921 Elvis Presley Boulevard, Memphis, TN 38136.  
Minneapolis-St. Paul, 3165 South Lexington Avenue, St. Paul, MN 55121.

New York, 80 County Road, Jersey City, NJ 07307.  
Philadelphia, 1900 Byberry Road, Philadelphia, PA 19116.

Pittsburgh, R.D. No. 2, Wexford, PA 15090.  
St. Louis, 5800 Phantom Drive, Hazelwood, MO 63042.

San Francisco, 2501 Rydin Road, Richmond, CA 94850.  
Seattle, P.O. Box 5000, Federal Way, WA 98002.

Springfield, 190 Fiberloid Street, Springfield, MA 01151.  
Washington, 9201 Edgeworth Drive, Washington, D.C. 20027.

## OFFICE OF TELECOMMUNICATIONS POLICY

### PRIVACY ACT OF 1974

#### Systems of Records; Annual Publication

In accordance with Section 552a(e)(4) of the Privacy Act in 1974, the Office of Telecommunications Policy hereby publishes a listing of record systems maintained by this Office. There have been no changes since the previous annual publication of December 7, 1976 (41 FR 53643), as amended on December 13, 1976 (41 FR 524263).

William J. Thaler,  
Acting Director.

#### OTP File No. 1

System name: Bioeffects Project Resumes—OTP.

System location: 1800 G Street, N.W., Washington, D.C., 20504.

Categories of individuals covered by the system: Principal investigator.

Categories of records in the system: This system contains abstracts on Biological Effects of Nonionizing Electromagnetic Radiation research projects conducted or funded by the Federal Government.

Authority for maintenance of the system: Executive Order No. 11556, section 11, and Reorganization Plan No. 1 of 1970.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Identification of research projects. Used by OTP personnel and program personnel from other cognizant Federal agencies as part of OTP's coordination of the Federal Government's multiagency program to assess the biological effects of nonionizing electromagnetic radiation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Individual's name is used as one identifier of the project. Not alphabetical.

Safeguards: Office locked after business hours.

Retention and disposal: Records are retained permanently.

System manager(s) and address: Deputy Assistant Director for Frequency Management, Office of Telecommunications Policy, 1800 G Street, N.W., Washington, D.C., 20504 (202) 395-5800.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager and include name and date of birth.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager listed above.

Contesting record procedures: See Record access procedures.

Record source categories: Information comes from the agency conducting or sponsoring the research.

#### OTP File No. 2

System name: Congressional Relations System—OTP.

System location: 1800 G Street, N.W., Washington, D.C., 20504.

Categories of individuals covered by the system: Members of Congress who have corresponded with OTP.

Categories of records in the system: Correspondence with members of Congress.

Authority for maintenance of the system: Executive Order No. 11556, section 11, and Reorganization Plan No. 1 of 1970.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Files are maintained to appraise OTP Congressional liaison personnel of the interests of members of Congress. Records are for internal use only.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Alphabetically by name.

Safeguards: Administratively controlled access.

Retention and disposal: Destroyed when member of Congress leaves office.

System manager(s) and address: Assistant to the Director for Congressional and Media Relations, Office of Telecommunications Policy, 1800 G Street, N.W., Washington, D.C., 20504, (202) 395-5800.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager and include name and date of birth.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager listed above.

Contesting record procedures: See Record access procedures.

Record source categories: Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied, except information provided by agency officials.

#### OTP File No. 3

System name: Contractor Record System—OTP.

System location: 1800 G Street, N.W., Washington, D.C., 20504.

Categories of individuals covered by the system: Individuals doing work under contract to OTP.

Categories of records in the system: Copies of all invoices and bills and evaluations of contractors' performance.

Authority for maintenance of the system: Executive Order No. 11556, section 11, and Reorganization Plan of 1970.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to maintain a financial accounting of all contracts let by OTP. Evaluation of contractor's performance maintained for future reference in relation to subsequent contracts. Routine disclosure of information contained in the system of records may be made to other Federal agencies at their request. Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Contracts are filed by number. Record can be retrieved alphabetically by name by use of a 3 x 5 cross-reference card file.

Safeguards: Locked file cabinets.

Retention and disposal: Permanent retention.

System manager(s) and address: Executive Officer, Office of Telecommunications Policy, 1800 G Street, N.W., Washington, D.C., 20504, (202) 395-5800.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager and include name and date of birth.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager listed above.

Contesting record procedures: See Record access procedures.

Record source categories: Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied, except information provided by agency officials.

#### OTP File No. 4

System name: Employee Reports of Financial Interests and Employment—OTP.

System location: 1800 G Street, N.W., Washington, D.C., 20504.

Categories of individuals covered by the system: All OTP personnel at or above Government Service Grade 13.

Categories of records in the system: OTP Forms 7 and 8, "Confidential Statement of Employment and Financial Interest."

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required of certain employees and contractors contain a statement of the financial interests of the employee or contractor and the members of his immediate family and the employment of the immediate family or any other employment by the OTP employee or contractor.

**Authority for maintenance of the system:** Executive Order No. 11556, section 11, and Reorganization Plan No. 1 of 1970.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used by authorized OTP personnel for ascertaining conflicts or apparent conflicts of interest and recommending appropriate action to the employee or to the OTP. Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Maintained in alphabetical order in folder designated "financial interest reports."

**Retrievability:** Alphabetical by name.

**Safeguards:** Kept in closed safe with combination lock except when being used by authorized OTP personnel who are instructed as to their confidentiality and permitted use.

**Retention and disposal:** Maintained by OTP until employee leaves and then destroyed by burning.

**System manager(s) and address:** Executive Officer, Office of Telecommunications Policy, 1800 G Street, N.W., Washington, D.C., 20504, (202) 395-5800.

**Notification procedure:** Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager and include name and date of birth.

**Record access procedures:** Individuals seeking access to any record contained in the system of records or seeking to contest its content may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager listed above.

**Contesting record procedures:** See Record access procedures.

**Record source categories:** Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied, except information provided by agency officials.

#### OTP File No. 5

**System name:** General Personnel Records (Official personnel folder and records related thereto)—OTP.

**System location:** 1800 G Street, N.W., Washington, D.C., 20504.

**Categories of individuals covered by the system:** Current OTP employees and those formerly employed by the OTP (death, resignation, retirement, and separation).

**Categories of records in the system:** This system consists of a variety of records relating to personnel actions and determinations made about an individual while employed in the Federal service. These records contain information about an individual relating to birth date, Social Security Number; veteran preference; tenure; handicap; past and present salaries, grades, and position titles; letter of commendation, reprimand, charges, and decision on charges; notice of reduction-in-force, locator files, personnel actions, including but not limited to, appointment, reassignment, demotion, detail, promotion, transfer, and separation, training, minority group designator, records relating to life insurance, health benefits, and designation of beneficiary, training, performance ratings, data documenting the reasons for personnel actions or decisions made about an individual, awards, and other information relating to the status of the individual.

This system also consists of a variety of records containing information about an individual relating to position management actions; position classification actions; promotion records; evaluation records; clearance upon separation; suggestion files; financial and tax matters, incoming letters of complaint, employee and former employee locator information, jury duty records, participation in and implementation of special emphasis programs, Combined Federal Campaign records; Unemployment Compensation notices; outside employment statements; savings bond records; and cor-

respondence files pertaining to any of the personnel information referred to in this notice.

**Authority for maintenance of the system:** Executive Order No. 11556, section 11, and Reorganization Plan No. 1 of 1970.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information in these records is used or a record may be used: (a) To provide information to a prospective employer of an employee or former OTP employee. (b) To provide data for the automated Central Personnel Data File (CPDF). (c) To provide data to update Federal Automated Career Systems (FACS), Executive Inventory File, and security investigations index on new hires, adverse actions, and terminations. (d) To provide information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, investigation for security clearance, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (e) If necessary, obtain relevant information or other pertinent information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (f) To request information from a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses. (g) Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. (h) These records may also be disclosed to the Civil Service Commission for the purpose of properly administering Federal Personnel Systems in accordance with applicable laws, Executive Orders, and regulations.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File cabinet.

**Retrievability:** Alphabetically by name.

**Safeguards:** Kept in locked file cabinet except when being used by authorized OTP personnel who are instructed as to their confidentiality and permitted use.

**Retention and disposal:** Records are maintained permanently.

**System manager(s) and address:** Executive Officer, Office of Telecommunications Policy, 1800 G Street, N.W., Washington, D.C., 20504, (202) 395-5800.

**Notification procedure:** Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager and include name and date of birth.

**Record access procedures:** Individuals seeking access to any record contained in the system of records or seeking to contest its content may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager listed above.

**Contesting record procedures:** See Record access procedures.

**Record source categories:** Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied, except information provided by agency officials.

#### OTP File No. 6

**System name:** Inventory Control of Property—OTP.

**System location:** 1800 G Street, N.W., Washington, D.C., 20504.

**Categories of individuals covered by the system:** OTP personnel.

**Categories of records in the system:** Records of Federal Government Property charged out to OTP personnel. File card contains name of individual and a list of all property assigned to the individual.

**Authority for maintenance of the system:** Executive Order No. 11556, section 11, and Reorganization Plan No. 1 of 1970.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Record is used when individual separates from OTP to account for property charged out in the individual's name. Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** 3 x 5 card file.

**Retrievability:** Alphabetically by name.

**Safeguards:** Administratively controlled access.

**Retention and disposal:** Card destroyed when individual separates from OTP.

**System manager(s) and address:** Executive Officer, Office of Telecommunications Policy, 1800 G Street, N.W., Washington, D.C., 20504, (202) 395-5800.

**Contesting record procedures:** Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager and include name and date of birth.

**Record access procedures:** Individuals seeking access to any record contained in the system of records or seeking to contest its content may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager listed above.

**Contesting record procedures:** See Record access procedures.

**Record source categories:** Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied, except information provided by agency officials.

#### OTP File No. 7

**System name:** Library Circulation Control Records—OTP.

**System location:** 1800 G Street, N.W., Washington, D.C., 20504.

**Categories of individuals covered by the system:** Library users.

**Categories of records in the system:** Individuals who borrow library materials, receive library materials on distribution, or request the purchase of library materials.

**Authority for maintenance of the system:** Executive Order No. 11556, section 11, and Reorganization Plan No. 1 of 1970.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The information is used by the Library Staff to identify the location of materials withdrawn from the library collection and to distribute library publications in response to a request. Lists of names are used for the distribution of periodicals.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Distribution lists are maintained in folders in file cabinets. Book cards are kept in card files.

**Retrievability:** By name of individual or publication.

**Safeguards:** Administratively controlled access.

**Retention and disposal:** Individual's name is crossed out when material is returned to the library, and is removed from distribution lists at such person's request or when such person separates from OTP.

**System manager(s) and address:** Executive Officer, Office of Telecommunications Policy, 1800 G Street, N.W., Washington, D.C., 20504, (202) 395-5800.

**Notification procedure:** Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager and include name and date of birth.

**Record access procedures:** Individuals seeking access to any record contained in the system of records or seeking to contest its content may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager listed above.

**Contesting record procedures:** See Record access procedures.

**Record source categories:** Information in this system comes from the individuals to whom it pertains.

#### OTP File No. 8

**System name:** Military Personnel System—OTP.

**System location:** 1800 G Street, N.W., Washington, D.C., 20504.

**Categories of individuals covered by the system:** Military personnel detailed to OTP.

**Categories of records in the system:** System contains evaluation reports, job description, documents relating to assignments, and letters of commendation.

**Authority for maintenance of the system:** AF-R 36-10.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used to prepare evaluation reports and correspondence relative to future assignment. Only user is the Military Assistant to the Director for purposes indicated. Information contained in the file relates to the individual's assignment to OTP only.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Folders are maintained in file cabinets.

**Retrievability:** Alphabetically by name.

**Safeguards:** Maintained in locked file cabinet.

**Retention and disposal:** Destroyed when military detail is reassigned from OTP.

**System manager(s) and address:** Military Assistant to the Director, Office of Telecommunications Policy, 1800 G Street, N.W., Washington, D.C., 20504, (202) 395-5800.

**Notification procedure:** Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager and include name and date of birth.

**Record access procedures:** Individuals seeking access to any record contained in the system of records or seeking to contest its content may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager listed above.

**Contesting record procedures:** See Record access procedures.

**Record source categories:** Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied, except information provided by agency officials.

#### OTP File No. 9

**System name:** Payroll/Personnel System—OTP.

**System location:** General Services Administration, Region 3 Office; copies held by the Office of Telecommunications Policy. (GSA holds records for the Office of Telecommunications Policy under contract.)

**Categories of records maintained in the system:** Varied payroll records including, among other documents, time and attendance cards; payment vouchers; comprehensive listing of employees; health benefit records, requests for deductions; tax forms, W-2 forms, overtime requests; leave data; retirement records. Records are used by OTP and GSA employees to maintain adequate payroll information for OTP employees, and otherwise by OTP and GSA employees who have a need for the record in the performance of their duties.

**Authority for the system:** 31 U.S.C., generally. Also, Executive Order No. 11556, section 11, and Reorganization Plan No. 1 of 1970.

**Routine use of records:** See Appendix. Records also are disclosed to GAO for audits; to the Internal Revenue Service for investigation; and to private attorneys, pursuant to a power of attorney.

A copy of an employee's Department of the Treasury Form W-2, Wage and Tax Statement, also is disclosed to the State, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city, or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, or 5520, or, in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the Executive Officer, Office of Telecommunications Policy, 1800 G Street, N.W., Washington, D.C. 20504. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both.

Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city withholding certificates shall be furnished the city in response to written request from an appropriate city official to the Executive Officer.

In the absence of a withholding agreement, the Social Security Number will be furnished only to a taxing jurisdiction which has furnished this agency with evidence of its independent authority to compel disclosure of the Social Security Number, in accordance with Section 7 of the Privacy Act, Pub. L. 93-579.

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**Policies and practices for storing and retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper and microfilm

**Retrievability and accessing:** Social Security Number

**Safeguards:** Stored in guarded building, released only to authorized personnel

**Retention and disposal:** Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (DAD P 1820 2)

**System manager:** Executive Officer, Office of Telecommunications Policy, 1800 G Street, N.W., Washington, D.C. 20504

**Notification procedures:** Refer to OTP access regulations contained in 47 CFR 204

**Record access procedures:** Refer to OTP access regulations contained in 47 CFR 204

**Contesting records procedures:** Refer to OTP access regulations contained in 47 CFR 204

**Categories of sources of records in the system:** The subject individual, the officers of the Office of Telecommunications Policy

Appendix—Office of Telecommunications Policy

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Civil Service Commission in accordance with the agency's responsibility for evaluation and oversight of federal personnel management.

A record from this system of records may be disclosed to officers and employees of a federal agency for purposes of audit.

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

A record from this system of records may be disclosed as a routine use to a Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the request of the individual about whom the record is maintained.

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to this agency under agreement with GSA.

#### OTP File No. 10

**System name:** Personnel Applicant Records—OTP.

**System location:** 1800 G Street, N.W., Washington, D.C., 20504.

**Categories of individuals covered by the system:** Individuals applying for, or inquiring about, employment with OTP.

**Categories of records in the system:** Contains original or copy of Standard Form 171, resume, evaluative remarks and any correspondence between the applicant and the Division Director.

**Authority for maintenance of the system:** Executive Order No. 11556, section 11, and Reorganization Plan No. 1 of 1970.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Supervisory personnel evaluate qualifications and select candidates under consideration for employment. If no position is available, some applications are maintained for reference. Applications of successful candidates are removed to general personnel files.

**Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes.**

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File cabinets.

**Retrievability:** By name from folder designated "personnel."

**Safeguards:** Administratively controlled access to file cabinets which are locked after business hours.

**Retention and disposal:** Files are maintained for approximately one year, then disposed of by burning.

**System manager(s) and address:** Files are maintained separately by division. Address inquiry to one of the following, as appropriate: Office of the Director; Office of the Assistant Director for Government Communications; Office of the Assistant Director for Frequency Management; Office of the Assistant Director for International Communications; Office of the Assistant Director for Executive Direction and Administration; Office of the General Counsel, Executive Officer, The Office of Telecommunications Policy, 1800 G Street, N.W., Washington, D.C., 20504, (202) 395-5800.

**Contesting record procedures:** Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager and include name and date of birth.

**Record access procedures:** Individuals seeking access to any record contained in the system of records or seeking to contest its content may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager listed above.

**Contesting record procedures:** See Record access procedures.

**Record source categories:** Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied except information provided by agency officials.

#### OTP File No. 11

**System name:** Travel Payment System—OTP.

**System location:** 1800 G Street, N.W., Washington, D.C., 20504.

**Categories of individuals covered by the system:** Personnel who travel on official business.

**Categories of records in the system:** Travel authorizations, travel vouchers, and travel advance records, which contain the individual's name, residence, place and mode of travel, travel dates, amount of travel advance, expenses incurred, amount of advance outstanding.

**Authority for maintenance of the system:** Executive Order No. 11556, section 11, and Reorganization Plan No. 1 of 1970.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Preparing disbursement schedules so that individual will be paid for travel expenses, recording the cost of travel, and compiling cost and budget information. Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Folder in file cabinet designated "travel."

**Retrievability:** Alphabetically by name.

**Safeguards:** File cabinet is locked except when records are being used by authorized OTP personnel who are instructed as to their confidentiality and permitted use.

**Retention and disposal:** Records on individuals who have separated from OTP are destroyed by burning.

**System manager(s) and address:** Executive Officer, Office of Telecommunications Policy, 1800 G Street, N.W., Washington, D.C., 20504, (202) 395-5800.

**Notification procedures:** Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager and include name and date of birth.

**Record access procedures:** Individuals seeking access to any record contained in the system of records or seeking to contest its content may inquire in accordance with instructions appearing at 47 CFR Part 204. Inquiries should be addressed to the system manager listed above.

**Contesting record procedures:** See Record access procedures.

**Record source categories:** Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied except information provided by agency officials.

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**Title 7—Agriculture**  
**SUBTITLE A—OFFICE OF THE**  
**SECRETARY OF AGRICULTURE**

**PART 1—ADMINISTRATIVE**  
**REGULATIONS**

**Subpart G—Privacy Act Regulations**

Sec.	
1.110	Purpose and scope.
1.111	Definitions.
1.112	Procedures for requests pertaining to individual records in a record system.
1.113	Times, places, and requirements for identification of individuals making requests.
1.114	Disclosure of requested information to individuals.
1.115	Special procedures, medical records.
1.116	Request for correction or amendment to record.
1.117	Agency review of request for correction or amendment of record.
1.118	Appeal of initial adverse agency determination on correction or amendment.
1.119	Disclosure of record to person other than the individual to whom it pertains.
1.120	Fees.
1.121	Penalties.
1.122	General Exemptions [Reserved].
1.123	Specific Exemptions.

**AUTHORITY:** 5 U.S.C. 552a; Pub. L. 93-579.

**Subpart G—Privacy Act Regulations**

**§ 1.110 Purpose and scope.**

This subpart contains the regulations of the U.S. Department of Agriculture (USDA) implementing the Privacy Act of 1974 (5 U.S.C. 552a). It sets forth the basic responsibilities of each agency of USDA with regard to USDA's compliance with the requirements of the Act, and offers guidance to members of the public who wish to exercise any of the rights established by the Act with regard to records maintained by an agency of USDA.

**§ 1.111 Definitions.**

For purposes of this subpart the terms "individual," "maintain," "record," "system of records," "statistical record," and "routine use" shall have the meanings set forth in 5 U.S.C. 552a(a). The term "agency" shall mean an agency of USDA, unless otherwise indicated.

**§ 1.112 Procedures for requests pertaining to individual records in a record system.**

(a) Any individual who wishes to be notified if a system of records maintained by an agency contains any record pertaining to him, or to request access to such records, shall submit a written request in accordance with the instructions set forth in the system notice for that system of records. This request shall include:

- (1) The name of the individual making the request;
- (2) The name of the system of records (as set forth in the system notice to which the request relates);
- (3) Any other information specified in the system notice; and
- (4) When the request is one for access, a statement as to whether the requester

desires to make a personal inspection of the records; or be supplied with copies by mail.

(b) Any individual whose request under paragraph (a) of this section is denied may appeal that denial to the head of the agency which maintains the system of records to which the request relates.

(c) In the event that an appeal under paragraph (b) of this section is denied, the requester may bring a civil action in federal district court to seek review of the denial.

**§ 1.113 Times, places, and requirements for identification of individuals making requests.**

(a) If an individual submitting a request for access under § 1.112 has asked that an agency authorize a personal inspection of records pertaining to him, and the agency has granted that request, the requester shall present himself at the time and place specified in the agency's response or arrange another, mutually convenient, time with the appropriate agency official.

(b) Prior to inspection of the records, the requester shall present sufficient identification (e.g., driver's license, employee identification card, social security card, credit cards) to establish that he is the individual to whom the records pertain. If the requester is unable to provide such identification, he shall complete and sign in the presence of an agency official a signed statement asserting his identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another individual under false pretenses is a misdemeanor punishable by fine up to \$5,000. No identification shall be required, however, when the records are ones whose disclosure is required by 5 U.S.C. 552.

(c) Any individual who has requested access to records about him via personal inspection, and who wishes to have another person or persons accompany him during this inspection, shall submit a written statement authorizing disclosure of the record in their presence.

(d) Any individual having made a personal inspection of records pertaining to him may request the agency to provide him copies of those records or any portion thereof. Each agency shall grant such requests but may charge fees in accordance with § 1.120.

(e) If an individual submitting a request for access under § 1.112 wishes to be supplied with copies of the records by mail, he shall include with his request sufficient data for the agency to verify his identity. If the sensitivity of the records warrant it, however, the agency to which the request is directed may require the requester to submit a signed, notarized statement indicating that he is the individual to whom the records pertain and stipulating he understands that knowingly or willfully seeking or obtaining access to records about another individual under false pretenses is a misdemeanor punishable by fine up to \$5,000. No identification shall be required, how-

ever, when the records are ones whose disclosure is required by 5 U.S.C. 552. If the agency to which this request is directed determines to grant the requested access, it may charge fees in accordance with § 1.120 before making the necessary copies.

**§ 1.114 Disclosure of requested information to individuals.**

(a) Any agency which receives a request or appeal under § 1.112 should acknowledge the request or appeal within 10 days of its receipt (excluding Saturdays, Sundays, and legal public holidays). Wherever practicable, the acknowledgment should indicate whether or not access will be granted and, if so, when and where. When access is to be granted, the agency should provide the access within 30 days of receipt of the request or appeal (excluding Saturdays, Sundays and legal public holidays) unless, for good cause shown, it is unable to do so. If the agency is unable to meet this deadline, it shall inform the requester of this fact, the reasons for its inability to do so, and an estimate of the date on which access will be granted.

(b) Nothing in 5 U.S.C. 552a or this subpart shall be interpreted to require that an individual making a request under § 1.112 be granted access to the physical record itself. The form in which a record is kept (e.g., on magnetic tape), or the content of the record (e.g., a record indexed under the name of the requester may contain records which are not about the requester) may require that the record be edited or translated in some manner. Neither of these procedures may be utilized, however, to withhold information in a record about the requester.

(c) No agency shall deny any request under § 1.112 for information concerning the existence of records about the requester in any system of records it maintains, or deny any request for access to records about the requester in any system of records it maintains, unless that system is exempted from the requirements of 5 U.S.C. 552a(d) in § 1.123.

(d) If an agency receives a request pursuant to § 1.112(a) for access to records in a system of records it maintains which is so exempted, the system manager shall determine if the exemption is to be asserted. If he determines to deny the request, he shall inform the requester of that determination, the reason for the determination, and the title and address of the agency head to whom the denial can be appealed.

(e) If the head of an agency determines that an appeal pursuant to § 1.112(b) is to be denied, he shall inform the requester of that determination, the reason therefor, and his right under 5 U.S.C. 552a(g) to seek judicial review of the denial in federal district court.

(f) Nothing in 5 U.S.C. 552a or this subpart shall allow an individual access to any information compiled in reasonable anticipation of a civil action or proceeding.

**§ 1.115 Special procedures, medical records.**

In the event an agency receives a request pursuant to § 1.112 for access to medical records (including psychological records) whose disclosure it determines would be harmful to the individual to whom they relate, it may refuse to disclose the records directly to the requester but shall transmit them to a doctor designated by that individual.

**§ 1.116 Request for correction or amendment to record.**

(a) Any individual who wishes to request correction or amendment of any record pertaining to him contained in a system of records maintained by an agency shall submit that request in writing in accordance with the instructions set forth in the system notice for that system of records. This request shall include:

- (1) The name of the individual making the request;
- (2) The name of the system of records (as set forth in the system notice to which the request relates);
- (3) A description of the nature (e.g., modification, addition or deletion) and substance of the correction or amendment requested; and
- (4) Any other information specified in the system notice.

(b) Any individual submitting a request pursuant to paragraph (a) of this section shall include sufficient information in support of that request to allow the agency to which it is addressed to apply the standards set forth in 5 U.S.C. 552(e) (1) and (5).

(c) Any individual whose request under paragraph (a) of this section is denied may appeal that denial to the head of the agency which maintains the system of records to which the request relates.

(d) In the event that an appeal under paragraph (c) of this section is denied, the requester may bring a civil action in federal district court to seek review of the denial.

**§ 1.117 Agency review of request for correction or amendment of record.**

(a) Any agency which receives a request for amendment or correction under § 1.116 shall acknowledge that request within 10 days of its receipt (excluding Saturdays, Sundays and legal public holidays). It shall also promptly, either:

- (1) Make any correction, deletion or addition with regard to any portion of a record which the requester believes is not accurate, relevant, timely or complete; or
- (2) Inform the requester of its refusal to amend the record in accordance with his request, the reason for the refusal, the procedures whereby he can appeal the refusal to the head of the agency; and the title and business address of that official. If the agency informs the requester of its determination within the 10-day deadline, a separate acknowledgment is not required.

(b) If an agency is unable to comply with either paragraphs (a) (1) or (2) of

this section within 30 days of its receipt of a request for correction or amendment (excluding Saturdays, Sundays and legal public holidays), it should inform the requester of that fact, the reasons therefor, and the approximate date on which a determination will be reached.

(c) In conducting its review of a request for correction or amendment, each agency shall be guided by the requirements of 5 U.S.C. 552a(e) (1) and (5).

(d) If an agency determines to grant all or any portion of a request for correction or amendment, it shall:

- (1) Advise the individual of that determination;
- (2) Make the requested correction or amendment; and
- (3) Inform any person or agency outside USDA to whom the record has been disclosed, and where an accounting of that disclosure is maintained in accordance with 5 U.S.C. 552a(c), of the occurrence and substance of the correction or amendments.

(e) If an agency determines not to grant all or any portion of a request for correction or amendment, it shall:

- (1) Comply with paragraph (d) of this section with regard to any correction or amendment which is made;
- (2) Advise the requester of its determination and the reasons therefor;
- (3) Inform the requester that he may appeal this determination to the head of the agency which maintains the system of records; and
- (4) Describe the procedures for making such an appeal, including the title and business address of the official to whom the appeal is to be addressed.

(f) In the event that an agency receives a notice of correction or amendment to information in a record contained in a system of records which it maintains, it shall comply with paragraphs (d) (2) and (3) of this section in the same manner as if it had made the correction or amendment itself.

**§ 1.118 Appeal of initial adverse agency determination on correction or amendment.**

(a) Any individual whose request for correction or amendment under § 1.116 is denied, and who wishes to appeal that denial, shall address such appeal to the head of the agency which maintains the system of records to which the request relates, in accordance with the procedures set forth in the agency's initial denial of the request.

(b) The head of each agency shall make a final determination with regard to an appeal submitted under paragraph (a) of this section not later than 30 days (excluding Saturdays, Sundays, and legal public holidays) from the date on which the individual requests a review, unless, for a good cause shown, the head of the agency extends this 30-day period and so notifies the requester, together with an estimate of the date on which a final determination will be made. Such extension should be utilized only in exceptional circumstances and should not normally exceed 30 days. The delegation of authority

set forth in this paragraph may not be redelegated.

(c) In conducting his review of an appeal submitted under paragraph (a) of this section, the head of an agency shall be guided by the requirements of 5 U.S.C. 552a(e) (1) and (5).

(d) If the head of an agency determines to grant all or any portion of an appeal submitted under paragraph (a) of this section, he shall inform the requester and the agency shall comply with the procedures set forth in § 1.117 (d) (2) and (3).

(e) If the head of an agency determines in accordance with paragraph (c) of this section not to grant all or any portion of an appeal submitted under paragraph (a) of this section, he shall inform the requester:

(1) Of this determination and the reasons therefor;

(2) Of the requester's right to file a concise statement of his reasons for disagreeing with the agency's decision;

(3) Of the procedures for filing such a statement of disagreement;

(4) That such statements of disagreements will be made available to anyone to whom the record is subsequently disclosed, together with (if the agency deems it appropriate) a brief statement by the agency summarizing its reasons for refusing to amend the record;

(5) That prior recipients of the disputed record will be provided with a copy of the statement of disagreement, together with (if the agency deems it appropriate) a brief statement of the agency's reasons for refusing to amend the record, to the extent that an accounting of disclosures is maintained under 5 U.S.C. 552a(c); and

(6) Of the requester's right to seek judicial review of the agency's determination in accordance with 5 U.S.C. 552a(g). The agency shall insure that any statements of disagreement submitted by a requester are handled in accordance with paragraphs (e) (4) and (5) of this section.

**§ 1.119 Disclosure of record to person other than the individual to whom it pertains.**

No agency shall disclose any record which is contained in a system of records it maintains, by any means of communication to any person, or to another agency outside USDA, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, unless the disclosure is authorized by one or more provisions of 5 U.S.C. 552a(b).

**§ 1.120 Fees.**

Any agency which provides copies of records pursuant to a request under this subpart may charge fees for the direct costs of producing such copies in accordance with Appendix A to Subpart A of this Part. No agency, however, shall charge any fee for searches necessary to locate records. Nor shall an agency charge any fees for copies or searches, when the requester sought to make a personal inspection but was provided copies instead at the discretion of the agency.

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## § 1.121 Penalties.

The criminal penalties which have been established for violations of the Privacy Act of 1974 are set forth in 5 U.S.C. 552a(d). These penalties are applicable to any officer or employee of an agency who commits any of the enumerated acts. These penalties also apply to contractors and employees of such contractors who enter into contracts with an agency of USDA on or after September 27, 1975, and who are considered to be employees of the agency within the meaning of 5 U.S.C. 552a(m).

## § 1.122 General exemptions. [Reserved]

## § 1.123 Specific exemptions.

Pursuant to 5 U.S.C. 552a(k), the systems of records (or portions thereof) maintained by agencies of USDA identified below are exempted from the provisions of 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4), (G), (H) and (I), and (J). The reasons for exempting each system are set out in the notice for that system published in the FEDERAL REGISTER.

## AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

EEO Complaints and Discrimination Investigation Reports, USDA ASCS 14  
Investigation and Audit Reports, USDA ASCS 20  
Producer Appeals, USDA ASCS-23

## ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Meat and Poultry Inspection Program - Slaughter Processing and Allied Industrial Compliance Records System, USDA APHIS-1  
Plant Protection and Quarantine Programs Regulatory Violations, USDA APHIS-2

Veterinary Services Programs—Records of Accredited Veterinarians, USDA APHIS-3  
Veterinary Services Programs—Animal Quarantine Regulatory Actions, USDA APHIS-4

Veterinary Services Programs—Animal Welfare and Horse Protection Regulatory Actions, USDA APHIS-5

## FARMERS HOME ADMINISTRATION

Credit Report File, USDA FmHA-3

## FOOD AND NUTRITION SERVICE

Civil Rights Complaints and Investigations, USDA FNS-1  
Claims Against Food Stamp Recipients, USDA FNS-3

Investigations of Fraud, Theft, or Other Unlawful Activities of Individuals Involving Food Stamps, USDA FNS-5

## FOREST SERVICE

Law Enforcement Investigation Records, USDA FS-33

## OFFICE OF THE GENERAL COUNSEL

## ANIMAL AND PLANT HEALTH INSPECTION DIVISION

Cases by the Department under the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the voluntary inspection and certification provisions of the Agricultural Marketing Act of 1946, USDA OGC-8.

Cases by the Department under the Horse Protection Act of 1970, USDA OGC-9

Cases by the Department under the Humane Methods of Livestock Slaughter law

(i.e., the Act of August 27, 1958) USDA OGC 10

Cases by the Department under the Laboratory Animal Welfare Act, USDA OGC 11

Cases by the Department under the 28 Hour Law as amended, USDA OGC 12

Cases by the Department under the various Animal Quarantine and related laws, USDA OGC 13

Cases by the Department under the various Plant Protection and Quarantine and related laws USDA OGC 14

## COMMUNITY DEVELOPMENT DIVISION

Community Development Division Litigation, USDA OGC 15

Farmers Home Administration (FmHA) General Case Files, USDA OGC 16

## FOOD AND NUTRITION DIVISION

Claims by and against USDA Under the Food Assistance Legislation, USDA OGC 17  
Perishable Agricultural Commodities, USDA OGC 18

## FOREIGN AGRICULTURE AND COMMODITY STABILIZATION DIVISION

Agricultural Stabilization and Conservation Service (ASCS), Foreign Agricultural Service (FAS), and Commodity Credit Corporation Cases, USDA OGC 19

Federal Corp Insurance Corporation (FCIC) Cases, USDA OGC 20

## MARKETING DIVISION

Administrative proceedings brought by the Department pursuant to the Plant Variety Protection Act, the Federal Seed Act, or the Agricultural Marketing Act of 1946, USDA OGC 22

Cases brought by the Government pursuant to the Cotton Futures provisions of the Internal Revenue Code of 1954, USDA OGC 26

Court cases brought by the Government pursuant to either the Agricultural Marketing Act of 1946 or the Tobacco Inspection Act, USDA OGC 28

Court cases brought by the Government pursuant to either the Agricultural Marketing Agreement Act of 1937, as amended, or the Anti-Hog-Cholera Serum and Hog Cholera Virus Act, USDA OGC 29

Court cases brought by the Government pursuant to either the Cotton Research and Promotion Act, Potato Research and Promotion Act or the Egg Research and Consumer Information Act, USDA OGC 30

Court cases brought by the Government pursuant to either the Cotton Statistics and Estimates Act of 1927 or the United States Cotton Standards Act, USDA OGC 31

Court cases brought by the Government pursuant to either the Export Apple and Pear Act or the Export Grape and Plum Act, USDA OGC 32

Court cases brought by the Government pursuant to either the Naval Stores Act, the Honeybee Act, the Virus-Serum-Toxin Act or the Tobacco Seed and Plant Exportation Act, USDA OGC 33

Court cases brought by the Government pursuant to either the Peanut Statistics Act or the Tobacco Statistics Act, USDA OGC 34

Court cases brought by the Government pursuant to either the Plant Variety Protection Act or the Egg Products Inspection Act, USDA OGC 35

Court cases brought by the Government pursuant to either the Produce Agency Act, or the Process of Renovated Butter Provisions of the Internal Revenue Code of 1954, USDA OGC 36

Court cases brought by the Government pursuant to either the United States Grain Standards Act or the Federal Seed Act, USDA OGC 37.

Court cases brought by the Government pursuant to the Agricultural Fair Practices Act, USDA OGC 38.

## PACKERS AND STOCKYARDS DIVISION

Packers and Stockyards Act, Administrative Cases, USDA OGC 67

Packers and Stockyards Act, Civil and Criminal Cases, USDA OGC 68

## RESEARCH AND OPERATIONS DIVISION

Personnel Irregularities, USDA OGC 73

## OFFICE OF INVESTIGATION

Intelligence Records, USDA OI 2  
Investigative Files and Subject Title Index, USDA OI 3

## OFFICE OF THE SECRETARY

Non-Career Applicant File, USDA SEC 1

## Appendix A—Internal Directives

SECTION 1 General Requirements. Each agency that maintains a system of records subject to 5 U.S.C. 552a and the regulations of this Subpart shall:

(a) Maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or by executive order of the President.

(b) Collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits, and privileges under Federal programs.

(c) Inform each individual whom it asks to supply information, on the form which it uses to collect the information, or on a separate form that can be retained by the individual.

(1) The authority (whether granted by statute, or by executive order of the President) which authorizes the solicitation of the information and whether disclosure of such information is mandatory or voluntary.

(2) The principal purpose or purposes for which the information is intended to be used.

(3) The routine uses which may be made of the information, as published pursuant to paragraph (d)(4) of this section; and

(4) The effects on him, if any, of not providing all or any part of the requested information.

(d) Subject to the provisions of section 2 of this Appendix, prepare for publication in the FEDERAL REGISTER at least annually a notice of the existence and character of each system it maintains, which notice shall include:

(1) The name and location(s) of the system;

(2) The categories of individuals on whom records are maintained in the system;

(3) The categories of records maintained in the system;

(4) Each routine use of the records contained in the system, including the categories of uses and the purpose of such use;

(5) The policies and practices of the agency regarding storage, retrievability, access controls, retention, and disposal of the records;

(6) The title and business address of the agency official who is responsible for the system of records;

(7) The agency procedures whereby an individual can be notified at his request if the system of records contains a record pertaining to him;

(8) The agency procedures whereby an individual can be notified at his request how he can gain access to any record pertaining to him contained in the system of records, and how he can contest its content; and

(9) The categories of sources of records in the system;

(e) Maintain all records which are used by the agency in making any determination about any individual with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the determination;

(f) Prior to disseminating any record about an individual to any person other than an agency, unless the dissemination is made pursuant to 5 U.S.C. 552a(b)(2) make reasonable efforts to assure that such records are accurate, complete, timely, and relevant for agency purposes;

(g) Maintain no record describing how any individual exercises rights guaranteed by the First Amendment unless expressly authorized by statute or by the individual about whom the record is maintained, or unless pertinent to and within the scope of an authorized law enforcement activity;

(h) Make reasonable efforts to serve notice on an individual when any record on such individual is made available to any person under compulsory legal process when such process becomes a matter of public record;

(i) Establish rules of conduct for persons involved in the design, development, operation, or maintenance of any system of records, or in maintaining any record, and instruct each such person with respect to such rules and the requirements of this section, including any other rules and procedures adopted pursuant to this section and the penalties for noncompliance;

(j) Establish appropriate administrative, technical, and physical safeguards to insure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained.

SEC. 2 Amendment of routine uses for an existing system of records, or establishment of a new system of records.

(a) Any agency which intends to add a routine use, or amend an existing one, in a system of records it maintains, shall, in accordance with 5 U.S.C. 552a(e)(1), insure that 30 days advance notice of such action is given by publication in the Federal Register and an opportunity provided for interested persons to submit written data, views or arguments to the agency.

(b) Any agency which intends to establish a new system of records, or to alter any existing system of records, shall insure that adequate advance notice is provided to Congress and the Office of Management and Budget to permit an evaluation of the probable or potential effect of such action on the privacy and other personal or property rights of individuals or the disclosure of information relating to such individuals, and its effect on the preservation of the constitu-

tional principles of federalism and separation of powers. Such notice is required for any new system of records and for any alteration in an existing one which will:

(1) Increase the number of types of individuals on whom records are maintained;

(2) Expand the type or amount of information maintained;

(3) Increase the number or categories of agencies or other persons who may have access to those records;

(4) Alter the manner in which the records are organized so as to change the nature or scope of these records (e.g., the combining of two or more existing systems);

(5) Modify the way the system operates at its location(s) in such a manner as to alter the procedures which individuals can exercise their rights under this Subpart; or

(6) Change the equipment configuration on which the system is operated so as to create the potential for greater access (e.g., adding a telecommunications capability).

SEC. 3 Accounting of Certain Disclosures. Each agency, with respect to each system of records under its control, shall:

(a) Except for disclosures made under 5 U.S.C. 552a(b)(1) and (2), keep an accurate account of:

(1) The date, nature, and purpose of each disclosure of a record to any person or agency outside the Department; and

(2) The name and address of the person or agency to whom the disclosure is made;

(b) Retain the accounting made under paragraph (a) of this section for the longer of a period of five years, after the date of the disclosure for which the accounting is made, or the life of the record disclosed;

(c) Except for disclosures made under 5 U.S.C. 552a(b)(7), make the accounting above available to the individual named in the record at his request.

SEC. 4 Government Contracts. When an agency within the Department provides by a contract for the operation by or on behalf of the agency of a system of records to accomplish an agency function, the agency shall, consistent with its authority, cause the requirements of this subpart to be applied to such system. For purposes of 5 U.S.C. 552a(a)(1) any such contractor or any employee of such contractor, if such contract is agreed to on or after September 27, 1975, shall be considered to be an employee of an agency and therefore subject to the criminal penalties set forth in that section.

SEC. 5 Mailing Lists. No agency within the Department shall sell or rent any individual's name and address unless such action is specifically authorized by law. This section shall not be construed to require, or to authorize, the withholding of names and addresses whose disclosure is required by 5 U.S.C. 552.

SEC. 6 Social security account numbers. (a) No agency shall deny, or permit any State or local government with whom it is involved

in a cooperative venture to deny, to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his social security account number.

(b) The provisions of paragraph (a) of this Section shall not apply with respect to:

(1) Any disclosure required by Federal statute; or

(2) Any disclosure to any agency relating to a system of records it maintained prior to January 1, 1975, if such disclosure was required under statute or regulation adopted prior to that date, to verify the identity of an individual.

(c) Any agency in the Department which requests an individual to disclose his social security account number shall inform that individual whether the disclosure is mandatory or voluntary, by what statutory or other authority the number is solicited, and what uses will be made of it. The agency shall also insure that this information is provided by a State or local government with whom it is involved in a cooperative agreement.

SEC. 7 Annual report. Each agency in the Department shall submit to the Office of the General Counsel prior to March 30 of each year (beginning March 30, 1976) a report containing the following information related to implementation of 5 U.S.C. 552a:

(a) A summary of major accomplishments;

(b) A summary of major plans for activities in the upcoming year;

(c) A list of the systems which were exempted during the year from any of the operative provisions of this Subpart pursuant to 5 U.S.C. 552a (j) and (k), whether or not the exemption was effected during that year, the number of instances with respect to each system exempted in which the exemption was invoked to deny access, and the reasons for invoking the exemption;

(d) A brief summary of changes to the total inventory of personal data system subject to this Subpart including reasons for major changes; and

(e) A general description of operational experiences including estimates of the number of individuals (in relation to the total number of records in the system):

(1) Requesting information on the existence of records pertaining to them;

(2) Refusing to provide information;

(3) Requesting access to their records;

(4) Appealing initial refusals to amend records; and

(5) Seeking redress through the courts.

SEC. 8 Effect of 5 U.S.C. 552. No agency in the Department shall rely on any exemption in 5 U.S.C. 552 to withhold from an individual any record which is otherwise accessible to such individual under the provisions of 5 U.S.C. 552a and this Subpart.

(5 U.S.C. 301, 552a).

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## Title 8—Aliens and Nationality

## CHAPTER 1—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

## PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

Sec.

- 103.20 Purpose and scope.  
 103.21 Access by individuals to records maintained about them.  
 103.22 Records exempt in whole or in part.  
 103.23 Special access procedures.  
 103.24 Requests for accounting of record disclosure.  
 103.25 Notice of access decisions; time limits.  
 103.26 Fees for copies of records.  
 103.27 Appeals from denials of access.  
 103.28 Requests for correction of records.  
 103.29 Records not subject to correction.  
 103.30 Accounting for disclosures.  
 103.31 Notices of subpoenas and emergency disclosures.  
 103.32 Information forms.  
 103.33 Contracting record systems.  
 103.34 Security of records systems.  
 103.35 Use and collection of Social Security numbers.  
 103.36 Employee standards of conduct with regard to privacy.

**AUTHORITY:** The provisions of this Part 103 issued under sec. 501, 65 Stat. 290, sec. 103, 66 Stat. 173; 31 U.S.C. 483a, 8 U.S.C. 1103. Interpret or apply secs. 281, 332, 343, 344, 405, 66 Stat. 230, 252, 263, 264, 280; 8 U.S.C. 1351, 1443, 1454, 1455, 1101 and note; 7 U.S.C. 2243.

## § 103.20 Purpose and scope.

(a) Sections 103.20 through 103.36 comprise the regulations of the Service implementing the Privacy Act of 1974, P.L. 93-597. The regulations apply to all records contained in systems of records maintained by the Service which are identifiable by individual name or identifier and which are retrieved by individual name or identifier, except those personnel records governed by Civil Service Commission regulations. The regulations set forth the procedures by which individuals may seek access to records pertaining to themselves and request correction of those records. The regulations also set forth the requirements applicable to Service employees maintaining, collecting, using or disseminating such records.

(b) The Associate Commissioner, Management, shall provide that the provisions of §§ 103.20 through 103.36 of this chapter and 28 CFR 16.40 through 16.56, and any revisions thereof, shall be brought to the attention of and made available to:

(1) Each employee at the time of issuance of the aforesaid regulations and any amendment thereto; and

(2) Each new employee at the time of employment.

(c) The Associate Commissioner, Management, shall be responsible for insuring that employees of the Service are trained in the obligations imposed by the Privacy Act of 1974 and by these regulations.

## § 103.21 Access by individuals to records maintained about them.

(a) *Access to available records.* An individual seeking access to records about himself in a system of records, which have not been exempted from access pursuant to the Privacy Act of 1974, shall present his request in person or in writing to the manager of the particular system of records to which he seeks access. Systems managers are identified in the "Notice of Systems of Records" published by the National Archives and Records Service, General Services Administration. Access to records in multiple systems of records shall be addressed to the Office of the Associate Commissioner, Management, which shall assist the requester in identifying his request more precisely and shall be responsible for forwarding the request to the appropriate system managers. The use of Form G-657, Privacy Act Information Request, is recommended for rapid identification and to insure expeditious handling.

(b) *Verification of identity.* The following standards are applicable to any individual who requests records concerning himself, unless other provisions for identity verification are specified in the published notice pertaining to the particular system of records.

(1) An individual seeking access to records about himself in person shall establish his identity by the presentation of a single document bearing a photograph (such as a passport, alien registration receipt card or identification badge) or by the presentation of two items of identification which do not bear a photograph but do bear both a name and address (such as a driver's license, or credit card).

(2) An individual seeking access to records about himself by mail shall establish his identity by a signature, address, date of birth, place of birth, alien or employee identification number, if any, and one other identifier such as a photocopy of an identifying document.

(3) An individual seeking access to records about himself by mail or in person who cannot provide the necessary documentation of identification may provide a notarized statement swearing or affirming to his identity and to the fact that he understands the penalties for false statements pursuant to 18 U.S.C. 1001. Form G-652, "Affidavit of Identity," may be obtained on request from the office of the system manager of a system of records at a system location listed in the "Notice of Systems of Records" published in the *FEDERAL REGISTER*.

(c) *Verification of guardianship.* The parent or guardian of a child or of a person judicially determined to be incompetent and seeking to act on behalf of such child or incompetent, shall, in addition to establishing his own identity, establish the identity of the child or other person he represents as required in paragraph (b) of this section, and establish his own parentage of guardianship of the subject of the record by furnishing either a copy of a birth certificate showing parentage or a court order establishing the guardianship.

(d) *Accompanying persons.* An individual seeking to review records pertaining to himself may be accompanied by another individual of his own choosing. Both the individual seeking access and the individual accompanying him shall be required to sign the required form indicating that the Service is authorized to discuss the contents of the subject record in the presence of both individuals.

(e) *Specification of records sought.* Requests for access to records, either in person or by mail, shall describe the nature of the records sought, the approximate dates covered by the record, the system in which it is thought to be included as described in the "Notice of Systems of Records" published in the *FEDERAL REGISTER*, and the identity of the individual or office of the Service having custody of the system of records. In addition, the published "Notice of Systems of Records" for individual systems may include further requirements of specification, where

necessary, to retrieve the individual record from the system.

## § 103.22 Records exempt in whole or in part.

(a) When an individual requests records about himself which have been exempted from individual access pursuant to 5 U.S.C. 552a(j) or (k)(3) or (k)(4) or which have been compiled in reasonable anticipation of a civil action or proceeding either in a court or before an administrative tribunal, the Service will neither confirm nor deny the existence of the record but shall advise the individual only that there is no record which is available to him pursuant to the Privacy Act of 1974.

(b) Individual requests for access to records which have been exempted from access pursuant to 5 U.S.C. 552a(k) shall be processed as follows:

(1) Requests for information classified by the Service pursuant to Executive Order 11652 require the Service to review the information to determine whether it continues to warrant classification under the criteria of sections 1 and 5(B), (C), (D), and (E) of the Executive Order. Information which no longer warrants classification under these criteria shall be declassified and made available to the individual, if not otherwise exempt. If the information continues to warrant classification, the individual shall be advised that the information sought is classified; that it has been reviewed and continues to warrant classification; and that it has been exempted from access pursuant to 5 U.S.C. 552a(k)(1). Information which has been exempted pursuant to 5 U.S.C. 552a(j) and which is also classified shall be reviewed as required by this paragraph but the response to the individual shall be in the form prescribed by paragraph (a) of this section.

(2) Requests for information which has been exempted from disclosure pursuant to 5 U.S.C. 552a(k)(2) shall be responded to in the manner provided in paragraph (a) of this section unless a review of the information indicates that the information has been used or is being used to deny the individual any right, privilege or benefit for which he is eligible or to which he would otherwise be entitled under Federal law. In that event, the individual shall be advised of the existence of the record and shall be provided the information except to the extent it would identify a confidential source. If and only if information identifying a confidential source can be deleted or the pertinent parts of the record summarized in a manner which protects the identity of the confidential source, the document with deletions made or the summary shall be furnished to the requester.

(3) Information compiled as part of an employee background investigation

which has been exempted pursuant to 5 U.S.C. 552a(k)(5) shall be made available to an individual upon request except to the extent that it identifies a confidential source. If and only if information identifying a confidential source can be deleted or the pertinent parts of the record summarized in a manner which protects the identity of the confidential source, the document with deletions made or the summary shall be furnished to the requester.

(4) Testing or examination material which has been exempted pursuant to 5 U.S.C. 552a(k)(6) shall not be made available to an individual if disclosure would compromise the objectivity or fairness of the testing or examination process but shall be made available if no such compromise possibility exists.

(5) The Service records which are exempted and the reasons for the exemptions are enumerated in 28 CFR 16.99.

## § 103.23 Special access procedures.

(a) *Records of other agencies.* When information sought from a system of records of the Service includes information:

(1) That has been classified pursuant to Executive Order 11652, the request shall be referred to the appropriate classifying authority pursuant to 28 CFR 17.61 and the individual requesting the record shall be so advised unless the record is also exempt from disclosure pursuant to 5 U.S.C. 552a (j) or (k);

(2) That has been furnished by another component of the Department of Justice, the request shall be referred to the component originating the information for a decision as to access or correction;

(3) That has been furnished by another agency, the Service shall consult the other agency before granting access or making a correction and may refer the request to the other agency if referral will provide more expeditious access or correction, but the requester shall be notified of the referral.

(b) *Medical records.* When an individual requests medical records concerning himself, which are not otherwise exempt from disclosure, the system manager shall, if deemed necessary, advise the individual that records will be provided only to a physician designated in writing by the individual. Upon receipt of the designation, the system manager will permit the physician to review the records or to receive copies of the records by mail, upon proper verification of identity. The determination of which records should be made available directly to the individual and which records should not be disclosed because of possible harm to the individual shall be made by the physician.

## § 103.24 Requests for accounting of record disclosure.

At the time of his request for access or correction or at any other time, an individual may request an accounting of disclosures made of his record outside the Department of Justice. Requests for accounting shall be directed to the appropriate system manager listed in the "Notice of Systems of Records". Any available accounting, whether kept in accordance with the requirements of the Privacy Act or under procedures established prior to September 27, 1975, shall be made available to the individual except that an accounting need not be made available if it relates to: (a) A disclosure with respect to which no accounting need be kept (see § 103.30(c) of this part); (b) A disclosure made to a law enforcement agency pursuant to 5 U.S.C. 552a(b)(7); (c) An accounting which has been exempted from disclosure pursuant to 5 U.S.C. 552a (j) or (k).

## § 103.25 Notice of access decisions; time limits.

(a) *Responsibility for notice.* The system manager of the system from which information is sought or his delegate has responsibility for determining whether access to records is available under the Privacy Act and for notifying the individual of that determination in accordance with these regulations. If access is denied because of an exemption, the responsible person shall notify the individual that he may appeal that determination to the Deputy Attorney General within thirty working days of the receipt of the determination.

(b) *Time limits for access determinations.* The time limits provided by 28 CFR 16.45 shall be applicable to requests for access to information pursuant to the Privacy Act of 1974.

## § 103.26 Fees for copies of records.

The fees charged by the Service under the Privacy Act shall be those specified in 28 CFR 16.46. Remittances shall be made in accordance with § 103.7(a).

## § 103.27 Appeals from denials of access.

An individual who has been denied access by the Service to the records concerning him may appeal that decision in the manner prescribed in 28 CFR 16.47.

## § 103.28 Requests for correction of records.

(a) *How made.* Unless a record is exempted from correction, an individual may request amendment or correction of a record concerning him by addressing his request to the system manager of the system in which the record is maintained either in person or by mail, his identity to be estab-

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lished as provided in § 103.21 of this part. The request must indicate the particular record involved, the nature of the correction sought, and the justification for the correction or amendment. Requests made by mail should be addressed to the system manager at the address specified in the "Notice of Systems of Records" published by the General Services Administration and shall be clearly marked on the request and on the envelope "Privacy Correction Request." Where the individual cannot determine the precise system manager or believes that the same record appears in more than one system, he may address his request to the office of the Associate Commissioner, Management, Immigration and Naturalization Service, 425 I Street NW., Washington, D.C. 20536, which shall assist him in identifying the system or systems in which the record is located.

(b) *Initial determination.* Within 10 working days of the receipt of the request, the appropriate Service official shall advise the individual that his request has been received. If the record is to be amended or corrected, the system manager may so advise the individual but if correction is refused, in whole or in part, it must be done by the head of the component in which the record is located, or his designee. If a correction is to be made, the individual shall be advised of his right to obtain a copy of the corrected record upon payment of the standard fee, established in 28 CFR 16.46. If a correction or amendment is refused, in whole or in part, the individual shall be so advised, shall be given reasons for the refusal, and shall be advised of his right to appeal to the Deputy Attorney General in accordance with the procedures set forth in 28 CFR 16.48.

(c) *Appeals.* A refusal, in whole or in part, to amend or correct a record may be appealed as provided in 28 CFR 16.48.

(d) *Appeal determinations.* 28 CFR 16.48 provides for appeal determinations.

(e) *Statements of disagreement.* Statements of disagreement may be furnished by the individual in the manner prescribed in 28 CFR 16.48.

(f) *Notices of correction or disagreement.* When a record has been corrected, the system manager shall, within thirty working days thereof, advise all prior recipients of the record whose identity can be determined pursuant to the accounting required by the Privacy Act or any other accounting previously made, or the correction. Any dissemination of a record after the

filing of a statement of disagreement shall be accompanied by a copy of that statement. Any statement of the Service giving reasons for refusing to correct shall be included in the file.

#### § 103.29 Records not subject to correction.

The following records are not subject to correction or amendment by individuals:

(a) Transcripts or written statements made under oath;

(b) Transcripts of Grand Jury Proceedings, judicial or quasi-judicial proceedings which form the official record of those proceedings;

(c) Pre-sentence reports comprising the property of the courts but maintained in Service files; and

(d) Records duly exempted from correction by notice published in the FEDERAL REGISTER.

#### § 103.30 Accounting for disclosures.

(a) An accounting of each disclosure of information for which accounting is required (see § 103.24 of this part) shall be attached to the relating record. A copy of Form G-657, "Privacy Act Information Request," Form G-658, "Record of Information Disclosure (Privacy Act)," or other disclosure document shall be used for this accounting. The system manager shall advise individuals, promptly upon request as described in § 103.24, of the persons or agencies outside the Department of Justice to which records concerning them have been disclosed.

(b) Accounting records, at a minimum, shall include the identification of the particular record disclosed, the name and address of the person or agency to which disclosed, and the date of the disclosure. Accounting records shall be maintained for at least 5 years, or until the record is destroyed or transferred to the Archives, whichever is later.

(c) Accounting is not required to be kept for disclosure made within the Department of Justice or disclosure made pursuant to the Freedom of Information Act.

#### § 103.31 Notices of subpoenas and emergency disclosures.

(a) *Subpoenas.* When records concerning an individual are subpoenaed by a Grand Jury, court, or an quasi-judicial agency, the official served with the subpoena shall be responsible for assuring that notice of its issuance is provided to the individual. Notice shall be provided within 10 days of the service of the subpoena or, in the case of

a Grand Jury subpoena, within 10 days of its becoming a matter of public record. Notice shall be mailed to the last known address of the individual and shall contain the following information: the date the subpoena is returnable, the court in which it is returnable, the name and number of the case or proceeding, and the nature of the information sought. Notice of the issuance of subpoenas is not required if the system of records has been exempted from the notice requirement pursuant to 5 U.S.C. 552a(j), by a Notice of Exemption published in the FEDERAL REGISTER.

(b) *Emergency disclosures.* If information concerning an individual has been disclosed to any person under compelling circumstances affecting health or safety, the individual shall be notified at his last known address within 10 working days of the disclosure. Notification shall include the following information: the nature of the information disclosed, the person or agency to whom it was disclosed, the date of the disclosure, and the compelling circumstances justifying the disclosure. Notification shall be given by the officer who made or authorized the disclosure.

#### § 103.32 Information forms.

(a) *Review of forms.* The Service shall be responsible for the review of forms it uses to collect information from and about individuals.

(b) *Scope of review.* The Service Forms Control Unit shall review each form to assure that it complies with the requirements of 28 CFR 16.52.

#### § 103.33 Contracting Record Systems.

Any contract by the Service for the operation of a record system shall be in compliance with 28 CFR 16.53.

#### § 103.34 Security of Records Systems.

The security of records systems shall be in accordance with 28 CFR 16.54.

#### § 103.35 Use and collection of Social Security numbers.

The use and collection of Social Security numbers shall be in accordance with 28 CFR 16.55.

#### § 103.36 Employee standards of conduct with regard to privacy.

Service employees standards of conduct with regard to privacy shall be in compliance with 28 CFR 16.56.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

## Title 28—Judicial Administration

### CHAPTER I—DEPARTMENT OF JUSTICE

#### PART 16—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

##### Subpart D—Protection of Privacy of Individual Records

- Sec.
- 16.40 Purpose and scope.
  - 16.41 Access by individuals to records maintained about them.
  - 16.42 Records exempt in whole or in part.
  - 16.43 Special access procedures.
  - 16.44 Requests for accounting of record disclosures.
  - 16.45 Notice of access decisions; time limits.
  - 16.46 Fees for copies of records.
  - 16.47 Appeals from denials of access.
  - 16.48 Requests for correction of records.
  - 16.49 Records not subject to correction.
  - 16.50 Accounting for disclosures.
  - 16.51 Notices of subpoenas and emergency disclosures.
  - 16.52 Information forms.
  - 16.53 Contracting records systems.
  - 16.54 Security of records systems.
  - 16.55 Use and collection of Social Security numbers.
  - 16.56 Employee standards of conduct with regard to privacy.
  - 16.57 Relationship of Privacy Act and the Freedom of Information Act.

##### Subpart E—Exemption of Records Systems Under the Privacy Act

- Sec.
- 16.70 [Reserved]
  - 16.71 Exemption of the Office of the Deputy Attorney General Systems.
  - 16.72-16.75 [Reserved]
  - 16.76 Exemption of the Office of Management and Finance Systems.
  - 16.77 [Reserved]
  - 16.78 Exemption of the Watergate Special Prosecution Force Systems—Limited Access.
  - 16.79 Exemption of Pardon Attorney System.
  - 16.80 [Reserved]
  - 16.81 Exemption of United States Attorneys Systems—Limited Access.
  - 16.82-16.83 [Reserved]
  - 16.84 Exemption of Board of Immigration Appeals System.
  - 16.85 Exemption of Board of Parole Systems—Limited access.
  - 16.86-16.87 [Reserved]
  - 16.88 Exemption of Antitrust Division Systems.
  - 16.89 [Reserved]
  - 16.90 Exemption of Civil Rights Division Systems.

- 16.91 Exemption of Criminal Division Systems—Limited access, as indicated.
- 16.92 Exemption of Land and Natural Resources Division System.
- 16.93 Exemption of Tax Division System—Limited access.
- 16.94-16.95 [Reserved]
- 16.96 Exemption of Federal Bureau of Investigation Systems—Limited access.
- 16.97 Exemption of Bureau of Prisons Systems—Limited access.
- 16.98 Exemption of Drug Enforcement Administration Systems.
- 16.99 Exemption of Immigration and Naturalization Service System—Limited access.
- 16.100 Exemption of Law Enforcement Assistance Administration System—Limited access.
- 16.101 Exemption of U.S. Marshals Service Systems—Limited access, as indicated.

##### Subpart D—Protection of Privacy of Individual Records

#### § 16.40 Purpose and scope.

(a) This subpart contains the regulations of the Department of Justice implementing the Privacy Act of 1974, Pub. L. 93-579. The regulations apply to all records contained in systems of records maintained by the Department of Justice which are retrieved by individual name or identifier, except that for personnel records, where there is a conflict between these regulations and those of the Commission, Civil Service Commission regulations shall prevail. The regulations set forth the procedures by which individuals may seek access to records pertaining to themselves in these systems of records and request correction of them. The regulations also set forth the requirements applicable to Department of Justice employees maintaining, collecting, using or disseminating such records. These regulations are applicable to each Office, Division, Board, Bureau, Service and Administration of the Department (hereafter referred to as a "component").

(b) The Assistant Attorney General for Administration shall provide that the provisions of this subpart and any revisions thereof shall be brought to the attention of and made available to:

(1) Each employee at the time of issuance of this subpart and any amendment thereto; and

(2) Each new employee at the time of employment.

(c) The Assistant Attorney General for Administration shall be responsible for insuring that employees of the Department of Justice are trained in

the obligations imposed by the Privacy Act of 1974 and by these regulations, but each component of the Department is authorized to undertake training for its own employees.

#### § 16.41 Access by individuals to records maintained about them.

(a) *Access to available records.* An individual seeking access to records about himself in a system of records, which have not been exempted from access pursuant to the Privacy Act of 1974, may present his request in person or in writing to the manager of the particular system of records to which he seeks access or to such other person as may be specified. System managers and others to whom requests may be presented are identified in the "Notice of Records Systems" published by the National Archives and Records Service, General Services Administration. Access to Department of Justice records maintained in National Archives and Records Service Centers may be obtained in accordance with the regulations issued by the General Services Administration. Access to records in multiple systems of records should be addressed to each component maintaining one of the systems. If a requester seeks guidance in defining his request, he may write to the Information Systems Staff, Office of Management and Finance, Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

(b) *Verification of identity.* The following standards are applicable to any individual who requests records concerning himself, unless other provisions for identity verification are specified in the published notice pertaining to the particular system of records.

(1) An individual seeking access to records about himself in person may establish his identity by the presentation of a single document bearing a photograph (such as a passport or identification badge) or by the presentation of two items of identification which do not bear a photograph but do bear both a name and address (such as a driver's license, or credit card).

(2) An individual seeking access to records about himself by mail shall establish his identity by a signature, address, date of birth, place of birth, employee identification number if any, and one other identifier such as a photocopy of an identifying document.



(3) An individual seeking access to records about himself by mail or in person who cannot provide the necessary documentation of identification may provide a notarized statement, swearing or affirming to his identity and to the fact that he understands the penalties for false statements pursuant to 18 U.S.C. 1001. Forms for such notarized statements may be obtained on request from the Information Systems Staff, Office of Management and Finance, U.S. Department of Justice, Washington, D.C. 20530.

(c) *Verification of guardianship.* The parent or guardian of a minor or a person judicially determined to be incompetent and seeking to act on behalf of such minor or incompetent shall, in addition to establishing his own identity, establish the identity of the minor or other person he represents as required in paragraph (b) of this section and establish his own parentage or guardianship of the subject of the record by furnishing either a copy of a birth certificate showing parentage or a court order establishing the guardianship.

(d) *Accompanying persons.* An individual seeking to review records about himself may be accompanied by another individual of his own choosing. Both the individual seeking access and the individual accompanying him shall be required to sign the required form indicating that the Department of Justice is authorized to discuss the contents of the subject record in the presence of both individuals.

(e) *Specification of records sought.* Requests for access to records, either in person or by mail shall describe the nature of the records sought, the approximate dates covered by the record, the system or systems in which it is thought to be included as described in the "Notices of Records Systems" published by the General Services Administration, and the identity of the system manager or component of the Department having custody of the system of records. In addition, the published "Notice of Systems Records" for individual systems may include further requirements of specification where necessary to retrieve the individual record from the system.

#### § 16.42 Records exempt in whole or in part.

(a) When an individual requests records about himself which have been exempted from individual access pursuant to 5 U.S.C. 552a (j) or (k)(3) or (k)(4) or which have been compiled in reasonable anticipation of a civil action or proceeding either in a court or before an administrative tribunal, the Department of Justice will neither confirm nor deny the existence of the record but shall advise the individual only that there is no record which is available to him pursuant to the Privacy Act of 1974.

(b) Individual requests for access to records which have been exempted from access pursuant to 5 U.S.C. 552a(k) shall be processed as follows:

(1) Requests for information classified by the Department of Justice pursuant to Executive Order 11652 require the responsible component of the Department to review the information to determine whether it continues to warrant classification under the criteria of sections 1 and 5 (B), (C), (D), and (E) of the Executive Order. Information which no longer warrants classification under these criteria shall be declassified and made available to the individual if not otherwise exempt. If the information continues to warrant classification, the individual shall be advised that the information sought is classified, that it has been reviewed and continues to warrant classification, and that it has been exempted from access pursuant to 5 U.S.C. 552a(k)(1). Information which has been exempted pursuant to 5 U.S.C. 552a(j) and which is also classified shall be reviewed as required by this paragraph but the response to the individual shall be in the form prescribed by paragraph (a) of this section.

(2) Requests for information which has been exempted from disclosure pursuant to 5 U.S.C. 552a(k)(2) shall be responded to in the manner provided in paragraph (a) of this section unless a review of the information indicates that the information has been used or is being used to deny the individual any right, privilege or benefit for which he is eligible or to which he would otherwise be entitled under federal law. In that event, the individual shall be advised of the existence of the record and shall be provided the information except to the extent it would identify a confidential source. If and only if information identifying a confidential source can be deleted or the pertinent parts of the record summarized in a manner which protects the identity of the confidential source, the document with deletions made or the summary shall be furnished to the requester.

(3) Information compiled as part of an employee background investigation which has been exempted pursuant to 5 U.S.C. 552a(k)(5) shall be made available to an individual upon request except to the extent that it identifies a confidential source. If and only if information identifying a confidential source can be deleted or the pertinent parts of the record summarized in a manner which protects the identity of the confidential source, the document with deletions made or the summary shall be furnished to the requester.

(4) Testing or examination material which has been exempted pursuant to 5 U.S.C. 552a(k)(6) shall not be made available to an individual if disclosure

would compromise the objectivity or fairness of the testing or examination process but shall be made available if no such compromise possibility exists.

#### § 16.43 Special access procedures.

(a) *Records of other agencies.* When information sought from a system of records in the Department of Justice includes information:

(1) That has been classified pursuant to Executive Order 11652, the request shall be referred to the appropriate classifying authority pursuant to 28 CFR 17.61 and the individual requesting the record shall be so advised unless the record is also exempt from disclosure pursuant to 5 U.S.C. 552a (j) or (k);

(2) That has been furnished by another component of the Department, the request shall be referred to the component originating the information for a decision as to access or correction;

(3) That has been furnished by another agency, the Department shall consult the other agency before granting access or making a correction and may refer the request to the other agency if referral will provide more expeditious access or correction, but the requester shall be notified of the referral.

(b) *Medical Records.* When an individual requests medical records concerning himself, which are not otherwise exempt from disclosure, the system manager shall, if deemed necessary, advise the individual that records will be provided only to a physician designated in writing by the individual. Upon receipt of the designation, the system manager will permit the physician to review the records or to receive copies of the records by mail, upon proper verification of identity. The determination of which records should be made available directly to the individual and which records should not be disclosed because of possible harm to the individual shall be made by the physician.

#### § 16.44 Requests for accounting of record disclosures.

At the time of his request for access or correction or at any other time, an individual may request an accounting of disclosures made of his record outside the Department of Justice. Requests for accounting shall be directed to the system manager or other person specified in the "Notices of Records Systems." Any available accounting, whether kept in accordance with the requirements of the Privacy Act or under procedures established prior to September 27, 1975 shall be made available to the individual except that an accounting need not be made available if it relates to: (a) records with respect to which no accounting need be kept (see § 16.50(c) infra); (b) a disclo-

sure made to a law enforcement agency pursuant to 5 U.S.C. 552a (b)(7); (c) an accounting which has been exempted from disclosure pursuant to 5 U.S.C. 552a (j) or (k).

#### § 16.45 Notice of access decisions; time limits.

(a) *Responsibility for notice.* The head of the component maintaining the system from which information is sought or his delegate has responsibility for determining whether access to records is available under the Privacy Act and for notifying the individual of that determination in accordance with these regulations. If access is denied because of an exemption, the responsible person shall notify the individual that he may appeal that determination to the Deputy Attorney General within thirty working days of the receipt of the determination.

(b) *Time limits for access determinations.* The following time limits shall be applicable to requests for access to information pursuant to the Privacy Act of 1974:

(1) Any request concerning a single system of records all of which are maintained at the same location and none of which requires consultation with another component or agency shall be responded to within 20 working days unless the records requested exceed the equivalent of 100 pages.

(2) Any request concerning a single system of records some of which require consultation with another component or agency shall be responded to within 25 working days unless the records requested exceed the equivalent of 100 pages.

(3) Any request involving several systems of records or one or more systems maintained at different locations shall be responded to within 40 working days.

(4) Any request involving the equivalent of 100 pages or more, whether maintained in one system or several systems, shall be responded to within 40 working days.

(5) If a request under paragraphs (b) (2), (3) or (4) of this section presents unusual difficulties in determining whether the records involved are exempt from disclosure, the Deputy Attorney General, upon written request of the responsible person, may extend the time period established by these regulations for an additional 15 working days.

#### § 16.46 Fees for copies of records.

(a) *When charged.* Fees pursuant to 31 U.S.C. 483a and 5 U.S.C. 552a(f)(5) shall be charged according to the schedules contained in paragraph (b) of this section for actual copies of records provided to individuals unless the responsible person determining access, in his discretion, waives the fee for good cause (such as the inability of

the individual to pay) or a separate fee schedule is established for an exempt system. Fees shall not be charged where they would amount, in the aggregate, to less than \$3.

(b) *Fees charged.* Fees may only be assessed for actual copies of materials furnished pursuant to the Privacy Act in accordance with the following schedule:

(1) For copies of documents (maximum of 10 copies will be supplied), \$0.10 per page;

(2) For computer material charges:

(i) 1-part paper per 1,000 pp.	\$11.00
(ii) 2-part paper per 1,000 pp.	22.80
(iii) 3-part paper per 1,000 pp.	36.17
(iv) 4-part paper per 1,000 pp.	48.32
(v) 5-part paper per 1,000 pp.	63.97
(vi) Stock Hollerith cards per 1,000.	1.98
(vii) Magnetic tape per reel.	10.75
(viii) Disk pack, each.	775.00

(3) For tape recordings and other audio records:

(i) 45-min cassette.	\$0.58
(ii) 60-min cassette.	.60
(iii) 90-min cassette.	.77

(4) For materials other than the common ones described in paragraphs (b) (1), (2) and (3) of this section, the direct costs of such materials to the government may be charged, but only if the requester has been notified of such cost before it is incurred.

(c) *Notice of anticipated charges.* Where it is anticipated that access fees chargeable under this section will amount to more than \$25, and the requester has not indicated in advance his willingness to pay fees as high as are anticipated, the requester shall be notified of the amount of the anticipated fees before copies are made. The notification shall offer the requester the opportunity to confer with Department personnel with the object of reformulating the request so as to meet his needs at lower cost.

(d) *Form of payment.* Payment should be made by check or money order payable to the Department of Justice. No employee of the Department of Justice is authorized to accept payment of fees in cash.

(e) *Advance deposit.* Where the anticipated fee chargeable under this section exceeds \$25, an advance deposit of part or all of the anticipated fee may be required.

#### § 16.47 Appeals from denials of access.

An individual who has been denied access to records concerning him may appeal that decision to the Deputy Attorney General by filing a written appeal within 30 working days of the receipt of the denial. If the denial of access was made by a responsible person in the Office of the Deputy Attorney General, the appeal shall be to the Attorney General. The appeal shall be marked on its face and on the face of the envelope "Privacy Appeal—Denial of Access," and shall be addressed to the Office of the Deputy

Attorney General, U.S. Department of Justice, Washington, D.C. 20530, or, if an appeal from a denial by the Deputy Attorney General, to the Assistant Attorney General, Office of Legal Counsel, at the same address. Appeals shall be determined in thirty working days unless the appropriate official, by notice to the individual, extends that period for an additional thirty working days because of the volume of records requested, the scattered location of records, the need to consult other agencies, or the difficulty of the legal issues involved, or other administrative difficulty.

#### § 16.48 Requests for correction of records.

(a) *How Made.* Unless a record is exempted from correction, an individual may request amendment or correction of a record concerning him by addressing his request to the person responsible for the system in which the record is maintained either in person or by mail. The request must indicate the particular record involved, the nature of the correction sought, and the justification for the correction or amendment. Requests made by mail should be addressed to the person specified in the Notice of Systems of Records published by the General Services Administration and shall be clearly marked on the request and on the envelope "Privacy Correction Request." Where the individual believes that the same record appears in more than one system, he should address his request to each person responsible for a system of records which may contain the record he seeks to correct.

(b) *Initial determination.* Within 10 working days of the receipt of the request, the appropriate Department official shall advise the individual that his request has been received. If the record is to be amended or corrected, the system manager may so advise the individual but if correction is refused, in whole or in part, it must be done by the head of the component in which the record is located or his delegate. If a correction is to be made, the individual shall be advised of his right to obtain a copy of the corrected record upon request. If a correction or amendment is refused, in whole or in part, the individual shall be so advised, shall be given reasons for the refusal, and shall be advised of his right to appeal the refusal to the Deputy Attorney General in accordance with the procedures set forth in this section.

(c) *Appeals.* A refusal, in whole or in part, to amend or correct a record may be appealed to the Deputy Attorney General within 30 days of the receipt of notice of the refusal. If the refusal to correct was made by the Office of the Deputy Attorney General, the appeal shall be to the Attorney General. Appeals shall be in writing, shall set forth the specific item of informa-

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tion sought to be corrected, and the individual's documentation justifying the correction. Appeals shall be addressed to the Office of the Deputy Attorney General, U.S. Department of Justice, Washington, D.C. 20530 or, if an appeal from a denial by the Deputy Attorney General, to the Assistant Attorney General, Office of Legal Counsel, at the same address. They shall be clearly marked on the appeal and on the envelope, "Privacy Correction Appeal." The appeal shall be decided within 30 working days unless the appropriate official shall extend the time for an additional 30 working days because of the need to obtain additional information, the volume of records involved, or the complexity of the issue, or other administrative difficulty. The requester shall be advised in advance of any such extension and shall be given the reasons therefor.

(d) *Appeal determinations.* If the Deputy Attorney General or Attorney General determines that an amendment or correction is not warranted on the facts, he shall advise the individual of his refusal to authorize correction or amendment of the record, in whole or in part, and shall advise the individual of his right to provide for the record a "Statement of Disagreement." The individual shall be advised also of his right to judicial review pursuant to the Privacy Act of 1974.

(e) *Statements of disagreement.* Statements of Disagreement may be furnished by the individual within 30 working days of the date of receipt of the notice of refusal of the Deputy Attorney General or Attorney General to authorize correction. They shall be addressed to the Office of the Deputy Attorney General, U.S. Department of Justice, Washington, D.C. 20530. Statements may not exceed one typed page per fact disputed. Statements exceeding this limit will be returned to the requester for condensation. Upon receipt of a statement of disagreement in accordance with this section, the Deputy Attorney General shall take steps to insure that the statement is included in the system or systems of records in which the disputed item is maintained and that the original record is so marked as to indicate that there is a statement of disagreement and where, within the system of records, that statement may be found.

(f) *Notices of correction or disagreement.* When a record has been corrected the system manager shall, within thirty working days thereof, advise all prior recipients of the record whose identity can be determined pursuant to the accounting required by the Privacy Act or any other accounting previously made, of the correction. Any dissemination of a record after the filing of a statement of disagreement shall be accompanied by a copy of that statement. Any statement of the

agency giving reasons for refusing to correct shall be included in the file.

#### § 16.49 Records not subject to correction.

The following records are not subject to correction or amendment by individuals:

- (a) Transcripts or written statements made under oath;
- (b) Transcripts of Grand Jury Proceedings, judicial or quasi-judicial proceedings which form the official record of those proceedings;
- (c) Pre-sentence reports comprising the property of the courts but maintained in agency files; and
- (d) Records duly exempted from correction by notice published in the FEDERAL REGISTER.

#### § 16.50 Accounting for disclosures.

(a) As soon as possible, but not later than September 27, 1975, each system manager, with the approval of the head of his component, shall establish a system of accounting for all disclosures of records, either orally or in writing, made outside the Department of Justice. Accounting procedures may be established in the least expensive and most convenient form that will permit the system manager to advise individuals, promptly upon request, of the persons or agencies to which records concerning them have been disclosed.

(b) Accounting records, at a minimum, shall include the identification of the particular record disclosed, the name and address of the person or agency to which disclosed, and the date of the disclosure. Accounting records shall be maintained until the record is destroyed or transferred to the Archives.

(c) Accounting is not required to be kept for disclosures made within the Department of Justice or disclosures made pursuant to the Freedom of Information Act.

#### § 16.51 Notices of subpoenas and emergency disclosures.

(a) *Subpoenas.* When records concerning an individual are subpoenaed by a Grand Jury, Court, or quasi-judicial agency, the official served with the subpoena shall be responsible for assuring that notice of its issuance is provided to the individual. Notice shall be provided within 10 days of the service of the subpoena or, in the case of a Grand Jury subpoena, within 10 days of its becoming a matter of public record. Notice shall be mailed to the last known address of the individual and shall contain the following information: the date the subpoena is returnable, the court in which it is returnable, the name and number of the case or proceeding, and the nature of the information sought. Notice of the issuance of subpoenas is not required if the system of records has been

exempted from the notice requirement, pursuant to 5 U.S.C. 552a(j), by a Notice of Exemption published in the FEDERAL REGISTER.

(b) *Emergency disclosures.* If information concerning an individual has been disclosed to any person under compelling circumstances affecting health or safety the individual shall be notified at his last known address within 10 working days of the disclosure. Notification shall include the following information: the nature of the information disclosed, the person or agency to whom it was disclosed, the date of the disclosure, and the compelling circumstances justifying the disclosure. Notification shall be given by the officer who made or authorized the disclosure.

#### § 16.52 Information forms.

(a) *Review of forms.* Except for forms developed and used by the Law Enforcement Assistance Administration, the Drug Enforcement Administration, the Immigration and Naturalization Service, the Bureau of Prisons, the Federal Bureau of Investigation and the U.S. Marshals Service for the collection of information from individuals, the Office of Management and Finance shall be responsible for reviewing all forms developed and used by the Department of Justice to collect information from individuals. The Law Enforcement Assistance Administration, the Drug Enforcement Administration, the Immigration and Naturalization Service, the Bureau of Prisons, the Federal Bureau of Investigation and the U.S. Marshals Service shall each be responsible for the review of forms it uses to collect information from individuals.

(b) *Scope of review.* The responsible offices shall review each form for the purpose of eliminating any requirement for information that is not relevant and necessary to carry out an agency function and to accomplish the following objectives:

- (1) To insure that no information concerning religion, political beliefs or activities, association memberships (other than those required for a professional license), or the exercise of other First Amendment rights is required to be disclosed unless such requirement of disclosure is expressly authorized by statute or is pertinent to and within the scope of an authorized law enforcement activity;
- (2) To insure that the form or accompanying statement makes clear to the individual which information he is required by law to disclose and the authority for that requirement and which information is voluntary;
- (3) To insure that the form or accompanying statement states clearly the principal purpose or purposes for which the information is being collected, and summarizes concisely the rou-

tine uses that will be made of the information;

(4) To insure that the form or accompanying statement clearly indicates to the individual the effect in terms of rights, benefits or privileges of not providing all or part of the requested information; and

(5) To insure that any form requesting disclosure of a Social Security Number, or an accompanying statement, clearly advises the individual of the statute or regulation requiring disclosure of the number or clearly advises the individual that disclosure is voluntary and that no consequence will flow from his refusal to disclose it, and the uses that will be made of the number whether disclosed mandatorily or voluntarily.

(c) *Revision of forms.* Any form which does not meet the objectives specified in the Privacy Act and in this section, shall be revised to conform thereto. If revision, printing and distribution cannot be accomplished prior to September 27, 1975, a separate statement shall be prepared to accompany each form advising the individual that the form is not in compliance with the Privacy Act and specifying the portions thereof which are not in compliance. The statement shall include all the information necessary to accomplish the objectives specified in the Privacy Act and this section.

#### § 16.53 Contracting records systems.

(a) No component of the Department shall contract for the operation of a record system by or on behalf of the agency without the express approval of the Attorney General.

(b) Any contract which is approved shall contain the standard contract requirements promulgated by the General Services Administration to insure compliance with the requirements imposed by the Privacy Act of 1974. The contracting agency shall have responsibility for insuring that the contractor complies with the contract requirements relating to privacy.

#### § 16.54 Security of records systems.

(a) The Assistant Attorney General for administration shall have responsibility for developing Department regulations governing the security of systems of records. Regulations relating to the security of automated systems shall be consistent with the guidelines developed by the National Bureau of Standards.

(b) Each system manager, with the approval of the head of his component, shall establish administrative and physical controls, consistent with Department regulations, to insure the protection of records systems from unauthorized access or disclosure and from physical damage or destruction. The controls instituted shall be proportional to the degree of sensitivity

of the records but at a minimum must insure that the records, are enclosed in a manner to protect them from public view, that the area in which the records are stored is supervised during all business hours to prevent unauthorized personnel from entering the area or obtaining access to the records, and that the records are reasonably inaccessible to unauthorized persons outside of business hours.

(c) Each system manager, with the approval of the head of his component shall adopt access restrictions to insure that only those individuals within the agency who have a need to have access to the records for the performance of their duties have access to them. Procedures shall also be adopted to prevent accidental access to or dissemination of records.

#### § 16.55 Use and collection of Social Security numbers.

(a) Each system manager of a system of records which utilizes the Social Security number as a method of identification without statutory authorization, or authorization by regulation adopted prior to January 1, 1975, shall take steps to revise the system to avoid future collection and use of the Social Security number.

(b) The head of each component of the Department shall take such measures as are necessary to insure that employees authorized to collect information from individuals are advised that individuals may not be required to furnish Social Security numbers without statutory or regulatory authorization and that individuals who are requested to provide Social Security numbers voluntarily must be advised that furnishing the number is not required and that no penalty or denial of benefits will flow from the refusal to provide it.

#### § 16.56 Employee standards of conduct with regard to privacy.

(a) The head of each component of the Department shall be responsible for assuring that employees subject to his supervision are advised of the provisions of the Privacy Act, including the criminal penalties and civil liabilities provided therein, and that such employees are made aware of their responsibilities to protect the security of personal information, to assure its accuracy, relevance, timeliness and completeness, to avoid unauthorized disclosure either orally or in writing, and to insure that no system of records retrieved by individual identifier, no matter how small or specialized, is maintained without public notice.

(b) Except to the extent permitted pursuant to the Privacy Act, employees of the Department of Justice shall:

- (1) Collect no information of a personal nature from individuals unless authorized to collect it to achieve a

function or carry out a responsibility of the Department;

(2) Collect from individuals only that information which is necessary to Department functions or responsibilities;

(3) Collect information, wherever practicable, directly from the individual to whom it relates;

(4) Inform individuals from whom information is collected of the authority for collection, the purposes thereof, the uses that will be made of the information, and the effects, both legal and practical, of not furnishing the information;

(5) Neither collect, maintain, use or disseminate information concerning an individual's religious or political beliefs or activities or his membership in associations or organizations, unless (i) the individual has volunteered such information for his own benefit; (ii) the information is expressly authorized by statute to be collected, maintained, used or disseminated; or (iii) the activities involved are pertinent to and within the scope of an authorized investigation, adjudication or correctional activity;

(6) Advise their supervisors of the existence or contemplated development of any record system which retrieves information about individuals by individual identifier;

(7) Wherever required by the Act, maintain an accounting, in the prescribed form, of all dissemination of personal information outside the Department, whether made orally or in writing;

(8) Disseminate no information concerning individuals outside the Department except when authorized by 5 U.S.C. 552a, including pursuant to a routine use published in the FEDERAL REGISTER.

(9) Maintain and process information concerning individuals with care in order to insure that no inadvertent disclosure of the information is made either within or without the Department; and

(10) Call to the attention of the proper Department authorities any information in a system maintained by the Department which is not authorized to be maintained under the provisions of the Privacy Act of 1974, including information on First Amendment activities and information that is inaccurate, irrelevant or so incomplete as to risk unfairness to the individual concerned.

(c) Heads of components within the Department shall, at least annually, review the record systems subject to their supervision to insure compliance with the provisions of the Privacy Act of 1974.

#### § 16.57 Relationship of Privacy Act and the Freedom of Information Act.

(a) Issuance of this section and actions considered or taken pursuant



hereto are not to be deemed a waiver of the Government's position that the materials in question are subject to all of the exemptions contained in the Privacy Act. By providing for exemptions in the Act, Congress conferred upon each agency the option, at the discretion of the agency, to grant or deny access to exempt materials unless prohibited from doing so by any other provision of law. Releases of records under this section, beyond those mandated by the Privacy Act, are at the sole discretion of the Deputy Attorney General and of those persons to whom authority hereunder may be delegated. Authority to effect such discretionary releases of records and to deny requests for those records as an initial matter is hereby delegated to the appropriate system managers as per the Notices of Systems of Records published in 40 FEDERAL REGISTER 167, pages 38703-38801 (August 27, 1975).

(b) Any request by an individual for information pertaining to himself shall be processed solely pursuant to this Subpart D. To the extent that the individual seeks access to records from systems of records which have been exempted from the provisions of the Privacy Act, the individual shall receive, in addition to access, to those records he is entitled to receive under the Privacy Act and as a matter of discretion as set forth in paragraph (a), access to all records within the scope of his request to which he would have been entitled under the Freedom of Information Act, 5 U.S.C. 552, but for the enactment of the Privacy Act and the exemption of the pertinent systems of records pursuant thereto. Only fees set forth in § 16.46 may be charged a requester as to any records to which access is granted pursuant to the provisions of this subsection.

(c) When an individual requests access to records pertaining to criminal, national security or civil investigative activities of the Federal Bureau of Investigation which are contained in systems of records exempted under provisions of the Privacy Act such requests shall be processed as follows:

(1) Where the investigative activities involved have been reported to F.B.I. Headquarters, records maintained in the F.B.I.'s Central files will be processed; and,

(2) Where the investigative activities involved have not been reported to F.B.I. Headquarters, records maintained in files of the Field Office identified by the requester will be processed.

#### Subpart E—Exemption of Record Systems Under the Privacy Act

##### § 16.70 [Reserved]

##### § 16.71 Exemption of the Office of the Deputy Attorney General Systems

(a) The following systems of records are exempt from 5 U.S.C. 552a (d)(1) and (e)(1):

Appointed Assistant United States Attorneys Personnel System (JUSTICE/DAG-001).

(2) Assistant United States Attorneys Applicant Records System (JUSTICE/DAG-002).

Presidential Appointee Candidate Records System (JUSTICE/DAG-009).

(4) Presidential Appointee Records System (JUSTICE/DAG-010).

(5) Special Candidates for Presidential Appointments Records System (JUSTICE/DAG-011).

(6) United States Judges Records System (JUSTICE/DAG-014).

These exemptions apply only to the extent that information in those systems is subject to exemption pursuant to 5 U.S.C. 552a (k)(5).

(b) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (d)(1) because many persons are contacted who, with out an assurance of anonymity, refuse to provide information concerning a candidate for a judgeship or assistant U.S. Attorney position. Permitting access to the information supplied by persons after a promise of confidentiality has been given, could reveal the identity of the source of the information and constitute a breach of the promised confidentiality on the part of the Department of Justice. Such breaches ultimately would restrict the free flow of information vital to a determination of a candidate's qualifications and suitability.

(2) From subsection (e)(1) because in the collection of information for investigation and evaluative purposes, it is impossible to determine in advance what exact information may be of assistance in determining the qualifications and suitability of a candidate. Information which may appear irrelevant, when combined with other apparently irrelevant information, can on occasion, provide a composite picture of a candidate for a position which assists in determining whether that candidate should be nominated for appointment.

##### § 16.72-16.75 [Reserved]

##### § 16.76 Exemption of Office of Management and Finance Systems

(a) The following system of records is exempt from 5 U.S.C. 552a(d): Controlled Substances Act Nonpublic Records (JUSTICE/OMF-002).

This exemption applies only to the extent that information in this system is subject to exemption pursuant to 552a (j).

(b) Exemption from subsection (d) is justified for the following reasons:

(1) Pub. L. 91-513 (Controlled Substances Act), Sec. 404(b) states that the nonpublic record "shall be retained by the Department of Justice

solely for the purpose of use by the courts in determining whether or not, in subsequent proceedings, such person qualifies under this subsection." It is therefore maintained that it is the intent of Congress that these nonpublic records, by definition, receive no further exposure.

(c) The following system of records is exempt from 5 U.S.C. 552a(d):

(1) Security Clearance Information System (SCIS) (JUSTICE/OMF-008)—Limited access.

This exemption applies only to the extent that information in this system is subject to exemption pursuant to 552a (j) and (k).

(d) Exemption from subsection (d) is justified for the following reason:

(1) Access to records in the system would reveal the identity(ies) of the source(s) of information collected in the course of a background investigation. Such knowledge might be harmful to the source who provided the information as well as violate the explicit or implicit promise of confidentiality made to the source during the investigation.

(e) Consistent with the legislative purpose of the Privacy Act of 1974, the Office of Management and Finance will grant access to nonexempt material in SCIS records which are maintained by the Security and Administrative Services Staff. Disclosure will be governed by the Department's Privacy Regulations, but will be limited to the extent that the identity of confidential sources will not be compromised; subjects of an investigation of an actual or potential criminal violation will not be alerted to the investigation; the physical safety of witnesses, informants and law enforcement personnel will not be endangered; the privacy of third parties will not be violated; and that the disclosure would not otherwise impede effective law enforcement. Whenever possible, information of the above nature will be deleted from the requested documents and the balance made available. The controlling principle behind this limited access is to allow disclosures except those indicated above. The decisions to release information from this system will be made on a case-by-case basis.

(f) The following system of records is exempt from 5 U.S.C. 552a(d):

(1) Freedom of Information/Privacy Act Records System (JUSTICE/OMF-019).

These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(k)(2).

(g) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because that portion of the Freedom of Information/Privacy Act Records System

that consists of investigatory materials compiled for law enforcement purposes is being exempted from access and contest; the provision for disclosure of accounting is not applicable.

(2) From subsection (d) because of the need to safeguard the identity of confidential informants and avoid interference with ongoing investigations or law enforcement activities by preventing premature disclosure of information relating to those efforts.

##### § 16.77 [Reserved]

##### § 16.78 Exemption of Watergate Special Prosecution Force Systems—Limited access.

(a) The following systems of records are exempt from 5 U.S.C. 552a(c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G), (H) and (I), (e)(5), (f) and (g):

(1) Watergate Special Prosecution Force Investigative and Prosecutory File (JUSTICE/WSPF-001).

(2) Watergate Special Prosecution Force Automated Investigative File (JUSTICE/WSPF-002).

These exemptions apply to the extent that information in these systems is subject to exemption pursuant to 5 U.S.C. 552a (j) and (k).

(b) Exemptions from the particular subsections are justified for the following reasons:

From subsection (c)(3) because the release of the accounting of disclosures made under subsection (b) of the Act, including those disclosures permitted under the routine uses published for these systems of records would permit the subject of an investigation of an actual or potential criminal, civil or regulatory violation to determine whether he is the subject of an investigation or to obtain valuable information concerning the nature of that investigation, material compiled during the investigation, and the identity of witnesses and informants. Disclosure of the accounting would therefore present a serious impediment to law enforcement. In addition, disclosure of the accounting would amount to notice to the individual of the existence of a record; such notice requirement under subsection (f)(1) is specifically exempted for these systems of records.

(2) From subsection (c)(4) because an exemption is being claimed for subsection (d) of the Act. This section is inapplicable to the extent that these systems of records are exempted from subsection (d).

(3) From subsection (d) because access to the records contained in these systems would inform the subject of an investigation of an actual or potential criminal, civil, or regulatory violation of the existence of that investigation, of the nature and scope of the information and evidence obtained as to his activities, of the identity of

witnesses and informants, or would provide information that could enable the subject to avoid detection or apprehension. These factors would present a serious impediment to effective law enforcement because they could prevent the successful completion of the investigation, endanger the physical safety of witnesses or informants, and lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony.

(4) From subsection (e)(1) because the notices for these systems of records published in the Federal Register set forth the basic statutory or related authority for maintenance of these systems. However, in the course of criminal or other law enforcement investigations, cases, and matters the Watergate Special Prosecution Force will occasionally obtain information concerning actual or potential violations of law that are not strictly within its statutory or other authority, or may compile information in the course of an investigation which may not be relevant to a specific prosecution. In the interests of effective law enforcement, it is necessary to retain such information in these systems of records since it can aid in establishing patterns of criminal activity and can provide valuable leads for federal and other law enforcement agencies.

(5) From subsection (e)(2) because in a criminal or other law enforcement investigation or prosecution, the requirement that the information be collected to the greatest extent practicable from the subject individual would present a serious impediment to law enforcement because the subject of the investigation or prosecution would be placed on notice as to the existence of the investigation and would therefore be able to avoid detection or apprehension, to influence witnesses improperly, to destroy evidence, or to fabricate testimony.

(6) From subsection (e)(3) because the requirement that individuals supplying information be provided with a form stating the requirements of subsection (e)(3) would constitute a serious impediment to law enforcement in that it could compromise the existence of a confidential investigation or reveal the identity of witnesses or confidential informants.

(7) From subsection (e)(4) (G) and (H) because an exception is being claimed for subsections (d) and (f) of the Act. These subsections are inapplicable to the extent that these systems of records are exempted from subsections (d) and (f).

From subsection (e)(4)(I) because the categories of sources of the records in these systems have been published in the Federal Register in broad generic terms in the belief that this is all that subsection (e)(4)(I) of the Act requires. In the event, however, that

this subsection should be interpreted to require more detail as to the identity of sources of the records in these systems, exemption from this provision is necessary in order to protect the confidentiality of the sources of criminal and other law enforcement information. Such exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(9) From subsection (e)(5) because in the collection of information for criminal or other law enforcement purposes it is impossible to determine in advance what information is accurate, relevant, timely and complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light and the accuracy of such information can often only be determined in a court of law. The restrictions of subsection (e)(5) would restrict the ability of trained investigators, intelligence analysts, and government attorneys to exercise their judgment in reporting on information and investigations and impede the development of criminal or other intelligence necessary for effective law enforcement.

(10) From subsection (f) because such notice to an individual would be detrimental to the successful conduct and/or completion of an investigation or prosecution pending or future. In addition, mere notice of the fact of an investigation could inform the subject or others that their activities are under or may become the subject of an investigation and could enable the subjects to avoid detection or apprehension, to influence witnesses improperly, to destroy evidence, or to fabricate testimony. Since an exemption is being claimed for subsection (d) of the Act, the rules required pursuant to this subsection are inapplicable.

(11) From subsection (g) because an exemption is being claimed for subsections (d) and (f).

(c) Consistent with the legislative purpose of the Privacy Act of 1974, the Watergate Special Prosecution Force will grant access to nonexempt material in records which are maintained by the Watergate Special Prosecution Force. Disclosure will be governed by the Department's Privacy Regulations, but will be limited to the extent that the identity of confidential sources will not be compromised; subjects of an investigation of an actual or potential criminal, civil or regulatory violation will not be alerted to the investigation; the physical safety of witnesses, informants and law enforcement personnel will not be endangered; the privacy of third parties will not be violated; and that the disclosure would not otherwise impede effective law enforcement. Whenever possible, information of the above



nature will be deleted from the requested documents and the balance made available. The controlling principle behind this limited access is to allow disclosures except those indicated above. The decisions to release information from these systems of records will be made on a case-by-case basis.

#### § 16.79 Exemption of Pardon Attorney System.

(a) The following system of records is exempt from 5 U.S.C. 552a(d):

(1) Executive Clemency Files (JUSTICE/OPA-001).

This exemption applies only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(j).

(b) Exemption from subsection (d) is justified for the following reasons:

(1) Executive clemency files contain investigatory and evaluative reports relating to applicants for Executive clemency. Release of such information to the subject would jeopardize the integrity of the investigative process, invade the right of candid and confidential communications among officials concerned with recommending clemency decisions to the President, and disclose the identity of persons who furnished information to the Government under an express or implied promise that their identities would be held in confidence.

(2) The purpose of the creation and maintenance of these files is to enable the Pardon Attorney to prepare for the President's ultimate decisions on matters which are within the President's exclusive jurisdiction by virtue of Article II, section 2, clause 1 of the Constitution, which commits pardons to the exclusive discretion of the President.

#### § 16.80 [Reserved]

#### § 16.81 Exemption of United States Attorneys Systems—Limited access.

(a) The following systems of records are exempt from 5 U.S.C. 552a(c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G) and (H), (e) (5) and (8), (f), (g) and (h):

(1) Citizen Complaint Files (JUSTICE/USA-003).

(2) Civil Case Files (JUSTICE/USA-005).

(3) Consumer Complaints (JUSTICE/USA-006).

(4) Criminal Case Files (JUSTICE/USA-007).

(5) Kline—District of Columbia and Maryland Stock and Land Interrelationship Filing System (JUSTICE/USA-010).

(6) Major Crimes Division Investigation Files (JUSTICE/USA-011).

(7) Prosecutor's Management Information System (PROMIS) (JUSTICE/USA-012).

(8) U.S. Attorney, District of Columbia Superior Court Division, Criminal Files (JUSTICE/USA-014).

(9) Pre-trial Diversion Program Files (JUSTICE/USA-015).

These exemptions apply to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a (j) and (k).

(b) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because the release of the disclosure accounting for disclosures pursuant to the routine uses published for these systems would permit the subject of a criminal investigation and/or civil case or matter under investigation, litigation, regulatory or administrative review or action, to obtain valuable information concerning the nature of the investigation, case or matter and present a serious impediment to law enforcement or civil legal activities.

(2) From subsection (c)(4) since an exemption is being claimed for subsection (d), this subsection will not be applicable.

(3) From subsection (d) because access to the records contained in these systems would inform the subject of criminal investigation and/or civil investigation, matter or case of the existence of that investigation, provide the subject of the investigation with information that might enable him to avoid detection, apprehension or legal obligations, and present a serious impediment to law enforcement and other civil remedies.

(4) From subsection (e)(1) because in the course of criminal investigations and/or civil investigations, cases or matters, the United States Attorneys often obtain information concerning the violation of laws or civil obligations other than those relating to an active case or matter. In the interests of effective law enforcement and civil litigation, it is necessary that the United States Attorneys retain this information since it can aid in establishing patterns of activity and provide valuable leads for other agencies and future cases that may be brought within the United States Attorneys' offices.

(5) From subsection (e)(2) because in a criminal investigation the requirement that information be collected to the greatest extent possible from the subject individual would present a serious impediment to law enforcement in that the subject of the investigation would be placed on notice of the existence of the investigation and would therefore be able to avoid detection, apprehension or legal obligations and duties.

(6) From subsection (e)(3) because the requirement that individuals supplying information be provided with a form stating the requirements of sub-

section (e)(3) would constitute a serious impediment to law enforcement in that it could compromise the existence of a confidential investigation, reveal the identity of confidential sources of information and endanger the life and physical safety of confidential informants.

(7) From subsections (e)(4) (G) and (H) because these systems of records are exempt from individual access pursuant to subsections (j) and (k) of the Privacy Act of 1974.

(8) From subsection (e)(5) because in the collection of information for law enforcement purposes it is impossible to determine in advance what information is accurate, relevant, timely, and complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light and the accuracy of such information can only be determined in a court of law. The restrictions of subsection (e)(5) would restrict the ability of trained investigators and intelligence analysts to exercise their judgment in reporting on investigations and impede the development of intelligence necessary for effective law enforcement.

(9) From subsection (e)(8) because the individual notice requirements of subsection (e)(8) could present a serious impediment to law enforcement as this could interfere with the United States Attorneys' ability to issue subpoenas and could reveal investigative techniques and procedures.

(10) From subsection (f) because these systems of records have been exempted from the access provisions of subsection (d).

(11) From subsections (g) and (h) because these systems of records are compiled for law enforcement purposes and have been exempted from the access provisions of subsections (d) and (f).

(c) Consistent with the legislative purpose of the Privacy Act of 1974, the Executive Office for United States Attorneys will grant access to nonexempt material in records which are maintained by the United States Attorneys. Disclosure will be governed by the Department's Privacy Regulations, but will be limited to the extent that the identity of confidential sources will not be compromised; subjects of an investigation of an actual or potential criminal, civil or regulatory violation will not be alerted to the investigation; the physical safety of witnesses, informants and law enforcement personnel will not be endangered; the privacy of third parties will not be violated; and that the disclosure would not otherwise impede effective law enforcement. Whenever possible, information of the above nature will be deleted from the requested documents and the balance

#### §§ 16.82-16.83 [Reserved]

#### § 16.84 Exemption of Board of Immigration Appeals System.

(a) The following system of records is exempt from 5 U.S.C. 552a(d) (2), (3) and (4):

(1) Decisions of the Board of Immigration Appeals (JUSTICE/BIA-001).

This exemption applies only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(k).

(b) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsections (d) (2), (3) and (4) because the decisions reflected constitute official records of opinions rendered in quasi-judicial proceedings. Administrative due process could not be achieved by the ex parte "correction" of such opinions by the subject of the opinion.

Freedom of Information/Privacy Act Records (JUSTICE/USA-009).

These exemptions apply only to the extent that the records contained in this system have been obtained from other systems of records maintained by the U.S. Attorneys Offices for which exemptions from one or more of the foregoing provisions of the Privacy Act of 1974 have been promulgated. The exemption claimed for this system of records applies only to records obtained from such other U.S. Attorneys Offices systems and only to the same extent as the records contained in such other systems have been exempted.

#### § 16.85 Exemption of Board of Parole System—Limited access.

(a) The following systems of records are exempt from 5 U.S.C. 552a (c) (3) and (4), (d), (e) (2) and (3), (e) (4) (G) and (H), (e) (8), (f) and (g):

(1) Docket Scheduling and Control System (JUSTICE/BPR-001).

(2) Inmate and Supervision Files System (JUSTICE/BPR-003).

(3) Labor and Pension Case, Legal File, and General Correspondence System (JUSTICE/BPR-004).

(4) Statistical, Educational and Developmental System (JUSTICE/BPR-006).

(5) Workload Record, Decision Result, and Annual Report System (JUSTICE/BPR-007).

These exemptions apply only to the extent that information in these systems is subject to exemption pursuant to 5 U.S.C. 552a(j).

(b) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because revealing disclosure of accountings to inmates and persons on supervision could compromise legitimate law enforcement activities and Board of Parole responsibilities.

(2) From subsection (c)(4) because the exemption from subsection (d) will make notification of disputes inapplicable.

(3) From subsection (d) because this is essential to protect internal processes by which Board personnel are able to formulate decisions and policies with regard to federal prisoners and persons under supervision, to prevent disclosures of information to federal inmates or persons on supervision that would jeopardize legitimate correctional interests of security, custody, supervision, or rehabilitation, to permit receipt of relevant information from other federal agencies, state and

local law enforcement agencies, and federal and state probation and judicial offices, to allow private citizens to express freely their opinions for or against parole, to allow relevant criminal history type information of co-defendants to be kept in files, to allow medical, psychiatric and sociological material to be available to professional staff, and to allow a candid process of fact selection, opinion formulation, evaluation and recommendation to be continued by professional staff. The legal files contain case development material and, in addition to other reasons, should be exempt under the attorney-client privilege. Each labor or pension applicant has had served upon him the material in his file which he did not prepare and may see his own file at any time.

(4) From subsection (e)(2) because primary collection of information directly from federal inmates or persons on supervision about criminal sentence, criminal records, institutional performance, readiness for release from custody, or need to be returned to custody is highly impractical and inappropriate.

(5) From subsection (e)(3) because application of this provision to the operations and collection of information by the Board, which is primarily from sources other than the individual, is inappropriate.

(6) From subsections (e)(4) (G) and (H) because exemption from the access provisions of (d) makes publication of agency procedures under (d) inapplicable.

(7) From subsection (e)(8) because the nature of the Board's activities renders notice of compliance with compulsory legal process impractical.

(8) From subsection (f) because exemption from the provisions of subsection (d) will render compliance with provisions of this subsection inapplicable.

(9) From subsection (g) because exemption from the provisions of subsection (d) will render the provisions on suits to enforce (d) inapplicable.

(c) Consistent with the legislative purpose of the Privacy Act of 1974, the Board of Parole will initiate a procedure whereby present or former federal inmates in custody or persons under supervision may review copies of material in files relating to them which are maintained by the Board of Parole. Disclosure of the contents will be effected by providing copies of documents to requesters through the mails. Disclosure will be limited to the extent that investigative data, letters or memoranda containing facts selected from the whole fact picture, and items of opinion, conclusion and recommendation, items from exempt sources such as the courts, medical and psychiatric data harmful to continuation of therapy, data which

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would jeopardize privacy rights of others, and information furnished with a legitimate expectation of confidentiality will not be made available. The controlling principle behind the limited access is to allow disclosures except those which would impair the integrity of the Board's decision or policy making processes, the confidentiality of its sources, the effectiveness of the Department of Justice's investigative processes, and the privacy of third parties; or jeopardize the legitimate correctional interests of release from custody, supervision, control and rehabilitation and the decision and policy making processes connected therewith; the documentation of which is exemptable from the Privacy Act. The limitations on disclosure may be changed generally or in regard to certain documentation due to pending or future decisions and directions of the Department of Justice.

#### §§ 16.86-16.87 [Reserved]

#### § 16.88 Exemption of Antitrust Division Systems.

(a) The following systems of records are exempt from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G) and (H), and (f):

(1) Computerized Document Retrieval System—"United States v. International Business Machines" ("CDRS-IBM") (JUSTICE/ATR-002).

(2) Computerized Document Retrieval System—"Tire cases" ("CDRS-Tire Cases") (JUSTICE/ATR-003).

These exemptions apply only to the extent that information in these systems is subject to exemption pursuant to 5 U.S.C. 552a(k). It is noted however, that the provisions of 5 U.S.C. 552a are not applicable to these systems by virtue of 5 U.S.C. 552a(d)(5).

(b) Exemption from the particular subsections are justified for the following reasons:

(1) Exemption from subsection (c)(3) is justified because these systems are maintained only in aid of on-going antitrust enforcement proceedings (e.g., pretrial/trial). Documents retrieved by using information ("keywords") stored electronically in these systems are, and will be required in the ordinary course of conducting all proceedings in "United States v. The Goodyear Tire & Rubber Company," Civil No. C-73-835 (N.D. Ohio), "United States v. The Firestone Tire & Rubber Company," Civil No. C-73-836 (N.D. Ohio), and "United States v. International Business Machines," Civil No. 69-Civ.-200 (S.D. N.Y.). Consequently, in the course of such protracted and complex antitrust proceedings, the presentation, production or other routine and necessary disclosure of documents retrieved from these systems will be required to be made before the courts and as otherwise required by order of court or pursuant to binding rules of procedure.

(2) 5 U.S.C. 552a(d) does not apply to these systems by virtue of 5 U.S.C. 552a(d)(5). In addition, exemptions from subsections (d), (e)(4) (G) and (H), and (f), all related to matters concerned with individual access to information in systems of records, are justified under 5 U.S.C. 552a(k) because access to the documents retrievable from these systems and compiled for law enforcement purposes could result in the invasion of the privacy of private persons named or otherwise identified in such documents as well as the unjustified disclosure of commercial and financial information of a confidential nature obtained from various firms connected with or involved in the referenced proceedings.

(3) Exemption from subsection (e)(1) is justified because the collection of documents prior to and during the judicial proceedings necessarily involves the assemblage, indexing and storage in these types of systems of information relative to individuals who are not ultimately required to appear or otherwise connected with actual litigation.

(c) The following system of records is exempt from 5 U.S.C. 552a(c)(3), (d), (e)(4) (G) and (H), and (f):

(1) Antitrust Caseload Evaluation System (ACES)—Monthly Report. (Justice/ATR-009)

These exemptions apply only to the extent that information in these systems is subject to exemption pursuant to 5 U.S.C. 552a(k)(2). It is noted however that the provisions of 5 U.S.C. 552a are not applicable to these systems by virtue of 5 U.S.C. 552a(d)(5).

(d) Exemption from the particular subsections are justified for the following reasons:

(1) Exemption from subsection (c)(3) is justified because these systems are maintained in aid of ongoing antitrust enforcement investigations and proceedings. The release of the accounting of disclosures made under subsection (b) of the Act would permit the subject of an investigation of an actual or potential criminal or civil violation to determine whether he is the subject of an investigation. Disclosure of the accounting would therefore present a serious impediment to antitrust law enforcement efforts.

(2) 5 U.S.C. 552a(d) does not apply to these systems by virtue of 5 U.S.C. 552a(d)(5). In addition, exemptions from subsections (d), (e)(4) (G) and (H), and (f), all related to matters concerned with individual access to information in systems of records are justified under 5 U.S.C. 552a(k)(2) because access to the information retrievable from this system and compiled for law enforcement purposes could result in the premature disclosure of the identity of the subject of an investigation of an actual or potential criminal or civil violation and information concerning

the nature of that investigation. This information could enable the subject to avoid detection of apprehension. This would present a serious impediment to effective law enforcement since the subject could hinder or prevent the successful completion of the investigation.

#### § 16.89 [Reserved]

#### § 16.90 Exemption of Civil Rights Division Systems.

(a) The following system of records is exempt from 5 U.S.C. 552a(d):

(1) Files on Employment Civil Rights Matters Referred by the Equal Employment Opportunity Commission (JUSTICE/CRT-007).

This exemption applies to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(k).

(b) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (d) because this system contains investigatory material compiled by the Equal Opportunity Commission pursuant to its authority under 42 U.S.C. 2000e-8. 42 U.S.C. 2000e-8(e) and 44 U.S.C. 3508 make it unlawful to make public in any manner whatsoever any information obtained by the Commission pursuant to the authority.

(c) The following systems of records are exempt from 5 U.S.C. 552a (c)(3) and (d):

(1) Records Obtained by Office of Special Litigation Concerning Residents of Certain State Institutions (JUSTICE/CRT-005).

(2) Files of Federal Programs Section, Civil Rights Division (JUSTICE/CRT-006).

These exemptions apply only to the extent that information in these systems is subject to exemption pursuant to 5 U.S.C. 552(k).

(d) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because the release of the disclosure accounting for disclosure pursuant to the routine uses published for this system may enable the subject of an investigation to gain valuable information concerning the nature and scope of the investigation and seriously hamper law enforcement efforts.

(2) From subsection (d) because freely permitting access to records in this system would compromise ongoing investigations and reveal investigatory techniques. In addition, these records may be subject to protective orders entered by federal courts to protect their confidentiality. Many of the records contained in these systems are copies of documents which are the property of state agencies and were obtained under express or implied

promises to strictly protect their confidentiality.

(e) The following system of records is exempt from 5 U.S.C. 552a (c)(3), (d) and (g):

(1) Central Civil Rights Division Index File and Associated Records (JUSTICE/CRT-001).

These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(j) and (k).

(f) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsections (c)(3) and (d) for the reasons listed in 16.90(d)(1) and (2) above.

(2) From subsection (g) because exemption from the provision of subsection (d) will render the provisions on suits to enforce (d) inapplicable.

(g) The following system of records is exempted pursuant to the provisions of 5 U.S.C. 552a(j)(2) from subsections (c)(3), (d), and (g) of 5 U.S.C. 552a; in addition, the following system of records is exempted pursuant to the provisions of 5 U.S.C. 552a(k)(2) from subsections (c)(3), and (d) of 5 U.S.C. 552a:

(1) Central Criminal Division, Index File and Associated Records System of Records (JUSTICE/CRM-001)—Limited Access.

(2) General Crimes Section, Criminal Division, Central Index File and Associated Records System of Records (JUSTICE/CRM-004)—Limited Access.

These exemptions apply only to the extent that the records contained in this system have been obtained from other systems of records maintained by the Civil Rights Division for which exemptions from one or more of the foregoing provisions of the Privacy Act of 1974 have been promulgated. The exemptions claimed for this system of records apply only to records obtained from such other Civil Rights Division systems and only to the same extent as the records contained in such other systems have been exempted.

(h) The system of records listed under paragraph (g) of this section is exempted for the following reasons:

(1) In the course of processing requests for records pursuant to the Freedom of Information Act (5 U.S.C. 552) or for access or correction of records pursuant to the Privacy Act (5 U.S.C. 552a), it is frequently necessary to search for records in systems of records for which exemptions have been claimed pursuant to 5 U.S.C. 552a (j) or (k). When records are located in said systems, it is frequently necessary to prepare copies for the purpose of consulting with agency personnel or with other agencies, either with regard to determining whether or to what extent the records should be disclosed, or access provided, or correction made or denied, or for review in the event of administrative appeal or judicial review.

(2) If records otherwise exempt pursuant to published rules should lose their exempt character when taken from such exempt systems for the pur-

pose of compliance with the Freedom of Information Act and the Privacy Act in reviewing such records and making determination with regard to disclosure, access, and correction, the purpose of the Privacy Act in providing such exemptions, and of the Department of Justice in claiming such exemptions would be defeated and nullified. The proper, efficient, and timely processing of citizens' requests pursuant to said Acts would be hindered and impeded.

#### § 16.91 Exemption of Criminal Division Systems—Limited access, as indicated.

(a) The following systems of records are exempted pursuant to the provisions of 5 U.S.C. 552a(j)(2) from subsections (c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G), (H) and (I), (e) (5) and (8), (f) and (g) of 5 U.S.C. 552a; in addition, the following systems of records are exempted pursuant to the provisions of 5 U.S.C. 552a (k)(1) and (k)(2) from subsections (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) of 5 U.S.C. 552a:

(1) Central Criminal Division, Index File and Associated Records System of Records (JUSTICE/CRM-001)—Limited Access.

(2) General Crimes Section, Criminal Division, Central Index File and Associated Records System of Records (JUSTICE/CRM-004)—Limited Access.

These exemptions apply to the extent that information in those systems are subject to exemption pursuant to 5 U.S.C. 552a (j)(2), (k)(1) and (k)(2).

(b) The systems of records listed under paragraphs b(1) and (b)(2) of this section are exempted, for the reasons set forth, from the following provisions of 5 U.S.C. 552a:

(1), (c)(3). The release of the disclosure accounting for disclosures made pursuant to subsection (b) of the Act, including those permitted under the routine uses published for these systems of records, would permit the subject of an investigation of an actual or potential criminal, civil, or regulatory violation to determine whether he is the subject of investigation, or to obtain valuable information concerning the nature of that investigation, and the information obtained, or the identity of witnesses and informants and would therefore present a serious impediment to law enforcement. In addition, disclosure of the accounting would amount to notice to the individual of the existence of a record; such notice requirement under subsection (f)(1) is specifically exempted for these systems of records.

(2), (c)(4). Since an exemption is being claimed for subsection (d) of the Act (Access to Records) this subsection is inapplicable to the extent that these systems of records are exempted from subsection (d).

(3), (d). Access to the records contained in these systems would inform the subject of an investigation of an actual or potential criminal, civil, or regulatory violation of the existence of that investigation, or the nature and scope of the information and

evidence obtained as to his activities, of the identity of witnesses and informants, or would provide information that could enable the subject to avoid detection or apprehension. These factors would present a serious impediment to effective law enforcement because they could prevent the successful completion of the investigation, endanger the physical safety of witnesses or informants, and lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony.

(4), (e)(1). The notices of these systems of records published in the Federal Register set forth the basic statutory or related authority for maintenance of this system. However, in the course of criminal or other law enforcement investigations, cases, and matters, the Criminal Division or its components will occasionally obtain information concerning actual or potential violations of law that are not strictly within its statutory or other authority or may compile information in the course of an investigation which may not be relevant to a specific prosecution. In the interests of effective law enforcement, it is necessary to retain such information in these systems of records since it can aid in establishing patterns of criminal activity and can provide valuable leads for federal and other law enforcement agencies.

(5), (e)(2). In a criminal investigation or prosecution, the requirement that information be collected to the greatest extent practicable from the subject individual would present a serious impediment to law enforcement because the subject of the investigation or prosecution would be placed on notice as to the existence of the investigation and would therefore be able to avoid detection or apprehension, to influence witnesses improperly, to destroy evidence, or to fabricate testimony.

(6), (e)(3). The requirement that individuals supplying information be provided with a form stating the requirements of subsection (e)(3) would constitute a serious impediment to law enforcement in that it could compromise the existence of a confidential investigation or reveal the identity of witnesses or confidential informants.

(7), (e)(4) (G) and (H). Since an exemption is being claimed for subsections (f) (Agency Rules) and (d) (Access to Records) of the Act these subsections are inapplicable to the extent that these systems of records are exempted from subsections (f) and (d).

(8), (e)(4)(I). The categories of sources of the records in these systems have been published in the FEDERAL REGISTER in broad generic terms in the belief that this is all that subsection (e)(4)(I) of the Act requires. In the event, however, that this subsection should be interpreted to require more detail as to the identity of sources of the records in these systems, exemption from this provision is necessary in order to protect the confidentiality of the sources of criminal and other law enforcement information. Such exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(9), (e)(5). In the collection of information for criminal law enforcement purposes it is impossible to determine in advance what information is accurate, relevant, timely, and complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light and the accuracy of such information can often only be determined in a court of law. The restrictions of subsection (e)(5) would re-



restrictions of subsection (e)(5) would restrict the ability of trained investigators, intelligence analysts, and government attorneys in exercising their judgment in reporting on information and investigations and impede the development of criminal or other intelligence necessary for effective law enforcement.

(10). (e)(8). The individual notice requirements of subsection (e)(8) could present a serious impediment to law enforcement as this could interfere with the ability to issue warrants or subpoenas and could reveal investigative techniques, procedures, or evidence.

(11). (f). Procedures for notice to an individual pursuant to subsection (f)(1) as to the existence of records pertaining to him dealing with an actual or potential criminal, civil or regulatory investigation or prosecution must be exempted because such notice to an individual would be detrimental to the successful conduct and/or completion of an investigation or prosecution pending or future. In addition, mere notice of the fact of an investigation could inform the subject or others that their activities are under or may become the subject of an investigation and could enable the subjects to avoid detection or apprehension, to influence witnesses improperly, to destroy evidence, or to fabricate testimony.

Since an exemption is being claimed for subsection (d) of the Act (Access to Records) the rules require pursuant to subsection (f) (2) through (5) are inapplicable to these systems of records to the extent that these systems of records are exempted from subsection (d).

(12). (g). Since an exemption is being claimed for subsections (d) (Access to Records) and (f) (Agency Rules) this section is inapplicable, and is exempted for the reasons set forth for those subsections, to the extent that these systems of records are exempted from subsections (d) and (f).

(13). In addition, exemption is claimed for these systems of records from compliance with the following provisions of the Privacy Act of 1974 (5 U.S.C. 552a) pursuant to the provisions of 5 U.S.C. 552a(k)(1): subsections (e)(3), (d), (e)(1), (e)(4) (G), (H) and (I) and (f) to the extent that the records contained in these systems are specifically authorized to be kept secret in the interests of national defense and foreign policy.

(c) The following systems of records are exempted pursuant to the provisions of 5 U.S.C. 552a(j)(2) from subsection (c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G), (H) and (I), (e) (5) and (8), (f) and (g) of 5 U.S.C. 552a:

(1) Criminal Division Witness Security Program, File System of Records (JUSTICE/CRM-002).

(2) Narcotic and Dangerous Drug Witness Security, Program File System of Records (JUSTICE/CRM-009).

These exemptions apply to the extent that information in these systems are subject to exemption pursuant to 5 U.S.C. 552a(j)(2).

(d) The systems of records listed under paragraphs (c)(1) and (c)(2) of this section are exempted, for the reasons set forth, from the following provisions of 5 U.S.C. 552a:

(1). (c)(3) The release of the disclosure accounting for disclosures made pursuant to

subsection (b) of the Act, including those permitted under the routine uses published for these systems of records, would permit the subject of an investigation of an actual or potential criminal violation, which may include those protected under the Witness Security Program, to determine whether he is the subject of a criminal investigation, to obtain valuable information concerning the nature of that investigation and the information obtained, or the identity of witnesses and informants and the nature of their reports, and would therefore present a serious impediment to law enforcement. In addition, disclosure of the accounting would amount to notice to the individual of the existence of a record; such notice requirement under subsection (f)(1) is specifically exempted for these systems of records. Moreover, disclosure of the disclosure accounting to an individual protected under the Witness Security Program could jeopardize the effectiveness and security of the Program by revealing the methods and techniques utilized in relocating witnesses and could therefore jeopardize the ability to obtain, and to protect the confidentiality of, information compiled for purposes of a criminal investigation.

(2). (c)(4) Since an exemption is being claimed for subsection (d) of the Act (Access to Records) this section is inapplicable.

(3). (d) Access to the records contained in these systems would inform the subject of an investigation of an actual or potential criminal violation, which may include those protected under the Witness Security Program, of the existence of that investigation, of the nature and scope of the information and evidence obtained as to his activities, of the identity of witnesses and informants, or would provide information that could enable the subject to avoid detection or apprehension. These factors would present a serious impediment to effective law enforcement because they could prevent the successful completion of the investigation, endanger the physical safety of witnesses or informants, and lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony. In addition, access to the records in these systems to an individual protected under the Witness Security Program could jeopardize the effectiveness and security of the Program by revealing the methods and techniques utilized in relocating witnesses and could therefore jeopardize the ability to obtain, and to protect the confidentiality of, information compiled for purposes of a criminal investigation.

(4). Exemption is claimed from subsection (e)(1) for the reasons stated in subsection (b)(4) of this section.

(5). (e)(2) In the course of preparing a Witness Security Program for an individual much of the information is collected from the subject. However, the requirement that the information be collected to the greatest extent practicable from the subject individual would present a serious impediment to criminal law enforcement because the individual himself may be the subject of a criminal investigation or have been a participant in, or observer of, criminal activity. As a result, it is necessary to seek information from other sources. In addition, the failure to verify the information provided from the individual when necessary and to seek other information could jeopardize the confidentiality of the Witness Security Program and lead to the obtaining and maintenance of incorrect and uninvestigated information on criminal matters.

(6). (e)(3) The requirement that individuals supplying information be provided with a form stating the requirements of subsection (e)(3) would constitute a serious impediment to law enforcement in that it could compromise or reveal the identity of witnesses and informants protected under the Witness Security Program.

(7). (e)(4) (G) and (H). Since an exemption is being claimed for subsections (f) (Agency Rules) and (d) (Access to Records) of the Act these subsections are inapplicable.

(8). (e)(4)(I). The categories of sources of the records in these systems have been published in the Federal Register in broad generic terms in the belief that this is all that subsection (e)(4)(I) of the Act requires. In the event, however, that this subsection should be interpreted to require more detail as to the identity of sources of the records in the system, exemption from this provision is necessary in order to protect the confidentiality of the sources of criminal law enforcement information and of witnesses and informants protected under the Witness Security Program.

(9). Exemption is claimed from subsections (e)(5) and (e)(8) for the reasons stated in subsection (b)(9) and (b)(10) of this section.

(10). Procedures for notice to an individual pursuant to subsection (f)(1) as to the existence of records contained in these systems pertaining to him would inform the subject of an investigation of an actual or potential criminal violation, which may include those protected under the Witness Security Program, of the existence of that investigation, of the nature and scope of the information and evidence obtained as to his activities, of the identity of witnesses and informants, or would provide information that could enable the subject to avoid detection or apprehension. These factors would present a serious impediment to effective law enforcement because they could prevent the successful conduct and/or completion of an investigation pending or future, endanger the physical safety of witnesses or informants, and lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony. In addition, notices as to the existence of records contained in these systems to an individual protected under the Witness Security Program could jeopardize the effectiveness and security of the Program by revealing the methods and techniques utilized in relocating witnesses and could therefore jeopardize the ability to obtain, and to protect the confidentiality of information compiled for purposes of a criminal investigation.

Since an exemption is being claimed for subsection (d) of the Act (Access to Records) the rules required pursuant to subsection (f)(2) through (5) are inapplicable.

(11). (g) Since an exemption is being claimed for subsections (d) (Access to Records) and (f) (Agency Rules) this section is inapplicable and is exempted for the reasons set forth for those subsections.

(e) The following systems of records are exempted pursuant to the provisions of 5 U.S.C. 552a(j)(2) from subsections (c) (3) and (4), (d), (e)(4) (G), (H) and (I), (f), and (g) of 5 U.S.C. 552a:

(1) Organized Crime and Racketeering Section File Check Out System of Records (JUSTICE/CRM-011).

(2) Organized Crime and Racketeering Section Intelligence and Special

Services Unit, Information Request System of Records (JUSTICE/CRM-014).

These exemptions apply to the extent that information in those systems are subject to exemption pursuant to 5 U.S.C. 552a(j)(2).

(f) The systems of records listed under paragraphs (e)(1) and (e)(2) of this section are exempted for the reasons set forth, from the following provisions of 5 U.S.C. 552a:

(1). (c)(3). The release of the disclosure accounting for disclosures made pursuant to subsection (b) of the Act, including those permitted under the routine uses published for these systems of records, would permit the subject of an investigation of an actual or potential criminal violation to determine whether he is the subject of a criminal investigation and would therefore present a serious impediment to law enforcement. The records in these systems contain the names of the subjects of the files in question and the system is accessible by name of the person checking out the file and by name of the subject of the file. In addition, disclosure of the accounting would amount to notice to the individual of the existence of a record; such notice requirement under subsection (f)(1) is specifically exempted for these systems of records.

(2). (c)(4). Since an exemption is being claimed for subsection (d) of the Act (Access to Records) this section is inapplicable.

(3). (d). Access to the records contained in these systems would inform the subject of an investigation of an actual or potential criminal violation of the existence of that investigation. This would present a serious impediment to effective law enforcement because it could prevent the successful completion of the investigation, endanger the physical safety of witnesses or informants, and lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony.

(4). Exemption is claimed from subsections (e)(4) (G), (H) and (I) for the reasons stated in subsections (b)(7) and (b)(8) of this section.

(5). (f). These systems may be accessed by the name of the person who is the subject of the file and who may also be the subject of a criminal investigation. Procedures for notice to an individual pursuant to subsection (f)(1) as to the existence of records pertaining to him, which may deal with an actual or potential criminal investigation or prosecution, must be exempted because such notice to an individual would be detrimental to the successful conduct and/or completion of the investigation or prosecution pending or future. In addition mere notice of the fact of an investigation could inform the subject or others that their activities are under or may become the subject of an investigation and could enable the subjects to avoid detection or apprehension, to influence witnesses improperly, to destroy evidence, or to fabricate testimony.

Since an exemption is being claimed for subsection (d) of the Act (Access to Records) the rules required pursuant to subsection (f) (2) through (5) are inapplicable.

(6). (g). Since an exemption is being claimed for subsections (d) (Access to Records) and (f) (Agency Rules) of the Act this section is inapplicable and is exempted for the reasons set forth for those subsections.

(g) The following system of records is exempted pursuant to the provisions

of 5 U.S.C. 552a(j)(2) from subsections (c)(4), (d), (e)(4) (G), (H) and (I), (f) and (g) of 5 U.S.C. 552a.

Files of Names Checked to Determine If Those Individuals Have Been the Subject of an Electronic Surveillance System of Records (JUSTICE/CRM-003).

These exemptions apply to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(j)(2).

(h) The system of records listed under paragraph (g) of this section is exempted, for the reasons set forth, from the following provisions of 5 U.S.C. 552a:

(1). (c)(4). Since an exemption is being claimed for subsection (d) of the Act (Access to Records) this section is inapplicable to the extent that this system of records is exempted from subsection (d).

(2). (d). The records contained in this system of records generally consist of information filed with the court in response to the request and made available to the requestor. To the extent that these records have been so filed, no exemption is sought from the provisions of this subsection. Occasionally, the records contain pertinent logs of intercepted communications and other investigative reports not filed with the court. These records must be exempted because access to such records could inform the subject of an investigation of an actual or potential criminal violation of the existence of that investigation and of the nature of the information and evidence obtained by the government. This would present a serious impediment to effective law enforcement because it could prevent the successful completion of the investigation, endanger the physical safety of witnesses or informants, and lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony.

(3). Exemption is claimed from subsections (e)(4) (G), (H) and (I) for the reasons stated in subsections (b)(7) and (b)(8) of this section.

(4). (f). The records contained in this system of records generally consist of information filed with the court and made available to the requestor. To the extent that these records have been so filed, no exemption is sought from the provisions of this subsection. Occasionally, the records contain pertinent logs of intercepted communications and other investigative reports not filed with the court. These records must be exempted from a requirement of notification as to their existence because such notice to an individual would be detrimental to the successful conduct and/or completion of a criminal investigation or prosecution pending or future. In addition, mere notice of the existence of such logs or investigative reports could inform the subject or others that their activities are under or may become the subject of an investigation and could enable the subjects to avoid detection or apprehension, to influence witnesses improperly, to destroy evidence or to fabricate testimony.

Since an exemption is being claimed for subsection (d) of the Act (Access to Records) the rules required pursuant to subsection (f) (2) through (5) are inapplicable to the extent that this system of records is exempted from subsection (d).

(6). (g). Since an exemption is being claimed for subsections (d) (Access to Re-

cords) and (f) (Agency Rules) this section is inapplicable, and is exempted for the reasons set forth for those subsections, to the extent that this system of records is exempted from subsection (d) and (f).

(i) The following systems of records are exempted pursuant to the provisions of 5 U.S.C. 552a(j)(2) from subsections (c) (3) and (4), (d), (e) (1), (2) and (3), (e) (4) (G), (H) and (I), (e) (5) and (8), (f) and (g) of 5 U.S.C. 552a:

(1) Information File on Individuals and Commercial Entities Known or Suspected of Being Involved in Fraudulent Activities System of Records (JUSTICE/CRM-006).

(2) The Stocks and Bonds Intelligence Control Card File System of Records (JUSTICE/CRM-021).

These exemptions apply only to the extent that information in these systems are subject to exemption pursuant to 5 U.S.C. 552a(j)(2).

The systems of records listed in paragraphs (i)(1) and (i)(2) of this section are exempted, for the reasons set forth, from the following provisions of 5 U.S.C. 552a:

(1). (c)(3). The release of the disclosure accounting for disclosures made pursuant to subsection (b) of the Act, including those permitted under the routine uses published for these systems of records, would permit the subject of an investigation of an actual or potential criminal violation to determine whether he is the subject of a criminal investigation, to obtain valuable information concerning the nature of that investigation, and the information obtained, or the identity of witnesses and informants, and would therefore present a serious impediment to law enforcement. In addition, disclosure of the accounting would amount to notice to the individual of the existence of a record; and notice requirement under subsection (f)(1) is specifically exempted for this system of records.

(2). (c)(4). Since an exemption is being claimed for subsection (d) of the Act (Access to Records) this section is inapplicable to the extent that this systems of records is exempted from subsection (d).

(3). (d). Access to the records contained in these systems would inform the subject of an investigation of an actual or potential criminal violation of the existence of that investigation, of the nature and scope of the information and evidence obtained as to his activities, of the identity of witnesses and informants or would provide information that could enable the subject to avoid detection or apprehension. These factors would present a serious impediment to effective law enforcement because they could prevent the successful completion of the investigation, endanger the physical safety of witnesses or informants, and lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony.

(4). Exemption is claimed from subsections (e) (1), (2) and (3), (e)(4) (G), (H) and (I), (e)(5) and (e)(8) for the reasons stated in subsections (b)(4), (b)(5), (b)(6), (b)(7), (b)(8), (b)(9) and (b)(10) of this section.

(5). (f). Procedures for notice to an individual pursuant to subsection (f)(1) as to the existence of records pertaining to him dealing with an actual or potential criminal



investigation or prosecution must be exempted because such notice to an individual would be detrimental to the successful conduct and/or completion of an investigation or prosecution pending or future. In addition, mere notice of the fact of an investigation could inform the subject or others that their activities are under or may become the subject of an investigation and could enable the subjects to avoid detection or apprehension, to influence witnesses improperly, to destroy evidence, or to fabricate testimony.

Since an exemption is being claimed for subsection (d) of the Act (Access to Records) the rules required pursuant to subsection (f)(2) through (5) are inapplicable to these systems of records.

(6). (g). Since an exemption is being claimed for subsections (d) (Access to Records) and (f) (Agency Rules) this section is inapplicable and is exempted for the reasons set forth for those subsections.

(k) The following system of records is exempted pursuant to the provisions of 5 U.S.C. 552a(j)(2) from subsections (c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G), (H) and (I), (e) (5) and (8), (f) and (g) of section 5 U.S.C. 552a:

Organized Crime and Racketeering Information System of Records (JUSTICE/CRM-010).

These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(j)(2).

(l) The system of records listed in paragraph (k) of this section is exempted, for the reasons set forth, from the following provisions of 5 U.S.C. 552a:

(1). Exemption is claimed from subsections (c)(3), (c)(4) and (d) for the reasons stated in subsections (j)(1), (j)(2) and (j)(3) of this section.

(2). (e)(1). The notice for this system of records published in the Federal Register sets forth the basic statutory or related authority for maintenance of this system. However, in the course of organized crime investigations information will occasionally be obtained concerning actual or potential violations of law that are not strictly within statutory or other authority, or information may be compiled in the course of an investigation which may not be relevant to a specific prosecution. In the interests of effective law enforcement, it is necessary to retain such information in this system of records since it can aid in establishing patterns of criminal activity and can provide valuable leads for federal and other law enforcement agencies.

(3). Exemption is claimed from subsections (e) (2) and (3), (e) (4) (G), (H) and (I), (e) (5) and (8) for the reasons stated in subsections (b)(5), (b)(6), (b)(7), (b)(8), (b)(9) and (b)(10) of this section.

(4). Exemption is claimed from sections (f) and (g) for the reasons stated in subsections (j)(5) and (j)(6) of this section.

(m) The following system of records is exempted pursuant to the provisions of 5 U.S.C. 552a(j)(2) from subsections (c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G), (H) and (I), (e) (5) and (8), (f) and (g) of 5 U.S.C. 552a; in addition, the following systems of records are exempted pursuant to the provisions

of 5 U.S.C. 552a(k)(1) from subsections (c) (3), (d), (e)(1), (e)(4) (G), (H) and (I) and (f) of 5 U.S.C. 552a:

Organized Crime and Racketeering Section, Criminal Division, General Index File and Associated Records System of Records (JUSTICE/CRM-012).

These exemptions apply to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a (j) (2) and (k) (1).

(n) The system of records listed under paragraph (m) of this section is exempted, for the reasons set forth, from the following provisions of 5 U.S.C. 552a:

(1). Exemption is claimed from subsections (c) (3) and (4) and (d) for the reasons stated in subsections (j)(1), (j)(2) and (j)(3) of this section.

(2). (e)(1). The notice for this system of records published in the Federal Register sets forth the basic statutory or related authority or maintenance of this system. However, in the course of criminal investigations, cases, and matters, the Organized Crime and Racketeering Section will occasionally obtain information concerning actual or potential violations of law that are not strictly within its statutory or other authority, or may compile information in the course of an investigation which may not be relevant to a specific prosecution. In the interests of effective law enforcement, it is necessary to retain such information in this system of records since it can aid in establishing patterns of criminal activity and can provide valuable leads for federal and other law enforcement agencies.

(3). Exemption is claimed from subsections (e) (2) and (3), (e)(4) (G), (H) and (I), (e) (5) and (8), (f) and (g) for the reasons stated in subsections (b)(5), (b)(6), (b)(7), (b)(8), (b)(9), (b)(10), (b)(11) and (b)(12) of this section.

(4). In addition, exemption is claimed for this system of records from compliance with the following provisions of the Privacy Act of 1974 (5 U.S.C. 552a) pursuant to the provisions of 5 U.S.C. 552a(k)(1): subsections (c)(3), (d), (e)(1), (e)(4) (G), (H) and (I) and (f) to the extent that the records contained in this system are specifically authorized to be kept secret in the interests of national defense and foreign policy.

(o) The following systems of records are exempted pursuant to the provisions of 5 U.S.C. 552a (j)(2) from subsections (c) (3) and (4), (d), (e) (2) and (3), (e)(4) (G), (H) and (I), (e)(8), (f) and (g) of 5 U.S.C. 552a:

(1) Requests to the Attorney General For Approval of Applications to Federal Judges for Electronic Interceptions System of Records (JUSTICE/CRM-019).

(2) Requests to the Attorney General For Approval of Applications to Federal Judges For Electronic Interceptions in Narcotics and Dangerous Drug Cases System of Records (JUSTICE/CRM-020).

These exemptions apply only to the extent that information in these systems are subject to exemption pursuant to 5 U.S.C. 552a(j)(2).

(p) The systems of records listed in paragraph (o)(1) and (o)(2) of this section are exempted for the reasons set forth, from the following provisions of 5 U.S.C. 552a:

(1). (c)(3). The release of disclosure accounting for disclosures made pursuant to subsection (b) of the Act, including those permitted under the routine uses published for these systems of records, would permit the subject of an electronic interception to obtain valuable information concerning the interception, including information as to whether he is the subject of a criminal investigation, by means other than those provided for by statute. Such information could interfere with the successful conduct and/or completion of a criminal investigation, and would therefore present a serious impediment to law enforcement. In addition, disclosure of the accounting would amount to notice to the individual of the existence of a record; such notice requirement under subsection (f)(1) is specifically exempted for these systems of records.

(2). (c)(4). Since an exemption is being claimed for subsection (d) of the Act (Access to Records) this section is inapplicable.

(3). (d). Access to the records contained in these systems would inform the subject of an electronic interception of the existence of such surveillance including information as to whether he is the subject of a criminal investigation by means other than those provided for by statute. This could interfere with the successful conduct and/or completion of a criminal investigation and therefore present a serious impediment to law enforcement.

(4). (e)(2). In the context of an electronic interception, the requirement that information be collected to the greatest extent practicable from the subject individual would present a serious impediment to law enforcement because the subject of the investigation or prosecution would be placed on notice as to the existence of the investigation and this would therefore destroy the efficacy of the interception.

(5). (e)(3). The requirement that individuals supplying information be provided with a form stating the requirements of subsection (e)(3) would constitute a serious impediment to law enforcement in that it could compromise the existence of a confidential electronic interception or reveal the identity of witnesses or confidential informants.

(6). (e)(4) (G) and (H). Since an exemption is being claimed for subsections (f) (Agency Rules) and (d) (Access to Records) of the Act these subsections are inapplicable.

(7). Exemption is claimed from subsections (e)(4)(I) and (e)(8) for the reasons stated in subsections (b)(8) and (b)(10) of this section.

(8). (f). Procedures for notice to an individual pursuant to subsection (f)(1) as to the existence of records pertaining to him dealing with an electronic interception other than pursuant to statute must be exempted because such notice to an individual would be detrimental to the successful conduct and/or completion of an investigation pending or future. In addition, mere notice of the fact of an electronic interception could inform the subject or others that their activities are under or may become the subject of an investigation and could enable the subject to avoid detection or apprehension, to influence witnesses improperly, to destroy evidence, or to fabricate testimony.

(9). (g). Since an exemption is being claimed for subsection (d) (Access to Records) and (f) (Agency Rules) this section is inapplicable, and is exempted for the reasons set forth for those subsections, to the extent that these systems of records are exempted from subsection (d) and (f).

Since an exemption is being claimed for subsection (d) of the Act (Access to Records) the rules required pursuant to subsection (f)(2) through (5) are inapplicable to these systems of records to the extent that these systems of records are exempted from subsection (d).

(9). (g). Since an exemption is being claimed for subsection (d) (Access to Records) and (f) (Agency Rules) this section is inapplicable, and is exempted for the reasons set forth for those subsections, to the extent that these systems of records are exempted from subsection (d) and (f).

(q) The following system of records is exempted pursuant to the provisions of 5 U.S.C. 552a(j)(2) from subsections (c) (3) and (4), (d), (e) (2) and (3), (e)(4) (G), (H), and (I), (e)(8), (f) and (g) of 5 U.S.C. 552a; in addition the following system of records is exempted pursuant to the provisions of 5 U.S.C. 552a (k)(1) and (k)(2) from subsections (c)(3), (d), (e)(4) (G), (H) and (I), and (f) of 5 U.S.C. 552a:

Witness Immunity Records System of Records (JUSTICE/CRM-022).

These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a (j)(2) and (k)(1) and (k)(2).

(r) The system of records listed under paragraph (q) of this section is exempted, for the reasons set forth, from the following provisions of 5 U.S.C. 552a:

(1). (c)(3) Release of the accounting of disclosures made pursuant to subsection (b) of the Act, including those permitted under the routine uses published for this system of records, (a) as to a witness for whom immunity has been proposed, would inform the individual of the existence of the proposed immunity prematurely, thus creating a serious impediment to effective law enforcement in that the witness could flee, destroy evidence, or fabricate testimony; and (b) as to a witness to whom immunity has been granted, or for whom it has been denied, would reveal the nature and scope of the activities, if any, of the witness known to the government, which would also create a serious impediment to effective law enforcement.

(2). (c)(4) Since an exemption is being claimed for subsection (d) of the Act (Access to Records) this section is inapplicable to the extent that this system of records is exempted from subsection (d).

(3). (d) Access to the records contained in this system (a) as to a witness for whom immunity has been proposed, would inform the individual of the existence of the proposed immunity prematurely, thus presenting a serious impediment to effective law enforcement in that the witness could flee, destroy evidence, or fabricate testimony; and (b) as to a witness to whom immunity has been granted, or for whom it has been denied, would reveal the nature and scope of the activities, if any, of the witness known to the government, which would also create a serious impediment to effective law enforcement.

(4). (e)(2) In a witness immunity request matter, the requirement that information be collected to the greatest extent practicable from the subject individual would present a serious impediment to law enforcement.

(5). (e)(3) Release of the accounting of disclosures made pursuant to subsection (b) of the Act, including those permitted under the routine uses published for this system of records, (a) as to a witness for whom immunity has been proposed, would inform the individual of the existence of the proposed immunity prematurely, thus creating a serious impediment to effective law enforcement in that the witness could flee, destroy evidence, or fabricate testimony; and (b) as to a witness to whom immunity has been granted, or for whom it has been denied, would reveal the nature and scope of the activities, if any, of the witness known to the government, which would also create a serious impediment to effective law enforcement.

ment because the subject of the immunity request and often the subject of the underlying investigation or prosecution would be placed on notice as to the existence of the investigation and would therefore be able to avoid detection or apprehension, to influence witnesses improperly, to destroy evidence, or to fabricate testimony.

(5). Exemption is claimed from subsections (e)(3), (e)(4) (G), (H) and (I), and (e)(8) for the reasons stated in subsections (b)(6), (b)(7), (b)(8) and (b)(10) of this section.

(6). (f). Procedures for notice to an individual pursuant to subsection (f)(1) as to the existence of records pertaining to him (a) as to a witness for whom immunity has been proposed, would inform the individual of the existence of the proposed immunity prematurely, thus presenting a serious impediment to effective law enforcement in that the witness could flee, destroy evidence, or fabricate testimony; and (b) as to a witness to whom immunity has been granted, or for whom it has been denied, would reveal the nature and scope of the activity, if any, of the witness known to the government, which would also create a serious impediment to effective law enforcement.

Since an exemption is being claimed for subsection (d) of the Act (Access to Records) the rules required pursuant to subsection (f)(2) through (5) are inapplicable to this system of records to the extent that this system of records is exempted from subsection (d).

(7). (g). Since an exemption is being claimed for subsections (d) (Access to Records) and (f) (Agency Rules) this section is inapplicable, and is exempted for the reasons set forth for those subsections, to the extent that this system of records is exempted for subsections (d) and (f).

(8). In addition, exemption is claimed for this system of records from compliance with the following provisions of the Privacy Act of 1974 (5 U.S.C. 552a) pursuant to the provisions of 5 U.S.C. 552a(k)(1): subsections (c)(3), (d), (e)(1), (e)(4) (G), (H) and (I) and (f) to the extent that the records contained in this system are specifically authorized to be kept secret in the interests of national defense and foreign policy.

(s) The following system of records is exempted pursuant to the provisions of 5 U.S.C. 552a(j)(2) from subsections (c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G), (H) and (I), (e) (5) and (8), (f), and (g) of 5 U.S.C. 552a; in addition, the following system of records is exempted pursuant to the provisions of 5 U.S.C. 552a (k)(1) and (k)(2) from subsections (c)(3), (d), (e)(1), (e)(4) (G), (H) and (I), and (f) of 5 U.S.C. 552a:

(1) Freedom of Information/Privacy Act Records (JUSTICE/CRM-024).

(2) These exemptions apply only to the extent that the records contained in this system have been obtained from other systems of records maintained by the Criminal Division for which exemptions from one or more of the foregoing provisions of the Privacy Act of 1974 have been promulgated. The exemption claimed for this system of records applies only to records obtained from such other Criminal Division systems and only to the

same extent as the records contained in such other systems have been exempted.

(t) The system of records listed under paragraph (s) of this section is exempted for the following reasons:

(1) In the course of processing requests for records pursuant to the Freedom of Information Act (5 U.S.C. 552) or for access or correction of records pursuant to the Privacy Act (5 U.S.C. 552a), it is frequently necessary to search for records in systems of records for which exemptions have been claimed pursuant to 5 U.S.C. 552a (j) or (k). When records are located in said systems, it is frequently necessary to prepare copies for the purpose of consulting with agency personnel or with other agencies, either with regard to determining whether or to what extent the records should be disclosed or access provided, or correction made or denied, or for review in the event of administrative appeal or judicial review.

(2) If records otherwise exempt pursuant to published rules should lose their exempt character when taken from such exempt systems for the purpose of compliance with the Freedom of Information Act and the Privacy Act in reviewing such records and making determination with regard to disclosure, access, and correction, the purpose of the Privacy Act in providing such exemptions, and of the Department of Justice in claiming such exemptions would be defeated and nullified. The proper, efficient, and timely processing of citizens' requests pursuant to said Acts would be hindered and impeded.

§ 16.92 Exemption of Land and Natural Resources Division Systems—Limited access, as indicated.

(a) The following system of records is exempt from 5 U.S.C. 552a (c)(3) and (d):

(1) Docket Card System (JUSTICE/LDN-003).

These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(k)(2).

(b) Exemptions from the particular subsections are justified for the following reasons.

(1) From subsection (c)(3) because that portion of the Docket Card System relating to enforcement of criminal provisions of the Refuse Act of 1899 (33 U.S.C. 407), Section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403), Section 5 of the Outer Continental Shelf Act (43 U.S.C. 1151 et seq.), the Clean Air Act (42 U.S.C. 1857 et seq.) and the Noise Control Act of 1972 (42 U.S.C. 4901), is being exempted from access and contest; the provision for disclosure of accounting is not applicable.

(2) From subsection (d) because of the need to safeguard the identity of

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confidential informants and to facilitate the enforcement of the criminal provisions of the above statutes.

(c) The following system of records is exempt from 5 U.S.C. 552a (c)(3) and (d):

(1) Freedom of Information Privacy Act Records System. (Justice LFN-005).

These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(k)(2).

(d) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because that portion of the Freedom of Information Privacy Act Records System that consists of investigatory materials compiled for law enforcement purposes is being exempt from access and contest; the provision for disclosure of accounting is not applicable.

(2) From subsection (d) because of the need to safeguard the identity of confidential informants and avoid interference with ongoing investigations or law enforcement activities by preventing premature disclosure of information relating to those efforts.

#### § 16.93 Exemption of Tax Division System—Limited access.

(a) The following system of records is exempt from 5 U.S.C. 552a (c) (2) and (3):

(1) Tax Division Central Classification Cards, Index Docket Cards and Associated Records (JUSTICE/TAX-001).

These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a (j) and (k).

(b) Exemptions from the particular subsections are justified for the following reasons:

From subsection (d) because access to the records contained in this system would inform the subject of an investigation of the information and evidence obtained as to his activities, and of the identity of witnesses and informants. The knowledge gained from such access to these records would present a serious impediment to effective law enforcement because it could be used to prevent the successful prosecution of the case, endanger the physical safety of witnesses or informants, and lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony.

(2) From subsection (e)(2) because in a criminal or other law enforcement investigation or prosecution, the requirement that information be collected to the greatest extent practicable from the subject individual would alert the subject as the nature or existence of the investigation and thereby present a serious impediment to effective law enforcement.

(3) From subsection (e)(3) because the requirement that individuals supplying information be provided with a form specifying the requirements of (e)(3) would constitute a serious impediment to law enforcement in that it could compromise the existence of a confidential investigation or reveal the identity of witnesses or confidential informants.

(c) Consistent with the legislative purpose of the Privacy Act of 1974, the Tax Division will grant access to non-exempt material in records which are maintained by the Tax Division. Disclosure will be governed by the Department's Privacy Regulations, but will be limited to the extent that the identity of confidential sources will not be compromised; subjects of an investigation of an actual or potential criminal civil or regulatory violation will not be alerted to the investigation; the physical safety of witnesses, informants and law enforcement personnel will not be endangered; the privacy of third parties will not be violated; and that the disclosure would not otherwise impede effective law enforcement. Whenever possible, information of the above nature, will be deleted from the requested documents and the balance made available. The controlling principle behind this limited access is to disclosures except those indicated above. The decisions to release information from this system will be made on a case-by-case basis.

#### §§ 16.94-16.95 [Reserved]

#### § 16.96 Exemption of Federal Bureau of Investigation Systems—Limited access.

(a) The following system of records is exempt from 5 U.S.C. 552a (c) (3) and (4), (d), (e)(1), (2), and (3), (e)(4) (G) and (H), (e)(5) and (8), (f), (g) and (m):

(1) Central Records System (JUSTICE/FBI-002).

These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a (j) or (k).

(b) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because the release of accounting disclosures would place the subject of an investigation on notice that he is under investigation and provide him with significant information concerning the nature of the investigation, thus resulting in a serious impediment to law enforcement or background investigations which may involve law enforcement aspects or the compromising material.

(2) From subsections (c)(4), (d), (e)(4) (G) and (H), (f) and (g) because these provisions concern individual access to records and such access might compromise ongoing investiga-

tions, reveal investigatory techniques and confidential informants, and invade the privacy of private citizens who provide information in connection with a particular investigation. In addition exemption from subsections (d), (e)(4) (G) and (H) is necessary to protect the security of information classified in the interest of national defense and foreign policy.

(3) From subsection (e)(1) because information may be received in the course of a criminal, civil, or background investigation which may involve a violation of law under the jurisdiction of another government agency but it is necessary to maintain this information in order to provide leads for appropriate law enforcement and to establish patterns of activity which may relate to the jurisdiction of both the FBI and other agencies. In addition, classified information may be received which relates to the constitutional powers of the President or the jurisdiction of some other agency. Such information is not susceptible to segregation.

(4) From subsection (e)(2) because collecting information from the subject of criminal or national security investigations would thwart the investigation by placing the subject of the investigation on notice.

(5) From subsection (e)(3) because supplying an individual with a form containing the information specified would result in a substantial invasion of privacy of the subject of the investigation would compromise the existence of a confidential investigation, and would inhibit private cooperating with the FBI.

(6) From (e)(8) because the notice requirements of this provision could present a serious impediment to law enforcement by revealing investigative techniques, procedures, and the existence of confidential investigations.

(7) From subsection (m) because if the system were ever operated by a contractor it would still be necessary to continue exemption from these same provisions.

(c) The following system of records is exempt from 5 U.S.C. 552a (c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4), (G) and (H), (e) (5) and (8), (f), (g) and (m):

(1) Electronic Surveillance (Elsur) Indices (JUSTICE/FBI-006).

These exemptions apply only to the extent that information in the system is subject to exemption pursuant to 5 U.S.C. 552a(j).

(d) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because the release of accounting disclosures would place the subject of an investigation on notice that he is under investigation and provide him with significant information concerning the

nature of the investigation resulting in a serious impediment to law enforcement.

(2) From subsections (c)(4), (d), (e)(4) (G) and (H), and (g) because these provisions concern an individual's access to records which concern him and such access to records in this system would compromise ongoing investigations, reveal investigatory techniques and confidential informants, and invade the privacy of private citizens who provide information in connection with a particular investigation.

(3) From subsection (e)(1) because these indices must be maintained in order to provide the information as described in the "routine uses" of this particular system.

(4) From subsections (e) (2) and (3) because compliance is not feasible given the subject matter of the indices.

(5) From subsection (e)(5) because this provision is not applicable to the indices in view of the "routine uses" of the indices. For example, it is impossible to predict when it will be necessary to utilize information in the system and, accordingly it is not possible to determine when the records are timely.

(6) From subsection (e)(8) because the notice requirement could present a serious impediment to law enforcement by revealing investigative techniques, procedures and the existence of confidential investigations.

(7) From subsection (M) for the reasons stated in subsection (b)(7) of this section.

(e) The following system of records is exempt from 5 U.S.C. 552a(c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G) and (H), (e) (5) and (8), (f), (g) and (m):

(1) Identification Division Records System (JUSTICE/FBI-009).

These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(j).

(f) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) for the reasons stated in subsection (d)(1) of this section.

(2) From subsections (c)(4), (d), (e)(4) (G) and (H), (f) and (g) because these provisions concern an individual's access to records which concern him. Such access is directed at allowing the subject of a record to correct inaccuracies in it. Although an alternate system of access has been provided in 28 CFR 16.30 to 34 and 28 CFR 20.34, the vast majority of records in this system concern local arrests which it would be inappropriate for the FBI to undertake to correct.

(3) From subsection (e)(1) because it is impossible to state with any degree

of certainty, that all information on these records is relevant to accomplish a purpose of the FBI, even though acquisition of the records from state and local law enforcement agencies is based on a statutory requirement. In view of the number of records in the system it is impossible to review them for relevancy.

(4) From subsection (e)(2) because the records in the system are necessarily furnished by criminal justice agencies due to their very nature.

(5) From subsection (e)(3) because compliance is not feasible due to the nature of the records.

(6) From subsection (e)(5) because the vast majority of these records come from local criminal justice agencies and it is administratively impossible to ensure that the records comply with this provision. Submitting agencies are, however, urged on a continuing basis to ensure that their records are accurate and include all dispositions.

(7) From subsection (e)(8) because the FBI has no logical manner to ascertain whether process has been made public and compliance with this provision would, in any case, provide an impediment to law enforcement by interfering with the ability to issue warrants or subpoenas and by revealing investigative techniques, procedures or evidence.

(8) From subsection (m) for the reasons stated in subsection (b)(7) of this section.

(g) The following system of records is exempt from 5 U.S.C. 552a (c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G) and (H), (e)(8), (f), (g) and (m):

(1) National Crime Information Center (NCIC) (JUSTICE/FBI-001).

These exemptions apply only to the extent that information in the system is subject to exemption pursuant to 5 U.S.C. 552a(j).

(h) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) for the reasons stated in subsection (d)(1) of this section.

(2) From subsections (c)(4), (d), (e)(4) (G) and (H), and (g) for the reasons stated in subsection (d)(2) of this section. When records are properly subject to access by the individual, an alternate means of access is provided in subsection (i) of this section.

(3) From subsection (e)(1) because information contained in this system is primarily from state and local records, and it is for the official use of agencies outside the Federal Government in accordance with 28 U.S.C. 534.

(4) From subsections (e) (2) and (3) because it is not feasible to comply with these provisions given the nature of this system.

(5) From subsection (e)(8) for the reasons stated in subsection (d)(6) of this section.

(6) From subsection (m) for the reasons stated in subsection (b)(7) of this section.

(i) Access to computerized criminal history records in the National Crime Information Center is available to the individual who is the subject of the record pursuant to procedures and requirements specified in the Notice of Systems of Records compiled by the National Archives and Records Service and published under the designation:

National Crime Information Center (NOIC) (JUSTICE/FBI-001).

Information on access is also published in the Appendix to Part 20 of the Code of Federal Regulations in relation to 28 CFR 20.34.

#### § 16.97 Exemption of Bureau of Prisons Systems—Limited access.

(a) The following systems of records are exempt from 5 U.S.C. 552a (c) (3) and (4), (d), (e) (2) and (3), (e)(4)(H), (e)(8), (f) and (g):

(1) Custodial and Security Record System (JUSTICE/BOP-001).

(2) Industrial Inmate Employment Record System (JUSTICE/BOP-003).

(3) Inmate Administrative Remedy Record System (JUSTICE/BOP-004).

(4) Inmate Central Record System (JUSTICE/BOP-005).

(5) Inmate Commissary Accounts Record System (JUSTICE/BOP-006).

(6) Inmate Physical and Mental Health Record System (JUSTICE/BOP-007).

(7) Inmate Safety and Accident Compensation Record System (JUSTICE/BOP-008).

(8) Federal Tax Claims Act Record System (JUSTICE/BOP-009).

These exemptions apply only to the extent that information in these systems is subject to exemption pursuant to 5 U.S.C. 552a(j).

(b) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because inmates will not be permitted to gain access or to contest contents of these record systems under the provisions of subsection (d) of 5 U.S.C. 552a. Revealing disclosure accountings can compromise legitimate law enforcement activities and Bureau of Prisons responsibilities.

(2) From subsection (c)(4) because exemption from provisions of subsection (d) will make notification of formal disputes inapplicable.

(3) From subsection (d) because exemption from this subsection is essential to protect internal processes by which Bureau personnel are able to formulate decisions and policies with regard to federal prisoners, to prevent disclosure of information to federal inmates that would jeopardize legitimate correctional interests of security, custody, or rehabilitation, and to permit receipt of relevant information

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from other federal agencies, state and local law enforcement agencies, and federal and state probation and judicial offices.

(4) From subsection (e)(2) because primary collection of information directly from federal inmates about criminal sentences or criminal records is highly impractical and inappropriate.

(5) From subsection (e)(3) because in view of the Bureau of Prisons' responsibilities, application of this provision to its operations and collection of information is inappropriate.

(6) From subsection (e)(4)(H) because exemption from provisions of subsection (d) will make publication of agency procedures under this subsection inapplicable.

(7) From subsection (e)(8) because the nature of Bureau of Prisons law enforcement activities renders notice of compliance with compulsory legal process impractical.

(8) From subsection (f) because exemption from provisions of subsection (d) will render compliance with provisions of this subsection inapplicable.

(9) From subsection (g) because exemption from provisions of subsection (d) will render provisions of this subsection inapplicable.

(c) Consistent with the legislative purpose of the Privacy Act of 1974 (Pub. L. 93-579) the Bureau of Prisons will initiate a procedure whereby federal inmates in custody may gain access and review their individual prison files maintained at the institution of incarceration. Access to these files will be limited only to the extent that the disclosure of records to the inmate would jeopardize internal decision-making or policy determinations essential to the effective operation of the Bureau of Prisons; to the extent that disclosure of the records to the inmate would jeopardize privacy rights of others, or a legitimate correctional interest of security, custody, or rehabilitation; and to the extent information is furnished with a legitimate expectation of confidentiality. The Bureau of Prisons will continue to provide access to former inmates under existing regulations as is consistent with the interests listed above. Under present Bureau of Prisons regulations, inmates in federal institutions may file administrative complaints on any subject under the control of the Bureau. This would include complaints pertaining to information contained in these systems of records."

#### § 16.98 Exemption of Drug Enforcement Administration Systems.

(a) The following systems of records are exempt from 5 U.S.C. 552a (c)(3), (d), (e)(4) (G) and (H), and (f):

(1) Automated Records and Consumed Orders System/Diversion Analysis and Detection System (ARCOS/DADS) (JUSTICE/DEA-004).

(2) Controlled Substances Act Registration Records (JUSTICE/DEA-006).

(3) Registration Status/Investigation Records (JUSTICE/DEA-016).

(4) Drug Theft Reporting System (JUSTICE/DEA-023).

These exemptions apply only to the extent that information in these systems is subject to exemption pursuant to 5 U.S.C. 552a(k).

(b) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because the revealing of the disclosure accounting pursuant to the routine uses published for these systems would enable the subject of an investigation to gain valuable information concerning the nature and scope of the investigation and seriously hamper the regulatory functions of the Drug Enforcement Administration.

(2) From subsection (d) because access to records contained in these systems might provide the subject of an investigation information that could enable him to avoid compliance with the Drug Abuse Prevention and Control Act of 1970 (Pub. L. 91-513).

(3) From subsections (e)(4) (G) and (H) because these systems or records are exempt from individual access pursuant to subsection (k) of the Act.

(4) From subsection (f) because these systems are exempt from the access provisions of subsection (d).

(c) The following systems of records are exempt from 5 U.S.C. 552a (c) (3) and (4), (d), (e)(1), (2) and (3), (e)(4) (G) and (H), (e) (5) and (8), (f), (g) and (h):

(1) Addict/Abusers System (JUSTICE/DEA-001).

(2) Air Intelligence Program (JUSTICE/DEA-002).

(3) Automated Intelligence Records (Pathfinder I) (JUSTICE/DEA-003).

(4) DEA/FAA Trans-border Flight Plan Reporting System (JUSTICE/DEA-007).

(5) Defendant Data System (JUSTICE/DEA-008).

(6) Domestic Intelligence Data Base (JUSTICE/DEA-009).

(7) International Intelligence Data Base (JUSTICE/DEA-011).

(8) Investigative Reporting and Filing System (JUSTICE/DEA-012).

(9) Office of Internal Security Records (JUSTICE/DEA-014).

(10) Operations Files (JUSTICE/DEA-015).

(11) Security Files (JUSTICE/DEA-017).

(12) Source Registry Narcotics (SRN/1) (JUSTICE/DEA-018).

(13) System to Retrieve Information from Drug Evidence (STRIDE) (JUSTICE/DEA-019).

(14) Drug Enforcement Administration Semi-Automated Narcotic Trafficker Profiles (KISS) (JUSTICE/DEA-025).

(15) Drug Enforcement Administration Specialized Automated Intelligence Files (JUSTICE/DEA-026).

These exemptions apply only to the extent that information in these systems is subject to exemptions pursuant to 5 U.S.C. 552a (j) and (k).

(d) Exemptions from the particular subsections are justified for the following reasons:

(1) From (c)(3) because the release of the disclosure accounting for disclosure pursuant to the routine uses published for these systems would permit the subject of a criminal investigation to obtain valuable information concerning the nature of that investigation and present a serious impediment to law enforcement.

(2) From subsection (c)(4) because an exemption is being claimed for subsection (d), this subsection will not be applicable.

(3) From subsection (d) because access to records contained in these systems would alert a subject to the existence of an investigation and thereby provide information to the subject which might enable him to avoid detection or apprehension, and present serious impediment to law enforcement.

(4) From subsection (e)(1) because in the course of criminal investigations, the Drug Enforcement Administration often detects violation of non-drug related laws. In the interests of effective law enforcement, it is necessary that DEA retain all information obtained in criminal investigations because it can aid in establishing patterns of criminal activity and assist other law enforcement agencies that are charged with enforcing other segments of criminal law.

(5) From subsection (e)(2) because information collected to the greatest extent possible from the subject individual of a criminal investigation would provide the subject with valuable information which might preclude detection or apprehension of the subject individual.

(6) From subsection (e)(3) because the requirement that individuals supplying information be provided a form stating the requirements of subsection (e)(3) would constitute a serious impediment to law enforcement in that it could compromise the existence of a confidential investigation, reveal the identity of confidential sources of information and endanger the life or physical safety of confidential informants.

(7) From subsections (e)(4) (G) and (H) because these systems of records are exempt from individual access pursuant to subsection (j) of the Privacy Act of 1974.

(8) From subsection (e)(5) because in the collection of information for law enforcement purposes it is impossible to determine in advance what informa-

tion is accurate, relevant, timely and complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light and the accuracy of such information can only be determined in a court of law. The restrictions imposed by subsection (e)(5) would restrict the ability of trained investigators and intelligence analysts to exercise their judgment in reporting on investigations and impede the development of criminal intelligence necessary for effective law enforcement.

(9) From subsection (e)(8) because the individual notice requirements could present a serious impediment to law enforcement by interfering with the Drug Enforcement Administration's ability to issue administrative techniques and procedures.

(10) From subsection (f) because these systems have been exempted from the access provisions of subsection (d).

(11) From subsections (g) and (h) because these systems are compiled for law enforcement purposes and have been exempted from the access provisions of subsections (d) and (f).

(e) The following systems of records are from 5 U.S.C. 552a (d)(1) and (e)(1).

(1) Grants of Confidentiality Files (GCF) (JUSTICE/DEA-022).

(2) DEA Applicant Investigations (JUSTICE/DEA-024).

These exemptions apply only to the extent that information in these systems is subject to exemption pursuant to 5 U.S.C. 552a(k)(5).

(f) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsections (d)(1) because many persons are contacted who, without an assurance of anonymity, refuse to provide information concerning an applicant for a grant of confidentiality with DEA. Permitting access to the information supplied by persons after a promise of confidentiality has been given could reveal the identity of the source of the information and constitute a breach of the promised confidentiality on the part of the Drug Enforcement Administration. Such breaches ultimately would restrict the free flow of information vital to a determination of an applicant's qualifications for a grant.

(2) From (e)(1) because in the collection of information for investigative and evaluative purposes, it is impossible to determine in advance what exact information may be of assistance in determining the qualifications and suitability of a candidate. Information which may appear irrelevant, when combined with other apparently irrelevant information can on occasion provide a composite picture of an applicant which assists in determining

whether a grant of confidentiality is warranted.

(g) The following system of records is exempted pursuant to the provisions of 5 U.S.C. 552a(j)(2) from subsections (c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G), (H) and (I), (e) (5) and (8), (f), and (g) of 5 U.S.C. 552a; in addition, the following system of records is exempted pursuant to the provisions of 5 U.S.C. 552a (k)(1) and (k)(2) from subsections (c)(3), (d), (e)(1), (e)(4) (G), (H) and (I), and (f) of 5 U.S.C. 552a:

Freedom of Information/Privacy Act Records (Justice/DEA-010).

These exemptions apply only to the extent that the records contained in this system have been obtained from other systems of records maintained by the Drug Enforcement Administration for which exemptions from one or more of the foregoing provisions of the Privacy Act of 1974 have been promulgated. The exemption claimed for this system of records applies only to records obtained from such other Drug Enforcement Administration systems and only to the same extent as the records contained in such other systems have been exempted.

(h) The system of records listed under paragraph (G) of this section is exempted for the following reasons:

(1) In the course of processing requests for records pursuant to the Freedom of Information Act (5 U.S.C. 552) or for access or correction of records pursuant to the Privacy Act (5 U.S.C. 552a), it is frequently necessary to search for records in systems or records for which exemptions have been claimed pursuant to 5 U.S.C. 552a (j) or (k). When records are located in said systems, it is frequently necessary to prepare copies for the purpose of consulting with agency personnel or with other agencies, either with regard to determining whether or to what extent the records should be disclosed, or access provided, or correction made or denied, or for review in the event of administrative appeal or judicial review.

(2) If records otherwise exempt pursuant to published rules should lose their exempt character when taken from such exempt systems for the purpose of compliance with the Freedom of Information Act and the Privacy Act in reviewing such records and making determination with regard to disclosure, access, and the Department of Justice in claiming correction, the purpose of the Privacy Act in providing such exemptions, and such exemptions would be defeated and nullified. The proper, efficient, and timely processing of citizens' requests pursuant to said Acts would be hindered and impeded.

§ 16.99 Exemption of Immigration and Naturalization Service System—Limited access.

(a) The following subsystems of the Immigration and Naturalization Service Index System are exempt from 5 U.S.C. 552a (c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G), (H) and (I), (e) (5) and (8), (f), (g), and (h):

(1) Agency Information Control Record Index.

(2) Alien Enemy Index.

(3) Centralized Index.

(4) Congressional Mail Unit Index.

(5) Air Detail Office Index.

(6) Anti-smuggling Index (general).

(7) Anti-smuggling Information Centers Systems for Canadian and Mexican Borders.

(8) Border Patrol Sectors General Index System.

(9) Contact Index.

(10) Criminal, Immoral, Narcotic, Racketeer and Subversive Indexes.

(11) Enforcement Correspondence Control Index System.

(12) Document Vendors and Alterers Index.

(13) Informant Index.

(14) Suspect Third Party Index.

(15) Examination Correspondence Control Index.

(16) Extension Training Enrollee Index.

(17) Intelligence Index.

(18) Naturalization and Citizenship Indexes.

(19) Personnel Investigations Unit Indexes.

(20) Service Look-Out Subsystem.

(21) White House and Attorney General Correspondence Control Index.

(22) Fraudulent Document Center Index.

(23) Emergency Reassignment Index.

(24) Alien Documentation, Identification, and Telecommunication (ADIT) System.

These exemptions apply to the extent that information in these subsystems is subject to exemption pursuant to 5 U.S.C. 552a (j) and (k).

(b) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because the release of the disclosure accounting for disclosure pursuant to the routine uses published for these subsystems would permit the subject of a criminal or civil investigation to obtain valuable information concerning the nature of that investigation and present a serious impediment to law enforcement.

(2) From subsection (c)(4) since an exemption is being claimed for subsection (d), this subsection will not be applicable.

(3) From subsection (d) because access to the records contained in these subsystems would inform the subject of a criminal or civil investigation of the existence of that investiga-

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tion, provide the subject of the investigation with information that might enable him to avoid detection or apprehension, and present a serious impediment to law enforcement.

(4) From subsection (e)(1) because in the course of criminal or civil investigations, the Immigration and Naturalization Service often obtains information concerning the violation of laws other than those relating to violations over which INS has investigative jurisdiction. In the interests of effective law enforcement, it is necessary that INS retain this information since it can aid in establishing patterns of criminal activity and provide valuable leads for those law enforcement agencies that are charged with enforcing other segments of the criminal law.

(5) From subsection (e)(2) because in a criminal or civil investigation, the requirement that information be collected to the greatest extent possible from the subject individual would present a serious impediment to law enforcement in that the subject of the investigation would be placed on notice of the existence of the investigation and would therefore be able to avoid detection or apprehension.

(6) From subsection (e)(3) because the requirement that individuals supplying information be provided with a form stating the requirements of subsection (e)(3) would constitute a serious impediment to law enforcement in that it could compromise the existence of a confidential sources of information and endanger the life or physical safety of confidential informants.

(7) From subsection (e)(4) (G) and (H) because these subsystems of records are exempt from individual access pursuant to subsection (j) of the Privacy Act of 1974.

(8) From subsection (e)(4)(I) because the Immigration and Naturalization Service maintains the confidentiality of sources of information in order to protect their privacy and physical safety and to maintain the confidentiality of their cooperation. The publication of categories of sources would constitute a breach of confidentiality on the part of formation essential to effective law enforcement.

(9) From subsection (e)(5) because in the collection of information for law enforcement purposes it is impossible to determine in advance what information is accurate, relevant, timely, and complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light and the accuracy of such information can only be determined in a court of law. The restrictions of subsection (e)(5) would restrict the ability of trained investigators and intelligence analysts to exercise their judgment in reporting on investigations and impede the development of criminal

intelligence necessary for effective law enforcement.

(10) From subsection (e)(8) because the individual notice requirements of subsection (e)(8) could present a serious impediment to law enforcement as this could interfere with the Immigration and Naturalization Service's ability to issue administrative subpoenas and could reveal investigative techniques and procedures.

(11) From subsection (f) because these subsystems of records have been exempted from the access provisions of subsection (d).

(12) From subsection (g) because these subsystems of records are compiled for law enforcement purposes and have been exempted from the access provisions of subsections (d) and (f).

(13) From subsection (h) because to permit the parent of any minor, or the legal guardian of an individual who has been legally declared incompetent to obtain access to a record which is exempt to the individual would be a serious impediment to law enforcement in that it would enable the individual by himself or through the aid of others, to avoid detection or apprehension.

(14) In addition, these subsystems of records are exempt from compliance with the following provisions of the Privacy Act of 1974 (5 U.S.C. 552a), subsections (c)(3), (d), (e)(14) (G), (H) and (I), and (f) to the extent that the records contained in these subsystems are classified pursuant to Executive order.

(c) The Border Patrol Academy Index Subsystem is exempt from 5 U.S.C. 552a (d) and (f).

This exemption applies only to the extent that information in this subsystem is subject to exemption pursuant to 5 U.S.C. 552a(k).

(d) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (d) because exemption is claimed only for those testing and examination materials used to determine an individual's qualifications for retention and promotion in the Immigration and Naturalization Service. This is necessary to protect the integrity of testing materials and to insure fair and uniform examinations.

(2) From subsection (f) because the subsystem of records has been exempted from the access provisions of subsection (d).

#### § 16.100 Exemption of Law Enforcement Assistance Administration System—Limited access.

(a) The following system of records is exempt from 5 U.S.C. 552a (d), (e)(4) (G) and (H), and (f):

(1) Investigative System JUSTICE/LEAA-003.

These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552(k).

(b) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (d) because access to the investigation records contained in this system would inform the subject of an investigation of an actual or potential criminal violation of the existence of that investigation, of the nature and scope of the information and evidence obtained as to his activities, of the identity of witnesses and informants, or would provide information that could enable the subject to avoid detection or apprehension. These factors would present a serious impediment to effective law enforcement because they could prevent the successful completion of the investigation.

(2) From subsections (e)(4) (G) and (H) because an exemption is being claimed from subsection (d).

(3) From subsection (f) because notice to an individual pursuant to this subsection as to the existence of records pertaining to him dealing with an actual or potential criminal investigation or prosecution must be exempt because such notice to an individual would be detrimental to the successful conduct and/or completion of an investigation or prosecution, pending or future. Additionally, mere notice of the fact of an investigation could inform the subject or others that their activities are under or may come under an investigation and could enable the subjects to avoid detection or apprehension, to destroy evidence, and to fabricate testimony.

(c) Consistent with the legislative purpose of the Privacy Act of 1974, the Law Enforcement Assistance Administration will grant access to non-exempt material in the Investigative System (JUSTICE/LEAA-003). Disclosure to subjects of records contained in this system will be governed by the Department's Privacy Regulations but will be limited to the extent that subjects of an investigation of an actual or potential criminal violation will not be alerted to the investigation, the physical safety of witnesses, and law enforcement personnel, the privacy of third parties will not be violated, and that the disclosure would not otherwise present an impediment to effective law enforcement. Whenever possible, information of the above nature will be deleted from the requested documents and the balance made available. Decisions to release information from this system will be made on a case-by-case basis.

#### 16.101 Exemption of U.S. Marshals Service Systems—Limited access, as indicated.

(a) The following system of records is exempt from 5 U.S.C. 552a (c) (3)

and (4), (d), (e)(2) and (3), (e)(4) (G) and (H), (e)(8), and (f) and (g):

(1) Warrant Information System (JUSTICE/USM-007).

These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(j).

(b) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because the release of disclosure accounting for disclosure made pursuant to subsection (b) of the Act, including those permitted under routine uses published for this system of records would permit a person to determine whether he is the subject of a criminal investigation, and to determine whether a warrant has been issued against him, and therefore present a serious impediment to law enforcement.

(2) From subsection (c)(4) since an exemption is being claimed for subsection (d) of the Act, this section is inapplicable.

(3) From subsection (d) because access to records would inform a person for whom a federal warrant has been issued of the nature and scope of information obtained as to his activities, of the identity of informants, and afford the person sufficient information to enable the subject to avoid apprehension. These factors would present a serious impediment to law enforcement in that they would thwart the warrant process and endanger lives of informants etc.

(4) From subsection (e)(2) because the requirement that information be collected to the greatest extent practical from the subject individual would present a serious impediment to law enforcement because the subject of the investigation or prosecution would be placed on notice as to the existence of the warrant and would therefore be able to avoid detection or apprehension.

(5) From subsection (e)(3) because the requirement that individuals supplying information be provided with a form stating the requirements of subsection (e)(3) would constitute a serious impediment to law enforcement in that it could compromise the existence of a confidential investigation or reveal identity of confidential informants.

(6) From subsections (e)(4) (G) and (H) since an exemption is being claimed for subsections (f) and (d) of the Act, these subsections are inapplicable.

(7) From subsection (e)(8) because the individual notice requirement of this subsection would present a serious impediment to law enforcement in that it would give persons sufficient warning to avoid warrants, subpoena, etc.

(8) From subsection (f) because procedures for notice to an individual pursuant to subsection (f)(1) as to exis-

tence of records pertaining to him dealing with warrants, must be exempted because such notice to individuals would be detrimental to the successful service of a warrant. Since an exemption is being claimed for subsection (d) of the Act the rules required pursuant to subsections (f) (2) through (5) are inapplicable to this system of records.

(9) From subsection (g) since an exemption is being claimed for subsection (d) and (f) this section is inapplicable and is exempted for the reasons set forth for these subsections.

(c) The following system of records is exempt from 5 U.S.C. 552a (c) (3) and (4), (d), (e) (2) and (3), (e)(4) (G) and (H), (e)(8), (f)(2) and (g):

(1) Witness Security System (JUSTICE/USM-008).

These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(j)(2).

(d) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because the release of the disclosure accounting for disclosures made pursuant to subsection (b) of the Act including those permitted under routine uses published for this system of records would hamper the effective functioning of the Witness Security Program which by its very nature requires strict confidentiality vis-a-vis the records.

(2) From subsection (c)(4) for the reason stated in (b)(2) of this section.

(3) From subsection (d) because the United States Marshals Service Witness Security Program aids efforts of law enforcement officials to prevent, control or reduce crime. Access to records would present a serious impediment to effective law enforcement through revelation of confidential sources and through disclosure of operating procedures of the program, and through increased exposure of the program to the public.

(4) From subsection (e)(2) because in the Witness Security Program the requirement that information be collected to the greatest extent possible from the subject individual would constitute an impediment to the program, which is sometimes dependent on sources other than the subject witness for verification of information pertaining to the witness.

(5) From subsection (e)(3) for the reason stated in (b)(5) of this section.

(6) From subsections (e)(4) (G) and (H) for the reason stated in (b)(6) of this section.

(7) From subsection (e)(8) for the reason stated in (b)(7) of this section.

(8) From subsection (f)(2) since an exemption is being claimed for subsection (d) of the Act the rules required pursuant to subsection (f) (2) through (5) are inapplicable to this system of records.

(9) From subsection (g) for the reason stated in (b)(9) of this section.

(e) The following system of records is exempt from 5 U.S.C. 552 (c) (3) and (4), (d), (e) (2) and (3), (e)(4) (G) and (H), (f) and (g):

(1) Internal Inspection Information System (JUSTICE/USM-002)—Limited access.

These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(k)(5).

(f) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because the release of the disclosure accounting for disclosures made pursuant to subsection (b) of the Act where disclosure of such record would reveal a source who furnished information to the government in confidence.

(2) From subsection (a)(4) for the reason stated in (b)(2) of this section.

(3) From subsection (d) because access to information in this system which was obtained from a confidential source would impede the effective investigation into employee conduct for purposes of determining suitability, eligibility, or qualifications for Federal employment in that it would inhibit furnishing of information by sources which desire to remain confidential.

(4) From subsection (e)(2) for the reason stated in (b)(4) of this section.

(5) From subsection (e)(3) for the reason stated in (b)(5) of this section.

(6) From subsections (e)(4) (G) and (H) for the reason stated in (b)(6) of this section.

(7) From subsection (f) for the reason stated in (b)(8) of this section.

(8) From subsection (g) for the reason stated in (b)(9) of this section.

(g) Consistent with the legislative purpose of the Privacy Act of 1974, the United States Marshals Service will grant access to nonexempt material in records which are maintained by the Service. Disclosure will be governed by the Department's Privacy Regulations, but will be limited to the extent that the identity of confidential sources will not be compromised; subjects of an investigation of an actual or potential criminal, civil or regulatory violation will not be alerted to the investigation; the physical safety of witnesses, informants and law enforcement personnel will not be endangered; the privacy of third parties will not be violated; and that the disclosure would not otherwise impede effective law enforcement. Whenever possible, information of the above nature will be deleted from the requested documents and the balance made available. The controlling principle behind this limited access is to allow disclosures except those indicated above. The decisions to release information from this system will be made on a case-by-case basis.

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## Title 45—Public Welfare

CHAPTER X—COMMUNITY SERVICES  
ADMINISTRATIONPART 1006—PRIVACY ACT  
REGULATIONS

- Sec.
- 1006.1 Purpose and scope.
- 1006.2 Definitions.
- 1006.3 Procedures for requests pertaining to individual records in a records system.
- 1006.4 Times, places, and requirements for identification of individuals making requests.
- 1006.5 Disclosure of requested information to individuals.
- 1006.6 Special procedures: medical records.
- 1006.7 Request for correction or amendment to record.
- 1006.8 Agency review of request for correction or amendment of record.
- 1006.9 Appeal of initial adverse agency determination on correction or amendment or access.
- 1006.10 Disclosure of record to person other than the individual to whom it pertains.
- 1006.11 Fees.
- 1006.12 Penalties.
- 1006.13 General exemptions.
- 1006.14 Specific exemptions.

Appendix A—Addresses of Privacy Act Officer, and Privacy Act Reviewing Officers.

Appendix B—Systems of Records Noticed by Other Agencies and Applicable to CSA.

AUTHORITY: 5 U.S.C. 552a.

## § 1006.1 Purpose and scope.

(a) The purpose of this part is to establish policies and procedures for implementing the Privacy Act of 1974 (Pub. L. 93-579), particularly 5 U.S.C. 552a as added by the Act. The main objectives are to facilitate full exercise of rights conferred on individuals under the Act and to insure the protection of privacy as to individuals on whom CSA maintains records in systems of records under the Act. CSA accepts the responsibility to act promptly and in accordance with the Act upon receipt of any inquiry, request or appeal from a citizen of the United States or an alien lawfully admitted for permanent residence into the United States. Further, CSA accepts the obligations to maintain only such information on individuals as is relevant and necessary to the performance of its lawful functions, to maintain that information with such accuracy, relevancy, timeliness and com-

pleteness as is reasonably necessary to assure fairness in determinations made by CSA about the individual, to obtain information from the individual to the extent practicable, and to take every reasonable step to protect that information from unwarranted disclosure. CSA will maintain no record describing how an individual exercise rights guaranteed by the First Amendment unless expressly authorized by statute or by the individual about whom the record is maintained, or unless pertinent to and within the scope of an authorized law enforcement activity.

(b) Matters outside the scope of this part include the following:

(1) Requests under the Freedom of Information Act (5 U.S.C. 552).

(2) Requests involving information pertaining to an individual which is in a record or file but not within the scope of a system of records notice published in the FEDERAL REGISTER.

## § 1006.2 Definitions.

(a) All terms used in this part which are defined in 5 U.S.C. 552a shall have the same meaning herein.

(b) As used in this part:

(1) The term "Act" means the Privacy Act of 1974, Pub. L. 93-579.

(2) The term "CSA" means the Community Services Administration, formerly Office of Economic Opportunity (OEO).

(3) The term "Privacy Act Officer" means the official who carries the responsibility for implementing and overseeing the Act in the Community Services Administration, making final determinations on appeals and preparing rules and notices for publication in the FEDERAL REGISTER and reports to Congress, OMB and the President.

(4) The term "Privacy Act Reviewing Officer" means the official designated at a specified CSA geographical location to oversee implementation of the Privacy Act within that designated area, to administer the records management program and related training program within his jurisdiction, to act as liaison between the Privacy Act Officer and System Managers, to assist local System Manager on Privacy Act access and amendment requests.

(5) The term "System Manager" means the official responsible for the operation, maintenance, accuracy, security, and use of a stated system of records and the individual who will receive and act upon requests to access,

amend, annotate or copy an individual's record in that system.

(6) The term "inquiry" means either a communication asking for general information regarding the Act and/or CSA regulations thereunder or a communication from an individual asking if CSA maintains any record in a system of records pertaining to him or her.

(7) The term "inquirer" means any individual directing an inquiry, as defined above, to CSA.

(8) The term "request" means any written communication seeking disclosure or correction and/or amendment of a record or a copy of a record under the provisions of the Act.

(9) The term "requester" means any individual submitting a request, as defined above, to CSA.

(10) The term "appeal" means a written communication asking CSA to review and reverse an initial denial of a request for correction or amendment of a record.

(11) The term "working days" means Monday through Friday, excepting Federal holidays.

## § 1006.3 Procedures for requests pertaining to individual records in a record system.

(a) Pursuant to 5 U.S.C. 552a(d)(1), any individual has the right to inquire concerning records pertaining to him and to request disclosure thereof without giving any justification for his inquiry or request. An individual may not request disclosure of records not pertaining to him under this Act (see § 1006.12 for penalties). CSA will respond to any inquiry or request concerning records maintained by CSA according to the procedures set out in this part.

(b)(1) An inquiry under the Privacy Act may be made either in person or by mail addressed to the appropriate system manager (see CSA notice of systems of records published in this issue) at 1200 19th Street, N.W., Washington, D.C. 20506, if the record is maintained in CSA Headquarters or to the appropriate system manager in the appropriate Regional Office, if the record is maintained in a Regional Office (see CSA notice of systems of records published in this issue). If the inquirer is unsure where the record is maintained, if he cannot locate the system manager, or if he believes CSA maintains a record pertaining to him, but does not know which system of re-

cords might contain it, he may seek assistance in person from any Privacy Act Reviewing Officer listed in Appendix A to this part, or he may write to Privacy Act Officer, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506. The offices of Privacy Act Reviewing Officers and System Managers in CSA Headquarters are open to the public 9:30 a.m. to 5:00 p.m. on working days; for the Regional Office see "Geographical Guidance for Accessing Systems of Records" published in the CSA Notice of Systems of Records.

(2) An inquiry submitted by mail should be identified prominently both on the envelope and within the text as a "Privacy Act Request."

(c) If an inquiry is for general information regarding the Act and CSA regulations thereunder, no particular information is required. If an inquiry asks that CSA determine whether it maintains a record pertaining to the inquirer, the following information should be submitted:

(1) Name, address, telephone number (optional) and signature of the inquirer;

(2) Name, address and telephone (optional) of the individual to whom the record pertains, if the inquirer is either the parent of a minor or the legal guardian of the individual to whom the record pertains, and a certified or authenticated copy of documents establishing parentage or guardianship;

(3) Whether the individual to whom the record pertains is a citizen of the United States or an alien lawfully admitted for permanent residence into the United States;

(4) Name of the system of records, as published in the FEDERAL REGISTER;

(5) Location of the system of records, published in the FEDERAL REGISTER;

(6) Such additional information as the inquirer believes might assist CSA in responding to the inquiry and in verifying identity (for example, date of birth, place of birth, names of parents, place of work, dates of employment, position title, etc.);

(d)(1) The effect of failure to provide the information listed in (c)(1)-(6) of this section may be to delay or prevent CSA's answering the inquiry.

(2) CSA reserves the right to require compliance with the procedures appearing at § 1006.4 (b) or (c) where circumstances warrant.

(e) CSA will make every effort to answer each inquiry within 10 working days of its receipt. If this is not possible, CSA will send an acknowledgment to the inquirer, informing him of the status of the inquiry and asking for any further information needed in processing it. Absent unusual circumstances (as described in § 1006.5(b)(2)), all inquiries will be answered within 30 working days of their receipt.

## § 1006.4 Times, places, and requirements for identification of individuals making requests.

(a) Any individual may request access to records pertaining to him or her. The requester should make his request either by mail or in person to the appropriate system manager as provided in § 1006.3(b)(1)—see CSA notice of systems of records published in this issue—and if unable to ascertain the appropriate system manager, to the appropriate Privacy Act Reviewing Officer or to the Privacy Act Officer (see Appendix A).

(b) All requests submitted by mail must:

(1) Be signed by the requester and include his address and (optional) his telephone number.

(2) Be identified prominently both on the envelope and in the letter as "Privacy Act Request."

(3) A statement signed by the requester that "I am aware that I am liable to criminal penalties under the Privacy Act, 5 U.S.C. 552a(i)(3) if I request a record under false pretenses."

(c) Each individual making a request in person will be required to:

(1) Sign and date a statement that "I am requesting access to the following record(s) under the Privacy Act, I have read 5 U.S.C. 552a(i)(3), and I am aware that I am liable to criminal penalties thereunder if I request a record under false pretenses."

(2) Furnish a reasonable amount of personal identification equivalent to that normally required for such commercial transactions as the acceptance of a personal check—i.e., employment identification card, driver's license, credit cards.

(3) In the case of especially sensitive records, CSA may seek independent verification of a requester's identity by such means as telephone calls to his home or business address, personal identification by CSA employees, or other means which may seem appropriate.

(d)(1) The disclosure of the information listed in paragraphs (b) and (c) of this section is voluntary, the effects of not providing it may be to prevent or delay the processing of his request and the information furnished will be used only to process his request or to enforce the provisions of 5 U.S.C. 552a(i)(3)—see § 1006.12 and paragraphs (b) and (c) of this section.

(2) When requesting the information listed in paragraph (c), the system manager shall inform the requester of the matters stated in paragraph (d)(1) of this section.

(3) If a requester refuses to or is unable to comply with paragraph (b) or (c) of this section, CSA will consider alternative suggestions from the requester for establishing his identity. However, acceptance of such sugges-

tions is at the discretion of CSA and failure to comply with paragraph (b) or (c) of this section may altogether prevent the processing of a request.

(e) An individual acting as the parent of a minor or the legal guardian of the individual to whom a record pertains shall establish his or her personal identity in the same manner prescribed in either § 1006.4 (b) or (c). In addition, such an individual shall establish his or her identity in the representative capacity of parent or legal guardian. In the case of a legal guardian of an individual who has been declared incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, the proof of identity shall be a certified or authenticated copy of the court's order. A parent or legal guardian may act only for a living individual, not for a decedent.

## § 1006.5 Disclosure of requested information to individuals.

(a) Within 10 working days of the receipt of a request by the appropriate system manager, he shall send the requester a written acknowledgment thereof, unless the request has been answered within this period. This acknowledgment shall include the date of his receipt thereof (which may be considerably delayed if a request by mail is not addressed and marked as required by § 1006.4(b) (1) and (2) or if the requester has been unable to identify the appropriate system manager) and shall inform the requester of any further information needed in the processing of the request. Pursuant to 5 U.S.C. 552a(e)(3), CSA shall inform the requester whether such information is required to process the request under the Privacy Act or if it would merely facilitate processing the request. CSA shall also inform him that disclosure thereof is voluntary, that there is no penalty for failure to respond, that the effects of not providing the information may be to prevent or delay the processing of his request, and that the information furnished will be used only to process his request or for enforcement of the provisions of 5 U.S.C. 552a(i)(3)—see § 1006.12.

(b)(1) CSA will attempt whenever possible to review and answer requests within 10 working days of their receipt by the appropriate system manager. Absent unusual circumstances (as described below), CSA will answer a request within 30 working days of the receipt thereof by the system manager, or within 20 working days of his receipt of the further information requested.

(2) "Unusual circumstances" shall include circumstances where a search for and collection of requested records from inactive storage, field facilities or other establishments is required, cases where a voluminous amount of data is

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involved, instances where information on other individuals must be separated or expunged from the particular record, and cases where consultation with other agencies having a substantial interest in the determination of the request is necessary.

(c) **Grant of access—(1) Notification.** An individual shall be granted access to a record pertaining to him or her, except where the provisions of paragraph (h) of this section apply. The Privacy Act Officer shall notify the individual of such determination and provide the following information:

(i) The methods of access, as set forth in paragraph (c)(2) of this section.

(ii) The place at which the record may be inspected.

(iii) The earliest date on which the record may be inspected and the period of time that the records will remain available for inspection. In no event shall the earliest date be later than thirty days from the date of notification.

(iv) The estimated date by which a copy of the record could be mailed and the estimate of fees pursuant to § 1006.11 of this part. In no event shall the estimated date be later than thirty days from the date of notification.

(v) The fact that the individual, if he or she wishes, may be accompanied by another individual during personal access, subject to the procedures set forth in paragraph (g) of this section.

(vi) Any additional requirements needed to grant access to a specific record.

(2) **Methods of access.** The following methods of access to records by an individual may be available depending on the circumstances of a given situation:

(i) Inspection in person may be had in the office specified by the system manager granting access, during the hours indicated in § 1006.3(b)(1).

(ii) Transfer of records to a Federal facility more convenient to the individual may be arranged, but only if the system manager determines that a suitable facility is available, that the individual's access can be properly supervised at that facility, and that transmittal of the records to that facility will not unduly interfere with operations of CSA or involve unreasonable costs, in terms of both money and manpower.

(iii) Copies may be mailed at the request of the individual, subject to payment of the fees prescribed in section 1006.11 of this part. CSA, at its own initiative, may elect to provide a copy by mail, in which case no fee will be charged.

(d) Access to medical records is governed by the provisions of § 1006.6.

(e) CSA shall supply such other information and assistance at the time of access as to make the record intelligible to the individual.

(f) CSA reserves the right to limit access to copies and abstracts of original records, rather than the original records. This election would be appropriate, for example, when the record is in automated data media such as tape or disc, when the record contains information on other individuals, and when deletion of information is permissible under exemptions (for example, 5 U.S.C. 552a(k)(2)). In no event shall original records of CSA be made available to the individual except under the immediate supervision of the system manager or his designee. Title 18, United States Code, section 270(a) makes it a crime to conceal, mutilate, obliterate, or destroy any record filed in a public office, or to attempt to do any of the foregoing.

(g) A requester may be accompanied by one other individual of his or her choice. The requester shall submit to the system manager a signed, dated authorization of the presence of the other individual, specifically naming the other individual and describing the record requested. The other individual shall also sign this authorization in the presence of the system manager. A requester shall not be asked to give any reason for deciding to be accompanied by another individual during personal access to a record.

(h) A requester may be denied access to a record pertaining to him or her only upon a determination by a system manager that:

(1) The record is subject to an exemption under § 1006.13 or § 1006.14, including an exemption determined by another agency as discussed in § 1006.13(b);

(2) The record is information compiled in reasonable anticipation of a civil action or proceeding;

(3) The requester has unreasonably failed to comply with the procedural requirements of this part.

(i) The system manager shall notify the requester in writing of denial of access to records and this notice shall include the following information:

(1) The system manager's name and title or position;

(2) The date of the denial;

(3) The reasons for the denial including appropriate citations to the Act and/or these regulations;

(4) The procedures for seeking further administrative review of the denial, including the name and identity of the responsible official.

(j) If a request is partially granted and partially denied, the system manager shall follow the appropriate procedures of this section as to the records within the grant and those within the denial.

#### § 1006.6 Special procedures: medical records.

(a) Whenever a requester seeks access to his medical records the

system manager will ask the requester for:

(1) The name and address of his physician or psychologist;

(2) Specific, written consent for CSA to consult this physician or psychologist if CSA believes such consultation advisable;

(3) Specific, written consent for CSA to provide these records to this physician or psychologist if CSA believes the requester's access thereto should be effected under the guidance of his physician or psychologist.

(b) The system manager will concurrently forward the requester's medical record to a CSA medical officer for review and a determination whether consultation with and/or transmittal of this record to the requester's physician or psychologist is indicated. If the medical officer finds either or both of these procedures to be indicated, he shall proceed accordingly. In any event, the medical officer shall inform the system manager regarding the recommended conditions for the requester's access to his or her medical records.

(c) If the requester refuses to give any or all of the information sought under section (a)(1) or refuses the consents sought under (a)(2) and (a)(3) and the CSA medical officer has found that disclosure without safeguards would be likely to have an adverse effect on him or her, CSA will refuse the requester access to the records, following the procedures of § 1006.5(i).

(d) When asking for the information and consents listed in section (a) the system manager shall inform the requester that response is purely voluntary, that there is no penalty for refusal to respond, that the effects of not responding or of a partial response may be as stated in section (c), and that the information and consents given will be used only to process the request and will be destroyed when it has been answered.

#### § 1006.7 Request for correction or amendment to record.

(a) Pursuant to 5 U.S.C. 552a(d)(2) any individual has the right to request a correction or amendment of a record or records pertaining to him, including the deletion of material or the inclusion of additional material therein. An individual may not seek amendment of records not pertaining to him under this Act (see § 1006.12 for penalties). CSA will respond to any request for such records maintained by CSA according to the procedures set out in this part, except that requests for amendment of records originating in another agency will be referred to that agency within ten working days and notice of such referral will be sent to the requester.

(b) All requests for correction or amendment of records must:

(1) Be submitted in writing, be signed by the requester, and include his address and (optional) his telephone number;

(2) Specify the record(s) and system(s) of records involved (e.g. description, title, date and portion of record to be corrected or amended);

(3) Specify the exact changes requested indicating specific deletions, substitutions, and additions (submission of an edited copy of the record(s) showing all changes requested is desirable as it would facilitate consideration of the request and prevent misunderstanding of the changes requested).

(4) State that the request is made pursuant to the Privacy Act—for requests by mail, the letter should be identified prominently both on the envelope and within the text as a "Privacy Act Request."

(5) Be addressed or presented in person to the appropriate system manager as provided for inquiries in § 1006.3(b)(1) (see CSA notice of systems of records published in this issue for appropriate system manager).

(6) Include a statement of the basis for the requested correction or amendment, with all supporting documents and materials the requester believes relevant; this statement should, at a minimum, identify the standard(s) under the Act which the requester wishes to invoke—i.e. whether the information in the record is unnecessary, irrelevant, inaccurate, or incomplete (see 5 U.S.C. 552a(e)(5)).

(c) Special identification requirements:

Normally a request for correction or amendment of a record will have been preceded by a request for disclosure of this record under § 1006.4. If the requester has already identified himself, no proof of his identity other than his signature (see § 1006.7(b)(1)) will normally be required. In the event that CSA is not satisfied as to the requester's identity, the requester may be required to comply with the requirements for identification set forth in § 1006.4(b). In such cases, CSA will notify the requester within 10 days of the identification required and will proceed with the processing of his request, but will not comply with or deny the request until requester furnishes the required identification.

#### § 1006.8 Agency review of request for correction or amendment of record.

(a) Within 10 working days from the receipt of a request by the appropriate system manager, he shall send the requester a written acknowledgement of the receipt thereof, unless the request has been answered within this period. This acknowledgement shall follow the format indicated in § 1006.5(a).

(b) (1) CSA will attempt whenever possible to review and answer requests

within 10 working days of their receipt by the appropriate system manager. Absent unusual circumstances (as described in § 1006.5(b)(2), CSA will answer a request within 30 days of the receipt thereof by the system manager, or within 20 working days of his receipt of the further information requested.

(2) If owing to unusual circumstances, CSA cannot make a determination within these time limits, the requester will be advised in writing of the reason therefor and the estimated date by which the response will be made.

(c) In its response, CSA will either:

(1) Make the requested correction or amendment and advise the individual in writing of such action, providing either a copy of the corrected or amended record or a statement as to the means whereby the correction or amendment was effected in cases where a copy cannot be provided (for example, erasure of information from a record maintained only in an electronic data bank); or

(2) Inform the individual in writing that his or her request is denied and provide the following information:

(i) The system manager's name and title and position;

(ii) The date of the denial;

(iii) The reasons for the denial including citation to the appropriate sections of the Act and this part; and

(iv) The procedures for appeal of the denial as set forth in § 1006.9 including the name and address of the Privacy Act Officer.

(d) Whenever an individual's record is corrected or amended pursuant to a request by that individual, the system manager shall see to the notification of all persons and agencies to which the corrected or amended position of the record has been disclosed prior to its correction or amendment, if an accounting of such disclosure required by the Act was made. The notification shall require a recipient agency maintaining the record to acknowledge receipt of the notification, to correct or amend the record and to apprise any agency or person to which it had disclosed the record of the substance of the correction or amendment.

(e) The following criteria will be considered by the system manager in reviewing a request for correction or amendment:

(1) The sufficiency of the evidence submitted by the individual;

(2) The factual accuracy of the information;

(3) The relevance and necessity of the information in terms of purpose for which it was collected;

(4) The timeliness and currency of the information in light of the purpose for which it was collected;

(5) The completeness of the information in terms of the purpose for which it was collected;

(6) The degree of possibility that denial of the request could unfairly result in determinations adverse to the individual;

(7) The character of the record sought to be corrected or amended; and

(8) The propriety and feasibility of complying with the specific means of correction or amendment requested by the individual.

(f) CSA will not undertake to gather evidence for the individual; but does reserve the right to verify the evidence which the individual submits.

(g) Correction or amendment of a record requested by an individual will be denied only upon a determination by the system manager that:

(1) The individual has failed to establish, by a preponderance of the evidence, the propriety of the correction or amendment in light of the criteria set forth in paragraph (e) of this section;

(2) The record sought to be corrected or amended was compiled in a terminated judicial, quasi-judicial or quasi-legislative proceeding to which the individual was a party or participant;

(3) The information in the record sought to be corrected or amended, or the record sought to be amended, is the subject of a pending judicial, quasi-judicial or quasi-legislative proceeding to which the individual is a party or participant;

(4) The correction or amendment would violate a duly enacted statute or promulgated regulation; or

(5) The individual unreasonably has failed to comply with the procedural requirements of this part.

(h) If a request is partially granted and partially denied, the system manager shall follow the appropriate procedures of this section as to the records within the grant and the records within the denial.

#### § 1006.9 Appeal of initial adverse agency determination on correction or amendment or access.

(a) When a request has been denied under §§ 1006.5 or 1006.8, the requester may appeal the denial to the Privacy Act Officer, Office of Administration, Community Services Administration, 1200 19th Street, NW., Washington, D.C. 20506. An appeal should be identified both on the envelope and in the text as a Privacy Act Appeal.

(b) An appeal shall include a copy of the original request, the initial denial, and a statement of the reasons why the requester believes the initial denial to be in error. The Privacy Act Officer may seek additional information needed to assure that his final determination is fair and equitable; in such instances, the additional information shall be disclosed to the requester to the greatest extent possible and he

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shall be allowed an opportunity to comment thereon. No personal appearance or hearing will be allowed.

(c) The Privacy Act Officer shall determine the appeal and mail his determination in writing to the requester within 30 days of his receipt of the appeal, unless the Director of CSA extends this period for an additional 30 working days at the request of the Privacy Act Officer. The Director shall take such an extension only if he deems it necessary for a fair and equitable determination of the appeal and he shall notify the requester of the reasons for any such extension.

(d) If the appeal is determined in favor of the requester, the final determination shall be an order for full or partial release of the documents requested or shall include the specific corrections or amendments to be made and a copy thereof shall be transmitted promptly both to the individual and to the system manager who issued the initial denial. Upon receipt of such final determination, the system manager shall promptly take the actions set forth in § 1006.8(b)(1) and (c).

(e) If the appeal is denied, the final determination shall be transmitted promptly to the individual and shall cite the reasons for the denial. The notice of final determination shall also include the following information:

(1) That the individual has a right to file a concise statement of reasons for disagreeing with the final determination; the statement ordinarily should not exceed one page and CSA reserves the right to reject a statement of excessive length; such a statement shall be filed with the Privacy Act Officer, should identify the date of the final determination, and should be signed by the individual; the Privacy Act Officer shall acknowledge receipt of such statement and inform the individual of the date on which it was received.

(2) That any such disagreement statement filed by the individual will be noted in the disputed record and that a copy of the statement will be provided to persons and agencies to which the record is disclosed subsequent to the date of receipt of such statement.

(3) That CSA may append to any such disagreement statement filed by the individual, a copy of the final determination or summary thereof which also will be provided to persons and agencies to which the disagreement statement is disclosed.

(4) That the requester has a right to judicial review of the final determination under 5 U.S.C. 552a(g)(1)(A) or (B), as limited by U.S.C. 552a(g)(5).

(f) In making the final determination, the Privacy Act Officer shall employ the criteria set forth in § 1006.8(e) and shall deny an appeal only on the grounds set forth in § 1006.8(g).

(g) If an appeal is partially granted and partially denied, the Privacy Act Officer shall follow the appropriate procedures of this section as to the records within the grant and those within the denial.

(h) Although a copy of the final determination, or a summary thereof, will be treated as part of the individual's record for purposes of disclosure in instances where the individual has filed a disagreement statement, it will not be subject to correction or amendment by the individual.

#### § 1006.10 Disclosure of record to person other than the individual to whom it pertains.

(a) CSA may disclose a record pertaining to an individual to a person other than the individual only in the following instances:

(1) Upon written request by the individual, including authorization under §§ 1006.5(g) and 1006.6;

(2) With the prior written consent of the individual;

(3) To a parent or legal guardian under 5 U.S.C. 552a(h);

(4) When required by the Act and not covered explicitly by the provisions of 5 U.S.C. 552a(b); and,

(5) When permitted under 5 U.S.C. 552a(b)(1) through (11), which read as follows:

(1) To those officers and employees of the agency which maintains the record who have a need for the record in the performance of their duties;

(2) Required under section 552 of this title;

(3) For a routine use as defined in subsection (a)(7) of this section;

(4) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13;

(5) To a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(6) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value.

(7) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;

(8) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

(9) To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(10) To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(11) Pursuant to the order of a court of competent jurisdiction.

(b) The situations referred to in paragraph (a)(4) of this section include the following:

(1) 5 U.S.C. 552a(c)(4) requires dissemination of a corrected or amended record or notation of a disagreement statement by CSA in certain circumstances;

(2) 5 U.S.C. 552a(d) requires disclosure of records to the individual to whom they pertain, upon request;

(3) 5 U.S.C. 552(g) authorizes civil action by an individual and requires disclosure by CSA to the court;

(4) Section 5(e)(2) of the Act authorizes release of any records or information by CSA to the Privacy Protection Study Commission upon request of the Chairman; and

(5) Section 6 of the Act authorizes the Office of Management and Budget to provide CSA with continuing oversight and assistance in implementation of the Act.

(c) The system manager shall keep an accounting of each disclosure by him of any record contained in a system of records in accordance with 5 U.S.C. 552a (c) (1) and (2). Except for a disclosure made under 5 U.S.C. 552a (b)(7), the system manager shall make such accounting available to any individual, insofar as it pertains to that individual, on request submitted in accordance with § 1006.4 of this part. The system manager shall make reasonable efforts to notify any individual when any record in a system of records is disclosed to any person under compulsory legal process, promptly upon being informed that such process has become a matter of public record. He shall also transmit to the individual's last known address notification of any disclosure pursuant to a showing of compelling circumstances under 5 U.S.C. 552a(b)(8).

#### § 1006.11 Fees.

(a) The only fees charged a requester under the provisions of this part shall be for copying records at his or her request.

(b)(1) The copying fees charged under the Privacy Act shall be:

(i) For duplication of paper documents up to 8" x 14" \$.10 per copy page.

(ii) For duplication of microfiche in 4 x 6 inch diazo film copies at 24 x reduction \$.10 per fiche.

(iii) For duplication of paper records from microfiche records \$.10 per page.

(iv) For computer records. In most instances records maintained in the

computer data base are available also in printed form and the standard fee of \$.10 per copy page shall apply. However, a record must exist at the time of the request, and it is not required that a record be "created" or compiled from the data base for the purpose of furnishing information not already provided in existing records. A record that is maintained by computer is normally deemed to exist for this purpose only if retrievable in approximately the form desired, without reprogramming.

(2) When no specific fee has been established for a copying service, the Privacy Act Officer is authorized to establish an appropriate fee based on the direct costs of providing the service in question.

(3) Services performed that are not required under the Privacy Act, such as formal certification or authentication of records may be subject to charges under the Federal User Charge Statute (31 U.S.C. 483a) or other applicable statutes, depending on the services performed.

(c)(1) CSA will waive any copying fee totaling less than \$5.00 but contemporaneous requests shall be added together to determine the total fee.

(2) The Privacy Act Officer may, at his discretion, waive fees based on a petition for waiver by a requester stating that he or she is indigent and unable to pay said fees.

(3) It is the policy of CSA to provide the requester with one copy of each record corrected or amended pursuant to § 1006.8(c).

(4) As required by the United States Civil Service Commission, CSA will charge no fee for a single copy of a personnel record covered by the Commission's government-wide published notice of systems of records.

(d)(1) If a requester is requesting a copy of a record, the request should state that he will promptly pay all applicable fees. In his request he may either:

(i) Agree to pay all fees up to a specified limit; or

(ii) Indicate that he wishes to be advised of the estimated fees.

(2) If the requester elects alternative (ii) or if the estimated fees exceed the limit he has indicated, the request shall be processed as indicated in § 1006.5, but no copies shall be sent to the requester until he has been informed of the estimated fees and agreed to pay them, except that if their estimated amount is less than \$10.00, copies will be sent the requester without such notification unless he has specifically set a limit of less than \$10.00. Estimates of fees will be communicated to the requester as soon as possible so as to avoid delay in furnishing copies of records requested. If the requester is unwilling to pay the estimated fees, he may reduce the volume of copies requested so as to reduce the fee to an amount he is willing to pay.

(e) Full or partial payment of fees in advance may be required if the estimated fees are in excess of \$50.00, or if the requester is known to have failed to pay any previous fee due to CSA under either 45 CFR or 1005 or 1006.

(f) Remittances shall be in the form of a personal check or bank draft drawn on a bank in the United States or a postal money order. Remittances shall be made payable to the Community Services Administration and mailed to Privacy Act Officer, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506.

#### § 1006.12 Penalties.

In 5 U.S.C. 552a(i) the Act established criminal penalties for certain actions in violation thereof. The provisions of 5 U.S.C. 552a(i)(3) concern the actions of requesters; the section reads thus:

Any person who knowingly and willfully requests or obtains any record concerning

an individual from an agency under false pretenses shall be guilty of a misdemeanor and fined not more than \$5000.

#### § 1006.13 General Exemptions.

(a) CSA does not assert any general exemptions under 5 U.S.C. 552a(j).

(b) Individuals may not have access to records maintained by CSA but originating with another agency which has determined by regulation that such information is subject to a general exemption under 5 U.S.C. 552a(j). If such records are within a request for access, CSA will advise the requester of their existence and of the name and address of the source agency which the requester must contact for any further information.

#### § 1006.14 Specific Exemptions.

(a) Under the authority granted him by 5 U.S.C. 552a(k)(2), the Director of CSA hereby exempts the system entitled "Inspection Reports on Grantees, Contractors, and CSA employees" from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(4)(I) and (f)(4). The reasons for asserting this exemption are to maintain the ability to obtain necessary information, to prevent subjects of investigation from frustrating the progress of the investigation or of subsequent law enforcement activities, to avoid revelation of the identities of persons who have furnished or will furnish information to CSA in confidence, and to ensure the safety of these sources and of personnel engaged in investigations conducted for law enforcement purposes. Any person may still seek access to these records under the Freedom of Information Act; any Privacy Act Request seeking records under this exemption will be processed under the substantive provisions of the Freedom of Information Act.



**Title 10—Energy**  
**CHAPTER III—ENERGY RESEARCH AND**  
**DEVELOPMENT ADMINISTRATION**  
**PART 708—RECORDS MAINTAINED ON**  
**INDIVIDUALS**

Sec.	Purpose and scope.
708.1	Policy.
708.2	Definitions.
708.3	Delegation of authority.
708.4	Privacy Act Administration Officers.
708.5	Requests for information, access or amendment.
708.6	Identification of individuals making requests.
708.7	Disclosure of requested information to individuals.
708.8	Medical and psychological records.
708.9	Disclosure of record to person other than the individual to whom it pertains.
708.10	Accounting for disclosures.
708.11	Appeal of initial adverse ERDA determinations for access or amendment.
708.12	Specific exemptions.
708.13	Establishment of new or revised systems of records.
708.14	Fees.
708.15	Requests under false pretenses.
708.16	Employee standards of conduct with regard to privacy.
708.17	Publication of annual notices.
708.18	Requirements for annual report.
708.19	Litigation.
708.20	Effect of Freedom of Information Act.
708.21	Use and collection of social security numbers.
708.22	Exempted system of records.
708.23	

**AUTHORITY:** (5 U.S.C. 552a(f)); (42 U.S.C. 5815); (42 U.S.C. 2201).

**§ 708.1 Purpose and scope.**

(a) This part contains the regulations of ERDA implementing the Privacy Act of 1974, Pub. L. 93-579. The regulations apply to all records maintained by ERDA which are identifiable by individual name or identifier and all systems of such records which are retrieved by name or other identifier. These regulations are also applicable to contractors and their employees to the extent required by 5 U.S.C. 552a(m). The regulations set forth the procedures by which individuals may seek access to records concerning themselves and request correction of those records. The regulations also set forth the requirements applicable to ERDA employees maintaining, collecting, using or disseminating such records.

**§ 708.2 Policy.**

In compliance with the Privacy Act of 1974, 5 U.S.C. 552a and in accordance with the requirements and procedures of this part, ERDA has a positive and continuing obligation to:

(a) Identify each system of records which ERDA maintains and review the content of the system to assure that only that information is maintained which is necessary and relevant to a function which ERDA is authorized to perform by law or Executive order, and that no information about the political or religious beliefs and activities of individuals is maintained except as provided in the Act.

(b) Collect information to the greatest extent practicable directly from the sub-

ject individual when the information which may result in adverse determinations about that individual's rights, benefits, and privileges under Federal programs; and inform individuals whom ERDA asks to supply information about themselves of the purposes for which the information will be used and their rights, benefits, or obligations with respect to supplying that data.

(c) Establish reasonable administrative, technical, and physical safeguards to assure that records are disclosed only to those who are authorized to have access and otherwise to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained.

(d) Maintain an accounting of all disclosures of information from systems of records except those to personnel within ERDA who have an official need to know or to the public under the Freedom of Information Act, and make that accounting available as provided in the Act.

(e) When using a record or disclosing it to someone other than an agency, assure that it is as accurate, relevant, timely and complete as is reasonably necessary to assure fairness to the individual.

(f) Permit individuals to have access to records pertaining to themselves and to have an opportunity to request that such records be amended.

(g) Inform prior recipients when a record is amended pursuant to the request of an individual or when a statement of disagreement has been filed; advise any subsequent recipient that a record is disputed; and provide a copy of the statement of disagreement to both prior and subsequent recipients of the disputed information.

**§ 708.3 Definitions.**

As used in this part:

(a) The term "agency" means agency as defined in U.S.C. 552a(a). It includes any executive department, military department, Government corporation, Government-controlled corporation or other establishment in the executive branch of the Government including the Executive Office of the President or any independent regulatory agency.

(b) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence, but does not include proprietorships, businesses and corporations.

(c) The term "maintain" means maintain, collect, use, or disseminate.

(d) The term "record" means any item, collection, or grouping of information about an individual that is maintained by or for ERDA, including, but not limited to, education, financial transactions, medical history, and criminal or employment history and that contains that individual's name, or the identifying number, symbol, or other identifying particulars assigned to that individual,

such as a finger or voice print or photograph.

(e) The term "system of records" means a group of any records under ERDA control from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particulars assigned to the individual.

(f) The term "statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and is not used in whole or in part in making any determination about an identifiable individual, except as provided by 13 U.S.C. section 8.

(g) The term "routine use" means with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

(h) The term "ERDA" means the Energy Research and Development Administration established by the Energy Reorganization Act of 1974 (Pub. L. 93-438).

(i) The terms "ERDA Officer or employee," and "ERDA personnel" mean employees, consultants, and members of advisory boards, committees and panels of ERDA; members of boards designated by the Administrator, Deputy Administrator, or other designees of the Administrator or Deputy Administrator to preside at adjudicatory proceedings; where assigned to duty with ERDA, officers or employees of other Government agencies, including military personnel; and contractors and employees of contractors having access to ERDA records or operating a system of records on behalf of ERDA to accomplish an ERDA function, to whom the requirements of 5 U.S.C. 552a are deemed to be applicable.

(j) The term "Administrator" means the Administrator of the Energy Research and Development Administration provided for in section 102(a) of the Energy Reorganization Act of 1974.

(k) The term "Deputy Administrator" means the Deputy Administrator provided for in section 102(b) of the Energy Reorganization Act of 1974.

(l) The term "Assistant Administrator" means an Assistant Administrator provided for in section 102(d) of the Energy Reorganization Act of 1974 or such other Assistant Administrators as appointed under section 102(f) of the Energy Reorganization Act of 1974.

(m) The term "System Manager" means the ERDA official who is responsible for an ERDA system of records as designated in the system notice of that system of records published by ERDA in the FEDERAL REGISTER.

(n) The term "Privacy Act Administration Officer" (PAAO) is the designated official at ERDA installations (identified in § 708.5 (a) and (b)) to whom an individual shall address any request for information concerning records, for correction of records, or otherwise, in exercising individual rights under the Privacy Act.

(o) The term "Privacy Review Official" means the Deputy Administrator, or any

Deputy Assistant Administrator, who hears an appeal of a denial to amend records or a denial to gain access to records.

(p) The term "working days" means all days except Saturdays, Sundays, and legal public holidays.

**§ 708.4 Delegation of authority.**

(a) The Administrator has designated the Assistant Administrator for Administration to exercise control and supervision over the ERDA compliance with 5 U.S.C. 552a, to carry out on behalf of ERDA the provisions of 5 U.S.C. 552a with respect to the responsibilities for implementing the Act for ERDA, including:

(1) Designation of personnel at Headquarters to carry out the various functions as necessary to the implementation of the Act.

(2) Publish ERDA rules, public notices of systems of records, rules pertaining to exemptions.

(3) Provide procedures and training to employees as appropriate.

(4) Maintain liaison with heads of field organizations in connection with their responsibilities under the Privacy Act.

(5) Directors of Energy Research Centers and Managers of Operations Offices are designated to administer the provisions of the Act and applicable regulations within their respective jurisdictions; to act as Systems Managers with respect to systems or parts of systems maintained within their jurisdictions; and to name personnel as appropriate to perform the functions of Privacy Act Administration Officer.

**§ 708.5 Privacy Act Administration Officers.**

(a) There shall be designated at ERDA Headquarters by the Assistant Administrator for Administration a Privacy Act Administration Officer whose address is U.S. Energy Research and Development Administration, Headquarters, Washington, D.C. 20545.

(b) There shall be designated by the Director or Manager for each of the following ERDA field organizations a Privacy Act Administration Officer with the following specified mailing addresses:

(1) U.S. Energy Research and Development Administration, Albuquerque Operations Office, P.O. Box 5400, Albuquerque, New Mexico 87115.

(2) U.S. Energy Research and Development Administration, Bartlesville Energy Research Center, Box 1398, Bartlesville, Oklahoma 74003.

(3) U.S. Energy Research and Development Administration, Chicago Operations Office, 9800 South Cass Avenue, Argonne, Illinois 60439.

(4) U.S. Energy Research and Development Administration, Grand Forks Energy Research Center, University Station, Grand Forks, North Dakota 58201.

(5) U.S. Energy Research and Development Administration, Idaho Operations Office, 550 2nd Street, Idaho Falls, Idaho 83401.

(6) U.S. Energy Research and Development Administration, Laramie Energy

Research Center, P.O. Box 3395, University Station, Laramie, Wyoming 82070.

(7) U.S. Energy Research and Development Administration, Morgantown Energy Research Center, Box 880, Morgantown, West Virginia 26505.

(8) U.S. Energy Research and Development Administration, Nevada Operations Office, P.O. Box 14100, Las Vegas, Nevada 89114.

(9) U.S. Energy Research and Development Administration, Oak Ridge Operations Office, P.O. Box E, Oak Ridge, Tennessee 37830.

(10) U.S. Energy Research and Development Administration, Pittsburgh Energy Research Center, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213.

(11) U.S. Energy Research and Development Administration, Richland Operations Office, P.O. Box 550, Richland, Washington 99352.

(12) U.S. Energy Research and Development Administration, San Francisco Operations Office, 1333 Broadway, Wells Fargo Building, Oakland, California 94616.

(13) U.S. Energy Research and Development Administration, Savannah River Operations Office, P.O. Box A, Aiken, South Carolina 29801.

**§ 708.6 Requests for information, access or amendment.**

(a) The procedures outlined below apply to the following types of requests under the Privacy Act of 1974 made by individuals concerning records about themselves:

(1) Request to determine if information on the requestor is included in a system of records.

(2) Request for access to a record.

(3) Request for an accounting of disclosures.

(4) Request for amendment of a record.

(b) (1) Request under paragraph (a) of this section must conform to the following:

(i) All requests must be in writing unless waived by the System Manager.

(ii) All requests must be directed to the appropriate Privacy Act Administration Officer or if it is inconvenient or impossible to ascertain the appropriate Privacy Act Administration Officer, requests may be directed to the Privacy Act Administration Officer, ERDA Headquarters, Washington, D.C. 20545.

(iii) The requestor must supply the Privacy Act Administration Officer with information sufficient to process the request.

(2) Minimum information is:

(i) Name and address of individual.

(ii) Identity of the system of records.

(iii) Nature of the request. If a request for amendment, a complete and comprehensive description of the amendment.

(iv) Required identifying information such as location if known, full name, birth date, etc. as specified in the "Notice of System of Records" to assist in identifying the request.

(c) Processing requests:

(1) The Privacy Act Administration Officer will record the date and time of receipt of a request.

(2) Within 10 working days of receipt of a request completed in accordance with paragraph (b) of this section, the Privacy Act Administration Officer will ascertain the responsible System Manager, and will dispatch the request to him.

(3) The Privacy Act Administration Officer will acknowledge the request to the individual within 10 working days of receipt of the request.

(4) If the request is incomplete or incomprehensible, the Privacy Act Administration Officer will request additional information or clarification of the initial request in the acknowledgment, and will offer assistance to the individual as appropriate.

(5) If the request is sufficient for processing, the acknowledgment should identify the System Manager.

(6) Access to ERDA records maintained in National Archives and Record Systems Centers may be obtained in accordance with the regulations issued by the General Services Administration.

**§ 708.7 Identification of individuals making requests.**

The following minimum standards are applicable to any individual who requests records concerning himself but additional requirements for verification of identity with respect to particularly sensitive records may be required.

(a) An individual seeking access to records about himself in person may establish his identity by the presentation of a single document bearing a photograph (such as a passport or identification badge) or by the presentation of two items of identification which do not bear a photograph but do bear both a name and address (such as a driver's license, or credit card).

(b) An individual seeking access to records about himself by mail shall establish his identity by a signature, address, date of birth, employee identification number, if any, and one other identifier such as a photocopy of a driver's license or other document.

(c) An individual seeking access to records about himself by mail or in person who cannot provide the necessary documentation of identification may provide a notarized statement, swearing or affirming to his identity and to the fact that he understands the penalties for false statements pursuant to 18 U.S.C. 1001.

**§ 708.8 Disclosure of requested information to individuals.**

(a) The System Manager will record the date and time of his receipt of a request.

(b) Preliminary review of the request should be completed within 10 days and if conditions such as the ones below exist, the individual should be apprised of them as soon as possible. Conditions include:

(1) The system of records exempted in whole or in part from the provision(s) requiring compliance with the request.

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(2) Need for further information by the System Manager to process the request, e.g., more data is required to determine the location of the record.

(c) Upon receipt of a request from the Privacy Act Administration Officer, the System Manager shall promptly take the following actions, as appropriate:

(1) Inform the individual whether or not any information on him is included in the system.

(2) Grant or deny access to records.

(3) Grant or deny access to accounting of disclosures.

(4) Amend or decline to amend a record.

(d) If a request is denied, the individual must be informed of the System Manager's determination, including an explanation of the reasons for not granting the request, the procedures for requesting review of the denial, and the name and address of the ERDA official to contact for appeal. Denial of a request may be based in whole or part on an exemption. If material has been deleted from a record furnished to the individual there shall also be furnished a brief explanation of why the material was deleted.

(1) Requests for access to classified information shall be coordinated with a representative of the Division of Classification or the field organization counterpart prior to final action.

(2) Nothing in this part shall allow an individual access to any information compiled in reasonable anticipation of any civil action or proceeding in either a court or an administrative tribunal.

(e) If the System Manager is unable, for good cause, to complete action on his request within 30 calendar days after his receipt of the request, the individual should be informed in writing within such 30 days as to the reasons for the delay and when completion of the action is anticipated.

(f) When information is sought from a system of records that includes information from another Federal agency, the System Manager receiving the request shall consult with the appropriate agency prior to determining whether the information may be disclosed or not, but the decision as to whether the record shall be disclosed, shall be made by the System Manager maintaining the record.

(g) Granting Access—Special Considerations:

(1) Associates in attendance—When an individual is granted access to his record, he may be accompanied by a person of his choosing. The System Manager may require the individual to furnish a written statement authorizing discussions of the record in the accompanying person's presence.

(2) Copies of the record—Once access is granted, the individual has the right to have a copy made of all or any portion of the record upon payment of fees to the extent provided for in § 708.15.

(3) The parent of a minor or legal guardian, may act on behalf of the individual for purposes under this part. The System Manager shall require the person to provide proper identification estab-

lishing guardianship. The parent or guardian of a minor or a person judicially determined to be incompetent shall, in addition to establishing the identity of the minor or other person he represents as required in section 708.7, establish his own parentage or guardianship by furnishing a copy of a birth certificate showing parentage or a court order establishing the guardianship.

#### § 708.9 Medical and psychological records.

When an individual requests medical or psychological records concerning himself, the System Manager may advise the individual that these records will be provided only to a physician designated in writing by the individual. Upon receipt of the designation and upon proper verification of identity, the System Manager will permit the physician to review the records or to receive copies of the records for purposes of determining whether any such records should not be disclosed to the individual because of possible harm.

#### § 708.10 Disclosure of record to person other than the individual to whom it pertains.

(a) ERDA shall not disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, unless the disclosure of such record falls within one of the disclosure categories enumerated below in section 708.10(a).

(1) through 708.10(a) (11) of this part. Disclosure categories:

(1) Disclosure to ERDA officers or employees who have a need for the record in the performance of their duties.

(2) Disclosure required under the Freedom of Information Act.

(3) Disclosure for a routine use as defined in § 708.3(g) of this part and described in the notice of the system of records as published in the FEDERAL REGISTER.

(4) Disclosure to the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of Title 13 of the U.S. Code.

(5) Disclosure to a recipient who has provided the System Manager of the system of records from which he has requested a record with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable. It is the responsibility of the System Manager of the system of records from which it is desired to disclose a record of an identifiable individual to assure that the identity of the individual cannot be determined or deduced by combining various statistical records. Records may be disclosed by ERDA for statistical research or reporting purposes only after ERDA has received and evaluated a written statement which:

(1) states the purpose for requesting the records; and

(11) certifies that they will only be used as statistical records.

(6) Disclosure to the National Archives of the United States of a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value.

(7) Disclosure to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to ERDA specifying the particular portion desired and the law enforcement activity for which the record is sought. Blanket requests for all records pertaining to an individual are not permitted, but a court order may be sought as a basis for disclosure. (See paragraph (a) (11) of this section.) A record may also be disclosed by ERDA to a law enforcement agency at the initiative of ERDA when a violation of law is suspected, provided that such type of disclosure has been established in advance as "routine use."

(8) Disclosure to a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual. The individual to whom the record pertains need not necessarily be the individual whose health or safety is at peril.

(9) Disclosure to either House of Congress, or to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee.

(10) Disclosure to the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office.

(11) Disclosure pursuant to the order of a court of competent jurisdiction.

#### § 708.11 Accounting for disclosures.

(a) As soon as possible, but not later than September 27, 1975, each System Manager shall establish a system of accounting for all disclosures of records, either orally or in writing, made to other than ERDA personnel. Accounting procedures may be established in the least expensive and most convenient form that will permit the System Manager to advise individuals, promptly upon request, of the persons or agencies to which records concerning them have been disclosed.

(b) Accounting records, at a minimum, shall include the identification of the particular record disclosed, the name and address of the person or agency to which disclosed, and the date of the disclosure.

(c) Accounting is not required to be kept for disclosure made pursuant to the Freedom of Information Act.

#### § 708.12 Appeal of initial adverse ERDA determinations for access or amendment.

(a) If an individual's request, either for access or amendment of records made under procedures set forth in this part, is denied in whole or in part by the System Manager, as provided in section 708.8, the individual shall have the right to appeal such initial determination of denial to the ERDA Privacy Review Official; and the individual shall be notified of the System Manager's determination and the procedure for exercising the right of appeal therefrom.

(b) Appeals shall be filed by the requesting individual within 60 calendar days after receipt of the initial denial by written request mailed to the Privacy Act Administration Officer at ERDA Headquarters. Both the appeal letter and its covering envelope should be marked "Privacy Act Appeal" or otherwise so as to clearly identify that a Privacy Act appeal is being made. The 60 day time limit may be waived by the Privacy Review Official for good cause shown.

(c) Appeals shall be deemed to have been received on the date and time stamped thereon by the Privacy Act Administration Officer, at ERDA Headquarters.

(d) Upon receipt of an appeal, the Privacy Act Administration Officer at ERDA Headquarters, shall promptly so advise the Privacy Review Official and the System Manager responsible for the original denial. The System Manager shall arrange to have the appropriate records, including the initial written denial transmitted to the Privacy Review Official.

(e) Final determination of the Privacy Review Official of an appeal shall be completed within 30 working days from date of receipt of the appeal by the Privacy Act Administration Officer at Headquarters unless the Administrator determines that a fair and equitable review cannot be completed within that time. If additional time is required, the individual will be informed by the Privacy Review Official in writing of the reasons for the delay and of the date on which the review is expected to be completed.

(f) The Privacy Review Official shall consult with counsel prior to making a determination.

(g) If the Privacy Review Official determines that access to or amendment of the record is not warranted on the facts, he shall advise the individual of his refusal to authorize access or amendment, in whole or in part, and he shall advise the individual of his right to provide for the record a "statement of disagreement." The individual shall be advised also of his right to judicial review pursuant to the Privacy Act of 1974.

(h) A statement of disagreement may be furnished by the individual within 30 calendar days of the date of his receipt of the notice of refusal of the Privacy Review Official to authorize access or amendment. Such statement of disagreement shall be addressed to Privacy Act Administration Officer, ERDA Headquarters, Washington, D.C. 20545. Upon

receipt of a statement of disagreement in accordance with this section the System Manager shall include the statement in the system of records in which the disputed record is maintained, and he shall have the original record marked as to indicate that the record is subject to a statement of disagreement, and where, within the system of records, that statement may be found.

(i) When a record has been corrected or a statement of disagreement has been filed, the System Manager shall, promptly thereafter, advise all prior recipients of the record whose identity can be determined pursuant to the accounting required by the Privacy Act or any other accounting previously made of the correction or of the filing of the statement of disagreement. Any dissemination of a record after the filing of a statement of disagreement shall be accompanied by a copy of that statement and any statement of ERDA giving reasons for refusing to correct included in the file.

(j) Decisions of the Privacy Review Official shall be the final decisions of the Administrator.

#### § 708.13 Specific exemptions.

(a) The Administrator may promulgate rules, in accordance with the requirements (including general notice) of sections 553(b) (1), (2), and (3), (c), and (e) of the Administrative Procedure Act to exempt any system of records within ERDA from subsections (c) (3), (d), (e) (1), (e) (4), (G), (H), (I), and (f) of section 3 of the Privacy Act, if the system of records is:

(1) ERDA records that are specifically authorized under criteria established under statute or an Executive Order to be kept secret in the interest of national defense or foreign policy, and are in fact properly classified pursuant to such Executive Order. Restricted Data and Formerly Restricted Data under the Atomic Energy Act of 1954, as amended, are included in this exemption.

(2) Investigatory material compiled for law enforcement purposes. Provided, however, that if any individual is denied any right, privilege, or benefit that he would otherwise be entitled by Federal law, or for which he would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

(3) Required by statute to be maintained and used solely as statistical records.

(4) Investigatory material compiled, solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only to the

extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

(5) Testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal Service the disclosure of which would compromise the objectivity or fairness of the testing or examination process.

(b) Establishing exemptions:

(1) It will be the responsibility of the System Manager of a system of records, all or a portion of which he feels should be exempted from certain of the provisions of the Privacy Act, to inform the Administrator through the Assistant Administrator for Administration of the need for such an exemption giving a description of the system of records, or portion thereof, which is to be exempt; a statement of the provision or provisions of the Privacy Act from which it is desired to exempt the system of records or portion thereof; and the reasons therefor.

(2) Before seeking any exemption for systems of records under § 708.13(a) (1), the System Manager shall consult with the cognizant representative of the Division of Classification, ERDA Headquarters.

(3) When the Administrator determines that a system of records or portion thereof maintained by ERDA should be exempted from certain of the provisions of 5 U.S.C. 552a, a notice shall be published in the FEDERAL REGISTER which specifies the name of the system of records involved, and the specific provisions of the Privacy Act from which the system of records or portion thereof is to be exempted and the reasons therefor.

(c) Prior to making a determination to deny access to a record in a system of records having an approved exemption for classified material (See § 708.13 (a) (1)), the System Manager shall consult with the Division of Classification, or its field organization counterpart, to verify the current classification status of the information in the requested record.

#### § 708.14 Establishment of new or revised systems of records.

(a) In designing or developing a proposed system of records the proposer of such system shall consider if:

(1) The system of records is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or by an Executive Order of the President.

(2) The information is collected to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits and privileges under Federal programs.

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(b) The Assistant Administrator for Administration shall report the details of a new or revised system of records to the Office of Management and Budget and Congress to permit an evaluation of the privacy impact of the proposal and the impact on the system before the system can become operational. A copy also must be provided to the Privacy Protection Study Commission.

(c) A system notice shall be published in the FEDERAL REGISTER for each new or revised system of records at least 30 calendar days before its effective date.

(d) The System Manager must assure that adequate administrative, technical and physical safeguards have been designed into the system of records to insure the security and confidentiality of the records as required by law.

#### § 708.15 Fees.

(a) No charge shall be made for duplication of records when the cost is less than \$10.

(b) No fee will be charged when ERDA makes a copy of a record as a necessary part of the process of making the record available for review as distinguished from responding to a request by an individual for a copy of a record.

(c) No charge shall be made to an individual for the time spent searching for requested records, or for time spent in reviewing records to determine if they fall within the requirements of the Act.

(d) When an individual requests copies of his record in cases other than above, the following charges shall apply:

(1) Sizes up to 8½x14 inches made on office copying machines—10 cents per page copy. Larger sizes—10 cents for each 8½x14 inch unit or fraction thereof per page copy.

(2) For copies made on other than office copying machines, the fee charged will be ERDA's direct cost of making the copy (printing, typing, or photocopying and related personnel and equipment costs).

(e) No records shall be made available to a requestor until the charges provided herein are paid in full. Checks, drafts, or other negotiable instruments shall be made payable to the Energy Research and Development Administration.

#### § 708.16 Requests under false pretenses.

Title 5 U.S.C. 552a(1)(3) provides that any person who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretenses shall be guilty of a misdemeanor and fined not more than \$5,000.

#### § 708.17 Employee standards of conduct with regard to privacy.

(a) Heads of Divisions and Offices, Headquarters, Directors of Energy Research Centers and Managers of Operations Offices shall assure that ERDA personnel subject to their supervision are advised of the provisions of the Privacy Act, including the criminal penalties and civil liabilities provided therein, and that such ERDA personnel are made aware of

their responsibilities to protect the security of personal information, to assure its accuracy, relevance, timeliness and completeness, to avoid unauthorized disclosure either orally or in writing, and to insure that no system of records concerning individuals, no matter how small or specialized, is maintained without public notice.

(b) ERDA personnel shall:

(1) Collect no information of a personal nature from individuals unless authorized to collect it to achieve a function or carry out a responsibility of ERDA;

(2) Collect or maintain only that information about individuals which is necessary to ERDA functions or responsibilities;

(3) Collect information, wherever possible, directly from the individual to whom it relates;

(4) Inform individuals from whom information is collected of the authority for collection, the purposes thereof, the uses that will be made of the information, and the effects, both legal and practical, of not furnishing the information;

(5) Neither collect, maintain, use nor disseminate information concerning an individual's religious or political beliefs or activities or his membership in associations or organizations, unless (i) the individual has volunteered such information for his own benefit; (ii) the information is expressly authorized by statute to be collected, maintained, used or disseminated; or (iii) the activities involved are pertinent to and within the scope of an authorized investigation or adjudication activity;

(6) Advise their supervisors of the existence or contemplated development of any system of records which retrieves information about individuals by individual identifier;

(7) Maintain an accounting, in the prescribed form, of all disclosures of information to other than ERDA personnel, whether made orally or in writing;

(8) Disclose no information concerning individuals to other than ERDA personnel except when authorized by 5 U.S.C. 552a or pursuant to a routine use published in the FEDERAL REGISTER;

(9) Maintain and process information concerning individuals with care in order to insure that no inadvertent disclosure of the information is made to other than ERDA personnel; and

(10) Call to the attention of the proper ERDA authorities any information in a system maintained by ERDA which is not authorized to be maintained under the provisions of the Privacy Act of 1974, including information on First Amendment activities, information that is inaccurate, irrelevant or so incomplete as to risk unfairness to the individual concerned.

(c) Heads of Divisions and Offices, Headquarters, Directors of Energy Research Centers and Managers of Operations Offices shall, at least annually, review the system of records subject to

their supervision to insure compliance with the provisions of the Privacy Act of 1974.

#### § 708.18 Publication of annual notices.

(a) A system notice of the existence and character of an ERDA system of records shall be published annually in the FEDERAL REGISTER in accordance with the format and rules prescribed by the General Services Administration, which notice shall include:

(1) The name and location(s) of the system;

(2) The categories of individuals on whom records are maintained in the system;

(3) The categories of records maintained in the system;

(4) Each routine use of the records contained in the system, including the categories of users and the purpose of such use;

(5) The policies and practices of ERDA regarding storage, retrievability, access controls, retention, and disposal of the records;

(6) The official title and business address of the official who is the System Manager responsible for the system of records; and

(7) The categories of sources of records in the system.

(b) At least 30 calendar days prior to the formal annual publication of information under paragraph (a)(4) (routine use or intended routine use of the information in the system, and shall provide an opportunity for interested persons to submit written data, views, or arguments to ERDA.

(c) In accordance with reporting requirements issued by the Office of Management and Budget, and following the publication of the initial notices of ERDA system of records existing on September 27, 1975, ERDA shall provide to Congress, the Office of Management and Budget, and the Privacy Protection Study Commission advance notice of any proposal to establish or alter any ERDA system of records.

#### § 708.19 Requirements for annual report.

Each year, ERDA shall submit a report covering the preceding calendar year to the Office of Management and Budget for referral by the President to the Congress. The report shall include the information requested in instructions of and at the time specified by the Office of Management and Budget.

#### § 708.20 Litigation.

In any instance in which ERDA or an ERDA employee is sued in connection with any requirement or responsibility under this part, the matter shall promptly be referred to the General Counsel together with a report on the details.

#### § 708.21 Effect of Freedom of Information Act.

ERDA shall not rely on any exemption contained in the Freedom of Information

Act (5 U.S.C. 552(b)) to withhold from the individual to which it pertains, any record which is otherwise accessible to such individual under this part.

#### § 708.22 Use and collection of social security numbers.

(a) The System Manager of each system of records which utilizes social security numbers as a method of identification without statutory authorization or authorization by regulation adopted prior to January 1, 1975, shall take steps to revise the system to avoid future collection and use of the social security numbers.

(b) Heads of Divisions and Offices, Directors of Energy Research Centers and Managers of Operations Offices shall take such measures as are necessary to insure that employees authorized to collect information from individuals are

advised that individuals may not be required to furnish social security numbers without statutory or regulatory authorization, and that individuals who are requested to provide social security numbers voluntarily must be advised that furnishing the number is not required and that no penalty or denial of benefits will flow from the refusal to provide it.

#### § 708.23 Exempted systems of records.

(a) The following ERDA systems of records are exempted from 5 U.S.C. 552a, (c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f). These exemptions apply only to information in these systems which is exempt pursuant to 5 U.S.C. 552a(k)(1), (2) and (5):

(1) Alien Visits and Participation—ERDA (ERDA 1).

(2) Clearance Board Cases Administrative Review and Personnel—ERDA (ERDA 5).

(3) Security Correspondence File—ERDA (ERDA 8).

(4) Foreign Travel—ERDA (ERDA 19).  
(5) Investigative Files—ERDA (ERDA 21).  
(6) Legal Office—Claims, Litigations, Criminal Violation, Patents, and other Legal Files—ERDA (ERDA 23).  
(7) Personnel Security Clearance Files—ERDA (ERDA 32).  
(8) Personnel Security Clearance Files Index (Automated)—ERDA (ERDA 33).  
(9) Special Access Authorization for Categories of Classified Information—ERDA (ERDA 36).

(b) The following systems of records are exempt from 5 U.S.C. 552a, (c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f). These exemptions apply only to information in these systems which is exempt pursuant to 5 U.S.C. 552a(k)(5) and (6):

(1) ERDA Personnel Applicant Records—ERDA (ERDA 12).

(2) ERDA Personnel-Supervisor Records—ERDA (ERDA 11).

(3) ERDA Personnel/General Employment Records—ERDA (ERDA 15).



## Title 10—Energy

CHAPTER II—FEDERAL ENERGY  
ADMINISTRATION

## PART 206—PRIVACY ACT

COLLECTION, MAINTENANCE, ACCESS AND DISSEMINATION OF PERSONAL INFORMATION ABOUT INDIVIDUALS IN SYSTEMS OF RECORDS MAINTAINED BY FEA

## Sec.

- 206.1 Purpose and scope.
- 206.2 Definitions.
- 206.3 Procedures for requesting information about or for access to an individual's records in a system of records.
- 206.4 Procedures for identifying the individual making the request.
- 206.5 Disclosure of requested information to individuals.
- 206.6 Disclosure to other agencies or persons other than the individual to whom the record pertains.
- 206.7 Request for correction or amendment of record.
- 206.8 FEA review of request for correction or amendment of a record.
- 206.9 Appeals of denial of request for correction or amendment of a record.
- 206.10 Content of systems of records.
- 206.11 Collection of information by FEA about an individual for a system of records.
- 206.12 Public notice of systems of records.
- 206.13 Criminal penalties.
- 206.14 General exemptions. [Reserved]
- 206.15 Specific exemptions.
- 206.16 Fees.
- 206.17 Exceptions, exemptions, interpretations, rulings and rulemakings.
- 206.18 Addresses of FEA Regional Offices.

AUTHORITY: (Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a); Federal Energy Administration Act of 1974 (Pub. L. 93-275); E.O. 11790 (39 FR 23185)).

## § 206.1 Purpose and scope.

(a) This part establishes the methods and procedures by which the Federal Energy Administration is implementing the Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a). This part applies to all records maintained by FEA that contain personal information about an individual, identify that individual by name or identifying number, symbol, or other identifying particular and are contained in a system of records from which such information is retrieved by the individual's name or identifying number, symbol or other identifying particular.

(b) Subject to the general and specific exemptions claimed by FEA in

§§ 206.14 and 206.15, or any exemptions provided by the Privacy Act of 1974 that are claimed by another agency, or unless otherwise provided by such Act and this part, this part prohibits FEA from disclosing any record that is contained in a system of records by any means of communication to any person or to another agency, except pursuant to a written request by or with the prior written consent of the individual to whom the record pertains.

## § 206.2 Definitions.

"Agency" means "agency" as defined in 5 U.S.C. 551(1) and includes any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency.

"Act" means the "Privacy Act of 1974," Pub. L. 93-579, 5 U.S.C. 552a.

"FEA" means the Federal Energy Administration, including the Administrator of FEA or his delegate, and when appropriate, includes persons under contract with FEA for the operation by or on behalf of FEA of a system of records to accomplish an FEA function, and employees of such person.

"Individual" means a living person who is a citizen of the United States or an alien lawfully admitted for permanent residence. For purposes of this part, the parent of any minor, or the legal guardian of any individual who has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, may act on behalf of the individual.

"Legal public holiday" means New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, Christmas Day, and any other day appointed as a national holiday by the President or the Congress of the United States.

"Maintain" includes maintain, collect, use or disseminate.

"Records" means any item, collection, or grouping of information about an individual that is maintained by the FEA in a system of records, or, if appropriate, another agency including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the

identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.

"Routine use" means, with respect to the disclosure of a record, the use of such record for a purpose that is compatible with the purpose for which it was collected.

"System of records" means a group of any records under the control of the FEA or, if appropriate, another agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

"Statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual except as provided by section 8 of title 13, United States Code.

Throughout this part, the use of a word or term in the singular shall include the plural and the use of the male gender shall include the female gender.

## § 206.3 Procedures for requesting information about or for access to an individual's records in a system of records.

(a) Any individual may request information regarding whether a system of records maintained by the FEA contains any information pertaining to him, and may request access to his record or to any information pertaining to him that is contained in a system of records, unless such access has been restricted by a general or specific exemption claimed by FEA, as provided in §§ 206.14 and 206.15, or by another agency. All such requests shall be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, or to the Privacy Act Officer at the FEA Regional Offices, at the addresses listed in § 206.18. The consideration by FEA of requests submitted by mail will be facilitated if the envelope in which the request is mailed has the words "PRIVACY ACT REQUEST" in capital letters on the front of it.

(b) (1) A request for information about a record or for access to a record or to information pertaining to him that is contained in a system of records may be made by mail or in

person during FEA's regular business hours.

(2) The regular business hours of the FEA National Office are 8 a.m. to 4:30 p.m. Requests made in person should be directed to the Privacy Act Officer, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C., or to the Privacy Act Officer at the FEA Regional Offices, at the addresses listed in § 206.18.

(c) (1) The request, whether by mail or in person, shall be in writing and signed by the individual making the request and include (i) the full name (including the middle name) of the individual seeking the information or record, his home address and telephone number, his business address and telephone number; (ii) a certified or authenticated copy of documents establishing parentage or legal guardianship, if appropriate, and (iii) if the waiver of an exemption, as provided in § 206.15 (a) and (c), is sought in accordance with the procedures stated in such section, a statement of the grounds on which such waiver is sought.

(2) In addition, the request should (i) specify the title and identifying number of the system of records, which appears in the notice of systems published in the FEDERAL REGISTER by the FEA; (ii) provide such additional identifying information, if any, as may be required by the description of the system contained in the notice or as will assist FEA in responding to the request, e.g., location of the record as stated in the FEDERAL REGISTER; and (iii) describe the information sought or the time, place, or form of access, as appropriate.

(d) Any request not addressed and marked as specified in paragraph (a) of this section shall be forwarded immediately to the Privacy Act Officer. A request that is improperly addressed by an individual shall not have been "received" for purposes of measuring time periods in this section until actual receipt by the Privacy Act Officer. In each instance when a request so forwarded is received by the Privacy Act Officer, the individual making the request shall be notified that the request was improperly addressed and the date when the request was received by the Privacy Act Officer.

(e) When access to a record or information pertaining to the individual that is contained in a system of records is requested, the individual either will be notified in writing where and when he may obtain access to the records requested or, if further arrangements are required, will be given the name, address and telephone number of the person at FEA responsible for such arrangements.

(f) Assistance in preparing a request for information about a record or for access to a record or to information

pertaining to the individual that is contained in a system of records may be obtained from the Privacy Act Officer, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C., 20461.

## § 206.4 Procedures for identifying the individual making the request.

(a) When a request for information about or for access to a record or to information pertaining to an individual that is contained in a system of records has been made pursuant to § 206.3, the FEA shall require reasonable identification of the individual making the request before information will be given or access will be granted, to insure that information is given or records are disclosed only to the proper person.

(b) Subject to paragraphs (c) and (d) of this section, an individual making a request may establish his identity by:

(1) Including with his request if submitted by mail, a photocopy of two identifying documents bearing his name and signature, one of which shall bear his current home or business address; or

(2) Appearing at the FEA National Office or appropriate Regional Office during the regular business hours and presenting either of the following:

(i) One identifying document bearing his photograph and signature, such as a driver's license or passport; or

(ii) Two identifying documents bearing his name and signature, one of which shall bear his current home or business address; or

(3) Providing such other proof of identity as the FEA deems satisfactory in the circumstances of a particular request.

(c) If the Privacy Act Officer or other designated FEA official determines that the information in the record is so sensitive that unauthorized access could cause harm or embarrassment to the individual whose record is involved, or if the individual making the request is unable to produce satisfactory evidence of identity under paragraph (b) of this section, the individual making the request may be required to submit a notarized statement attesting to his identity and that he is familiar with and understands the criminal penalties provided under section 1001 of Title 18 of the United States Code for making false statements to a Government agency and under section 552a(i)(3) of the Act for obtaining records under false pretenses. Copies of these statutory provisions and forms of such notarized statements may be obtained upon request from the Privacy Act Officer, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

(d) *Parents of minors and legal guardians.* (1) An individual acting as the parent of a minor or the legal guardian of the individual to whom a record pertains shall establish his personal identity in the same manner prescribed in either paragraphs (b) or (c) of this section. (A parent or legal guardian may act only for a living individual, not for a decedent.)

(2) In addition to such identification, such person shall establish his identity in the representative capacity of parent or legal guardian. In the case of the parent of a minor, the proof of identity shall be a certified or authenticated copy of the minor's birth certificate. In the case of a legal guardian of an individual who has been declared incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, the proof of identity shall be a certified or authenticated copy of the order from a court of competent jurisdiction.

(e) An individual shall not be required to state a reason or otherwise justify his request for information about or for access to a record or to information pertaining to him that is contained in a system of records.

## § 206.5 Disclosure of requested information to individuals.

(a) Each request for information about or for access to a record or to information pertaining to him that is contained in a system of records shall be acted upon promptly. Every effort will be made to respond within ten days (excluding Saturdays, Sundays and legal public holidays) of the date of receipt. If a response cannot be made within ten days due to unusual circumstances, FEA shall send an acknowledgment during that period providing information on the status of the request and asking for such further information as may be necessary to respond to the request. The term "unusual circumstances" as used in this section shall include circumstances where a search for and collection of requested records from inactive storage, field facilities or other establishments are required, cases where a voluminous amount of data is involved, instances where information on other individuals must be separated or expunged from the particular record, and cases where consultations with other agencies having a substantial interest in the determination of the request is necessary.

(b) (1) Any individual who has requested access to a record or to information pertaining to him that is contained in a system of records, other than medical records, in the manner prescribed in § 206.3, and has identified himself as prescribed in § 206.4, shall be permitted to review the record or information and have a copy made of all or any portion thereof in a form



comprehensible to him upon payment of the fee, if applicable, for copying services set forth in § 206.17, unless such information or access is denied on the grounds stated in paragraph (e) of this section. Upon the request of an individual, a person of the individual's own choosing may accompany him to review the record at FEA, but the individual shall first furnish to the Privacy Act Officer a written statement authorizing discussion of that individual's record in the accompanying person's presence.

(2) The special procedures pertaining to requests for information about or access to the individual's medical records are stated in paragraph (f) of this section.

(c) Where record of a document containing information about an individual also contains information not pertaining to him, the portion not pertaining to the individual shall not be disclosed, except to the extent the information is available to any person under the Freedom of Information Act. If the record sought cannot be provided for review and copying in a meaningful form, the FEA shall provide to the individual a report of the information pertaining to the individual that is contained in the record which report shall be complete and accurate in all material aspects.

(d) *Grant of access*—(1) *Notification.* An individual shall be provided information about or granted access to a record or information pertaining to him that is contained in the system of records, unless the request has been denied in accordance with paragraph (e) of this section. The Privacy Act Officer shall notify the individual of such determination and provide the following information:

(i) Whether there is a record or information pertaining to him that is contained in a system of records;

(ii) The methods of access, as set forth in paragraph (d)(2) of this section;

(iii) The place at which the record or information may be inspected;

(iv) The earliest date on which the record or information may be inspected and the period of time that the record or information will remain available for inspection (In no event shall the "earliest date" be later than thirty days (excluding Saturdays, Sundays and legal public holidays) from the date of notification.);

(v) The estimated date by which a copy of the record could be mailed and the estimate of fees that would be charged to provide other than the first copy of the record, pursuant to § 206.17 (In no event shall the "estimated date" be later than thirty days (excluding Saturdays, Sundays and legal public holidays) from the date of notification.);

(vi) The fact that the individual, if he wishes, may be accompanied by another person during the in-person review of the record or information, subject to the procedures set forth in paragraph (b) of this section; and

(vii) Any additional requirements that must be satisfied in order to provide information about or to grant access to the requested record or information.

(2) *Methods of access.* The following methods of access to records or information pertaining to an individual that is contained in a system of records may be available to that individual depending on the circumstances of a particular request:

(i) Inspection in person may be had in the office specified by FEA during the regular business hours;

(ii) Transfer of records to a Federal facility more convenient to the individual may be arranged, but only if FEA determines that a suitable facility is available, that the individual's access can be properly supervised at that facility, and that transmittal of the records or information to that facility will not unduly interfere with operations of the FEA or involve unreasonable costs, in terms of both money and manpower; and

(iii) The requested number of copies may be mailed at the request of the individual, subject to payment of the fees prescribed in § 206.17.

(e) *Initial denial of access.* (This section does not apply to the denial of a request for waiver of an exemption made in accordance with § 206.15(a) and (c).)

(1) *Grounds.* A request by an individual for information about or access to a record or information pertaining to that individual that is contained in a system of records may be denied only upon a determination by the Privacy Act Officer that:

(i) The record is subject to an exemption under §§ 206.14 or 206.15, or to an exemption claimed by another agency; or

(ii) The record is information compiled in reasonable anticipation of a civil action or proceeding; or

(iii) The individual unreasonably has failed to comply with the procedural requirements of this part.

(2) *Notification.* The Privacy Act Officer shall give written notice of the denial of a request for information about or access to records or information pertaining to the individual that is contained in a system of records, which notice shall include the following information:

(i) The Privacy Act Officer's name, and title or position;

(ii) The date of the denial;

(iii) The reasons for the denial, including citation to the appropriate section of the Act and this part; and

(iv) The individual's right to judicial review under 5 U.S.C. 552a(g)(1)(B), as limited by § 552a(g)(5).

(f) *Special procedures for medical records*—(1) *Statement of physician or mental health professional.* When an individual requests access to records or information pertaining to him that include medical and/or psychological information, the FEA, if it deems it necessary under the particular circumstances, may require the individual to submit with the request a signed statement by his physician or a mental health professional indicating that, in his view, disclosure of the requested records or information directly to the individual will not have an adverse effect on the individual.

(2) *Designation of physician or mental health professional to receive records.* If the FEA believes, in good faith, that disclosure of medical and/or psychological information directly to an individual could have an adverse effect on that individual, the individual may be asked to designate in writing a physician or mental health professional to whom he would like the records to be disclosed, and disclosure that otherwise would be made to the individual will instead be made to the designated physician or mental health professional.

(g) The FEA shall supply such other information and assistance at the time of an individual's review of his record as is necessary to make the record intelligible to the individual.

(h) The FEA reserves the right to limit access to copies and abstracts of original records instead of the original records. This election would be appropriate, for example, when the record is in an automated data media such as tape or disc, when the record contains information on or about individuals, and when deletion of information is permissible under exemptions provided by the Act. In no event shall original records of the FEA be made available to the individual except under the immediate supervision of the Privacy Act Officer or his designee. Title 18, United States Code, section 2701(a) makes it a crime to conceal, mutilate, obliterate, or destroy any record filed in a public office, or to attempt to do any of the foregoing.

(i) Nothing in this section shall:

(1) Require the disclosure of records in systems of records subject to an exemption under §§ 206.14 or 206.15 or to an exemption claimed by another agency;

(2) Allow an individual access to any information compiled in reasonable anticipation of a civil action or proceeding or a criminal proceeding; or

(3) Require the furnishing of information or records that cannot be retrieved by the name or by some other identifying number, symbol or identi-

fying particular of the individual making the request.

§ 206.6 *Disclosure to other agencies, or persons other than the individual to whom the record pertains.*

(a) The FEA shall not disclose to any agency or to any person other than the individual who is the subject of the record, by any means of communication, a record pertaining to that individual that is contained in a system of records, except under the following circumstances:

(1) The individual to whom the record pertains has given his written consent to the disclosure or has made a written request for such disclosure;

(2) The disclosure is to officers and employees of the FEA who have a need for the record in the performance of their duties;

(3) The disclosure is required under the Freedom of Information Act (5 U.S.C. 552);

(4) The disclosure is for a routine use as defined in § 206.2 and described in the FEDERAL REGISTER notice for that system of records;

(5) The disclosure is made to the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of Title 13 of the United States Code;

(6) The disclosure is made to a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(7) The disclosure is made to the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(8) The disclosure is made to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law and if the head of the agency or instrumentality has made a written request to the FEA specifying the particular portion desired and the law enforcement activity for which the record is sought;

(9) The disclosure is made to a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

(10) The disclosure is made to either House of Congress, or to the extent of matter within its jurisdiction, any committee or subcommittee thereof,

any joint committee of Congress or subcommittee of any such joint committee;

(11) The disclosure is made to the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office;

(12) The disclosure is made pursuant to the order of a court of competent jurisdiction; or

(13) The disclosure is required by the Act and not covered explicitly by 5 U.S.C. 552a(b).

(b) The situations referred to in paragraph (a)(13) of this section include the following:

(1) 5 U.S.C. 552a(c)(4) requires dissemination of a corrected or amended record or notation of a disagreement statement by the FEA in certain circumstances;

(2) Section 5(e)(2) of the Act authorizes release of any records or information by the FEA to the Privacy Protection Study Commission upon request of the Chairman; and

(3) Section 6 of the Act authorizes the Office of Management and Budget to provide the FEA with continuing oversight and assistance in implementation of the Act, which may necessitate the release of records or information to that office.

(c) (1) For each system of records under its control, except disclosures made with the consent of the individual to whom the record pertains, disclosures to authorized officers and employees of FEA and disclosures required by the Freedom of Information Act, FEA shall keep an accurate accounting of:

(i) The date, nature, and purposes of each disclosure of a record made to any person or to another agency; and

(ii) The name and address of the person or agency to which the disclosure was made;

(2) The accounting shall be retained for at least five years or the life of the record, whichever is longer, after the disclosure for which the accounting is made.

(d) The accounting described in paragraph (c) of this section shall be made available to the individual named in the record upon written request to the Privacy Act Officer, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, except that the accounting shall not be revealed with respect to disclosures made under paragraph (a)(8) of this section, pertaining to law enforcement activity, and to disclosures involving systems of records for which FEA has claimed an exemption from certain requirements of the Act, as provided in §§ 206.14 and 206.15, or with respect to which another agency has claimed an exemption.

(e) Whenever an amendment or correction of a record or a notation of dispute concerning the accuracy of records is made by the FEA in accordance with §§ 206.8 and 206.9, FEA shall inform any person or other agency to whom the record was previously disclosed if an accounting of the disclosure was made pursuant to the requirements of paragraph (c) of this section, unless the disclosure was made pursuant to paragraph (a)(8) of this section or the disclosure involved a system of records for which FEA has claimed an exemption from certain requirements of the Act, as provided in §§ 206.14 and 206.15, or with respect to which another agency has claimed an exemption.

(f) The FEA shall make reasonable efforts to serve notice on an individual when any record containing information about such individual in a FEA system of records is made available to any person under compulsory legal process when such process becomes a matter of public record.

(g) Prior to disclosing any record about an individual to any person other than an agency, unless the disclosure is pursuant to paragraph (a)(3) of this section, FEA shall make reasonable efforts to assure that such records are accurate, complete, timely, and relevant for FEA's purposes.

§ 206.7 *Request for correction or amendment of a record.*

(a)(1) Any individual may request the correction or amendment of information pertaining to him that is contained in a system of records maintained by the FEA (i) if he believes such information is not relevant or not necessary to accomplish a purpose that FEA is required to accomplish by statute or by executive order of the President, or (ii) if the information is to be used by FEA in making any determination about the individual if he believes such information is not as accurate, relevant, timely or complete as is reasonably necessary to assure fairness in any determination about the individual.

(2) A request for amendment or correction may be made by mail or in person and shall be directed to the Privacy Act Officer, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, or to the Privacy Act Officer at the FEA Regional Offices, at the addresses listed in § 206.18. Requests made in person must be submitted during the regular business hours of the FEA National Office or Regional Office, which for the National Office are 8 a.m. to 4:30 p.m. If the request is submitted by mail the envelope in which the request is mailed should have the words "PRIVACY ACT REQUEST AMENDMENT" in capital letters on the front of it.

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(b) (1) A request for correction or amendment shall (i) be in writing and signed by the person making the request; (ii) describe the particular record to be corrected or amended with sufficient specificity to permit the record to be located among those maintained by FEA, including, if possible, the title, identifying number, and location of the system of records, as stated in the Notice of Systems of Records published in the FEDERAL REGISTER; and (iii) specify the nature of the correction or amendment sought, including the specific words to be deleted from the record or added to it, as appropriate, and the justification for the requested change, including all available supporting documents and materials that substantiate the statement. The statement of justification for the change should identify the basis for the request, that is, whether the information in the record is unnecessary, inaccurate, irrelevant, untimely or incomplete.

(2) The individual making the request may be required to provide the information specified in § 206.3 and § 206.4 to simplify identification of the record and permit verification of the identity of the person making the request.

(c) (1) Receipt of a request for correction or amendment shall be acknowledged in writing within ten days (excluding Saturdays, Sundays and legal public holidays), except that if the individual is, given notice within the ten-day period that his request will or will not be complied with, no acknowledgement is required.

(2) The acknowledgement shall contain an estimate of the time within which action will be taken on the request and, if necessary, shall request such additional information as may be necessary to act on the request. The estimate of time may take into account unusual circumstances that will delay the response. "Unusual circumstances" as used in this section shall include circumstances where a search for and collection of requested records from inactive storage, field facilities or other establishments are required, cases where a voluminous amount of data is involved, instances where information on other individuals must be separated or expunged from the particular record, and cases where consultations with other agencies having a substantial interest in the determination of the request are necessary.

(3) Any request not addressed and mailed as specified in paragraph (a) of this section shall be forwarded immediately to the Privacy Act Officer. A request that is improperly addressed by an individual shall not have been "received" for purposes of measuring time periods in this section until actual receipt by the Privacy Act Officer.

In each instance when a request so forwarded is received by the Privacy Act Officer, the individual making the request shall be notified that the request was improperly addressed and the date when the request was received by the Privacy Act Officer.

(d) Assistance in preparing a request to correct or amend a record may be obtained from the Privacy Act Officer, Federal Energy Administration, 12th and Pennsylvania Avenue NW, Washington, D.C. 20461.

#### § 206.8 FEA review of request for correction or amendment of record.

(a) Within 30 days after acknowledging receipt of a request (excluding Saturdays, Sundays and legal public holidays), or after receiving such further information as may have been requested by FEA, or after arriving at a decision within the ten days, the Privacy Act Officer shall either:

(1) Make the requested correction or amendment and advise the individual in writing of such action, providing either a copy of the corrected or amended record, or a statement as to the means whereby the correction or amendment was accomplished in cases where a copy cannot be provided (for example, erasure of information from a record maintained only in an electronic data bank); or

(2) Inform the individual in writing that his request is denied and provide the following information:

(i) The Privacy Act Officer's name and title and position;

(ii) The date of the denial;

(iii) The reasons for the denial, including citation to the appropriate sections of the Act and this part; and

(iv) The procedures for appeal of the denial of a request for correction or amendment as set forth in § 206.9, including the name and address of the FEA Office or official with the responsibility for considering appeals.

(3) If the Privacy Act Officer cannot make the determination within thirty days, the individual will be advised in writing of the reason therefor and of the estimated date by which the determination will be made.

(b) Whenever an individual's record is corrected or amended pursuant to a request by that individual, the Privacy Act Officer shall notify all persons and agencies to which the corrected or amended portion of the record had been disclosed prior to its correction or amendment, if an accounting of such disclosure required by the Act was made. The notification shall require a recipient agency maintaining the record to acknowledge receipt of the notification, to correct or amend the record and to apprise any agency or person to which it had disclosed the record of the substance of the correction or amendment.

(c) The following criteria will be considered by the Privacy Act Officer in running a request for correction or amendment.

(1) The sufficiency of the evidence submitted by the individual;

(2) The factual accuracy of the information;

(3) The relevance and necessity of the information in relation to the purpose for which it was collected;

(4) If such information is used in making any determination about the individual, whether the information is as accurate relevant, timely, and complete as is reasonably necessary to assure fairness to the individual in such determination;

(5) The degree of possibility that denial of the request could unfairly result in determinations adverse to the individual;

(6) The nature of the record sought to be corrected or amended; and

(7) The propriety and feasibility of complying with the specific means of correction or amendment requested by the individual.

(d) The FEA will not undertake to gather evidence for the individual but does reserve the right to verify the evidence that the individual submits.

(e) Correction or amendment of a record requested by an individual shall be denied only upon a determination by the Privacy Act Officer that:

(1) The individual has failed to establish, by a preponderance of the evidence, the propriety of the correction or amendment in relation to the criteria stated in paragraph (c) of this section;

(2) The record sought to be corrected or amended was compiled in a terminated judicial, quasi-judicial or quasi-legislative proceeding to which the individual was a party or participant;

(3) The record sought to be corrected or amended is the subject of a pending judicial, quasi-judicial or quasi-legislative proceeding to which the individual is a party or participant.

(4) The correction or amendment would violate a duly enacted statute or promulgated regulation; or

(5) The individual unreasonably has failed to comply with the procedural requirements of this part.

(f) If a request is partially granted and partially denied, the Privacy Act officer shall follow the appropriate procedures of this section as to the records within the grant and the records within the denial.

#### § 206.9 Appeals of denial of requests for correction or amendment of a record.

(a)(1) Any individual may appeal the denial of a request made by him for correction or amendment of a record issued pursuant to § 206.8.

(2) An appeal shall be filed within 30 days after the service of the denial.

When an appeal is filed by mail, the postmark is conclusive as to timeliness. (Service by FEA of the denial of a request may be by personal service or by registered, certified or regular United States Mail. Service upon an individual's duly authorized representative shall constitute service upon the individual.)

(b)(1) The appeal shall be in writing and shall be filed with the Office of Exceptions and Appeals, Federal Energy Administration, Washington, D.C. 20461. The consideration by FEA of appeals submitted by mail will be facilitated if the envelope in which the appeal is mailed has the words "PRIVACY ACT APPEAL" in capital letters on the front of it.

(2) An appeal not addressed and marked as specified in paragraph (b)(1) of this section shall be forwarded immediately to the Office of Exceptions and Appeals. An appeal that is not properly addressed by an individual shall not have been "received" for purposes of measuring the time periods in this section until actual receipt of the appeal by the Office of Exceptions and Appeals. In each instance when an appeal so forwarded is received, the individual filing the appeal shall be notified that the appeal was improperly addressed and the date when the appeal was received by the Office of Exceptions and Appeals.

(c) Content of appeal. (1) The appeal shall include the following: (i) A copy of the original request for correction or amendment; (ii) a copy of the initial denial; and (iii) a statement of the reasons why the initial denial is believed to be in error. The appeal shall be in writing and shall be signed by the individual.

(2) The record requested to be corrected or amended will be supplied to the Office of Exceptions and Appeals by the Privacy Act Officer who issued the initial denial. While such record normally will comprise the entire record on appeal, the Office of Exceptions and Appeals may seek such additional information as is necessary to assure that the final determination is fair and equitable and, in those such instances, the additional information will be disclosed to the individual making the appeal and, consistent with the time periods provided in paragraph (e) of this section, an opportunity will be provided for comment thereon.

(3) The record sought to be corrected or amended is the subject of a pending judicial, quasi-judicial or quasi-legislative proceeding to which the individual is a party or participant.

(4) The correction or amendment would violate a duly enacted statute or promulgated regulation; or

(5) The individual unreasonably has failed to comply with the procedural requirements of this part.

(f) If a request is partially granted and partially denied, the Privacy Act officer shall follow the appropriate procedures of this section as to the records within the grant and the records within the denial.

(g) No personal appearance or hearing on appeal will be allowed.

(h) The Office of Exceptions and Appeals shall act upon the appeal and issue a final determination in writing no later than thirty days (excluding Saturdays, Sundays and legal public holidays) from the date on which the appeal is received; provided that the Director of the Office of Exceptions and Appeals may extend the thirty-day period upon a determination that a fair and equitable review cannot be made within that period, but only if the individual is advised in writing of

the reason for the extension. The notice of extension shall include the estimated day by which a final determination will be issued, which shall not be later than the sixtieth day (excluding Saturdays, Sundays and legal public holidays) after receipt of the appeal unless unusual circumstances, as defined in § 206.7(c)(2), are present.

(f) If the appeal is granted, that determination shall include the specific corrections or amendments to be made and a copy thereof shall be transmitted promptly both to the individual and to the Privacy Act Officer who issued the initial denial. Upon receipt of that determination, the Privacy Act Officer promptly shall take the actions set forth in §§ 206.6(e) and 206.8(b).

(g) If the appeal is denied, the final determination shall be transmitted promptly to the individual and shall state the reasons for the denial. The notice of that determination also shall include the following information:

(1) The right of the individual to file with the Office of Exceptions and Appeals a concise signed statement of reasons for disagreeing with the final determination, receipt of which statement shall be acknowledged by the Office of Exceptions and Appeals;

(2) The fact that any such disagreement statement filed by the individual shall be noted in the disputed record and that a copy of the statement shall be provided by the Privacy Act Officer to persons and agencies to which the record is disclosed subsequent to the date of receipt of such statement;

(3) The fact that the FEA shall append to any such disagreement statement filed by the individual a copy of the final determination or summary thereof that also will be provided to persons and agencies to which the disagreement statement is disclosed; and

(4) The right of the individual to judicial review of the final determination under 5 U.S.C. 552a(g)(1)(A), as limited by 5 U.S.C. 552a(g)(5).

(h) In deciding the appeal, the Office of Exceptions and Appeals shall determine whether the denial of the request was erroneous in fact or in law.

(i) If an appeal is partially granted and partially denied, the Office of Exceptions and Appeals shall follow the appropriate procedures of this section as to the records within the grant and the records within the denial.

(j) Although a copy of the final determination or a summary thereof will be treated as part of the individual's record for purposes of disclosure in instances where the individual has filed a disagreement statement, it will not be subject to correction or amendment by the individual.

#### § 206.10 Content of systems of records.

(a) The FEA shall maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose FEA is required to accomplish by statute or by

executive order of the President, unless an exemption to this requirement has been claimed by FEA, as provided in §§ 206.14 and 206.15, or by another agency.

(b) The FEA shall maintain no record describing how any individual exercises rights guaranteed by the First Amendment unless expressly authorized by statute or by the individual about whom the record is maintained or unless pertinent to and within the scope of an authorized law enforcement activity.

(c) The FEA shall maintain all records that are used by it in making any determination about any individual with such accuracy, relevance, timeliness and completeness as is reasonably necessary to assure fairness to the individual in such determination.

#### § 206.11 Collection of information by FEA about an individual for a system of records.

(a) The FEA shall collect information, to the greatest extent practicable, directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits and privileges under Federal programs, unless an exemption from the Act to this requirement has been claimed by FEA as provided in §§ 206.14 and 206.15, or by another agency.

(b) Unless an exemption from the Act has been claimed by FEA, as provided in §§ 206.14 and 206.15, or by another agency, FEA shall inform each individual whom it asks to supply information by a statement on the form or other means by which it uses to collect the information, or on a separate form that can be retained by the individual, of the following:

(1) The authority (whether granted by statute or by executive order of the President) that authorizes the solicitation of the information and whether disclosure of such information is mandatory or voluntary;

(2) The principal purpose or purposes for which the information is intended to be used;

(3) The routine uses that may be made of the information, as published in the FEDERAL REGISTER pursuant to the requirements of the Act; and

(4) The effect on him, if any, of not providing all or any part of the requested information.

#### § 206.12 Public notice of systems of records.

(a)(1) The FEA shall publish in the FEDERAL REGISTER at least annually a notice of the existence and character of each of its system of records, which notice shall include:

(i) The name and location of the system;

(ii) The categories of individuals on whom records are maintained in the system;

(iii) The categories of records maintained in the system;

(iv) Each routine use of the records contained in the system, including the categories of users and the purpose of

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such use, subject to paragraph (c) of this section:

(v) The policies and practices of the FEA regarding storage, retrievability, access controls, retention, and disposal of the records;

(vi) The title and business address of the FEA official who is responsible for the system of records;

(vii) The procedures whereby an individual can be notified at his request if the system of records contains a record pertaining to him;

(viii) The procedures whereby an individual can be notified at his request how he can gain access to any record pertaining to him contained in the system of records, and how he can contest its content; and

(ix) The categories of sources of records in the system.

(2) Notwithstanding the requirements of paragraph (a)(1) of this section, the notice of such systems of records shall not include the information in paragraphs (a)(1)(vii)-(ix) of this section if FEA has claimed a general or specific exemption from the requirements of the Act, as provided in §§ 206.14 and 206.15, or such exemptions have been claimed by another agency.

(b) Copies of the notices as printed in the FEDERAL REGISTER shall be available in the FEA National Office and in each Regional Office. Locations of the Regional offices are listed in § 206.18. Requests by mail should be sent to Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461. The first copy will be furnished free of charge. A charge reflecting the costs of printing and handling may be made for each additional copy.

(c) At least 30 days (including Saturdays, Sundays, and legal public holidays) prior to the implementation of any new routine use of a record in a system of records, or at least 30 days prior to publication of the annual notice of such routine uses, as provided in paragraph (a)(1) of this section, FEA shall publish in the FEDERAL REGISTER notice of any new routine use or intended routine use of a record in the system of records, and shall provide an opportunity for interested persons to submit written comments consisting of data, views, or arguments regarding such use to FEA.

#### § 206.13 Criminal penalties.

(a) The Act provides, in pertinent part, that: Any person who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretenses shall be guilty of a misdemeanor and fined not more than \$5,000. (5 U.S.C. 552a(i)(3))

(b) A person who falsely or fraudulently attempts to obtain records under the Act also may be subject to prosecution under such other criminal statutes as 18 U.S.C. 494, 495, and 1001.

#### § 206.14 General exemptions. [Reserved]

#### § 206.15 Specific exemptions.

The specific exemptions determined to be necessary and proper with respect to systems of records maintained by the FEA, including the parts of each system to be exempted, the provisions of the Act from which they are exempted, and the justification for the exemption are as follows:

(a)(1) *Exempt under 5 U.S.C. 552a(k)(2).* The systems of records exempt are:

(i) FEA-1: FEA Personnel Records and Management Information System (only personnel investigative records concerning current and former FEA employees and applicants for employment by FEA);

(ii) FEA-6: Personnel Security Records (only the memoranda specifically identified as OS forms DPA 24 and 24A); and

(iii) FEA-7: Investigative Report Records (only investigative report records concerning current and former FEA employees and applicants for employment by FEA).

(2) The foregoing are exempted from 5 U.S.C. 552a(c)(3) (accounting of disclosures), (d) (access to records), and (e)(1) (type of information maintained). The reasons for asserting the exemption are to prevent subjects of investigation from frustrating the investigatory process, to insure the proper functioning and integrity of law enforcement activities, to prevent disclosure of investigative techniques and to maintain the ability to obtain necessary information.

(3)(i) Notwithstanding the exemption from the Act's requirement that FEA upon request, provide an individual with information about or access to his record or to any information pertaining to him that is contained in the systems of records identified in paragraphs (a)(1) (i), (ii) and (iii) of this section, access to investigatory materials compiled for law enforcement purposes shall be provided to an individual upon his request, made in accordance with § 206.3, if such individual is denied any right, privilege, or benefit that he would otherwise be entitled to by Federal law, or for which he would otherwise be eligible, as a result of the maintenance of such material by the FEA, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

(ii) *Waiver of exemption.* (A) FEA may, upon request filed in accordance with § 206.3, waive the exemption from the requirement to grant access with respect to any record in the systems of records identified in paragraphs (a)(1)(i), (ii) and (iii) of this section, subject to the limitation as to records that would reveal the identity of certain sources as stated in paragraph

(a)(3)(ii)(B) of this section, for good cause shown. The exercise of FEA's discretion with respect to waiver of the exemption shall be final.

(B) FEA may, upon request made in accordance with § 206.3, waive the exemption from the requirement to grant access with respect to records identified in paragraphs (a)(1)(i), (ii) and (iii) of this section containing material or information that would reveal the identity of a source who was given an assurance of confidentiality if such source consents to the release of such material or information to the individual, or if FEA determines that such material or information is not adverse or detrimental to the individual, or for good cause shown. The exercise of FEA's discretion with respect to waiver of the exemption shall be final.

(b)(1) *Exempt under 5 U.S.C. 552a(k)(4).* The system of records exempt is the FEA-10 Minority Group Data File.

(2) The foregoing is exempted from 5 U.S.C. 552a(c)(3) (accounting of disclosures), (d) (access to records), and (f) (procedures for access). The system of records is used for statistical research or reporting purposes only and is not used in whole or in part in making any determination about the rights, benefits or entitlements identifiable with the individual, except as provided by section 8 of title 18 of the United States Code.

(c)(1) *Exempt under 5 U.S.C. 552a(k)(5).* The systems of records exempt are:

(i) FEA-1: FEA Personnel Records and Management Information System (only personnel investigative records concerning current and former FEA employees and applicants for employment by FEA);

(ii) FEA-6: Personnel Security Records (only the memoranda identified as OS forms DPS 24 and 24A); and

(iii) FEA-7: Investigative Report Record (only investigative report records concerning current and former FEA employees and applicants for employment by FEA).

(2) The foregoing are exempted from 5 U.S.C. 552(c)(3) (accounting of disclosures) (d) (access to records), and (e)(1) (type of information maintained); but only to the extent that the disclosure of the investigatory materials would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

The reasons for asserting the exemption are to maintain the ability to obtain candid and necessary information, to fulfill commitments made to sources to protect the confidentiality of information, to avoid endangering these sources and, ultimately to facilitate proper selection or continuance of the best applicants or persons for a given position or contract.

(3) *Waiver of exemption.* FEA may, upon request made in accordance with § 206.3, waive the exemption from the requirement to grant access to records identified in paragraphs (c)(1)(i), (ii) and (iii) of this section containing material or information that would reveal the identity of a source who was given an assurance of confidentiality if such source consents to the release of such material or information to the individual, or if FEA determines that such material or information is not adverse or detrimental to the individual, or for good cause shown. The exercise of FEA's discretion with respect to the waiver of the exemption shall be final.

#### § 206.16 Fees.

(a) The only fees to be charged to or collected from an individual under the provisions of this part are for copying records at the request of the individual. The fee charged may not exceed the direct cost of making the copy (i.e. printing, typing, or photocopy and related personnel and equipment costs).

(1) No fees shall be charged or collected for the following: search for and retrieval of the records review of the records, copying by the FEA incident to granting access, copying at the initiative of the FEA without a request from the individual, transportation of records and personnel, and first class postage.

(2) It is the policy of the FEA to provide an individual with one copy of each record corrected or amended pursuant to request without charge.

(3) As required by the United States Civil Service Commission in its published regulations implementing the Act, the FEA will charge no fee for a single copy of a personnel record covered by that Commission's Government-wide published notice of systems of records.

(b) The schedule of fees is as follows: (1) \$0.10 per each copy of each page, when the aggregate of fees for copying is more than \$3.00.

(2) For other forms of copying and other forms of materials (e.g., cassettes, computer materials), the direct cost of the materials, personnel, and equipment, shall be charged, but only with prior specific approval of the person making the request.

(c) The FEA may, upon application by an individual, furnish any records without charge or at a reduced rate, if it determines that such waiver or reduction of fee is in the public interest.

(d) Requests for copies of documents should be addressed to Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, or to the Privacy Act Officer at the FEA Regional Offices, at the addresses listed in § 206.18.

(e) Payment should be made by check or money order payable to the Treasury of the United States.

(f) Advance payment of all or part of the fee may be required at the discretion of the FEA. Unless the individual requesting the copies specifically states that he is willing to pay what

ever fees are assessed by FEA for meeting the request or alternatively specifies an amount in excess of \$25 that he is willing to pay and which in fact covers the anticipated fees for meeting the request, a request that is expected to involve assessed fees in excess of \$25 shall not be deemed to have been received, for purposes of the time periods specified in §§ 206.5(a), 206.7(c)(1) and 206.9(e), until the individual making the request is advised of the anticipated cost, agrees to bear it, and makes any advance deposit required. Such notification shall be made by the Privacy Act Officer promptly upon receipt of the request.

#### § 206.17 Exceptions, exemptions and interpretations, rulings and rulemaking.

(a) Applications for exceptions, exemptions or requests for interpretations relating to this part shall be filed in accordance with the procedures provided in Subparts D, E and F, respectively, of Part 205 of this chapter. Rulings shall be issued in accordance with the procedures of Subpart K of Part 205 of this chapter. Rulemakings shall be undertaken in accordance with the procedures provided in Subpart L of Part 205 of this chapter.

(b) As used in this section, the term—

"Exception" means the waiver or modification of the requirements of a regulation, ruling or generally applicable requirement under a specific set of facts.

"Exemption" means the release from the obligation to comply with an entire part, or subpart thereof, of Part 206 of this chapter.

"Interpretation" means a written statement issued by the FEA General Counsel, in response to a written request, that applies the regulations, rulings, and other precedents previously issued by the FEA to the particular facts of a prospective or completed act or transaction.

"Ruling" means an official interpretative statement of general applicability issued by the FEA General Counsel and published in the FEDERAL REGISTER that applies the FEA regulations to a specific set of circumstances.

#### § 206.18 Addresses of FEA Regional Offices.

**REGION 1**  
Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont; Regional Office, Federal Energy Administration, 150 Causeway Street, Room 700, Boston, Massachusetts 02114, (617) 223-3701.

**REGION 2**  
New Jersey, New York, Puerto Rico, Virgin Islands; Regional Office, Federal Energy Administration, 26 Federal Plaza, Room 3206, New York, New York 10007, (212) 264-1021.

**REGION 3**  
Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia; Regional Office, Federal Energy Administration, Federal Office Building, 1421 Cherry Street, Room 1001, Philadelphia, Pennsylvania 19102, (215) 597-3890.

**REGION 4**  
Alabama, Canal Zone, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee; Regional Office, Federal Energy Administration, 1655 Peachtree Street, N.E., 8th Floor, Atlanta Georgia 30309, (404) 526-4484.

**REGION 5**  
Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin; Regional Office, Federal Energy Administration, 175 West Jackson Street, Third Floor, Chicago, Illinois 60604, (312) 353-0540.

**REGION 6**  
Arkansas, Louisiana, New Mexico, Oklahoma, Texas; Regional Office, Federal Energy Administration, P.O. Box 35228, 2626 West Mockingbird Lane, Dallas, Texas 75235, (214) 749-7345.

**REGION 7**  
Iowa, Kansas, Missouri, Nebraska; Regional Office, Federal Energy Administration, Federal Office Building, P.O. Box 2208, 112 East 12th Street, Kansas City, Missouri 64142, (816) 374-2061.

**REGION 8**  
Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming; Regional Office, Federal Energy Administration, Post Office Box 26247, Belmar Branch, 1075 South Yukon Street, Lakewood, Colorado 80226, (303) 234-2420.

**REGION 9**  
American Samoa, Arizona, California, Guam, Hawaii, Nevada, Trust Territory of the Pacific Islands; Regional Office, Federal Energy Administration, 111 Pine Street, Third Floor, San Francisco, California 94111, (415) 556-7216.

**REGION 10**  
Alaska, Idaho, Oregon, Washington; Regional Office, Federal Energy Administration, Federal Office Building, 915 Second Avenue, Room 1992, Seattle, Washington 98174, (206) 442-7280.

### Title 39—Postal Service CHAPTER I—UNITED STATES POSTAL SERVICE

#### PART 261—RECORDS AND INFORMATION MANAGEMENT

Sec.  
261.1 Purposes and scope.  
261.2 Authority.  
261.3 Policy.  
261.4 Responsibility.  
AUTHORITY: 39 U.S.C. 401.

#### § 261.1 Purpose and scope.

As a result of the Postal Reorganization Act, 39 U.S.C. 410, the United States Postal Service is no longer subject to the provisions of the Federal Records Act of 1950, or any of its supporting regulations which provide for the conduct of records management in Federal agencies. The objective of Parts 261 through 268 is to provide the basis for a Postal Service-wide records and information management program affecting all organizational components having the custody of any form of information and records.

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## § 261.2 Authority.

(a) 39 U.S.C. 401(5) states that the Postal Service has the power to acquire property it deems necessary or convenient in the transaction of its business and to hold, maintain, sell, lease or otherwise dispose of such property.

(b) 39 CFR 224.3(b)(3) assigns to the Management Information Systems Department responsibility for the management of records and to the Postal Service Records Officer located within that Department responsibility for retention, security and privacy of Postal Service records and the power to authorize the disclosure of such records and their disposal by destruction or transfer. Included is the authority to issue records management policy and to delegate to take appropriate action if the policy is not adhered to or if questions of interpretation of procedure arise.

## § 261.3 Policy.

It is the policy of the Postal Service:

(a) To, as appropriate, create, preserve, protect and disclose records which contain adequate and proper documentation of the organization, functions, policies, decisions, operations, procedures, activities and transactions of the Postal Service.

(b) To reduce to an absolute minimum the records holdings of the Postal Service by strict adherence to established records retention schedules.

(c) To transfer records to appropriate storage areas as soon as they become inactive or are no longer of value to the Postal Service.

## § 261.4 Responsibility.

(a) The Records Officer administers the Postal Service Records and Information Management program through a headquarters organizational component and through contacts in each headquarters department, Postal Service Region, district, data processing center and other major Postal Service installations.

(b) Postal Service managers are responsible for administering records and information management policies and for complying with all handbooks, directives, and instructions in support of this policy.

### PART 262—RECORDS AND INFORMATION MANAGEMENT DEFINITIONS

## Sec.

262.1 Custodian.

262.2 Records.

262.3 Non record material.

262.4 Information.

262.5 Information system (System of records).

262.6 Information system executive.

— AUTHORITY 39 U.S.C. 401, Pub. L. 93-579, 88 Stat. 1896

## § 262.1 (Custodian).

The Postmaster or other head of a facility such as a Postal Data Center,

mailbag depository, management sectional center, district office or Regional Headquarters, or a group or department of Headquarters, who maintains USPS records.

## § 262.2 Records.

Any medium, regardless of form or characteristics (paper, film, magnetic surfaces, etc.), that contains information developed or received by the United States Postal Service in connection with the transaction of its business and retained in its custody.

(a) *Types of Records*.—(1) *Official Record*—primary copy of any record created or the original received by any Postal Service organizations component in the line of its duties or function.

(2) *Duplicate Records*—additional copies of the official record.

(3) *Historical Records*—Postal Service records which may have value beyond their scheduled destruction date or which are required to be permanently retained.

(4) *Vital Records*—Records which are necessary for the effective operation of the Postal Service or the protection of its interests, its employees, its contractors or the general public.

(b) *Categories of Records*. (1) *Records (Active)*—records for which the retention period has not yet expired and which are in regular use.

(2) *Records (Inactive)*—records for which the retention period has not yet expired and which are not in regular use.

## § 262.3 Non-record material.

Includes blank forms and surplus publications, handbooks, circulars, bulletins, announcements, and other directives, as well as any material not directly associated with the transactions of Postal Service business.

## § 262.4 Information.

A combination of data which has the potential to service a useful purpose.

(a) *Types of Information*. (1) *General Information*. that information which is available to the public with out restriction.

(2) *Restricted Information*—that information which because of federal statute or USPS regulation, cannot be released to the public. (Includes, but is not limited to, personal and national defense information.)

(3) *Discretionary Information*—that information which is available to the public only on a selective basis.

(4) *Critical Information*—that information for which integrity must be assured in order for the Postal Service to effectively perform its mission, or to prevent significant financial loss. (This information is contained within Vital Records.)

(5) *Sensitive Information*—that information which is either restricted, discretionary or critical in nature.

## § 262.5 Information system (system of records).

A methodology which receives, accesses and processes groups of records

in an efficient manner for the purpose of producing useable output records.

## § 262.6 Information system executive.

The Postal Service Manager who prescribes the existence of and the policies for an information system.

### PART 263—RECORDS RETENTION AND DISPOSITION

## Sec.

263.1 Purpose and scope.

263.2 Policy.

263.3 Responsibility.

263.4 Records retention schedules.

263.5 Records disposal.

AUTHORITY: 39 U.S.C. 401

## § 263.1 Purpose and scope.

This part contains the policy and general regulations pertaining to the retention and disposition of records and information throughout all organizational levels and components.

## § 263.2 Policy.

It is the policy of the United States Postal Service to establish and maintain schedules specifying the retention periods required for all official and duplicate record copies. Furthermore, it is the policy that all duplicate record copies and non record material will be disposed of as soon as they have served their purpose.

## § 263.3 Responsibility.

(a) *Records Officer*. The Records Officer has the responsibility for providing for the establishment of retention schedules and has the authority to approve them. Furthermore, he has the authority to dispose of Postal Service records by transfer or destruction.

(b) *Custodians*. Custodians are responsible for the retention and prompt disposal of records in their custody and for delegating in writing, persons to perform these duties.

## § 263.4 Records retention schedules.

The following retention schedules will be maintained within the Postal Service

(a) General schedule.

(b) Headquarters schedule.

(c) Regional schedule.

(d) District schedule.

(e) Inspection service schedule.

(f) Postal data centers schedule.

(g) Automatic data processing centers schedule.

(h) Post Office schedule.

(i) Other facility schedules.

## § 263.5 Records disposal.

All disposals of records containing sensitive information, i.e. transfers to records storage centers, destruction, transfers external to the USPS, and maintenance of accounting records regarding such disposal, must be accomplished in accordance with procedures issued by the Records Officer.

## PART 264—VITAL RECORDS

## Sec.

264.1 Purpose and scope.

264.2 Policy.

264.3 Responsibility.

264.4 Protection of vital records.

AUTHORITY: 39 U.S.C. 401.

## § 264.1 Purpose and scope.

The reconstruction costs of certain necessary information would be financially prohibitive and certain records are so critical to the continuity of operations of the Postal Service that their loss could paralyze operations. Therefore, to protect this information from loss, specific controls are required which affect all organizational components having the custody of information and records defined as being "vital".

## § 264.2 Policy.

It is the policy of the United States Postal Service to maintain duplicate record copies of all records and information considered vital to the continuity of its operations and the protection of its interests and those of its employees, contractors, and the general public. Vital record copies will be maintained at protected locations accessible to management and operating personnel in times of emergency.

## § 264.3 Responsibility.

(a) *Records Officer*. The Records Officer, in cooperation with the Chief Inspector, is responsible for the establishment of the vital records program, has the authority to categorize records as vital, and to ensure Postal Service-wide compliance with supportive procedures.

(b) *Custodians*. Custodians have the responsibility to ensure that vital records procedures are followed and that vital record copies are deposited at the designated emergency relocation centers.

## § 264.4 Protection of vital records.

Complete procedures concerning the identification, processing, protection, and transfer of vital records are provided by the Records Officer.

### PART 266—PRIVACY OF INFORMATION

## Sec.

266.1 Purpose and scope.

266.2 Policy.

266.3 Responsibility.

266.4 Collection and disclosure of personal information.

266.5 Notification

266.6 Procedures for requesting inspection and copying

266.7 Procedures for requesting amendment

266.8 Schedule of fees

266.9 Exemptions.

AUTHORITY: 39 U.S.C. 401, Pub. L. 93-579, 88 Stat. 1896

## § 266.1 Purpose and scope.

This part is intended to protect individual privacy and affects all personal

information collection and usage activities of the entire U.S. Postal Service. This includes the information interface of Postal Service employees to other employees, to individuals from the public at large, and to any private organization or governmental agency.

## § 266.2 Policy.

It is the policy of the U.S. Postal Service to insure that any record within its custody that identifies or describes any characteristic or provides historical information about an individual or that affords a basis for inferring personal characteristics, or things done by or to such individual; and the record of any affiliation with an organization or activity, or admission to an institution, is accurate, pertinent, complete, timely, relevant, and reasonably secure from unauthorized access. Additionally, it is the policy to provide the means for individuals to know: (a) Of the existence of all Postal Service personal information systems, (b) the recipients and usage made of such information, (c) what personal information is optional or mandatory to provide to the Postal Service, (d) the procedures for individual review and update of all relevant personal information, (e) the reproduction fees for personal records, and (f) the procedures for individual legal appeal in cases of dissatisfaction.

## § 266.3 Responsibility.

(a) *Records Officer*. The Records Officer will insure Postal Service-wide compliance to this policy.

(b) *Custodian*. Custodians are responsible for adherence to this part within their respective units, and in particular for affording individuals their rights to inspect and obtain copies of records concerning them.

(c) *Information System Executive*. These managers are responsible for reporting the existence of personal records systems, changes to the contents of those systems, and changes of routine use to the Records Officer and also for establishing the relevancy of information within those systems.

## § 266.4 Collection and disclosure of personal information.

(a) The following rules govern the collection of personal information throughout Postal Service operations:

(i) The Postal Service will:

(i) Collect, solicit and maintain only such personal information as is relevant and necessary to accomplish a purpose required by statute or Executive Order.

(ii) Collect information, to the greatest extent practicable, directly from the subject individual when such information may result in adverse determinations about an individual's rights, benefits or privileges.

(iii) Inform any individual requested to disclose personal information whether that disclosure is mandatory or voluntary, by what authority it is solicited, the principal purposes for

which it is intended to be used, the routine uses which may be made of it, and any penalties and specific consequences for the individual, which are known to the Postal Service, which will result from nondisclosure.

(2) The Postal Service will not discriminate against any individual who fails to provide personal information unless that information is required or necessary for the conduct of the system or program in which the individual desires to participate.

(3) No information will be collected (or maintained) describing how individuals exercise rights guaranteed by the First Amendment unless the Postmaster General specifically determines that such information is relevant and necessary to carry out a statutory purpose of the Postal Service.

(4) The Postal Service will not require disclosure of any individual's Social Security account number or deny a right, privilege or benefit because of the individual's refusal to disclose the number unless disclosure is required by Federal law.

(b) *Disclosures*. (1) *Disclosure: Limitations On*. The Postal Service will not disseminate personal information unless reasonable efforts have been made to assure that the information is accurate, complete, timely and relevant and unless:

(i) The individual to whom the record pertains has requested in writing that the information be disseminated, or

(ii) It has obtained the prior written consent of the individual to whom the record pertains, or

(iii) The dissemination is in accordance with subsection (2) hereof.

(2) *Dissemination of personal information may be made:*

(i) To a person pursuant to a requirement of the Freedom of Information Act (5 U.S.C. 552);

(ii) To those officers and employees of the Postal Service who have a need for such information in the performance of their duties;

(iii) For a routine use as contained in the system notices published in the *FEDERAL REGISTER*;

(iv) To a recipient who has provided advance adequate written assurance that the information will be used solely as a statistical reporting or research record, and to whom the information is transferred in a form that is not individually identifiable;

(v) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of Title 13, U.S. Code;

(vi) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(vii) To a person pursuant to a show-



ing of compelling circumstances affecting the health or safety of an individual, if upon such disclosure notification is transmitted to the last known address of such individual.

(viii) To a Federal agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity, if such activity is authorized by law and if the head of the agency or instrumentality has made a written request to the Postal Service specifying the particular portion of the record desired and the law enforcement activity for which the record is sought.

(ix) To either House of Congress or its committees or subcommittees to the extent of matter within their jurisdiction.

(x) To the Comptroller General or any of his authorized representatives in the course of the performance of the duties of the General Accounting Office.

(xi) Pursuant to the order of a court of competent jurisdiction.

(3) *Names and Addresses of Postal Customers.* The disclosure of lists of names or addresses of Postal customers or other persons to the public is prohibited (39 U.S.C. 412) Names or addresses will be disclosed only in those cases permitted by 39 CFR 265.6(d) relating to the Release of Information.

(4) *Employee Job References.* A credit bureau or commercial firm from which an employee is seeking credit may be given the following information upon request: length of service, job title, and salary.

(5) *Employee Job References.* Prospective employers of a Postal employee or a former Postal employee may be furnished with the information in § 266.4(b)(4) above, in addition to the date and reason for separation if applicable.

(c) *Correction Disclosure.* Any person or other agency to which a personal record has been or is to be disclosed shall be informed of any corrections or notations of dispute relating thereto affecting the accuracy, timeliness or relevance of that personal record.

(d) *Recording of Disclosure.* (1) An accurate accounting of each disclosure will be kept in all instances except those in which disclosure is made to Postal Service employees in the performance of their duties or is required by the Freedom of Information Act (5 U.S.C. 552).

(2) The accounting will be maintained for at least five (5) years or the life of the record, whichever is longer.

(3) The accounting will be made available to the individual named in the record upon inquiry except for disclosures made pursuant to provision 4(b)(2)(viii) above relating to law enforcement activities.

#### § 266.5 Notification.

(a) *Notification of Systems.* The following procedures permit individuals

to determine the types of personnel records systems maintained by the Postal Service.

(1) Upon written request, the Postal Service will notify any individual whether a specific system named by him contains a record pertaining to him. See § 266.6 for suggested form of request.

(2) The Postal Service shall publish annually in the FEDERAL REGISTER a notice of existence and character of all personal systems of records. This notice will contain the following information:

(i) Name and location of the system.

(ii) Nature and purposes of the system.

(iii) Categories of individuals on whom personal information is maintained and categories of personal information generally maintained in the system.

(iv) Confidentiality requirements and the extent to which access controls apply to such information.

(v) Postal Service policies and standards regarding the safeguarding and disclosure of information, information storage, duration of retention of information, and elimination of such information from the system.

(vi) Routine uses made by the Postal Service of the personal information contained in the system, including the categories of users and the purpose of the use.

(vii) Title and official address of the custodian.

(viii) Procedures by which an individual can be informed if a system contains personal information pertaining to him gain access to such information, and contest the accuracy, completeness, timeliness, relevance and necessity for retention of the information.

(ix) Categories of sources of such personal information.

(x) System status—either developmental or operational.

(b) *Notification of Disclosure.* The Postal Service shall make reasonable efforts to serve notice on an individual before any personal information on such individual is made available to any person under compulsory legal process when such process becomes a matter of public record. (Also see § 266.4(b)(1)(ii) and (2)(vii).)

(c) *Notification of Amendment.* (See § 266.7 (b)(3) relating to amendment of records upon request.)

(d) *Notification of New Use.* Any newly intended use of personal information maintained by the Postal Service will be published in the FEDERAL REGISTER thirty (30) days before such use become operational. Public views may then be submitted to the Records Officer.

(e) *Notification of Exemptions.* The Postal Service will publish within the FEDERAL REGISTER its intent to exempt any system of records and shall specify the nature and purpose of that system.

#### § 266.6 Procedures for requesting inspection and copying.

The purpose of this section is to provide procedures by which an individual may have access to personal information within a comprehensible format.

(a) *Submission of Requests for Access.* (1) *Manner of Submission.* Inquiries regarding the contents of records systems or access to personal information should be in writing and directed to the custodian of the official record, if known, or to the Records Officer, United States Postal Service, Washington, DC 20260. Inquiries should be clearly marked, "Privacy Act Request". Any inquiry concerning a specific system of records should provide the Postal Service with the information contained under "Notification" for that system as published in the FEDERAL REGISTER. If the information supplied is insufficient to locate or identify the record, the requester will be notified promptly and, if possible, informed of additional information required. If the requester is not a Postal Service employee, he should designate the post office at which he wishes to review or obtain copies of records.

(2) *Third Party Inquiries.* Anyone desiring to review or copy records pertaining to another person must have the written consent of that person.

(3) *Period for Response by Custodian.* Upon receipt of an inquiry, the custodian will respond with an acknowledgement of receipt within ten (10) days. If the inquiry requires the custodian to determine whether a particular record exists, the inquirer shall be informed of this determination as a part of the acknowledgement letter.

(b) *Compliance with Request for Access.* (1) *Notification of Time and Place for Inspection.* When a requested record has been identified and is to be disclosed, the custodian shall ensure that the record is made available promptly and shall immediately notify the requester where and when the record will be available for inspection or copying. Postal Service records will normally be available for inspection and copying during regular business hours at the postal facilities at which they are maintained. The custodian may, however, designate other reasonable locations and times for inspection and copying of some or all of the records within his custody.

(2) *Identification of Requester.* The requester must present personal identification sufficient to satisfy the custodian as to his identity prior to record review. Examples of sufficient identification are a valid driver's license, medicare card, and employee identification cards.

(3) *Responsibilities of Requester.* The requester shall assume the following responsibilities regarding the review of official personal records.

(i) Requester must agree not to leave Postal Services premises with official records unless specifically given a copy

for that purpose by the custodian or his representative.

(ii) Requester must sign a statement indicating he has reviewed a specific record(s) or category of record.

(iii) Requester may be accompanied by a person he so chooses to aid in the inspection of information; however, requester must furnish the Postal Service with written authorization for such review in that person's presence.

(4) *Special Rules for Medical Records.* A medical record shall be disclosed to the requester to whom it pertains unless, in the judgment of the custodian, access to such record could have an adverse effect upon such individual. When the custodian, in consultation with a medical doctor, determines that the disclosure of medical information could have an adverse effect upon the individual to whom it pertains, the custodian will transmit such information to a medical doctor named by the requesting individual.

(5) *Limitations on Access.* Nothing in this section shall allow an individual access to any information compiled in reasonable anticipation of a civil action or proceeding. Other limitations on access are those specifically addressed in §§ 266.6(b)(4) above and 266.9 below.

(c) *Response When Compliance Is Not Possible.* A reply denying a written request to review a record shall be in writing signed by the custodian or other appropriate official and shall be made only if such a record does not exist or does not contain personal information relating to the requester, or is exempt from disclosure. This reply shall include a statement regarding the determining factors of denial, and the right to obtain judicial review in a district court.

#### § 266.7 Procedures for requesting amendment.

(a) *Submission of Requests for Amendment.* Upon review of a personal record pertaining to an individual, that individual may submit a request to amend the record. This request will be submitted in writing to the custodian and will include a statement of the amendment requested and the reasons therefor which normally will relate to such characteristics as relevance, accuracy, timeliness or completeness.

(b) *Action to be Taken by the Custodian.* Upon receiving an amendment request, the custodian shall promptly:

(1) Acknowledge in writing receipt of the request within ten (10) working days.

(2) Make such inquiry as is necessary to determine whether the amendment is appropriate, and

(3) Correct or eliminate any information that is found to be incomplete, inaccurate, not relevant to a statutory purpose of the Postal Service, or not timely, and notify the requester when this action is complete, or

(4) Not later than thirty (30) working days after receipt of a request to amend, notify the requester of a deter-

mination not to amend and of the individual's right to appeal.

(c) *Appeal Procedure.* (1) If a request to inspect, copy, or amend a record is denied, in whole or in part, or if no determination is made within the period prescribed by this part, the requester may appeal to the U.S. Postal Service Privacy Appeals Officer, U.S. Postal Service, Washington, D.C. 20260.

(2) The requester should submit his appeal in writing within thirty (30) days of the date of denial, or within ninety (90) days of such request if the appeal is from a failure of the custodian to make a determination. The letter of appeal should include, as applicable:

(i) Reasonable identification of the record access to which or the amendment of which was requested.

(ii) A statement of the Postal Service action or failure to act and of the relief sought.

(iii) A copy of the request, of the notification of denial and of any other related correspondence.

(3) Any record found on appeal to be incomplete, inaccurate, not relevant, or not timely, shall within thirty (30) working days of the date of such findings be appropriately amended.

(4) The decision of the U.S. Postal Service Privacy Appeals Officer, constitutes the final decision of the Postal Service on the right of the requester to inspect, copy, change, or update a record. The decision on the appeal shall be in writing and in the event of a denial shall set forth the reasons for such denial and state the individual's right to obtain judicial review in a district court. An indexed file of decisions on appeals shall be maintained by the Records Officer.

(d) *Submission of Statement of Disagreement.* If the final decision does not satisfy the requester, any statement of reasonable length provided by that individual setting forth a position regarding the disputed information, will be accepted and included in the relevant personal record.

(e) *Availability of Assistance in Exercising Rights.* The USPS Records Officer is available to provide an individual with assistance in exercising rights pursuant to this part.

#### § 266.8 Schedule of fees.

(a) *Policy.* The purpose of this section is to establish fair and equitable fees to permit reproduction of records to concerned individuals while substantially covering the direct costs incurred by the Postal Service.

(b) *Reproduction.* (1) For reproducing any paper or micrographic record or publication, the fee is \$.10 per page. Computer reports will be provided at \$.015 per page. No charge will be made if the total fees authorized by this Part in compliance with a request or series of related requests is less than \$1.00.

(2) The Postal Service may at its dis-

cretion make coin-operated copy machines available at any location. In that event, the requester will be given the opportunity to make copies at his own expense.

(3) The Postal Service will not normally furnish more than one copy of any record.

(c) *Limitations.* No fee will be charged to any individual for the process of retrieving, or amending records.

#### § 266.9 Exemptions.

(a) Subsections 552a (j) and (k) of Title 5, U.S. Code, empower the Postmaster General to exempt systems of records meeting certain criteria from various other subsections of section 552a. With respect to systems of records so exempted, nothing in this part shall require compliance with provisions hereof implementing any subsections of section 552a from which those systems have been exempted.

(b) Pursuant to, and to the extent permitted by, subsection 552a (j) and (k) of title 5, United States Code, the following systems of records maintained by the Postal Service are exempted from the designated subsections of section 552a of title 5, United States Code:

(1) Postal Inspection Service Investigative Files System from 5 U.S.C. 552a (c)(3) and (4), (d)(1)-(4), (e)(1)-(3), (e)(4) (G) and (H), (e) (5) and (8), (f), (g), and (m).

(2) Postal Inspection Service Mail Cover Program Records from 5 U.S.C. 552a (c) (3) and (4), (d)(1)-(4), (e)(1)-(3), (e)(4) (G) and (H), (e)(5), (e)(8), (f), (g) and (m).

(3) Postal Service Personnel Investigations Records from 5 U.S.C. 552a (d)(1)-(4) and (e)(1) to the extent that information in the system is subject to exemption under 5 U.S.C. 552a(k)(5) as relating to the identity of a source who furnished information to the Government in confidence as a part of an investigation conducted solely for the purpose of determining suitability, eligibility, or qualifications of an individual for employment.

(4) Postal Service Recruiting, Examining and Placement Records from 5 U.S.C. 552a (d)(1)-(4), (e)(1), (e)(4) (G) and (H), and (f) to the extent that information in the system is subject to exemption pursuant to 5 U.S.C. 552a(k)(5) as relating to testing or examination material as to the identity of a source who has furnished information to the Government in confidence as a part of an investigation conducted solely for the purpose of determining suitability, eligibility or qualifications of an individual for employment.

(5) Postal Service Research and Test Validating Records from 5 U.S.C. 552a (d)(1)-(4), (e)(4) (G) and (H), and (f) to the extent that information in the system is subject to exemption pursuant to 5 U.S.C. 552a(k)(6) as relating to testing and examination material.

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nature will be deleted from the requested documents and the balance made available. The controlling principle behind this limited access is to allow disclosures except those indicated above. The decisions to release information from these systems of records will be made on a case-by-case basis.

#### § 16.79 Exemption of Pardon Attorney System.

(a) The following system of records is exempt from 5 U.S.C. 552a(d):

(1) Executive Clemency Files (JUSTICE/OPA-001).

This exemption applies only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(j).

(b) Exemption from subsection (d) is justified for the following reasons:

(1) Executive clemency files contain investigatory and evaluative reports relating to applicants for Executive clemency. Release of such information to the subject would jeopardize the integrity of the investigative process, invade the right of candid and confidential communications among officials concerned with recommending clemency decisions to the President, and disclose the identity of persons who furnished information to the Government under an express or implied promise that their identities would be held in confidence.

(2) The purpose of the creation and maintenance of these files is to enable the Pardon Attorney to prepare for the President's ultimate decisions on matters which are within the President's exclusive jurisdiction by virtue of Article II, section 2, clause 1 of the Constitution, which commits pardons to the exclusive discretion of the President.

#### § 16.80 [Reserved]

#### § 16.81 Exemption of United States Attorneys Systems—Limited access.

(a) The following systems of records are exempt from 5 U.S.C. 552a(c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G) and (H), (e) (5) and (8), (f), (g) and (h):

(1) Citizen Complaint Files (JUSTICE/USA-003).

(2) Civil Case Files (JUSTICE/USA-005).

(3) Consumer Complaints (JUSTICE/USA-006).

(4) Criminal Case Files (JUSTICE/USA-007).

(5) Kline—District of Columbia and Maryland Stock and Land Interrelationship Filing System (JUSTICE/USA-010).

(6) Major Crimes Division Investigation Files (JUSTICE/USA-011).

(7) Prosecutor's Management Information System (PROMIS) (JUSTICE/USA-012).

(8) U.S. Attorney, District of Columbia Superior Court Division, Criminal Files (JUSTICE/USA-014).

(9) Pre-trial Diversion Program Files (JUSTICE/USA-015).

These exemptions apply to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a (j) and (k).

(b) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because the release of the disclosure accounting for disclosures pursuant to the routine uses published for these systems would permit the subject of a criminal investigation and/or civil case or matter under investigation, litigation, regulatory or administrative review or action, to obtain valuable information concerning the nature of the investigation, case or matter and present a serious impediment to law enforcement or civil legal activities.

(2) From subsection (c)(4) since an exemption is being claimed for subsection (d), this subsection will not be applicable.

(3) From subsection (d) because access to the records contained in these systems would inform the subject of criminal investigation and/or civil investigation, matter or case of the existence of that investigation, provide the subject of the investigation with information that might enable him to avoid detection, apprehension or legal obligations, and present a serious impediment to law enforcement and other civil remedies.

(4) From subsection (e)(1) because in the course of criminal investigations and/or civil investigations, cases or matters, the United States Attorneys often obtain information concerning the violation of laws or civil obligations other than those relating to an active case or matter. In the interests of effective law enforcement and civil litigation, it is necessary that the United States Attorneys retain this information since it can aid in establishing patterns of activity and provide valuable leads for other agencies and future cases that may be brought within the United States Attorneys' offices.

(5) From subsection (e)(2) because in a criminal investigation the requirement that information be collected to the greatest extent possible from the subject individual would present a serious impediment to law enforcement in that the subject of the investigation would be placed on notice of the existence of the investigation and would therefore be able to avoid detection, apprehension or legal obligations and duties.

(6) From subsection (e)(3) because the requirement that individuals supplying information be provided with a form stating the requirements of sub-

section (e)(3) would constitute a serious impediment to law enforcement in that it could compromise the existence of a confidential investigation, reveal the identity of confidential sources of information and endanger the life and physical safety of confidential informants.

(7) From subsections (e)(4) (G) and (H) because these systems of records are exempt from individual access pursuant to subsections (j) and (k) of the Privacy Act of 1974.

(8) From subsection (e)(5) because in the collection of information for law enforcement purposes it is impossible to determine in advance what information is accurate, relevant, timely, and complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light and the accuracy of such information can only be determined in a court of law. The restrictions of subsection (e)(5) would restrict the ability of trained investigators and intelligence analysts to exercise their judgment in reporting on investigations and impede the development of intelligence necessary for effective law enforcement.

(9) From subsection (e)(8) because the individual notice requirements of subsection (e)(8) could present a serious impediment to law enforcement as this could interfere with the United States Attorneys' ability to issue subpoenas and could reveal investigative techniques and procedures.

(10) From subsection (f) because these systems of records have been exempted from the access provisions of subsection (d).

(11) From subsections (g) and (h) because these systems of records are compiled for law enforcement purposes and have been exempted from the access provisions of subsections (d) and (f).

(c) Consistent with the legislative purpose of the Privacy Act of 1974, the Executive Office for United States Attorneys will grant access to nonexempt material in records which are maintained by the United States Attorneys. Disclosure will be governed by the Department's Privacy Regulations, but will be limited to the extent that the identity of confidential sources will not be compromised; subjects of an investigation of an actual or potential criminal, civil or regulatory violation will not be alerted to the investigation; the physical safety of witnesses, informants and law enforcement personnel will not be endangered; the privacy of third parties will not be violated; and that the disclosure would not otherwise impede effective law enforcement. Whenever possible, information of the above nature will be deleted from the requested documents and the balance

made available. The controlling principle behind this limited access is to allow disclosures except those indicated above. The decisions to release information from these systems will be made on a case-by-case basis.

(d) The following system of records is exempted pursuant to the provisions of 5 U.S.C. 552a(j)(2) from subsections (c) (3) and (4), (d), (e), (1), (2) and (3), (e)(4) (G), (H) and (I), (e) (5) and (8), (f), and (g) of 5 U.S.C. 552a; in addition, the following system of records is exempted pursuant to the provisions of 5 U.S.C. 552a (k)(1) and (k)(2) from subsections (c)(3), (d), (e)(1), (e)(4) (G), (H) and (I), and (f) of 5 U.S.C. 552a:

#### Freedom of Information/Privacy Act Records (JUSTICE/USA-009).

These exemptions apply only to the extent that the records contained in this system have been obtained from other systems of records maintained by the U.S. Attorneys Offices for which exemptions from one or more of the foregoing provisions of the Privacy Act of 1974 have been promulgated. The exemption claimed for this system of records applies only to records obtained from such other U.S. Attorneys Offices systems and only to the same extent as the records contained in such other systems have been exempted.

(e) The system of records listed under paragraph (d) of this section is exempted for the following reasons:

(1) In the course of processing requests for records pursuant to the Freedom of Information Act (5 U.S.C. 552) or for access or correction of records pursuant to the Privacy Act (5 U.S.C. 552a), it is frequently necessary to search for records in systems of records for which exemptions have been claimed pursuant to 5 U.S.C. 552a (j) or (k). When records are located in said systems, it is frequently necessary to prepare copies for the purpose of consulting with agency personnel or with other agencies, either with regard to determining whether or to what extent the records should be disclosed, or access provided, or correction made or denied or for review in the event of administrative appeal or judicial review.

(2) If records otherwise exempt pursuant to published rules should lose their exempt character when taken from such exempt systems for the purpose of compliance with the Freedom of Information Act and the Privacy Act in reviewing such records and making a determination with regard to disclosure, access, and the Department of Justice in claiming correction, the purpose of the Privacy Act in providing such exemptions and such exemptions would be defeated and nullified. The proper, efficient, and timely processing of citizens' requests pursuant to said Acts would be hindered and impeded.

#### §§ 16.82-16.83 [Reserved]

#### § 16.84 Exemption of Board of Immigration Appeals System.

(a) The following system of records is exempt from 5 U.S.C. 552a(d) (2), (3) and (4):

(1) Decisions of the Board of Immigration Appeals (JUSTICE/BIA-001).

This exemption applies only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(k).

(b) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsections (d) (2), (3) and (4) because the decisions reflected constitute official records of opinions rendered in quasi-judicial proceedings. Administrative due process could not be achieved by the ex parte "correction" of such opinions by the subject of the opinion.

#### § 16.85 Exemption of Board of Parole System—Limited access.

(a) The following systems of records are exempt from 5 U.S.C. 552a (c) (3) and (4), (d), (e) (2) and (3), (e) (4) (G) and (H), (e) (8), (f) and (g):

(1) Docket Scheduling and Control System (JUSTICE/BPR-001).

(2) Inmate and Supervision Files System (JUSTICE/BPR-003).

(3) Labor and Pension Case, Legal File, and General Correspondence System (JUSTICE/BPR-004).

(4) Statistical, Educational and Developmental System (JUSTICE/BPR-006).

(5) Workload Record, Decision Result, and Annual Report System (JUSTICE/BPR-007).

These exemptions apply only to the extent that information in these systems is subject to exemption pursuant to 5 U.S.C. 552a(j).

(b) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because revealing disclosure of accountings to inmates and persons on supervision could compromise legitimate law enforcement activities and Board of Parole responsibilities.

(2) From subsection (c)(4) because the exemption from subsection (d) will make notification of disputes inapplicable.

(3) From subsection (d) because this is essential to protect internal processes by which Board personnel are able to formulate decisions and policies with regard to federal prisoners and persons under supervision, to prevent disclosures of information to federal inmates or persons on supervision that would jeopardize legitimate correctional interests of security, custody, supervision, or rehabilitation, to permit receipt of relevant information from other federal agencies, state and

local law enforcement agencies, and federal and state probation and judicial offices, to allow private citizens to express freely their opinions for or against parole, to allow relevant criminal history type information of co-defendants to be kept in files, to allow medical, psychiatric and sociological material to be available to professional staff, and to allow a candid process of fact selection, opinion formulation, evaluation and recommendation to be continued by professional staff. The legal files contain case development material and, in addition to other reasons, should be exempt under the attorney-client privilege. Each labor or pension applicant has had served upon him the material in his file which he did not prepare and may see his own file at any time.

(4) From subsection (e)(2) because primary collection of information directly from federal inmates or persons on supervision about criminal sentence, criminal records, institutional performance, readiness for release from custody, or need to be returned to custody is highly impractical and inappropriate.

(5) From subsection (e)(3) because application of this provision to the operations and collection of information by the Board, which is primarily from sources other than the individual, is inappropriate.

(6) From subsections (e)(4) (G) and (H) because exemption from the access provisions of (d) makes publication of agency procedures under (d) inapplicable.

(7) From subsection (e)(8) because the nature of the Board's activities renders notice of compliance with compulsory legal process impractical.

(8) From subsection (f) because exemption from the provisions of subsection (d) will render compliance with provisions of this subsection inapplicable.

(9) From subsection (g) because exemption from the provisions of subsection (d) will render the provisions on suits to enforce (d) inapplicable.

(c) Consistent with the legislative purpose of the Privacy Act of 1974, the Board of Parole will initiate a procedure whereby present or former federal inmates in custody or persons under supervision may review copies of material in files relating to them which are maintained by the Board of Parole. Disclosure of the contents will be effected by providing copies of documents to requesters through the mails. Disclosure will be limited to the extent that investigative data, letters or memoranda containing facts selected from the whole fact picture, and items of opinion, conclusion and recommendation, items from exempt sources such as the courts, medical and psychiatric data harmful to continuation of therapy, data which



would jeopardize privacy rights of others, and information furnished with a legitimate expectation of confidentiality will not be made available. The controlling principle behind the limited access is to allow disclosures except those which would impair the integrity of the Board's decision or policy making processes, the confidentiality of its sources, the effectiveness of the Department of Justice's investigative processes, and the privacy of third parties; or jeopardize the legitimate correctional interests of release from custody, supervision, control and rehabilitation and the decision and policy making processes connected therewith; the documentation of which is exemptable from the Privacy Act. The limitations on disclosure may be changed generally or in regard to certain documentation due to pending or future decisions and directions of the Department of Justice.

#### §§ 16.86-16.87 [Reserved]

#### § 16.88 Exemption of Antitrust Division Systems.

(a) The following systems of records are exempt from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G) and (H), and (f):

(1) Computerized Document Retrieval System—"United States v. International Business Machines" ("CDRS-IBM") (JUSTICE/ATR-002).

(2) Computerized Document Retrieval System—"Tire cases" ("CDRS-Tire Cases") (JUSTICE/ATR-003).

These exemptions apply only to the extent that information in these systems is subject to exemption pursuant to 5 U.S.C. 552a(k). It is noted however, that the provisions of 5 U.S.C. 552a are not applicable to these systems by virtue of 5 U.S.C. 552a(d)(5).

(b) Exemption from the particular subsections are justified for the following reasons:

(1) Exemption from subsection (c)(3) is justified because these systems are maintained only in aid of on-going antitrust enforcement proceedings (e.g., pretrial/trial). Documents retrieved by using information ("keywords") stored electronically in these systems are, and will be required in the ordinary course of conducting all proceedings in "United States v. The Goodyear Tire & Rubber Company," Civil No. C-73-835 (N.D. Ohio), "United States v. The Firestone Tire & Rubber Company," Civil No. C-73-836 (N.D. Ohio), and "United States v. International Business Machines," Civil No. 69-Civ.-200 (S.D. N.Y.). Consequently, in the course of such protracted and complex antitrust proceedings, the presentation, production or other routine and necessary disclosure of documents retrieved from these systems will be required to be made before the courts and as otherwise required by order of court or pursuant to binding rules of procedure.

(2) 5 U.S.C. 552a(d) does not apply to these systems by virtue of 5 U.S.C. 552a(d)(5). In addition, exemptions from subsections (d), (e)(4) (G) and (H), and (f), all related to matters concerned with individual access to information in systems of records, are justified under 5 U.S.C. 552a(k) because access to the documents retrievable from these systems and compiled for law enforcement purposes could result in the invasion of the privacy of private persons named or otherwise identified in such documents as well as the unjustified disclosure of commercial and financial information of a confidential nature obtained from various firms connected with or involved in the referenced proceedings.

(3) Exemption from subsection (e)(1) is justified because the collection of documents prior to and during the judicial proceedings necessarily involves the assemblage, indexing and storage in these types of systems of information relative to individuals who are not ultimately required to appear or otherwise connected with actual litigation.

(c) The following system of records is exempt from 5 U.S.C. 552a(c)(3), (d), (e)(4) (G) and (H), and (f):

(1) Antitrust Caseload Evaluation System (ACES)—Monthly Report. (Justice/ATR-009)

These exemptions apply only to the extent that information in these systems is subject to exemption pursuant to 5 U.S.C. 552a(k)(2). It is noted however that the provisions of 5 U.S.C. 552a are not applicable to these systems by virtue of 5 U.S.C. 552a(d)(5).

(d) Exemption from the particular subsections are justified for the following reasons:

(1) Exemption from subsection (c)(3) is justified because these systems are maintained in aid of ongoing antitrust enforcement investigations and proceedings. The release of the accounting of disclosures made under subsection (b) of the Act would permit the subject of an investigation of an actual or potential criminal or civil violation to determine whether he is the subject of an investigation. Disclosure of the accounting would therefore present a serious impediment to antitrust law enforcement efforts.

(2) 5 U.S.C. 552a(d) does not apply to these systems by virtue of 5 U.S.C. 552a(d)(5). In addition, exemptions from subsections (d), (e)(4) (G) and (H), and (f), all related to matters concerned with individual access to information in systems of records are justified under 5 U.S.C. 552a(k)(2) because access to the information retrievable from this system and compiled for law enforcement purposes could result in the premature disclosure of the identity of the subject of an investigation of an actual or potential criminal or civil violation and information concerning

the nature of that investigation. This information could enable the subject to avoid detection of apprehension. This would present a serious impediment to effective law enforcement since the subject could hinder or prevent the successful completion of the investigation.

#### § 16.89 [Reserved]

#### § 16.90 Exemption of Civil Rights Division Systems.

(a) The following system of records is exempt from 5 U.S.C. 552a(d):

(1) Files on Employment Civil Rights Matters Referred by the Equal Employment Opportunity Commission (JUSTICE/CRT-007).

This exemption applies to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(k).

(b) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (d) because this system contains investigatory material compiled by the Equal Opportunity Commission pursuant to its authority under 42 U.S.C. 2000e-8, 42 U.S.C. 2000e-8(e) and 44 U.S.C. 3508 make it unlawful to make public in any manner whatsoever any information obtained by the Commission pursuant to the authority.

(c) The following systems of records are exempt from 5 U.S.C. 552a (c)(3) and (d):

(1) Records Obtained by Office of Special Litigation Concerning Residents of Certain State Institutions (JUSTICE/CRT-005).

(2) Files of Federal Programs Section, Civil Rights Division (JUSTICE/CRT-006).

These exemptions apply only to the extent that information in these systems is subject to exemption pursuant to 5 U.S.C. 552a(k).

(d) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because the release of the disclosure accounting for disclosure pursuant to the routine uses published for this system may enable the subject of an investigation to gain valuable information concerning the nature and scope of the investigation and seriously hamper law enforcement efforts.

(2) From subsection (d) because freely permitting access to records in this system would compromise ongoing investigations and reveal investigatory techniques. In addition, these records may be subject to protective orders entered by federal courts to protect their confidentiality. Many of the records contained in these systems are copies of documents which are the property of state/agencies and were obtained under express or implied

promises to strictly protect their confidentiality.

(e) The following system of records is exempt from 5 U.S.C. 552a (c)(3), (d) and (g):

(1) Central Civil Rights Division Index File and Associated Records (JUSTICE/CRT-001).

These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(j) and (k).

(f) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsections (c)(3) and (d) for the reasons listed in 16.90(d)(1) and (2) above.

(2) From subsection (g) because exemption from the provision of subsection (d) will render the provisions on suits to enforce (d) inapplicable.

(g) The following system of records is exempted pursuant to the provisions of 5 U.S.C. 552a(j)(2) from subsections (c)(3), (d), and (g) of 5 U.S.C. 552a; in addition, the following system of records is exempted pursuant to the provisions of 5 U.S.C. 552a(k)(2) from subsections (c)(3), and (d) of 5 U.S.C. 552a: Freedom of Information/Privacy Act Records (JUSTICE/CRT-010).

These exemptions apply only to the extent that the records contained in this system have been obtained from other systems of records maintained by the Civil Rights Division for which exemptions from one or more of the foregoing provisions of the Privacy Act of 1974 have been promulgated. The exemptions claimed for this system of records apply only to records obtained from such other Civil Rights Division systems and only to the same extent as the records contained in such other systems have been exempted.

(h) The system of records listed under paragraph (g) of this section is exempted for the following reasons:

(1) In the course of processing requests for records pursuant to the Freedom of Information Act (5 U.S.C. 552) or for access or correction of records pursuant to the Privacy Act (5 U.S.C. 552a), it is frequently necessary to search for records in systems of records for which exemptions have been claimed pursuant to 5 U.S.C. 552a (j) or (k). When records are located in said systems, it is frequently necessary to prepare copies for the purpose of consulting with agency personnel or with other agencies, either with regard to determining whether or to what extent the records should be disclosed, or access provided, or correction made or denied, or for review in the event of administrative appeal or judicial review.

(2) If records otherwise exempt pursuant to published rules should lose their exempt character when taken from such exempt systems for the pur-

pose of compliance with the Freedom of Information Act and the Privacy Act in reviewing such records and making determination with regard to disclosure, access, and correction, the purpose of the Privacy Act in providing such exemptions, and of the Department of Justice in claiming such exemptions would be defeated and nullified. The proper, efficient, and timely processing of citizens' requests pursuant to said Acts would be hindered and impeded.

#### § 16.91 Exemption of Criminal Division Systems—Limited access, as indicated.

(a) The following systems of records are exempted pursuant to the provisions of 5 U.S.C. 552a(j)(2) from subsections (c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G), (H) and (I), (e) (5) and (8), (f) and (g) of 5 U.S.C. 552a; in addition, the following systems of records are exempted pursuant to the provisions of 5 U.S.C. 552a (k)(1) and (k)(2) from subsections (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) of 5 U.S.C. 552a:

(1) Central Criminal Division, Index File and Associated Records System of Records (JUSTICE/CRM-001)—Limited Access.

(2) General Crimes Section, Criminal Division, Central Index File and Associated Records System of Records (JUSTICE/CRM-004)—Limited Access.

These exemptions apply to the extent that information in those systems are subject to exemption pursuant to 5 U.S.C. 552a (j)(2), (k)(1) and (k)(2).

(b) The systems of records listed under paragraphs b(1) and b(2) of this section are exempted, for the reasons set forth, from the following provisions of 5 U.S.C. 552a:

(1). (c)(3). The release of the disclosure accounting for disclosures made pursuant to subsection (b) of the Act, including those permitted under the routine uses published for these systems of records, would permit the subject of an investigation of an actual or potential criminal, civil, or regulatory violation to determine whether he is the subject of investigation, or to obtain valuable information concerning the nature of that investigation, and the information obtained, or the identity of witnesses and informants and would therefore present a serious impediment to law enforcement. In addition, disclosure of the accounting would amount to notice to the individual of the existence of a record; such notice requirement under subsection (f)(1) is specifically exempted for these systems of records.

(2). (c)(4). Since an exemption is being claimed for subsection (d) of the Act (Access to Records) this subsection is inapplicable to the extent that these systems of records are exempted from subsection (d).

(3). (d). Access to the records contained in these systems would inform the subject of an investigation of an actual or potential criminal, civil, or regulatory violation of the existence of that investigation, or the nature and scope of the information and

evidence obtained as to his activities, of the identity of witnesses and informants, or would provide information that could enable the subject to avoid detection or apprehension. These factors would present a serious impediment to effective law enforcement because they could prevent the successful completion of the investigation, endanger the physical safety of witnesses or informants, and lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony.

(4). (e)(1). The notices of these systems of records published in the Federal Register set forth the basic statutory or related authority for maintenance of this system. However, in the course of criminal or other law enforcement investigations, cases, and matters, the Criminal Division or its components will occasionally obtain information concerning actual or potential violations of law that are not strictly within its statutory or other authority or may compile information in the course of an investigation which may not be relevant to a specific prosecution. In the interests of effective law enforcement, it is necessary to retain such information in these systems of records since it can aid in establishing patterns of criminal activity and can provide valuable leads for federal and other law enforcement agencies.

(5). (e)(2). In a criminal investigation or prosecution, the requirement that information be collected to the greatest extent practicable from the subject individual would present a serious impediment to law enforcement because the subject of the investigation or prosecution would be placed on notice as to the existence of the investigation and would therefore be able to avoid detection or apprehension, to influence witnesses improperly, to destroy evidence, or to fabricate testimony.

(6). (e)(3). The requirement that individuals supplying information be provided with a form stating the requirements of subsection (e)(3) would constitute a serious impediment to law enforcement in that it could compromise the existence of a confidential investigation or reveal the identity of witnesses or confidential informants.

(7). (e)(4) (G) and (H). Since an exemption is being claimed for subsections (f) (Agency Rules) and (d) (Access to Records) of the Act these subsections are inapplicable to the extent that these systems of records are exempted from subsections (f) and (d).

(8). (e)(4)(I). The categories of sources of the records in these systems have been published in the FEDERAL REGISTER in broad generic terms in the belief that this is all that subsection (e)(4)(I) of the Act requires. In the event, however, that this subsection should be interpreted to require more detail as to the identity of sources of the records in these systems, exemption from this provision is necessary in order to protect the confidentiality of the sources of criminal and other law enforcement information. Such exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(9). (e)(5). In the collection of information for criminal law enforcement purposes it is impossible to determine in advance what information is accurate, relevant, timely, and complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light and the accuracy of such information can often only be determined in a court of law. The restrictions of subsection (e)(5) would re-



restrictions of subsection (e)(5) would restrict the ability of trained investigators, intelligence analysts, and government attorneys in exercising their judgment in reporting on information and investigations and impede the development of criminal or other intelligence necessary for effective law enforcement.

(10). (e)(8). The individual notice requirements of subsection (e)(8) could present a serious impediment to law enforcement as this could interfere with the ability to issue warrants or subpoenas and could reveal investigative techniques, procedures, or evidence.

(11). (f). Procedures for notice to an individual pursuant to subsection (f)(1) as to the existence of records pertaining to him dealing with an actual or potential criminal, civil or regulatory investigation or prosecution must be exempted because such notice to an individual would be detrimental to the successful conduct and/or completion of an investigation or prosecution pending or future. In addition, mere notice of the fact of an investigation could inform the subject or others that their activities are under or may become the subject of an investigation and could enable the subjects to avoid detection or apprehension, to influence witnesses improperly, to destroy evidence, or to fabricate testimony.

Since an exemption is being claimed for subsection (d) of the Act (Access to Records) the rules require pursuant to subsection (f) (2) through (5) are inapplicable to these systems of records to the extent that these systems of records are exempted from subsection (d).

(12). (g). Since an exemption is being claimed for subsections (d) (Access to Records) and (f) (Agency Rules) this section is inapplicable, and is exempted for the reasons set forth for those subsections, to the extent that these systems of records are exempted from subsections (d) and (f).

(13). In addition, exemption is claimed for these systems of records from compliance with the following provisions of the Privacy Act of 1974 (5 U.S.C. 552a) pursuant to the provisions of 5 U.S.C. 552a(k)(1): subsections (c)(3), (d), (e)(1), (e)(4) (G), (H) and (I) and (f) to the extent that the records contained in these systems are specifically authorized to be kept secret in the interests of national defense and foreign policy.

(c) The following systems of records are exempted pursuant to the provisions of 5 U.S.C. 552a(j)(2) from subsection (c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G), (H) and (I), (e) (5) and (8), (f) and (g) of 5 U.S.C. 552a:

(1) Criminal Division Witness Security Program, File System of Records (JUSTICE/CRM-002).

(2) Narcotic and Dangerous Drug Witness Security, Program File System of Records (JUSTICE/CRM-009).

These exemptions apply to the extent that information in these systems are subject to exemption pursuant to 5 U.S.C. 552a(j)(2).

(d) The systems of records listed under paragraphs (c)(1) and (c)(2) of this section are exempted, for the reasons set forth, from the following provisions of 5 U.S.C. 552a:

(1). (c)(3) The release of the disclosure accounting for disclosures made pursuant to

subsection (b) of the Act, including those permitted under the routine uses published for these systems of records, would permit the subject of an investigation of an actual or potential criminal violation, which may include those protected under the Witness Security Program, to determine whether he is the subject of a criminal investigation, to obtain valuable information concerning the nature of that investigation and the information obtained, or the identity of witnesses and informants and the nature of their reports, and would therefore present a serious impediment to law enforcement. In addition, disclosure of the accounting would amount to notice to the individual of the existence of a record; such notice requirement under subsection (f)(1) is specifically exempted for these systems of records. Moreover, disclosure of the disclosure accounting to an individual protected under the Witness Security Program could jeopardize the effectiveness and security of the Program by revealing the methods and techniques utilized in relocating witnesses and could therefore jeopardize the ability to obtain, and to protect the confidentiality of, information compiled for purposes of a criminal investigation.

(2). (c)(4) Since an exemption is being claimed for subsection (d) of the Act (Access to Records) this section is inapplicable.

(3). (d) Access to the records contained in these systems would inform the subject of an investigation of an actual or potential criminal violation, which may include those protected under the Witness Security Program, of the existence of that investigation, of the nature and scope of the information and evidence obtained as to his activities, of the identity of witnesses and informants, or would provide information that could enable the subject to avoid detection or apprehension. These factors would present a serious impediment to effective law enforcement because they could prevent the successful completion of the investigation, endanger the physical safety of witnesses or informants, and lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony. In addition, access to the records in these systems to an individual protected under the Witness Security Program could jeopardize the effectiveness and security of the Program by revealing the methods and techniques utilized in relocating witnesses and could therefore jeopardize the ability to obtain, and to protect the confidentiality of, information compiled for purposes of a criminal investigation.

(4). Exemption is claimed from subsection (e)(1) for the reasons stated in subsection (b)(4) of this section.

(5). (e)(2) In the course of preparing a Witness Security Program for an individual much of the information is collected from the subject. However, the requirement that the information be collected to the greatest extent practicable from the subject individual would present a serious impediment to criminal law enforcement because the individual himself may be the subject of a criminal investigation or have been a participant in, or observer of, criminal activity. As a result, it is necessary to seek information from other sources. In addition, the failure to verify the information provided from the individual when necessary and to seek other information could jeopardize the confidentiality of the Witness Security Program and lead to the obtaining and maintenance of incorrect and uninvestigated information on criminal matters.

(6). (e)(3) The requirement that individuals supplying information be provided with a form stating the requirements of subsection (e)(3) would constitute a serious impediment to law enforcement in that it could compromise or reveal the identity of witnesses and informants protected under the Witness Security Program.

(7). (e)(4) (G) and (H). Since an exemption is being claimed for subsections (f) (Agency Rules) and (d) (Access to Records) of the Act these subsections are inapplicable.

(8). (e)(4)(I). The categories of sources of the records in these systems have been published in the Federal Register in broad generic terms in the belief that this is all that subsection (e)(4)(I) of the Act requires. In the event, however, that this subsection should be interpreted to require more detail as to the identity of sources of the records in the system, exemption from this provision is necessary in order to protect the confidentiality of the sources of criminal law enforcement information and of witnesses and informants protected under the Witness Security Program.

(9). Exemption is claimed from subsections (e)(5) and (e)(8) for the reasons stated in subsection (b)(9) and (b)(10) of this section.

(10). Procedures for notice to an individual pursuant to subsection (f)(1) as to the existence of records contained in these systems pertaining to him would inform the subject of an investigation of an actual or potential criminal violation, which may include those protected under the Witness Security Program, of the existence of that investigation, of the nature and scope of the information and evidence obtained as to his activities, of the identity of witnesses and informants, or would provide information that could enable the subject to avoid detection or apprehension. These factors would present a serious impediment to effective law enforcement because they could prevent the successful conduct and/or completion of an investigation pending or future, endanger the physical safety of witnesses or informants, and lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony. In addition, notices as to the existence of records contained in these systems to an individual protected under the Witness Security Program could jeopardize the effectiveness and security of the Program by revealing the methods and techniques utilized in relocating witnesses and could therefore jeopardize the ability to obtain, and to protect the confidentiality of information compiled for purposes of a criminal investigation.

Since an exemption is being claimed for subsection (d) of the Act (Access to Records) the rules required pursuant to subsection (f)(2) through (5) are inapplicable.

(11). (g) Since an exemption is being claimed for subsections (d) (Access to Records) and (f) (Agency Rules) this section is inapplicable and is exempted for the reasons set forth for those subsections.

(e) The following systems of records are exempted pursuant to the provisions of 5 U.S.C. 552a(j)(2) from subsections (c) (3) and (4), (d), (e)(4) (G), (H) and (I), (f), and (g) of 5 U.S.C. 552a:

(1) Organized Crime and Racketeering Section File Check Out System of Records (JUSTICE/CRM-011).

(2) Organized Crime and Racketeering Section Intelligence and Special

Services Unit, Information Request System of Records (JUSTICE/CRM-014).

These exemptions apply to the extent that information in those systems are subject to exemption pursuant to 5 U.S.C. 552a(j)(2).

(f) The systems of records listed under paragraphs (e)(1) and (e)(2) of this section are exempted for the reasons set forth, from the following provisions of 5 U.S.C. 552a:

(1). (c)(3). The release of the disclosure accounting for disclosures made pursuant to subsection (b) of the Act, including those permitted under the routine uses published for these systems of records, would permit the subject of an investigation of an actual or potential criminal violation to determine whether he is the subject of a criminal investigation and would therefore present a serious impediment to law enforcement. The records in these systems contain the names of the subjects of the files in question and the system is accessible by name of the person checking out the file and by name of the subject of the file. In addition, disclosure of the accounting would amount to notice to the individual of the existence of a record; such notice requirement under subsection (f)(1) is specifically exempted for these systems of records.

(2). (c)(4). Since an exemption is being claimed for subsection (d) of the Act (Access to Records) this section is inapplicable.

(3). (d). Access to the records contained in these systems would inform the subject of an investigation of an actual or potential criminal violation of the existence of that investigation. This would present a serious impediment to effective law enforcement because it could prevent the successful completion of the investigation, endanger the physical safety of witnesses or informants, and lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony.

(4). Exemption is claimed from subsections (e)(4) (G), (H) and (I) for the reasons stated in subsections (b)(7) and (b)(8) of this section.

(5). (f). These systems may be accessed by the name of the person who is the subject of the file and who may also be the subject of a criminal investigation. Procedures for notice to an individual pursuant to subsection (f)(1) as to the existence of records pertaining to him, which may deal with an actual or potential criminal investigation or prosecution, must be exempted because such notice to an individual would be detrimental to the successful conduct and/or completion of the investigation or prosecution pending or future. In addition, mere notice of the fact of an investigation could inform the subject or others that their activities are under or may become the subject of an investigation and could enable the subjects to avoid detection or apprehension, to influence witnesses improperly, to destroy evidence, or to fabricate testimony.

Since an exemption is being claimed for subsection (d) of the Act (Access to Records) the rules required pursuant to subsection (f) (2) through (5) are inapplicable.

(6). (g). Since an exemption is being claimed for subsections (d) (Access to Records) and (f) (Agency Rules) of the Act this section is inapplicable and is exempted for the reasons set forth for those subsections.

(g) The following system of records is exempted pursuant to the provisions

of 5 U.S.C. 552a(j)(2) from subsections (c)(4), (d), (e)(4) (G), (H) and (I), (f) and (g) of 5 U.S.C. 552a.

Files of Names Checked to Determine If Those Individuals Have Been the Subject of an Electronic Surveillance System of Records (JUSTICE/CRM-003).

These exemptions apply to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(j)(2).

(h) The system of records listed under paragraph (g) of this section is exempted, for the reasons set forth, from the following provisions of 5 U.S.C. 552a:

(1). (c)(4). Since an exemption is being claimed for subsection (d) of the Act (Access to Records) this section is inapplicable to the extent that this system of records is exempted from subsection (d).

(2). (d). The records contained in this system of records generally consist of information filed with the court in response to the request and made available to the requestor. To the extent that these records have been so filed, no exemption is sought from the provisions of this subsection. Occasionally, the records contain pertinent logs of intercepted communications and other investigative reports not filed with the court. These records must be exempted because access to such records could inform the subject of an investigation of an actual or potential criminal violation of the existence of that investigation and of the nature of the information and evidence obtained by the government. This would present a serious impediment to effective law enforcement because it could prevent the successful completion of the investigation, endanger the physical safety of witnesses or informants, and lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony.

(3). Exemption is claimed from subsections (e)(4) (G), (H) and (I) for the reasons stated in subsections (b)(7) and (b)(8) of this section.

(4). (f). The records contained in this system of records generally consist of information filed with the court and made available to the requestor. To the extent that these records have been so filed, no exemption is sought from the provisions of this subsection. Occasionally, the records contain pertinent logs of intercepted communications and other investigative reports not filed with the court. These records must be exempted from a requirement of notification as to their existence because such notice to an individual would be detrimental to the successful conduct and/or completion of a criminal investigation or prosecution pending or future. In addition, mere notice of the existence of such logs or investigative reports could inform the subject or others that their activities are under or may become the subject of an investigation and could enable the subjects to avoid detection or apprehension, to influence witnesses improperly, to destroy evidence or to fabricate testimony.

Since an exemption is being claimed for subsection (d) of the Act (Access to Records) the rules required pursuant to subsection (f) (2) through (5) are inapplicable to the extent that this system of records is exempted for subsection (d).

(6). (g). Since an exemption is being claimed for subsections (d) (Access to Re-

cords) and (f) (Agency Rules) this section is inapplicable, and is exempted for the reasons set forth for those subsections, to the extent that this system of records is exempted from subsection (d) and (f).

(i) The following systems of records are exempted pursuant to the provisions of 5 U.S.C. 552a(j)(2) from subsections (c) (3) and (4), (d), (e) (1), (2) and (3), (e) (4) (G), (H) and (I), (e) (5) and (8), (f) and (g) of 5 U.S.C. 552a:

(1) Information File on Individuals and Commercial Entities Known or Suspected of Being Involved in Fraudulent Activities System of Records (JUSTICE/CRM-006).

(2) The Stocks and Bonds Intelligence Control Card File System of Records (JUSTICE/CRM-021).

These exemptions apply only to the extent that information in these systems are subject to exemption pursuant to 5 U.S.C. 552a(j)(2).

The systems of records listed in paragraphs (i)(1) and (i)(2) of this section are exempted, for the reasons set forth, from the following provisions of 5 U.S.C. 552a:

(1). (c)(3). The release of the disclosure accounting for disclosures made pursuant to subsection (b) of the Act, including those permitted under the routine uses published for these systems of records, would permit the subject of an investigation of an actual or potential criminal violation to determine whether he is the subject of a criminal investigation, to obtain valuable information concerning the nature of that investigation, and the information obtained, or the identity of witnesses and informants, and would therefore present a serious impediment to law enforcement. In addition, disclosure of the accounting would amount to notice to the individual of the existence of a record; and notice requirement under subsection (f)(1) is specifically exempted for this system of records.

(2). (c)(4). Since an exemption is being claimed for subsection (d) of the Act (Access to Records) this section is inapplicable to the extent that this systems of records is exempted from subsection (d).

(3). (d). Access to the records contained in these systems would inform the subject of an investigation of an actual or potential criminal violation of the existence of that investigation, of the nature and scope of the information and evidence obtained as to his activities, of the identity of witnesses and informants or would provide information that could enable the subject to avoid detection or apprehension. These factors would present a serious impediment to effective law enforcement because they could prevent the successful completion of the investigation, endanger the physical safety of witnesses or informants, and lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony.

(4). Exemption is claimed from subsections (e) (1), (2) and (3), (e)(4) (G), (H) and (I), (e)(5) and (e)(8) for the reasons stated in subsections (b)(4), (b)(5), (b)(6), (b)(7), (b)(8), (b)(9) and (b)(10) of this section.

(5). (f). Procedures for notice to an individual pursuant to subsection (f)(1) as to the existence of records pertaining to him dealing with an actual or potential criminal

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investigation or prosecution must be exempted because such notice to an individual would be detrimental to the successful conduct and/or completion of an investigation or prosecution pending or future. In addition, mere notice of the fact of an investigation could inform the subject or others that their activities are under or may become the subject of an investigation and could enable the subjects to avoid detection or apprehension, to influence witnesses improperly, to destroy evidence, or to fabricate testimony.

Since an exemption is being claimed for subsection (d) of the Act (Access to Records) the rules required pursuant to subsection (f)(2) through (5) are inapplicable to these systems of records.

(6). (g). Since an exemption is being claimed for subsections (d) (Access to Records) and (f) (Agency Rules) this section is inapplicable and is exempted for the reasons set forth for those subsections.

(k) The following system of records is exempted pursuant to the provisions of 5 U.S.C. 552a(j)(2) from subsections (c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G), (H) and (I), (e) (5) and (8), (f) and (g) of section 5 U.S.C. 552a:

Organized Crime and Racketeering Information System of Records (JUSTICE/CRM-010).

These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(j)(2).

(l) The system of records listed in paragraph (k) of this section is exempted, for the reasons set forth, from the following provisions of 5 U.S.C. 552a:

(1). Exemption is claimed from subsections (c)(3), (c)(4) and (d) for the reasons stated in subsections (j)(1), (j)(2) and (j)(3) of this section.

(2). (e)(1). The notice for this system of records published in the Federal Register sets forth the basic statutory or related authority for maintenance of this system. However, in the course of organized crime investigations information will occasionally be obtained concerning actual or potential violations of law that are not strictly within statutory or other authority, or information may be compiled in the course of an investigation which may not be relevant to a specific prosecution. In the interests of effective law enforcement, it is necessary to retain such information in this system of records since it can aid in establishing patterns of criminal activity and can provide valuable leads for federal and other law enforcement agencies.

(3). Exemption is claimed from subsections (e) (2) and (3), (e) (4) (G), (H) and (I), (e) (5) and (8) for the reasons stated in subsections (b)(5), (b)(6), (b)(7), (b)(8), (b)(9) and (b)(10) of this section.

(4). Exemption is claimed from sections (f) and (g) for the reasons stated in subsections (j)(5) and (j)(6) of this section.

(m) The following system of records is exempted pursuant to the provisions of 5 U.S.C. 552a(j)(2) from subsections (c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G), (H) and (I), (e) (5) and (8), (f) and (g) of 5 U.S.C. 552a; in addition, the following systems of records are exempted pursuant to the provi-

sions of 5 U.S.C. 552a(k)(1) from subsections (c) (3), (d), (e)(1), (e)(4) (G), (H) and (I) and (f) of 5 U.S.C. 552a:

Organized Crime and Racketeering Section, Criminal Division, General Index File and Associated Records System of Records (JUSTICE/CRM-012).

These exemptions apply to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a (j) (2) and (k) (1).

(n) The system of records listed under paragraph (m) of this section is exempted, for the reasons set forth, from the following provisions of 5 U.S.C. 552a:

(1). Exemption is claimed from subsections (c) (3) and (4) and (d) for the reasons stated in subsections (j)(1), (j)(2) and (j)(3) of this section.

(2). (e)(1). The notice for this system of records published in the Federal Register sets forth the basic statutory or related authority or maintenance of this system. However, in the course of criminal investigations, cases, and matters, the Organized Crime and Racketeering Section will occasionally obtain information concerning actual or potential violations of law that are not strictly within its statutory or other authority, or may compile information in the course of an investigation which may not be relevant to a specific prosecution. In the interests of effective law enforcement, it is necessary to retain such information in this system of records since it can aid in establishing patterns of criminal activity and can provide valuable leads for federal and other law enforcement agencies.

(3). Exemption is claimed from subsections (e) (2) and (3), (e)(4) (G), (H) and (I), (e) (5) and (8), (f) and (g) for the reasons stated in subsections (b)(5), (b)(6), (b)(7), (b)(8), (b)(9), (b)(10), (b)(11) and (b)(12) of this section.

(4). In addition, exemption is claimed for this system of records from compliance with the following provisions of the Privacy Act of 1974 (5 U.S.C. 552a) pursuant to the provisions of 5 U.S.C. 552a(k)(1): subsections (c)(3), (d), (e)(1), (e)(4) (G), (H) and (I) and (f) to the extent that the records contained in this system are specifically authorized to be kept secret in the interests of national defense and foreign policy.

(o) The following systems of records are exempted pursuant to the provisions of 5 U.S.C. 552a (j)(2) from subsections (c) (3) and (4), (d), (e) (2) and (3), (e)(4) (G), (H) and (I), (e)(8), (f) and (g) of 5 U.S.C. 552a:

(1) Requests to the Attorney General For Approval of Applications to Federal Judges for Electronic Interceptions System of Records (JUSTICE/CRM-019).

(2) Requests to the Attorney General For Approval of Applications to Federal Judges For Electronic Interceptions in Narcotics and Dangerous Drug Cases System of Records (JUSTICE/CRM-020).

These exemptions apply only to the extent that information in these systems are subject to exemption pursuant to 5 U.S.C. 552a(j)(2).

(p) The systems of records listed in paragraph (o)(1) and (o)(2) of this section are exempted for the reasons set forth, from the following provisions of 5 U.S.C. 552a:

(1). (c)(3). The release of disclosure accounting for disclosures made pursuant to subsection (b) of the Act, including those permitted under the routine uses published for these systems of records, would permit the subject of an electronic interception to obtain valuable information concerning the interception, including information as to whether he is the subject of a criminal investigation, by means other than those provided for by statute. Such information could interfere with the successful conduct and/or completion of a criminal investigation, and would therefore present a serious impediment to law enforcement. In addition, disclosure of the accounting would amount to notice to the individual of the existence of a record; such notice requirement under subsection (f)(1) is specifically exempted for these systems of records.

(2). (c)(4). Since an exemption is being claimed for subsection (d) of the Act (Access to Records) this section is inapplicable.

(3). (d). Access to the records contained in these systems would inform the subject of an electronic interception of the existence of such surveillance including information as to whether he is the subject of a criminal investigation by means other than those provided for by statute. This could interfere with the successful conduct and/or completion of a criminal investigation and therefore present a serious impediment to law enforcement.

(4). (e)(2). In the context of an electronic interception, the requirement that information be collected to the greatest extent practicable from the subject individual would present a serious impediment to law enforcement because the subject of the investigation or prosecution would be placed on notice as to the existence of the investigation and this would therefore destroy the efficacy of the interception.

(5). (e)(3). The requirement that individuals supplying information be provided with a form stating the requirements of subsection (e)(3) would constitute a serious impediment to law enforcement in that it could compromise the existence of a confidential electronic interception or reveal the identity of witnesses or confidential informants.

(6). (e)(4) (G) and (H). Since an exemption is being claimed for subsections (f) (Agency Rules) and (d) (Access to Records) of the Act these subsections are inapplicable.

(7). Exemption is claimed from subsections (e)(4)(I) and (e)(8) for the reasons stated in subsections (b)(8) and (b)(10) of this section.

(8). (f). Procedures for notice to an individual pursuant to subsection (f)(1) as to the existence of records pertaining to him dealing with an electronic interception other than pursuant to statute must be exempted because such notice to an individual would be detrimental to the successful conduct and/or completion of an investigation pending or future. In addition, mere notice of the fact of an electronic interception could inform the subject or others that their activities are under or may become the subject of an investigation and could enable the subject to avoid detection or apprehension, to influence witnesses improperly, to destroy evidence, or to fabricate testimony.

Since an exemption is being claimed for subsection (d) of the Act (Access to Records) the rules required pursuant to subsection (f)(2) through (5) are inapplicable to these systems of records to the extent that these systems of records are exempted from subsection (d).

(9). (g). Since an exemption is being claimed for subsection (d) (Access to Records) and (f) (Agency Rules) this section is inapplicable, and is exempted for the reasons set forth for those subsections, to the extent that these systems of records are exempted from subsection (d) and (f).

(q) The following system of records is exempted pursuant to the provisions of 5 U.S.C. 552a(j)(2) from subsections (c) (3) and (4), (d), (e) (2) and (3), (e)(4) (G), (H), and (I), (e)(8), (f) and (g) of 5 U.S.C. 552a; in addition the following system of records is exempted pursuant to the provisions of 5 U.S.C. 552a (k)(1) and (k)(2) from subsections (c)(3), (d), (e)(4) (G), (H) and (I), and (f) of 5 U.S.C. 552a:

Witness Immunity Records System of Records (JUSTICE/CRM-022).

These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a (j)(2) and (k)(1) and (k)(2).

(r) The system of records listed under paragraph (q) of this section is exempted, for the reasons set forth, from the following provisions of 5 U.S.C. 552a:

(1). (c)(3) Release of the accounting of disclosures made pursuant to subsection (b) of the Act, including those permitted under the routine uses published for this system of records, (a) as to a witness for whom immunity has been proposed, would inform the individual of the existence of the proposed immunity prematurely, thus creating a serious impediment to effective law enforcement in that the witness could flee, destroy evidence, or fabricate testimony; and (b) as to a witness to whom immunity has been granted, or for whom it has been denied, would reveal the nature and scope of the activities, if any, of the witness known to the government, which would also create a serious impediment to effective law enforcement.

(2). (c)(4) Since an exemption is being claimed for subsection (d) of the Act (Access to Records) this section is inapplicable to the extent that this system of records is exempted from subsection (d).

(3). (d) Access to the records contained in this system (a) as to a witness for whom immunity has been proposed, would inform the individual of the existence of the proposed immunity prematurely, thus presenting a serious impediment to effective law enforcement in that the witness could flee, destroy evidence, or fabricate testimony; and (b) as to a witness to whom immunity has been granted, or for whom it has been denied, would reveal the nature and scope of the activities, if any, of the witness known to the government, which would also create a serious impediment to effective law enforcement.

(4). (e)(2) In a witness immunity request matter, the requirement that information be collected to the greatest extent practicable from the subject individual would present a serious impediment to law enforcement.

(5). (e)(3) The requirement that individuals supplying information be provided with a form stating the requirements of subsection (e)(3) would constitute a serious impediment to law enforcement in that it could compromise the existence of a confidential electronic interception or reveal the identity of witnesses or confidential informants.

ment, because the subject of the immunity request and often the subject of the underlying investigation or prosecution would be placed on notice as to the existence of the investigation and would therefore be able to avoid detection or apprehension, to influence witnesses improperly, to destroy evidence, or to fabricate testimony.

(5). Exemption is claimed from subsections (e)(3), (e)(4) (G), (H) and (I), and (e)(8) for the reasons stated in subsections (b)(6), (b)(7), (b)(8) and (b)(10) of this section.

(6). (f). Procedures for notice to an individual pursuant to subsection (f)(1) as to the existence of records pertaining to him (a) as to a witness for whom immunity has been proposed, would inform the individual of the existence of the proposed immunity prematurely, this presenting a serious impediment to effective law enforcement in that the witness could flee, destroy evidence, or fabricate testimony; and (b) as to a witness to whom immunity has been granted, or for whom it has been denied, would reveal the nature and scope of the activity, if any, of the witness known to the government, which would also create a serious impediment to effective law enforcement.

Since an exemption is being claimed for subsection (d) of the Act (Access to Records) the rules required pursuant to subsection (f)(2) through (5) are inapplicable to this system of records to the extent that this system of records is exempted from subsection (d).

(7). (g). Since an exemption is being claimed for subsections (d) (Access to Records) and (f) (Agency Rules) this section is inapplicable, and is exempted for the reasons set forth for those subsections, to the extent that this system of records is exempted for subsections (d) and (f).

(8). In addition, exemption is claimed for this system of records from compliance with the following provisions of the Privacy Act of 1974 (5 U.S.C. 552a) pursuant to the provisions of 5 U.S.C. 552a(k)(1): subsections (c)(3), (d), (e)(1), (e)(4) (G), (H) and (I) and (f) to the extent that the records contained in this system are specifically authorized to be kept secret in the interests of national defense and foreign policy.

(s) The following system of records is exempted pursuant to the provisions of 5 U.S.C. 552a(j)(2) from subsections (c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G), (H) and (I), (e) (5) and (8), (f), and (g) of 5 U.S.C. 552a; in addition, the following system of records is exempted pursuant to the provisions of 5 U.S.C. 552a (k)(1) and (k)(2) from subsections (c)(3), (d), (e)(1), (e)(4) (G), (H) and (I), and (f) of 5 U.S.C. 552a:

(1) Freedom of Information/Privacy Act Records (JUSTICE/CRM-024).

(2) These exemptions apply only to the extent that the records contained in this system have been obtained from other systems of records maintained by the Criminal Division for which exemptions from one or more of the foregoing provisions of the Privacy Act of 1974 have been promulgated. The exemption claimed for this system of records applies only to records obtained from such other Criminal Division systems and only to the

same extent as the records contained in such other systems have been exempted.

(t) The system of records listed under paragraph (s) of this section is exempted for the following reasons:

(1) In the course of processing requests for records pursuant to the Freedom of Information Act (5 U.S.C. 552) or for access or correction of records pursuant to the Privacy Act (5 U.S.C. 552a), it is frequently necessary to search for records in systems of records for which exemptions have been claimed pursuant to 5 U.S.C. 552a (j) or (k). When records are located in said systems, it is frequently necessary to prepare copies for the purpose of consulting with agency personnel or with other agencies, either with regard to determining whether or to what extent the records should be disclosed or access provided, or correction made or denied, or for review in the event of administrative appeal or judicial review.

(2) If records otherwise exempt pursuant to published rules should lose their exempt character when taken from such exempt systems for the purpose of compliance with the Freedom of Information Act and the Privacy Act in reviewing such records and making determination with regard to disclosure, access, and correction, the purpose of the Privacy Act in providing such exemptions, and of the Department of Justice in claiming such exemptions would be defeated and nullified. The proper, efficient, and timely processing of citizens' requests pursuant to said Acts would be hindered and impeded.

§ 16.92 Exemption of Land and Natural Resources Division Systems—Limited access, as indicated.

(a) The following system of records is exempt from 5 U.S.C. 552a (c)(3) and (d):

(1) Docket Card System (JUSTICE/LDN-003).

These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(k)(2).

(b) Exemptions from the particular subsections are justified for the following reasons.

(1) From subsection (c)(3) because that portion of the Docket Card System relating to enforcement of criminal provisions of the Refuse Act of 1899 (33 U.S.C. 407), Section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403), Section 5 of the Outer Continental Shelf Act (43 U.S.C. 1151 et seq.), the Clean Air Act (42 U.S.C. 1857 et seq.) and the Noise Control Act of 1972 (42 U.S.C. 4901), is being exempted from access and contest; the provision for disclosure of accounting is not applicable.

(2) From subsection (d) because of the need to safeguard the identity of

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confidential informants and to facilitate the enforcement of the criminal provisions of the above statutes.

(c) The following system of records is exempt from 5 U.S.C. 552a (c)(3) and (d):

(1) Freedom of Information/Privacy Act Records System. (JUSTICE/LDN-005).

These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(k)(2).

(d) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because that portion of the Freedom of Information Privacy Act Records System that consists of investigatory materials compiled for law enforcement purposes is being exempt from access and contest; the provision for disclosure of accounting is not applicable.

(2) From subsection (d) because of the need to safeguard the identity of confidential informants and avoid interference with ongoing investigations or law enforcement activities by preventing premature disclosure of information relating to those efforts.

#### § 16.93 Exemption of Tax Division System—Limited access.

(a) The following system of records is exempt from 5 U.S.C. 552a (d), (e) (2), and (3):

(1) Tax Division Central Classification Cards, Index Docket Cards and Associated Records (JUSTICE/TAX-001).

These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a (j) and (k).

(b) Exemptions from the particular subsections are justified for the following reasons:

From subsection (d) because access to the records contained in this system would inform the subject of an investigation of the information and evidence obtained as to his activities, and of the identity of witnesses and informants. The knowledge gained from such access to these records would present a serious impediment to effective law enforcement because it could be used to prevent the successful prosecution of the case, endanger the physical safety of witnesses or informants, and lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony.

(2) From subsection (e)(2) because in a criminal or other law enforcement investigation or prosecution, the requirement that information be collected to the greatest extent practicable from the subject individual would alert the subject as the nature or existence of the investigation and thereby present a serious impediment to effective law enforcement.

(3) From subsection (e)(3) because the requirement that individuals supplying information be provided with a form specifying the requirements of (e)(3) would constitute a serious impediment to law enforcement in that it could compromise the existence of a confidential investigation or reveal the identity of witnesses or confidential informants.

(c) Consistent with the legislative purpose of the Privacy Act of 1974, the Tax Division will grant access to non-exempt material in records which are maintained by the Tax Division. Disclosure will be governed by the Department's Privacy Regulations, but will be limited to the extent that the identity of confidential sources will not be compromised; subjects of an investigation of an actual or potential criminal civil or regulatory violation will not be alerted to the investigation; the physical safety of witnesses, informants and law enforcement personnel will not be endangered; the privacy of third parties will not be violated; and that the disclosure would not otherwise impede effective law enforcement. Whenever possible, information of the above nature will be deleted from the requested documents and the balance made available. The controlling principle behind this limited access is to disclosures except those indicated above. The decisions to release information from this system will be made on a case-by-case basis.

#### §§ 16.94-16.95 [Reserved]

#### § 16.96 Exemption of Federal Bureau of Investigation Systems—Limited access.

(a) The following system of records is exempt from 5 U.S.C. 552a (c) (3) and (4), (d), (e) (1), (2), and (3), (e)(4) (G) and (H), (e)(5) and (8), (f), (g) and (m):

(1) Central Records System (JUSTICE/FBI-002).

These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a (j) or (k).

(b) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because the release of accounting disclosures would place the subject of an investigation on notice that he is under investigation and provide him with significant information concerning the nature of the investigation, thus resulting in a serious impediment to law enforcement or background investigations which may involve law enforcement aspects or the compromising material.

(2) From subsections (c)(4), (d), (e)(4) (G) and (H), (f) and (g) because these provisions concern individual access to records and such access might compromise ongoing investigations, reveal investigatory techniques and confidential informants, and invade the privacy of private citizens who provide information in connection with a particular investigation. In addition, exemption from subsections (d), (e)(4) (G) and (H) is necessary to protect the security of information classified in the interest of national defense and foreign policy.

(3) From subsection (e)(1) because information may be received in the course of a criminal, civil, or background investigation which may involve a violation of law under the jurisdiction of another government agency but it is necessary to maintain this information in order to provide leads for appropriate law enforcement and to establish patterns of activity which may relate to the jurisdiction of both the FBI and other agencies. In addition, classified information may be received which relates to the constitutional powers of the President or the jurisdiction of some other agency. Such information is not susceptible to segregation.

(4) From subsection (e)(2) because collecting information from the subject of criminal or national security investigations would thwart the investigation by placing the subject of the investigation on notice.

(5) From subsection (e)(3) because supplying an individual with a form containing the information specified would result in a substantial invasion of privacy of the subject of the investigation would compromise the existence of a confidential investigation, and would inhibit private cooperating with the FBI.

(6) From (e)(8) because the notice requirements of this provision could present a serious impediment to law enforcement by revealing investigative techniques, procedures, and the existence of confidential investigations.

(7) From subsection (m) because if the system were ever operated by a contractor it would still be necessary to continue exemption from these same provisions.

(c) The following system of records is exempt from 5 U.S.C. 552a (c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4), (G) and (H), (e) (5) and (8), (f), (g) and (m):

(1) Electronic Surveillance (Elsur) Indices (JUSTICE/FBI-006).

These exemptions apply only to the extent that information in the system is subject to exemption pursuant to 5 U.S.C. 552a(j).

(d) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because the release of accounting disclosures would place the subject of an investigation on notice that he is under investigation and provide him with significant information concerning the

nature of the investigation resulting in a serious impediment to law enforcement.

(2) From subsections (c)(4), (d), (e)(4) (G) and (H), and (g) because these provisions concern an individual's access to records which concern him and such access to records in this system would compromise ongoing investigations, reveal investigatory techniques and confidential informants, and invade the privacy of private citizens who provide information in connection with a particular investigation.

(3) From subsection (e)(1) because these indices must be maintained in order to provide the information as described in the "routine uses" of this particular system.

(4) From subsections (e) (2) and (3) because compliance is not feasible given the subject matter of the indices.

(5) From subsection (e)(5) because this provision is not applicable to the indices in view of the "routine uses" of the indices. For example, it is impossible to predict when it will be necessary to utilize information in the system and, accordingly it is not possible to determine when the records are timely.

(6) From subsection (e)(8) because the notice requirement could present a serious impediment to law enforcement by revealing investigative techniques, procedures and the existence of confidential investigations.

(7) From subsection (M) for the reasons stated in subsection (b)(7) of this section.

(e) The following system of records is exempt from 5 U.S.C. 552a(c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G) and (H), (e) (5) and (8), (f), (g) and (m):

(1) Identification Division Records System (JUSTICE/FBI-009).

These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(j).

(f) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) for the reasons stated in subsection (d)(1) of this section.

(2) From subsections (c)(4), (d), (e)(4) (G) and (H), (f) and (g) because these provisions concern an individual's access to records which concern him. Such access is directed at allowing the subject of a record to correct inaccuracies in it. Although an alternate system of access has been provided in 28 CFR 16.30 to 34 and 28 CFR 20.34, the vast majority of records in this system concern local arrests which it would be inappropriate for the FBI to undertake to correct.

(3) From subsection (e)(1) because it is impossible to state with any degree

of certainty, that all information on these records is relevant to accomplish a purpose of the FBI, even though acquisition of the records from state and local law enforcement agencies is based on a statutory requirement. In view of the number of records in the system it is impossible to review them for relevancy.

(4) From subsection (e)(2) because the records in the system are necessarily furnished by criminal justice agencies due to their very nature.

(5) From subsection (e)(3) because compliance is not feasible due to the nature of the records.

(6) From subsection (e)(5) because the vast majority of these records come from local criminal justice agencies and it is administratively impossible to ensure that the records comply with this provision. Submitting agencies are, however, urged on a continuing basis to ensure that their records are accurate and include all dispositions.

(7) From subsection (e)(8) because the FBI has no logical manner to ascertain whether process has been made public and compliance with this provision would, in any case, provide an impediment to law enforcement by interfering with the ability to issue warrants or subpoenas and by revealing investigative techniques, procedures or evidence.

(8) From subsection (m) for the reasons stated in subsection (b)(7) of this section.

(g) The following system of records is exempt from 5 U.S.C. 552a (c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G) and (H), (e)(8), (f), (g) and (m):

(1) National Crime Information Center (NCIC) (JUSTICE/FBI-001).

These exemptions apply only to the extent that information in the system is subject to exemption pursuant to 5 U.S.C. 552a(j).

(h) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) for the reasons stated in subsection (d)(1) of this section.

(2) From subsections (c)(4), (d), (e)(4) (G) and (H), and (g) for the reasons stated in subsection (d)(2) of this section. When records are properly subject to access by the individual, an alternate means of access is provided in subsection (i) of this section.

(3) From subsection (e)(1) because information contained in this system is primarily from state and local records, and it is for the official use of agencies outside the Federal Government in accordance with 28 U.S.C. 534.

(4) From subsections (e) (2) and (3) because it is not feasible to comply with these provisions given the nature of this system.

(5) From subsection (e)(8) for the reasons stated in subsection (d)(6) of this section.

(6) From subsection (m) for the reasons stated in subsection (b)(7) of this section.

(i) Access to computerized criminal history records in the National Crime Information Center is available to the individual who is the subject of the record pursuant to procedures and requirements specified in the Notice of Systems of Records compiled by the National Archives and Records Service and published under the designation:

National Crime Information Center (NOIC) (JUSTICE/FBI-001).

Information on access is also published in the Appendix to Part 20 of the Code of Federal Regulations in relation to 28 CFR 20.34.

#### § 16.97 Exemption of Bureau of Prisons Systems—Limited access.

(a) The following systems of records are exempt from 5 U.S.C. 552a (c) (3) and (4), (d), (e) (2) and (3), (e)(4)(H), (e)(8), (f) and (g):

(1) Custodial and Security Record System (JUSTICE/BOP-001).

(2) Industrial Inmate Employment Record System (JUSTICE/BOP-003).

(3) Inmate Administrative Remedy Record System (JUSTICE/BOP-004).

(4) Inmate Central Record System (JUSTICE/BOP-005).

(5) Inmate Commissary Accounts Record System (JUSTICE/BOP-006).

(6) Inmate Physical and Mental Health Record System (JUSTICE/BOP-007).

(7) Inmate Safety and Accident Compensation Record System (JUSTICE/BOP-008).

(8) Federal Tax Claims Act Record System (JUSTICE/BOP-009).

These exemptions apply only to the extent that information in these systems is subject to exemption pursuant to 5 U.S.C. 552a(j).

(b) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because inmates will not be permitted to gain access or to contest contents of these record systems under the provisions of subsection (d) of 5 U.S.C. 552a. Revealing disclosure accountings can compromise legitimate law enforcement activities and Bureau of Prisons responsibilities.

(2) From subsection (c)(4) because exemption from provisions of subsection (d) will make notification of formal disputes inapplicable.

(3) From subsection (d) because exemption from this subsection is essential to protect internal processes by which Bureau personnel are able to formulate decisions and policies with regard to federal prisoners, to prevent disclosure of information to federal inmates that would jeopardize legitimate correctional interests of security, custody, or rehabilitation, and to permit receipt of relevant information

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from other federal agencies, state and local law enforcement agencies, and federal and state probation and judicial offices.

(4) From subsection (e)(2) because primary collection of information directly from federal inmates about criminal sentences or criminal records is highly impractical and inappropriate.

(5) From subsection (e)(3) because in view of the Bureau of Prisons' responsibilities, application of this provision to its operations and collection of information is inappropriate.

(6) From subsection (e)(4)(H) because exemption from provisions of subsection (d) will make publication of agency procedures under this subsection inapplicable.

(7) From subsection (e)(8) because the nature of Bureau of Prisons law enforcement activities renders notice of compliance with compulsory legal process impractical.

(8) From subsection (f) because exemption from provisions of subsection (d) will render compliance with provisions of this subsection inapplicable.

(9) From subsection (g) because exemption from provisions of subsection (d) will render provisions of this subsection inapplicable.

(c) Consistent with the legislative purpose of the Privacy Act of 1974 (Pub. L. 93-579) the Bureau of Prisons will initiate a procedure whereby federal inmates in custody may gain access and review their individual prison files maintained at the institution of incarceration. Access to these files will be limited only to the extent that the disclosure of records to the inmate would jeopardize internal decision-making or policy determinations essential to the effective operation of the Bureau of Prisons; to the extent that disclosure of the records to the inmate would jeopardize privacy rights of others, or a legitimate correctional interest of security, custody, or rehabilitation; and to the extent information is furnished with a legitimate expectation of confidentiality. The Bureau of Prisons will continue to provide access to former inmates under existing regulations as is consistent with the interests listed above. Under present Bureau of Prisons regulations, inmates in federal institutions may file administrative complaints on any subject under the control of the Bureau. This would include complaints pertaining to information contained in these systems of records."

#### § 16.98 Exemption of Drug Enforcement Administration Systems.

(a) The following systems of records are exempt from 5 U.S.C. 552a (c)(3), (d), (e)(4) (G) and (H), and (f):

(1) Automated Records and Consumed Orders System/Diversion Analysis and Detection System (ARCOS/DADS) (JUSTICE/DEA-004).

(2) Controlled Substances Act Registration Records (JUSTICE/DEA-006).

(3) Registration Status/Investigation Records (JUSTICE/DEA-016).

(4) Drug Theft Reporting System (JUSTICE/DEA-023).

These exemptions apply only to the extent that information in these systems is subject to exemption pursuant to 5 U.S.C. 552a(k).

(b) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because the revealing of the disclosure accounting pursuant to the routine uses published for these systems would enable the subject of an investigation to gain valuable information concerning the nature and scope of the investigation and seriously hamper the regulatory functions of the Drug Enforcement Administration.

(2) From subsection (d) because access to records contained in these systems might provide the subject of an investigation information that could enable him to avoid compliance with the Drug Abuse Prevention and Control Act of 1970 (Pub. L. 91-513).

(3) From subsections (e)(4) (G) and (H) because these systems or records are exempt from individual access pursuant to subsection (k) of the Act.

(4) From subsection (f) because these systems are exempt from the access provisions of subsection (d).

(c) The following systems of records are exempt from 5 U.S.C. 552a (c) (3) and (4), (d), (e)(1), (2) and (3), (e)(4) (G) and (H), (e) (5) and (8), (f), (g) and (h):

(1) Addict/Abusers System (JUSTICE/DEA-001).

(2) Air Intelligence Program (JUSTICE/DEA-002).

(3) Automated Intelligence Records (Pathfinder I) (JUSTICE/DEA-003).

(4) DEA/FAA Trans-border Flight Plan Reporting System (JUSTICE/DEA-007).

(5) Defendant Data System (JUSTICE/DEA-008).

(6) Domestic Intelligence Data Base (JUSTICE/DEA-009).

(7) International Intelligence Data Base (JUSTICE/DEA-011).

(8) Investigative Reporting and Filing System (JUSTICE/DEA-012).

(9) Office of Internal Security Records (JUSTICE/DEA-014).

(10) Operations Files (JUSTICE/DEA-015).

(11) Security Files (JUSTICE/DEA-017).

(12) Source Registry Narcotics (SRN/1) (JUSTICE/DEA-018).

(13) System to Retrieve Information from Drug Evidence (STRIDE) (JUSTICE/DEA-019).

(14) Drug Enforcement Administration Semi-Automated Narcotic Trafficker Profiles (KISS) (JUSTICE/DEA-025).

(15) Drug Enforcement Administration Specialized Automated Intelligence Files (JUSTICE/DEA-026).

These exemptions apply only to the extent that information in these systems is subject to exemptions pursuant to 5 U.S.C. 552a (j) and (k).

(d) Exemptions from the particular subsections are justified for the following reasons:

(1) From (c)(3) because the release of the disclosure accounting for disclosure pursuant to the routine uses published for these systems would permit the subject of a criminal investigation to obtain valuable information concerning the nature of that investigation and present a serious impediment to law enforcement.

(2) From subsection (c)(4) because an exemption is being claimed for subsection (d), this subsection will not be applicable.

(3) From subsection (d) because access to records contained in these systems would alert a subject to the existence of an investigation and thereby provide information to the subject which might enable him to avoid detection or apprehension, and present serious impediment to law enforcement.

(4) From subsection (e)(1) because in the course of criminal investigations, the Drug Enforcement Administration often detects violation of non-drug related laws. In the interests of effective law enforcement, it is necessary that DEA retain all information obtained in criminal investigations because it can aid in establishing patterns of criminal activity and assist other law enforcement agencies that are charged with enforcing other segments of criminal law.

(5) From subsection (e)(2) because information collected to the greatest extent possible from the subject individual of a criminal investigation would provide the subject with valuable information which might preclude detection or apprehension of the subject individual.

(6) From subsection (e)(3) because the requirement that individuals supplying information be provided a form stating the requirements of subsection (e)(3) would constitute a serious impediment to law enforcement in that it could compromise the existence of a confidential investigation, reveal the identity of confidential sources of information and endanger the life or physical safety of confidential informants.

(7) From subsections (e)(4) (G) and (H) because these systems of records are exempt from individual access pursuant to subsection (j) of the Privacy Act of 1974.

(8) From subsection (e)(5) because in the collection of information for law enforcement purposes it is impossible to determine in advance what information is accurate, relevant, timely and complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light and the accuracy of such information can only be determined in a court of law. The restrictions imposed by subsection (e)(5) would restrict the ability of trained investigators and intelligence analysts to exercise their judgment in reporting on investigations and impede the development of criminal intelligence necessary for effective law enforcement.

(9) From subsection (e)(8) because the individual notice requirements could present a serious impediment to law enforcement by interfering with the Drug Enforcement Administration's ability to issue administrative techniques and procedures.

(10) From subsection (f) because these systems have been exempted from the access provisions of subsection (d).

(11) From subsections (g) and (h) because these systems are compiled for law enforcement purposes and have been exempted from the access provisions of subsections (d) and (f).

(e) The following systems of records are from 5 U.S.C. 552a (d)(1) and (e)(1).

(1) Grants of Confidentiality Files (GCF) (JUSTICE/DEA-022).

(2) DEA Applicant Investigations (JUSTICE/DEA-024).

tion is accurate, relevant, timely and complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light and the accuracy of such information can only be determined in a court of law. The restrictions imposed by subsection (e)(5) would restrict the ability of trained investigators and intelligence analysts to exercise their judgment in reporting on investigations and impede the development of criminal intelligence necessary for effective law enforcement.

(9) From subsection (e)(8) because the individual notice requirements could present a serious impediment to law enforcement by interfering with the Drug Enforcement Administration's ability to issue administrative techniques and procedures.

(10) From subsection (f) because these systems have been exempted from the access provisions of subsection (d).

(11) From subsections (g) and (h) because these systems are compiled for law enforcement purposes and have been exempted from the access provisions of subsections (d) and (f).

(e) The following systems of records are from 5 U.S.C. 552a (d)(1) and (e)(1).

(1) Grants of Confidentiality Files (GCF) (JUSTICE/DEA-022).

(2) DEA Applicant Investigations (JUSTICE/DEA-024).

These exemptions apply only to the extent that information in these systems is subject to exemption pursuant to 5 U.S.C. 552a(k)(5).

(f) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsections (d)(1) because many persons are contacted who, without an assurance of anonymity, refuse to provide information concerning an applicant for a grant of confidentiality with DEA. Permitting access to the information supplied by persons after a promise of confidentiality has been given could reveal the identity of the source of the information and constitute a breach of the promised confidentiality on the part of the Drug Enforcement Administration. Such breaches ultimately would restrict the free flow of information vital to a determination of an applicant's qualifications for a grant.

(2) From (e)(1) because in the collection of information for investigative and evaluative purposes, it is impossible to determine in advance what exact information may be of assistance in determining the qualifications and suitability of a candidate. Information which may appear irrelevant, when combined with other apparently irrelevant information can on occasion provide a composite picture of an applicant which assists in determining

whether a grant of confidentiality is warranted.

(g) The following system of records is exempted pursuant to the provisions of 5 U.S.C. 552a(j)(2) from subsections (c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G), (H) and (I), (e) (5) and (8), (f), and (g) of 5 U.S.C. 552a; in addition, the following system of records is exempted pursuant to the provisions of 5 U.S.C. 552a (k)(1) and (k)(2) from subsections (c)(3), (d), (e)(1), (e)(4) (G), (H) and (I), and (f) of 5 U.S.C. 552a:

Freedom of Information/Privacy Act Records (Justice/DEA-010).

These exemptions apply only to the extent that the records contained in this system have been obtained from other systems of records maintained by the Drug Enforcement Administration for which exemptions from one or more of the foregoing provisions of the Privacy Act of 1974 have been promulgated. The exemption claimed for this system of records applies only to records obtained from such other Drug Enforcement Administration systems and only to the same extent as the records contained in such other systems have been exempted.

(h) The system of records listed under paragraph (G) of this section is exempted for the following reasons:

(1) In the course of processing requests for records pursuant to the Freedom of Information Act (5 U.S.C. 552) or for access or correction of records pursuant to the Privacy Act (5 U.S.C. 552a), it is frequently necessary to search for records in systems or records for which exemptions have been claimed pursuant to 5 U.S.C. 552a (j) or (k). When records are located in said systems, it is frequently necessary to prepare copies for the purpose of consulting with agency personnel or with other agencies, either with regard to determining whether or to what extent the records should be disclosed, or access provided, or correction made or denied, or for review in the event of administrative appeal or judicial review.

(2) If records otherwise exempt pursuant to published rules should lose their exempt character when taken from such exempt systems for the purpose of compliance with the Freedom of Information Act and the Privacy Act in reviewing such records and making determination with regard to disclosure, access, and the Department of Justice in claiming correction, the purpose of the Privacy Act in providing such exemptions, and such exemptions would be defeated and nullified. The proper, efficient, and timely processing of citizens' requests pursuant to said Acts would be hindered and impeded.

§ 16.99 Exemption of Immigration and Naturalization Service System—Limited access.

(a) The following subsystems of the Immigration and Naturalization Service Index System are exempt from 5 U.S.C. 552a (c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G), (H) and (I), (e) (5) and (8), (f), (g), and (h):

(1) Agency Information Control Record Index.

(2) Alien Enemy Index.

(3) Centralized Index.

(4) Congressional Mail Unit Index.

(5) Air Detail Office Index.

(6) Anti-smuggling Index (general).

(7) Anti-smuggling Information Centers Systems for Canadian and Mexican Borders.

(8) Border Patrol Sectors General Index System.

(9) Contact Index.

(10) Criminal, Immoral, Narcotic, Racketeer and Subversive Indexes.

(11) Enforcement Correspondence Control Index System.

(12) Document Vendors and Alterers Index.

(13) Informant Index.

(14) Suspect Third Party Index.

(15) Examination Correspondence Control Index.

(16) Extension Training Enrollee Index.

(17) Intelligence Index.

(18) Naturalization and Citizenship Indexes.

(19) Personnel Investigations Unit Indexes.

(20) Service Look-Out Subsystem.

(21) White House and Attorney General Correspondence Control Index.

(22) Fraudulent Document Center Index.

(23) Emergency Reassignment Index.

(24) Alien Documentation, Identification, and Telecommunication (ADIT) System.

These exemptions apply to the extent that information in these subsystems is subject to exemption pursuant to 5 U.S.C. 552a (j) and (k).

(b) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because the release of the disclosure accounting for disclosure pursuant to the routine uses published for these subsystems would permit the subject of a criminal or civil investigation to obtain valuable information concerning the nature of that investigation and present a serious impediment to law enforcement.

(2) From subsection (c)(4) since an exemption is being claimed for subsection (d), this subsection will not be applicable.

(3) From subsection (d) because access to the records contained in these subsystems would inform the subject of a criminal or civil investigation of the existence of that investigation.

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tion, provide the subject of the investigation with information that might enable him to avoid detection or apprehension, and present a serious impediment to law enforcement.

(4) From subsection (e)(1) because in the course of criminal or civil investigations, the Immigration and Naturalization Service often obtains information concerning the violation of laws other than those relating to violations over which INS has investigative jurisdiction. In the interests of effective law enforcement, it is necessary that INS retain this information since it can aid in establishing patterns of criminal activity and provide valuable leads for those law enforcement agencies that are charged with enforcing other segments of the criminal law.

(5) From subsection (e)(2) because in a criminal or civil investigation, the requirement that information be collected to the greatest extent possible from the subject individual would present a serious impediment to law enforcement in that the subject of the investigation would be placed on notice of the existence of the investigation and would therefore be able to avoid detection or apprehension.

(6) From subsection (e)(3) because the requirement that individuals supplying information be provided with a form stating the requirements of subsection (e)(3) would constitute a serious impediment to law enforcement in that it could compromise the existence of a confidential source of information and endanger the life or physical safety of confidential informants.

(7) From subsection (e)(4) (G) and (H) because these subsystems of records are exempt from individual access pursuant to subsection (j) of the Privacy Act of 1974.

(8) From subsection (e)(4)(I) because the Immigration and Naturalization Service maintains the confidentiality of sources of information in order to protect their privacy and physical safety and to maintain the confidentiality of their cooperation. The publication of categories of sources would constitute a breach of confidentiality on the part of formation essential to effective law enforcement.

(9) From subsection (e)(5) because in the collection of information for law enforcement purposes it is impossible to determine in advance what information is accurate, relevant, timely, and complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light and the accuracy of such information can only be determined in a court of law. The restrictions of subsection (e)(5) would restrict the ability of trained investigators and intelligence analysts to exercise their judgment in reporting on investigations and impede the development of criminal

intelligence necessary for effective law enforcement.

(10) From subsection (e)(8) because the individual notice requirements of subsection (e)(8) could present a serious impediment to law enforcement as this could interfere with the Immigration and Naturalization Service's ability to issue administrative subpoenas and could reveal investigative techniques and procedures.

(11) From subsection (f) because these subsystems of records have been exempted from the access provisions of subsection (d).

(12) From subsection (g) because these subsystems of records are compiled for law enforcement purposes and have been exempted from the access provisions of subsections (d) and (f).

(13) From subsection (h) because to permit the parent of any minor, or the legal guardian of an individual who has been legally declared incompetent to obtain access to a record which is exempt to the individual would be a serious impediment to law enforcement in that it would enable the individual by himself or through the aid of others, to avoid detection or apprehension.

(14) In addition, these subsystems of records are exempt from compliance with the following provisions of the Privacy Act of 1974 (5 U.S.C. 552a), subsections (c)(3), (d), (e)(14) (G), (H) and (I), and (f) to the extent that the records contained in these subsystems are classified pursuant to Executive order.

(c) The Border Patrol Academy Index Subsystem is exempt from 5 U.S.C. 552a (d) and (f).

This exemption applies only to the extent that information in this subsystem is subject to exemption pursuant to 5 U.S.C. 552a(k).

(d) Exemptions for the particular subsections are justified for the following reasons:

(1) From subsection (d) because exemption is claimed only for those testing and examination materials used to determine an individual's qualifications for retention and promotion in the Immigration and Naturalization Service. This is necessary to protect the integrity of testing materials and to insure fair and uniform examinations.

(2) From subsection (f) because the subsystem of records has been exempted from the access provisions of subsection (d).

#### §16.100 Exemption of Law Enforcement Assistance Administration System—Limited access.

(a) The following system of records is exempt from 5 U.S.C. 552a (d), (e)(4) (G) and (H), and (f):

(1) Investigative System JUSTICE/LEAA-003.

These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552(k).

(b) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (d) because access to the investigation records contained in this system would inform the subject of an investigation of an actual or potential criminal violation of the existence of that investigation, of the nature and scope of the information and evidence obtained as to his activities, of the identity of witnesses and informants, or would provide information that could enable the subject to avoid detection or apprehension. These factors would present a serious impediment to effective law enforcement because they could prevent the successful completion of the investigation.

(2) From subsections (e)(4) (G) and (H) because an exemption is being claimed from subsection (d).

(3) From subsection (f) because notice to an individual pursuant to this subsection as to the existence of records pertaining to him dealing with an actual or potential criminal investigation or prosecution must be exempt because such notice to an individual would be detrimental to the successful conduct and/or completion of an investigation or prosecution, pending or future. Additionally, mere notice of the fact of an investigation could inform the subject or others that their activities are under or may come under an investigation and could enable the subjects to avoid detection or apprehension, to destroy evidence, and to fabricate testimony.

(c) Consistent with the legislative purpose of the Privacy Act of 1974, the Law Enforcement Assistance Administration will grant access to non-exempt material in the Investigative System (JUSTICE/LEAA-003). Disclosure to subjects of records contained in this system will be governed by the Department's Privacy Regulations but will be limited to the extent that subjects of an investigation of an actual or potential criminal violation will not be alerted to the investigation, the physical safety of witnesses, and law enforcement personnel, the privacy of third parties will not be violated, and that the disclosure would not otherwise present an impediment to effective law enforcement. Whenever possible, information of the above nature will be deleted from the requested documents and the balance made available. Decisions to release information from this system will be made on a case-by-case basis.

#### §16.101 Exemption of U.S. Marshals Service Systems—Limited access, as indicated.

(a) The following system of records is exempt from 5 U.S.C. 552a (c) (3)

and (4), (d), (e)(2) and (3), (e)(4) (G) and (H), (e)(8), and (f) and (g):

(1) Warrant Information System (JUSTICE/USM-007).

These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(j).

(b) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because the release of disclosure accounting for disclosures made pursuant to subsection (b) of the Act, including those permitted under routine uses published for this system of records would permit a person to determine whether he is the subject of a criminal investigation, and to determine whether a warrant has been issued against him, and therefore present a serious impediment to law enforcement.

(2) From subsection (c)(4) since an exemption is being claimed for subsection (d) of the Act, this section is inapplicable.

(3) From subsection (d) because access to records would inform a person for whom a federal warrant has been issued of the nature and scope of information obtained as to his activities, of the identity of informants, and afford the person sufficient information to enable the subject to avoid apprehension. These factors would present a serious impediment to law enforcement in that they would thwart the warrant process and endanger lives of informants etc.

(4) From subsection (e)(2) because the requirement that information be collected to the greatest extent practical from the subject individual would present a serious impediment to law enforcement because the subject of the investigation or prosecution would be placed on notice as to the existence of the warrant and would therefore be able to avoid detection or apprehension.

(5) From subsection (e)(3) because the requirement that individuals supplying information be provided with a form stating the requirements of subsection (e)(3) would constitute a serious impediment to law enforcement in that it could compromise the existence of a confidential investigation or reveal identity of confidential informants.

(6) From subsections (e)(4) (G) and (H) since an exemption is being claimed for subsections (f) and (d) of the Act, these subsections are inapplicable.

(7) From subsection (e)(8) because the individual notice requirement of this subsection would present a serious impediment to law enforcement in that it would give persons sufficient warning to avoid warrants, subpoena, etc.

(8) From subsection (f) because procedures for notice to an individual pursuant to subsection (f)(1) as to exist-

tence of records pertaining to him dealing with warrants must be exempted because such notice to individuals would be detrimental to the successful service of a warrant. Since an exemption is being claimed for subsection (d) of the Act the rules required pursuant to subsections (f) (2) through (5) are inapplicable to this system of records.

(9) From subsection (g) since an exemption is being claimed for subsection (d) and (f) this section is inapplicable and is exempted for the reasons set forth for these subsections.

(c) The following system of records is exempt from 5 U.S.C. 552a (c) (3) and (4), (d), (e) (2) and (3), (e)(4) (G) and (H), (e)(8), (f)(2) and (g):

(1) Witness Security System (JUSTICE/USM-008).

These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(j)(2).

(d) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because the release of the disclosure accounting for disclosures made pursuant to subsection (b) of the Act including those permitted under routine uses published for this system of records would hamper the effective functioning of the Witness Security Program which by its very nature requires strict confidentiality vis-a-vis the records.

(2) From subsection (c)(4) for the reason stated in (b)(2) of this section.

(3) From subsection (d) because the United States Marshals Service Witness Security Program aids efforts of law enforcement officials to prevent, control or reduce crime. Access to records would present a serious impediment to effective law enforcement through revelation of confidential sources and through disclosure of operating procedures of the program, and through increased exposure of the program to the public.

(4) From subsection (e)(2) because in the Witness Security Program the requirement that information be collected to the greatest extent possible from the subject individual would constitute an impediment to the program, which is sometimes dependent on sources other than the subject witness for verification of information pertaining to the witness.

(5) From subsection (e)(3) for the reason stated in (b)(5) of this section.

(6) From subsections (e)(4) (G) and (H) for the reason stated in (b)(6) of this section.

(7) From subsection (e)(8) for the reason stated in (b)(7) of this section.

(8) From subsection (f)(2) since an exemption is being claimed for subsection (d) of the Act the rules required pursuant to subsection (f) (2) through (5) are inapplicable to this system of records.

(9) From subsection (g) for the reason stated in (b)(9) of this section.

(e) The following system of records is exempt from 5 U.S.C. 552 (c) (3) and (4), (d), (e) (2) and (3), (e)(4) (G) and (H), (f) and (g):

(1) Internal Inspection Information System (JUSTICE/USM-002)—Limited access.

These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(k)(5).

(f) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because the release of the disclosure accounting for disclosures made pursuant to subsection (b) of the Act where disclosure of such record would reveal a source who furnished information to the government in confidence.

(2) From subsection (a)(4) for the reason stated in (b)(2) of this section.

(3) From subsection (d) because access to information in this system which was obtained from a confidential source would impede the effective investigation into employee conduct for purposes of determining suitability, eligibility, or qualifications for Federal employment in that it would inhibit furnishing of information by sources which desire to remain confidential.

(4) From subsection (e)(2) for the reason stated in (b)(4) of this section.

(5) From subsection (e)(3) for the reason stated in (b)(5) of this section.

(6) From subsections (e)(4) (G) and (H) for the reason stated in (b)(6) of this section.

(7) From subsection (f) for the reason stated in (b)(8) of this section.

(8) From subsection (g) for the reason stated in (b)(9) of this section.

(g) Consistent with the legislative purpose of the Privacy Act of 1974, the United States Marshals Service will grant access to nonexempt material in records which are maintained by the Service. Disclosure will be governed by the Department's Privacy Regulations, but will be limited to the extent that the identity of confidential sources will not be compromised; subjects of an investigation of an actual or potential criminal, civil or regulatory violation will not be alerted to the investigation; the physical safety of witnesses, informants and law enforcement personnel will not be endangered; the privacy of third parties will not be violated; and that the disclosure would not otherwise impede effective law enforcement. Whenever possible, information of the above nature will be deleted from the requested documents and the balance made available. The controlling principle behind this limited access is to allow disclosures except those indicated above. The decisions to release information from this system will be made on a case-by-case basis.



## Title 45—Public Welfare

CHAPTER X—COMMUNITY SERVICES  
ADMINISTRATIONPART 1006—PRIVACY ACT  
REGULATIONS

- Sec.  
1006.1 Purpose and scope.  
1006.2 Definitions.  
1006.3 Procedures for requests pertaining to individual records in a records system.  
1006.4 Times, places, and requirements for identification of individuals making requests.  
1006.5 Disclosure of requested information to individuals.  
1006.6 Special procedures: medical records.  
1006.7 Request for correction or amendment to record.  
1006.8 Agency review of request for correction or amendment of record.  
1006.9 Appeal of initial adverse agency determination on correction or amendment or access.  
1006.10 Disclosure of record to person other than the individual to whom it pertains.  
1006.11 Fees.  
1006.12 Penalties.  
1006.13 General exemptions.  
1006.14 Specific exemptions.

Appendix A—Addresses of Privacy Act Officer and Privacy Act Reviewing Officers.

Appendix B—Systems of Records Noticed by Other Agencies and Applicable to CSA.

AUTHORITY: 5 U.S.C. 552a.

## § 1006.1 Purpose and scope.

(a) The purpose of this part is to establish policies and procedures for implementing the Privacy Act of 1974 (Pub. L. 93-579), particularly 5 U.S.C. 552a as added by the Act. The main objectives are to facilitate full exercise of rights conferred on individuals under the Act and to insure the protection of privacy as to individuals on whom CSA maintains records in systems of records under the Act. CSA accepts the responsibility to act promptly and in accordance with the Act upon receipt of any inquiry, request or appeal from a citizen of the United States or an alien lawfully admitted for permanent residence into the United States. Further, CSA accepts the obligations to maintain only such information on individuals as is relevant and necessary to the performance of its lawful functions, to maintain that information with such accuracy, relevancy, timeliness and com-

pleteness as is reasonably necessary to assure fairness in determinations made by CSA about the individual, to obtain information from the individual to the extent practicable, and to take every reasonable step to protect that information from unwarranted disclosure. CSA will maintain no record describing how an individual exercise rights guaranteed by the First Amendment unless expressly authorized by statute or by the individual about whom the record is maintained, or unless pertinent to and within the scope of an authorized law enforcement activity.

(b) Matters outside the scope of this part include the following:

(1) Requests under the Freedom of Information Act (5 U.S.C. 552).

(2) Requests involving information pertaining to an individual which is in a record or file but not within the scope of a system of records notice published in the FEDERAL REGISTER.

## § 1006.2 Definitions.

(a) All terms used in this part which are defined in 5 U.S.C. 552a shall have the same meaning herein.

(b) As used in this part:

(1) The term "Act" means the Privacy Act of 1974, Pub. L. 93-579.

(2) The term "CSA" means the Community Services Administration, formerly Office of Economic Opportunity (OEO).

(3) The term "Privacy Act Officer" means the official who carries the responsibility for implementing and overseeing the Act in the Community Services Administration, making final determinations on appeals and preparing rules and notices for publication in the FEDERAL REGISTER and reports to Congress, OMB and the President.

(4) The term "Privacy Act Reviewing Officer" means the official designated at a specified CSA geographical location to oversee implementation of the Privacy Act within that designated area, to administer the records management program and related training program within his jurisdiction, to act as liaison between the Privacy Act Officer and System Managers, to assist local System Manager on Privacy Act access and amendment requests.

(5) The term "System Manager" means the official responsible for the operation, maintenance, accuracy, security, and use of a stated system of records and the individual who will receive and act upon requests to access,

amend, annotate or copy an individual's record in that system.

(6) The term "inquiry" means either a communication asking for general information regarding the Act and/or CSA regulations thereunder or a communication from an individual asking if CSA maintains any record in a system of records pertaining to him or her.

(7) The term "inquirer" means any individual directing an inquiry, as defined above, to CSA.

(8) The term "request" means any written communication seeking disclosure or correction and/or amendment of a record or a copy of a record under the provisions of the Act.

(9) The term "requester" means any individual submitting a request, as defined above, to CSA.

(10) The term "appeal" means a written communication asking CSA to review and reverse an initial denial of a request for correction or amendment of a record.

(11) The term "working days" means Monday through Friday, excepting Federal holidays.

## § 1006.3 Procedures for requests pertaining to individual records in a record system.

(a) Pursuant to 5 U.S.C. 552a(d)(1), any individual has the right to inquire concerning records pertaining to him and to request disclosure thereof without giving any justification for his inquiry or request. An individual may not request disclosure of records not pertaining to him under this Act (see § 1006.12 for penalties). CSA will respond to any inquiry or request concerning records maintained by CSA according to the procedures set out in this part.

(b)(1) An inquiry under the Privacy Act may be made either in person or by mail addressed to the appropriate system manager (see CSA notice of systems of records published in this issue) at 1200 19th Street, N.W., Washington, D.C. 20506, if the record is maintained in CSA Headquarters or to the appropriate system manager in the appropriate Regional Office, if the record is maintained in a Regional Office (see CSA notice of systems of records published in this issue). If the inquirer is unsure where the record is maintained, if he cannot locate the system manager, or if he believes CSA maintains a record pertaining to him, but does not know which system of re-

cords might contain it, he may seek assistance in person from any Privacy Act Reviewing Officer listed in Appendix A to this part, or he may write to Privacy Act Officer, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506. The offices of Privacy Act Reviewing Officers and System Managers in CSA Headquarters are open to the public 9:30 a.m. to 5:00 p.m. on working days; for the Regional Office see "Geographical Guidance for Accessing Systems of Records" published in the CSA Notice of Systems of Records.

(2) An inquiry submitted by mail should be identified prominently both on the envelope and within the text as a "Privacy Act Request."

(c) If an inquiry is for general information regarding the Act and CSA regulations thereunder, no particular information is required. If an inquiry asks that CSA determine whether it maintains a record pertaining to the inquirer, the following information should be submitted:

(1) Name, address, telephone number (optional) and signature of the inquirer;

(2) Name, address and telephone (optional) of the individual to whom the record pertains, if the inquirer is either the parent of a minor or the legal guardian of the individual to whom the record pertains, and a certified or authenticated copy of documents establishing parentage or guardianship;

(3) Whether the individual to whom the record pertains is a citizen of the United States or an alien lawfully admitted for permanent residence into the United States;

(4) Name of the system of records, as published in the FEDERAL REGISTER;

(5) Location of the system of records, published in the FEDERAL REGISTER;

(6) Such additional information as the inquirer believes might assist CSA in responding to the inquiry and in verifying identity (for example, date of birth, place of birth, names of parents, place of work, dates of employment, position title, etc.);

(d)(1) The effect of failure to provide the information listed in (c)(1)-(6) of this section may be to delay or prevent CSA's answering the inquiry.

(2) CSA reserves the right to require compliance with the procedures appearing at § 1006.4 (b) or (c) where circumstances warrant.

(e) CSA will make every effort to answer each inquiry within 10 working days of its receipt. If this is not possible, CSA will send an acknowledgment to the inquirer, informing him of the status of the inquiry and asking for any further information needed in processing it. Absent unusual circumstances (as described in § 1006.5(b)(2)), all inquiries will be answered within 30 working days of their receipt.

## § 1006.4 Times, places, and requirements for identification of individuals making requests.

(a) Any individual may request access to records pertaining to him or her. The requester should make his request either by mail or in person to the appropriate system manager as provided in § 1006.3(b)(1)—see CSA notice of systems of records published in this issue—and if unable to ascertain the appropriate system manager, to the appropriate Privacy Act Reviewing Officer or to the Privacy Act Officer (see Appendix A).

(b) All requests submitted by mail must:

(1) Be signed by the requester and include his address and (optional) his telephone number.

(2) Be identified prominently both on the envelope and in the letter as "Privacy Act Request."

(3) A statement signed by the requester that "I am aware that I am liable to criminal penalties under the Privacy Act, 5 U.S.C. 552a(i)(3) if I request a record under false pretenses."

(c) Each individual making a request in person will be required to:

(1) Sign and date a statement that "I am requesting access to the following record(s) under the Privacy Act, I have read 5 U.S.C. 552a(i)(3), and I am aware that I am liable to criminal penalties thereunder if I request a record under false pretenses."

(2) Furnish a reasonable amount of personal identification equivalent to that normally required for such commercial transactions as the acceptance of a personal check—i.e. employment identification card, driver's license, credit cards.

(3) In the case of especially sensitive records, CSA may seek independent verification of a requester's identity by such means as telephone calls to his home or business address, personal identification by CSA employees, or other means which may seem appropriate.

(d)(1) The disclosure of the information listed in paragraphs (b) and (c) of this section is voluntary, the effects of not providing it may be to prevent or delay the processing of his request and the information furnished will be used only to process his request or to enforce the provisions of 5 U.S.C. 552a(i)(3)—see § 1006.12 and paragraphs (b) and (c) of this section.

(2) When requesting the information listed in paragraph (c), the system manager shall inform the requester of the matters stated in paragraph (d)(1) of this section.

(3) If a requester refuses to or is unable to comply with paragraph (b) or (c) of this section, CSA will consider alternative suggestions from the requester for establishing his identity. However, acceptance of such sugges-

tions is at the discretion of CSA and failure to comply with paragraph (b) or (c) of this section may altogether prevent the processing of a request.

(e) An individual acting as the parent of a minor or the legal guardian of the individual to whom a record pertains shall establish his or her personal identity in the same manner prescribed in either § 1006.4 (b) or (c). In addition, such an individual shall establish his or her identity in the representative capacity of parent or legal guardian. In the case of a legal guardian of an individual who has been declared incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, the proof of identity shall be a certified or authenticated copy of the court's order. A parent or legal guardian may act only for a living individual, not for a decedent.

## § 1006.5 Disclosure of requested information to individuals.

(a) Within 10 working days of the receipt of a request by the appropriate system manager, he shall send the requester a written acknowledgment thereof, unless the request has been answered within this period. This acknowledgment shall include the date of his receipt thereof (which may be considerably delayed if a request by mail is not addressed and marked as required by § 1006.4(b) (1) and (2) or if the requester has been unable to identify the appropriate system manager) and shall inform the requester of any further information needed in the processing of the request. Pursuant to 5 U.S.C. 552a(e)(3), CSA shall inform the requester whether such information is required to process the request under the Privacy Act or if it would merely facilitate processing the request. CSA shall also inform him that disclosure thereof is voluntary, that there is no penalty for failure to respond, that the effects of not providing the information may be to prevent or delay the processing of his request, and that the information furnished will be used only to process his request or for enforcement of the provisions of 5 U.S.C. 552a(i)(3)—see § 1006.12.

(b)(1) CSA will attempt whenever possible to review and answer requests within 10 working days of their receipt by the appropriate system manager. Absent unusual circumstances (as described below), CSA will answer a request within 30 working days of the receipt thereof by the system manager, or within 20 working days of his receipt of the further information requested.

(2) "Unusual circumstances" shall include circumstances where a search for and collection of requested records from inactive storage, field facilities or other establishments is required, cases where a voluminous amount of data is

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involved, instances where information on other individuals must be separated or expunged from the particular record, and cases where consultation with other agencies having a substantial interest in the determination of the request is necessary.

(c) *Grant of access*—(1) *Notification*. An individual shall be granted access to a record pertaining to him or her, except where the provisions of paragraph (h) of this section apply. The Privacy Act Officer shall notify the individual of such determination and provide the following information:

(i) The methods of access, as set forth in paragraph (c)(2) of this section.

(ii) The place at which the record may be inspected.

(iii) The earliest date on which the record may be inspected and the period of time that the records will remain available for inspection. In no event shall the earliest date be later than thirty days from the date of notification.

(iv) The estimated date by which a copy of the record could be mailed and the estimate of fees pursuant to § 1006.11 of this part. In no event shall the estimated date be later than thirty days from the date of notification.

(v) The fact that the individual, if he or she wishes, may be accompanied by another individual during personal access, subject to the procedures set forth in paragraph (g) of this section.

(vi) Any additional requirements needed to grant access to a specific record.

(2) *Methods of access*. The following methods of access to records by an individual may be available depending on the circumstances of a given situation:

(i) Inspection in person may be had in the office specified by the system manager granting access, during the hours indicated in § 1006.3(b)(1).

(ii) Transfer of records to a Federal facility more convenient to the individual may be arranged, but only if the system manager determines that a suitable facility is available, that the individual's access can be properly supervised at that facility, and that transmittal of the records to that facility will not unduly interfere with operations of CSA or involve unreasonable costs, in terms of both money and manpower.

(iii) Copies may be mailed at the request of the individual, subject to payment of the fees prescribed in section 1006.11 of this part. CSA, at its own initiative, may elect to provide a copy by mail, in which case no fee will be charged.

(d) Access to medical records is governed by the provisions of § 1006.6.

(e) CSA shall supply such other information and assistance at the time of access as to make the record intelligible to the individual.

(f) CSA reserves the right to limit access to copies and abstracts of original records, rather than the original records. This election would be appropriate, for example, when the record is in automated data media such as tape or disc, when the record contains information on other individuals, and when deletion of information if permissible under exemptions (for example, 5 U.S.C. 552a(k)(2)). In no event shall original records of CSA be made available to the individual except under the immediate supervision of the system manager or his designee. Title 18, United States Code, section 270(a) makes it a crime to conceal, mutilate, obliterate, or destroy any record filed in a public office, or to attempt to do any of the foregoing.

(g) A requester may be accompanied by one other individual of his or her choice. The requester shall submit to the system manager a signed, dated authorization of the presence of the other individual, specifically naming the other individual and describing the record requested. The other individual shall also sign this authorization in the presence of the system manager. A requester shall not be asked to give any reason for deciding to be accompanied by another individual during personal access to a record.

(h) A requester may be denied access to a record pertaining to him or her only upon a determination by a system manager that:

(1) The record is subject to an exemption under § 1006.13 or § 1006.14, including an exemption determined by another agency as discussed in § 1006.13(b);

(2) The record is information compiled in reasonable anticipation of a civil action or proceeding;

(3) The requester has unreasonably failed to comply with the procedural requirements of this part.

(i) The system manager shall notify the requester in writing of denial of access to records and this notice shall include the following information:

(1) The system manager's name and title or position;

(2) The date of the denial;

(3) The reasons for the denial including appropriate citations to the Act and/or these regulations;

(4) The procedures for seeking further administrative review of the denial, including the name and identity of the responsible official.

(j) If a request is partially granted and partially denied, the system manager shall follow the appropriate procedures of this section as to the records within the grant and those within the denial.

#### § 1006.6 Special procedures: medical records.

(a) Whenever a requester seeks access to his medical records the

system manager will ask the requester for:

(1) The name and address of his physician or psychologist;

(2) Specific, written consent for CSA to consult this physician or psychologist if CSA believes such consultation advisable;

(3) Specific, written consent for CSA to provide these records to this physician or psychologist if CSA believes the requester's access thereto should be effected under the guidance of his physician or psychologist.

(b) The system manager will concurrently forward the requester's medical record to a CSA medical officer for review and a determination whether consultation with and/or transmittal of this record to the requester's physician or psychologist is indicated. If the medical officer finds either or both of these procedures to be indicated, he shall proceed accordingly. In any event, the medical officer shall inform the system manager regarding the recommended conditions for the requester's access to his or her medical records.

(c) If the requester refuses to give any or all of the information sought under section (a)(1) or refuses the consents sought under (a)(2) and (a)(3) and the CSA medical officer has found that disclosure without safeguards would be likely to have an adverse effect on him or her, CSA will refuse the requester access to the records, following the procedures of § 1006.5(1).

(d) When asking for the information and consents listed in section (a) the system manager shall inform the requester that response is purely voluntary, that there is no penalty for refusal to respond, that the effects of not responding or of a partial response may be as stated in section (c), and that the information and consents given will be used only to process the request and will be destroyed when it has been answered.

#### § 1006.7 Request for correction or amendment to record.

(a) Pursuant to 5 U.S.C. 552a(d)(2) any individual has the right to request a correction or amendment of a record or records pertaining to him, including the deletion of material or the inclusion of additional material therein. An individual may not seek amendment of records not pertaining to him under this Act (see § 1006.12 for penalties). CSA will respond to any request for such records maintained by CSA according to the procedures set out in this part, except that requests for amendment of records originating in another agency will be referred to that agency within ten working days and notice of such referral will be sent to the requester.

(b) All requests for correction or amendment of records must:

(1) Be submitted in writing, be signed by the requester, and include his address and (optional) his telephone number;

(2) Specify the record(s) and system(s) of records involved (e.g. description, title, date and portion of record to be corrected or amended);

(3) Specify the exact changes requested indicating specific deletions, substitutions, and additions (submission of an edited copy of the record(s) showing all changes requested is desirable as it would facilitate consideration of the request and prevent misunderstanding of the changes requested).

(4) State that the request is made pursuant to the Privacy Act—for requests by mail, the letter should be identified prominently both on the envelope and within the text as a "Privacy Act Request."

(5) Be addressed or presented in person to the appropriate system manager as provided for inquiries in § 1006.3(b)(1) (see CSA notice of systems of records published in this issue for appropriate system manager).

(6) Include a statement of the basis for the requested correction or amendment, with all supporting documents and materials the requester believes relevant; this statement should, at a minimum, identify the standard(s) under the Act which the requester wishes to invoke—i.e. whether the information in the record is unnecessary, irrelevant, inaccurate, or incomplete (see 5 U.S.C. 552a(e)(5)).

(c) Special identification requirements:

Normally a request for correction or amendment of a record will have been preceded by a request for disclosure of this record under § 1006.4. If the requester has already identified himself, no proof of his identity other than his signature (see § 1006.7(b)(1)) will normally be required. In the event that CSA is not satisfied as to the requester's identity, the requester may be required to comply with the requirements for identification set forth in § 1006.4(b). In such cases, CSA will notify the requester within 10 days of the identification required and will proceed with the processing of his request, but will not comply with or deny the request until requester furnishes the required identification.

#### § 1006.8 Agency review of request for correction or amendment of record.

(a) Within 10 working days from the receipt of a request by the appropriate system manager, he shall send the requester a written acknowledgement of the receipt thereof, unless the request has been answered within this period. This acknowledgement shall follow the format indicated in § 1006.5(a).

(b) (1) CSA will attempt whenever possible to review and answer requests

within 10 working days of their receipt by the appropriate system manager. Absent unusual circumstances (as described in § 1006.5(b)(2)), CSA will answer a request within 30 days of the receipt thereof by the system manager, or within 20 working days of his receipt of the further information requested.

(2) If owing to unusual circumstances, CSA cannot make a determination within these time limits, the requester will be advised in writing of the reason therefor and the estimated date by which the response will be made.

(c) In its response, CSA will either:

(1) Make the requested correction or amendment and advise the individual in writing of such action, providing either a copy of the corrected or amended record or a statement as to the means whereby the correction or amendment was effected in cases where a copy cannot be provided (for example, erasure of information from a record maintained only in an electronic data bank); or

(2) Inform the individual in writing that his or her request is denied and provide the following information:

(i) The system manager's name and title and position;

(ii) The date of the denial;

(iii) The reasons for the denial including citation to the appropriate sections of the Act and this part; and

(iv) The procedures for appeal of the denial as set forth in § 1006.9 including the name and address of the Privacy Act Officer.

(d) Whenever an individual's record is corrected or amended pursuant to a request by that individual, the system manager shall see to the notification of all persons and agencies to which the corrected or amended position of the record has been disclosed prior to its correction or amendment, if an accounting of such disclosure required by the Act was made. The notification shall require a recipient agency maintaining the record to acknowledge receipt of the notification, to correct or amend the record and to apprise any agency or person to which it had disclosed the record of the substance of the correction or amendment.

(e) The following criteria will be considered by the system manager in reviewing a request for correction or amendment:

(1) The sufficiency of the evidence submitted by the individual;

(2) The factual accuracy of the information;

(3) The relevance and necessity of the information in terms of purpose for which it was collected;

(4) The timeliness and currency of the information in light of the purpose for which it was collected;

(5) The completeness of the information in terms of the purpose for which it was collected;

(6) The degree of possibility that denial of the request could unfairly result in determinations adverse to the individual;

(7) The character of the record sought to be corrected or amended; and

(8) The propriety and feasibility of complying with the specific means of correction or amendment requested by the individual.

(f) CSA will not undertake to gather evidence for the individual; but does reserve the right to verify the evidence which the individual submits.

(g) Correction or amendment of a record requested by an individual will be denied only upon a determination by the system manager that:

(1) The individual has failed to establish, by a preponderance of the evidence, the propriety of the correction or amendment in light of the criteria set forth in paragraph (e) of this section;

(2) The record sought to be corrected or amended was compiled in a terminated judicial, quasi-judicial or quasi-legislative proceeding to which the individual was a party or participant;

(3) The information in the record sought to be corrected or amended, or the record sought to be amended, is the subject of a pending judicial, quasi-judicial or quasi-legislative proceeding to which the individual is a party or participant;

(4) The correction or amendment would violate a duly enacted statute or promulgated regulation; or

(5) The individual unreasonably has failed to comply with the procedural requirements of this part.

(h) If a request is partially granted and partially denied, the system manager shall follow the appropriate procedures of this section as to the records within the grant and the records within the denial.

#### § 1006.9 Appeal of initial adverse agency determination on correction or amendment or access.

(a) When a request has been denied under §§ 1006.5 or 1006.8, the requester may appeal the denial to the Privacy Act Officer, Office of Administration, Community Services Administration, 1200 19th Street, NW., Washington, D.C. 20506. An appeal should be identified both on the envelope and in the text as a Privacy Act Appeal.

(b) An appeal shall include a copy of the original request, the initial denial, and a statement of the reasons why the requester believes the initial denial to be in error. The Privacy Act Officer may seek additional information needed to assure that his final determination is fair and equitable; in such instances, the additional information shall be disclosed to the requester to the greatest extent possible and he

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shall be allowed an opportunity to comment thereon. No personal appearance or hearing will be allowed.

(c) The Privacy Act Officer shall determine the appeal and mail his determination in writing to the requester within 30 days of his receipt of the appeal, unless the Director of CSA extends this period for an additional 30 working days at the request of the Privacy Act Officer. The Director shall take such an extension only if he deems it necessary for a fair and equitable determination of the appeal and he shall notify the requester of the reasons for any such extension.

(d) If the appeal is determined in favor of the requester, the final determination shall be an order for full or partial release of the documents requested or shall include the specific corrections or amendments to be made and a copy thereof shall be transmitted promptly both to the individual and to the system manager who issued the initial denial. Upon receipt of such final determination, the system manager shall promptly take the actions set forth in § 1006.8(b)(1) and (c).

(e) If the appeal is denied, the final determination shall be transmitted promptly to the individual and shall cite the reasons for the denial. The notice of final determination shall also include the following information:

(1) That the individual has a right to file a concise statement of reasons for disagreeing with the final determination; the statement ordinarily should not exceed one page and CSA reserves the right to reject a statement of excessive length; such a statement shall be filed with the Privacy Act Officer, should identify the date of the final determination, and should be signed by the individual; the Privacy Act Officer shall acknowledge receipt of such statement and inform the individual of the date on which it was received.

(2) That any such disagreement statement filed by the individual will be noted in the disputed record and that a copy of the statement will be provided to persons and agencies to which the record is disclosed subsequent to the date of receipt of such statement.

(3) That CSA may append to any such disagreement statement filed by the individual, a copy of the final determination or summary thereof which also will be provided to persons and agencies to which the disagreement statement is disclosed.

(4) That the requester has a right to judicial review of the final determination under 5 U.S.C. 552a(g)(1)(A) or (B), as limited by U.S.C. 552a(g)(5).

(f) In making the final determination, the Privacy Act Officer shall employ the criteria set forth in § 1006.8(e) and shall deny an appeal only on the grounds set forth in § 1006.8(g).

(g) If an appeal is partially granted and partially denied, the Privacy Act Officer shall follow the appropriate procedures of this section as to the records within the grant and those within the denial.

(h) Although a copy of the final determination, or a summary thereof, will be treated as part of the individual's record for purposes of disclosure in instances where the individual has filed a disagreement statement, it will not be subject to correction or amendment by the individual.

#### § 1006.10 Disclosure of record to person other than the individual to whom it pertains.

(a) CSA may disclose a record pertaining to an individual to a person other than the individual only in the following instances:

(1) Upon written request by the individual, including authorization under §§ 1006.5(g) and 1006.6;

(2) With the prior written consent of the individual;

(3) To a parent or legal guardian under 5 U.S.C. 552a(h);

(4) When required by the Act and not covered explicitly by the provisions of 5 U.S.C. 552a(b); and,

(5) When permitted under 5 U.S.C. 552a(b)(1) through (11), which read as follows:

(1) To those officers and employees of the agency which maintains the record who have a need for the record in the performance of their duties;

(2) Required under section 552 of this title;

(3) For a routine use as defined in subsection (a)(7) of this section;

(4) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13;

(5) To a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(6) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value.

(7) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;

(8) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

(9) To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(10) To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(11) Pursuant to the order of a court of competent jurisdiction.

(b) The situations referred to in paragraph (a)(4) of this section include the following:

(1) 5 U.S.C. 552a(c)(4) requires dissemination of a corrected or amended record or notation of a disagreement statement by CSA in certain circumstances;

(2) 5 U.S.C. 552a(d) requires disclosure of records to the individual to whom they pertain, upon request;

(3) 5 U.S.C. 552(g) authorizes civil action by an individual and requires disclosure by CSA to the court;

(4) Section 5(e)(2) of the Act authorizes release of any records or information by CSA to the Privacy Protection Study Commission upon request of the Chairman; and

(5) Section 6 of the Act authorizes the Office of Management and Budget to provide CSA with continuing oversight and assistance in implementation of the Act.

(c) The system manager shall keep an accounting of each disclosure by him of any record contained in a system of records in accordance with 5 U.S.C. 552a (c) (1) and (2). Except for a disclosure made under 5 U.S.C. 552a (b)(7), the system manager shall make such accounting available to any individual, insofar as it pertains to that individual, on request submitted in accordance with § 1006.4 of this part. The system manager shall make reasonable efforts to notify any individual when any record in a system of records is disclosed to any person under compulsory legal process, promptly upon being informed that such process has become a matter of public record. He shall also transmit to the individual's last known address notification of any disclosure pursuant to a showing of compelling circumstances under 5 U.S.C. 552a(b)(8).

#### § 1006.11 Fees.

(a) The only fees charged a requester under the provisions of this part shall be for copying records at his or her request.

(b)(1) The copying fees charged under the Privacy Act shall be:

(i) For duplication of paper documents up to 8" x 14" \$.10 per copy page.

(ii) For duplication of microfiche in 4 x 6 inch diazo film copies at 24 x reduction \$.10 per fiche.

(iii) For duplication of paper records from microfiche records \$.10 per page.

(iv) For computer records. In most instances records maintained in the

computer data base are available also in printed form and the standard fee of \$.10 per copy page shall apply. However, a record must exist at the time of the request, and it is not required that a record be "created" or compiled from the data base for the purpose of furnishing information not already provided in existing records. A record that is maintained by computer is normally deemed to exist for this purpose only if retrievable in approximately the form desired, without reprogramming.

(2) When no specific fee has been established for a copying service, the Privacy Act Officer is authorized to establish an appropriate fee based on the direct costs of providing the service in question.

(3) Services performed that are not required under the Privacy Act, such as formal certification or authentication of records may be subject to charges under the Federal User Charge Statute (31 U.S.C. 483a) or other applicable statutes, depending on the services performed.

(c)(1) CSA will waive any copying fee totaling less than \$5.00 but contemporaneous requests shall be added together to determine the total fee.

(2) The Privacy Act Officer may, at his discretion, waive fees based on a petition for waiver by a requester stating that he or she is indigent and unable to pay said fees.

(3) It is the policy of CSA to provide the requester with one copy of each record corrected or amended pursuant to § 1006.8(c).

(4) As required by the United States Civil Service Commission, CSA will charge no fee for a single copy of a personnel record covered by the Commission's government-wide published notice of systems of records.

(d)(1) If a requester is requesting a copy of a record, the request should state that he will promptly pay all applicable fees. In his request he may either:

(i) Agree to pay all fees up to a specified limit; or

(ii) Indicate that he wishes to be advised of the estimated fees.

(2) If the requester elects alternative (ii) or if the estimated fees exceed the limit he has indicated, the request shall be processed as indicated in § 1006.5, but no copies shall be sent to the requester until he has been informed of the estimated fees and agreed to pay them, except that if their estimated amount is less than \$10.00, copies will be sent the requester without such notification unless he has specifically set a limit of less than \$10.00. Estimates of fees will be communicated to the requester as soon as possible so as to avoid delay in furnishing copies of records requested. If the requester is unwilling to pay the estimated fees, he may reduce the volume of copies requested so as to reduce the fee to an amount he is willing to pay.

(e) Full or partial payment of fees in advance may be required if the estimated fees are in excess of \$50.00, or if the requester is known to have failed to pay any previous fee due to CSA under either 45 CFR or 1005 or 1006.

(f) Remittances shall be in the form of a personal check or bank draft drawn on a bank in the United States or a postal money order. Remittances shall be made payable to the Community Services Administration and mailed to Privacy Act Officer, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506.

#### § 1006.12 Penalties.

In 5 U.S.C. 552a(i) the Act established criminal penalties for certain actions in violation thereof. The provisions of 5 U.S.C. 552a(i)(3) concern the actions of requesters; the section reads thus:

Any person who knowingly and willfully requests or obtains any record concerning

an individual from an agency under false pretenses shall be guilty of a misdemeanor and fined not more than \$5000.

#### § 1006.13 General Exemptions.

(a) CSA does not assert any general exemptions under 5 U.S.C. 552a(j).

(b) Individuals may not have access to records maintained by CSA but originating with another agency which has determined by regulation that such information is subject to a general exemption under 5 U.S.C. 552a(j). If such records are within a request for access, CSA will advise the requester of their existence and of the name and address of the source agency which the requester must contact for any further information.

#### § 1006.14 Specific Exemptions.

(a) Under the authority granted him by 5 U.S.C. 552a(k)(2), the Director of CSA hereby exempts the system entitled "Inspection Reports on Grantees, Contractors, and CSA employees" from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(4)(I) and (f)(4). The reasons for asserting this exemption are to maintain the ability to obtain necessary information, to prevent subjects of investigation from frustrating the progress of the investigation or of subsequent law enforcement activities, to avoid revelation of the identities of persons who have furnished or will furnish information to CSA in confidence, and to ensure the safety of these sources and of personnel engaged in investigations conducted for law enforcement purposes. Any person may still seek access to these records under the Freedom of Information Act; any Privacy Act Request seeking records under this exemption will be processed under the substantive provisions of the Freedom of Information Act.



**Title 10—Energy**  
**CHAPTER III—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION**  
**PART 708—RECORDS MAINTAINED ON INDIVIDUALS**

Sec.	
708.1	Purpose and scope.
708.2	Policy.
708.3	Definitions.
708.4	Delegation of authority.
708.5	Privacy Act Administration Officers.
708.6	Requests for information, access or amendment.
708.7	Identification of individuals making requests.
708.8	Disclosure of requested information to individuals.
708.9	Medical and psychological records.
708.10	Disclosure of record to person other than the individual to whom it pertains.
708.11	Accounting for disclosures.
708.12	Appeal of initial adverse ERDA determinations for access or amendment.
708.13	Specific exemptions.
708.14	Establishment of new or revised systems of records.
708.15	Fees.
708.16	Requests under false pretenses.
708.17	Employee standards of conduct with regard to privacy.
708.18	Publication of annual notices.
708.19	Requirements for annual report.
708.20	Litigation.
708.21	Effect of Freedom of Information Act.
708.22	Use and collection of social security numbers.
708.23	Exempted system of records.

**AUTHORITY:** (5 U.S.C. 552a(f)); (42 U.S.C. 5815). (42 U.S.C. 2201).

**§ 708.1 Purpose and scope.**

(a) This part contains the regulations of ERDA implementing the Privacy Act of 1974, Pub. L. 93-579. The regulations apply to all records maintained by ERDA which are identifiable by individual name or identifier and all systems of such records which are retrieved by name or other identifier. These regulations are also applicable to contractors and their employees to the extent required by 5 U.S.C. 552a(m). The regulations set forth the procedures by which individuals may seek access to records concerning themselves and request correction of those records. The regulations also set forth the requirements, applicable to ERDA employees maintaining, collecting, using or disseminating such records.

**§ 708.2 Policy.**

In compliance with the Privacy Act of 1974, 5 U.S.C. 552a and in accordance with the requirements and procedures of this part, ERDA has a positive and continuing obligation to:

(a) Identify each system of records which ERDA maintains and review the content of the system to assure that only that information is maintained which is necessary and relevant to a function which ERDA is authorized to perform by law or Executive order, and that no information about the political or religious beliefs and activities of individuals is maintained except as provided in the Act.

(b) Collect information to the greatest extent practicable directly from the sub-

ject individual when the information which may result in adverse determinations about that individual's rights, benefits, and privileges under Federal programs; and inform individuals whom ERDA asks to supply information about themselves of the purposes for which the information will be used and their rights, benefits, or obligations with respect to supplying that data.

(c) Establish reasonable administrative, technical, and physical safeguards to assure that records are disclosed only to those who are authorized to have access and otherwise to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained.

(d) Maintain an accounting of all disclosures of information from systems of records except those to personnel within ERDA who have an official need to know or to the public under the Freedom of Information Act, and make that accounting available as provided in the Act.

(e) When using a record or disclosing it to someone other than an agency, assure that it is as accurate, relevant, timely and complete as is reasonably necessary to assure fairness to the individual.

(f) Permit individuals to have access to records pertaining to themselves and to have an opportunity to request that such records be amended.

(g) Inform prior recipients when a record is amended pursuant to the request of an individual or when a statement of disagreement has been filed; advise any subsequent recipient that a record is disputed; and provide a copy of the statement of disagreement to both prior and subsequent recipients of the disputed information.

**§ 708.3 Definitions.**

As used in this part:

(a) The term "agency" means agency as defined in U.S.C. 552a(a). It includes any executive department, military department, Government corporation, Government-controlled corporation or other establishment in the executive branch of the Government including the Executive Office of the President or any independent regulatory agency.

(b) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence, but does not include proprietorships, businesses and corporations.

(c) The term "maintain" means maintain, collect, use, or disseminate.

(d) The term "record" means any item, collection, or grouping of information about an individual that is maintained by or for ERDA, including, but not limited to, education, financial transactions, medical history, and criminal or employment history and that contains that individual's name, or the identifying number, symbol, or other identifying particulars assigned to that individual,

such as a finger or voice print or photograph.

(e) The term "system of records" means a group of any records under ERDA control from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particulars assigned to the individual.

(f) The term "statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and is not used in whole or in part in making any determination about an identifiable individual, except as provided by 13 U.S.C. section 8.

(g) The term "routine use" means with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

(h) The term "ERDA" means the Energy Research and Development Administration established by the Energy Reorganization Act of 1974 (Pub. L. 93-438).

(i) The terms "ERDA Officer or employee," and "ERDA personnel" mean employees, consultants, and members of advisory boards, committees and panels of ERDA; members of boards designated by the Administrator, Deputy Administrator, or other designees of the Administrator or Deputy Administrator to preside at adjudicatory proceedings; where assigned to duty with ERDA, officers or employees of other Government agencies, including military personnel; and contractors and employees of contractors having access to ERDA records or operating a system of records on behalf of ERDA to accomplish an ERDA function, to whom the requirements of 5 U.S.C. 552a are deemed to be applicable.

(j) The term "Administrator" means the Administrator of the Energy Research and Development Administration provided for in section 102(a) of the Energy Reorganization Act of 1974.

(k) The term "Deputy Administrator" means the Deputy Administrator provided for in section 102(b) of the Energy Reorganization Act of 1974.

(l) The term "Assistant Administrator" means an Assistant Administrator provided for in section 102(d) of the Energy Reorganization Act of 1974 or such other Assistant Administrators as appointed under section 102(f) of the Energy Reorganization Act of 1974.

(m) The term "System Manager" means the ERDA official who is responsible for an ERDA system of records as designated in the system notice of that system of records published by ERDA in the FEDERAL REGISTER.

(n) The term "Privacy Act Administration Officer" (PAAO) is the designated official at ERDA installations (identified in § 708.5 (a) and (b)) to whom an individual shall address any request for information concerning records, for correction of records, or otherwise, in exercising individual rights under the Privacy Act.

(o) The term "Privacy Review Official" means the Deputy Administrator, or any

Deputy Assistant Administrator, who hears an appeal of a denial to amend records or a denial to gain access to records.

(p) The term "working days" means all days except Saturdays, Sundays, and legal public holidays.

**§ 708.4 Delegation of authority.**

(a) The Administrator has designated the Assistant Administrator for Administration to exercise control and supervision over the ERDA compliance with 5 U.S.C. 552a, to carry out on behalf of ERDA the provisions of 5 U.S.C. 552a with respect to the responsibilities for implementing the Act for ERDA, including:

(1) Designation of personnel at Headquarters to carry out the various functions as necessary to the implementation of the Act.

(2) Publish ERDA rules, public notices of systems of records, rules pertaining to exemptions.

(3) Provide procedures and training to employees as appropriate.

(4) Maintain liaison with heads of field organizations in connection with their responsibilities under the Privacy Act.

(b) Directors of Energy Research Centers and Managers of Operations Offices are designated to administer the provisions of the Act and applicable regulations within their respective jurisdictions; to act as Systems Managers with respect to systems or parts of systems maintained within their jurisdictions; and to name personnel as appropriate to perform the functions of Privacy Act Administration Officer.

**§ 708.5 Privacy Act Administration Officers.**

(a) There shall be designated at ERDA Headquarters by the Assistant Administrator for Administration a Privacy Act Administration Officer whose address is U.S. Energy Research and Development Administration, Headquarters, Washington, D.C. 20545.

(b) There shall be designated by the Director or Manager for each of the following ERDA field organizations a Privacy Act Administration Officer with the following specified mailing addresses:

(1) U.S. Energy Research and Development Administration, Albuquerque Operations Office, P.O. Box 5400, Albuquerque, New Mexico 87115.

(2) U.S. Energy Research and Development Administration, Bartlesville Energy Research Center, Box 1398, Bartlesville, Oklahoma 74003.

(3) U.S. Energy Research and Development Administration, Chicago Operations Office, 9800 South Cass Avenue, Argonne, Illinois 60439.

(4) U.S. Energy Research and Development Administration, Grand Forks Energy Research Center, University Station, Grand Forks, North Dakota 58201.

(5) U.S. Energy Research and Development Administration, Idaho Operations Office, 550 2nd Street, Idaho Falls, Idaho 83401.

(6) U.S. Energy Research and Development Administration, Laramie Energy

Research Center, P.O. Box 3395, University Station, Laramie, Wyoming 82070.

(7) U.S. Energy Research and Development Administration, Morgantown Energy Research Center, Box 880, Morgantown, West Virginia 26505.

(8) U.S. Energy Research and Development Administration, Nevada Operations Office, P.O. Box 14100, Las Vegas, Nevada 89114.

(9) U.S. Energy Research and Development Administration, Oak Ridge Operations Office, P.O. Box E, Oak Ridge, Tennessee 37830.

(10) U.S. Energy Research and Development Administration, Pittsburgh Energy Research Center, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213.

(11) U.S. Energy Research and Development Administration, Richland Operations Office, P.O. Box 550, Richland, Washington 99352.

(12) U.S. Energy Research and Development Administration, San Francisco Operations Office, 1333 Broadway, Wells Fargo Building, Oakland, California 94616.

(13) U.S. Energy Research and Development Administration, Savannah River Operations Office, P.O. Box A, Aiken, South Carolina 29801.

**§ 708.6 Requests for information, access or amendment.**

(a) The procedures outlined below apply to the following types of requests under the Privacy Act of 1974 made by individuals concerning records about themselves:

(1) Request to determine if information on the requestor is included in a system of records.

(2) Request for access to a record.

(3) Request for an accounting of disclosures.

(4) Request for amendment of a record.

(b) (1) Request under paragraph (a) of this section must conform to the following:

(i) All requests must be in writing unless waived by the System Manager.

(ii) All requests must be directed to the appropriate Privacy Act Administration Officer or if it is inconvenient or impossible to ascertain the appropriate Privacy Act Administration Officer, requests may be directed to the Privacy Act Administration Officer, ERDA Headquarters, Washington, D.C. 20545.

(iii) The requestor must supply the Privacy Act Administration Officer with information sufficient to process the request.

(2) Minimum information is:

(i) Name and address of individual.

(ii) Identity of the system of records.

(iii) Nature of the request. If a request for amendment, a complete and comprehensive description of the amendment.

(iv) Required identifying information such as location if known, full name, birth date, etc. as specified in the "Notice of System of Records" to assist in identifying the request.

(c) Processing requests:

(1) The Privacy Act Administration Officer will record the date and time of receipt of a request.

(2) Within 10 working days of receipt of a request completed in accordance with paragraph (b) of this section, the Privacy Act Administration Officer will ascertain the responsible System Manager, and will dispatch the request to him.

(3) The Privacy Act Administration Officer will acknowledge the request to the individual within 10 working days of receipt of the request.

(4) If the request is incomplete or incomprehensible, the Privacy Act Administration Officer will request additional information or clarification of the initial request in the acknowledgment, and will offer assistance to the individual as appropriate.

(i) If the request is sufficient for processing, the acknowledgment should identify the System Manager.

(4) Access to ERDA records maintained in National Archives and Record Systems Centers may be obtained in accordance with the regulations issued by the General Services Administration.

**§ 708.7 Identification of individuals making requests.**

The following minimum standards are applicable to any individual who requests records concerning himself but additional requirements for verification of identity with respect to particularly sensitive records may be required.

(a) An individual seeking access to records about himself in person may establish his identity by the presentation of a single document bearing a photograph (such as a passport or identification badge) or by the presentation of two items of identification which do not bear a photograph but do bear both a name and address (such as a driver's license, or credit card).

(b) An individual seeking access to records about himself by mail shall establish his identity by a signature, address, date of birth, employee identification number, if any, and one other identifier such as a photocopy of a driver's license or other document.

(c) An individual seeking access to records about himself by mail or in person who cannot provide the necessary documentation of identification may provide a notarized statement, swearing or affirming to his identity and to the fact that he understands the penalties for false statements pursuant to 18 U.S.C. 1001.

**§ 708.8 Disclosure of requested information to individuals.**

(a) The System Manager will record the date and time of his receipt of a request.

(b) Preliminary review of the request should be completed within 10 days and if conditions such as the ones below exist, the individual should be apprised of them as soon as possible. Conditions include:

(1) The system of records exempted in whole or in part from the provision(s) requiring compliance with the request.

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(2) Need for further information by the System Manager to process the request, e.g., more data is required to determine the location of the record.

(c) Upon receipt of a request from the Privacy Act Administration Officer, the System Manager shall promptly take the following actions, as appropriate:

(1) Inform the individual whether or not any information on him is included in the system.

(2) Grant or deny access to records.

(3) Grant or deny access to accounting of disclosures.

(4) Amend or decline to amend a record.

(d) If a request is denied, the individual must be informed of the System Manager's determination, including an explanation of the reasons for not granting the request, the procedures for requesting review of the denial, and the name and address of the ERDA official to contact for appeal. Denial of a request may be based in whole or part on an exemption. If material has been deleted from a record furnished to the individual there shall also be furnished a brief explanation of why the material was deleted.

(1) Requests for access to classified information shall be coordinated with a representative of the Division of Classification or the field organization counterpart prior to final action.

(2) Nothing in this part shall allow an individual access to any information compiled in reasonable anticipation of any civil action or proceeding in either a court or an administrative tribunal.

(e) If the System Manager is unable, for good cause, to complete action on his request within 30 calendar days after his receipt of the request, the individual should be informed in writing within such 30 days as to the reasons for the delay and when completion of the action is anticipated.

(f) When information is sought from a system of records that includes information from another Federal agency, the System Manager receiving the request shall consult with the appropriate agency prior to determining whether the information may be disclosed or not, but the decision as to whether the record shall be disclosed, shall be made by the System Manager maintaining the record.

(g) Granting Access—Special Considerations:

(1) Associates in attendance—When an individual is granted access to his record, he may be accompanied by a person of his choosing. The System Manager may require the individual to furnish a written statement authorizing discussions of the record in the accompanying person's presence.

(2) Copies of the record—Once access is granted, the individual has the right to have a copy made of all or any portion of the record upon payment of fees to the extent provided for in § 708.15.

(3) The parent of a minor or legal guardian, may act on behalf of the individual for purposes under this part. The System Manager shall require the person to provide proper identification estab-

lishing guardianship. The parent or guardian of a minor or a person judicially determined to be incompetent shall, in addition to establishing the identity of the minor or other person he represents as required in section 708.7, establish his own parentage or guardianship by furnishing a copy of a birth certificate showing parentage or a court order establishing the guardianship.

#### § 708.9 Medical and psychological records.

When an individual requests medical or psychological records concerning himself, the System Manager may advise the individual that these records will be provided only to a physician designated in writing by the individual. Upon receipt of the designation and upon proper verification of identity, the System Manager will permit the physician to review the records or to receive copies of the records for purposes of determining whether any such records should not be disclosed to the individual because of possible harm.

#### § 708.10 Disclosure of record to person other than the individual to whom it pertains.

(a) ERDA shall not disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, unless the disclosure of such record falls within one of the disclosure categories enumerated below in section 708.10(a) (1) through 708.10(a) (11) of this part. Disclosure categories:

(1) Disclosure to ERDA officers or employees who have a need for the record in the performance of their duties.

(2) Disclosure required under the Freedom of Information Act.

(3) Disclosure for a routine use as defined in § 708.3(g) of this part and described in the notice of the system of records as published in the *FEDERAL REGISTER*.

(4) Disclosure to the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of Title 13 of the U.S. Code.

(5) Disclosure to a recipient who has provided the System Manager of the system of records from which he has requested a record with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable. It is the responsibility of the System Manager of the system of records from which it is desired to disclose a record of an identifiable individual to assure that the identity of the individual cannot be determined or deduced by combining various statistical records. Records may be disclosed by ERDA for statistical research or reporting purposes only after ERDA has received and evaluated a written statement which:

(i) states the purpose for requesting the records; and

(ii) certifies that they will only be used as statistical records.

(6) Disclosure to the National Archives of the United States of a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value.

(7) Disclosure to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to ERDA specifying the particular portion desired and the law enforcement activity for which the record is sought. Blanket requests for all records pertaining to an individual are not permitted, but a court order may be sought as a basis for disclosure. (See paragraph (a)(11) of this section.) A record may also be disclosed by ERDA to a law enforcement agency at the initiative of ERDA when a violation of law is suspected, provided that such type of disclosure has been established in advance as "routine use."

(8) Disclosure to a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual. The individual to whom the record pertains need not necessarily be the individual whose health or safety is at peril.

(9) Disclosure to either House of Congress, or to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee.

(10) Disclosure to the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office.

(11) Disclosure pursuant to the order of a court of competent jurisdiction.

#### § 708.11 Accounting for disclosures.

(a) As soon as possible, but not later than September 27, 1975, each System Manager shall establish a system of accounting for all disclosures of records, either orally or in writing, made to other than ERDA personnel. Accounting procedures may be established in the least expensive and most convenient form that will permit the System Manager to advise individuals, promptly upon request, of the persons or agencies to which records concerning them have been disclosed.

(b) Accounting records, at a minimum, shall include the identification of the particular record disclosed, the name and address of the person or agency to which disclosed, and the date of the disclosure.

(c) Accounting is not required to be kept for disclosure made pursuant to the Freedom of Information Act.

#### § 708.12 Appeal of initial adverse ERDA determinations for access or amendment.

(a) If an individual's request, either for access or amendment of records made under procedures set forth in this part, is denied in whole or in part by the System Manager, as provided in section 708.8, the individual shall have the right to appeal such initial determination of denial to the ERDA Privacy Review Official; and the individual shall be notified of the System Manager's determination and the procedure for exercising the right of appeal therefrom.

(b) Appeals shall be filed by the requesting individual within 60 calendar days after receipt of the initial denial by written request mailed to the Privacy Act Administration Officer at ERDA Headquarters. Both the appeal letter and its covering envelope should be marked "Privacy Act Appeal" or otherwise so as to clearly identify that a Privacy Act appeal is being made. The 60 day time limit may be waived by the Privacy Review Official for good cause shown.

(c) Appeals shall be deemed to have been received on the date and time stamped thereon by the Privacy Act Administration Officer, at ERDA Headquarters.

(d) Upon receipt of an appeal, the Privacy Act Administration Officer at ERDA Headquarters, shall promptly so advise the Privacy Review Official and the System Manager responsible for the original denial. The System Manager shall arrange to have the appropriate records, including the initial written denial transmitted to the Privacy Review Official.

(e) Final determination of the Privacy Review Official of an appeal shall be completed within 30 working days from date of receipt of the appeal by the Privacy Act Administration Officer at Headquarters unless the Administrator determines that a fair and equitable review cannot be completed within that time. If additional time is required, the individual will be informed by the Privacy Review Official in writing of the reasons for the delay and of the date on which the review is expected to be completed.

(f) The Privacy Review Official shall consult with counsel prior to making a determination.

(g) If the Privacy Review Official determines that access to or amendment of the record is not warranted on the facts, he shall advise the individual of his refusal to authorize access or amendment, in whole or in part, and he shall advise the individual of his right to provide for the record a "statement of disagreement." The individual shall be advised also of his right to judicial review pursuant to the Privacy Act of 1974.

(h) A statement of disagreement may be furnished by the individual within 30 calendar days of the date of his receipt of the notice of refusal of the Privacy Review Official to authorize access or amendment. Such statement of disagreement shall be addressed to Privacy Act Administration Officer, ERDA Headquarters, Washington, D.C. 20545. Upon

receipt of a statement of disagreement in accordance with this section the System Manager shall include the statement in the system of records in which the disputed record is maintained, and he shall have the original record marked as to indicate that the record is subject to a statement of disagreement, and where, within the system of records, that statement may be found.

(i) When a record has been corrected or a statement of disagreement has been filed, the System Manager shall, promptly thereafter, advise all prior recipients of the record whose identity can be determined pursuant to the accounting required by the Privacy Act or any other accounting previously made of the correction or of the filing of the statement of disagreement. Any dissemination of a record after the filing of a statement of disagreement shall be accompanied by a copy of that statement and any statement of ERDA giving reasons for refusing to correct included in the file.

(j) Decisions of the Privacy Review Official shall be the final decisions of the Administrator.

#### § 708.13 Specific exemptions.

(a) The Administrator may promulgate rules, in accordance with the requirements (including general notice) of sections 553(b) (1), (2), and (3), (c), and (e) of the Administrative Procedure Act to exempt any system of records within ERDA from subsections (c) (3), (d), (e) (1), (e) (4), (G), (H), (I), and (f) of section 3 of the Privacy Act, if the system of records is:

(1) ERDA records that are specifically authorized under criteria established under statute or an Executive Order to be kept secret in the interest of national defense or foreign policy, and are in fact properly classified pursuant to such Executive Order. Restricted Data and Formerly Restricted Data under the Atomic Energy Act of 1954, as amended, are included in this exemption.

(2) Investigatory material compiled for law enforcement purposes. Provided, however, that if any individual is denied any right, privilege, or benefit that he would otherwise be entitled by Federal law, or for which he would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

(3) Required by statute to be maintained and used solely as statistical records.

(4) Investigatory material compiled, solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only to the

extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

(5) Testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal Service the disclosure of which would compromise the objectivity or fairness of the testing or examination process.

(b) Establishing exemptions:

(1) It will be the responsibility of the System Manager of a system of records, all or a portion of which he feels should be exempted from certain of the provisions of the Privacy Act, to inform the Administrator through the Assistant Administrator for Administration of the need for such an exemption giving a description of the system of records, or portion thereof, which is to be exempt; a statement of the provision or provisions of the Privacy Act from which it is desired to exempt the system of records or portion thereof; and the reasons therefor.

(2) Before seeking any exemption for systems of records under § 708.13(a) (1), the System Manager shall consult with the cognizant representative of the Division of Classification, ERDA Headquarters.

(3) When the Administrator determines that a system of records or portion thereof maintained by ERDA should be exempted from certain of the provisions of 5 U.S.C. 552a, a notice shall be published in the *FEDERAL REGISTER* which specifies the name of the system of records involved, and the specific provisions of the Privacy Act from which the system of records or portion thereof is to be exempted and the reasons therefor.

(c) Prior to making a determination to deny access to a record in a system of records having an approved exemption for classified material (See § 708.13(a) (1)), the System Manager shall consult with the Division of Classification, or its field organization counterpart, to verify the current classification status of the information in the requested record.

#### § 708.14 Establishment of new or revised systems of records.

(a) In designing or developing a proposed system of records the proposer of such system shall consider if:

(1) The system of records is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or by an Executive Order of the President.

(2) The information is collected to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits and privileges under Federal programs.

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(b) The Assistant Administrator for Administration shall report the details of a new or revised system of records to the Office of Management and Budget and Congress to permit an evaluation of the privacy impact of the proposal and the impact on the system before the system can become operational. A copy also must be provided to the Privacy Protection Study Commission.

(c) A system notice shall be published in the FEDERAL REGISTER for each new or revised system of records at least 30 calendar days before its effective date.

(d) The System Manager must assure that adequate administrative, technical and physical safeguards have been designed into the system of records to insure the security and confidentiality of the records as required by law.

#### § 708.15 Fees.

(a) No charge shall be made for duplication of records when the cost is less than \$10.

(b) No fee will be charged when ERDA makes a copy of a record as a necessary part of the process of making the record available for review as distinguished from responding to a request by an individual for a copy of a record.

(c) No charge shall be made to an individual for the time spent searching for requested records, or for time spent in reviewing records to determine if they fall within the requirements of the Act.

(d) When an individual requests copies of his record in cases other than above, the following charges shall apply:

(1) Sizes up to 8½x14 inches made on office copying machines—10 cents per page copy. Larger sizes—10 cents for each 8½x14 inch unit or fraction thereof per page copy.

(2) For copies made on other than office copying machines, the fee charged will be ERDA's direct cost of making the copy (printing, typing, or photocopying and related personnel and equipment costs).

(e) No records shall be made available to a requestor until the charges provided herein are paid in full. Checks, drafts, or other negotiable instruments shall be made payable to the Energy Research and Development Administration.

#### § 708.16 Requests under false pretenses.

Title 5 U.S.C. 552a(i)(3) provides that any person who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretenses shall be guilty of a misdemeanor and fined not more than \$5,000.

#### § 708.17 Employee standards of conduct with regard to privacy.

(a) Heads of Divisions and Offices, Headquarters, Directors of Energy Research Centers and Managers of Operations Offices shall assure that ERDA personnel subject to their supervision are advised of the provisions of the Privacy Act, including the criminal penalties and civil liabilities provided therein, and that such ERDA personnel are made aware of

their responsibilities to protect the security of personal information, to assure its accuracy, relevance, timeliness and completeness, to avoid unauthorized disclosure either orally or in writing, and to insure that no system of records concerning individuals, no matter how small or specialized, is maintained without public notice.

(b) ERDA personnel shall:

(1) Collect no information of a personal nature from individuals unless authorized to collect it to achieve a function or carry out a responsibility of ERDA;

(2) Collect or maintain only that information about individuals which is necessary to ERDA functions or responsibilities;

(3) Collect information, wherever possible, directly from the individual to whom it relates;

(4) Inform individuals from whom information is collected of the authority for collection, the purposes thereof, the uses that will be made of the information, and the effects, both legal and practical, of not furnishing the information;

(5) Neither collect, maintain, use nor disseminate information concerning an individual's religious or political beliefs or activities or his membership in associations or organizations, unless (i) the individual has volunteered such information for his own benefit; (ii) the information is expressly authorized by statute to be collected, maintained, used or disseminated; or (iii) the activities involved are pertinent to and within the scope of an authorized investigation or adjudication activity;

(6) Advise their supervisors of the existence or contemplated development of any system of records which retrieves information about individuals by individual identifier;

(7) Maintain an accounting, in the prescribed form, of all disclosures of information to other than ERDA personnel, whether made orally or in writing;

(8) Disclose no information concerning individuals to other than ERDA personnel except when authorized by 5 U.S.C. 552a or pursuant to a routine use published in the FEDERAL REGISTER;

(9) Maintain and process information concerning individuals with care in order to insure that no inadvertent disclosure of the information is made to other than ERDA personnel; and

(10) Call to the attention of the proper ERDA authorities any information in a system maintained by ERDA which is not authorized to be maintained under the provisions of the Privacy Act of 1974, including information on First Amendment activities, information that is inaccurate, irrelevant or so incomplete as to risk unfairness to the individual concerned.

(c) Heads of Divisions and Offices, Headquarters, Directors of Energy Research Centers and Managers of Operations Offices shall, at least annually, review the system of records subject to

their supervision to insure compliance with the provisions of the Privacy Act of 1974.

#### § 708.18 Publication of annual notices.

(a) A system notice of the existence and character of an ERDA system of records shall be published annually in the FEDERAL REGISTER in accordance with the format and rules prescribed by the General Services Administration, which notice shall include:

(1) The name and location(s) of the system;

(2) The categories of individuals on whom records are maintained in the system;

(3) The categories of records maintained in the system;

(4) Each routine use of the records contained in the system, including the categories of users and the purpose of such use;

(5) The policies and practices of ERDA regarding storage, retrievability, access controls, retention, and disposal of the records;

(6) The official title and business address of the official who is the System Manager responsible for the system of records; and

(7) The categories of sources of records in the system.

(b) At least 30 calendar days prior to the formal annual publication of information under paragraph (a) (4) (routine use or intended routine use of the information in the system, and shall provide an opportunity for interested persons to submit written data, views, or arguments to ERDA.

(c) In accordance with reporting requirements issued by the Office of Management and Budget, and following the publication of the initial notices of ERDA system of records existing on September 27, 1975, ERDA shall provide to Congress, the Office of Management and Budget, and the Privacy Protection Study Commission advance notice of any proposal to establish or alter any ERDA system of records.

#### § 708.19 Requirements for annual report.

Each year, ERDA shall submit a report covering the preceding calendar year to the Office of Management and Budget for referral by the President to the Congress. The report shall include the information requested in instructions of and at the time specified by the Office of Management and Budget.

#### § 708.20 Litigation.

In any instance in which ERDA or an ERDA employee is sued in connection with any requirement or responsibility under this part, the matter shall promptly be referred to the General Counsel together with a report on the details.

#### § 708.21 Effect of Freedom of Information Act.

ERDA shall not rely on any exemption contained in the Freedom of Information

Act (5 U.S.C. 552(b)) to withhold from the individual to which it pertains, any record which is otherwise accessible to such individual under this part.

#### § 708.22 Use and collection of social security numbers.

(a) The System Manager of each system of records which utilizes social security numbers as a method of identification without statutory authorization or authorization by regulation adopted prior to January 1, 1975, shall take steps to revise the system to avoid future collection and use of the social security numbers.

(b) Heads of Divisions and Offices, Directors of Energy Research Centers and Managers of Operations Offices shall take such measures as are necessary to insure that employees authorized to collect information from individuals are

advised that individuals may not be required to furnish social security numbers without statutory or regulatory authorization, and that individuals who are requested to provide social security numbers voluntarily must be advised that furnishing the number is not required and that no penalty or denial of benefits will flow from the refusal to provide it.

#### § 708.23 Exempted systems of records.

(a) The following ERDA systems of records are exempted from 5 U.S.C. 552a, (c) (3), (d), (e) (1), (e) (4) (G), (H), (I), and (f). These exemptions apply only to information in these systems which is exempt pursuant to 5 U.S.C. 552a(k) (1), (2) and (5):

(1) Alien Visits and Participation—ERDA (ERDA 1).

(2) Clearance Board Cases Administrative Review and Personnel—ERDA (ERDA 5).

(3) Security Correspondence File—ERDA (ERDA 8).

(4) Foreign Travel—ERDA (ERDA 19).  
(5) Investigative Files—ERDA (ERDA 21).  
(6) Legal Office—Claims, Litigations, Criminal Violation, Patents, and other Legal Files—ERDA (ERDA 23).  
(7) Personnel Security Clearance Files—ERDA (ERDA 32).  
(8) Personnel Security Clearance Files Index (Automated)—ERDA (ERDA 33).  
(9) Special Access Authorization for Categories of Classified Information—ERDA (ERDA 36).

(b) The following systems of records are exempt from 5 U.S.C. 552a, (c) (3), (d), (e) (1), (e) (4) (G), (H), (I), and (f). These exemptions apply only to information in these systems which is exempt pursuant to 5 U.S.C. 552a(k) (5) and (6):

(1) ERDA Personnel Applicant Records—ERDA (ERDA 12).

(2) ERDA Personnel-Supervisor Records—ERDA (ERDA 11).

(3) ERDA Personnel/General Employment Records—ERDA (ERDA 15).

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## Title 10—Energy

CHAPTER II—FEDERAL ENERGY  
ADMINISTRATION

## PART 206—PRIVACY ACT

COLLECTION, MAINTENANCE, ACCESS AND DISSEMINATION OF PERSONAL INFORMATION ABOUT INDIVIDUALS IN SYSTEMS OF RECORDS MAINTAINED BY FEA

## Sec.

- 206.1 Purpose and scope.
- 206.2 Definitions.
- 206.3 Procedures for requesting information about or for access to an individual's records in a system of records.
- 206.4 Procedures for identifying the individual making the request.
- 206.5 Disclosure of requested information to individuals.
- 206.6 Disclosure to other agencies or persons other than the individual to whom the record pertains.
- 206.7 Request for correction or amendment of record.
- 206.8 FEA review of request for correction or amendment of a record.
- 206.9 Appeals of denial of request for correction or amendment of a record.
- 206.10 Content of systems of records.
- 206.11 Collection of information by FEA about an individual for a system of records.
- 206.12 Public notice of systems of records.
- 206.13 Criminal penalties.
- 206.14 General exemptions. (Reserved)
- 206.15 Specific exemptions.
- 206.16 Fees.
- 206.17 Exceptions, exemptions, interpretations, rulings and rulemakings.
- 206.18 Addresses of FEA Regional Offices.

AUTHORITY: (Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a); Federal Energy Administration Act of 1974 (Pub. L. 93-275); E.O. 11790 (39 FR 23185)).

## § 206.1 Purpose and scope.

(a) This part establishes the methods and procedures by which the Federal Energy Administration is implementing the Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a). This part applies to all records maintained by FEA that contain personal information about an individual, identify that individual by name or identifying number, symbol, or other identifying particular and are contained in a system of records from which such information is retrieved by the individual's name or identifying number, symbol or other identifying particular.

(b) Subject to the general and specific exemptions claimed by FEA in

§§ 206.14 and 206.15, or any exemptions provided by the Privacy Act of 1974 that are claimed by another agency, or unless otherwise provided by such Act and this part, this part prohibits FEA from disclosing any record that is contained in a system of records by any means of communication to any person or to another agency, except pursuant to a written request by or with the prior written consent of the individual to whom the record pertains.

## § 206.2 Definitions.

"Agency" means "agency" as defined in 5 U.S.C. 551(1) and includes any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency. "Act" means the "Privacy Act of 1974," Pub. L. 93-579, 5 U.S.C. 552a.

"FEA" means the Federal Energy Administration, including the Administrator of FEA or his delegate, and when appropriate, includes persons under contract with FEA for the operation by or on behalf of FEA of a system of records to accomplish an FEA function, and employees of such person.

"Individual" means a living person who is a citizen of the United States or an alien lawfully admitted for permanent residence. For purposes of this part, the parent of any minor, or the legal guardian of any individual who has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, may act on behalf of the individual.

"Legal public holiday" means New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, Christmas Day, and any other day appointed as a national holiday by the President or the Congress of the United States.

"Maintain" includes maintain, collect, use or disseminate.

"Records" means any item, collection, or grouping of information about an individual that is maintained by the FEA in a system of records, or, if appropriate, another agency including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the

identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.

"Routine use" means, with respect to the disclosure of a record, the use of such record for a purpose that is compatible with the purpose for which it was collected.

"System of records" means a group of any records under the control of the FEA or, if appropriate, another agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

"Statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual except as provided by section 8 of title 13, United States Code.

Throughout this part, the use of a word or term in the singular shall include the plural and the use of the male gender shall include the female gender.

## § 206.3 Procedures for requesting information about or for access to an individual's records in a system of records.

(a) Any individual may request information regarding whether a system of records maintained by the FEA contains any information pertaining to him, and may request access to his record or to any information pertaining to him that is contained in a system of records, unless such access has been restricted by a general or specific exemption claimed by FEA, as provided in §§ 206.14 and 206.15, or by another agency. All such requests shall be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, or to the Privacy Act Officer at the FEA Regional Offices, at the addresses listed in § 206.18. The consideration by FEA of requests submitted by mail will be facilitated if the envelope in which the request is mailed has the words "PRIVACY ACT REQUEST" in capital letters on the front of it.

(b) (1) A request for information about a record or for access to a record or to information pertaining to him that is contained in a system of records may be made by mail or in

person during FEA's regular business hours.

(2) The regular business hours of the FEA National Office are 8 a.m. to 4:30 p.m. Requests made in person should be directed to the Privacy Act Officer, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C., or to the Privacy Act Officer at the FEA Regional Offices, at the addresses listed in § 206.18.

(c) (1) The request, whether by mail or in person, shall be in writing and signed by the individual making the request and include (i) the full name (including the middle name) of the individual seeking the information or record, his home address and telephone number, his business address and telephone number; (ii) a certified or authenticated copy of documents establishing parentage or legal guardianship, if appropriate, and (iii) if the waiver of an exemption, as provided in § 206.15 (a) and (c), is sought in accordance with the procedures stated in such section, a statement of the grounds on which such waiver is sought.

(2) In addition, the request should (i) specify the title and identifying number of the system of records, which appears in the notice of systems published in the FEDERAL REGISTER by the FEA; (ii) provide such additional identifying information, if any, as may be required by the description of the system contained in the notice or as will assist FEA in responding to the request, e.g., location of the record as stated in the FEDERAL REGISTER; and (iii) describe the information sought or the time, place, or form of access, as appropriate.

(d) Any request not addressed and marked as specified in paragraph (a) of this section shall be forwarded immediately to the Privacy Act Officer. A request that is improperly addressed by an individual shall not have been "received" for purposes of measuring time periods in this section until actual receipt by the Privacy Act Officer. In each instance when a request so forwarded is received by the Privacy Act Officer, the individual making the request shall be notified that the request was improperly addressed and the date when the request was received by the Privacy Act Officer.

(e) When access to a record or information pertaining to the individual that is contained in a system of records is requested, the individual either will be notified in writing where and when he may obtain access to the records requested or, if further arrangements are required, will be given the name, address and telephone number of the person at FEA responsible for such arrangements.

(f) Assistance in preparing a request for information about a record or for access to a record or to information

pertaining to the individual that is contained in a system of records may be obtained from the Privacy Act Officer, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C., 20461.

## § 206.4 Procedures for identifying the individual making the request.

(a) When a request for information about or for access to a record or to information pertaining to an individual that is contained in a system of records has been made pursuant to § 206.3, the FEA shall require reasonable identification of the individual making the request before information will be given or access will be granted, to insure that information is given or records are disclosed only to the proper person.

(b) Subject to paragraphs (c) and (d) of this section, an individual making a request may establish his identity by:

(1) Including with his request if submitted by mail, a photocopy of two identifying documents bearing his name and signature, one of which shall bear his current home or business address; or

(2) Appearing at the FEA National Office or appropriate Regional Office during the regular business hours and presenting either of the following:

(i) One identifying document bearing his photograph and signature, such as a driver's license or passport; or

(ii) Two identifying documents bearing his name and signature, one of which shall bear his current home or business address; or

(3) Providing such other proof of identity as the FEA deems satisfactory in the circumstances of a particular request.

(c) If the Privacy Act Officer or other designated FEA official determines that the information in the record is so sensitive that unauthorized access could cause harm or embarrassment to the individual whose record is involved, or if the individual making the request is unable to produce satisfactory evidence of identity under paragraph (b) of this section, the individual making the request may be required to submit a notarized statement attesting to his identity and that he is familiar with and understands the criminal penalties provided under section 1001 of Title 18 of the United States Code for making false statements to a Government agency and under section 552a(1)(3) of the Act for obtaining records under false pretenses. Copies of these statutory provisions and forms of such notarized statements may be obtained upon request from the Privacy Act Officer, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

(d) *Parents of minors and legal guardians.* (1) An individual acting as the parent of a minor or the legal guardian of the individual to whom a record pertains shall establish his personal identity in the same manner prescribed in either paragraphs (b) or (c) of this section. (A parent or legal guardian may act only for a living individual, not for a decedent.)

(2) In addition to such identification, such person shall establish his identity in the representative capacity of parent or legal guardian. In the case of the parent of a minor, the proof of identity shall be a certified or authenticated copy of the minor's birth certificate. In the case of a legal guardian of an individual who has been declared incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, the proof of identity shall be a certified or authenticated copy of the order from a court of competent jurisdiction.

(e) An individual shall not be required to state a reason or otherwise justify his request for information about or for access to a record or to information pertaining to him that is contained in a system of records.

## § 206.5 Disclosure of requested information to individuals.

(a) Each request for information about or for access to a record or to information pertaining to him that is contained in a system of records shall be acted upon promptly. Every effort will be made to respond within ten days (excluding Saturdays, Sundays and legal public holidays) of the date of receipt. If a response cannot be made within ten days due to unusual circumstances, FEA shall send an acknowledgment during that period providing information on the status of the request and asking for such further information as may be necessary to respond to the request. The term "unusual circumstances" as used in this section shall include circumstances where a search for and collection of requested records from inactive storage, field facilities or other establishments are required, cases where a voluminous amount of data is involved, instances where information on other individuals must be separated or expunged from the particular record, and cases where consultations with other agencies having a substantial interest in the determination of the request is necessary.

(b) (1) Any individual who has requested access to a record or to information pertaining to him that is contained in a system of records, other than medical records, in the manner prescribed in § 206.3, and has identified himself as prescribed in § 206.4, shall be permitted to review the record or information and have a copy made of all or any portion thereof in a form

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comprehensible to him upon payment of the fee, if applicable, for copying services set forth in § 206.17, unless such information or access is denied on the grounds stated in paragraph (e) of this section. Upon the request of an individual, a person of the individual's own choosing may accompany him to review the record at FEA, but the individual shall first furnish to the Privacy Act Officer a written statement authorizing discussion of that individual's record in the accompanying person's presence.

(2) The special procedures pertaining to requests for information about or access to the individual's medical records are stated in paragraph (f) of this section.

(c) Where record of a document containing information about an individual also contains information not pertaining to him, the portion not pertaining to the individual shall not be disclosed, except to the extent the information is available to any person under the Freedom of Information Act. If the record sought cannot be provided for review and copying in a meaningful form, the FEA shall provide to the individual a report of the information pertaining to the individual that is contained in the record which report shall be complete and accurate in all material aspects.

(d) *Grant of access*—(1) *Notification*. An individual shall be provided information about or granted access to a record or information pertaining to him that is contained in the system of records, unless the request has been denied in accordance with paragraph (e) of this section. The Privacy Act Officer shall notify the individual of such determination and provide the following information:

(i) Whether there is a record or information pertaining to him that is contained in a system of records;

(ii) The methods of access, as set forth in paragraph (d)(2) of this section;

(iii) The place at which the record or information may be inspected;

(iv) The earliest date on which the record or information may be inspected and the period of time that the record or information will remain available for inspection (In no event shall the "earliest date" be later than thirty days (excluding Saturdays, Sundays and legal public holidays) from the date of notification.);

(v) The estimated date by which a copy of the record could be mailed and the estimate of fees that would be charged to provide other than the first copy of the record, pursuant to § 206.17 (In no event shall the "estimated date" be later than thirty days (excluding Saturdays, Sundays and legal public holidays) from the date of notification.);

(vi) The fact that the individual, if he wishes, may be accompanied by another person during the in-person review of the record or information, subject to the procedures set forth in paragraph (b) of this section; and

(vii) Any additional requirements that must be satisfied in order to provide information about or to grant access to the requested record or information.

(2) *Methods of access*. The following methods of access to records or information pertaining to an individual that is contained in a system of records may be available to that individual depending on the circumstances of a particular request:

(i) Inspection in person may be had in the office specified by FEA during the regular business hours;

(ii) Transfer of records to a Federal facility more convenient to the individual may be arranged, but only if FEA determines that a suitable facility is available, that the individual's access can be properly supervised at that facility, and that transmittal of the records or information to that facility will not unduly interfere with operations of the FEA or involve unreasonable costs, in terms of both money and manpower; and

(iii) The requested number of copies may be mailed at the request of the individual, subject to payment of the fees prescribed in § 206.17.

(e) *Initial denial of access*. (This section does not apply to the denial of a request for waiver of an exemption made in accordance with § 206.15(a) and (c).)

(1) *Grounds*. A request by an individual for information about or access to a record or information pertaining to that individual that is contained in a system of records may be denied only upon a determination by the Privacy Act Officer that:

(i) The Record is subject to an exemption under §§ 206.14 or 206.15, or to an exemption claimed by another agency; or

(ii) The record is information compiled in reasonable anticipation of a civil action or proceeding; or

(iii) The individual unreasonably has failed to comply with the procedural requirements of this part.

(2) *Notification*. The Privacy Act Officer shall give written notice of the denial of a request for information about or access to records or information pertaining to the individual that is contained in a system of records, which notice shall include the following information:

(i) The Privacy Act Officer's name, and title or position;

(ii) The date of the denial;

(iii) The reasons for the denial, including citation to the appropriate section of the Act and this part; and

(iv) The individual's right to judicial review under 5 U.S.C. 552a(g)(1)(B), as limited by § 552a(g)(5).

(f) *Special procedures for medical records*—(1) *Statement of physician or mental health professional*. When an individual requests access to records or information pertaining to him that include medical and/or psychological information, the FEA, if it deems it necessary under the particular circumstances, may require the individual to submit with the request a signed statement by his physician or a mental health professional indicating that, in his view, disclosure of the requested records or information directly to the individual will not have an adverse effect on the individual.

(2) *Designation of physician or mental health professional to receive records*. If the FEA believes, in good faith, that disclosure of medical and/or psychological information directly to an individual could have an adverse effect on that individual, the individual may be asked to designate in writing a physician or mental health professional to whom he would like the records to be disclosed, and disclosure that otherwise would be made to the individual will instead be made to the designated physician or mental health professional.

(g) The FEA shall supply such other information and assistance at the time of an individual's review of his record as is necessary to make the record intelligible to the individual.

(h) The FEA reserves the right to limit access to copies and abstracts of original records instead of the original records. This election would be appropriate, for example, when the record is in an automated data media such as tape or disc, when the record contains information on or about individuals, and when deletion of information is permissible under exemptions provided by the Act. In no event shall original records of the FEA be made available to the individual except under the immediate supervision of the Privacy Act Officer or his designee. Title 18, United States Code, section 2701(a) makes it a crime to conceal, mutilate, obliterate, or destroy any record filed in a public office, or to attempt to do any of the foregoing.

(i) Nothing in this section shall:

(1) Require the disclosure of records in systems of records subject to an exemption under §§ 206.14 or 206.15 or to an exemption claimed by another agency;

(2) Allow an individual access to any information compiled in reasonable anticipation of a civil action or proceeding or a criminal proceeding; or

(3) Require the furnishing of information or records that cannot be retrieved by the name or by some other identifying number, symbol or identi-

fying particular of the individual making the request.

§ 206.6 *Disclosure to other agencies, or persons other than the individual to whom the record pertains*.

(a) The FEA shall not disclose to any agency or to any person other than the individual who is the subject of the record, by any means of communication, a record pertaining to that individual that is contained in a system of records, except under the following circumstances:

(1) The individual to whom the record pertains has given his written consent to the disclosure or has made a written request for such disclosure;

(2) The disclosure is to officers and employees of the FEA who have a need for the record in the performance of their duties;

(3) The disclosure is required under the Freedom of Information Act (5 U.S.C. 552);

(4) The disclosure is for a routine use as defined in § 206.2 and described in the FEDERAL REGISTER notice for that system of records;

(5) The disclosure is made to the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of Title 13 of the United States Code;

(6) The disclosure is made to a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(7) The disclosure is made to the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(8) The disclosure is made to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law and if the head of the agency or instrumentality has made a written request to the FEA specifying the particular portion desired and the law enforcement activity for which the record is sought;

(9) The disclosure is made to a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

(10) The disclosure is made to either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof,

any joint committee of Congress or subcommittee of any such joint committee;

(11) The disclosure is made to the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office;

(12) The disclosure is made pursuant to the order of a court of competent jurisdiction; or

(13) The disclosure is required by the Act and not covered explicitly by 5 U.S.C. 552a(b).

(b) The situations referred to in paragraph (a)(13) of this section include the following:

(1) 5 U.S.C. 552a(c)(4) requires dissemination of a corrected or amended record or notation of a disagreement statement by the FEA in certain circumstances;

(2) Section 5(e)(2) of the Act authorizes release of any records or information by the FEA to the Privacy Protection Study Commission upon request of the Chairman; and

(3) Section 6 of the Act authorizes the Office of Management and Budget to provide the FEA with continuing oversight and assistance in implementation of the Act, which may necessitate the release of records or information to that office.

(c) (1) For each system of records under its control, except disclosures made with the consent of the individual to whom the record pertains, disclosures to authorized officers and employees of FEA and disclosures required by the Freedom of Information Act, FEA shall keep an accurate accounting of:

(i) The date, nature, and purposes of each disclosure of a record made to any person or to another agency; and

(ii) The name and address of the person or agency to which the disclosure was made.

(2) The accounting shall be retained for at least five years or the life of the record, whichever is longer, after the disclosure for which the accounting is made.

(d) The accounting described in paragraph (c) of this section shall be made available to the individual named in the record upon written request to the Privacy Act Officer, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, except that the accounting shall not be revealed with respect to disclosures made under paragraph (a)(8) of this section, pertaining to law enforcement activity, and to disclosures involving systems of records for which FEA has claimed an exemption from certain requirements of the Act, as provided in §§ 206.14 and 206.15, or with respect to which another agency has claimed an exemption.

(e) Whenever an amendment or correction of a record or a notation of dispute concerning the accuracy of records is made by the FEA in accordance with §§ 206.8 and 206.9, FEA shall inform any person or other agency to whom the record was previously disclosed if an accounting of the disclosure was made pursuant to the requirements of paragraph (c) of this section, unless the disclosure was made pursuant to paragraph (a)(8) of this section or the disclosure involved a system of records for which FEA has claimed an exemption from certain requirements of the Act, as provided in §§ 206.14 and 206.15, or with respect to which another agency has claimed an exemption.

(f) The FEA shall make reasonable efforts to serve notice on an individual when any record containing information about such individual in a FEA system of records is made available to any person under compulsory legal process when such process becomes a matter of public record.

(g) Prior to disclosing any record about an individual to any person other than an agency, unless the disclosure is pursuant to paragraph (a)(3) of this section, FEA shall make reasonable efforts to assure that such records are accurate, complete, timely, and relevant for FEA's purposes.

§ 206.7 *Request for correction or amendment of a record*.

(a)(1) Any individual may request the correction or amendment of information pertaining to him that is contained in a system of records maintained by the FEA (i) if he believes such information is not relevant or not necessary to accomplish a purpose that FEA is required to accomplish by statute or by executive order of the President, or (ii) if the information is to be used by FEA in making any determination about the individual if he believes such information is not as accurate, relevant, timely or complete as is reasonably necessary to assure fairness in any determination about the individual.

(2) A request for amendment or correction may be made by mail or in person and shall be directed to the Privacy Act Officer, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, or to the Privacy Act Officer at the FEA Regional Offices, at the addresses listed in § 206.18. Requests made in person must be submitted during the regular business hours of the FEA National Office or Regional Office, which for the National Office are 8 a.m. to 4:30 p.m. If the request is submitted by mail the envelope in which the request is mailed should have the words "PRIVACY ACT REQUEST AMENDMENT" in capital letters on the front of it.

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(b) (1) A request for correction or amendment shall (i) be in writing and signed by the person making the request; (ii) describe the particular record to be corrected or amended with sufficient specificity to permit the record to be located among those maintained by FEA, including, if possible, the title, identifying number, and location of the system of records, as stated in the Notice of Systems of Records published in the FEDERAL REGISTER; and (iii) specify the nature of the correction or amendment sought, including the specific words to be deleted from the record or added to it, as appropriate, and the justification for the requested change, including all available supporting documents and materials that substantiate the statement. The statement of justification for the change should identify the basis for the request, that is, whether the information in the record is unnecessary, inaccurate, irrelevant, untimely or incomplete.

(2) The individual making the request may be required to provide the information specified in § 206.3 and § 206.4 to simplify identification of the record and permit verification of the identity of the person making the request.

(c) (1) Receipt of a request for correction or amendment shall be acknowledged in writing within ten days (excluding Saturdays, Sundays and legal public holidays), except that if the individual is, given notice within the ten-day period that his request will or will not be complied with, no acknowledgement is required.

(2) The acknowledgement shall contain an estimate of the time within which action will be taken on the request and, if necessary, shall request such additional information as may be necessary to act on the request. The estimate of time may take into account unusual circumstances that will delay the response. "Unusual circumstances" as used in this section shall include circumstances where a search for and collection of requested records from inactive storage, field facilities or other establishments are required, cases where a voluminous amount of data is involved, instances where information on other individuals must be separated or expunged from the particular record, and cases where consultations with other agencies having a substantial interest in the determination of the request are necessary.

(3) Any request not addressed and mailed as specified in paragraph (a) of this section shall be forwarded immediately to the Privacy Act Officer. A request that is improperly addressed by an individual shall not have been "received" for purposes of measuring time periods in this section until actual receipt by the Privacy Act Officer.

In each instance when a request so forwarded is received by the Privacy Act Officer, the individual making the request shall be notified that the request was improperly addressed and the date when the request was received by the Privacy Act Officer.

(d) Assistance in preparing a request to correct or amend a record may be obtained from the Privacy Act Officer, Federal Energy Administration, 12th and Pennsylvania Avenue NW, Washington, D.C. 20461.

#### § 206.8 FEA review of request for correction or amendment of record.

(a) Within 30 days after acknowledging receipt of a request (excluding Saturdays, Sundays and legal public holidays), or after receiving such further information as may have been requested by FEA, or after arriving at a decision within the ten days, the Privacy Act Officer shall either:

(1) Make the requested correction or amendment and advise the individual in writing of such action, providing either a copy of the corrected or amended record, or a statement as to the means whereby the correction or amendment was accomplished in cases where a copy cannot be provided (for example, erasure of information from a record maintained only in an electronic data bank); or,

(2) Inform the individual in writing that his request is denied and provide the following information:

(i) The Privacy Act Officer's name and title and position;

(ii) The date of the denial;

(iii) The reasons for the denial, including citation to the appropriate sections of the Act and this part; and

(iv) The procedures for appeal of the denial of a request for correction or amendment as set forth in § 206.9, including the name and address of the FEA Office or official with the responsibility for considering appeals.

(3) If the Privacy Act Officer cannot make the determination within thirty days, the individual will be advised in writing of the reason therefor and of the estimated date by which the determination will be made.

(b) Whenever an individual's record is corrected or amended pursuant to a request by that individual, the Privacy Act Officer shall notify all persons and agencies to which the corrected or amended portion of the record had been disclosed prior to its correction or amendment, if an accounting of such disclosure required by the Act was made. The notification shall require a recipient agency maintaining the record to acknowledge receipt of the notification, to correct or amend the record and to apprise any agency or person to which it had disclosed the record of the substance of the correction or amendment.

(c) The following criteria will be considered by the Privacy Act Officer in running a request for correction or amendment.

(1) The sufficiency of the evidence submitted by the individual;

(2) The factual accuracy of the information;

(3) The relevance and necessity of the information in relation to the purpose for which it was collected;

(4) If such information is used in making any determination about the individual, whether the information is as accurate relevant, timely, and complete as is reasonably necessary to assure fairness to the individual in such determination;

(5) The degree of possibility that denial of the request could unfairly result in determinations adverse to the individual;

(6) The nature of the record sought to be corrected or amended; and,

(7) The propriety and feasibility of complying with the specific means of correction or amendment requested by the individual.

(d) The FEA will not undertake to gather evidence for the individual but does reserve the right to verify the evidence that the individual submits.

(e) Correction or amendment of a record requested by an individual shall be denied only upon a determination by the Privacy Act Officer that:

(1) The individual has failed to establish, by a preponderance of the evidence, the propriety of the correction or amendment in relation to the criteria stated in paragraph (c) of this section;

(2) The record sought to be corrected or amended was compiled in a terminated judicial, quasi-judicial or quasi-legislative proceeding to which the individual was a party or participant;

(3) The record sought to be corrected or amended is the subject of a pending judicial, quasi-judicial or quasi-legislative proceeding to which the individual is a party or participant.

(4) The correction or amendment would violate a duly enacted statute or promulgated regulation; or,

(5) The individual unreasonably has failed to comply with the procedural requirements of this part.

(f) If a request is partially granted and partially denied, the Privacy Act officer shall follow the appropriate procedures of this section as to the records within the grant and the records within the denial.

#### § 206.9 Appeals of denial of requests for correction or amendment of a record.

(a)(1) Any individual may appeal the denial of a request made by him for correction or amendment of a record issued pursuant to § 206.8.

(2) An appeal shall be filed within 30 days after the service of the denial.

When an appeal is filed by mail, the postmark is conclusive as to timeliness. (Service by FEA of the denial of a request may be by personal service or by registered, certified or regular United States Mail. Service upon an individual's duly authorized representative shall constitute service upon the individual.)

(b)(1) The appeal shall be in writing and shall be filed with the Office of Exceptions and Appeals, Federal Energy Administration, Washington, D.C. 20461. The consideration by FEA of appeals submitted by mail will be facilitated if the envelope in which the appeal is mailed has the words "PRIVACY ACT APPEAL" in capital letters on the front of it.

(2) An appeal not addressed and marked as specified in paragraph (b)(1) of this section shall be forwarded immediately to the Office of Exceptions and Appeals, an appeal that is not properly addressed by an individual shall not have been "received" for purposes of measuring the time periods in this section until actual receipt of the appeal by the Office of Exceptions and Appeals. In each instance when an appeal so forwarded is received, the individual filing the appeal shall be notified that the appeal was improperly addressed and the date when the appeal was received by the Office of Exceptions and Appeals.

(c) Content of appeal. (1) The appeal shall include the following: (i) A copy of the original request for correction or amendment; (ii) a copy of the initial denial; and (iii) a statement of the reasons why the initial denial is believed to be in error. The appeal shall be in writing and shall be signed by the individual.

(2) The record requested to be corrected or amended will be supplied to the Office of Exceptions and Appeals by the Privacy Act Officer who issued the initial denial. While such record normally will comprise the entire record on appeal, the Office of Exceptions and Appeals may seek such additional information as is necessary to assure that the final determination is fair and equitable and, in those such instances, the additional information will be disclosed to the individual making the appeal and, consistent with the time periods provided in paragraph (e) of this section, an opportunity will be provided for comment thereon.

(3) If an appeal is partially granted and partially denied, the Office of Exceptions and Appeals shall follow the appropriate procedures of this section as to the records within the grant and the records within the denial.

(4) Although a copy of the final determination or a summary thereof will be treated as part of the individual's record for purposes of disclosure in instances where the individual has filed a disagreement statement, it will not be subject to correction or amendment by the individual.

(5) The FEA shall maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose FEA is required to accomplish by statute or by

the reason for the extension. the notice of extension shall include the estimated day by which a final determination will be issued, which shall not be later than the sixtieth day (excluding Saturdays, Sundays and legal public holidays) after receipt of the appeal unless unusual circumstances, as defined in § 206.7(c)(2), are present.

(f) If the appeal is granted, that determination shall include the specific corrections or amendments to be made and a copy thereof shall be transmitted promptly both to the individual and to the Privacy Act Officer who issued the initial denial. Upon receipt of that determination, the Privacy Act Officer promptly shall take the actions set forth in §§ 206.6(e) and 206.8(b).

(g) If the appeal is denied, the final determination shall be transmitted promptly to the individual and shall state the reasons for the denial. The notice of that determination also shall include the following information:

(1) The right of the individual to file with the Office of Exceptions and Appeals a concise signed statement of reasons for disagreeing with the final determination, receipt of which statement shall be acknowledged by the Office of Exceptions and Appeals;

(2) The fact that any such disagreement statement filed by the individual shall be noted in the disputed record and that a copy of the statement shall be provided by the Privacy Act Officer to persons and agencies to which the record is disclosed subsequent to the date of receipt of such statement;

(3) The fact that the FEA shall append to any such disagreement statement filed by the individual a copy of the final determination or summary thereof that also will be provided to persons and agencies to which the disagreement statement is disclosed; and,

(4) The right of the individual to judicial review of the final determination under 5 U.S.C. 552a(g)(1)(A), as limited by 5 U.S.C. 552a(g)(5).

(h) In deciding the appeal, the Office of Exceptions and Appeals shall determine whether the denial of the request was erroneous in fact or in law.

(i) If an appeal is partially granted and partially denied, the Office of Exceptions and Appeals shall follow the appropriate procedures of this section as to the records within the grant and the records within the denial.

(j) Although a copy of the final determination or a summary thereof will be treated as part of the individual's record for purposes of disclosure in instances where the individual has filed a disagreement statement, it will not be subject to correction or amendment by the individual.

executive order of the President, unless an exemption to this requirement has been claimed by FEA, as provided in §§ 206.14 and 206.15, or by another agency.

(b) The FEA shall maintain no record describing how any individual exercises rights guaranteed by the First Amendment unless expressly authorized by statute or by the individual about whom the record is maintained or unless pertinent to and within the scope of an authorized law enforcement activity.

(c) The FEA shall maintain all records that are used by it in making any determination about any individual with such accuracy, relevance, timeliness and completeness as is reasonably necessary to assure fairness to the individual in such determination.

#### § 206.11 Collection of information by FEA about an individual for a system of records.

(a) The FEA shall collect information, to the greatest extent practicable, directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits and privileges under Federal programs, unless an exemption from the Act to this requirement has been claimed by FEA as provided in §§ 206.14 and 206.15, or by another agency.

(b) Unless an exemption from the Act has been claimed by FEA, as provided in §§ 206.14 and 206.15, or by another agency, FEA shall inform each individual whom it asks to supply information by a statement on the form or other means by which it uses to collect the information, or on a separate form that can be retained by the individual, of the following:

(1) The authority (whether granted by statute or by executive order of the President) that authorizes the solicitation of the information and whether disclosure of such information is mandatory or voluntary;

(2) The principal purpose or purposes for which the information is intended to be used;

(3) The routine uses that may be made of the information, as published in the FEDERAL REGISTER pursuant to the requirements of the Act; and

(4) The effect on him, if any, of not providing all or any part of the requested information.

#### § 206.12 Public notice of systems of records.

(a)(1) The FEA shall publish in the FEDERAL REGISTER at least annually a notice of the existence and character of each of its system of records, which notice shall include:

(i) The name and location of the system;

(ii) The categories of individuals on whom records are maintained in the system;

(iii) The categories of records maintained in the system;

(iv) Each routine use of the records contained in the system, including the categories of users and the purpose of



such use, subject to paragraph (c) of this section:

(v) The policies and practices of the FEA regarding storage, retrievability, access controls, retention, and disposal of the records;

(vi) The title and business address of the FEA official who is responsible for the system of records;

(vii) The procedures whereby an individual can be notified at his request if the system of records contains a record pertaining to him;

(viii) The procedures whereby an individual can be notified at his request how he can gain access to any record pertaining to him contained in the system of records, and how he can contest its content; and

(ix) The categories of sources of records in the system.

(2) Notwithstanding the requirements of paragraph (a)(1) of this section, the notice of such systems of records shall not include the information in paragraphs (a)(1)(vii)-(ix) of this section if FEA has claimed a general or specific exemption from the requirements of the Act, as provided in §§ 206.14 and 206.15, or such exemptions have been claimed by another agency.

(b) Copies of the notices as printed in the FEDERAL REGISTER shall be available in the FEA National Office and in each Regional Office. Locations of the Regional offices are listed in § 206.18. Requests by mail should be sent to Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461. The first copy will be furnished free of charge. A charge reflecting the costs of printing and handling may be made for each additional copy.

(c) At least 30 days (including Saturdays, Sundays, and legal public holidays) prior to the implementation of any new routine use of a record in a system of records, or at least 30 days prior to publication of the annual notice of such routine uses, as provided in paragraph (a)(1) of this section, FEA shall publish in the FEDERAL REGISTER notice of any new routine use or intended routine use of a record in the system of records, and shall provide an opportunity for interested persons to submit written comments consisting of data, views, or arguments regarding such use to FEA.

#### § 206.13 Criminal penalties.

(a) The Act provides, in pertinent part, that: Any person who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretenses shall be guilty of a misdemeanor and fined not more than \$5,000. (5 U.S.C. 552a(i)(3))

(b) A person who falsely or fraudulently attempts to obtain records under the Act also may be subject to prosecution under such other criminal statutes as 18 U.S.C. 494, 495, and 1001.

#### § 206.14 General exemptions. [Reserved]

#### § 206.15 Specific exemptions.

The specific exemptions determined to be necessary and proper with respect to systems of records maintained by the FEA, including the parts of each system to be exempted, the provisions of the Act from which they are exempted, and the justification for the exemption are as follows:

(a)(1) *Exempt under 5 U.S.C. 552a(k)(2).* The systems of records exempt are:

(i) FEA-1: FEA Personnel Records and Management Information System (only personnel investigative records concerning current and former FEA employees and applicants for employment by FEA);

(ii) FEA-6: Personnel Security Records (only the memoranda specifically identified as OS forms DPA 24 and 24A); and

(iii) FEA-7: Investigative Report Records (only investigative report records concerning current and former FEA employees and applicants for employment by FEA).

(2) The foregoing are exempted from 5 U.S.C. 552a(c)(3) (accounting of disclosures), (d) (access to records), and (e)(1) (type of information maintained). The reasons for asserting the exemption are to prevent subjects of investigation from frustrating the investigatory process, to insure the proper functioning and integrity of law enforcement activities, to prevent disclosure of investigative techniques and to maintain the ability to obtain necessary information.

(3)(i) Notwithstanding the exemption from the Act's requirement that FEA upon request, provide an individual with information about or access to his record or to any information pertaining to him that is contained in the systems of records identified in paragraphs (a)(1) (i), (ii) and (iii) of this section, access to investigatory materials compiled for law enforcement purposes shall be provided to an individual upon his request, made in accordance with § 206.3, if such individual is denied any right, privilege, or benefit that he would otherwise be entitled to by Federal law, or for which he would otherwise be eligible, as a result of the maintenance of such material by the FEA, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

(ii) *Waiver of exemption.* (A) FEA may, upon request filed in accordance with § 206.3, waive the exemption from the requirement to grant access with respect to any record in the systems of records identified in paragraphs (a)(1)(i), (ii) and (iii) of this section, subject to the limitation as to records that would reveal the identity of certain sources as stated in paragraph

(a)(3)(iii)(B) of this section, for good cause shown. The exercise of FEA's discretion with respect to waiver of the exemption shall be final.

(B) FEA may, upon request made in accordance with § 206.3, waive the exemption from the requirement to grant access with respect to records identified in paragraphs (a)(1)(i), (ii) and (iii) of this section containing material or information that would reveal the identity of a source who was given an assurance of confidentiality if such source consents to the release of such material or information to the individual, or if FEA determines that such material or information is not adverse or detrimental to the individual, or for good cause shown. The exercise of FEA's discretion with respect to waiver of the exemption shall be final.

(b)(1) *Exempt under 5 U.S.C. 552a(k)(4).* The system of records exempt is the FEA-10 Minority Group Data File.

(2) The foregoing is exempted from 5 U.S.C. 552a(c)(3) (accounting of disclosures), (d) (access to records), and (f) (procedures for access). The system of records is used for statistical research or reporting purposes only and is not used in whole or in part in making any determination about the rights, benefits or entitlements identifiable with the individual, except as provided by section 8 of title 18 of the United States Code.

(c)(1) *Exempt under 5 U.S.C. 552a(k)(5).* The systems of records exempt are:

(i) FEA-1: FEA Personnel Records and Management Information System (only personnel investigative records concerning current and former FEA employees and applicants for employment by FEA);

(ii) FEA-6: Personnel Security Records (only the memoranda identified as OS forms DPS 24 and 24A); and

(iii) FEA-7: Investigative Report Record (only investigative report records concerning current and former FEA employees and applicants for employment by FEA).

(2) The foregoing are exempted from 5 U.S.C. 552(c)(3) (accounting of disclosures), (d) (access to records), and (e)(1) (type of information maintained); but only to the extent that the disclosure of the investigatory materials would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence. The reasons for asserting the exemption are to maintain the ability to obtain candid and necessary information, to fulfill commitments made to sources to protect the confidentiality of information, to avoid endangering these sources and, ultimately to facilitate proper selection or continuance of the best applicants or persons for a given position or contract.

(3) *Waiver of exemption.* FEA, may, upon request made in accordance with § 206.3, waive the exemption from the requirement to grant access to records identified in paragraphs (c)(1)(i), (ii) and (iii) of this section containing material or information that would reveal the identity of a source who was given an assurance of confidentiality if such source consents to the release of such material or information to the individual, or if FEA determines that such material or information is not adverse or detrimental to the individual, or for good cause shown. The exercise of FEA's discretion with respect to the waiver of the exemption shall be final.

#### § 206.16 Fees.

(a) The only fees to be charged to or collected from an individual under the provisions of this part are for copying records at the request of the individual. The fee charged may not exceed the direct cost of making the copy (i.e., printing, typing, or photocopy and related personnel and equipment costs).

(1) No fees shall be charged or collected for the following: search for and retrieval of the records review of the records, copying by the FEA incident to granting access, copying at the initiative of the FEA without a request from the individual, transportation of records and personnel, and first class postage.

(2) It is the policy of the FEA to provide an individual with one copy of each record corrected or amended pursuant to request without charge.

(3) As required by the United States Civil Service Commission in its published regulations implementing the Act, the FEA will charge no fee for a single copy of a personnel record covered by that Commission's Government-wide published notice of systems of records.

(b) The schedule of fees is as follows:

(1) \$0.10 per each copy of each page, when the aggregate of fees for copying is more than \$3.00.

(2) For other forms of copying and other forms of materials (e.g., cassettes, computer materials), the direct cost of the materials, personnel, and equipment, shall be charged, but only with prior specific approval of the person making the request.

(c) The FEA may, upon application by an individual, furnish any records without charge or at a reduced rate, if it determines that such waiver or reduction of fee is in the public interest.

(d) Requests for copies of documents should be addressed to Privacy Act Officer, Federal Energy Administration, Washington, D.C., 20461, or to the Privacy Act Officer at the FEA Regional Offices, at the addresses listed in § 206.18.

(e) Payment should be made by check or money order payable to the Treasury of the United States.

(f) Advance payment of all or part of the fee may be required at the discretion of the FEA. Unless the individual requesting the copies specifically states that he is willing to pay what-

ever fees are assessed by FEA for meeting the request or alternatively specifies an amount in excess of \$25 that he is willing to pay and which in fact covers the anticipated fees for meeting the request, a request that is expected to involve assessed fees in excess of \$25 shall not be deemed to have been received, for purposes of the time periods specified in §§ 206.5(a), 206.7(c)(1) and 206.9(e), until the individual making the request is advised of the anticipated cost, agrees to bear it, and makes any advance deposit required. Such notification shall be made by the Privacy Act Officer promptly upon receipt of the request.

#### § 206.17 Exceptions, exemptions and interpretations, rulings and rulemaking.

(a) Applications for exceptions, exemptions or requests for interpretations relating to this part shall be filed in accordance with the procedures provided in Subparts D, E and F, respectively, of Part 205 of this chapter. Rulings shall be issued in accordance with the procedures of Subpart K of Part 205 of this chapter. Rulemakings shall be undertaken in accordance with the procedures provided in Subpart L of Part 205 of this chapter.

(b) As used in this section, the term—

"Exception" means the waiver or modification of the requirements of a regulation, ruling or generally applicable requirement under a specific set of facts.

"Exemption" means the release from the obligation to comply with an entire part, or subpart thereof, of Part 206 of this chapter.

"Interpretation" means a written statement issued by the FEA General Counsel, in response to a written request, that applies the regulations, rulings, and other precedents previously issued by the FEA to the particular facts of a prospective or completed act or transaction.

"Ruling" means an official interpretative statement of general applicability issued by the FEA General Counsel and published in the FEDERAL REGISTER that applies the FEA regulations to a specific set of circumstances.

#### § 206.18 Addresses of FEA Regional Offices.

**REGION 1**  
Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont; Regional Office, Federal Energy Administration, 150 Causeway Street, Room 700, Boston, Massachusetts 02114, (617) 223-3701.

**REGION 2**  
New Jersey, New York, Puerto Rico, Virgin Islands; Regional Office, Federal Energy Administration, 26 Federal Plaza, Room 3208, New York, New York 10007, (212) 264-1021.

**REGION 3**  
Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia; Regional Office, Federal Energy Administration, Federal Office Building, 1421 Cherry Street, Room 1001, Philadelphia, Pennsylvania 19102, (215) 597-3890.

**REGION 4**  
Alabama, Canal Zone, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee; Regional Office, Federal Energy Administration, 1655 Peachtree Street, N.E., 8th Floor, Atlanta Georgia 30309, (404) 526-4484.

**REGION 5**  
Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin; Regional Office, Federal Energy Administration, 175 West Jackson Street, Third Floor, Chicago, Illinois 60604, (312) 353-0540.

**REGION 6**  
Arkansas, Louisiana, New Mexico, Oklahoma, Texas; Regional Office, Federal Energy Administration, P.O. Box 35228, 2626 West Mockingbird Lane, Dallas, Texas 75235, (214) 749-7345.

**REGION 7**  
Iowa, Kansas, Missouri, Nebraska; Regional Office, Federal Energy Administration, Federal Office Building, P.O. Box 2208, 112 East 12th Street, Kansas City, Missouri 64142, (816) 374-2061.

**REGION 8**  
Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming; Regional Office, Federal Energy Administration, Post Office Box 26247, Belmar Branch, 1075 South Yukon Street, Lakewood, Colorado 80226, (303) 234-2420.

**REGION 9**  
American Samoa, Arizona, California, Guam, Hawaii, Nevada, Trust Territory of the Pacific Islands; Regional Office, Federal Energy Administration, 111 Pine Street, Third Floor, San Francisco, California 94111, (415) 556-7216.

**REGION 10**  
Alaska, Idaho, Oregon, Washington; Regional Office, Federal Energy Administration, Federal Office Building, 915 Second Avenue, Room 1992, Seattle, Washington 98174, (206) 442-7280.

#### Title 39—Postal Service

#### CHAPTER I—UNITED STATES POSTAL SERVICE

#### PART 261—RECORDS AND INFORMATION MANAGEMENT

Sec.  
261.1 Purposes and scope.  
261.2 Authority.  
261.3 Policy.  
261.4 Responsibility.

AUTHORITY: 39 U.S.C. 401.

#### § 261.1 Purpose and scope.

As a result of the Postal Reorganization Act, 39 U.S.C. 410, the United States Postal Service is no longer subject to the provisions of the Federal Records Act of 1950, or any of its supporting regulations which provide for the conduct of records management in Federal agencies. The objective of Parts 261 through 268 is to provide the basis for a Postal Service-wide records and information management program affecting all organizational components having the custody of any form of information and records.



## § 261.2 Authority.

(a) 39 U.S.C. 401(5) states that the Postal Service has the power to acquire property it deems necessary or convenient in the transaction of its business and to hold, maintain, sell, lease or otherwise dispose of such property.

(b) 39 CFR 224.3(b)(3) assigns to the Management Information Systems Department responsibility for the management of records and to the Postal Service Records Officer located within that Department responsibility for retention, security and privacy of Postal Service records and the power to authorize the disclosure of such records and their disposal by destruction or transfer, included is the authority to issue records management policy and to delegate to take appropriate action if the policy is not adhered to or if questions of interpretation of procedure arise.

## § 261.3 Policy.

It is the policy of the Postal Service:

(a) To, as appropriate, create, preserve, protect, and disclose records which contain adequate and proper documentation of the organization, functions, policies, decisions, operations, procedures, activities and transactions of the Postal Service.

(b) To reduce to an absolute minimum the records holdings of the Postal Service by strict adherence to established records retention schedules.

(c) To transfer records to appropriate storage areas as soon as they become inactive or are no longer of value to the Postal Service.

## § 261.4 Responsibility.

(a) The Records Officer administers the Postal Service Records and Information Management program through a headquarters organizational component and through contacts in each headquarters department, Postal Service Region, district, data processing center and other major Postal Service installations.

(b) Postal Service managers are responsible for administering records and information management policies and for complying with all handbooks, directives, and instructions in support of this policy.

### PART 262—RECORDS AND INFORMATION MANAGEMENT DEFINITIONS

Sec.  
262.1 Custodian.  
262.2 Records.  
262.3 Non record material.  
262.4 Information.  
262.5 Information system (System of records).  
262.6 Information system executive.

— AUTHORITY 39 U.S.C. 401, Pub. L. 93-579, 88 Stat 1896

## § 262.1 (Custodian).

The Postmaster or other head of a facility such as a Postal Data Center,

mailbag depository, management sectional center, district office or Regional Headquarters, or a group or department of Headquarters, who maintains USPS records.

## § 262.2 Records.

Any medium, regardless of form or characteristics (paper, film, magnetic surfaces, etc.), that contains information developed or received by the United States Postal Service in connection with the transaction of its business and retained in its custody.

(a) *Types of Records.*—(1) *Official Record*—primary copy of any record created or the original received by any Postal Service organizations component in the line of its duties or function.

(2) *Duplicate Records*—additional copies of the official record.

(3) *Historical Records*—Postal Service records which may have value beyond their scheduled destruction date or which are required to be permanently retained.

(4) *Vital Records*—Records which are necessary for the effective operation of the Postal Service or the protection of its interests, its employees, its contractors or the general public.

(b) *Categories of Records.* (1) *Records (Active)*—records for which the retention period has not yet expired and which are in regular use.

(2) *Records (Inactive)*—records for which the retention period has not yet expired and which are not in regular use.

## § 262.3 Non-record material.

Includes blank forms and surplus publications, handbooks, circulars, bulletins, announcements, and other directives, as well as any material not directly associated with the transactions of Postal Service business.

## § 262.4 Information.

A combination of data which has the potential to service a useful purpose.

(a) *Types of Information.* (1) *General Information*, that information which is available to the public without restriction.

(2) *Restricted Information*—that information which because of federal statute or USPS regulation, cannot be released to the public. (Includes, but is not limited to, personal and national defense information.)

(3) *Discretionary Information*—that information which is available to the public only on a selective basis.

(4) *Critical Information*—that information for which integrity must be assured in order for the Postal Service to effectively perform its mission, or to prevent significant financial loss. (This information is contained within Vital Records.)

(5) *Sensitive Information*—that information which is either restricted, discretionary or critical in nature.

## § 262.5 Information system (system of records).

A methodology which receives, accesses and processes groups of records

in an efficient manner for the purpose of producing useable output records.

## § 262.6 Information system executive.

The Postal Service Manager who prescribes the existence of and the policies for an information system.

### PART 263—RECORDS RETENTION AND DISPOSITION

Sec.  
263.1 Purpose and scope.  
263.2 Policy.  
263.3 Responsibility.  
263.4 Records retention schedules.  
263.5 Records disposal.

AUTHORITY: 39 U.S.C. 401

## § 263.1 Purpose and scope.

This part contains the policy and general regulations pertaining to the retention and disposition of records and information throughout all organizational levels and components.

## § 263.2 Policy.

It is the policy of the United States Postal Service to establish and maintain schedules specifying the retention periods required for all official and duplicate record copies. Furthermore, it is the policy that all duplicate record copies and non record material will be disposed of as soon as they have served their purpose.

## § 263.3 Responsibility.

(a) *Records Officer.* The Records Officer has the responsibility for providing for the establishment of retention schedules and has the authority to approve them. Furthermore, he has the authority to dispose of Postal Service records by transfer or destruction.

(b) *Custodians.* Custodians are responsible for the retention and prompt disposal of records in their custody and for delegating in writing, persons to perform these duties.

## § 263.4 Records retention schedules.

The following retention schedules will be maintained within the Postal Service

(a) General schedule.  
(b) Headquarters schedule.  
(c) Regional schedule.  
(d) District schedule.  
(e) Inspection service schedule.  
(f) Postal data centers schedule.  
(g) Automatic data processing centers schedule.  
(h) Post Office schedule.  
(i) Other facility schedules.

## § 263.5 Records disposal.

All disposals of records containing sensitive information, i.e. transfers to records storage centers, destruction, transfers external to the USPS, and maintenance of accounting records regarding such disposal, must be accomplished in accordance with procedures issued by the Records Officer.

## PART 264—VITAL RECORDS

Sec.  
264.1 Purpose and scope.  
264.2 Policy.  
264.3 Responsibility.  
264.4 Protection of vital records.

AUTHORITY: 39 U.S.C. 401

## § 264.1 Purpose and scope.

The reconstruction costs of certain necessary information would be financially prohibitive and certain records are so critical to the continuity of operations of the Postal Service that their loss could paralyze operations. Therefore, to protect this information from loss, specific controls are required which affect all organizational components having the custody of information and records defined as being "vital".

## § 264.2 Policy.

It is the policy of the United States Postal Service to maintain duplicate record copies of all records and information considered vital to the continuity of its operations and the protection of its interests and those of its employees, contractors, and the general public. Vital record copies will be maintained at protected locations accessible to management and operating personnel in times of emergency.

## § 264.3 Responsibility.

(a) *Records Officer.* The Records Officer, in cooperation with the Chief Inspector, is responsible for the establishment of the vital records program, has the authority to categorize records as vital, and to ensure Postal Service-wide compliance with supportive procedures.

(b) *Custodians.* Custodians have the responsibility to ensure that vital records procedures are followed and that vital record copies are deposited at the designated emergency relocation centers.

## § 264.4 Protection of vital records.

Complete procedures concerning the identification, processing, protection, and transfer of vital records are provided by the Records Officer.

### PART 266—PRIVACY OF INFORMATION

Sec.  
266.1 Purpose and scope.  
266.2 Policy.  
266.3 Responsibility.  
266.4 Collection and disclosure of personal information.  
266.5 Notification.  
266.6 Procedures for requesting inspection and copying.  
266.7 Procedures for requesting amendment.  
266.8 Schedule of fees.  
266.9 Exemptions.

AUTHORITY 39 U.S.C. 401 Pub L. 93-579, 88 Stat. 1896

## § 266.1 Purpose and scope.

This part is intended to protect individual privacy and affects all personal

information collection and usage activities of the entire U.S. Postal Service. This includes the information interface of Postal Service employees to other employees, to individuals from the public at large, and to any private organization or governmental agency.

## § 266.2 Policy.

It is the policy of the U.S. Postal Service to insure that any record within its custody that identifies or describes any characteristic or provides historical information about an individual or that affords a basis for inferring personal characteristics, or things done by or to such individual; and the record of any affiliation with an organization or activity, or admission to an institution, is accurate, pertinent, complete, timely, relevant, and reasonably secure from unauthorized access. Additionally, it is the policy to provide the means for individuals to know: (a) Of the existence of all Postal Service personal information systems, (b) the recipients and usage made of such information, (c) what personal information is optional or mandatory to provide to the Postal Service, (d) the procedures for individual review and update of all relevant personal information, (e) the reproduction fees for personal records, and (f) the procedures for individual legal appeal in cases of dissatisfaction.

## § 266.3 Responsibility.

(a) *Records Officer.* The Records Officer will insure Postal Service-wide compliance to this policy.

(b) *Custodian.* Custodians are responsible for adherence to this part within their respective units and in particular for affording individuals their rights to inspect and obtain copies of records concerning them.

(c) *Information System Executive.* These managers are responsible for reporting the existence of personal records systems, changes to the contents of those systems, and changes of routine use to the Records Officer and also for establishing the relevancy of information within those systems.

## § 266.4 Collection and disclosure of personal information.

(a) The following rules govern the collection of personal information throughout Postal Service operations:

(1) The Postal Service will:

(i) Collect, solicit and maintain only such personal information as is relevant and necessary to accomplish a purpose required by statute or Executive Order.

(ii) Collect information, to the greatest extent practicable, directly from the subject individual when such information may result in adverse determinations about an individual's rights, benefits or privileges.

(iii) Inform any individual requested to disclose personal information whether that disclosure is mandatory or voluntary, by what authority it is solicited, the principal purposes for

which it is intended to be used, the routine uses which may be made of it, and any penalties and specific consequences for the individual, which are known to the Postal Service, which will result from nondisclosure.

(2) The Postal Service will not discriminate against any individual who fails to provide personal information unless that information is required or necessary for the conduct of the system or program in which the individual desires to participate.

(3) No information will be collected (or maintained) describing how individuals exercise rights guaranteed by the First Amendment unless the Postmaster General specifically determines that such information is relevant and necessary to carry out a statutory purpose of the Postal Service.

(4) The Postal Service will not require disclosure of any individual's Social Security account number or deny a right, privilege or benefit because of the individual's refusal to disclose the number unless disclosure is required by Federal law.

(b) *Disclosures.* (1) Disclosure: Limitations On. The Postal Service will not disseminate personal information unless reasonable efforts have been made to assure that the information is accurate, complete, timely and relevant and unless:

(i) The individual to whom the record pertains has requested in writing that the information be disseminated, or

(ii) It has obtained the prior written consent of the individual to whom the record pertains, or

(iii) The dissemination is in accordance with subsection (2) hereof.

(2) Dissemination of personal information may be made:

(i) To a person pursuant to a requirement of the Freedom of Information Act (5 U.S.C. 552);

(ii) To those officers and employees of the Postal Service who have a need for such information in the performance of their duties;

(iii) For a routine use as contained in the system notices published in the FEDERAL REGISTER;

(iv) To a recipient who has provided advance adequate written assurance that the information will be used solely as a statistical reporting or research record, and to whom the information is transferred in a form that is not individually identifiable;

(v) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of Title 13, U.S. Code;

(vi) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(vii) To a person pursuant to a show-

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ing of compelling circumstances affecting the health or safety of an individual, if upon such disclosure notification is transmitted to the last known address of such individual.

(viii) To a Federal agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity, if such activity is authorized by law and if the head of the agency or instrumentality has made a written request to the Postal Service specifying the particular portion of the record desired and the law enforcement activity for which the record is sought.

(ix) To either House of Congress or its committees or subcommittees to the extent of matter within their jurisdiction.

(x) To the Comptroller General or any of his authorized representatives in the course of the performance of the duties of the General Accounting Office.

(xi) Pursuant to the order of a court of competent jurisdiction.

(3) *Names and Addresses of Postal Customers.* The disclosure of lists of names or addresses of Postal customers or other persons to the public is prohibited (39 U.S.C. 412) Names or addresses will be disclosed only in those cases permitted by 39 CFR 266.6(d) relating to the Release of Information.

(4) *Employee Job References.* A credit bureau or commercial firm from which an employee is seeking credit may be given the following information upon request: length of service, job title, and salary.

(5) *Employee Job References.* Prospective employers of a Postal employee or a former Postal employee may be furnished with the information in § 266.4(b)(4) above, in addition to the date and reason for separation if applicable.

(c) *Correction Disclosure.* Any person or other agency to which a personal record has been or is to be disclosed shall be informed of any corrections or notations of dispute relating thereto affecting the accuracy, timeliness or relevance of that personal record.

(d) *Recording of Disclosure.* (1) An accurate accounting of each disclosure will be kept in all instances except those in which disclosure is made to Postal Service employees in the performance of their duties or is required by the Freedom of Information Act (5 U.S.C. 552).

(2) The accounting will be maintained for at least five (5) years or the life of the record, whichever is longer.

(3) The accounting will be made available to the individual named in the record upon inquiry except for disclosures made pursuant to provision 4(b)(2)(viii) above relating to law enforcement activities.

#### § 266.5 Notification.

(a) *Notification of Systems.* The following procedures permit individuals

to determine the types of personnel records systems maintained by the Postal Service.

(1) Upon written request, the Postal Service will notify any individual whether a specific system named by him contains a record pertaining to him. See § 266.6 for suggested form of request.

(2) The Postal Service shall publish annually in the FEDERAL REGISTER a notice of existence and character of all personal systems of records. This notice will contain the following information:

(i) Name and location of the system.

(ii) Nature and purposes of the system.

(iii) Categories of individuals on whom personal information is maintained and categories of personal information generally maintained in the system.

(iv) Confidentiality requirements and the extent to which access controls apply to such information.

(v) Postal Service policies and standards regarding the safeguarding and disclosure of information, information storage, duration of retention of information, and elimination of such information from the system.

(vi) Routine uses made by the Postal Service of the personal information contained in the system, including the categories of users and the purpose of the use.

(vii) Title and official address of the custodian.

(viii) Procedures by which an individual can be informed if a system contains personal information pertaining to him gain access to such information, and contest the accuracy, completeness, timeliness, relevance and necessity for retention of the information.

(ix) Categories of sources of such personal information.

(x) System status—either developmental or operational.

(b) *Notification of Disclosure.* The Postal Service shall make reasonable efforts to serve notice on an individual before any personal information on such individual is made available to any person under compulsory legal process when such process becomes a matter of public record. (Also see § 266.4(b)(1)(ii) and (2)(vii).)

(c) *Notification of Amendment.* (See § 266.7 (b)(3) relating to amendment of records upon request.)

(d) *Notification of New Use.* Any newly intended use of personal information maintained by the Postal Service will be published in the FEDERAL REGISTER thirty (30) days before such use become operational. Public views may then be submitted to the Records Officer.

(e) *Notification of Exemptions.* The Postal Service will publish within the FEDERAL REGISTER its intent to exempt any system of records and shall specify the nature and purpose of that system.

#### § 266.6 Procedures for requesting inspection and copying.

The purpose of this section is to provide procedures by which an individual may have access to personal information within a comprehensible format.

(a) *Submission of Requests for Access.* (1) Manner of Submission. Inquiries regarding the contents of records systems or access to personal information should be in writing and directed to the custodian of the official record, if known, or to the Records Officer, United States Postal Service, Washington, DC 20260. Inquiries should be clearly marked "Privacy Act Request". Any inquiry concerning a specific system of records should provide the Postal Service with the information contained under "Notification" for that system as published in the FEDERAL REGISTER. If the information supplied is insufficient to locate or identify the record, the requester will be notified promptly and, if possible, informed of additional information required. If the requester is not a Postal Service employee, he should designate the post office at which he wishes to review or obtain copies of records.

(2) Third Party Inquiries. Anyone desiring to review or copy records pertaining to another person must have the written consent of that person.

(3) Period for Response by Custodian. Upon receipt of an inquiry, the custodian will respond with an acknowledgement of receipt within ten (10) days. If the inquiry requires the custodian to determine whether a particular record exists, the inquirer shall be informed of this determination as a part of the acknowledgement letter.

(b) *Compliance with Request for Access.* (1) Notification of Time and Place for Inspection. When a requested record has been identified and is to be disclosed, the custodian shall ensure that the record is made available promptly and shall immediately notify the requester where and when the record will be available for inspection or copying. Postal Service records will normally be available for inspection and copying during regular business hours at the postal facilities at which they are maintained. The custodian may, however, designate other reasonable locations and times for inspection and copying of some or all of the records within his custody.

(2) Identification of Requester. The requester must present personal identification sufficient to satisfy the custodian as to his identity prior to record review. Examples of sufficient identification are a valid driver's license, medicare card, and employee identification cards.

(3) Responsibilities of Requester. The requester shall assume the following responsibilities regarding the review of official personal records.

(i) Requester must agree not to leave Postal Service premises with official records unless specifically given a copy

for that purpose by the custodian or his representative.

(ii) Requester must sign a statement indicating he has reviewed a specific record(s) or category of record.

(iii) Requester may be accompanied by a person he so chooses to aid in the inspection of information; however, requester must furnish the Postal Service with written authorization for such review in that person's presence.

(4) Special Rules for Medical Records. A medical record shall be disclosed to the requester to whom it pertains unless, in the judgment of the custodian, access to such record could have an adverse effect upon such individual. When the custodian, in consultation with a medical doctor, determines that the disclosure of medical information could have an adverse effect upon the individual to whom it pertains, the custodian will transmit such information to a medical doctor named by the requesting individual.

(5) Limitations on Access. Nothing in this section shall allow an individual access to any information compiled in reasonable anticipation of a civil action or proceeding. Other limitations on access are those specifically addressed in §§ 266.6(b)(4) above and 266.9 below.

(c) *Response When Compliance Is Not Possible.* A reply denying a written request to review a record shall be in writing signed by the custodian or other appropriate official and shall be made only if such a record does not exist or does not contain personal information relating to the requester, or is exempt from disclosure. This reply shall include a statement regarding the determining factors of denial, and the right to obtain judicial review in a district court.

#### § 266.7 Procedures for requesting amendment.

(a) *Submission of Requests for Amendment.* Upon review of a personal record pertaining to an individual, that individual may submit a request to amend the record. This request will be submitted in writing to the custodian and will include a statement of the amendment requested and the reasons therefor which normally will relate to such characteristics as relevance, accuracy, timeliness or completeness.

(b) *Action to be Taken by the Custodian.* Upon receiving an amendment request, the custodian shall promptly:

(1) Acknowledge in writing receipt of the request within ten (10) working days.

(2) Make such inquiry as is necessary to determine whether the amendment is appropriate, and

(3) Correct or eliminate any information that is found to be incomplete, inaccurate, not relevant to a statutory purpose of the Postal Service, or not timely, and notify the requester when this action is complete, or

(4) Not later than thirty (30) working days after receipt of a request to amend, notify the requester of a deter-

mination not to amend and of the individual's right to appeal.

(c) *Appeal Procedure.* (1) If a request to inspect, copy, or amend a record is denied, in whole or in part, or if no determination is made within the period prescribed by this part, the requester may appeal to the U.S. Postal Service Privacy Appeals Officer, U.S. Postal Service, Washington, D.C. 20260.

(2) The requester should submit his appeal in writing within thirty (30) days of the date of denial, or within ninety (90) days of such request if the appeal is from a failure of the custodian to make a determination. The letter of appeal should include, as applicable:

(i) Reasonable identification of the record access to which or the amendment of which was requested.

(ii) A statement of the Postal Service action or failure to act and of the relief sought.

(iii) A copy of the request, of the notification of denial and of any other related correspondence.

(3) Any record found on appeal to be incomplete, inaccurate, not relevant, or not timely, shall within thirty (30) working days of the date of such findings be appropriately amended.

(4) The decision of the U.S. Postal Service Privacy Appeals Officer, constitutes the final decision of the Postal Service on the right of the requester to inspect, copy, change, or update a record. The decision on the appeal shall be in writing and in the event of a denial shall set forth the reasons for such denial and state the individual's right to obtain judicial review in a district court. An indexed file of decisions on appeals shall be maintained by the Records Officer.

(d) *Submission of Statement of Disagreement.* If the final decision does not satisfy the requester, any statement of reasonable length provided by that individual setting forth a position regarding the disputed information, will be accepted and included in the relevant personal record.

(e) *Availability of Assistance in Exercising Rights.* The USPS Records Officer is available to provide an individual with assistance in exercising rights pursuant to this part.

#### § 266.8 Schedule of fees.

(a) *Policy.* The purpose of this section is to establish fair and equitable fees to permit reproduction of records to concerned individuals while substantially covering the direct costs incurred by the Postal Service.

(b) *Reproduction.* (1) For reproducing any paper or micrographic record or publication, the fee is \$.10 per page. Computer reports will be provided at \$.015 per page. No charge will be made if the total fees authorized by this Part in compliance with a request or series of related requests is less than \$1.00.

(2) The Postal Service may at its dis-

cretion make coin-operated copy machines available at any location. In that event, the requester will be given the opportunity to make copies at his own expense.

(3) The Postal Service will not normally furnish more than one copy of any record.

(c) *Limitations.* No fee will be charged to any individual for the process of retrieving, or amending records.

#### § 266.9 Exemptions.

(a) Subsections 552a (j) and (k) of Title 5, U.S. Code, empower the Postmaster General to exempt systems of records meeting certain criteria from various other subsections of section 552a. With respect to systems of records so exempted, nothing in this part shall require compliance with provisions hereof implementing any subsections of section 552a from which those systems have been exempted.

(b) Pursuant to, and to the extent permitted by, subsection 552a (j) and (k) of title 5, United States Code, the following systems of records maintained by the Postal Service are exempted from the designated subsections of section 552a of title 5, United States Code:

(1) Postal Inspection Service Investigative Files System from 5 U.S.C. 552a (c)(3) and (4), (d)(1)-(4), (e)(1)-(3), (e)(4) (G) and (H), (e) (5) and (8), (f), (g), and (m).

(2) Postal Inspection Service Mail Cover Program Records from 5 U.S.C. 552a (c) (3) and (4), (d)(1)-(4), (e)(1)-(3), (e)(4) (G) and (H), (e)(5), (e)(8), (f), (g) and (m).

(3) Postal Service Personnel Investigative Records from 5 U.S.C. 552a (d)(1)-(4) and (e)(1) to the extent that information in the system is subject to exemption under 5 U.S.C. 552a(k)(5) as relating to the identity of a source who furnished information to the Government in confidence as a part of an investigation conducted solely for the purpose of determining suitability, eligibility, or qualifications of an individual for employment.

(4) Postal Service Recruiting, Examining and Placement Records from 5 U.S.C. 552a (d)(1)-(4), (e)(1), (e)(4) (G) and (H), and (f) to the extent that information in the system is subject to exemption pursuant to 5 U.S.C. 552a(k)(5) as relating to testing or examination material as to the identity of a source who has furnished information to the Government in confidence as a part of an investigation conducted solely for the purpose of determining suitability, eligibility or qualifications of an individual for employment.

(5) Postal Service Research and Test Validating Records from 5 U.S.C. 552a (d)(1)-(4), (e)(4) (G) and (H), and (f) to the extent that information in the system is subject to exemption pursuant to 5 U.S.C. 552a(k)(6) as relating to testing and examination material.



# PRIVACY ACT ISSUANCES

(6) Postal Service Equal Employment Opportunity Discrimination Complaint Investigations and Counselings from 5 U.S.C. 552a(d)(1)-(4), (e)(4) (G) and (H) and f to the extent that information in the system is subject to exemption pursuant to 5 U.S.C. 552a(k)(5) as material compiled for law enforcement purposes.

(7) Postal Service Postmaster Selection Program Records from 5 U.S.C. 552a(d)(1)-(4) and (e)(1) to the extent that information in the system is subject to exemption under 5 U.S.C. 552a(k)(5) as relating to the identity of a source who furnished information to the Government in confidence as a part of an investigation conducted solely for the purpose of determining suitability, eligibility or qualifications of an individual for employment.

## PART 267—PROTECTION OF INFORMATION

Sec.

267.1 Purpose and scope.

267.2 Policy.

267.3 Responsibility.

267.4 Information security standards.

AUTHORITY: 39 USC 401, Pub. L. 93-579, 88 Stat. 1896.

### § 267.1 Purpose and scope.

This Part addresses the protection of information and records in the custody of the Postal Service throughout all phases of information flow and within all organization components, and includes micromated, manual and data processing information.

### § 267.2 Policy.

Consistent with the responsibility of the Postal Service to make its official records available to the public to the maximum extent required by the public interest, and to insure the security, confidentiality and integrity of official records containing personal information, it is the policy of the Postal Service to maintain definitive and uniform information security safeguards. These safeguards will have as their purpose:

(a) Insuring the effective operation of the Postal Service through appropriate controls over critical information, and

(b) Protecting personal privacy and the public interest by limiting unauthorized access to restricted and discretionary information.

### § 267.3 Responsibility.

(a) *Chief Postal Inspector and USPS Records Officer.* The Chief Inspector and the Records Officer will insure within their respective areas of jurisdiction:

(1) Postal Service wide compliance with this policy and related standards and procedures, and

(2) that remedial action is taken when violations or attempted violations of these standards and procedures occur.

(b) *Custodians.* All custodians are responsible for insuring that information security standards and procedures are followed and that all relevant employees participate in the information security awareness programs.

### § 267.4 Information security standards.

(a) The Postal Service will operate under a uniform set of information security standards which address the following functional aspects of information flow and management:

(1) Information system development,

(2) Information collection,

(3) Information handling and processing,

(4) Information dissemination and disclosure,

(5) Information storage and destruction.

(b) Supplementing this list are information security standards pertaining to the following administrative areas:

(1) Personnel selection and training,

(2) Physical environment protection,

(3) Contingency planning,

(4) Information processing or storage system procurement,

(5) Contractual relationships.

## PART 268—PRIVACY OF INFORMATION—EMPLOYEE RULES OF CONDUCT

Sec.

268.1 General Principles.

268.2 Consequences of Non-Compliance.

AUTHORITY: 39 USC 401, Pub. L. 93-579, 88 Stat. 1896.

### § 268.1 General Principles.

In order to conduct its business, the Postal Service has the need to collect various types of personal information pertaining to its customers and employees. Information of this nature has been entrusted to the Postal Service, and employees handling it have an ethical obligation to hold it in confidence and to actively protect it from uses other than those compatible with the purpose for which the information was collected. This obligation is legally imposed by the Privacy Act of 1974, which places specific requirements upon all Federal agencies, including the Postal Service, and their employees. In implementation of these requirements, the following rules of conduct apply:

(a) Except as specifically authorized in § 266.4(b)(2) of this chapter, no employee shall disclose, directly or indirectly, any personal record to any person or organization. Managers are to provide guidance in this regard to all employees who must handle personal information.

(b) No employee will maintain a

secret system of personal records. All personal records systems must be reported to the Records Officer.

(c) All employees shall adhere strictly to the procedures established by the United States Postal Service to ensure the confidentiality and integrity of personal information collected, maintained and used for official Postal Service business. Employees shall be held responsible for any infractions and/or violation of these procedures.

### § 268.2 Consequences of Non-Compliance.

(a) The Privacy Act authorizes any individual, whether or not an employee, to bring a civil action in United States District Court to obtain judicial review of the failure of the Postal Service to comply with the requirements of the Act or its implementing regulations. In certain instances of willful or intentional non-compliance, the plaintiff may recover damages from the Postal Service in the minimum amount of \$1,000 together with costs of the action and attorney fees.

(b) The Act provides criminal sanctions for individuals, including employees, who violate certain of its provisions.

(1) Any officer or employee who by virtue of his employment or position has possession of, or access to official records which contain individually identifiable information and who knowing that disclosure of the specific material is prohibited by Postal Service regulations, willfully discloses the material to a person or agency not entitled to receive it, shall be guilty of a misdemeanor and fined not more than \$5,000.

(2) Any officer or employee who willfully maintains a system of records without meeting the notice requirements set forth in Postal Service regulations shall be guilty of a misdemeanor or and fined not more than \$5,000.

(3) Any person who knowingly and willfully requests or obtains any record concerning another individual from the Postal Service under false pretense shall be guilty of a misdemeanor and fined not more than \$5,000.

(c) In addition to the criminal sanctions, any employee violating any provisions of these rules of conduct is subject to disciplinary action which may result in dismissal from the Postal Service.

## PART 447—CODE OF ETHICAL CONDUCT FOR POSTAL EMPLOYEES

§ 447.91 Statutes and Regulations Applicable to Postal Employees.

(jj) Privacy Act of 1974 (5 U.S.C. 552a).



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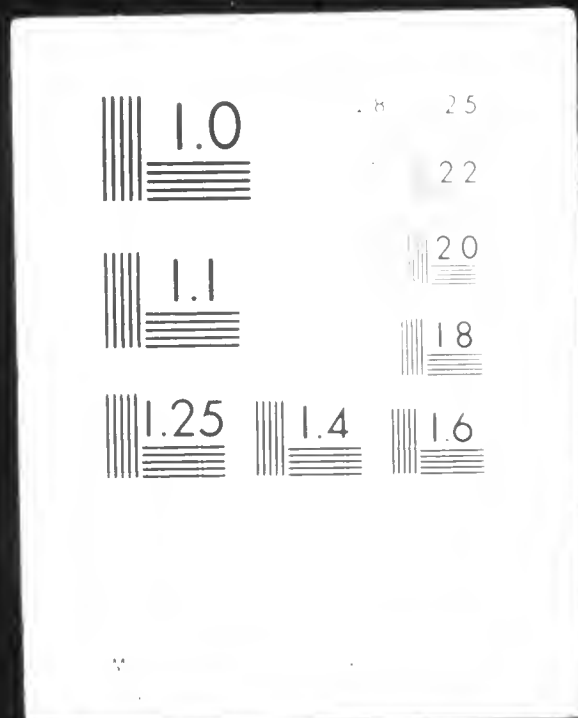
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# RESOLUTION CHART



100 MILLIMETERS

**INSTRUCTIONS** Resolution is expressed in terms of the lines per millimeter recorded by a particular film under specified conditions. Numerals in chart indicate the number of lines per millimeter in adjacent "T-shaped" groupings.

In microfilming, it is necessary to determine the reduction ratio and multiply the number of lines in the chart by this value to find the number of lines recorded by the film. As an aid in determining the reduction ratio, the line above is 100 millimeters in length. Measuring this line in the film image and dividing the length into 100 gives the reduction ratio. Example: the line is 20 mm. long in the film image, and  $100 \div 20 = 5$ .

Examine "T-shaped" line groupings in the film with microscope, and note the number adjacent to finest lines recorded sharply and distinctly. Multiply this number by the reduction factor to obtain resolving power in lines per millimeter. Example: 7.9 group of lines is clearly recorded while lines in the 10.0 group are not distinctly separated. Reduction ratio is 5, and  $7.9 \times 5 = 39.5$  lines per millimeter recorded satisfactorily.  $10.0 \times 5 = 50$  lines per millimeter which are not recorded satisfactorily. Under the particular conditions, maximum resolution is between 39.5 and 50 lines per millimeter.

Resolution, as measured on the film, is a test of the entire photographic system, including lens, exposure, processing, and other factors. These rarely utilize maximum resolution of the film. Vibrations during exposure, lack of critical focus, and exposures yielding very dense negatives are to be avoided.

# THE END



